

# COMPLAINT FOR THE DISCLOSURE OF INFORMATION

SUIT: THEODORE CHARACH VS. THE LOS ANGELES

POLICE DEPARTMENT, JUNE 4, 1970

The following is the text of the suit brought by Theodore Charach against the Los Angeles Police Department, June 4, 1970. The news of this suit seeking disclosure of information was apparently omitted from almost all newspapers in the United States. Consequently, Computers and Automation publishes this information for the record.

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

No. 978371

COMPLAINT FOR DISCLOSURE OF INFORMATION

(Gov. Code #54950)

THEODORE CHARACH: on behalf of himself, and all other residents of the State of California.

Plaintiff

vs.

THE LOS ANGELES POLICE DEPARTMENT, EDWARD M. DAVIS, individually and as Chief of Police of the City of Los Angeles, and as representative of the class of members of the Los Angeles Police Department, ROBERT A. HOUGHTON: individually and as Deputy Chief of Police of the City of Los Angeles and as author of the published book, Special Unit Senator: EVELLE J. YOUNGER: individually and as District Attorney of the County of Los Angeles, and as representative of the class of members of the Office of the District Attorney of Los Angeles County, and DOES ONE thru FIFTY, inclusive.

Defendants

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

I

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

II

This action is brought pursuant to Government Code #54950, which provides as follows:

"In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other pub-

lic agencies (emphasis added) in this state exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created. (emphasis added)"

### III

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

### IV

Defendant EDWARD M. DAVIS is the Chief of Police of the City of Los Angeles, State of California. He is responsible for the supervision, control, regulation and management of the Police Department and each and every officer thereof, and for the investigation into all crimes committed within the City of Los Angeles, and, in June of 1968 as Deputy Chief of Police, particularly that investigation into the murder of Senator Robert F. Kennedy on June 5, 1968. He is empowered and has the responsibility to set policy for and to make and enforce all necessary and desirable rules and regulations of said Police Department. He is sued individually and in his capacity and as representative of the members of the defendant Police Department, who have carried out, and continue to carry out a course of conduct which has suppressed, and continues to suppress important, valuable and relevant information concerning the investigation into the murder of Senator Robert F. Kennedy by said Police Department, and which has and continues to deprive the citizens and residents of the State of California of the full and uncensored information concerning the assassination of Senator Robert F. Kennedy.

### V

Defendant EVELLE J. YOUNGER is, and at all times herein mentioned has been the District Attorney of the County of Los Angeles, State of California. As such, he is its public prosecutor, responsible for the prosecution of all public offenses. He is responsible for the supervision, control, regulation and management of the Office of the District Attorney, and each and every member thereof, and for the trial of all felonies committed within the County of Los Angeles, and particularly that trial known as "The People of the State of California vs. Sirhan Bishara Sirhan," alleging the murder of Senator Robert F. Kennedy. He is empowered and has the responsibility to set policy for and to make and enforce all necessary and desirable rules and regulations of said Office of the District Attorney. He is sued individually and in his capacity as representative of the members of the Office of the District Attorney, who have carried out and continue to carry out a course of conduct which has suppressed and continues to suppress important, valuable and

relevant information concerning the investigation of the murder of Senator Robert F. Kennedy, and particularly concerning the prosecution in the trial known as "The People of the State of California vs. Sirhan Bishara Sirhan," and has and continues to deprive the citizens and residents of the State of California of the full and uncensored information concerning said murder.

### VI

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

### VII

Pursuant to the policies set forth in Government Code #54950, as aforesaid, plaintiff, as a resident of the State of California, and all of the people of the State of California, are entitled to know all the facts and evidence uncovered by the defendant LOS ANGELES POLICE DEPARTMENT and the investigation by its "Special Unit Senator" under the leadership of defendant ROBERT A. HOUGHTON, and all the facts and evidence within the knowledge of EVELLE J. YOUNGER and the Office of the District Attorney in connection with the trial of "People vs. Sirhan," and the murder of Senator Robert F. Kennedy, which facts and evidence disprove that Senator Robert F. Kennedy was killed by a bullet fired from the gun of Sirhan Bishara Sirhan, and disprove that no other guns were brandished or fired at or within seconds of the time that Sirhan B. Sirhan fired his gun, and which disprove that the fatal bullet came from the direction of Sirhan Bishara Sirhan at that time and place.

### VIII

Contrary to the policy as set forth in Government Code #54950, as hereinabove set forth, said defendants, and each of them, have deliberately, intentionally and knowingly suppressed facts and evidence within their knowledge and control, and continue to do so, usurping the right of the People to remain informed and on the part of said defendants, and each of them, attempting to decide what is good for the People to know and what is not good for them to know.

### IX

The suppressed facts and evidence referred to in paragraph VII above include the following:

A. At the time Sirhan Bishara Sirhan commenced firing of his pistol, Donald Schulman, an employee of Los Angeles television station KNXT, was directly behind Senator Robert F. Kennedy and saw a uniformed security guard fire his hand gun, and said Donald Schulman saw Senator Kennedy hit by three bullets. Defendant EVELLE J. YOUNGER, the District Attorney, did not call Schulman to testify before the grand jury or at the trial of Sirhan Bishara Sirhan, nor did he mention Schulman in his report to the People of this state at his press conference reporting on the Kennedy murder, despite the fact that Schulman was interviewed by television newsmen within minutes

of the shooting, and reported the firing by a security guard, which interview was both broadcast on television and reported in numerous newspapers.

B. KARL UECKER, the maitre de who was escorting Senator Kennedy through the kitchen of the Ambassador Hotel, moved quickly and grabbed Sirhan in an arm and head lock after the second shot fired by Sirhan. Immediately after subduing Sirhan with the help of Roosevelt Grier and Rafer Johnson, UECKER saw a security guard with his gun drawn and in his hand.

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

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

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

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

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

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

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

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

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

Despite the fact that defendant ROBERT A. HOUGHTON in his book referred to "Special Unit Senator" as "the longest, largest and most expensive criminal

investigation ever undertaken by the Los Angeles Police Department, possibly the most extensive investigation ever conducted by any local law enforcement agency," nevertheless, the defendant EVELLE J. YOUNGER, through his deputy district attorneys, intentionally and knowingly suppressed the evidence hereinabove referred to from the People of the State of California by asking only generalities of DR. THOMAS T. NOGUCHI, and not specifics, at the trial of Sirhan Bishara Sirhan and, by the suppression of these facts and this evidence from the People of this State by the defendants, and each of them, the plaintiff and other citizens and residents of the State of California were prohibited from being fully informed and were told only what said defendants decided was good for them to know.

#### X

Plaintiff is informed and believes, and therefore alleges, that defendants are in the possession of many other facts which disprove the "lone assassin" theory put forth by the defendants at the trial of People vs. Sirhan, but that defendants have repressed these facts from the People of the State of California.

#### XI

The repression of the facts and evidence set forth herein, but not limited to that set forth herein, is contrary to the policy of the State of California as expressed in Government Code #54950, and is a violation of the public trust.

#### XII

The true names or capacities, whether individual, corporate, associate or otherwise, of defendants named herein as DOES ONE through FIFTY, inclusive, are unknown to plaintiff, who therefore sues said defendants by such fictitious names, and plaintiff will amend this complaint to show their names and capacities when same have been ascertained. WHEREFORE, plaintiff, on behalf of himself and all other citizens and residents of the State of California, prays for judgment as follows:

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

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

3. That defendants, and each of them, be ordered to fully and fairly report to the People of this State as to the advisability of recommending the establishment of a special federal investigating agency to fully, fairly, dispassionately, openly and diligently investigate and report on the assassinations of federal officials, elected representatives and persons of national prominence to resolve all issues and questions, and help prevent future tragedies.

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

GODFREY ISAAC  
Attorney for Plaintiff  
THEODORE CHARACH