

1
2 SUPERIOR COURT OF THE STATE OF CALIFORNIA
3 FOR THE COUNTY OF LOS ANGELES
4

5 In the Matter of)

6 SIRHAN BISHARA SIRHAN.)

No. A 233421
7
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9 Meeting held in the Chambers of Assistant
10 Presiding Judge Charles A. Loring, on
11 Friday, May 16, 1969, at 1:30 P.M.

12 PRESENT: Judge Charles A. Loring,
13 Assistant Presiding Judge

14 Judge Herbert V. Walker

15 Robert A. Houghton, Deputy Chief,
16 Los Angeles Police Department

17 David Fitts, Deputy District Attorney

18 Emery Hatcher, Chief Deputy,
19 County Clerk's Office

20 Peter Palmachoff, Division Chief,
21 Criminal Division, County Clerk's Office

22 Mrs. Alice Nishikawa, Clerk, Department 107
23

24 VESTA MINNICK,
25 Official Reporter
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LOS ANGELES, CALIFORNIA, FRIDAY, MAY 16, 1969, 1:30 P.M.

JUDGE WALKER: First perhaps we better take up the photographs.

MR. FITTS: There are somewhere in the neighborhood of 130. I wasn't present at the precise moment they were introduced but my understanding is that they were offered in evidence with the stipulation that they were not to be viewed by the jury.

JUDGE WALKER: Well, I had Alice check.

THE CLERK: They were only marked for identification.

JUDGE WALKER: Because the Defense objected and that is why they were put in just for identification only.

Now I have come to this conclusion. As far as they are concerned, I am willing to seal those subject to order of Court, and I think I can put it on some kind of ground. I am going to look at it and find myself some ground and do it. If the Appellate Court wants to upset us, that is fine.

MR. FITTS: Well, I don't think there is going to be too much demand to see these. The only people that could do anything are going to be cranks in the first place.

JUDGE WALKER: Well, those are the people I am

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worried about.

MR. FITTS: Well, I sort of thought these people would be the cranks and they want to see them so they can start cranking.

DEPUTY CHIEF HOUGHTON: I will agree with that.

MR. FITTS: So these folders were for identification?

THE CLERK: They were for identification only. There were two groups, one consisting of 166 and the other 127 photos.

MR. FITTS: I never counted them.

DEPUTY CHIEF HOUGHTON: There were two sets. There was a set of photographs of the autopsy which Noguchi's people took and then there was about half a dozen, it seems to me, of photographs taken by the Los Angeles police officers over there at the Good Samaritan Hospital and you remember those. They were taken prior to any surgery or cutting on the wound, on the head wound, and I think they ought to be categorized in the same group. I don't know if you used them in evidence.

MR. FITTS: Would you give me the exhibit numbers of those.

THE CLERK: 81 and 82.

JUDGE WALKER: And 81 consists of --

THE CLERK: 166 photos, and what they are I really don't recall offhand, and then 82 is an envelope

*Account
of Mr. Walker
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in my notes
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containing 123 photos.

DEPUTY CHIEF HOUGHTON: Well, the photos I am talking about were not introduced in evidence. We can talk about those in a separate category.

THE CLERK: They were only for identification.

JUDGE WALKER: Anything that went in evidence, I don't think we can take a chance on sealing.

DEPUTY CHIEF HOUGHTON: Well, I agree.

JUDGE WALKER: Those that weren't in evidence, I think I am on a lot better ground.

MR. FITTS: We used a very minimal of photos because, after all, it wasn't an issue anyway, no controversy.

JUDGE WALKER: I know Alice has kept track of it. It is not going to be any problem to figure it out.

Then we come to the second problem as I see it. These exhibits were extremely valuable and they are going to go up on appeal and to have them mutilated or even some of them, it is going to be very bad, and I think particularly if they are not in packages.

MR. FITTS: Yes, and in particular you have mentioned 81 and 82. Do you have those in the minutes, just a minute order?

JUDGE WALKER: well, I think I better write an order in some particularity and put it in the file.

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2 MR. FULTON: Well, there could still be a minute
3 order.

4 JUDGE WALKER: Well, it could be supported by a
5 minute order but I think there should also be an actual
6 signed order, I thought.

7 MR. TALENCHOFF: I would like to recommend you do
8 this. We had this at the very beginning of the case and
9 it is quite helpful to us to be able to show a copy of
10 the Court order with the Judge's signature on it.

11 JUDGE WALKER: Well, we can write up an order
12 covering it in particularity.

13 Now getting back to our second problem, we have
14 got these bullets, we have got the gun, and I have even
15 had a request from some woman that got hit with one of
16 those bullets. She wanted it for a souvenir. I have
17 already told her where she can get it.

18 What I am trying to do is to set up something
19 like this, that the actual exhibits are not exhibited
20 to these people in some manner, so they are not mutilated
21 or lost or anything else, because it is easy for these
22 exhibits to get lost in your office and everybody is in
23 a mess. I understand that maybe you could have copies
24 that the public could see.

25 DEPUTY CHIEF ROUGHTON: I was going to wait until
26 you got through with those exhibits and then we can talk

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2 about this other. We have done a lot of investigating
3 of cases which were not subject to testimony and I
4 think you put in Owens?

5 JUDGE WALKER: Some 38 or 40 witnesses.

6 MR. FITTS: How many were there? Most of that
7 stuff was ordered delivered on discovery and, in one way
8 or another, they had a lot of specific names so they got
9 that stuff and let me assure you here and now that which
10 was delivered on discovery and that which was filed with
11 the Court was scaled to this extent. They asked for
12 interviews and interviews they got, but when it came
13 down to embodying conclusions of investigative personnel
14 you know and we believed, after examining this, that and
15 the other, that even this Owens is a self-seeking son-of-
16 a-bitch -- let it stay in the record. Material of that
17 kind I abstracted from the file.

18 DEPUTY CHIEF HOUGHTON: In other words, what you
19 did, you must have done it earlier to block it out or
20 to copy, because some of that was built into some of
21 those interviews.

22 MR. FITTS: No, it wasn't built into the Q and A,
23 and I gave you that which purports to be questions and
24 answers.

25 DEPUTY CHIEF HOUGHTON: We got a lot of actually
26 what was summary of interviews, not Qs and As.

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MR. FITTS: Yes.

DEPUTY CHIEF HOUGHTON: And someone had made an evaluation of it as to the veracity of those fellows.

MR. FITTS: Where possible the stuff was not made a matter of record.

JUDGE WALKER: It was not even put in for identification.

MR. FITTS: Mostly it was in as just interviews without editorial comments.

DEPUTY CHIEF HOUGHTON: Are you finished -- Go ahead.

MR. FITTS: That finishes my thought.

DEPUTY CHIEF HOUGHTON: We had a meeting, and so all of you will know, with Buck Compton and John and Dave and my staff in which the District Attorney requested that we were to use his material given to him, our investigating files and copies thereof, which constituted, in his terms, red herrings in the case. Now, there were about fifteen or sixteen such categories and five of those received some publicity. There was the Cuban Duarte who you are not familiar with, but he got in and he even went on TV and Jerry Owens, the self-styled preacher, John Faley, and I think he got some publicity, and most of them did because these witnesses went out and got the publicity, so we have got all of those plus some others that we consider to be in that category of red herrings of

1 some significance, not materially significant, other
2 than those that they asked for on discovery and they
3 called Walter Crow.

4 MR. FITTS: They got it.

5 DEPUTY CHIEF HOUGHTON: They got that and I think
6 one or two others, and they might have Virginia Teresa
7 and that might have been marked.

8 MR. FITTS: I don't think so.

9 DEPUTY CHIEF HOUGHTON: Some of it had not reached
10 the press that our investigation had uncovered and so
11 that is the way it came back, but nobody knew it except
12 us, the District Attorney and the FBI. There is that
13 category that anybody in that group that was introduced
14 and marked for identification and, I am not sure, you
15 will have to go back and look and then I will have to
16 tell you.

17 MR. FITTS: I don't know why it all falls to me.
18 I am in the business of compiling something which will
19 probably have to be revamped, I don't know how many
20 times, but it will be a District Attorney news release
21 with respect to this Sirhan investigation, an appendix,
22 and we have a list here of all the witnesses that the
23 People called as a part of their case in chief. We
24 weren't asked to mention those called by the Defense
25 and we didn't.

26 DEPUTY CHIEF HOUGHTON: Called or subpoenaed.

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MR. FITTS: As to those files that we put in.

Now, correct me if I am wrong, but they were put in evidence, not to be seen by the jury, and you will remember there were a number of them that were submitted and this is just after we closed.

THE CLERK: They were only marked for identification.

JUDGE WALKER: The only thing that was admitted in evidence and not to be shown to the jury were the statements taken by Dr. Pollock of his interview with Sirhan.

How about the search warrant?

THE CLERK: That is only for identification.

JUDGE WALKER: Okay, fine.

DEPUTY CHIEF HOUGHTON: Which search warrant?

JUDGE WALKER: Well, the one somebody had.

DEPUTY CHIEF HOUGHTON: For the car? We had two.

JUDGE WALKER: I have forgotten.

MR. FITTS: The first search warrant was never material. It was the wrong car. That was a Chrysler.

JUDGE WALKER: There was one I didn't want to put in evidence because of the affidavits attached to it.

THE CLERK: He never asked it to go into evidence.

DEPUTY CHIEF HOUGHTON: I don't know which one you are talking about.

MR. FITTS: There was the search of the DeSoto.

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1 DEPUTY CHIEF HOUGHTON: It never came in issue?

2 MR. FITTS: It never came up so we never put the
3 search warrant in evidence.

4 DEPUTY CHIEF HOUGHTON: There was one other thing
5 that we applied for and got and I want to be sure I
6 understand what the Judge is talking about. In the Duarte
7 investigation and Duarte is an anti-Castro Cuban, he
8 alleged a fight with Sirhan at a meeting of the far-left
9 people over in Hollywood.

10 MR. FITTS: I know what you are talking about.
11 That was in the search warrant. The most that ever
12 occurred, so far as he was concerned, was that we scared
13 him with a Grand Jury subpoena.

14 DEPUTY CHIEF HOUGHTON: I will check it out.

15 MR. FITTS: It is in the roster.

16 DEPUTY CHIEF HOUGHTON: That is right.

17 MR. FITTS: Okay.

18 DEPUTY CHIEF HOUGHTON: I told them to either get
19 a search warrant --

20 MR. FITTS: We discussed the matter and the Grand
21 Jury subpoena and that wasn't worth the paper it was
22 written on.

23 DEPUTY CHIEF HOUGHTON: I remember we discussed
24 the search warrant.

25 JUDGE WALKER: I may be mistaken, but I remember
26 specifically the search warrant that was there was not

1 going to the jury, and which search warrant it was, I
2 don't know.

3 In any event, let's go on to the rest of it.

4 The big problem --

5 MR. FITTS: May I just for clarification, because
6 I want to know who is going to do what, and with respect
7 to the restrictive order now as to those autopsy photos,
8 Exhibits 81 and 82, do you want an affidavit or an order
9 prepared by someone?

10 JUDGE WALKER: Well, you can make up an affidavit
11 or an order for my signature.

12 MR. FITTS: Well, I was hoping you would do it.

13 JUDGE WALKER: Well, I can't very well make an
14 affidavit. I think that is up to your office. I don't
15 know whether we need an affidavit. Couldn't you just
16 simply prepare an order? I think there should be some-
17 thing in the record that supports my order, and now
18 whether it is a good legal support or not is another
19 question.

20 JUDGE LORING: Couldn't you recite an examination
21 of the photographs, discovery material of such a nature
22 and so forth, otherwise it would serve no useful purpose.

23 MR. FITTS: That is what I had in mind.

24 JUDGE WALKER: I will do it that way but you will
25 have to help me. We will have to bring them up and
26 examine them so I can get some idea.

1 Getting back to all of this thing that is supposed
2 to be exhibited or could be exhibited, how are we going
3 to handle this and keep them from having the originals?

4 MR. HATCHER: Our office could duplicate every
5 single exhibit that could be duplicated and only those
6 that could be duplicated.

7 JUDGE WALKER: Well, that is all right with respect
8 to physical exhibits like papers and all things like that,
9 but we have got the coat, we have bullets, we have got
10 expended shells, unexpended, and so forth, which are
11 physical.

12 JUDGE LORING: Well, I think they could be put in
13 some kind of a plastic or cellophane container that can
14 be seen through without being able to touch them.

15 MR. FITTS: To be realistic about it, there aren't
16 going to be many people who want to look at these bullets
17 anyway. What can they do with it?

18 DEPUTY CHIEF HOUGHTON: I don't think that is the
19 problem, and I am just guessing as to what is bothering
20 the Judge so much. I don't think they would have to
21 handle the bullets. I think you could store the bullets
22 however you want to store them or for how long, and I
23 think that there could be photographs taken, if somebody
24 wants to see the bullets, and I think photographs could
25 be taken of a scale model and just lay it out clear and
26 this is what they look like. Then you could say that

1 they are in permanent storage, whatever you want to say.

2 Now, as to the coat, I agree with Judge Loring,
3 that if for some reason somebody might want to see the
4 coat and they might want to look at the clothing just
5 to verify the fact that there was a bullet hole as we
6 said there was, and that sort of thing, I think you might
7 be able to put that in a bag so that they could see that
8 there were bullet holes in the shoulder of the coat and
9 the armpit and that sort of thing.

10 JUDGE LORING: You would probably want to preserve
11 that in some kind of a container in any event.

12 JUDGE WALKER: Well, could your office make copies
13 of all of the other exhibits?

14 MR. TALMACHOFF: All documents you mean?

15 MR. HATCHER: That is no problem at all.

16 JUDGE WALKER: How about the bullets, guns and
17 other physical things?

18 MR. HATCHER: We could have them photographed if
19 you would like. We could arrange to have it done. There
20 would be no problem.

21 JUDGE WALKER: Well, we don't want any of the
22 originals available except to attorneys of record.

23 JUDGE LORING: Or upon order of Court. If some-
24 body comes in with a valid reason as to why they should
25 see it, and they are responsible people, then we could
26 order it.

1 JUDGE WALKER: I won't be here so I am not
2 concerned.

3 JUDGE LORING: Well, whoever does it.

4 MR. FITTS: Judge Loring, that is something that
5 I wanted to mention and it appears to me that with
6 respect to the precautions that should be regarded in
7 connection with all of this stuff, that rather than
8 having anybody willy-nilly walking in off the street and
9 coming up and pestering the Clerk, it would be nice some-
10 how if they obtained a kind of clearance through the
11 Court. I know I am posing a sort of onerous burden.

12 JUDGE WALKER: You mean to see anything at all?

13 MR. FITTS: No.

14 JUDGE WALKER: Oh, no.

15 JUDGE LORING: Well, as long as you are dealing
16 only with copies such as photographs of the original
17 documents, what risk is there? Why shouldn't they see
18 copies?

19 DEPUTY CHIEF HOUGHTON: If you think of the
20 volumes and volumes, there will probably be a sudden
21 surge and I am saying immediately, as soon as it is
22 known that they are going to be available, there will
23 be maybe thirty people or maybe a hundred.

24 JUDGE WALKER: As I understand it, it is going
25 to be made known they are going to be available in a
26 news release.

1 MR. FITTS: Here is the point of the release.
2 The District Attorney wants to have something in the
3 release with respect to the accessibility of those
4 things which we have marked in evidence in some fashion
5 or other like all of these interviews and the rest of it.
6 He wants to make it known that they are available for
7 those people who have got some legitimate interest in
8 looking at the stuff and include some kind of explanation
9 of the mechanics by which this material can be viewed,
10 and that is what I was hoping we might be able to deter-
11 mine, determine today, so I could report to him and
12 discuss what is to be written in those releases which
13 I have to write.

14 JUDGE WALKER: Well, I think that we could have
15 duplicates in the County Clerk's office and those that
16 we have decided to seal would have to be obtained by
17 Court order.

18 MR. HATCHER: There would have to be another
19 provision. If the person insists on seeing the original,
20 it would have to be on order of Court.

21 JUDGE WALKER: Well, that could be done.

22 JUDGE LORING: And good cause being shown.

23 MR. HATCHER: I anticipate we will be getting a
24 number of orders for copies. They can purchase copies
25 of public records.

26 JUDGE WALKER: Well, I have got a request up

1 there now for the original working papers of the
2 psychiatrists and stuff like that, and that is from
3 the Psychiatric Association. One of them wants all the
4 psychiatric testimony.

5 THE CLERK: May I bring up a point? Here we have
6 this 114, the psychiatric interview of Dr. Pollack with
7 the defendant. I imagine lots of these psychiatrists
8 would be interested in this particular interview too.
9 How are you going to handle that?

10 MR. FITTS: Well, the problem has arisen along
11 that line.

12 THE CLERK: They were admitted in evidence but
13 were not to go before the jury.

14 MR. FITTS: That is true, and Dr. Pollack himself
15 was terribly exercised, for whatever it may be worth,
16 when those statements, you know, were made available to
17 the press. It was not me though that did it. I don't
18 think it was a very good idea to do it. As far as Dr.
19 Pollack was concerned, at that time these particular
20 interviews were privileged until such time as they perhaps
21 became an issue in the lawsuit and then, of course, no
22 privilege would apply, but nobody asked for that stuff
23 in the courtroom and yet it was released and we know
24 that copies of that stuff had been made available and
25 will at some time be used. Dr. Pollack has gotten a
26 letter from us saying that he has in no way, shape or

1 form consented to the release of this material to any-
2 body and that was done without prior knowledge on his
3 part. That is just to protect him so far as his pro-
4 fessional standing is concerned, so whether that material
5 should be released, I have some misgivings because it
6 was not in evidence.

7 JUDGE WALKER: Well, when it was not in evidence
8 I don't understand why they were released.

9 THE CLERK: Now it is in evidence but not to go
10 to the jury. There was that condition.

11 MR. FITTS: Okay, the statements are in evidence
12 but the contents thereof were never placed in evidence.

13 THE CLERK: That is right.

14 MR. FITTS: There is one thing to have the scale
15 in evidence and that doesn't have any value whatsoever
16 except for the words that would be contained on it, and
17 this was not placed in evidence and you know, it seems
18 to me there is a distinction.

19 JUDGE WALKER: Was there a written copy of the
20 interview?

21 MR. FITTS: Not necessarily.

22 JUDGE WALKER: Anything not in evidence I don't
23 see why we have to make it available.

24 MR. FITTS: Well, as Alice just said, the statements
25 are in evidence but the contents however were never placed
26 in evidence.

1 JUDGE WALKER: We just got the basis.

2 MR. FITTS: We got the basis and the plastic
3 material, if it ever got close enough to a magnet, we
4 don't even have the words.

5 MR. HATCHER: Maybe that isn't the answer.

6 THE COURT: Is there anything further? I don't
7 want to take too much of Judge Loring's time.

8 DEPUTY CHIEF ROUGHTON: I have something and it
9 is only to tighten our position in this connection.
10 What data you have been talking about is not over 5 percent
11 or less of the total investigation files, probably maybe
12 2 percent. The total investigation files are in great
13 detail and there is a whole gamut of miscellaneous non-
14 relevant material because this investigation started
15 out and wound up to be as thorough an investigation as
16 it was possible to make. Every lead that was a possible
17 inference of conspiracy, no matter how remote or how
18 inane it might have sounded initially, was followed.
19 From some of this information, obviously, we interviewed
20 a lot of people and you never knew who they were going
21 to talk to. I am sure some of it will leak out. The
22 majority of it has not. Much of it has. Now, the
23 posture of the Los Angeles Police Department is that
24 we think that nothing in this case should be withheld
25 from the public.

26 JUDGE WALKER: That is right.

1 **DEPUTY CHIEF HOUGHTON:** We think to put secrecy
2 around this phase of it is just going to open up
3 speculation that is going on with the John Kennedy
4 assassination since we did do in my opinion as
5 professional a job of investigation as could have been
6 done anywhere and I feel that this information should
7 be made available. Now, we have not decided whether we
8 will make the files available yet. We will decide this.

9 **JUDGE LORING:** This is all in written form?

10 **DEPUTY CHIEF HOUGHTON:** It is all in written form,
11 about 50,000 pieces of paper, and the final report to
12 the Chief consists of nine volumes, and I believe that
13 everything went down on it.

14 **JUDGE WALKER:** You need a final final report.

15 **DEPUTY CHIEF HOUGHTON:** Well, it can be broken up
16 very readably. This was done as I, and I realize every-
17 body has been second-guessing, easily enough, but it was
18 done for the simple reason of protecting the reputation
19 of this department who felt what had happened in town
20 was an extremely significant thing that would be reviewed
21 for a number of years, but lots of those people -- We
22 wanted to be sure that every loophole we could see or
23 hear about was investigated and we have got some real
24 weird things in the file, some way-out things, and we
25 had to check them out, and we intend to answer any ques-
26 tions that anybody has. If anybody has some information

*not solve the
crisis?*

1 that they think is pertinent to either the conspiracy
2 or anything, why, we intend to answer it based upon
3 our files.

4 There is one other thing you mentioned in that
5 respect and that is that Ramsey Clarke, when he was ~~the~~
6 Attorney General, I met with him out here and he expressed
7 an interest in disposition of these investigative files.
8 At that time he indicated that his thinking was running
9 to having a duplicate set of these files placed in the
10 archives in Washington. I discussed this with the Police
11 Commission and they have no objection to this so long as
12 there is a mutual agreement on procedure for release of
13 information, in other words, that they don't run different
14 systems of control, whatever they may wind up with.

15 However, since there has been a change in office
16 and the new Attorney General, Bill Lynch, whom you know
17 called me and they still have some interest in it, but
18 I don't know to what degree or exactly how they are
19 going to do it, so it is possible and I want you people
20 to know it is possible that the files may be duplicated
21 and placed in the National Archives for historical pur-
22 poses. I don't know if that is of any concern to you
23 but I think that since you are all in it, you should know
24 it, and what happens as the posture of our Department.

25 JUDGE WALKER: It seems to me we shouldn't try
26 or have any authority to exercise any control whatsoever

1 of your files which have not gone into our case, and
2 what do you think?

3 JUDGE LORING: That would be my view of it, that
4 that material which the Police Department has, is a
5 matter over which we have no jurisdiction.

6 MR. FITTS: In fact, I would like to have a little
7 talk with you about this matter. We will arrange that.
8 The District Attorney wants to make reference to the fact
9 that you have got all of this material and further reference
10 to the fact that you have this policy about open disclosure
11 with respect to it and you are going to have some ground
12 rules, obviously, with respect to how this stuff is going
13 to be accessible.

14 DEPUTY CHIEF HOUGHTON: The mechanics of it.

15 MR. FITTS: The mechanics of it and background
16 rules, so far as we are concerned, can be determined by
17 you but he would like to make some reference to the ground
18 rules in the press release. Is that feasible?

19 DEPUTY CHIEF HOUGHTON: I don't know yet. It
20 depends upon the timing, upon his release, because I am
21 waiting to get some kind of final decision from Washington
22 on the files because I don't know what their standard
23 procedures are back there and what controls they place
24 on their files, but I do have some ideas at this moment.
25 Our problem is one of mechanics.

26 MR. FITTS: Right.

*Referencer
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DEPUTY CHIEF HOUGHTON: Which I won't bore you with. I know what they are. The files are all marked now and all the evidence we have in our system, I would say easily is 4,000 items.

JUDGE WALKER: Well, my understanding of what we have agreed to here is to issue an order covering the photographs and such other things we may determine should not be released except on order, and they can only be used by order of the Court or by showing proper cause. All other exhibits are to be duplicated and made available by our County Clerk to those people who want to get ahold of them, is that right?

MR. TALMACEOFF: Just as long as we understand that there are certain exhibits we can't duplicate. There are books and I think we had a small library of Sirhan's in the case, and there is no sense of trying to duplicate those. You can't duplicate tapes very conveniently.

JUDGE WALKER: We don't want you to duplicate those tapes. The tapes are in evidence.

MR. TALMACEOFF: We would just as soon not tamper with those.

DEPUTY CHIEF HOUGHTON: I think Sirhan had a transcript and you know there is a tape, but I don't know if it was introduced.

THE CLERK: They were introduced.

*7 on 4-18?
What are they?*

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*What tapes?
And why
not?
w/ the
evidence?*

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*How does a
Mr. Clerk know
the un-
was in hand?*

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1 DEPUTY CHIEF HOUGHTON: I think the tape between
2 John Howard and Officer Murphy was introduced.

3 JUDGE WALKER: They are right in the transcript.

4 MR. FITTS: We played all of those tapes beginning
5 with the first custodial interview through the last one.
6 The tapes were all marked in evidence and the jury was
7 provided with transcripts so they could follow the tapes.
8 They are all in the daily. They are all there.

9 DEPUTY CHIEF HOUGHTON: But somebody may want to
10 listen to the voice.

11 MR. FITTS: I don't know whether the Clerk's Office
12 has copies of those transcripts. They were simply made
13 available to the jury and to the reporter.

14 JUDGE LORING: Well, I think the answer to the
15 people who want to hear the tape is to let them have
16 access to the tapes. They cannot remove the tapes from
17 the County Clerk's Office but they will have to supply
18 their own electrical energy.

19 MR. FITTS: That is what I was thinking with
20 respect not to the real, and by real evidence I am talk-
21 ing of the physical things other than papers that can
22 be duplicated, that they are viewed upon Court order for
23 good cause shown, period.

24 JUDGE WALKER: You are talking about the coat and
25 the shells again?

26 MR. FITTS: Right, every bit of it.

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Court order
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made

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JUDGE WALKER: What you are talking about are the actual articles viewed on Court order.

MR. FITTS: Well, I am talking about viewing the real evidence. That is not talking about looking at pictures.

JUDGE WALKER: Well, there are going to be pictures of it anyway.

MR. HATCHER: There are certain things that could not be copied photographically but there are other things that can be photographed and those photographs could be shown upon request. If they want to see the originals, then obtain a Court order. I think this would cover us pretty well.

DEPUTY CHIEF BOUGHTON: Could I make a comment here - Off the record.

(Discussion off the record.)

JUDGE WALKER: Well, I think we have got it pretty well in mind now. It is up to me, along with the co-operation of the rest of you, to work out a proper order. I am going to rely on you fellows there to do it, to be sure the details are right. Now, this doesn't have to be done before Wednesday, does it?

MR. FITTS: Well, let me tell you something. Did you see what we got served with, this memorandum of points and authorities in support of the motion?

JUDGE WALKER: I got a copy of it yesterday or the

What kind of kind is this?

any number on side!

When stamp judge?

about what?

1 day before.

2 MR. FITTS: Well, I was up to 11:00 last night
3 working on that and it looks like I am going to have
4 to work on the weekend now. They had three weeks to
5 prepare theirs. We have got four days including Saturday
6 and Sunday, and I mean that is the kind of pressure we
7 are working under, Judge.

8 JUDGE LORING: Who has made the motion?

9 JUDGE WALKER: Cooper.

10 MR. FITTS: Cooper submitted the points and
11 authorities and somebody else submitted something, but
12 I am not worried about the ACLU little thing.

13 JUDGE WALKER: That is of no concern.

14 MR. FITTS: But you know all of that stuff they
15 have put in there.

16 JUDGE WALKER: A lot of that is right in the tran-
17 script and the stuff is there, a complete transcript,
18 and that is a great deal of what he has raised.

19 MR. FITTS: Yes, I know, but that is what I am
20 working on right now if you are interested. He picks
21 from the transcript that which suits his purpose and
22 omits from the points and authorities that which defeats
23 his purpose, and somebody, if the thing is going to be
24 prepared properly, has to sit down and include what he
25 omitted. That is what I am doing. I am in the process.

26 JUDGE WALKER: I don't want you under that kind

*This is all
copies of
the memo*

1 of pressure because it is very important you have a
 2 proper answer in. Why don't you come in, say, Monday
 3 morning and ask for some more time?

4 MR. FITTS: I don't want to. That is the last
 5 thing in the world I want to do, to ask for time.

6 JUDGE WALKER: Well, I don't want you to.

7 MR. FITTS: We will do the best we can, Judge, but
 8 I am not going to ask for time. If this motion is going
 9 to be denied and this guy sentenced, I would like to have
 10 it happen on the first available date. We have not been
 11 asking for time before and I don't want to ask now.

12 JUDGE WALKER: Well, in any event, as a practical
 13 matter, when it goes up on appeal, whoever handles it on
 14 appeal, will have ample time to hit the whole transcript
 15 and put all of that stuff in so you would have what is
 16 left out. I have read through his briefs.

17 MR. FITTS: We are not going to turn in a too
 18 polished job because we can't under the time limitation,
 19 but it is going to look pretty thorough.

20 JUDGE WALKER: I don't want you to short-circuit
 21 it and, while I don't care to put it over, I don't want
 22 to put you in the position, and if you come in Monday
 23 and ask for X days, that is what you are going to get,
 24 regardless of what the press or anyone else thinks about
 25 it.

26 MR. FITTS: Well, I would just as soon not work on

before hearing
 answer? probably
 understood?

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1 some of the details of this thing until we get that
2 disposed of.

3 JUDGE WALKER: This can keep.

4 MR. FITTS: The District Attorney is going to be
5 on my back until I can give the District Attorney what
6 we have thought out and what we have decided here today
7 which should be sufficient. I don't say it would be,
8 but it should. We have not got worked out the details
9 and I don't think we can do it by Wednesday. As far as
10 I am concerned, I would like to give this thing a little
11 rest until after Wednesday.

12 Chief, have you agreed in principle, that I know
13 what you relayed to me, but you had some objection to
14 the release of some of the stuff that was on file.

15 DEPUTY CHIEF HOUGHTON: The only thing I would
16 object to, the only thing I would point out is the
17 precautionary things. I think it is up to the Judge but
18 the FBI files themselves are maintained in confidence
19 by the FBI and the fact that they have been introduced
20 and marked in evidence, then I think they become some-
21 thing else. That is my personal opinion.

22 MR. FITTS: They understand that.

23 DEPUTY CHIEF HOUGHTON: Then I think those conclusions
24 drawn by my investigators, which I asked them to draw and
25 I wanted impressions from them, and some of them are not
26 put very tactfully as they call people liars and things

1 like that, and I would be just a little concerned
2 about that.

3 Then, let's see, there was one other area. I
4 can't think of it.

5 Oh, yes, it is criminal records. Everybody we
6 interviewed, we placed in their jacket if they had
7 criminal records from the CII kick-back sheet. As far as
8 I am concerned we are not going to release any of that.
9 When we find someone has a criminal record, that is
10 confidential information because I don't think we ought
11 to disclose that. I don't know what you have.

12 JUDGE WALKER: I don't think so.

13 MR. FITTS: I am not too sure there might be a
14 kick-back sheet on Jerry Owen.

15 DEPUTY CHIEF HOUGHTON: And Rabago and Delgado.

16 MR. FITTS: But Robert Cordero, there was nothing
17 on him but a straight interview in those files.

18 DEPUTY CHIEF HOUGHTON: Then there is one other
19 thing, and this is where we didn't think far enough
20 ahead. We also ran, on everybody we interviewed, them
21 through our subversive files and of course some of them
22 came up. Walter Crow, I don't know if you have our
23 subversive confidential information.

24 MR. FITTS: We don't have it and we don't want it.

25 DEPUTY CHIEF HOUGHTON: We asked for discovery
26 on Walter Crow and we threw that out and I don't know

1 what harm that has done.

2 JUDGE LORING: Let me ask a question and this may
3 not have any place but maybe this question should be
4 asked. Suppose the Supreme Court should, through in-
5 advertence, order a reversal here. Is there anything
6 going to be investigated under these discovery orders
7 or this program that will violate the original order
8 that was issued by Judge Walker in this matter?

9 DEPUTY CHIEF HOUGHTON: We don't think so. I don't
10 know how the District Attorney feels.

11 JUDGE WALKER: No. I don't think that order covers
12 this stage of the proceeding.

13 JUDGE LORING: But I had in mind the original
14 order.

15 JUDGE WALKER: The idea behind the order was to
16 preclude pretrial publicity and it had nothing to do
17 with appellate publicity or anything since then, so I
18 don't think it enters into it.

19 JUDGE LORING: But my point is if there is going
20 to be press releases now of material that would have
21 been prohibited under the original order and there is a
22 reversal, is it not then the same as if there had been
23 a relaxation of the initial order as to that second
24 trial that would prevail?

25 JUDGE WALKER: It would be a question to this
26 extent. If the Supreme Court does so, in all likelihood

1 it would not be within at least two years and possibly
2 three.

3 JUDGE LORING: The damage, if any, would have
4 been done.

5 JUDGE WALKER: It would have been negligible.

6 JUDGE LORING: All right. You would just have to
7 do the same thing with the jurors on the stuff that has
8 been kept out and that didn't get into the trial, and
9 that is all.

10 DEPUTY CHIEF HOUGHTON: Well, there is going to
11 be, I know of at least four books and I know the tenor
12 of all of them, but I know at least three of them
13 are going to allege a major conspiracy in this matter
14 and not what the truth is, so I think I can assure you
15 that there is nothing in that file than is other than
16 pure speculation, that is relevant to or material to the
17 actual shooting of Robert Kennedy that was done by Sirhan.
18 Our investigators will continue to comply with the orders
19 of the Bureau and the District Attorney's Office at all
20 points.

21 JUDGE LORING: I don't know enough of the details
22 but I just did want to raise the question and ask if
23 you had considered this if there should be a reversal
24 and what effect this is going to have.

25 JUDGE WALKER: You would be at the same place we
26 were at, at the start of the trial, with all the publicity.

1 We brought all of the jurors in chambers and went into
2 all of these matters thoroughly so that we could protect
3 the record. We would be in the same position then and
4 you possibly couldn't get this thing up on appeal before
5 two years. I am hopeful that the nature of the Court
6 will change by then.

7 MR. FITTS: It is going to create a substantial
8 problem. No matter how far it is into the future, if it
9 is reversed, it is going to create a substantial problem
10 and the Legislature is going to have to talk their heads
11 off about it and I don't see anything we can do.

12 JUDGE WALKER: It is no different than the problem
13 we had when we started the trial. It would just be
14 augmented and it would be a very difficult problem.

15 MR. FITTS: This is something worth writing up if
16 you would all like to listen to it. There should be some
17 kind of security precautions enforced so far as the Clerk's
18 Office is concerned. People who want to make copies of
19 these things can make copies on facilities available in
20 the presence of somebody that is watching what they are
21 doing. Those who aren't satisfied with the facilities
22 available can bring their own equipment.

23 MR. HATCHER: Oh, no, no.

24 MR. FITTS: No comment.

25 MR. HATCHER: With all of our precautions, they
26 might destroy something so we duplicate everything.

Talk of
Hoffman!

Supreme!!

1 Pete, the point I was trying to make is this.
2 Earlier in the trial there was something that was released
3 by the press which indicated to members of the public
4 that all they needed to do was to write in and they could
5 get a copy of the Grand Jury transcript and we were getting
6 requests like that, and we don't want anything going out
7 to give the impression that all they need to do is to
8 write in and they can get copies of everything.

9 DEPUTY CHIEF HOUGHTON: What we are going to do,
10 well, the files of this investigation should be separated
11 from all other files and they will be under lock and key
12 and there will be minimum distribution of those keys.
13 At the moment there are three that have been released
14 and one I will have until such time.

15 MR. FITTS: Nielson has one, and who has got the
16 other?

17 DEPUTY CHIEF HOUGHTON: Captain Brown.

18 We are going to isolate the files because they are
19 not available to the average person.

20 MR. HATCHER: We advise them that they can procure
21 a copy of a page and that our fee is fifty cents a page.
22 That will stop a lot of them.

23 MR. FITTS: Okay, does something like this sound
24 reasonable? I am just talking off the top of my head.

25 DEPUTY CHIEF HOUGHTON: I would like to meet once
26 with them or their commissioners so long as our problems

1 are similar.

2 JUDGE WALKER: Well, I don't want to take any more
3 of Judge Loring's time on these details. I just wanted
4 to get your opinion while we were going over the major
5 aspects and I feel it is the Court's problem, otherwise
6 I would have handled it myself.

7 JUDGE LORING: Absolutely.

8 JUDGE WALKER: Well, thanks a lot for your time.
9 I don't think I will have this written up at this time
10 for distribution.

11 (The meeting adjourned at 2:15 p.m.)
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