

FOR IMMEDIATE RELEASE

Disclosure of RFK Assassination Files to be Sought from
Los Angeles Police Commission Tuesday

LOS ANGELES, July 26 -- The public release of the most important official files concerning the 1968 assassination of Senator Robert Kennedy will be sought at a meeting of the Los Angeles Police Commission Tuesday afternoon. These files total over 50,000 pages, and contain at least 1700 photographs, reports, interviews, and other materials.

Only a small fraction of the Los Angeles Police files in the assassination have ever been publicly available, in contrast to massive disclosure in the case of similar national tragedies, such as the assassinations of President John Kennedy and Dr. Martin Luther King, Jr.

The FBI has stated in a recent Freedom of Information Act action that release of investigative material from the RFK case "will benefit the general public." Likewise, the RFK Collection archivist at the John F. Kennedy Library in Boston, Dr. Henry Gwiazda, has noted in a letter to the Commission that the police files in this case "would have significant research value," and should be amenable to general archival standards and practices.

The Police Commission hearing on the matter is in response to requests for data on the case made in recent years by scholars and private citizens from around the country. It follows a brief appearance before the Commission in June by Dr. Philip Melanson, Professor of Political Science at Southeastern Massachusetts University, an expert on political violence, and a director of the Robert F. Kennedy Assassination Archive at his institution.

Other parties who have submitted informational requests to the Commission include Professor Gerald McKnight of Hood College in Maryland;

(more)

Professor Lauriston R. King of Texas A and M; Gregory Stone, a political scientist and former aide of the late congressman Allard K. Lowenstein; and Robert J. Joling, past president of the American Academy of Forensic Sciences. Paul Schrade, a friend and campaign coordinator for Senator Kennedy, has indicated his support of responsible disclosure efforts.

In response to scholarly and other requests, substantial declassification of the RFK files of the Los Angeles District Attorney's office has taken place, and exhibits from the 1969 murder trial of Sirhan Sirhan have been made available at the Federal Archives and Records Center at Laguna Niguel, California. The FBI recently has begun the declassification of 28,000 pages of material on the case, with a waiver of normal Freedom of Information Act fees on the grounds of public interest.

Current petitioners agree that certain materials in the investigative files, such as autopsy photographs, sensitive personal information, or the names of confidential informants, should be appropriately restricted. They contend, however, that very significant data can be released with relative ease through normal and orderly archival procedures.

Several of the recent petitioners, including Dr. Melanson, will appear at the Police Commission meeting, to be held at 2:30 on Tuesday at Parker Center. Scholars and researchers have emphasized the value of these records to historical and evidentiary understanding and their importance in efforts to prevent the recurrence of tragedies such as the death of Senator Kennedy.

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Among the persons who have requested to speak before the Commission are:

Philip H. Melanson, Professor of Political Science and Director, Robert F. Kennedy Assassination Archive, Southeastern Massachusetts University.

Gregory Stone, Political Scientist, researcher with past correspondence to the Commission.

Richard Weiss, Professor of History, U.C.L.A.

Morris Polan, University Librarian, Cal. St. U., L.A.

David Mendelsohn, Radio and TV producer.

Lawrence Teeter, Attorney and requestor to Commission.

Carol Moss, Attorney

Paul Schrade, Chair, Worker's Rights Committee, A.C.L.U.

Summary Disclosure versus Adequate Disclosure

Summarizations of original documents provide only a limited, subjective interpretation of material and are therefore insufficient. In similar historical cases, such as the assassination of President Kennedy, approximately 90% or more of original, primary data has been released by local, state and federal agencies. Over the past seventeen years approximately 2% or less of the original source material contained in the Los Angeles Police Department files has been released.

In its releases of documents to date on the Robert F. Kennedy case, the Federal Bureau of Investigation has withheld or deleted approximately five to ten percent of the substance of the files requested, in order to protect rights to privacy, confidentiality of sources, and national security where applicable. They did this in the mid-1970s, pursuant to standard governmental disclosure practices. They have recently agreed to process and release the remaining 28,000 pages of primary material, following the same procedures.

Based upon the past record of the FBI releases, the releases of the Los Angeles District Attorney's Office, and the processing of the Sirhan trial exhibits by the Federal Archives at Laguna Niguel, California, the volume of privacy/confidentiality deletions in a reasonable processing of the LAPD files on the Robert Kennedy case might be estimated in the range of approximately ten percent of the material. In the light of this background, a limitation of LAPD public disclosure in this case to summary materials or reports is clearly unnecessary, and would result in inadequate disclosure.

Disclosure Not in Conflict with Confidentiality/Privacy Protection

Adequate public disclosure and the protection of privacy and confidentiality are not mutually exclusive alternatives in an either/or policy decision on this matter. With respect to police materials on the Robert F. Kennedy assassination, both goals can be served simultaneously.

In the course of standard procedure over the past two decades, hundreds of thousands of pages of federal, state and local documents dealing with political assassinations have been released. This has been done via legally valid processes which uphold statutes regarding privacy and confidentiality, as well as public disclosure laws and appropriate policy concerns. (See letter of Mr. Henry Gwiazda of the John F. Kennedy Library to the Los Angeles Police Commission, describing how trained archivists process such materials as a matter of standard practice.)

What is requested of the Police Commission by responsible scholars, journalists, and citizens is not an indiscriminate or total release of files, but rather an orderly process of disclosure which protects privacy and confidentiality under guidelines similar to those used by various agencies including the Los Angeles District Attorney's Office, in instances involving this and other cases. This process should be supervised or substantially assisted by impartial experts in archival or historical matters.

The Federal Bureau of Investigation is currently processing 28,000 pages of documents on this case. Based on the Bureau's past releases, it should be expected that no more than approximately ten percent of the documents will be withheld by the Bureau while fully complying with applicable federal statutes and reasonable confidentiality/privacy safeguards.

Brief Chronology: Los Angeles Police Disclosure Policy
and the Robert F. Kennedy Assassination

- June 5, 1968 - Robert F. Kennedy is shot in the pantry of the Ambassador Hotel in Los Angeles; dies the following day.
- April 17, 1969-- Sirhan Sirhan is convicted of first degree murder in the assassination; he receives the death sentence the following week.
- May 16, 1969 - Los Angeles Chief of Detectives Robert Houghton notifies trial judge Herbert V. Walker during a conference in chambers that "the posture of the Los Angeles Police Department is that we think that nothing in this case should be withheld from the public."
- May 28, 1969 - A joint press conference on the assassination investigation is held by Los Angeles District Attorney Evelle Younger and Acting Chief of Police Roger Murdock. Younger announces that "(m)y purpose in causing the work product obtained in the preparation of this case to become a matter of public record is to facilitate full disclosure as to all questions which may be the subject of legitimate public concern... The Los Angeles Police Department has agreed without reservation that the interests of the public and law enforcement are best served by full disclosure of the results of the comprehensive investigation which they have conducted."
- June 8, 1969 - District Attorney Younger states in a television interview: "We did everything humanly possible to let the whole world know that no stone was left unturned in this investigation... There is tons of information over at the LAPD that's going to be made available."
- 1970 - Special Unit Senator, a book on the assassination by Los Angeles Chief of Detectives Houghton is published. "The material herein," writes the author, "was drawn from the files of the Los Angeles Police Department, and particularly from the exhaustive work of Special Unit Senator,

a unique task force created for the investigation." Drawing liberally from confidential official sources, the book contains controversial and undocumented factual assertions and sensitive commentary, such as negative lie-detector reports, about named or known individuals.

- 1971 - Robert Blair Kaiser's "RFK Must Die!" is published; challenges fundamental official conclusions concerning Sirhan's background, associations and motives. Significant public disclosure of police materials has not taken place.
- 1973-1974 - In private meetings with the Los Angeles Chief of Police and others, former congressman Allard K. Lowenstein and Paul Schrade, a shooting victim and RFK campaign coordinator, attempt unsuccessfully to obtain factual responses to central unresolved problems surrounding the case. Lowenstein submits a three-page list of questions to police, which goes unanswered.
- 1975 - Major public concern arises in Los Angeles and around the country about unanswered questions in the assassination. Sirhan Sirhan files for a new trial based on newly-developed crime scene questions; The American Academy of Forensic Sciences and its president, Robert J. Joling, call for re-evaluation of certain physical evidence issues. Superior Court proceedings and limited retesting are initiated.
- July, 1975 - Police decline to provide subpoenaed material from case records in a Los Angeles civil proceeding concerning a suspect in the assassination.
- July-August, 1975 - Lowenstein's list of questions is resubmitted to the Los Angeles Police Commission; the Commission considers requests for substantial disclosure filed by Lowenstein, Schrade and CBS. The Commission Chairman pledges that "because of the national importance of the investigation concerning the death of Senator Kennedy, we believe that the public should have full and free access to all information gathered during the department's investigation so long as the rights of privacy of individuals involved are protected and the ability of the department to effectively enforce the law is not seriously impaired... This is not mere rhetoric but truly represents the view of the commission."

- August 21, 1975 - The Los Angeles Police announce that crucial crime-scene ceiling panels and door frames, booked into evidence following the assassination, had been "routinely" destroyed. Substantive records concerning the examination of these items are also reported destroyed. This evidence was central to fundamental issues about the number and flight paths of bullets fired at the crime scene.
- September, 1975 - A list of 14 factual questions concerning the case is submitted by CBS, pursuant to the designated Police Commission disclosure procedures. These and the prior Lowenstein questions remain unanswered.
- November, 1975 - The Los Angeles District Attorney's Office blocks courtroom testimony of two Los Angeles police officers concerning crime scene examination evidence regarding the number of bullets fired in the shooting. Eyewitness affidavits on the same matter are submitted by former Los Angeles prosecutor Vincent Bugliosi. The Superior Court forum for considering these and related questions is extinguished, on procedural grounds, through official efforts.
- 1975-1976 - Hundreds of pages of FBI documents on the assassination begin to become available pursuant to the Freedom of Information Act.
- 1977 - The former special counsel to the District Attorney's Office in 1975 tells the Los Angeles County Board of Supervisors that he and another investigator had not been allowed to depose the two police officers referred to above. The Supervisors request and receive from Lowenstein supplementary questions about the assassination, centering on crime scene issues.
- 1978 - The Assassination of Robert F. Kennedy, by William Turner and John Christian is published; challenges official conclusions concerning Sirhan's background and crime scene events.
- 1983 - Renewed written inquiries are directed to the Police Commission, pursuant to their formally designated 1975 disclosure policy. After eight months a spokesman asserts "the Superior Court has ordered that the Department's files on that

investigation remain confidential." (sic) Subsequently it is announced that "due to the length of time since the Board last considered the release of this information, commission staff and the Los Angeles City Attorney are currently reconsidering and evaluating previous positions."

1984 - The Police Commission Secretary declines to provide a requested assurance that a policy exists against further destruction of official police evidence in the assassination.

1985 - Efforts continue to win public access to important categories of police material concerning the assassination and its investigation.

* * *

The Los Angeles Police Department currently holds the vast preponderance of city investigative records on the assassination. Probably less than one percent of this material has ever been accessible to the public.

Examples of Non-Sensitive Materials Concerning the Assassination
Which Are Currently Withheld from Public Access by the Los Angeles
Police Department

1. The physical dimensions of the room and fixtures at the location of the assassination, and of adjacent rooms.
2. A prosecution chart showing the estimated locations of crime scene eyewitnesses at the time of the shooting.
3. The file guide to the police investigatory record of the assassination and the index to the official ten-volume report on the case.
4. The return on the June 5, 1968 search warrant on Sirhan Sirhan's car.
5. Interview information concerning the crime collected from hotel employees and guests and Kennedy campaign workers.
6. 1700 photographs concerning the case assembled by the police and promised to be made partially accessible in 1975.
7. The charts and supporting information compiled by police concerning Sirhan Sirhan's movements in the weeks prior to the shooting.
8. The property reports for the 155 items of booked evidence in the case, along with chain of possession records.
9. The transcript of Sirhan Sirhan's original taped interview with police on the morning of the assassination.
10. Documentation concerning the crime scene reconstructions which occurred in June and November of 1968, and the official crime scene re-examination of December 18, 1975.
11. Documentary material collected and referenced during the 1971 Police Board of Inquiry examination relating to physical evidence practices during the assassination investigation.
12. Records concerning the official re-questioning and crime scene re-enactment of an eyewitness to the shooting in 1977.
13. Summary, descriptive and analytical information concerning crime-scene photographs taken by police.

14. Information concerning Sirhan Sirhan's attitudes, opinions and mental state during the three years prior to the shooting.
15. Personnel involved in crime scene examinations and records of official deliberations and conclusions on crime-scene issues during the eight weeks following the shooting.
16. Information on hotel security arrangements and guard locations and activities on the night of the shooting.
17. Interviews and observations from the 75 eyewitnesses listed by police as having been present in the Ambassador Hotel pantry when the shooting occurred.
18. Official diagrams or records giving locations of all suspected bullet holes at the scene of the shooting.
19. Police radio logs or transcripts for the first twenty-four hours after the assassination.
20. Investigative material concerning witnesses and suspects in the assassination who are no longer living.
21. Video and audio material from the evening and morning of the shooting which was obtained by the police department from news organizations and private individuals.
22. Official reports from the crime scene investigation at the Ambassador Hotel which occurred immediately following the crime.
23. The records of a fingerprint check performed on the truck of a suspect alleged to have been associated with Sirhan shortly prior to the shooting.
24. Police records concerning all guns present or drawn in the vicinity of the shooting at the time it occurred.
25. Identification of the keys found in Sirhan's pocket and car after the assassination.

Background to Disclosure Questions

For the seventeen years since the assassination of Senator Robert F. Kennedy, the most important and comprehensive investigative files on that event, those of the Los Angeles Police Department, have been almost wholly closed to scholars, journalists, government officials and members of the general public. Not only have the files themselves been closed, but the more general information contained within them has usually been unavailable when sought. The July 30, 1985 meeting of the Los Angeles Board of Police Commissioners will address the question of future policies for release of information and materials from the police investigative record, and the terms of such release.

The release of information concerning the Robert Kennedy case is important because of the general needs for historical understanding of a watershed public event, because of the controversial questions of evidence and proof which continue to surround the case, because of issues of candidate security and law enforcement procedures and effectiveness in responding to political violence, and because of the principle of public agency responsiveness and accountability concerning citizen access to important, non-sensitive information. The police records of the case comprise over 50,000 pages of documentation, over 1700 photographs, records of booked evidence, and numerous hours of audio and video tape, compiled during an inter-agency investigation which lasted over 13 months. This investigation was reportedly the most extensive in the history of Los Angeles law enforcement, and the felony involved was probably the most important single crime ever to occur in California. Perhaps one percent or less of the work product of the police investigation is currently available.

Consideration of this issue by the Police Commission is in proximate response to requests for police information by Dr. Philip Melanson, professor of political science at Southeastern Massachusetts University, a scholar in the field of political violence and intelligence, and a director of his school's newly established Robert F. Kennedy Assassination Archive. Professor Melanson appeared briefly before the Police Commission during a recent research trip to Los Angeles and had corresponded with the Commission previously concerning its documentary information policies on the case. In past years, other scholars, journalists or private citizens have also contacted the Commission, seeking release of information concerning the assassination under a formal disclosure policy announced in 1975 following requests from CBS and others. To date, no known substantive material has become available on these requests, many of which dealt with rudimentary background concerning the primary facts of the case.

The lack of police data concerning the RFK assassination contrasts sharply with the voluminous disclosure which has occurred in comparable historical or assassination investigations, as well as with the past or present declassification of other bodies of material connected with this case. Less than a year after the assassination of President Kennedy, the Warren Commission published twenty-six volumes of detailed documentation concerning that event,

along with an interpretive summary report of 900 pages. Since 1964, hundreds of thousands of additional pages of police and other JFK material have been released, many in response to citizen requests under the federal Freedom of Information Act. Legislation currently pending before Congress would mandate the release of thousands of additional pages of JFK documentation from the 1977 House Select Committee on Assassinations - a committee whose charter did not, however, enable it to investigate the Senator Kennedy case.

Extensive files and records have also been released or published in the Martin Luther King case and in such other investigations as the Lindberg kidnapping, the Rosenberg spy case, the Alger Hiss case, the Senate Select Committee on Intelligence inquiries, the Rockefeller Commission investigation of the CIA, etc. There is no basic generic difference in the kinds of materials contained in these files and the law enforcement investigative records in the Senator Kennedy case. Several of the above materials are on file for routine examination by the general public at the FOIA-Privacy Act Reading Room at FBI Headquarters in Washington.

Apart from the critical records of the Police Department, most of the other major official holdings on the RFK case have been or are being made available to the general public at the present time. The transcript of Sirhan Sirhan's trial and other ancillary legal records have been publicly accessible for years. Substantial documentation from the files of the District Attorney's office is now open for review, and a filing guide to these items has been compiled and released. Nearly all of the official exhibits of the Sirhan trial are publicly available at the Federal Archives Center at Laguna Niguel, California, and an index of these materials is available. However, the Filing Guide to police data and the index to the ten-volume police report on the case are unavailable. The content and organization of police files and the identity of the specific categories of information which they contain are also not currently known.

In the mid-1970s, the Federal Bureau of Investigation released nearly 4,000 pages of its headquarters files on the case, pursuant to a Freedom of Information Act inquiry, and the FBI has recently embarked on the declassification of the additional 28,000 pages of its record, in response to a subsequent request. These materials will be duplicated and shipped to the requesters by the FBI, which has granted a waiver of fees on the grounds that "this information will meaningfully contribute to the public's understanding of the RFK assassination" and "will benefit the general public."

In 1969, the director of the LAPD investigation of the assassination and a collaborator authored a commercially-published book on the case "drawn from the files of the Los Angeles Police Department," and written "for the sole purpose of acquainting the American public with the facts of the investigation." Both this book, which supports official conclusions, and two major subsequent volumes - which forcefully challenge them - present important claims which are impossible adequately to evaluate on the information currently in the public domain.

Most of the evidentiary questions in dispute concerning the assassination relate to matters never raised or contested at Sirhan Sirhan's trial, which emphasized neither the possibility of conspiracy nor the detailed events at the crime-scene, but only Sirhan's state of mind as it related to

California's criminal law of "diminished capacity." Since the time of the trial, controversy has repeatedly emerged concerning both the events which occurred during the shooting - including the number of guns which were fired - and various questions about Sirhan's background, associates and movements, and hypnosis and conspiracy possibilities. No consensus exists concerning these persisting basic questions; much of the information critical to judgement on them is available only in the files whose release is currently being sought.

Along with questions of disclosure, the July 30 meeting may also take up the matter of preservation of the police documentation and evidence on the assassination. During the public inquiries on these matters in the mid-1970s, it was learned that controversial items of physical evidence booked by police from the shooting scene no longer existed, and that records of their examination and of specific official conclusions concerning them had likewise been destroyed. Other items of evidence or information also turned up missing, and it was explained that ceiling panels and door frames which reportedly contained bullet holes from the crime scene were destroyed because they were "too large to fit in a filing cabinet." Assurance has recently been sought that all official material existing in the case be securely preserved.

With respect to some categories of police materials, questions of sensitive or confidential information naturally arise, as with material from other agencies. These may demand special procedures or standards for screening information access, or other informational safeguards such as are routinely applied in similar cases. For broad categories of information, however, such as photographs of the crime scene, Sirhan Sirhan's movements, eyewitness interviews, property reports, etc., few if any issues of sensitive or non-disclosable information exist. The police files contain voluminous material of this kind, which exists nowhere else and is indispensable for even primitive understanding of many basic evidence matters.

Assurances have been given over the years that the police, as other, investigative records on the Senator Kennedy assassination would be substantially available to the public. The rationale for those assurances, as for the investigation itself and the pending information requests, was that the fullest possible understanding of this assassination is critical in order to avoid the recurrence of such national tragedies in the future.