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MEMORANDUM

TO: JOSEPH P. BUSCH, JR.
District Attorney

FROM: RICHARD W. HECHT, Head
Organized Crime and Pornography Division

SUBJECT: CONCLUSIONS REACHED TO DATE RE SIRHAN
EXHIBIT INVESTIGATION

DATE: JULY 29, 1971

Black Particles
scattered bullet

I am sending to you, in another envelope, a letter which I have drafted pursuant to your instructions presumably for ultimate transmittal to Bill Sharp which sets forth, in general form, our reasons for seeking a Grand Jury hearing in this matter.

In order to present as forceful a presentation as possible, it would not be in our best interests to set forth all of the facts and conclusions we have reached in connection with our investigation. Therefore, I have taken the liberty in making the letter to Sharp as general as possible.

For your own information, the broad facts and conclusions that have been reached by our investigators and polygraph operator can be summed up as follows:

1. The order issued by Judge Walker in connection with the sealing of the original exhibits in the Sirhan Sirhan case was violated. To date, the extent of the violation focuses upon the activities of the Criminalist William Harper who was given unlimited access to the original exhibits in the case, and, in particular, the ballistics evidence on at least nine separate occasions. During a number of the occasions wherein Mr. Harper was given access to the original ballistics evidence, he was accompanied by one or more persons who apparently participated with him in the handling and inspection of such exhibits. The Clerk's Office will apparently take the position that Mr. Harper was given access to these exhibits after he obtained a letter from one of Sirhan's attorneys, Mr. George Shibley, who is associated with Luke McKissack as co-counsel on the Sirhan case. Mr. Shibley's letter to the County Clerk's Office purports to "authorize and request that you permit our representative and expert witness, William W. Harper, to see, examine and inspect . . . each and every exhibit . . ." Mr.

Harper has told us that he was not employed by Shibley's office and sought to view the evidence with their permission in connection with his own interest in the Sirhan case and in the ballistics evidence introduced therein.

- 2. The violation of the court order has resulted in the integrity of the evidence presently possessed by the Clerk of the California Supreme Court to be subject to serious question, particularly in view of the fact that no responsible method of closely supervising the handling of the exhibits by those persons who participated with Mr. Harper in the examination of the evidence was maintained.
- 3. According to the practice of the Clerk's Office, when persons wish to inspect exhibits which are in the custody of the County Clerk's Office, they are required to fill out Exhibit Viewing Slips. An examination of the Exhibit Viewing Slips used to obtain the exhibits and copies thereof in the Sirhan Sirhan case disclose that such records are, to some extent, incomplete. Examples of sloppy record keeping include the failure to enter a viewing date, the failure to enter the numbers of the exhibit actually inspected by the viewer and the failure to record the name of the exhibit clerk involved in the inspection transaction.
- 4. In at least one instance, a shell casing retained as part of the Sirhan case evidence was dropped by an exhibit custodian clerk. On at least one occasion, the weapon identified as Sirhan's gun was misplaced within the Clerk's Office.
- 5. Our Polygraph operator has examined a number of the Clerk's office personnel and his interpretation of the polygraph record obtained from such persons has led him to conclude:
 - A. That improper and unlawful activities have been occurring in the Clerk's Office, such as the altering, switching and stealing of court exhibits.
 - B. That there was at least one County employee of the Clerk's Office who was paid to alter or steal court exhibits.
 - C. That one or more Black Panthers and/or persons friendly to the Panther ideology was working in the Clerk's Office.
 - D. That conversations have occurred between and among members of the Clerk's Office concerning the defendant Elmer Pratt who is a Black Panther presently on trial in the "L. A. 18 Black Panther Headquarters" case and who also has been indicted for murder in connection with the killing of a young

woman on a tennis court in Santa Monica where such conversations related to the fact that Mr. Pratt would beat the murder charge if the police ballistics expert "could be put down" in the Sirhan case.

- E. That a Black Panther working in the Clerk's Office had assisted another person in switching bullets which were part of the Sirhan evidence.
- F. That a Black Panther still has a friend in the Clerk's Office involved in altering and/or changing the Sirhan exhibits.
- G. That monies had changed hands in connection with the viewing and photographing of the Sirhan bullets by Criminalist William Harper.
- H. That information concerning the handling of both the Sirhan bullets and Sirhan's revolver were being withheld from the District Attorney's Office.
- I. That persons from the County Clerk's Office were being advised with respect to methods that could be attempted or used in an effort to beat the polygraph test prior to such persons being called for by our polygraph operator in connection with the polygraph examinations.
- J. That persons from the County Clerk's Office, prior to taking the polygraph examination, were advised to withhold information concerning the handling of the Sirhan exhibits by members of the Clerk's Office.
- K. That a number of County Clerks interviewed by Deputy District Attorney Dick Hecht had deliberately lied to him concerning some answers given by them in response to questions asked by Hecht.

vw

c.c. John E. Howard, Chief Deputy District Attorney ✓
 Gordon Jacobson, Assistant District Attorney



Date _____

from the desk of ...

DEPUTY CHIEF JOHN A. MC ALLISTER _____

Mac-

This doesn't
appear to require
any action, but
I think we
should monitor.

I think Wolfer
and the investigator
who handled
should get mems

SIRHAN

~~HYCON BALLISCAO CAMERA~~

~~HY CON CAMERA~~

GASSETT PANASCOPIC CAMERA.

LARRY BAGGETT PANASCOPIC CAMERA
REPORT

PHOTOS BY TED CHARACH & ENLARGED
20 X. OCT/NOV. 1973

1. WM HARPER PASA. CRIMINAL
2. PROF. HERB. LEON McDONELL OF
CORNING COMM. COLLEGE & ELMIRA
COLLEGE, N.Y. DIR. FORENSIC SCI.

IVER JOHNSON, 22 CADET # H53725
DMARK - C.C. 1

WEISER BULLET CONSISTENT W DMARK
KENNEDY " MFG BY FED CART.
CO. OR SOME OTHER

HYCON BALLISANIC CAMERA.

DIFF. OF $\frac{1}{2}$ DEGREE IN RIFLING ANGLES.
KENNEDY BULLET FIRED FROM BARREL
WITH SHARPER RIFLING THAN WEISZEL

CONCLUSION

1. KENNEDY & WEISZEL BULLETS
NOT FIRED FROM SAME GUN.
2. KENNEDY BULLET NOT FIRED
FROM SIRHAN'S REVOLVER.

SID TRAPP VAN NOYS D.A.
FOR HYCON INFO,
DEPT 53 974-5674 V.N. 873-5674
AVOID PHIL ROBERTSON OF HYCON.

CORONER HAS HYCON BALLISANIC CAMERA
CO. # 309260 COST \$3500
ACTRON INDUSTRIES INC,
SUBSID. OF MCDONNELL-DOUGLAS
700 ROYAL OAKS DR., MONROVIA
359-8216

1. INT. PATCHETT RE: EXPERT OPINIONS
OTHER THAN WOLFER'S ON BALLISCAN

2. TALK TO SID ABOUT
PROFESSOR.

3. DEB. D.A. DINKO BOZANICH

SUPERVISORY HAYES PROPOSAL FOR A CO. SPEC. INV. UNIT

BOARD OF SUPERV.

SPEC. INVEST. UNIT
DIRECTOR B. WARDIS BRO-11-40

CLERICAL STAFF WIFE

AUDIT
TEAM

INVESTIGATIVE
TEAM H. BONNER

PROJECT
EVAL.
TEAM.

Attention is directed in particular to lines 21 to 23 incl. which ~~is~~ underlined.

an

Now the QUESTION is: Since the bullets involved are 47 and 54, the same bullets I used in making measurements of rifling angles, how does it happen that "preliminary rifling angle measurements" could have been made by the Panel to learn that such measurements did not disclose any significant differences in the rifling angles between 47 and 54 and yet they are the same impact damaged bullets that I had used? They have indicated that my measurements may well have been in error because of the impact damage, yet they seem to attach definite significance to their measurements on the same bullets. How come?????

We should ask about these measurements which they made. What procedure was used? What instrument was used? How many measurements were made? Did they take into account that the damaged bullets might have affected their determination? How did they do that? What were the actual values of the angular measurements they made? And, just who made the measurements? (I have heard rumors that Berg told CBS in NY that he had taken some portable "instrument" to the examination and he had found that my measurements were wrong.) If he in fact did have some instrument with him for rifling angle measurements then one has the feeling that data was collected - and where is this data???

Also at line 23 the report says that the "results are not definitive etc." Well why didn't they do enough work on the subject to make it definitive?

Other matters should also be discussed, but will have to do that at some other time.

W.W.H
11-8-75

The findings of the firearms examiners is being improperly interpreted by the news media:

1. The examiners found that the Sirhan gun cannot be identified with the bullets from the crime scene. ✓

2. The firearms evidence does not in and of itself establish a basis for a two gun proposition; likewise, this same proposition, on a basis of other evidence, is not precluded either.

The other evidence is as follows:

A. Witness' statements that another gun was being fired on the scene;

B. Bullet pathways contradictory to a direction from which Sirhan was firing;

C. Evidence of more than eight fired bullets.

If there are these types of controversies arising outside the scope of the bullet examinations, they deserve the same kind of consideration and systematic analysis, and evaluation to the point that problems are either resolved by the bullet examiners or that the subject is exhaustively treated.

The firearms examination simply closes one episode of evidence evaluation and should not constrain further efforts to resolve valid questions concerning the possibility of the firing of a second gun at the assassination scene.

L. M.

After Journal - Bureau of Police

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

*re 1973
recommenation*

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THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiffs,
vs.
SIRHAN BISHARA SIRHAN,
Defendant.

No. A 233 421
COMPREHENSIVE JOINT
REPORT OF THE
FIREARMS EXAMINERS

The examiners working independently arrived at the same conclusions as follows:

1. There is no substantive or demonstrable evidence to indicate that more than one gun was used to fire any of the bullets examined.

see comments below

2. Peoples' Exhibit 47 has two cannellures. Each of the bullets, Exhibits 47, 51, 52 and 54 is the same with respect to caliber, weight, number and position of cannellures and copper alloy coating as caliber .22, Long Rifle bullets manufactured by Cascade Cartridges, Incorporated, and to the bullets, Exhibits 55 and Grand Jury 5B. Exhibits 38, 48, 50 and 53 were not indicative of the origin of manufacture because of their physical condition resulting from impact damage and/or fragmentation.

3. It cannot be concluded that Exhibits 47, 52 and 54

Since Ex 47 was switched (wrong ID marking on bullet base - DW + N when it should be TN 31) the reporting of 2 cannellures merely describes the DW + N wrong Kennedy bullet - therefore their cannellure finding is inconclusive. Proves nothing R.M.



1 were fired from the Sirhan revolver. The reasons for this are
 2 that there are insufficient corresponding individual characteristics
 3 to make an identification. The poor reproducibility of striae
 4 left on consecutively fired test bullets may be attributed to the
 5 following factors:

- 6 a. barrel fouling;
- 7 b. copper alloy coating;
- 8 c. impact damage and distortion;
- 9 d. cylinder alignment;
- 10 e. possible loss of fine detail over intervening years.

11 4. The precise measurement of rifling angle, or pitch,
 12 is not a usual firearms identification procedure and is rarely
 13 attempted. This measurement is a difficult one at best and is
 14 usually not possible unless the bullet is in good condition. The
 15 significant difficulty is the precise determination of the axis of
 16 the bullet being measured. If the bullet is deformed, damaged or
 17 mutilated (as is frequently the case with lead bullets), the
 18 measurement of rifling angle cannot be made with the accuracy
 19 necessary to be of value. It should be noted that both Exhibit
 20 47 and 54 were damaged, ^{**} with 47 receiving the most damage.

21 Preliminary rifling angle measurements did not disclose
 22 any significant differences in rifling angles between Exhibits
 23 47 and 54. These results are not definitive based on the data
 24 presently available.

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** So why didn't the press
 get it right?*

*** re 54 damage - the Weisel bullet is
 in "near perfect condition" I quote Wm.
 Harper -*

1 5. The examiners make no recommendation for additional
2 types of testing of the physical evidence in this case.

3 Dated: October 4, 1975.

4 *Patrick V. Garland*
5 _____
6 PATRICK GARLAND

7 *Stanton O. Berg*
8 _____
9 STANTON O. BERG

10 *A. A. Biasotti*
11 _____
12 ALFRED A. BIASOTTI

13 *Lowell W. Bradford*
14 _____
15 LOWELL W. BRADFORD

16 *Cortlandt Cunningham*
17 _____
18 CORTLANDT CUNNINGHAM

19 *Charles V. Morton*
20 _____
21 CHARLES V. MORTON

22 *Ralph Turner*
23 _____
24 RALPH TURNER

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Affiant has been the author of over forty-five original research articles on analytical chemistry and criminalistics. These papers have been published in England, Canada, and the United States.

Affiant holds several honors including the 1966 LAW AND ORDER MAGAZINE Police Science Award.

Affiant has been accepted as an expert witness in the field of forensic science and has testified numerous times on physical evidence in many state and federal courts.

During October and November 1973 affiant examined photographs of the bullets removed from the late Senator Robert F. Kennedy, exhibit #47, and Mr. Weisel, exhibit #54. These photographs, provided by Mr. Ted Charach, were taken using the Hycon Balliscan Camera and were enlarged to twenty diameters.

While it is usually more desirable to examine original evidence rather than photographs of it, in this instance the photographs are quite adequate for certain examinations and evaluation. Naturally, all conclusions that follow are based upon the premise that these photographs:

- a) represent what they are purported to represent.
- b) are free from optical distortion both in recording and printing.
- c) were recorded under identical lighting conditions.
- d) are printed to identical or nearly identical contrast and density.

In consideration of the above qualifications the following observations and conclusions have been made:

1. The bullets removed from Kennedy and Weisel are of different manufacture or were manufactured by the same firm under different conditions of manufacture. The Kennedy bullet has one cannellure whose center is located between 55% to 66% from its base to nose.* The Weisel bullet has two cannellures whose centers are located

*see bottom of page four

Ex. Q pg 1

between 41% to 49% and 56% to 62% from base to nose.*

2. All eight cartridge cases removed from the Sirhan gun, Iver Johnson .22 Cadet #H53725, are reported to be of OMARK-C.C.I. manufacture. As far as affiant has been able to determine, all bullets manufactured by this firm have two cannelures. Centers of these cannelures are located approximately 37% and 50% from base to nose of the bullet. Location of these cannelures is sufficiently close to those on the Weisel bullet to conclude that the Weisel bullet could very well have been of OMARK-C.C.I. manufacture and, thus, it could have once been a part of a cartridge in the Sirhan revolver. Conversely, since the Kennedy bullet has but one cannelure it could not have been of OMARK-C.C.I. manufacture and, therefore, could not have once been a part of one of the cartridges taken from the Sirhan revolver. The Kennedy bullet was manufactured by Federal Cartridge Company or some other firm that produces a .22 bullet with but one cannelure. The cannelure on Federal bullets is located about 55% from base to nose and is in good agreement with the Kennedy bullet.
3. Detailed examination of the Hycon Balliscan Camera photomacrographs of the Kennedy and Weisel bullets reveals a difference of nearly one-half a degree in rifling angles. These angles reflect the rifling characteristics of the barrels from which they were fired. Also, there is a lack of agreement between any of the identifiable individual characteristics that appear on the two bullets. Overall sharpness of the Kennedy bullet suggests that it was fired from a barrel whose rifling was in far better condition than the one from which the Weisel bullet was fired.

*These wide ranges could be significantly reduced by making an examination of the actual evidence. In the photographs the base of each bullet appears to be mounted in modeling clay to an unknown depth, but probably not greater than 2.5mm. All ranges reported above for the location of cannelures on evidence bullets includes a correction for the additional "hidden" portion of each bullet.

ck. Q. pg 2

Considering all of the above factors and evaluating each for its collective value as well as individual limitation, and within the framework of the qualifications set forth on the Hycon Balliscan Camera photographs, it is concluded:

- 1) The bullet removed from the late Senator Robert F. Kennedy, exhibit #47, and the bullet removed from Mr. Weisel, exhibit #54, could not have been fired from the same weapon.
- 2) The bullet removed from the late Senator Robert F. Kennedy, exhibit #47, was not fired from the Iver Johnson .22 Cadet #H53725, the revolver reportedly taken from Sirhan.

Herbert Leon MacDonell

Herbert Leon MacDonell

28 November 1973

On this 28th day of November, 1973, appeared before me; Herbert Leon MacDonell, personally known to me and known by me to be the same who executed this Affidavit.

Evelyn J. Beach
Notary Public

w/seal

EVELYN J. BEACH
Notary Public, State of New York
Chemung County, No. 0A-522480
My commission expires March 30, 1974