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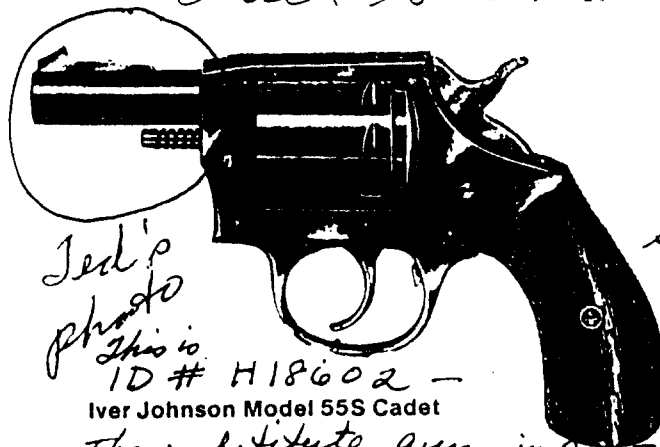
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Robert F. Kennedy / Sirhan Evidence Report

written by
Rose Lynn Mangan
with
Aidel Sirhan

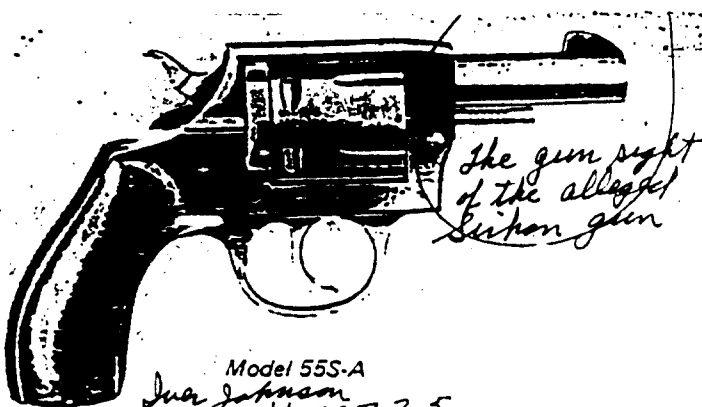


Ted's
photo

This is
ID # H18602 -
Iver Johnson Model 55S Cadet

The substitute gun in Poo. 55
(Source Ted Charach Investigative files)

see pg 78



The gun sight
of the alleged
Sirhan gun

Model 55S-A
Iver Johnson
ID # H53725

(Source California State Archives,
Sacramento, Ca. Robert F. Kennedy /
Sirhan Evidence)

- see pg 44 -



The gun
sight de-
scribed by
LACGS wit-
ness Henry
Adrian Carreon

Iver Johnson Model 55S-A

(Source Los Angeles Co. Grand Jury 6-7-
testimony of gun range witness Henry
Adrian Carreon)

- see LACGS transcript
Pg 195 -

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10-22-96

Robert F. Kennedy/Sirhan Evidence Report

Written by

Rose Lynn Mangan with Adel Sirhan (as consultant)

Copyright Applied For

Dedicated to
William W. Harper, a highly respected criminalist, and my friend -
and my great respect for Ted Charach, whose cuptzah is boundless.

Introduction

Mr. Sirhan Bishara Sirhan appointed his brother Adel Sirhan and me to research the evidence in his case (Please see Special Exhibit # 1, *Introduction Exhibit, pg 1*)

In addition to examining hundreds of official records, I engaged the services of qualified experts in firearms investigation to accompany me on three separate visits to the California State Archives, herein after referred to as CSA, for the purpose of examining the spent bullets in evidence and, of equal importance, the evidence records.

Permission to conduct these studies was granted by Chief of Archives John Burns and/or his appointees.

And to ensure preservation of the record, I photographed the present condition of the firearm's evidence.

All exhibits submitted by me will read:

(Please see Special Exhibit # *Chapter ...*)

I

Missing (gun) Serial Number

1. The official Los Angeles County Grand Jury transcript dated 6-7-68 records the revolver taken in evidence as "Exhibit #7". There is no record of the revolver's serial number in the entire 273 page L.A.C.G.J. transcript. (Please see Special Exhibit # *Chapter I, a, b*)
2. In addition to the absence in the public record of the revolver's serial number, there is no Grand Jury Evidence tag among the Sirhan evidence exhibits.
 - a. Deputy D.A. Sidney D. Trapp, Jr.'s memorandum to Chief Deputy D.A. John Howard: Subject: Description of Sirhan Case Exhibits Date: June 7, 1971 reports the following:

"Exhibit 6" (Sirhan case gun) (*trial exhibit #6*)

(*Grand Jury #7*)

(*Item #11*) LAPD Property Reports

2

"Iver-Johnson .22 caliber revolver, serial number H53725. This was contained within one large manila envelope which bore the inscription on the outside 'Number 6 and 7'. It is presumed that since the transcript indicates that the gun was numbered '6', that this is its present number. No exhibit 7 appeared within the envelope." (Please see Special Exhibit *Chapter I, c, d, e*).

- b. The gun now in evidence at the California State Archives at Sacramento does not have a Grand Jury Evidence tag. The only evidence tag attached to the Iver-Johnson revolver #H53725 is the trial Exhibit #6 tag. (Please see my photo - Special Exhibit # *Chapter I, f*)
- c. Gun #H53725 is fitted into a large specially-made box with a white fabric-like lining. There is no evidence envelope included with the gun People's Exhibit #6 at CSA. (Please see photo - Special Exhibit # *Chapter I, f*)

II

Suppression of Torn Gun Label

At 10:30 a.m. on the morning of 6-5-68, a team of top-ranking law enforcement officials - including the FBI - began conducting a thorough search of the Sirhan family residence, grounds and garage.

These investigators had complete control of the entire premises due to the fact that the Sirhan family was removed from their home on the 5th of June and lodged in an apartment where they remained for over a week. *

The following day, on June 6th at about noon, a lower ranking Pasadena Police Officer, Thomas R. Young 8520, reported finding the following:

"(1) White business envelope sent from 'Argonaut Insurance Company, 443 Shatto Place, Los Angeles, mailed on 10-23-67 from Los Angeles. Has writing on back in pencil 'R.R. must be disposed of DDD disposed disposed of disposed disposed of properly Robert Fitzgerald Kennedy must soon die die die die die die die die die'. (2) Torn label 'Johnson Cadet S-A .22 cal., 2 1/2" BBL 8 shots Ser. #H53725. (3) Two pieces of small notebook paper with Arabic lettering & name of Sirhan Sirhan, these items were found by Ofc. T. R. Young, 8520, Pasa. P.D. at rear of 696 E. Howard St., Pasa. on 6-6-68, 12:00N." (Please see Special Exhibit # *Chapter II*)

This is nothing short of amazing in light of the fact that these items were in open and plain sight lying on the trash box located next to the garage the day before, on June 5th.

* Sirhan learned of his family's removal from their home from me. He was unaware of this. Both his mother Mary Sirhan and his brother Adel Sirhan assured him this was true. He wanted to ² know why his entire family was ordered out of their home - and who took it over - for what purpose ??

3

To accept the idea that a lower ranking police officer would find the above evidence a day after a team of specially trained investigators - including the FBI who thoroughly combed the area, is simply unrealistic.

I would therefore want to scrutinize all available official records, re: the torn gun label, and this is what I found. ✱

III

Officer Young's Evidence Packet

The contents (listed above) in Officer Young's evidence packet were separated during Young's testimony in the Sirhan trial.

The Argonaut Insurance envelope with its damaging writings was removed from Young's evidence packet and marked as a separate exhibit - People's Exhibit 75.

The items remaining in the Young evidence packet were marked as a separate exhibit - 75-A for Identification.

But nowhere in the entire Sirhan Trial Transcript is there any record of the contents of 75-A!! At no time before, during or after the Sirhan trial was any of the contents of 75-A made public. The contents of 75-A were placed in a sealed cellophane jacket. Simply stated - 75-A was suppressed from the jury and the public. Why?

It was only by chance that I accidentally discovered 75-A's contents. This came about some 25 years later while I was examining the official L.A.P.D. Property Reports (which I must point out were sealed for almost 20 years).

Since People Exhibit 75 was the Argonaut Insurance envelope listed as "(1)" in Officer Young's Report, the "(2)" - the torn gun label - must be the long-hidden 75-A.

I therefore went to the California State Archives to examine the contents of 75-A. And there it was - exactly as I knew it must be. (Please see Special Exhibit # *Chapter III, a*)

This now raised a major problem - For, it will be remembered, the gun received by the L.A.C.G.J. on 6-7-68 was marked evidence #7. There is no record of the gun's serial number - and there is no Grand Jury Evidence tag (Evidence #7). *Additionally, NO Evidence envelope exists today for the alleged Sirhan gun H53725*

In trying to make some logic of this, I closely examined Officer Young's trial testimony and found this extraordinary disinformation on page 4335:

** The torn gun label was not on the premises on 6-5-68 when the FBI made their examination. However, on 6-6-68 Pasadena police officer Thomas Young finds it - then it is hidden from the Trial jury ³ and the public. That is the reason I doggedly searched its hiding place - 75-A. Remove the family from their home and plant the torn gun label (H53725) then hide it -*

4 T
"Mr. Cooper: Your Honor please -- pardon me. I better talk to counsel first.
(Private discussion between counsel)

Mr. Cooper: Your Honor, having discussed the matter with counsel, there is a stipulation with respect to defendants' stipulated testimony in regard to this and it also applies to that which was found by Officer Young and that is agreeable, is it not?

Mr. Howard: Agreeable

The Court: Call your next witness." (Please see Special Exhibit # *Chapter III, b, 1*)

I carefully researched Sirhan's trial testimony and find there is no reference to the alleged stipulation cited by defense attorney Grant Cooper above.

Note Property Receipt illustrates torn gun label suppression was fully calculated as seen by its being crossed out, (Spec. Ex. #1 Ch. III c)
IV

Substitution of Gun Envelope

On September 18, 1975, Superior Court Judge Robert A. Wenke granted an Order For Retesting of Exhibits in the RFK/Sirhan case by seven examiners. (Please see Special Exhibit # *Chapter IV, a*) However, five days later Judge Wenke signed Court Order #II (9-23-75)

The examination of 20 exhibits was listed in Court Order #I. This number was reduced five days later in Court Order #II to 11 exhibits. (Please see Special Exhibit # *Chapter IV, b - 3 pages*)

One of the seven examiners, Patrick V. Garland, was appointed to serve as the Court Administrator.

Acting in the capacity of Court Administrator, Mr. Garland alone examined the evidence bullets for ID markings. He then placed a new identity on each bullet, e.g., each bullet was marked PID# ... (Panel ID number ...). (Please see Lowell Bradford letter, Special Exhibit # *Chapter IV, c*)

Garland's Inventory of the Evidence as recorded in Court Order #II -- specifically People's Exhibit 6 (the gun) is as follows:

*

"Tagged Envelope: Case #A 233 421
Envelope Marked: Evidence
Date: 6-5-68 Div: H.D. DR#68-521 466
Name: Doe, John Booking #495 139
Location: Rampart Charge: 217 P.C.
Officer: Calkins 7237 Div: H.D.
1 - Revolver Cal. 22

* The gun @ the California State Archive H53725 has only one tag - no evidence & envelope exists for this gun @ CSA. The one tag is Trial Exhibit 6. I asked CSA archivist for the gun's evidence envelope & was told none exists - only the trial tag attached by a string. (see p. 44) →

Contents:

Revolver, Iver-Johnson 'Cadet', caliber .22 LR
eight shot, blued steel, serial number: H53725,
top strap marked: Iver-Johnson Cadet Mod. 55-SA
Pat. Pend.

I.J.A. & C. Wks.

Fitchburg, Mass. U.S.A." (Please see Special Exhibit # *above cited Chapter IV a*)

It is important to compare the "Evidence Envelope" inventoried by Garland in 1975 Court Order #II with Deputy D.A. Sidney Trapp's 1971 Memorandum. (*p. 41*)

Where did the 1975 Evidence Envelope for People's Exhibit 6 (the gun) come from? It was missing in 1971 - and it is not among the People's Exhibit 6 evidence exhibits now located in the CSA.

My interest in the evidence exhibits in this case stemmed from the absence of a chain of custody. (*Please see Special Exhibit # Chapter IV d*)

Sirhan's defense counsel stipulated to the evidence, and failed to hire either a criminalist or a handwriting expert !

V

The Sirhan Gun Sight

L.A.C.G. J. witness Henry Adrian Carreon testified about a conversation he and his friend David Montellano had with Sirhan while at the San Gabriel Valley Gun Club in Duarte, CA on June 4, 1968.

On page 195, lines 8-18 of the L.A.C.G. J. transcript, Mr. Carreon testified to the following:

"A: I'm not definitely sure who asked the question, but there was some -- they weren't in agreement as to -- to get better accuracy.

"I think the individual asked David, 'How do you hold your gun to get better accuracy because this gun doesn't have a sight on it? Do you hold it whereby the front part is definitely, you know, straight ahead with it or do you hold it up or--?'"

"It didn't have a sight where David's did. He was asking how to hold it for better accuracy." (*Please see Special Exhibit # Chapter IV, a*)


The subject of the Sirhan gun sight was never raised during either Mr. Carreon's or Mr. Montellano's testimony at the Sirhan trial. However, while testifying at his trial Sirhan stated:

The Garland Inventory in Court Order II re Sirhan gun Evidence envelope is patently inauthentic - manufactured for the examiners in 1975. Please examine p. 41 - The 5 Trapp / Howard Memorandum dated 6-7-71. - No evidence envelope - no L.A.C.G. J. tag - no serial number recorded in '68 or 6-7- L.A.C.G. J. transcript - Where is Garland's "evidence envelope" today? Where did it come from?

16

"His gun was much more accurate than mine was, as far as the sights were concerned." This is found on page 5160, lines 21, 22. (Please see Special Exhibit # *Chapter IV, b*)

I carefully researched the different gun sights on the Iver-Johnson .22 Cal., eight shot, 2 1/2" BBL Cadet Model 55-SA and indeed found three. (*55-S + 55-SA*)

The gun housed at the California State Archives has the traditional looking sight  see page 54 Gun Digest Book of Modern Gun Values by Jack Lewis, 1981 ed.

Witness Carreon's description precisely matches the Iver-Johnson .22 Cal., eight shot, Cadet Model 55-SA on page 69 of Jack Lewis' Modern Gun Values, 9th edition.

My letter to Lewis dated 4-19-96 raises questions about the gun sight and the Dealer Record of Sale, hereinafter referred to as DROS. (Please see Special Exhibit # *Chapter IV, c*)

VI

The Ted Charach Gun Sight Photograph

Ever since Criminalist William Harper's 1970 discovery of a different gun ID number on the L.A.P.D. Crime Lab Test Shot evidence envelope, I was aware of the potential for evidence problems. In September 1995, I asked Ted Charach if he had an early photograph of the Sirhan gun. (Please see Special Exhibit # *Chapter VI*)

However, the Charach gun photo does not record the ID number. It does reveal the correct DR#68 521 466 in the Sirhan case.

A quick review of the Sirhan gun ID problems:

- L.A.C.G.J. official transcript does not record the gun ID#
- L.A.C.G.J. Evidence tag #7 no longer exists
- Deputy D.A. Sidney Trapp's 1971 Memorandum does not include L.A.C.G.J. Evidence tag #7
- Evidence Inventory recorded in the Judge Wenke Court Order #II on 9-23-75 of evidence envelope H53725 does not exist in the CSA.

VII

DROS Destruction

Dealer Record of Sales are filled out in triplicate. During the Sirhan trial witness for the

prosecution, Everett A. Chamberlain, an employee of the State Department of Justice, Bureau of Criminal Identification and Investigation (hereinafter referred to as CII) testified to the following:

"Q: And I ask you to compare the copy in your possession from your records with the photostatic copy of the dealer record of sale which has been marked People's 20 in evidence in this case. Do you find the two of them to be identical, sir?"

A: Yes, both appear to have been made from the same source document." (Please see Special Exhibit # *Chapter VII, a*)

In 1994

A I contacted the CII to request the original triplicate copy of DROS H53725 be examined by me and an examiner of questioned documents. The photostatic copy of DROS Iver-Johnson revolver H53725 is preserved in the California State Archives as People's Exhibit 20. However, the original triplicate of DROS Iver-Johnson revolver H53725 in CII custody was destroyed in 1993!

Why would anyone preserve the photostatic copy and destroy the original triplicate DROS which was filled out by the gun salesman at the time of purchase? (Please see my correspondence, Special Exhibit # *Chapter VII, b - 9 pages*)

VIII

The Destruction was Illegal

Examination of State Records, Div. 3, Article 4 under Disposal of Records, Section 14755 (page 91) reads:

"14755. Preservation of records having value (a) No record shall be destroyed or otherwise disposed of by any agency of the state, unless it is determined by the director that the record has no further administrative, legal, or fiscal value and the Secretary of State has determined that the record is inappropriate for preservation in the State Archives." (Emphasis added). (Please see Special Exhibit # *Chapter VII above*)

The State of California Records Retention Schedule Approval Request (STD.72 Rev 6-91), Part III Archival Selection (Per Government Code Section 14755) has the following box checked:

"(26) Contains material subject to archival review. Items stamped 'Hold/Notify Archives' may not be destroyed without clearance by the Secretary of State. (Per Section 1614 of the State Administrative Manual.)"

The above worded document was signed by John F. Burns, Chief of Archives, Date September 17, 1993.

Aside from the fact that the triplicate DROS was an original item of evidence -- destruction of any evidence in RFK/Sirhan case cannot be tolerated. *Mr. Sirhan did not have an opportunity to bring in his own expert to examine this document for absence of 55-SA information which is lacking on the DROS. Was 55-SA simply omitted? If so, why?*

8

What argument can be made for destroying the original triplicate while preserving the photostatic copy? The DROS is required to provide complete information re: the gun's model - But with H53725 DROS there was an omission of "Model 55-SA". It was for this reason I wanted an examiner of questioned documents to look for signs of tampering. It is impossible to make such an examination from a photostatic copy. Here again, the defense attorneys did not hire an expert to represent the prisoner's interest.

IX

Criminalist William Harper's Discovery

In 1970 Harper, a respected criminalist, received written authorization from George Shibley, Sirhan's appellate attorney, permitting him to examine the Sirhan trial evidence which was then stored in the Los Angeles County Clerk's office.

Harper found a different gun - serial number H18602 - was used to obtain comparison test bullets from a water recovery tank - for the use in the RFK/Sirhan case.

He learned this from the Sirhan trial evidence envelope marked "People's Exhibit 55" which contained three "test" bullets from H18602. These three "test" bullets were compared with the Kennedy neck bullet, People's 47 and the two other examinable victim bullets - the Goldstein bullet, People's 52 and the Weisel Bullet, People's 54.

This Los Angeles Police Crime Lab Test Shot Evidence envelope reads as follows:

"Name Sirhan, S.B. Date 6-6-68
Address
Make I & J Cal. 22 Type Rev.
No. H18602 DR. 68-521 466
Crime 187 P.C. Officer "

"55" appears at the top; "H18602 - Cadet Model" is repeated on the bottom.

(Please see Special Exhibit # Chapter IX)

The Sirhan gun ID # is H53725.

X

Official Records of Iver-Johnson #H18602

--H18602, .22 cal. 8 shot Iver-Johnson revolver was taken into L.A.P.D. custody on 3-18-67 at the time of Jake Williams' arrest, DR# 67-021 065.

--L.A.P.D. officer Druley test-fired H18602 in the water recovery tank on March

22, 1967. He reported three spent bullets, three bullets and four shells were retained in the records.

--The Board of Inquiry re: the RFK/Sirhan Investigation on June 16, 1971 reported "... the sample bullets fired by officer Druley on March 22, 1967, have been retained and are in possession of this Department." (Please see Special Exhibit # *Chapter X*)

--It will be remembered People's 55 contained three test bullets fired from substitute gun H18602 which were compared with the Kennedy neck bullet and victims Goldstein and Weisel bullets.

I must ask -- why wasn't Officer Druley's three test-fired spent bullets submitted to the seven examiners in the 1975 Court Order for Retesting of Exhibits? Both Druley's test bullets and People's 55 test bullets were fired from the same gun number H18602.

The examiners would certainly have asked for the Druley test bullets if they knew of their existence.

XI

Substitute Gun H18602 Destroyed 7-68

Harper approached Jack Cadman to have gun H18602 checked at CII. Cadman in turn asked Sgt. Richard Adelsperger, an Identification Sergeant with the Record and Identification Bureau to check CII records. The CII teletype reported the Iver-Johnson revolver #H18602 was destroyed 7-00-68. (Please see Special Exhibit # *Chapter XI a*)

L.A.P.D.'s response was to call the year 1968 "an error". They said gun H18602 was destroyed in 1962.

Sirhan's appeals had not been filed when H18602 was destroyed. Additionally, I was informed Druley's test bullets have been destroyed. My inquiry was made on the 16th of December 1994 to Commanding Officer William Moran, L.A.P.D. Property Division, telephone (213) 485-5360.

The destruction of Druley's test bullets is as great a loss as the destruction of substitute gun H18602.

The destruction of gun H18602 in 1968 created a major problem for L.A.P.D. -- for, if H18602 was destroyed in 1968, then L.A.P.D. officer DeWayne Wolfer's testimony at the Sirhan trial is clearly contradicted.

L.A.P.D. Officer DeWayne Wolfer testified for the prosecution in his capacity of a firearms expert to the following:

"Q: Now, is it your opinion, did you say, that if you fired a test pattern of People's Exhibit No. 6, and is the revolver you used still available?

A: Yes, the revolver is still available."

The above testimony is recorded in the Sirhan Trial Transcript, Vol., XV, page 4224. (Please see Special Exhibit # *Chapter XI, b)*

Wolfer's testimony about the revolver still being available in 1969 would certainly never have been an issue had it not been for Harper's discovery of the wrong gun number of People's Exhibit # 5 -- and the subsequent CII teletype report of the destruction of the Iver-Johnson gun #H18602 in 7-00-68.

L.A.P.D./L.A.D.A.'s official response to the CII teletype destruction date 1968 was to dismiss it as an error. L.A.P.D./L.A.D.A. replied that gun H18602 was reactivated and not destroyed until 1969.

But with the official 10 Volume Investigative Report (Special Unit Senator - SUS) being sealed for almost 20 years it was impossible at the time to investigate the records. Therefore, the L.A.P.D./L.A.D.A. response of the reactivation of gun H18602 went unchallenged.

It was not until a portion of SUS files were released - 20 years later - that H18602 records could be examined. But by then most of the principal investigators were gone.

What aroused my interest was the absence of a separate document which authorized the reactivation of H18602.

I therefore focused on the L.A.P.D. Property Report 3-18-67 of the Jake Williams revolver Iver-Johnson Serial #H18602. I found two identical Property Reports. One was plainly doctored

If you superimpose one copy over the other copy you will see they are an exact duplication - with the only difference being the whiting out (eradication) of the stamp "destroyed Jul 1968". One copy bears the stamp "Original". I have reduced these copies - and enlarged them - and find they superimpose exactly. It is in fact a doctored document. (Please see Special Exhibit # *Chapter XI, c, "A & B)*

I next examined the L.A.P.D. Property Card for H18602 and find the stamped information "Destroyed Jul 1968" in two places. Additionally, there is a wiggle-like line starting below the date Mar 22 1967 and continuing to the bottom of the card which clearly indicates there are no further entries on the card.

However, Officer Lee's signature appears after the hand printed "RE-ACTIVATED 6-10-68 ⁽¹¹⁾" above the last line - the final entry stamped "Destroyed July 1968". There is no information on Property Card H18602 which indicates the person who authorized the reactivation of H18602 - and the reason -

(Please see Special Exhibit # Chapter XI, d, source S.U. Jake Williams evidence records) 10

XII

2 Guns -- 2 Tests -- 2 Dates

Prior to my discovery in 1994 that in fact there were two separate test firings into the water recovery tank one day apart and using different guns - no one was aware of this extraordinary evidence. On June 5, 1968, the test gun Iver-Johnson .22 cal. serial #H53725 was test fired into the water recovery tank. The information recorded on this evidence envelope reads:

"Los Angeles Police Dept.
Crime Lab Test Shot
Name Doe, John Date 6-5-68
Address
Make Iver-Johnson Cal. 22 Type Rev.
No. H53725 DR 68-521 466
Crime 217 P.C. Officer Melendrez"

Hand printed at the top of this envelope is "Victim: Kennedy, Robert". At the bottom is the name "DeWayne A. Wolfer. And along the right side of the envelope "Panel ID - D,E,F,G". There are four test bullets inside this evidence envelope. This evidence envelope and its contents was turned over to the L.A.C.G.J. on June 7, 1968 and marked as Exhibit 5B (GJ Ex. 5B). GJ Ex. 5B was not introduced as evidence at the Sirhan trial. (Please see Special Exhibit # *Chapter VIII a*)

The second test firing by L.A.P.D. Crime Lab took place the following day -- 6-6-68 -- with a different gun. (Please see Chapter Criminalist William Harper's Discovery Chapter IX) Substitute gun H18602 was fired into the water recovery tank 6-6-68 -- this became Sirhan Trial Exhibit People's 55. The contents of People's 55 was three test bullets and two shell casings.

Thus we see June 5 test bullets - 5B - were in evidence with the 6-7-68 L.A.C.G.J. and was not placed in evidence in the Sirhan trial. However, the second test firing -- 6-6-68 -- with gun H18602 became Sirhan Trial People's Exhibit 55. No one knew there were two test dates with two different test guns - and two different sets of test bullets.!!

District Attorney Joseph P. Busch issued a statement on October 18, 1971. Paragraph (2) of his Summary reports the following information:

"(2) Mr. Wolfer conducted two series of ballistics tests. The first was conducted on June 6, 1968, with the gun seized from Sirhan B. Sirhan and the bullets from this test were used to identify the bullets removed from the victims of the crime. The second tests were conducted on June 11, 1968, and Mr. Wolfer used a weapon obtained from the Property Division of L.A.P.D.. The use of this weapon (Serial No. H18602) was necessitated by the fact that Sirhan's weapon had been entered in evidence before the Grand Jury and a court order restricted its availability. The second tests were conducted to determine sound characteristics

12

and to verify muzzle distance by examining gun powder patterns. This gun was destroyed in July 1969 in accordance with State law.

With the background of these two factors -- the mislabeling of the envelope and the instance of separate tests with separate guns for separate ballistics purposes -- Mrs. Blehr's charges may be examined." (Please see Special Exhibit # Chapter XII, b)

Wolfer was questioned by Chief Collins on June 16, 1971 before the Board of Inquiry about gun H18602.

"The gun in question in Mrs. Blehr's letter, H18602. My records indicate I first came in contact with this weapon when it was brought up from Central Property by Sgt. Lee on June 10, 1968. For the record, this was three days after I had released the Sirhan gun and my test shots to the Grand Jury." (emphasis added). (Please see Special Exhibit # Chapter XII, c)

What I found to be totally irreconcilable is Wolfer's repeated statements under oath that he did not have possession of the gun H18602 for three days after he released the Sirhan gun H53725 to the Grand Jury. However, the record contradicts this. Wolfer's log for June 8 records two (2) "Iver-Johnson - California State College at Long Beach."

Note -- Wolfer's Log which is reproduced in the Kranz Report omits the June 8/Long Beach entry. Wolfer's September 20, 1971 Deposition, page 109 corroborates three tests using H18602, muzzle distance, sound, and the Long Beach State Test. The following is a more detailed account of Wolfer's statements re-taking possession of H18602's time-frame:

On pages 108-9, Wolfer was questioned by Defendant Barbara Warner Blehr in his deposition 9-20-71:

"Q: How many guns did you use, other than H18602, and the Sirhan gun 53725, in your testing for sound, muzzle distance, whatever?

A: I believe this was the only gun that we used.

Q: What test exactly, did you use?

A: For the sound test -- I am sorry, but that is for the sound test and the muzzle distance test. Those are the only two tests.

Q: Those were the only two tests that you ran?

A: No, I am sorry. I did run a test down at Long Beach State on the cc. Those were the three tests that I recall here today. (emphasis added)

Q: And this gun, H18602, was used for all those tests?

A: I believe it was, to the best of my recollection here today. I am not sure."
(Please see Special Exhibit # Chapter XII, d)

On page 116, Wolfer was questioned about the three test bullets in an unmarked envelope. He was questioned by Blehr:

"Q: Did you have in your possession at that time, gun number H18602? (June 7, 1968)

A: Not until three days later, no." (emphasis added) (Please see Special Exhibit # Ch. XII, e)

The wrong gun number written on People's Exhibit 55 was dismissed as an "error". However, with the Investigative Reports having been sealed, there was no way of ascertaining the truth.

L.A.P.D./L.A.D.A. reported Officer William Lee did not remove gun H18602 from Property Division until June 10, 1968, therefore it was impossible for Wolfer to have written number H18602 on the 6th of June.

On August 12, 1975, the Los Angeles County Board of Supervisors appointed Thomas F. Kranz Special Counsel to the Los Angeles County District Attorney's office to independently investigate the assassination of Robert F. Kennedy.

Kranz reproduced Wolfer's Daily Log in his Report under the Chapter Subpoena Ducus Tecum - Items Produced Wolfer's Daily Log. (Please see Special Exhibit # Chapter XII, f, 1, 2)

Again, Kranz' reproduction of Wolfer's Log omits Wolfer's testing an Iver-Johnson at California State College at Long Beach on June 8, 1968. However, examination of Wolfer's Log in the official investigative records has the following entry for June 8:

"June 8, 1968, Saturday

8:00 a.m. -- Chronograph tests on mini-mag ammunition - 2 "Iver-Johnson -

California State College at Long Beach" (Please see Special Exhibit # Ch. XII, g,

four pages - entire log source SUS)

Compare Wolfer's September 20, 1971 deposition with his responses to questions by Chief Deputy District Attorney John E. Howard on June 29, 1971.

"Q: Did you ever have the Sirhan gun and the second gun from Property together in your office or at the lab at the same time?

A: Never.

Q: The Grand Jury had the Sirhan gun?

A: The Grand Jury had the Sirhan gun as of the sixth and I did not check out the other gun until the eleventh. So there was a three day period where I had no gun in my possession. There was a three day lapse between them." (emphasis added)

(Please see Confidential Reporter's Transcript, page 22 -- Special Exhibit # Ch. XII, h)

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However, Wolfer did have possession of gun H18602 on June 8th as reported in both his Log for June 8th and also in the Blehr deposition 9-20-71 on page 109.

The importance of Wolfer's having possession of H18602 prior to June 10th can not be underestimated -- it is a serious contradiction of the official L.A.P.D./L.A.D.A. reports (that Officer Lee did not take gun H18602 from Property until June 10th.) Wolfer's knowledge of ID number (H18602) before the 10th of June opens the door to further questions about two guns - two tests - two different dates.

XIII

H18602 is "B" in the A B C Series

This A B C series is extremely complex, therefore I shall present this segment in the simplest manner possible.

It is important to know I did not acquire these critically important documents at the same time - due, of course, to the twenty year period the SUS Report was sealed.

"A" "B" "C" was written/affixed to three different evidence envelopes.

The upper portion of the letter "A" is visible at the lower right corner of the L.A.P.D. Crime Lab Test Shot evidence envelope dated 6-5-68 -- test gun H53725. As reported earlier in this report I did not discover the existence of this evidence envelope (GJ 5B) until 1994. (Please see Special Exhibit # Chapter XIII, a)

The first letter in A B C series is "A" on the L.A.P.D. Crime Lab Test Shot evidence envelope dated 6-5-68 with test gun #H53725.

"B" is far more significant. In addition to discovering the actual evidence envelope (Peo.55) William Harper also found a xeroxed copy of People's Exhibit 55 in the Sirhan exhibits stored in LA county Clerk's office in 1970.

The clerk copied these documents for Harper. They show the hand printing "Exhibit "B 1" and "B 2" on the right. (Please see Special Exhibit Chapter XIII b, b₂)

And from SUS I found a copy of Peo. 55 with the letter B @ lower right, just as Cfc. Woodward described. (Please see Special Ex. Chapter XIII, c)

The xeroxed copy of Peo. 47 (the Kennedy neck bullet) evidence envelope in LAC Clerk's office contained the information "C," and "C₂".

"C1" and "C2" is hand printed on the left of the xeroxed copy of Dr. Thomas Noguchi's evidence envelope (Peo. 47) containing the spent bullet removed from the vicinity of the 6th cervical vertebrae by Dr. Noguchi during the autopsy he performed on Robert F. Kennedy on 6-6-68.

(Please see Special Exhibit # Chapter XIII d, 1, 2.)

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Then, to my amazement, I located an extraordinary piece of evidence. It is the Intra Departmental Correspondence dated June 9, 1971 -- with a "B":

"To: Commander George N. Beck
Commanding Officer, Tactical Operations Group

From: Sergeant K. L. Woodward
Officer-in-Charge, Questioned Documents Section
Scientific Investigation Division

Subject: S. B. Sirhan Investigation"

On June 7, 1971, I received from Captain Richard W. Sandstrom, Commanding Officer of the Scientific Investigation Division, a 7" x 10" photograph showing hand printing interspersed with a stamped form. The printing reads as follows:

SIRHAN, S. B. - 6-6-68 - I & J
22 - Rev. - H18602 - 68-521 466
187 P. C. H18602 - Cadet Model

"I was asked by Captain Sandstrom to obtain printing from Mr. De Wayne Wolfer and to determine if Mr. Wolfer had or had not placed the hand printing on the envelope depicted in the photograph, paying particular attention to the bottom line of printing and resolve, if possible, two questions - (1) Did the person that printed the bottom line also print the rest of the material in question? (2) Did Mr. Wolfer write any or all of the material in question?

On June 8, 1971, I asked Mr. Wolfer for two pages of printing to be made by him for my examination and he complied. I then made a detailed examination of the known printing of Mr. Wolfer and compared said printing against the printing depicted in the photograph. As a result of this examination, it is my unqualified opinion that Mr. Wolfer did in fact place all of the printing on the envelope depicted in the photograph.

The photograph is marked with a "55" near the top edge and also has a printed letter "B" in the lower right-hand corner.

The exemplar of Mr. Wolfer's hand printing is available, if needed."

This document is signed "K. L. Woodward".

"K. L. Woodward, Sergeant
Officer-in-Charge, Questioned Documents Section
Scientific Investigation Division"

(Please see Special Exhibit # Chapter XIII, 2)

The above official report fully corroborates the existence of the letter "B" in the lower right-hand corner of People's Exhibit 55.

The following is a review of the enormous significance of the letter "B" on People's Exhibit 55:

"A" (the upper portion of this letter is visible) is found on L.A.P.D. Crime Lab Test Shot evidence envelope GJ5B dated 6-5-68 with gun number H53725 (source SUS microfilm).

"B" is found in three separate places: 1 -- The above Woodward handwriting report; 2 -- Copy from SUS microfilm; 3 -- William Harper's copy B -1- and B -2- copied from Sirhan evidence records in the LA County Clerk's office.

"C -1- and C -2-" William Harper's copy from LA County Clerk's office of Sirhan evidence. "C -1- and C -2-" appears along the side of evidence envelope People's Exhibit 47 (the coroner's envelope containing the Kennedy neck bullet.)

Both "B" and "C" evidence is logged on the same date, June 6th, it is therefore axiomatic that gun H18602 was written on the sixth, since "B" indeed precedes "C" - the coroner's envelope.

XIV

Another Gun Used in Sirhan Trial

Serious questions of another gun having been used in the Sirhan trial is found in both SUS files and in the postscript of appellate attorney Luke Mc Kissack's May 31, 1971 letter to Sirhan B. Sirhan.

From SUS files I located Captain G. Campbell's report of his telephonic interview with former defense attorney Grant Cooper on June 8, 1971:

"Cooper stated that to the best of his recollection the gun used by Sirhan to commit his crime was not produced during Wolfer's testimony in the trial; however, Cooper believes that the reason for this was explained by Wolfer at the time he testified." (Please see Special Exhibit # *Chapter XIII a*)

There is no statement, no explanation, no testimony and no reference in the Sirhan Trial Transcript which addresses the use of a different gun at the trial.

Appellate Attorney Luke Mc Kissack's May 31, 1971 letter to his client Sirhan B. Sirhan contained the following hand-written postscript:

"P.S. In case you have heard about the fact that the ballistics expert in your case used a different gun for testimony which was subsequently destroyed and the

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L.A.P.D. is investigating this fact that is correct and we are following up on that point. L. M." (Please see Special Exhibit # *Chapter XIV b*)

It will be noted Mc Kissack's letter to Sirhan re: a different gun having been used for testimony was dated May 31, 1971 -- and exactly eight days later Captain Campbell and Cooper discuss another gun having been used at the trial.

XV

Disturbing Confidential Correspondence

I came across then Deputy Attorney General Ronald M. George's Confidential letter re: Sirhan Case to Deputy District Attorney Richard Hecht dated August 4, 1971. This *amazing* correspondence was dated five days after George's letter to Hecht (7-30-71) re: Sirhan Exhibits, *at which time Criminalist Harper was blocked from future access to the RFK/Sirhan evidence.*

On page 2 of the George August 4 letter, I discovered a gross distortion of facts with respect to my own involvement in the serious rift between Sirhan's attorneys Luke Mc Kissack and Godfrey Isaac.

George writes on page 2:

"As I told you on the phone yesterday, the San Quentin Warden's office feels that Isaac 'reached' Sirhan initially through a Mrs. Rose Lynn Massey, a close friend of Mary Sirhan who frequently accompanies her on visits to see Sirhan. Sirhan was persuaded last week to request a visit from Isaac, which occurred on July 31, 1971, at which time a substitution of counsel was signed by Sirhan and Isaac. Mr. Isaac was also present.

"Yesterday Mrs. Massey received a message at San Quentin to be sure to phone Isaac's wife prior to visiting Sirhan with Mrs. Sirhan that morning. . . . According to Mc Kissack, Sirhan had been led to believe that he would be out of prison in a week from now after a court hearing on the ballistics question."

My name at that time was Massey, and, due to the importance of the many ballistic questions being raised at the time the Sirhan family sought additional legal counsel. That was no secret -- and it certainly wasn't something the Warden would report to George about.

Sirhan's search for an attorney who would examine the many ballistics problems in his case is both reasonable and necessary.

(Please see Special Ex. # Chapter XV a + b)

XVI

Sirhan Affidavit

On May 23, 1972, Mr. Sirhan appointed his mother, Mary Sirhan, his brothers Adel and Munir and myself as his special and limited Attorneys-in-Fact, with full authority to collectively do the following:

- "1. To consult with competent and honest attorneys about matters pertaining to my legal defense.
2. To retain such attorneys to represent me in court.
3. To dismiss said attorneys, if my best interests so demand.
4. To do all the above at absolutely no expense of any kind to them or to me.

This special and limited power of attorney shall not be construed as authorizing anything other or more than the above."

(Please see Special Ex. # Chapter XVI)

The above document was signed at a time of heightened interest in the evidence. But, unfortunately, the 10 Volume Investigative Report (SUS) was sealed -- without the release of these reports there was *little* a new lawyer could do. *to effectively challenge the evidence.*

The available evidence, limited as it was, was so flawed -- it would not rest quietly. Sirhan would have to wait almost twenty years -- when portions of the SUS report would be unsealed to again try to learn what happened in the pantry of the Ambassador Hotel on June 5, 1968.

XVII

Barbara Warner Blehr/Morse Letter

Barbara Warner Blehr's letter (5-28-71) to Murriel M. Morse, General Manager personnel Department, Civil Service Commission, raised questions about the qualifications of De Wayne A. Wolfer re: his appointment to the position of Chief Forensic Chemist, Officer-in-Charge, Criminalistics Section, Scientific Investigation Division.

(Please see Special Exhibit # Chapter XVII pg 1-4)

Wolfer, a respected criminalist, received his appointment. But the nagging questions about the evidence continued.

XVIII

Test Bullets: Bindle vs Envelope

It will be remembered that two guns were used on different days for the purpose of obtaining test bullets for comparison with evidence bullets.

The first test date was June 5, 1968 with gun #H53725 (the alleged Sirhan gun).

The second test date was June 6, 1968 with gun #H18602 - a different gun.

My question then is - how were these test bullets stored in the Crime Lab prior to their delivery to the Superior Court Clerk when they were introduced into evidence as People's Exhibit 55?

I found the following conflicting responses:

June 16, 1971, Board of Inquiry, Page 11, Questions by Commander Beck -

“Q: When you brought the three test bullets back to the laboratory with you, did you bring them loose in your pocket?

A: (Wolfer) No, Commander, I brought them back to the laboratory in a paper bindle to protect them from becoming damaged by carrying them in my pocket. They were brought back in a paper bindle that I made there at the scene.

Q: And, do you recall placing that bindle in the top drawer of your desk and locking up your desk?

A: Very definitely, this I remember very clearly because these were bullets that had a high security and these were the only ones I had.

Q: This would be on what date?

A: The day I testified at the Grand Jury, June 7, 1968, when I left the Grand Jury room.

Q: Do you have a recollection as to how much later it was that you took the bindle out of your top drawer and placed those three bullets in an evidence envelope?

A: No, I don't have a clear recollection of time, but my notes would indicate that it was several days later, because by my notes, I had some other activities such as the sound tests, tests for muzzle distance and x-rays and spectrograph analysis, so it would have been sometime later.”

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The questioning continued with:

“Q: So, it would have to be at least three days later, that is three days after the time you placed the bindle in the drawer, that you made out this envelope?”

A: That is correct.

Q: Because you did use the serial number of the Jake Williams gun?

A: Yes.

Q: So, the whole point being that you did not make this envelope out at the time you brought the bullets away from the Grand Jury?

A: That is correct, I placed them in a paper bindle and, as I recall it, wrote the words ‘Sirhan’ on the outside of the bindle. This was locked in my drawer and kept there until sometime later and that would be after the 10th of June 1968.” (Please see Special Exhibit # *Chapter XVIII a 1-3*)

This “bindle” information would certainly have raised serious questions had it been available at the time. But, unfortunately it was sealed for 20 years.

On June 29, 1971, barely two weeks after the Q & A before the Board of Inquiry, Wolfer responded to questions by Deputy D.A. John E. Howard: “. . . I placed them in a plain envelope at that time, to my recollection, and locked them up in the top desk drawer of my personal desk” (Please see Special Exhibit # *Chapter XVIII b 1-2*)

On the ninth of September, 1971, Mr. Wolfer responded to questions by Blehr in his deposition in Wolfer vs. Blehr #C8080:

“. . . they were placed in a manila envelope and were locked up in my custody.”
(page 99 + 100) (Please see Spec. Ex. # *Chapter XVIII c - 2*)

And on page 103:

“Q: In other words, they were just in a plain manila envelope?”

A: That is correct.” (Please see Special Exhibit # *Chapter XVIII d*)

The official Thomas Kranz Report dated March 1971 records the following:

“Concerning the so-called clerical error concerning People’s 55 introduced at trial, Wolfer testified that he handed over 4 test fired bullets to the Grand Jury (Grand Jury 5B) and I kept three test fired bullets (what Wolfer described as three bullets in better condition than the other four), and had put these three bullets in an unmarked coin envelope and placed

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the envelope in his desk drawer and locked it. Wolfer felt that for security reasons these three test bullets should be placed in his custody in an unmarked envelope until the trial. Wolfer stated in September 1975 that these three bullets remained in his custody until they were offered into evidence at trial. In the weeks preceding his 1969 trial testimony, Wolfer put the wrong serial number, from the subsequently destroyed second gun, on the coin envelope when he asked someone, whom

Wolfer does not recall, the serial number of the particular Sirhan weapon." (Please see Special Exhibit # *Chapter XVIII e*)

I would like to point out Kranz erroneously described the evidence envelope as a "coin envelope". The correct description should read Los Angeles Police Department Crime Lab Test Shot Evidence Envelope.

*Compare Board of Inquiry Questions by Dep. Chief McAllister on 6-16-71
pages 8-10 (Please see Spec. Ex. # Chapter XVIII f, 1-3)*
XIX

Special Exhibit 10. The Wrong "Test" Bullet
People's 47/ People's 52

During the first week of February, 1969 at the Drake Hotel in Chicago, Dr. Thomas Noguchi (LA County Coroner) handed a coin envelope containing a photomicrograph negative of two comparison bullets - Special Exhibit 10, Photo #8 - to Dr. Robert Joling.

As Dr. Noguchi handed the coin envelope containing Special Exhibit 10 to Dr. Joling Dr. Noguchi said: "Hold on to this for safekeeping, we may need it someday."

What was so important about Special Exhibit 10 was the fact that the "optics of the microscope" was faulty, thus running the risk of producing unreliable results. Additionally, and equally important was the fact that L.A.P.D. Criminalist De Wayne Wolfer incorrectly identified the comparison bullet. Wolfer called the comparison bullet his "test" bullet - from People's 55 with a different gun number (H18602).

However, in 1975 when the seven firearms examiners examined Special Exhibit 10, they all found Wolfer to be incorrect. Wolfer's "test" bullet was not a test bullet - it was the Goldstein bullet (People's 52). (Please see Special Exhibit # *Chapter XIX a*)

Dr. Noguchi's ^{*copy*} of Special Exhibit 10, #8, from L.A.P.D. ^{*source*} and placing it in the care of Dr. Joling (former president of the Academy of Forensic Sciences) "for safekeeping" was an extraordinary act of courage. For it will be remembered, thousands of un-inventoried photographs in RFK/Sirhan investigation were destroyed in the summer of 1968 in a hospital incinerator. (Please see Special Exhibit # *Chapter XIX b*)

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The following is a list of evidence L.A.P.D. has destroyed/or is unaccounted for:

- 1 - Destruction of substitute gun #H18602 in July 1968.
- 2 - Destruction of test bullets from gun #H18602 fired by Officer Druley.
- 3 - Destruction of ceiling panels with bullet holes taken from the Ambassador Hotel pantry.
- 4- Destruction of the door frame with bullet holes taken from the center post of the western swinging doors in the pantry.
- 5 - Above mentioned un-inventoried photographs destroyed in a hospital incinerator within weeks of the assassination - months before the trial began.
- 6 - Missing spectrographs.
- 7 - The recent destruction - in 1993 - of the original triplicate copy of the Dealer Record of Sale of gun #H53725! What possible argument can be made to destroy the original triplicate copy and preserve the photostatic copy?

Destruction of the ceiling panels in the pantry makes it virtually impossible to ever conduct a trajectory study. And, equally disturbing, was the destruction of the Iver Johnson gun #H18602 along with the known test bullets from this gun which Officer Druley test-fired.

There is no way anyone can ever learn if Druley's test bullets matched Officer Wolfer's test bullets in People's 55 - since both sets of test bullets were fired from H18602.

I would have to ask why the seven examiners, in 1975, were not informed of Druley's test bullets from gun H18602? The comparison of the Druley test bullets and People's 55 bullets would have answered the question - ~~once~~and for all - were the test bullets in People's 55 fired from H18602 - or - from H53725 ?

That is an answer we will never know since both gun H18602 and its known test bullets (fired by Officer Druley) were destroyed by L.A.P.D.

XX

Confidential Addenda re: Special Exhibit 10

The Confidential Addenda to The Lowenstein Inquiry bears no date - and no authorship.
(source SUS)

Page 1 states: "This separate addenda contains confidential information relative to the questions submitted by Allard Lowenstein. The information has not been revealed prior to this report and may conflict with previous statements made by the Chief of Police and other officials.

"Serious consideration should be given to the release of this information."

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Page 2 continues: "There exists a photograph of the Kennedy bullet and a test bullet taken through a comparison microscope showing one Land comparison. It is not intended to be a bullet striation identification comparison because the lighting and details of the bullet are not displayed in the proper position. The photograph is an overall photo not shot for striation detail. The photograph is of a groove made by a Land in the barrel of the gun; the principal area of the photo is referred to as "one Land width." The area on either side of this Land width depicts a partial groove marking. The fuzzy area on the left side of the photo is due to a deficiency in the optics of the microscope. This defect has existed since the Department first received the microscope and efforts to correct the defect have been unsuccessful.

"The existence of this photograph is believed to be unknown by anyone outside of this Department. It should be effective rebuttal evidence were this case ever to be retried. However, the release of this information at this time would be susceptible to criticism because lay people would in all probability have difficulty deciphering the photograph. The issue as to its not being revealed at an earlier time may further make its authenticity suspect particularly to the avid, exact assassination buff."

Attached to this amazing Confidential addenda is a poor xerox copy of the microfilm transparency. There is absolutely no doubt about this being Special Exhibit 10, and at the time this Addenda was written for intra agency eyes only no one was aware of the copy safely in the care of Dr. Robert Joling.

The time-frame of this Addenda was prior to the Judge Robert Wenke Court Order calling for a re-examination of certain RFK/Sirhan evidence as seen in the Kranz Report. (Please see Special Exhibit # *Chapter XX a 1-3*)

It is important to note the secrecy surrounding this faulty photomicrograph surfaces in two documents - one is found in the Confidential Addenda and the other reference is in the Kranz Report on page 51:

"Wolfer Examination: September 1975

"A major surprise produced by Wolfer was a photographic photomicrograph of two bullets that he had apparently taken in 1968, photos of bullets 47 and 52. This admission by Wolfer, and production of the photographs at the Wolfer examination hearing in September surprised even Deputy District Attorney Bozanich who replied the District Attorney's Office had never known that these photographs were in existence." (Please see Special Exhibit # *Chapter XX b*)

Still more disturbing is the envelope containing Special Exhibit 10 which Wolfer produced at the Special Hearing in 1975. The date on the envelope differs and the size of the photo negatives differs. Let me explain.

d4

On page 6 of Criminalist Lowell Bradford's final report dated October 4, 1975, we find the following information:

"K. Special Exhibit 10 has '69-521-466 Kennedy bullet comparison' written on it at the top of the envelope and 'Wolfer S.I.D.' at the bottom. It contains two 4" X 5" black and white photo negatives and four contact prints therefrom. In the Special Hearing transcript on page 55, lines 14 and 26, the witness, Wolfer, identifies the bullets in this comparison photomicrograph as People's Exhibit 47 and one of his test bullets. Examination shows this to be incorrect, the two bullets have been determined to be People's Exhibit 47 on the left and People's Exhibit 52 on the right when viewing the negative with the film identification notches in the upper left position." (Please see Special Exhibit # *Chapter XX*
c)

Note the date "'69-521-466" written on the top of the envelope to be incorrect. The date should read 68 and not 69.

Another major discrepancy which I discovered is the size of the negatives. Criminalist Bradford records the size of the black and white negatives to be 4" X 5", where as the Noguchi/Joling negative measures approximately 1" X 1". On December 1, 1992, Dr. Robert Joling visited me at my home in Nevada for the express purpose of examining and copying William Harper's reports of the examinations he made of the RFK/Sirhan evidence in 1970 at the LA County Clerk's office. (Harper gave his entire Sirhan Files to me when he closed down his lab.) Prior to his visit, Dr. Joling asked me if the copy in my possession of Special Exhibit 10 had any writing at the upper left of the photograph. It did not.

However, the negative in the coin envelope which Dr. Noguchi had given him to "hold on to for safekeeping . . ." did indeed have writing at the upper left. It was: "68-521466 6-6-68 D.VI." And at the bottom to the left is the hand-printed "PHOTO #8".

The top right of the Noguchi/Joling copy of Special Exhibit 10 has the following hand-printed information: "SPECIAL EX 10 - PRINTED FROM NEGATIVE IN ENVELOPE."

(this information was placed on the photograph by Dr. Joling at the time he had it printed.) I asked Dr. Joling to have the negative in his possession printed - and that I would like to have a copy - which in fact he did do.

(Please see Special Exhibit # *Chapter XX d*)

I am going to great lengths to describe the various copies of Special Exhibit 10 - for a very good reason -- Let me explain --

Let us begin by further examining the Noguchi/Joling copy of Special Exhibit 10, photo #8 and you will see a distinctive partial disk-like object at the lower right corner.

Next, examine the copy of Special Exhibit 10, photo #8 which Wolfer delivered to the Board of Inquiry in 1975 and you will see the same partial disk-like object at the lower right-hand corner. (Please see Special Exhibit # *Chapter XX*) It is therefore safe to assume both the Noguchi/Joling print of Special Exhibit 10, photo #8 and the photo given to the Board of Inquiry in '75 came from the L.A.P.D. Crime Lab.

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However, the information on the envelope as reported by Lowell Bradford is incorrect - 69-521466, it should read 68-521466. Additionally, as previously cited, the size of the negative differs (4" X 5" as opposed to 1" X 1").

The seven examiners recreated this comparison photomicrograph of People's 47/People's 52 and it will be noted there is no disk-like object at the lower right. (Please see Special Exhibit

Chapter XX f) =

It is nothing short of amazing that L.A.P.D. Criminalist De Wayne Wolfer identified People's 47 and one of his test bullets in the photomicrograph Special Exhibit 10 - whereas all seven examiners found this to be incorrect - that the two comparison bullets were People's 47/People's 52. The fact remains Special Exhibit 10 is not a test bullet comparison.

It is extremely disturbing that the scandalous record involving Special Exhibit 10 was quietly dismissed.

XXI

Substitute Evidence Used in 1975 Examinations

(and how these discoveries came about)

I would like to begin by saying that I fully expected the '75 Judge Wenke Court Order calling for the re-testing/examination of certain evidence to be nothing more than a routine review.

My interest was piqued when Criminalist Harper labeled it a "fix" - in fact, he was so disgusted with the proceedings that he told me the "fix" was facilitated by the semantics in the Order - beyond his calling it a "fix" he would not elaborate.

And so I naturally became interested in the records - where was Harper's "fix"?

Earlier in this report (Chapter IV), I disclosed the fact that examiner Patrick Garland alone examined ~~the~~ evidence items and then assigned new identification numbers to the evidence. The serious problem with such an arrangement is that the six other examiners relied on Garland's information. And, one of the items removed/deleted from Court Order I was Dr. Noguchi's Autopsy Report which reported the correct ID marking on the base of the Kennedy neck bullet.

In stating Garland's Inventory was, in fact, incorrect with respect to several items of evidence is not to imply Garland's dishonesty. He could only record the information as he examined it. It was not Garland who was wrong, rather certain of the evidence was. I am listing below the ⁷⁵ evidence which materially differs from the original evidence:

1 - People's 47, the Kennedy neck bullet received the new identify Panel ID #2.

Garland's Inventory lists "DW" (base) "TN" (base). This is incorrect. It should read "TN31". In addition to Dr. Noguchi's Autopsy Report, Dr. Noguchi's Grand Jury

(Please see Special Exhibit # *Chapter XXI a 1-3*)

db

testimony on 6-7-68 also cites "TN31" as the ID on this bullet's base. This substitute People's 47 had 2 cannellures where as Harper and MacDonell reported finding only one cannellure. *(Please see Spec. Ex. # Chapter XXI b 1, 2)*

2 - People's 48, the fatal bullet and its fragments received the new identity Panel ID 3 and 3a. Garland's description of this evidence envelope reads:

"Envelope Tagged, Case #A233 421

Marked: Evidence

Date: 6-5-68 D.H.Q. 68 521 466 (DR#)

Name: Sirhan, Sirhan B. 594139 (Booking #)

→ Location: 1212 Shatto Charges 187 P.C. *(emphasis added)*

→ Officer: Sgt. Varhey 10833 DHQ

#26 - 1 vial w/bullet fragments

#27 - 1 vial w/bullet fragments

Kennedy" (Please see Special Exhibit # *Chapter XXI a 2*)

I now make a more serious charge: this evidence envelope, containing the fatal bullet and its fragments is not incorrect. It is a substitution pure and simple.

The most important difference is the P.C. Charge. On June 5, at the time the original evidence envelope was made out, the California Penal Code Charge was #217 P.C. - ~~attempted murder~~ *ADW* because Kennedy was still alive.

However, the substituted evidence envelope which Garland received from the Court Clerk on September 23, 1975, had the Charge 187 P.C. written on it. The date the substitute envelope recorded is 6-5-68. Kennedy was still alive on the 5th - the time the original evidence envelope was being filled out.

Additional problems I found are:

The original evidence envelope lists "Doe, John #1" where as the substitute evidence lists "Sirhan, Sirhan B."

The original evidence envelope records the Booking No. as "495139" - whereas the substitute evidence envelope juxtaposes these number to read "594139".

The original evidence envelope records the location as "Good Samaritan Hospital" whereas the substitute evidence envelope records "1212 Shatto" this is followed by "Charges 187 P.C."

The original evidence envelope records "Officer: Sgt. D. D. Varney 10833 DHQ" whereas the substitute evidence records "Officer: Sgt. Varhey 10833 DHQ". This cannot be dismissed as a typographical error due to the fact that the information was printed by hand by Sgt. Varney - who certainly knew how to spell his name. Varney would never have written "Varhey".

(Please see Special Ex. # Chapter XXI c, and see above a. 2.)

27 d/

I now come to the story of my having been called to testify as a witness in the recent Jamie Scott Enyart vs. City of Los Angeles, Los Angeles Police Department, Et Al Trial. My testimony specifically dealt with my discovery of evidence tampering with the original evidence envelope re: the fatal bullet and fragments.

(Please see Special Exhibit # Chapter XXI d 1, d 2)

I will relate this story in as simple and easy to understand manner as possible:

I was always disturbed by the absence of the chain of custody of the evidence in this case. Additionally, the Sirhan defense attorneys did not hire a ballistics/firearms examiner of their own - and finally, Sirhan's chief defense attorney Grant Cooper was himself - at the very time of the Sirhan trial - under threat of indictment for lying to Judge Gray (in an unrelated case). Further, the U. S. Attorney who Cooper reported to with regard to his own possible indictment was U. S. Attorney Matthew Byrne - who was also currently involved in the Sirhan case. This is a questionable relationship. The prosecution didn't bother to prove up anything - they didn't have to since Cooper stipulated to the evidence. Cooper was not indicted for having lied to Judge Gray in the Friar's Case. It is unfortunate he relied solely on the Diminished Capacity Defense.

(Please see Special Exhibit # Chapter XXI e 1 - 14)

I shall now return to the original evidence envelope for the fatal Kennedy bullet and its fragments.

The original evidence envelope lists the number 24 and 25 - these were changed to 26 and 27 by writing over the original numbers with a heavier, darker ink. Item #24 (changed to 26) lists "1 vial, Blk TOP, Cont. Bullet Fragments: The line below lists: 25 (changed to 27) "1 vial cork top cont. Bullet fragment".

Affixed to the last line of the original evidence envelope is a piece of scotch tape - with nothing attached to it. Kennedy's name does not appear on the original evidence envelope. However, the substituted evidence envelope in Garland's Inventory does have the name Kennedy at the bottom.

In short, the original Item numbers 24 and 25 on the original evidence envelope was re-numbered to read 26 and 27. However, the evidence jar containing the fatal bullet and fragments was still numbered #24 and the glass vial with the cork top containing a bullet fragment was still numbered Item #25!!

It is here necessary to examine this evidence at the time it was booked into police custody - and this is what I discovered:

The various items of evidence were recorded in numerical order in the L.A.P.D. Property Report.

I noticed - and was always puzzled by a skipping in the numerical order of the evidence Item numbers. How could Item #26 and Item #27 follow Item #23? and then two pages later list Item #24 and Item #25?

And that was only the beginning --

(Please see Special Exhibit # Chapter XXI f 1, f 2, f 3)

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For, you see L.A.P.D. Property records Item #24 to be: "Item #24 "(and under the column Quantity)" (34). Photographs taken by George Clayton prior and subsequent to the 217. The photos show various groups and person in and about the crime scene. Marked CCC for I.D.

"Item #25 "(and under the column Quantity)", (1) 35 mm film container, containing a 35 mm film negative strip with 30 sep. pictures. Mkd. CCC for I.D. Clayton, DOB 2-4-47, was at the scene prior and subsequent to the incident. Throughout the incident Clayton took 30 photographs with his camera. Clayton asked officers at the scene if they would like to have the film. The film was taken to Ramp. Dets. where Inspector Mc Cauley advised that the film strip be taken to Photo Lab. and developed. "Property bkd at Ramp. Sta. under DR#68-521 466". (Please see Special Exhibit # *g*)

How is it possible for two completely different items of evidence to have the same Item numbers? How can Item #24 - the largest bullet fragment (the fatal bullet actually) be assigned the same Item #24 as the George Clayton photographs?

And how is it possible for Item #25 - the vial containing a small fragment from the fatal bullet - to have the same Item #25 as the Clayton 35 mm film container? And, remember - the evidence envelope accompanying the fatal bullet fragments was renumbered from the originally numbered 24-25 to 26-27. All four numbers are clearly visible on this evidence envelope.

As a result of Mr. Enyart's lawsuit for the return of his pantry photographs he was given photographs which came from folders in the California State Archives marked Item #24 (a and b). There is no name on these folders. However, the L.A.P.D. Property Report attributes Item #24 to George Clayton. - *not Enyart.*

Item #24(a) consists of 30 sealed negatives with numbers 1 and 2 missing within a manila file folder marked: "F3901:678(a) RFK Assassination Investigation Materials Item #24 (copy negatives)". These sealed envelopes measure approximately 4" X 5" and are numbered Neg #3 - Neg. #32.

Item #24(b) consists of 30 photographs in a manila file folder which is marked: "F3901:678(b), RFK Assassination Investigation Materials Item #24 (copy prints)".

Item #25 is a manila file folder which is marked: "F3901:679, RFK Assassination Investigation Materials, Item #25 (photographs of Item #25)

And within Item #25 folder I counted a total of 23 negatives and 3 slides all of which depicted a 35 mm film canister.

However, the L.A.P.D. Property Report records 34 pictures for Item #24 and "30 separate pictures" for Item #25.

It is simply amazing that the identical photographs which were returned to Enyart, after years of litigation, came from the folder marked Item #24(b) at CSA - and which were attributed to George Clayton in L.A.P.D. Property Report.!!

This dual Item #24/25 assignment is nothing short of outrageous. And the L.A.P.D.'s response is to call it a "clerical error". Well this can't be true, for I found the following information in the Guide to the Los Angeles Police Department Records of the Robert F. Kennedy Assassination Investigation:

"Special Unit Senator (SUS), the L.A.P.D. task force that carried out all aspects of the investigation, . . . Accordingly, the case received top priority and SUS staff were handpicked from throughout the Department based on the quality of their previous work and particular skills, including investigative experience, knowledge of foreign languages and scientific applications, and records-keeping systems." (Please see Special Exhibit # *Ch. XXI p. 1, 2*)

To continue with inconsistencies of the evidence presented to the seven examiners in 1975.

People's Exhibit 52, remarked Panel ID #6 is the Ira Goldstein bullet. The information Garland reports on the Goldstein evidence envelope is dated "6-5-68" with the Charge "187 P.C." Impossible. On the 5th of June the charge was 217 P.C.! (Please see Special Exhibit # *Chapter XXI i - Judge Wenke Court Order # 2*)

Additionally, there is no "X" reported on the base of this bullet. I spoke with Dr. Finkel and he stated he indeed did engrave "X" on the base of this bullet. There are numerous records of Dr. Finkel's "X" in SUS Reports, however, this information is lacking on the L.A.P.D. Property Report as well as the substitute evidence envelope which the examiners received in 1975. (Please see Special Exhibit # *Chapter XXI j 1-5*)

And, to my amazement, there is no evidence envelope in CSA for the Goldstein bullet!

Additionally, it will be remembered, this is the very bullet Wolfer mistakenly call his "test" bullet in Special Exhibit 10.

People's 54, remarked Panel ID #8 is the Weisel bullet. Garland's Inventory records the date on the vial containing this bullet to be 6-5-69. *That is the date I observed on this vial - however, it is incorrect.*

People's Exhibit 6 evidence recorded by Patrick Garland does not record the gun's ID number. And inexplicably, there is no evidence tag for this gun at the California State Archives.

The only tag with People's Exhibit 6 is the trial tag.

XXII

Grease on the Bullets

When I first examined the bullets in RFK/Sirhan case on March 11, 1994 in the company of Criminalist Alan Gilmore, there was no mention of grease on the bullet bases. Indeed, Gilmore was able to read some of the ID markings, but due to corrosion the ID markings on the bases of the bullets was not identifiable.

Because I was concerned about the shape of the Kennedy neck bullet (People's 47) not conforming to Dr. Noguchi's textual description of a "unilateral transverse deformation" and the absence of the "X" on the base of the Goldstein bullet, I returned to CSA on August 3, 1994 with Lowell Bradford who was one of the 1975 examiners.

His finding of grease on the bullets - including the bases - rendered the bullets "unexaminable". However, the shape of the Weisel bullet base prevented much grease from getting down in there. (Please see Special Exhibit # *Chapter XXII pg. 1-8*)

XXIII

Secret Agreements

Which I call dirty little secrets and how they were used before the trial and after the trial's conclusion. This I is what I discovered:

Grant Cooper
Before the trial began, defense attorney addressed the Court - on December 23, 1968 -:

"Mr. Cooper: Yes, your Honor please. At this time, if your Honor please, I would offer to stipulate and to have the defendant make a statement agreeing that from time to time there are matters that are not formal in nature but only informal in character where it would be helpful both to the Court and counsel for the Prosecution and Defense to confer from time to time in the absence of the defendant. Do you agree to that?

The Defendant: Yes, I do." (Please see Special Exhibit # *Chapter XXIII a 1-2*)

Both Defense attorneys and Prosecution attorneys met in Judge Walker's Chambers on Feb 21, 1969, three days prior to Criminalist Wolfer's testimony where the following transpired: (Sirhan was not present)

"Mr. Fitts: (Deputy D.A.) Alright. Now, there is another problem that I'd like to get to with respect to the medical. It is our intention now to call De Wayne Wolfer to testify with respect to his ballistics comparison. Some of the objects or exhibits that he will need illustrative of his testimony will not, because he is being taken somewhat out of order for

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reasons that we will come to later, will not have adequate foundation, as I will concede at this time.

Mr. Cooper: You mean the surgeon took it from the body and this sort of thing?

Mr. Fitts: Well, with respect to the bullets or bullet fragments that came from the alleged victims, it is our understanding that there will be a stipulation that these objects came from the persons whom I say they came from. Is that right?

Mr. Cooper: So long as you make that avowal, there will be no question about that.

Mr. Fitts: Fine. Well, we have discussed the matter with Mr. Wolfer as to those envelopes containing those bullets or bullet fragments; he knows where they came from; the envelope will be marked with the names of the victims. . ."

And three days later Wolfer testified and Cooper stipulated to all evidence bullets.

(Please see Special Ex. # Chap. XXIII 81-3)

However, the agreement to meet without the Defendant being present was to: "matters that are not formal in nature but only informal in character . . ."

Stipulation by a prior agreement without the knowledge or presence of the Defendant of the bullets is positively not "informal in nature but only informal in character".

And this cannot be dismissed as being slipshod - it is outrageous conduct.

And after the close of the trial Judge Walker (trial Judge) met on May 16, 1969 in Judge Charles A. Loring's chambers. Present were:

Robert A. Houghton, Deputy Chief, L.A.P.D.

David Fitts, Deputy D.A.

Emery Hatcher, Chief Deputy County Clerk's Office

Peter Talmachoff, Division Chief, Criminal Division, County Clerk's Office

Mrs. Alice Nishikawa, Clerk, Department 107

Vesta Minnick, Official Reporter (Please see Special Exhibit # Chapter XXIII.c)

The Defense attorneys were not present - indeed they were not aware of this sub rosa meeting having taken place until five days later - on May 21, 1969 under the following circumstances: (Sirhan Trial Transcript, page 9015)

"The Court: We will recess until 1:45. Defendant is remanded. (Defendant was remanded.)

The Court: Are you cognizant of the fact I issued an order governing the exhibits?

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Mr. Cooper: I wasn't aware of it.

The Court: I thought I would make you aware of it. I gave it to the clerk. You may want to read it while you are retiring during the noon hour. (Whereupon an adjournment was taken until 1:45 p.m. of the same day, Wednesday, May 21, 1969.)" (Please see Special Exhibit # *Chapter XXXIII 2*)

At appellate Luke Mc Kissack's urging Mr. Cooper prepared at least two Declarations re: the above Loring/Walker sub rosa meeting and the Defense's not having been informed ahead of time.

XXIV

I Am Locked Out of CSA

As a result of my numerous discoveries of evidence tampering and missing evidence - and the fact that I testified at the Enyart Trial to these discoveries - I was told by Lisa Niegel, Legal Counsel to Bill Jones, California Secretary of State, that I would no longer be permitted to examine the RFK/Sirhan files and exhibits. I would be limited to microfilm access only.

I telephone Ms. Niegel the following day to tell her I now have a close-up lens for my camera and I would settle for one final visit to CSA.

Additionally, I mailed copies of the above correspondence to Bill Jones and I included a note to Mr. Jones asking for a meeting re: the destruction of the original triplicate copy of DROS of gun #H53725.

Mr. Sirhan's attorney Lawrence Teeter wrote to Mr. John Burns, Director CSA on August 30, 1996, with respect to our concerns about the evidence.

Additionally, Mr. Teeter wrote to L.A.P.D. Chief Willie Williams on May 27 this year in which he raised his concerns about the evidence in the RFK/Sirhan case. To date no response.

My intentions were to close this Report with the CSA having barred me from future access to the RFK/Sirhan evidence. However, I had to reconsider the wisdom of deferring to a later date several additional areas of my research. Accordingly, I am adding them here.

Dr. Eduard Simson's Affidavit

While in San Quentin Prison Sirhan made a number of requests that I contact Dr. Simson, prison psychologist. (My name was Messing at that time) (Please see Special Exhibit # Ch. XXV a 1-2) 33

One of the things which disturbed Mr. Sirhan was the circumstances under which Dr. Simson was barred from future visits/examinations (while Sirhan was on Death Row). And Mr. Sirhan was most anxious for me to hear what Dr. Simson had to say about his state of mind - that there was no mental illness.

As accurately as I can remember Sirhan gave me the following account of the visit which resulted in Dr. Simson's being barred:

"Dr. Simson and I were seated at a table and I asked him if he would hypnotize me, maybe he could help me to remember - remove the block in my memory. (pg 15 Dr. Simson Affidavit) (Please see Spec. Ex. # Chapter XXV 2)

"And I asked him if the electrical wall outlet next to our table was a bug - are we being bugged?"

Dr. Simson fully corroborated the above incident and he too suspected their conversations were being "bugged".

Additionally, Dr. Simson did not dismiss Sirhan's belief that the writings in the notebooks were a forgery. This led me to do some further examination of the trial record, and shockingly, Sirhan's charge makes a great deal of sense.

There is every indication the handwriting evidence is as unreliable as the ballistics evidence. An examination of the documents clearly records the serious problems with the handwriting evidence - and the conduct of attorney Cooper, who set himself up as a handwriting expert. (The defense did not hire a handwriting expert, even though Sirhan insisted the handwriting was not his.) (Please see Special Exhibit # Chapter XXV c)

XXVI

Dr. Noguchi's Autopsy Report

By all accounts the autopsy which Dr. Noguchi performed upon the late Senator Robert F. Kennedy was brilliant. And I wish to emphasize I am not suggesting otherwise. However, I did find an extremely serious problem exists with respect to the "Bullet Recovery" of a bullet fragment which Dr. Noguchi removed from the mastoid area.

It is nowhere to be found in the LAPD Property Report, SUS Records. Who received this fragment from Dr. Noguchi? Where is it?

But I did find something that is most curious in the trial transcript on page 4130:

"Mr. Fitts:...It contains two vials containing bullet fragments. May that be marked as People's next in order, as People's 48? (Peo. 48 - the fatal bullet fragments removed during surgery on June 5 - one day prior to his death)

"The Court: In evidence, Mr. Cooper?

"Mr. Cooper: I have no objection, your Honor.

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→ "The Court: In evidence.

"Mr. Fitts: And the next, Mr. Cooper, is a bullet fragment contained with the vials as part of Exhibit 48, which was removed from the head of Senator Robert F. Kennedy, both during the course of surgery performed upon him prior to his death and later upon the autopsy performed subsequent to his death. (emphasis added)
"Mr. Cooper: So stipulated."
(Re-examine this evidence envelope 24-25 altered to 26-27 and Chapter XXIII b 3)

On page 10 of Dr. Noguchi's Autopsy Report he reports the following:

"Upon palpation and probing in the region of the laceration in the superior vermis, a metallic fragment is found just beneath the arachnoid membrane and within an area of hemorrhage. This irregular gray metallic fragment measures 6x3x2 mm and corresponds to the largest fragment that was identified in the postoperative x-ray of a radiopaque object near the midline."

(Please see Special Exhibit # Chapter XXVI a)

I noticed on page 17 Dr. Noguchi assigns the largest fragment "is situated in the petrous ridge and at about the arcuate eminence. This measures 12 mm in transverse dimension, 7mm in vertical dimension, and approximately 12mm in anteroposterior dimension."

The above is found under Description Of Pre-Operative X-Rays.

The autopsy bullet fragment on page 10 is not the pre-operative fragment

(Please see Special Exhibit # Ch XXVI b)

On April 23, 1996 Prof. Ken Braunstein accompanied me to CSA to examine the evidence bullets. The photographs of Peo. 48 taken by both Prof. Braunstein and me shows the largest fragment to correspond with the description on page 17 and with the Gaines photograph of Peo. 48 which was photographed on June 5.

On page 2 of Dr. Noguchi's Autopsy Report under "Bullet Recovery: Fragments (see text)" is found to be incomplete when compared to the Bullet Recovery information for the bullet which Dr. Noguchi removed from the vicinity of the sixth cervical vertebra (later assigned the identity People's 47)

There is absolutely no question about the missing bullet fragment removed by Dr. Noguchi during the autopsy from the mastoid area. Dr. Noguchi removed both the neck bullet and the fragment from the mastoid area - but it has disappeared without a trace.

I am including my correspondence to Dr. Wecht and Dr. Noguchi and it is perfectly clear these two gentlemen do not wish to respond to my very specific charge. (Please see Spec. Ex. # Ch. XXVI c)

While examining the Bullet Work Sheet of Lowell Bradford, one of the seven criminalists who examined the evidence in 1975, I noticed Bradford wrote under "Remarks" the following: "consists of several fragments in bottle plus box w/larger fragment" this is found under Peo. 48 - Panel ID 3 - the fatal Kennedy bullet.

This box is nowhere to be found in the CSA Peo. 48 evidence.

(Please see Special Exhibit # Ch. XXVI d)

Rafer Johnson's Diary

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This is probably the most frustrating experience I have encountered - *in the course of my research.*

In the spring of 1973 my husband -to- be Joseph Richard Mangan, introduced me to Rafer Johnson at the Drake Stadium during a Track Meet.

I questioned Rafer about his having possession of the pantry scene gun for almost two hours. Mr. Johnson told me he took the gun to his home where he examined it and wrote the gun ID number in his diary.

He gave me his unlisted telephone number and told me to call him and he will give me the gun number.

I have no idea why Mr. Johnson changed his mind - but every time I called his mother very politely took my message and so it went for several weeks. Rafer never returned my calls.

Due to the many serious problems with the gun identity number, and the substitute gun (H18602) I think it is Mr. Johnson's duty to reveal the gun number which he recorded in his diary.

In closing I want to state the serious issues raised in this Report warrants a full investigation at the highest level. This is both a shocking and an unconscionable record *of evidence.*

Researched and written by

Rose Lynn Mangan

with

Adel Sirhan,

and at the plea of Sirhan to please

examine the evidence - something his

trial attorneys failed to adequately do.