

1 "JUDGE WALKER: Was there a written copy of the
2 interview?

3 "MR. FITTS: Not necessarily.

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

6 "MR. FITTS: Well, as Alice just said, the state-
7 ments are in evidence but the contents, however, were
8 never placed in evidence.

9 "JUDGE WALKER: We just got the basis.

10 "MR. FITTS: We got the basis and the plastic
11 material, and if it ever got close enough to a magnet,
12 we don't even have the words.

13 "MR. HATCHER: Maybe that isn't the answer.

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

16 "DEPUTY CHIEF HOUGHTON: I have something and it
17 is only to tighten our position in this connection. What
18 data you have been talking about is not over five percent
19 or less of the total investigation files, probably maybe
20 two percent. The total investigation files are in great
21 detail and there is a whole gamut of miscellaneous non-
22 relevant material because this investigation started out
23 and wound up to be as thorough an investigation as it was
24 possible to make. Every lead that was a possible infer-
25 ence of conspiracy, no matter how remote or how inane it
26 might have sounded initially, was followed. From some
27 of this information, obviously, we interviewed a lot of
28 people and you never knew who they were going to talk to.

1 I am sure some of it will leak out. The majority of it
2 has not. Much of it has. Now, the posture of the Los
3 Angeles Police Department is that we think that nothing
4 in this case should be withheld from the public.

5 "JUDGE WALKER: That is right.

6 "DEPUTY CHIEF HOUGHTON: We think to put secrecy
7 around this phase of it is just going to open up specu-
8 lation that is going on with the John Kennedy assassina-
9 tion since we did do in my opinion as professional a job
10 of investigation as could have been done anywhere and I
11 feel that this information should be made available.
12 Now, we have not decided whether we will make the files
13 available yet. We will decide this.

14 "JUDGE LORING: This is all in written form?

15 "DEPUTY CHIEF HOUGHTON: It is all in written form,
16 about 50,000 pieces of paper, and the final report to the
17 Chief consists of nine volumes, and I believe that every-
18 thing went down on it.

19 "JUDGE WALKER: You need a final, final report.

20 "DEPUTY CHIEF HOUGHTON: Well, it can be broken
21 up very readably. This was done as I, and I realize
22 everybody has been second-guessing, easily enough, but it
23 was done for the simple reason of protecting the reputa-
24 tion of this department who felt what had happened in
25 town was an extremely significant thing that would be
26 reviewed for a number of years, but lots of those people --
27 we wanted to be sure that every loophole we could see or
28 hear about was investigated and we have got some real

1 weird things in the file, some way-out things, and we
2 had to check them out, and we intend to answer any
3 questions that anybody has. If anybody has some infor-
4 mation that they think is pertinent to either the
5 conspiracy of anything, why, we intend to answer it
6 based upon our files.

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

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

1 ment.

2 "JUDGE WALKER: It seems to me we shouldn't try
3 to have any authority to exercise any control whatso-
4 ever of your files which have not gone into our case,
5 and what do you think?

6 "JUDGE LORING: That would be my view of it, that
7 that material which the Police Department has, is a
8 matter over which we have no jurisdiction.

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

17 "DEPUTY CHIEF HOUGHTON: The mechanics of it.

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

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

1 "MR. FITTS: Right.

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

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

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

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

22 "MR. TALMACHOFF: We would just as soon not
23 tamper with those.

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

27 "THE CLERK: They were introduced.

28 "DEPUTY CHIEF HOUGHTON: I think the tape between

1 John Howard and Officer Murphy was introduced.

2 "JUDGE WALKER: They are right in the transcript.

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

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

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

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

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

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

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

27 "JUDGE WALKER: What you are talking about are
28 the actual articles viewed on Court Order.

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

4 "JUDGE WALKER: Well, there are going to be pic-
5 tures of it anyway.

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

12 "DEPUTY CHIEF HOUGHTON: Could I make a comment
13 here -- off the record.

14 "(Discussion off the record.)

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

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

24 "JUDGE WALKER: I got a copy of it yesterday or
25 the day before.

26 "MR. FITTS: Well, I was up to 11:00 last night
27 working on that and it looks like I am going to have
28 to work on the weekends now. They had three weeks to

1 prepare theirs. We have got four days including
2 Saturday and Sunday, and I mean that is the kind of
3 pressure we are working under, Judge.

4 "JUDGE LORING: Who has made the motion?

5 "JUDGE WALKER: Cooper.

6 "MR. FITTS: Cooper submitted the points and
7 authorities and somebody else submitted something,
8 but I am not worried about the ACLU little thing.

9 "JUDGE WALKER: That is of no concern.

10 "MR. FITTS: But you know all of that stuff they
11 have put in there.

12 "JUDGE WALKER: A lot of that is right in the
13 transcript and the stuff is there, a complete
14 transcript, and this is a great deal of what he has
15 raised.

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

24 "JUDGE WALKER: I don't want you under that kind
25 of pressure because it is very important you have a
26 proper answer in. Why don't you come in, say, Monday
27 morning and ask for some more time?

28 "MR. FITTS: I don't want to. That is the last

1 thing in the world I want to do, to ask for time.

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

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

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

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

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

24 "MR. FITTS: Well, I would just as soon not work
25 on some of the details of this thing until we get that
26 disposed of.

27 "JUDGE WALKER: This can keep.

28 "MR. FITTS: The District Attorney is going to be

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

8 "Chief, have you agreed in principle, that I
9 know what you relayed to me, but you had some objection
10 to the release of some of the stuff that was on file.

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

18 "MR. FITTS: They understand that.

19 "DEPUTY CHIEF HOUGHTON: Then I think those
20 conclusions drawn by my investigators, which I asked them
21 to draw and I wanted impressions from them, and some of
22 them are not put very tactfully as they call people
23 liars and things like that, and I would be just a little
24 concerned about that.

25 "Then, let's see, there was one other area.
26 I can't think of it.

27 "Oh, yes, it is criminal records. Everybody
28 interviewed, we placed in their jacket if they had

1 criminal records from the CII kick-back sheet. As far
2 as I am concerned, we are not going to release any of
3 that. When we find someone has a criminal record, that
4 is confidential information because I don't think we
5 ought to disclose that. I don't know what you have.

6 "JUDGE WALKER: I don't think so.

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

9 "DEPUTY CHIEF HOUGHTON: And Rabago and Delgado.

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

12 "DEPUTY CHIEF HOUGHTON: Then there is one other
13 thing, and this is where we didn't think far enough
14 ahead. We also ran, on everybody we interviewed, them
15 through our subversive files and, of course, some of
16 them came up. Walter Crow, I don't know if you have our
17 subversive confidential information.

18 "MR. FITTS: We don't have it and we don't want
19 it.

20 "DEPUTY CHIEF HOUGHTON: We asked for discovery
21 on Walter Crow and we threw that out and I don't know
22 what harm that has done.

23 "JUDGE LORING: Let me ask a question and this may
24 not have any place but maybe this question should be
25 asked. Suppose the Supreme Court should, through
26 inadvertence, order a reversal here. Is there anything
27 going to be investigated under these discovery orders
28 or this program that will violate the original order

1 that was issued by Judge Walker in this matter?

2 "DEPUTY CHIEF HOUGHTON: We don't think so. I
3 don't know how the District Attorney feels.

4 "JUDGE WALKER: No. I don't think that order
5 covers this stage of the proceeding.

6 "JUDGE LORING: But I had in mind the original
7 order.

8 "JUDGE WALKER: The idea behind the order was to
9 preclude pretrial publicity and it had nothing to do
10 with appellate publicity or anything since then, so I
11 don't think it enters into it.

12 "JUDGE LORING: But my point is if there is going
13 to be press releases now of material that would have
14 been prohibited under the original order and there is a
15 reversal, is it not then the same as if there had been
16 a relaxation of the initial order as to that second
17 trial that would prevail.

18 "JUDGE WALKER: It would be a question to this
19 extent. If the Supreme Court does so, in all likelihood
20 it would not be within at least two years and possibly
21 three.

22 "JUDGE LORING: The damage, if any, would have
23 been done.

24 "JUDGE WALKER: It would have been negligible.

25 "JUDGE LORING: All right. You would just have to
26 do the same thing with the jurors on the stuff that has
27 been kept out and that didn't get into the trial, and
28 that is all.

1 "DEPUTY CHIEF HOUGHTON: Well, there is going to
2 be, I know of at least four books and I know the tenor
3 of all of them, but I know at least three of them are
4 going to allege a major conspiracy in this matter and not
5 what the truth is, so I think I can assure you that there
6 is nothing in that file than is other than pure specu-
7 lation, that is relevant to or material to the actual
8 shooting of Robert Kennedy that was done by Sirhan.
9 Our investigators will continue to comply with the
10 orders of the Bureau and the District Atotrney's Office
11 at all points.

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

16 JUDGE WALKER: You would be at the same place
17 we were at, at the start of the trial, with all of the
18 publicity. We brought all of the jurors in chambers
19 and went into all of these matters thoroughly so that we
20 could protect the record. We would be in the same
21 position then and you possibly couldn't get this thing
22 up on appeal before two years. I am hopeful that the
23 nature of the Court will change by then.

24 "MR. FITTS: It is going to create a substantial
25 problem. No matter how far it is into the future, if it
26 is reversed, it is going to create a substantial problem
27 and the Legislature is going to have to talk their heads
28 off about it and I don't see anything we can do.

1 "JUDGE WALKER: It is no different than the
2 problem we had when we started the trial. It would
3 just be augmented and it would be a very difficult
4 problem.

5 "MR. FITTS: This is something worth writing up
6 if you would all like to listen to it. There should
7 be some kind of security precautions enforced so far as
8 the Clerk's Office is concerned. People who want to make
9 copies of these things can make copies on facilities
10 available in the presence of somebody that is watching
11 what they are doing. Those who aren't satisfied with
12 the facilities available can bring their own equipment.

13 "MR. HATCHER: Oh, no, no.

14 "MR. FITTS: No comment.

15 "MR. HATCHER: With all of our precautions, they
16 might destroy something so we duplicate everything.

17 "Pete, the point I was trying to make is
18 this. Earlier in the trial there was something that
19 was released by the press which indicated to members of
20 the public that all they needed to do was to write in
21 and they could get a copy of the Grand Jury transcript
22 and we were getting requests like that, and we don't
23 want anything going out to give the impression that all
24 they need to do is to write in and they can get copies
25 of everything.

26 "DEPUTY CHIEF HOUGHTON: What we are going to do,
27 well, the files of this investigation should be separated
28 from all other files and they will be under lock and key

1 and there will be minimum distribution of those keys.
2 At the moment there are three that have been released
3 and one I will have until such time.

4 "MR. FITTS: Nielson has one, and who has got
5 the other?

6 "DEPUTY CHIEF HOUGHTON: Captain Brown.

7 "We are going to isolate the files because
8 they are not available to the average person.

9 "MR. HATCHER: We advise them that they can
10 procure a copy of a page and that our fee is fifty
11 cents a page. That will stop a lot of them.

12 "MR. FITTS: Okay, does something like this
13 sound reasonable? I am just talking off the top of
14 my head.

15 "DEPUTY CHIEF HOUGHTON: I would like to meet
16 once with them or their commissioners so long as our
17 problems are similar.

18 "JUDGE LORING: Well, I don't want to take any
19 more of Judge Loring's time on these details. I just
20 wanted to get your opinion while we were going over the
21 major aspects and I feel it is the Court's problem,
22 otherwise I would have handled it myself.

23 "JUDGE LORING: Absolutely.

24 "JUDGE WALKER: Well, thanks a lot for your
25 time. I don't think I will have this written up at
26 this time for distribution.

27 "(The meeting adjourned at 2:15
28 P.M.)"

1 MR. HECHT: Mr. Talmachoff, please.

2 (Thereupon, the witness, Peter John Talmachoff, was
3 then escorted into the Grand Jury Hearing Room by the
4 Sergeant At Arms.)

5
6
7 PETER JOHN TALMACHOFF,
8 called as a witness before the Grand Jury, was duly sworn as
9 follows:

10 THE FOREMAN: You do solemnly swear that the evidence
11 you shall give in this matter now pending before the Grand
12 Jury of the County of Los Angeles shall be the truth, the
13 whole truth, and nothing but the truth, so help you God?

14 THE WITNESS: I do.

15
16
17 EXAMINATION

18 BY MR. HECHT:

19 Q Mr. Talmachoff, what is your business or
20 occupation?

21 A I'm Chief of the Criminal Division of the
22 Los Angeles County Clerk's Office.

23 Q Mr. Talmachoff, I asked you to bring a number
24 of items with you. Did you bring the Court Order issued by
25 Judge Alarcon?

26 A I have the original Order and a certified copy
27 of it.

28 Q May I have it, please?

1 A Yes, thank you.

2 MR. HECHT: Mr. Foreman, Mr. Talmachoff has given me
3 a Superior Court Order and a certified copy of the original
4 that was made by Judge Alarcon in *hec verba*.

5 May this be marked as Exhibit 39?

6 THE FOREMAN: It will be so marked.

7 BY MR. HECHT:

8 Q Did you take this from the official business
9 records of the Los Angeles County Clerk's Office?

10 A Yes, I did.

11 Q All right, thank you, Mr. Talmachoff.

12 Will you please tell the Grand Jury your job
13 title?

14 A Chief of the Criminal Division.

15 Q How long have you had that title?

16 A Since 1963.

17 Q Prior to that time, what was your experience
18 insofar as the Clerk's Office was concerned?

19 A I have been employed in the County Clerk's Office
20 since October of 1941.

21 Beginning from the beginning I worked in the
22 civil areas and then I went into the Service in 1942 and
23 came back in 1946.

24 I resumed my employment in the civil areas,
25 civil filings and trial divisions.

26 I became a court clerk in the civil court and
27 continued to work on the civil side until 1952.

28 In 1953 I worked on the Master Calendar, Pasadena

1 Branch.

2 Returning from Pasadena in '54, for a very short
3 time I worked civil but from that time on I worked in the
4 Criminal Master Calendar as a court clerk.

5 I worked as a criminal court clerk from 1955
6 and then I went to Juvenile and worked there as a court clerk
7 for about a year and a half and then I went to the Psychiatric
8 Section and worked there for approximately ten months.

9 From there I came back to the Juvenile area
10 as the office manager and I remained there from 1958 until
11 1962, at which time I came back to the criminal division as
12 the Assistant Chief.

13 In 1963 I became the Division Chief and I've held
14 that position since that time.

15 Q What are your duties in connection with your
16 present assignment?

17 A I am the top management of the Division. I'm in
18 charge of the Division.

19 Q Please go ahead.

20 A I'm responsible for the conduct of the Division.
21 I'm responsible for the assignment of duties between the
22 different individuals.

23 Q Is one of the responsibilities of your Division
24 the handling of criminal case exhibits?

25 A Yes, sir.

26 Q What are the various methods by which an exhibit
27 in a criminal case comes into possession of your Division?

28 A The most frequent manner by which we receive the

1 exhibits would be through the preliminary hearing process in
2 Municipal Court.

3 After a person is held to answer, these exhibits
4 are then transmitted along to us with the complaint and that
5 is our initial contact with them.

6 Another method by which we would receive original
7 exhibits would be through the Grand Jury process.

8 If the Grand Jury holds proceedings and an
9 Indictment is voted on, then they send us the exhibits and
10 we received these exhibits.

11 A third method would be that we receive exhibits
12 from our trial courts.

13 In other words, various documents and physical
14 objects are entered into as exhibits in the trial courts, and
15 they later come to our exhibit division for safekeeping pending
16 appellate and post-trial proceedings.

17 Q Did you bring with you, pursuant to my request,
18 a copy of the letter signed by Attorney George Shibley dated
19 August 17, 1970?

20 A Yes, sir.

21 Q This is from your official business records and
22 files?

23 A Yes, sir.

24 MR. HECHT: Mr. Foreman, the letter that Mr. Talmachoff
25 has just brought with him, may that at this time be marked
26 Grand Jury Exhibit Number 43?

27 THE FOREMAN: It will be so marked.

28 BY MR. HECHT:

1 Q Did you bring with you a copy of a document
2 entitled, "Record of Viewing of Exhibits - Sirhan case"?

3 A Do you mean the log, sir?

4 Q Yes, sir.

5 A I did.

6 Q May I have it, please?

7 A Yes.

8 Q Did you bring a copy of that with you?

9 A I've copies but I don't have certified copies.

10 Q I don't want a certified copy, but if you have a
11 copy that will be just as satisfactory.

12 A Yes, I do, but it is not quite as legible as the
13 original.

14 Q I think it will be satisfactory.

15 MR. HECHT: Mr. Foreman, with your permission, I would
16 like to mark this Grand Jury Exhibit Number 44 for identifica-
17 tion.

18 THE FOREMAN: It will also be so marked.

19 BY MR. HECHT:

20 Q Did you also bring with you certified copies
21 of the exhibit viewing slips, Mr. Talmachoff?

22 A Yes, sir.

23 Q May I have those, please?

24 A Yes. I have the originals attached to them.

25 Q Now, let me indicate precisely what you have.
26 You have just given to me what appears to be the
27 originals?

28 A Yes, part of the originals.

44 id.

1 Q What are the rest of these documents?

2 A Certified copies of that group of originals.

3 Q Do you have any Exhibit Viewing Slips?

4 A Yes, sir.

5 Q And where are they?

6 A They are in two different piles.

7 Q Someone had requested these first from your
8 office, that they be separated in this particular manner.

9 A I did not prepare these myself but they were
10 prepared under my supervision and direction.

11 Q May I remove the originals and give them back to
12 you?

13 A Yes.

14 Q I take it the second group was attached to the
15 first group so we have what I believe to be a set of Viewing
16 Slips?

17 A Yes, sir.

18 MR. HECHT: With your permission, Mr. Foreman, may I
19 take these and mark them as a group as Grand Jury Exhibit
20 Number 45?

21 THE FOREMAN: It will be so marked.

22 BY MR. HECHT:

23 Q All right, Mr. Talmachoff, do you have procedures
24 established in your Division in connection with the display and
25 exhibition of criminal case exhibits, which you have in your
26 custody, care and control?

27 A Yes, sir.

28 Q Will you explain those proceedings to the members

1 of the Grand Jury, please?

2 A If anyone wants to see an exhibit, they come to
3 our exhibit intake area and they make their request.

4 We have a form which we call a viewing slip.
5 We request they complete the viewing slip form.

6 The exhibit clerk will then check to see if we
7 have that exhibit.

8 We have what we call a guide envelope and that is
9 an envelope containing the receipt slips which describes the
10 exhibits in the case.

11 The guide envelope is the locator index to where
12 we store the exhibits.

13 The exhibit custodian clerk would go to this guide
14 envelope, pull it, verify that there is such an exhibit that
15 the person has requested.

16 He would pull the guide envelope, examine the
17 contents of the envelope, examine any markings that may be on
18 the envelope itself as to any limitation on the viewing.

19 If there were none, he would then obtain the
20 exhibits or exhibit for the person requesting to view the
21 exhibit.

22 Q Has your Division, since the time you have been
23 Division Chief of the Criminal Division, ever been assigned
24 certain responsibilities in connection with restrictions as
25 to the availability of the original exhibits in a criminal
26 case, pursuant to a court order?

27 A Frankly, I cannot recall if we had any such
28 court orders prior to the Sirhan case.

1 There may have been, but I just cannot recall.

2 Q Was the Sirhan case, in fact, probably the only
3 case such a court order was made?

4 A Well, I think so, up to that point in time.

5 Q As a matter of fact, in the Sirhan case, there
6 were two court orders imposing certain restrictions on the
7 exhibits, were there not?

8 A I think there were two written court orders but
9 I think throughout the trial there were different orders made
10 relative to the exhibits.

11 I cannot recite those verbatim, but I think there
12 was an order made on June 14th, a Minute Order made on June
13 14, 1969, which I believe was an amendment to Judge Alarcon's
14 Order.

15 Q Do you have that with you, sir?

16 A I have a copy.

17 Q Well, Mr. Talmachoff, let me show you a transcript
18 of what purports to be a conversation between Mr. Burnett
19 and a man named Robert Kaiser.

20 MR. HECHT: First of all, Mr. Foreman, may this be marked
21 Grand Jury Exhibit Number 46?

22 THE FOREMAN: It will be so marked.

23 MR. HECHT: I also have a picture of what purports to
24 be a picture of a person by the name of William W. Harper.

25 May this be marked Grand Jury Exhibit Number 47?

26 THE FOREMAN: It will be so marked.

27 MR. HECHT: I have further what purports to be an Index
28 to Exhibits -- Grand Jury presentation (June 7, 1968) and Index

46 id

47 id

1 to Exhibits -- Sirhan case -- Trial.

2 May this combined index be marked as Exhibit
3 Number 48 for identification?

4 THE FOREMAN: It will be so marked.

5 MR. HECHT: Thank you.

6 Now, you've handed me a two-page document dated
7 January 14, 1969, and on the second page there is the
8 following language:

9 On motion of the People and the defendant
10 Judge Alarcon's Court Order is modified to permit
11 the People and the defense counsel to inspect
12 exhibits in County Clerk's Office.

13 May this be marked Grand Jury Exhibit Number 49
14 for identification?

15 THE FOREMAN: May be so marked.

16 BY MR. HECHT:

17 Q Do you have a practice in your Division,
18 Mr. Talmachoff, of making any notations on the case guide
19 envelope where exhibits are not to be viewed or to be
20 available to members of the public?

21 A The notation that would be made is not
22 necessarily the notation that would reflect what you're
23 saying.

24 The notation that would be made would be a
25 notation based on any special handling that the particular
26 exhibits may require.

27 If you will permit me I will give you an example
28 of a different situation.

48 id

49 id

1 We have a request from the District Attorney's
2 Office in a particular case, a written request wherein the
3 District Attorney has asked that in the event of the opposing
4 side wanting to see that particular set of exhibits they
5 would like to be notified so that someone from the District
6 Attorney's Office will be present. This is the type of
7 notation that we put on the cover of the guide envelope so it
8 will be the first thing that will hit the eye of the exhibit
9 custodian clerk.

10 Q Would you say that an order restricting the
11 availability of the exhibits in the case of the importance of
12 the Sirhan case would be the kind of case in which there
13 would be notations, to use your language, to hit the eye of
14 the custodian clerk?

15 A Yes, it would.

16 Q Generally speaking, these restricted court orders
17 are, in fact, rare so far as the restriction is placed on
18 viewing the exhibits is concerned, isn't that true?

19 A They are rare.

20 There are some that have occurred, but I think
21 there has been more activity in that area of limited viewing
22 or limited publicity in the recent few years than there ever
23 have been in the prior years.

24 Q And this occurred in connection with criminal
25 cases?

26 A Yes, sir.

27 Q Insofar as the differentiation might be made, the
28 Sirhan case was a major criminal case?

1 A Yes.

2 Q Did you bring the guide envelope of the Sirhan
3 case with you?

4 A Yes, I brought the guide envelope but this is not
5 the original guide envelope.

6 We cannot locate the original guide envelope.

7 Q All right; will you show me what guide envelope
8 you have brought with you?

9 A I have three guide envelopes.

10 In 1970 we changed the form of the guide envelope.
11 The form used to be an envelope of this size without any
12 printing on it.

13 To improve the efficiency of our system and the
14 disposition of the exhibits, we had a printed form and one of
15 the employees discarded the older form when they made up the
16 new form and removed the contents from the old envelope and
17 placed those contents into these three envelopes.

18 There is so much material that it wouldn't fit
19 into one envelope, so the material was spread over three
20 guide envelopes.

21 Q I don't know if all of the Grand Jurors can see
22 from their respective vantage points, but you are displaying
23 certain language on the first guide envelope about a Court
24 Order, is that right?

25 A It says, "See Court Order about exhibits".

26 Q When was that language placed on there?

27 A Recently, when the envelopes were changed.

28 Q It was not on there prior to June of this year,

1 is that correct?

2 A That's correct.

3 Q That language was placed there a few days prior
4 to the interview you and I had on June 10th of this year?

5 A Probably; if that is the correct date.

6 Q Can you tell us when the Sirhan Bishara Sirhan
7 exhibits were sent from your office up to the Supreme Court?

8 A Only certain exhibits were sent.

9 They were sent from here to the Supreme Court
10 Clerk's Office in Los Angeles and that, I believe, was January
11 13, 1971.

12 Q You say that some exhibits were sent during the
13 month of January, 1971?

14 A Yes, sir.

15 Q Was that most of the exhibits or just a few?

16 A There were quite a few that were sent.

17 I think the great majority was sent.

18 Q Are you telling us that the language that was
19 supposed to hit the eye of the Exhibit Clerk, alerting him
20 to the fact that there was a court order regarding the exhibits,
21 was put on there after you no longer had most of the exhibits
22 in your custody?

23 A Yes, I told you it was put on in June of this
24 year.

25 Q What use would that language be when you no longer
26 had the original exhibits to show to anyone?

27 A We still have the original exhibits in our
28 possession.

1 Q You still have the original exhibits in your
2 possession?

3 A We still have some today, yes.

4 Q How many do you have?

5 Very few, do you not?

6 A Not necessarily very few. I would say, well, I
7 would guess, offhand I would guess about 17 or 20 exhibits.

8 Q How many exhibits were introduced in evidence
9 during the Sirhan case?

10 A Again quite a few.

11 I cannot tell you the exact number.

12 Q Well, over 100?

13 A Yes; I think the exhibit numbers went over 100
14 and, of course, the defense had exhibits, too, which would be
15 alphabetical.

16 Q Can you tell us why that language was not placed
17 on that envelope prior to June of that year?

18 A The explanation for that is something that I
19 cannot give you because I'm not the one that discarded the
20 old envelope and made up the new envelope.

21 If there was an expression on the old envelope,
22 it should have been carried on to the new envelope.

23 Q If I recall your testimony accurately it was that
24 you cannot locate the old guide envelope?

25 A No, sir, we cannot.

26 Q Can you tell us with certainty that the old guide
27 envelope contained language that was supposed to alert members
28 of your staff to the existence of the court order?

1 A I cannot tell you with certainty.

2 Q As a matter of fact, you cannot recall if it
3 contained such language; isn't that true?

4 A No, I cannot.

5 Q During the term of the 1968 Grand Jury,
6 Mr. Talmachoff, and you know that was the same Grand Jury
7 that indicted Mr. Sirhan, the Grand Jury made certain
8 representations as to the handling and preservation of the
9 exhibits.

10 Q Are you familiar with that portion of the 1968
11 Grand Jury Report?

12 A I have a recollection of it, yes, sir.

13 Q When did you first see that, if you can recall?

14 A I can't tell you for certain.

15 Q Were you the Chief of the Criminal Division at
16 that time?

17 A Yes, sir.

18 Q Do you have in mind, as you sit here, do you
19 recall if the 1968 Grand Jury was in part concerned with the
20 integrity of the exhibits maintained by your Division?

21 A I think that expression may have been included
22 among others, but I don't recall the specific word
23 "integrity" at this time.

24 Q Can you tell us what was done to implement and
25 respond to the recommendations of the Grand Jury in connec-
26 tion with the handling of the criminal exhibits?

27 A At the time we had a very extremely crowded
28 situation. We had limited space. We had exhibits scattered

1 in a number of different rooms throughout this building.

2 We had vermin problems; for example, one package
3 was being torn apart by mice and the contents thereof
4 scattered and this would be even a few minutes after a package
5 would be cleaned up we would find the vermin had come back and
6 gotten to it again.

7 We had terribly crowded conditions.

8 Unfortunately, not having the Grand Jury Report
9 before me, I cannot recall the specifics so I cannot respond
10 to the specifics.

11 Q In any event, is there any doubt that the 1968
12 Grand Jury was, in fact, concerned with the proper control,
13 handling and preservation of the exhibits which came into the
14 custody of members of your division?

15 A No doubt at all in my mind.

16 Q All right, let's go back in point of time to
17 the date the 1968 Grand Jury returned the Indictment which was
18 on June the 7th of 1968.

19 Were you present in Department 100 which at that
20 time was presided over by Judge Alarcon, when that Indictment
21 was returned?

22 A I believe I was.

23 Q Did Judge Alarcon convey to you the contents of a
24 certain court order which was later served upon your office?

25 A Yes.

26 Q Had Judge Alarcon discussed any aspects of that
27 order with you prior to the time he read it in open court on
28 June 7th?

1 A I cannot recall at this time.

2 Q Did you have any difficulty in hearing what
3 Judge Alarcon was saying in court on that particular date?

4 A At this point I cannot recall too well the entire
5 proceedings in court, but I would say I did not have any
6 difficulty in hearing Judge Alarcon making whatever order it
7 was.

8 Q Do you recall during those proceedings that
9 Judge Alarcon made a specific order to be served upon your
10 office regarding the safeguarding of the exhibits pending the
11 determination of the case?

12 A I cannot recall that specific language but I
13 assume it was made.

14 Q Do you further recall Judge Alarcon ordering that
15 after the making of the order that copies of that order be
16 served upon certain offices and agencies, including your
17 division?

18 A I cannot recall, but I assume he did.

19 Q Do you recall that the Sheriff did serve a copy
20 of that court order on your office?

21 A Again I cannot recall that particular part but I
22 assume it was done.

23 Q During all of your experience in the Clerk's
24 Office, including but not limiting it to your present assign-
25 ment as Chief of the Criminal Division, how many other cases
26 do you recall where the Chief of the Criminal Division was
27 present when the Indictment was returned in Department 100?

28 A I cannot say the exact number but very, very few.

1 Q How many occasions can you recall where that kind
2 of restrictive order was read, both in open court to representa-
3 tives of the Clerk's Office and later served on your office?

4 A I cannot recall.

5 Q This was a rather unique situation?

6 A Yes, it was.

7 Q Was there anything unclear or ambiguous about
8 Judge Alarcon's express intent that the exhibits received by
9 your department at that time should not be made available to
10 anybody without first obtaining a court order?

11 A No, I don't believe so.

12 Q What did you personally do in order to implement
13 Judge Alarcon's court order?

14 A I'm not able to recall the facts following the
15 incident at that time at this particular time.

16 In brief, my recollection is that the Indictment
17 was returned late in the afternoon of that particular date,
18 and it's my recollection there was an arraignment proceeding
19 scheduled immediately thereafter at the County Jail.

20 I cannot recall whether the exhibits were handed
21 to me directly and I, in turn, gave them to Mr. Wilson who was
22 Assistant Division Chief, or whether Mr. Wilson received those
23 exhibits from someone else directly, someone from the Grand
24 Jury itself.

25 But they were received by Mr. Wilson for
26 verification of the exhibit listing and the exhibits them-
27 selves were placed in one of our safes in a separate locked
28 drawer and kept there, I believe, except that one exhibit was

1 a rolled chart and was so large it could not be kept with the
2 rest of the exhibits in the safe and in the locked area.

3 As I recall, there were only two keys to this
4 locked area, one was held by myself and one by Mr. Wilson
5 and the rolled chart would not fit into the drawer and I
6 believe we placed it elsewhere with a special notation relative
7 to its handling.

8 If you would like, I have a copy of that notation
9 here.

10 Q In connection with the efforts made to implement
11 Judge Alarcon's court order, did you write any memos to members
12 of your staff alerting them of Judge Alarcon's order?

13 A I don't recall of having written any memos.

14 Q Did you give any instructions?

15 A I'm sure I did.

16 Q To which persons did you give such instructions?

17 A I cannot recall specifically saying what to whom,
18 but as a matter of practice I'm sure I did speak to
19 Mr. Wilson.

20 I'm sure I spoke to the head of the section and
21 possibly to all of the employees working in the section.

22 Q What is Mr. Wilson's first name?

23 A Richard Wilson.

24 Q Is he still a member of your staff?

25 A No, sir. He's in the chief administrative officer's
26 office now.

27 Q And during the time between Judge Alarcon's order
28 and the later court order issued by Judge Walker, what did you

1 personally do to see that the Alarcon order was continually
2 followed by members of your staff?

3 A We kept those exhibits locked in that drawer I
4 mentioned. We maintained a document called "Record of Use
5 of Exhibits."

6 Q I note on the filled in portion of that document
7 there are dates and the next column is the department and the
8 next column the name and the next column is the purpose and the
9 last column says "Authorized".

10 Would you explain the purpose of keeping that
11 document, please?

12 A I cannot recall whether we started this before or
13 after Mr. Sharp, the County Clerk, gave us oral instructions
14 to keep a record of the people who came in to look at the
15 exhibits in the case.

16 Q Would you have done this without Mr. Sharp
17 specifically telling you to do that?

18 A Yes, that's why I say I can't recall we did it
19 before he gave instructions or after. It is possible that we
20 started it before.

21 Q Can you tell us what efforts you engaged in
22 personally to notify members of your staff that Judge Alarcon
23 had, in fact, issued such a restrictive court order about the
24 exhibits?

25 A Again, this is remote in time. However, I believe
26 we made copies of the court order, at least one copy of the
27 court order was circulated among the members of the exhibit
28 staff and it was scotch-taped or pinned to the wall just within

1 the exhibit room.

2 Q Did you bring that document with you?

3 A I do not have that particular document.

4 Q Are you certain that particular document was, in
5 fact, the Alarcon order and not some other document?

6 A At this point in time I cannot say for certain.

7 Q Did the court order issued by Judge Alarcon which
8 he read aloud while presiding in Superior Court, generally
9 was concerned with publicity and with the integrity of the
10 exhibits?

11 A Yes.

12 Q All right; let me call your attention to Friday,
13 May 19, 1969. Were you personally present in the chambers of
14 Assistant Presiding Judge Charles A. Loring?

15 A Yes; but what was the date?

16 Q Friday, May 19, 1969?

17 A There was a meeting in Judge Loring's chambers,
18 but I'm not positive that was the date.

19 Could it have been the 16th?

20 Q You're correct, May 16, 1969.

21 A Yes; I believe so.

22 Q Was there such a meeting at which you were
23 present?

24 A Yes, sir.

25 Q Now, you say that with a certain amount of
26 certainty.

27 Do you remember that I identified that conversa-
28 tion to you at 9:00 o'clock A.M. on Thursday, June 20, 1971,

1 in Mr. Busch's office?

2 A Yes, I do.

3 Q Do you recall at that time telling me that you
4 had a vague recollection of being present at such a meeting?

5 A Yes, sir.

6 Q In view of the fact that your memory was vague
7 at that time when I asked you about that meeting, has anything
8 happened between your conversation with me and now that has
9 refreshed your recollection as to that meeting?

10 A Yes, it has.

11 Q And what is that?

12 A I received a copy of the transcript of those
13 proceedings of -- of that meeting.

14 Q I made that copy available to Mr. Sharp?

15 A Yes, I believe you did.

16 Q Also present, as the record reflects besides
17 Judge Loring was Judge Walker, Deputy Chief Robert A. Houghton,
18 Deputy District Attorney David Fitts, Chief Deputy Emory
19 Hatcher, Division Chief Peter Talmachoff -- that's yourself --
20 and Mrs. Alice Nishikawa?

21 A That's correct. I believe there was a court
22 reporter present, also.

23 Q There was a court reporter taking down the
24 proceedings?

25 A Yes, there was.

26 Q What was Mrs. Nishikawa's function?

27 A Mrs. Nishikawa was the court clerk assigned to
28 Judge Walker. She was the court clerk throughout the Sirhan

1 case as it progressed in Judge Walker's court.

2 Q And what were the circumstances that led up to
3 your being personally present in Judge Loring's chambers?

4 A Well, there were questions relative to the handling
5 of these exhibits.

6 Q Who raised those questions?

7 A I cannot say at this time. I don't recall.

8 Q How did you know that there were questions raised
9 as to the handling of exhibits which resulted in your being
10 present?

11 A Well, I believe I was told there was going to be
12 a conference concerning the exhibits in the Sirhan case but
13 that they were going to have a conference about it, because
14 although the exhibits were in our possession there was an
15 interest in making it available to the public so that the
16 public could have the information as to the availability of
17 these exhibits.

18 Actually, of course, the exhibits are always
19 available to members of the public, but in this case -- I'm
20 not certain at whose insistence the meeting came about --
21 it could have been either Judge Walker himself or possibly
22 Mr. Younger, the District Attorney, but, in any event, they
23 decided to have a meeting and decide on how to handle this
24 aspect of the exhibits at that particular meeting.

25 I'm not certain at this time at whose request the
26 meeting was called. All I can say is that chronologically,
27 sir, it occurred after Mr. Sirhan was found guilty and I
28 believe that date was April 17th and then the death penalty was

1 returned on April 23rd.

2 Q So the meeting in Judge Loring's chambers took
3 place well after the exhibits had been introduced and used
4 in the court proceeding, during which time they were under
5 the control of the court clerk in the courtroom?

6 A Yes, that's correct.

7 Q Now it was a question that the exhibits would be
8 taken from the courtroom and placed in the custody of the
9 County Clerk's Office on the 4th Floor?

10 A That's correct.

11 Q Do you have any quarrel with the chronology that
12 I'm now relating?

13 A I'm not aware of any errors in what you have said.

14 Q In view of the fact that you were invited to
15 attend these proceedings, did that suggest to you that some
16 portions of that meeting would be concerned with some aspects
17 of your division?

18 A Yes, sir.

19 Q How long did that meeting take place?

20 A I cannot recall, sir.

21 Q You already have indicated, that you noted the
22 presence of the court reporter?

23 A I know there was a court reporter by virtue of our
24 having a transcript of that meeting.

25 Q During the time you had been in your present
26 position, how many other meetings, either in or out of
27 chambers have you attended that were reported and transcribed
28 where one of the many articulated purposes of those conferences

1 was to establish strict procedures with respect to the handling
2 of exhibits?

3 A I cannot recall any other.

4 There may have been, but I just cannot recall.

5 Q In all fairness, then, this was a rather unique
6 and unusual procedure?

7 A Yes, it was.

8 Q Do you recall the substance of the meeting?

9 I'm not asking you to testify verbatim but do you
10 recall the substance of the matters that were discussed at that
11 meeting?

12 A Having refreshed myself on the transcript, I do.

13 Q Do you agree at the time you were interviewed on
14 June 10, 1971, you told me you could not recall that conversa-
15 tion?

16 A Yes, sir.

17 Q Did you consider the matters discussed during that
18 proceeding insofar as they related to duties of your division
19 very important?

20 A Yes, sir.

21 Q Did you take notes during those proceedings?

22 A I don't recall at this time.

23 Q Did you prepare a written report concerning the
24 subject matter of those proceedings insofar as it related to
25 your respective duties?

26 A No, sir.

27 Q Were any statements or instructions relative to the
28 operation of your division which were made during that meeting,

1 were there any that were felt by you to be unclear or
2 ambiguous?

3 A I don't believe at the time of the meeting I
4 had any such feeling.

5 Q Have you ever requested any clarification from
6 either the County Clerk's Office, the Superior Court or the
7 District Attorney's Office in connection with the roll of the
8 Clerk's Office, as it was discussed during that proceeding?

9 A No, sir.

10 Q Having in mind that you took no notes, did you
11 request any such clarification?

12 A No.

13 Q What subsequent action did you take after attend-
14 ing this meeting?

15 A One of the purposes of the meeting was to
16 decide the form of the order that would be issued by the
17 court, and during the meeting there was an indication -- not
18 just an indication -- but just as a matter of fact Judge Walker
19 requested that the District Attorney prepare such an order.
20 At such time as the order was prepared and signed by Judge
21 Walker, we received our directions as to how to handle the
22 exhibits.

23 Q In effect, they were written instructions for your
24 handling of the exhibits and they would have been in the form
25 of this court order?

26 A Yes, I believe so.

27 Q Well, I'm referring now to Page 4, and because I
28 have the Xerox copy of the transcript that was given to you

1 that may not come in the precise place, but in my copy, start-
2 ing on Line 13, Judge Walker said:

3 "I know Alice has kept track of it. It is not
4 going to be any problem to figure it out.

5 "And then we come to the second problem, as I see
6 it. These exhibits were extremely valuable and they're
7 going to go up on appeal and to have them mutilated
8 or even some of them, it is going to be very bad, and I
9 think particularly if they are not in packages."

10 Do you recall that language?

11 A I'm not sure, but if it is in the transcript then
12 certainly Judge Walker did say that.

13 Q There were a number of references made to the
14 packaging of exhibits during that proceeding?

15 A I don't believe so. You say a number of
16 references and I think there were several references but not
17 quite in that context.

18 Q All right, sir.

19 What efforts did you make to see that the exhibits
20 were packaged so that none of the exhibits could be mutilated
21 so that basically the evidence would remain in the same con-
22 dition it was as it was presented in the courtroom?

23 A We do not claim to be experts in knowing whether
24 an item or any items could be mutilated.

25 We, as a practice, use the same package, the same
26 envelopes that are used by the ballistics experts, as we feel
27 they are more expert in this particular area.

28 Q Did you advise Judge Walker that you did intend to

1 package any of the exhibits?

2 A It depends upon what you mean by packaging.

3 We put things together in envelopes and stored
4 them all away.

5 Q There was some reference made to the use of
6 plastic containers for certain of the exhibits.

7 Would that plastic or maybe cellophane, when
8 that language was used, as I understand it, by Judge Loring,
9 who is not adverse to people viewing the exhibits that were
10 used but he wanted them to view it through something that
11 was transparent.

12 A I don't recall that.

13 Q You don't recall any discussion as to the safe-
14 guarding of the exhibits or the markings on the exhibits?

15 A Well, there may have been some discussion about
16 it.

17 Q Do you feel that there may have been some dis-
18 cussion as to what the precise extent of your responsibility
19 may have been in connection with packaging exhibits?

20 A I did not feel that we were expected to repack
21 in some unique way the items contained in the case.

22 On Page 5 of the transcript I have, there appears
23 the following:

24 "JUDGE WALKER: Well, it could be supported
25 by a Minute Order, but I think there should also
26 be an actual signed order, I thought.

27 "MR. TALMACHOFF: I would like to recommend you
28 do this. We had this at the very beginning of the

1 case and it is quite helpful to us to be able to show
2 a copy of the court order with the Judge's signature
3 on it."

4 Did you make that statement?

5 A As best as I can recall, yes.

6 Q In other words, that statement would seem to
7 indicate that you did have a copy of the court order and
8 most likely knowing the chronology of the case, because you
9 refer to the "very beginning of the case", that would have
10 been Judge Alarcon's order?

11 A Yes; I think that's right.

12 Q All right, then the transcript continues:

13 "JUDGE WALKER: Well, we can write up an
14 order covering it in particularity.

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

21 "What I'm trying to do is to set up some-
22 thing like this, that the actual exhibits are not
23 exhibited to these people in some manner, so they
24 are not mutilated or lost or anything else, because
25 it is easy for these exhibits to get lost in your
26 office and everybody is in a mess. I understand that
27 maybe you could have copies that the public could
28 see."

1 Do you recall that language?

2 A Not independently, but I recall reading it in the
3 transcript and I'm certain that Judge Walker said that.

4 Q Did Judge Walker later issue a court order, did
5 he not?

6 A Yes.

7 Q When you were in Judge Loring's chambers and the
8 content of that court order was being discussed what method did
9 you contemplate using to bring to the attention of your clerks
10 the court order issued by Judge Walker?

11 A Well, first as to this question of packing
12 materials, that would be the envelopes the items came in.

13 We would put those into regular size envelopes,
14 and pack them into boxes and put the boxes out of circulation.

15 Q You're telling me now, as I understand it, what
16 you expected to do?

17 A Well, wasn't that your question?

18 Q I'm talking about communicating the contents of the
19 court order to the exhibit custodian clerks.

20 Were you thinking of any way in which to communi-
21 cate the contents of the court order so that no one could see
22 the exhibits except the attorneys without an order of court?

23 A Well, I think there are a couple of aspects there.

24 One is to see the court order and that court order
25 would tell them that nobody except the attorneys were entitled
26 to see the exhibits.

27 Now we had certain of these exhibits duplicated
28 so that they would be available to the People, to the public so

1 that they could come in and see these copies and if they wished
2 they could order certain of these exhibits.

3 There are certain exhibits which I understand,
4 like the autopsy pictures, were absolutely not to be re-
5 produced.

6 Q I'm not quite sure that you're answering my
7 question.

8 I want to make the question as clear as possible.
9 What efforts, when you got Judge Walker's order, what efforts
10 did you make or did you personally engage in to make sure that
11 every one of your custodian clerks saw the court order so that
12 they would be familiar with the contents of the court order?

13 A Again I cannot recall the specific actions taken.
14 I know that a copy of the court order was taped to the exhibit
15 section. I know the supervisor was informed about it and we
16 put a copy of the court order in the guide envelope.

17 Also there was a copy of the court order and I
18 can visualize it. There was a copy of the court order that was
19 affixed to the bulletin board which is in the exhibit area.

20 Q As I understand it, you had a copy of the court
21 order placed in the original guide envelope which may or may
22 not have had the cautionary language that would hit the eye of
23 the exhibit custodian clerk?

24 A Yes, sir.

25 Q Can you tell me with certainty whether a copy of
26 the court order was pasted to the bulletin board in your
27 office?

28 A At this point in time, no. I feel we did, by my

1 visualizing it. I know we had a document pinned up there but
2 I can't tell you at what point in time it was.

3 I don't want to give the impression that we just
4 put it on the board and we just left it there and that's all we
5 did. But I do know that we did have the court order pinned on
6 the board.

7 Q You indicated you expected a great deal of turn-
8 over in certain areas in a certain time.

9 Did that include the exhibit custodian clerks?

10 A That is why I made a qualification -- excuse me --
11 at that point in time we had a different classification of
12 employee.

13 Starting in 1967 I tried to get that position
14 reclassified and upgraded so there would be less turn-
15 over taking place.

16 Prior to the actual reclassification and the
17 acquisition of the level of the employee that we now have,
18 we had quite a turnover in the exhibit area and it was quite
19 severe.

20 In an attempt to reduce the turnover in the
21 exhibit area, we took the employees that we considered more
22 stable, in terms of turnover, not necessarily the most compe-
23 tent or highly qualified, but these were the people we felt
24 would remain with us for a long period of time, so these
25 employees formed the nucleus of the employees in the exhibit
26 section.

27 There were what you might call fringe-type
28 employees, who would be in or out and only stay there a short

1 period of time, but we had this nucleus of employees who were
2 there much longer than the average employee would be in our
3 file or record section.

4 Q Is it reasonably correct to say that you got a new
5 crew down there every three months?

6 A Where, sir, the whole office?

7 Q Do you recall taking a polygraph examination in
8 this examination?

9 A Yes, I did..

10 Q Do you know at this time the conversation between
11 you and the polygraph examiner was tape recorded?

12 A I believe it was, sir.

13 Q I have what purports to be a transcript of that
14 conversation and I invite your attention to the following
15 question and the following answer.

16 "Anyway" --

17 Well, perhaps I can shorten it by referring to this
18 part of the answer;

19 "We had every three months a different crew".

20 Would that be correct?

21 A Yes, it would.

22 Q You had a new crew every three months?

23 A Approximately.

24 Q Was that for the exhibit section?

25 A For the office generally.

26 Q But how about the exhibit section?

27 A Well, I think with the nucleus that we had, that
28 they stayed there longer.

1 Q Do you have the same crew of people working there
2 that you had when Judge Walker issued his order?

3 A No, sir.

4 Q Do you have an entirely different crew down there
5 now?

6 A Yes.

7 Q In the exhibit section?

8 A Yes, sir.

9 Q During the past two years have you, in fact, been
10 concerned with the caliber of the employees that you have been
11 getting in the Clerk's Office?

12 A Yes.

13 Q Are you charged with the hiring and training of
14 persons in your department?

15 A Yes.

16 Q And how are they recruited?

17 A Mainly through the civil service.

18 Q So you do expect vacancies in your department and
19 that would not be an unexpected event?

20 A That's true.

21 Q What training do you provide for new employees in
22 your division?

23 A Again it depends on the various areas but usually
24 it's a form of on-the-job training, the exposure to the work
25 itself, the counseling by the supervisors and we have several
26 levels of supervision between myself and the employee himself.
27 It's primarily some part of a pragmatic type training where we
28 expose them to the work and they become acquainted with it.

1 Q Has the caliber of the employee who works as an
2 exhibit custodian clerk in your office been of concern to you
3 in the sense that you weren't satisfied with the level of
4 employee you may have received down there?

5 A Yes, sir.

6 Q Having in mind that you can anticipate a certain
7 amount of turnover in your employees and that at least in your
8 opinion the caliber of the employee was not as you would like
9 them to be, what precise efforts did you make to see if the new
10 employees coming into your division who were assigned to the
11 exhibit custodian section were informed as to the nature and
12 contents of Judge Walker's Order?

13 A I personally did not give special instruction to
14 these employees concerning Judge Walker's order. I left such
15 matters to the supervisors who worked specifically with the
16 employees.

17 Q What supervisors are you speaking of?

18 A Initially --

19 Q Are you going back to when the case first con-
20 cluded?

21 A I'm going back to the time when I first got
22 the court order from Judge Walker. At that time I believe
23 I did talk with the employees. I believe Mr. Wilson, who was the
24 assistant division chief, talked with the employees.

25 I believe that Guy Tracy also conferred with the
26 employees.

27 Q When you conferred with the employees did you give
28 them instructions as to what they were supposed to do?

1 A I showed them the court order and discussed it
2 with them.

3 Q Did you check to see whether your conference with
4 them resulted in your instructions being carried out?

5 A In certain areas, yes.

6 Q And in your conversation with me on June 10, 1971,
7 I'm referring now to Page 9, did I ask you the following
8 question:

9 "What method was used to disseminate the
10 contents of the court order to any new employees
11 that might come on the job, after you were
12 served with Judge Walker's Court Order?

13 "ANSWER: It's not my recollection we
14 discussed the Sirhan case with any new
15 employee.

16 "It is my recollection that such
17 instructions should have been given by the
18 supervising clerk, Mr. Richard Buckley, who, at
19 that time, would explain the general practice
20 in the handling of special exhibits.

21 "QUESTION: Did you specifically tell
22 Mr. Buckley to instruct all new employees in
23 connection with the unique way the Sirhan exhibits
24 were to be handled?

25 "ANSWER: May I make this observation, may
26 I first make the observation that Mr. Buckley
27 became a supervisor of the section much longer after
28 the exhibits were received.