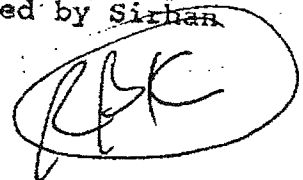


Exhibit E, Declaration of Robert Kaiser

Sirhan, B-2/014
*(10)ss*DECLARATION OF ROBERT BLAIR KAISER

Robert Blair Kaiser declares as follows:

1. I was an investigator for the defense in the case of People v. Sirhan B. Sirhan.
2. I had primary responsibility for reviewing documents provided to the defense by the prosecution in preparation for trial in the Sirhan case.
2. On February 22, 1969, I wrote to chief defense attorney Grant Cooper pointing out that the Autopsy Report defined the muzzle distance as being between one and two inches. A copy of my memorandum accompanies this declaration and is marked "Ex. 72".
3. Although I do not have a specific recollection as to the exact interval of time that elapsed between my receipt of the Autopsy Report and my writing of this memo, it was my practice to do things right away, and I would have written this memorandum either on the day of my receipt of the Autopsy Report or, at the latest, one or two days after having received it.
4. The Autopsy Report was not received by the defense until well after the trial had begun.
5. After Mr. Sirhan's trial and the publication of my book RFK Must Die, I was shown a file drawer of material at the Los Angeles County Sheriff's Department at the office of the Undersheriff.
6. Some of the file material I saw at that time concerned an investigation of meetings of so-called disgruntled Arabs at the Green Hotel in Pasadena which were supposedly attended by Sirhan.

EXHIBIT 100*(12)*

*Sirhan, B-21014**(12)ss.*

Sirhan.

7. Also included in these materials was a file on Jerry Owen.

8. I never saw any of this material before or during the trial and was unaware of any Sheriff's Department files on this case until after the trial had concluded.

9. Had such material been made available to the defense by the prosecution prior to or during the trial, I would have known about it.

10. The materials turned over by the prosecution to the defense consisted of four to six boxes.

11. Accompanying this declaration is a document marked "Exhibit 101" dated October 31, 1968 which reveals that prosecution witness Alvin Clark had suffered "several prior arrests for ADW, burglary and Child Molesting and [that] this would help explain his abrasive attitude."

12. I unaware of such a document or the information quoted herein about Alvin Clark until having been provided with a copy of the document shortly before signing this declaration.

I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

EXECUTED this 1st day of May, 1997, at Phoenix, Arizona.

Robert Blair Kaiser
ROBERT BLAIR KAISER

Exhibit F, "Twelve Witnesses"

TWELVE RFK SHOOTING
WITNESSES ESTABLISHING THAT
SIRHAN SIRHAN WAS IN FRONT
OF U.S. SENATOR ROBERT F.
KENNEDY WHEN SIRHAN FIRED
HIS GUNSHOTS IN THE PANTRY

VINCENT DI PIERRO: SIRHAN WAS IN FRONT
OF RFK WHEN HE FIRED SHOTS

FROM DI PIERRO'S LAPD STATEMENT ON JUNE 5, 1968...

Q: "Kennedy is walking towards him?"

A: "Walking towards him"

Di Pierro 6/5/68 LAPD interview (Page 9 A.K.A. Page 54 of the transcript) can be accessed at:
<http://www.maryferrell.org/mffweb/archive/viewer/showDoc.do?docId=99837&relPageId=54>

AND FROM DI PIERRO'S FBI STATEMENT ON JUNE 7, 1968...

" . . . This white male . . . then dismounted from the tray holder went into the crowd and I did not observe him until shortly thereafter when I then saw him standing at the heating cabinet behind Mr. Karl

Uecker, another hotel employee . . . As Senator Kennedy shook the hand of the hotel cook he then turned to his right in the direction of the heating cabinet and at that time I saw the white male who was previously standing on the tray holder now standing behind Mr. Uecker at the heating cabinet. I saw this individual reach his right arm around Mr. Uecker and in his hand he had a revolver which was pointed directly at Senator Kennedy's head. The revolver was about 3 – 5 feet from Senator Kennedy's head . . . The same white male that I saw standing on the tray holder is the same person who stood behind Mr. Uecker and shot . . . and was later taken away by Los Angeles Police Officers after being captured by Mr. Johnson, Mr. Grier and Mr. Uecker.”

Di Pierro 6/7/68 FBI statement (Pages 2-4 A.K.A. Pages 375-377 of the transcript) can be accessed at:

<http://www.maryferrell.org/mffweb/archive/viewer/showDoc.do?docId=99655&relPageId=67>

AND FROM DI PIERRO'S GRAND JURY TESTIMONY ON JUNE 7, 1968...

A: “ . . . and I saw him get down off the tray stand. And when I went to turn, the next thing I saw was him holding the gun. He kind of moved around Mr. Uecker, which is the Captain at the hotel. He kind of motioned around him and stuck the gun straight out, and nobody could move. It was -- you were just frozen; you didn't know what to do. And then I saw the first powdering or plastering. When he pulled the trigger, the first shot . . . ”

Di Pierro 6/7/68 Grand Jury testimony (Page 92 of the transcript) can be accessed at:

<http://www.maryferrell.org/mffweb/archive/viewer/showDoc.do?docId=99840&relPageId=47>

AND FROM DI PIERRO'S TRIAL TESTIMONY ON FEBRUARY 14, 1969...

A: “. . . I saw the suspect standing over here by the tray rack. This is when I first sighted him. I thought nothing of it. At that time the Senator turned and shook hands with me and we proceeded, still walking in this direction, to the Colonial Room, I believe.”

Q: “Toward the Colonial Room?”

A: “Toward the Colonial Room, and he paused to shake hands and I was slowed up by a crowd of people and . . . that’s where he started to slow up -- and the Senator at that time -- I was about 7 or 8 feet ahead of him. And . . . the shooting took place. The same person I had seen standing by the tray rack had come out around Mr. Uecker into, I guess . . . Right here.”

Q: “That’s about the serving table corner?”

A: “And there he shot at the Senator . . . and at that time I observed the first flash of the shots.”

Q: “Let’s stop there a minute, if we can. You indicated as you entered the pantry area you observed someone?”

A: “Yes, sir.”

Q: “And you associated that someone with a tray rack, is that right?”

A: “Yes, sir.”

Q: “Does this have wheels in it?”

A: “Yes, to some extent.”

Q: “Does this hold trays?”

A: “Yes.”

Q: “If someone stood on it would they have a four to six inch advantage in height?”

A: “Yes, at least six inches off the ground.”

Q: “Is that the normal place for it to be?”

A: “Yes, that’s the normal place for it to be, to be stocked.”

Di Piero 2/14/69 Trial testimony (Pages 3211-3212 of the transcript) can be accessed at:
<http://www.maryferrell.org/mffweb/archive/viewer/showDoc.do?docId=99505&relPageId=286>

EDWARD MINASIAN: SIRHAN WAS IN FRONT OF RFK WHEN HE FIRED SHOTS

FROM MINASIAN'S LAPD STATEMENT ON JUNE 5, 1968...

A: “ . . . someone reached around from the -- from the front, it would be to the Senator's left as he was facing him, and . . . I personally saw two shots fired . . . ”

Minasian 6/5/68 LAPD interview (Page 5 A.K.A. Page 146 of the transcript) can be accessed at:
<http://www.maryferrell.org/mffweb/archive/viewer/showDoc.do?docId=99837&relPageId=146>

AND FROM MINASIAN'S FBI STATEMENT ON JUNE 7, 1968...

“I was leading the party, and was on the Senator's right, about one step in front. After about fifteen feet inside the pantry door, I sensed the Senator was not as close as when we started into the pantry. I turned to my left, and observed the Senator shaking hands with hotel employees on his left. My partner, Karl Uecker, was on the Senator's left, and about one or two steps in front of him. While the Senator was shaking hands I saw out of the right corner of my eyes someone darted behind my partner, and reached around him, with a gun in his right hand. Before I could react, he fired two shots . . . ”

Minasian 6/7/68 FBI statement (Page 2 A.K.A. Page 368 of the transcript) can be accessed at:
<http://www.maryferrell.org/mffweb/archive/viewer/showDoc.do?docId=99655&relPageId=60>

AND FROM MINASIAN'S GRAND JURY TESTIMONY ON JUNE 7, 1968...

A: " . . . as we were walking forward, and just as we reached the serving table section here, the steam tables, on the Senator's left there was several hotel employees standing in this area, and the Senator noticed them and he stopped to shake hands. He turned to his left, and I proceeded to take an extra step or two, and I felt that he wasn't as close as I -- as he was when we started walking. And I turned my head to the left again, and I took a step back towards him to stay a little closer to him -- and Karl Uecker did the same thing -- and it seemed to me just at that precise moment that I turned to my left, out of the side vision, my peripheral vision, I noticed someone dart out from this area, dart out and lean against the steam table. And I saw a hand extended with a revolver, and I saw the explosion of the cartridges out of the -- out of a revolver."

Minasian 6/7/68 Grand Jury testimony (Page 159 of the transcript) can be accessed at:
<http://www.maryferrell.org/mffweb/archive/viewer/showDoc.do?docId=99840&relPageId=115>

AND FROM MINASIAN'S TRIAL TESTIMONY ON FEBRUARY 14, 1969...

A: " . . . out of my peripheral vision I observed someone running in the direction of which we were walking."

Q: "From what direction would that be . . . ?"

A: "I imagine easterly. The person was running from east to west."

Q: "Was the person a male or female?"

A: "Male."

Q: "Was he running toward you and the Senator?"

A: "Yes. And the next thing, as I looked up I saw a revolver extended and I couldn't get a very close look at the person, but I saw the arm extended with a revolver and he had reached around Mr. Uecker. Mr. Uecker was standing almost immediately against the steam table or

service table and Mr. Uecker, with his arm extended, I saw the explosion of the shells and I saw the Senator raise his arm practically in front of his face . . . ”

Minasian 2/14/69 Trial testimony (Pages 3155-3156 of the transcript) can be accessed at:
<http://www.maryferrell.org/mffweb/archive/viewer/showDoc.do?docId=99505&relPageId=230>

LISA URSO: SIRHAN WAS IN FRONT OF RFK WHEN HE FIRED SHOTS

FROM URSO’S LAPD STATEMENT ON JUNE 27, 1968...

“ . . . she observed the Senator approaching. She stopped approximately in the middle of the room in the area between the first and second table and stood watching the Senator shaking hands with Hotel employees . . . She then recalled a male enter her field of vision approximately three to four feet from her (between her and the Senator) and about three to four feet to her left. She was looking at what would be the right rear of the person. She observed this person take his right hand, move it across his body in the area of his waist and then move his hand back across his body, extend his arm in an upward position and at this time she observed the gun and the flash of the first shot. She heard three shots that she recalled . . . ”

Urso 6/27/68 LAPD interview (Pages 1-2 A.K.A. Pages 229-230 of the synopsis) can be accessed at:
<http://www.maryferrell.org/mffweb/archive/viewer/showDoc.do?docId=99845&relPageId=229>

AND FROM URSO'S FBI STATEMENT ON JULY 19, 1968...

“ . . . When KENNEDY came out of the Embassy Room and was in the hall of the kitchen LISA noticed, out of the corner of her eye, that a young man in front of her was reaching across his body with his right hand. She subconsciously thought he was getting ready to shake hands with KENNEDY, but when he continued the motion she had the thought that he was reaching for a gun. She then saw him bring his arm back out in front and up and he took a slight step forward. She is not certain that she saw a gun in his hand but she heard shots and saw flames coming from the tip of his hand. She recalls hearing three definite shots and then there was chaos. There could have been more shots, the sound of which was covered by the outcries of the people in the room . . . ”

*Urso 7/19/68 FBI statement (Page 1 A.K.A. Page 399 of the synopsis) can be accessed at:
<http://www.maryferrell.org/mffweb/archive/viewer/showDoc.do?mode=searchResult&absPageId=1080263>*

JACK GALLIVAN: SIRHAN WAS IN FRONT OF RFK WHEN HE FIRED SHOTS

FROM GALLIVAN'S LAPD STATEMENT ON JUNE 5, 1968...

A: “I was ahead of the Senator and the immediate party and going ahead of them with my hand raised to direct the party to the press room. They were going from the big Embassy Room into another room that had been set aside for the print media, and they were going through the kitchen. I was, at the time of the shooting, ahead of the party with the

suspect between me and the party . . . As I was walking, I heard nothing until the shots . . . I was faced towards the door, away from where the shots came. I spun around as I heard them and looked up . . . ”

Gallivan 6/5/68 LAPD interview (Page 39 A.K.A. Page 97 of the transcript) can be accessed at:
<http://www.maryferrell.org/mffweb/archive/viewer/showDoc.do?docId=99838&relPageId=97>

MARTIN PATRUSKY: SIRHAN WAS IN FRONT OF RFK WHEN HE FIRED SHOTS

FROM PATRUSKY'S LAPD STATEMENT ON JUNE 5, 1968...

A: “ . . . and all that I seen was this guy standing from -- there's a tray rack on the opposite side of the steam table and all I seen was the guy moved over and looked -- there was like two people in front and the guy looked like he was smiling and he looked like he was going to shake hands with him and he reached over like this and then the firing just started . . . ”

Patrusky 6/5/68 LAPD interview (Page 5 A.K.A. Page 26 of the transcript) can be accessed at:
<http://www.maryferrell.org/mffweb/archive/viewer/showDoc.do?docId=99838&relPageId=26>

AND FROM PATRUSKY'S FBI STATEMENT ON JUNE 7, 1968...

“After Senator Kennedy shook hands with Juan Romero I noticed a man pushing his way toward Senator Kennedy and Karl Uecker. I thought

this man was going to shake hands with Senator Kennedy. He pushed himself around to the right of Uecker. This man leaned around the left side of Uecker's body and extended his hand toward Senator Kennedy. I do not know if this man extended his left or right hand. I immediately heard a sound like that of a firecracker. A second later I heard a series of sounds like fire crackers."

Patrusky 6/7/68 FBI statement (Page 2 A.K.A. Page 385 of the transcript) can be accessed at:
<http://www.maryferrell.org/mffweb/archive/viewer/showDoc.do?docId=99655&relPageId=77>

JUAN ROMERO: SIRHAN WAS IN FRONT OF RFK WHEN HE FIRED SHOTS

FROM ROMERO'S LAPD STATEMENT ON JUNE 5, 1968...

A: " . . . he just kept on walking, you know, sort of looking this way."

Q: "Uh hum."

A: "He took two steps and all of a sudden I just seen somebody jumping up, no jumping, you mean, you know, just going over, reaching over and the first time I notice him and then after a little while after it was over, after I was help -- I tried to help Kennedy to straighten up and everything -- I felt something like burning, like, you know, like when you throw out fire crackers and some -- "

Q: "Powder burns?"

A: "Powder burns, something like that, I see it burn there, I saw it all."

Q: "Uh hum, did you see the gun?"

A: "Yes, it was a small gun."

Romero 6/5/68 LAPD interview (Pages 31-32 A.K.A. Pages 54-55 of the transcript) can be accessed at:
<http://www.maryferrell.org/mffweb/archive/viewer/showDoc.do?docId=99838&relPageId=54>

AND FROM ROMERO'S FBI STATEMENT ON JUNE 7, 1968...

“ . . . I was smiling and Senator KENNEDY was smiling. He held out his hand and I shook it. Senator KENNEDY kept walking for approximately one or two steps. I continued to observe him and I noticed a man who was to my left and who was smiling and who appeared to be reaching over someone in an effort to shake Senator KENNEDY's hand. At about the same time I heard gunfire and I noticed that this individual was holding a gun in his hand, which hand not recalled, and that the gun was approximately one yard from Senator KENNEDY's head. I observed Senator KENNEDY placing his hands to his face . . . ”

Romero 6/7/68 FBI statement (Page 2 A.K.A. Page 380 of the transcript) can be accessed at:
<http://www.maryferrell.org/mffweb/archive/viewer/showDoc.do?docId=99655&relPageId=72>

**KARL UECKER: SIRHAN WAS IN FRONT
OF RFK WHEN HE FIRED SHOTS**

FROM UECKER'S LAPD STATEMENT ON JUNE 5, 1968...

“ . . . Uecker was holding Kennedy's hand. Has Kennedy's right hand. Kennedy had stopped to shake hand with dishwasher. Uecker

again grabbed Kennedy's right hand with his left hand and pulled him out of the crowd towards the Colonial Room, was slightly to right and in front of Kennedy. Saw suspect standing directly in front of him holding gun in right hand. Fired 2 or 3 times at Kennedy . . . ”

Uecker 6/5/68 LAPD interview (Page 1 A.K.A. Page 186 of the synopsis) can be accessed at:
<http://www.maryferrell.org/mffweb/archive/viewer/showDoc.do?mode=searchResult&absPageId=1101206>

AND FROM UECKER'S LAPD STATEMENT ON JUNE 5, 1968...

A: “ . . . and then he came back and I grabbed his hand again and pulled him through, through the crowd.”

Q: “This is the Senator's hand you grabbed?”

A: “Yes, I grabbed his hand again and then at the time that it happened.”

Q: “Where was this guy that had the gun the first time you saw him?”

A: “The first time I saw him, he was -- I was coming this way. He was standing on my left hand, coming this way and about -- about here, around here; this area here.”

Q: “He was very close to you, then, the first time you saw him?”

A: “Right in front of me, right in front of me, you know . . . ”

Uecker 6/5/68 LAPD interview (Pages 3-4 A.K.A. Pages 233-234 of the transcript) can be accessed at:
<http://www.maryferrell.org/mffweb/archive/viewer/showDoc.do?docId=99845&relPageId=233>

AND FROM UECKER'S GRAND JURY TESTIMONY ON JUNE 7, 1968...

Q: “ . . . Mr. Kennedy got loose from your hand, and he shook hands with some individual, is that right?”

A: “Right.”

Q: "Where were you at that time?"

A: "I was standing right in front of him. He was on the left side -- "

Q: "Then what happened after that?"

A: "After he finished shaking hand with one of the kitchen people there, with one of the dishwashers, I took his hand again, and we went few steps farther until we got on this corner here, where we have the heaters, the steam -- the steam heaters."

Q: "Those are tables that keep the food warm?"

A: "Right."

Q: "And are there three of them there in that pantry?"

A: "Three, right."

Q: " . . . What happened then?"

A: "He got loose of my hand again and shook hands again with one of the dishwashers. And then I took his hand again, and while I was pulling him, I was trying to get -- because too many people came behind us at that time. Mr. Uno was in front of us -- Mr. Timanson -- and he was calling, waving over, and I was trying to get as fast through the kitchen area there, through the pantry, as I could. And while I was holding his hand, I was turning to my right towards -- to the Colonial Room where the press room was. At that time something rushed on my right side. I -- at that time I didn't recognize what it was, and I saw some paper flying. I don't even remember what it was, paper or white pieces of things. Then I heard the first shot and the second shot right after that . . . "

Uecker 6/7/68 Grand Jury testimony (Pages 142-143 of the transcript) can be accessed at:
<http://www.maryferrell.org/mffweb/archive/viewer/showDoc.do?docId=99840&relPageId=98>

AND FROM UECKER'S TRIAL TESTIMONY ON FEBRUARY 14, 1969...

A: "He shook hands with the last man here and I looked over there and I was kind of watching and this guy was coming close to the door again

and, as I said before, I expected that some of them would be coming in here and a part of it -- and he couldn't get into the Colonial Room. He was shaking hands and I talked to him and then I turned to my left, to my right, and then I felt something moving in between the steam table and my stomach. I was very close to the steam table. Then the next thing I heard was something like a firecracker and I turned my head to the left and I slid over again and I heard something like a shot . . . ”

Uecker 2/14/69 Trial testimony (Pages 3095-3096 of the transcript) can be accessed at:
<http://www.maryferrell.org/mffweb/archive/viewer/showDoc.do?docId=99505&relPageId=170>

FRANK BURNS: SIRHAN WAS IN FRONT OF RFK WHEN HE FIRED SHOTS

FROM BURNS' FBI STATEMENT ON JUNE 12, 1968...

“ . . . The one clear impression I have is of an extended arm holding a gun. This arm appeared to be next to the serving table and the gun would be about even with the front edge of the serving table . . . ”

Burns 6/12/68 FBI statement (Page 3 A.K.A. Page 72 of the transcript) can be accessed at:
<http://www.maryferrell.org/mffweb/archive/viewer/showDoc.do?docId=99659&relPageId=85>

AND FROM BURNS' TRIAL TESTIMONY ON FEBRUARY 18, 1969...

Q: “What happened when you got inside the pantry?”

A: "I was moving rather rapidly, moving to catch up with him as the Senator approached the edge of the serving table . . . Heard the noise, the ripple of what was a gun, and it sounded like firecrackers . . . It seemed just like a ripple of noise."

Q: "When you heard the sound of gunfire what did you do?"

A: "The first thing I did was to look toward the sound, the noise and at that time all I really saw that I recall was an arm extended holding a gun. There were people there but in this area here, but right next to the serving table, right at this corner there was a hand stretched out with a gun in it and I very vividly recall seeing that . . . "

Burns 2/18/69 Trial testimony (Pages 3396-3399 of the transcript) can be accessed at:
<http://www.maryferrell.org/mffweb/archive/viewer/showDoc.do?docId=99506&relPageId=176>

PETE HAMILL: SIRHAN WAS IN FRONT OF RFK WHEN HE FIRED SHOTS

FROM HAMILL'S LAPD STATEMENT ON OCTOBER 9, 1968...

"Witness was walking toward the Colonial Room, preceding Senator Kennedy, in the area of the West end of the ice machines. He had turned and was walking backwards, looking at the Senator. He described the Senator standing with his body facing in an Easterly direction and his head turned to his left in a Northerly direction. His right arm was across his body and he was shaking hands. He was standing approximately 2' South of the South end of the first steam table and approximately 4' West of the West edge of the table. The suspect was standing approximately 4' to 6' from the Senator, near the center of the same

table. His right foot was forward and his right arm was extended with the gun in his right hand. Witness estimated the gun was about 2' from the Senator. He indicated he could be off on the distances due to the circumstances. He heard the shots and it was then that he first saw the suspect in the above described position. However, he did not see the flashes from the gun nor the Senator being hit. His view of the suspect's face was a left profile. He described the suspect as having a look of determined concentration on his face. He next saw the Senator with his right hand up in the air."

Hamill 10/9/68 LAPD interview (Page 1 A.K.A. Page 293 of the synopsis) can be accessed at:
<http://www.maryferrell.org/mffweb/archive/viewer/showDoc.do?mode=searchResult&absPageId=1108501>

BORIS YARO: SIRHAN WAS IN FRONT OF RFK WHEN HE FIRED SHOTS

FROM YARO'S FBI STATEMENT ON JUNE 7, 1968...

"The senator and the assailant were little more than silhouettes but the senator was backing up and putting both of his hands and arms in front of him in what would be best described as a protective effort. The suspect appeared to be lunging at the senator, I don't know which hand the gun was in"

Yaro 6/7/68 FBI statement (Page 2 A.K.A. Page 371 of the transcript) can be accessed at:
<http://www.maryferrell.org/mffweb/archive/viewer/showDoc.do?docId=99873&relPageId=707>

NINA RHODES: SIRHAN WAS IN FRONT OF RFK WHEN HE FIRED SHOTS

FROM RHODES' FBI STATEMENT ON JULY 15, 1968...

"She grabbed LUCY SALINGER's hand, who she stated was a KENNEDY volunteer and a Los Angeles resident, and together they ran into the kitchen passageway. She stated this area slanted downward in the direction they were running and that it was cluttered with all sorts of cables. She tried to focus her attention on the Senator's head, thereby making it easier for her to determine his whereabouts. She had just left the entrance to the kitchen and noticed the Senator shaking hands with various kitchen employees and continue proceeding down the hallway when she suddenly heard a sound like a firecracker and she saw a red-like flash three to four feet from the left of the Senator's head. She estimates that she was approximately ten feet from the Senator when she observed this. She instantaneously realized that she was there and that shots were being fired. She later recalled hearing eight distinct shots. Everything appeared to her like still frames in a stop-action movie. She recalls seeing the Senator's head and suddenly everyone dropping to the floor. After the first shot the remaining ones sounded like a lighted string of firecrackers. They appeared to be very high in the air for when she saw the flashes she had to look up and the flashes appeared higher than the heads of the group of people in front of her. From her position, which was behind and slightly to the left rear of the Senator, the flashes were slightly to the left front of the Senator . . . "

Rhodes 7/15/68 FBI statement (Page 2 A.K.A. Page 366 of the synopsis) can be accessed at:
<http://www.maryferrell.org/mffweb/archive/viewer/showDoc.do?docId=99665&relPageId=69>

RICHARD AUBRY: SIRHAN WAS IN FRONT OF RFK WHEN HE FIRED SHOTS

FROM AUBRY'S LAPD STATEMENT ON JUNE 5, 1968...

A: " . . . well, that's where he been shot, right there, I mean, I was up -- "

Q: "Where were you at when you heard the first reports?"

A: "First reports, I was about, as I said, about five or six or eight -- six feet in front of him because -- "

Q: "In front of him?"

A: "Yeah."

Q: "In front -- this -- you mean this way? I mean, he was walking through the door, wasn't he?"

A: "He was walking through the door so, therefore, I was up at the first part of the steam table, I would say . . . whatever the length of that table, that is the length I was ahead of the Senator is a good way of measuring."

Q: "Uh huh."

A: "I was one length of the one steam table up, or big metal table, when the first -- and I turned, I thought it was somebody shooting firecrackers, I thought it was Chinese firecrackers. When I turned around then it was just a constant -- like then looked like 'pow' (*) 'pow, pow' just cracking like a little bag of potato chips or something (*) then -- then -- it was just like about six -- five or six shots, I guess, all told."

Q: "Were you looking back when you heard the shots or you were looking -- "

A: "I looked back when the people were shaking his hand, they were -- they were -- and that -- at that time this is -- he was sort of delayed so I just sort of wait because he was getting ready to go into the press room. The next area was the press room."

Q: " . . . Maybe I missed part of this, but did you see the suspect fire the weapon at the Senator?"

A: "No, not until I turned around. I heard the first two -- two reports."

Q: "(*)"

A: "I saw he -- I didn't even see the weapon because I saw, he looked like a -- just a little -- "

Q: "Flash?"

A: " -- flash, like a little spark from a -- "

Q: "Did you -- did you see this guy with the flashes coming out of his hand?"

A: "Oh, yes."

Q: " . . . When you looked around, was he to your rear or to your side?"

A: "Yes, he was definitely to the rear."

Q: "To your right rear or to your left rear, would you say?"

A: "Uh -- to my right rear because he had to be leaning up against the counter, see, that's when I spun around this way, I turned to the right sort of impulsively, you know."

Q: "He was -- "

A: "When I thought about the firecrackers, I wanted, you know, and I turned around this way to my right."

Q: "And how far would you say he was from you?"

A: "Oh, I don't know. Again I had -- "

Q: "Was he between you and Kennedy?"

A: "When I looked back at first -- oh, yes."

Q: "He was between you and -- you say he was six or seven feet ahead of the Senator and the newsmen?"

A: "Yes."

Q: "And he was between you -- "

A: "Right."

Q: " -- is that right?"

A: "Yes."

Aubry 6/5/68 LAPD statement (Pages 7-16 A.K.A. Pages 10-19 of the transcript) can be accessed at:

<http://www.maryferrell.org/mffweb/archive/viewer/showDoc.do?docId=99837&relPageId=10>

For more on what these and other RFK assassination witnesses said, click here . . .
<http://rfkproject.homestead.com/What-The-Witnesses-Said.html>

Exhibit G, Declaration of Cyril M. Wecht, M.D.

DECLARATION OF CYRIL H. WECHT, M.D., J.D.

1
2
3 1. I, Cyril Wecht, a licensed medical doctor and medical examiner, submit this
4 declaration in support of the Petitioner's claim of innocence in this habeas corpus proceeding.

5
6 2. I am recognized internationally as an expert in the field of forensic pathology and legal
7 medicine.

8
9 3. In this capacity, I have been consulted by numerous law enforcement agencies and
10 other governmental groups in the United States and several foreign countries.

11
12 3. I have personally conducted approximately 17,000 autopsies and reviewed or
13 supervised approximately 36,000 other autopsies.

14
15 4. Dr. Thomas Noguchi was the Los Angeles County Coroner and lead forensic
16 pathologist conducting the autopsy on Robert F. Kennedy.

17
18 5. Dr. Noguchi consulted with me on this case, and I am extremely familiar with the
19 autopsy report regarding Senator Kennedy.

20
21 6. The physical evidence, which is described in detail in the report, confirms that Senator
22 Kennedy died of a gunshot wound which entered Senator Kennedy's head through the mastoid
23 bone behind his right ear at point blank range, that is, at a maximum distance of one to one and
24 one half inches, and moving forward.

25
26 7. This can be stated with certainty because of the presence of powder burns at the
27 entrance point.

28
29 8. This forensic scientific finding was further demonstrated and corroborated by
30 appropriate ballistics tests.

1
2 9. There has never been any dispute that this was the fatal wound, or that it was inflicted
3 from behind Senator Kennedy to the back of his head at point blank range.
4

5 10. The angle of entry of the fatal gunshot was in an upward and forward direction.
6

7 11. Dr. Noguchi told me personally that he was never asked about these facts during the
8 trial of Sirhan B. Sirhan.
9

10 I declare under penalty of perjury that the foregoing is true and correct to the best of my
11 information and belief.

12
13 Executed at P. H. H., on 10/24/70

14
15
16

Cyril M. Wecht, M.D., J.D.

**Exhibit H, Five Eyewitnesses Establishing
Petitioner's Hand Was Pinned Down After He Fired
First Two Shots**

FIVE RFK SHOOTING WITNESSES
ESTABLISHING SIRHAN SIRHAN
WAS PINNED DOWN AFTER HE
FIRE HIS FIRST TWO
GUNSHOTS

VINCENT DI PIERRO: SIRHAN WAS GRABBED
IMMEDIATELY AFTER FIRING THE FIRST SHOTS

FROM DI PIERRO'S LAPD STATEMENT ON JUNE 5, 1968...

A: “. . . And the other man, who was behind Mr. Kennedy, all I remember is he was the last man they took out of the hotel. I believe he was shot in the head, I'm not sure, but he fell in my arms.”

Q: “The other man?”

A: “The other man fell in my arms and the boy was next. He fell after Mr. Uecker grabbed the gun – which is a captain there.”

Q: “Excuse me, who grabbed the gun?”

A: “Mr. Carl Uecker.”

Q: “Who is Mr. Carl Uecker?”

A: “He's the captain in banquets. He works for my father.”

Di Pierro 6/5/68 LAPD interview (Pages 10-11 A.K.A. Pages 55-56 of the transcript) can be accessed at:

<http://www.maryferrell.org/mffweb/archive/viewer/showDoc.do?docId=99837&relPageId=55>

AND FROM DI PIERRO'S TRIAL TESTIMONY ON FEBRUARY 14, 1969...

Q: "Were you able to observe anyone grab the defendant?"

A: "Yes. Mr Uecker, after -- I believe it was the second or third shot -- I couldn't see very well. It was kind of blurred with the blood. He grabbed him; it looked like he had him around his neck, and proceeded to throw him on top of the steam table and hold his hands out, and at that time the gun was still firing. He grabbed him around what would be the wrist and he still had a free play of his hands."

Q: "A free play of his hands?"

A: "Sirhan still had the play. He could still move his hands."

Q: "And then there were more shots?"

A: "Yes, there were."

Q: "Could you estimate the number?"

A: "I would say approximately seven or eight, possibly eight. I am not sure. I cannot say for sure."

Di Pierro 2/14/69 Trial testimony (Page 3217 of the transcript) can be accessed at:

<http://www.maryferrell.org/mffweb/archive/viewer/showDoc.do?docId=99505&relPageId=292>

**EDWARD MINASIAN: SIRHAN WAS GRABBED
IMMEDIATELY AFTER FIRING THE FIRST SHOTS**

FROM MINASIAN'S LAPD STATEMENT ON JUNE 5, 1968...

A: “ . . . all I saw was the arm extended with the gun and I saw, I personally saw two shots fired. Then at that time I saw Karl grab him and then I jumped across and we grabbed him . . . I saw the first two shots fired . . . at that time Uecker hit his arm and grabbed him hammer -- neck hold around around his neck, and then I grabbed him from the left side . . . ”

Minasian 6/5/68 LAPD interview (Pages 5 - 9 A.K.A. Pages 146 - 150 of the transcript) can be accessed at:

<http://www.maryferrell.org/mffweb/archive/viewer/showDoc.do?docId=99837&relPageId=146>

AND FROM MINASIAN'S FBI STATEMENT ON JUNE 7, 1968...

“ . . . I saw out of the right corner of my eyes someone darted behind my partner, and reached around him, with a gun in his right hand. Before I could react, he fired two shots. My partner grabbed the gunman in a headlock, and I grabbed him around the waist, and forced him up against a steam table. We could not control his gun hand until after he fired a number of shots in rapid succession . . . ?”

Minasian 6/7/68 FBI statement (Page 2 A.K.A. Page 368 of the transcript) can be accessed at:

<http://www.maryferrell.org/mffweb/archive/viewer/showDoc.do?docId=99655&relPageId=60>

AND FROM MINASIAN'S GRAND JURY TESTIMONY ON JUNE 7, 1968...

A: “ . . . And I saw a hand extended with a revolver, and I saw the explosion of the cartridges out of the -- out of a revolver . . . There were two shots and -- I heard two shots . . . They were

very, very deliberate shots. There was just a slight pause. It was a bang-bang cadence, and after the second shot, why, as I said, I saw the flash of the cartridges being discharged, and immediately there were several other people in that area behind the Senator, and I just pushed into Karl Uecker. And he -- we both made an attempt to get at the hand holding the gun, and we had him -- I was down low, pushing up against him. And at that same time I turned to my left and I saw -- well, there were some more wild type firing which was a more rapid fire than the first two, as they were struggling for the gun. I'm sure that's why the gun was going off . . . I know the first two were deliberate, and the others came in quick spurts, so -- "

Q: "Were the first two or the first series, we will call them -- if there were two -- was that before anyone touched the suspect or the person shooting?"

A: "Yes, sir."

Q: "After that, people started grabbing?"

A: "Right."

Q: "And there were then shots fired after that, is that correct?"

A: "That's correct."

Q: "Were those shots fired in the general direction of the Senator?"

A: "I doubt it . . . "

Minasian 6/7/68 Grand Jury testimony (Pages 159 - 162 of the transcript) can be accessed at:
<http://www.maryferrell.org/mffweb/archive/viewer/showDoc.do?docId=99840&relPageId=115>

AND FROM MINASIAN'S TRIAL TESTIMONY ON FEBRUARY 14, 1969...

A: " . . . I saw the explosion of the shells and I saw the Senator raise his arm practically in front of his face and then the second shot went off and after the second shot, why, I jumped across this area between myself and Mr. Uecker and attempted to grab, and grabbed ahold of him, the party, around the waist and at the top of

the leg. We had him pinned up against the service table . . . after the second shot is when I jumped across that corridor area there and both Mr. Uecker and I grabbed ahold of the person."

Q: "How many shots can you recall hearing before you grabbed ahold of this person?"

A: "The second shot. I say I didn't see the first explosion, but when I turned my head, just in the time it took to turn my head, the second shell went off and it was at that time that I jumped across the corridor."

Q: "Was there any additional fire?"

A: "Yes."

Q: "Was there a pause between the additional firing and what you have described as the second shot which you saw?"

A: "The first two, it seemed to me were in a bang-bang cadence. It was quite rapid and then there was a pause after the second shot before I heard any more."

Q: "When you say 'a pause' can you describe that in time sequence?"

A: "Possibly two or three seconds."

Q: "Now, what occurred next? You had ahold of the defendant below the

waist, is that a fair statement?"

A: "Yes."

Q: "What occurred?"

A: "Then there was a large group of people surrounding him . . . "

Q: "Now, directing your attention to the man that you helped pin against the steam table, do you see him in court today?"

A: "Yes, sir."

Q: "Would you indicate him, please?"

A: "That is he with the blue tie and blue shirt."

Q: "May the record indicate the defendant?"

Court: "It will so indicate."

Minasian 2/14/69 Trial testimony (Pages 3156 - 3160 of the transcript) can be accessed at:
<http://www.maryferrell.org/mffweb/archive/viewer/showDoc.do?docId=99505&relPageId=231>

LISA URSO: SIRHAN WAS GRABBED IMMEDIATELY AFTER FIRING THE FIRST SHOTS

FROM URSO'S LAPD STATEMENT ON JUNE 27, 1968...

“ . . . She heard three shots that she recalled. After the first shot, she recalled the Senator move his right hand in the vicinity of his right ear and possibly stagger forward slightly or backward. She was not sure . . . She then stated that a group of men immediately began to scuffle with the suspect. She further stated she can recall that the suspect the men were struggling with, who was later apprehended, was the same man that crossed her field of vision and drew the gun that shot . . . ”

Urso 6/27/68 LAPD interview (Page 2 A.K.A. Page 230 of the synopsis) can be accessed at:
<http://www.maryferrell.org/mffweb/archive/viewer/showDoc.do?docId=99845&relPageId=230>

AND FROM URSO'S FBI STATEMENT ON JULY 19, 1968...

“ . . . She recalls hearing three definite shots and then there was chaos. There could have been more shots, the sound of which was covered by the outcries of the people in the room. She saw Senator KENNEDY grab the back of his head with his right hand. People closed in on the young man and she lost sight of him, but knew the people were holding him down on a table . . . ”

Urso 7/19/68 FBI statement (Page 1 A.K.A. Page 399 of the synopsis) can be accessed at:
<http://www.maryferrell.org/mffweb/archive/viewer/showDoc.do?mode=searchResult&absPageI>

**MARTIN PATRUSKY: SIRHAN WAS GRABBED
IMMEDIATELY AFTER FIRING THE FIRST SHOTS**

FROM PATRUSKY'S LAPD STATEMENT ON JUNE 5, 1968...

A: “ . . . I seen Karl. Karl was holt -- pulling Kennedy through on -- Karl Uecker. He was pulling Kennedy through I think on the left side I think by his coat sleeve and all of a sudden I seen Karl reach out and grab the guy and Karl was holding him down, in a head lock down there, and he was waving the gun on the floor at the time, you know . . . back and forth and something like a piiing noise came off the ceiling and I seen Eddie jumping down on top, hitting the guy. Eddie, you know, another captain, was jumping down on top of Karl and that and the next thing I knew they had the guy rushed over on the steam table, across the steam table . . . ”

Patrusky 6/5/68 LAPD interview (Pages 6 - 7 A.K.A. Pages 27 - 28 of the transcript) can be accessed at:

<http://www.maryferrell.org/mffweb/archive/viewer/showDoc.do?docId=99838&relPageId=27>

AND FROM PATRUSKY'S FBI STATEMENT ON JUNE 7, 1968...

“ . . . This man leaned around the left side of Uecker's body and extended his hand toward Senator Kennedy. I do not know if this man extended his left or right hand. I immediately heard a sound like that of

a firecracker. A second later I heard a series of sounds like fire crackers. Karl Uecker swung about and grabbed this individual by the neck and I then heard more sounds like fire crackers . . . The muzzle of a gun was being waved around before some one grabbed it from the man."

Patrusky 6/7/68 FBI statement (Pages 2 - 3 A.K.A. Pages 385 - 386 of the transcript) can be accessed at:
<http://www.maryferrell.org/mffweb/archive/viewer/showDoc.do?docId=99655&relPageId=77>

KARL UECKER: SIRHAN WAS GRABBED IMMEDIATELY AFTER FIRING THE FIRST SHOTS

FROM UECKER'S LAPD STATEMENT ON JUNE 5, 1968...

" . . . Uecker was holding Kennedy's hand . . . and pulled him out of the crowd towards the Colonial Room, was slightly to right and in front of Kennedy. Saw suspect standing directly in front of him holding gun in right hand. Fired 2 or 3 times at Kennedy. Uecker grabbed gun and suspect pushing gun and hand away suspect continued to fire . . . "

Uecker 6/5/68 LAPD interview (Page 1 A.K.A. Page 186 of the synopsis) can be accessed at:
<http://www.maryferrell.org/mffweb/archive/viewer/showDoc.do?mode=searchResult&absPageId=1101206>

AND FROM UECKER'S LAPD STATEMENT ON JUNE 5, 1968...

A: “ . . . First shot -- first shot or second shot must have shortly one after another, you know, and I saw Mr. Kennedy falling down out of my hand and he is still shooting. And then I hit his hand down and I don't know how many times he shot. I don't know. I couldn't even tell you -- four times, five times, six times, it was -- but he was shooting another direction, I think, but I was trying to push the gun away from the crowd into the kitchen . . . I didn't even realize at the first shot that it was a gun but by the second shot, I turned around and saw Kennedy falling down out of my hand and then at that time that I realized it must have been a gun, then I grabbed him, you know . . . ”

Q: “He had the gun in his right hand?”

A: “In his right hand, yeah, because I kept him in my right hand and he was -- yes, in his right hand. He was trying to pull the right hand over again. I was trying to move that hand over.”

Q: “He was trying to get the gun back to where he could shoot people?”

A: “Right.”

Q: “And you were trying to prevent this?”

A: “Right.”

Q: “ . . . Was he still firing?”

A: “He was still firing, yeah. Oh, yeah. Like I said, I don't know how many shots he shot, but I was trying to get his gun away and his arm away and I was pulling him on the side . . . ”

Uecker 6/5/68 LAPD interview (Pages 2 - 8 A.K.A. Pages 232 - 238 of the transcript) can be accessed at:

<http://www.maryferrell.org/mffweb/archive/viewer/showDoc.do?docId=99845&relPageId=232>

AND FROM UECKER'S GRAND JURY TESTIMONY ON JUNE 7, 1968...

A: “ . . . And while I was holding his hand, I was turning to my right towards -- to the Colonial Room where the press room was. At the time something rushed on my right side. I -- at that time I didn't recognize what it was, and I saw some paper flying. I don't even remember what it

was, paper or white pieces of things. Then I heard the first shot and the second shot right after that, and Mr. Kennedy fell out of my hand. I lost his hand. I looked for him, and I saw him falling down. And I turned around again, and I saw the man -- right standing next to me. The arm, was holding the gun in, push the arm down on towards the steam heater, and my right arm I took around his neck as tight as I could, and pressing him against the steam heater. In the meantime, somebody else came behind me and pushed me against the steam heater. The guy in front of me couldn't get loose. While I was holding the hand where he had the gun in, I was trying to get the point of the gun as far as I could away from the part where Mr. Kennedy was laying. From the left side, I was trying to push the gun away to the right side where I didn't see too many people, while he was still shooting . . . I was hitting his hand on the steam heater as hard as I could, with my left hand, I had him right here on the wrist, and hitting my left hand on the heater to get rid of the gun."

Q: "He has his gun in his right hand?"

A: "In his right hand, yes."

Q: "And you grabbed him with your left hand?"

A: "The left hand, yes, and had the right arm around his neck. I was standing there and he was shooting, and I could feel when he was turning his hand towards the crowd, that's why I pushed all over the steam table as far as I could, to almost to the end of the steam table."

Q: "Let me back up and go back. You could feel his hand with the gun in it turning, trying to turn the gun towards the crowd?"

A: "Towards the crowd or towards me, I don't know."

Q: "You kept pushing it away?"

A: "Pushing it away."

Q: "On the steam table?"

A: "Right."

Q: ". . . About how many shots did you hear altogether?"

A: "I couldn't swear on it, but I think it was -- there was six shots -- six - - could be seven. While I was hitting his hand on the steam heater, there was noise, too, you know."

Q: "Before you grabbed his arm or his hand with the gun, had the gun been shot before that?"

A: "Yes."

Q: "About how many times did that gun go off before that?"

A: "Twice."

Q: "Twice that you know?"

A: "I must have grabbed the arm by the third shot . . . While I was holding the right arm from the shooter, I looked to the left, and while he was shooting still, I saw some more people falling down. But I wasn't sure they were shot or they just bent down to get away from the -- from the shots."

Uecker 6/7/68 Grand Jury testimony (Pages 143 - 149 of the transcript)

can be accessed at:

<http://www.maryferrell.org/mffweb/archive/viewer/showDoc.do?docId=99840&relPageId=99>

AND FROM UECKER'S TRIAL TESTIMONY ON FEBRUARY 14, 1969...

A: " . . . Then the next thing I heard was something like a firecracker and I turned my head to the left and I slid over again and I heard something like a shot, and Mr. Kennedy was falling out of my hand, and his upright arm, he was turning and then I realized there was somebody following me with a gun. I grabbed myself."

Q: " . . . Now, I want you to think about the scene at the time when you stopped in the area of the most westerly serving table?"

A: "Yes."

Q: "When the Senator stopped and he shook hands with two of the staff?"

A: "Right, sir."

Q: "And you went to grab the Senator by his arm to continue toward the Press?"

A: "I grabbed him myself by his hand . . . I grabbed his hand and I turned to my right toward the Colonial Room but in that turning something brushed next to me in front of me between the steam table and my stomach."

Q: "It was a person?"

A: "Person, right. Then I heard a shot which was something like a firecracker, a second shot and then I turned my head back again and I lost the Senator. I looked, I saw what happened was right in front of the man who had a gun in his hand. I grabbed, I started grabbing for the gun and with my right arm, I got my arm around his neck and had his head in a headlock and bent him over the steam table trying to push the gun away from the Senator. I had him right by the wrist over here."

Q: "You had the individual with your hand or his hand on his wrist?"

A: "My left hand on his right hand."

Q: "Was it his right hand the hand that held the gun?"

A: "It was, sir."

Q: "And you had your hand on the right hand, the right wrist of this individual?"

A: "Right, sir."

Q: "Now, up until the time you put your hand on his right wrist how many shots did you think you heard?"

A: "It might have been two or three shots. As soon as I started grabbing for the gun the shooting stopped for just a moment and as soon as I got this wrist, the shots, he kept on shooting. I was trying to move that hand as far away as I could from the crowd and from Mr. Kennedy. I felt my right hand, I had his hand in a headlock and was bending him over the steam table and there was somebody else behind me and he was trying to push me against this man, against the steam table and the man kept on shooting. I don't know how many shots he shot and by the way, I was trying very hard to get that gun away from the heart of the Senator and I could feel that he was very strong in his right hand and he was trying to pull the gun back toward the Senator, toward me, I don't know. I had to push him over, over to the steam table as far as I could but I didn't have my hand in the right place so he could still move his hand over to the left side. I felt him shooting, and he kept on shooting, at that time very repeatedly."

Q: " . . . Now, after you put your hands on Mr. Sirhan's wrist you said he was pulling the trigger and you were trying to force the gun away from the crowd and the Senator. How many additional shots would you

say took place, could you tell us that?"

A: "About four or five. I couldn't tell you because I was hitting the gun on the top of the steam table while I was pushing, and I was holding the gun on the steam table to make noise, and I didn't pay attention. It must have been four, five, six shots, I don't know."

Uecker 2/14/69 Trial testimony (Pages 3095 - 3100 of the transcript) can be accessed at:

<http://www.maryferrell.org/mffweb/archive/viewer/showDoc.do?docId=99505&relPageId=170>

For more on what these and other RFK assassination witnesses said, click here . . .
<http://rfkproject.homestead.com/What-The-Witnesses-Said.html>

Exhibit I, Declaration of Dr. Daniel Brown

Daniel Brown, Ph.D.
997 Chestnut St.
Newton MA 02464
617-244-1099 FAX 617-244-2498 danielbrownphd@comcast.net

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

DECLARATION

1. I, Daniel P. Brown, Ph.D. of 997 Chestnut St. Newton, MA hereby declare and state as follows:
2. I am an Associate Clinical Professor in Psychology at Harvard Medical School at the Beth Israel -Deaconess Medical Center. In the course of my professional career I have been qualified as an expert witness on psychological assessment, memory, memory for trauma, and the effects of suggestive influence in numerous state and federal jurisdictions I have never been disqualified. I am the senior author of a textbook, *Memory, Trauma Treatment and the Law* (Norton, 1999), which was the recipient of awards from 7 professional societies including the Manfred Guttmacher award for the "outstanding contribution to forensic psychiatry" given jointly by the American Psychiatric Association and the American Academy of Psychiatry and the Law. I also served as an expert witness and consultant on three occasions for the prosecution at The International War Crimes Tribunal, The Hague, Netherlands. My expert testimony was adopted as the standard of evidence by the tribunal regarding the reliability of memory in extremely traumatized witnesses, and that standard has been upheld through two appeals. I have also served as an expert witness in the area of hypnosis. I have written four books on hypnosis, including a standard textbook, *Hypnosis and Hypnotherapy* (Erlbaum, 1986, co-authored with Erika Fromm). I also wrote the current guidelines on forensic interviewing with hypnosis, which are in the current edition of *The Comprehensive Textbook of Psychiatry*. It is with these qualifications that I agreed to interview Mr. Sirhan B. Sirhan around his memory for the events leading up to and the evening of the assassination of Senator Robert F. Kennedy.
3. In May, 2008, I was instructed by the attorney for Mr. Sirhan B. Sirhan, William F. Pepper, to begin a series of interviews with Mr. Sirhan. One purpose of the interviews was to conduct a detailed forensic psychological assessment of Mr. Sirhan regarding his mental status. The second purpose of the interview was to allow Mr. Sirhan the opportunity to develop a more complete memory, in a non-suggestive context, for the events leading up to and of the night of the assassination. The central question Attorney Pepper asked me to render an expert opinion about is whether or not Mr. Sirhan was a subject of coercive suggestive influence that rendered his behavior at the time of the

assassination of Senator Robert F. Kennedy involuntary and also made him amnesic for his behavior and role in the assassination. What follows are my expert opinions to a reasonable degree of psychological certainty. Memory exploration consisted of a systematic step-wise approach according to current guidelines for non-suggestive interviewing. These steps included repeated free recall, followed by repeated recall plus context reinstatement (a procedure known as the Cognitive Interview), followed by a focused interview with non-suggestive, open-ended prompt questions, and lastly followed by free recall under hypnosis. While hypnotically refreshed testimony is inadmissible in certain state jurisdictions, and admissible in all federal jurisdictions, nevertheless, evidence gathered from the hypnotic inquiry was kept independent of the evidence derived from free recall and free recall plus context reinstatement. All the interviews conducted with Mr. Sirhan were conducted in the presence of Attorney Laurie Dusek, Mr. Pepper's co-counsel. While the prison did not allow electronic recording of the interviews, all interviews were simultaneously recorded in writing by myself and Ms. Dusek to maximize accuracy of the record.

4. I interviewed Mr. Sirhan and conducted a forensic psychological assessment in 6, two-day sessions over a three-year span from 2008-2010 on: 1. 8/18-19/08; 2. 10/20-21/08; 3. 12/7-9/08; 4. 8/26-28/09; 5. 5/9-10/10; and 6. 9/27-28/10. In all, over a three-year period, I spent over 60 hours interviewing and testing Mr. Sirhan. The first four visits were conducted at Corcoran Penitentiary and the last two visits were conducted at Pleasant Valley State Prison, both within the California Penal System.
5. I also interviewed eyewitness Juan Romero, who had just shaken Senator Kennedy's hand in the kitchen area at the moment of the assassination.
6. In preparation for these interview sessions with Mr. Sirhan, I reviewed the following records and documentation:
 - 6.1. All FBI files on the investigation and FBI files on RFK and selected LAPD files.
 - 6.2. Audiotapes of hypnotic interviews of Mr. Sirhan conducted by defense expert Dr. Diamond, provided by the RFK archives, N. Dartmouth, MA.
 - 6.3. Test results, original Rorschach Inkblot test transcript, and spiral notebooks allegedly written by Mr. Sirhan, as published in Robert Kaiser's book *RFK Must Die!* Vail-Ballou Press Inc (1970; 2008).
 - 6.4. Mr. Sirhan's central file/unit health record, which contains his complete prison mental health record over the past 40 years.
7. In the course of the interview process I administered the following forensic psychological tests:

- 7.1 Dissociative Experiences Questionnaire; Dissociation Questionnaire; Somatic Dissociation Questionnaire; Peritraumatic Dissociative Experiences Questionnaire for the purpose of assessing a dissociative coping style and dissociative experiences in Mr. Sirhan.
- 7.2 The Structured Clinical Interview for Diagnosis of Dissociative Disorders (SCID-D) for the purpose of determining the presence of a major dissociative disorder. The Traumatic Stress Inventory (TSI) was used for the purpose of ascertaining any possible symptoms of posttraumatic stress disorder due to Mr. Sirhan's childhood war exposure.
- 7.3 Stanford Hypnotic Susceptibility Scale-Form A for the purpose of determining in a standardized, normative manner Mr. Sirhan's level of responsiveness to hypnotic suggestion.
- 7.4 Gudjonsson Compliance Questionnaire(GCQ) for the purpose of determining Mr. Sirhan's level of social compliance and vulnerability to external suggestive influence.
- 7.5 Rorschach Inkblot Test scored for thought disorder using the Thought Disorder Index and the Exner Special Scores system for the purpose of determining if Mr. Sirhan ever had a formal thought disorder consistent with defense expert opinion at his trial that Mr. Sirhan was a paranoid schizophrenic. I also re-scored the original Rorschach Inkblot evidence submitted at trial according to modern scientific standards using the Thought Disorder Index and the Exner Special Scores system, as well as gave the evidence for a blind independent assessment to another expert psychologist in the Exner system.
- 7.6 The Structured Clinical Interview for the Diagnosis of Personality Disorders (SCID-II) Personality Questionnaire, the Adult Attachment Interview (AAI), the Young Schema Questionnaire (YSQ-3), Minnesota Multiphasic Personality Inventory (MMPI-2), and the Million Clinical Multiaxial Inventory (MCMI-3) for the purpose of determining the presence of a personality disorder.
- 7.7 Hostility Checklist List (HCL-20) for the purpose of assessing violence risk.
- 7.7 Rey Auditory Verbal Learning Test (RAVLT) for the purpose of ascertaining possible brain damage as a result of a fall from a horse and alleged head injury in 1966.
- 7.8 Gudjonsson Suggestibility Scale(GSS-1) and the Inventory of Childhood Memory and Imagination for the purpose assessing Mr. Sirhan's vulnerability to external misinformation suggestions and internal factors associated with confabulation of memory.
8. As a result of the extensive testing of personality factors associated with vulnerability to social influence I concluded the following:

- 8.1 Mr. Sirhan shows a variety of personality factors that are associated with high vulnerability to coercive suggestive influence. These factors include: 1. An extreme dissociative coping style; 2. Actual evidence of hypnotically induced alter personality states; 3. Very high hypnotizability; and 4. High social compliance. This unusual combination of personality factors makes Mr. Sirhan the type of individual extremely vulnerable to coercive social influence. To a reasonable degree of psychological certainty Mr. Sirhan's uncharacteristic behavior and strong amnesia for that behavior on the night of the Senator Kennedy assassination is a combination of his very high hypnotizability, high compliance, a dissociative vulnerability on rare occasions to shift self-states in a manner that would cause him to act in an uncharacteristic way, a strong dissociative coping style, that would cause him to be 'out of it' and be confused and amnesic for such actions. Mr. Sirhan is also exactly the rare type of individual who could have been easily influenced/induced by others to engage in uncharacteristic actions for which he would subsequently become amnesic. It is also possible that alcohol and or drug intoxication may have exacerbated Mr. Sirhan's condition the night of the assassination, but according to the evidence neither alcohol levels nor a drug screen were ever taken. There is only his self-report of drinking four Tom Collins and feeling somewhat intoxicated.
- 8.2 *An extreme dissociative coping style.* On the Peritraumatic Dissociative Experience Questionnaire, a measure assessing the use of a normal dissociative coping style to deal with stress or trauma, Mr. Sirhan received a very high score of 43, well above the cut score of 15 predicting significant use of dissociative coping strategies on the evening of the Senator Kennedy assassination. Simply put, Mr. Sirhan was 'out of it.'
- 8.3 *Actual evidence of hypnotically induced alter personality states.* I gave Mr. Sirhan the more detailed SCID-D--a structured interview for dissociative disorders--the 'gold standard' in assessment of dissociative disorders. According to the SCID-D Mr. Sirhan has a major dissociative disorder, dissociative disorder not-otherwise specified (DDNOS). In subsequent direct interviews with Mr. Sirhan I directly observed Mr. Sirhan a number of times switch into at least one distinctively different alter personality state, a personality-state that responds in a robot-like fashion upon cue and adopts the behavior of firing a gun at a firing range. The alter personality state is heretofore referred to as "range mode." This altered personality state *only* occurs while Mr. Sirhan is in an hypnotic or self-hypnotic state, and *only* in response to certain cues. This state never spontaneously manifests. While in this altered personality state Mr. Sirhan shows both a loss of executive control and complete amnesia. The *DSM-IV* diagnostic criteria for dissociative identity disorder requires the presence of at least two or more distinct alter personality states. Since only one distinct self-state was observed Mr. Sirhan does not meet the full *DSM-IV* diagnostic criteria for dissociative identity disorder. This distinctive alter personality state is cue-specific and state-dependent, which is quite unlike the psychiatric condition, dissociative identity disorder, wherein alter personality states manifest spontaneously. Cue-specific/state-specific alter personality states are likely the product of coercive suggestive influence and hypnosis.

- 8.4 *Very high hypnotizability.* Since the possibility of Mr. Sirhan being in an hypnotic or self-hypnotic state at the time of the assassination was introduced by defense expert Dr. Diamond at Mr. Sirhan's trial, I administered a standardized assessment of hypnotizability. Dr. Diamond hypnotized Mr. Sirhan and found him to be highly hypnotizable. Given the fact that no one has ever administered a normative, standardized measure of hypnotizability to Mr. Sirhan, I thought it would be important to do so. I gave Mr. Sirhan a generally accepted and empirically sound standardized measure of hypnotizability, namely the Stanford Hypnotic Susceptibility Scale-Form A (using the head falling instead of the postural sway suggestion as the first item). According to the published norms from the 1960s (the relevant time frame), Mr. Sirhan responded positively to 11 of 12 suggestions, which places him in the "very high" range of hypnotizability, i.e. in the top 7% of individuals. These test results establish, by standardized, normative comparison, that Mr. Sirhan is indeed very highly hypnotizable. With respect to Mr. Sirhan's response to specific hypnotic suggestions on the SHSS-A, his response to a post-hypnotic suggestion to get up from his seat upon cue was compulsive. His response to a suggestion for post-hypnotic amnesia resulted in a dramatic display of complete amnesia for all specific hypnotic suggestions and for the fact of being hypnotized, until given a cue to release the post-hypnotic amnesia. His post hypnotic amnesia for suggestions given in or actions preformed under hypnosis is dramatic. I have written four texts books on hypnosis, have taught hypnosis to over 3,000 professionals, and have hypnotized over 6,000 individuals over a 40-year professional career. Mr. Sirhan is one of the most hypnotizable individuals I have ever met, and the magnitude of his amnesia for actions not under his voluntary in hypnosis is extreme, more than I have observed in many other highly hypnotizable individuals.
- 8.5 *High social compliance.* I gave Mr. Sirhan the Gudjonsson Compliance Questionnaire(GCQ). The GCQ assesses "an eagerness to please" others and "avoidance of conflict with people in authority." Gudjonsson found that individuals with high compliance scores on the GCQ identify individuals especially vulnerable to making a coerced false confession in an interrogatory context, while individuals with low compliance scores (resisters) rarely give false confessions. Mr. Sirhan scored 11 on the GCQ which places him in the moderately high compliance range. The mean score for individuals likely to have given false confessions through interrogation is 14 (standard deviation = 3.1). The mean score for normal college students is 7.8, standard deviation 4.1. Thus, Mr. Sirhan's *current* score is nearly a standard deviation above the general population mean, and just within the range that identifies individuals likely to be vulnerable to making a false confession in the context of a coercive interrogation. To a reasonable degree of psychological certainty Mr. Sirhan's degree of compliance explains why he is the type of individual who would go along with a defense strategy at trial in ways that did not best represent his interests. Furthermore, such high social compliance makes Mr. Sirhan exactly the type of individual most vulnerable to suggestive influence.
- 8.5 I gave a number of forensic psychological tests to determine Mr. Sirhan's mental status. Mr. Sirhan does not have and never had paranoid schizophrenia. At the trial both the

defense and prosecution opined that Mr. Sirhan was a paranoid schizophrenic. That testimony was based primarily on a subjective interpretation of the Rorschach Inkblot Test. A modern scientific approach to the Rorschach Inkblot Test includes scientifically derived scoring systems to assess the presence or absence of a formal thought disorder, the primary diagnostic feature of schizophrenia. These scoring systems were not available 40 years ago at the time of Mr. Sirhan's trial. I re-administered the Rorschach Inkblot Test and scored it according to modern scientific standards using the original Thought Disorder Index and its abbreviated version as the Exner Special Scores. There was no evidence of formal thought disorder using either scoring system. I gave the current Rorschach protocol to an Exner expert to re-score blind, without identifying data. That expert also found no evidence of thought disorder. I also re-scored the original Rorschach used at trial using the Thought Disorder Index and Exner Special Scores and found no evidence whatsoever of thought disorder. Mr. Sirhan at the time of the trial, and currently, shows no evidence of thought disorder. The opinion of schizophrenia at trial is simply incorrect. Mr. Sirhan did not and does not have a major mental illness.

- 8.6 I administered a wide range of additional forensic tests to Mr. Sirhan to assess his mental status. All of the findings with respect to psychiatric conditions show that he is normal and does not have a psychiatric condition. A number of these tests have validity tests, which were all in the normal range. Mr. Sirhan's report of symptoms is likely valid. Contrary to his prison psychiatric records Mr. Sirhan does not meet sufficient diagnostic criteria for a personality disorder, nor is there evidence of violence risk. My negative findings with respect to psychiatric conditions in Mr. Sirhan has been corroborated by a recent independent forensic psychological assessment by Dr. Carrera of the Pleasant Valley Prison staff, as part of Mr. Sirhan's parole request, who also found, using a number of the same tests I administered, no psychiatric conditions and low violence risk in Mr. Sirhan.
- 8.7 I also administered several tests that identify personality factors that might affect the accuracy of Mr. Sirhan's memory. I found that Mr. Sirhan is neither highly memory suggestible nor has any significant internal-based tendency to confabulate memory. His memory for the events on the night of and leading up to the assassination based on non-suggestive free recall is likely to be reasonably accurate for gist. Mr. Sirhan was given the Gudjonsson Suggestibility Scale, a standardized measure of memory suggestibility. The Gudjonsson Suggestibility Scale (GSS-1) specifically measures individual differences in the personality trait of memory suggestibility using a standardized test with norms. He was read a story about a woman who goes on a vacation, gets her handbag robbed, and is interviewed by the police. Mr. Sirhan was asked for an immediate recall of the story and then another recall an hour later. After the delayed recall he was asked a series of questions about the story. Many of the questions contained misinformation, so as to assess the degree to which he incorporated this misinformation into his memory report. His immediate recall score of 15 (of 40 items) is in the low range, one standard deviation below the mean score. Mr. Sirhan's 1-hour delayed memory is also poor. His score of 10 is one and a half standard deviations below

the mean score. Mr. Sirhan showed evidence of a remarkably poor memory for a complex event. His confabulation score [0/0] was very low, indicating that what he recalled was generally accurate. His memory for the story decayed moderately over the one-hour delayed recall. With respect to memory suggestibility his Yield 1 (vulnerability to misinformation) score was 2 ($X=4.9$; $SD\ 3.3$), which places him in the very low range of vulnerability to misinformation suggestions. His Yield 2 score (vulnerability to repeated misinformation in the context of emotional pressure) was 1 ($X=5.6$; $SD\ 3.4$), which is extremely low. His Shift score (vulnerability to changing the memory report in the context of emotional pressure) was 1 ($X=3.4$; $SD\ 2.2$) which places him in the very low range regarding vulnerability to changing his memory report in response to emotional pressure. His total suggestibility score was 3 ($X=8.3$; $SD\ 4.4$), which places him in the very low range for total memory suggestibility. Overall, Mr. Sirhan's responses on the memory suggestibility inventory demonstrates that he is in the very low range of memory suggestibility and as such that score would make him a low risk for the development of externally-suggested significant memory distortion and/or false memories for complex events. His confabulation score on the GSS-1 was also low, which means that he is also a low risk for internally-based memory distortion. On the Inventory of Childhood Memory and Imagination—a measure of fantasy-proneness—he scored in the very low range (12 of 40 points). High fantasy-prone individuals, under certain conditions, confuse fantasy and memory, and thereby can self-generate significant memory distortions and/or false memories. Mr. Sirhan does not show any evidence of a high fantasy-prone style that would cause him to do this. He is not at all a risk for significant memory distortion or false memories through self-generated confusion of fantasy and memory.

- 8.9 The finding of very low memory suggestibility in Mr. Sirhan is quite remarkable given the fact that Mr. Sirhan has been exposed to many versions over the years of what may have happened on the evening of the Robert Kennedy assassination. Nevertheless, he is not the type of individual who is very prone to suggestively altering or distorting his memory for the event, even in the face of repeated information (or misinformation) about the event over time. Therefore, the repeated free recall conducted with Mr. Sirhan is not likely to have led to significant memory distortion based either on suggestive influence nor internally-based confabulation of memory.
- 8.10 As another test of Mr. Sirhan's memory I explored Mr. Sirhan's memory for two potentially verifiable events, namely the death of sister, and also his memory for the interviews and hypnosis conducted by Dr. Diamond. While Mr. Sirhan's memory for these events of over 40 years ago was incomplete, it was accurate for gist, as compared against the historical record and against the Diamond audiotapes.
9. After extensive review of defense expert interviews conducted on Mr. Sirhan in preparation for his trial I concluded that Mr. Sirhan was never really given much of an opportunity to freely recall the events leading up to, or on the night of, the assassination; nor have non-suggestive interview techniques ever been utilized systematically to help

improve his recall of the target event.

- 9.1 After listening to Dr. Diamond's hypnosis audio recordings of his interviews and hypnosis with Mr. Sirhan, as an expert in suggestive influence and hypnosis, I came to the conclusion that Dr. Diamond was unduly suggestive to Mr. Sirhan, in that Dr. Diamond systematically supplied specific suggestions to Mr. Sirhan to fill in the gaps of Mr. Sirhan's memory for the day and evening of the assassination. Such interviewing methods would not meet any current standard of non-suggestive interviewing. Given Mr. Sirhan's very low score on memory suggestibility on the GSS-2 and his high score on the Compliance Scale at the time I tested him, my findings suggest that Mr. Sirhan is likely to have given a coerced-compliant, involuntary false confession. Given Mr. Sirhan's very low scores on memory suggestibility I also conclude that Dr. Diamond's repeated misinformation suggestions did not really affect Mr. Sirhan's memory very much for the events in question. While Mr. Sirhan has been repeatedly exposed to lots of information and misinformation about his case over the years, his personality trait of generally low memory suggestibility means that it can be reasonably expected that gist memory for the events associated with the assassination could be recovered without undue distortion by previous exposure to misinformation.
10. As a result of the extensive interview process and the systematic exploration of Mr. Sirhan's memory I was able to ascertain the following facts about Mr. Sirhan's activities on the day and evening of the assassination:
 - 10.1 Mr. Sirhan's going to the Ambassador Hotel on the night of the assassination was not consciously planned. Mr. Sirhan did not know and could not have known that Senator Kennedy was going to pass through the kitchen area. Mr. Sirhan was led to the kitchen area by a woman after that same woman had received directions from an official at the event. Mr. Sirhan did not go with the intent to shoot Senator Kennedy, but did respond to a specific hypnotic cue given to him by that woman to enter "range mode," during which Mr. Sirhan automatically and involuntarily responded with a "flashback" that he was shooting at a firing range at circle targets. At the time Mr. Sirhan did not know that he was shooting at people nor did he know that he was shooting at Senator Kennedy.
 - 10.2 Mr. Sirhan freely recalled going to the gun range during the day of the assassination. After that, early in the evening, he met a friend at Pasadena Community College and shot pool with his friend. Mr. Sirhan asked the friend about having dinner and then about shooting more pool. The friend declined stating that he had other plans. Then, Mr. Sirhan stopped at Big Bob's Restaurant "to check out girls." He saw a parade announcement regarding the anniversary of the Six Day War and went to the Wilshire area to look for the parade. On the way Mr. Sirhan passed a storefront campaign headquarters with a lot of people outside. Some guys spoke of a "bigger party" at the Ambassador Hotel and mentioned that they were going to the Ambassador to look for girls. Based on this information Mr. Sirhan went to check out the party and look for girls.

10.3 The fact that Mr. Sirhan asked a friend to have dinner and continue playing pool does not suggest the motivation of an obsessed assassin planning to kill a presidential candidate that same evening. Additionally, the fact that after his friend left, Mr. Sirhan seemed lost and didn't know what to do or exactly where to go does not suggest a clear plan to locate Senator Kennedy and shoot him. In fact, the boys at the storefront campaign headquarters suggested to Mr. Sirhan that they all go to the Ambassador Hotel to attend the campaign party of Republican Senator Rafferty, because Senator Rafferty's daughter, Kathleen attended Pasadena Community College and Mr. Sirhan knew her. In other words, it is likely that Mr. Sirhan went to the Ambassador Hotel originally to look for the Rafferty party, not the Kennedy party, and thus, only incidentally found his way to the Kennedy party. After arriving at the Ambassador Hotel Mr. Sirhan recalled, "I felt out of place there. It was very hot...sweltering hot. I wanted to cool down. I had the idea to get some lemonade. There was a bar there." Mr. Sirhan's memory of the bartender suggests a strange feeling of familiarity between them, as if even though Mr. Sirhan didn't know who the bartender was, he felt as if some previous relationship had been established. Mr. Sirhan additionally recalls that the bartender communicated by non-verbal signals, like making unusual eye contact and nodding, and through this process of handing Mr. Sirhan alcoholic drinks and non-verbally gesturing to him Mr. Sirhan got very "tired." Mr. Sirhan recalled:

'Now I'm going to another area...I don't the name... Later I heard that it was the Embassy Room...it's like a huge hallway...tremendous lights...it looks like a dance floor...no tables...I recall a band...all Mexican...the brightness...a lot of people...I'm getting tired...I wasn't expecting this...it is getting hot...very hot...I want to get a drink. A make-shift bar area....I see a bartender...a white smock...he looked Latin... we just nodded...I told him what I wanted...*it's like I have a relationship with this guy*...Tom Collins...I drink it while I'm walking around...a tall glass...it looks like lemonade glass...I want to go back for more...[Tell me everything about the relationship with this guy] He looks like in Abbott and Costello...the short one...this bartender... he wasn't looking for a sale...he wasn't talkative....it is like he's communicating with gestures...a nod after I paid for it.'

'I'm still looking around...he didn't make it (the drink) right in front of me...he made it and brought it over...after that I came back again..it was like a routine between us...like I'm more familiar...like I'm a regular customer of his...I don't remember seeing him before...it seemed like he was a professional...he never initiated a conversation but after the second time it was like there was a communication between us...like it happened with a nod... [Freely recall anything about this communication] It seemed familiar...like a return business..when he saw me come back he knew what I wanted...it is hard to figure out if he's targeting me or I'm targeting him...I don't remember him saying anything like "shoot Kennedy" or anything like that...he's just very quiet...we make eye contact with a nod...he knows his business... I begin to get tired...I sat down on one of the couches...I remember feeling that I had to go home...very bright lights...like under the sunlight...I want to go home...I know the way past the ballroom...I wanted to go back the same way that I came... [See what else you can remember] I'm still sitting on the couch...I have to go home...that was my final decision...I've seen the party... I couldn't find Kathleen Rafferty.'

10.4 It is notable that at this point in time Mr. Sirhan can only think about going home. Again, his expressed desire to leave the party and go home does not suggest the motivation of an assassin ready to kill a presidential candidate shortly thereafter.

10.5 Mr. Sirhan recalled leaving the party and returning to his car. At that point he realized that he drank too much to drive. Thus, Mr. Sirhan re-traced his steps to the party to find coffee, so that he could become more alert to drive. He recalled:

'I'm starting to go home...I get in the car...I couldn't think about driving the car...it was late...my car was the only car on the road...at the end of the block...I sit in the car...I couldn't make myself drive it... There is no way I could drive the car...I don't want to chance it... I wanted to sleep...I wanted to sleep...sleep...sleep...sleep. Then I go back to the hotel and get coffee. It was the way to go back down that hill...downhill...no traffic...no people...quiet...Wilshire Blvd seemed quiet...I don't remember any pedestrians...an easy walk...easy walk I was going to get the coffee...re-tracing my footsteps...I was more tired.'

10.6 Mr. Sirhan recalled re-tracing his steps to the same bar. When Mr. Sirhan arrived at the bar he asked the same bartender for coffee. The bartender told him that there was no coffee at the bar. An attractive woman with a polka dot dress was sitting at the bar talking to the bartender. She over-heard Mr. Sirhan asking for coffee and she said that she knew where the coffee was. The woman in the polka dot dress then took Mr. Sirhan by the hand and led him to the ante-room behind the stage where Senator Kennedy was speaking. There they discovered a large silver coffee urn and cups. Mr. Sirhan recalled:

'This girl was there. She was looking for coffee, too. Then all of a sudden she says, "Oh, there's coffee." It was on the way back...We zoned in on it...a big urn... We poured the coffee...then she started to act like a lady...she sat on the chair...like an egg-hunt we had been searching for the coffee and when we found it she sort of settled down...lot's of cups and saucers. I poured her a cup. It was self-serve and I remember thinking, 'How do I pay for this?' She had me. I could have had her under different circumstances...I started getting very sexual ideas with the girl...I made up my mind I'm going to make it with this girl tonight...she didn't lead me on...it was my job to woo her...'

10.7 It is notable that according to Mr. Sirhan's memory the girl in the polka dot dress leads Mr. Sirhan to find the coffee, not the other way around. While Mr. Sirhan is flirting with this girl (Mr. Sirhan went to the party to pick up a girl), they are interrupted by an official with a suit and clip board. This official tells them that they cannot stay in the anteroom for security reasons, and the official then tells the girl in the polka dress to go to the kitchen. Mr. Sirhan recalls:

'All of a sudden they tell us, we have to move. This guy comes by wearing a suit... darkish hair.. A big, big full face...seems like he was in charge...He wasn't wearing any uniform...wearing a suit...She acknowledges his instruction...He motions toward the pantry." The man said, "You guys can go back in this room." I followed her. She led... I was a little like a puppy after her. *I wanted to go back to the mariache band...but she went straight to that pantry area...with my*

being so attracted to her I was just glued to her...

10.8 One of the unexplained facts about the assassination is how Mr. Sirhan, or any potential assassin, could have known that RFK would come through the kitchen area after his talk, because the official route was changed at the last minute and very few people, including RFK's own body guard, knew of the route change. The above mentioned passage suggests that Mr. Sirhan might not have known anything about the route change, or anything about the fact that RFK would pass through the kitchen after his speech. According to what Mr. Sirhan freely recalled, his memory suggests that Mr. Sirhan was lead directly to the kitchen by the girl in the polka dot dress, immediately after she had been given this information by an "official." According to his memory Mr. Sirhan seems clueless that the girl and this official have led him to the very place that the assassination will occur. Mr. Sirhan clearly says, "she led the way."

10.9 When Mr. Sirhan and the girl in the polka dot dress arrive in the kitchen area he recalled that very few people were around. He did recall seeing a security guard sitting in a chair in a doorway further away from where the girl sat on the stacking table. (This part of the memory is corroborated by the security guard in a statement to the LAPD, who claims he saw Mr. Sirhan in the kitchen). Mr. Sirhan interpreted the quiet and darkness of the kitchen as an occasion to flirt with the girl. Mr. Sirhan recalled:

'As we were coming in I remember seeing a cop...somebody in uniform...he was in another room...I saw this officer sitting in a chair...he's talking with somebody...laughing with somebody (in the other room out of sight) that I couldn't see...I'm thinking what if I go after this girl and the girl cries out with the cop there? ...I'm still sleepy...very sleepy... I was flirting with her...the place was darkish... we were the only ones in that area...I don't know where the hell it was...a deep place to get romantic with that girl...Then she sat up on the table facing with her back to the wall... her thighs and legs are right here... I am just looking at her trying to take her beauty in...I am trying to figure out how to hit on her...That's all that I can think about....She sat on the steam table. I was leaning. I was fascinated with her looks... She was sitting. I was standing. I was engrossed...She was busty, looked like Natalie Wood. She never said much. It was very erotic. I was consumed by her. She was a seductress with an unspoken unavailability.'

10.10 The next part of Mr. Sirhan's recall is strongly suggestive of an automatic behavioral response to a specific post-hypnotic cue, namely when Mr. Sirhan was tapped on the shoulder Mr. Sirhan automatically took his weapon stance and began experiencing a "flashback" that he was firing at a target at a firing range. Mr. Sirhan specifically recalled taking his stance, and specifically recalled seeing circular targets in his field of vision. The next thing Mr. Sirhan remembered after that is that he was being choked, partially wake up, and had the thought, "I am not at a firing range I just shot somebody." This is what Mr. Sirhan recalled:

'I'm trying to figure out how I'm going to have her...All of a sudden she's looking over my head toward an area...Then she taps me or pinches me...It is startling... [Tell me everything you remember...including what is going through your mind right after her doing that] It was like a wake up...the contact with my body...This is too abnormal for people to pinch like that for no

given reason It was like when you're stuck with a pin or pinched...a very sharp pinch...I thought she did it with her fingernails...like a wake-up...it snapped me out of my doldrums...yet I'm still sleepy...She points back over my head...She says, "Look, look, look." I turn around... I don't know what happened after that...She spun me around or turned my body around...She was directing my attention to the rear...Way back... There are people coming back through the doors...I am still puzzled about what she is directing me to...It didn't seem relevant to me...Some people started streaming in...She kept motioning toward the back...Then all of a sudden she gets more animated... *She put her arm on my shoulder...*

10.11 When the girl first put her hand on Mr. Sirhan he said, "I thought it was romantic." However, he noted that she was not at all looking at him but looking "way above my head." Mr. Sirhan continues to recall:

'I think she had her hand on me...I am not sure if it was her hand or somebody else's...Then I was at the target range...a flashback to the shooting range...I didn't know that I had a gun...there was this target like a flashback to the target range... I could be fantasizing or dreaming that I was at the gun range...I thought that I was at the range more than I was actually shooting at any person, let alone Bobby Kennedy...' [Recall your state of mind at the time] *'My mental state was like I was drunk and sleepy...maybe the girl had something to do with it?...I loaded and reloaded quite a few times and the target was 100 feet away...I was trying to get dead certain... a lot of X's...I think I was at the range in my mind for that first second... I was like I was at the range again...'* [What did the target look like?] *'Circles. Circles... It was like I was at the range again...I think I shot one or two shots... Then, I snapped out of it and thought, "I'm not at the range"... Then, "What is going on?" Then they started grabbing me...I'm thinking, "the range, the range, the range." Then everything gets blurry...I think that's when Uecker grabbed me...after that first or second shot...that was the end it ...It was the wrong place for the gun to be there...I thought it was the range...Then, they broke my finger....'* [What happens next?] *'Next thing I remember I was being choked and man-handled. I didn't know what was going on. I didn't realize until they got me in a car...later when I saw the female judge I knew that Bobby Kennedy was shot and I was the shooter, but it doesn't come into my memory.'*

10.12 According to Mr. Sirhan's memory, Mr. Sirhan had no idea that RFK would come through the pantry, although the girl in the polka dress seemed to lead Mr. Sirhan into the pantry, was waiting for RFK come through, and was clearly distracted looking for Kennedy to arrive. Mr. Sirhan described that as hard as he tried to flirt with the girl, she seemed "distracted," in that she kept looking away from him toward the far doorway.

10.13 Taken at face value Mr. Sirhan's recall suggests that he was led to the RKF party and eventually to the kitchen by others, and the that his role in the assassination may have been to be the primary distractor. According to his memory, the bartender, the girl in the polka dot dress, and an unknown official all play a central role in leading Mr. Sirhan to the scene of the crime, whereupon the girl taps him on the shoulder and Mr. Sirhan responds upon cue with automatic and compulsive behavior—what Mr. Sirhan eventually described as "range mode"—wherein Mr. Sirhan takes his firing stance and experiences a "flashback" that he is firing at circle target at a

firing range, in a way that has been well practiced. While interviewing Mr. Sirhan I, along with attorney Dusek, directly observed Mr. Sirhan spontaneously switch into "range mode" on several occasions, where upon Mr. Sirhan automatically took his firing stance, and in an uncharacteristic robot-like voice described shooting at vital human organs. Following brief re-enactments of "range mode" Mr. Sirhan remained completely amnesic for the behavior.

Overall, if Mr. Sirhan's free recall is taken at face value, this very unusual recall does indeed suggest possible hypnotic programming of, and behavioral handling of, Mr. Sirhan to serve as a distractor for an assassination of a presidential candidate. While Mr. Sirhan's high level of hypnotizability was noted at trial by defense expert Dr. Diamond, Diamond made the assumption that Mr. Sirhan was the sole assassin, in such a way that Dr. Diamond only used hypnosis to 'explain' how Mr. Sirhan committed the murder. Dr. Diamond never conducted extensive free Recall, in a way that might have led to a remarkably different version of the events like the one described herein. Furthermore, at no point did Dr. Diamond ever mention directly observing Mr. Sirhan's "range mode" behavior and Ms. Dusek and I observed.

10.14 Despite the repeated attempts to have Mr. Sirhan recall the gun, at no point did Mr. Sirhan ever clearly recall how he got a gun. Mr. Sirhan has a strong conviction in the accuracy of his memory about the gun, namely that he left the gun in a box in his car, and that he would never take the gun out in public. Mr. Sirhan is adamant in his belief that he ever brought the gun into the Ambassador Hotel. When asked to explain how he might have gotten a gun, he recalled being bumped up against and pushed around in the crowd on his way back to the bar to get coffee. He speculated (without specific recall) that the gun might have been placed in his waist band without his knowing it. It is also possible that the girl in the polka dot dress handed him the gun, but he does not remember so.

10.15 Mr. Sirhan's memory report is consistent with an hypnotic programming hypothesis that strongly implies that his behavior on the night of the assassination was involuntary, and was followed by amnesia for the events. Research on using hypnosis to get hypnotizable individuals to commit antisocial acts conducted back in the 1960s demonstrated that a very small group of high hypnotizables could be made to commit antisocial acts if hypnotic suggestions were given to distort the reality in such a way that it didn't seem to the hypnotized subject that they were committing an antisocial act. At least some aspects of covert mind control research conducted by intelligence agencies concurrent with the RFK assassination was documented in J. Marks *The Search for the 'Manchurian Candidate: The CIA and Mind Control—The Secret History of the behavioral Sciences* (1979) published as a reparation agreement by the American Psychiatric Association because one of the main "programmers," Dr. Ewin Cameron served as President of the American Psychiatric Association while conducting illegal mind control on unsuspecting citizens without their consent. My colleague, Alan Schefflin, an expert on mind control, secured thousands of pages of government documents from these covert mind control experiments under the Freedom of Information Act. These documents describe, *albeit* redacted, instances of CIA experimentation with the possible creation of 'unconscious assassins'—unsuspecting ordinary citizens programmed, without their conscious knowledge and outside their voluntary control, to carry out cue-induced assassinations of officials in other

countries (cf. A.W. Schefflin & E/M. Opton, Jr. *The Mind Manipulators*, 1978). These 'experiments' were conducted within the same time frame as the RKF assassination, and at least three of the redacted documents describe successful assassinations in other countries using the unconscious assassination method. These documents also stress that a rare combination of personality factors make only a very small portion of individuals vulnerable to such unconscious assassin training. The documents also demonstrate that a combination of sensory deprivation, hallucinogenic drugs, and hypnosis were used in training unconscious assassinations

10.16 Mr. Sirhan has a rare combination of personality characteristics that make him highly vulnerable to coercive persuasion and mind control methods. In addition, Mr. Sirhan's report of suddenly changing his state after being touched by the girl, and then hallucinating that he was at the firing range, is suggestive of the kind of mind control research done during that era, namely training a hypnotizable subject to respond on cue to a post-hypnotic suggestion to hypnotically hallucinate being at the firing range. In this case, the evidence suggests that Mr. Sirhan may have been used more as a distractor than the main assassin. Such a suggestion would insure that: 1. Mr. Sirhan would not think he was committing an antisocial act and 2. Mr. Sirhan would literally give it his best shot. Being choked seems to awaken Mr. Sirhan from his flashback that he is at the firing range, but does not necessarily awaken him from trance.

10.17 After repeated attempts at free recall of the events on the night of the assassination, I subsequently asked Mr. Sirhan in an open-eye hypnotic trance to freely associate to the drawings on page 550 of the Kaiser published verison of Mr. Sirhan's spiral notebooks. Mr. Sirhan reported that the drawings looked like targets at a target range. In other words, Mr. Sirhan had drawn firing range targets on the same page on his notebook as he wrote the RKF assassination entries, as if firing at target range targets and firing at a human target like RKF are somehow intertwined in his mind.

10.18 Mr. Sirhan also clarified one passage in his spiral notebook on the relationship between alcohol and love. (See notebook in Kaiser, 1970, 2008, p 548 "Alcohol will love love love love love love.") In this passage Mr. Sirhan has made a connection in his recall between alcohol of night of the assassination and his "love" for the Polka Dot dress girl. Touching Mr. Sirhan on his shoulder and/or turning him around suggests an hypnotic cue to enter "range mode," to hypnotically hallucinate the firing range, and to fire automatically upon cue. My review of the eyewitness accounts in the kitchen at the time of the assassination suggests that giving Mr. Sirhan the cue to start shooting may have been synchronized to a second shooter and that the sound of the second gun may have also served as an additional cue to Mr. Sirhan to keep firing.

10.19 After repeated attempts at free recall and free recall plus the cognitive interview I then hypnotized Mr. Sirhan to see if Mr. Sirhan recalled any additional new material under the condition of hypnosis. Very little new material was reported under hypnosis, with a few exceptions. In other words, most of his recall was relatively complete *prior* to the introduction of hypnosis. There are the four pieces of new memory evidence specific to hypnotic free recall: 1. Mr. Sirhan added that the man sitting in the chair at the end of the kitchen doorway might have been a policeman or fireman. 2. Mr. Sirhan recalled that the girl in the polka dot dress

disappeared when he took "range mode." 3. Mr. Sirhan recalled more about his inner state of mind during "range mode." Here is the additional recall:

'I started looking toward that place...*I didn't see the girl anymore*...I don't know what happened...weird...She wasn't there anymore and I was just focusing on her....*I thought I was at the range*...The tables reminded me of being at the range...Then the girl's at the range, too...It was all weird....I just have a memory of this range...I was there (at the range) that very afternoon...images..flashed...I thought I was back at the range...An automatic motion like I was shooting at the range...Still feeling the sting of the pinch...I don't remember what I shot...what I shot...There was the target...puzzling to me...It was like a sudden flash...Then, you're not at the range anymore...I didn't see anybody else...Just shooting targets...seemed weird...Then I was man-handled and roughed up...Choked the hell out of me...All the people showed up...I don't know where they came from...I couldn't breathe...'

10.20 Fourth, under the condition of hypnotic free recall, but not under waking free recall, Mr. Sirhan unwittingly reported seeing the flash of a second gun at the time of the assassination. He recalled:

'Steady in front of me....then...a flashing streaking in front of my eyes....very bright spots. Then dark, blank." [Anything else?] I might recall a thunderclap of other bullets. I didn't think I fired more than 2-3 shots, and I think one hit the side of the wall. I don't remember human voices screaming or hollering. Everything went blank.'

10.21 In a follow-up interview I asked Mr. Sirhan to clarify whether the "gun flash" he reported seeing came from his own gun or from somewhere else. He said, "my gun does not flash." In this passage Mr. Sirhan clearly concedes indirectly that, without knowing it, Mr. Sirhan actually saw the flash from another gun at the time of the assassination.'

10.22 After repeated free recall attempts, I asked Mr. Sirhan to summarize his understanding of his memory for the night of the assassination. Mr. Sirhan said:

'Maybe the girl had a kind of signal. I don't know. When she turned me around the Kennedy group kept coming in and she was trying to get my attention. *When I spun around, that was the last time I saw her*. I don't remember shooting. I don't remember aiming at Bobby Kennedy. I don't remember seeing him as a target. ...It was like a continuation of being at the target range...Like an indoor target range...I don't remember any cue....could be the clang of shots...*could be a gunshot...sort of reminds me of the range*... Could be the pinch from the girl...a sharp pain... Sharp feeling...They say I called Bobby Kennedy a son-of-a-bitch. I don't remember doing that. Maybe somebody called me a s.o.b. because I shot him. I wasn't aware of a lot of people...mostly me and her...the girl...She pointed to the entry...That's where I thought I fired.'

10.23 Since Mr. Sirhan seemed to respond immediately and compulsively with 'range mode' behavior to the touch cue by the girl with the polka dot dress, I subsequently asked Mr. Sirhan,

“Did anybody ever touch you like that before?” Mr. Sirhan replied, “I don’t remember. It could have been at the range. With her I was more elated.” [Did anyone at any time ever give you such a cue?] *It might have happened at the range.*” The “range” does not refer to Fish Canyon (which Sirhan visited the day of the assassination), but to a police and military firing range, where Mr. Sirhan recalls he was trained to shoot at human targets.

11. As a result of the extensive interview process and the systematic exploration of Mr. Sirhan’s memory I was able to ascertain the following facts about the events leading up to the assassination and the manner in which Mr. Sirhan was coerced to shoot upon cue:

11.1 Friends and family state that Mr. Sirhan underwent a fundamental personality change after a fall from a horse while racing at the Corona race track in September 25, 1966. The personality change is attributed to a head injury. There is no evidence of a head injury. The emergency room hospital record shows he was treated for a superficial eye injury and discharged the same day. A subsequent EEG shows no evidence of a brain injury. Testimony by his family and best friend establishes that Mr. Sirhan was actually missing for two weeks. The facts suggest that the horse fall was drug-induced and staged, and that Mr. Sirhan was taken to an unidentified hospital unit for two weeks, and whatever was done to him caused a fundamental change in his personality.

11.2 Mr. Sirhan’s unusual free recall of the events of the night of the assassination raises serious questions about involuntary, automatic response to coercive tactics of others. If Mr. Sirhan had been coercively trained to respond with “range mode” upon cue at the time of the assassination, then there needs to be some explanation as to when and how such coercion might have occurred. I believe he answers lies in the well-known fact that Mr. Sirhan suffered a ‘head injury’ from a fall from a horse while employed at Corona Race Track. Mr. Sirhan’s family and best friend Terry Welch state unequivocally that Mr. Sirhan underwent a fundamental personality change after the horse accident due to a head injury. These facts suggest a very different picture from the historical record.

11.3 First, there is no evidence to support the head injury/brain damage view. Because of the documentation of two falls from horses at the Corona race track and documentation of a possible head injury, it was important to test Mr. Sirhan for brain injury-related memory deficits. (There is also evidence of a fall and head injury from childhood). Brain injury can cause hippocampal damage resulting in organic amnesic syndrome, characterized by anterograde amnesia. As a screening device I gave Mr. Sirhan the Rey Auditory Verbal Learning Test, which detects brain-related short-term memory encoding failures. Mr. Sirhan was given 5 trials of 15 words on a list to remember, followed by a single trial of remembering words from a different list, followed by recall of the original list words after a 50-minute delay. His responses across all trials were within the normal range for his age-range. There is absolutely no evidence of an organic amnesic syndrome typically associated with brain injury. The medical records also documents normal EEG shortly following the head injury. My testing and also the available historical laboratory objective findings seem to contradict the report of any brain damage following the horse fall.

11.4 Second, the fact remains that even in the absence of brain damage, those closest to Mr. Sirhan reported a fundamental personality change in Mr. Sirhan immediately following the first horse fall. According to the historical record, Mr. Sirhan was hired as a stable boy at Corona. On one occasion Mr. Sirhan was allowed to fulfill his dream, namely to ride as a jockey. On the day he rode, there was allegedly a thick fog bank. Mr. Sirhan allegedly crashed into a guard rail in thick fog, fell, received a head injury, was treated for minor injuries in the emergency room at Corona Community Hospital and released the same day.

12. After three years of testing and interviewing Mr. Sirhan, my conclusions with respect to likely mind control and hypnotic programming of him to unwittingly play a diversionary role in the assassination of Senator Kennedy, are fortified by a wide range of additional factual information, which Mr. Sirhan was ultimately able to provide me about mind control training, and training to shoot at human targets, and also about how Mr. Sirhan produced his spiral notebook writings. I have been asked by Counsel, however, for the purpose of this Declaration, and my contribution to the issue of actual innocence, not to burden the Court with this degree of detail. I am advised that this may be more appropriate in another proceeding.

12.1 Mr. Sirhan's recall, after 40 years, as set out above, is likely to be accurate for the gist of what occurred for a number of reasons:

12.1.1 Mr. Sirhan has demonstrated accuracy, but not complete recall, for other verifiable events from around the same time frame;

12.1.2 Mr. Sirhan shows low memory suggestibility from every scientifically recognized test I have given him, relating to that facility;

12.1.3 Systematic non-suggestive interviewing was used based on repeated free recall;

12.1.4 Mr. Sirhan repeatedly questioned, expressed disbelief in, and sometimes even denied his recollections, even where the content of his recollections might have been exculpatory;

12.1.5 Even where elements of his recall appear unusual, there is some corroboration for his recall, like the LAPD documentation regarding his presence at a police and military firing range;

12.1.6 Mr. Sirhan's verbal recollection of shooting upon cue was also strongly supported by at least three automatic demonstrations of "range mode" behavior in hypnosis, each of which was followed by complete amnesia for the automatic compulsive behavior;

12.1.7 The validity measures on various psychological tests were all in the normal range, suggesting that at least with respect to the report of symptoms his report is likely accurate and he is not trying to appear in any fabricated manner or way.

13. It is an undisputed fact that Mr. Sirhan fired a gun in the pantry of the Ambassador Hotel on

the night of the assassination. The evidence revealed by my extensive interviews substantiates the less refined allegation that he engaged in this activity in response to a cue given by another party, and thus compels the conclusion that his action of firing the gun was neither under his voluntary control, nor done with conscious knowledge, but is likely a product of automatic hypnotic behavior and coercive control. I am convinced that Mr. Sirhan legitimately recalled a flashback to shoot target circles at a firing range in response to the post-hypnotic touch cue and did not have the knowledge, or intention, to shoot a human being, let alone Senator Kennedy. Even after 40 years Mr. Sirhan still is confused when told by others that he shot Senator Kennedy.

14. Accordingly, after an extensive attempt to enable Mr. Sirhan to recall the events on the night of the assassination and the events leading up to the assassination, it is my opinion that Mr. Sirhan did not act under his own volition and knowledge or intention at the time of the assassination and is not responsible for actions coerced and/or carried out by others, and further that the system of mind control which was imposed upon him has also made it impossible for him to recall under hypnosis or consciously, many critical details of actions and events leading up to and at the time of the shooting in the pantry of the Ambassador Hotel.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.



Daniel Brown Ph.D
MA. Psychologist # 2399-PR

Associate Clinical Professor of Psychology
Harvard Medical School at BIDM

Exhibit J, Declaration of Sirhan Sirhan 1:4-6,
Aug. 9, 1997

DECLARATION SIRHAN SIRHAN

SIRHAN SIRHAN hereby declares as follows:

1. I am the Petitioner in the present proceeding.

2. I was told by my lead trial attorney, Grant Cooper, that I shot and killed Senator F. Kennedy and that to deny this would be completely futile.

3. I had and continue to have no memory of the shooting of Senator Kennedy.

4. Shortly after the trial, I was advised by my appellate attorney, Luke McKissack, that if I had heard that a different gun was used at the trial, this was true.

5. Although Mr. McKissack promised in a letter to explore this issue, he never advised me of any efforts to do so, and the matter was dropped.

6. In 1972, Rose Lynn Mangan sent me a photocopy of the evidence envelope of Peoples' Exhibit 55, and this photocopy bore the gun serial number "H18602".

7. At the same time, Ms. Mangan sent me a photocopy of the envelope of Peoples' Exhibit 47, the Kennedy neck bullet.

8. Other than the foregoing and the information contained in the petition filed on my behalf by attorney Godfrey Isaac in the mid-1970's, I received no information indicating that evidence was suppressed, altered, fabricated or destroyed by the police or prosecutors in my case other than what I learned in the 1990's from my researcher, Rose Lynn Mangan, my brother Adel, and my current attorney, Lawrence Teeter.

Ex 106

These 2 documents are from "Exhibits 14 Support of Reply to 14 formal response for writ of H.C." Col. Supreme Ct. I rec'd same on July 6, 1999.

1 9. Ms. Mangan resumed contact with me in 1992 at the request
2 of my brother.

3 10. My former attorney, Luke McKissack, who represented me
4 from 1969 until I finally discharged him in 1993, never brought to
5 my attention anything concerning issues involving suppression of
6 evidence except at the very outset of my relationship with him in
7 the instance described above.

8 11. Nor did Mr. McKissack ever mention that there was any
9 basis for presenting a claim that I was innocent of killing Senator
10 Kennedy or that my trial counsel were ineffective.

11 I hereby declare under penalty of perjury that the foregoing is
12 true and correct to the best of my knowledge and belief.

13 EXECUTED this 9th day of August, 1997, at Corcoran, California.

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16 SIRHAN SIRHAN
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