

The Nearness of History Part II:

Scott Enyart vs. the L.A.P.D over RFK Photos

by Dave Manning

Despite the fact that the City of Los Angeles has spent (and continues to spend) several hundreds of thousands of dollars more for its defense of the Scott Enyart lawsuit than Enyart is actually seeking in compensation, city attorney Ed Fimbres says the city will continue the fight.

So, what is really at stake for the city and its police department, in this case? Why do they continue to imply that it is in the city's best interest that Enyart not win? What is it that would cause attorney Skip Miller to refer to Scott Enyart in his closing argument and in front of Enyart's entire family, as a liar and money-hungry opportunist?

As slanderous as that assertion may appear to be in that context, that tactic is made more reprehensible by the fact that Miller took advantage of a pretrial ruling by Commissioner Elias. She ruled that Enyart would not be allowed to testify to the fact that after initially filing this lawsuit in 1988, the case was moved along through the court system for more than a year before one judge ruled that it should not be heard on its merits and threw it out. Enyart appealed the ruling and it took almost 4 years for the state appeals court to rule that a lawsuit could be filed and heard in court. So, this jury was made to believe, by implication of Skip Miller's remarks, that Enyart had only recently filed this lawsuit, purely for financial gain and at the expense of the city of Los Angeles.

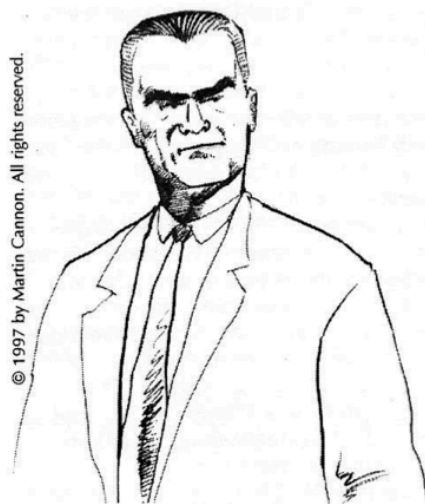
As was demonstrated in the first part of this article, these kinds of spurious courtroom stratagems, practiced by the defense team, occurred daily in this case. In this second part we delineate examples of how these tactics devolved into a level of ill-fated desperation, as the defense began to realize its case perhaps would not prevail.

Salas & Shilliday III Testify

By Friday, July 19th, the end of the third week, the defense was ready to explain to the jury just exactly how the miracle of finding Enyart's missing photographs had occurred. The witness—the man given the most credit for the discovery—was LAPD Detective, Stan Salas.

In 1988, when Enyart was originally

promised the return of his photographs, neither the LAPD nor the state archives could locate Enyart's missing photos. In fact, the state archives wrote back to Enyart, when he inquired about his photographs in that year, that after a careful search the archives could tell him with some certainty



Stan Salas

that his photos were not in their possession and they may have been destroyed with others, by the LAPD. This letter was introduced as evidence in the trial.

Stanley Salas was assigned to the LAPD bureau of special investigations in May, 1995, specifically to investigate the "alleged loss" of Scott Enyart's photos. Three months later, 29 photographs were "discovered" in the state archives and were deemed to be Scott Enyart's "missing" photographs. What was the explanation for the photos being absent in 1988 and then showing up in 1995? Salas swore under oath it was simply that the photos were misfiled in the state archives under a different name, plus his own tenacious detective work. Let us examine that claim.

Salas contended that his investigation showed that these 29 photos were booked in 1968 under the name of George Clayton. That is also how the booking was recorded in the SUS Q-log (photographic evidence)

and given item numbers: #24 for the photos and #25 for the negatives, which were in an envelope. (SUS stands for Special Unit Senator, the original LAPD investigative team put together to evaluate the evidence from the RFK assassination.) This testimony matched perfectly with the Q-log document introduced into evidence by Skip Miller for LAPD. It seemed then that by assigning a conscientious and determined investigator like Detective Salas to this case, the city had fashioned an acceptable story for how these photos had finally turned up.

Then, just to drive home the impact of this incredible story of good work combined with good fortune, Miller put his colleague, fellow attorney for LAPD Robert J. Shilliday, III on the stand. Miller took him through an interminable examination, just to have him explain his part in the investigation and discovery and reiterate everything to which Salas had testified. Shilliday, who resembles actor James Spader—but frankly has nowhere near the acting talent—gave his best rendition of sincere and unrehearsed testimony.

Altered Evidence

Lynn Mangan was a witness called by the plaintiff to refute the defense story as related above. She had been doing her own, independent investigation and research of the evidence in RFK's murder from 1969 through 1974 and stopped that year for various personal reasons. In 1992 Sirhan B. Sirhan wrote to her and asked that she be his authorized, personal representative in all matters relating to the research of the evidence and materials housed at the California State Archives. She agreed, and has been doing so since that time.

The story of how Ms. Mangan almost did not testify in the Enyart lawsuit and missed the opportunity to impeach Salas and Shilliday is the story of good work combined with some good fortune. It is worth relating here in some detail since it formed one of the key points in the trial that managed to begin a turning of the tide.

Initially, Ms. Mangan, who lives in Carson City, Nevada, was contacted by Ted Charach and told about the Enyart story and

the impending trial. Charach told her that in his opinion, her research in the state archives had turned up some very important and relevant findings to specific issues in the lawsuit, and suggested that Enyart might

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Robert Shilliday III

want her to testify about her conclusions. He recommended that she give Scott Enyart a call.

Much to her surprise and chagrin, Enyart refused her offer and was rather insistent that she could not get involved in this case. He even refused to give her the name and phone number of his attorney. What Mangan did not know and what Enyart did not tell her, was that he and his attorneys had decided that, because of the nature of issues like conspiracy and cover-up which were tangential to the case but by court order were not to be raised, Enyart himself should not discuss his case with anyone. And Enyart believed that since she was referred by Charach and she was Sirhan's authorized personal representative, she was too close to not only the alleged assassin, but to someone who authoritatively propounds a theory of cover-up in the murder of Senator Kennedy.

Ms. Mangan accepted Enyart's reasoning and did not pursue the issue. This would have ended any chance of Mangan ever testifying for Enyart except for that bit of good fortune mentioned earlier.

Shortly after the theft of the photos from the courier (*Probe* Vol. 3 #4 p. 36), Alvin Greenwald appeared on the Court TV network to discuss the incident. Mangan happened to be watching and after the program, she looked up his phone number. She then called Mr. Greenwald and left a message for him to call her back—collect. He called direct and ended up discussing her findings with her for over two hours. Later, he made the very prudent decision to add her name

to the plaintiff witness list.

What Mangan's research uncovered is that evidence logs were created specifically by and for SUS to track all the evidence in three categories: Q-log, which refers to all photographic evidence; I-log, which refers to all interviews with witnesses; and E-log, which refers to other physical non-photographic evidence, such as bullet fragments and clothes. Although there were three categories, each item of evidence, as it was received, was given an evidence number that went sequentially across categories. In other words, two logs should not have used the same number for a piece of evidence.

Here is the trial transcript of Mangan's testimony on what she found:

Q: "Did you have access to the evidence in the California State Archives?"

A: "Yes, I did."

Q: "And did you also obtain all the microfilm records of the SUS investigation?"

A: "Yes, I did."

Q: "Including the 10-volume summary?"

A: "Yes."

Q: "Do you have your own set?"

A: "Yes, I do."

Q: "In your research, were you investigating and researching the evidentiary track of bullets that were recaptured by LAPD?"

A: "Yes, I was."

Q: "Did you discover an evidence envelope, relating to evidence items #24 and #25 - a vial and a jar with bullet fragments?"

A: "Yes."

Q: "And can you tell me what the evidence items numbers on the vial and jar, are?"

A: "The vial is numbered, 25. And that's a cylindrical glass tube with a cork. And the jar is item number 24 and that is a jar with a black top."

Q: "Was there any other documentation in with the evidence items, 24 and 25, in addition to an evidence envelope?"

A: "Yes. There is the people's exhibit number, 48, from the trial, dated February the 24th, 1969."

Q: "Did you notice any indication on the evidence envelope that the num-

bers for the evidence items 24 and 25, changed at any time?"

A: "Yes."

Q: "And what were those numbers?"

A: "It had been 24 and 25 and I could see it underneath. And written over it, larger and in a darker pen, it was re-numbered, 26 and 27."

Q: "Was there a testing and a retesting of those bullets in 1975?"

(Objection - sustained)

Q: "Have you located any other items related to the bullet fragment booking of items 24 and 25, 26 & 27 that we've just been discussing?"

A: "In the record. Yes, I did."

Q: "And what was that?"

A: "That would have been in 1975."

Q: "What did you find regarding 1975?"

A: "I found information, that we see here and the textual description of this evidence envelope. I did find that."

Q: "Well, did you indeed find a second evidence envelope?"

A: "Yes."

Q: "And was the information on the second evidence envelope different than the first evidence envelope?"

A: "Yes, materially."

Q: "To your knowledge, have the labels on the vial and the jar ever been corrected to reflect items 26 and 27?"

A: "No."

Q: "And indeed, are items 26 and 27 listed out of order in the SUS evidence log, evidence report #3, jumping from 23, 26, 27, to evidence report #4, 24, 25?"

A: "Yes."

(Objection - sustained)

Q: "Did you also look at evidence items 24 & 25 related to photographs?"

A: "Yes, I did."

Q: "And did you observe the folder, that was held at the California State Archives, number 24 and 25?"

A: "Yes."

Q: "When did you look at those folders?"

A: "This year around March 23rd."

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RFK Photos

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Somewhere around there."

Q: "I place before you plaintiff's exhibit 460.1 through 460.4 and ask you, Ms Mangan, if the photographs depicted on those exhibits are photographs that you made in the archives of the folders of evidence items 24 & 25."

A: "Yes, I did. I took all of these photographs."

Q: "Tell us what you located in the archives under evidence items 24 & 25."

A: "What I found was that there were three file folders. Two of them were numbered item 24. And it would be 24a, which would hold the copy negatives and they're sealed. And 24b and these would be the photographs. And then the third file folder would have been labeled item #25. And within that folder would be the negatives that I looked at."

Q: "Do you know what the negatives depict?"

A: "I held them up to the light and it was a canister casting a shadow, so it looked kind of like a pencil line. But I did hold it up to the light at the archives."

Q: "And how many frames of the negatives were there?"

A: "It seems to me there were twenty-three and then there were slides. And it looks like there are three slides here."

Q: "And every frame was a canister?"

A: "It did look like a film canister. I know. That's strange."

Q: "Ms Mangan, can you explain what you viewed in 24a?"

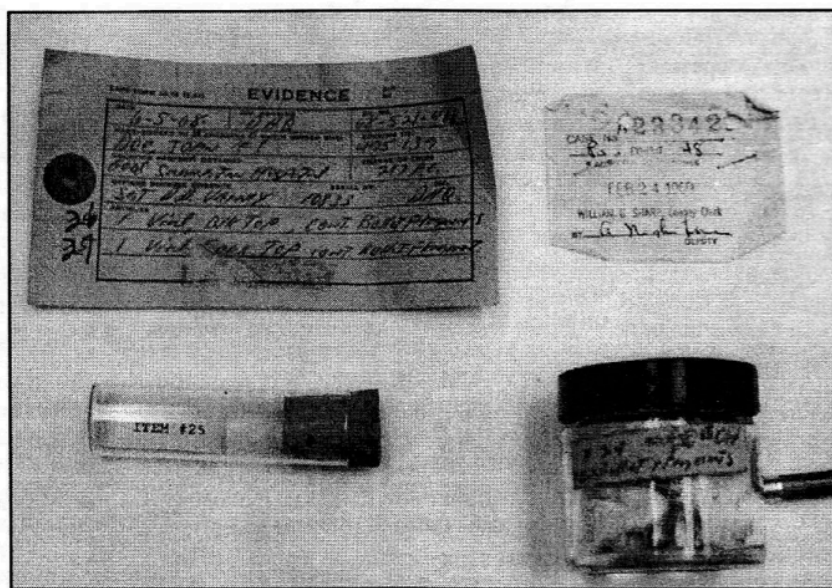
A: "They were little, white envelopes that were sealed and the folder said, 'negative prints.'"

Q: "What was in 24b?"

A: "And 'b' would be the photographs."

Q: "Did you count them?"

A: "You know, I would have to look at my files at home. But it seemed to me that there were thirty. I know 1 & 2 were missing and I pointed that out to the archivist. And they said that's the way



Items 24 & 25, changed to 26 & 27

they got them. So, that would have made thirty."

Q: "Have you ever found that you looked at an item at one period of time and left the archives, then you came back and looked at the same item and it had changed its condition?"

A: "Yes."

Q: "And can you tell me when that kind of an incident occurred?"

A: "August 3rd, 1994 from my prior viewing on March 11th, 1994."

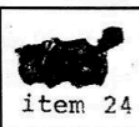
Q: "And was the import of the change such that you were unable to continue with your research?"

A: "Yes."

Coincidentally (or not) this was about the time pretrial motions and evidence was being prepared and presented for Enyart's lawsuit and the city's attorneys and investigators were making trips up to the archives, "going over the evidence."

The evidence exhibiting the changed condition to which Lynn Mangan was referring, was the vial and the jar containing a bullet and bullet fragment. But as she attempted to explain to the jury what she was talking about, defense attorney Miller objected to the line of questioning and again the objection was sustained.

What Mangan discovered directly contradicted the defense version of how the evidence was booked just hours after the shooting. The SUS time log for June 5th,



#25 and the bullet as Item #24. He booked Item #25 into evidence at 3:30AM and then completed a written report of his activities at 3:55AM. Varney did not book Item #24, the bullet, until 6:25AM on June 5th, 1968.

And this is how these items have remained numbered and residing in the state archives to this day. Only the police property report (and the information from this document was later transferred to or became the SUS evidence log or E-log after the creation of SUS) indicates an attempt to change the item numbers. They were introduced at Sirhan's trial as People's Exhibit #48, on February 27, 1969 and the item numbers remained the same throughout the trial. So, why the need for the change on the property report?

Ms. Mangan was not permitted to testify that she had found evidence that the misnumbering of the items on the property report was more than just a clerical error. First, the condition of the bullet and bullet fragment in the archives changed from when she viewed them in August, 1994 to the next time she looked at them again in 1995. She knows this because she photographed them in August, '94 and compared them to the photo in '95. Second, she tracked the evidence envelopes in which the vial and jar were kept and there was nothing on the envelopes to indicate or identify either Scott Enyart or George Clayton with Items #24 & #25. The only reference to the name Clayton is on the SUS Q-log (photographic evidence) and Enyart's name is not even listed.

Following her appearance at the Enyart

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NO JURY MISCONDUCT IN ENYART VERDICT

On Friday, Nov. 22nd, in Department 3 of the Los Angeles County Courthouse, Commissioner Emilie Elias heard arguments on the defense motion for a mistrial in the case of Enyart v. City of Los Angeles. The motion was filed based on a five-point allegation made by Louis "Skip" Miller and Deputy City Attorney Ed Fimbres.

The five allegations of jury misconduct included:

- 1) A written declaration by jury foreman, Robert Pinger who accused certain jurors of using a "filibuster" to wait it out until he was excused from the jury.
- 2) Allegations of intimidation of some of the other jurors, by the same group who was filibustering.
- 3) Hidden bias against LAPD which allegedly came out during deliberations.
- 4) Prejudice against defendant, city of Los Angeles, allegedly developed during presentation of defense case and which came out during deliberations.
- 5) Prejudice against defendant, T.J. Miller, developed during his testimony and which came out during deliberations.

Commissioner Elias also had to consider a defense motion to refute the charge of spoliation (the intentional alteration or destruction of a document) of Enyart's film, when it was stolen from the rented car of a courier bringing it to Los Angeles from the state archives in Sacramento. The jury had awarded Enyart \$60,000 as the value of his film and the defense motioned for that to be overturned.

Motion Denied

The defense argument was presented by junior partner and law firm associate of Skip Miller, Robert J. Shilliday III.

Almost immediately, before Shilliday even finished presenting the argument for jury misconduct, Elias found no evidence to support the claim and denied that part of the motion. And it went on that way for every part that followed thereafter. Her finding on each of the allegations, therefore denying the motion for a mistrial, seemed to be summed up in her finding of no prejudice by any of the jurors. In effect, she stated that in any deliberation which takes this long (and there were 7 actual days of deliberation), you may pull out a couple of sentences, in an acrimonious debate (which it appears this was), that may appear imprudent. But that is the nature of deliberations and that, by itself, cannot be considered as evidence of prejudice.

Her very strong feelings came out when she addressed the allegations charged in the declaration of jury foreman, Robert Pinger. It was as if Shilliday was not in the room. She spoke directly to Skip Miller. She stated firmly that she considered Pinger's declaration improper, the garnering of his declaration by attorney Miller improper, and that she was satisfied that Miller had obtained an unfair advantage by getting the declaration while Pinger was still a member of the jury. In other words, an attorney involved in an ongoing case talked to a juror before he had been dismissed by the judge! She indicated that her inclination was that the defense did not substantially show any evidence of any of the five allegations of jury misconduct and that she would deny the motion for a mistrial. Elias also found there was spoliation of the film and let stand the award of \$60,000.

Racist Remarks by Miller

The fact that Miller did not argue the motion shows how badly he had positioned himself and the defense, in spite of all their legal maneuverings, before Commissioner Elias. One incident in particular illustrates this point.

Post-verdict, during the process of gathering written declarations from jurors, Miller spoke with one by phone, asking him to submit in favor of the defense. At one point in the conversation, Miller stated that one juror in particular, an Afro-American man named Ramon Joseph, had lied on his juror questionnaire about his bias against the LAPD and that this "hidden" bias had come out during the deliberations.

The juror speaking by phone with Miller, indicated he did not believe any bias had been shown by Joseph. Joseph had stated he was originally from New Orleans and that he had moved to Los Angeles because he believed the opportunities for him were better here. The information about his New Orleans origins was contained in Mr. Joseph's questionnaire as well.

Yet, even with Joseph's questionnaire right in front of him, Miller's response to the juror was in effect, *if he (Miller) had known Joseph was from New Orleans, he would have kicked him off the jury during voir dire, because everyone knows blacks from New Orleans hate the police.* This could be fairly construed as a racist remark.

The aftermath of this incident was that Ramon Joseph and another juror, Karen Bell, whom Miller is supposed to have made further racist remarks about, both showed up at the hearing on Friday. They wanted to see if Miller would deny making the statements, defend his position, or apologize for his behavior. He did none of the above and in fact remained almost silent during the entire proceeding. (Both Ramon Joseph and Karen Bell spoke with *Probe* and indicated they may begin litigation against Skip Miller for violation of their civil rights.)

Trouble in Paradise

There are other indications of trouble for Miller.

In the Thursday, November 21, 1996 edition of the *L.A. Daily Journal*, there was a front-page story about a lawsuit being filed to dissolve the law firm of Christensen, White, Miller, Fink, Jacobs, Glaser & Shapiro. This is, of course, the high-powered law firm retained by the city of Los Angeles to defend against Scott Enyart's lawsuit and from whence comes the very expensive Mr. Miller and his associate Shilliday.

According to the story, the suit alleges accounting "irregularities" and "unusual disbursements of monies to certain partners of Christensen White without the knowledge or consent of other partners." The suit names partners Terry Christensen, Patricia Glaser, Louis "Skip" Miller and Peter Weil individually as defendants.

The suit also alleges that Christensen, Glaser, Miller and Weil "have willfully and persistently committed breaches of the partnership agreement" and that the partnership has been making personal car lease payments and paying personal credit card bills for Christensen, Miller and Weil. And it has been reported that partner Andrew M. White, who along with Michael O'Connor filed the lawsuit, accused Miller of routinely threatening, yelling at and intimidating partners, associates and staff.

That should bring back a lot of warm memories to those who had the daily opportunity to observe Miller's histrionics during the Enyart trial. ♦

RFK Photos

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trial, Ms Mangan was notified by Lisa Niegel, legal counsel to California Secretary of State, Bill Jones, that she would no longer be permitted to examine the RFK/Sirhan evidence currently housed at the California State Archives. Mangan firmly believes that this action was taken against her as a direct result of her testimony regarding evidence tampering. She considers this action punitive as well as interfering with Sirhan's right to have authorized research carried out on his behalf. She views it as an extraordinary abuse of power and fully intends to find a way to have the action reversed.

With Lynn Mangan's straightforward testimony, a major portion of the defense case was nullified. And she was almost prevented from testifying by Enyart himself. Enyart's next witness was also nearly prevented from testifying because of rulings by Commissioner Elias to prevent any references to "conspiracy theories" and suggestions of an LAPD cover-up. Nonetheless, Ted Charach's testimony took care of the rest of the defense case.

Ted Charach's Testimony

On the night of June 4th, 1968, Charach (at the time a freelance, professional journalist) was covering the RFK campaign for news outlet, Continental Broadcast System, owned and managed by newsman Jeff Brant.

Throughout the evening with tape recorder and microphone in hand, Charach taped interviews with campaign staff members such as Ted Sorensen and Pierre Salinger and other celebrity supporters in attendance that evening. Just before Senator Kennedy was to address the crowd, Charach fastened his recorder and mike to the podium to record Kennedy's remarks. He then began to use a backup tape recorder and microphone to conduct further interviews when the opportunity arose.

During the Senator's remarks Charach was up on the stage, to the west of the podium (to Kennedy's right, as he looked out to the audience). Ted believed that that was the direction RFK would be heading after his speech and he was hoping for an opportunity, however brief, to tape an interview with the senator.

As the speech was coming to an end Charach encountered Kennedy's brother-in-law and campaign staffer, Steven Smith. Ted began interviewing Smith and at the same time became aware that Senator Kennedy

and the entourage on stage had begun moving away from his position and toward the kitchen pantry doors.

As he and Smith were talking, they also moved toward the pantry doors. They were approximately eight to ten feet from the doors when they both heard shots coming from the pantry area. They immediately rushed to the doors and attempted to enter the pantry. They had some trouble getting in because some people were scrambling in panic to get back out the doors, but both Smith and Charach were inside the pantry in a matter of seconds.

Charach's first vivid impression of that night occurred upon entering the pantry. As Steven Smith moved through to get to her position, Charach immediately recognized Ethel Kennedy kneeling at the side of her husband. Charach quickly surveyed the chaos around him and turned to his right and looked up. What he observed formed his next impression. He saw a rather tall, slender young man (perhaps in his late teens, early twenties) standing atop a kitchen steam table, snapping picture after picture with his "professional looking" camera and Charach thought, visually recording history.

The key point of Charach's version of events of course, is that Enyart was already in the pantry and up on the table taking pictures by the time Ted got in there. This corroborates Enyart's version of the events. Charach has always been consistent on this point and has never stated that he observed the young man climb up onto the table and start to take pictures after the shooting had occurred.

Following the arrest of Sirhan, Ted left the pantry and went back to the podium to retrieve his other tape recorder and microphone. When he got to the podium he realized his recorder and mike were gone. That was the last he ever saw of the equipment and he has never heard the tape nor has it ever surfaced.

Charach now began searching for witnesses to the shooting in order to record their first impressions. Actually, Ted was interviewed just minutes after the shooting by Roger Mudd of NBC. Charach told Mudd that he observed a young man standing on top of a steam table taking pictures of the whole thing, as it happened.

Charach went over to the Embassy Room which the LAPD had transformed into a holding room, where witnesses were being ordered to remain until they could be interviewed by detectives. Ted recognized a young man standing just outside the room as the

young man he had seen in the pantry, taking pictures from atop the steam table. Charach interviewed Enyart that night on tape and confirmed he was the same young man he had seen.

Enyart also told him that he had shot three rolls of film that night. When Ted asked him where his camera was, Enyart related the incident involving the plainclothes men and the uniformed LAPD officers confiscating his film and camera at gunpoint. This point, again, further corroborated Scott Enyart's version of the events that night.

And so, for most of a day, Ted Charach's testimony about the events that night at the Ambassador Hotel, consistently substantiated what Scott Enyart had told the jury three weeks prior. However, Miller was determined to tear apart Charach's corroboration and he proceeded on a course that accomplished the opposite.

Miller introduced into evidence a video tape entitled, *The Plot To Kill RFK*. Attempting to lay a foundation for the tape, Miller asked Charach if this tape was the same film that Charach had produced in 1971. Charach told the jury that his name and the name of his partner, Gerard Alcan (now deceased), in the credits of this tape were not authorized. In fact, *The Plot To Kill RFK* was an unauthorized, edited, reproduction of his original film entitled, *The Second Gun*, which was the film he produced with his partner based on his two-year investigation of the possibility of more than one gun having been fired in the pantry.

In the edited tape, Charach is shown interviewing Scott Enyart and Enyart tells him that he did not receive all of his pictures back from LAPD. Miller pointed out to Charach that Enyart never said to him that he took three rolls of film that night and that he believed he had taken pictures of Senator Kennedy as he was being shot. If it were so, why did Enyart not say it on film and why did Charach not ask it in the interview?

Ted's response was like stepping on a land mine for Miller. He explained that this was an edited version of his original film and possibly that information had been cut out. But more to the point, it may have been edited out because photographs could not be produced to corroborate the statement. The reason the photos could not be produced is because a special investigator for District Attorney Joseph Busch's office, a man named Frank Ronick, told Charach that Enyart's pictures had been destroyed. Charach stated that this was further corroborated in a con-

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fidential letter to him from Bill Farr, who was the press officer for the district attorney's office.

Miller objected that Charach's answer was non-responsive and asked that it be stricken. The objection was sustained, but the bomb had already been dropped and the truth—the supposed point of the proceedings—was finally out there for the jury to consider. Ted Charach withstood all of Attorney Miller's tirades, slurs, and denunciations and courageously exposed the defense case for what it was. And the jury heard every word of it.

Before this case ever went to trial, it was Ted Charach who offered the evidence for Enyart's legal team, which proved that Enyart's photos and negatives had been destroyed by LAPD in 1968 and not lost or misfiled. In a bit of an ironic, historical twist, Godfrey Isaac, who had been Ted's attorney in a lawsuit against LAPD and the D.A.'s office in 1970, was ready to provide notes and tape recordings he had made of Scott Enyart, in preparation for Charach's earlier lawsuit.

During the discovery phase of the Enyart case, Skip Miller objected—on the grounds of irrelevancy—to the introduction of this evidence. He also threatened to demand a mistrial if Charach took the stand. Elias allowed Charach to testify but admon-

ished plaintiff's side that he could not testify about his lawsuit or "second-gun theories" or refer to an LAPD/SUS cover-up. These were the strictures under which Ted Charach was allowed to testify. Even under these circumstances, this remarkable man and researcher showed that the past 28 years of his life have been invaluable to the historical record in the RFK case. He and Lynn Mangan provided the arches through which Enyart and his attorneys rode to the most important victory yet in the RFK case.

Enyart's "Friend"

Brent Gold, appearing as a witness for the Skip Miller and the defense, began his testimony by stating he knew Scott Enyart when Scott was 15 years old. He also stated that he and Scott both shared an interest in photography at that time and that he had accompanied Scott to the Ambassador Hotel on the night of June 4th, 1968. These turned out to be the only unequivocally true statements Gold would make under oath in his three days of testimony. This reporter is not editorializing. For on the witness stand, Brent Gold could not remember the simplest details of his childhood relationship with Enyart, yet he could remember their time together at the Ambassador that night in exact, minute detail.

Gold began by stating that he met Enyart when they were eight years old. For Scott Enyart, whose birthday is January 14th, 1953, that would have been in 1961. When asked, Gold could not tell the jury in what year he was eight years old. He did not even

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remember that Enyart was actually older than him. He also did not know what year Scott graduated from high school—or what year he himself graduated from high school. And even though Enyart testified that by 1968 his friendship with Gold was not as close as when they were younger, Gold denied that fact and stated it was as close as it ever was.

Brent Gold spent a total of 20 hours in several meetings with representatives of LAPD discussing his memory of the events that night. They took him back to the hotel and walked him around for two hours, to help him further recall those events. Later, Detective Ward and Detective Salas visited Gold at his apartment and interviewed him for another two hours. And just prior to giving a sworn deposition, Gold met with Ward, Salas and attorney Shiiliday, at Parker Center for four hours.

The bulk of Brent Gold's testimony was designed to contradict Enyart's version of events at the Ambassador Hotel generally, and to specifically bolster the defense's version of Enyart not being in the pantry. He stated Enyart's story was a fiction. He was appalled when he learned that Scott was bringing this lawsuit and he believed Scott was dishonoring his family by bringing these fraudulent allegations. All this while maintaining that the two of them were best

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Dealey Plaza, November 22, 1996



Chuck Marler sent us this photo of Dealey Plaza on November 22, 1996. As the reader can see, there were hundreds of people on hand to listen to speeches commemorating this anniversary. This show that, contrary to

popular belief, there are still many who honor the memory of President Kennedy and want to see the truth about his murder emerge. In other words, there actually is an eternal flame.

James Earl Ray

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"They've been refusing to give treatment or a diagnosis to see what is wrong."

Ray did come out of the coma the day after Christmas, but his health is still tenuous. For those looking for a deathbed confession, Jerry offered this:

Let me tell you, anybody out there believes James did do it and going to give a death-bed confession, I hope they don't hold their breath because if he wanted to confess to something he didn't do, they offered to turn him loose in 1968 [presumably 1978]. House Assassinations Committee, Congress, and I was present when... Representative Sawyer and Stokes made the offer right in front of me and Mark Lane that they would turn him loose if he would confess to murder. He said he wouldn't confess to anything he didn't do.... Same thing at the parole board.... He told them he didn't even want to go in front of the parole board. Because, he said, I'm not guilty. He said a parole would mean I am guilty. He don't want no pardon, no parole, the only thing he wants is a trial to prove he didn't kill King."

As we start this New Year, we hope that Ray lives long enough for this hearing to happen. "If he dies before February 20th, then the hearing is off," Jerry told the press. We all deserve to learn the truth about this case—and no one more than Ray himself. ♦

RFK Photos

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friends, even at that moment.

Any statement regarding the nature of the relationship is between Brent Gold and LAPD can only be bleary-eyed speculation. When asked by Miller, Gold denied any relationship with the police. However, this reporter overheard in the hallway outside the courtroom, Detective Salas tell Detective Ward that he would meet him later, because *he had to give Brent a ride home*. The one thing that is absolutely clear from Gold's two days of testimony Brent Gold is that he is not Scott Enyart's best friend.

Robert Pinger: Jury Foreman

The original jury foreman was a man named Robert Pinger. The information *Probe* received on Mr. Pinger is that he is a history teacher at a Catholic high school. As such, one would have thought that Mr. Pinger might be excited to be actually participating in such an historic trial and perhaps, might even see his participation as a chance to do his best and help put into their proper place, some of the pieces to the puzzle that has become our more recent political history.

What Pinger chose to do is again, a matter of speculation. But his behavior during

the seven weeks he was a participant and thereafter deserves comment.

In an earlier story about this trial (Vol. 3 #6 p. 21) the incident was related how this reporter was summoned into Commissioner Elias' chambers and questioned about speaking with a juror. That juror was Mr. Pinger.

As was reported in *Probe*, there was the whole matter of Miller contacting Pinger during the deliberations and getting from him a declaration of misconduct by some other jurors. *Probe* has learned from four of the jurors, that from the first day of deliberations, the vote was always 8 to 4 for plaintiff. And as soon as Pinger was off the jury, the alternate made the vote 9 to 3. So, rather than the other jurors filibustering while awaiting his departure (Pinger's version), it was Pinger who was stringing out the other jurors for almost two weeks, until he was removed.

Before the verdict was read, in a last ditch effort, Miller moved for a mistrial, alleging, amazingly, juror coercion. The Judge not only denied his motion, but later warned she might report his own actions regarding talking to a juror to the State Bar. Enyart won his case and was awarded \$450,600. In summing up the decision, replacement jury foreman, Dorsey Caldwell, said, "We definitely thought the city and police screwed up all the way through." ♦

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