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Sirhan Staff to Counter State Salvo

By JOHN DOUGLAS

Herald-Examiner Staff Writer

Defense attorneys in the Sirhan Bishara Sirhan murder trial today will try to counteract a stinging prosecution summation which ridiculed much of the psychiatric defense and called for his conviction for first degree murder.

Russell E. Parsons, lawyer whom Sirhan regards as a father figure, will open the defense summation with an account of the childhood of the admitted slayer of Sen. Robert F. Kennedy.

The defense contends mental scars inflicted on Sirhan when he was a child in his native Palestine laid the groundwork for the mental disintegration which ultimately led to his June 5, 1968, fatal shooting of Sen. Kennedy at the Ambassador Hotel.

Parsons and his associates, Eugene Zola Berman and Grant B. Cooper, who will follow him in talking to the jury of seven men and five women, will try to overcome the impression Dep. Dist. Atty. David N. Fitts made on the jurors yesterday in a three-hour and 10-minute summation.

In that speech, the jurors heard Sirhan denounced as a "liar," and psychological testimony offered on his behalf dismissed as "entertainment... pure entertainment."

Sirhan erupted into a brief temper tantrum early in Fitts' summation when he was de-

scribed as having lied by the prosecutor.

"He's lying, he's lying," Sirhan screamed at the jury as he rose from his chair with clenched fists.

Bailiffs quickly restrained Sirhan and hustled him from the court room as a short recess was declared.

Fitts, in a surprisingly dramatic presentation, lashed into the defense case, calling it "rubbish... incredible... absurd...."

Three weeks of defense testimony sought to paint Sirhan as a seriously ill mental cripple, who killed Sen. Kennedy while in a self-induced trance.

But the reality of Sirhan, Fitts told the jury, "is the man you see in this court... the man who testified on the witness stand with a certain dramatic flair...."

A man with intelligence somewhat unusual in the criminal courts."

Sirhan has the ability to anticipate, Fitts said, and could "hardly wait for his lawyers to finish a question so that he could answer."

"Sirhan has a sense of the theatrical," said Fitts, "... and deliberately chose to use four-letter words... then he would smile at the judge and say, 'Excuse me your honor.'"

Turning toward Sirhan, Fitts demanded, "Do you think this man seated at the counsel table did not know what he was doing? I am certain that he did...."

The defense contention that Sirhan is mentally ill was not disputed by Fitts.

"We concede he's sick," the prosecutor said.

"How sick? That's a question for you to decide. I'm glad to think he's a bit sick, because I can't imagine anyone in the Ambassador Hotel stepping from a tray rack and firing at Sen. Kennedy and not being sick. If a crime is committed by a normal person, that would be cause for alarm. What's a sick man? — a departure from normal."

Following this, the prosecutor tore into the psychiatric and psychological testimony in the Sirhan case with a slashing scorn and derision.

His first target was San Diego clinical psychologist Dr. Martin M. Schorr, who gave the defendant a battery of psychological tests in November and testified later he found him to be a paranoid-schizophrenic—a mentally ill person who suffered delusions of persecution and who felt the conflict of two personalities within himself.

Fitts pointed out that newsmen had discovered that Dr. Schorr had copied much of his report on Sirhan word for word from a "casebook" published last year by former New York State Mental Hygiene Commissioner Dr. James Brussell.

Beyond that, the prosecutor charged, Dr. Schorr had injected his own personality into his evaluation of Sirhan's psyche.

Reading the San Diego man's evaluation of Sirhan's responses to the Rorschach (ink blot) test, Fitts commented sarcastically, "That's pure Schorrrism."

Dr. Schorr's evaluation of Sirhan is "pure entertainment," Fitts said.

He continued:

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"Entertainment is inappropriate in a court room in a capital case . . . particularly in the case of the assassination of Sen. Kennedy.

"I have consigned Dr. Schorr to oblivion in my argument."

The prosecutor said that he had more respect for the evaluation of Dr. O. Roderick Richardson, who also reported Sirhan is mentally ill. But, he insisted, Dr. Richardson is a textbook psychologist where, "a little something more is required."

Dr. Richardson, according to Fitts, "does not take common sense into account."

Fitts said that he was disturbed that four other psychologists had taken the Schorr-Richardson raw data, and come to the conclusion Sirhan was seriously ill.

"They all in effect said, 'Me too,' he complained.

Alluding to Dr. Schorr's testimony, he told the jury, "I just don't see how these psychologists said 'Me too' to that, yet they've 'Me, tooed' the whole shebang."

He ascribed this to the fact that psychologists "all belong to the same fraternity."

He compared their reluctance to counter their colleagues to the reluctance of physicians to testify in malpractice suits.

But, he pointed out, one psychologist — Dr. Leonard Olin — who testified for the prosecution — had examined the Schorr-Richardson data and concluded it did not show serious mental illness in Sirhan.

"There is always somebody who has guts enough . . . to say the profession is ill served," he said.

Turning to psychiatric testimony in the case, he first told the jury that Dr. Eric Marcov, West Los Angeles psychiatrist who examined Sirhan, said he was of diminished mental capacity, but refused to offer a diagnosis of the young Arab's illness.

For the chief of Sirhan's defense battery, Dr. Bernard L. Diamond of Berkeley, Fitts reserved his deepest scorn.

Dr. Diamond testified on the basis of hypno-therapy of Sirhan that the defendant learned to hypnotize himself through the practice of the occult, and was in a self-induced trance when he shot Kennedy.

Fitts recalled that evaluating his own theory Dr. Diamond had testified:

"I agree this is an absurd, preposterous story . . . unlikely and incredible. . . ."

"It is impossible to have the last word with Dr. Diamond. . . ."

Let him have the last word."

Central question raised by the psychiatric testimony in the case, Fitts told the jurors, is whether Sirhan was mentally responsible for the shooting "in the early hours of June 5."

"It is conceded by both sides

that Mr. Sirhan is not a well man," he said. "The question is, 'How sick is he?'"

Psychological tests are valid only in determining the individual's state of mind at the time he takes the test, Fitts said. They can not predict future conduct, or account for past conduct.

The tests, and the psychiatric interviews were aimed at determining whether Sirhan was capable of "meaningfully and maturely" plotting and carrying out the killing of Kennedy, Fitts said. He warned the jurors that in the long run they would have to decide this for themselves — as jurors, not psychologists.

He said:

"The question is what does 'mature' mean. The question is what does 'meaningful' mean."

"Mature — old enough to procreate, ripe for picking. Does it mean you must have the global view of the world of the great sage of philosopher?"

"Does it mean as contemplative in judgment as anyone of you on the jury?"

"What exactly is 'mature?'"

"What is 'meaningful'? How

much is the individual required to read into a contemplated act before it becomes meaningful? "No individual, after mature and meaningful reflection would commit murder. Yet murder is commonplace in our society."

(Mount Clipping in Space Below)

DEFENDANT DIDN'T ACT IN A RASH MANNER

This trial commenced on Jan. 7. We have now passed the three-month anniversary. We have heard the testimony of some 99 witnesses. But I suggest to you that for the last three we have departed in some measure from the basic premise of this trial—murder. Murder, and I'll read it, is the unlawful killing of a human being with malice aforethought.

Malice may be either expressed or implied. It is expressed when the killing is done outright. It is implied when the killing results from an action involved with wanton disregard for human life. I suggest what we are dealing with in this case is expressed malice.

On the fifth day of June last year, Sen. Robert F. Kennedy, in an exultant mood after the triumph of seeking the presidential nomination in California, probably tired, was on his way to unnecessary celebration at some night club when he passed through a kitchen pantry to give the working gentlemen of the press a chance to meet their deadlines.

As he reached the serving table, he paused to receive the congratulations of two witnesses who have testified in this case, Juan Romero and Jesus Perez. The defendant in this case, standing some 12 feet away, at or on a serving tray, stepped from that tray, approached the senator,

drew a .22 pistol from his waistband, reached around Carl Uecker, and fired eight shots.

As you have heard from witnesses, he fired one or two, then paused and then fired more. It is natural these witnesses should be somewhat confused at the interval of shots. Carl Uecker himself believed that he had reacted almost instantly, grabbing the arm of the assailant.

You have heard the view of a ballistics expert that the shot that killed the senator was fired at pointblank range and three other shots...

One passed through his body, one lodged in the cervical area, and both entered the body in the area of the right armpit. This would indicate to me that the senator was still on his feet.

Four shots had been fired before Mr. Uecker entered the action. Thereafter, the scene became chaotic.

We know that the rounds of ammunition were expended, and five other individuals were wounded as a result of this shooting. We know that the defendant was immediately subdued. We know many grappled with him and that they struggled one against another.

The defendant told his feelings to at least two individuals. To Rafer Johnson he said, "I can explain. I can explain."

Later in the police car where he was accompanied by Jesse Unruh, the defendant mumbled.

"I did it for my country." Unruh said he was trying to help and the defendant replied: "It's too late... It's too late."

The significance of this reply is something I will leave you to conjure with.

Malice — let's go back to that word. It is expressed when there is manifest intent unlawfully to kill a human being. We have an individual recognizing his target, rapidly approaching the target and firing eight shots.

What could be clearer than that?

What you will be concerned with is whether this individual could know that this was a wrong thing. Malice in this way implies the doing of something not socially acceptable, the doing of something wrong.

You will be concerned with whether or not this defendant at that time was able to appreciate that firing bullets into the head of another individual is a thing not generally approved of in our community. Did he know if that was a good thing to do, was it a bad thing to do? It is

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no more complicated than that.

The state has asked and will continue to ask that you return a verdict of murder in the first degree.

The theory of murder is that Sirhan Sirhan premeditated and deliberated upon his intended act. That involves intent to kill. The intent to kill is something that the defense will, let us say, concede.

It is the issue of premeditation and deliberation that the defense is primarily concerned. Premeditation and deliberation, as distinguished between first and second-degree murder, mean some kind of decision-making process about the act. It is the weighing of arguments pro and con, rather than acting on rash impulse.

The law envisions the possibility that an individual may harbor malice aforethought, they (the law) know the thing he is doing is wrong but he acts so quickly without making the decision as to how he is going to act, so that there is no premeditation.

The law does not prescribe to you to what extent an individual must weigh and premeditate before a calculated goal to kill is formed.

The law says this will depend on the situation and the individual—that a cold, calculated decision to kill may be arrived at within minutes or seconds depending on the circumstances and the individual.

In this case, the people suggest to you that the cold and calculated decision to take the life of Robert F. Kennedy had been arrived at long in advance of Sirhan's arrival at the Ambassador Hotel.

The facts in the opinion of the prosecution lead logically to the conclusion that this defendant did not act in a rash or impulsive manner at the time he fired the bullet into the brain of Robert F. Kennedy at the Ambassador Hotel.

With respect to his state of mind, we are asked to accept when the defendant tells us he first intended to go to the Ambassador Hotel because of the Rafferty party. Sometime in the past, he and Kathleen Rafferty had been in school together. There is no suggestion that Kathleen Rafferty would have been glad to see Sirhan and one would suppose that some years had passed since they had been at school together.

Sirhan had never been much a hand with the ladies but maybe he was looking for Kathleen Rafferty. If so, he went to the Rafferty party and found himself to be some-

what ill-clad. He felt self-conscious, he didn't feel wanted.

In any event, he left the Rafferty room feeling somewhat rancorous.

Outside the Rafferty room he met two people dressed like himself. Some discussion arose about going into the room at all. Sirhan said in effect, "We vote we're part of the public . . . we have a right to go in there."

He then told of giving a girl a \$20 tip. I wish you could know the time we have spent

trying to find the girl he says he gave the \$20 tip to. Maybe it was just Sirhan's big talk, maybe not. Maybe she just didn't want to come forward. Then there is a possibility she feared someone would take the \$20 away from her.

Do we have the state of Sirhan's mind? Is this the expression of the usual Sirhan? Sirhan in his notebook entries, the Sirhan who wrote the manifesto, the Sirhan disillusioned with the American political system.

Mr. Sirhan is 25 years old. He isn't the only young protester. I view with alarm the protests of the last few years. They alarm me and I wonder what will happen a few years from now when these protesters take our places.

Sirhan's view is shared by many. He is not the only one who is disillusioned. His illusions are shared by many. They are not disillusion—illusions perhaps.

But he has an absolute right to have opinions not shared by the majority. It is all right to entertain ideas that this is not the best government, that this is not the best time, that this is not the best of all possible worlds.

In any event, this is Mr. Sirhan. He felt rejected at the Rafferty party.

He is something of a loner. He doesn't want to stay where he is not wanted.

In the light of that, and if Sirhan hated Robert Kennedy as has been made pretty clear, and if he felt he wasn't wanted, why did he stay there?

But stay there he did.

We had the testimony of Hans Bidstrup (Ambassador Hotel electrician), who said he had quite a social conversation and that Sirhan was particularly interested in a man in uniform and interested in the security surrounding Robert Kennedy.

Curious, isn't it?

Four people testified the defendant had something to drink. This was around 10 o'clock. I suggest it was between 9:30 and 10:30 p.m. when they saw him, and on all occasions the defendant had something to drink in his hand, presumably a Tom Collins.

But he wasn't drunk then, nor was he drunk at the time of the assassination. All the evidence of intoxication we have is that of the defendant himself.

He was observed by Judy Roy at the rear of the Embassy Room near the double doors leading to the pantry. She asked him to leave and he complied.

We can infer from the testimony of Martin Petrushy that when he accosted Martin Petrushy, the senator had at

ready come down from the sixth-floor suite and passed through the pantry to the Embassy Room. The defendant approached and asked: "Will he come back that way?"

We don't know where the defendant went after that—Martin Petrusky didn't know. But there are indications he went near the tray rack in the pantry.

We can infer that there he remained with a gun in his waistband waiting for the senator to return in a direction he knew by reason of his knowing the senator had passed before.

According to the testimony of Judy Royer, in any event, it had been decided that the senator would go to the Colonial Room to give the press a break.

From the point of view of the assassination, it doesn't make any difference whether the senator was going to the Colonial Room first or the Ambassador Room first. In one way or the other, he was going both places.

I suggest it was no fortuitous circumstance that Sirhan waited in a place where at one time or another the senator would pass and become a target.

All the logic points to this—his hatred, the notebooks, his visiting the ranges, his rapid fire, his inquiry at the pantry, the loaded gun in his belt, the mini-mag, ammunition, the conduct of the defendant, his statements after his arrest, the cute way he avoided identifying himself in custody.

Add to this another item—his identity left in the glovebox of his car. He has testified, and Adel Sirhan has testified, that the Sirhan boys are in the habit of not carrying their identifications. This strikes me as inconvenient.

The testimony of Weidner (manager of the Pasadena health food store where Sirhan was employed) is somewhat enlightening on this. At least on payday, Sirhan had a wallet in his pocket. He fished it out and put money in it.

(At this point Sirhan rose in an angry outburst and Judge Walker hastily recessed court.)

At the time we stopped for recess, I was discussing the matter of his identification. As far as his employer was concerned, he had carried his identification with him.

I would suggest that perhaps Sirhan was in the habit of carrying his identification with him, but on this evening, with the idea of attempting to escape after having successfully or unsuccessfully attempted to assassinate the senator, did not have his identification.

This is the sort of precaution which a reasonable assassin would take. I don't place any special importance on it, but it is a curious fact for you to consider.

We have these uncontroversial facts:

His firing on the rifle range. His appearance at the hotel

on June 2. His gun in his waistband. His inquiry with respect to security. His inquiry if the senator would come this way. The manner of assassination, efficient and certainly effective. The statements of the defendant immediately following the apprehension.

We have his somewhat curious verbosity with the police officers, without his ever asking questions about his custodial setting.

To the police mind, which may be somewhat limited, and to the prosecution mind, which is also probably limited, this suggests deliberate and premeditated murder with malice aforethought.

Now with respect to the defendant's state of mind. His testimony is replete with what I consider to be lies, some of it demonstrable, some not.

Anything in this case which would appear to indicate that this was premeditated or deliberated murder is denied by the defendant, regardless of who said it—even by those who were trying to help him, who advance his best interests in this case.

Harking back to Alvin Clark, who told us that Sirhan said, "I am going to kill that s.o.b.," the defendant branded that a lie. Bernard Diamond said it was a "mistake." moremore

You can appreciate that statement attributed to him by Alvin Clark was an indication of premeditation.

Sirhan said he went to the Ambassador Hotel June 2. If he was as innocent as he tried to tell us, why didn't he admit this to his own counsel? He admitted it to Diamond finally.

because it was known that he had been identified at that time and place.

He says all witnesses who said he was rapid firing were mistaken. Sirhan said an individual next to him in uniform was engaging in rapid fire—this in the fact of testimony by witnesses who saw Sirhan alone.

I will explain Mr. Sirhan's assertion that those were mistaken because Mr. Sirhan appreciates full well that this evidence of premeditation and deliberation on his part—that he appreciates that it would be logical for an assassin to engage in just this kind of firing procedure.

Why does he say that Miriam Davis is lying or mistaken? Because of the position it puts him in on June 2.

Why does he quarrel with William Blyn? Because the inference can be drawn from that testimony that Sirhan wasn't interested in seeing the senator outside on the Palm Terrace but that he wanted to seek a vantage point where the senator might be vulnerable.

I should mention the notebooks. The complete denial, even to the psychologists appointed to assist him, of the notebooks and various sheets of paper—some of that is highly unreasonable, such as his denial of school notes.

But the denial of the political content and to all those references to political figures and to Robert F. Kennedy—he renounces the whole thing. One of the reasons he renounces it is typical of his outburst. It is significant in the makeup of the defendant.

In chambers, addressing the judge, he said he would rather plead guilty than have these notebooks come into evidence.

He said: "These notebooks were taken from my house without permission."

That is not an outburst if you will but consider the content. There is a concept of illegal search and seizure, and this is what the defendant was using. He was indulging in an intellectual argument—harking to certain battles that have been fought outside your presence.

This was not the outburst of an irrational or illogical individual, but of someone whose sense of justice has been upset. That explains some of the other behavior.

But you will note that he has made sense. He hasn't made sense perhaps in the way you are used to, but he is not divorced from reality. This is one of the key issues in this case.

We believe that the defendant is not divorced from the reality of his position as a defendant in a murder case.

It has been suggested that this defendant exists in a delusional state.

The defendant has always had the hope to get away with this. He knows some people don't like what he has done. This hope is alternated with despair.

We come to the claim of amnesia, one in which he has persisted. This is extremely strong evidence that he is not suffering under a delusional system.

This is a defense mechanism working, and a common occurrence. The more heinous the crime, the more one tries to convince us he is not responsible for the act and the more likely it is he will fall back on the defense of, "Well, I just don't remember."

We will talk about amnesia at greater length at some other time.

To change the subject, I want to discuss some of the expert defense witnesses. I advance on this area with some trepidation.

I am sorry the defense started with Dr. (Martin M.) Schorr because he may have left a bad taste in your mouth with respect to the whole field of clinical psychology.

Let's take the protocol he submitted. I felt it was disgraceful. Subsequent testimony indicated it was disgraceful.

He destroyed whatever tapes he had (of the interviews with Sirhan). When confronted with this, he said, "Well, if I kept all these tapes I wouldn't have any tapes to use, and I have been involved in six murder trials since then."

I suggest that it is disgraceful.

I was concerned by Dr. Richardson's conclusion of grandiosity in Sirhan's character, as demonstrated by his responses on one TAT card and four or five responses on the Rorschach.

This sort of fragmentary information was all that was offered by Dr. Richardson.

To draw the conclusion that this indicated a paranoid concept of grandiosity does violence to judgment and good reason.

Psychological testing is designed to tell us what an

Individual is like at the time he takes the test, to tell us things about his makeup which may or may not be apparent on the surface.

I suggest that these psychological tests do not tell us whether Sirhan in the early morning hours of June 5, 1968, was able to harbor malice aforethought or deliberate or premeditate murder in a meaningful way. I suggest quite the contrary.

I am not going to go through all of Dr. Schorr's report. I want to talk about what Dr. Olinger referred to as plagiarism.

In taking language from Dr. Brussel's book—the things that concerns me about this is what was demonstrated on Dr. Olinger's tenth precaution, the reportorial style of psychology.

Remember his word viper, which he said was an acronym standing for ventilation, instruction, persuasion, entertainment, and recording.

When he borrowed this particular language, Dr. Schorr was concentrating on the "e"—entertainment.

I suggest to you that the conclusion can be drawn that entertainment in a report is inappropriate in a courtroom of a capital case, particularly with respect to the killing of Senator Kennedy.

Dr. Schorr is personally by me consigned to oblivion in my argument.

He was followed by Dr. Richardson. Dr. Richardson's protocol was a far more workmanlike job.

I think Dr. Richardson is a pretty good mechanic, but he also displayed certain limitations.

Dr. Richardson almost invariably responded to my suggestions with "Mr. Fitts, that is not in the literature."

To my way of thinking, a little something more is required in the interpretations of the Rorschach.

Something significant is what Dr. Olinger said, that the administration of these tests would be influenced somewhat by the relationship of the examiner to the examinee. It suggests to me that Sirhan's degree of cooperation or eagerness to please Dr. Richardson was totally lacking with Dr. Schorr.

This may explain some of the discrepancies which exist between the results obtained by the two.

Four other psychologists testified in this case—Dr. Howard, Dr. Craig, Dr. Seaward and Dr. Devos. They all said in effect, "me, too."

I just don't see how profes-

The only explanation I have for this is that it is somewhat like the problem of eliciting the aid of other physicians in a malpractice case. They all belong to the same fraternity . . . There is a certain reluctance on the part of even reluctant people to come to court and knock the profession.

Now to the psychiatrists—we have heard from three. Psychology is an art; psychiatry deserves the label of science. But if psychiatry is a science, one is going to expect some kind of agreement which was not reached by the three psychiatrists who were in this courtroom.

Dr. Eric Marcus, who testified for the defense, distinguished himself from the others in that he never expressed a clinical diagnosis of Sirhan, which I find somewhat interesting.

Dr. Marcus said the usual Sirhan . . . is incapable of

malice, of knowing he is doing the wrong thing when he is doing the wrong thing.

It doesn't compare at all with Dr. Diamond's testimony. Dr. Diamond tells us that the usual Sirhan is a harmless individual. Dr. Diamond didn't seem to find this defendant clinically psychotic, either.

I have suggested to you that Sirhan lied to us all and with a very logical reason—to avoid the full consequences of the act at the Ambassador Hotel. Anything he can suggest to you that he went to the Ambassador Hotel almost by chance and that the gun arrived fortuitously in his hand is grist for his mill.

Dr. Diamond also is a Johnny-come-lately in this trial. It is quite possible that this defendant in custody had already structured some sort of story which he hoped would exonerate him from the crime he had committed.

Dr. Seymour Pollack, studying the transcript and talking with the family, concluded (Sirhan's condition) could be explained as that of a young man always living in a minority . . . a bit of an introvert, a bit of a failure, a person who fell off a horse . . . not autistic in the way the term has been described.

It is conceded by both sides that Mr. Sirhan is not a well man. The question is how sick is he. The question is what does "mature" mean. The question is what does "meaningful" mean.

"Mature"—old enough to procreate, ripe for picking. Does it mean you must have the global view of the world of a great sage or philosopher? What exactly is "mature"?

What is "meaningful"? How much is the individual required to read into his contemplated act, before it becomes meaningful?

No individual after mature and meaningful reflection would commit murder.

Yet murder is commonplace in our society. What are we to do with individuals who commit this?

We deal in a society that is still grappling with the solutions to the problem of crime, still grappling as best it might with what can be described as criminal responsibility.

In terms of evaluating human conduct, we seem to be back just where we are here—with 12 people in a box. Twelve representatives of society judging human conduct as they deem it best for society . . . setting standards. There is nothing better than the jury system. No computer can do better, and nobody is even trying to invent a computer that can.

We admit Sirhan is less than the full man. How much less I don't know. He is the man you have seen in court, the man who testified on the witness stand eagerly . . . with flair, with intelligence somewhat unusual in criminal courts if you accept my word for it.

He is the man who testified) with the ability to anticipate—he could hardly wait for his counsel to ask the next question—with a sense of the theatrical. He deliberately chose to use four-letter words, then looked sheepishly at the judge and said, "Excuse me, your honor." Do you think that man at the counsel table didn't know what he was doing? I am certain that he did.

This man in the early morning hours of June 5 had some conversation with police officers. You have heard about him, what sort of intelligence he had, what sort of person he is. Somewhere on this continuum from 0 to 100 is Sirhan with what you wish to ascribe to him.

The question is, that given the degree of mental illness or diminished capacity if you will that Sirhan has, he yet had the ability to harbor malice and maturely and meaningfully, whatever it means to you, premeditate and deliberate on what it means to take the life of a fellow human being. That is your job. Thank you.

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DEPUTY DISTRICT ATTORNEY DAVID FITTS
Tells jury Sirhan acted with malice aforethought...

(Mount Clipping in Space Below)

Sirhan Defense Pleads for Sentence of Life

Cooper Admits Defendant Killed Kennedy but Calls for Second-Degree Murder Verdict

BY DAVE SMITH

Times Staff Writer

"We are not here to free a guilty man," defense attorney Grant B. Cooper said Thursday of Sirhan Bishara Sirhan. "He is guilty of having killed Sen. Robert F. Kennedy. We are not asking for an acquittal.

"On the facts of this case—whether Mr. Sirhan likes it or not—Mr. Sirhan deserves to spend the rest of his life in the penitentiary."

Cooper, in a detailed explanation of the various aspects of the law that Superior Judge Herbert V. Walker will give the jury to judge the facts by, said that on the basis of both evidence and law, the defense "will ask you to return a verdict of murder in the second-degree."

Such a verdict, Cooper stressed, would still enable the jury to sentence Sirhan to life in prison. "Because of the conduct that brought him to the bar of justice in this case," Cooper said, "I wouldn't want Sirhan Sirhan turned loose on society."

Then he added: "There are two Sirhans. There is a good Sirhan and a bad Sirhan, and the bad Sirhan is a nasty Sirhan. I've learned to love the little, good Sirhan."

Describes Reasonable Doubt

Cooper, carefully unwinding a summation that was expected to consume all of today's session, embarked on his analysis of the applicable law, he said, "not with the hope of turning Sirhan Sirhan loose."

By law, he said, the jury must make a presumption of a defendant's innocence, and in any case where they feel reasonable doubt, they are required by law to return the lesser of two verdicts. "Reasonable doubt," he said, quoting a deceased jurist, "is like love. You can't define it, but you know it when you've got it."

In Sirhan's case, Cooper said, whether he had diminished mental capacity to maturely and meaningfully plan Kennedy's death is the sole issue. And, he added, only circumstantial evidence exists to help jurors determine whether his capacity was diminished.

As to Sirhan's motive, Cooper admitted: "Can there be any question in anyone's mind but that his motive was political?"

But motive, he said, is not one of the elements which must be proven to justify a verdict of murder, whether first or second-degree. The proper elements, he said, are proof of intent to kill, "willfully, deliberately and premeditatedly."

Further, he said, under Sirhan's defense of diminished capacity, it must be proven beyond reasonable doubt that such premeditation was mature and meaningful.

Cooper said the jury could, if it chose, assume that Sirhan's own story was "a tissue of lies," accept the facts as stated by the prosecution and conclude that it would be illogical to pretend Sirhan didn't premeditate Kennedy's death.

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Verdict Could Mean Life Sirhan, Parsons conceded, took the life of Kennedy, just as Kennedy's brother, President John F. Kennedy, had been assassinated five years before. "That was a horrible act," Parsons said, then added:

"There isn't a man in America who shouldn't say a prayer for the remainder of that family—every night." Sirhan, who sat smiling through most of Parsons' delivery and seemed especially delighted at the emotional high points, grinned and quickly covered his mouth with his right hand as Parsons mentioned prayers for the Kennedys.

Parsons praised the testimony of psychiatrists and psychologists who diagnosed Sirhan as a paranoid schizophrenic. Parsons asserted that Sirhan's behavior, both before and since the crime, was not "faking." Even Sirhan's courtroom behavior, Parsons said, shows that he is sick.

"I've come to sort of like the fellow," Parsons said. "You can't be around him without feeling sorry for him. I've sat here and had him reach up and hold my hand, like a baby. One minute he's smart as a whip and the next minute he doesn't know right from wrong."

Parsons was followed by New York attorney Emile Zola Berman, who contended that Sirhan has suffered deep "traumata"—or psychological injuries—since his arrival in 1957 in Pasadena.

"I would like your verdict to spell. In every hamlet, on every desert in the Arab republic and in Europe, that a man can get justice in America.

"And justice is not the death penalty or life imprisonment in this case because that isn't warranted—not for this poor, sick wretch who did not know what he did."

"It's going to take a little courage to return a proper verdict in this case," Parsons told the five-woman, seven-man jury, "a little courage to state that justice is done. But justice must be done, because this trial is going down in the history books."

In a 45-minute discourse dotted with emotional appeals, Parsons said: "I don't believe in the death penalty. I don't believe you can take the life of another man. Only God can do that."

(Mount Clipping in Space Below)

Earlier Life-Penalty Plan Could Be Key to Keep Sirhan Alive

BY RON EINSTOSS

Times Staff Writer

Although their intentions have never been in doubt, prosecutors now have formally asked that the jury return a verdict of first-degree murder against Sirhan Bishara Sirhan.

If they get what they want, the only remaining question will be one of penalty—death or life imprisonment.

That decision would be made by the same jury in a separate penalty trial.

Both the prosecution and the defense at that time will have an opportunity to submit additional evidence and offer arguments.

The prosecution's presentation would focus on any matters which would tend to aggravate the crime.

The defense, on the other hand, would seek to get before the jury anything which might mitigate—or favor—Sirhan's position.

A major factor during the penalty proceedings may be the proposed arrangement early in the trial which would have permitted Sirhan to plead guilty to first-degree murder with life in prison.

If Sirhan is convicted of murder in the first-degree, that might be the best weapon the defense has to save Sirhan's life.

Because of this, defense attorneys Grant B. Cooper, Emile Zola Berman and Russell E. Parsons most likely will attempt to bring the matter to the attention of the jury,

possibly by some one from the district attorney's office—perhaps even Dist. Atty. Evelle J. Younger—to testify about the plea bargaining discussions.

This could present an awkward situation to the prosecution and it already has led to reports that Chief Dep. Dist. Atty. Lynn D. Compton and Dep. Dist. Attys. John E. Howard and David N. Fitts will not "demand" the death penalty.

But the death penalty is seldom demanded anyway. Usually, in proper cases, juries are "urged" to bring in such a verdict.

The prosecution, however, may even find it difficult to go that far because it once was willing to settle for life.

When Superior Judge Herbert V. Walker rejected the plea agreement it opened the way for the jury to hear all the evidence in the case.

And that jury may now decide, without any urging from the prosecution, at least in so many words, that the only penalty for the heinous crime of assassinating a possible President of the United States is death.

If the jury votes the death penalty, it could be reduced to life in prison by Judge Walker. But a verdict of life imprisonment by the jury is binding on the court.

All sentences of death are automatically reviewed by the State Supreme Court.

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SIRHAN GUILTY, DESERVES LIFE SENTENCE - COOPER

By JOHN DOUGLAS

Herald-Examiner Staff Writer

Chief defense counsel Grant B. Cooper returns to the Sirhan Bishara Sirhan murder trial courtroom today to renew his fight for a life sentence for the admitted slayer of Sen. Robert F. Kennedy.

Cooper and his associates, Emile Zola Berman and Russell E. Parsons, have stated in their summations that they want mercy tempered with justice for the young Arab.

As Cooper sees it, justice will require Sirhan to spend the rest of his natural life behind bars serving out a sentence for second-degree murder for his June 5, 1963 Ambassador Hotel slaying of Kennedy.

If the lengthy murder trial goes according to schedule Sirhan's jury of seven men and five women should begin their deliberations Wednesday. Cooper is expected to consume all of today and part of Monday with his summation.

He will be followed by Chief

Dep. Dist. Atty. Lynn Comper of the gun that killed Sen. Kennedy." for the jury.

Yesterday, Cooper startled nearly everyone in the armor-plated, eighth-floor, Hall of Justice courtroom except the defendant when he told the jury: "Whether Mr. Sirhan likes it or not, he deserves to spend the rest of his life in a penitentiary."

Sirhan, obviously prepared for his lawyer's tactic, remained impassive and showed no emotion.

"We are not here to free a guilty man," the defense lawyer said.

"We tell you he is guilty of having . . . killed Sen. Kennedy . . . The direct evidence is that Sirhan's finger pulled the trigger."

Moreover, Cooper told the jury, that insofar as he was concerned, with the exception of the psychiatric evidence in the case, it was free to accept all the evidence against Sirhan as it was presented by the prosecution.

The jurors could, if they choose, he said, view Sirhan's own testimony as a "tissue of lies."

"This is the point I want you to italicize . . . So far as I am concerned in the discussion I am going to have with you and in the application of the law, you may assume that all of the facts are not as the defendant has testified to . . . that his is a tissue of lies, and that all the facts with respect to the shooting, and everything except the opinions of the psychologists and psychiatrists, are as they say."

"You may assume, and from

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my point of view it would be illogical to suggest this wasn't a willful, deliberate and premeditated murder."

The jury, he said, could assume all this, and still find Sirhan guilty of only second-degree murder. If fact, the defender said, under recent California Supreme Court decisions, a killing could be willful, deliberate and premeditated and be but manslaughter — if the defendant was found to have diminished mental capacity.

This diminished mental capacity, Cooper said, was the central issue for the jurors to decide: Premeditation, deliberation, and malice connected with the Kennedy killing must be shown, beyond a reasonable doubt, to have been "meaningful and mature" on Sirhan's part for the jury to find him guilty of first-degree murder, he said.

If there was reasonable doubt, he said, any such doubt must be resolved on Sirhan's behalf.

Reasonable doubt, he told the jury, is difficult to define. He quoted the advice of a deceased former Superior Court judge:

"... It is like love. You can't define it, but you know it when you've got it."

Sirhan's past conduct, his meandering notebooks, his threats against Kennedy in the notebooks, all served to show he could not have "meaningfully and maturely premeditated and, deliberated" the killing, Cooper said.

Cooper further told them, that it was not necessary that they fully believe that Sirhan suffered diminished capacity. If any reasonable doubt was raised in their minds, he pointed out, that doubt, under California law, must be resolved in Sirhan's favor.

Cooper said he would deal with the psychiatric testimony in greater detail when he continued his address today. He conceded at the outset, however, the testimony of Dr. Bernard L. Diamond, Berkeley psychiatrist who claims Sirhan shot Kennedy while in a self-induced trance, might be hard to swallow. But, he insisted, "he understands this . . ."

Cooper, when he began his remarks, immediately set out to establish a "just us folks" rapport with the jury. He disdained use of the courtroom microphone. He spoke colloquially — usually in a conversational tone, sometimes dropping his voice to a whisper as though to share a confidence with the jurors.

His delivery contrasted sharply with that of Parsons and Berman. The former, a lawyer of the old school, gave the jury tub-thumping. William Jennings Bryan courtroom oratory, telling them:

"I would like your verdict to spell out in every hamlet on every Arab desert . . . that a man can get justice in America. That is neither life imprisonment (for first-degree murder) nor the death penalty because this case doesn't warrant it. Not for this poor sick wretch, no matter what he did."

"It will take a little courage to return a proper verdict in this case . . . a little courage to see justice done, but it can and must be done."

Berman, New York trial attorney who virtually abandoned his practice to join the Sirhan defense team, added:

"Sirhan is so unaware of his obligations to society he must be held under control."

"But I ask you plain and simple, and I am not a beggar, that in the name of humanity we do not send for the crime of murder in the first degree, a mental cripple."

Berman and Parsons both told the jury that "traumatic" experiences in Sirhan's life before the shooting had crippled him psychologically.

The first trauma came when he was a child in Jerusalem during the 1948 Arab-Palestine war, Parsons said. He claimed Sirhan, at age 4, had been permanently scarred by the horrors of war.

After the family immigrated to the United States, Berman said, Sirhan suffered other traumas.

The first, he claimed, came in 1957, shortly after the family settled in Pasadena. "Dear ever-lovin' old dad (Bishara Sirhan) departed for Jordan taking the family savings with him. He has not been seen, nor heard of to this day."

Sirhan's traumas continued to a few days before the slaying when he suffered another — Kennedy, whom he loved and respected, announced he was in favor of giving aircraft to Israel for use in its fight against the Arab nations, Berman said.

Since the assassination, Berman told the jury, Sirhan has made no progress toward regaining his mental health; "he's going down hill."

(Mount Clipping in Space Below)

SIRHAN DEFENSE ANSWERS**A PERFECT EXAMPLE
OF A SICK MAN**

Chief defense counsel Grant B. Cooper began the final argument on behalf of Sirhan. The following are excerpts from Cooper's remarks:

Let me take you back more than three months. You remember being examined by attorneys on both sides to determine if you could sit in this case . . . if you were free from bias and prejudice. Each one said that you were.

You were asked if you approached this case with an open mind. Each one of you said that you would. You were asked if you would equally apply the laws which favor the defense and those which favor the prosecution. Each said you would.

You were asked if you would imply innocence. You said you would. You were asked if you would follow the law with respect to diminished capacity. Each said you would.

You were asked that you would not allow sympathy or bias or prejudice—sympathy for the Kennedy family or the Sirhan family—to interfere with this case. And you said that you would not.

Over and over . . . you were asked if you would keep your minds open until you had heard both sides of the case.

We are here, ladies and gentlemen, to exact that pledge from you.

We are not here to free a guilty man. We tell you, as we always have, that he is guilty of having killed Sen. Kennedy.

We are not asking for an acquittal.

We expect that under the evidence, whether Mr. Sirhan likes it or not, on the facts of this case, he deserves to spend the rest of his life in a penitentiary.

I propose to discuss with you the law and to attempt to help you if I can with what the law is in this case and then to do my dead-level best to apply the law to this case. Not with the idea of turning Sirhan Sirhan loose . . . but to put it in proper . . . and intelligent perspective.

Let me explain how your instructions will come . . . Both sides prepare their conception of what they think the law is. We submit them to his honor . . . his honor has the last word. He tells us what law he is going to give you so that when we argue the law to you we will state it truthfully.

First I think you should know what the presumption of innocence is. If after considering all the evidence you entertain reasonable doubt as to whether it should be first-degree or second-degree murder, I believe his honor will tell you that it is up to you under the law to give the defendant the benefit of reasonable doubt.

If there is doubt in your mind as to whether it should be murder in the second degree or manslaughter, it would be your duty under the law to return a verdict of manslaughter, providing that you entertain reasonable doubt.

A reasonable doubt is not a mere possible doubt. It is . . . you the juror say that you can not feel an abiding conviction to a moral certainty. Not an absolute certainty, a moral certainty is all that is required.

I heard "reasonable doubt" best expressed by Judge (Leo) Aggeler: "You know it's like love. You can't define it, but you know it when you've got it." That is just as good a definition of reasonable doubt as there is.

You have been bombarded with the testimony of experts. An expert witness is a person who has special skill, knowledge or training . . . You should consider their background of experience and education and the credibility of the education. You are not bound to accept the testimony of any expert.

You are not to decide the case in conformity with the number of witnesses. The prosecution has put in 60 witnesses, the defense 20. The defense has called more experts than the defense. The question is the quality of the witnesses.

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There is a difference between direct and circumstantial evidence. Witnesses said Sirhan pulled the trigger—that is direct. Circumstantial evidence comes into this with respect to the defendant's state of mind . . . the inferences which we draw from facts.

Whether by direct or circumstantial evidence, the prosecution must establish the facts to prove guilt beyond a reasonable doubt.

On the real, only issue you have before you as to whether or not the defendant had diminished capacity, the only way that can be established is by circumstantial evidence. That is the guts of the whole case, the whole sole issue in this case.

You are not permitted to find the defendant guilty . . . unless the proved circumstances are not only consistent with that the defendant is guilty of the crime . . . but cannot be reconciled with any other rational conclusion. If the evidence is susceptible to a reasonable interpretation one of which points to the defendant's guilt and the other

which points to his innocence, it is your duty to reject that which points to guilt and accept that which shows his innocence.

Because of the testimony of all the psychiatrists and psychologists . . . because of his conduct at the bar of justice, in this case, I wouldn't want Sirhan Sirhan turned loose on society when the psychiatrists tell us he is getting worse.

There are two Sirhans, the good Sirhan and the bad Sirhan, and the bad Sirhan is a nasty Sirhan. I have learned to love the good little Sirhan. But as lawyers must do what is right for him to the best of our ability, we also have a responsibility to society, and I for one am not going to ask you to bring in a verdict of less than guilty of murder in the second degree.

Let's take motive. Can there be any question in anyone's mind but that his motive was political? When we talk about crime, we talk about the elements of crime. Murder has the following elements: There must be the intent to kill. In first-degree murder, it must be willful, deliberate and premeditated and it must be the killing of a human being. Motive is not an element.

Was it a mature motive; was it a meaningful motive?

Let's take excerpts from things you have heard over and over again. To do away with the government and declare anarchy. Is that mature thinking? Is that meaningful thinking?

In his pronouncement, he wrote: "I advocate the overthrow of the current President of the United States of America. I have no definite plans yet, but will soon compose some." Is that mature thinking? Is that meaningful thinking?

His "Robert F. Kennedy must be assassinated before 5 June 1968. I have never heard. Please pay to the order of of of of of of of of"—11 of's. Is that mature and meaningful thinking?

All murder which is wilful, premeditated and deliberate with malice aforethought is murder in the first degree. Now I would appreciate it very much if you will italicize what I am about to tell you. So far as I am concerned in the discussion I am going to have with you and in the application of the law, you may assume that all of the facts are not as the defendant has testified to them . . . that this is a tissue of lies. . . and all the facts with respect to the shooting, all things except the opinions of the psychiatrists and psychologists, are as they say.

You may assume . . . and Your next instruction is in slaughter. The law in its wisdom from my point of view, the law of diminished capacity distinguishes between would be illogical to suggest ty. If you find from the evidence that at the time the alleged crime was committed the defendant had substantial kind of mind you are dealing with—is this a bad man?

But I want to point out to you . . . reduced mental capacity, whether caused by mental illness, intoxication or any other cause, the court will say I am not overlooking that the man killed was Sen. Robert F. Kennedy, who left a wife and 11 children, one of whom was born after his death.

Deliberate means formed or arrived at . . . weighed or considered for and against the proper course of action. What effect this diminished capacity had on the defendant's ability to form any of the specific states that are the essential elements of murder.

The word "premeditation" means thought over beforehand. Remember . . . the elements: To form specific intent to kill; premeditate and deliberate; reflect upon the gravity of the contemplated act. But what was the motive? Nothing for gain for him (Sirhan). A political motive, yes, but something in his mind. He believed it was right. How stupid. He believed he shouldn't have been punished for it. How stupid.

The law doesn't undertake to measure premeditation of deliberation . . . the true test is not the time elapsed but the extent of the mature and meaningful reflection. The cold, calculated decision may be arrived at in a short time.

To constitute a wilful and deliberate killing, the slayer must weigh and consider the question of killing and the reasons for and against, and having in mind the consequences, decide to and commit the unlawful act causing death. Let's take malice aforethought. Malice is expressed when there is manifest intent to kill a human being. The mental state must precede rather than follow the act.

Insofar as diminished capacity, if because of mental illness or intoxication or any other cause, the defendant is unable to govern his actions . . . he does not act with malice aforethought. In that case this defendant would be entitled to a verdict of manslaughter.

Some of you may have wondered about the psychiatrists who testified that this defendant could not meaningfully reflect upon the act. Dr. Diamond . . . teaches in the schools of criminology, law and medicine. Dr. Marcus, appointed by the court . . . also told you that in his opinion . . . Sirhan couldn't meaningfully and maturely premeditate and deliberate, couldn't meaningfully and maturely weigh the facts. As did the others.

The next thing is malice aforethought. If there is malice aforethought it is not manslaughter. It has got to be a decision between the two degrees of murder. The shooting resulted in Kennedy's death, and he is dead whether it is murder in the first degree or murder in the second degree or manslaughter.

There are some forgotten people in this case. There were five other people who were shot. In assault with intent to commit murder there must be specific intent to kill. In manslaughter the specific intent to kill is not necessary. What I am telling you is legalese.

If you find this defendant guilty of murder, then it necessarily follows that you would have to find the defendant guilty of assault with intent to commit murder on counts 2, 3, 4, 5, and 6. If you find him not guilty of murder, by that verdict you have determined that there was no specific intent to kill. You would only be able to find him guilty of assault with a deadly weapon . . . a lesser offense.

It is the law of transferred intent.

There is no question but what Sirhan Sirhan intended to kill Sen. Robert F. Kennedy. When he fired all of those shots . . . I don't think he had realized he had killed Kennedy. The pulling of the gun in my opinion was a continued attempt to try to kill Sen. Kennedy.

One other instruction that we discussed at length when we examined you . . . that is the individual opinion of each

juror. The people and the defendant are entitled to the individual opinion of each juror. Each one of you is supreme in determining the facts: Your powers are equal even above his honor, in a jury trial. You are the judge of the facts.

The reason we have 12 jurors is so that we have 12 individual opinions. You must agree before the verdict can be reached.

You have told us, you will recall . . . that you would not compromise just for the purpose of arriving at a verdict . . . just so you can get home earlier.

And God knows you are eager to get home.

COURT RECESSED

FOR THE DAY

You will recall a peculiar incident that happened here when I was ready to call Mrs. Sirhan to the stand.

Mr. Cooper (Grant Cooper, another defense attorney) stated that the defendant's outburst had very greatly upset Mrs. Sirhan. Munir (Sirhan's brother) sent word that she really didn't want to go on.

Those are the circumstances under which we put the mother on the stand.

This is a very vital situation. You should bear in mind that when Mr. Sirhan stood up and said he wanted to dismiss his lawyers, he was in a very disturbed state.

Since June, I have practically lived with him in his jail cell. Mr. Berman (Emil Zola Berman, of defense) had given up his business in New York and come here to help.

Mr. Cooper came into this best experts available. Dr. Schoor (Martin M.) may have to. They had given their all to made some mistakes, but he this case. That alone should is a man with tremendous mean something to you. background. That hasn't been disproved.

They have all said he was sick. There is no doubt about it. But how sick? And I'd stake this case on Dr. Seward (Georgene Seward), professor at USC. She examined these reports of Dr. Schoor and Dr. (O. Roderick) Richardson and she didn't find them wanting.

The mother took the stand and told us she and her family were Palestinians. All of a sudden they had to give up their home. That is bound to have an effect on people. And she was selected for that purpose by the opposition.

They never got back. They are not immigrants. They are refugees who were brought here under a bad situation. And Dr. DeVoss—did he find Dr. Schoor or Dr. Richardson wanting?

They were forced out of their home. They went into a house 500 years old. She told you about the toilet, the little holes in the pavement in this building. Dr. Marcus was appointed by the Superior Court to help us in this case. He testified that this man was sick, that he was incompetent to form intent.

She told you about the food—margarine, a little dried flour which they mixed and made bread. It is unbelievable how they lived. Dr. Marcus wanted some help. The psychologist furnishes the tools to the psychiatrist. Dr. Marcus suggested they use Dr. Richardson.

They got little medical care. There were shots outside daily. Sirhan saw this. He was a young boy, but it must have left a scar on him. And this fellow who picked up a telephone and said he wanted to help the district attorney. Since June, I have tried to stand off that kind of people. Everybody wanted in on the act.

There was barbed wire. A barbed wire fence was built. She told you her small son ran into the street, was pushed over by a truck and killed by the force. He has the gall to come here and condemn the work of skilled men.

Sirhan was acquainted with this. It must have left an indelible impression. Eight doctors have testified this man is more than sick.

Finally they came to this country—as refugees in peril. This man is not a candidate for first degree murder.

He did pretty well in school.

He played hockey from school to tend the wants of his poor dying sister. You can't be too bad when you do that.

We thought we did pretty well when we brought in the

If I may go back to Mrs. Sirhan and her son, she did the best she could with this boy.

He was hurt out here at the race track. He loved horses. The frustrations mounted up until this fellow didn't know what he was doing.

Here we are with a perfect example of a man who is sick. In this field they hardly refer to persons as being "insane" any more. If you ever had a perfect case, you had it here. Here's a man who wants to stand up and fire the lawyers who are trying to help him.

I have come to like him. You can't be around him without feeling sorry for him. I've sat here and had him reach up and hold my hand like a baby.

You have seen him. One moment he appears to be smart as a whip. The next he can't tell right from wrong.

I would like this verdict to spell out in every hamlet, in every Arab desert and all over Europe, that a man can get justice in America. That is neither life imprisonment nor the death penalty, because this case doesn't warrant it. Not for this poor, sick wretch, no matter what he did.

Let us make sure that throughout the world, that in every hamlet, the people know that in America you can

In the end, she expired with him in the room attempting to take care of her.

That was trauma Number Two.

As the result of this, he was flunked out of Pasadena City College.

That was trauma Number Three.

Trauma Number Four occurred on Sept. 23, 1966. He was working at the Altfillisch Ranch and there was to be a practice race, a morning workout with two horses.

Millard Sheek told us fog was the only unusual condition. He heard what sounded like an accident. He ran over and found Sirhan "lying against the post and under the rail—very seriously hurt."

Trauma Number Four was another frustrated ambition.

We come to trauma Number Five. He tried to go back to the ranch but he couldn't do the work. He had to quit.

He returned home to Pasadena and became secluded, and started extensive reading in the occult and Rosicrucian literature and other such work, and experimented with this business of the power of the mind.

He complained about headaches, became more and more brooding, quick to anger, obsessed with suspicion and distrust.

On June 2, 1967, he wrote a declaration of war against

American humanity. This is quite a document, quite revealing of the trauma assailing this boy's personality and his mind:

"Victims of the party in favor of this declaration are the president, vice-president, etc. down the ladder. The author of this memorandum expresses his wishes very bluntly that he wants to be recorded by history as the man who triggered off the last war."

Within three days of this pompous declaration came June 5, 1967, the commencement of the six-day Arab-Israeli War. This was the biggest trauma of them all.

On May 18, Sirhan heard Sen. Kennedy's speech that if elected he would make every effort to supply Israel with 50 phantom jets. We have this from his mother—he tore into the television. He banged on the television. He struck at the television in absolute madness.

On June 1, he was at the Corona Range, firing . . . on that day he signed his own name and his own address. On June 4th, when he went to the San Gabriel Gun Club, he signed his name and his address. He was not trying, under any circumstances, to hide anything.

On June 4 he met Mystri, a friend of his, and had coffee with him . . . at a hamburger joint across from Pasadena City College.

get justice, whether it is in Mississippi or in Los Angeles.

It is going to take a little courage to return a proper verdict in this case, a little courage to see that justice is done. But it can and must be done.

It will go down in the history books.

New York attorney Emile Zola Berman continued the closing argument in Sirhan's behalf. The following are excerpts from his remarks:

I want to talk to you specifically about a thing called trauma. Trauma is a blow or an insult—trauma to one's personality, a blow to what makes a person become what he is.

I'm going to talk to you about the traumatic events upon Sirhan's personality. From a young boy to the 24-year-old man—what it was, step by step, that put him in the posture which created the tragedy that blighted our nation.

Perhaps within five months after they came to this country, dear old Dad was working in the backyard, and Sirhan, then about 14, interfered as a careless kid in some work the father was doing.

As the father was about to strike him, Adel (an older them and would not allow brother) stepped between Papa to strike young Sirhan. Papa immediately confronted Mama and laid down the gauntlet that she must make a choice between him and the children.

Mama said: "You are my husband and he is my child."

Dear, ever-loving Dad took all the family's money and departed for Jerusalem and has never been heard from since.

That was trauma Number One in the USA.

In Sirhan's third semester at Pasadena City College, his sister, Ayda, was the victim of leukemia. It was for Sirhan to spend day and night tending his sister and being absent from school almost six weeks.

Mystri had a paper, which he gave to Sirhan. Sirhan saw an ad for what he called the "Jew Parade" on Wilshire Boulevard, not knowing this was an edition of tomorrow morning's paper and that the parade was to be on June 5.

He couldn't find the parade, but he saw (Sen.) Kuchel's headquarters and parked his car.

A word about this car as the getaway vehicle. That car was three solid blocks from the nearest entrance to the Ambassador Hotel.

He went into the Kuchel headquarters . . . not much going on . . . somebody told him there was a real bash going on at the Ambassador. He went by foot to the Ambassador Hotel.

There were bars . . . and mirrors in the Venetian Room. That is pretty much of the nitty-gritty in this. There were mirrors everywhere he turned, mirrors in his home, mirrors in the hotel.

It was by mirrors that he induced self-hypnosis or—what is that term the doctors use—a dissociative state.

We have no way of knowing over how long all of his drinking took place, but we do know that Sirhan began to feel his drinking and decided it was time for him to go home.

He went to the car three blocks away and suddenly found he was too drunk to drive.

He saw his gun in the back seat and picked it up. He returned to the Ambassador to get some coffee.

All through the theme of the prosecution case is premeditation and planning. We have checked this every way we can.

One thing is that Sirhan was alone. There was no conspiracy here, no helpers here, nobody backing him up, no reward for money. This was his act alone.

You must remember that when Sen. Kennedy was making his speech to his followers in the Embassy Room . . . in was to go to a large overflow crowd in the Ambassador ballroom on the floor below, and the route to be taken would never have taken the senator and his entourage through the pantry.

At the last moment, somebody changed his mind. There could not be any possible knowledgeable waiting for the senator, where Sirhan could take a position where he would have a pot-shot at him.

I take this up because it has to do with the inference that Sirhan was lying in wait . . . waiting for a crack at Kennedy. This does not and cannot fit the facts in this case.

This freakishness changes the whole history of our country and possibly of the world.

Earlier yesterday defense counsel Russell E. Parsons began the closing arguments on behalf of Sirhan. Excerpts from his remarks follow:

To Grant B. Cooper, chief counsel for Sirhan Bishara Sirhan in his trial for the murder of Sen. Robert F. Kennedy, falls the task of summarizing the defense's case. While freely admitting his client's guilt, Cooper yesterday admonished the jury to consider "reasonable doubt" and "diminished capacity" in his final plea in the court of Superior Judge Herbert V. Walker.



RUSSELL PARSONS
Third defense attorney



EMILE Z. BERMAN
Describes six traumas



CHIEF DEFENSE COUNSEL GRANT COOPER
Diminished capacity . . . is the guts of the whole case'



SIRHAN SIRHAN
'Unable to form intent'

(Mount Clipping In Space Below)

Kennedy Case, Suicide Linked

A young woman who killed herself early this week was identified Friday as a go-go dancer who figured briefly in the Robert F. Kennedy assassination investigation, police said.

She was Kathy Fulmer, 23, found semiconscious Monday evening in a motel at 2101 Parkside Ave. where she had registered under the name of Sundry Ross. She died of an overdose of Seconal a half-hour later at County-USC Medical Center.

She remained unidentified until Friday when a girl friend viewed the body. No motive for her suicide has been established.

Miss Fulmer came forward when investigators were seeking a girl who wore a polka dot dress in the Ambassador the night the senator was shot. She told deputy sheriffs she wore a polka dot scarf and had been at the hotel.

But, as the investigation developed, neither Miss Fulmer nor any of several young women wearing polka dot garments at the assassination scene had any bearing on the case.

(Indicate page, name of newspaper, city and state.)

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Final Argument in Sirhan Trial Begun by State

Prosecutor Jolts Jurors With Question Concerning Cause of Kennedy Slaying

BY DAVE SMITH
Times Staff Writer

The final word in defense of Sirhan Bishara Sirhan was spoken Friday and his lengthy murder trial entered its final hours as Chief Dep. Dist. Atty. Lynn Compton began the prosecution's final summation.

In a brief prelude to his argument Monday, Compton termed the case "highly overcomplicated" by psychiatric expertise and jolted the seven-man, five-woman jury with a question that brought them to the heart of the matter:

"Did Robert F. Kennedy, a young, highly successful man at the peak of his career—a former U.S. attorney general, a senator from New York and a candidate for the Presidency of the country—did he breathe his last breath on the dirty floor of the Ambassador Hotel, there with the mops and the dirty dishes, did he leave a widow with 11 children, because he favored U.S. support of the state of Israel or because he was a substitute father image in some Oedipus complex in Sirhan's mind?"

Prosecutor's Voice Disdainful

The defense has offered both theories as partial explanation of the Palestinian Arab's motive in killing Kennedy last June 5, just after he won the California Democratic presidential primary.

Compton, his voice disdainful as he waved toward a blackboard bearing the names of 10 "so-called experts"—psychologists and psychiatrists called to testify for both sides—said he had thought of erasing their names as he rose to speak, but then changed his mind.

"I hope," he added, "that I can erase them all from your consideration."

Compton said the psychiatric testimony had been so confusing and conflicting that "I can be frank to admit right now as I stand here that I can't answer the question of what Sirhan's real motive was."

Referring to Dr. Bernard L. Diamond's testimony that Sirhan was in a dissociative state induced by the combination of intoxication, rage and a self-induced hypnotic trance from staring into hotel mirrors, Compton said, with thinly veiled contempt:

"If you believe Dr. Diamond with his mirror act and believe Sirhan was in some kind of trance, so that he didn't know if he was on foot or horseback, then it would be inhuman to punish him for anything at all."

Then he added:

"But if you don't buy it—like I don't buy it, and like (deputy district attorneys) John Howard and Dave Fitts don't buy it—then there's nothing left but plain old cold-blooded first-degree murder."

Says None Reflect Wisdom

Compton implied that the precise definition of "mature and meaningful" premeditation that has been so much a part of the defense case is not a legitimate concern to the jurors because, he said, his office deals with about 35,000 felons each year, and in the premeditation behind all the 35,000 crimes, "none of it reflects mature and meaningful, wise judgment."

Compton followed a detailed four-hour summation of the fine points of law by chief defense attorney Grant B. Cooper, who urged the jury to find Sirhan guilty of second-degree murder and sentence him to life imprisonment.

As he had on Thursday, Cooper stressed that the defense did not feel Sirhan "should be given a medal for what he did"—or indeed, that he should "ever be turned loose on society."

But, Cooper argued, the facts in the case and the applicable law make a first-degree verdict inappropriate.

Cooper said the defense also would not ask the jury to return a manslaughter verdict—even

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though, he contended, the evidence could warrant it —because he felt that such a request would simply not be discreet in this case.

Cooper said the jury could accept the facts as stated by the prosecution, ignore the claims of hypnotic or dissociative trances, and accept the evidence of "premeditation that goes back to, at least May '18"—three weeks before the killing—and still would have to consider whether Sirhan's plans were mature or meaningful.

Citing Sirhan's claimed amnesia about his writings in his notebooks, where he wrote of his intent to kill Kennedy, Cooper asked, "Why, why in God's name did Sirhan deny these writings? Frankly, I don't know." The denials, Cooper said, were paradoxical but insignificant, in view of the fact that Sirhan admitted on the stand several times that he hated Kennedy and on one occasion was so enraged that he said: "So help me God, I would have killed him on the spot, right then and there."

Citing Sirhan's half-dozen outbursts of temper in the court or in Superior

Judge Herbert V. Walker's chambers, Cooper said the significance of such outbursts was that Sirhan couldn't restrain himself, even after the judge warned Sirhan he would be gagged and bound if he persisted.

Cooper said he "could have crawled under the table" when clinical psychologist Martin M. Schorr —whom Cooper three times dubbed "the little man in the green suit"—admitted that he had copied dramatic portions of a psychiatrist's recently published casebook while looking for a punchy way to spice up his testimony.

Cooper said Schorr "made a terrible faux pas" and "could have spoiled the work he had done by doing such a stupid thing . . . But whatever it was he copied, it wasn't his protocol," said Cooper, adding that the clinical test protocol, developed by Schorr, was substantially upheld by seven other defense experts.

Concluding his lengthy summation, Cooper told the jury, "I'm the last one to speak on behalf of this defendant. When I sit down, no voice will be raised again in his defense . . . We pass from our shoulders to yours the responsibility and the proper fate of Sirhan-Sirhan."

(Mount Clipping in Space Below)

New Sirhan Juror to Be Selected

An alternate juror in Sirhan Bishara Sirhan's murder trial will be selected by lot to replace juror Ronald G. Evans of Inglewood, who was excused from duty because of the death of his father in Alton, Ill. Presiding Judge Herbert V. Walker excused Evans during an extraordinary session. A group of alternates has been sitting in on the testimony since Sirhan went on trial for the murder of Sen. Robert F. Kennedy. Their five names will be placed in a hat Monday, and one will be drawn to finish the trial.

George Stitzel (alternate)

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—UPI Photo

KATHY Fuller, 23, who may have been "the girl in the polka-dot dress" in the Robert Kennedy assassination, has died, apparently of an overdose of seconal. She said she was the girl seen running from Ambassador ~~after~~ RFK was shot.

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Sirhan Juror Excused After Father Dies

By JOHN DOUGLAS
Herald-Examiner Staff Writer

Sirhan Bishara Sirhan's murder trial went into extraordinary session late last night in order to excuse one of the Arab jurors whose father had died at Alton, Ill.

Judge Herbert V. Walker, presiding over the trial, excused Ronald G. Evans, of Inglewood.

The special trial session was held in an armor-enclosed auxiliary courtroom in the jail facility atop the Hall of Justice. Sirhan was present and no stranger to the room where the preliminaries to his soon-to-end murder trial took place.

Evans, a telephone company switchboard installer, was not immediately replaced. Judge Walker said that a successor to the juror would be chosen when court convenes Monday morning.

Evans was the second casualty in the Sirhan jury. The first was IBM computer programmer Lawrence K. Morgan, who was dismissed from the jury when he suffered a bleeding ulcer and had to be hospitalized.

The special session of court was called by Walker after learning from a bailiff that Evans' father had died.

Originally the jurist hoped to conduct the proceedings in the Biltmore Hotel where the jury is locked up. However, legal requirements call for the presence of the defendant in any matter affecting his jury and the case was moved to the jail house courtroom.

Sirhan, unshaven, wan and drawn, appeared in court alongside Parsons and readily agreed to the excusing of Evans.

The session of court was held who will make the final speech almost on the eve on what may for the state. be the final day of the trial of. Compton spoke only briefly the man accused of the June 5, before the trial was adjourned 1968, Ambassador Hotel fatal for the weekend. shooting of Sen. Kennedy.

Chief defense attorney Grant B. Cooper abruptly cut short his remarks at mid-afternoon yesterday after again urging the seven men and five women who will decide Sirhan's fate to find him guilty of murder in the second degree.

He told the jurors: "Suppose the deceased in this case had been a fellow by the name of John Smith, a fellow by the name of Jose Gonzales, or George Washington Brown, one of the crowd.

"Suppose you had the same kind of testimony. Do you think you would hesitate two minutes in returning a verdict of second-degree murder as a result of diminished capacity?"

Cooper conceded that Sirhan killed Kennedy, and should go to prison.

He even conceded that Sirhan did plot Kennedy's assassination and did intend to carry it out.

But, he continued to insist that the plotting and intention were not "meaningful and mature" because of Sirhan's state of mind as it was found by both prosecution and defense psychiatrists.

"The essential element of the crime is the intent to kill plus malice aforethought," he said. Sirhan, he insisted, is not a rational man and could not have this intent and malice.

The defense attorney was quickly followed by Chief Dep. Dist. Atty. Lynn D. Compton,

He told the jury: "If you buy those so-called experts (the psychologists and psychiatrists) you have to turn him loose. If you don't buy it, like I don't buy it ... there is nothing left but a cold-blooded murder."

Judge Herbert V. Walker's instructions of law to the jury can easily be completed Monday afternoon he said. The jury could begin deliberation Monday evening.

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Juror Shift Shakes Up Sirhan Trial

BY JOHN DOUGLAS

Herald-Examiner Staff Writer

Sirhan Bishara Sirhan's murder trial today moves into a final phase as jurors will—within a matter of hours—take their place as deciders of the young Arab's fate.

The defense of Sirhan—the admitted slayer of Sen. Robert F. Kennedy—has nothing more to say. Grant B. Cooper, Sirhan's defense attorney, concluded his summation Friday.

It will be a different jury that determines Sirhan's fate. Ronald Evans, Inglewood telephone installer, was excused from jury duty late Friday when his father died at Alton, Ill.

A new juror will be chosen from the battery of five alternates this morning.

Defense and prosecution attorneys alike are disturbed over the last-minute jury change.

It raises, one said, the possibility of a hung jury.

The trial of the man who has admitted gunning down Kennedy in the Ambassador Hotel June 5, 1968, already has cost Los Angeles County more than \$1 million.

Should Sirhan's jury be unable to agree, a new trial would become necessary. Cost to the

county, then, could reasonably be expected to at least triple.

Law requires that in a case of first or second-degree murder, each juror independent of his fellows—must decide upon both a unanimous verdict and the penalty, if any.

Cooper has made it clear that the defense believes Sirhan should be locked up for the rest of his natural life.

He is a killer, the defense concedes—but a killer who "does not think straight."

Cooper and his associate defense counsel, Emile Zola Ber-man and Russell E. Parsons, maintain he cannot be found guilty of murder in the first degree, but should be found guilty only of murder in the second degree.

However, Lynn D. Compton, chief deputy district attorney of Los Angeles County, summing up the case for the prosecution, told the jury, in effect, to either find Sirhan guilty of murder in the first degree or find him guilty of nothing.

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Sirhan's Fate May Not Be Decided for Years

Death Sentence Would Automatically Be Appealed Under Laws of California

Whatever penalty the jury decides for Sirhan Bishara Sirhan, it could be months or even years before his future is really certain.

On Monday, the seven-man, five-woman jury will begin deliberating whether he should be sentenced to death in San Quentin's gas chamber or to life imprisonment.

If they decree death, Superior Judge Herbert V. Walker could, on his own authority, commute the sentence to life imprisonment.

Barring that, appeal of a death sentence is automatic anyway, under California law.

Defense attorney Grant B. Cooper estimated Thursday, after the verdict of guilty of first-degree murder in the death of Robert F. Kennedy, that it would be at least one year before Sirhan's appeal—if there is one—would be resolved.

He said he planned to file a notice of appeal on

the verdict, but indicated he did not know whether he would press an appeal immediately.

"Partly," he added, "it depends on whether someone comes up with some money to conduct a defense." Cooper has defended Sirhan thus far without fee.

As to Sirhan's more immediate movements, it has been estimated by both defense and prosecution that the penalty phase starting Monday morning could wind up that same afternoon, or Tuesday at the latest.

Dep. Dist. Atty. John E. Howard says he will sum up the prosecution argument "in 20 minutes." Cooper, arguing for the defense, says he will be "extremely brief." Neither side plans to call witnesses.

Formal sentencing by Judge Walker was expected to be held about three weeks after the jury returns a verdict in the penalty phase.

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JURY WEIGHS SIRHAN FATE

By JOHN DOUGLAS

Herald-Examiner Staff Writer

Jurors in the Sirhan Bishara Sirhan murder trial returned to court this morning to continue their deliberation of the fate of the admitted slayer of Sen. Robert F. Kennedy.

The jury of seven men and five women retired yesterday at 2:54 p.m. following an hour and 20-minute instruction by Superior Court Judge Herbert V. Walker, who presides over the trial of the man accused of the June 5, 1968, Ambassador Hotel slaying of the New York Senator and presidential aspirant.

The jury met for one hour and six minutes, then was sent to its hotel. It was announced it would begin deliberations after 8 o'clock this morning.

Walker's instructions followed the summation for the state given by Chief Dep. Dist. Atty. Lynn D. Compton. He urged the jurors to find Sirhan guilty of first-degree murder. The defense has asked for a verdict of guilty of murder in the second degree.

Both sides say justice demands that Sirhan be found guilty. The chief prosecutor has said that if the jury finds a first-degree murder verdict, the state will not "demand" a death penalty, but tell the jury that either death or life imprisonment is an "appropriate penalty."

Central to the defense case is the contention that Sirhan suffers diminished capacity—that he is so mentally impaired that he could not have meaningfully and maturely plotted and executed Kennedy's slaying.

Defining diminished capacity, Judge Walker told the jurors: "(It) means that at the time of the killing the defendant's state of mind... was substantially reduced by mental illness, intoxication or any other cause to the extent he could not meaningfully and maturely deliberate and premeditate on his contemplated act and harbor intent."

Four verdicts are available to the jury:

It may find Sirhan innocent.

He could be found guilty of manslaughter, which carries a penalty of from one to 15 years.

Second-degree murder—penalty five years to life.

First-degree murder—involving a sentence of either life in prison or death in San Quentin's gas chamber.

Sirhan will await the verdict in his isolated cell on the 13th floor of the Hall of Justice. He has with him a Bible and four books on Arab politics, his attorney, Russell E. Parsons, said.

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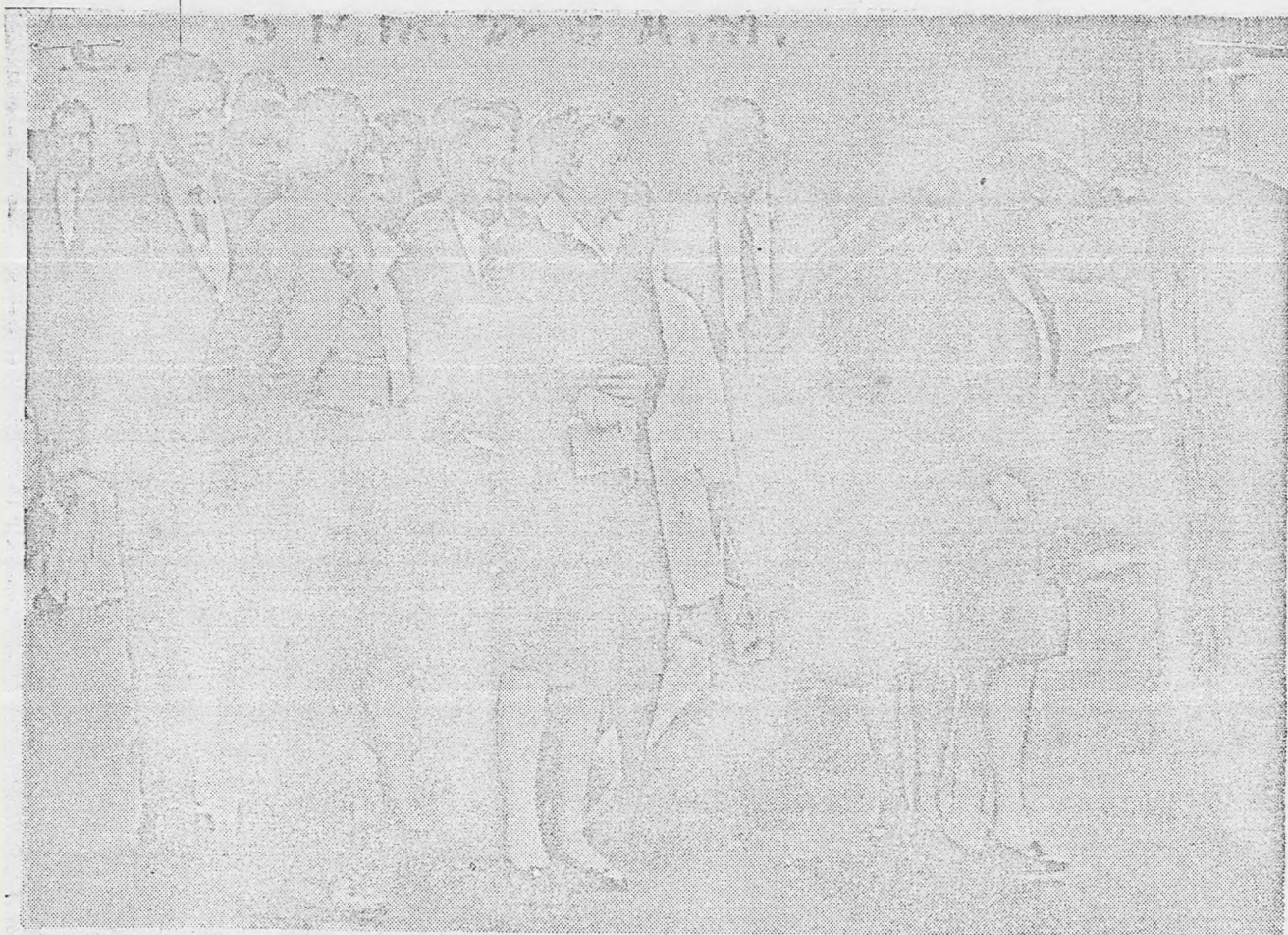
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—Herald-Examiner Photo

SIRHAN JURY, CLOSELY GUARDED BY DEPUTIES, BOARDS BUS FOR THE BILTMORE

Members heard final arguments shortly before, continued deliberations on Jordanian's fate today

(Mount Clipping in Space Below)

Verdict Was People's Will, Prosecution Says

BY RON EINSTOSS

Times Staff Writer

The circumstances of the murder and the conduct of Sirhan B. Sirhan were the major contributing factors to his conviction of first-degree murder, Chief Dep. Dist. Atty. Lynn D. Compton said Thursday.

Appearing at a press conference several minutes after the verdict, Compton, flanked by his fellow prosecutors, David N. Fitts and John E. Howard, termed the jury's decision "appropriate" and said it "expressed the will of the community."

Asked the penalty the prosecution will seek at that phase of the trial, scheduled to begin Monday, Compton said:

"I don't think it appropriate for me to express what we think would be the appropriate penalty."

He explained that "this is a unique case without precedent" and that it should be left to a jury to decide what should be the "appropriate" penalty for a political assassination.

'An Obligation'

The burly, 47-year-old ex-UCLA football player conceded that the fact that the prosecution early in the trial agreed to accept a penalty of life in prison "imposed on us an obligation not to assert the death penalty as an absolute must."

But he made it plain that Howard, who will deliver the prosecution's argument to the jury, will emphasize those facts which point to one punishment — presumably the death penalty.

Howard, who has been assigned to the case since moments after the shooting, and who has lost 35 pounds since the trial began in January, said the thrust of his summation will be that the killing of Sen. Robert F. Kennedy was a "political assassination" and that the jury must decide what should be the proper punishment for such an act.

He hinted that he will hammer home to the jury what he described as Sirhan's lack of remorse.

He intends to remind the panel that while the electorate went to the polls last June 5 Sirhan went to a pistol range. To be fair, Howard said, he will say all he can in Sirhan's favor, but, he added, "that will be very little."

Fitts, who carried the brunt of the prosecution's presentation in court, remained silent during the press conference, but he said later that he was "relieved" when he heard the verdict.

Psychiatric Testimony

Compton who had asked the jury to disregard the trial testimony of psychiatrists, said he did not think the verdict necessarily was a repudiation of such testimony in general.

Rather, he said, in this case the jury "did not accept the diagnosis of the psychiatrists."

The facts in the Sirhan case, according to Compton, pointed overwhelmingly to a first degree verdict. He said he felt Sirhan's outbursts in the courtroom "probably had very little effect one way or the other" on the jury's decision.

It was his conduct in plotting and carrying out the murder, Compton said, which was instrumental in influencing the jury.

Compton commended both Fitts and Howard, saying "this whole community owes a debt of gratitude to them for the work they performed on this case."

He also complimented the three defense attorneys, for their behavior during the trial.

Compton, Howard and Fitts all have been through death penalty trials before, Compton having obtained seven death verdicts, Fitts four and Howard, who has spent much of his career as a prosecutor handling major fraud cases, one.

However, with all their experience, there has never been a Sirhan case — a political assassination which in itself, as Howard said, affects "our democratic processes." The tension has shown on their faces and in their actions for months.

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Jury Deliberates The Fate of Sirhan

By JOHN DOUGLAS

Herald Examiner Staff Writer

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• First-degree murder — involving a sentence of either life in prison or death in San Quentin's gas chamber.

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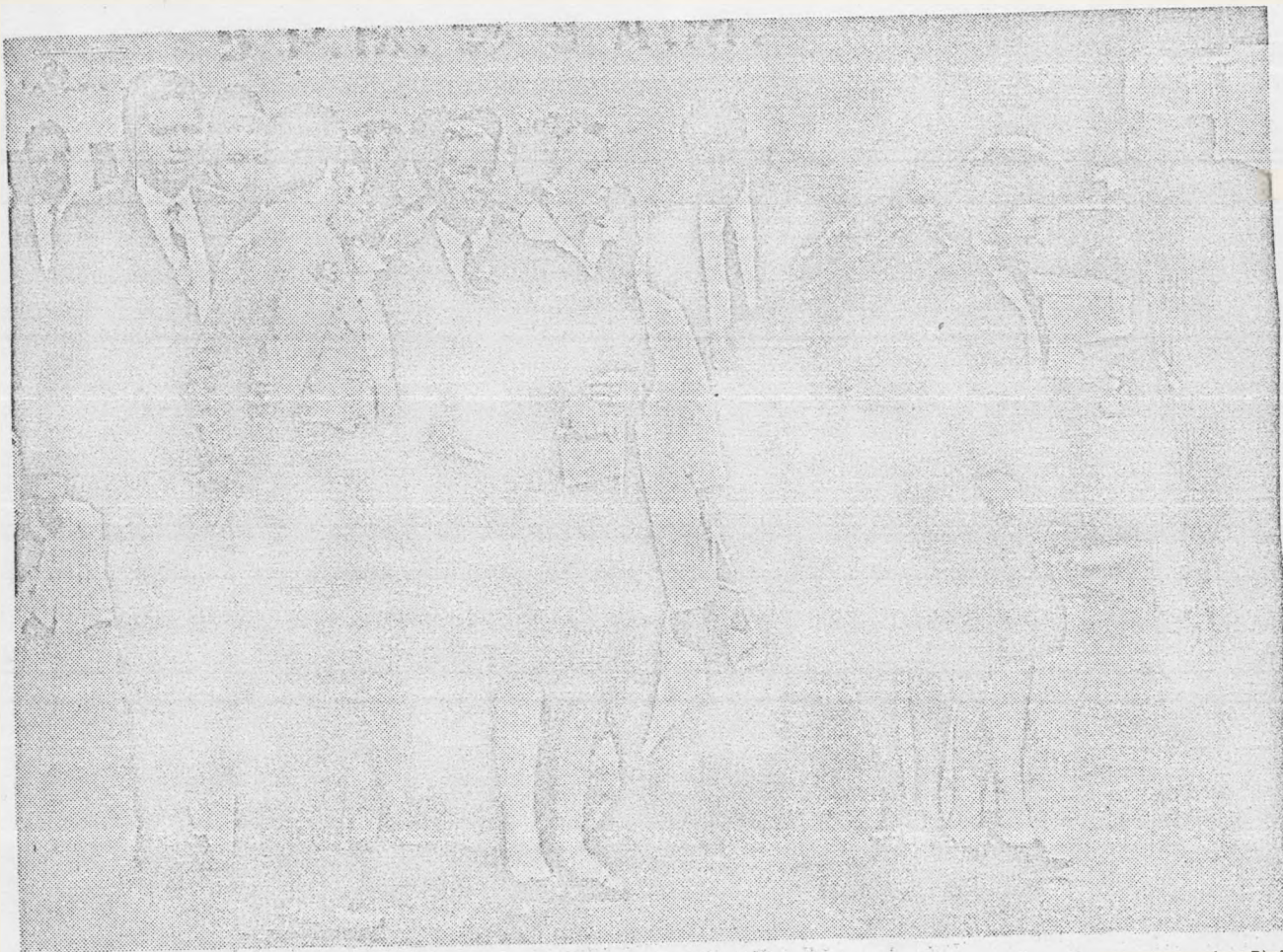
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SIRHAN JURY, CLOSELY GUARDED BY DEPUTIES, BOARDS BUS FOR THE BALTIMORE
Members heard final arguments shortly before, continued deliberations on Jordanian's fate today

(Mount Clipping in Space Below)

Sirhan Appeal Hinted Regardless of Penalty

Attorney Believes Judicial Errors Were Made; Verdict Disappoints Defense Team

BY DAVID LARSEN

Times Staff Writer

"Naturally one is disappointed," said Grant B. Cooper, chief defense attorney for Sirhan B. Sirhan. "But I'm not going to quarrel with this jury. They had the case fully and fairly presented to them. They have given it serious consideration and this is their verdict."

The reaction Thursday of defense attorney Russell E. Parsons to the first-degree murder conviction was similar. "I feel very bad about it," he said. "We have a sick man and the psychiatric evidence was overwhelming."

A third defense attorney, Emile Zola Berman, said: "I am disappointed that our defense of diminished capacity wasn't accepted."

"I just regret that the sciences of psychology and psychiatry are held in such low esteem," he said in New York.

Sirhan 'Disappointed'

The reaction of Sirhan himself was, according to Cooper, one of "disappointment."

Cooper said this was evident "by the expression on his face." But the attorney declined to disclose what his client had actually uttered upon hearing the verdict, calling it a privileged matter.

He added that Sirhan had asked that his statements be kept confidential.

Asked if Sirhan fully realized the import of the outcome, Cooper answered: "Of course."

At a news conference following the verdict, Cooper ranged over several points.

When asked if there had been judicial errors during the lengthy proceedings, he replied that he felt so.

Cooper said that regardless of whether Sirhan gets life imprisonment or the death penalty, there "probably" would be an appeal.

Cooper declined to reveal what arguments he will offer against the death penalty during the penalty phase of the trial, saying he didn't wish to telegraph his punches for the prosecution.

"But obviously we don't consider the death penalty appropriate," he said.

Cooper Tells Timing

Regardless of what the jury decides upon for a penalty, Cooper said, it will be at least a year before the appeal is resolved.

Cooper mentioned a matter that will come before the Court of Appeal today, that of Lincoln High School teacher Sal Castro and 12 other defendants, accused of felony conspiracy for their roles in student walkouts last year.

If the court upholds the defense position that the grand jury was improperly constituted — favoring certain segments of the population — then the Sirhan case would have to be retried, Cooper said.

In response to a question, the attorney said Sirhan has not indicated that he wants any change of lawyers.

Cooper said he had no regrets about the course pursued by the defense.

"I don't know of any other way we could have tried it," he stated. "We did the best we could and we lost. That's all."

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Brief Penalty Trial Seen for Sirhan—

Jury Hearing on Life or Death to Start Monday

BY DAVE SMITH
Times Staff Writer

Sirhan Bishara Sirhan, who brought his hate from the land of the Bible to a newer world, was convicted Thursday of first-degree murder in the killing of Sen. Robert F. Kennedy.

The jury will begin deliberation Monday morning on whether he should be sentenced to death or life imprisonment, in a penalty phase expected to end Monday afternoon or Tuesday morning.

The seven-man, five-woman jury signalled its arrival at a verdict at 10:47 a.m.—16 hours and 42 minutes after it began deliberations last Monday.

The tiny Palestinian Arab defendant showed no visible reaction as the verdict was read. He sat forward in his chair, elbows on the counsel table, and stared soberly ahead as he heard the verdict.

Fusillade of Shots

For wounding five other persons in the fusillade of shots that killed Kennedy last June, Sirhan was found guilty on five counts of assault with a deadly weapon with intent to commit murder. Each conviction carries a sentence of one to 14 years.

Sirhan, 25, appeared solemn but nervous as he entered the courtroom trailing a cloud of cigaret smoke. He had a small smile for defense attorney Russell E. Parsons, who slipped him encouragingly on the knee as he sat down.

At 11:09 the jury entered, equally solemn, and Superior Judge Herbert V. Walker asked, "Ladies and gentlemen of the jury, you have a verdict?"

"We have, your honor," the foreman murmured.

Foreman Bruce D. Elliott handed the verdicts to Bailiff Willard Polhemus, who passed them to Judge Walker.

The 69-year-old jurist, presiding over his last and most celebrated case before retiring in July, scanned the six verdicts and passed them to

Court Clerk Alice Nishikawa, who read them aloud.

Sirhan's family was not present for the verdict, although most of them were in court every day of the 15-week trial.

A brother, Adel, 30, told The Times Thursday morning—between the time the verdict was reached and the time it was announced—that "I don't think we should show up down there now, do you?"

After the verdict, Adel, his mother, Mary, and brother, Munir, wept as they heard the verdict over their television set in their small Pasadena home.

Verdict Not Expected

"We feel terrible about the verdict," said Adel, his voice wavering. "There is nothing more I can say. We didn't expect this verdict."

After Mrs. Nishikawa finished reading each verdict, she asked the jurors: "Is this your verdict, ladies and gentlemen of the jury? So say you one, so say you all?"

Murmured assent was unanimous for all six verdicts.

Defense attorney Grant B. Cooper requested that the jury be polled on the first count—the murder conviction—and as each juror's name was called, the answer was a firm, "Yes."

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Judge Walker then resumed the trial until Monday for the penalty phase and Sirhan, even before the judge could say "Remand the defendant," was out of his chair and striding briskly from the courtroom.

Continued from First Page

several paces ahead of his security guards.

Cooper, who spoke with Sirhan in a small holding tank moments after adjournment, said "his reaction was one of disappointment." Cooper would not repeat what Sirhan said, but added that disappointment was evident "by the expression on his face."

Cooper, asked his own reaction, told reporters in a news conference later, "Naturally, one is disappointed." But he added:

"I'm not going to quarrel with this jury. They had the case fully and fairly presented to them and I'm not going to quarrel, even though I might disagree with their verdict."

Cooper disclosed that he had already made a motion to impanel a new jury for the penalty phase, but that Judge Walker, in a brief conference at the bench, had denied it.

Gives No Clue

Asked what testimony he would present in the penalty phase to show Sirhan's life should be spared, Cooper said he didn't want to telegraph his punches. But earlier he indicated he would attempt to call Dist. Atty. Evelle J. Younger, Chief Dept. Dist. Atty. Lynn D. Compton and Dep. Dist. Attys. John E. Howard and David N. Fitts to the witness stand to confirm that the prosecution once was willing to accept a plea of guilty with the understanding that Sirhan get life imprisonment.

Cooper later asked Judge Walker, in a brief proceeding Thursday afternoon, to be allowed to call the prosecution to the stand. The judge denied the motion.

The jury has never heard of the agreement, if Judge Walker had permitted Cooper to introduce it; some sources felt it would have been a strong factor in swaying the jury toward a life sentence.

Compton, at the same news conference, said the prosecution was pleased at the verdict and felt "the jury analyzed the evidence and expressed the conscience of the community, the reaction of the community."

System Praised

He said the verdict—and the lengthy trial — "demonstrated to the world that our system does work."

Compton said the prosecution would not specifically urge the jury to impose the death penalty on Sirhan, but said it will "express the arguments for and against the death penalty and let the jury exercise their absolute discretion."

Howard, who will argue for the prosecution in the penalty phase, said he intends to gear his argument to Sirhan's "lack of remorse and to the effect of political assassination on the democratic process."

Sirhan testified from the witness stand that he hated Kennedy because, in his campaign for the Democratic nomination to the U.S. Presidency, he had advocated sending 50 Phantom jet bombers to aid Israel in its conflict with Arab nations.

Sirhan also testified, "I'm not particularly proud, but I'm not sorry, either," about the death of Kennedy.

Not a 'Must'

Asked about the earlier agreement to accept Sirhan's plea of guilty, Compton acknowledged that the bargain struck last February "imposes on us the obligation not to assert that the death penalty is an absolute must."

Both defense and prosecution have said that the penalty phase will probably be brief—possibly only a few hours, or a day or two at the most.

Compton said he didn't feel the jury's verdict necessarily reflected disdain for the defense contention that Sirhan was mentally ill and acting under diminished mental capacity when he shot Kennedy.

"I don't feel that the verdict was a repudiation of psychiatry in general," said Compton. "I just think the objective facts were quite overwhelming evidence of premeditation."

The psychiatric evidence, culled from 10 expert witnesses in three weeks of testimony, could still be a major factor in deliberations on Sirhan's punishment, although it was insufficient to influence the jury from Thursday's first-degree verdict.

The verdict ended what is perhaps one of the least suspenseful yet oddly controversial murder trials in U.S. history.

It was known from last June 5—and admitted by the defense even before the trial—that Sirhan was Kennedy's killer. With that on the record, the only questions to resolve in a public trial were whether Sirhan could be held fully responsible for his actions, and if so, how severely he should be punished.

Early in February, the defense was willing to enter a plea of guilty of first degree murder with the understanding that Sirhan would receive a life sentence.

The prosecution was willing to accept this arrangement, feeling that on the basis of their own psychiatric evidence they might have a hard time convincing the jury that Sirhan really deserved to die for his crime.

Bargain, Rejected

But Judge Walker rejected the bargain, ruling that the defense might change the plea if it chose, but must take its chances on the penalty and let the jury decide between life or death. Sirhan was then unwilling, the deal fell through and the trial proceeded.

Irritation at the ensuing length and expense of the trial has been widespread since. Los Angeles County Supervisor Kenneth Hahn, chairman of the Superior Courts Committee, has issued regular press releases on the mounting expense of the Sirhan trial. He says it has now cost the taxpayers more than \$1 million, although that figure is disputed.

The general public, too, has expressed anger at the slow, deliberate trying of a defendant whose slaying of Kennedy is beyond question, even admitted.

Complaint has taken many forms: That the extraordinary security is wasteful; that Sirhan should be summarily gassed; that Judge Walker should have accepted the guilty plea and sentenced Sirhan to life; that the protraction can be laid to the lawyers' or the judge's personal vanity and that the taxpaying public shouldn't have to support Sirhan for the rest of his life.

Special Facilities

On learning that a three-cell unit was being readied for Sirhan at the California Medical Facility in Vacaville, in anticipation that he might get life, one man said with heavy sarcasm, "Yeah, so he can live like a king up there."

Perhaps the best answer to such complaints is Judge Walker's own. He told The Times last month that unresolved mysteries arising from President John F. Kennedy's assassination in Dallas in 1963, and the subsequent killing of Lee Harvey Oswald by Jack Ruby, cost the American taxpayer more than \$5 million in extra investigation and answering the conspiracy theorists. He didn't want that here, Judge Walker said, and so ordered all the facts laid before the public in a hard-fought trial.

The late Judge Preston Battle's acceptance of a guilty plea by Martin Luther King's slayer, James Earl Ray, and continuing speculation about the truth in that case are also seen by some as a strong argument for Judge Walker's logic.

The trial has held many moments of drama.

These centered mostly on the tiny defendant—his weathervane moods, his impassioned anti-Israeli lectures from the witness stand, his little fits of pique and the big rages when he asked to die, and all the smiles and frowns that so rarely matched what was being said in court.

The most chilling single vignette to illustrate the peculiarly off-key quality to Sirhan's responses occurred during defense at-

orney Russell E. Parson's fire-and-brimstone summation, when he said, "There isn't a man in America who shouldn't say prayers for the remainder of the Kennedy family every night."

Sirhan, battling with a mirthful smile throughout the grandfatherly Parson's final plea, clapped his hand over his mouth and doubled over at that, as if barely suppressing a laugh.

Signs of Nerves

The trial didn't always amuse Sirhan. Often he appeared brooding and nervous, chewing at hangnails, locking and unlocking his fingers, darting somber glances around the courtroom. He always sat with his chair drawn close as possible to Parsons, touching the old man, whispering to him interminably.

And there were the temper flareups, in court and out, strangely triggered by impending introduction of the very things most likely to save Sirhan:

—His notebook: a chaotic chronicle of his downward emotional spiral from personal frustration to general hostility to, specific murderous hate. The prosecution and the judge were using the notebook "to railroad me into the gas chamber," Sirhan told the judge in one behind-scenes exchange.

Names Scratched

—Defense witnesses: including two girls with whom he was infatuated, who could have testified to the emotional shallowness and superficiality of his dealings with other people. Sirhan angrily scratched their names from a witness list and, in a dramatic open court outburst, tried to fire his attorneys, plead guilty and demand execution. Judge Walker denied the demand and threatened to gag and bind Sirhan if the temper tantrums continued.

—His school grades and intelligence rating: strong.

support for the defense contention that life had shortchanged him from the beginning. Of superior intelligence in some ways, Sirhan couldn't endure hearing that he was deficient in others.

By trial's end, virtually all the reporters who had scrutinized Sirhan daily for 15 weeks were agreed that the little Palestinian refugee was indeed mentally ill. Their only question was the same one plaguing the jury: How sick was he? Sick enough that it mitigated his crime? In short, was he more sick than guilty, or more guilty than sick?

Peculiar to California

The defense has revolved on the contention that Sirhan is both guilty and sick. This is the defense of diminished capacity—a legal doctrine available to the defense only in California.

It is a doctrine that is still being developed since its first application in 1949. In brief, it holds that

a person may be found guilty of first degree murder and yet be unable because of mental illness, rage, fear, obsession or intoxication, to maturely and meaningfully premeditate, deliberate and hold malice aforethought.

Whether Sirhan's case fit a... where onto this still indeterminate scale of responsibility was a subtle matter of degree for 12 jurors to calculate and agree upon unanimously.

Sirhan was by no means the only person to suffer damage in the long and often acrimonious trial.

His mother, Mary, faithful in attendance until the very end, inspired a curious blend of sympathy and bemused speculation as she sat day after day, eyes fixed straight ahead, a study in stoicism.

Only 5 feet, 11 inches tall, not pretty, with a face careworn well past its 56 years, Mary Sirhan lost her composure only rarely in public.

Occasionally, when testimony lanced a bit too deeply through her formidable emotional barricades, she would cry a little, and one could not help but be moved to see the homely yet somehow appealing face crumple with pain.

She has buried eight of 13 children, been abandoned by her husband, and it has been a wretchedly unhappy life. Who could have imagined it could grow so much worse?

Mother's Strength

But always, just as the tears began, Mary Sirhan would draw herself up short and reiterate her firm, perhaps unyielding, belief that God is on her side and will give her strength.

There is iron in this woman who could say, as she did one morning, "If I did not belong to God, I don't know where I'd be." Perhaps. But no one envies her present position.

Sirhan's brothers, Adel and Munir, one or both of whom invariably accompanied their mother to the trial, took a more contemporary but equally stoic view of the proceedings.

Munir, 21, did nine months in jail after a teen-age dalliance with marijuana. "I learned my lesson," he says. But then his favorite older brother killed Kennedy and today Munir looks at the future with a pessimism that could be youth, or maybe something more. "When one falls, we all fall," he says with a wry half-smile.

Adel, 39, a musician and now the only one of five brothers without a police record, is little more optimistic. Reminded once that he has a life ahead of him when the publicity is over, he shrugged and said, "With my name? But maybe so — someplace else."

At least four other persons suffered in varying degrees in the trial of a man they had never heard of before last June. These were two psychologists and two psychiatrists who absorbed a good deal of hard cross-examination.

First was clinical psychologist Martin M. Schorr, who testified for the defense that Sirhan was a paranoid schizophrenic who, in killing Kennedy, was killing the absent father he hated and feared.

Reporters were thrilled with Schorr's vivid, quotable language in describing Sirhan, and they were thrilled anew when they learned it wasn't Schorr's language at all. He had lifted it almost verbatim from a recently-published book because, he confessed, "I wanted a punchy way to spice up my testimony."

Schorr never fully regained his composure once the prosecution tossed the word "plagiarism" into the air. Defense attorney Cooper himself later referred to Schorr as "the little man in the green suit."

Next in Line

The next expert to be blistered was Dr. Bernard L. Diamond, professor of law, psychiatry and criminology at UC Berkeley, possessor of a glittering reputation in the field of psychiatry and the law.

Diamond, testifying for the defense with self-assurance and a dazzling command of psychiatric expertise, also found Sirhan a "mild schizo-

phrenic and said further that he was in a state of self-induced hypnosis — from standing in front of mirrors at the Ambassador—when he shot Kennedy.

In a dramatically written summary, from which he read in court, Diamond admitted that the diagnosis might appear "an absurd and preposterous story, unlikely and incredible." But, he insisted, it was true.

The prosecution seized upon this admission and derided Diamond's testimony and courtroom manner, portraying him as egotistical, omniscient and quick to dismiss the opinions of others.

Even Cooper, in his summation to the jury, conceded that "you might not have liked Dr. Diamond's manner."

Earlier Report Cited

Dr. Seymour Pollack was the chief prosecution psychiatrist. He testified that he found Sirhan mentally ill, but described him merely as "a developing paranoid personality."

When Cooper began cross-examination, it was disclosed to the jury that in an earlier report to the prosecution Pollack had diagnosed Sirhan in more serious sounding language as a "psychotic" and a "borderline schizophrenic."

Cooper also elicited from Pollack the fact that Pollack himself, in the same report, had urged that Sirhan escape the death sentence.

Preconception Angle

Clinical psychologist Leonard Olinger, a part-time instructor at USC's extension division, was the final expert witness. He testified for the prosecution that all previous nine experts—including Pollack for the prosecution—had exaggerated the extent of Sirhan's illness.

Schorr's work particularly, he said, was chiefly the result of Schorr's own preconceived notions about the case and his expectation that he would find major illness in Sirhan.

Cooper, cross examining Olinger, charged him with having preconceptions of his own—particularly because it was on the basis of newspaper accounts of the trial that Olinger phoned the prosecution and offered to counter Schorr's testimony. Cooper said Olinger had solicited his own way into the case uninvited.

(Mount Clipping in Space Below)

Sirhan Case Goes to Jury 15 Weeks After Start of Trial

BY DAVE SMITH

Times Staff Writer

The case of the People vs. Sirhan Bishara Sirhan went to the jury Monday—15 weeks to the day after the celebrated murder trial began.

After receiving one hour of instruction in the law from Superior Judge Herbert V. Walker, the seven-man, five-woman jury retired at 2:55 p.m. to an upstairs jury room.

There they elected a foreman and began deliberating whether the admitted killer of Sen. Robert F. Kennedy is innocent or guilty.

Judge Walker told the jury four possible verdicts could be returned: guilty of first-degree murder, guilty of second-degree murder, guilty of voluntary manslaughter or—a virtual impossibility—acquittal.

The jurors deliberated until 4 p.m., when they were taken to the hotel where they have been sequestered since the trial opened. They will deliberate from about 8 a.m. to 4 p.m. daily, adhering to the shortened court day Judge Walker has been observing because of the need for heavy security whenever the courtroom is open.

The trial reached its end Monday morning with Chief Dep. Dist. Atty. Lynn D. Compton urging the jury to scrap all psychiatric testimony—"throw 'em all out in one big bag"—and decide Sirhan's fate with "plain common sense and good logic."

Compton told the jury it was Charles Dickens who once wrote, "The law is an ass." Compton added, "I think the law became an ass the day it let the psychiatrists get their hands on the law."

He scoffed at defense contentions that Sirhan was a paranoid psychotic and a schizophrenic who suffered dissociative trances. Sirhan, Compton said, was simply "cunning and vicious."

Sirhan, who chewed persistently on a hangnail and listened quietly as Compton spoke, fared better in Compton's summation than did the psychiatric profession.

Compton ridiculed point after point, doctor after doctor, and the lengthy expert testimony which painted Sirhan as too sick mentally to meaningfully premeditate the killing.

Disdains Tests

Referring disdainfully to two batteries of psychological tests given to Sirhan, Compton said:

"I say reject the tests, put 'em out, because it would be a frightening thing if the decision in a case of this magnitude turned on whether Sirhan saw a couple of clowns playing patty cake in an inkblot, or kicking each other in the shins."

If expert testimony could always be believed, Compton told the jury, then cases could be judged without juries at all.

Compton told the jurors he regarded them all as "average people" and urged them not to overcomplicate their decision because of the formality of the 3½-month-long trial.

He wanted them, he said, to approach their decision with the same feeling of informality they would feel "in your own living-room" and to "just

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tion from its beginnings until now, Compton virtually snorted:

"If he was a vegetable on June 5, he should have been a dribbling idiot by the time you saw him on the witness stand."

But he was no such thing, Compton said.

Compton said psychiatrists and psychologists "don't belong here in the courtroom on the issue of guilt or innocence" and added "They can't tell you from showing Sirhan a lot of pictures and inkblots in November, or whenever it was, the kind of mind he had on June 5."

He likened the psychiatric defense to "sort of a double-play combination—Sirhan to Schorr to Diamond" and said this combination "always throws to first base."

Derides Findings

Compton, 47, one-time football player whose crewcut has now turned silver, derided the findings of defense experts—particularly two: clinical psychologist Martin M. Schorr and UC Berkeley psychiatrist Bernard L. Diamond.

He dismissed Schorr perfunctorily, saying, "He gets all hung up on family relationships and father images." He reserved special contempt for the performance of Dr. Diamond.

Compton said a prosecution psychiatrist based his opinions on the testimony of witnesses, but "the ubiquitous Dr. Diamond, the walking lie-detector, the handwriting expert, the gun expert, the psychologist and psychiatrist" implied that all other witnesses either knew nothing or were lying "until (he), Dr. Diamond, descended on the scene."

"He did it with mirrors," Compton said of Diamond's testimony that Sirhan had experimented with self-hypnosis with mirrors and inadvertently put himself into a trance before mirrors at the Ambassador Hotel last June 4,

use the gifts you have and use the processes you use in making everyday decisions in your normal life."

Compton said he, like the defense, wants "the world to know that justice is possible in this country," and added: "The verdict you return—which we urge should be first-degree murder—will be just as just as any other verdict."

Such a verdict carries only two possible penalties—death in the gas chamber or life imprisonment. Compton didn't specify a preference for either.

Compton said the only issue for the jurors to decide was whether Sirhan's defense of diminished capacity to maturely and meaningfully premeditate and carry out his act is a valid one.

Judge Walker opened the morning session by instructing the jury to disregard Compton's previous statements about diminished capacity on Friday.

Judge Walker told the jurors that it is "a doctrine that is being developed" and applies to crimes where specific intent to murder is proven. Compton had referred to diminished capacity in connection with crimes that Judge Walker said were unrelated to this.

Compton said Sirhan himself, in "fencing" on the stand with his cross examiners, provided the clearest evidence that he didn't suffer from diminished mental capacity, but rather showed unusual alertness.

Citing psychiatric testimony that Sirhan's mental illness was one that was causing rapid deteriora-