

port theories which seem incongruous to the layman should prove to the world, say the critics, that psychiatrists don't know what they are talking about.

In the opinion of Dr. Thomas and two other authorities on legal psychiatry the chief error of the psychiatrists in the Sirhan trial was that they lost their objectivity.

"There is no question about the competency of those men (the psychiatric expert witnesses)," said Dr. Oscar K. Diamond director of Manhattan State Hospital and clinical professor of psychiatry at Mt. Sinai Medical College.

"But a man's life was at stake and under pressure of examination and cross-examination many things were said or implied which led to elaborations, conjectures and prognostications which ordinarily these men would not have entered."

Dr. Gene L. Usdin, a Louisiana State University psychiatrist and chairman of the psychiatry consultant's committee of the American Bar Foundation, believes the notoriety of the case caused the experts to over-react.

"They were flattered to be asked to testify in this case. They liked the experience," he said.

Another psychiatrist who is critical of the role his profession is asked to play in courtrooms is Dr. Seymour Halleck of the University of Wisconsin.

"The Sirhan trial was terrible for the image of psychiatry because the present system demands that psychiatrists answer the question whether a person was responsible for his behavior at some point in the past when the crime was committed," Dr. Halleck said.

Says Questions Wrong

"Instead of being asked to make such a judgment the psychiatrist should be asked to describe the man, to tell why he committed the act and to state how he should be treated—these are sensible things to expect of a psychiatrist. But instead he is asked a stupid question, so he gives a stupid answer."

Dr. Halleck and Dr. Menninger are perhaps the most outspoken critics of the present system.

The typical criminal case in which a psychiatrist is asked to testify involves a defendant who is pleading not guilty by reason of insanity.

California law, like that of nearly every jurisdiction, states that a person cannot be tried, judged or punished while he is insane. The law gives to the psychiatrist the job of deciding whether a particular individual is insane in the legal meaning of the word.

Several Meanings

In the legal context, insanity has several meanings. One is that a person was unable to distinguish right from wrong at the time he committed the act—in other words, he was not responsible for his crime. Another legal meaning carries with it the implication that the insane defendant would be unable to comprehend the proceedings of a trial and unable to cooperate with his counsel.

The legal precedent for an insanity plea was set in England in 1843 in a case involving Daniel M'Naghten who shot and killed the secretary of Sir Robert Peel, the prime minister, thinking that the secretary was Sir Robert.

M'Naghten, who had delusions that he was being hounded by enemies, including Sir Robert, was found not guilty on ground of insanity. The legal criteria for establishing insanity came to be known as the M'Naghten Rule.

Drs. Menninger and Halleck and some judges who have been trying to reconcile law with psychiatric knowledge say the M'Naghten Rule is absurd.

"It requires an incalculable degree of presumption to say whether another individual 'knows' right from wrong, especially when few of us could truly say (except in utter naïveté or ignorance) what our own degree of expertise is in this distinction," Dr. Menninger wrote in his book "The Crime of Punishment."

"I oppose courtroom appearances because I consider guilt, competence and responsibility to be moral questions, not medical ones," Dr. Menninger wrote.

"The judge and the jury are the community's representatives in this area. It is for them to make the judgment and apply the sanctions deemed appropriate, not us psychiatrists."

Dr. Menninger said psychiatrists could properly examine an offender and submit a report of their findings to assist a judge or jury to come to some conclusions about the man's competence.

"But no psychiatrist should presume to accept the responsibility of deciding a highly technical legal question based on these findings," he continued.

"He can say that a man is deluded or distracted or hallucinated, but whether or not his state of mind is compatible with legal 'competence' is something about which a psychiatrist has only common knowledge and not scientific knowledge."

Dr. Halleck, once Dr. Menninger's student, says there are three reasons why psychiatrists are willing to testify in court.

Reasons Stated

They are compassion, a liking for the attention and the belief that they are protecting the image of psychiatry.

Contrary to what many people think, money doesn't have much to do with it, Dr. Halleck said. With few exceptions, psychiatrists can make more money out of court than in.

Dr. Halleck doubts that psychiatrists ever will be able to agree on a workable definition of terms such as psychosis or mental illness.

He pointed out the great difficulty of hanging a diagnostic label on an individual whose emotional state is changing under the influences of the knowledge he has committed a crime, his confinement and his trial.

He believes this changing emotional state is the principal reason why psychiatrists who examine a defendant seldom agree. Like the story of the blind man and the elephant, each sees a different part of the whole and each may be right.

Los Angeles Superior Judge William B. Keene is among the judges who object to the attitude of some psychiatrists that they can impose their own views on a court system which spells out very clearly what the psychiatrist's role should be.

A Question of Law

"Whether we want them or not, they are in the courts by statute. The law makes it mandatory that we appoint one or more psychiatrists in the event of a plea of not guilty by reason of insanity," Judge Keene said.

"We need the psychiatrist's opinion, but it must be given under the court's terms. Perhaps we in law haven't caught up with the medical definition of insanity and maybe we should. But in the interim we have to work within the definition in the legal profession, which is long standing."

Many psychiatrists, he said, do not bother to find out what the court wants from a psychiatrist. They do not attempt to learn the varying legal definitions of insanity or to learn the particular legal context within which any one of the legal definitions is used.

Instead, the judge said, they want to inject their own views and refuse to accept as valid the legal definitions of insanity.

Chief Dep. Dist. Atty. Lynn D. Compton, head of the prosecution team in the Sirhan trial, agrees with Judge Keene that some psychiatrists fight the law with their testimony.

The M'Naghten Rule, he said, draws the line where society wants it to be. It should be a relatively simple matter for psychiatrists to decide whether a particular defendant is above the line—responsible for his crime and therefore to be dispatched to prison—or below it, meaning he is not responsible and therefore to be placed in a mental facility, Compton said.

"But they are not content just to say I examined this man and found he has a certain diagnosable illness. They are unable to say this man has such and such a disease and the symptoms are so and so and define precisely the perimeters of this injury.

"Instead," Compton declared, "they fight the social policy of where the law has pegged the responsibility. They fight the law with their testimony."

"The great majority of psychiatrists are opposed to capital punishment. This causes them to say to themselves, 'This man shouldn't be executed' and they proceed to diagnose the case in such a way that the diagnosis will support their views on capital punishment."

"I have the feeling that, given a defendant who has committed an unsocial act, a psychiatrist will start with the premise that there is a psychiatric reason for the behavior and will then look for things that are wrong."

"The average nonpsychiatrist doctor wouldn't do things that way. But psychiatrists start with the bias that there is something wrong."

Sex Practice Growing

Joseph M. Rosen, a Los Angeles defense attorney with a notable record of keeping defendants out of Death Row, says that the use of psychiatrists will become more prevalent in murder trials because of the recent introduction into the legal system of the theory of diminished capacity.

Diminished capacity was explained in a 1964 California Supreme Court decision in the case of the People vs. Wolff. In a lower court the 15-year-old Wolff, who had killed his mother with an ax handle, was examined by three psychiatrists and found to be insane. The jury ignored the testimony of the psychiatrists and it declared Wolff sane and responsible for his act.

In the subsequent court trial, without a jury, Wolff was found guilty of first-degree murder.

The Supreme Court decision upheld the jury's right to ignore the psychiatric testimony but reduced the judge's finding to second-degree murder.

The reduced sentence had the effect of giving weight to the psychiatric finding that Wolff was so mentally ill that he did not have the mental capacity to reflect the enormity of his crime. At the same time it recognized that he had sufficient mental capacity to know the nature and consequences of his act and therefore was guilty.

From this decision and others has sprung the concept that there exist varying degrees of diminished mental capacity which negate in varying degrees the defendant's malicious intent to kill.

Alcohol and drugs are examples of things that can influence mental capacity. Varying degrees of organic brain damage or mental retardation are others.

All three of the legal representatives interviewed — Judge Keene, Compton and Rosen—said that the concept of diminished capacity will involve an increasing amount of psychiatric testimony in the courts to determine the degree of diminished capacity.

One of the dangers of the current criticisms of psychiatry in the courtroom at a high point now because of the Sirhan trial, is that it may affect psychiatry outside the courtroom.

This could be cause for concern because hundreds of thousands of persons are receiving some sort of psychiatric care or psychological counseling.

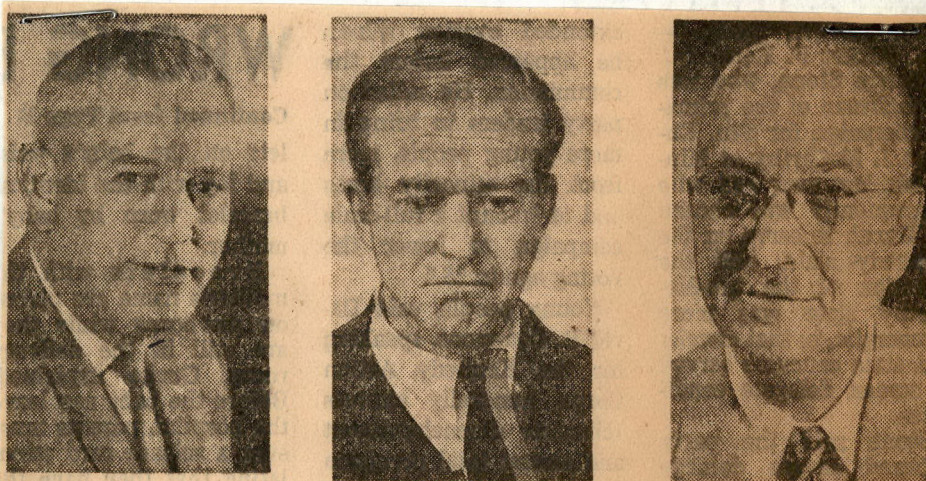
If all the things that critics say are true, some would argue that these patients might be as well off without it. But that argument implies that nothing should be done to help the sick of mind. The alternative—doing something—automatically falls into the scope of psychiatry and the behavioral sciences.

Critics often object not

to psychiatry or psychology but rather to a particular theory of causation or mode of treatment. But the theories and the treatments which they suggest as alternatives invariably are as vulnerable to attack.

Obviously psychiatrists, lawyers and judges need to get together to work out solutions which benefit society by using the best that each has to offer.

If people on trial and society can benefit from psychiatric testimony — and it seems reasonable to assume that the right kind of testimony and treatment can be useful—there should be a clearer understanding of what psychiatry can and cannot do.



POINTS OF VIEW—Chief Dep. Dist. Atty. Lynn D. Compton, left, L.A. Superior Judge William B. Keene and Dr. Karl Menninger, prominent psychiatrist, share in criticizing current role of psychiatric testimony in the courtroom.

(Mount Clipping in Space Below)

Belli, Sirhan Family Discuss His Appeal

BY NOEL GREENWOOD
and LINDA MATHEWS
Times Staff Writers

Attorney Melvin Belli met with the family of Sirhan B. Sirhan here Saturday and then said he probably will handle the appeal of Sirhan's conviction for the assassination of Sen. Robert F. Kennedy.

He said he would meet with Sirhan early this week.

The announcement set off speculation that Belli was about to take over the defense of Sirhan, sentenced to die in the gas chamber.

"I think the death penalty is completely uncalled for," said Belli, who defended Jack Ruby in his trial for the murder of Lee Harvey Oswald, assassin of President John F. Kennedy. Ruby received a death sentence but was awaiting retrial when he died of cancer in January, 1967.

Although Belli said his interest in Sirhan was limited to writing an appeal brief, an associate indicated Belli's role could develop into much more than that.

"There's no question the family would like him to do that (write an appeal brief)," said Sydney Irmas, a Beverly Hills attorney associated with Belli.

"Then, the question is whether he's going to go any further. And I think nobody but Sirhan can decide that."

Russell E. Parsons, one of Sirhan's three defense lawyers, informed of Belli's comments, said he was in the case "until the bitter end."

"I told him (Sirhan) when he hired me that I would go to the Supreme Court of the United States, if necessary, and he shook hands with me and said, 'That's what I want.'" Grant B. Cooper, Sirhan's chief defense counsel, said he knew nothing about Belli entering the case.

Belli said Sirhan's mother and two brothers first approached him about three weeks ago when he was in Los Angeles for a trial.

Two-Hour Meeting

In a two-hour meeting during a court recess, they asked him to enter the case, he said.

Saturday morning, Sirhan's mother and brother, Adel, met with Belli in the lawyer's Los Angeles apartment. Adel then agreed to arrange for the meeting this week between Sirhan and Belli.

Belli said his main interest was in writing the appeal should the motion for a new trial for Sirhan be denied. That motion, submitted last month by Cooper, is scheduled for argument May 21 before Superior Judge Herbert V. Walker.

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

A-B Los Angeles Times
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John Williams

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Deportation For Sirhan's Brother?

Board of Immigration Appeals has taken under advisement a move to deport Munir Bishara Sirhan, 21-year-old brother of the convicted murderer of Sen. Robert F. Kennedy.

The U.S. Immigration Service had delayed action on the pending deportation order until yesterday to avoid any possible influence on the Los Angeles jury that convicted Sirhan Bishara Sirhan of murder on April 19, a government spokesman said.

Munir, native of Palestine and a citizen of Jordan, has been under deportation proceedings since he was convicted of possession and transfer of marijuana Oct. 13, 1966.

Robert A. Vielhaber, counsel for the U.S. Immigration Service, asked the board yesterday to uphold the original deportation order made on grounds of Munir's felony conviction.

Munir was sentenced by a Los Angeles Superior Court to one year in jail and five years on probation. His attorney, however, later persuaded the court to vacate the sentence and transfer it to a juvenile court. Munir was 19 when the incident occurred.

Vielhaber argued yesterday the new trial was sought only to avoid deportation. He also said the court order transmitting the case to juvenile court was contrary to California law.

Appeals Board Chairman Maurice A. Roberts said yesterday that David Marcus, Munir's attorney, would be asked to submit a written brief.

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A-6 Herald-Examiner
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SIRHAN BROTHER FREED IN HOSPITAL ROW TRIAL

Sharif Bishara Sirhan, 37, brother of the condemned slayer of Sen. Robert F. Kennedy, has been acquitted of disturbing the peace charges.

He pleaded "diminished mental capacity" yesterday, the same defense used by Sirhan Bishara Sirhan—now on San Quentin's death row.

A nine-woman, three-man Municipal Court jury deliberated three hours before finding Sirhan innocent of creating a disturbance at the intensive-care unit of St. Luke's Hospital March 28.

Another brother, Saidallah, 36, was being treated there after being in an automobile accident. Sirhan said he had been emo-

tionally upset over his brother's trial, then in progress.

He testified he had been under a doctor's care and had been taking pills and injections at the time of the incident.

Sharif's attorney, George E. Shibley, said his client could not be held responsible for his actions because of his "diminished mental capacity."

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A-10 Herald-Examiner
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Arthur J. Goldberg, former U.S. ambassador to the United Nations, has asked California Gov. Reagan to commute the death sentence of the convicted killer of Sen. Robert F. Kennedy. In a letter Goldberg said he felt he could "presume" to make the request because the diary of Sirhan Bishara Sirhan, the accused killer, listed Goldberg for assassination as well. Goldberg told Reagan that "the evolving standards of decency that mark the progress of our society now condemn as barbaric and inhuman the deliberate institutionalized taking of human life by the state."

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

I-2 Los Angeles Times
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Sirhan Retains 3 New Lawyers in Life Fight

Trio to Handle Doomed Assassin's Request for New Trial, Appeals to Higher Courts

BY ROBERT RAWITCH
Times Staff Writer

Sirhan Bishara Sirhan, convicted assassin of Sen. Robert F. Kennedy, has retained three new lawyers to handle his request for a new trial and appeals to higher courts, it was announced Wednesday.

George E. Shibley, a Long Beach attorney, told a press conference at the Ambassador that he would be joined by Luke McKissack, a Hollywood attorney, and Abdeen Jabara of Detroit, Mich., in assuming "principal responsibility" for Sirhan's appeals.

Grant B. Cooper and Russell Parsons, who along with Emile Zola Berman defended Sirhan in one of the nation's most celebrated trials, will serve in the capacity of "counsel" to the three new attorneys.

Family Request

Shibley said he was asked to enter the case by the Sirhan family because Sirhan felt "he should be on the defense team with attorneys with a background in Palestinian affairs."

Both Shibley and Jabara are of Lebanese ancestry, although both were born in the United States.

Shibley and Sirhan's 21-year-old brother, Munir, visited Sirhan Saturday in his Death Row cell in San Quentin to obtain his confirmation in the change of attorneys.

"He appeared to have made up his mind as to the direction he wanted the case to follow," Shibley said.

Greater Emphasis

Shibley explained that greater emphasis will be given in appeal actions to the problems of Palestinian immigrants and the effect it had on Sirhan's "diminished capacity" to consciously premeditate and commit murder.

During the 15-week trial the defense was criticized by some members of the Sirhan family and pro-Arab groups for not concentrating more on the effects the Mideast crisis had on Sirhan.

Jabara, who was here during part of the trial and has been active in pro-Arab causes, is expected to prepare the major part of

the appeals brief having to do with that issue, Shibley said.

Judge Herbert Walker "erroneously denied" defense attempts to bring in Palestinian experts to testify on background which would show why Sirhan suffered from diminished capacity, he added.

While Cooper and Parsons will handle select sections of the appeals brief, McKissack, a 31-year-old criminal law attorney, will be the man directing future court battles.

Other Grounds

McKissack told newsmen that among other grounds for appeal would be the constitutionality of capital punishment, issues regarding jury selection and composition of the County Grand Jury.

Also critical to the appeal he said would be the question of the pretrial arrangement or "deal" made by the district attorney's office and the defense that if Sirhan were to plead guilty to second-degree murder he would receive no worse than life imprisonment.

Judge Walker refused to accept the arrangement and McKissack said, "It is a real issue whether or not a trial judge has that authority under the law."

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Editor: Nick B. Williams
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Two Arabs on Team to Appeal Case**Sirhan Gets New Lawyers**

Appeal before the California Supreme Court for Sirhan Bishara Sirhan, condemned killer of Sen. Robert F. Kennedy, will be handled by three new attorneys, two of whom share Sirhan's Arab background.

"Sirhan feels that one of the factors that contributed to his death sentence was the situation in Palestine. He felt he should have on his defense team attorneys of Arabic origin," George E. Shibley, who will head the new team, announced yesterday at a press conference in the Ambassador Hotel where Kennedy was shot June 5, 1968.

Others working on the appeal will be Abdeen Jabara, Detroit, Mich., who acted as consultant during Sirhan's four-month trial here, and Hollywood attorney Luke McKissack, 31. Shibley, 59, of Long Beach, and Jabara are U.S. citizens but of Arabic origin.

Shibley said Sirhan's defense attorneys Grant B. Cooper and Russell E. Parsons will assist them as advisors. McKissack estimated opening briefs in the appeal will be written in December.

Sirhan, condemned to death April 23 by a jury and later

sentenced by Judge Herbert V. Walker, is now in Death Row at San Quentin prison.

Cooper said he and Parsons "are relieved to have the responsibility for perfecting the appeal shifted..." explaining the "demands upon our economic resources and the physical drain this past year have been great."



—Herald-Examiner Photo

GEORGE SHIBLEY, LEFT, LUKE MCKISSACK
Attorneys are part of team handling Sirhan appeal

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

A-3 Herald-Examiner
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Sirhan Adds 2 Attorneys For Appeal

Sirhan Bishara Sirhan of Pasadena, convicted assassin of U.S. Sen. Robert F. Kennedy, has employed two new attorneys to head up his appeal from a death sentence.

Replacing Grant B. Cooper and Russell E. Parsons, Sirhan's principal attorneys throughout the lengthy murder trial which ended in Sirhan's conviction, are George Shibley and Luke McKissack.

Shibley, who maintains an office at Wilmington, and McKissack, a Hollywood attorney, will not bear the entire burden of the appeal filing and hearing.

Cooper said Wednesday he and Parsons would assist them on the appeal in the capacity "of counsel."

Sirhan was sentenced to the gas chamber by Superior Judge Herbert V. Walker and currently is on death row at San Quentin Prison.

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

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PASADENA

STAR

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Kennedy Fined 4 Times Before

CHARLOTTESVILLE, Va. (AP)—Sen. Edward M. Kennedy was convicted on traffic charges on four separate occasions in the late 1950s.

Records of the Albemarle County Court disclosed that Kennedy, while a law student at the University of Virginia, was convicted of speeding 65 m.p.h. in a 55 m.p.h. zone in March, 1957, and fined \$15.

In June, 1958, he was convicted of reckless driving and fined \$35. On a separate conviction that same month for speeding—also 65 in a 55 zone—he was fined \$15. A charge of operating a vehicle without a license was suspended. Kennedy was convicted in December, 1959, of failing to stop for a traffic light and fined \$10.

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(Mount Clipping in Space Below)

'DON'T QUIT' DRIVE SET

TROY, N.Y. (AP)—From across the country, former campaign workers for the late Sen. Robert F. Kennedy gathered here Friday night to form a nationwide committee to keep Sen. Edward M. Kennedy from resigning his Senate seat.

The chairman of the group, Mrs. Nina Wiley of Ballston Spa, N.Y., said the campaign workers were called into action earlier this week in anticipation of Kennedy's statement over nationwide television Friday night.

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

I-7 Los Angeles Times
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Callers Flood Lines in Reply to Statement

Massachusetts Thrown in Uproar by Kennedy's Dilemma on Accident

By Associated Press

Massachusetts was thrown into a uproar Friday night over Sen. Edward M. Kennedy's emotion-charged statement on his auto accident last weekend. Kennedy, 37, said he was contemplating resigning.

The switchboards of virtually every newspaper and radio and television station in the state were jammed and Western Union reported it was doing a land office business relaying telegrams to the senator.

From barrooms to church socials, from crowded amusement parks to quiet residential areas, the talk was "Kennedy . . . Kennedy . . . Kennedy."

At the senator's Boston office, a spokesman said three incoming telephone lines were flooded.

"We got about 100 calls in half an hour and would have had more but people couldn't get through," the spokesman said. "I'd say about 99% were favorable."

Reaction to the senator's statement ranged from "brutally frank" to "I don't believe it."

'Everybody Has an Opinion'

"Everybody seems to have an opinion," one newspaper editor in Boston said. "And they're calling us to tell us about it."

One newspaper—the Springfield Union—said it would publish ballots this morning for an impromptu election.

An editor at the Boston Globe said: "All hell's breaking loose over here. I've never seen it like this . . . they're calling by the millions."

It was impossible to judge accurately which way sentiment was running.

The Globe said sentiment in favor of Kennedy remaining in office was overwhelming, but at the Boston Herald Traveler an editor said those in favor and those against him remaining were about even.

A spokesman at the Western Union office in Boston said: "It seems like we've handled about 95,000 calls since Kennedy was on television. Most of the people sending telegrams are all for him."

A similar situation was reported at the Western Union office in Worcester, in the central part of the state.

Among those calling the Boston Bureau of the Associated Press was Kenneth P. O'Donnell, aide to President John F. Kennedy and longtime friend of the Kennedy family.

"I think he ought to stay on," O'Donnell said. "I'd be very disappointed if he did not. I support him. I thought he showed tonight the kind of courage his brothers showed."

Kennedy pleaded guilty earlier in the day on Martha's Vineyard to leaving the scene of the auto accident which claimed the life of a young woman. He was given a two-month suspended jail sentence and a year's probation.

"I would understand full well why some might think it right for me to resign," the senator said in his televised statement.

"I ask you tonight, the people of Massachusetts, to think this thing through with me and in facing this decision I seek your advice and opinion."

Kennedy comes up for reelection next year.

Sen. Edward W. Brooke

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

I-1 LA Times
Los Angeles

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(R-Mass.) declined com-chusetts House Monday ment on Kennedy's state-urging Kennedy to remain in office.

So did Richard Cardinal Cushing, Roman Catholic archbishop of Boston and longtime friend of the Kennedy family.

Rep. Hastings Keith (R-Mass.) said: "I am glad that the senator has helped to clear the air of the rumors. I hope that he and we can get back to the business at hand."

The Speaker of the Massachusetts House, David Bartley (D-Holyoke), sent Kennedy a telegram saying: "I urge you to continue your work on behalf of all of us. Our prayers are with you."

Bartley also said he planned to introduce a resolution in the Massa-

Big city reaction to the statement was as divided as that in the state's smaller towns.

In Boston, for example, James J. Kenney, a bartender, said he disagreed with Kennedy, but he wouldn't elaborate.

But a waitress in the same establishment, Ruth Jarvis, said: "I thought he was terrific . . . It could happen to anyone. I hope he doesn't resign."

In Acton, a small, affluent town about 30 miles west of Boston, Fletcher W. Burger, a baking company executive, said he had supported Kennedy previously but would "think very hard before doing so again."

"If this had been my son or your son," Burger said, "things could have gone differently."

Kennedy received the minimum sentence allowable under the law. He could have received as much as two years in jail.

(Mount Clipping in Space Below)

Kennedy Wins Prompt Support of Mansfield

Majority Leader Votes 'Full Confidence' but Other Colleagues Are More Cautious

BY JOHN H. AVERILL

Times Staff Writer

WASHINGTON — Sen. Edward M. Kennedy (D-Mass.) won a prompt vote of "full confidence" Friday night from his Senate leader, Mike Mansfield (D-Mont.).

"I want Sen. Kennedy to return to the Senate and assume his duties as assistant majority leader," said Mansfield, the Senate majority leader. "He has my full confidence and support."

A more cautious reaction came from Sen. Edmund S. Muskie (D-Me.), the 1968 Democratic vice presidential nominee and a potential presidential contender in 1972.

Muskie told a press conference at Louisville, Ky., that the Kennedy telecast showed "Kennedy the man." However, Muskie added that "obviously political questions remain to be answered."

For the most part the verdict of Kennedy's Senate colleagues remained to be rendered. Many could not be reached for comment. Others were reluctant to pass an immediate judgment.

No Dirksen Comment

Among those withholding their opinion was Senate minority leader Everett M. Dirksen (R-Ill.).

"No comment," was his terse message relayed through his wife.

Sen. George Aiken (R-Vt.), the dean of Senate Republicans and one of Kennedy's fellow New Englanders, said he believed Kennedy had been damaged politically, particularly his presidential prospects.

"They are not so good as they were," Aiken said. "There are always those who will make the most of somebody's misfortune."

But Aiken said Kennedy "told the truth" and should return to the Senate, "the sooner the better for his sake."

"He'll soon find out whether he can take it," Aiken added. "The pressure comes from within."

A high-ranking Senate Democratic aide said he felt the young Massachusetts senator emerged from his ordeal "in good shape," adding, "But I doubt that he is going to concentrate on Massachusetts."

Effect on Party

This appraisal reflected the attitude of many Senate Democrats even before Kennedy went on national television. There was a growing concern that Kennedy's accident could have an adverse effect on the Democratic party's fortunes in next year's congressional elections.

Until last weekend's accident in which his woman passenger was drowned, Kennedy had been widely regarded as the most glittering personality in the party and the man who could be most effective in raising funds for Democratic candidates. He also was in demand as a campaign speaker for candidates facing reelection next year.

But the accident raised doubt as to how effective Kennedy might be as a fund-raiser and whether his magic as a crowd-attractor still remained.

A liberal Democratic senator from the Midwest said candidates "who have been counting on Ted to raise \$1 million for them may have to settle for a lot less."

With the Democratic majority in the Senate now down to 57-43, Kennedy's misfortune has been viewed as a blow to his party's hopes of maintaining control of the Senate.

Kennedy's troubles, some observers felt, could have a fallout effect on Democratic candidates who have been particularly close to the Kennedy family. Those include Sen. Joseph D. Tydings (D-Md.) and Rep. John V. Tunney (D-Calif.).

Tydings, a political intimate of the late Sen. Robert F. Kennedy, is expected to have a tough reelection battle next year. Tunney, who was a Harvard classmate of Ted Kennedy's, is expected to seek the Democratic nomination to oppose Sen. George Murphy (R-Calif.) next year.

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Despite doubts about Kennedy's future, he drew expressions of support from some of his close Senate friends.

Sen. Fred Harris (D-Okla.), who also is Democratic national chairman, said he was "confident that the people of Massachusetts will overwhelmingly support him."

"Ted Kennedy has my unqualified support," Harris said.

Sen. George S. McGovern (D-S.D.), who made an unsuccessful attempt for the Democratic presidential nomination last year after Robert Kennedy's death, said:

"I share Sen. Kennedy's hope that he will have the strength to put this tragedy behind him and to continue the brilliant career I believe history has marked for him. My heart goes out to him and

his family as well as to the family of the splendid girl who was killed."

(Mount Clipping in Space Below)

Kennedy Asks Public Aid in Deciding if He Should Quit

BY RONALD J. OSTROW and DON IRWIN,

Times Staff Writers

HYANNIS PORT, Mass. — Sen. Edward M. Kennedy (D-Mass.) questioned Friday night on nationwide television whether he should resign his Senate seat.

Kennedy coupled a fuller explanation of his actions following an automobile accident that drowned his woman passenger with a plea to Massachusetts citizens to help him decide whether to remain in the Senate.

Asking his constituents for their advice and opinions on the decision, Kennedy, his voice strained with emotion, added:

"In making it, I seek your prayers."

Kennedy called his more than 9-hour delay in reporting the accident

Text of Sen. Kennedy's statement on Page 8, Part 1.

last weekend to police "indefensible."

The speech, broadcast from the living room of Joseph P. Kennedy's house inside the family compound at Hyannis Port was an extraordinary display of self-doubt by any politician, but particularly by a leading presidential prospect.

It came less than 12 hours after Kennedy pleaded guilty in Dukes County District Court here to the misdemeanor crime of leaving the scene of an accident and received a two-month suspended jail sentence.

Pronouncing the sentence which automatically put Kennedy on one-year probation, Judge James J. Boyle said Kennedy "has already been and will continue to be punished far beyond any sentence this court could impose."

Kennedy's speech, which could serve the same purpose as the famous "Checkers Speech" in which Richard M. Nixon solicited the support that kept him on the Republican ticket as the vice presidential nominee in 1952, is believed to have been in preparation for several days. However, it was

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understood from a source close to the family that the final decision to go ahead with it was not reached until Thursday night.

In the speech, Kennedy filled in some, but not all, of the questions left by his explanation to Edgartown police last Saturday of the accident and the hours that followed.

He spoke warmly of the victim, Mary Jo Kopechne, 28, a former secretary and campaign aide to his late brother, Sen. Robert F. Kennedy, calling her a "gentle, kind and idealistic" person.

Kennedy was driving Miss Kopechne from a reunion on nearby Chappaquiddick Island of workers in his brother's 1968 presidential campaign when his 1967 Oldsmobile plunged off a narrow bridge into 8 feet of swiftly moving water.

Kennedy said there is "no truth—no truth whatever—to the widely circulated suspicions of immoral conduct that have been leveled at my behavior and hers regarding that evening. There has never been a private relationship between us of any kind."

"Only reasons of health" prevented his wife, Joan, from attending the reunion, Kennedy said.

Widespread Rumor Denied

The Massachusetts senator went on to deny perhaps the most widespread rumor concerning the accident:

"Nor was I driving under the influence of liquor," he said.

After his car plunged into the water, Kennedy said he thought "I was for certain drowning."

He said he struggled to the surface and then made repeated efforts to rescue Miss Kopechne, but these efforts only increased his utter exhaustion and alarm.

Kennedy said he lay on the grass, presumably on the bank of the channel, for "an undetermined time."

Instead of summoning help from nearby, Kennedy said he walked the 1.2 miles back to the cottage where the reunion was being held and

requested the help of two friends — his cousin, Joseph Gargan and Paul Markham, former U.S. attorney in Boston.

They returned with him to the scene of the wreck and joined in the rescue attempts.

"Their strenuous efforts, undertaken at some risk to their own lives, also proved fruitless," Kennedy said.

Kennedy said he instructed Gargan and Markham "not to alarm Mary Jo's friends"—the other five girls inside the cottage. Instead, they drove to the ferry but found the ferry service had closed down for the night.

Kennedy said he "jumped into the water and impulsively swam across" the 150-yard channel, "nearly drowning once."

Presumably, Gargan and Markham stayed on shore. There was no explanation for their apparent failure to summon police or other aid.

Kennedy said he returned to his hotel, the Shiretown Inn, about 2 a.m. and "collapsed in my room." He said he recalled going outside his room later and saying something to the room clerk.

Russell Peachey, a co-owner of the Shiretown, said Friday night that Kennedy had come down the stairs from his room at 2:25 a.m. and said he had been awakened by the noise from the Colonial Inn next door.

Asks the Time

Peachey said Kennedy asked him the time and the hotel owner told him it was 2:25 a.m. Kennedy returned to his room, Peachey said, making no reference to the accident.

Peachey said he waited until after Kennedy's statement to speak out because he was not certain that the man was Kennedy.

The following morning Kennedy said he returned to Chappaquiddick Island and attempted to call Burke Marshall on a public telephone near the ferry. Marshall, an intimate friend of the Kennedys, was an assistant attorney general for civil rights when Robert Kennedy was attorney general.

Kennedy, recalling the "scrambled thoughts" that went through his mind during the time immediately following the accident, said he wondered "whether some awful curse did actually hang over the Kennedys . . . whether somehow the awful weight of this incredible incident might in some way pass from my shoulders."

"This last week has been an agonizing one for me and the members of my family," Kennedy said. "The grief we feel . . . will remain with us the rest of our lives."

"These events . . . in-
tending . . . my admission
of guilt this morning,"
Kennedy said, "raise the
question in my mind of
whether my standing
among the people of my
state has been so impaired
that I should resign my
seat in the United States
Senate."

Noting that Massachu-
setts has been repre-
sented in the Senate by
such historic giants as
John Quincy Adams, Da-
niel Webster and his as-
sassinated brother, John
F. Kennedy, he said the
state's citizens are entitled
to representation by "men
who inspire their utmost
confidence."

The only outsiders pre-
sent when Kennedy deliv-
ered the speech were
a dozen television techni-
cians. All reporters were
barred from the Kennedy
compound.

Present were the sena-
tor's wife, his sister, Jean,
and her husband, Stephen
Smith, another sister, Pat
Lawford, and their moth-
er, Mrs. Rose Kennedy,
and "other friends," ac-
cording to a Kennedy aide.

Judge Boyle Friday
morning cited "the un-
blemished record of the
defendant" and the fact
that he had not attempted
to conceal his involvement.

Under Massachusetts
law, the suspended sen-
tence will automatically
place the 37-year-old sen-
ator under a year's proba-
tion, newsmen were told
by Dukes County Special
Prosecutor Walter E.
Steele. Kennedy's proba-
tion officer will be Mrs.
Helen Tyra of Edgartown,
the largest village on the
resort island of Martha's
Vineyard, Steele said.

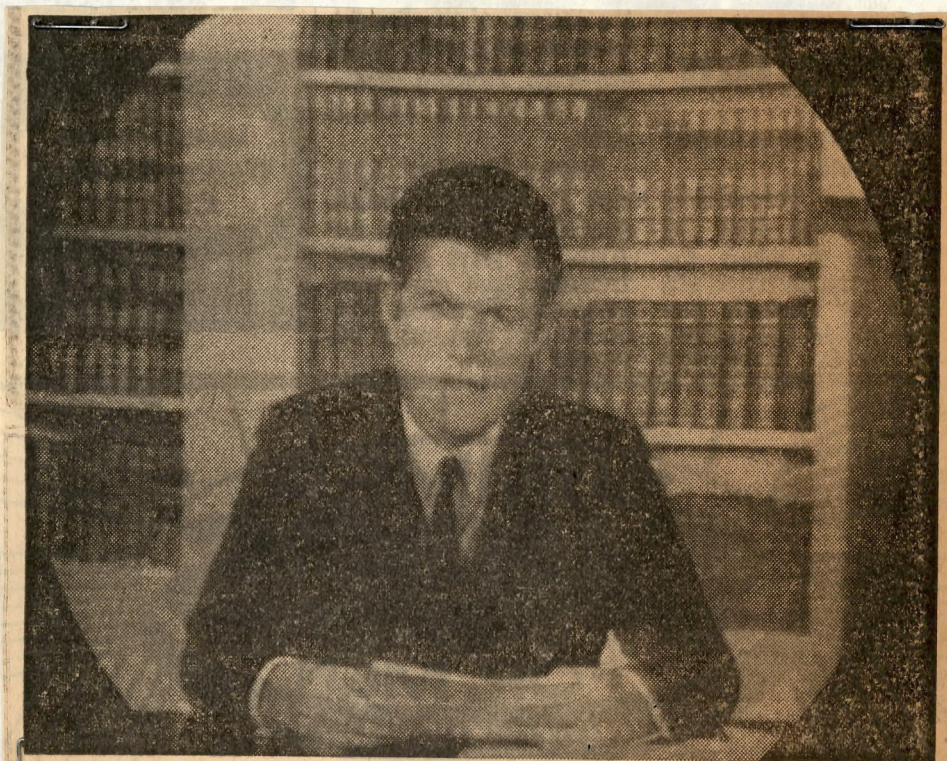
Steele said the guilty
plea ended the case as far
as he was concerned. As in
all cases, he added, if there
is new information "we
would take another look."



KENNEDYS LEAVE COURT—Sen. Edward M. Kennedy (D-Mass.) emerges from Dukes County courthouse in Edgartown, Mass., with wife Joan

after he pleaded guilty of leaving scene of fatal auto accident. Kennedy was given a two-month suspended sentence and was placed on probation.

(AP) Wirephoto



KENNEDY ON TV—Sen. Edward M. Kennedy (D-Mass.) appears on national television to discuss an auto accident in which a young secretary was killed.

(AP) Wirephoto

(Mount Clipping in Space Below)

Sirhan Brother Wins Acquittal in Hospital Ruckus

By J. ROBERT SMITH
Staff Writer

A jury of nine women and three men in Pasadena Municipal Court Tuesday acquitted Sharif Bishara Sirhan, 33, who was charged with creating a disturbance at St. Luke Hospital last March 28.

Sharif, the brother of convicted assassin Sirhan Bishara Sirhan, had gone to the hospital to see another brother, Saidallah, 36, who had been taken there suffering from injuries received in a traffic accident that day.

While in the intensive care room, Sharif was arrested by Pasadena Police Lt. R. E. Smith and charged with the crime.

According to testimony, Sharif was stopped on Arroyo Parkway early in the morning and issued a citation by California Highway officers for speeding on the Pasadena freeway.

While the citation was being written Smith joined the group, and after learning that Sharif was on his way to the hospital also wound up there.

Testimony revealed that he followed Sirhan into the intensive room area and after what the officer termed a disturbance, he arrested Sirhan.

Commenting on the verdict, Long Beach attorney George E. Shibley said, "I think Smith persecuted my client. I don't want to attack the Pasadena police department because they have been very kind to the Sirhan family, however, I feel that there was some personal motive that Smith had."

Sharif had testified that Smith had said to him, "We are going to shoot you all," while the CHP officers were writing the citation. Sharif also told the jury that Smith had pulled his gun on him, which the officer denied.

Regarding the verdict, Judge Daniel L. Fletcher said to the jury, "I want the jury to know we appreciate the time and effort spent in this case, and I respect the verdict."

Assistant City Prosecutor Dave Press commented, "It's difficult for me to see how the jury could arrive at such a verdict unless they bought the defense counsel's argument on diminished mental capacity."

Sharif had testified that he had no memory of creating any disturbance at the hospital.

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

PAGE I

PART I

"PASADENA

STAR

NEWS"

PASADENA CALIF

Date: 6-25-69

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Sirhan Brother Arraigned on Traffic Counts

Exclusive to The Times from
a Staff Writer

OCEANSIDE — Adel Bishara Sirhan, elder brother of the slayer of Sen. Robert F. Kennedy, was arraigned Thursday in North San Diego County Municipal Court on misdemeanor charges of drunken driving, speeding, driving without a license and driving on the wrong side of the road.

Sirhan, 30, who lives at 696 E. Howard St. in Pasadena, pleaded innocent before Municipal Judge Charles Roick and asked to be represented by a public defender. A jury trial was scheduled for Oct. 2.

Sirhan was arrested late Wednesday after police said they observed him driving erratically in downtown Oceanside. Upon his arrest, police said, Sirhan refused to make telephone calls and objected to being photographed. He was released on his own recognizance after Thursday's arraignment.

His brother, Sirhan Bishara Sirhan, is under a death sentence for his first-degree murder conviction in the death of Kennedy in 1963.

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

II-2 LA Times
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Sirhan's Brother Explodes in Court

By J. ROBERT SMITH
Staff Writer

Memories of the Sirhan Bishara Sirhan assassination trial in Los Angeles were still being recalled in a Pasadena courtroom Monday as his 33-year-old brother, Sharif Bishara Sirhan, continued his verbal explosives.

Sirhan is charged with disturbing the peace at St. Luke Hospital last March 28, after his brother Saidallah had been taken there suffering from injuries suffered in a traffic accident.

Several times Municipal Court Judge Daniel L. Fletcher admonished Sirhan not to volunteer any information and to take the advice of his lawyer.

An irritated defense attorney, George E. Shibley who many times had chided Sirhan about his actions asked Judge Fletcher, "May I swear at him in Arabic?"

Sirhan became infuriated when he was being cross-examined by assistant Dep. City Prosecutor Dave Press.

Like his convicted brother Sirhan, Sharif claims that he cannot remember some of the incidents that are alleged to have taken place at the hospital which led to his arrest.

He is basing his defense on diminished capacity, the same as his brother's. In that phase he testified that he had been under a doctor's care for tension and nerves since the assassination of Sen. Robert F. Kennedy, and the alleged shooting at his brother Saidallah on the Pasadena Freeway.

Sirhan testified that he was unable to remember having blown up in court earlier in the day. He said, "I have often been told by my mother that I have no memory of when I blow up."

His brother also claimed that he had no memory of having written in some notebooks.

The jury trial resumed this morning in Dept. 4, 321 E. Colorado Blvd.

Meanwhile, it was learned in Washington that the government's effort to deport Munir Bishara Sirhan, 21, who is attending his brother's trial, was placed before the Board of Immigration Appeals Monday.

The deportation case against Munir, a native of Palestine, has been under way since his conviction of possession and transfer of marijuana, Oct. 13, 1966.

The Appeals Board took the case under advisement.

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PAGE I

PART I

PASADENA

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SIRHAN BROTHER FREED IN HOSPITAL ROW TRIAL

Sharif Bishara Sirhan, 37, brother of the condemned slayer of Sen. Robert F. Kennedy, has been acquitted of disturbing the peace charges.

He pleaded "diminished mental capacity" yesterday, the same defense used by Sirhan Bishara Sirhan—now on San Quentin's death row.

A nine-woman, three-man Municipal Court jury deliberated three hours before finding Sirhan innocent of creating a disturbance at the intensive-care unit of St. Luke's Hospital March 28.

Another brother, Saifallah, 36, was being treated there after being in an automobile accident. Sirhan said he had been emo-

tionally upset over his brother's trial, then in progress.

He testified he had been under a doctor's care and had been taking pills and injections at the time of the incident.

Sharif's attorney, George E. Shibley, said his client could not be held responsible for his actions because of his "diminished mental capacity."

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A-10

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False Arrest Suit Filed by Sharif Sirhan

A claim of an estimated \$100,000 for false arrest was filed Tuesday against a Pasadena police lieutenant and the City of Pasadena by Sharif B. Sirhan, brother of convicted murderer Sirhan Bishara Sirhan.

The claim was filed by Sharif's attorney, George E. Shibley, of Long Beach, who defended him, and is reported to be a new addition to the appeal staff of attorneys in the convicted murderer's case.

The claim was directed to the Pasadena Board of City Directors, and R. E. Smith was named as the arresting officer. The matter is expected to be on the agenda of the next board meeting.

Sharif was acquitted two weeks ago by a jury of a charge of disturbing the peace at St. Luke Hospital, last March 28.

Sharif is claiming special damages estimated between \$1,500 and \$5,000, and general damages in the sum of \$100,000 for malicious assault and battery, personal injuries, false arrest and malicious prosecution.

He is seeking damages incurred by posting of bail bond, expenses for attorney's fees, medical and other treatment, loss of earnings, and damages to his reputation.

The claim is the result of Sharif being arrested by Smith in the intensive care ward of the hospital, where another brother, Saidallah, had been taken following a traffic accident.

The case was unsuccessfully prosecuted by assistant city prosecutor Dave Press.

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PART 2

PAGE 1

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Sirhan Choice: Death Instead of Insanity?

WASHINGTON (UPI) — A psychiatrist said Sunday that Sirhan B. Sirhan let himself be found guilty of first degree murder in the assassination of Sen. Robert F. Kennedy and be sentenced to death rather than admit he is a schizophrenic.

"Sirhan wants everybody to consider him a cool and rational assassin," said Dr. Bernard L. Diamond, a psychiatric witness in the trial. "He believes himself to be a fantastic martyr who by his noble act of self-sacrifice has served his people, the Arabs and become a great hero."

In an interview printed in Psychology Today, Diamond said that "Sirhan is ready to die in the gas chamber to protect this heroic fantasy."

Diamond, 56, professor of law and psychiatry at the University of California and acting dean of Berkeley University's School of Criminology, said persons accused of serious crimes frequently conceal mental illness even though it would constitute an adequate defense at their trial.

Diamond, who put Sirhan under hypnosis during his pretrial examinations, said the defendant as an Arab child in the first Israeli war underwent bombing and shelling and that his condition deteriorated after he came to the United States.

"... he became preoccupied with revolution, violence, dreams of glory, power and becoming the savior of his people," the psychiatrist said.

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Ruling Slated This Week in Kennedy Case

WILKES - BARRE, Pa. (UPI) — Presiding Judge Bernard C. Brominski of Luzerne County Court will hand down a ruling this week on a Massachusetts request for an autopsy on the body of Mary Jo Kopechne, killed in Sen. Edward M. Kennedy's car.

"I'm working on it right now and I'll work through the Labor Day weekend," the judge said Saturday. "I expect I will announce my decision next Tuesday or Wednesday."

Judge Brominski said his decision would be on whether he has the authority or jurisdiction to order exhumation and autopsy of the girl's body, as requested by Dist. Atty. Edmund Dinis of New Bedford, Mass.

Asked to which court Dinis might appeal if Brominski held that he lacked jurisdiction, he replied:

"That's Mr. Dinis' problem. I'm not being facetious when I say I don't know. My problem is a ruling on the motion."

Dinis was preparing for the start of an inquest Wednesday at Edgartown, Mass., into Miss Kopechne's death.

Brominski's ruling will come on a motion filed on behalf of the girl's parents, Mr. and Mrs. Joseph Kopechne, of Berkeley Heights, N.J., who asked the court to reject the Dinis request, charging it failed to set forth sufficient facts to warrant autopsy.

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Sirhan Trial Judge Retires From Bench

BY RON EINSTOSS
Times Staff Writer

The judge who presided over one of the most significant trials in the nation's history officially retired over the weekend from the Superior Court bench.

Herbert V. Walker, who turned 70 today, is confined to his Glendale home recuperating from a heart attack suffered July 3—barely six weeks after he formally sentenced Sirhan B. Sirhan to death for the assassination of Sen. Robert F. Kennedy.

Although he has hung up his robe, Judge Walker will not debate what was the most controversial decision of his lengthy and distinguished career, which included nearly 16 years on the bench.

Early in the Sirhan trial, he vetoed an agreement which would have permitted Sirhan to plead guilty to first-degree murder in return for life imprisonment.

The crusty, white-haired and bushy-browed jurist maintains that he was correct in ruling that the public was entitled to hear from the witness stand all the facts in the historic case.

Wanted Jury Decision

"I didn't want the decision on his guilt or innocence or his penalty determined by a bunch of psychiatrists, but by a jury," he said last week in his sycamore tree-covered patio.

He was referring, he said, to the fact that Dist. Atty. Evelle J. Younger agreed to accept a defense offer to plead guilty (in exchange for a life prison term) because psychiatrists who examined Sirhan said he might not have fully understood the nature and consequences of his heinous act that night 14 months ago.

Walker's entire career as a public servant, which began in 1928 when he became a deputy commissioner of corporations for the state, has been marked by one trait — stubbornness.

In 1943, when Walker was appointed chief deputy district attorney (succeeding, coincidentally, Sirhan's chief counsel, Grant B. Cooper), then Dist. Atty. Fred N. Howser described it in another way.

"No one is going to push him (Walker) around."

And no one, Walker says proudly, ever has.

Once known as a tough judge — perhaps because he has sentenced 20 men to die—Walker mellowed in recent years as he seemed to enjoy his status as the dean of the criminal court bench in Los Angeles County.

The firmness that led countless attorneys to challenge him for prejudice—indirectly conceding they did not have a very good case—appeared to begin softening five years ago, just about the time the Criminal Courts Bar Assn. (composed of those same attorneys) paid special tribute to him at its annual dinner.

"His standards of fairness and justice have been in the highest tradition of judicial responsibility," was the inscription on the plaque presented to him.

Explained Walker last week:

Some Opposition

"No one ever accused me of being easy, but yes, I suppose you can say I mellowed as I gained experience and began tempering my judgment with mercy.

"But it didn't bother me when they said I was a tough judge because I always felt I was right.

"I could always sit alone with myself in peace."

There were some judges here who opposed Walker's selection to try the important Sirhan case.

A younger man was needed, they thought, noting that the trial would be a demanding and lengthy one.

But last Sept. 19, after he returned from a trip to Europe with his wife, Alice, Walker got the assignment that was to be

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the capstone of his career.

No one, his backers said, better filled one of the main criteria established by then-Presiding Judge Donald R. Wright and Judge Richard Schauer, who headed the criminal departments of Superior Court: The judge picked to try Sirhan would have to have wide criminal court experience.

Because Sirhan's conviction is being appealed, Walker discusses it cautiously, repeating what he said when the jury reached its verdict:

"I thought then, and I've heard nothing since to change my mind, that the jury's decision was a correct one."

He also says all the facts were brought out during the trial and that all the "pertinent" questions were answered.

"I am convinced—and there is absolutely no credible evidence to the contrary—that there was no conspiracy to kill Sen. Kennedy," he declared.

In rejecting the offered plea agreement, he said he never considered the fact that such an arrangement would save the court's time and the taxpayers' money.

"Justice is not measured by either time or money and I've never let those factors—in any case—determine my decision," he said.

Law, Not Emotions

His philosophy on the bench these many years, he said, has always been to follow the law.

Even now he won't say whether he personally favors capital punishment, noting that the only thing important to him is that it is the law in California.

A lay leader in the Episcopal Church, which opposes the death penalty as a matter of principle, Walker does, however, maintain that capital punishment is not cruel and unusual or barbaric.

And he believes it serves as a deterrent, even though he presided over a precedent-setting hearing that may lead to its abolition.

In November, 1967, he rejected an ACLU contention that the death penalty is unconstitutional in the case of Robert E. Thornton, a convicted kidnaper, robber and sex pervert.

Could Be Decisive

That case now is on appeal and theoretically could be the one that sounds the death knell for capital punishment.

At the conclusion of the 12-day hearing, Gerald Gottlieb, one of the ACLU lawyers, said of Walker, despite his adverse ruling:

"His labors will constitute a lasting contribution to American law."

Walker agrees with as-

sertions that the most neglected part of criminal law is too little emphasis on rehabilitation of convicted felons.

The problem of rehabilitating the criminal who has been in jail for so long he becomes institutionalized also must be solved, according to Walker.

He thinks California is the most advanced of all states in this respect with its presentencing reports, diagnostic examinations and indeterminate sentencing.

The parole system, he said, is a good one, although errors are made "because it is operated by men who are subject to making mistakes."

The Walkers have three children, one of whom, Herbert W. Walker, practices law in Santa Ana.

It will be about three months before Judge Walker will be able to resume a normal life.

"Right now I'm in the dumps because I feel so helpless," he said.



Judge Herbert V. Walker

(Mount Clipping in Space Below)

Sirhan Case Shows Error in Swallowing Psychiatry Whole

BY MARTIN L. GROSS

The spectacle earlier this year of opposing psychiatrists debating the mental condition of assassin Sirhan Sirhan, provided disquieting thoughts for a nation which has given extensive "police powers" over to the psychiatric profession under our archaic laws of forced commitment for the mentally ill.

Estimates place the mental institution population at a half million, 90% of whom have been incarcerated against their will. Widespread involuntary commitment began at a time in our history when "insanity" still conjured up images of hostile, dangerous souls. Today, with psychiatric pharmacology reducing violent behavior and with better understanding of patient needs, several European nations reserve the "police power" against the mentally ill only for special occasions, permitting the great majority to enter and leave hospitals at will.

In America, for all the platitudinous comments about mental illness being "like any other sickness," it is still treated much like a crime, generally with the patient's incarceration and removal of his civil rights upon court commitment after certification by psychiatrists. This loss of rights includes voting, signing of contracts, driving a car, spending one's own money and other activities taken for granted in a civilized community.

★

Shouldn't society be protected against possible harm from the mentally ill? Dr. Thomas Szasz, professor of psychiatry at the State University of New York, and outspoken defender of patients' rights, points out that such harm is generally not a threat, and that patients are deprived of liberty for the convenience of the community.

"Commitment shields the non-hospitalized members of society from having to accommodate the annoying or idiosyncratic demands of persons who have not violated any criminal statutes," he writes in the current University Review.

This prominent and controversial psychiatrist also challenges the accuracy of the medical-semantic term "mental illness," for which he has been under heavy attack by his colleagues. But on the question of depriving a patient of liberty in order to treat him (or her), Dr. Szasz has presented potent charges and cogent unanswered questions.

Patients with cancer and heart disease may be dying, but they are not legally forced to take treatment. Why are supposed victims of mental illness required to undergo therapy against their will even if they are judged as not harmful to others?

Dr. Szasz brings to mind the Sirhan psychiatric fiasco with another forthright charge. "Probably the most dangerous effect of involuntary psychiatric interventions in a mass society comes from the trend to accept the testimony of psychiatric 'experts' as 'scientific' and therefore 'true,'" he says. "Thus one man's opinion of another receives much more weight than it should."

Despite continual disagreement by psychiatrists in individual sanity cases, the psychiatric profession's faith in its own expertise is not shaken. This was illustrated by a representative of the American Psychiatric Assn. testifying before a House hearing on the "Constitutional Rights of the Mentally Ill." The psychiatrist intelligently criticized removal of patients' civil rights and the discouragement of voluntary treatment, but presumptuously asked that involuntary commitment be made even easier.

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

G-7 Los Angeles Times
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He suggested that the patient need not be "notified" of the court action against him, and be committed simply by "an application to the hospital by a close relative or a friend, and certification by two qualified psychiatrists that they have examined the subject and found him to be mentally ill."

In the name of healing, psychiatry is seeking even greater police power. Dr. Szasz believes that most commitments stem from family desire to eliminate one bothersome member, a trend that would be encouraged by easier psychiatric commitment. The danger to the patient is not unreal. A former governor of Ohio has stated that half the committed patients over 65 in the state's mental institutions were later found not to be mentally ill.

What about the patient who may be dangerous to himself, if not to others? Dr. Szasz has expressed the opinion that potentially suicidal patients should not be restrained indefinitely just because they might kill themselves, inferring that mental hospitals can never be free medical environments if that fear paralyzes their operation.

★

His recommendations? The end of involuntary commitment for the non-criminal mentally ill. All the quasi-criminal trappings of mental hospitalization — commitment, locked doors, fingerprinting, loss of civil rights—should be abolished. Most patients, he is convinced, would voluntarily seek help if the penal atmosphere of the system were eliminated. Mental illness, he adds, should not be used as an excusing condition in criminal trials.

Dr. Szasz's arguments are charged with emotional and intellectual fervor. Undoubtedly some homicidal-prone mental patients need to be restrained, but the cogency of many of Dr. Szasz's arguments cannot be denied.

(Mount Clipping in Space Below)

Sirhan Mother Plans United Nations Plea

Mrs. Mary Sirhan, mother of telegraphed Thant saying she expected to arrive at the UN Monday.

If she is not admitted to a General Assembly session, she said, she will attempt to speak from the steps of United Nations headquarters.

Mrs. Sirhan said she had conceived of the trip months ago, and had finally decided to make it after a recent visit to her son on San Quentin's death row. She described Sirhan, now waiting out an appeal on his death sentence, as acting like a "rat in a trap."

The grey-haired diminutive Arab woman said she would appeal to the UN for her son, for all others awaiting the death sentence in California, for world peace and the cause of the Palestinian Arabs.

Mrs. Sirhan, her son Munir, 22, and a family friend whose identity was not disclosed are traveling to New York in a rented car.

She said yesterday she had

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

A-2 Herald Examiner
Los Angeles, Calif.

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Will PLEAD ASSASSIN SON'S CASE
Mrs. Sirhan and son Munir before leaving for New York City

(Mount Clipping in Space Below)

Mrs. Sirhan Hopes to Talk at U.N. 'in Search for Peace'

BY DAVE SMITH

Times Staff Writer

The mother of the assassin of Sen. Robert F. Kennedy said Wednesday she is going to New York to try to talk to the United Nations "in search for peace."

"I will take only a few minutes," she promised.

In New York, however, a U.N. spokesman said that under the rules of the world organization "no individual can address the General Assembly."

Mrs. Mary Sirhan, in a front porch news conference at her modest white frame house in Pasadena, admitted:

—She has not been in contact with U.N. officials.

—She has nowhere to stay in New York and knows no one.

—Her attorneys are opposed to the trip and have told her she is too weak to make the trip.

—Her son, Sirhan Bishara Sirhan, now in San Quentin's Death Row, does not yet know of her plan.

—And she is not quite sure what she wants to talk about when she gets there.

But, she said, "sometimes we simple people . . . They might hear our cry to them."

Mrs. Sirhan, 57, said she planned to leave immediately after the Wednesday morning news conference with her son, Munir, 21, doing the driving. She said a woman friend — "And she is Jewish, too!" — would go with them. The Sirhans did not name the woman.

Mrs. Sirhan, wearing her light blue, polka-dotted traveling dress, greeted reporters with a broad smile and handshake, then led them into her tiny, spotless living room for coffee and baklava she made herself.

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

I-3 Los Angeles Times
Los Angeles, Calif.

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She said that visits to her imprisoned son have made her determined to try to speak at the United Nations for the last six months. "I can't sleep, I can't eat, I can't rest," she said, adding that she believed her plea, if she may be heard, might in some way help her son.

She said she would immediately send a telegram U.N. Secretary-General U Thant "to tell him I'm on my way."

The telegram, read by Munir, said: "I wish to talk before the General Assembly next week in search for peace in the Middle East. I will take only a few minutes. If all goes well with the automobile, I will

be in New York Monday, Oct. 13. I will phone you then. Thank you very much."

Mrs. Sirhan said she is "not accusing anyone" because of her son's fate. "I know America is full of justice," she said, but she said her plan might influence America to be more merciful.

Asked what she would do if she cannot speak, Mrs. Sirhan said, "I would even stand outside the door and say what I think, what is in my heart."

Mrs. Sirhan said she has had financial hard times in the six months since Sirhan was convicted.

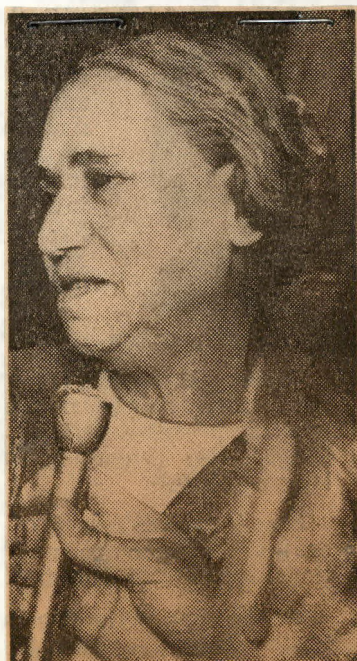
But she said she has rejected several large offers from magazines—one of \$15,000 and another of \$22,000—for stories about her family.

"I cannot take money for this thing," she said. "I don't sell my son. I don't accept any money for innocent blood."

She said one son, Adel, 30, is working somewhere in the state of Washington and sends money when he can.

Munir, 21, has been unable to find work since the highly publicized trial—he has badly impaired eyesight—and she has not felt emotionally able to return to her old job at a church nursery school, she said. "When you care for children, you must be able to concentrate on them," she said.

Mrs. Sirhan said she had no qualms about the trip. "God will be with us," she said. "God is every place."



Mrs. Mary Sirhan

Times photo

(Mount Clipping in Space Below)

Sirhan's Mother Talks to Thant Aide on Mideast Peace

Exclusive to The Times from a Staff Writer

NEW YORK—The mother of the assassin of Sen. Robert F. Kennedy attained a partial victory Monday in her effort to appear before the United Nations on behalf of peace in the Middle East.

Mrs. Mary Sirhan did not get her wish to speak to the General Assembly, but was given a 15-minute interview with Undersecretary for General Assembly Affairs Constantin A. Stavropoulos.

Both Mrs. Sirhan and U.N. officials were reported satisfied with the compromise.

The diminutive, Jerusalem-born mother of Sirhan Bishara Sirhan told newsmen in Pasadena last Wednesday that she and her son, Munir, 21, were departing that afternoon by car for New York.

She admitted she had had no previous contact with U.N. officials, but expressed confidence that she would get to set forth her views. She said she would deliver it from the front steps, if necessary.

Telephone Thant's Office

The Sirhans arrived in New York early Monday and telephoned the office of Secretary-General U Thant. Unaware of her intentions—or her whereabouts at the time of the call—Thant's aides told her to call back at 3 p.m. to speak to Stavropoulos.

Instead, she simply appeared at his office at the appointed hour.

Munir told The Times that his mother and Stavropoulos discussed the tension in the Middle East, the plight of homeless Palestinian refugees, and her conviction that the Mideast's troubles were responsible for her son's assassination of Kennedy.

Stavropoulos later assigned plain clothes security guards to escort Mrs. Sirhan and her son on a private tour of the U.N. building. At 4 p.m., ringed by about 30 security guards, Mrs. Sirhan held a brief news conference for some 40 newsmen, criticizing Zionism.

Munir told The Times that his mother was "very satisfied" with the reception she received, although she would have preferred to fulfill her original aim.

He said they planned to leave New York immediately on the return trip to their home in Pasadena.

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

I-3 LA Times
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(Mount Clipping in Space Below)

SIRHAN BEGINS 7TH MONTH ON DEATH ROW

SAN QUENTIN (UPI) —Sirhan B. Sirhan completed his first six months of lonely isolation on San Quentin Prison's death row Sunday, awaiting appeals on his conviction for the assassination of Sen. Robert F. Kennedy.

"He is very quiet," said Associate Warden James Park. "His routine doesn't change. Lots of reading, very little TV."

The 25-year-old Jordani-an immigrant is isolated in Cell 33, a stark concrete and steel enclosure on the prison's sixth floor. The cells on either side are

empty and two mesh steel screens create a no-man's land 15 feet away in the cellblock corridor.

A different guard brings Sirhan his two meals each day and sometime pauses for a few words with the young assassin. The other 25 condemned men in the unit may approach the mesh screens and converse with Sirhan, but Park said he doesn't seem anxious for the society of other inmates.

Sirhan has a 10 by 15 foot private recreation yard outside his cell, but mostly exercises with a medicine ball or by doing pushups inside the cell.

He leaves the secluded area only for medical appointments and to meet visitors. His mother, brothers and attorneys have averaged about one visit a month since Sirhan arrived at San Quentin on May 23.

When he leaves, other inmates are ordered to clear a 30-foot path for Sirhan and his two guards.

Officials fear other prisoners might try to attack the slayer of Kennedy.

"Our basic obligation is to keep him functioning until the courts decide his case," the associate warden said.

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

II-5 Los Angeles Times
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(Mount Clipping in Space Below)

Sirhan Ends First 6 Months in Jail

SAN QUENTIN (UPI)—Sirhan and sometimes pauses for a few words with the young assassin. The other 25 condemned men in the unit may approach the mesh screens and converse with Sirhan, but Park said he doesn't seem anxious for the society of other inmates. Sirhan has a 10 by 15 foot private recreation yard outside his cell, but mostly exercises with a medicine ball or by doing pushups inside the cell.

"He is very quiet," said Associate Warden James Park. "His routine doesn't change. Lots of reading, very little TV." The 25-year-old Jordanian immigrant is isolated in Cell 33, a stark concrete and steel enclosure on the prison's sixth floor. The cells on either side are empty and two mesh steel screens create a no-man's land 15 feet away in the cellblock corridor.

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"Our basic obligation is to keep him functioning until the courts decide his case," the associate warden said. Sirhan's attorneys are not expected to file their first appeal until March.

Park said Sirhan's reading is heavy on subjects like theosophy, psychology and mysticism, although he also gets Playboy magazine in the mail. "He remains interested in the Middle East situation, reading English-language pro-Arab journals," Park said. The associate warden said Sirhan also listens to Arabic music on a phonograph given him by his family.

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

A-3 Herald Examiner
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(Mount Clipping in Space Below)

Sirhan on Hunger Strike at Quentin

SAN QUENTIN, Calif. (UPI) —Condemned assassin Sirhan B. Sirhan is on a liquid diet hunger strike protesting stringent security arrangements on San Quentin's Death Row.

Sirhan, convicted killer of Sen. Robert F. Kennedy, stopped eating Nov. 28, the prison disclosed Monday.

Sirhan also demanded the right to exercise with other Death Row inmates and reduction of the intensity of a light in front of his cell. Park said a shade was rigged for the light, but the other demands were rejected.

"I'm going on a hunger strike to protest this Nazi concentration-camp-like treatment of yours," Sirhan said in a note to Warden Louis Nelson. "Hitler had more mercy than you do."

The note, which opened with an obscenity, was written by the 25-year-old Jordanian immigrant after Nelson refused to make requested changes in the tight security conditions around Sirhan's isolated cell.

Associate Warden James Park said Sirhan had been complaining for some time about mesh screens which block the corridor near his stark concrete and steel cell.

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

A-1 Herald Examiner
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(Mount Clipping in Space Below)

Sirhan on Hunger Strike 11 Days in Death Row Protest

SAN QUENTIN (P)—Sirhan Bishara Sirhan, condemned assassin of Sen. Robert F. Kennedy, has been on an 11-day hunger strike protesting his confinement in San Quentin Prison's Death Row, Associate Warden James W. L. Park said Monday.

Sirhan, 25, "has subsisted on a diet of instant cocoa and coffee" since Nov. 28, Park added.

Park said Sirhan's health was "pretty good."

"A doctor goes up to Death Row every day and we'll keep an eye on the state of his health," Park said. "If it becomes necessary, we can force-feed him."

Park said he received a letter from Sirhan Nov. 28 saying: " - - - you and your prison. I am going on that hunger strike to protest this Nazi concentration camp-like treatment of yours. Hitler had more mercy than you do."

Park said he talked to Sirhan last Friday.

"Actually Sirhan's in pretty good spirits, but he's a little bit angry at me and the administration."

Asks Exercise Privilege

Sirhan demanded that the extra bright light outside his steel-barred cell, which is 7 feet high, 11 feet long and 4½ feet wide, be reduced. He also asked permission to exercise with the other 72 condemned men on Death Row.

After the Nov. 3 note, Park said, prison officials rigged a cloth shade so the direct beam does not hit his cell. However, he said, the administration decided not to change the tight security in the area of his cell.

Sirhan's cell is isolated from those of the other condemned prisoners. On each side of Sirhan's Cell 33 are locked empty cells.

He can converse with other prisoners across a 15-foot-wide no-man's land that separates his area from the others.

"We have had at least one concrete death threat against Sirhan," Park said. "This consisted of a newspaper article with his picture with a black hand drawn in over his face."

"The word 'doomed' was printed underneath and a little stick figure was holding a knife. We believe it was from one of the condemned men."

The condemned man's mother, Mrs. Mary Sirhan, when called at her home in Pasadena, choked back tears as she said she would soon visit her son and try to persuade him to eat.

Mrs. Sirhan said she last saw her son in October,

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

I-3 LA Times
Los Angeles

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(Mount Clipping in Space Below)

Sirhan Still Refusing to Eat, San Quentin Says

SAN QUENTIN (UPI)—Condemned assassin Sirhan Sirhan spurned breakfast again today on the 12th day of his liquids-only hunger strike against security arrangements on San Quentin's death row.

"There's no change at this point," reported Associate Warden James Park. "He didn't eat last night, and he didn't eat breakfast this morning."

Sirhan, convicted killer of Sen. Robert F. Kennedy, went on a coffee and cocoa diet Nov. 28 to

protest the security measures which keep him isolated from other inmates on death row.

Park said a prison doctor each day routinely examines Sirhan and other inmates sentenced to the gas chamber. He said the prisoner still weighs 105 pounds—his weight when he entered the prison in May.

"He is a very light eater normally," Park said. "He only eats one meal a day and very sparingly of that. He will start eating eventually or we will force food into him. But that's a long way off."

Sirhan is unhappy over wire mesh screens in the cellblock which isolate him from other inmates awaiting execution. He has offered to sign a waiver releasing the prison from any responsibility if anything happened to him.

Sirhan began rejecting solid food after writing Warden Louis Nelson a note reading: "Hitler had more mercy than you do. I'm going on a hunger strike to protest this Nazi concentration camp-like treatment of yours."

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

A-18 Herald Examiner
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BAR MARY

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AUTOPSY

Court Backs

Parents in

Kennedy Case

Way Clear
For Start
Of Inquest

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

A-1 Herald Examiner
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News

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WILKES-BARRE, Pa. (AP)

— A judge refused today to order an exhumation and autopsy on the body of Mary Jo Kopechne, the 28-year-old secretary who died last summer in Sen. Edward M. Kennedy's automobile.

Judge Bernard C. Brominski of Common Pleas Court said testimony at a hearing on the petition by a Massachusetts prosecutor supported the original finding—death by drowning.

The decision clears the way for a Massachusetts court to hold a secret inquest into the accident. Kennedy's car pitched off a bridge and into a tidal pond at Chappaquiddick Island off the Massachusetts coast in the middle of the night on July 18.

The ruling was a victory for Mary Jo's parents, Mr. and Mrs. Joseph A. Kopechne of Berkeley Heights, N.J. They opposed an autopsy on grounds it would be "grossly offensive and prejudicial to their wishes."

"This means that I'll come up here very often to see my daughter," Mrs. Kopechne told a news conference at the courthouse. "I couldn't have gone up to that cemetery again if I knew the grave had been disturbed."

Miss Kopechne is buried in nearby Larksville, near where she was born in this northeastern Pennsylvania coal region.

The father said he was happy with the ruling and the scheduled inquest did not disturb him.

"We are waiting patiently for the inquest to be held," he said.

In Washington, Kennedy said he was grateful for the decision because "I realize how much it meant to the Kopechne family; it increases their peace of mind, and I'm grateful for that."

"Now," Kennedy said, "it's my hope that the authorities in Massachusetts will move forward so the entire matter can be concluded as soon as possible."

Kennedy, who has been in frequent touch with the family since the accident, telephoned the parents this morning to ex-

press his pleasure at Brominski's decision.

Dist. Atty. Edmund Dinis of New Bedford, Mass., sought the autopsy for the inquest. Dinis said in advance he would not appeal any ruling by Brominski.

Brominski said the facts presented at the hearing were "insufficient to support a finding of the cause of death" other than drowning.

He said any conflict in Kennedy's versions of what happened or failure to report the accident for nearly 10 hours "does not suggest a cause of death other than drowning."

Brominski said he took into consideration the parents' objections.

"While their disapproval is not an absolute bar to an exhumation and autopsy," Brominski said, "in view of the facts presented to this court their objections are well taken."

The judge also said that the presence of blood in Miss Kopechne's nose and mouth and on her clothing, as brought out by Dinis at the hearing Oct. 20-21, did not provide sufficient doubt to warrant exhumation.

In New Bedford, Dinis had no immediate comment on the judge's ruling.

And in Edgartown, Mass., District Court Judge James A. Boyle before whom the inquest is to be held, was unavailable for comment. His clerk said Boyle might not have anything to say for some time. Boyle had declined to set a date for the inquest until after Brominski had ruled on the autopsy.



—UPI Telephoto
JUDGE BROMINSKI



MARY JO KOPECHNE