

Dep. Dist. Atty. David N. Fitts made the opening statement for the prosecution and presented this information:

Sirhan was in the Ambassador Hotel kitchen 47 hours before the assassination and was seen by two witnesses.

Returning to the kitchen on June 5, 1968, Sirhan shot the Senator at almost point-blank range, firing several shots which fatally wounded Kennedy and injured five others.

On the day of the shooting, Sirhan spent most of the time at the San Gabriel Valley Gun Club, and told another club patron he was going to use his gun for hunting.

"It could kill a dog," Fitts said Sirhan told a witness who will testify later in the trial, reported a Los Angeles newspaper (Herald-Examiner).

Sirhan told Jess Unruh, former State Assembly speaker, he shot Kennedy "for my country." The statement was made when Unruh accompanied Sirhan and two police officers to the Rampart Division Police Station following the arrest of the Jordanian immigrant. Unruh will testify to this Fitts said, according to the newspaper.

Fitts began his presentation with a series of key dates, which he listed in chronological order.

The first was August 10, 1965, when Albert Leslie Hertz purchased a .22 caliber "Cadet" Iver-Johnson, eight-shot revolver. The pistol eventually found its way into the possession of George Erhart, a co-worker of Munir Sirhan, the defendant's brother.

On the next date, on or about February 2, 1968, Fitts added, Erhart drove to the Sirhan home in Pasadena, with a companion and "in the

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daylight hours waited jointly for Munir and Sirhan Sirhan." The purpose of the visit was to sell Munir the gun, reported the newspaper.

Munir produced \$19 and the defendant paid \$6 for the gun.

On June 1, 1968, Sirhan visited a gun shop in Pasadena, where he purchased "several boxes of .22 caliber ammunition called 'mini-magnum' from a clerk," said Fitts.

"Getting ahead of my story," Fitts continued, "Sen. Kennedy was killed with mini-magnum ammunition."

On June 2, 1968, there was a reception for the Senator and ". . . among those who attended was Sirhan Sirhan. He was observed in the lobby area" of the Ambassador Hotel.

Fitts also stated that Mrs. Miriam Davis went into the Ambassador kitchen for a drink of water and "she observed Sirhan in one of the kitchens leaning on a bar, dressed casually. She mistook him for a hotel employee.

"She will testify at this trial."

The next date noted by Fitts was June 4, 1968, election day. Sirhan went to the San Gabriel Valley Gun Club where he "spent hours on the pistol range, engaged in rapid fire practice at which he excelled."

On June 5, said Fitts, Sirhan "stood on a tray rack in a recess area immediately alongside the ice machine. Sirhan stepped quickly from the rack . . .

"The Senator stood all unaware.

"Sirhan reached into the waistband of his trousers.

"He walked to the side of Karl Uecker (hotel maitre de standing with Kennedy) . . .

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"He extended his right arm across in front of Uecker. His left hand was in the vicinity of the Senator's head . . . and at point-blank range he fired eight shots.

"It is probably the first shot that resulted in the Senator's death 25 hours later.

"The muzzle range (of this shot) was one inch. Kennedy's right hand went to his right ear."

The force of the shots knocked Kennedy to the ground. "He fell backward and came to rest diagonally to the ice machine."

Fitts said that Bill Barry, a Kennedy bodyguard, wrestled the gun away from Sirhan, but the wiry Jordanian regained it. ". . . the scene was complete pandemonium . . .

"Roosevelt Grier (former football star and member of the Kennedy team) was accompanying Mrs. Ethel Kennedy . . . They were still outside the kitchen.

"Grier is a large man . . .

"He pushed his way through the crowd . . . and wrestled the gun from the defendant . . .

"He gave it to Rafer Johnson (former Olympic decathlon star and another Kennedy partisan) for safekeeping . . ."

Fitts continued, "Johnson asked, 'Why did you do it?'"

"Sirhan answered, 'I will explain.'"

Fitts then proceeded to tell of Sirhan's arrest and his refusal to divulge his name to police.

When Travis White, one of the police officers who arrested Sirhan, asked the defendant about the crime, Sirhan replied: "You think

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I am crazy . . . so you can use it in evidence against me . . ."

Sirhan carried no documents when arrested, but did have an automobile key and \$480.10 in cash, including four \$100 bills.

The key led to tracing the defendant's car parked near the Ambassador Hotel. In the car was Sirhan's wallet and a receipt for ammunition bearing his fingerprints.

Sirhan, continued Fitts, was not identified until his brother, Munir, went to the Pasadena Police Station to identify him.

Kennedy, related the deputy district attorney, was taken to the Central Receiving Hospital and later transferred to Good Samaritan Hospital, where a team of physicians, led by Dr. Henry Cuneo, performed brain surgery.

A bullet was recovered which ballistics tests will show was fired from Sirhan's gun, Fitts alleged.

Continuing his narration, Fitts stated:

"At roughly 1:45 a.m., June 6, 1968, the Senator expired. He was pronounced dead by Dr. Cuneo."

There were "five bullet holes in the coat the Senator was wearing -- three entry holes and two exit," said Fitts. "Tests showed that the muzzle range for all the shots fired ranged from one to six inches.

"The evidence in this case will show that the defendant, Sirhan Sirhan, alone was responsible for this tragic incident.

"He acted alone and not in concert with others . . ." concluded Fitts.

One Los Angeles newspaper (Herald-Examiner) reported that, "The

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defense scored one point during the prosecution opening.

"Fitts tried to make reference to diaries Sirhan kept which were seized in a search of his Pasadena home the morning of the shooting. The defense, which claims they were seized illegally, objected, and Judge Herbert V. Walker, presiding over the trial, sustained their objection."

Before Fitts began his presentation, Judge Walker told the jurors that all of the attorneys were "competent, ethical and good lawyers."

He also stated that opening statements were not to be considered as evidence, but rather as outlines of what the defense and prosecution propose to prove.

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FRIDAY, FEBRUARY 14 -- "Sirhan Bishara Sirhan rose from his chair to protest the opening statement of his own defense counsel Friday, as attorney Emile Zola Berman described him as an 'immature, emotionally disturbed and mentally ill youth,'" reported Dave Smith, staff writer, in a Los Angeles newspaper (Times).

As Berman said his client, the accused assassin of Senator Robert F. Kennedy, was mentally ill, Sirhan began to rise from his chair and murmured "No, No," continued the writer.

At this point, Superior Court Inspector William Conroy leaned over the chair of Michael McCowan, defense investigator, and said "Talk to him, Mike."

McCowan leaned over, pushed Sirhan back into his chair with both hands and lectured him for several minutes as Berman continued his opening statement.

In his remarks, Berman said, "There is no doubt and we have told you this from the beginning, that he did in fact fire the shot that killed Senator Kennedy."

Berman added that his client "admired and loved" the Senator and killed the Senator when "he was out of contact with reality, in a trance in which he had no voluntary control over his will, his judgment, his feelings or his actions."

The attorney said that the killing "was unplanned and undeliberate; impulsive and without premeditation or malice, totally a product of a sick, obsessed mind and personality."

He then outlined a story of wartime atrocity and childhood emotional disturbance in Sirhan's first 12 years in his native Palestine,

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saying that it was at the sight of violence in the Israeli-Arab conflicts, and exposure to danger and flight from bombs that Sirhan began to experience spells or trances.

Berman claimed that psychiatrists and sociologists would support defense evidence that these experiences left the defendant with obsessions and fantasies that deepened seriously after the family immigrated here in 1957, finally leaving him so mentally deteriorated that he was incapable of premeditated murder, the newspaper reported.

The late Senator's campaign statements in May and June, 1968, advocating U. S. military aid to Israel were a "heavy shock" to Sirhan, said Berman.

In concluding the opening statement, Berman asked the jury "to listen to the evidence, to adopt what science has to offer and to consult your conscience. In short, let true justice be done."

Following the statement, the prosecution called three witnesses, Karl Uecker, assistant maitre d'hotel at the Ambassador Hotel; Edward Minasian, formerly an assistant maitre d'hotel; and Juan Romero, former busboy.

Uecker told the jury that he was leading Sen. Kennedy by the right hand from a victory celebration in the Embassy Ballroom to another party on the floor below when an unidentified Kennedy aide told him:

"No, we're not going to go there. We're going to the press room."

It was last-minute decision, said the hotel official. As Uecker led Kennedy, someone brushed past him quickly as he looked another way, and Uecker heard "something like a firecracker," followed by another and another.

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The first "firecracker," the prosecution told the jury in its opening statement yesterday, was a bullet fired from one inch from the Senator's head, and is believed to have been the shot that resulted in his death 25 hours later.

Minasian, who was also leading the Senator, said he believed Kennedy saw the gun that took his life.

"I believe he raised his hand to try to protect himself because I'm sure he saw the revolver, the same as I did," Minasian told the jury.

The other witness, Romero, said he knelt beside the stricken senator and placed a rosary in the dying hand.

The defense lawyers questioned the three witnesses "closely on the placement of large wall mirrors outside the Embassy Ballroom, where Sirhan is said to have loitered for much of the evening," reported a Los Angeles newspaper (Times).

Continued the article:

"The purpose of these questions was not specified, but they seemed to indicate the defense might attempt to show that Sirhan was in a state of self-induced hypnosis at the time of the slaying.

"The questions recalled Berman's earlier statements about Sirhan's dabbling with mystic experiments with fishing sinkers, candles and mirrors, his "spells" and "trances" and hypnosis performed on him since the assassination by defense psychiatrists.

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MEMORANDUM

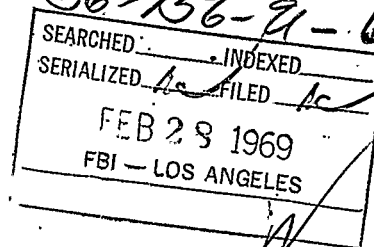
TO: MEMBERS OF THE PRESS, RADIO, TV COVERING THE SIRHAN TRIAL
FROM: EVELLE J. YOUNGER
Los Angeles County District Attorney
SUBJECT: WEEKLY SUMMARY
DATE: JANUARY 6, 1969

Because of widespread interest in the assassination of Senator Robert F. Kennedy in Los Angeles on Wednesday, June 5, 1968, and proceedings in court, the Los Angeles County District Attorney's Office has been publishing a weekly summary of activities in connection with the case.

The summaries are for release on Wednesdays after 10 a.m. and may be obtained from Jerry Littman, District Attorney's News Secretary, Room 618, Hall of Justice, after 4 p.m. each Tuesday, until the trial's conclusion. Additional information may be obtained by calling 626-3888, Extension 82396.

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600 Hall of Justice
Los Angeles, California 90012

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Three men in the Los Angeles County District Attorney's Office have been named by Dist. Atty. Evelle J. Younger to prosecute Sirhan B. Sirhan, the accused assassin of Sen. Robert F. Kennedy.

Heading the unit is Chief Dep. Dist. Atty. Lynn D. Compton, who is assisted by Dep. Dist. Attys. John E. Howard, head of the special investigations division, and David N. Fitts.

Younger, who was re-elected to his second four-year term as district attorney in June, 1968, was born in Nebraska, and received his A.B. and LL.B. degrees from the University of Nebraska.

He has served as an FBI agent, deputy Los Angeles city attorney, Pasadena city prosecutor, Municipal and Superior Court judge and is presently a brigadier general in the Air Force Reserve.

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1-6-69

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600 Hall of Justice
Los Angeles, California 90012

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Call: Jerry Littman
News Secretary
626-3888, Ext. 82396

RELEASE: Tuesday, Jan. 7, 1969

SPECIAL SUPPLEMENT TO WEEKLY SUMMARY

Re: The Assassination of
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FRIDAY, JANUARY 3 -- The Los Angeles County Grand Jury, in its 1968 report issued today, said "the most notable of the cases heard...was the indictment of the alleged assassin of Senator Robert F. Kennedy.

"Senator Kennedy was killed during the early morning hours of June 5, 1968. By Friday, June 7, 1968, the Grand Jury had heard 23 witnesses and returned an indictment against Sirhan Bishara Sirhan for the assassination of Senator Kennedy.

"Special arrangements were made to accommodate all of the representatives from the news media who had converged upon the Hall of Justice to report the proceedings.

"Arrangements were also made to escort the Grand Jurors to and from the hearing room."

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SUNDAY, JANUARY 5 -- Sirhan Bishara Sirha, the 24-year old Jordanian immigrant, accused of assassinating Senator Robert F. Kennedy, was described today in a Los Angeles newspaper (Herald-Examiner) "as a man of many moods."

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The newspaper quoted his brother, Said, of New York, noting that Sirhan "is a nice kid." His former employer, John H. Weidner, described Sirhan as a man "who knows very well what he is doing," while former classmates said Sirhan was intelligent, thoughtful, polite and moody.

Meanwhile, another Los Angeles newspaper (Times) devoted much space to "Sirhan -- the Wanderer -- Never Found His Way."

The Times related that "though he has pleaded innocent, that he shot Kennedy is beyond dispute; he was seized before he finished shooting. What is pertinent, and what the defense will hinge upon, his attorney says, is 'Why he did it? Is he responsible?'"

In the Times article, Robert C. Toth and Dave Smith, staff writers, tell of Sirhan's background as described "by those closest to him."

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A former teacher of Sirhan said "He was not a boy in his head. You respected Sirhan when he talked." Someone else added that "He was a clever boy -- very quick -- but unstable and very unhappy."

John Douglas, Herald-Examiner staff writer, said today "the defendant's mental state may occupy more court time than testimony relating to the shooting.

"The somber fact that, if convicted, the young Jordanian immigrant could suffer the death penalty, has been overshadowed in the preliminaries of the case by questions of motive raised again and again by the defense.

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"In the words of Russell E. Parsons, one of Sirhan's lawyers:

"...What are the real issues?

"If he is the man, why did he do it?"

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"And that is precisely what Compton and his associates think they can prove.

"There is every indication that the prosecutors will seek the death penalty.

"But if Attorneys Grant Cooper, Parsons and Emil Zola Berman can convince the jury that Sirhan acted without malice, their client could get off with as little as five years in prison."

The Herald-Examiner also recapped what happened on June 5, 1968 in this fashion:

"It was approximately 12:20 a.m. the morning of June 5, 1968. More than 1000 wildly enthusiastic Democrats jostled each other and cheered in the hot jammed Embassy Room of the Ambassador Hotel, a California victory theirs.

"At the Cinderella hour, Sen. Robert F. Kennedy had stepped before the microphone to acknowledge his triumph in the California Democratic primary election and to thank them for their support.

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"The Kennedys and their party, bound for private celebrating at The Factory, changed their planned exit course through the packed crowd in the stifling ballroom.

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Five other persons were also wounded that night, including Paul Schrade, shot in the head; William Weisel, wounded in the abdomen; Irwin Stoll, shot in the leg; Ira Goldstein, shot in the left hip; and Mrs. Elizabeth Evans, scalp wound.

"All are expected to testify in the murder trial of Sirhan," noted the Herald-Examiner.

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MEMORANDUM

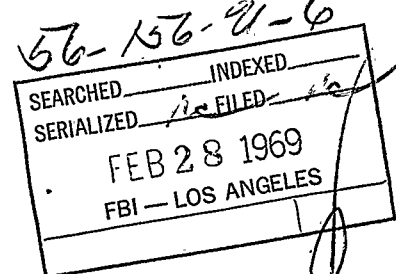
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NEWS RELEASE

Office of the District Attorney
600 Hall of Justice
Los Angeles, California 90012

FOR FURTHER INFORMATION

Call: Jerry Littman
News Secretary
626-3888, Ext. 82396

RELEASE: Wed., Feb. 26, 1969
After 10 a.m.

WEEKLY SUMMARY #38

Re: The assassination of
Senator Robert F. Kennedy

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MONDAY, FEBRUARY 17 -- The prosecution today called seven witnesses in the trial of Sirhan B. Sirhan, the accused assassin of Sen. Robert F. Kennedy.

Roosevelt Grier, former Los Angeles Ram tackle and now host of a TV show, told the court that he folded Sirhan's leg around his (Grier's) arm "and put him on top of a table."

Soon after grabbing Sirhan, Grier related, he saw "one guy hurting his leg and some people coming at him from the front, so I swung on them and kicked the guy back and they seemed to realize we were trying to save the guy, so they stopped."

Another witness was Assemblyman Jesse Unruh, who said he was "terribly aware that we could have a repeat of the Oswald situation," and shouted repeatedly, "Don't kill him, don't kill him, we've got to keep him alive."

(Lee Harvey Oswald, accused of assassinating President John F. Kennedy in November, 1963, was murdered before being brought to trial).

Unruh also declared that he shouted, "If the system works at all,

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at all, we are going to try this one" -- presumably Sirhan, reported a Los Angeles newspaper (Times).

The newspaper also related that "defense questioning of both Grier and Unruh brought out that Sen. Kennedy's detour through the kitchen corridor where he met death was a last minute change of plan."

Also testifying was Vincent DiPierro, a part-time waiter at the hotel.

The newspaper noted that he had acknowledged seeing a "girl in the polka dot dress" and further acknowledged that on July 1 he admitted his story was false.

"Monday DiPierro testified that he had seen a girl in a polka dot dress earlier that night, and that after talking to another witness, Sandra Serrano, he had 'injected' the girl into the events immediately surrounding the shooting.

"At that time both Miss Serrano and DiPierro described the girl as wearing a black and white polka dot dress and standing near Sirhan, perhaps even talking to him.

"Dep. Dist. Atty. David N. Fitts produced seven photographs of Valerie Schulte, whom Di Pierro said he believed was the same girl. In the photographs, however, Miss Schulte's dress was of yellow polka dots on a golden background. No further connection was made between Miss Schulte and the shooting scene."

Other witnesses today included John W. Gallivan, Jr., an advance man for the late senator; Jesus Perez, Ambassador Hotel kitchen worker; Martin Patrusky, a hotel bartender; and Frank J. Burns, Jr., a Kennedy campaign worker.

"All gave eyewitness accounts of the slaying, Perez and Patrusky

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testifying that Sirhan had loitered in the corridor for about half an hour before Sen. Kennedy came through, repeatedly asking if they knew whether he planned to come that way," reported Dave Smith, staff writer for a Los Angeles newspaper (Times).

* * *

TUESDAY, FEBRUARY 18 -- Testifying today for the prosecution in the Sirhan B. Sirhan case were:

Everett C. Buckner, rangemaster of the San Gabriel Valley Gun Club where Sirhan went target-practicing June 4, the eve of the assassination;

Valerie Schulte, 22, former manager of Senator Robert F. Kennedy's campaign office in Goleta, and who was identified from photographs as the girl Vincent DiPierro, a witness yesterday, thought he saw near the scene of the shooting at the Ambassador Hotel;

William Barry, chief of security for the slain senator; and
Rafer Johnson, former Olympics decathlon champion.

Reported Dave Smith, staff writer for a Los Angeles newspaper (Times).

"The cross-examination of witnesses helped dismiss for awhile the underlying fact that the outcome of this phase of Sirhan's trial -- now seven weeks old -- is a foregone conclusion: Sirhan did kill Sen. Kennedy and will not be acquitted; the only point at issue is determining the penalty.

"En route to that point, the prosecution is laying out its entire case in an effort to show that Sirhan's act was sufficiently premeditated to warrant a conviction of first-degree murder.

"The defense is bearing with the testimony on the uncontested point in order to undermine whatever evidence of premeditation they can and, if necessary, discredit witnesses who could strengthen the prosecution claim of malice aforethought."

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The newspaper reported that Defense Atty. Grant B. Cooper "employed this tactic" on Buckner. In attacking his credibility, "Cooper also wrote the finish to a statement that months ago provided slight fuel to speculation that Sirhan might have been part of a conspiracy."

This came about when Cooper cited a statement of Buckner's last summer.

"Didn't you say that a lady was with him (Sirhan)?" Cooper asked. The witness replied, "No, I said a lady came up and he showed her how to shoot."

Continued Cooper to Buckner, "Did you or did you not say at that time that the lady told Sirhan, 'Get out of here, God damn you. Somebody will recognize us?'"

Buckner denied making the statement, then said he had told police "it sounded that way," and that "I couldn't hear them that well."

Cooper then asked Buckner if he had not taken a lie detector test and flunked it. Buckner answered he had "just flunked on that question."

At this point, Dep. Dist. Atty. David N. Fitts objected to the lie detector tests, stating they were inadmissible. The exchange was stricken from the record.

Miss Schulte told the court that she couldn't have run at all last June 4, because she was on crutches as the result of a skiing accident, and still wears a brace on her right leg.

(DiPierro and Sandra Serrano, a witness yet to be called, told investigators last summer they had seen a girl in a black and white polka dot dress, talking to Sirhan and that she later ran from the scene, shouting, "We shot him.")

Miss Schulte said she was wearing a polka dot dress, but not black and white. She exhibited the garment she wore that night. It was a

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lime green mini-dress with canary yellow polka dots.

The witness also related she never even noticed Sirhan until the first shot was fired.

Barry described in a subdued and halting voice how he got separated from Kennedy, and explained that the Senator after finishing a victory statement jumped from the back of the stage instead of returning in Barry's direction.

(He said he was back in the crowd, assisting Mrs. Kennedy and trying to catch up when the first shot was fired).

Johnson told of his part in the struggle to subdue Sirhan after the first shot was fired. Johnson related that he took possession of Sirhan's gun, after Roosevelt Grier, former Los Angeles Rams tackle, who testified yesterday, disarmed the suspect.

"One brief flurry of excitement interrupted the trial when (Superior) Judge Herbert V. Walker ordered the courtroom cleared after Bailiff Willard Polhemus reported a ticking noise in his desk," reported a Los Angeles newspaper (Times).

"After a short search, it was discovered that telephone repairs in the building were causing a solenoid in Polhemus' desk phone to click at regular intervals."

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WEDNESDAY, FEBRUARY 19 -- The prosecution in the case of Sirhan B. Sirhan, the accused assassin of Senator Robert F. Kennedy today called the following to testify:

George Plimpton, author, editor and Kennedy supporter;

Paul Schrade, regional vice president of the United Auto Workers and a member of the senator's entourage, who was among those injured.

Larry Kenneth Arnot, a former clerk at a Pasadena gun shop;

Mrs. Elizabeth Evans, who was injured the night of the assassination.

Ira Goldstein, who was also injured;

Irving Stroll, another person who sustained injuries;

George C. Erhard, Jr., who sold the gun used in the assassination to Sirhan's brother, Munir;

William Price, who accompanied Erhard and another man to the scene of the gun sale; and

Mrs. Albert Leslie Hertz, who said she gave the gun to her daughter, Mrs. Dana Westlake, who also testified today.

Plimpton, according to a Los Angeles newspaper (Times), said that after Sirhan shot Kennedy and was grabbed by aides of the senator, Sirhan was, "compared to the circle of people around him . . . enormously composed. . .

"Amid this hurricane of sound and feeling, he seemed like the eye of the hurricane . . . He seemed purged," the newspaper quoted Plimpton.

The author told the court that immediately after the shooting he grabbed for the gun along with several others, but didn't see the senator

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fall to the floor.

"I didn't have enough courage to look back in that direction," he added.

Schrade testified about being seriously wounded in the hail of gunfire and when walking with the senator he observed "all hell breaking loose. I heard some crackling noises, like electricity, and I saw some flashes. I was badly shaken and I thought we were being electrocuted."

He was shot in the head, just above the hairline, but has since recovered.

Arnot, acknowledged under questioning by Dep. Dist. Atty. David N. Fitts that he sold two boxes of .22-caliber ammunition to Sirhan.

"Then," related a Los Angeles newspaper (Times) "he began to tell of three men -- one of them presumably Sirhan -- who entered the shop on the date of the sale.

"Arnot was quickly interrupted by Fitts, who asked him if a lie detector test later administered to him had not cast doubt on that story.

"Arnot admitted that this was true.

"Defense Atty. Grant B. Cooper then asked Arnot: 'The truth of the matter is, you don't remember to whom you sold that ammunition, do you?'

"'No,' said Arnot."

Erhard said he and Price and another person, whom he could not remember, met Munir Sirhan on a Pasadena street corner and sold the gun to Munir for \$25, after originally demanding \$30.

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Price related that Munir Sirhan borrowed \$5 from Sirhan Sirhan when Munir purchased the gun. Price also recalled holding the weapon and turning it over to Sirhan B. Sirhan.

Tracing the history of the gun was Mrs. Hertz who said her husband originally purchased it following the Watts riots of 1965. She testified she gave the gun to her daughter, Mrs. Westlake, and told her to "throw it on the dump," according to a story in a Los Angeles newspaper (Times).

Mrs. Westlake testified she didn't throw the gun on the dump but instead stored it in the attic of her home.

In the fall of 1967, she gave it to Erhard, the newspaper related.

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THURSDAY, FEBRUARY 20 -- "Superior Judge Herbert V. Walker's insistence that the jury determine any penalty in the murder of Senator Robert F. Kennedy has all but eliminated the possibility of a guilty plea by Sirhan Bishara Sirhan," a Los Angeles newspaper (Times) reported today.

Continued the article:

"Sirhan and his attorneys were willing to plead guilty to first degree murder last week -- on condition that the defendant be guaranteed a life term rather than the death penalty.

"But Sirhan balked at the last minute, when Judge Walker refused to give his required consent to the arrangement. The 69-year old jurist indicated he would accept a guilty plea only on condition that the penalty be set by the jury.

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"Later he is said to have confided that his reason for this was a resolve to guarantee a full airing of the facts surrounding the senator's assassination.

"Sirhan then reportedly took the position, after consulting with his lawyers, that the jury might vote the death penalty even if it were not sought by the prosecution."

The article then raised the question of why the prosecution and defense decided "to take the proposal of a change of plea to Judge Walker."

Said the newspaper:

"The defense attorneys conceded that Sirhan did the shooting. They have publicly stated that their main goal in the case is to save his life.

"By agreeing to a change in plea, with a guaranteed life prison term, they would have accomplished such a mission.

"The prosecution, on the other hand, fully intended from the beginning to seek the death penalty -- and felt there was a good chance of success.

"However, psychiatric reports furnished to both prosecution and defense reduced these chances.

"The prosecution is said to have felt that if it had only a marginal chance of securing the death penalty for Sirhan, the interest of the public might best be served by accepting a guilty plea, with life in prison, thus saving a great deal of time and expense and personal anguish for the families and individuals involved.

"And the prosecution has indicated that it would make public the full record of its investigations in the event of a guilty plea.

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"Presumably there still could be a change of plea. But that is unlikely unless either Judge Walker or Sirhan reverses his present thinking.

"Meanwhile, the prosecution is pushing ahead with its case against Sirhan."

Another Los Angeles newspaper (Daily Journal) today reported that the estimated cost to Los Angeles County for the trial reached \$395,960, as of January 31.

They quoted County Supervisor Kenneth Hahn as noting he thought the expense was worth it if it would prevent the necessity of preparing another Warren Commission report. However, he said, he would continue to watch the expenses.

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THURSDAY, FEBRUARY 20 -- Defense attorneys for Sirhan today made a second motion for a mistrial on grounds their client's defense was prejudiced by a story in the Los Angeles Times (see above for details).

Superior Judge Walker, reported the newspaper, 'denied the motion at an in-chambers session highlighted by a prosecution request that such closed proceedings, both past and future, be made public."

Chief Dep. Dist. Atty. Lynn D. Compton, who heads the three-man prosecution team, said, "We think one of the vices of the whole situation . . . and what creates a problem, is the idea of sealing (transcripts) and secret sessions.

"We just feel that everything has got to be on the record and public and that there should be no secret negotiations, conferences or matters which are in that category.

"I would oppose any further . . . proceedings which are sealed, secret or otherwise handled in that fashion," Compton concluded.

Meanwhile, Grant B. Cooper, one of the three defense attorneys, answered that in plea bargaining, "it is always a secret matter."

In open court, the prosecution continued its case against the accused assassin of Sen. Kennedy and called the following to testify:

Mrs. Elizabeth Evans, who was one of five persons injured at the Ambassador Hotel, where the senator was assassinated;

Ira Goldstein, former newspaperman who was also injured;

Officer James E. Claborne and Sergeant Riley W. Maxwell, Los Angeles Police Department fingerprint experts;

Judy Royer, a secretary for former California Gov. Edmund G. Brown, who worked for the Kennedy campaign and witnessed the slaying.

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Telling of the shooting, Goldstein said he "heard loud popping noises."

In response to a question from Dep. Dist. Atty. David N. Fitts, Goldstein said he heard "two of them at first. I quickly moved to my left. I stepped over someone who had fallen to the ground."

Mrs. Evans, under questioning by Dep. Dist. Atty. John Howard, said she "heard a sound like firecrackers. I lost my shoe. Everything happened very fast."

She told of being taken to a table and finally by ambulance to a hospital, where she underwent surgery for the gunshot wound.

(Sirhan is on trial for the assassination of Sen. Kennedy, and is also charged with five counts of assault with a deadly weapon with intent to commit murder against Mrs. Evans, Goldstein, Irwin Stroll, Paul Schrade and William Weisel).

According to a Los Angeles newspaper (Herald-Examiner), "Police Officer Travis White . . . scored an important point for the prosecution" today.

In his opening statement, Defense Atty. Emile Zola Berman told the jury the defense intended to prove that Sirhan was "in a trance and intoxicated" when he admittedly shot Kennedy, said the newspaper.

However, White testified that a pupil-reaction test of Sirhan's eyes, taken minutes after his arrest, indicated he was not drunk.

Explaining the test, White said he shined a light in Sirhan's eyes in a darkened room and that the pupils contracted normally. An indication of intoxication, he said, would have been a slow contraction. White also looked for other indications of intoxication -- eyes watering,

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weaving, blurred speech and alcoholic breath -- and could find none.

Sergeant Maxwell and Officer Claborne testified to discovering Sirhan's fingerprints on his car parked three blocks from the hotel. In the car was a sales slip for ammunition purchased at a Pasadena gun shop for Sirhan's .22-caliber revolver used to shoot Kennedy.

The sergeant also related that he found Sirhan's fingerprints on the sales slip.

Miss Royer testified to seeing Sirhan hanging around press headquarters for the Kennedy campaign before the shooting. She told him to go away and he did, she revealed.

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FRIDAY, FEBRUARY 21 -- The prosecution in the case against Sirhan B. Sirhan, the accused assassin of Sen. Robert F. Kennedy, today called the following to testify:

Alvin Clark, a Pasadena trash collector befriended by the accused assassin;

Irwin Stroll, who was among the five wounded on the night the senator was killed;

William Weisel, who was also injured;

Dr. Stanley Abo, a physician who attended the Kennedy victory party, and who aided the stricken senator moments after the shooting; and

Mrs. Miriam Davis, a Kennedy campaign worker.

According to a Los Angeles newspaper (Times), Sirhan was arguing with Clark soon after the assassination of Martin Luther King, Clark testified.

Sirhan, related Clark, said:

"What are you going to vote for that son of a B for? Because I'm planning on shooting him."

Continued the newspaper:

"Sirhan did, less than two months after that conversation, and prosecution witness Alvin Clark testified to defense attorney Emile Zola Berman Friday that he told the FBI the following September that he was unwilling to testify against his accused friend -- but the reason was not friendship now.

"'Didn't you tell the FBI you did not want to take the oath because you hated Sirhan so much you'd do anything to see him convicted?'" asked Berman.

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"Yes, I did," said Clark.

"Dep. Dist. Atty. David N. Fitts quickly interjected: 'Have you told the truth here, sir?'"

"Yes," Clark replied firmly. I have."

Sirhan, Clark related, according to the newspaper, fell into the habit of providing coffee, soft drinks and sandwiches to Clark when he made the usual Wednesday trash pickup at the Sirhan home. 'I thought very much of him,' said Clark.

Stroll testified that he was a Kennedy volunteer worker guarding a doorway when he was cut down by a bullet in his left calf.

"I felt someone kick me," said Stroll, adding that he didn't know at first he had been shot. 'Then I noticed -- because I had on blue pants -- that one of my legs was red.'

One of the defense attorneys, Grant B. Cooper, cross-examined Stroll, and asked if he (Stroll) had brought an action of a million and a half dollars against the defendant for the injury to his leg.

Stroll answered that he had.

(The suit, filed earlier this month, actually seeks \$1,050,000.)

Dr. Abo said Kennedy's right eye was open, 'staring aimlessly,' and the left eye was closed. As he bent to see if Kennedy needed artificial respiration, Abo related, the senator's left eye opened 'very quickly with a puzzled look.'

He also said that when Mrs. Ethel Kennedy arrived at her husband's side, the senator 'reached out and took her hand and spoke to her.'

"The defense objected that the conversation was immaterial and the objection was sustained," reported the newspaper.

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Mrs. Davis told of seeing Sirhan in a kitchen in the Ambassador Hotel on June 2, 1968 -- some 47 hours before Kennedy was shot. 'The prosecution contends he was 'casing' the place,' said a Los Angeles newspaper (Herald-Examiner).

Meanwhile, Dr. Thomas T. Noguchi, county chief medical examiner-coroner, who was in charge of conducting the autopsy on the senator, may face ouster proceedings, a Los Angeles newspaper (Times) reported.

... dissatisfaction arose over Dr. Noguchi's asserted delay in handling the autopsy . . ., stated the newspaper, referring to a statement by L. S. Hollinger, county chief administrative officer, that he has asked Noguchi to resign.

Dr. Noguchi said today that no one could have done a more thorough job in the autopsy.

'We did everything that should be done,' he insisted. 'If there was a delay, it was indeed justifiable.'

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NEWS RELEASE

Office of the District Attorney
600 Hall of Justice
Los Angeles, California 90012

FOR FURTHER INFORMATION

Call: Jerry Littman
News Secretary
626-3888, Ext. 82396

RELEASE: Wed., March 5, 1969
After 10 a.m.

WEEKLY SUMMARY #39

Re: The assassination of
Senator Robert F. Kennedy

Note to editors: Because of the widespread interest in the assassination of Senator Robert F. Kennedy in Los Angeles on Wednesday, June 5, 1968, and proceedings in court, the Office of Los Angeles County District Attorney Evelle J. Younger is publishing a weekly summary of the case. This is the 39th summary, and others will be for release on subsequent Wednesdays.

SUNDAY, FEBRUARY 23 -- 'Prosecutors intend to conclude their case against Sirhan Bishara Sirhan by midweek -- showing why the young Arab should die in the gas chamber for the murder of Sen. Robert F. Kennedy,' according to Myrna Oliver, staff writer, in a Los Angeles newspaper (Herald-Examiner) today.

The newspaper reported there might be a 'hassle over admission into evidence of diaries kept by Sirhan before the June 5 slaying . . .' and this 'could extend the prosecution's case.'

One of Sirhan's attorneys, Russell V. Parsons, sought in pre-trial maneuvers to have the diaries suppressed as evidence, claiming they were seized illegally at Sirhan's Pasadena home.

However, Superior Judge Herbert V. Walker, who is presiding, ruled on Oct. 22 that the diaries would not be suppressed. He said they could be introduced in court and that he would rule on their admission at that time.

The writer, noting that when the trial began Jan. 7 it was expected to last three months, quoted Parsons as saying, 'I think they (the

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prosecution) are trying to shorten the trial. It is going much faster than we thought."

Although the prosecution said they would call 80 witnesses, "they have not substantially reduced the planned number of witnesses, but they have raced through the questioning, and will conclude their case in about two weeks of testimony," said the newspaper reporter.

"Also speeding up the trial is a move by defense to diminish the cumulative impact of the prosecution witnesses' testimony. By refusing to cross-examine witnesses at length or at all, they reduce the growing bulk of words that could work against Sirhan."

Grant B. Cooper, chief defense counsel, told the newspaper, he planned to have the Sirhan family -- the mother, brothers and Sirhan himself -- testify, followed by psychiatrists.

Cooper has estimated his case will take "three to four weeks."

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MONDAY, FEBRUARY 24 -- The prosecution in the Sirhan B. Sirhan case today called the following to testify:

DeWayne Wolfer, Los Angeles Police Department ballistics expert;
Sergeant William E. Brandt, Los Angeles Police Department, who searched the Sirhan home in Pasadena for evidence relating to the case; and
Dr. Henry M. Cuneo, neurosurgeon at Good Samaritan Hospital who operated on Sen. Kennedy about three hours after the shooting at the Ambassador Hotel.

At today's session, color photographs from the coroner's inquest on the senator were shown to the jurors for the first time.

"The small courtroom was quiet as the 12 regular and six alternate

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jurors examined the two photographs silently, with little visible reaction, passed them on and examined the fatal bullet and the senator's shredded coat," reported Dave Smith, staff writer, in a Los Angeles newspaper (Times).

The photographs were introduced as Dep. Dist. Atty. David N. Fitts questioned Wolfer. Grant B. Cooper, defense attorney, objected that the photographs were 'highly inflammatory and immaterial to the issues in this case,' but Superior Judge Herbert V. Walker overruled the objection.

It was pointed out by Smith that "the defense has admitted throughout the trial, now eight weeks old, that Sirhan fired the shot that killed Sen. Kennedy after he won the California Democratic primary last June 4."

Continued the newspaper article:

"The photographs show the right side of Sen. Kennedy's head partially shaved, with the bullet wound behind the right ear and extensive 'tattooing' -- powder burns and lead and powder particles imbedded in the skin -- on and behind the ear.

"Wolfer testified that tests showed the fatal wound -- a .22 caliber bullet in Sen. Kennedy's brain -- was fired from about one inch from the senator's head.

"Wolfer also testified that Sen. Kennedy's coat showed five bullet holes -- three entry holes and two exit holes. Besides the fatal bullet to the brain, another bullet was found in soft tissue near the sixth vertebra, Wolfer testified."

Also admitted into evidence today, despite defense objections that it was irrelevant to the case, was the senator's coat, cut away from his body and later crudely stitched together for ballistics and firing tests.

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"Sirhan became agitated shortly before adjournment," reported the newspaper, as Fitts, "questioning Sgt. Brandt began leading up to the controversial diaries in which Sirhan is reported to have written 'Kennedy must be assassinated before June 5.'"

As the three 8½-by-11 inch spiral notebooks were shown to the police sergeant, "Sirhan began whispering urgently to his attorneys. Cooper quickly asked Judge Walker for a recess, saying 'our client has requested it,'" continued the newspaper's account.

The judge instead adjourned court for the day.

"Cooper later told newsmen that Sirhan didn't want the notebooks admitted into evidence and mistakenly thought they had been accepted into evidence without objection from his defense," added the newspaper.

"They hadn't, but it is a certainty that they will be," related the newspaper.

Reporter Smith said "the prosecution claims the notebooks show Sirhan's premeditation to murder Sen. Kennedy. And while the defense has moved to suppress those portions of Sirhan's diaries, the defense nonetheless plans to use other portions to support their contention that Sirhan's capacity to plan was diminished by obsessive traits.

"The defense, in fact, quoted from the notebooks in its opening statement, citing a so-called 'declaration of war against American humanity' by Sirhan last May."

Before adjournment, Brandt told of going to the Sirhan home and admitted that he did not have a search warrant. The newspaper related that "he didn't attempt to get one after being given Adel's (Sirhan's brother) permission to enter the home."

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In his testimony, Dr. Cuneo described how after a tracheotomy, the senator's essential life functions stabilized to the point where a medical team felt he could withstand surgery, and how, after the tracheotomy, Sen. Kennedy's condition remained stable for more than 10 hours.

Cuneo continued that the senator's blood pressure, pulse, cardiac condition and breathing were relatively normal after the surgery -- so that he was breathing on his own, without mechanical aid -- until the afternoon of June 5, when electroencephalograph monitoring showed that the brain functions were beginning to fail.

Kennedy was pronounced dead at 1:44 a.m. on June 6, slightly more than 25 hours after the shooting.

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TUESDAY, FEBRUARY 25 -- Six pages of chaotic, sometimes illegible scribbling in a spiral notebook, along with samples of (Sirhan B.) Sirhan's handwriting and two envelopes were admitted into evidence today, according to a Los Angeles newspaper (Times).

The writings by the 24-year old Jordanian immigrant, accused of assassinating Sen. Robert F. Kennedy and injuring five other persons showed his anger at the United States, a firm but obviously uninformed belief in communism and a growing determination to kill the senator, added Dave Smith, staff writer, in the newspaper.

In another Los Angeles newspaper (Herald-Examiner), John Douglas, staff writer, noted that the defendant's emotional state has taken center stage in his murder trial and his lawyers doubt their ability to control him when diaries -- in which he expressed his desire to kill Sen. Robert Kennedy -- are read to his jury.

The reporter noted that Sirhan tried twice today to plead guilty and halt his trial rather than allow the jury to learn the contents of three diaries he kept prior to June 5, 1968, when he admittedly shot the New York senator.

Grant B. Cooper, one of Sirhan's attorneys, said "We're not going to let him plead guilty, and that his client blew his top, that's all," referring to what happened in court today.

The Times said that Sirhan's sudden change of heart came . . . in Superior Judge Herbert V. Walker's chambers, before the trial resumed with argument on admission of notebooks in which Sirhan wrote of his intent to assassinate Sen. Robert F. Kennedy.

One of the envelopes was found last June 6, hours after the

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senator died, and contained this note, "RFK must be disposed of like his brother was."

Continued the Times article:

"Before the ruling on the notebooks, it was learned that Sirhan told Judge Walker that if they were admitted, he would be railroaded into the gas chamber.

"He reportedly told Judge Walker that he didn't want the judge 'gloating over the fact that you made people think I got a fair trial.'

"Instead, Sirhan is reported to have said, he would rather 'stand up right now and plead guilty and go to the gas chamber.'

"It was learned that Sirhan said Judge Walker was not giving him a fair trial in letting the notebooks into evidence and claimed that prosecution use of the notebooks, taken from his Pasadena home last June 5 without a search warrant, violated his constitutional rights.

"Judge Walker reportedly told Sirhan that his best interests were being protected by his three-man defense team -- Cooper, Emile Zola Berman and Russell B. Parsons -- and that he should follow their advice."

As Dep. Dist. Atty. David N. Fitts began to describe the contents of the notebooks to the jury, Sirhan raised his hand and said, "Your honor, excuse me for interrupting." Defense attorneys whispered to Sirhan and then requested a recess.

For about a half-hour in an adjoining room, the defense attorneys, Sirhan's mother and brother, Munir, 21, tried to calm the excited defendant and talk him out of changing his plea.

Cooper then was granted a continuance until Wednesday, February 26.

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The Times article noted that "Sirhan's wish to plead guilty and face the death penalty is a reversal of his position of two weeks ago, when both defense and prosecution attorneys were willing for Sirhan to plead guilty to first-degree murder with the understanding that he would receive a life sentence.

"Judge Walker rejected that arrangement, insisting that the question of penalty -- death or life imprisonment be left up to the jury.

"At that, Sirhan, then unwilling to risk a possible death sentence, refused to change his plea."

As for the writings of Sirhan, some months before the assassination, the defendant wrote:

"I advocate the overthrow of the current president of the ----- United States of America. I have no absolute plans yet -- but soon will compose some . . . I am poor."

This was in two pages -- labeled "highly inflammatory and prejudicial to the defense" by Cooper -- which was barred from evidence.

However, Judge Walker denied Cooper's repeated plea to admonish all parties not to divulge their contents to the press.

"I don't think the court can restrict the press in any way," said the judge. The controversial two pages will be kept from the eyes of the jury, which is sequestered throughout the trial.

Chief Dep. Dist. Atty. Lynn D. Compton argued successfully that the public had the right to know "what motivated the defendant." And he also suggested that the contents of the two pages, inflammatory or not, illustrated Sirhan's thinking and underscored the "sole issue" in the trial.

As the prosecutor argued for release of the two pages, Sirhan

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sprang to his feet and shouted in Arabic. At this point, Compton was referring to Sirhan's "advocating the overthrow of the country."

Meanwhile, in a somewhat related matter, the county coroner-chief medical examiner, Dr. Thomas Noguchi, who was in charge of the autopsy on Sen. Kennedy, resigned effective March 4.

L. S. Hollinger, chief county administrator, and members of the County Board of Supervisors were slated to go into executive session today to hear Hollinger's complaints against Noguchi. The meeting was adjourned amid reports of Dr. Noguchi's possible resignation.

Last Friday, Dr. Noguchi defended his record, including the autopsy on Kennedy. Hollinger insisted he was not referring to the Kennedy death when he issued a statement that he had received "a number of complaints and charges about the way Dr. Noguchi runs his office."

* * *

WEDNESDAY, FEBRUARY 26 -- Los Angeles County Dist. Atty. Evelle J. Younger today issued a statement denying a report by Frank Mankiewicz and Tom Braden that Secretary of State William Rogers had "approved" a possible disposition in the Sirhan case.

The comment appeared in a column by the pair in the Washington Post, which Younger termed "inaccurate. Mr. Rogers did not discuss this case with me. He did not approve, disapprove or otherwise comment upon any phase of the Sirhan case."

In his statement issued today, the prosecutor repeated an earlier statement (February 11), in which he remarked:

'In the event the government wished to make any comments concerning the disposition of this case insofar as it may have international

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implications, and insofar as it may particularly relate to problems in the Middle East, I wanted them to be able to do so.

"I made it convenient for appropriate officials in the government (present administration) to express an opinion to me -- they declined and made no comment or recommendation," concluded Younger in February.

Today he said, "This statement was true at the time. It is still true. Mr. Rogers has not discussed the Sirhan case with me to this date. He has made no recommendations. I don't anticipate that he will."

The Mankiewicz-Braden column related that "The State Department specifically approved an agreement reached here (Los Angeles) last week by which Sirhan Sirhan would change his plea to "guilty" in exchange for a sentence of life imprisonment.

"Los Angeles Dist. Atty. Evelle Younger advised Secretary of State William Rogers in Washington of these possibilities in the bargaining between his office and the Sirhan defense staff and received approval of Rogers for the plan."

In court today, the prosecution called its final three witnesses to testify, but indicated it would recall Laurence Stone, handwriting expert for the District Attorney's Office, Monday. Stone established that the Sirhan Diaries were in the defendant's handwriting.

The prosecution today questioned:

Dr. Thomas Noguchi, county coroner-medical examiner;

Dr. V. Faustin Bazilauskas; and

Lt. William C. Jordan, Los Angeles Police Department.

In nine days, the prosecution called 56 witnesses out of 80 it had ready, and offered the jury 80 exhibits.

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Dr. Noguchi, who has resigned effective March 4, described the autopsy performed on Sen. Kennedy shortly after death, 1:44 a.m. on June 6, 1968.

Under questioning by Chief Dep. Dist. Atty. Lynn D. Compton, the county coroner said a bullet fired at one-inch muzzle range, which pierced the senator's skull and brain, was the cause of death.

A second bullet, removed from the fleshy part of the senator's neck, near the vertebrae, would not have caused death, said the coroner.

The second witness, Dr. Bazilauskas, who attended Kennedy at Central Receiving Hospital where he was taken after the shooting, said the senator was "lifeless" when brought to the hospital.

His breathing and pulse were restored through heart massage and use of a heart-lung machine, added Dr. Bazilauskas.

He said Kennedy's condition was stable and his pulse and breathing "good" when he was transferred to Good Samaritan Hospital for surgery.

Lt. Jordan described Sirhan as "extremely polite" and as "one of the most alert and intelligent people I have ever interrogated or attempted to interrogate."

Compton revealed that three more exhibits were prepared, but not admitted into evidence -- including a passage from the Sirhan diaries ruled by Judge Herbert V. Walker to be too "inflammatory" for the jurors' eyes.

The chief deputy district attorney said he would insert into the record, although not seek to present to the jury, statements taken from 200 other peripheral witnesses questioned in his investigation of the case.

"I don't want anyone to think we are hiding anything," he explained to a Los Angeles newspaper (Herald-Examiner).

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Cooper told reporters today that the defense expects to call about 30 witnesses and will take about three weeks to present their case. "Lengthy prosecution cross-examination could extend this estimate, he conceded," reported the same newspaper.

The newspaper continued that Sirhan, his mother, brother, Munir, will testify and that the defense is "expected" to call at least six psychologists and psychiatrists in its attempt to show Sirhan acted under diminished mental capacity in the shooting."

Another Los Angeles newspaper (Times) reported that Sirhan, uneasy about his defense strategy and unruly at his murder trial this week, is 'going to have to calm down or get another lawyer,' one of his defense attorneys warned him . . ."

Continued the article:

'Two other warnings came from Superior Judge Herbert V. Walker:

'1. If Sirhan should lose or fire his three-man defense team and then undertake his own defense, the jurists said, 'There is one thing I have always told all (defendants acting as their own counsel): when they are being tried for murder in a case before me they usually go to the gas chamber.'

'2. If Sirhan doesn't control his courtroom outbursts, he will be physically restrained -- perhaps by being strapped in his chair during court sessions."

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FRIDAY, FEBRUARY 28 -- Sirhan Bishara Sirhan, on trial for the slaying of Sen. Robert F. Kennedy and injuring five other persons, today in court tried to fire his defense counsel and demanded to change his plea to guilty and be executed.

According to a Los Angeles newspaper (Times), Sirhan was "infuriated at disclosure of his school grades and his IQ of 89." At the time of the outburst, John T. Harris, Pasadena school official, was on the witness stand, describing grades and test evaluations of Sirhan.

The newspaper reported that Sirhan, "in a firm but angry voice" said: "I killed Robert F. Kennedy willfully, premeditatedly and with 20 years of malice aforethought . . ."

Superior Judge Herbert V. Walker refused to accept the change of plea or the firing of the three-man defense team. The judge threatened the defendant with a face mask and arm straps to keep him in his chair if there are further outbursts.

After the blow-up, Russell E. Parsons, one of Sirhan's attorneys, whispered with the defendant and asked for a recess. The jury was led out and Grant B. Cooper, another Sirhan attorney who was questioning Harris, explained that Sirhan had earlier said he would forbid the calling of about a dozen witnesses his lawyers believed should testify.

Cooper said Sirhan had later calmed down and promised cooperation, but that he now wanted to speak up in court.

There followed this exchange between judge and accused, as reported in the newspaper:

Judge Walker: There is something you wanted to say?

Sirhan: May I address the court in chambers, sir?

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