

psychologist Eric Marcus and psychiatrist Seymour Pollack -- would create endless political controversy, reported the newspaper.

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TUESDAY, MARCH 25 -- The Sirhan trial was continued until Wednesday as the prosecution asked for time in which to study yesterday's testimony by Dr. Bernard L. Diamond.

According to a Los Angeles newspaper (Herald-Examiner), the prosecution, headed by Chief Dep. Dist. Atty. Lynn D. Compton, and including Dep. Dist. Attys. John Howard and David N. Fitts, were not prepared to attack Dr. Diamond's story today.

They won the 24-hour reprieve from Superior Judge Herbert V. Walker in order to study the testimony before beginning cross-examination.

Added the newspaper:

Part of the reason for this delay was the mechanics of the Sirhan trial. Unlike the other psychiatrists and psychologists in the case, Dr. Diamond prepared no written report.

The official record of Dr. Diamond's testimony was not available to the prosecution until 10 p.m. Monday from the office court reporter."

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WEDNESDAY, MARCH 26 -- Sirhan B. Sirhan was in a "dissociative state" -- a sort of self-induced trance -- the night he shot Sen. Robert F. Kennedy, a defense psychiatrist, Dr. Bernard L. Diamond, testified today under cross-examination by Dep. Dist. Atty. David N. Fitts.

One Los Angeles newspaper (Herald-Examiner) reported that Dr. Diamond told Fitts that Sirhan's practice of self-hypnosis was a warning signal "that should have led to the young Arab's commitment to a mental institution before June 2, 1968 -- the day the prosecution contends Sirhan staked out the Ambassador Hotel preparatory to shooting Kennedy early the morning of June 5."

The newspaper published this account of the questioning:

"Q. -- On June 2, Sirhan wasn't committable?"

"A. -- I, for one, would certainly have recommended his commitment."

"Q. -- But he hadn't done anything wrong at that time?"

"A. -- No, but I would have been very alarmed by his notebook and his psychic experiments. For a paranoid to use self-hypnosis and write such things in his note books is a warning signal that no psychiatrist could ignore."

"Sirhan was a very dangerous individual," Dr. Diamond concluded."

Regarding Sirhan's dissociative state, Fitts asked the psychiatrist what evidence he had to support the doctor's contention that Sirhan had had similar experiences previously.

"There is one thing," Diamond said. "I'm satisfied from the

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descriptions, and from what I observed when I had him under hypnosis that he had been in that state before."

Earlier, Diamond testified that Sirhan would have been disorientated and incapable of planning his own actions.

Here is part of the story published in another Los Angeles newspaper (Times):

"Fitts suggested to Diamond that Sirhan's mother, Mrs. Mary Sirhan, and his brother, Munir, might have told defense investigators and psychiatrists 'what they wanted to hear' about Sirhan's mental state, believing it would work to his benefit.

"Did you take into consideration (when you interviewed them) the Sirhan family's willingness to be helpful generally ... to look for excuses for his behavior?' Fitts asked.

"Diamond said that, to the contrary, he often found the Sirhans unwilling to discuss many elements of their history, particularly anything related to Sirhan's father.

"Fitts pressed the same point.

"'Don't you get the impression that she (Mrs. Sirhan) was laying it on a little bit when she discussed the horrors of war and the effects of the war on her son?' the prosecutor persisted.

"Diamond protested that suggestion.

"'It is impossible to magnify the horrors of war,' he retorted. 'I definitely do not think Mrs. Sirhan was 'laying it on.'

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"At this point, the 25-year old defendant glanced anxiously at his mother and brother, who were sitting in second-row seats in the courtroom.

Fitts produced a transcript of a February 2 meeting between Diamond and other psychiatrists and psychologists, and asked him to read a portion.

Diamond was quoted in the transcript as stating "the whole Sirhan family alternated between the grossest kind of evasion and deception and a kind of suggestible state of telling you what you want to know."

The prosecutor asked: "Didn't you make that statement?"

Diamond said he had, but that the statement had been taken out of context.

The Sirhans were evasive, he said, "only about a particular kind of information and certain events."

At this point, Fitts inquired: "If they were evasive and deceptive about one thing, might they not be evasive and deceptive about others?"

Said Diamond: "The answer to that would be obvious, Mr. Fitts, if you would only allow me to tell you what they were deceptive about."

Reported a Los Angeles newspaper (Times):

"After much wrangling about whether Diamond should be able to

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explain that one matter, he managed to say that they were only evasive when discussing the head of the family, Bishara Sirhan.

"In another tart exchange, Fitts charged Diamond was dodging his questions about what triggered the shooting at the Ambassador.

"Fitts drew the concession that Diamond believed that Sirhan in his normal state, even though he was a paranoid schizophrenic, would have been harmless had he not gone into a dissociative state.

"To explain this crime,' he said, 'you have to go back to Jerusalem in 1948, when Sirhan was a child and study the whole series of events since then.'"

Fitts said he accepted this, but asked whether the actual shooting had been triggered by a dissociative state brought on by drinking and by mirrors and bright lights in the hotel.

The doctor again refused to accept this and remarked, "I won't let you put words in my mouth and say I said what I didn't say."

"Doctor, I don't know why you're dodging me," Fitts said.

In further testimony, Diamond admitted that Sirhan lied on the witness stand when he denied prosecution witnesses' testimony that he practiced rapid-firing at a San Gabriel gun range last June 4.

Diamond said Sirhan lied because he feared the truth might reveal the depth of his emotional illness.

Concluded the newspaper (Times) story:

"Fitts, through several questions, sought to elicit from Diamond an admission that Sirhan had 'concocted' his story of the

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assassination to put himself in a favorable light.

"But at that suggestion, Diamond smiled and said that if Sirhan had concocted his story, it was a story 'that couldn't possibly help him. He was willing to admit he killed Sen. Kennedy, hated him and carried out the assassination to prevent him from becoming president and keeping the bombers from Israel.'

"Fitts then quoted from Diamond's summation of his own testimony, where Diamond said, 'I agree that this is an absurd, preposterous story, unlikely and incredible.'

"Fitts asked Diamond who he 'agreed' with.

"Diamond smiled again and replied, 'I agree with the public and the world.'"

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THURSDAY, MARCH 27 -- The defense in the Sirhan B. Sirhan trial rested its case today and one Los Angeles newspaper (Herald-Examiner) predicted "the matter could go to the jury within 10 days."

After hearing from 29 witnesses, including seven psychologists and psychiatrists, Grant B. Cooper, one of three defense attorneys, read, for the first time in the jury's hearing, the transcript of a Feb. 25 chamber session in which the defendant accused Superior Judge Herbert V. Walker, who is presiding, of "railroading" him into the gas chamber.

"Having underscored that blowup, Cooper cleared the way for the prosecution to begin rebuttal testimony tomorrow," noted another Los Angeles newspaper (Times).

Today, two of the prosecution attorneys, John E. Howard and David N. Fitts of the Los Angeles County District Attorney's Office, sought unsuccessfully to open rebuttal with a 12-minute color film of Sen. Kennedy's speech last June 4, minutes before he was fatally shot.

Reported the newspaper:

"Howard argued that the film would show that Kennedy's speech contained nothing that could be construed as a 'triggering mechanism' for the dissociative emotional state in which the defense claims Sirhan killed Kennedy.

"After strenuous objection from Cooper that the film was immaterial, Judge Walker concurred, on two grounds:

"(1) that no one ever claimed Kennedy had said anything that night that precipitated Sirhan's alleged trance or even claimed that Sirhan had actually heard the speech, and

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"(2) a film of the happy, victorious senator could have an inflammatory effect on the jury outweighing the film's possible value."

As for testimony, Dr. Bernard L. Diamond, psychiatrist, conceded that Sirhan's story of killing Kennedy "raises the gravest problems of credibility" and reads "like a script that would never be acceptable in a Class B motion picture." However, Diamond made it clear he believes it.

In brief re-direct examination by Emile Zola Berman, another defense attorney, Diamond admitted he has termed his psychiatric findings on Sirhan as "an absurd and preposterous story, unlikely and incredible. In my opinion, this is the ultimate absurdity -- too illogical, even for the theater of the absurd."

The doctor also said that when he entered the case, he had no idea he would find evidence of "voodoo thinking" or "mail-order mysticism" and self-hypnosis involved in the slaying of Kennedy.

Reported Dave Smith, Times staff writer:

"The absurdity, he said, was that such superstitious elements could, through the killing of Sen. Kennedy, 'affect the destiny of this country and the entire world.'

"As Diamond concluded this statement, Howard asked, 'Did you just read something?'

"'Yes,' said Diamond.

"'When did you write it?'

"'Late last night,' Diamond said, 'about midnight.'

"The prosecution has clearly shown, without expressing it verbally,

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its disaffection for Diamond's vivid, eloquently worded expressions on Sirhan's mental illness, which Diamond has read in court from prepared statements.

"Shortly after Diamond, a full professor of law, criminology and psychiatry at UC Berkeley, was excused from the stand, it was read into the record that he served as the star defense psychiatric witness without fee."

Also testifying was Georgene Seward, a USC psychology professor, who was called on to evaluate two batteries of psychological tests administered to the defendant by two previous witnesses, clinical psychologists Martin M. Schorr and O. Roderick Richardson.

Dr. Seward said she agreed with the two that five different tests combined to portray Sirhan as a paranoid schizophrenic.

Reported the Times:

"At one point Dr. Seward said Sirhan's reaction to one test indicated the possibility of 'latent homosexual tendencies.'

"At that point, Sirhan glared at the doctor, leaned over to defense attorney Russell Parsons and snapped, 'What kind of a son-of-bitch do they think I am?'

"Howard, cross-examining Dr. Seward, attempted to draw from her, as the prosecution has doggedly tried to do with six previous psychiatric experts, admissions that Sirhan's responses to the tests could be construed as normal for a person in his circumstances.

"But, as with the prior witnesses, Dr. Seward would concede that one question or another might be open to different interpretations, but that the main direction of all tests, taken together, pointed to 'a clear case of schizophrenic reaction, paranoid type.'

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"At one point she said that 'any good clinician' would never diagnose mental illness on the basis of only one question or even one test, but on the total picture.

"Howard chuckled and said, 'Yes, but a poor lawyer has to go through these tests one at a time.'

"Dr. Seward admitted that three of the tests administered to Sirhan have been criticized within the profession, but she defended their use."

The final witness for the defense was George DeVos of UC Berkeley, a psychologist and cultural anthropologist, who testified that he also examined Schorr's and Richardson's tests and arrived at the same diagnosis of paranoid schizophrenia without knowing they had.

Reported the Times:

"Like Dr. Seward, Dr. DeVos admitted that the Rorschach (ink-blot) test has been the subject of some criticism, but said he didn't doubt its validity and added that he had never seen a case of anyone successfully faking interpretations of the inkblots."

Noted the Herald-Examiner:

"Nearly 8000 pages of testimony have been taken in the case which has so far cost Los Angeles County almost \$400,000." The paper also stated that 86 witnesses had been heard by the jury.

Meanwhile, it was learned that Saidallah Sirhan, 36-year old brother of the defendant, was in serious condition in a Pasadena hospital after being struck by a car while crossing a street.

He was X-rayed for possible basal skull fracture and a broken right leg.

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The driver was not cited and police said the incident appeared to be a normal pedestrian-car accident.

Last July 7, Saidallah Sirhan reported that he was shot at twice on a freeway, but was not injured. The assailants were never apprehended.

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FRIDAY, MARCH 28 -- Dr. Seymour Pollack, USC psychiatrist, took the stand today at the trial of Sirhan B. Sirhan "in rebuttal to testimony of defense psychologists and psychiatrists that Sirhan is so mentally ill he is incapable of 'maturely and meaningfully premeditating murder,'" according to a Los Angeles newspaper (Herald-Examiner).

Politics -- not mental illness -- drove Sirhan to shoot Sen. Robert F. Kennedy, Pollack told the court, stating, " I consider Sirhan to be mentally disturbed. But I believe his assassination of Sen. Kennedy was motivated by political reasons that were highly emotionally charged."

The doctor said he spent about 40 hours interviewing Sirhan and his family, and close to 200 hours reviewing all materials about the defendant, "about 10 times" the normal amount of time spent in criminal psychiatric investigation, related the newspaper.

Dr. Pollack said he believed Sirhan to have a "paranoid personality," and that he has exaggerated notions of persecution.

He disagreed with his defense contemporaries, however, that Sirhan developed his mental illness at an early age. Despite the fact that Sirhan witnessed the horrors of the 1948 Arab-Israeli War as a child in Jerusalem, the doctor said he "incurred less, rather than more, emotional disturbance" than did many other Arabs.

Continued the newspaper report:

"Sirhan's mother protected him, the psychiatrist explained, and

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'except for the fact he was a frightened child, there was no other evidence of peculiar behavior.'

"Sirhan arrived in the United States at the age of 12, he said, as 'a hopeful, idealistic, well-behaved young man.

"'I found no evidence of paranoia in Sirhan during his child and teen years,' he said."

Pollack indicated the paranoia began to develop in Sirhan's early 20's; triggered by the death of his sister, Ayda, and the arrest of his brother, Sharif, who was charged with tampering with an auto.

Added the newspaper's story as related by Myrna Oliver, staff writer:

"Prior to the psychiatrist's testimony, prosecution attorneys called handwriting expert Lawrence W. Sloan to discredit defense claims that Sirhan wrote threats on Kennedy's life while in a state of self-hypnosis.

"Sloan said, after comparing the written threats in Sirhan's diaries and 'automatic writing' which Sirhan did in his cell after being hypnotized by defense psychiatrist Dr. Bernard L. Diamond..., that Sirhan was not 'under a state of hypnosis' when he scribbled, 'RFK must die, die, die.'

"District Attorney's investigator George W. Murphy, Los Angeles Police Dept. Sgt. Adolph B. Melendres and LAPD Sgt. Frank J. Patchett, who spent several hours with Sirhan after his arrest, were also called to testify that the defendant was sober when he shot Kennedy.

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"Sirhan's attorneys, in trying to prove he was in a state of diminished capacity at the time of the shooting, have said he was self-hypnotized after his arrest for the June 5 shooting. 'His demeanor was that of a sober man.'"

Judge Herbert V. Walker today announced that there would be no court session on Monday, March 31, because of the death of former President Dwight D. Eisenhower.

Said the judge: "Certainly this man (Eisenhower) was one of the greatest Americans of our generation. He certainly deserves all the respect we can afford him."

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NEWS RELEASE

Office of the District Attorney  
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FOR FURTHER INFORMATION

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

RELEASE: Wed., April 9, 1969  
After 10 a.m.

WEEKLY SUMMARY #44

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 44th summary, and others will be for release on subsequent Wednesdays.

MONDAY, MARCH 31 -- An Associated Press story published in today's editions of a Los Angeles newspaper (Herald-Examiner) said a "three-cell suite is being prepared for Sirhan Bishara Sirhan at a state medical facility in case he is convicted of murdering Sen. Robert F. Kennedy and sentenced to life imprisonment, a state official said Sunday.

"Sirhan's large quarters, now being walled off, will have a kitchen-dining room, a bedroom, a living room and a lavatory with shower," said Philip D. Guthrie of the California Adult Authority.

"The cell, which Guthrie said would protect the occupant from other prisoners, is at the California Medical Facility at Vacaville, near Sacramento."

Sirhan is accused of first degree murder in the assassination of Kennedy. If the jury convicts him of that charge, it will choose between death and life imprisonment as the penalty, related AP.

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Continued the wire service story:

"If given a life sentence, Sirhan would be sent to the medical facility for 'indefinite confinement -- many months or even years,' a standard procedure for prisoners with mental problems, Guthrie said.

"We'll need some reading of his frame of mind and we'll also want to assess the reaction of other inmates."

"Guthrie added that the California Adult Authority is asking the Legislature for special legislation so Sirhan could be held at Vacaville if he receives the death penalty instead of being sent, as state law requires, to Death Row at San Quentin Prison.

"He attributed the request to 'questions brought up about Sirhan's mental condition' and Sirhan's 'notoriety.'"

TUESDAY, APRIL 1 -- Sirhan B. Sirhan, who is on trial for the slaying of Sen. Robert F. Kennedy "flew into a rage" today when a prosecution psychiatrist in effect called him a liar," reported a Los Angeles newspaper (Times).

Dr. Seymour Pollack testified that he didn't believe the defendant "really couldn't remember writing in his notebook of his intent to kill" the senator, related the newspaper.

Continued the news story:

"Pollack said he regarded Sirhan's claimed amnesia as 'an attempt to avoid the serious consequences that could result if the notebook was attributed as evidence of his premeditation to murder Kennedy.'

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"Though Pollack did not use the word 'lie,' Sirhan quickly grasped the import of Pollack's testimony and jumped to his feet, shouting 'Your honor, sir...!'

"Four husky deputies jammed the tiny Palestinian Arab back into his chair as Superior Judge Herbert V. Walker warned: 'You settle down or I'll do what I told you I'd do.'"

(In February, during another outburst, the judge told Sirhan that he would be gagged and tied in the courtroom if the outbursts continued.)

Sirhan didn't settle down today, and told Russell E. Parsons, one of three defense lawyers, "I Told the truth and I don't like him to call me a liar."

The judge called a recess and ordered the jury to retire as four deputies ushered the defendant out of the courtroom. During the 15-minute recess, Parsons calmed the ruffled defendant, and the trial resumed following an apology by Parsons on behalf of his client.

Pollack continued that he believes Sirhan wasn't telling the truth about his alleged amnesia regarding the notebook writing. In earlier testimony the doctor said he didn't believe Sirhan was suffering psychotic delusions when he shot the senator.

Meanwhile, another Los Angeles newspaper (Herald-Examiner) related the following:

"Defense lawyer Emile Zola Berman claims that the psychiatrist, Dr. Seymour Pollack, reported to Dist. Atty. Evelle J. Younger that

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Sirhan was mentally ill -- suffering from paranoid schizophrenia. Then, according to Berman, Dr. Pollack changed his mind and his report.

"Pollack said he thinks the defendant is 'a developing paranoid personality,' but his diagnosis stopped far short of the testimony of seven defense psychiatrists and psychologists who unanimously diagnosed Sirhan as a paranoid schizophrenic," reported the Times.

Continued the article:

"Pollack said he felt Sirhan's mental illness fell under the classification described as 'psychosis, non-psychotic.' He described this as a condition in which a person may exhibit psychotic tendencies in a clinical sense.

"Although he said Sirhan showed paranoid tendencies, Pollack said he found no evidence of paranoid delusions or of organic brain damage -- which the defense has never claimed -- nor had he found evidence of 'peculiarity' in Sirhan's sexual fantasies or of 'bizarre thinking' in his attitude towards (former) President Johnson, former U.N. Ambassador Arthur Goldberg or Sen. Kennedy.

"In his notebook, Sirhan had written over and over about two girls he had known slightly, and he also wrote of his desire to assassinate (former) President Johnson and Goldberg as well as Kennedy.

"Pollack said Sirhan's feelings toward these people were not delusionary, but based on political disillusionment and a resentment of what he believed was hypocritical in American policy toward the Palestinian Arabs and the Israelis."

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Sirhan regarded Kennedy's activities as a sellout to American Zionists whose votes he needed, and "with this attitude toward Kennedy in mind, Pollack said, Sirhan didn't believe he should be punished for killing such a person, because the killing was politically motivated and justified, in Sirhan's view," reported the Times.

Continued the newspaper:

"I don't believe Sirhan expected to be caught,' Pollack said

"Pollack said Sirhan has shown no remorse for killing Kennedy but that Sirhan has had 'some conflict' about the idea of killing another human being. It is his belief that Kennedy betrayed the Arabs, Pollack indicated, that enabled him to feel no remorse for his act.

"Pollack conceded that Sirhan's claimed amnesia could also be a retrograde amnesia rather than a deliberate lie. Retrograde amnesia, he said, is a form of amnesia that develops after an event, when a person cannot bear to face knowledge of what has happened.

"Pollack said he also believes Sirhan's account of his activities up to the time of the killing, with one exception. 'I believe,' said Pollack, 'that he went to the Ambassador Hotel with the conscious intention of killing Kennedy.

"The psychiatrist also conceded that 'it is probable that Sirhan had a few drinks' the night of June 4, at political victory parties at the hotel. The defense claims Sirhan's shooting of Kennedy was done in a dissociative trance partly induced by drunkenness.

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"Pollack said he thinks the possibility that Sirhan might have been in a dissociative state or self-induced hypnotic trance when he shot Kennedy is 'extremely remote.' He said Sirhan 'killed Kennedy because he hated him for what he stood for' and because Sirhan wanted to call attention to the plight of his people.

"In answer to questions by Dep. Dist. Atty. John E. Howard, Pollack said he believes Sirhan was not suffering diminished mental capacity at the time of the shooting, but was quite able to harbor malice aforethought, form the intent to kill and reflect on the consequences," concluded the article.

Meanwhile, another Los Angeles newspaper (Herald-Examiner) reported that "the defense suffered a major blow in Dr. Pollack's testimony.

"The defense contends that Sirhan's mental capability is so badly impaired that he lacked the ability either to premeditate Kennedy's fatal shooting or to comprehend the gravity of his act.

"If the jury of seven men and five women credit the defense theory, Sirhan probably will be spared the death penalty. If the jurors believe Pollack, the diminutive Jordanian immigrant could face the gas chamber."

WEDNESDAY, APRIL 2 -- Value of psychological testing and psychiatric terminology "came under attack" today in the Sirhan murder trial "as the defense launched what it promises will be a harrowing cross-examination" of the prosecution's psychiatric witness, reported a Los Angeles newspaper (Times.)

In his third day on the witness stand today, the witness  
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In his third day on the witness stand today, the witness, Dr. Seymour Pollack, said he did not believe, as the defense has contended, that Sirhan was in a dissociative state or hypnotic trance when he shot and killed Sen. Robert F. Kennedy.

Agreeing that Sirhan is mentally ill, the doctor "steadfastly avoided terming him a paranoid schizophrenic, as seven previous psychiatrists and psychologists have called the defendant," said the newspaper.

Another Los Angeles newspaper (Herald-Examiner) reported that Grant B. Cooper, one of Sirhan's attorneys, challenged an earlier statement by Pollack that the defendant was only slightly mentally ill.

Cooper read "the psychiatrist's Feb. 5 report to Dist. Atty. Evelle J. Younger, in which he described Sirhan as 'psychotic.'

"The report said in part, '...In my opinion the killing of Sen. Kennedy was a political assassination by a psychotically disturbed defendant.'

"Dr. Pollock told the court, however, that he meant Sirhan 'psychotic' not 'clinically psychotic.'

"The psychiatrist said a psychotic was a person suffering from psychosis,' a term used by me in the broad sense meaning that an individual may have within a long continuum a mild or minimum to severe degrees of personality disorganization.'

"'Clinically psychotic,' he said, meant 'clinical evidence -- something you can see or feel or interpret -- of minimum to major

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evidences of mental impairment.'

"Jousting with Cooper over semantics, Dr. Pollack indicated a person could suffer minor 'psychotic' symptoms and still be able to plot a murder, but that those minor symptoms would not make him 'clinically' or measurably psychotic.

"Dr. Pollack also admitted, prodded by Cooper's questions, that it is 'possible' that Sirhan would have demonstrated greater psychosis if he had had more time to examine him."

Pollack said that he had spent about 25 hours with the defendant between last June and Feb. 1, "and admitted that he later wrote that longer sessions would 'probably' uncover more serious signs of psychosis," related another Los Angeles newspaper (Times).

Continued the newspaper:

"'This defendant is on trial for his life,' Cooper interrupted 'If you felt it was probable that you would find signs of psychosis, don't you think you should have asked for more time with him?'

"Pollack, obviously angry, replied that the chief defense psychiatrist, Dr. Bernard L. Diamond, had become 'angry and resentful' at Pollack's reluctance to divulge his conclusions" at a Feb. 2 gathering of psychiatrists and psychologist and that he had therefore not sought further meetings with the defendant.

Reported another Los Angeles newspaper (Herald-Examiner):

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"Cooper sought further to discredit Dr. Pollack's diagnosis of Sirhan by questioning the interviews with witnesses of the shooting on which much of it was based.

"Dr. Pollack admitted that the lay witnesses, themselves involved in an emotional situation, 'could easily miss the diagnosis of psychosis...unless they had had special training.'

"He also conceded that equally qualified psychiatrists could look at the same symptoms in a patient and draw different inferences from them, but insisted, 'our inferences are generally more than less likely alike.'

"Dr. Pollack said he 'gave less weight' to psychological test results than to personal interviews with Sirhan and others because the 'total picture' did not bear out what the tests indicated.

"He said he felt Sirhan's Arab background may have influenced his responses to the tests, causing exaggerated results of psychotic signs."

Meanwhile, a Los Angeles newspaper (Times) today offered additional information on facilities being planned for possible use by Sirhan, "if and when" he reaches the California Medical Facility for prisoners at Vacaville.

Reported John Kendall, staff writer:

"He (Sirhan) will be under the direct supervision of a guard 24 hours a day and his meals will be prepared individually, probably by

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a guard.

"Prison officials are afraid the little 25-year old Palestinian Arab might be killed if he were to mingle with other prisoners.

"'We have unconfirmed grapevine reports that there are inmates that would want to kill him,' said Phil Guthrie, information officer for the State Department of Corrections in Sacramento.

"'Probably we have never had a more notorious case, if we get him. We have an obligation to keep people in, but we have an equal obligation to protect them.'"

Guthrie, related the newspaper, "disputed that Sirhan was to receive a red carpet treatment.

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THURSDAY, APRIL 3 -- In his fourth day on the witness stand, Dr. Seymour Pollack, prosecution psychiatrist, said today "that when he wrote his first diagnosis of Sirhan B. Sirhan, he thought Sirhan would never be tried for the killing of Robert F. Kennedy," according to a story in a Los Angeles newspaper (Times).

The newspaper related that Pollack wrote a "confidential" report on Feb. 5 to Dist. Atty. Evelle J. Younger in which he described the defendant as a "psychotic...suffering from a borderline schizophrenia with paranoid and hysterical features."

The report was written after a Feb. 2 meeting between Pollack and psychiatric and psychological consultants to the defense who agreed that Sirhan was mentally ill.

Said the newspaper:

"On the basis of that meeting, the defense and prosecution agreed to a plea of guilty to first-degree murder with life imprisonment. But after Superior Judge Herbert V. Walker rejected the agreement and ordered the trial to proceed before a jury, defense attorney Grant Cooper charged Thursday, Pollack wrote another report, in which Sirhan's mental illness was described less boldly.

"In a 30-page report dated March 21, after the trial was already 2½ months along, Pollack termed Sirhan 'a developing paranoid personality.'"

Today, Cooper asked the doctor if he hadn't believed on Feb. 5 that Sirhan would never come to trial, and Pollack replied: "I was led to believe that, yes."

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Cooper also asked Pollack if he hadn't also believed that the Feb. 5 report would never have reached the defense, and Pollack denied this. He said he knew it would have been entered in testimony if the case had come to trial.

The defense attorney then asked why Pollack's March 21 report did not term Sirhan a psychotic, and Pollack replied that he had intended only to discuss Sirhan's motive in killing Kennedy, not his mental state when he did it.

Pollack insisted today, "I have said all along (in direct testimony) that I considered the defendant a borderline schizophrenic."

Continued the newspaper story:

"Cooper challenged Pollack, insisting he had never used that term on direct examination by the prosecution, and Pollack agreed he may not have.

"Pollack insisted that he stood by the diagnoses in both his first and second reports and insisted they were not conflicting.

"He denied implications that he had sought to minimize his earlier findings, in which agreement with defense arguments on Sirhan's mental condition seemed more apparent.

"There were several heated exchanges as Cooper and Pollack parried for points in what essentially was a semantic argument. Pollack explained time and again that psychiatric 'labels' in court cases are often misleading.

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"Cooper returned to a previous statement of Pollack's that if he had had more than 25 hours with Sirhan he might have unearthed more definite signs of psychosis, but that on the basis of that limited time, he had not found strong symptoms.

"Citing Sirhan's alleged delusions of persecution and his fantasies of destruction and death, mostly to Jews, Cooper asked if Pollack might not have seen these delusions if he had spent more time on the case.

"Pollack, obviously flustered, admitted 'If this is a criticism, I accept the criticism.'

"Noting that several psychological tests had unearthed such delusionary thinking, Cooper asked if perhaps the tests hadn't got farther beneath Sirhan's surface than Pollack had.

"Pollack, his voice rising to a shout, said they might have, but only 'as they applied to psychological material, not as they applied to reality.'

"He explained that tests showed what Sirhan's inner reality was like, but that he judged Sirhan's mental state on the basis of his outward behavior."

The newspaper noted that Pollack said Sirhan believed it was good and right for him to kill Kennedy because of Kennedy's support for Israel. Cooper asked if this wasn't delusional thinking, and the psychiatrist said it wasn't.

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Added the newspaper:

"One key point in much of Pollack's testimony was his contention that Sirhan had shown no outward symptoms of psychosis. Sirhan's notebook writings of his intent to kill Kennedy, his mystical experiments with Rosicrucianism and his violently anti-Zionist political views, Pollack said, were not by themselves, considered separately, symptomatic of psychosis.

"Cooper made it obvious that he felt these matters should not be dismissed one by one as unsymptomatic, but considered together, in light of psychological tests to which Pollack said he also gave less weight than eyewitnesses' descriptions of Sirhan's outward behavior.

"With obvious anger, Cooper asked Pollack, 'Could the killing of Sen. Kennedy be considered a symptom of paranoid schizophrenia?'

"After a long pause, Pollack said, 'Yes, it could.' He began to amplify his answer but Cooper cut him short.

"Testimony ended Thursday on a dramatic high point as Cooper declaimed from Pollack's Feb. 5 report: 'I believe that Sirhan's mental illness was related to his act of assassination in that his paranoid convictions went beyond those of a normal personality in the average citizen.

"'This mental illness should be considered a substantial mitigating factor on the issue of penalty.'

"Cooper skipped one portion for brief questioning of Pollack, then went back, minutes before adjournment, to read the omitted portion:

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"Should a conviction of murder of the first-degree be obtained, I hope that Sirhan is able to avoid the death panalty and is sent for treatment to the California Medical Facility at Vacaville."

"Pollack acknowledged that, 'as you know, I am strongly opposed to capital punishment for moral and ethical reasons.'"

Another Los Angeles newspaper (Herald-Examiner) reported that "a new picture of Sirhan in the days immediately following Kennedy's fatal shooting also emerged."

The newspaper was referring to a report of Dr. Marcus Crahan, County Jail physician, who examined the defendant on June 6 and 7.

Crahan wrote the following, which was read into the record, according to the newspaper:

"(My) interviews revealed an unconcerned young male...entirely pleased with himself...showing no remorse, no regret."

Crahan said he found Sirhan, whom defense psychiatrists insist was suffering from acute mental illness at the time, "alert, wary, impassive, unconcerned and well directed."

At the time, according to Crahan, Sirhan believed Kennedy still lived...that the shots had not been fatal.

Then an attorney visited the young Arab and told him of Kennedy's death. After this, according to Crahan:

"Sirhan appeared exhausted and complained he had had no sleep... His attorney had no doubt told him his victim had expired. This may have accounted for his exhaustion."

The same newspaper indicated Sirhan told Pollack he believed he should receive a sentence of "a couple of years" for Kennedy's murder.

"He felt that was all the act deserved, if anything," the psychiatrist said.

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FRIDAY, APRIL 4 -- Dr. Seymour Pollack, psychiatrist for the prosecution in the Sirhan B. Sirhan case today said the defendant told him several times that "he was through with the whole damned thing. He was through with psychiatrists bugging him and he wanted out. He wanted to plead guilty."

Pollack related that these incidents, like similar outbursts after the murder trial began, were "temper tantrums in a paranoid individual."

The doctor told the jury he did not believe Sirhan was faking the tantrums.

Reported a Los Angeles newspaper (Times) on today's session:

"In final cross-examination, defense attorney Grant B. Cooper asked Pollack if he felt Sirhan had shown inappropriate responses for a man in his circumstances -- overreacting, smiling at serious moments and paying little attention as the possibility of a death penalty was discussed.

"Pollack said he had not seen 'the degree of inappropriate response we see in a psychotic person,' but said Sirhan's responses were more 'impulsive and volatile' than those of a normal person on trial for his life. 'I suspect he wishes he could control himself better,' Pollack said."

Pollack said he had seen a lot of the defendant and confided, "I have actually gotten somewhat to like Sirhan. He may still think I'm an s.o.b."

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In further questioning, Cooper asked if Pollack still believed that although Sirhan is mentally ill, his illness was not so severe as to diminish his mental capacity to maturely and meaningfully premeditate Kennedy's death.

Reported the Times:

"Pollack replied that he did believe it 'with reasonable medical certainty.'

"Cooper asked if he believed if 'beyond reasonable doubt' -- a condition on which a first degree murder conviction must be based.

"Pollack said he regarded 'beyond reasonable doubt' as a moral judgment which he, as a doctor, did not feel qualified to make.

'Reasonable medical certainty,' he said, is a medical judgment which does not equate with the moral concept.

"Under redirect examination by Dep. Dist. Atty. John E. Howard, Pollack read at length from the transcript of a Feb. 2 meeting between psychiatrists and psychologists for both the defense and prosecution.

"It was after this meeting, at which there was general agreement that Sirhan was mentally ill and to some degree, that the defense and prosecution agreed to change Sirhan's plea to guilty, with an understanding that he would be sentenced' to life in prison.

"However, the agreement fell through and the plea remained not guilty.

"The transcript of the meeting revealed a sharp dispute between Pollack and defense psychiatrist Bernard L. Diamond, who expressed

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irritation at Pollack for not revealing his conclusions about Sirhan's mental state."

Yesterday, Pollack contended that Diamond had given him to understand he could have no further interviews with the defendant after his last interview on Feb. 1.

However, the newspaper pointed out:-

"...the transcript showed it was Pollack who first suggested that it would be of little further value for him to see Sirhan again. On Thursday, Pollack had testified that if he had had more than 25 hours with Sirhan, he might have seen clearer evidence of Sirhan's alleged psychotic symptoms.

"Diamond, on Feb. 2, told Pollack, 'I do not feel, Seymour, that you have played fair.' Diamond said Pollack had 'evaded' and 'quibbled' while defense psychiatrists and psychologists had made full disclosures, and said Pollack had 'misused the conference' by holding back his opinions.

"Pollack insisted, at that meeting and in his testimony this week, that at that time he had not come to any conclusions.

"But he confirmed that two days after the meeting, on Feb. 4, he dictated an 18-page diagnosis in a confidential memo to the district attorney's office.

"At that time, Pollack confirmed Thursday, he had not thought the case would come to trial. But after Superior Judge Herbert V. Walker ordered the trial to proceed before a jury, Pollack wrote another report on March 21."

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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., April 9, 1969

ADDITION TO WEEKLY SUMMARY #44

Re: The assassination of  
Senator Robert F. Kennedy

WEDNESDAY, APRIL 2 -- The cost of the Sirhan trial to date is well in excess of \$850,000, according to a report in a Los Angeles legal newspaper (Daily Journal) quoting Supervisor Kenneth Hahn.

He said, "this undoubtedly is the most expensive trial in Los Angeles County history and certainly will cost \$1 million before it is ended. Any appeals will add to the expense."

Hahn broke down the cost as follows: county, through Feb. 28, \$449,767; estimated county costs for March, \$50,000; additional Sheriff's Department costs not audited, \$100,00; estimated Pasadena Police Department costs, \$50,000; and Los Angeles Police Department, \$208,829.

Continued the official:

"Although it is unfortunate the people of Los Angeles County have to pay for the expenses of the case, the trial is worth every penny."

"If it reveals the truth of what happened that night last June, if it guarantees Sirhan Sirhan justice, then who can say the cost is not justified."

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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  
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626-3888, Ext. 82396

RELEASE: Wed., April 16, 1969  
After 10 a.m.

WEEKLY SUMMARY #45

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 45th summary, and others will be for release on subsequent Wednesdays.

MONDAY, APRIL 7 -- Dr. Leonard B. Olinger, instructor in abnormal psychology at USC, said today in court that he disagrees with two previous clinical psychologists' diagnosis of Sirhan B. Sirhan as a paranoid psychotic with schizophrenic reaction.

According to one Los Angeles newspaper (Herald-Examiner), Olinger "believes Sirhan is not seriously mentally ill. So concerned did he become by claims of defense alienists that the young Arab does suffer serious mental impairment, he volunteered his services to Dep. Dist. Atty. John Howard."

Continued the newspaper:

"As Dr. Olinger sees Sirhan:

"He is...relatively intact...hardly impaired, gifted in certain imaginative ways, capable of seeing the overview, proceeding in a highly organized method, giving a harmonious kind of performance.

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"'...There is an indication that there is some measure of control over emotions, good ability to make judgments, even if these do not correspond to the judgments of other people, remarkably little distortion of the material or of the individual's perception of the outside world...Despite his fundamental differences in political views, he holds to them on the basis of ideas, notions and value systems that are important to him...There are some indices of character disorder. Most indices are of neurosis...especially hysteria and obsessive compulsion. There are few indices of schizophrenia (divided personality).'

"Asked to pin a specific label on Sirhan, Dr. Olinger summed up, 'He would be a borderline schizophrenia with principally neurotic features...suffering from pseudo-neurotic schizophrenia.

"Howard then asked the psychologist if on June 5, 1968, when Sirhan admittedly shot Kennedy at the Ambassador Hotel, he had the capability to 'meaningfully and maturely premeditate and carry out the killing.'

"Dr. Olinger replied:

"'The (psychological) tests strongly suggest that he could.'"

In a report in another Los Angeles newspaper (Times), Olinger told the jury he believed that the two previous clinical psychologists, Drs. Martin M. Schorr and O. Roderick Richardson, approached Sirhan with preconceived notions of what they should find, knowing they were testing the man who killed Kennedy. He also indicated the pair "subsequently

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interpreted test data in light of their expectations," said the newspaper.

Continued the article:

"In disputing Schorr's diagnosis, Olinger said Sirhan was not showing paranoid tendencies but common sense when he gave affirmative answers to these true-false statements:

"'I know who is responsible for my trouble.'

"'I am sure I am being talked about.'

"'I have been in trouble with the law.'

"'I have enemies who wish to harm me.'

"'I tend to be on guard around people who are friendlier than I expect them to be.'

"'I feel uneasy indoors.'

"As Sirhan had been jailed since June 5, Olinger said, his positive answers to all these indicated that he 'had good contact with reality' and that his suspicions weren't paranoid but all too true."

(The Los Angeles Herald-Examiner noted that Olinger "added that it was his belief that neither Dr. Schorr nor Dr. Richardson had given sufficient weight to the fact that Sirhan has been jailed for several months and faces a capital murder charge in evaluating his tests.

("Sirhan has not seen the sun, nor the outdoors since early last June when he was transferred from the County Central Jail to an isolation cell in the Hall of Justice.")

Continued the Times report:

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"...the effect of Olinger's testimony on the jury, while difficult to determine exactly, was hardly galvanizing. For more than a month they have listened to such psychiatric verbal shorthand as 'C--prime response,' 'small animal movement,' 'inanimate movement,' 'large human movement,' 'pure form response,' 'large M and small fm,' 'large F and little c' and 'TH column.'

"It is debatable how efficiently the jurors have been able to translate such arbitrary terms in their meaningful emotional equivalents. But the mere effort has exacted a toll that was apparent Monday as they listened to still more of the same with faces that ranged a gamut of expression from boredom to stupefaction.

"Olinger enunciated what he termed 'the 10 basic precautions to be observed in administering psychological tests -- two of which, he made clear, he felt Schorr and Richardson had violated.

"These were 'the law of parsimony, or Occam's Razor' -- giving the simplest, most factual interpretation of data -- and the 'Procrustean Fallacy.' This last derives from Greek mythology, in which the robber Procrustes thrust his victims into a bed and then stretched the short ones to fit the bed or lopped off the tall ones at the head or knees.

"Ripples of amusement alternated with mutters of confusion in the courtroom as testimony translated into talk of how this or that interpretation was 'fitted for a Procrustean bed.'

"Sirhan, meanwhile, seemed frankly disinterested for most of the day."

In cross-examination by Grant B. Cooper, defense attorney, Olinger said he contacted the District Attorney's Office and offered consultation.

Later, Chief Dep. Dist. Atty. Lynn D. Compton "told reporters that Olinger had not wanted to testify, but later agreed after he had examined the defense consultants' test results," reported the Times.

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TUESDAY, APRIL 8 -- Both the prosecution and defense rested today in the trial of Sirhan B. Sirhan, the accused assassin of Sen. Robert F. Kennedy, as the final prosecution witness, Leonard B. Olinger, psychologist, completed testifying.

As Olinger, the 90th witness, spoke, Sirhan, according to a Los Angeles newspaper (Times) "betrayed not a flicker of interest as defense counsel Grant B. Cooper finished cross-examination."

The newspaper added that Olinger was the last of 10 psychologists and psychiatrists to testify and his "opinion differed sharply not only with the eight expert witnesses for the defense but also with the prosecution's star witness, psychiatrist Seymour Pollack.

Related the newspaper:

"Defense testimony painted Sirhan as a paranoid psychotic with schizophrenic reaction, unaware of and unable to control his actions when he shot Kennedy last June 5.

"Pollack termed Sirhan a paranoid personality with a borderline schizophrenia but held that his mental illness did not reduce his capacity to maturely and meaningfully premeditate and carry out murder.

"Olinger, while agreeing with Pollack that Sirhan was not a victim of diminished capacity in his planning of Kennedy's death, diagnosed Sirhan as a 'pseudo-neurotic schizophrenic' -- which he said is not a recognized clinical label for real psychosis but a mere descriptive term for a condition much less serious than even Pollack had found.

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"Olinger flushed frequently under a blistering cross-examination by Cooper, who sought to draw an admission that Olinger solicited his way into the case only last month.

"Olinger said he telephoned the prosecution shortly after psychologist Martin M. Schorr began testimony. Olinger said he disagreed with inferences in Schorr's testimony he had read in the newspapers.

"Citing Olinger's own testimony Monday about the care psychologists must take in interpreting clinical tests, Cooper asked if Olinger hadn't violated his own precautions in forming attitudes about the Sirhan case on the basis of newspaper accounts. Olinger said he hadn't.

"Citing Olinger's testimony that Schorr and other psychologists, knowing whose tests they were evaluating, might have interpreted the tests in a way that matched their preconceived notions about Sirhan, Cooper then asked Olinger if he hadn't also known in advance whose tests he was interpreting and whether he hadn't been slightly influenced by that knowledge.

"'Some,' said Olinger.

"Cooper also launched an oblique attack on Olinger's professional qualifications as compared to those of defense witnesses, two of whom, Cooper noted, were professors of psychiatry at USC and UC Berkeley. Olinger is a part-time instructor in abnormal psychology in USC's extension division.

"Cooper asked repeatedly why Olinger had phoned the prosecution rather than the defense, and Olinger replied, "I believed I could be of help.'

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"'Not to the defense,' Cooper interjected.

"'Not particularly to the defense,' Olinger said.

"'To the prosecution?' Cooper asked.

"'Not particularly to the prosecution,' said Olinger.

"'Then whom did you believe you could help?' Cooper asked.

"'I thought I could help justice,' Olinger replied.

"'In giving information to the prosecution?' asked Cooper.

"'In this case, yes,' Olinger said."

The newspaper noted that "Olinger's appearance was the capstone of more than a month's obscure, technical psychiatric jargon, in which both the defense and the prosecution waged a hot war of psychiatric attrition.

"The defense sought to command the jury's respect for their case by stunning them with expert witnesses of both solid and/or glittering reputation and with no fewer than six clinical psychologists who corroborated and confirmed yet again the findings of the others.

The prosecution chose, with its two experts, to try to deflate the defense theories with sober, logical outlines of verifiable fact. In cross-examination of defense experts they inched painstakingly, sometimes maddeningly, over and over the same tiny technical points.

"The stated aim was to find and enlarge weak spots in the ornate psychiatric facade erected by the defense.

"But the more likely aim appeared to be to thoroughly sicken the jury on all psychiatric testimony, pushing jurors from confusion

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through boredom and to such exasperation that they might wave aside all expert testimony and weigh the case solely on these facts:

"That Sirhan hated Zionism and its allies, wrote of his intention to kill Kennedy, did so and isn't sorry.

"As the prosecution prepared its final arguments, Chief Dep. Dist. Atty. Lynn D. Compton confirmed what has been common knowledge since early February -- that the prosecution will not press for the death penalty for Sirhan. Nor will they ask the jury not to impose it."

Today's session in court took place only in the morning, due to an in-chambers meeting on Judge Herbert V. Walker's instructions to the jury.

Reported a Los Angeles newspaper (Herald-Examiner):

"Dist Atty. John B. Howard said that part of the delay was caused by procedural matters and part by a disagreement over proposed instructions to the jury.

"While neither side would comment on the disagreement, there were authoritative reports that the two sides were split as to the fine details of the law of 'diminished capacity' in California. The defense of diminished capacity is the core of Sirhan's case.

"The law provides, in effect, that if the jury believes Sirhan lacks the mental capacity to 'meaningfully and maturely' premeditate and carry out Sen. Kennedy's killing, he cannot be sentenced to death -- even though he admits the slaying. A battery of defense and pro-

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secution psychologists and psychiatrists have said he lacks this capacity. Dr. Olinger and psychiatrist Dr. Seymour Pollack have testified that in their opinion, he does have this capacity.

"Guided by the law as it is given them by Judge Walker, the jury will make the final decision.

"Judge Walker has been at work on his instructions to the jury for the past several weeks. However, each side has the right to offer additional suggestions to the jurist at the close of the case.

"Lawyers' summations and Judge Walker's instructions are expected to take the remainder of this week. It is now expected the jury will get the case Monday.

WEDNESDAY, APRIL 9 -- Sirhan B. Sirhan is being depicted on posters distributed by the Palestine Liberation Organization "as a heroic Arab commando," according to William Tuohy, Beirut correspondent for a Los Angeles newspaper (Times), it was reported today.

"Circulation of the posters," wrote Tuohy, "adopting Sirhan as a member of the Palestinian cause, is the most significant development in the Arab reaction to the Sirhan trial, sources here (Beirut) say.

"The trial has been widely reported in the Arab press and followed closely.

"However, because of a decision by Arab governments to adopt a hands-off policy on the Sirhan case, very little editorial comment has been made about the trial.

"One of the few occasions when Arab editorialists complained came when psychiatric testimony at the trial suggested Sirhan had killed

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Kennedy while mentally deranged.

"'Sirhan is not a madman,' argued one editor.

"'There has been an awful lot of testimony at the trial in Los Angeles about Sirhan's sanity,' says one veteran Arab affairs specialist here (Beirut), 'but if you go into one of those Palestinian refugee camps in Jordan, you will find a lot of people with the same mental makeup as Sirhan.'

"The commandos hope, in their widely distributed posters, to capitalize on the extremist view that Sirhan was acting rationally on behalf of the Palestinian guerillas -- to wipe out a hated enemy."

In court today, the prosecution in the Sirhan B. Sirhan case conceded that the accused assassin of Sen. Robert F. Kennedy is sick, "but not so sick that he could not plan, coolly, carefully and for a long time to murder" the senator, a Los Angeles newspaper (Times) reported.

"Opening the summation of the prosecution's case against the 25-year old defendant, Dep. Dist. Atty. David N. Fitts told the jury of five women and seven men:

"'The state will urge you to return a verdict of murder in the first degree.'

"In an impressive four-hour summation delivered entirely without notes, Fitts waved aside psychiatric theory and marshaled an imposing chronology leading up to the June 5 shooting of Kennedy on the eve of his victory in California's Democratic presidential primary.

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"As he piled up the facts one by one, Fitts said they showed a consistent, developing premeditation to murder Kennedy."

At one point, reported the newspaper, Sirhan erupted with "He's lying, he's lying, he's lying," as Fitts said the defendant deliberately left his wallet in his car "to avoid identification" after the Ambassador Hotel shooting.

Defense counsel and security officers plopped Sirhan back into his chair, quieted him and then ushered him out. After cooling off in an adjacent room for 20 minutes, Sirhan came back to the court room and listened quietly but intently as Fitts continued the summation, the same newspaper related.

Another Los Angeles newspaper (Herald-Examiner) published highlights of Fitts' summation as follows:

"This trial commenced on Jan. 7. We have now passed the three-month anniversary. We have heard the testimony of some 90 witnesses. But I suggest to you that for the last three we have departed in some measure from the basic premise of this trial -- murder.

"Murder, and I'll read it, is the unlawful killing of a human being with malice aforethought.

"Malice may be either expressed or implied. It is expressed when the killing is done outright. It is implied when the killing results from an action involved with wanton disregard for human life.

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"I suggest what we are dealing with in this case is expressed malice."

Fitts then related what took place on June 5 at the Ambassador Hotel.

Continued the summation by Fitts as related in the newspaper:

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

"What could be clearer than that?

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

"You will be concerned with whether or not this defendant at that time was able to appreciate that firing bullets into the head of another individual is a thing not generally approved of in our community.

"Did he know if that was a good thing to do, or a bad thing to do? It is no more complicated than that.

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

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

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

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

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

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

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

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

"With respect to his state of mind, we are asked to accept when the defendant tells us he first intended to go to the Ambassador Hotel

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because of the Rafferty party. Some time in the past, he and Kathleen Rafferty had been in school together. There is no suggestion that Kathleen Rafferty would have been glad to see Sirhan and one would suppose that some years had passed since they had been at school together.

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

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

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

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

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

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

"But stay he did.

"From the point of view of the assassination, it doesn't make any difference whether the senator was going to the Colonial Room first or the Ambassador Room first.

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In one way or the other, he was going both places.

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

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

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

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

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

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

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

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

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

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

"No individual after mature and meaningful reflection would commit murder.

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

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

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

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

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THURSDAY, APRIL 10 -- The three defense attorneys for Sirhan B. Sirhan, Grant B. Cooper, Russell E. Parsons and Emile Zola Berman, today offered their summations in the case calling for mercy tempered with justice for the young Arab.

According to a report in a Los Angeles newspaper (Times), Cooper told the jury:

"We are not here to free a guilty man. He is guilty of having killed Sen. Robert F. Kennedy. We are not asking for an acquittal.

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

Continued the newspaper:

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

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

Another Los Angeles newspaper (Herald-Examiner) published excerpts of remarks by the trio of lawyers and quoted Cooper, in part, as follows:

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