

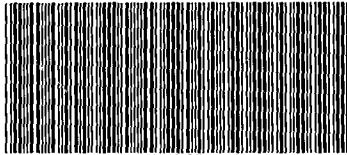
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Defense Schedules 'Dry Run' For Sirhan on Witness Stand

By George Lardner Jr.
Washington Post Staff Writer

LOS ANGELES, Jan. 30 — Sirhan B. Sirhan will be called to the witness stand Tuesday in what appears to be a "dry run" by the defense to save him from the gas chamber.

Chief defense counsel Grant B. Cooper insisted to newsmen that he needs the slim young Arab's testimony as part of one last pre-trial maneuver.

'Apparently, however,' his lawyers have yet to decide whether to put him on the stand at his murder trial. Tuesday's appearance will give them an opportunity to try him out without a jury present.

The mounting pressures began to tell on the defendant's mother, Mary, who also will be called to testify Tuesday. She burst into tears today during a recess.

Mother Reportedly Upset

Mrs. Sirhan was said to have been upset by a visit Wednesday at her Pasadena home by the prosecution's chief psychiatrist, Dr. Seymour Pollock.

She was understood to have been convinced by his questions that he put little stock in the defense claim that her son was incapable of premeditated murder when Sen. Robert F. Kennedy was assassinated in the Ambassador Hotel here last June.

Ostensibly, the stocky Jordanian woman and her wasp-waisted son are being called as part of a defense bid to quash the first-degree murder indictment against him.

Cooper has contended that the poor and the disadvantaged have been improperly kept from serving on Los Angeles County grand juries such as the one that lodged the charge against Sirhan.

The Sirhans' testimony Tuesday, Cooper stressed, would be limited to the difficulties in making ends meet as Arab immigrants.

Chosen by Lot

Grand jurors are chosen by lot from nominations submitted by each Superior Court judge. The defense has complained that this inevitably means a plethora of older citizens from gilt-edged neighborhoods such as Beverly Hills.

Sirhan's lawyers are polling most of the 133 Superior Court judges in the sprawling county by questionnaire to find out how they made their choices. But three decided to testify instead, and they they acknowledged that they picked friends who could afford to put aside jobs for a year's grand jury service at \$10 a day.

Cooper asked one of the three, Judge Edward R. Brand, whether all of his choices for a two-year period made more than \$15,000 each.

The judge had no doubt of that. "It doesn't take very much," he said, "to earn over \$15,000 today."

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Date **JAN 31 1969**

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Sirhan, Mother Tell Of Financial Plight

By George Lardner
Washington Post Staff Writer

LOS ANGELES, Feb. 4 — The mother of the man accused of murdering Sen. Robert F. Kennedy testified today in a low, sorrowful voice about how she baked her own bread, walked to work and tried to pay her bills on an income of less than \$1850 a year. She got little cash, she said, from her sons.

The lawyers had no other questions, but Mary Sirhan was not quite done. Abruptly, she rose to her full 4 feet, 11 inches.

"I thank God that He gave me the strength," she said emotionally. "And I thank the United States also that I never go hungry and that I have a roof over my head."

Moments later, deputies led her fifth child, Sirhan B. Sirhan, back to his jail cell. He had testified earlier, taking his oath with a lightly clenched fist.

Both were called by the defense today to testify about their struggle against poverty since coming to the United States in 1957.

Sirhan turned up in a new blue shirt with buttoned-down collar and the blue-gray suit he has worn to court almost every day for a month. He was plainly anxious for questions, any questions.

"Obviously you're the defendant in this action, Mr. Sirhan?" chief defense counsel Grant B. Cooper asked.

The slender Jordanian immigrant smiled broadly.

"Yes, sir," he replied in a firm, clear, almost proud voice.

From there, Cooper led the 24-year-old defendant through a long list of low-paying odd jobs, beginning in 1964 at a Pasadena drive-in and ending, shortly before Kennedy's assassination, at a health food store in Pasadena.

During those five years, Sirhan nodded, he earned precisely \$6558.10 before taxes.

He had \$740 withheld in taxes, he said, but he got "almost all of it back." Part of his earnings, he said, went to

his 55-year-old mother, but apparently not much.

"If I need it and he have it, he will give it to me," Mrs. Sirhan testified. But she got "very little." She indicated that Sirhan used most of his money to buy clothes and maintain his second-hand 1956 DeSoto, the car found near the Ambassador Hotel after Kennedy's assassination last June.

Sirhan and two of his brothers, Munir, 21, and Adel, 30, all lived with their mother at her \$12,000 Howard Street home in Pasadena. They paid no room or board, Mrs. Sirhan said.

According to Cooper, the four together had a net income of \$8217 a year. The median income in the United States for a family of three or more wage earners, according to 1967 figures, would be \$11,798.

The testimony was an effort to bolster Cooper's claim that the first-degree indictment against Sirhan should be quashed. He protested that minority groups, especially the poor, had been constitutionally excluded from the grand jury that lodged the charge.

According to a study commissioned by the defense, the list of nominees for the 1968 grand jury was top-heavy with elderly, affluent friends and neighbors of the Superior Court judges who picked them. Few on the list, Cooper maintained, made less than \$15,000 a year.

Judge Walker, as expected, ~~denied the motion~~, ruling that the attack on the grand jury system had neither relevance nor merit. The judges have defended the setup on the grounds that year-long service on the grand jury is too much of a financial burden for those with jobs they can't afford to put aside.

The court will reconvene today to begin selection of six alternate jurors, the last step before the actual trial begins.

The progress, however, was overshadowed by the testimony. And despite Sirhan's brief appearance on the stand, it was his mother who dominated the courtroom session.

The proud, devout, strong-minded Arab woman came to California on her own with Sirhan, three other sons and her only daughter, Ayda, a sickly girl who died of cancer four years ago.

The father, Bishara, a strict and reportedly violent disciplinarian, already had broken apart from them, though he rejoined the family briefly, first in New York and again later in Los Angeles. But he stayed in the United States only three years before returning to his village near Jerusalem.

Dressed in a black knit suit with a bright red courtroom pass dangling from it, Mrs. Sirhan told the court she has worked as a housekeeper at the Westminster Presbyterian nursery school, a few blocks from her home, for the past 11 years.

Her pay check every two weeks, she said, has been \$92.11.

But now, she added, she no longer has the job. The church, Mrs. Sirhan indicated, replaced her last month because she wants to attend the trial and the nursery school needs the work done.

She did not say, nor did anyone ask, how she is meeting her \$70 dollar-a-month mortgage payments and other bills. Nor was she pressed on how she ever met her obligations on \$1850 a year without substantial help from her sons.

Later, the diminutive, gray-haired woman told reporters that she hadn't planned to say what she did after Judge Walker had told her to step down.

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"It just came out," she said. "That's how I feel really. I never go hungry in the United States. I was so glad to make a home for my children."

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Associated Press

Youngest son Munir leads Mrs. Sirhan to courtroom.

Indictment Is Upheld

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(Mount Clipping in Space Below)

Grand Juries

Sirhan Defense Team to Probe California's Unique System

By John Douglas

Herald-Examiner Staff Writer

County grand juries
how are they chosen?

Is the system archaic?

Do they try to accomplish
too much in their dual respon-
sibilities to the criminal
courts and to civil govern-
ment?

These questions will be
pressed by defense lawyers in
the Sirhan Bishara Sirhan
murder trial this week as they
not only seek to quash the in-
dictment charging their client
with the murder of Sen. Robert
F. Kennedy, but also to
overturn forever California's
unique Grand Jury system.

—The law of every state
makes provision for some
kind of Grand Jury system. In
the New England states, these
juries are seldom called into
session—summoned only in
the event of major crimes or
scandals.

In other states, such as New
York, the County Grand Jury
is in session almost continually,
as it is in California. But
there is a difference. The
Grand Jury, except in very
limited circumstances, has
only the power to indict for
crime in New York — nothing
else.

But in California the Legis-
lature has given Grand Jury
many tasks. Summing them
up, the 1968 Los Angeles
County Grand Jury reported
to the Board of Supervisors:

"Few citizens realize that
California county grand juries
have two-fold functions: The
first, well-known, is the criminal
function; the second less
widely recognized but equally
important, is the civil or
housekeeping responsibility."

The 1968 Grand Jury indicted
Sirhan. It notes this in its
report in a 10-line paragraph.
The same report devotes 65
pages to the Grand Jury in-
vestigation of county govern-
ment. This was not a criminal
investigation. Much of it is
based on the findings of an
audit team employed each
year by the jury.

This year the jury also de-
voted its time to investigation
of health services in the
county, a study of student un-
rest and civil disobedience,
and to a probe of inadequate
facilities for the Coroner's
Office.

As the grand jurors noted in
their final report: "Los An-
geles County is one of the
largest financial enterprises

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Mr. Mohr _____
Mr. Bishop _____
Mr. Casper _____
Mr. Callahan _____
Mr. Conrad _____
Mr. Felt _____
Mr. Gale _____
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Mr. Trotter _____
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Miss Holmes _____
Miss Gandy _____

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A-11 Herald-Examiner
Los Angeles, Calif.

Date: 2/2/69
Edition: Night Final
Author: John Douglas
Editor: Donald Goodenow
Title: Kensalt

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in the West. . . . The conduct of this enterprise, and the spending of a budget in excess of \$1.5 billion is, by law, the direct business of the Grand Jury.

The magnitude of the Grand Jury's task can perhaps be fathomed by comparing the county with a similar metropolitan region.

The only municipal jurisdiction in the United States comparable in population to Los Angeles County is the City of New York. That city, divided into five counties, never has less than five grand juries sitting simultaneously.

There are usually twice that number. Moreover, all the civil 'housekeeping' functions performed by the Los Angeles County Grand Jury are done by the New York State and New York City comptrollers' office, each with a staff of hundreds.

In Los Angeles the 23 members of the jury can expect to meet four or five days a week, and be loaded with homework to study at their all-too-rare leisure. Although, by law, the jury must hire an auditor, usually a certified public accountant, that accountant's findings must be studied and approved by the jurors before they can be finalized.

Judge Arthur Alarcon, who twice as Criminal Courts Master Calendar Judge, has supervised the jury, estimated in testimony at the Sirhan trial that a member of the jury spends some 50 hours weekly on his task.

For it he is paid \$10 daily when the grand jury is sitting, plus mileage one-way at 10 cents per mile.

Kenneth Chantry, retired Presiding Judge of the Los Angeles County Superior Court, and Judge Edward Brand, a member of the Superior bench since 1936, both believe that the time grand jury service takes and the judgment required of a juror in his assessment of the county's business, necessarily limits service on the jury to a few.

Unlike many jurisdictions, California grand juries sit for a full calendar year. An appointee to the jury must be able to make the financial sacrifice demanded by this year's service. And, if he is not self-employed, he must have an employer who is willing to, in effect, give him up for that year.

Judge Brand especially, according to his testimony at the Sirhan trial, is convinced that the decisions about the county's business a grand juror is required to make also requires a person of extraordinary intelligence and business acumen.

The element of sacrifice of time, Judge Alarcon and Judge Chantry testified, is the major barrier they found in their search for young people and members of minority groups to serve on the jury.

Judge Brand testified he never made any special effort to find either the young or the minority group members, when he sought nominees. He appointed people he knew.

The system of selection in California is a complex one. It begins each September in the year prior to which the juror is to serve.

In Los Angeles County, each of the 134 Superior Court Judges is invited to nominate two persons. Some do not make nominations, others name only a single person. In each case it is up to the individual jurist.

The names submitted are then subjected to a background investigation and studied by a committee of judges, which may have from three to eight members.

Some names are winnowed out and the rest given to the county clerk. By the spin of a wheel, he selects 34 names. Summons are served on these 34, and they appear before the clerk, at which time, again by the spin of a wheel, 23 of their number are finally chosen for service. This selection must be made by Dec. 10 in the year preceding the year in which the juror is to serve.

In criminal cases, and in

questions involving the removal of civil officials, which the Grand Jury also has the power to do, 14 of the 23 jurors must hear the evidence and concur before an indictment or removal may be voted.

In its civil work, the Grand Jury is divided into committees: Audit, Schools, Social Service, Smog, Jails, etc. These committees are of differing size depending on their importance and responsibility.

The jury makes its criminal reports to the Master Criminal Calendar Judge and its final municipal report to the Board of Supervisors. It has the services of the District Attorney and his staff and other municipal officials as staff.

It must hire an auditor, but, unlike other states in California the jury can not hire an attorney independent of the district attorney.

Each of the judges who nominated a member of the jury which indicted Sirhan has been asked questions about the criteria he used in selecting nominees.

Defense attorneys believe that in many cases this study will show the judges nominated their friends. However, many observers maintain that, given the civil responsibilities at the Grand Jury, this occurs because the jurists want persons whose judgment they trust.

Emile Zola Berman, one of Sirhan's lawyers says that the very nature of the California Grand Jury system is such that "no working stiff can ever serve."

Because of this, he, and his associates, Grant B. Cooper and Russell E. Parsons, will attack the system at its roots—the selection process and the civil aspect.

They expect to take their battle to the U.S. Supreme Court.

Should they prevail, the California Grand Jury system would fall.

Sirhan Jury Is Complete; Rumors of Plea Fill Court

By THEO WILSON

Staff Correspondent of THE NEWS

Los Angeles, Feb. 11—The Sirhan Sirhan murder trial, now estimated to last "from three days to three months," got its complete jury today with the swearing in of six alternate jurors.

Judge Herbert V. Walker then adjourned court until Thursday, because tomorrow is Lincoln's birthday and a county holiday, and opening statements and testimony are scheduled to begin then.

Might Cop a Plea

The alternates—three women and three men, including the only Negro accepted—were sworn amid courtroom gossip that there is a chance Sirhan may cop a plea, that is, plead guilty of first or second degree murder.

In this state, a defendant can plead guilty of first degree murder to get a sentence of life imprisonment.

Neither the defense nor prosecution would confirm or deny the rumor, except to say that there is always a "possibility" that this can happen.

Sirhan has been indicted for first degree murder in the June 5, 1968, slaying of Sen. Robert F. Kennedy. If convicted, his jurors could send him to the gas chamber or sentence him to prison for life.

If he were to plead guilty of second degree murder, with the consent of the prosecution, then sentencing would rest with Walker, who could send the 24-year-old defendant to prison for anywhere from five years to life.

Sirhan also could plead guilty of manslaughter, which carries a sentence of from one to 15 years.

The rumors about a possible plea have been mentioned since the trial started, but they got added impetus after District Attorney Evelle L. Younger told reporters yesterday—after a meeting with the judge and all of the attorneys—that the trial could last "from three days to three weeks."

Possible Meaning

Assistant D. A. John Howard said today he believed Younger merely was indicating that nobody can estimate the length of a trial. Assistant defense attorney Russell Parsons said the possibility of a guilty plea has been discussed frequently.

The alternates were accepted today after chief defense attorney Grant Cooper arose and said: "Your honor, I am happy to announce we have a jury."

Cooper made this statement immediately after assistant District Attorney David N. Fitts said for the second time today that the state accepted the six alternates in the box.

"A Hard Look," He Thinks

The first time Fitts accepted, Cooper used a peremptory challenge to get rid of a housewife after Sirhan agitatedly conferred with his attorneys, getting up from his chair and leaning over the bench to talk with them.

It was learned that Sirhan believed the housewife, who was seated yesterday, gave him "a hard look."

She was replaced by another woman and the alternates were sworn on the 20th day of the trial, now in its sixth week.

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Date **FEB 12 1969**

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Sirhan Jury Is Set; Trial Scheduled To Open Thursday

By George Lardner Jr.
Washington Post Staff Writer

LOS ANGELES, Feb. 11 — The last jurors for Sirhan Bishara Sirhan's assassination trial were sworn in today amid backstage maneuvering over a guilty plea that could save him from the gas chamber.

Prosecution and defense lawyers both conceded that a guilty plea from Sirhan was "a possibility." But several obstacles remain.

Superior Court Judge Herbert V. Walker, it appears, wants the trial to be held. And Sirhan wants to tell his story.

The actual trial is scheduled to begin Thursday with opening statements by chief prosecutor Lynn D. Compton and defense counsel Emile Zola Berman.

"We're going to work in (to the trial) all the problems that make up Sirhan Sirhan—and explain just how he ticks or doesn't tick," Berman told reporters.

The 24-year-old Jordanian immigrant busied himself today with the final choice of jurors. Huddling with his attorneys, he had them dismiss a blond woman they were about to accept, then at length pronounced his satisfaction with the final panel.

The six jurors chosen will serve as alternates in case any of the 12-member panel sworn in last week dies or becomes incapacitated.

The alternates named today include three men and three women. The last to be named was Gloria J. Haffey, a Pacific Telephone and Telegraph Co. worker.

She replaced Mrs. Beth Feenstra, the wife of a Los Angeles electrician who was about to be seated until Sirhan spoke up.

"He just didn't like her. He wanted somebody else, that's all," chief defense counsel Grant B. Cooper told reporters. Others explained that Sirhan felt she had been giving him "hard looks."

But while preparations for the trial went forward, it was learned that lawyers for both sides have been feeling each other out about the possibility of a guilty plea.

District Attorney Evelle J. Younger fueled the gossip Monday after a brief conference with Judge Walker. The trial, Younger subsequently announced, could last three months or, he said, it could last "three days."

Elaborating on the cryptic remark today, Younger pointed out that Sirhan's attorneys have already conceded that he killed Sen. Robert F. Kennedy in the Ambassador Hotel here last June.

Carrying the defense concession through to "its logical conclusion," Younger said, Sirhan's lawyers might choose to dispense with his first-degree murder trial altogether and "go directly to the question of penalty."

Under California law, a separate trial is held in first-degree murder cases to choose between life imprisonment and death in the gas chamber at San Quentin.

Sirhan's attorneys have been hoping for a manslaughter or second-degree murder verdict, but to win either, they would have to go through a full-dress trial.

"We wouldn't consider a plea to anything other than first-degree murder," Younger said.

With the courts approval, however, Sirhan could enter a first-degree murder plea on condition that he be given life imprisonment. Speaking for the prosecution, Younger said that such a bid "would certainly command our serious consideration."

Tentative discussions along this line have already been held. But Judge Walker appears to be balking. "He's not about to give his consent," one source said.

Other possible stumbling blocks include Sirhan himself and the public resentment that would almost certainly be stirred up at being deprived of the inside story behind the assassination.

The defense claims that Sirhan was so obsessed by the Arab-Israeli conflict that he was incapable of premeditated murder when he shot Sen. Kennedy, an avowed supporter of U.N. aid to Israel.

The defense could still try an end run around Judge Walker by entering a straight "guilty" plea to the first-degree murder charge, perhaps with the understanding that the prosecution would not push for a death sentence at the penalty trial.

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Sirhan Seeks Mistrial; Publicity on Plea Cited

By a Star Staff Writer

LOS ANGELES — Attorneys for Sirhan Bishara Sirhan today moved for a mistrial on grounds that pretrial newspaper, radio and television publicity may have prejudiced the jury selected to decide whether Sirhan is guilty of killing Sen. Robert F. Kennedy.

As the court session opened, Grant Cooper, one of Sirhan's three lawyers, immediately moved for the mistrial, specifically citing an article in yesterday morning's editions of the Los Angeles Times which said Sirhan was considering entering a plea of guilty to the charge of first-degree murder.

"The defendant, Sirhan Sirhan, moves for a mistrial of this case on the ground that the publicity emanating originally from an article in the Los Angeles Times yesterday morning which was followed by a resume of the same facts on every radio station in the country" may have prejudiced the jury.

Cooper said the publicity concerning speculation about a possible voluntary plea of guilty had reached the point of "saturation" prior to the time of jury was sequestered.

Members of the jury hearing the case were not locked up in a downtown hotel until yesterday evening. Prior to that, speculation about a possible guilty plea was carried not only in the Los Angeles papers but by news media throughout the country.

Sirhan's trial in Los Angeles County Superior Court formally opened on Jan. 7, but it was not until Jan. 24 that preliminary motions were disposed of and a jury of eight men and four women was selected.

Selection of six alternate jurors was completed Tuesday and Judge Herbert V. Walker ordered a one-day recess yesterday in honor of Lincoln's Birthday prior to presentation of opening arguments and the prosecution's case, to be followed by the case for the defense.

The reports that Sirhan's attorneys proposed that he plead guilty came amid indications that both prosecution and defense psychiatrists who have examined the 24-year-old Jordanian found he qualified under California's unusual "diminished responsibility" medical-legal test.

That standard—something of a limited insanity plea—allows a defendant in a capital case to argue that his mental or emotional capacity at the time the crime was committed was so diminished as to rule out the degree of premeditation which must be proven by the prosecution to secure the death penalty.

Sirhan was indicted on a charge which says he killed Kennedy here last June 5 "with malice aforethought"—the degree of premeditation whose maximum penalty upon conviction in California is death in the state's gas chamber.

California juries decide both the guilt or innocence of the accused and the sentence he must serve if convicted. Whether a defendant pleads guilty to first-degree murder or is convicted of the charge, the jury can make only two possible recommendations—death or life imprisonment.

The latter has emerged as a possibility in the Sirhan case, particularly if the prosecution does not actively press for a death sentence. Los Angeles County Dist. Atty. Evelle J. Younger has hinted he would accept such a compromise.

Both Younger and Chief Deputy Dist. Atty. Lynn D. Compton said this week that the prosecution would study the possibility of accepting a guilty plea to first-degree murder.

Sirhan, however, reportedly balked at his attorneys' initial suggestions of pleading guilty because he felt the shift in strategy would deny him the opportunity to publicly explain, from the witness stand, his reasons for the assassination.

Not Decided Yet

"I am not ruling out any option," said Russell E. Parsons, one of three defense lawyers. "Such a possibility is always discussed in any case. I have talked about the possibility with the prosecution right from the beginning. But at the moment, the trial is going on."

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FEB 13 1969

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SIRHAN TRIAL SET FOR KEY APPEAL

Two Opening Statements
Are Expected This Week

By LACEY FOSSBURGH

Special to The New York Times

LOS ANGELES, Feb. 8—Although the trial of Sirhan Bishara Sirhan started 34 days ago and is expected to continue for two or three months more, one day next week may be the most critical day of all.

At that time two lawyers who have been silent during the process of jury selection will stand up in the small, crowded eighth-floor courtroom in the Hall of Justice here and deliver their opening statement.

First, the Chief Deputy District Attorney, Lynn D. Compton, who has been absent for more than 100 murder cases, will speak.

The jurors, accustomed to hearing the two Deputy District Attorneys, David N. Fitts and John E. Howard, will then listen for almost an hour to the deep, gruff voice of the 6-foot-tall, 220-pound former football player outlining the prosecution's case.

Afterward, 66-year-old Emile Zola Berman, the slight, baldish defense lawyer from New York who has not yet said 10 audible words in open court, will rise and face the jurors.

Key Part of Trial

"This is about the most important part of the whole trial," he said the other day, "If you can't make the jury realize in the opening statement that you have a valid and strong defense, you're lost."

Day in, day out, Mr. Berman has leaned back in his chair, his fingertips pressed together, and studied the prospective jurors' faces as his colleagues, Grant B. Cooper and Russell E. Parsons, questioned them.

"This is the only chance you have," he said, "for the weeks and weeks, and perhaps months, that go by until summation time, to explain your case and convince them of the validity of what you believe about your client."

Mr. Berman, a member of the board of trustees of the International Academy of Trial Lawyers, was chosen to deliver this important speech, Mr. Cooper explained, "because he's recognized as the top lawyer in the country at this. No one's better than Berman," he said.

"It's a real challenge," Mr. Berman said of the assignment. "It's tough."

In 1956 he waged a successful defense battle to have Staff Sgt. Matthew C. McKeon found guilty only of drinking on duty and simple negligence.

The sergeant had been charged with culpable negligence and responsibility for the death of six marines in a South Carolina swamp.

"Here's a guy who shot Kennedy, and everybody knows it," Mr. Berman said. "You have nothing but hostility to start with. The whole case depends on how the jury reacts to my opening."

Problem Defined

He intends to argue, "not in psychiatric terms or mumbo-jumbo, but in English," that Sirhan was of unsound mind when he shot the Senator last June. He was in a state of "diminished responsibility" and could not have given the act the rational and mature consideration necessary for a first-degree murder conviction, Mr. Berman said.

"The problem will be to persuade them this is a real defense for Sirhan," he said, "and that psychiatry is not witchcraft or alchemy."

While the selection of six alternate jurors continued last week and is scheduled to resume Monday, the two lawyers have been busy preparing their speeches.

Mr. Compton, who has tried more than half of the proceed in his 19 years as a prosecutor in Los Angeles County, said he "will negate some of the rumors that have arisen about the assassination."

The prosecution expects to call about 80 witnesses, many of whom saw the shooting in the Ambassador Hotel last June.

"I don't want to reveal ahead of time what I'm going to say," Mr. Compton said, "but some of our evidence may be unexpected. It may be something people are not aware of."

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Advocate for Sirhan

Emile Zola Berman 12

By LACEY FOSBURGH

Special to The New York Times

LOS ANGELES, Feb. 14—In May of 1964, Emile Zola Berman, carrying a briefcase and a pair of small, white sneakers, headed south for Alexandria, La.

Waiting for him was a 14-year old Negro boy, barefoot and alone in a stuffy dark cell, charged with raping a

67-year-old spinster, a member of the town's leading family. "They wanted the death penalty," Mr. Berman, a gaunt, baldish lawyer, recalled recently. "I was the Jew from New York and he was a Negro kid. It was tough, I can tell you. We were up against the most prestigious family in the area and an all-white jury."

Several weeks later, Mr. Berman went back to New York, and the boy, wearing his new sneakers, started a two-year jail sentence.

The Greatest Challenge

Today Mr. Berman faced perhaps the greatest challenge of his long, distinguished career. In the eighth-floor courtroom in the Hall of Justice here, in the opening statement for the defense, he began trying to persuade a jury that there was "a real and valid defense" for Sirhan Bishara Sirhan, charged with the murder of Senator Robert F. Kennedy last June.

"It's tough, it's real tough, but that's why I'm here," Mr. Berman said recently.

"The worst cases and the worst crimes make the best law and this one represents everything I've been working for all my life. Sirhan is a symbol of every man's right to a fair trial and this right needs constant reinforcement by people qualified to do it."

Mr. Berman, 66 years old, is defending Sirhan without payment as a member of the defense team.

In 1956 he waged a fierce defense battle in Parris Island, S. C., to have S. Sgt. Matthew C. McKeon found guilty of drinking on duty and simple negligence. The defendant had originally been charged with culpable negligence leading to the death of

Although he frequently makes such journeys to far-away places to defend individuals from the death penalty. Mr. Berman's regular work is defending corporations against liability suits. For each courtroom appearance for the New York firm of Berman & Frost, he reportedly receives \$4,000.

Whether in his favorite restaurants, Toots Shor and "21", or at any of his three homes in New York City, Roslyn Heights, I., and Westhampton, L.I., Mr. Berman is frequently engaged in a choice pastime—telling stories to friends.

Among his favorites is the one about the time he jumped ship in California one summer long ago and hitchhiked East. He was then a student at New York University. He was graduated from the N.Y.U. Law School in 1925.

History of a Name

Another is the history of his name. In the late eighteenth century, his parents, refugees from Russia, were among a group of students living in Paris whom Emile Zola took under his wing.

Later when her first son was born in America, on the Lower East Side Nov. 3, 1902, the young mother named him after the French author who defended Capt. Alfred Dreyfus after he was convicted of treason.

Virtually everyone, Mr. Berman says, calls him "Zuke."

As a child playing in the streets, he would hear his mother call, "Zola, come up for your milk."

"That wouldn't do," he said. "Somebody thought of Zuke as a remedy."

The only person who has ever called him Emile is his second wife, Virginia.

Mr. Berman's two children, both from his first marriage, are named Eliza and Eli.

To Sirhan and his family, he is Mr. Berman. Almost every day after he emerges from the courtroom, Mr. Berman finds the defendant's mother, Mary, and gives her an enthusiastic embrace.

"I have to show her I'm with her," Mr. Berman explains. "I'm here fighting for her son's life, and I want her to know we have a chance."



The New York Times

"It's real tough, but that's why I'm here."

Emile Zola Berman aka "Zuke"
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Date FEB 15 1969

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Excerpts From Sirhan Lawyer's Statement at Trial

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Special to The New York Times

LOS ANGELES, Feb. 14 —Following are excerpts from an unofficial transcript of the opening statement made to the jury today by Emile Vola Berman of New York, defense counsel for Sirhan Bishara Sirhan:

Now one thing I'd like to fasten down with you. The evidence in this case will disclose that the defendant, Sirhan Sirhan, is an immature, emotionally disturbed and mentally ill youth.

To start, then, at the beginning, Sirhan was 3 years old when war broke out between Palestinian Arabs and Zionists in Palestine in 1947. It was then that shooting took place on the very street where he lived in Jerusalem.

On the Saturday before Easter of 1948, Sirhan and his mother, father, brothers and sister crawled out of their home in the early dawn with gunshots echoing all about them to a temporary safety in an Orthodox Christian convent in another part of the city.

They never went back. They lived with other uprooted and evicted Arabs in a hungry, war-torn, violent existence. Sirhan, this young boy at the time, was exposed to the most severe, repeated scenes of war with such effects upon him to leave their mark upon his personality all during his life.

Sirhan saw a little girl's leg blown off by a bomb and the blood spurting from below her knee, as though from a faucet. He went into a spell, he stiffened, his face contorted, he was out of contact with reality, and lost all sense of where he was or what was happening to him.

'In a Trance for 4 Days'

These severe reaction spells from the horrors of war occurred again and again. For example, a bomb exploded when he was playing near the Damascus Gate. Sirhan went into a spell, someone called his mother, who took him home, where he remained in a trance for four days.

Through ten years of the hot and cold war, the Sirhan family, under great hardships, tried to make things work out.

Sirhan went to the Lutheran church school run by Arab Christians, and at his age of 12 the family came to America, to this country, and that was in 1957. Some seven months later, the father left their home alone, and abandoned his family and returned to Jordan, did nothing for them financially or otherwise, up to and including the present moment — and in fact divorced his mother.

While here, Sirhan went to Muir High School, where he always felt and always reacted as an outsider — it was a fact. He just didn't belong. He was someone who didn't belong. He graduated Muir High School and was accepted at Pasadena City College.

It was his ambition to be-

come a diplomat. He didn't make the grade and was dismissed from college after 1½ years, in March, 1965, because of failing marks in four subjects. And once again, another defeat.

He got a job working nights at a gas station and with his earnings he bet on the horses—hoping to make a fortune — and that would show them all that he was a somebody, that he belonged.

Once again, defeat, because, like many horse players, he lost.

He then got a job as an exercise boy at a thoroughbred ranch near Corona. He was hoping and ambitious to become a jockey — and a great one. Well, one foggy morning at the ranch he was thrown by a horse right into a rail, knocked unconscious and taken to an emergency hospital. He couldn't do much with horses after that. Another failure.

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Wrote a 'Declaration'

He complained about headaches, became more and more irritable, brooding, quick to anger, and preoccupied with fanatical obsessions of hatred, suspicion and distrust. He too to long hours of reading on the power of the mind.

In fact, on the 2d of June, 1967, as you will hear in mind that Arab-Israeli hostilities were occurring in the Middle East and war broke out on the 5th of June, 1967. But to repeat, on June 2, 1967, he wrote a — and I quote now, so you will have some concept of what kind of mind we and you the jury will be dealing with — "Declaration of War Against American Humanity," in which the following appears: "The victims of this party in favor of this declaration (now mind you, this is back in '67, not '68) will be or are now the President, Vice President, etc., down the ladder."

In this declaration he also wrote:

"The author of this memorandum expresses his wishes very bluntly that he wants to be recorded by history as the man who triggered off the last world war."

Three days later the six-day Arab-Israeli war broke out in the Middle East. He saw on television, heard on radio and read in the newspapers and the events of those days, and the defeat of the Arabs by the Israelis.

All of this triggered his spells. In his fantasies he was often a hero and savior of his people. In the realities of life, as our doctors will tell you, however, he was small, helpless, isolated, confused and bewildered by emotions over which he had absolutely no control.

He became concerned with mystical thoughts and searched for supernatural powers of the mind over matter. He started mystical experiments in his room. For example, he would concentrate on a hanging lead fishing sinker and make it swing back and forth by the power of his mind and concentration.

Bought a Revolver

In January of 1968, six months before the death of Senator Kennedy, he and his brother bought a .22-caliber Ivor Johnson revolver to use for sport, and Sirhan spent time shooting at various ranges. The shooting gave him, as doctors will tell you, a strange sense of release, but the mystical experiments gave him no peace of mind — only further bewilderment and emotional confusion. ~~Then came another heavy~~

shock. In late May and early June of 1968, Senator Kennedy, who he himself will tell you he admired and loved, said during the campaign both in Oregon and California, in essence, that if he were President he would send 50 Phantom jets to Israel.

That did it, because from that point on back to mysticism went Sirhan. He concentrated in front of a mirror in his own room and thought about Senator Kennedy until at last he saw his own face no longer, but that of Senator Kennedy, in that mirror.

Sirhan will tell you himself from the witness stand that he never thought and never had a thought to kill Kennedy, but through his mystic mind power, the doctors will say, he could fantasize about it and relieve that feeling of emptiness within him.

Through a weird chain of circumstances, and while in a disturbed mental state, intoxicated and confused, he had the same spells that he had in Palestine. 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.

That killing was unplanned, undeliberate, impulsive and without premeditation or malice, totally the product of a sick and obsessed mind and warped personality.

At the actual moment of shooting — now this isn't Berman talking, it is mental science talking — he was out of contact with reality, in a trance — that same kind of trance — in which he had no voluntary control over his will, his judgment, his feelings or his actions.

I do not expect, nor is it my desire, that you accept my statement as evidence. I tell you these matters because we will prove them through great men in the field of psychiatry and psychology — by tests that run the gamut of hypnosis, interviews and known and acceptable psychological tests and testing procedures.

You will be told in detail by these scientists how they perform these tests and that the tests conclusively show that because of mental illness and emotional disorder, Sirhan did not have the mental capacity, nor the mental state that is the essential element — an essential — of murder; namely maturely and meaningfully premeditate, deliberate or reflect upon the gravity of his act, nor form an intent to kill, nor harbor malice aforethought, as we believe these are defined by the laws of California.

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'IS EVERYBODY OK?' A-1

Jury Told Last RFK Words

By ROBERT WALTERS

Star Staff Writer

LOS ANGELES — "I lean down and put my hand at the back of his head and try to do whatever I could to give aid," busboy Juan Romero told the hushed courtroom. "I said, 'Come on, Mr. Kennedy, you can make it.'"

"Mr. Kennedy" — the late Sen. Robert F. Kennedy — didn't make it. He died 25 hours later in Good Samaritan Hospital here of gunshot wounds inflicted while shaking hands with Romero and other kitchen employees in a serving pantry at the Ambassador Hotel in downtown Los Angeles.

And Romero, now a busboy in Santa Barbara, Calif., returned here yesterday to confront the man charged with Kennedy's alleged assassination and recount, in broken English, what occurred as he knelt at Kennedy's side in a futile effort to aid the fallen senator.

It was the photograph of Romero — his hand cupped behind Kennedy's head, his eyes staring vacantly and helplessly upward — that was perhaps the most vivid and best remembered of all the news pictures taken during the tumultuous moments following the shooting June 5.

While others scrambled to subdue and disarm the accused man, Sirhan Bishara Sirhan, Romero stooped to aid Kennedy. The senator's only words before lapsing into a coma, the busboy

recalled yesterday, were: "Is everybody OK?"

Romero recalled that Kennedy had only one eye open and "his left leg was kind of shaking" while sprawled on the serving pantry floor. And the busboy remembered that when he removed his hand from the senator's head, "there was blood dripping on my fingers."

The busboy told of one other gesture he made prior to the arrival of an ambulance — "a priest, or I don't know who gave me a rosary, and I put it in his hand."

Romero, employed by the Ambassador at the time of the slaying, was among five witnesses called to testify by the state as

the prosecution began presenting evidence yesterday to a Los Angeles County Superior Court jury in an effort to convict Sirhan of first-degree murder.

Prior to the appearance of the five witnesses — the first of an estimated 60 to 80 persons prepared to testify against Sirhan — one of the defendant's three attorneys, Emile Zola Berman, presented an opening argument in which he pictured his client as a young man suffering from spells, trances and mystic delusions.

Berman said Sirhan would "tell you himself from this witness stand that he never thought he ever would kill Kennedy" — the first public disclosure that the defendant would testify personally when the defense presents its case.

Berman also told the jury that "great men in the fields of psychiatry and psychology" also would testify in Sirhan's behalf and present the results of "tests that run the gamut of hypnosis, interviews and accepted psychological tests and testing procedures."

In both cases, the witnesses will attempt to prove that "at the actual moment of the shooting, he (Sirhan) 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," Berman said.

War in 1947 Cited

"Sirhan is an immature, emotionally disturbed and mentally ill youth," said the defense lawyer, tracing the roots of that psychological trouble back to when Sirhan was 3 years old and war broke out between the Palestinian Arabs and Zionists in Palestine in 1947.

Sirhan was then living with his family in Jerusalem.

"One night, the building he lived in became a machine gun nest. On another night, his very home was bombed," Berman said. "He was exposed to the most severe, repeated scenes of war, with such effects upon him to leave their mark upon his personality all during his life up to and including the present."

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As Berman spoke, however, Sirhan first vigorously shook his head in disagreement then rose briefly from his chair in a brief outburst to protest the psychological characterization. Apparently agitated by the description of mental illness, Sirhan first murmured, "No, no," then rose from his seat before being calmed down by a defense investigator.

On one occasion in Palestine, Berman said, "Sirhan saw a little girl's leg blown off by a bomb, and the blood spurted off from below her knee, as though from a faucet. He went into a spell, he stiffened, his face contorted, he was out of contact with reality."

"In Trance 4 Days"

After a bombing, Sirhan "remained in a trance for four days," the jury was told. At another time, "He lost all sense of where he was or what was happening around him."

The war finally ended, but Sirhan's troubles were just beginning, Berman said. The defendant's parents were divorced, he was dismissed from college because of failing grades and he was unable to hold a steady job.

"He complained about headaches, became more and more irritable, brooding, quick to anger, and preoccupied with fanatical obsessions of hatred, suspicion and distrust," Berman said.

The lawyer told the jury that on June 2, 1967—as Arab-Israeli hostilities were again rising just three days prior to the outbreak of the "six-day war," Sirhan wrote a memo to himself entitled: "Declaration of war against American humanity."

That memo said, in part: "The victims of the party in favor of this declaration will be or are now the president, vice president, etc., down the ladder. . . . The author of this memorandum expresses his wishes very bluntly that he wants to be recorded by history as the man who triggered off the last war."

Tells of "Fantasies"

Arguing that Sirhan suffered from "diminished capacity and mental deficiency," Berman said of his client:

"In his spells, his fantasies, he was often a hero and savior of his people. In the realities of life, however, he was small, helpless, isolated, confused and bewildered by emotions over which he had no control.

"He was unable to plan or think clearly, unable to maintain any meaningful direction to his life. He became concerned with mystical thoughts and searched for supernatural powers of the mind over matter. He started mystical experiments in his room."

Among those experiments, said Berman, were efforts at self-hypnosis by staring at a hanging lead fishing sinker and at a flickering candle.

Sirhan "admired and loved" Kennedy, but received a heavy shock when the senator, campaigning for the Democratic presidential nomination last Spring, publicly advocated the United States sale of 50 Phantom jet fighter planes to Israel, the jury was told.

Sirhan then concentrated in front of a mirror in his own room and thought about Kennedy until at last he saw his own face no longer, but that of Kennedy himself in the mirror," Berman said.

Defense lawyers questioned three of the five prosecution witnesses who appeared yesterday about the presence of large mirrors in a room leading into the ballroom where Kennedy spoke only minutes before being shot. They apparently are planning to tie together those mirrors and the one mentioned in Berman's opening statement.

"There is no doubt—and we have told you this from the beginning—that he (Sirhan) did in fact fire the shot that killed Kennedy," Berman said. "The killing was unplanned and undeliberate, impulsive and without premeditation or malice, totally a product of a sick, obsessed mind and personality."

The attorney added: "At the actual moment of the shooting, 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 . . .

"Because of mental illness and emotional disorder, Sirhan did not have the mental capacity to have the mental states that are the essential elements of murder, namely maturely and meaningfully premeditate, deliberate or reflect upon the gravity of his act, nor form an intent to kill nor harbor malice aforethought."



JUAN ROMERO

'Loved and Admired RFK', Sirhan Says

LOS ANGELES, Feb. 15 (UPI) — Sirhan B. Sirhan will testify he "loved and admired" Sen. Robert F. Kennedy, the man he is accused of assassinating.

Sirhan's attorneys, who described the 24-year-old Palestinian Arab as "mentally ill," will take the stand to tell his murder trial jury he indeed deeply admired Sen. Kennedy, associate defense counsel Emile Zola Berman told the court yesterday.

In the first day of testimony yesterday, the prosecution called five witnesses, most of them employees of the Ambassador Hotel where the New York Senator was shot June 5.

SIRHAN IN FRANCE

In his statement, Mr. Berman admitted Sirhan fired the bullet that killed Sen. Kennedy but said he was in a trance and intoxicated. He said as a boy the defendant became subject to spells and trances after witnessing violence in Arab-Israeli warfare.

Sirhan came to the U.S. at the age of 12 and always felt like an outsider, according to Mr. Berman. He maintained a lively interest in world affairs and had delusions of grandeur about a role he could play.

This developed to the point where he was badly affected by Mr. Kennedy's pledge to give 50 Phantom jet fighters to Israel to use against the Arabs, Sirhan's own people.

SIRHAN REACTS

Sirhan reacted strongly, whispered in agitation to another defense attorney, Russell Parsons, and shook his head.

One prosecution witness, Juan Romero, a hotel busboy failed to identify Sirhan as the gunman when called.

Three other witnesses, all hotel employees, definitely identified Sirhan as the gunman.



—UPI Photos

When the jurors at the trial of Sirhan B. Sirhan reconvene they'll have a model of The Ambassador Hotel, where Sen. Robert F. Kennedy was slain, for ready reference.

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Date FEB 15 1969

62-587-4
NOT RECORDED

46 FEB 20 1969

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DATED 2-15-69
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55 FEB 25 1969

Sirhan Defense Contends He Killed While in Trance

By DOUGLAS E. KNEELAND

Special to The New York Times

LOS ANGELES, Feb. 14—Attorneys for Sirhan Bishara Sirhan said today that when he killed Senator Robert F. Kennedy, a man he "admired and loved," Sirhan was out of contact with reality, in a trance.

In his opening statement, Emile Zola Berman, New York lawyer, pictured the 24-year-old Jordanian immigrant as an "immature, emotionally disturbed and mentally ill youth."

Mr. Berman, thin, baldish, 66 years old, stood at a lectern before the jury, peering through reading glasses at a prepared text as he recounted in a slightly rasping voice Sirhan's early years as a Palestinian Arab.

Setbacks Depicted

The slight, dark-haired defendant, Mr. Berman said, not only was uprooted by the Palestinian war but also was emotionally scarred by the violence that erupted around him when he was only 3 years old.

"For example," Mr. Berman told the crowded eighth-floor courtroom in the Hall of Justice, "Sirhan saw a little girl's leg blown off by a bomb and the blood spurting from below her knee, as though from a faucet. He went into a spell, he stiffened, his face contorted, he was out of contact with reality, and lost all sense of where he was or what was happening to him."

From this point on, as Mr. Berman described it, Sirhan's life was a series of setbacks, rejections, large dreams and repeated failures.

As the attorney dwelt upon Sirhan's "fanatical obsessions of hatred, suspicion and distrust" and his constant defeats in life, the defendant, his dark eyes bright and glistening, rose half out of his chair at the defense table. Leaning toward Russell E. Parsons, another attorney, and Michael McCowan, chief defense investigator, Sirhan chopped the air with his hands as if to try to halt Mr. Berman, shook his head agitatedly and whispered frantically.

Later, Mr. McCowan said, Sirhan had not read the statement before it was delivered by Mr. Berman.

"Of course, he doesn't believe it," Mr. McCowan said, "and when you're saying unkind things about him he doesn't like it."

When Sirhan started to rise out of his chair, the investigator placed a firm arm around the sheriff's department stood behind Sirhan, placing his hand on the defendant's back.

Mr. McCowan said later Mr. Conroy had urged:

"Mike, talk to him."
"I told him [Sirhan] to calm his shoulders and spoke to him rapidly."

Inspector William Conroy of down," Mr. McCowan said, "we had to put these things in. He just kept saying, 'No, no.'"

Resumes Smiles

As Mr. Berman continued, Sirhan became visibly quieter and resumed smiling and chatting with others at the table.

"He was calmed down at the end," Mr. McCowan said, "and thanked Mr. Berman at the end for his speech."

During the opening statement, Sirhan's mother, Mrs. Mary Sirhan, and a brother, Munir, 21, sat outwardly impassive in the front row of the heavily guarded, 75-seat courtroom.

Mr. Berman said that after a fall from a horse Sirhan "complained about headaches, became more and more irritable, brooding, quick to anger and preoccupied with fanatical obsessions of hatred, suspicion and distrust."

"He took to long hours of reading works on the power of the mind," Mr. Berman said, and began writing, on June 2, 1967, just three days before the six-day Arab-Israeli war broke out, such things as:

"The author of this memorandum expresses his wishes very bluntly that he wants to be recorded by history as the man who triggered off the last world horse players, he lost."

Mr. Berman said that when Sirhan read about Arab defeats by the Israelis it triggered his spells.

"In his fantasies he was often a hero and savior of his people," the attorney added. "In the realities of life, as our doctors will tell you, however, he was small, helpless, isolated, confused and bewildered by emotions over which he had absolutely no control."

Mr. Berman said Sirhan then became "concerned with mystical thoughts and searched for supernatural powers of the mind over matter," indulging in mystical experiments akin, at least, to self-hypnosis.

'Another Heavy Shock'

"Then came another heavy shock," the attorney said as the 12 alternates and six jurors listened intently, some leaning forward to hear over the street noises that penetrated the steel sheets blocking the courtroom windows.

Mr. Berman went on:

"In late May and early June of 1968, Senator Kennedy, who he himself will tell you he admired and loved, said during the campaign both in Oregon and California, in essence, that if he were President he would send 50 Phantom jets to Israel."

"That did it, because from that point on, back to mysticism went Sirhan. He concentrated in front of a mirror in his own room and thought and thought about Senator Kennedy until he saw his own face that of Sen-

The Washington Post
Times Herald

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The Evening Star (Washington)

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Daily News (New York)

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UNDER E.O. 14176

Sirhan Loved Sen. Kennedy & Killed in Trance, Jury Told

By THEO WILSON

Staff Correspondent of THE NEWS

Los Angeles, Feb. 14—Sirhan Sirhan was a sick "mystic" living in a strange world of fantasy and obsession, and when he killed Robert F. Kennedy, a man he "admired and loved," he was "out of contact with reality, in a trance..."

Defense attorney Emile Zola Berman, describing the young Jordanian in this way to his murder trial jurors today, told them:

"According to methods he read in a book he acquired, he concentrated in front of a mirror in his own room and thought about Sen. Kennedy until at last he saw his own face no longer, but that of Sen. Kennedy himself in the mirror."

War Experiences Cited

The 24-year-old defendant, according to the New York lawyer, had then, and "has a mind torn apart by childhood experiences in the Arab-Israeli war and by youthful bewilderment and frustrations as an immigrant here."

"At the actual moment of shooting," Berman said, "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."

Goal of Defense

To save Sirhan from the gas chamber, the defense must show that he was mentally incapable of first degree murder, and Berman described the defendant as "immature, emotionally disturbed, mentally ill."

Sirhan shook his head in the negative when Berman said this and got so excited that co-counsel Russell Parsons and chief investigator Mike McCowan had to pull him down and tell him to be still.

Later Parsons said: "He resents anyone calling him mentally ill. He even resents me saying it." Parsons is the lawyer Sirhan feels closest to, since he handled his case from the outset.

Berman told the jurors many times that doctors would prove that Sirhan was mentally disturbed.

He said that it was a "heavy shock" to Sirhan when in late May and early June of 1968, Kennedy, "whom he admired and loved, said during the campaign... that if he were President he would send 50 phantom jets to Israel. That did it! back to mysticism."

Here Berman described the mirror experiments and added:

"Sirhan will tell you himself from this witness stand that he never thought he ever would kill Kennedy, but through his mystic mind power he could fantasize about it and relieve that feeling of emptiness inside him."

Berman made an opening statement designed to challenge the state's contention that Sirhan plotted Kennedy's murder last June 6 at the Ambassador Hotel here and killed him in cold blood.

Berman, who is Jewish, had described the "spells" earlier while telling the 12 jurors and six alternates about the violence and horror Sirhan was exposed to as a child "when war broke out between the Palestinian Arabs and Zionists in Palestine in 1947."

Berman described Sirhan's schooling and jobs here and told how he fell from a horse while trying to become a jockey. After that he "complained about headaches, became more and more irritable, brooding, quick to anger, preoccupied with fanatical obsessions of hatred, suspicion and distrust. He took to long hours of reading works on the power of the mind," he said.

Then the lawyer said that, shortly before the June 1967 war between the Arabs and Israel, Sirhan wrote a "declaration of war against American humanity."

Threat Spelled Out

In that declaration, Sirhan wrote:

"The victims of the party in favor of the declaration will be or are now the President, vice president, etc. down the ladder."

"The author of this memoranda expresses his wishes very bluntly that he wants to be recorded by history as the man who triggered off the last war."

Berman said he gathered from

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this, ~~that~~ Sirhan meant "the last war to ever be. And there were other such writings, clear evidence of diminished capacity and mental deficiency."

Sirhan had spells, fantasized himself as "a hero and savior of his people . . . but was small, helpless, isolated, confused and bewildered," Berman said.

Then the attorney described Sirhan as becoming "concerned with mystical thoughts . . . searching for supernatural powers of the mind over matter."

Power of Mind

"For example, he would concentrate on a hanging lead fishing sinker and make it swing back and forth by the power of his mind.

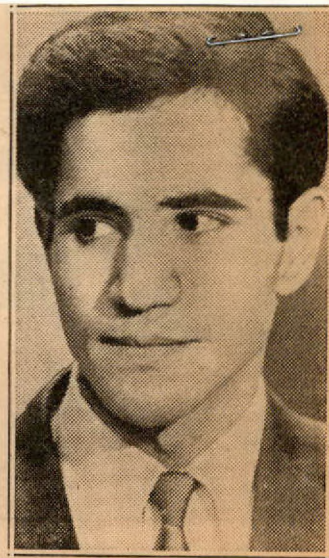
"He would concentrate on a candle flame and make it dance, first to the right, then to the left."

Six months before Kennedy was killed, Berman said, Sirhan bought a .22-caliber Iver Johnson revolver and spent time shooting at various ranges. This, Berman said, gave Sirhan "a strange sense of release but the mystical experiments gave him no peace of mind."

After describing Sirhan's trance-like state at the time Kennedy was killed, Berman told the jurors that what he had said to them would be bolstered by evidence from psychiatric experts to prove Sirhan could not have committed first degree murder "because of mental illness and emotional disorder."



Emile Zola Berman



Sirhan Sirhan

Lawyer and client differ on mental state

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Tells of Fatal Change in Plans

Los Angeles, Feb. 14 (Special)—The man who was closest to Robert F. Kennedy when he was shot, and who was the first to grab Sirhan Sirhan's gun hand, testified today it was only at the last minute that the senator's plans were changed about what room in the Ambassador Hotel he was going to after making his victory speech.

This change brought Kennedy directly into the path of his admitted assassin shortly after midnight June 5, 1968.

State witness Carl Uecker, an assistant maitre d' at the hotel, told Sirhan's jurors—who were taking notes and watching him intently as he pointed out the hotel murder scene on a large mock-up—that he escorted Kennedy from the Embassy Ballroom immediately after the presidential candidate made his talk there to a cheering crowd.

Speaking with a German accent, his voice sometimes thickened with emotion, Uecker said:

"I took the senator behind the stage through the doors. We were

going to make a left turn to the Ambassador Ballroom. (Where Kennedy was going to make another victory speech to an overflow crowd) when somebody—I don't remember who—said: "No, we're going to the Colonial Room. The decision was made in the last minutes . . ."

Uecker said this answering questions from assistant prosecutor John Howard.

Defense attorney Grant Cooper, who is trying to prove that Sirhan's killing of Kennedy was not "premeditated" or "willful," made much of this point during cross-examination.

Just before he was shot, Kennedy "was very happy," Uecker said, his voice thick. "I had a hold of his right arm. He broke away from me to shake hands. When he shook hands I looked over and saw something coming closer and closer. I said: 'Let's go, senator.'"

"I turned to my right. Something rushed next to me, in front of me, pushing me against the steam table. I heard shots, something like a firecracker, then more shots. I turned my head, I lost the senator, there was a man with a gun in his hand. I grabbed for the gun." Uecker said.

—AP Wire Service

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Sirhan Defended As 'Sick'

RFK Slaying Called Product Of Obsession

By George Lardner Jr.
Washington Post Staff Writer

LOS ANGELES, Feb. 14
—Sirhan Bishara Sirhan's lawyers opened the defense today by calling him a "sick and obsessed" mystic who killed Sen. Robert F. Kennedy in a hypnotic trance.

The young Palestinian Arab had to be physically restrained as defense counsel Emile Zola Berman went before a Superior Court jury here to pass off his client as one of life's losers, a failure "preoccupied with fantastical obsessions of hatred, suspicion and distrust."

The frail, 24-year-old defendant jumped to the edge of the seat, plainly upset. He shook his head back and forth, and murmured "no, no." His eyes seemed to be glistening.

Asks for Help

Inspector William Conroy, the sheriff's deputy in charge of security, put a hand on the defendant's back and muttered to chief defense investigator Michael McCowan for help.

"I had to physically put him down," McCowan said later. "He'd never read the statement."

"We said he was emotionally ill, and quick to anger. That's what he is. But he doesn't believe it. He doesn't think there's anything wrong with him."

The state has accused the young immigrant of calculated, cold-blooded murder, deserving of the gas chamber. The defense contends that he was not only in a "confused" trance-like stupor, but that he was also "intoxicated"—assertedly from three drinks, belted down during the political partying that spread through the Ambassador Hotel shortly before the assassination last June 5.

Only a vague, one-word allusion to liquor was made in the courtroom today, however. In his dramatic but brief opening statement, Berman concentrated instead on what he called Sirhan's emotional and mental illness.

"There is no doubt," he said, that Sirhan "did in fact fire the shot that killed Sen. Kennedy."

Called Unplanned

But, the balding lawyer said, "That killing was unplanned and undeliberate, impulsive and without premeditation or malice—totally the product of a sick and obsessed mind and warped personality."

"At the actual moment of the shooting," Berman went on, "he was out of contact with reality, in a trance... in which he had no voluntary control over his will, his judgment, his feelings and his actions."

Later, in their questioning of prosecution witnesses, the defense sought to hint that a bank of mirrors near the entrance to the hotel's Embassy Room may have been instrumental in putting him under a spell.

Sirhan, Berman said, even used to conduct "mystical experiments in his room," concentrating on a hanging lead sinker and making it swing back and forth "by the power of his mind," or looking at a candle flame and making it dance, "first to the right and then to the left."

Sirhan abandoned such practices for awhile, the attorney declared, but after Sen. Kennedy advocated sending some 50 Phantom jets to Israel, Sirhan went "back to mysticism."

At times, the jury was told, he would stare into the mirror in his room and think about the Senator "until at last, he saw his own face no longer, but that of Senator Kennedy."

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"Now this isn't Berman talking," the lawyer kept repeating. "Men of science," he said, would attest to it. Sirhan, he insisted, actually admired and loved the New York Senator.

The sickness, the 65-year-old Jewish attorney said, began when war broke out between Palestinian Arabs and Zionists in Palestine in 1947.

Sirhan was only three years old then, but the street he lived on, the attorney said, was rocked by gunfire. In fact, he said, it "became the dividing line between the Jews on the one side and the Arabs on the other."

One night, Berman told the jurors, many of them busily scribbling notes, the building he lived in became a machine gun nest. On another night, his home was bombed. The horrors of war sank in deeply. It was then, Berman said, that he first went into a spell.

As a child, he said, Sirhan saw a little girl's leg blown off by a bomb, "the blood spurt- ing from below her knee, as though from a faucet. He went into a spell, he stiffened, his face contorted, he was out of contact with reality, and lost all sense of where he was or what was happening to him."

On another occasion, a bomb exploded while Sirhan was playing near the Damascus Gate. He "remained in a trance for four days," Berman said. It happened still again, he told the jury, when a bomb exploded outside the window of the Sirhan flat and tore a man apart.

On coming to America, Sirhan was a repeated failure—an outsider at high school "who just didn't fit in," a college reject who was dismissed in his sophomore year because of failing marks in four subjects. He got a job at a gas station and played the horses with his earnings. "And once again," Berman said, "defeat."

From there, he tried to become a jockey, but he was thrown from a horse and that ended that. "Another failure."

It was here that Sirhan stirred in his seat and began protesting. But Berman went on. Sirhan, he said, became more irritable, brooding and preoccupied. He took to reading books on mysticism and making jottings in notebooks.

The attorney read one entry, dated June 2, 1967. It was styled a "Declaration of war against American humanity."

In it, the unpredictable Jordanian immigrant wrote that "the victims of the party in favor of this declaration will be or are now the President, the Vice-President, etc., down the ladder."

"The author of this memorandum," Sirhan also wrote, "expresses his wishes very bluntly that he wants to be recorded by history as the man

who triggered off the last world war."

By that, Berman said, "I gather he meant the last war ever to be."

Three days later, the six-day Arab-Israeli war broke out. Sirhan saw and heard repeated accounts of the lightning Israeli victory.

"All this," Berman said, "triggered his spells. In his fantasies he was often a hero and savior of his people. In the realities of life, however, as our doctor will tell you, he was small, helpless, isolated, confused and bewildered by emotions over which he had absolutely no control."

It was then that "the mystical experiments" were said to have started. Then six months before the assassination Sirhan and his brother bought a .22-caliber revolver.

Sirhan tried it out at various gun ranges around Los Angeles. "The shooting," Berman said, "gave him a strange sense of release," much more than mysticism had done.

Sen. Kennedy's advocacy of jets for Israel, however, came as a "heavy shock." Sirhan, Berman said, would act out his anger by staring into the mir-

ror, and fantasize about killing the New York Senator.

But the defendant, the attorney declared, never really thought he would actually do it. The slaying, Berman asserted, came about "through a weird chain of circumstances" while Sirhan was "in a disturbed mental state . . . that same kind of trance" that he had as a boy in Palestine.

"We ask you to listen to the evidence, to adopt what science has to offer, to consult your conscience," Berman concluded. "In short, let true justice be done."

By then, the mercurial Sirhan had changed moods completely, smiling broadly as his lawyer stepped away from the lectern. Later, Berman told a reporter, Sirhan was calling the speech "just great."

The prosecution began calling its witnesses as soon as Berman was done. The first to give substantive testimony was Karl Uecker, 36, husky, red-haired assistant maitre d' at the Ambassador Hotel. He had been guiding Sen. Kennedy through a pantryway in back of the hotel's Embassy Room when Sirhan shot the Senator down.

The 190-pound Uecker said he grabbed the assailant, clamped him in a headlock with his right arm, and bent him over a steam table, and with his free arm, grabbed Sirhan's gun hand by the wrist but Sirhan "kept on shooting . . . kept on shooting."

Chief defense counsel Grant B. Cooper emphasized the struggle during cross-examination, in an attempt to suggest that the 112-pound Sirhan had a fanatical, almost inexplicable grip on the revolver.

"He had a very strong grip," Uecker acknowledged. "I couldn't get the gun."

Vincent DiPierro, a college student and part-time waiter at the Ambassador, said he was standing about five feet from the Senator when the first bullet, and apparently the fatal one, struck Kennedy behind the ear.

"His head reared back," DiPierro testified. Suddenly, he said, "I had blood on my glasses . . . blood all over my face."

Before that, he asserted, he noticed Sirhan with "well, you could call it a smirk or a sub-smile on his face . . . a semi-smile."

It was DiPierro who told a Los Angeles County grand jury last June that he saw a girl in a polka dot dress with "a very good looking figure" apparently chatting with Sirhan moments before the shooting, but there were no polka dots today. Investigators say DiPierro has admitted making that up to embellish his story.

Today's witnesses also included Juan Romero, 18, a busboy who wound up cradling Kennedy's head in his hands, blood dripping onto his fingers as the Senator lay on the floor. He pressed a rosary into the dying man's hands.

"I said, 'Come on, Senator, you can make it,'" Romero testified in quick, jerky syllables.

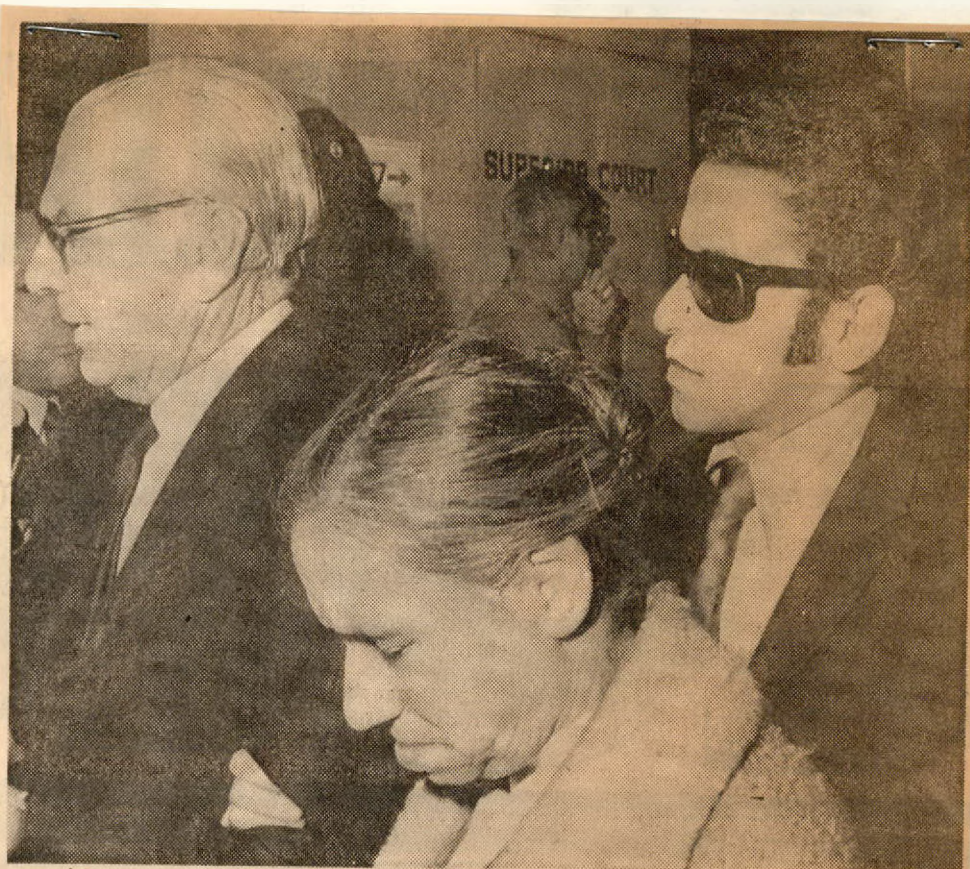
Prosecutor John Howard asked the unhappy busboy if he saw Sen. Kennedy's assailant in the courtroom. Superior Court Judge Herbert V. Walker told Sirhan to stand up.

Romero stole a quick glance and turned away uneasily. "No," he said, "I don't believe that's him."

"What did he say?" Sirhan asked defense investigator McCowan.

"He said it wasn't you," McCowan replied.

"Oh," Sirhan Sirhan said with a grin, "you're kidding."



United Press International

Russell Parsons, left, a defense attorney for Sirhan, his brother, Munir Sirhan, and

mother, Mary, leave courtroom Thursday after motion for a mistrial was denied.

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Sirhan Jury Has Night Out At the Movies

By THEO WILSON
 Staff Correspondent of THE NEWS

Los Angeles, Feb. 15—Sirhan Sirhan's jurors went to see "The Odd Couple" at a Hollywood studio last night, then spent a relaxing rainy Saturday today.

Judge Herbert V. Walker also is expected to come to the Brookmore Hotel during the weekend to meet the families and personally give them the court's thanks for the sacrifice they are making.

Bailiff Willard Polhemus said: "Some of the ladies are having their hair done, and some of the men are having haircuts. They are going any place they wish, accompanied by a deputy."

Polhemus explained that as long as the jurors were not in deliberation, they could be separated, with a guard provided to make sure nobody tried to talk to them.

He said nothing special was planned today. Tomorrow, if the weather improves, the 12 jurors and six alternates, with husbands and wives, will be taken in a sheriff's bus on a drive to the Santa Monica area, back through Westwood and Beverly Hills, with a stop at some restaurant for dinner.

The bailiff said that the eight men and four women on the regular jury and the three men and three women who are alternates spent about three hours last night at the private film showing. He said that they enjoyed the picture.

Cross-Examination Monday

Sirhan's trial in the murder of Sen. Robert F. Kennedy will resume Monday with the cross-examination by the defense of Vince DiPierro. Yesterday the Santa Monica City College student described the shooting.

DiPierro is also a part-time waiter at the Hotel Ambassador; scene of the assassination June 5, 1963. His father, Angelo DiPierro, is the Hotel's Maitre d'.

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Sirhan Defense Pulls Out All the Stops to Prove Case

By George Lardner Jr.
Washington Post Staff Writer
LOS ANGELES, Feb. 15—It promises to be a bizarre trial. Only the hashish seems to be missing.

Except for that, Sirhan Bishara Sirhan's lawyers appear to have claimed all the ingredients that can be used under California's theory of "diminished responsibility" to counter a first-degree murder charge.

Defense counsel Emile Zola Berman, a thin, canny New York attorney, ticked them off in the courtroom yesterday in a dramatic, brutally explicit opening statement: obsession, anger, fear, even liquor.

Sirhan, Berman suggested, was under the influence of them all when he assassinated

Sen. Robert F. Kennedy in the Ambassador Hotel here last June. Only drugs, which can also be claimed to disprove murder in cold blood, were left out.

In a sense, the defense is saying, the killing was done with mirrors. The flyweight Arab immigrant, his lawyers say, used to stare into the mirror in his bedroom, acting out his anger at Kennedy for supporting Israel, until he could actually see the Senator's face instead of his own.

"Sirhan will tell you himself from the witness stand that he never thought, and never had a thought, to (actually) kill Kennedy," the jurors were

told, "but through his mystic mind power, the doctors will say, he could fantasize about it and relieve that feeling of emptiness within him."

In the background were the horrors of the 1947 Arab-Israeli war that were said to have sent the little Palestinian into a trance even as a boy; an adolescence filled with nightmares and preoccupation with mysticism and trances—some self-imposed, some assertedly involuntary.

Then came the night of the assassination. Fueled by a few drinks, the defense contends, Sirhan found himself wandering near the Embassy Room of the Ambassador, where Kennedy was to give a victory speech celebrating his success in California's Democratic presidential primary.

There, says his lawyers: the twisted young man with a gun found mirrors all over. And there, they assert, not long afterwards, he killed Kennedy "in a trance—that same kind of trance" that he had as a child in war-torn Palestine.

It is a fascinating theory, but one that the State of California, not surprisingly, refuses to buy.

Four days before the shooting, Sirhan walked into a San Gabriel gun shop and bought the ammunition that was apparently used to kill the New York Senator. Three days before, the prosecution disclosed, several witnesses saw Sirhan hanging around the Ambassador at a day-long Sunday reception for Kennedy, and then later in the hotel kitchen next to the pantry where the Senator was eventually shot.

Then, too, there were the long hours Sirhan spent at a suburban gun range, practicing rapid-fire shooting the afternoon before the assassination. And there was his presence in the hotel, with a .22 caliber revolver in his trousers, hours before the slaying.

It was done, the State contends, not with mirrors but with "malice of forethought."

The prosecution, however, did not stress its demands for the gas chamber in the past week. District Attorney Evelle J. Younger and his aides appeared ready at several points to be willing to settle for a life-in-prisonment agreement with the defense that would have precluded a full-scale trial.

In the end, the mercurial defendant and his lawyers decided against it. With Superior Court Judge Herbert V. Walker unwilling to consent to a guilty plea that would have made a life term automatic, they would have had to take the question of penalty to the jurors.

The prosecution was apparently willing not to urge the death penalty, but the jury could still return such a verdict. Sirhan's lawyers huddled with him Wednesday in his windowless, T-shaped cell five floors above the Hall of Justice courtroom, where he is being tried, and mulled over the prospects.

Among other things, the attorneys pointed out, the only guilty plea open to them would provide no absolute guarantee against the death penalty.

"The hell with it," Sirhan has said to have decided at length. The trial began the next day.

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Part of a page dated May 18, 1968 in one of Sirhan's notebooks introduced at his trial. Entire picture, Page A4.

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Associated Press

26 FEB 27 1969

Sirhan: 'RFK Must Be Killed...'

By George Lardner Jr.
 Washington Post Staff Writer

LOS ANGELES, Feb. 24—Sirhan Bishara Sirhan's wild, disjointed writings—full of venom for the United States and its political leaders—were made public today amid a rash of bitter outbursts from the young Arab.

Sirhan was so distraught over the introduction of the notebooks that he said he would rather plead guilty to the murder of Sen. Robert F. Kennedy and die in the gas chamber than have the public think he was getting a fair trial.

"He's blown his top," chief defense counsel Grant B. Cooper told reporters later. "He doesn't know what the hell he's doing."

The rambling notes introduced by the prosecution spilled over with hatred.

The young Palestinian repeatedly jotted down the injunction to himself, "RFK must die—RFK must be killed ... Robert F. Kennedy must be assassinated, assassinated, assassinated, assassinated ... Robert F. Kennedy must be assassinated before 5 June 68." An entry dated May 18

showed:

In another "dissertation" that was kept from the jury as being too inflammatory, Sirhan, 24, proclaimed his support of "the Communist cause and its people—whether Russian, Chinese, Albanian, Bulgarian or whatever."

Sirhan, the notes also disclosed, had then United Nations Ambassador Arthur Goldberg marked for assassination, at least in his mind's eye. On one page of his notebooks that began almost unintelligibly with scrawlings about a "saffire stone," Sirhan wrote:

"Ambassador Goldberg must die die die die." Of Goldberg, the notation added, "mee(t) at the airport."

Goldberg, it was understood, was scheduled to make a speech in Los Angeles around the time that Sirhan shot Kennedy in the Ambassador Hotel last June 5. The U.N. Ambassador, however, did not keep the engagement.

Sirhan seethed over the disclosures all day, starting with a prolonged and agonizing conference this morning in Judge Herbert V. Walker's private chambers. It was there that he blurted out that he wanted to plead guilty. The Judge told him to listen to his lawyers.

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SIRHAN, From A1

The moody defendant was quieted down, but not for long. Moving into the courtroom, Sirhan could barely contain himself as the prosecution pressed for introduction of eight pages of his writings all seized from his bedroom in Pasadena while Kennedy lay dying last June 5.

Defense Counsel Cooper conceded that most of the notations were "relevant" to the case, but he protested stiffly against two pages that he called both "immaterial" and "prejudicial."

Chief Deputy District Attorney Lynn D. Compton countered by saying that the handwritten "dissertation," jotted down on two sides of a single sheet of paper, was full of insights into Sirhan's state of mind.

With the jury out of the courtroom for the argument, Compton steamed into a summary of the contested pages when Sirhan half-lunged out of his seat.

"Wait a minute," he shouted, "it hasn't been admitted into evidence yet."

Chief Defense Investigator Michael A. McCowan grabbed him by both shoulders and held him in his chair.

On these two pages, superior Court Judge Herbert V. Walker agreed with the defense.

"The court," he announced, "feels the inflammatory nature of these documents far outweighs their probative value."

Judge Walker, however, rejected Cooper's plea for a special court order to keep the pages from the press. The judge said he felt the jury was safely sequestered and Compton insisted that it was "in the interests of the public and the nation to know what the defendant thought about this country."

In this document, Sirhan said he not only supported "the Communist cause" but also that:

"I advocate the overthrow of the current President of the (obscenity) United States of America. I have no absolute plans yet—but soon will compose some."

"I am poor," Sirhan went on in the undated writing that he styled "equality before and after the law." Yet, he said "this country's propaganda says that she is the best country in the world—I have not experienced this yet."

"The U. S. says that life in Russia is bad—why—supposedly no average American has ever lived in a Slavic society so how can he tell if it is good or bad—isn't his gov't putting words in his mouth."

"Anyway," the introverted young immigrant wrote on, "I believe that the U.S. is ready to start declining at a faster rate so that the real Utopia will not be too far from being realized during the early 70's in this country."

The so-called dissertation concluded by proclaiming, repeatedly, "workers of the world unite, you have nothing to lose but your chains and a world to win."

Sirhan signed it with his nickname, "Goli," and polished it off with a few words in Arabic.

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Sirhan Explodes in Court, Says He Prefers Death

LOS ANGELES, Feb. 26 (UPI) — Sirhan B. Sirhan is willing to plead guilty to the murder of Sen. Robert F. Kennedy and die in the gas chamber rather than proceed with his present trial.

The Arab exploded in anger in the courtroom yesterday at presentation of notes in which he wrote that Sen. Kennedy "must die like his brother."

Defense attorneys and his mother tried to calm him and counsel Grant B. Cooper said:

"He is like a man in a hospital who tells his doctors he wants to leave when they know he cannot possibly do so."

Sirhan stood up and shouted and had to be shoved to his seat twice by bailiffs when the prosecution presented the diaries in which he had scribbled that he favored the overthrow of the U.S. Government, backed Russian and Chinese communists and wrote over and over again that "RFK must die."

PREFERS DEATH

Sirhan told Superior Court Judge Hebert V. Walker in private chambers that he would rather die "than have people think I am getting a fair trial."

In notebooks dated May 18, 1968, Sirhan wrote in disjointed and unpunctuated phrases:

"Robert Kennedy must be sacrificed for the cause of the exploited people. My determination to eliminate RFK is become the more of an unshakeable obsession."

"RFK must die — RFK must be killed — Rob-

ert F. Kennedy must be assassinated — RFK must be assassinated—RFK must be assassinated, assassinated assassinated.

"Robert F. Kennedy must be assassinated before 5 June 1968."

Sen. Kennedy was killed in the pantry of the Ambassador Hotel early last June 5.

BACK IN COURT

Today Sirhan was coming back to court again and the question is whether he is still determined now to plead guilty and throw himself on the decision of the jury as to death or life.

Mr. Cooper said that if Sirhan persisted in that plea he would have to fire him and his other attorneys, Emile Zola Berman and Russell Parsons. If Sirhan pleads guilty, Mr. Cooper said, there is no possibility of an appeal.

"Said Mr. Cooper:

"He doesn't know what he's doing. He has blown his top. We are his lawyers and we are going to protect his constitutional rights."

Another entry in the notebooks said:

"Ambassador Goldberg must die die die die Ambassador Goldberg must die Goldberg must be eliminated Sirhan is an Arab Sirhan you you you Arab you you Arab."

Should Sirhan demand that he plead guilty to first degree murder in Sen. Kennedy's death, Judge Walker would question him and perhaps even call psychiatrists to ascertain whether the defendant really knew what he was doing.

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6-11-68

The Washington Post
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The Washington Daily News 23
 The Evening Star (Washington) _____
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Scribbles from Sirhan's diary.

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46 FEB 27 1969

Sirhan Talked About Killing, Jury Is Told

By George Lardner Jr.
 Washington Post Staff Writer

LOS ANGELES, Feb. 21—A hardheaded Pasadena trash collector swore today that Sirhan Sirhan told him not to waste his primary vote on Sen. Robert F. Kennedy because he was planning to shoot "the son of a B."

Testifying in a quick burst of syllables that startled the courtroom, Alvin Clark said the young Arab made the threat just a few days after the assassination of the Rev. Dr. Martin Luther King Jr. on April 4.

Under cross-examination the lanky witness acknowledged that he once declared that he would "do anything to see (Sirhan) convicted," but he insisted that he was telling the truth.

It was a Wednesday, trash collection day on East Howard Street where Sirhan lived, Clark recalled, and the slender immigrant walked up to him as he often did.

See SIRHAN, A6, Col. 4

Jury Told Sirhan Aired Intent to Kill

SIRHAN, From A1

"He was upset somewhat about the death of Luther King," the Negro sanitation worker recalled. "He asked me how the Negro people felt about it . . . What do you think the Negro people are going to do about it?"

"What Can we Do?"

Clark shrugged. "I said that I mean, 'Like what can we do about it? There wasn't but one person involved.'"

Then, he said, Sirhan asked him how he felt about California's upcoming presidential primaries, still weeks away.

"I told him I was going to vote for Kennedy," Clark said. "and Sirhan said, 'What are you going to vote for that son of a B for? Because I'm planning on shooting him.'"

Sirhan stirred in his seat on the other side of the antiquated courtroom. A smile crossed his face. Abruptly he put his hand over it and leaned over to whisper to chief defense counsel Russell Parsons.

Clark went on. "I said, 'You'd be killing one of the best men in the country,' he said he told Sirhan."

The trash collector, whom Sirhan used to serve coffee and sandwiches, said he reminded the defendant that Kennedy had sent his plane to Memphis to pick up Dr. King's widow and his body for the Negro leader's funeral in Atlanta.

Sirhan, he said, passed that off. "He said he did this for publicity—Kennedy did."

Defense attorney Emile Zola Berman rose to attack the trash collector's testimony. Clark, Berman noted, had been interviewed by an FBI agent last September.

"Didn't you tell the FBI that you would hate to take the oath and testify because you hated Sirhan so much you would do anything to see him convicted?" Berman demanded. "Yes, I did," Clark replied.

Swears It's True

"Have you told the truth here, sir?" prosecutor David N. Fitts countered.

"Yes, I did," Clark said.

He was followed to the stand by two witnesses who told of seeing Sirhan apparently stalking Kennedy in the Ambassador Hotel last June 2, some 2½ days before the assassination.

The occasion was a Sunday evening reception for the Democratic presidential candidate. Kennedy, the jury was told, first gave a speech in the Coconut Grove nightclub at the hotel, then moved through backstage corridors to get to the hotel's Palm Terrace, where more supporters were waiting to hear another pep talk.

Headwaiter Angelo Dipierro said he escorted Kennedy through the back way after the first speech, delivered around 8:30 p.m. I took them through the pantry where, Sirhan has admitted, he shot the Senator down in the early morning of June 5.

Long-haired William Blume, 18, said he saw Sirhan first. The two had worked as stockboys in adjoining stores in Pasadena and Blume said he recognized the Jordanian im-

migrant in the crowded hotel lobby around 8:45 p.m.

The crowd was moving toward the Palm Terrace to hear Kennedy's second speech, Blume said. He said Sirhan was struggling against it, moving in the direction of the hotel's Embassy Room and the pantry where Kennedy was coming through.

The New York Senator finished his second talk around 9:30 p.m. Miriam Davis, a volunteer Kennedy hostess, said she saw Sirhan next. Mrs. Davis was with her husband and teen-age daughter.

"My daughter is 17," Mrs. Davis said, "and she was interested in finding the dressing rooms of the stars that had appeared at the Coconut Grove."

They entered the nightclub through the lobby, went backstage and started roaming around.

"We got hung up there somewhere," Mrs. Davis said in testimony that captivated the courtroom. "It was very dimly lighted." Finally, they stumbled into a corridor with shelves full of glasses and a big bowl of ice, but no water.

"We took a glass and put some ice in it," she said with a smile, adding that they also snagged it as a souvenir of the evening.

"Then we wandered around there looking for water. Anyway, my husband opened a door. We were surprised to see this man. I tell you the truth, we were so frightened. We thought that he was a waiter. We knew we were off base. He was seated right inside the door. That was what frightened us so."

The family gulped, held up the ice-filled glass and asked: "Where's the water?" she testified.

Sirhan, she said, "shrugged his shoulders and shook his head . . . It seemed like he was sitting on a box facing the door. There was a paper bag near him."

Mrs. Davis was not clear on just what "kitchen area" they had stumbled into, although it was apparently in or near the pantry where Kennedy was killed. The Senator did not come back that way until two nights later.

59 MAR 3 - 1969

Sirhan Talked About Killing, Jury Is Told

By George Lardner Jr.
Washington Post Staff Writer

LOS ANGELES, Feb. 21—A bearded Pasadena trash collector swore today that Sirhan Sirhan told him not to waste his primary vote on Sen. Robert F. Kennedy because he was planning to shoot "the son of a B."

Testifying in a quick burst of syllables that startled the courtroom, Alvin Clark said the young Arab made the threat just a few days after the assassination of the Rev. Dr. Martin Luther King Jr. last April 4.

The lanky, outspoken witness acknowledged under cross-examination that he once said he would "do anything to see (Sirhan) convicted," but he insisted that he was still telling the truth.

His testimony produced a smile from Sirhan and a pose of jaunty indifference from his lawyers.

See SIRHAN, A6, Col. 4

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The Washington Post Times Herald A-1, A-6

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59 MAR 3-1969

Jury Told Sirhan Aired Intent to Kill

SIRHAN, From A1

But it strikes directly at the defense team's claim that their client was driven to the killing in a psychotic rage over Kennedy's campaign support of U.S. jet-fighter sales to Israel.

The New York Senator first stumped for the jets deal on a campaign stop at the Neveh Shalom Temple in Portland, Ore., on May 26 wearing a *yarmulke* on his head, he also urged that the Johnson Administration cut off economic aid that he said was used by Arab countries "in support of aggression."

Clark indicated that he heard Sirhan—"I knew the kid by the name of Sol"—vow to kill Kennedy well before that, though he did not give a precise date.

It was a Wednesday, trash collection day on East Howard Street where Sirhan lived, Clark recalled, and "Sol" walked up to chat as he often did.

"He was upset somewhat about the death of Luther King," the Negro sanitation worker declared. "He asked me how the Negro people felt about it . . . he said, 'What do you think the Negro people are going to do about it?'"

Clark shrugged. "I said that I mean, 'Like what can we do about it? There wasn't but one person involved.'"

Then, he said, Sirhan asked him how he felt about California's upcoming presidential primaries, still weeks away.

"I told him I was going to vote for Kennedy," Clark said. "and Sirhan said, 'What are you going to vote for that son of a B for? Because I'm planning on shooting him.'"

Sirhan stirred in his seat on the other side of the anti-

Headwaiter Angelo Dipierro said he escorted Kennedy through the back way after the first speech, delivered around 8:30 p.m. It took them through the pantry where, Sirhan has admitted, he shot the Senator down in the early morning of June 5.

Long-haired William Blume, 18, said he saw Sirhan first. The two had worked as stock-boys in adjoining stores in Pasadena and Blume said he recognized the Jordanian immigrant in the crowded hotel lobby around 8:45 p.m.

The crowd was moving toward the Palm Terrace to hear Kennedy's second speech, Blume said. He said Sirhan was struggling against it, moving in the direction of the hotel's Embassy Room and the pantry where Kennedy was coming through.

The New York Senator finished his second talk at about 9:30 p.m. Miriam Davis, a volunteer Kennedy hostess, said she saw Sirhan about ten minutes later, while roaming through the Ambassador's backstage corridors and pantries with her husband and daughter.

"My daughter is 17," Mrs. Davis said, "and she was interested in finding the dressing rooms of the stars that had appeared at the Coconut Grove."

They entered the nightclub through the lobby, went backstage and started roaming around.

"We got hung up there somewhere," Mrs. Davis said in testimony that captivated the courtroom. "It was very dimly lighted." Finally, they stumbled into a corridor with shelves full of glasses and a big bowl of ice, but no water.

"We (each) took a glass and put some ice in it," she said

UPI-27

(SIRHAN)

LOS ANGELES--SIRHAN B. SIRHAN TOLD A TRASH COLLECTOR TWO MONTHS BEFORE THE MURDER OF ROBERT F. KENNEDY HE PLANNED TO SHOOT THE NEW YORK SENATOR AND CALLED HIS INTENDED VICTIM A "SON OF A B." THAT WAS THE TESTIMONY OF ALVIN CLARK AT THE SIRHAN MURDER TRIAL FRIDAY.

CLARK, WHO PICKED UP TRASH AT THE SIRHAN RESIDENCE IN PASADENA, TESTIFIED FRIDAY THE CONVERSATION TOOK PLACE JUST AFTER DR. MARTIN LUTHER KING JR. WAS ASSASSINATED. AFTER KING WAS MURDERED, CLARK, A NEGRO, SAID SIRHAN ASKED HIM HOW BLACKS FELT ABOUT THE DEATH OF THE CIVIL RIGHTS LEADER.

"I TOLD HIM WE FELT THERE WAS NOT JUST ONE PERSON INVOLVED IN HIS (KING'S) DEATH," THE WITNESS TESTIFIED.

"HE ASKED ME HOW I FELT ABOUT THE CALIFORNIA (PRIMARY) ELECTION. I SAID I WAS GOING TO VOTE FOR KENNEDY. HE SAID 'WHAT DO YOU WANT TO VOTE FOR THAT SON OF A B-FOR, BECAUSE I'M PLANNING ON SHOOTING HIM. I'M PLANNING ON SHOOTING HIM.'"

2/22--EG952AES

UPI-124

(SIRHAN)

LOS ANGELES--THE PROSECUTION IS EXPECTED TO COMPLETE ITS CASE AGAINST SIRHAN B. SIRHAN, ON TRIAL FOR THE MURDER OF SEN. ROBERT F. KENNEDY, DURING THE COMING WEEK.

ASSOCIATE PROSECUTOR DAVID N. FITTS SAID IT WAS POSSIBLE THE STATE WOULD REST ON WEDNESDAY. THIS WOULD PERMIT THE DEFENSE TO CALL THE FIRST OF ITS WITNESSES TO TRY TO REFUTE THE CHARGE THAT 24-YEAR-OLD SIRHAN PLANNED THE SLAYING OF THE NEW YORK SENATOR AND THIS COMMITTED FIRST DEGREE MURDER AND SHOULD BE SUBJECT TO THE DEATH PENALTY.

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TOP CLIPPING

DATED 2-21-69

FROM Wash. News

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Wash. Capital News Service

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UPI-117

(SIRHAN)

LOS ANGELES--A TRASH COLLECTOR TESTIFIED TODAY THAT TWO MONTHS BEFORE THE DEATH OF SEN. ROBERT F. KENNEDY SIRHAN B. SIRHAN TOLD HIM HE WAS PLANNING ON SHOOTING "THE SON OF A B."

ALVIN CLARK, A NEGRO WHO REGULARLY PICKED UP TRASH AT THE SIRHAN HOUSE ON HIS ROUTE IN PASADENA, TOLD A JURY AT THE MURDER TRIAL THAT THE CONVERSATION TOOK PLACE SHORTLY AFTER THE ASSASSINATION OF DR. MARTIN LUTHER KING.

THE CIVIL RIGHTS LEADER WAS KILLED IN MEMPHIS, TENN., APRIL 4, 1968. KENNEDY DIED IN LOS ANGELES JUNE 6, 1968.

CLARK SAID THAT HE OFTEN HAD A SANDWICH AND COFFEE WITH SIRHAN AT LUNCH TIME AND THAT THEY TALKED POLITICS FREQUENTLY. HE SAID THAT IN APRIL THEY TALKED ABOUT KING'S DEATH AND SIRHAN WAS DISTURBED ABOUT IT.

"HE ASKED ME HOW THE NEGROES FELT ABOUT IT," CLARK SAID. "I TOLD HIM WE FELT THERE WAS NOT JUST ONE PERSON INVOLVED IN HIS DEATH. HE ASKED ME WHAT THE NEGROES WERE GOING TO DO ABOUT IT AND I SAID 'WHAT CAN WE DO ABOUT IT?'"

"HE ASKED ME HOW I FELT ABOUT THE CALIFORNIA (PRIMARY) ELECTION. I SAID I WAS GOING TO VOTE FOR KENNEDY."

"HE SAID 'WHAT DO YOU WANT TO VOTE FOR THAT SON OF A B FOR BECAUSE I'M PLANNING ON SHOOTING HIM?'"

"I SAID HE WAS ONE OF THE BEST MEN IN THE COUNTRY. I TOLD HIM ABOUT KENNEDY GOING DOWN TO TENNESSEE TO BRING BACK LUTHER KING'S BODY AND PAYING ALL THE EXPENSES."

"SOL (THE NAME CLARK USED FOR SIRHAN) SAID HE DID THAT JUST FOR PUBLICITY."

ON CROSS-EXAMINATION, CLARK WAS ASKED BY DEFENSE ATTORNEY EMILE ZOLA BERMAN WHETHER HE WAS INTERVIEWED BY THE FBI AND ASKED WHETHER HE WOULD BE WILLING TO TESTIFY AT SIRHAN'S TRIAL.

CLARK SAID HE WAS, AND BERMAN ASKED:

"DIDN'T YOU TELL THE FBI THAT YOU DIDN'T KNOW WHETHER YOU COULD TAKE THE OATH BECAUSE YOU HATED SIRHAN SO MUCH YOU WOULD DO ANYTHING TO SEE HE WAS CONVICTED?"

"YES," SAID CARL.

DEPUTY DIST. ATTY. DAVID FITTS THEN ASKED:

"ARE YOU TELLING THE TRUTH HERE TODAY?"

"YES, I AM," CLARK SAID.

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FILE 6-THS

Sirhan 'Deadline' Notebooks To Figure in His Trial Today

LOS ANGELES (AP) — The black notebooks in which Sirhan Bishara Sirhan reportedly inscribed a deadline for the assassination of Sen. Robert F. Kennedy are about to surface in his first-degree murder trial.

Defense attorneys said they would object strenuously to their introduction on grounds they were seized illegally from the Sirhan home.

The prosecution's witness list for today included Sgt. William E. Brandt and Dante A. Lodolo of the Los Angeles police, who found the notebooks.

Referred to by Yorty

Mayor Samuel Yorty of Los Angeles made the first reference to the 9-by-12-inch books soon after Sen. Kennedy died. Sirhan, he said, wrote of "the necessity of assassinating Sen. Kennedy before June 5, 1968."

The death date was met. Kennedy was shot early that day in a pantry of the Ambassador Hotel just after winning the California Democratic presidential primary.

The date also was the anniversary of the first Arab-Israeli war. Sirhan, a 24-year-old Jordanian who lived the first half of his life in the strife-torn Middle East, was "quite pro-Arab in the Arab-Israeli matter," Yorty said.

Motion Denied

Sirhan's attorneys have pictured him as tortured by war scenes he saw as a child in Palestine and inflamed by Kennedy's advocacy of more U.S. planes for Israel. His defenders were denied a motion last Oct. 22 to suppress material taken from the Sirhan home in Pasadena without a warrant.

Judge Herbert V. Walker ruled then that one of Sirhan's

brothers "took the key, opened the door and allowed them (the police officers) in." But he said he was not ruling on the admissibility of the material at the trial.

Sirhan was described yesterday as alert and sober after shooting Kennedy, which the young Jordanian's defenders say he did while in a trance and intoxicated.

And it was disclosed that Sirhan had indeed expressed willingness to plead guilty to first-degree murder if he could be guaranteed a sentence of life imprisonment.

Mistrial Sought

The disclosure came when defense attorneys moved for a mistrial at a morning conference in the judge's chambers, on grounds that a newspaper story might prejudice jurors. The motion was denied.

One of the two policemen who arrested Sirhan after the shoot-

ing, Travis White, testified that in his opinion Sirhan was not under the influence of alcoholic liquor.

White said Sirhan was quite nervous — other witnesses have said there were shouts of "Kill him. Kill him" — but that "in three to five minutes he was calmer, he regained his composure."

After shining a light into Sirhan's eyes, to test reaction of his pupils, he said he concluded that the reaction was normal and not indicative of use of alcohol.

Tells of Plea

The morning conference concerned a story in the Los Angeles Times saying Sirhan had all but eliminated the possibility of a guilty plea because of the judge's insistence that the jury, rather than the court, determine the penalty. Sirhan was said to feel that the jury might condemn him to death even if the prosecution didn't recommend execution.

Judge Walker, as quoted in the trial transcript, said: "Well, let me say that I gave some of that information in the newspaper out myself. I told them the plea had been offered, that I had refused the plea, but that I would take a plea and that the jury could try the penalty."

The judge said he felt that because someone had leaked an earlier story to the Times, saying that Sirhan was willing to plead guilty, "I wanted them to have the whole of that."

"I assign your honor doing that as misconduct," said Grant B. Cooper, chief defense counsel. He noted the defense moved for a mistrial after the first Times story, on grounds it might influence jurors, and it was denied.

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 DATED 2-21-69
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UPI-181

(SIRHAN)

LOS ANGELES--SIRHAN B. SIRHAN OFFERED TO ENTER A PLEA OF GUILTY TO FIRST DEGREE MURDER BUT THE OFFER WAS REJECTED BECAUSE HE ALSO INSISTED IT BE ACCOMPANIED BY A LIFE PRISON SENTENCE INSTEAD OF DEATH, IT WAS REVEALED THIS MORNING.

SUPERIOR COURT JUDGE HERBERT V. WALKER MADE PUBLIC A TRANSCRIPT OF A CONFERENCE HELD IN SECRET THURSDAY MORNING AT WHICH IT WAS BROUGHT OUT THAT THE JUDGE INSISTED THE JURY WOULD HAVE TO DECIDE ON THE PENALTY.

THE CONFERENCE WAS CALLED WHEN DEFENSE ATTORNEY GRANT COOPER MADE A MOTION FOR A MISTRIAL IN THE CASE AGAINST SIRHAN, CHARGED WITH THE MURDER OF SEN. ROBERT F. KENNEDY, BECAUSE OF A STORY IN THURSDAY MORNING'S LOS ANGELES TIMES.

JUDGE WALKER DENIED THE MISTRIAL MOTION.

IN THE TRANSCRIPT MADE AVAILABLE IT WAS REVEALED THAT JUDGE WALKER HIMSELF WAS THE SOURCE OF PART OF THE INFORMATION CONTAINED IN THE TIMES' STORY CONCERNING SIRHAN'S WILLINGNESS TO CHANGE HIS PRESENT INNOCENT PLEA.

"WELL, LET ME SAY THAT I GAVE SOME OF THAT INFORMATION OUT MYSELF," WALKER SAID AS REPORTED IN THE TRANSCRIPT. "I TOLD THEM THE PLEA HAD BEEN OFFERED AND I HAD REFUSED THE PLEA BUT THAT I WOULD TAKE A PLEA ON FIRST DEGREE AND THAT THE JURY COULD TRY THE PENALTY. I FELT IT HAD LEAKED OUT, THE OTHER HALF, AND I WANTED THEM TO HAVE THE WHOLE OF THAT."

"I ASSIGN (CHARGE) YOUR HONOR DOING THAT AS MISCONDUCT," COOPER SAID.

WALKER SAID HE GAVE PART OF THE INFORMATION TO A REPORTER FOR THE LOS ANGELES TIMES.

THE TRANSCRIPT REVEALED THAT SIRHAN PERSONALLY WANTED TO ENTER THE GUILTY PLEA.

"HE DID WANT TO ENTER A PLEA TO FIRST DEGREE MURDER WITH LIFE BUT HE DIDN'T WANT TO ENTER A PLEA WITH THE SUGGESTION I MADE AS THE RECORD INDICATED," THE JUDGE SAID.

COOPER ARGUED THAT THE TRANSCRIPT OF THE SESSION THIS MORNING SHOULD NOT BE MADE AVAILABLE TO THE PRESS.

DEPUTY DIST. ATTY. LYNN COMPTON SAID HE DID NOT **NOT RECORDED** WHY THESE MATTERS SHOULD BE KEPT SECRET OR SEALED.

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"PLEA BARGAINING ALWAYS IS SECRET," COOPER SAID.
THE JUDGE REPLIED THAT THE SESSION TODAY WAS NOT CONCERNED WITH PLEA
BARGAINING AND RULED THAT IT SHOULD BE MADE AVAILABLE TO THE PRESS.
HE SAID THAT WITH THE JURY LOCKED UP IN A HOTEL AND BANNED FROM
SEEING NEWSPAPER ACCOUNTS OR HEARING RADIO OR TELEVISION STORIES OF THE
TRIAL IT WOULD BE IMPOSSIBLE FOR THE JURORS TO LEARN OF THE CONFERENCE
TODAY.

COOPER REPLIED THAT THEY WERE VISITED BY THEIR HUSBANDS AND WIVES
AND THAT THEY WOULD ALMOST CERTAINLY LEARN OF IT.
BOTH SIDES DENIED THEY WERE THE SOURCE OF THE ORIGINAL STORY
ABOUT THE CHANGE OF PLEA CARRIED IN THE TIMES A MONTH AGO, BUT COOPER
SAID IT WAS HIS OPINION THAT IT CAME FROM DIST. ATTY. EVELLE J.
YOUNGER.

HE OBJECTED STRENUOUSLY TO THE INFORMATION BEING PUT OUT NOW "IT
SPREADS LIKE RIPPLES GOING OUT," HE SAID. "YOUR VERY OBJECTIVE IS TO
FEED IT."

2/20--PA720PES

UPI-192

ADD 1 SIRHAN, LOS ANGELES (UPI-21)

AFTER COURT CONCLUDED FOR THE DAY, COOPER TOLD NEWSMEN THAT HE WAS
USING A TECHNICAL TERM, INDICATING HE FELT THE JUDGE WAS IN ERROR, WHEN
HE CHARGED WALKER WITH "MISCONDUCT," COOPER SAID, HOWEVER, THAT HE
HAD NO DESIRE TO PURSUE THE MATTER FURTHER AND WAS NOT SUGGESTING THAT
THE JUDGE SHOULD NOT LONGER PRESIDE OVER THE TRIAL.

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SIRHAN 2/21 NX

DAY LD

BY JACK V. FOX

LOS ANGELES (UPI)--SIRHAN B. SIRHAN IS WILLING TO GO TO PRISON FOR LIFE BUT HE DOES NOT WANT TO TAKE HIS CHANCES WITH A JURY OF GOING TO THE GAS CHAMBER.

THE ADMITTED KILLER OF SEN. ROBERT F. KENNEDY OFFERED TO PLEAD GUILTY TO A CHARGE OF FIRST DEGREE MURDER PROVIDED HE HAD THE ASSURANCE THERE WOULD BE NO DEATH PENALTY.

SUPERIOR COURT JUDGE HERBERT V. WALKER REJECTED THE "COMPROMISE" AND ORDERED THE TRIAL TO PROCEED.

THE "PLEA BARGAINING" WAS OFFICIALLY CONFIRMED THURSDAY WHEN THE JUDGE MADE PUBLIC THE TRANSCRIPT OF A SECRET SESSION IN HIS CHAMBERS AT WHICH DEFENSE COUNSEL GRANT COOPER ASKED FOR A MISTRIAL BECAUSE OF NEWS STORIES OF THE OFFER TO PLEAD GUILTY.

WALKER DENIED THE MOTION. THE JUDGE ALSO REVEALED THAT HE PERSONALLY WAS THE SOURCE OF SOME OF THE INFORMATION ABOUT THE PROPOSED CHANGE OF PLEA. COOPER CHARGED WALKER 2 TH "MISCONDUCT" B

WALKER DENIED THE MOTION. THE JUDGE ALSO REVEALED THAT HE PERSONALLY WAS THE SOURCE OF SOME OF THE INFORMATION ABOUT THE PROPOSED CHANGE OF PLEA. COOPER CHARGED WALKER WITH "MISCONDUCT" BUT SAID HE CERTAINLY WOULD NOT ATTEMPT TO HAVE THE VETERAN JURIST REMOVED FROM HEARING THE REMAINDER OF THE TRIAL.

TODAY THE JURY WAS HEARING ABOUT THE SEIZURE OF NOTEBOOKS AT THE SIRHAN HOME INCLUDING AN ENTRY: "ROBERT F. KENNEDY MUST BE ASSASSINATED BEFORE JUNE 5, 1968." KENNEDY DIED 15 MINUTES AFTER MIDNIGHT ON JUNE 5.

SUCH AN ENTRY WOULD HELP ESTABLISH PREMEDITATION BY SIRHAN IN THE KILLING OF KENNEDY WHO HAD ADVOCATED ARMING THE STATE OF ISRAEL IN ITS DEFENSE AGAINST SURROUNDING ARAB STATES.

THE DEFENSE CONTENDS THE DOCUMENTS WERE OBTAINED WITHOUT A SEARCH WARRANT AND WITHOUT THE PERMISSION OF SIRHAN.

THURSDAY AFTERNOON WALKER MADE PUBLIC THE TRANSCRIPT OF THE CLOSED SESSION.

IT REVEALED THAT THE JUDGE HIMSELF WAS THE SOURCE OF THE INFORMATION CONTAINED IN THE LOS ANGELES TIMES STORY. THE TRANSCRIPT QUOTED WALKER AS SAYING:

"WELL, LET ME SAY THAT I GAVE SOME OF THAT INFORMATION OUT MYSELF. I TOLD THEM THE PLEA HAD BEEN OFFERED AND I HAD REJECTED THE PLEA BUT THAT I WOULD TAKE A PLEA ON FIRST DEGREE (MURDER) AND THAT THE JURY COULD TRY THE PENALTY."

"I FELT IT HAD LEAKED OUT, THE OTHER HALF, AND I WANTED THEM TO HAVE THE WHOLE OF THAT," WALKER SAID IN THE TRANSCRIPT OF THE SESSION.

"I ASSIGN (CHARGE) YOUR HONOR DOING THAT AS MISCONDUCT," COOPER SAID.

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BUT AFTER COURT RECESSED THURSDAY, COOPER TOLD NEWSMEN HE WAS USING A TECHNICAL TERM, INDICATING HE FELT THE JUDGE WAS IN ERROR. COOPER SAID HE HAD NO DESIRE TO PURSUE THE MATTER FURTHER AND WAS NOT SUGGESTING WALKER SHOULD BE REMOVED FROM PRESIDING OVER THE TRIAL. THE TRANSCRIPT ALSO REVEALED THAT SIRHAN PERSONALLY WANTED TO ENTER THE GUILTY PLEA.

"HE DID WANT TO ENTER A PLEA TO FIRST DEGREE MURDER WITH LIFE (IMPRISONMENT AS THE PENALTY), BUT HE DIDN'T WANT TO ENTER A PLEA WITH THE SUGGESTION I MADE AS THE RECORD INDICATED," WALKER SAID.

BOTH DEFENSE AND PROSECUTION DENIED THEY WERE THE SOURCE OF THE ORIGINAL STORY, CARRIED IN THE TIMES A MONTH AGO, THAT A POSSIBLE "DEAL" WAS IN THE OFFING.

COOPER SAID IT WAS HIS OPINION THE LEAK CAME FROM DIST. ATTY. EVELLE J. YOUNGER. HE OBJECTED STRENUOUSLY TO THE TRANSCRIPT OF THURSDAY MORNING'S SESSION BEING RELEASED. "IT SPREADS LIKE RIPPLES GOING OUT," COOPER SAID. "YOUR VERY OBJECTIVE IS TO FEED IT."

DEPUTY DIST. ATTY. LYNN COMPTON SAID HE DID NOT SEE ANY REASON WHY SUCH MATTERS SHOULD BE KEPT SECRET FROM THE PRESS, BUT COOPER SHOT BACK, "PLEA BARGAINING ALWAYS IS SECRET."

THE JUDGE NOTED THE SESSION THURSDAY WAS NOT CONCERNED WITH PLEA BARGAINING AND HE RULED IT SHOULD BE MADE AVAILABLE TO NEWSMEN. WITH THE JURY LOCKED UP IN A HOTEL WHERE THEIR NEWSPAPERS, RADIO AND TELEVISION WERE CENSORED OF ALL REFERENCES TO THE TRIAL, IT WOULD BE IMPOSSIBLE TO CONFERENCE IN THE CHAMBERS.

COOPER SAID THEY WOULD ALMOST CERTAINLY TEAR OF IT WHEN THEY WERE VISITED BY THEIR HUSBANDS OR WIVES DURING THE WEEKEND.

EARLIER IN THE DAY, COOPER CROSS-EXAMINED A POLICE OFFICER FOR AN HOUR AND SUGGESTED HE WAS LYING ABOUT GIVING SIRHAN A SOBRIETY TEST.

OFFICER TRAVIS WHITE WAS ONE OF THE POLICEMEN WHO TOOK SIRHAN TO THE STATION SHORTLY AFTER THE SHOOTING OF KENNEDY IN A PANTRY OF THE AMBASSADOR HOTEL.

UNDER DIRECT EXAMINATION WHITE TESTIFIED HE SHONE A FLASHLIGHT INTO SIRHAN'S EYES AT THE STATION AND HIS PUPILS RETRACTED QUICKLY, AS WAS NORMAL IN A PERSON WHO WAS SOBER.

THE DEFENSE CONTENTS SIRHAN WAS INTOXICATED AT THE TIME OF THE ASSASSINATION AND HIS DRINKING WAS A FACTOR IN PUTTING HIM IN SORT OF A TRANCE.

COOPER BORE DOWN ON WHITE, WHO HAS BEEN ON THE FORCE ONLY TWO YEARS, AND DREW FROM THE OFFICER A NUMBER OF CONTRADICTIONS ABOUT WHERE AND WHEN THE EYE TEST WAS GIVEN. FINALLY COOPER ANGRILY CHALLENGED THE WITNESS:

"AS A MATTER OF FACT YOU DIDN'T EVER GIVE HIM AN EYE EXAMINATION, DID YOU?"

"YES, I DID," WHITE ANSWERED.

THE OFFICER MAINTAINED THAT SIRHAN SHOWED NO SIGNS OF INTOXICATION, SUCH AS ALCOHOLIC BREATH, REAVING OR LACK OF BALANCE, AND IT WAS HIS OPINION SIRHAN WAS NOT UNDER THE INFLUENCE OF LIQUOR.

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Prison Protection Will Pose a Problem



Associated Press

SIRHAN BISHARA SIRHAN
 ... maximum security case?

By Dave Larsen
 Los Angeles Times

LOS ANGELES—In a prison, the most common tool for murder is a homemade shiv—quite often a bedspring which has been sharpened on a cell floor.

The victim is usually an anonymous convict and the crime usually receives little outside attention. Last year it happened 14 times in California prisons alone.

Suppose an internationally known convict showed up who had murdered a presidential candidate.

To be specific about it, if the defense of Sirhan Bishara Sirhan prevails and the man

accused of murdering Sen. Robert F. Kennedy is sentenced to a life in incarceration, how can he possibly be kept from harm?

California prison officials were reluctant to speculate on Sirhan's future as such, but they disclosed the steps that have been taken regarding other convicts whose backgrounds or personalities indicate the advisability of providing them with protection.

"Protection cases aren't uncommon," said Philip Guthrie, information officer for the Department of Corrections. "They include informers, inmates who we think might be targets of the aggressive com-

osexuals, and former law enforcement officers."

For instance, Jack Kirschke, the former Los Angeles County deputy district attorney who was convicted of murdering his wife and her boy friend, is considered a special case.

Kirschke couldn't be thrown in with other men whose plight is due to his work as a prosecutor. For this reason, he has been assigned permanently to clerical duties at the reception center of the California Institution for Men at Chino. He lives with other educated inmates who are felt to be of stable natures.

The Chino reception center will be Sirhan's first stop,

should he receive a sentence of life imprisonment.

The typical stay is six weeks. During that time the convict is given aptitude tests, psychiatric tests (if they are indicated) and a history of his life is compiled.

With this and other information in hand—such as how much of a security risk the inmate is likely to be—the reception center staff forwards to the director of corrections a recommendation of which facility he should be assigned to.

There are 11 prisons for men in California, ranging in security from minimum to maximum.

Theoretically, Sirhan could be sent to any of the 11. Be-

cause of the nature of his crime, however, the minimum security facilities are regarded by Department of Corrections officials as unlikely.

Guthrie said no special preparations have been made anywhere for Sirhan, although he said there have been discussions about how he might be handled at the reception center.

In addition to Folsom and San Quentin, the medium-security prisons have maximum-security arrangements within them.

"For example, we have limited access units where a man's movements are closely controlled," said Guthrie.

The most stringent kind of

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protection for a prisoner would be to put him in that type of unit and, in effect, keep him under almost round-the-clock lockup, even feeding him in his cell.

Of the 28,600 persons now doing time in State prisons, not many get this kind of treatment. Those who do are mostly criminals considered too dangerous to be allowed to circulate with others.

Although no prison official would say as much, this is the type of treatment regarded as likely for Sirhan—at least in the beginning.

"It isn't uncommon for a protection case to be eventually allowed into a regular institution routine."

A transition for Sirhan might be from constant lockup to a special assignment, which would put him in contact with only a select group of inmates and under supervision of staff members only.

For example, he might be made a janitor in a prison hospital — but in an area which would keep him from contact with the general population of the institution.

Sirhan might even be sent to the facility at Tracy, where there is a special unit consisting entirely of protection cases. Those men — about 20 of them — live together and go to their jobs together, always under an escort.

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Jury Told Sirhan Was Not Drunk

By George Lardner
 Washington Post Staff Writer

LOS ANGELES, Feb. 20—A mustachioed patrolman said today that Sirhan Bishara Sirhan showed no signs of intoxication after shooting Sen. Robert F. Kennedy, but the officer acknowledged that the Jordanian's eyes were "not completely normal."

Officer Travis White, one of two patrolmen who hustled Sirhan out of the Ambassador Hotel, made the admission under persistent cross-examination by Chief Defense Counsel Grant B. Cooper.

White said he felt Sirhan was simply frightened after being rushed past a gauntlet of outraged Kennedy supporters.

The officer's testimony under prodding by Cooper, however, was a turnabout on several points from what he had just told the prosecution.

The defense claims that Sirhan killed Kennedy in a psychotic, drunken state which made him only dimly aware of what he was doing.

Called to the witness stand by the prosecution, White said that he gave Sirhan a quick eye examination after taking him to an interrogation room at the Ramparts police station last June 5.

Checked With Light

Using a flashlight, he said, he checked Sirhan's eyes, then those of his partner, Rookie Patrolman Arthur Placencia, for comparison. White said he darkened the room for the test so that the pupils of their eyes would open wide. Under normal circumstances, they would then contract rapidly under a flashlight.

Sirhan's eyes, White told Prosecutor David N. Fitts, "contracted quickly." They grew smaller. So did Placencia's. From that, he said, he concluded that Sirhan was not intoxicated. The young immigrant, he added, showed no other signs of drunkenness.

Placencia, on the other hand, testified after a grueling cross-examination earlier in the week that Sirhan's eyes were "real wide" and didn't react to his flashlight. The rookie said he gave Sirhan his own flashlight test in the patrol car on the way to the police station. White was driving.

Calmed Down Quickly

Cooper led White into a minute-by-minute account of the arrest. The officer, who has been on the force two years, said Sirhan was "very frightened" at first, but calmed down moments after getting into the police car, as soon as it got out of the hotel driveway.

"Did you ever see him in a nervous or frightened state thereafter?" Cooper asked him.

"No sir," White replied. He said he gave Sirhan his eye

ets tin an interrogation room about eight minutes later.

Cooper unloaded, stressing that the patrolman never mentioned the eye test in any reports until an interview with a superior officer last August. From there, the Defense Attorney jumped to a Sept. 13 deposition White gave to Chief Defense Investigator Michael A. McCowan.

In State of Terror

On the ride to the police station, White said of Sirhan then, "he was still almost in a state of terror." The patrolman also said then that he couldn't recall for sure just where he gave Sirhan the eye test, and, of its results, said only that the suspect's pupils were "very near normal."

"I meant to check him (again) later after he was able to calm down," White also said in the Sept. 13 deposition, "but I was never able to."

On the witness stand today, the patrolman insisted that Sirhan was "much calmer" at the hotel but he admitted that his eyes "were still in a somewhat excited state."

"You attribute that to fright?" Cooper demanded.

White said he did, insisting that he meant to test Sirhan again only "for a double check" of his initial conclusion that liquor was not involved.

"As a matter of fact," Cooper suddenly challenged, "you didn't give him any eye examination that morning, did you?"

"Yes, I did," White said, visibly surprised by the question.

Mistrial Motion Denied

His questioning began after a closed, 40-minute session in Superior Court Judge Herbert V. Walker's chambers at which he denied a motion for a mistrial, a step usually made in open court. Neither judge for lawyers for either side offered an explanation for the unusual procedure, or even mentioned the motion, as they filed into open court.

The transcript, however, was made public later. Cooper

made the motion in protest against a front page Los Angeles Times story this morning, catching up with what other newspapers reported last week. The headlines: "Possibility of Guilty Plea by Sirhan Now Appears Remote."

The story attributed this to Superior Court Judge Walker's "insistence that the jury determine any penalty" at Sirhan's murder trial.

The source of the story was not identified. During a recess, however, Defense Counsel Emil Zola Berman told re-

porters that it "was a story that the Judge gave out."

Walker was reported in the Times last week as being inclined to accept a guilty plea if it were offered. This was incorrect.

Judge Walker denied the new motion for a mistrial on the grounds that the jurors have already been sequestered in a downtown hotel where their newspapers are censored. The defense contended, unsuccessfully, that their spouses might tell them about the story when they visit the jurors on weekends.

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Wanted to Plead Guilty

Judge Spurned Sirhan Offer

LOS ANGELES, Feb. 21 (UPI)—Sirhan B. Sirhan is willing to go to prison for life but he does not want to take his chances with a jury of going to the gas chamber.

The admitted killer of Sen. Robert F. Kennedy offered to plead guilty to a charge of first degree murder provided he had the assurance there would be no death penalty.

Superior court judge Herbert V. Walker rejected the "compromise" and ordered the trial to proceed.

The "plea bargaining" was officially confirmed yesterday when the judge made public the transcript of a secret session in his chambers at which defense counsel Grant Cooper asked for a mistrial because of news stories of the offer to plead guilty.

Judge Walker denied the motion. The judge also revealed that he personally was the source of some of the information about the proposed change of plea. Mr. Cooper charged Judge Walker with "misconduct" but said he certainly would not attempt to have the veteran jurist removed from hearing the remainder of the trial.

Today the jury was hearing about the seizure of notebooks at the Sirhan home including an entry: "Robert F. Kennedy must be assassinated before June 5, 1968." Sen. Kennedy died 15 minutes after midnight on June 5.

Such an entry would help establish premeditation by Sirhan in the killing of Sen. Kennedy who had advocated arming the state of Israel in its defense against surrounding Arab states.

The defense contends the documents were obtained without a search warrant and without the permission of Sirhan.

Thursday afternoon Judge Walker made public the transcript of the closed session.

It revealed that the judge himself was the source of some of the information contained in the Los Angeles Times story. The transcript quoted Judge Walker as saying:

"Well, let me say that I gave some of that information myself. I told them the plea had been offered and I had refused the plea but that I would take a plea on first degree (murder) and that the jury could try the penalty.

"I felt it had leaked out, the other half, and I wanted them to have the whole of that," Judge Walker said in the transcript of the session.

"I assign (charge) your honor doing as as misconduct," Mr. Cooper said.

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Shaken Author Tells Court Sirhan Was Fully Composed

LOS ANGELES (AP) — Author George Plimpton says he lacked the courage to look at dying Sen. Robert F. Kennedy, but instead lunged against the senator's assailant, a man he describes as "composed and peaceful."

"My eyes were solely on the hand of the defendant which had the gun," Plimpton testified yesterday at the trial of Sirhan Bishara Sirhan, charged with Kennedy's murder.

"He struck me as enormously composed," Plimpton said of the young Jordanian who has been pictured as disturbed with Kennedy for supporting Israel. The senator was shot shortly after midnight last June 5 in the flush of his California presidential primary victory.

"The rest of us, given this sudden tragedy, were not composed," said Plimpton of Sirhan. "He seemed almost like the eye in the center of a hurricane, composed and peaceful."

'Sense of Release'

"He seemed purged."

One of the 16 prosecution witnesses who described the chaotic scene when Kennedy and five others were shot in the Ambassador Hotel pantry, Plimpton's account was perhaps the most dramatic.

Although he was called by the prosecution, his testimony lent



GEORGE PLIMPTON

support to the defense contention that shooting gave Sirhan "a strange sense of release."

Did he look back after he heard the shots, John E. Howard, a prosecutor, asked Plimpton.

"I didn't have the courage to look back in that direction," Plimpton said quietly. Plimpton's book "Paper Lion" is about his adventures with the Detroit Lions in which he — a tall, slightly built man — takes part in pro football scrimmages. Plimpton said he flung himself

at Sirhan, pinning him against a steam table. Others piled on at the same time — Roosevelt Grier, football player, decathlon champion Rafer Johnson and Jack Gallivan, Kennedy advance man.

Sirhan was still firing at that time.

Hard to Get Gun

On cross-examination, defense attorney Emile Zola Berman asked: "Was it an easy task to get the gun away from him?"

A. No. Because, as I say, there were so many hands . . .

Q. Didn't he show great strength?

A. I think it surprised us that we couldn't get the gun so easily.

Later, Plimpton said, "he was very strong for such a small man."

The 33rd prosecution witness was on the stand as the fourth day of the testimony ended.

David N. Fitts, one of the state's attorneys, indicated that only about 20 more prosecution witnesses will be called — thus sharply shortening the trial, which had been estimated to last three months.

The defense has said its witness list is small, consisting mostly of testimony by Sirhan, his mother and brother, and several psychiatrists.

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PLIMPTON DESCRIBES SHOOTING

Sirhan: 'Eye of the Hurricane'

LOS ANGELES, Feb. 20 (UPI) — Sirhan B. Sirhan was "like the eye in the center of a hurricane" moments after Sen. Robert F. Kennedy was shot in a crowded hotel pantry, said author George Plimpton.

"He struck me as enormously composed. The rest of us, given this sudden turmoil, were not composed," Mr. Plimpton testified for the prosecution yesterday at Sirhan's trial for murder.

"His reaction in a hurricane of sound and feeling seemed like the eye in the center of a hurricane. He seemed purged."

In a fortress-like courtroom, Mr. Plimpton used those words to describe his impression of Sirhan B. Sirhan after shooting Sen. Robert F. Kennedy and being pinned down on a steam table in a pantry of the Ambassador Hotel.

HELPED SUBDUE SIRHAN

Mr. Plimpton was one of those who subdued Sirhan. He flew here from the east to testify at the trial and a bit of the Kennedy flavor came back for a moment as he talked in a Bostonian accent and pronounced the word "saw" as "sawr" — the same way JFK and RFK did.

New York attorney Emile Zola Berman asked Mr. Plimpton whether he saw Sen. Kennedy lying on the floor.

"I didn't have the courage to look," Mr. Plimpton said.

Today the state called a series of witnesses, mainly police officers, in the net it is drawing around the 24-year-old Arab immigrant.

One point that may come up is the defense objection to introduction as evidence of notebooks found in Sirhan's home in which he had written: "Robert Kennedy must be assassinated before June 5, 1968." Sen. Kennedy was mortally wounded at 12:11 a.m. on June 5.

The defense contends the seizure of the "diary" was illegal and without a search warrant.

GUN ADVICE

Another witness told the jury that Sirhan fired more than 300 rounds during five hours at a target range on the day before Sen. Kennedy's death and told another man his gun was sufficient to "kill a dog."

Michael Saccoman who was also practicing with his pistol, said he talked with Sirhan for 45 minutes and observed he had seven or eight boxes of bullets containing 50 shells apiece.

Mr. Saccoman said Sirhan told him he planned to go on a hunting trip.

"I told him that hunting with a pistol was against the law," Mr. Saccoman said.

"He asked me why and I told him that was because of its lack of accuracy. And he said, 'I don't know about that — it will kill a dog.'"

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A8 Thursday, Feb. 20, 1969 THE WASHINGTON POST

Author Testifies Sirhan Composed After Killing

By George Lardner Jr.
Washington Post Staff Writer

LOS ANGELES, Feb. 19—Sirhan Bishara Sirhan seemed "purged" and strangely composed moments after shooting Sen. Robert F. Kennedy in the Ambassador Hotel, an eyewitness for the prosecution testified today.

Author George Plimpton gripped the courtroom with the account as he told of helping wrestle the gun out of Sirhan's hands and holding him until police arrived.

"He struck me, as compared to the rest of us, as enormously composed," Plimpton said. "His reaction seemed startling. In the midst of this hurricane of sound and feeling, he seemed almost the eye... the eye in the center of a hurricane, peaceful and composed."

"He seemed purged."

The recollections poured out of Plimpton in a virtual stream of consciousness. Sirhan's lawyers were delighted.

They contend that Sirhan is a sick and "obsessed" mystic who assassinated Kennedy in a compulsive trance that left him incapable of premeditated murder.

Plimpton, a Kennedy family friend, told first of listening to the New York Senator address his wildly cheering supporters in the Embassy Room at the Ambassador, then moving ahead of him into a back-stage pantry.

Tie set askew by a microphone around his neck, the tall, darkhaired writer said he was about 12 to 15 feet in front of the Democratic Presidential candidate when "a series of sharp, popping sounds" broke out.

'A Melee of People'

All he could see, Plimpton said, was "a melee of people by the first serving table" where Kennedy had fallen.

Prosecutor John E. Howard interrupted. "Did you see the Senator?" He asked Plimpton.

"No," Plimpton said. "I did not have enough courage to look back in that direction. My eyes were solely on the hands of the defendant which held the gun."

Catching himself in mid-step, Plimpton jumped onto the steam table that Sirhan was by now jammed against, his gun hand on top of the table. Eventually, ex-pro football tackle "Rosey" Grier took it away from the slender young man under the pile-up.

Sirhan Strong

Getting hold of it, Plimpton said, "was difficult because there were so many hands struggling for it and Mr. Grier's finger was in the trigger guard."

Defense counsel Emile Zola Berman pointed out that Plimpton had told police just after the shooting that Sirhan "was very strong for such a small man."

The author acknowledged it. Despite the other encumbrances, "I think it surprised us that we could not move the gun easily," he said. The 5-foot-2 Sirhan weighed only 112 pounds at the time of the slaying.

After the frail-looking Arab was subdued, Plimpton stood by, helping Grier and others hold him until police arrived. Sirhan's eyes, Plimpton went on, were "enormously peaceful." All he heard the suspect say was, at one point, "You're hurting my leg."

Prosecutors kept their thoughts about Plimpton's testimony to themselves, but it seemed plain that they did

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not regard it as a plus for their side.

Plimpton was preceded at the witness stand by bearded Paul Schrade, the United Auto Workers official who was shot in the forehead by one of the bullets that was fired after Kennedy was struck.

"I heard a crackling like electricity," he said. "I saw some flashes . . . I thought we were all being electrocuted. I began shaking and falling."

The UAW leader said that was the last thing he was aware of until he regained consciousness on the pantry floor.

Sirhan Lent Gun

On the witness stand earlier, a miniskirted blond testified how the 24-year-old Sirhan had graciously lent her his gun just a few hours before the assassination.

Shapely Claudia Williams, 26, said she ran into Sirhan at the San Gabriel Valley Gun Club where she had gone, she explained, to try out a little .22-caliber revolver her husband had given her for Christmas.

Sirhan struck her as a pretty good marksman, she said.

"He went and shot my gun and I shot his," she said. His shots were "very close to the center of the target."

Dressed in a neon orange dress with her hair done in a towering bouffant, Mrs. Williams, who waits on tables at a Temple City strip club, told the courtroom she struck up a chat with Sirhan after having trouble with her own revolver.

"I couldn't pull the trigger," she said. "So I asked him. There were only the two of us out there."

Husband Ronald, however, was nearby, practicing on an adjacent range with his .30-30 rifle. For the Williamses, it was simply a California family outing. He works as a milkman. She works at the Briar Patch which its manager describes as "a sophisticated nightclub. You need a jacket to come in."

Crucial Element

Mrs. Williams said Sirhan was alone on the pistol range "firing rapidly" with his .22-caliber Iver-Johnson when she began trying to fire her weapon shortly after 4 p.m.

Sirhan, she testified, spent about 30 minutes calmly teaching her how to shoot. "He told me," she added, "that the mini-mags (the bullets Sirhan had) were better than what I was using."

Sirhan's day on the gun range is a crucial element of the prosecution's contention that Kennedy's death was calculated, cold-blooded murder rather than a last-minute decision made in a trance-like stupor.

Today's testimony could cut both ways. Several witnesses said they saw Sirhan on the range firing away furiously with the expensive and deadly "mini-mags" that are ill-suited for target practice. But the young Arab immigrant also let several people, including Mrs. Williams and her husband, handle his pistol without apparent concern.

On Range at 11:30 a.m.

The first witness, David Montellano, indicated that Sirhan was already on the gun range at 11:30 a.m. last June 4 when Montellano arrived with a friend, Henry A. Carreon.

"There was a gentleman in the last stall next to (the gun club's) office," Montellano said. He was firing very fast . . . as fast as you could pull the trigger."

Chief defense counsel Grant B. Cooper handed him the death weapon and called for a demonstration. The "click-click-click" of the empty .22 punctuated the silence of the courtroom as Montellano pulled the trigger in split-second sequence.

Montellano had a rifle with him on the range but eventually he walked over to the pistol range where Sirhan was.

"I wanted to find out what kind of a gun he was shooting," he said. "I thought it was a .38. He said, 'No, it's a .22.' I was surprised."

At Sirhan's feet, Montellano said, were some 400 spent brass bullet casings. Six empty boxes of bullets, including two mini-mag cartons, were lying on the bench of his firing stall. He was puzzled that Sirhan was using mini-mags, or "hollow points," which spread out on impact. Unlike others, Montellano was not impressed with Sirhan's accuracy. "He stated he wasn't shooting too good that day," Montellano testified.

Montellano and Carreon left the gun range around 1:45 p.m. "Sirhan," Montellano said, "was still there."

'Could Kill a Dog'

Bespectacled Michael A. Saccoman, 22, of Monrovia, noticed him next. He noticed the mini-mags, too.

"I asked him why he was using that ammunition for target practice," Saccoman said. "That type is used for hunting. He said he didn't know much about guns and that was the type of ammunition they sold him."

Sirhan, Saccoman said, also said that he "was going to go on a hunting trip."

"I said, 'that's against the law because it's a pistol . . . because of the (lack of) accuracy.' And he said, 'I don't know about that. It could kill a dog.'"

Sirhan's paper target, the witness added, was riddled with about 100 holes clustered around the bullseye.

"Most of the shots were close together and in the black of the target," he said. "The target had also been patched up . . . I would say he was a good shot."

Saccoman thought less of Sirhan's gun. He called it "a piece of junk" in comparison with his own. "It had a small barrel and black plastic grips," he recalled, "and a very cheap finish."

Sirhan was still practicing rapid-fire shooting from "a slight crouch" when Saccoman first saw him. But then he slowed down. Saccoman said they chatted for about 45 minutes, on and off, before he left the gun range about 2:45 p.m.

The trial moved on like a whirlwind. Prosecutors Howard and David N. Fitts called 15 witnesses to the stand today. Sirhan's attorneys cross-examined only a few.

In fact, the State gave one of its own witnesses the hardest time. Larry Arnot, former salesman at the Lock, Stock 'n Barrel Shop in suburban San Gabriel, got the going over when he was called to tes-