

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

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

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

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

Continued the newspaper:

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

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

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

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

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

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

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

"A reasonable doubt is not mere possible doubt...It is...you the jury say that you cannot feel an abiding conviction to a moral certainty, a moral certainty is all that is required.

"You have been bombarded with the testimony of experts. An expert witness is a person who has special skill, knowledge or training...You

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should consider their background of experience and education and the credibility of the education. You are not bound to accept the testimony of any expert.

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

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

"Let's take motive. Can there be any question in anyone's mind but that his motive was political?

"When we talk about crime, we talk about the elements of crime. Murder has the following elements: There must be the intent to kill. In first-degree murder, it must be willful, deliberate and premeditated and it must be the killing of a human being. Motive is not an element.

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

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

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

"All murder which is wilful, premeditated and deliberate with malice aforethought is murder in the first degree.

"You may assume...and from my point of view it would be illogical to suggest that this wasn't a wilful, deliberate and premeditated murder.

"But what I want to point out you have wilful, deliberate and premeditated killing in manslaughter...That is the law.

"Deliberate means formed or arrived at...weighed or considered for and against the proper course of action.

"The word 'premeditation' means thought over before-hand.

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

"Remember...the elements: To form specific intent to kill; premeditate and deliberate; reflect upon the gravity of the contemplated act.

"If you find that the defendant's mental capacity was diminished to the extent that you have a reasonable doubt whether he did meaningfully, wilfully premeditate and deliberate...you cannot find him guilty of murder

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in the first degree. The instruction goes on with respect to harboring malice.

"The next thing is malice aforethought. If there is malice aforethought, it is not manslaughter. It has got to be a decision between the two degrees of murder.

"One other instruction that we discussed at length when we examined you...that is the individual opinion of each juror. The people and the defendant are entitled to the individual opinion of each juror. Each one of you is supreme in determining the facts. Your powers are equal even above his honor, in a jury trial. You are the judge of the facts.

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

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

The same newspaper also published excerpts of comments made by Parsons, including remarks on the defendant's life and his family.

Some excerpts follow:

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

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

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

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

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

"Let us make sure that throughout the world, that in every hamlet, the people know that in America you can get justice, whether it is in Mississippi or in Los Angeles.

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

"It will go down in history."

The same newspaper also contained these excerpts from the summation by Berman:

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

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

He then cited Sirhan's relations with his father and mother, the death of his sister, his flunking out of college, his accident at a horse ranch.

Concerning events at the Ambassador Hotel, Berman said, according to the newspaper:

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

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

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

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

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

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

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

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

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

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

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

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FRIDAY, APRIL 11 -- If the prosecution in the Sirhan case "get what they want" -- a verdict of first degree -- "the only remaining question will be one of penalty -- death or life imprisonment," according to Ron Einstoss, staff writer, in a Los Angeles newspaper (Times).

Continued the article:

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

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

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

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

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

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

"Because of this, defense attorneys Grant B. Cooper, Emile Zola Berman and Russell E. Parsons most likely will attempt to bring the matter to the attention of the jury, possibly by someone from the district attorney's office -- perhaps even Dist. Atty. Evelle J. Younger -- to testify about the plea bargaining.

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

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

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

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

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

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

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

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FRIDAY, APRIL 11 -- In court today, Chief Dep. Dist. Atty. Lynn D. Compton began the prosecution's final summation, and will continue on Monday.

He termed the case "highly overcomplicated" by psychiatric expertise and jolted the jury, composed of seven men and five women, when he raised this question, according to a story in a Los Angeles newspaper (Times):

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

The newspaper related that the "defense has offered both theories as partial explanation of the Palestinian Arab's motive in killing Kennedy last June 5..."

Continued the newspaper:

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

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

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

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

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

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

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

Compton's remarks were made after a four-hour summation by Grant B. Cooper, defense attorney, who urged the jury to find Sirhan guilty of second-degree murder and sentence him to life imprisonment.

Continued the newspaper:

"As he had on Thursday, Cooper stressed that the defense did not feel Sirhan 'should be given a medal for what he did' -- or, indeed, that

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he should 'ever be turned loose on society.'

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

"Cooper said the defense also would not ask the jury to return a manslaughter verdict -- even though, he contended, the evidence could warrant it -- because he felt that such a request would simply not be discreet in this case.

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

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

Late this evening, according to another Los Angeles newspaper (Herald-Examiner), the "trial went into extraordinary session...in order to excuse" a juror whose father had died.

Ronald G. Evans was excused by Judge Herbert V. Walker "and the special trial session was held in an armor-enclosed auxiliary courtroom in the jail facility atop the Hall of Justice. Sirhan was present and no stranger to the room where the preliminaries to his soon-to-end murder trial took place.

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

"California law requires that a successor to a trial juror be chosen by the spin of the wheel.

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

Meanwhile, a young woman who killed herself early this week was identified today as a go-go dancer who figured briefly in the Kennedy assassination, police said.

She was Kathy Fulmer, 23, found semi-conscious Monday in a motel. She died of an overdose of Seconal a half-hour later.

Said a Los Angeles newspaper (Times):

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

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

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