

The Sirhan Trail... A Recalcitrant Client

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This nation's first major political assassination trial in more than half a century may degenerate into medieval inquisition in which a bound and gagged defendant writhes while his advocates plead his case in terms he violently resents.

Sirhan (Bshara Sirhan, admitted slayer of Sen. Robert F. Kennedy, has been bluntly warned by his trial judge, Herbert V. Walker, that he faces the prospect of courtroom fetters if he continues to protest his lawyers' tactics.

Twice in a week Sirhan forced his trial to a halt by courtroom outbursts — once against Judge Walker, once against his own lawyers.

Twice he has threatened to plead guilty to first degree murder. Once he said he would accept death in San Quentin's gas chamber. Once he overtly sought such a death.

When it appeared that only a guilty plea could prevent his jury of eight men and four women from reading excerpts from his diaries, Sirhan told Walker in an in-chambers hearing Monday that he wished to plead guilty and would acquiesce to a death sentence.

Friday the trial was abruptly adjourned shortly after the young Arab avowed in open court.

"... I say I am guilty on all counts... I will ask to be executed."

Sirhan's jurors, who will decide whether he will live or die, know nothing of his outbursts. The one was in chambers; the other took place after they had been ordered out of the courtroom.

Behind Sirhan's behavior is

more than temper... involved is a basic disagreement between the young Arab and his three lawyers — Grant B. Cooper, Emile Zola Berman and Russell E. Parsons — as to trial strategy.

The attorneys admit they have no hope of gaining acquittal for their recalcitrant client — they seek only to save his life. They believe they may do so through use of a defense of diminished mental capacity.

They seek to convince the jury that while Sirhan is not insane, he is also not quite mentally balanced.

Sirhan, in the words of Cooper, "Violently disagrees" with this tactic.

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"Sirhan does not like to be demeaned... He does not consider he is of diminished capacity," Cooper explained.

Detailing the magnitude of disagreement, Cooper told Judge Walker:

"Last week he (Sirhan) was shown a list of witnesses we intended to call. He has objected to our calling a dozen witnesses whom we as lawyers all agree are... in his best interest."

Sirhan examined this witness list one day as he sat in court waiting for Judge Walker to ascend the bench. As he read the list thunderclouds appeared on his brow.

He angrily reached for a pen and slashed through name after name, muttering at Parsons all the while.

When Chief Defense Investigator Michael McCowan sought to cajole him, he told the private detective, his friend of seven months, to "shut up." He shook his fist.

When he completed defacing his copy of the witness list, Sirhan turned his attention to a brief on diminished capacity, in which Parsons had digested the law for Judge Walker.

Again anger. He tossed the brief aside with a derisive sneer.

Sirhan's demand of Friday that he be permitted to change his plea to guilty, came in the midst of the testimony of Pasadena School system official John T. Harris.

Harris, at Cooper's request produced the 24-year-old Jordanian immigrant's school records from the time he entered Marshall Junior High School in 1957 until he graduated from John Muir High School, June 13, 1963.

Sirhan prides himself on his intelligence and had a reputation among his fellow students as a superior intellect.

But his school records disclosed an average to slightly below average student with an IQ of 89. He was a youngster who more often than not ranked at the bottom in terms of tested ability to learn.

Sirhan's IQ, Harris testified was a point below normal. Other tests showed him "sub normal," Harris said.

As the school official spoke, Sirhan became more and more agitated... finally demanding the courtroom showdown which ended only when Judge Walker disdainfully dismissed him as "incompetent," and said:

"Your trial will proceed. You will retain your counsel."

Reportedly Sirhan also objects to other witnesses whose testimony will paint a picture of him far removed from the Palestinian super-patriot he sees when he looks within himself.

Opening the case for the defense Berman put it this way to the jury of eight men and four women:

"In his fantasies he was often the hero and saviour of his people.

"In the realities of life, how-

ever, he was small, helpless, isolated, confused and bewildered by emotions over which he had no control."

Describing the assassination of Kennedy, Berman insisted that in Sirhan's mind the shooting was a pinnacle. All his previous failures were wiped out by his "valiant" act.

But again the reality... in Berman's words:

"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."

As Berman hammered home the concept of the di-

Client



Chief defense attorney Grant Cooper leaves court after his client, Sirhan Sirhan, told judge he wanted to plead guilty to the murder of Robert Kennedy and that he wanted to be executed.

—UPI Telephoto

inished Sirhan, his client called out, as if in anguish, "No. No."

His attempts to fire them frustrated by Judge Walker, Sirhan must, for the time being, allow the defense to proceed the way his lawyers wish. At the end of Friday's thunderous session, Walker bestowed his blessing upon their work.

Diminished capacity, the jurist told Cooper, "is a good . . . if not the only logical defense in this case."

Walker seems determined to let this "good . . . logical . . . defense" go to Sirhan's jury, no matter what the defendant's wishes.

Sirhan's lawyers are clearly worried. Their present plans are to let the young Arab testify in his own defense tomorrow.

What new outbursts this testimony will produce is a matter of grave concern. Another day like Friday, Walker insists, will see Sirhan strapped to his courtroom seat, a gag slapped across his mouth to

insure his silence.

Before Sirhan takes the stand, it will be time to hear from a woman who has sat in anguish as his lawyers have fought for her son and he has fought the prosecution, his own advocates and sometimes her.

Mrs. Mary Sirhan tried to testify Friday. She could not. The words were there, but they just could not come out. She clenched her teeth and tried. But the sobs welled, and Judge Walker stopped the trial.

McCowan ordered her home and to bed. Munir Sirhan, the defendant's youngest brother, was to see that his mother suffered no more this weekend, the investigator said.

He gave young Munir one other task:

"Find your brother."

The defense wants Adel Sirhan, 30, a wandering musician, to speak up for his brother. He cannot be found.

He was last heard from in Washington State whence he'd gone to strum his oud while his brother faced another kind of music.