

# Doubted Sirhan Would Be Tried, Doctor Testifies

Psychiatrist in Diagnoses  
Clash Cites Agreement by  
Both Sides on Life Term

BY DAVE SMITH  
Times Staff Writer

Prosecution psychiatrist Seymour Pollack, flushed and at times almost shouting, admitted Thursday that when he wrote his first diagnosis of Sirhan Bishara Sirhan, he thought Sirhan would never be tried for the killing of Robert F. Kennedy.

In a confidential Feb. 5 report to Dist. Atty. Evelle J. Younger, Pollack described the Palestinian Arab as a "psychotic . . . suffering from a borderline schizophrenia with paranoid and hysterical features."

That was after a Feb. 2 meeting between Pollack and psychiatric and psychological consultants to the defense agreed that Sirhan was mentally ill. On the basis of that meeting, the defense and prosecution agreed to a plea of guilty to first-degree murder with life imprisonment.

But after Superior Judge Herbert V. Walker rejected the agreement and ordered the trial to proceed before a jury, defense attorney Grant B. Cooper charged Thursday, Pollack wrote another report, in which Sirhan's mental illness was described much less boldly.

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

## Almost a Shouting Match

In a rapid-fire exchange that nearly escalated to a shouting match, Cooper asked Pollack if he hadn't believed on Feb. 5 that Sirhan would never come to trial.

"I was led to believe that, yes," said Pollack.

Cooper then asked if he hadn't also believed that the Feb. 5 report thus would never have reached the hands of defense attorneys.

Pollack denied this, saying he

knew it would have been entered in testimony if the case had come to trial.

Cooper then asked why Pollack's March 21 report did not term Sirhan a psychotic.

Pollack said he had intended that report only to discuss Sirhan's motive in killing Kennedy, not his mental state when he did it.

"But," Cooper snapped, "didn't you use this, practically read it into the record as the basis of your direct testimony?"

Pollack replied that he was concerned in that report only with the legal question of motivation.

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

## Stands by Diagnoses

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

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

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

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

Cooper charged that it was Pollack himself who applied the label of "paranoid personality" to Sirhan.

Pollack admitted he had used the label, but explained that different psychiatrists' interpretations of Sirhan's symptoms often were merely a matter of degree.

Mental illness, Pollack said in effect cannot be precisely measured and it is society's business, not psychiatrists', to determine when a mentally ill defendant's illness is a mitigating factor in his guilt.

Please Turn to Page 19, Col. 1

Continued from Third Page

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

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

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

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

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

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

Cooper then read from Pollack's Feb. 5 report: "He (Sirhan) has been successful in hiding his psychotic symptoms from public view and able to avoid revealing such symptoms to psychiatrists in clinical interviews. During my clinical interviews with him, I detected none in the initial encounters; in later interviews with him, however, I believe that he revealed a degree of paranoid thinking with accompanying emotional responses that led me to suspect that there were psychotic characteristics in his personality . . ."

## Question of Delusion

At one point Pollack said Sirhan believed it was good and right for him to kill Kennedy because of Kennedy's support for Israel.

Cooper asked if Sirhan's

belief that it was good to kill Kennedy wasn't delusional thinking. Pollack said it wasn't.

Cooper then asked, with barely masked incredulity, if Pollack meant that Sirhan was not deluded in thinking it was good.

"Yes," said Pollack, then, "No, no, no, no, no!" as spectators chuckled.

Pollack said Sirhan believed it was good to kill the senator because of the kind of person Sirhan thought Kennedy was. And because of this view, Pollack added, Sirhan didn't believe he should get more than a couple of years in prison for killing such a person.

Cooper seized on this point, asking if Pollack felt this belief of Sirhan—that he should get only a couple years for killing a U.S. senator—was mature or meaningful.

Here the questioning bogged down in a lengthy dispute over the common-sense usages of "mature" and "meaningful" and the legal definitions of the terms.

Pollack insisted that the concept of mature or meaningful acts relates to the specific act intended, whether it be murder or "flying to the moon."

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

Cooper made it obvious

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

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

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

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

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

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

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

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