

State Opens Summary in Sirhan Murder Trial

1st-Degree Verdict Demanded in Spite of Mental Illness

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Sirhan Bishara Sirhan is mentally sick, the prosecution conceded Wednesday, but not so sick that he could not plan, coolly, carefully and for a long time to murder Sen. Robert F. Kennedy.

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

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

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

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

Outlines Course of Events

Fitts outlined this story:

On Feb. 5, 1968, Sirhan bought a pistol from a friend of his brother, Munir. The purchase took place on a street corner at night near Sirhan's home. Fitts said Sirhan may or may not have decided by that time to kill Kennedy, but he termed the gun purchase a "surreptitious transaction."

Before and after that time, Sirhan had been writing his political views in his notebooks—views that "were replete with hostility to the United States government" and ultimately took the form of statements that certain political figures must be killed.

On June 1, Sirhan went to a Corona gun range to practice, but was turned away because only large-

bore weapons were permitted on the range that day.

Goes to Kennedy Reception

The next night, Sirhan went to the Ambassador for a Kennedy reception because, Sirhan said, he loved and admired Kennedy and wanted to shake his hand.

But at that reception, Sirhan was observed moving away from the crowded areas where Kennedy was, and later was seen in a kitchen area, through which Kennedy passed to avoid mobs. This, said Fitts, could have been merely a "familiarization run," or Sirhan may have planned to shoot Kennedy that night, if the chance arose.

Later, in the pantry area where Kennedy ultimately was shot, Sirhan asked employes if the senator "would be coming back this way"—indicating that Sirhan knew Kennedy had already passed that way once.

As for Kennedy's last-minute change of plan in going to the Colonial Room before the Ambassador Ballroom—which the defense claimed Sirhan couldn't have known about and thus confronted Kennedy by accident—Fitts said it wasn't an accident at all.

Kennedy was scheduled to go to both rooms anyway, using the pantry as his route, and when he did so would have been merely a matter of time. All Sirhan had to do was wait.

Sirhan's lack of identification

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when he was arrested also showed premeditation, Fitts said. Sirhan's wallet was later found in the glove compartment of his car, and Sirhan testified that he never carried his wallet on him.

But Fitts recalled an earlier witness' testimony that on one occasion when Sirhan needed his wallet, he simply pulled it from

his hip pocket. Leaving the wallet behind on June 4, Fitts said, was a deliberate plan to avoid identification.

It was at this point that Sirhan, following Fitts' performance with piercing looks, erupted with "He's lying, he's lying, he's lying!"

The Palestinian Arab's voice rose and he began to struggle to his feet. Defense counsel and security officers plopped him back into his chair, quieted him and then ushered him out.

"I'm not going to put up with this —," Sirhan snapped as he strode out.

After cooling off in an adjacent room for 20 minutes, Sirhan was led back in and listened quietly but intently as Fitts continued.

Frank Contempt

Sirhan is expected to have a far harder time reining his temper when coprosecutors John E. Howard and Lynn D. Compton make their arguments. Both are considerably more blunt in expressing their disbelief in Sirhan's intricate psychiatric defense.

For all the relaxed precision of Fitts' summation, he was nonetheless frank in his contempt for defense witness Martin M. Schorr, a San Diego clinical psychologist who diagnosed Sirhan as a paranoid schizophrenic.

Termining the psychiatric testimony of 10 expert witnesses "a quagmire," Fitts told the jury: "Our psychiatric lesson begins in a most peculiar way. Dr. Schorr . . . I'm really sorry the defense started with him, because I'm afraid he may have left a bad taste in your mouths regarding the whole profession."

Letter to Defense Recalled

Fitts said a letter Schorr wrote to defense attorney Russell Parsons last July showed that he was "soliciting to be permitted to assist in selection of the jury." Fitts implied this was an attempt to stack the jury with people sympathetic to a defense of mental illness.

Fitts said Schorr's testi-

mony was "disgraceful" and questioned Schorr's competence on several points, including Schorr's unsuccessful effort to tape his interviews with Sirhan.

Schorr testified that his recording equipment caused the tape to stick and said that he erased the partially garbled interviews so that he could use the tape again.

In a case of this magnitude," said Fitts, Schorr's failure to produce tape recordings, or a verbatim record, or even to testify from full notes, was "inexplicable and deplorable."

Cites Errors

As to Schorr's interpretation of Sirhan's test responses, Fitts recalled one reference Schorr made to Nathan Hale as "the man without a country." Schorr later corrected himself, saying he had been reminded that Edward Everett Hale was "the man without a country."

Schorr was wrong both times, said Fitts. Edward Everett Hale was the author of a short story of that name, and the charac-

ter was named Philip Nolan. Schorr's double-barreled error, Fitts said, "tells us a lot about the intellectual acumen he brings to this case."

Fitts also attacked the testimony of Dr. Bernard L. Diamond, UC Berkeley professor of criminology, psychiatry and law, with whom Fitts engaged in sharp courtroom clashes.

'Whole Cloth'

Fitts said Sirhan had been in jail for six months before Diamond entered the case, that Sirhan had "structured his story" of the crime, and that Diamond "bought" Sirhan's story "out of whole cloth."

Recalling Diamond's statement that he "agreed" that Sirhan's defense was "an absurd and preposterous story, unlikely and incredible," Fitts read his own question to Diamond about whom he was agreeing with. Diamond's reply was, "I agree with the world."

His voice dripping contempt and disbelief, Fitts said, "Well, I can't improve on Dr. Diamond—if that's what he thinks of his story. You realize it was impossible to have the last word on Dr. Diamond. So I'll let him have the last word."