

Sirhan Defense Pleads for Sentence of Life

Cooper Admits Defendant Killed Kennedy but Calls for Second-Degree Murder Verdict

BY DAVE SMITH

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"We are not here to free a guilty man," defense attorney Grant B. Cooper said Thursday of Sirhan Bishara Sirhan. "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 the penitentiary."

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 turned loose on society."

Then he added: "There are two Sirhans. There is a good Sirhan and a bad Sirhan, and the bad Sirhan is a nasty Sirhan. I've learned to love the little, good Sirhan."

Describes Reasonable Doubt

Cooper, carefully unwinding a summation that was expected to consume all of today's session, embarked on his analysis of the applicable law, he said, "not with the hope of turning Sirhan loose."

By law, he said, the jury must make a presumption of a defendant's innocence, and in any case where they feel reasonable doubt, they are required by law to return the lesser of two verdicts. "Reasonable doubt," he said, quoting a deceased jurist, "is like love. You can't define it, but you know it when you've got it."

In Sirhan's case, Cooper said, whether he had diminished mental capacity to maturely and meaningfully plan Kennedy's death is the sole issue. And, he added, only circumstantial evidence exists to help jurors determine whether his capacity was diminished.

As to Sirhan's motive, Cooper

admitted: "Can there be any question in anyone's mind but that his motive was political?"

But motive, he said, is not one of the elements which must be proven to justify a verdict of murder, whether first or second-degree. The proper elements, he said, are proof of intent to kill, "willfully, deliberately and premeditatedly."

Further, he said, under Sirhan's defense of diminished capacity, it must be proven beyond reasonable doubt that such premeditation was mature and meaningful.

Cooper said the jury could, if it chose, assume that Sirhan's own story was "a tissue of lies," accept the facts as stated by the prosecution and conclude that it would be illogical to pretend Sirhan didn't premeditate Kennedy's death.

Verdict Could Mean Life

But still, he said, a second-degree verdict could provide life in prison for Sirhan, and could still take account of the defense contention that Sirhan's premeditation was not mature and meaningful.

Because of a diminished capacity to reflect on the consequences of his act, Cooper said, Sirhan wasn't capable of what the law would consider mature and meaningful malice aforethought—another required element in a first-degree murder conviction.

Attorney Russell E. Parsons led off the closing arguments in defense of Sirhan earlier with a ringing, impassioned declaration that neither a death sentence nor life imprisonment would be a just verdict for "this poor, sick wretch."

"I would like your verdict to spell, in every hamlet, on every desert in the Arab republic and in Europe, that a man can get justice in America.

"And justice is not the death penalty or life imprisonment in this case because that isn't warranted—not for this poor, sick wretch who did not know what he did."

"It's going to take a little courage to return a proper verdict in this case," Parsons told the five-woman, seven-man jury, "a little courage to

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see that justice is done. But justice must be done, because this trial is going down in the history books."

In a 45-minute discourse dotted with emotional appeals, Parsons said: "I don't believe in the death penalty. I don't believe you can take the life of another man. Only God can do that."

Sirhan, Parsons conceded, took the life of Kennedy, just as Kennedy's brother, President John F. Kennedy, had been assassinated five years before. "That was a horrible act," Parsons said, then added:

"There isn't a man in America who shouldn't say a prayer for the remainder of that family—every night."

Sirhan, who sat smiling through most of Parsons' delivery and seemed especially delighted at the emotional high points, grinned and quickly covered his mouth with his right hand as Parsons mentioned prayers for the Kennedys.

Parsons praised the testimony of psychiatrists and psychologists who diagnosed Sirhan as a paranoid schizophrenic.

Parsons asserted that Sirhan's behavior, both before and since the crime, was not "faking." Even Sirhan's courtroom behavior, Parsons said, shows that he is sick.

"I've come to sort of like the fellow," Parsons said. "You can't be around him without feeling sorry for him. I've sat here and had him reach up and hold my hand, like a baby. One minute he's smart as a whip and the next minute he doesn't know right from wrong."

Parsons was followed by New York attorney Emile Zola Berman, who contended that Sirhan has suffered deep "traumata"—or psychological injuries—since his arrival in 1957 in Pasadena.

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