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Brief Penalty Trial Seen for Sirhan

Jury Hearing on Life or Death to Start Monday

BY DAVE SMITH
Times Staff Writer

Sirhan Bishara Sirhan, who brought his hate from the land of the Bible to a newer world, was convicted Thursday of first-degree murder in the killing of Sen. Robert F. Kennedy.

The jury will begin deliberation Monday morning on whether he should be sentenced to death or life imprisonment, in a penalty phase expected to end Monday afternoon or Tuesday morning.

The seven-man, five-woman jury signalled its arrival at a verdict at 10:47 a.m.—16 hours and 42 minutes after it began deliberations last Monday.

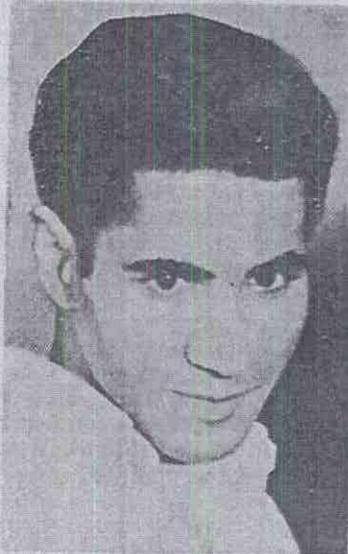
The tiny Palestinian Arab defendant showed no visible reaction as the verdict was read. He sat forward in his chair, elbows on the counsel table, and stared soberly ahead as he heard the verdict.

Fusillade of Shots

For wounding five other persons in the fusillade of shots that killed Kennedy last June, Sirhan was found guilty on five counts of assault with a deadly weapon with intent to commit murder. Each conviction carries a sentence of one to 14 years.

Sirhan, 25, appeared solemn but nervous as he entered the courtroom trailing a cloud of cigaret smoke. He had a small smile for defense attorney Russell E. Parsons, who clapped him encouragingly on the knee as he sat down.

At 11:00 the jury entered, equally solemn, and Superior Judge Herbert V. Walker asked, "Ladies and gent-



Sirhan Bishara Sirhan

Court Clerk Alice Nishikawa, who read them aloud.

Sirhan's family was not present for the verdict, although most of them were in court every day of the 15-week trial.

A brother, Adel, 30, told The Times Thursday morning—between the time the verdict was reached and the time it was announced—that "I don't think we should show up down there now, do you?"

After the verdict, Adel, his mother, Mary, and brother, Munir, wept as they heard the verdict over their television set in their small Pasadena home.

Verdict Not Expected

"We feel terrible about the verdict," said Adel, his voice wavering. "There is nothing more I can say. We didn't expect this verdict."

After Mrs. Nishikawa finished reading each verdict, she asked the jurors: "Is this your verdict, ladies and gentlemen of the jury? So say you one, so say you all?"

Murmured assent was unanimous for all six verdicts.

Defense attorney Grant B. Cooper requested that the jury be polled on the first count—the murder conviction—and as each juror's name was called, the answer was a firm, "Yes."

Judge Walker then recessed the trial until Monday for the penalty phase and Sirhan, even before the judge could say "Remand the defendant," was out of his chair and striding briskly from the courtroom.

Please Turn to Page 30, Col. 1

lemen of the jury, you have a verdict?"

"We have, your honor," the foreman murmured.

Foreman Bruce D. Elliott handed the verdicts to Bailiff Willard Polhemus, who passed them to Judge Walker.

The 69-year-old jurist, presiding over his last and most celebrated case before retiring in July, scanned the six verdicts and passed them to

FRIDAY MORNING, APRIL 18, 1969



'DISAPPOINTED'—Grant B. Cooper, chief defense attorney for Sirhan Bishara Sirhan, stands with arms folded in back of room as prosecutors hold news conference after jury returned its verdict. Cooper told newsmen, "Naturally, one is disappointed."
AP photo



FOR THE PROSECUTION — Chief Dep. Dist. Atty. Lynn D. Compton telling newsmen that the Sirhan trial and verdict "demonstrated to the world that our system does work." At the left is one of the other prosecutors, Dep. Dist. Atty. David N. Fitts.
Times photo by Fitzgerald Whitney

Continued from First Page
several paces ahead of his security guards.

Cooper, who spoke with Sirhan in a small holding tank moments after adjournment, said "his reaction was one of disappointment." Cooper would not repeat what Sirhan said, but added that disappointment was evident "by the expression on his face."

Cooper, asked his own reaction, told reporters in a news conference later. "Naturally, one is disappointed." But he added:

"I'm not going to quarrel with this jury. They had the case fully and fairly presented to them and I'm not going to quarrel, even though I might disagree with their verdict."

Cooper disclosed that he had already made a motion to impanel a new jury for the penalty phase, but that Judge Walker, in a brief conference at the bench, had denied it.

Gives No Clue

Asked what testimony he would present in the penalty phase to show Sirhan's life should be spared, Cooper said he didn't want to telegraph his punches. But earlier he indicated he would attempt to call Dist. Atty. Evelle J. Younger, Chief Dept. Dist. Atty. Lynn D. Compton and Dep. Dist. Attys. John E. Howard and David N. Fitts to the witness stand to confirm that the prosecution once was willing to accept a plea of guilty with the understanding that Sirhan get life imprisonment.

Cooper later asked Judge Walker, in a brief proceeding Thursday afternoon, to be allowed to call the prosecution to the stand. The judge denied the motion.

The jury has never heard of the agreement. If Judge Walker had permitted Cooper to introduce it, some sources felt it would have been a strong factor in swaying the jury toward a life sentence.

Compton, at the same news conference, said the

prosecution was pleased at the verdict and felt "the jury analyzed the evidence and expressed the conscience of the community, the reaction of the community."

System Praised

He said the verdict—and the lengthy trial — "demonstrated to the world that our system does work."

Compton said the prosecution would not specifically urge the jury to impose the death penalty on Sirhan, but said it will "express the arguments for and against the death penalty and let the jury exercise their absolute discretion."

Howard, who will argue for the prosecution in the penalty phase, said he intends to gear his argument to Sirhan's "lack of remorse and to the effect of political assassination on the democratic process."

Sirhan testified from the witness stand that he hated Kennedy because, in his campaign for the Democratic nomination to the U.S. Presidency, he had advocated sending 50 Phantom jet bombers to aid Israel in its conflict with Arab nations.

Sirhan also testified, "I'm not particularly proud, but I'm not sorry, either," about the death of Kennedy.

Not a 'Must'

Asked about the earlier agreement to accept Sirhan's plea of guilty, Compton acknowledged that the bargain struck last February "imposes on us the obligation not to assert that the death penalty is an absolute must."

Both defense and prosecution have said that the penalty phase will probably be brief—possibly only a few hours, or a day or two at the most.

Compton said he didn't feel the jury's verdict necessarily reflected disdain for the defense contention that Sirhan was mentally ill and acting under diminished mental capacity when he shot

Kennedy.

"I don't feel that the verdict was a repudiation of psychiatry in general," said Compton. "I just think the objective facts were quite overwhelming evidence of premeditation."

The psychiatric

evidence, culled from 10 expert witnesses in three weeks of testimony, could still be a major factor in deliberations on Sirhan's punishment, although it was insufficient to influence the jury from Thursday's first-degree verdict.

The verdict ended what is perhaps one of the least suspenseful yet oddly controversial murder trials in U.S. history.

It was known from last June 5—and admitted by the defense even before the trial—that Sirhan was Kennedy's killer. With that on the record, the only questions to resolve in a public trial were whether Sirhan could be held fully responsible for his actions, and if so, how severely he should be punished.

Early in February, the defense was willing to enter a plea of guilty of first degree murder with the understanding that Sirhan would receive a life sentence.

The prosecution was willing to accept this arrangement, feeling that on the basis of their own psychiatric evidence they might have a hard time convincing the jury that Sirhan really deserved to die for his crime.

Bargain Rejected

But Judge Walker rejected the bargain, ruling that the defense might change the plea if it chose, but must take its chances on the penalty and let the jury decide between life or death. Sirhan was then unwilling, the deal fell through and the trial proceeded.

Irritation at the ensuing length and expense of the trial has been widespread since. Los Angeles County

Supervisor Kenneth Hahn, chairman of the Superior Courts Committee, has issued regular press releases on the mounting expense of the Sirhan trial. He says it has now cost the taxpayers more than \$1 million, although that figure is disputed.

The general public, too, has expressed anger at the slow, deliberate trying of a defendant whose slaying of Kennedy is beyond question, even admitted.

Complaint has taken many forms: That the extraordinary security is wasteful; that Sirhan should be summarily gassed; that Judge Walker should have accepted the guilty plea and sentenced Sirhan to life; that the protraction can be laid to the lawyers' or the judge's personal vanity and that the taxpaying public shouldn't have to support Sirhan for the rest of his life.

Special Facilities

On learning that a three-cell unit was being readied for Sirhan at the California Medical Facility in Vacaville, in anticipation that he might get life, one man said with heavy sarcasm, "Yeah, so he can live like a king up there."

Perhaps the best answer to such complaints is Judge Walker's own. He told The Times last month that unresolved mysteries arising from President John F. Kennedy's assassination in Dallas in 1963, and the subsequent killing of Lee Harvey Oswald by Jack Ruby, cost the American taxpayer more than \$5 million in extra investigation and answering the conspiracy theorists. He didn't want that here, Judge Walker said, and so ordered all the facts laid before the public in a hard-fought trial.

The late Judge Preston Battle's acceptance of a guilty plea by Martin Luther King's slayer, James Earl Ray, and continuing speculation about the truth in that case are also seen by some as a strong argument for

Judge Walker's logic.

The trial has held many moments of drama.

These centered mostly on the tiny defendant—his weathervane moods, his impassioned anti-Israeli lectures from the witness stand, his little fits of pique and the big rages when he asked to die, and all the smiles and frowns that so rarely matched what was being said in court.

The most chilling single vignette to illustrate the peculiarly off-key quality to Sirhan's responses occurred during defense at-

torney Russell E. Parson's fire-and-brimstone summation, when he said, "There isn't a man in America who shouldn't say prayers for the remainder of the Kennedy family every night."

Sirhan, battling with a mirthful smile throughout the grandfatherly Parson's final plea, clapped his hand over his mouth and doubled over at that, as if barely suppressing a laugh.

Signs of Nerves

The trial didn't always amuse Sirhan. Often he appeared brooding and nervous, chewing at hangnails, locking and unlocking his fingers, darting somber glances around the courtroom. He always sat with his chair drawn close as possible to Parsons, touching the old man, whispering to him interminably.

And there were the temper flareups, in court and out, strangely triggered by impending introduction of the very things most likely to save Sirhan:

—His notebook: a chaotic chronicle of his downward emotional spiral from personal frustration to general hostility to specific murderous hate. The prosecution and the judge were using the notebook "to railroad me into the gas chamber," Sirhan told the judge in one behind-scenes exchange.

Names Scratched

—Defense witnesses: including two girls with whom he was infatuated, who could have testified to the emotional shallowness and superficiality of his dealings with other people. Sirhan angrily scratched their names from a witness list and, in a dramatic open court outburst, tried to fire his attorneys, plead guilty and demand execution. Judge Walker denied the demand and threatened to gag and bind Sirhan if the temper tantrums continued.

—His school grades and intelligence

SIRHAN'S ACT A 'NECESSITY,' FATHER SAYS

JERUSALEM (UPI)

—Bishara Sirhan said Thursday night he was even more adamant than before that his son had "committed an act of political courage and even of necessity" in his shooting of Robert F. Kennedy.

It was shortly after 9 p.m. when the elder Sirhan received the news that a Los Angeles jury had found his son guilty of first-degree murder in the death of Kennedy last June.

Something had to be done "to bring to the attention of the United States people the wrongness of America's support for Israel," Sirhan told newsmen.

support for the defense contention that life had shortchanged him from the beginning. Of superior intelligence in some ways, Sirhan couldn't endure hearing that he was deficient in others.

By trial's end, virtually all the reporters who had scrutinized Sirhan daily for 15 weeks were agreed that the little Palestinian refugee was indeed mentally ill. Their only question was the same one plaguing the jury: How sick was he? Sick enough that it mitigated his crime? In short, was he more sick than guilty, or more guilty than sick?

Peculiar to California

The defense has revolved on the contention that Sirhan is both guilty and sick. This is the defense of diminished capacity—a legal doctrine available to the defense only in California.

It is a doctrine that is still being developed since its first application in

a person may be found guilty of first degree murder and yet be unable because of mental illness, rage, fear, obsession or intoxication, to maturely and meaningfully premeditate, deliberate and hold malice aforethought.

Whether Sirhan's case fit a where onto this still indeterminate scale of responsibility was a subtle matter of degree for 12 jurors to calculate and agree upon unanimously.

Sirhan was by no means the only person to suffer damage in the long and often acrimonious trial.

His mother, Mary, faithful in attendance until the very end, inspired a curious blend of sympathy and bemused speculation as she sat day after day, eyes fixed straight ahead, a study in stoicism.

Only 4 feet, 11 inches tall, not pretty, with a face careworn well past its 56 years, Mary Sirhan lost her composure only rarely in public.

Occasionally, when testimony lanced a bit too deeply through her formidable emotional barricades, she would cry a little, and one could not help but be moved to see the homely yet somehow appealing face crumple with pain.

She has buried eight of 13 children, been abandoned by her husband, and it has been a wretchedly unhappy life. Who could have imagined it could grow so much worse?

Mother's Strength

But always, just as the tears began, Mary Sirhan would draw herself up short and reiterate her firm, perhaps unyielding, belief that God is on her side and will give her strength.

There is iron in this woman who could say, as she did one morning, "If I did not belong to God, I don't know where I'd be." Perhaps. But no one envies her present position.

Sirhan's brothers, Adel
Please Turn to Pg. 31, Col. 1

Continued from 30th Page

and Munir, one or both of whom invariably accompanied their mother to the trial, took a more contemporary but equally stoic view of the proceedings.

Munir, 21, did nine months in jail after a teen-age dalliance with marijuana. "I learned my lesson," he says. But then his favorite older brother killed Kennedy and today Munir looks at the future with a pessimism that could be youth, or maybe something more. "When one falls, we all fall," he says with a wry half-smile.

Adel, 30, a musician and now the only one of five brothers without a police record, is little more optimistic. Reminded once that he has a life ahead of him when the publicity is over, he shrugged and said, "With my name? But maybe so — someplace else."

At least four other persons suffered in varying degrees in the trial of a man they had never heard of before last June. These were two psychologists and two psychiatrists who absorbed a good deal of hard cross-examination.

First was clinical psychologist Martin M. Schorr, who testified for the defense that Sirhan was a paranoid schizophrenic who, in killing Kennedy, was killing the absent father he hated and feared.

Reporters were thrilled with Schorr's vivid, quotable language in describing Sirhan, and they were thrilled anew when they learned it wasn't Schorr's language at all. He had lifted it almost verbatim from a recently-published book because, he confessed, "I wanted a punchy way to spice up my testimony."

Schorr never fully regained his composure once the prosecution tossed the word "plagiarism" into the air. Defense attorney Cooper himself later referred to Schorr as "the little

man in the green suit."

Next in Line

The next expert to be blistered was Dr. Bernard L. Diamond, professor of law, psychiatry and criminology at UC Berkeley, possessor of a glittering reputation in the field of psychiatry and the law.

Diamond, testifying for the defense with self-assurance and a dazzling command of psychiatric expertise, also found Sirhan a paranoid schizo-

phrenic and said further that he was in a state of self-induced hypnosis — from standing in front of mirrors at the Ambassador—when he shot Kennedy.

In a dramatically written summary, from which he read in court, Diamond admitted that the diagnosis might appear "an absurd and preposterous story, unlikely and incredi-

ble." But, he insisted, it was true.

The prosecution seized upon this admission and derided Diamond's testimony and courtroom manner, portraying him as egotistical, omniscient and quick to dismiss the opinions of others.

Even Cooper, in his summation to the jury, conceded that "you might not have liked Dr. Diamond's manner."

Earlier Report Cited

Dr. Seymour Pollack was the chief prosecution psychiatrist. He testified that he found Sirhan mentally ill, but described him merely as "a developing paranoid personality."

When Cooper began cross-examination, it was disclosed to the jury that in an earlier report to the prosecution Pollack had diagnosed Sirhan in more serious sounding language as a "psychotic" and a "borderline schizophrenic."

Cooper also elicited from Pollack the fact that Pollack himself, in the same report, had urged that Sirhan escape the death sentence.

Preconception Angle

Clinical psychologist Leonard Olinger, a part-time instructor at USC's extension division, was the final expert witness. He testified for the prosecution that all previous nine experts—including Pollack for the prosecution—had exaggerated the extent of Sirhan's illness.

Schorr's work particularly, he said, was chiefly the result of Schorr's own preconceived notions about the case and his expectation that he would find major illness in Sirhan.

Cooper, cross examining Olinger, charged him with having preconceptions of his own—particularly because it was on the basis of newspaper accounts of the trial that Olinger phoned the prosecution and offered to counter Schorr's testimony. Cooper said Olinger had solicited his own way into the case uninvited.