

Jury Deliberating Penalty for Sirhan

BY DAVE SMITH
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The jury in the Sirhan Bishara Sirhan murder trial retired Monday to decide whether Sirhan should live or die for the murder of Sen. Robert F. Kennedy.

They were locked up after 2½ hours' deliberation without reaching a verdict.

Among the last words they heard before they were given the case was a quotation from Kennedy's own plea after Martin Luther King was murdered that Americans dedicate themselves "to tame the savageness of man to make gentle the life of this world."

Defense attorney Grant B. Cooper urged the jury, "as a kind of posthumous tribute to Sen. Kennedy," to spare Sirhan's life.

Dep. Dist. Atty. John E. Howard, citing 10 months of special precau-

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tion to insure a fair trial for Sirhan, told the jury that now that he has been convicted of first-degree murder, "he has no special claim to further preservation."

Without asking for a death verdict in so many words, Howard made it clear that was what the prosecution sought as he urged the jury "that each of you in your hearts have the courage of your convictions, the courage to write the end to this trial and to apply the only proper penalty for political assassination in the United States of America."

Final Plea

In a quiet, final plea for mercy for Kennedy's murderer, Cooper read from Kennedy's own statements of April 5—one day after King's death, and exactly two months before he himself was fatally shot.

Cooper told the jury that Kennedy told a crowd in

Cleveland:

"Whenever any American's life is taken by another American unnecessarily—whether it is done in the name of the law or in the defiance of law, by one man or a gang, in cold blood or in passion, in an attack of violence or in response to violence . . . the whole nation is degraded . . ."

" . . . We must recognize that this short life can neither be ennobled nor enriched by hatred or revenge. Our lives on this planet are too short and the work to be done too great to let this spirit flourish any longer in our land . . ."

Cooper said that he believed that if Kennedy himself had been in the courtroom Monday, he

would have asked the jury to spare Sirhan's life.

In a dramatic closing moment, Cooper turned to face the tiny Palestinian Arab, who sat chewing gum, his eyes large and somber, and told him:

"And now, Sirhan Sirhan, I've done all the best that I could do for you."

Shifting his gaze to Mrs. Mary Sirhan, 56, in the second row of the courtroom, Cooper said, "Mary Sirhan, I now entrust the life of your son to this American jury. And, Mary Sirhan, may your prayers be answered."

Mrs. Sirhan was the only defense witness in the penalty phase of the trial. Cooper called her to the stand and asked just one question: "In his entire life before the shooting, has Sirhan ever been in trouble with the law?"

Solemn Answer

Mrs. Sirhan answered in a solemn voice: "He has never been. And that is not from me and not from him. This is because I raise him up under the law of God and in His Love."

Cooper stressed repeatedly that while the law prescribes either death or life imprisonment for first-degree murder, the

law states no preference.

If Kennedy's life must be avenged, Cooper suggested, Sirhan's conviction and a sentence of life imprisonment is vengeance enough.

To execute Sirhan cannot bring Kennedy back, Cooper said, but to sentence Sirhan to life in the California Medical Facility at Vacaville would en-

able penologists and psychiatrists to study the defendant, to see "what more can be learned about the human mind, and what makes people want to kill."

Such a study, Cooper said, could help prevent further such crimes as Sirhan's.

Cooper's plea followed an impassioned plea for mercy by defense attorney Russell E. Parsons, who told the jurors that a verdict of death would be, in effect, telling the world that justice isn't possible in America.

Hint of Hitlerism

"This man is sick," said Parsons, "and I don't believe we've got down to the bottom rung yet, where we execute sick people in California." To do so, he said, would be "to follow Hitler, who believed in killing the lame, the halt and the sick."

Howard, in a brief argument, told the jury:

"Mitigation of political assassination to any degree must sooner or later spell an end to the traditional democratic election process we now enjoy."

Howard conceded that Sirhan is mentally ill and said, "We have never disputed that Sirhan Bishara Sirhan is abnormal—the extent of his abnormality, and its legal significance, if any."

But, said Howard:

"You should be reminded that Sirhan Bishara Sirhan reached this shore at the indulgence of a nation which takes pride in providing refuge to the oppressed. There may well

be a substantial number in this courtroom who need look no farther back than one generation to find themselves stranger in a new society which offered greater opportunity for the individual to achieve success within the limits

of his capacities. For this defendant, that was not enough.

"History may well record that but for this defendant, Sen. Kennedy might have succeeded to the highest honor and responsibility which the American democratic process can bestow.

Linked to Politics

"Beyond doubt, the tragedy which occurred in the early morning hours of June 5, 1968, at the Ambassador Hotel was politically motivated. The question now to be resolved is the proper penalty for political assassination in the United States of America."

Howard reminded the jurors they had been asked to consider what 200 such assassinations might do to the country, then added: "A half-dozen would suffice to leave this country bereft of democratically endorsed leadership."

Sirhan has shown no remorse, Howard said, adding. "Perhaps you observed his reaction when attorney Russell Parsons, in his address to you, urged in all sincerity that America pray for the ill-starred Kennedy family." (Sirhan smiled and covered his mouth.) You could not have failed to observe the defendant's

smile when he declared from the witness stand, 'I don't know who shot Sen. Kennedy.'"

Superior Judge Herbert V. Walker, in 15 minutes of legal instruction to the jury, told them that the law in this penalty phase of the trial "doesn't forbid you to be influenced by sympathy or pity for the defendant," but that it does forbid "unreasoned conjecture" in their verdict.

Judge Walker also told the jury that they may not consider the possibility of Sirhan's eventual parole in deciding whether a life sentence might be sufficient penalty.

The California Adult Authority determines whether and when a person convicted of first-degree murder is eligible for parole. He could be eligible after seven years.

In Sirhan's case, however, he was also convicted on five counts of assault with a deadly weapon with intent to commit murder. Each count car-

ries a sentence of one to 14 years.

Though these terms would run concurrently with a life sentence, they would be a strong mitigating factor should the Adult Authority ever decide to consider a parole for Sirhan.