

Sirhan Sentenced to Death Despite Plea by Kennedys

By George Lardner Jr.
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Sirhan Bishara Sirhan was sentenced to death in the gas chamber yesterday despite a last-minute plea for his life from the Kennedy family.

The dark-eyed Palestinian, who assassinated Sen. Robert F. Kennedy in a hotel kitchen-corridor last June, took the decision calmly, shrugging his shoulders as he sat down.

In pronouncing the sentence in Los Angeles, Superior Court Judge Herbert V. Walker ignored a handwritten letter from Sen. Edward M. Kennedy, asking for compassion.

"It is the feeling of this Court that the jury was right," the Judge said, "and I have no reason to change my opinion now."

Then he told Sirhan: "Stand up."

The 25-year-old immigrant stared fixedly at the Judge as he reviewed the case, beginning with the first-degree murder indictment handed down against Sirhan shortly after Kennedy's death.

Finally, the Judge announced: "It is the judgment and sentence of this Court that for the crime of murder

in the first degree, you are to die in the manner prescribed by law."

No execution date will be set until after review of the case by the California Supreme Court.

Sirhan listened quietly, twirling an unlighted cigar in his hand. Then he sat down, half-smiling, half-grimacing for a moment at a defense investigator sitting close by.

He will be sent to Cell 33, South Side, Condemned Unit One, at San Quentin State Prison within 10 days.

Sirhan was condemned to the gas chamber April 23 by the same jurors who had convicted him of first-degree murder the week before.

See SIRHAN, A12, Col. 5



SIRHAN B. SIRHAN
... review pending



United Press International

Sirhan's mother weeps over Kennedy family's effort to save him.

Sirhan Doomed Despite Kennedy Plea

SIRHAN, From A1

As the trial judge, Walker could have reduced the sentence to life imprisonment, but during his years on the bench, he had done so only once before.

"Had this jury known about the attitude of the Kennedy family, the verdict in this case would have been entirely different," Chief Defense Counsel Grant B. Cooper protested before the death penalty was imposed. "I think your Honor has more than ample reason to bring back a sentence other than death."

Futilely, he read the letter aloud.

"My brother was a man of love and sentiment and compassion," Edward Kennedy wrote. "He would not have wanted his death to be a cause for the taking of another life."

The letter, addressed to District Attorney Evelle J. Younger, took the courtroom by surprise when it was made public yesterday morning. The Massachusetts Senator, who wrote it Sunday, made it clear that he was speaking for the entire Kennedy family, including his brother's widow, Ethel.

"We all realize that many other considerations fall within your responsibility and that of the court," the note to Younger said.

"But if the kind of man my brother was is pertinent, we believe it should be weighed in the balance on the side of

compassion, mercy and God's gift of life itself."

Younger, whose prosecutors had called capital punishment the only "proper penalty" for Sirhan, turned it over to the Court with copies for the defense.

Sirhan's 56-year-old mother, Mary, looked at it during a recess and burst into tears. Of Ted Kennedy, she said:

"I always knew he was a good man like his brother."

Cooper was less enthusiastic. "As far as we are concerned," he told newsmen, "it came a little late."

The Kennedy family's views had been sought in the past, first by the prosecution before the trial proper began and then by the defense before the jurors began mulling over a penalty.

Senator Kennedy said in the letter that the family felt a reply on either occasion would have been inappropriate."

District Attorney Younger had sounded out the Kennedys in February during dickering between prosecution and defense attorneys over a guilty plea from Sirhan in return for a guarantee of life imprisonment. Judge Walker vetoed the proposal, insisting that the jurors fix the penalty.

Part of Edward Kennedy's letter had a familiar ring to it: a passage quoting the late Sen. Kennedy's remarks on learning of the assassination of the Rev. Dr. Martin Luther King.

"What we need in the United States is not violence or lawlessness," the Demo-

cratic presidential candidate said then, "but love and wisdom and compassion towards one another."

Defense Attorney Cooper quoted the same passage to the jury shortly before it decided on the gas chamber.

For Sirhan, it is in any case a long way off. The appeal to the State Supreme Court is automatic. If the conviction and sentence are upheld there, Cooper has vowed to continue with appeals all the way to the U.S. Supreme Court.

Most of the hearing was devoted to defense motions for a new trial, including a protest that the notebooks found at Sirhan's home after the shooting had been illegally seized. Judge Walker denied the motions before passing sentence.

Kennedy Letter on Sirhan's Fate

LOS ANGELES, May 21 (UPI) — Text of the letter from Sen. Edward M. Kennedy to District Attorney Evelle Younger dated May 18, 1969:

"Dear Mr. Younger:

"Some weeks ago you inquired whether the Kennedy family wished to express any views on the possible penalties available to the court under the law in the trial involving the death of my brother.

"The issue then was the position to be taken by the prosecution on the offer of a plea of guilty and that involved the question whether there would be any trial at all. We felt that any answer to your inquiry at that time would accordingly be inappropriate.

"At the time of the hearing on the sentence a simi-

lar inquiry was made by defense counsel. The matter was then before the jury and again my response seemed inappropriate.

"I now understand that the trial judge will be called upon to exercise his discretion concerning the penalty. Since this is now a question of clemency and the trial proceedings have been concluded, I feel I can appropriately convey to you, for whatever consideration you believe to be proper, how we feel.

"My brother was a man of love and sentiment and compassion. He would not have wanted his death to be a cause for the taking of another life. You may recall his pleas when he learned of the death of Martin Luther King. He said that 'what we need in the United States is not division; what we need in the United States is not

hatred; what we need in the United States is not violence or lawlessness, but love and wisdom and compassion toward one another.'

"Moreover, he was a young man totally committed to life and living. He stood against injustice, poverty and discrimination, for those evils lessened life. He grew to despise war for war denies the sacredness of life. And he had a special affection for children for they held the promise of life.

"We all realize that many other considerations fall within your responsibility and that of the court, but if the kind of man my brother was is pertinent we believe it should be weighed in the balance on the side of compassion, mercy and God's gift of life itself.

Sincerely,
EDWARD M. KENNEDY"