

JURY CONDEMNS SIRHAN TO DEATH IN GAS CHAMBER

Penalty Is Set in Kennedy
Murder After 4 Ballots
—Defendant Is Calm

JUDGE CAN EASE RULING

He Will Hear Defense Plea
for a New Trial May 14—

Execution Unlikely Soon

By DOUGLAS ROBINSON

Special to The New York Times

LOS ANGELES, April 23 —
Sirhan Bishara Sirhan was con-
demned to death in the gas
chamber today for the murder
of Senator Robert F. Kennedy
last year.

The death penalty was re-
turned by 12 solemn-faced
jurors who had deliberated the
fate of the 25-year-old Pales-
tinian Arab for 11 hours and
45 minutes. The same panel
found the defendant guilty of
murder in the first degree last
week.

George A. Stitzel, 57 years
old, a press room foreman for
The Los Angeles Times, said
the original vote was 8 for
death, 2 for life and 2 unde-
cided. The count became 10 to
2 for death on the second ballot
and 11 to 1 on the third ballot.
Agreement was reached on the
fourth.

Formal sentencing will not
take place before May 14, when
Superior Court Judge Herbert
V. Walker will hear a motion
for a new trial as requested
by Grant B. Cooper, the chief
defense attorney.

Printed Form Is Read

Under California law, Judge
Walker has the power to re-
duce the sentence to life im-
prisonment should he feel the
death penalty is unwarranted.

Should the decision stand,
however, it is extremely un-
likely that Sirhan will die in
the gas chamber in the near

future because of various ap-
peals and the unofficial mora-
torium on executions in the
state.

Mr. Cooper said that after
the decision had been read to
the crowded courtroom, he
went with Sirhan to a cell just
off the courtroom and told him
that "we did the best we
could."

The attorney said Sirhan had
replied:

"Even Jesus Christ couldn't
have saved me."

The decision to send Sirhan
to the gas chamber at
San Quentin Prison was an-
nounced at 11:35 A.M., when

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the court clerk, Mrs. Alice
Nishikawa, read a formal
printed form that had been
handed to the court by Bruce
D. Elliott, the jury foreman.

"We the jury in the above
entitled action having found
Sirhan Bishara Sirhan guilty of
murder in the first degree as
charged in count one of the in-
dictment now fix the penalty
at death," Mrs. Nishikawa in-
toned in a clear voice.

Then, pausing, she continued,
"Is this your verdict, ladies and
gentlemen of the jury, say you
one, say you all?"

The seven men and five
women in the oak jury box re-
plied "Yes" in unison. They re-
peated their agreement one by
one as they were polled in-
dividually.

The defendant was impassive
as the decision was read and
the jurors were polled. He
chewed gum and stared stead-
ily at the jurors.

Most of the jurors gazed
steadfastly at Sirhan, although
several looked away at spec-
tators or court officials.

There are now 81 prisoners
on death row in San Quentin
Prison. The last man to be
executed there was Aaron
Mitchell, the killer of a police-
man, who was sent to his death
April 12, 1967. Before
Mitchell's death, the last ex-
ecution in California took place
early in 1963.

The most recent execution
in the United States took place
in Colorado June 2, 1967.

In condemning Sirhan to the
gas chamber, the jury dis-
missed the pleas of the defense
lawyers that the defendant was
"too mentally ill" to die for his
crime.

One defense attorney, Rus-
sell E. Parsons, said in his
closing argument that the jury
should show the world that
"we don't execute sick people

in this state."

Verdict Called 'Proper'

This afternoon, Lynn D.
Compton, the chief deputy dis-
trict attorney, said at a news
conference that he felt the
death penalty was "a proper
verdict."

He said that the de-
cision would act as a "deter-
rent" in that "it will put people
on notice that we simply can't
tolerate this kind of crime."

The prosecutor, who directed
the state's case since the trial
began Jan. 7 said he thought the
verdict reflected the feeling of
the country since "Americans
are largely in favor of capital
punishment."

"I wouldn't say we feel any
personal satisfaction in the out-
come of this trial," he con-
tinued, "but I think we can
justifiably take pride in the way
the trial was handled."

Mr. Cooper told newsmen that
the death penalty was part of
the "overriding feeling of the
community—the United States
—the feeling for law and
order."

He cited civil disorders in
cities and on college campuses
as creating a "backlash for the
upholding of the law."

Mr. Cooper said his motion for
a new trial would be based
on these legal points:

¶That the judge did not ex-

ercise the proper discretion in
not allowing an agreement be-
tween the defense and the pro-
secution that Sirhan be allowed
to plead guilty to first-degree
murder in exchange for
a recommendation of life im-
prisonment.

¶That the grand jury was not
properly constituted under a de-
cision by the Supreme Court
in that it did not represent a
cross-section of the community.

¶That the seizure of Sirhan's
notebooks from his home —
notebooks that threatened the
life of Senator Kennedy and
other officials — had been
illegal in that the police had
had no search warrant or per-
mission from the defendant, his
family or the defense attorneys.

'It Will Happen Again'

On the question of the social
value of the death penalty, Mr.
Cooper said that "if any of you
think this will act as a deter-
rent to the kind of crazy mind
that would assassinate a
political figure, I will tell you
that it has happened before
and it will happen again."

He also maintained that "if
the victim had not been Sena-
tor Kennedy, but some un-
known, the district attorney
would have accepted a plea of
second degree murder."

Mr. Cooper said that when
he and Michael A. McCowan,

the chief investigator for the defense, went to see Sirhan shortly after the verdict was announced, "there were tears in our eyes."

"Sirhan had to reassure us," he said.

The lawyer, fearing an angry outbreak by Sirhan, who disrupted the trial several times during its almost 16-week duration, visited the defendant shortly after the jury signaled that it was ready to disclose the verdict.

"I told him not to make a fuss and to act like a man," Mr. Cooper said.

Cooper to 'Go Forward'

The defense lawyer, who has represented Sirhan without fee, as have the other lawyers, Mr. Parsons and Emile Zola Berman of New York, said he had "no choice than to go forward" and that he would have to "spend more money out of my pocket."

In finding Sirhan guilty of murder in the first degree, the jury also returned guilty verdicts on five counts of assault with a deadly weapon with the intent to commit murder for the wounding of five persons who surrounded Senator Kennedy when he was shot June 5.

The Senator was celebrating his victory in the June 4 California Presidential primary election.

After the jurors announced their decision this morning, they returned to the Biltmore Hotel, where they had been sequestered each night and each weekend since they were chosen in mid-February.

As the jurors walked off a sheriff department bus, looking haggard and exhausted, a crowd of newsmen and spectators pressed around the security men guarding them. A number of persons in the throng applauded.

The jurors, their heads down, ignored the applause.