

# The Sirhan B. Sirhan Literary Negotiations, Etc., Inc.

by Steven V. Roberts

*Read this and learn to love William Manchester*

**B**ob Kaiser did not wait up for the results of the California primary election. The next morning he turned on the television set. "I saw Sander Vanocour describing the scene, saying, 'Here's the hallway where the shooting took place,'" he recalled. "I thought 'shooting,' they were shooting a film, and we were going to see the film now. And then all of a sudden it hit me—the look on his face, and then the cut immediately to the Ambassador pantry where you saw the wild shadow film of the chaos and the melee in the pantry. I woke my wife and said, 'Jesus Christ, Karen, somebody's shot Kennedy.'" Kaiser was a free-lance writer in Los Angeles who had once worked in the *Time* bureau and knew the men at *Life*. He remembered the morning this way: "I called *Life* and said, 'Do you guys need any help?' Jordan Bonfante, the bureau chief, was out of town but his assistant said, 'Of course I need help, come on down, in fact, get downtown and see if you can't get close to the cops and find out if they know yet who the assassin was.' So I got downtown, and by the time I got down there they had revealed that it was a kid named Sirhan Sirhan."

Two years later Kaiser was reading the galley proofs of *R.F.K. Must Die!*, a six-hundred-forty-page book he had written about Sirhan Sirhan and the assassination of Robert F. Kennedy. It was a book that Sirhan, by then under sentence of death, was trying to stop in the courts. And it was a book that Kaiser believed would, or at least should, reopen one of the century's most celebrated murder cases. The story of how Kaiser wrote the book is interesting in itself. It is also a story that raises important questions about the right of a defendant to a fair trial, and how that trial should

Sam Yorty's egregious fuminations about the assassin's Communist affiliations, to wait for Robert Kennedy's last breath on earth. Meanwhile, Sirhan had asked the American Civil Liberties Union to find him a private attorney. A. I. Wirin, the head of the A.C.L.U., agreed, a decision which caused massive resignations among members whose belief in civil liberties apparently did not extend to an Arab assassin. Kaiser sought out Wirin. "I soon realized," Kaiser said, "that really nobody was able to tell us much and that the assassin would be the guy to get to, that would be the real coup. I got to Wirin and I said, 'Al, can I get to Sirhan,' and he said no. I said I was surprised to hear that because I had just talked to Grant Cooper about the assassin's constitutional rights and he still had a constitutional right of free speech. Wirin was intrigued, not with my little lesson in constitutional law, but with the fact that I knew Grant Cooper. He had been trying to get an attorney for Sirhan and couldn't. This was about four or five days after the assassination. He had tried to get the Los Angeles County Bar Association to appoint one of their members and they wouldn't do it, and so what he wanted was somebody like myself to go after Grant Cooper."

Cooper was one of the most respected criminal lawyers in town, a greying, flinty character with a passion for fishing, who looked a little like Spencer Tracy playing Clarence Darrow, suspenders and all. Kaiser's pitch to Cooper contained a sweetener: the attorney would not lose money on the case if Kaiser were allowed to interview Sirhan. He could then write several exclusive magazine articles and make enough to cover the case's expenses. Cooper agreed to the arrangement, but under one condition: that his role not be made public until after he finished representing a wealthy defend-

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Robert Blair Kaiser is thirty-nine, one of those willing victims of Southern California who would usually rather play tennis or go skiing than work. He joined the Jesuits as a young man and endured the clerical life for ten years—the first two of which were devoted to picking grapes—before abandoning his vows. He started working on a newspaper in Phoenix and within several years became *Time's* acting bureau chief in Rome, covering the Vatican Council and writing a book about Pope John. Meanwhile, his first marriage broke up and he returned to the magazine's Los Angeles bureau. He took a leave of absence in 1966 to work for Thomas Braden, a friend of the Kennedys, who was running for Lieutenant Governor of California. Braden lost—he now writes a newspaper column with Frank Mankiewicz, Robert Kennedy's former press secretary—but Kaiser decided to quit *Time* and start free-lancing. "In March of 1968 I was just getting going—I had struggled for a year and a half and Pierre Salinger called me and said, 'Would you go to work for Bob Kennedy in Nebraska? We want someone to run the press operation,'" Kaiser recalled. "So I kind of gave it twenty-four hours' thought and said, 'Look, I'd like to help, maybe later.' And later never came. With that kind of history I was more curious than most guys who were outside, and I wanted to know more about the assassination."

After he got downtown on the morning of June 5, Kaiser spent several days trooping around town with a herd of other reporters—to watch the Sirhans' poor little house out in Pasadena, to hear

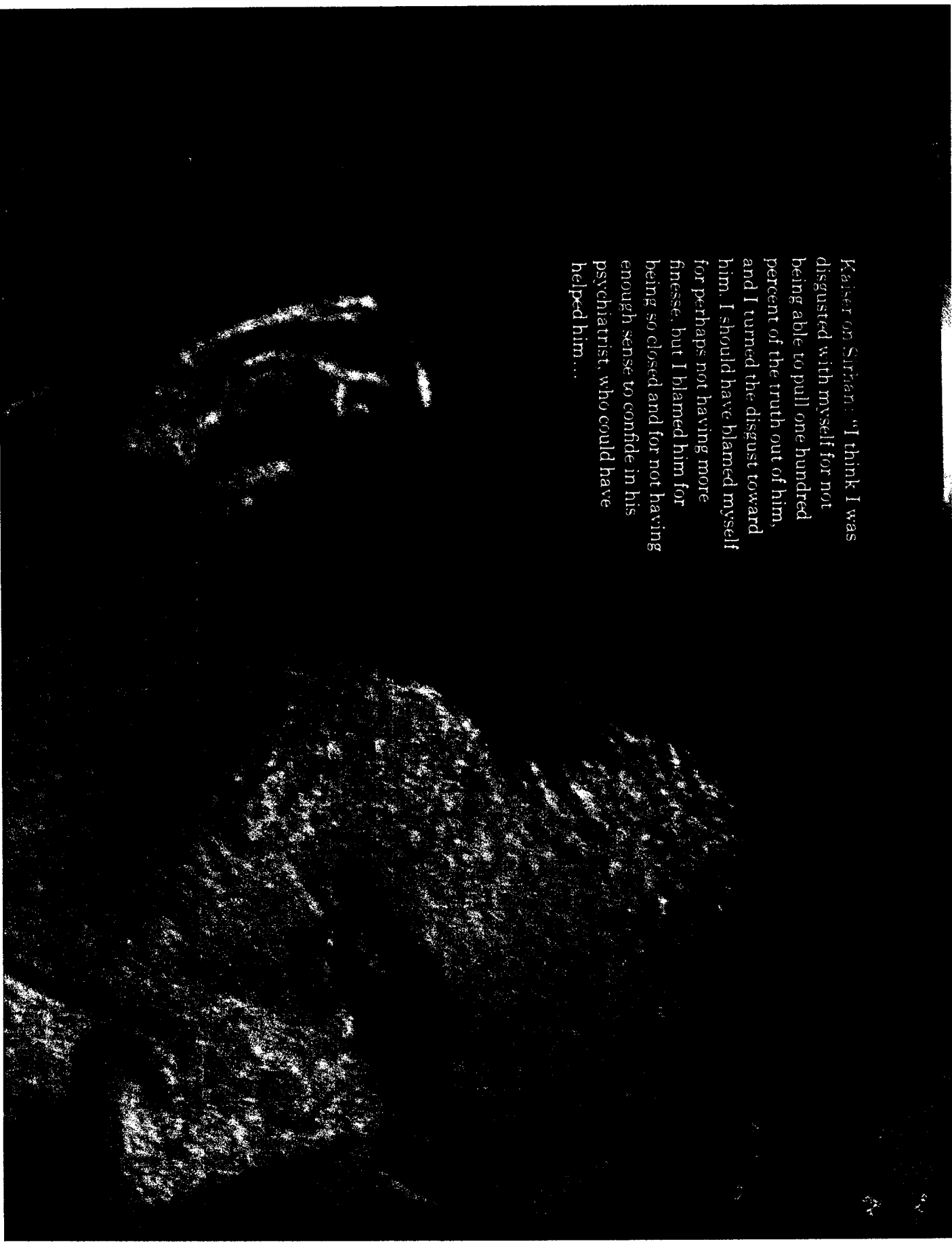
extend to an Arab assassin. Kaiser sought out Wirin. "I soon realized," Kaiser said, "that really nobody was able to tell us much and that the assassin would be the guy to get to, that would be the real coup. I got to Wirin and I said, 'Al, can I get to Sirhan,' and he said no. I said I was surprised to hear that because I had just talked to Grant Cooper about the assassin's constitutional rights and he still had a constitutional right of free speech. Wirin was intrigued, not with my little lesson in constitutional law, but with the fact that I knew Grant Cooper. He had been trying to get an attorney for Sirhan and couldn't. This was about four or five days after the assassination. He had tried to get the Los Angeles County Bar Association to appoint one of their members and they wouldn't do it, and so what he wanted was somebody like myself to go after Grant Cooper."

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Why did Kaiser get involved in a case so many others—lawyers, writers, and, later, publishers—shunned as they would a leper? Part of it was his tenuous association with the Kennedys. And part of it, he admitted to me, was his "overweening ambition." He did not want money; at first he even thought of turning over all the proceeds from his work. What he did want was the story, a story which would give him visibility and notoriety. "I was a free-lance writer, here in L.A., and it was the story of the year in L.A., and if a guy couldn't get that story. . . . If a free-lancer couldn't get it then probably no one could have gotten it. I think it would have been much harder for a staffer at *Time* or *Life* or *The New York Times* to get anywhere as close as I did. Here I was an emissary from Wirin to Cooper, trying to find Sirhan an attorney. To get the story an editor might say that's all right, but maybe he wouldn't. Maybe he'd say you have no business getting that involved in a story."

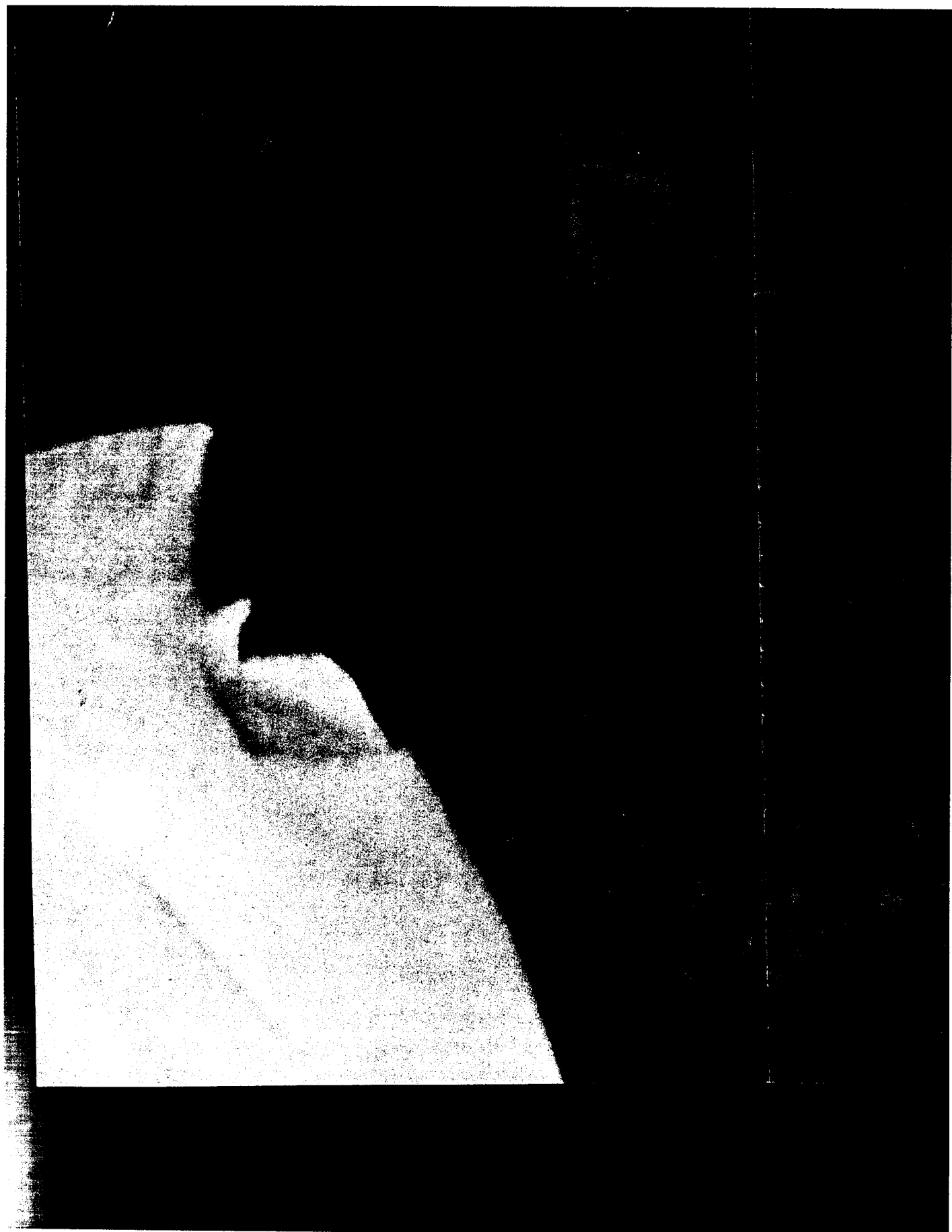
Kaiser made a gentleman's agreement with Cooper to get his interviews with Sirhan. A month later he got a call from Jordan Bonfante at *Life*. Russell Parsons, the attorney of record, had hired an investigator named Michael McCowan, an ex-cop who had once been convicted of robbing the U.S. Mails. McCowan is a flamboyant

Kaiser on Sirhan: "I think I was disgusted with myself for not being able to pull one hundred percent of the truth out of him, and I turned the disgust toward him. I should have blamed myself for perhaps not having more finesse, but I blamed him for being so closed and for not having enough sense to confide in his psychiatrist, who could have helped him...."





“... Instead he put his trust in the Arabs at the trial who urged him to become an Arab hero and use the trial as a propaganda forum for their grievances against Israel, which I thought was a conception all the way.”



type, with showman-like tastes in cars and clothes, and, according to Bonfante, he was back in New York trying to sell Sirhan's story to a magazine. When Kaiser heard that, he exploded, something he does rather often. Then Parsons turned affable—partly because McGowan had not been able to sell anything—and agreed to take Kaiser, who was still thinking in terms of a magazine piece, to Sirhan's cell for an interview. The defense team had to hire Katsiff as an official investigator, because no newsmen were allowed to see the defendant. At first Kaiser thought it was just a ruse; later he wound up doing considerable work on the case. In addition, Grant Cooper recalled, making Kaiser an investigator prohibited the prosecution from subpoenaing him. It also placed the writer under all court orders governing pretrial publicity, and thus helped protect Sirhan.

On August 15, Kaiser had his first interview. He remembered it this way: "I had this session with Sirhan, about two or three hours. Parsons asked ninety-five percent of the questions and they were all leading questions and it sounded like I had got a rehearsed thing. We got out on the sidewalk and Parsons said, 'Well, that interview ought to be worth \$100,000.' And I said, 'Russ, that was no interview. In the first place you asked all the questions; in the second place that was a canned spiel; in the third place I've got to learn a lot more about his background, his family and his growing up, his thoughts on love and war and religion and everything else, to sell anything.'" Two more interviews produced little new material. Meanwhile, according to Kaiser, Parsons and McGowan were exerting pressure on him to write a book instead of an article. They wanted more money, and besides, McGowan had already been turned down by many of the big magazines. Reluctantly, Kaiser agreed. He was already convinced that Sirhan was too "shallow" to provide material for a biography. Moreover, Kaiser recalled, "Sirhan hadn't remembered anything of the assassination itself, in the pantry. I didn't know whether to believe that or not, but if that was his story and if he stuck to it then I wouldn't have the feelings of the assassin as he leveled the gun or anything like that. So I wasn't too clear what the heck the book was going to be except that I knew I could get involved and stay involved and write a history more of the case and of all the other people around it, and that's the way it turned out."

Kaiser's agent at the time was Don Congdon, who was also William Manchester's agent. Both of them had been made so wary by Manchester's treatment at the hands of the Kennedys that the contract drafted by Kaiser's lawyers gave the writer absolute control over the manuscript. Indeed, few publishers today would commission a book in which the subject has the right to censor the manuscript; Manchester left too many scars. Kaiser's only obligation was to "make every effort to consult with the principals of the story, including Sirhan B. Sirhan, his family and his attorneys, double-checking the facts with them and his interpretation of these facts so that he may produce a work or works in keeping

worked it around so that I would take less percentage than I had originally wanted and that the lawyers would take less and the family would take more. I never felt right about that."

But the agreement was made: one third for Kaiser, two thirds for the family. Out of the two thirds, one half went to the lawyers, with their expenses coming off the top. (By midsummer, \$32,000 had been turned over by Kaiser, mainly from television, advances on the book, and magazine sales here and abroad. The family had kept \$6,000, the rest going for legal expenses. Cooper was still out \$10,000 of his own money. Another \$19,000 was in escrow, waiting for all legal complications to be settled.)

Even before Kaiser went back to New York to sell the book, he ran into trouble. Don Congdon called and said he could not represent him anymore. According to Kaiser, Congdon explained: "We had a big crisis meeting here and my partners don't want me to get involved in this book because the Harold Matson Company does not want to be known as the agency which gets rich on the death of Kennedys." When he finally reached New York, Kaiser and his new agent, Maximilian Becker, went to see Robert Gutwilling, his editor at World and New American Library. Kaiser already had a contract with the company for two other books, including one about nuns. "I was thinking in the area of a \$25,000 to \$75,000 advance," Kaiser said. "Holt had just given Coretta King an advance of \$500,000 for her story, so I didn't think \$25,000 was exorbitant. I was very naive and took the naive newsmen's approach: here's the story, who wants it?"

Coincidentally, Gutwilling had helped start the wave of "killer" books flooding the market at the time by urging Gerold Frank to write *The Boston Strangler*. He had then become something of an expert in the genre, dealing with cases which involved lawyers such as F. Lee Bailey and Percy Foreman. Among the books he had promoted were one on the Coppolino murder case in New Jersey and another about a gentleman known as the "Pied Piper of Tucson." In fact, just the week before Kaiser came to town, Gutwilling had met with William Bradford Huie, the writer who was trying to peddle the story of James Earl Ray. But the editor was starting to have second thoughts. "I had real qualms about these books in terms of quality," said Gutwilling, who now works for *Playboy*. "I was also concerned—you couldn't in any way prove these books were helping to create a climate of violence—but you didn't know who was reading them, particularly in paperback. They had enormous sales and were syndicated in magazines. Then Bob Kennedy was killed, and while I wasn't close to him, I knew him fairly well, and I was emotionally involved with him. I decided when he was killed that I would get out of the violence business in publishing. When Kaiser came to me with this arrangement he had made with the lawyers, I really jumped out of my skin. I got very upset and told him it was a terrible thing to do. We were giving people a license to kill. First thing you do is kill somebody, then you get a lawyer, and then you get a publisher. I had been quite

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The biggest hassle came over the allocation of profits. "I never felt right about giving a dime to Sirhan, to Sirhan's family," Kaiser conceded. "I worked out the assignment-of-proceeds agreement originally so that the family would have a minuscule amount—about sixteen percent—and that the lawyers would get most of it. But I got into a big fight with Adel Sirhan over that and we finally

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From Kaiser's viewpoint, the meeting was just as angry and unhappy. "I had this long session with Gutwillig and Ed Kuhn, the president of World Publishing," Kaiser said. "Both of them just didn't feel right about this thing. They couldn't articulate their feelings but I knew they were real feelings because I remember Kuhn even crying, tears coming down his cheeks, just thinking about the assassination. When Gutwillig said he didn't feel right about it, I said, 'Look, what's that got to do with anything? You guys are in business to make money for your stockholders and if it's a good book that people want to read I just don't understand how your feelings could get in the way. This is a professional thing. I feel about it too. I loved Kennedy, I admired him, I thought he would be President. But I'm curious, and I think the world is curious, and we may never know. Sirhan may never even get to trial. The way assassins get to trial in this country there's about a fifty-fifty chance he'll get to trial. And even in a trial we may not know what happened.' But Gutwillig told me he didn't think I'd get anything new, that it was unimportant anyway, and that it would take me a year to do. He wasn't listening. He'd made up his mind that he wasn't going to help Sirhan's defense." (Continued on page 205)



## THE SIRHAN B. SIRHAN LITERARY NEGOTIATIONS, ETC., INC.

(Continued from page 144)

How does someone like Sirhan pay for an adequate defense? Grant Cooper was uneasy about the arrangement with Kaiser, but he saw no alternative. "I have a great deal of doubt as to the wisdom of the contract as it has developed," said Cooper, who was fired by Sirhan after the trial.

"And I certainly would not have felt right taking any money for myself. Everything I get after expenses is going to the University of Southern California law school. But knowing the kind of trial it was going to be, and knowing the kind of defense we had to put on, it was absolutely necessary that we have money for expenses. And where the hell else was it going to come from?"

Sirhan, or anyone else, can be represented by the public defender, but Cooper feels that is an imperfect solution. "We've got a good public defender's office in Los Angeles, but they are circumscribed on the budget side as to what they can spend for expert witnesses and the like," said the lawyer. And as Sirhan himself remarked when he insisted on a private attorney, "The public defender gets paid at the same window as the prosecutor."

"I felt the money should have been raised through some sort of public arrangement," said Gutwilling. "If the A.C.L.U. had agreed to keep the case, it should have gone out and raised the money; there should be some sort of agency like that subsidizing cases." In fact, \$16,000 was raised among American Arabs for Sirhan, but that covered less than one third of the expenses. In any case, it is unrealistic to expect the public to contribute to the defense of a murderer. par-

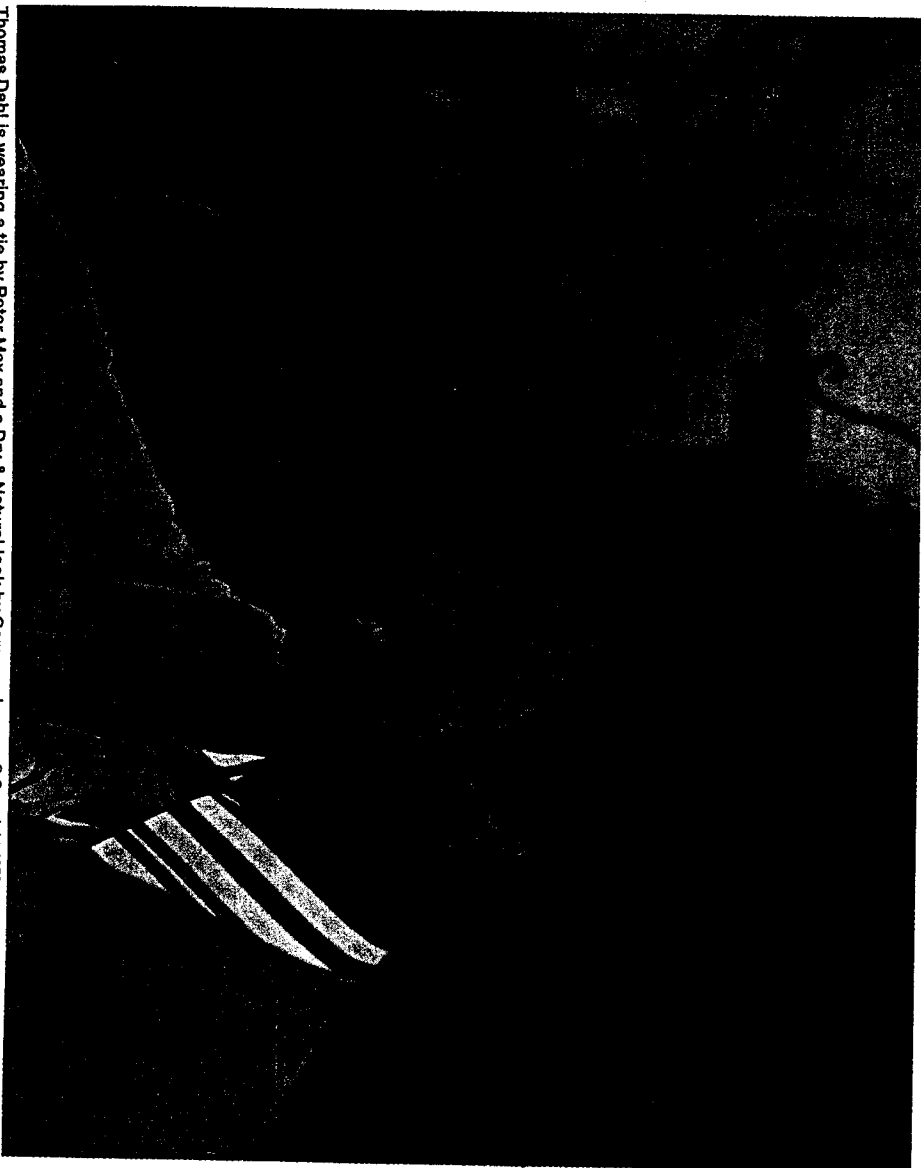
as rather moribund. Dutton was looking for nonfiction books on current topics. "Jack and I hit it off," recalled Kaiser. "We were both Catholics, and he had read my book on Pope John, and we had mutual friends in the liberal Catholic community and he felt kind of morally obligated to make an offer. But he thought he'd

make the lowest possible offer so he wouldn't have to publish the book. He offered \$7,500 and it was the only goddam offer we had. I remember calling him up from the airport on my way out of town saying, 'You've got yourself a book,' and he was so surprised."

Macrae was not surprised that Kaiser had gotten no big offers; he was surprised that Dutton was the only company to make a bid. He looked on the project as "fairly

speculative" and was not even sure "what sort of book would evolve."

But in general the idea was to study the psychological makeup of a killer and the way in which a modern police force investigates a major crime. Macrae did not feel the project was ethical, although he agreed with Kaiser that a biography of Sirhan was not a good idea. "We didn't want to take advantage of the assassination of Robert Kennedy, for whom all of us here had enormous respect.



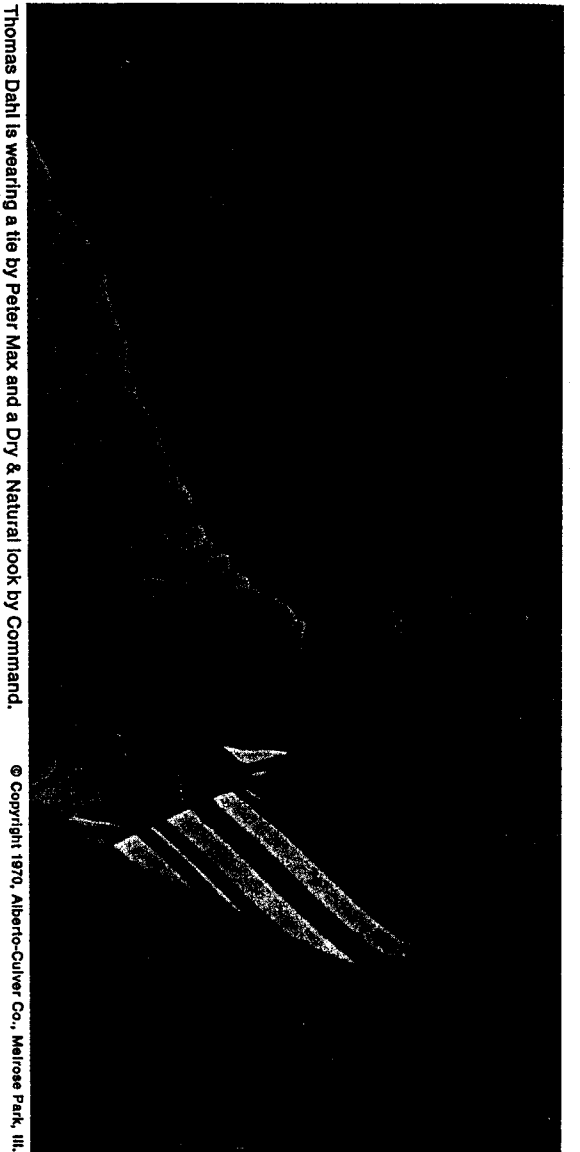
Thomas Dahl is wearing a tie by Peter Max and a Drv & Natural look by Command.

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"I don't think publishers will go on much longer in effect paying for the defense of alleged murderers, because that's what we're doing. In fact, we're actually subsidizing people to murder each other in the most flamboyant way possible. Something else bothers me, too. If you have a sensational murderer—a Lee Oswald or a Sirhan or a James Earl Ray—he might be able to afford a fairly expensive defense. But some poor black who's accused of murdering someone in the ghetto gets the public defender. It seems highly inequitable."

After Gutwilling turned Kaiser down, so did about eight other publishers; several did not even bother to see him. He talked to the secretary of Bernard Geis, publisher of some of the most notorious books of recent years. Then he saw Jack Macrae, who had recently gone to E. P. Dutton, a house Macrae described at the time



Thomas Dahl is wearing a tie by Peter Max and a Dry & Natural look by Command.

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We didn't want to profit from it. But we wanted to get the story out, and it was my guess that Kaiser would be able to dig the story out and present a fair interpretation of the events."

Kaiser's difficulties did not end there. He tried to interest *Life* in buying the magazine rights, and three editors discussed making an offer of \$200,000. A few days later one of the editors called and said: "We had two long meetings on this and we were overruled by the highest people in the company. Their argument was illogical, but it won out. Basically they felt it would be bad public relations to put money into a pot that would aid Sirhan's defense. *Life* and other magazines were offered excerpts from the completed book and turned them down. *Ladders Home Journal* printed two chapters. Kaiser then went to see *The Saturday Evening Post*, which was talking about \$25,000 for two pieces. He wrote the following account of the meeting in his journal: "Otto Friedrich asked some smart-ass questions about my position, whether I'd be able to write anything before the final appeals had been exhausted. I got up feeling lousy this morning and I was uninclined to argue with him. I just told him it was in the contract that I could write after the Superior Court trial. 'Well,' he said, 'I made a rule long ago never to pay for anything before I saw it, with one exception: unless it was Jacques-Kennedy's memoirs written by a Nobel Prize winner.' Then he left the room." (Kaiser eventually did agree to do two articles for *The Post*, one before the trial and one after. But he finished the first one too late to get it published before

the trial and by the time Sirhan was sentenced to death, *The Post* was in its grave.)

When Kaiser flew to New York, he left the Sirhans in California with visions of zeros dancing in their heads. When he returned he had \$2,500 as the first installment from Dutton and a promise of \$1,000 in expense money from *The Post*, and it was several months later, when Cooper publicly entered the case, that the writer was allowed to resume his interviews.

As the case moved slowly toward trial, finally set for January of 1969, Kaiser became more enmeshed in it. Knowledge, he quickly realized, was power, and he set out to accumulate more than anyone else. Using the "con-man" side of his personality, he got all the psychologists and psychiatrists who examined Sirhan to take him into the cell, usually with his tape recorder going. As he recalled: "I found that it was useful, not only to get inside, but to turn my material back to the lawyers. I provided them with my mind. I read the F.B.I. report, six thousand pages worth, and the police reports, fourteen file drawers full, and I digested and integrated it and had it at the tips of my fingers. So when Cooper or Berman [Emile Zola Berman, a third lawyer brought in by Cooper] would say, what happened at such and such a time, I knew. And when Dr. Bernard Diamond came into the case, the psychologist from Berkeley, he found that I was the chief repository of knowledge. It was kind of a circular thing. I wanted the knowledge so that I could write a better book, but having the knowledge, I became more of an intimate of the people inside the case, and

more valuable to them, almost indispensable. By reason of that fact I was allowed into their conferences, and I would learn much more than I would have known had I been on the outside or just a writer with whom they were cooperating."

Kaiser, like most of us, has a tendency to exaggerate his own importance. When I asked Grant Cooper about the writer's role in the case he said: "Kaiser made suggestions on what topics to cover, some very solid constructive suggestions, but some were used and some were not." Did Kaiser ever write a speech for Cooper? "Oh no, no, no," said the lawyer.

Kaiser did other things to help himself. He had the Sirhans under an exclusive contract, and when other reporters approached the family for interviews, he could become quite agitated. Feuds developed with a few newsmen, who came to dislike him intensely, and one even remembers that Kaiser threatened to get him in the book. He didn't.

Kaiser's bad humor was aggravated by his growing hatred of the man he was, in effect, working for, Sirhan Bishara Sirhan: "I have a hell of a temper. In this thing I was people apart. In this thing I was always swallowing my tongue and not responding, and pretending to be very sympathetic when Sirhan was telling me things by nodding and drawing him out instead of falling him what a real prick I thought he was." As the trial progressed, Kaiser's feelings against Sirhan multiplied. I asked him why, and he replied this way:

"I think I was disgusted with myself for not being able to pull one hundred percent of the truth out of

him, and I turned the disgust toward him. I should have blamed myself for perhaps not having more finesse, but I blamed him for being so closed and for not having enough sense to confide in his psychiatrist, Dr. Diamond, who could have helped him. . . . Instead he put his trust in the Arabs at the trial who got to him and urged him to become an Arab hero and to use the trial as a propaganda forum for their grievances against Israel, which I thought was a concoction all the way."

"I was also pissed off at Sirhan's basic ingratitude to Diamond for all the work he'd done, and Cooper, too. They did not matter a hill of beans to Sirhan, nor did his family. One time during the trial one of his brothers was struck by a car and another brother was thrown in jail, charged with fighting with the police in the hospital. (He was later acquitted.) When Sirhan hears about it, all he says is, 'What are those bastards trying to do to me?' He doesn't even ask how his brothers are."

"He seemed totally wrapped up in himself, and it may be that my standards are too high and that I expect too much of a fellow who is paranoid schizophrenic, according to most of the doctors who examined him. So that was a factor. But the biggest thing was probably just that he had killed Kennedy. I still can't watch one of those TV documentaries about Robert Kennedy without crying. And this guy had no remorse about killing Kennedy. At one point he said, 'I didn't know he had so many children.' And that seemed to be the closest he ever came."

After the trial, Sirhan became more and more agitated about the book. In fact, he told his lawyers

Can you pick out your Scotch?

after he got to San Quentin that the book bothered him more than anything else. One explanation was that Kaiser had written an article for *Life* during the trial in which he quoted Sirhan as saying, "Cooper is defending a punk like me." Adel Sirhan convinced his brother that Kaiser had called him a punk even though Kaiser was using Sirhan's own words. Then, when Kaiser started writing, Sirhan demanded to see the manuscript. Cooper, who felt his first obligation was to his client, tried to work out an arrangement whereby he, Cooper, would adjudicate all disputes. Kaiser agreed not to put anything in the book to jeopardize Sirhan's appeal, but his lawyers told him not to show the manuscript to anyone. Sirhan was already upset by the way his lawyers had handled the case and the verdict they had gotten ("We couldn't have done any worse," Cooper conceded). When Cooper made no headway with Kaiser, Sirhan was so enraged that he fired his three attorneys and hired three new ones: Luke McKissack, a local lawyer who has represented the Black Panthers and originally volunteered to defend Sirhan, George E. Shibley of Long Beach, and Abdeen Jabara of Detroit. The latter two are of Arabic extraction. By September, Kaiser had finished his manuscript and delivered it to Dutton, which originally planned to publish it last spring. But the manuscript was still being edited in March—the publisher cut out three hundred pages—when Sirhan's new attorneys filed a suit that asked for an injunction against the book and \$2,000,000 in damages. Sirhan's fears about the book and his almost fanatical desire to stop it grew out of his condition. When he

was incarcerated on Death Row in San Quentin, he was confined to a cell that measured five by eleven feet and contained a bed, a table, a stool, a washbasin and a toilet. The closest prisoners were four cells away, and he had to scream to communicate with them. Even during exercise periods he is separated from the other inmates by a fence. "I can't say that he has made any friends," said Warden Louis Nelson, "but I think that people go up and talk to him. He certainly has made some acquaintances." All visitors have been barred, except his lawyers and his family, and the latter have neither the time nor the money to make frequent trips. In fact, his four brothers insist they cannot get work and that the family is living in near-poverty. Sirhan has asked for subscriptions to a number of newspapers and magazines, including several in Arabic, and he reads a TV set hung from the wall outside his cell. "I can't say," said George Shibley, "that he's very happy where he is."

Grant Cooper put it this way: "I can sympathize with the poor guy. Put yourself in the position of Sirhan or anyone else sitting on Death Row with nothing to do. The death penalty hangs over his head like the Sword of Damocles. He has nothing to look forward to. All he has to do all day long is think of his own problems. . . . Now he's up there and the fellow writing this book won't let him see the manuscript. He must imagine that the reason he won't let him see it is that he is treated unfairly. Poor bastard, I feel sorry for him."

The main contention of Sirhan's suit is that he is now requesting a new trial, and if such a trial is granted, the Kaiser book would prejudice his right to a fair and impartial jury. He also contends that Kaiser used psychiatric reports without permission, and that the author, as an investigator for the defense, is still bound by the lawyer-client relationship to keep certain things confidential. Moreover, Sirhan maintains that he was not competent to sign the contract with Kaiser, and that the lawyers who advised him to sign had conflicting interests, since they stood to profit from the book. As a result, the suit contends, the contract was invalid in the first place.

The suit was filed both in Los Angeles and New York. In April, Los Angeles County Superior Court Judge Richard Schauer issued a temporary restraining order against the book and heard the arguments a few days later. He rejected on the spot Sirhan's plea for a preliminary injunction against publication, noting that the Sirhans and their lawyers had made no effort to return the \$32,000 they had already received under the contract they claimed was invalid.

Most lawyers agree with Judge Schauer that Sirhan's suit has little validity. The jury at his trial felt he was competent enough to plan a murder, and thus he was probably competent enough to sign a contract. Even if he was incompetent, several members of his family also signed. Moreover, the contract specifically gives Kaiser the right to publish his book after the Superior Court trial, and makes no mention of waiting for the appeal. In fact, an addendum to the contract makes clear that proceeds from the book would help finance an appeal. Most important, judges just do not go around banning

books with impunity anymore, not even on grounds of obscenity.

In public, Sirhan's attorneys attack Kaiser. But they do not seem to be pressing the suit. After they lost in Los Angeles, the lawyers asked for several postponements in New York, and by this writing the suit had not yet been heard. Meanwhile, the lawyers drew up a list of fifty-six points they wanted changed in Kaiser's manuscript. (Dutton's lawyers had provided them with a copy, over Kaiser's objections—a double blow for the author since he has to pay the publisher's lawyers as well as his own.)

Kaiser agreed to make two corrections. In one instance he changed the word "likely" to "possible." In another he added "Palestinian" in front of "Arab" in a description of Sirhan. The fifty-six points had been drafted mainly by Abdeen Jabara, who originally got into the case as a representative of the Arab viewpoint and consistently pushed Sirhan to see himself as an Arab hero. A number of the suggestions concern that aspect of the case; for instance, the lawyer wanted "Jewish commando" changed to "Zionist terrorist" and asked that more background be included on the Arab-Israeli war. In dozens of places, Jabara objects to Kaiser's interpretations by saying, "It is the plaintiff's position that the readers would draw their own conclusions from the facts presented, and not have them drawn for them."

At the same time, the lawyers are preparing Sirhan's appeal for a new trial. All capital cases are automatically reviewed by the California Supreme Court; even if the court upholds the verdict, numerous avenues of appeal remain open. It took

It isn't easy.

These five leading Scotches look pretty



Caryl Chessman twelve years to exhaust all the possibilities and Sirhan could take almost as long. Sirhan, of course, does not claim to be innocent. Throughout the trial the defense maintained that it was only asking for a verdict of second degree murder based on the theory that Sirhan had "diminished capacity" to make a "mature" premeditated judgment to kill Kennedy. But in their request for a new trial, Sirhan's lawyers are making three main points:

1. Judge Herbert V. Walker was in error when he refused to accept a bargain between the defense and the prosecution. The prosecution had agreed to a life sentence instead of the death penalty and the defense agreed to plead first-degree murder. But Judge Walker, the conscious of the doubt and confusion that had surrounded other assassinations, wanted the full story spread on the record.
2. The court erroneously accepted illegally seized evidence, particularly



Sirhan's notebook, which was taken from his home without a search warrant.

3. The court was wrong in preventing the defense from introducing extensive evidence regarding the Palestinian war and its effects on Sirhan.

Whatever happens to Sirhan's appeal, Kaiser's book is scheduled to appear imminently, and the author feels that the evidence he presents should "reopen the case." In his final chapter, Kaiser asks the question: "Why did Sirhan kill Kennedy?" He recounts a number of familiar reasons, which he does not buy, and then adds: "I believe there were some co-conspirators, some writing, some all too unwitting." The "unwitting" ones, Kaiser asserts, include the Black Panthers and other groups who have helped create a "climate of violence" in the country. But who are the "witting" ones? Kaiser does not say. When I asked him about these statements in the last chapter, Kaiser answered this way:

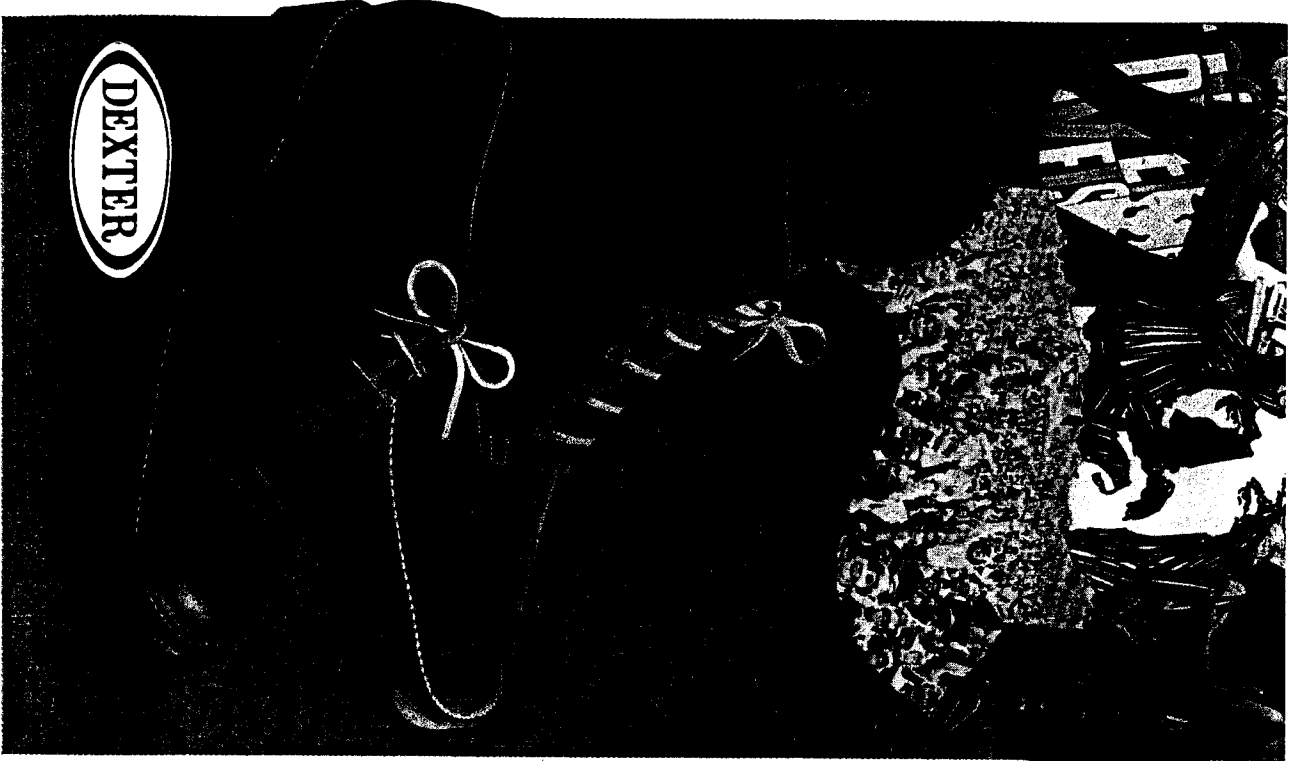
"My main reason for saying the case is open and ought to be open in the minds of the public is that my continuing conversations with Sirhan indicate that he's covering up, that he knows a hell of a lot more than he's willing to tell. I'm most intrigued by his assertions that 'the F.B.I. doesn't know everything' and that 'they did a lousy job on their investigation.' He doesn't know what the investigation was, he didn't read six thousand pages of F.B.I. reports, and yet he knows they did a lousy job of investigation. I can only conclude that there is some important person or persons involved with him that the F.B.I. have not come up with. Because if they had come up with them Sirhan would have known about them.

"There is a second reason. When Dr. Diamond puts him under hypnosis and says, 'Sirhan, did anybody help you in this, did anyone tell you to kill Kennedy,' he balks; it takes him six seconds to answer that question. Whereas the other questions that don't involve the assassination he answers immediately, and that's a beautiful indication. Talk to any psychiatrist about what blocking means. Under hypnosis, if I ask you a question that shocks you, you're going to hedge, and do the normal

reliable witnesses reported seeing Sirhan three different times prior to the assassination at places where Kennedy was supposed to be. In at least one case the witnesses said he had a girl with him. Moreover, one of the best witnesses to the assassination, Vincent DiPietro, insisted that he had seen a girl wearing a polka-dot dress standing next to Sirhan in the pantry of the Ambassador before the murder. But police could never find the girl. What does this mean? Only, Kaiser says in the book, that it is possible that *somebody else* was involved in Sirhan's efforts to kill Kennedy. "I still had a feeling," Kaiser wrote, "that somewhere in Sirhan's recent past there was a shadowy someone. . . . Robert Kennedy had enemies who could have chosen Sirhan, with his anti-authority feelings and his inert paranoia, as a possible tool." Nowhere does Kaiser state explicitly who that "shadowy someone" was. He does criticize the police for not exploring Sirhan's friendships with a man

who allegedly had Mafia connections, another who introduced Sirhan to the occult, and a third who was Sirhan's ex-roommate. He also criticizes them for their "naïve" investigation of a report that Jimmy Hoffa had hired someone to kill Kennedy—a report started by one of Hoffa's fellow inmates at Lewisburg State Penitentiary in Pennsylvania. But it was only when I pressed Kaiser further that he admitted he thought there might be a link between Hoffa and the theory that someone had "programmed" Sirhan. He had virtually no evidence for his suspicions, however, except for a strange character named Jerry Owen, a preacher with an arrest record who told the police that he had picked up Sirhan hitchhiking the day before the murder. Owen, it seems, managed a prize-fighter who worked out in a Los Angeles gym owned by the Teamsters. It was the most tenuous of connections, but Kaiser was still intrigued:

"It looked like Owen's story about picking Sirhan up was a cover. It looked like he was trying to have an alibi in case anybody had seen him with Sirhan. I asked Sirhan about him, but I asked him after the cops had asked Adel, his brother, to ask Sirhan about Owen. And Sirhan had



**DEXTER**



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tricked by his assertions that 'the F.B.I. doesn't know everything' and that 'they did a lousy job on their investigation.' He doesn't know what the investigation was, he didn't read six thousand pages of F.B.I. reports, and yet he knows they did a lousy job of investigation. I can only conclude that there is some important person or persons involved with him that the F.B.I. have not come up with. Because if they had come up with them Sirhan would have known about them.

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Kaiser seems to be jumping to conclusions. Sirhan's talk about the F.B.I. could be mere bravado. The psychiatric tests are more interesting. Why did Sirhan block? Dr. Diamond posted the theory, Kaiser recounts in the book, that Sirhan was an extremely suggestible person who had somehow "programmed" himself to kill Kennedy by scribbling over and over again in his notebook that "R.F.K. must die." On the night of the assassination he could have put himself into a trance and followed the instructions he had previously written down for himself. Kaiser agrees with the "programming" theory, but takes it one step farther. He found it significant that

started by one of Hoffa's fellow inmates at Lewisburg State Penitentiary in Pennsylvania. But it was only when I pressed Kaiser further that he admitted he thought there might be a link between Hoffa and the theory that someone had "programmed" Sirhan. He had virtually no evidence for his suspicions, however except for a strange character named Jerry Owen, a preacher with an arrest record who told the police that he had picked up Sirhan hitchhiking the day before the murder. Owen, it seems, managed a prizefighter who worked out in a Los Angeles gym owned by the Teamsters. It was the most tenuous of connections, but Kaiser was still intrigued:

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"I kind of kept Owen filed in the back of my mind. When I gained more rapport with Sirhan, and we were talking about conspiracy angles and other people that may have put him up to it, with or without his knowledge, I said, do you want me to follow up on some of these leads as an investigator for the defense. And he said, 'Well, gee, none of my friends would do anything like this.' I was particularly interested in Tom

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Rathke, the guy who introduced Sirhan to the occult. He was pretty adamant about 'Don't talk to Rathke, he's a good guy.' Then I asked him about Jerry Owen, and he said, 'Well, maybe Owen could lead you to somebody who had influence over me.' I was pleased with that much at the time—I knew Sirhan would turn off if I asked probing second or third questions—so I left it, thinking I would come back to it some other time and I never really did. And there it is, it's one of those stupid things. . . ."

Kaiser points to other things in the book which bolster his belief in a conspiracy. For instance, Sirhan claimed that he decided to kill Kennedy when he saw a TV documentary that linked the Senator to Israel. But the television show did not appear in Los Angeles until May 20, and Sirhan had written in his notebook that he had to kill Kennedy on May 18. The notebook contained other interesting tidbits. On almost every page where Kennedy is mentioned, so is money. One of the pages also contains the note, "Hello Tom, would you meet me at the airport, I'm coming up Tuesday." At another point Sirhan wrote, "Let us do it, let us do it."

"Now it could be the editorial 'we,'" Kaiser told me, "but the notebook is very intriguing. When Bertram read the notebook for the first time in Cooper's office, we were reading it together, we hadn't seen it until that moment. Berman finishes reading the pages and says, 'Hell, there was somebody in this with Sirhan.' That was his conclusion. Parsons finally admitted right at the end of the case that he was afraid there was probably someone else in

it with Sirhan." Cooper believed that Sirhan acted alone. But he told Kaiser that he did not believe Sirhan's story—that he was motivated by Kennedy's support for Israel. As for Dr. Diamond's theory that Sirhan was "programmed," either by himself or someone else, Cooper told Kaiser last June: "Well, it may have been true. But I couldn't sell it to a jury."

Kaiser is also convinced that it was official police policy to minimize the idea of a conspiracy. Attorney General Ramsey Clark, for instance, announced only four hours after Sirhan was identified that there was no conspiracy. At that time, he could not possibly have known whether there was one or not. Kaiser also found a police investigator who believed a conspiracy was possible. When he asked the cop why he did not pursue the inquiry, Kaiser got the following answer: "I tried to, but when Houghten [Robert Houghten, chief of the investigation] found out I thought there was one, he took me off the important interviews. I wanted to go up and talk to Tom Rathke but he wouldn't let me, he thought I was just too hot on the conspiracy thing." Kaiser added: "The investigators had good jobs and top salaries and they didn't want to rock the boat. And if the superior tells them that's the way it's got to be, boy they're going to do it. They're nothing if not obedient."

What does this all add up to? The possibility that Sirhan did not act alone, and maybe not even that. Kaiser's doubts are similar to many voiced about the Warren Commission. In each case there are discrepancies, holes, things that do not quite fit. But no one has yet to prove an alternative theory explaining either assassination. The discrepancies could well be the result of sloppy police work, imprecise observations by witnesses, and the refusal of events to follow a logical, orderly pattern. Some people, including Grant Cooper and Jack Macrae of Dutton, think Kaiser does not substantiate his argument for reopening the case. Kaiser wrote the last chapter, he said, for the following reason: "Everything would fit nicely if the 'programming' theory is correct. If there was no programming then a lot of things are unexplained. Now there might be another explanation for them, but I don't know where it is. It's like someone has given me a chemistry set and they've said with these elements you can make Styrofoam, you've just got to figure out the formula. And I do every combination and I still don't get Styrofoam. And then somebody comes up to me and says, 'Ha, ha, we fooled you, we didn't give you all the elements you needed.' And that's where I feel I am on this thing, that I've got some of the elements but not all of them. I feel like I've tried all the combinations and there are some missing elements."

So we are left with this picture of Robert Kaiser, furiously mixing his chemicals, sifting through his data, looking for those elusive "missing elements." Why is he driven? Why is he looking so hard? "I see things, because of my background as a Jesuit in a much more ordered kind of world," he said. "God created it and so forth. The sun and the moon and the stars all have the order. I can't live with chaos. Besides, I wanted to make sense out of a senseless thing, and maybe that's perverting."

Maybe it is. But maybe the more important thing is not what Kaiser found but the fact that he bothered to look. It is perfectly understandable that so many companies felt queasy about publishing his book, especially when their deep devotion to Robert Kennedy was reinforced by their deep conviction that the book would not sell. But the attitude which Kaiser encountered, both at the publishing houses and the magazines, amounted to something like censorship of unpopular ideas and undesirable people. There was similar trouble in getting Sirhan a lawyer. The Los Angeles County Bar Association did not want to get its hands dirty. Even some members of the A.C.L.U., whose record in defending unpopular causes is better than most, resented the organization helping Sirhan. Grant Cooper was not wild about taking the case, but he felt obligated; he has spoken dozens of times in recent years on the responsibility of the lawyer to represent even the most disreputable clients.

Time and again Kaiser heard the same litany: "We think someone should publish the book, but. . . . We think he should have a good lawyer, but. . . . We think he should have enough money to get a fair trial but. . . ." Any system is tested by the hard cases, not the easy ones. And both the judicial system and the media came petulantly close to failing in the case of Sirhan Bishara Sirhan. Bob Kaiser is no selfless hero. He got his story, and his notoriety. He might even make some money.

But it is to be noted that, while others were giving excuses, he got involved, even if his motive was overweening ambition. #

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a match.

