The Night RFK Was Assassinated

A prize-winning author who witnessed the shooting of Robert Kennedy recalls the horror, the drama, the aftermath of that tragedy one year ago this week

Budd Schulberg (right) is one of America's most honored and versatile writers. He won an Academy Award for his "On the Waterfront" and also wrote "What Makes Sammy Run", "The Harder They Fall" and "The Disenchanted." He is the guiding spirit of the Watts Workshop, which he organized to encourage ghetto writers after riots in that Los Angeles district.

Only a few minutes before he was shot, Senator Robert Kennedy was thanking a crowd in the packed Embassy Ballroom for their efforts in bringing him victory in the California primary election.

By DUDD SCHULBERG

WHEN BOB KENNEDY decided to make the run for the White House we were in Italy working on a novel by the shore of the legendary Lake of Como with snow-capped Alps standing sentinel around us. We felt safe, secluded, productive. The London Times and the Paris Herald-Tribune and the Rome Messaggero brought the daily news to our reading room every day, so we knew about the crisis in gold, the British refusal to admit Indians to their island, and we were increasingly aware of the political quicksand LBJ had stumbled into in Vietnam.

But, on a two-month sabbatical from the pressure of civic problems that had demanded great hunks of our time for a number of years, it was a relief to be able to read about world issues without feeling a moral obligation to do something about them. If we may be excused our conceit, we thought that after years of involvement we had earned a rest, what we described as a "working vacation," the luxury of getting up in the morning, kissing your wife, breathing the air, taking a walk, clearing the mind and then, "ah sweet mystery of work."

That was our selfish state of mind when a cable from Bob Kennedy found us on the shore of that picture-postcard-blue Italian lake and called us back to reality. American reality. The cable said he "found himself in a struggle," and expressed the hope that we would be back in the States in time to enlist in his campaign. He expressed his appreciation for any help we might be able to render in getting his message across to "your people." Geraldine and I smiled at that one, for Bob meant not Hollywood people or literary people or Jewish people but black people, the friends we had made in Watts and other neglected communities in the course of establishing the Writers Workshop in the wake of the holocaust four years ago.

That evening we answered that we would be coming back shortly, ready to enlist in his army of volunteers. And we fired off this opening salvo to the director of the Watts Writers Workshop:

"You know, at the end of my dialogues with Jimmy Baldwin I said I thought the whites had almost had it, that unless they could rip the racism out of their culture, out of their hearts, our country was on the road to violent division. However, I feel we have a last chance with Bobby Kennedy. I know that he honestly wants to get out of this damnable war that is bleeding us to death. I believe him when he says he wants to take those billions we are pouring down the Saigon drain and put them to work in our ghettos, rebuilding them . . . If we can get Bobby in we have a last chance of doing something on a federal scale about the galling neglect we see in Watts. Yes, Bob seems to understand what we need for our cities, not just those billions but ideas, imagination and love. What Bob saw when he came to our Workshop to meet the writers could be enlarged a thousand-fold in every single community. If we blunder on, if we cut back the services we should be expanding, if we just remain 'liberal,' then you are right, then comes Armageddon . . . So, a long-winded n o m i n a t i o n speech for Bobby Kennedy, our last best hope of making it, together!"

Lyndon's stunning abdication speech made us even more eager to work for what seemed to us that last, best hope. But Italy is seductive and we lingered, some days in Venice and more in Rome. We were enjoying the sculpture and the markets and the restaurants and the people when the sky fell down. Another Dallas! This time in Memphis. This time not the President nor Medgar Evers, the black messiah of Mississippi, but our Nobel Prize Winner for Peace, apostle of black freedom through non-violence,

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The young man asked, "Shouldn't he be here by now? Isn't he late? I wonder why he hasn't shown up yet?"

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Martin Luther King. Not again! Not another public murder! How long, oh bigots and sons of bigots, can we bear your slings and arrows, telescopic rifles and shotgun?

In that moment the sidewalks cafes of the Via Venetto lost their music and the graceful Spanish Steps were shadowed in grief and rage. It was time to come home. More than ever we believed what we had written our friends in Watts. Now angry young braves would be tearing our cities apart. It would be black against white, father against son . . . "a time of shame and sorrow . . . this mindless menace of violence in America which again stains our land and every one of our lives." The quotes are from Bob Kennedy's address on the assassination of Dr. King on the day after that calamity.

Two months later, Sunday afternoon, the second of June found us on Central avenue, the main street of black and deprived South Los Angeles, speaking at a Kennedy rally with Charles Evers, who had picked up the standard fallen from the hands of his martyred brother in Mississippi. While Evers was on the platform explaining his reasons for supporting Kennedy, saying he believed the Senator had a rare and possibly unique capacity to break the chains of racism that were holding his people back, a black militant leader came into the hall with his "troops." We were concerned that he might try to break up the meeting. He had a stack of leaflets attacking Kennedy along with Humphrey, McCarthy, Nixon—blue-eyed devils all.

Our Kennedy-Evers team had strong black support in this community and, with a critical primary less than 48 hours away, it seemed as if more violence might erupt. We went over to the militant leader, whom we knew fairly well, and asked him please not to disrupt the meeting. We said Charles Evers risked death from full-time racists every day of his life and had come a long way to plead Bobby's cause. "Even if you don't agree, he deserves a respectful audience." The local black leader nodded. He could be difficult but sometimes not unreasonable.

"OK," he agreed, "I personally think it's all a waste of time because any good black man or any real friend of the black man is going to be cut down sooner or later—like Jack Kennedy and Medgar Evers and Brother Malcolm. But I can dig it. You go ahead with your meeting. We'll pass out the literature in the parking lot."

The rally ended tensely if peacefully. Charles Evers said that President Kennedy and his brother and Martin Luther King, along with too many others murdered in the South in recent years, all shared a belief in the dignity of man and the eventual triumph of genuine democracy. And he prayed that Bob Kennedy, who stood up for Medgar and for Martin and for all the oppressed, would be able to bring this about through the democratic process.

In the audience for that rally was our employee of many years, Mrs. Louise Career. While we were scheduled to speak at several other gatherings that evening, Louise went on to the Ambassador Hotel to attend a large reception for Kennedy. Next morning she said she had seen Bob Kennedy, in fact had shaken hands with him twice, in the famous Coconut Grove. But, she said, she also had encountered a slight dark-complexioned young man who worried her because he had been wandering around the stage and looking behind the curtains. Louise had once worked at the Ambassador and she knew where extra chairs were stacked, in a passageway behind the stage to the rear of the ballroom. The young man accompanied her. He seemed to know his way to the side corridor and cautioned her, "Be careful, you could hurt yourself. It's pretty dark in there." He was very polite and offered to bring an extra chair back for Louise's friend, Caroline. The passageway where they found the chairs has an entrance into the main lobby and also connects with the Embassy Room and the pantry where Kennedy was to meet his death two nights later.

The young man's knowledge of the area and the way he was dressed prompted her to ask him if he was an employe of the hotel rather than a guest. He said no he was just a spectator who had come like all the rest of the crowd to see Kennedy. And he added, "Shouldn't he be here by now? Isn't he late? I wonder why he hasn't shown up yet." With him, according to Louise and her friend, was another young man, also slender and swarthy, carrying a violin case. And he also asked if they knew why Kennedy was late and if anything could be keeping him from the hotel. Both young men kept wandering up on the stage and looking behind the curtains.

Said Louise Carter as she described her misgivings to me on the morning of June 3rd, "Later when I saw all those crowds around the senator and trying to touch him, he seemed so unprotected—and with so many angry people walking the streets these days, it just doesn't look safe to me."

On Primary Election Day we passed the time trying to relax and rest up for what we

Mrs. Ethel Kennedy strains to reach her stricken husband.

thought would be a long and eventful evening. It reminded us of the way boxers spend their days awaiting important contests. We turned on the radio. The television news. Called some friends who were on the fence. Called Kennedy workers to try and find out how it was going. Around six p.m. Pete Hamill, the writer, came by with his younger brother and the four of us drove to the Ambassador.

The Embassy Ballroom had an air of tentative gaiety. Not too many had arrived yet, but those who came early were optimistic. In a small roped-off section press officers Pierre Salinger and Frank Mankiewicz were working at their desks, taking quick phone calls and jotting down meaningful hieroglyphics. Both thought it looked good for Bob, mentioning percentages that turned out to be slightly optimistic. "South Dakota is in and bigger than expected," Frank told us. His father, the gifted writer of "Citizen Kane," had worked for my old man and we remembered Frank as a child-editor putting out a surprisingly professional mimeographed newspaper with his brother, Don. If Bob could make it to the White House it was believed that Frank would become his Pierre. For us that was a comforting thought. Bob knew where he was going and Frank was an ideal companion for that journey; cool but concerned, and brilliantly informed.

Now the Embassy Ballroom was coming to life. Pretty girls in mini skirts and Kennedy skimmers. Earnest young men from the New Left. Middle-aged doctors and lawyers and their socially-minded wives. The liberals. A lot of black people. A smattering of Democratic pros. Everybody was friendly, very up, smelling victory but more than victory, tasting hope.

We talked with Pete Hamill about it as we waited for the night to begin. Pete was a Ramparts man, a Village Voicer, a crony of Norman Mailer's, a brother-in-law and chum of ex-heavyweight champ Jose Torres. Pete was an Irishman and sometimes fought like one and often wrote like one, like the best of his crazy and talented clan. He was bitter about the war and the state of the union and the compost heaps that we like to call "inner cities," but this night he was happy and hopeful and it may sound corny but we raised paper cups to a better world.

We were joined by Warren Rogers, of LOOK Magazine, who had been on the campaign trail with Bob and who shared our feeling that he was the most misunderstood man in American life. We had never found him ruthless, cold and calculating; on the contrary we knew him to be warm, humorous and intensely human. "I know he attracts some of those people around him because of who he is," Warren had said. "But the truth is, he's fun to be with. I feel—good—around him." That was the way his friends felt about him. And he had as many of those as he had enemies.

The ballroom was filling up now and returns were beginning to come in, so we decided to go upstairs to the Kennedy suite. There we found a kind of impromptu party in progress, one of those 'Only In America' things, or maybe only in a Kennedy America: astronaut John Glenn, Olympic champion, Rafer Johnson, the Milton Berles, film director John Frankenheimer, Charles Evers and John Lewis, one of the original leaders of SNCC, Mexican organizers of the Huelga against the wine

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Unruh urged us to resist the temptation to strangle the assassin. "We don't want to have another Dallas"

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growers. Sharing a couch with Glenn, a Catholic priest, a Democratic office holder, a local black leader and a Hollywood glamor girl was Ethel Kennedy.

Star athletes, national heroes, liberal politicians, movie stars, writers, strike leaders, black militants; from the mansions of Beverly Hills, the playing fields, the vineyards, the ghettos. "This gathering is not to be believed," said Pete Hamill as he bobbed and weaved through the group bunched at the one small bar.

We watched Ethel watching the TV as her husband slowly began to pull ahead of his rival. "And I'll bet our Chicago vote isn't counted yet!" said a Mexican-American covered with Kennedy and "Huelga" buttons. "My people, they vote a hundred percent." This turned out to be the most accurate prediction in a night no one could have predicted except a nondescript young man who was downstairs in the area of the campaign reception rooms, having himself a drink or two before going back to his car to get a lethal little gun with which he had been practicing for days.

Five floors above that mysterious youth unnoticed in the crowd, our candidate wandered quietly between his bedroom and the suite across the corridor where colleagues and well-wishers were gathered. "How we doing?" As he stood in the doorway with a wan smile, his face reflected the tough campaign—from New England to Southern California, that country of angels and screwballs where the political pendulum swings easily from Socialist Upton Sinclair to ultra-rightist Ronnie Reagan.

For Bob Kennedy it had been a campaign physically far more demanding than for the others, because their followers had no compulsion to touch their man, kiss him, hug him, share him. We had seen it in Watts when he came to speak outside our Douglass House Writers' building. He was mobbed and all but swallowed up in that exuberant crowd. His black believers literally hurt him with their love. And this was repeated in white communities, in suburbs, and in shantytowns. No one else in America was generating that kind of magnetism. But as we had learned to our sorrow two months earlier to the day, a magnet for love is also a magnet for hate.

Shortly after 11 o'clock CBS-TV announced that Bob had won a close but clean-cut decision. Escaping for a few minutes from the mounting festivities, we were standing on a balcony with NBC commentator Sandy Vanocur, chiding him lightly for his network's refusal to concede. Sandy was a proud competitor and a personal friend of Bob's, but network officialdom had set up a curtain of caution between him and what he had hoped would be the first interview with the winner. We were talking about Bob and what we thought he could do to bind up the grievous wounds that were bleeding the country when Warren Rogers joined us to say that Bob had asked him to find me—he had said he'd like to talk to me alone for a couple of minutes. My wife Geraldine asked if she might come along; it was a moment she would like to remember.

In a modest bedroom with twin beds Bob was sitting on the floor in a corner, with his knees drawn up, a favorite position that reminded us of visits both to his home and his office. He was smoking a small, slender cigar, the first time we had ever seem him do so. He seemed markedly less jubilant than the rest of us. More tired, undoubtedly. And with so much more to do.

Geraldine and I offered our congratulations on winning the crazy-quilt State of California. He said he was going down to the ballroom in a little while and asked what I would say if I were in his place. I realized he had talked to Sorenson and Schlesinger and others better qualified than I, but, as I had done with him on some other occasions, I plunged in anyway: "Well, if the margin is four or five points, you know who they are, the—"

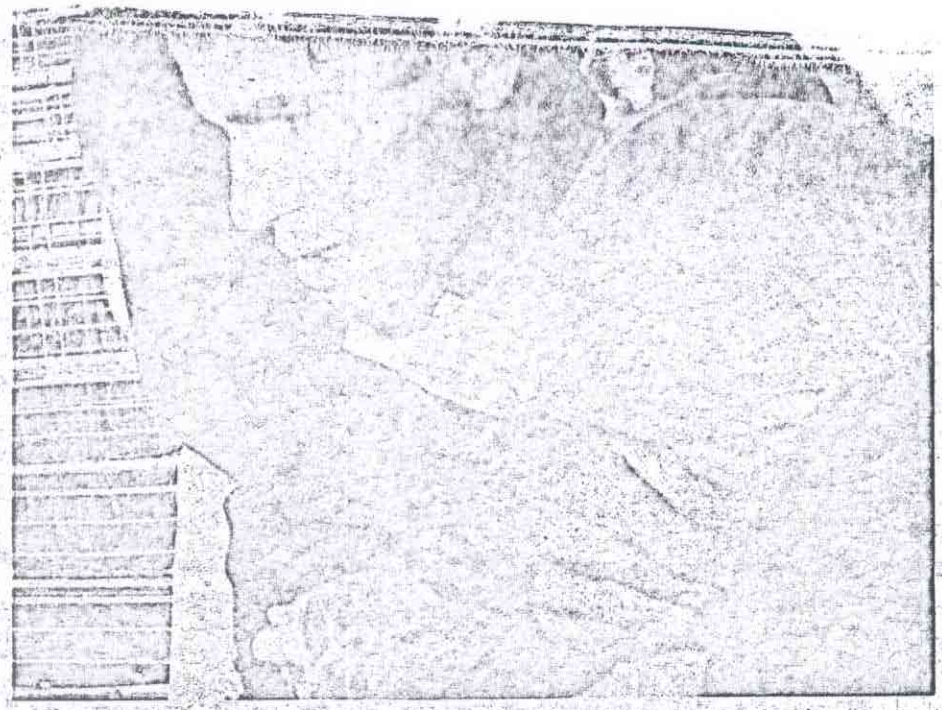
He stopped me with a slow grin. "I know, you're going to give me the thing about the black vote and the Chicano . . ."

"The Chicano is like 99 point nine and I hear South Los Angeles is 85 per cent."

"A lot of black friends will be on the platform with me. I think Walter (Sheridan, a longtime aide all the way back to Senate Racket Committee days) is asking Cesar Chavez. They did a terrific job. Terrific."

We talked for a few minutes about our Workshop in Watts. Bob had come twice, had met the writers, had read their anthology and now he said again that he thought we had touched a nerve—not just mechanical skill centers and on-the-job training, but cultural projects for people in ghettos all over the country who had been bottled up too long and were proving how much they had to say and how well they could say it. Bob said he was interested in a suggestion we had made to a Senate Sub-Committee on which he served—of an Arts Corps, a kind of updated Federal Theater and Federal Writers' Project fitted to the needs of Watts, Hough, Bedford-Stuyvesant. (Maybe this sounds like crazy liberal talk a few minutes before going down to thank the voters of California for sending him to Chicago to unseat Hubert Horatio, but we have been feeling an obligation to put it all down as we remember it, just as we would dearly love to know what Lincoln had been saying in his box at the Ford Theater.)

Speaker Jesse Unruh, "Big Daddy" of California Demo-



Police hustle the assassin from the Ambassador Hotel after the shooting.

crats, came over to suggest that it was time to go down. Ever-practical Jesse was probably thinking that it was nearing midnight and that Bob should be seen on TV in his winning posture by as many people as possible across the country. Bob rose to his feet slowly. There was no elation in him, certainly none of the cockiness attributed to him by detractors. He seemed thoughtful, concerned, perhaps a trifle subdued. He said he'd like to pursue the Arts Corps idea. He said, "Stick around, let's talk later." I asked him where. He said after the talk in the main room he would come to a smaller room, the Colonial Room, off the pantry. He said he wasn't going to hold any formal press conference but would like to see some of his particular press friends there. Later, work done for the night, a private party would move on to celebrate at The Factory.

Then Bob asked me if I would like to accompany him and Jesse Unruh to the platform. I said I didn't want to look as if I were taking bows with the winner and pushing myself into the picture. Geraldine and I would wait in the Colonial Room and see him later with Warren Rogers and our other mutual friends. "The brothers and Chicanos," I said. He nodded and smiled.

Then Warren joined us and we followed Bob into the corridor where he was immediately swallowed up in a crowd of well-wishers and television cameras, waiting to accompany the victor on his way down to the ballroom.

In the Colonial Room about 20 of us were waiting for the senator. We watched the preliminaries on television as he was getting ready to come to the microphone. It was a festive moment and Warren thought we should all have drinks in our hands to toast the occasion. He was gone a few minutes and when he returned with the highballs it was also with the information that Bob would shortcut through the serving pantry that divided our smaller room from the ballroom. For some reason this fact went unreported in national magazines, nor was it revealed in the Sirhan Trial which we attended in morbid fascination and, at times, dismay.

To this layman mind it seems as if it may have had some bearing on the crucial subject of premeditation. Did Sirhan simply stumble blindly into the serving pantry in search of coffee to cure his "intoxication," as his team of gifted defense counsel would have had the jury believe? Or, aware that the senator had taken a similar route through the pantry when both tracker and tracked had been in the hotel two nights before, had the assassin sequestered himself in that pantry so that he could gun down his unsuspecting target, as he had promised in his notebooks: "Kennedy must fall . . . Kennedy must die . . . Kennedy must not live beyond the fifth of June."

We all watched Bob's neat, brief "Thank you—and on to Chicago" speech and then, anticipating his arrival through that back passageway, move closer to the pantry doors. "We" includes Pete Hamill and Booker Griffin, a local black journalist I had known from the early years in Watts. A few yards behind us were Warren Rogers and Geraldine.

We heard a couple of those "firecracker pops" and the sound of screaming. We all ran into the pantry. A scene out of—what? Television? This was a different kind of violence. Shakespeare? There was no poetry, no soaring rhetoric to mitigate the blood. And the blood was not red paint later to be washed off in

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the dressing room. "This mindless menace of violence which again stains our land," Kennedy had described it when it struck down Dr. King.

Amidst the screaming and the pushing and the Oh-my-Gods! Bob had taken a few steps forward and then had fallen back on the cold stone floor. Pete Hamill was directly in front of me and partly blocking my view so his description is clearer than mine, although my impression confirms what he saw: "The sonofabitch was standing there with one foot forward and his arm extended just like he was on a target range."

The narrow pantry became a screaming bedlam of pain, terror, rage: "Look out! Sonuvabitch!" "He's got a gun! He's shooting!" Shots went pop-pop-pop and now that we knew they were not firecrackers or popping balloons they sounded louder.

People were responding in conflicting ways—some moving back to escape the explosive possibilities, others moving in on the author of the crime; an obscene human traffic jam. The Gun was an undersized man dressed in slacks and sports shirt; looks Mexican was our first impression, but we remember thinking in the midst of mayhem, must be some crazy Mexican to shoot Bobby, Bobby would die for Chavez and his grape-pickers. Christ, maybe he is dying for Chavez.

Bob was lying on his back looking very sad, as if he knew, he already knew. One eye was opened, which seemed strange and foreboding, and his lips were moving but Pete, Booker and this witness were not close enough to hear. I was vaguely aware of Geraldine and Warren Rogers near my right shoulder. Jimmy Breslin, the New York columnist, seemed a foot higher than everybody else, against the left wall? Was he standing on a box?

The small assassin was charging forward in our direction, a quarterback sneak with a pistol instead of a ball and people were grabbing for him, "Get 'im! Get 'im! STOP the sonofabitch!" With others around me I made a lunge for him. He was being pulled, tugged, cuffed. Everybody screaming. Cursing.

A short, brown employe ran to us hysterically, talking rapidly in a Latin accent: "I can't believe, it, thirty seconds ago I was shaking hands with him, leaning over that counter and shaking hands, thirty seconds ago, and that little bastard, he's been hanging around in here for almost an hour, asking us if we thought the senator was coming through." He rattled on, repeating himself as all of us were doing. A lunatic Babel of a soundtrack is there to prove it.

But here is the difference between the actual event and the tamed and ordered replaying of it at the trial half a year later. The same Mexican busboy who ran over to me in that first minute is on the stand, composed and naturally in awe of the proceedings. Yes, he says, he had seen the defendant in the pantry for some time before the shooting. Yes, the defendant had asked several times if Kennedy would be coming through.

You see, this is one reason a Sirhan trial is profoundly flawed. The busboy is telling the truth, but it no longer has the impact and the passion of the truth he had blurted out to us while Bob Kennedy was still lying there beginning to die from those long-range, hollow-nosed bullets, the most lethal type of ammunition that can be used in that .22.

Still, it was interesting that this witness did not say to us in that first, impressionable outburst, "I wonder who that little drunk was, in here drinking coffee and trying to sober up." Yet that was to be the story we would hear from Sirhan: so drink was he from two or three Tom Collinses purchased at one of the other candidate's reception rooms that he was in an alcoholic stupor, unaware of where he was or even that he had squeezed the trigger when he emptied his revolver, firing into Bob Kennedy at point-blank range.

To buttress the "alcoholic wild beast" theory a psychologist was to testify later that he had served the defendant, in his cell, six ounces of gin in four Tom Collinses over a period of 16 minutes and that Sirhan "went berserk." Such are the wonders of modern law, all dolled up with forensic psychiatrists and their alcohol-induced medical tests. Said one reporter at the trial, "as a psychiatrist he makes a helluva bartender! One-and-a-half ounces per drink is like the good old days. Those highballs we were drinking at the Ambassador, we were lucky to be getting three-quarters of an ounce."

So if Sirhan was buying those Ambassador Collinses, three ounces, not six, is the more likely intake, and those spaced over a much longer period than 16 minutes as the young killer wandered from room to room, talking with many people and offering to buy them drinks before going back for his gun and stationing himself in the pantry.

But to pick up the thread of our narrative on the night of June 4, the surest hands that grabbed the assailant belonged to Rosey Grier, the giant ex-linesman for the Rams, and Rafer Johnson, our decathlon champion, aided by George Plimpton, the celebrated mock-athlete who now found himself part of an impromptu but effective amateur police. As for the actual

Newsman comforts Frank Mankeiwicz, Kennedy's press secretary, after the senator's death.

police, sometimes too much in evidence, now they were something less than Johnnies-on-the-spot.

It seemed a nerve-wracking eternity that Rosey, Rafey, George and others held their slight, wiry prisoner on the metal serving table while Bob lay on the floor holding beads a young Irishman had offered him—not a priest, as reported next day. There was a priest and finally a doctor, but they came later, after Steve Smith and young Justice Department lawyer David Steiner made repeated appeals from the platform in the now hysterical atmosphere of the Ballroom.

To the credit of "Big Daddy" Unruh, he urged us to resist the temptation to strangle or stomp the assassin. "We don't want another Dallas." And the black superstars also displayed supreme cool in pinning the pint-sized gunman without seriously injuring him. So a group of reporters, this one included, had an opportunity to observe Sirhan for nearly half an hour. Like the busboys who had seen him lurking there before the attack, we did not think he was drunk. Neither did he seem to be in a trance.

At the trial George Plimpton was to testify that the defendant looked "purged". George is a friend of ours, but we must say he was indulging in a literary conceit, in flossy subjectivism to use "purged," what he has lost..

It was as if he were sobbing for all of us. And while Rosey sobbed uncontrollably, George Plimpton was shaking visibly. Sitting near the bed with his head in his hands, Charles Evers was moaning, "Oh God, how many have to go, how many more, how many? Will it ever stop?" Next to him a young black man we had seen earlier in the Ballroom: "You saw him. Was he black? Oh Jesus, I couldn't bear it if a brother . . ." We said he looked brown, tan, and yet sallow, maybe from the Philippines . . . "Because he was one of us," the young man said, barely hearing. "A black man with a white skin."

An hour passed. Plimpton, still shaking, went to the hospital. Half a dozen people who had seen it happen huddled together for warmth. Friends kneaded Rosey's moose-like neck and shoulders in an effort not so much to relieve his agony as to express silent futile sympathy. After he had been sobbing for perhaps two hours, he rose, swayed back and forth and then fell back on the bed with his eyes closed. We were afraid he might be having a heart attack. A man mountain on the outside, a warm, emotional human being within able to take 280-pound linesmen apart on the playing field, he had been undone by a 110-pounder with a gun that looked like a cap

a word that sick defense counsel Grant Cooper happily embraced in building his elaborate case that his client was in a trance, having "programmed" himself through metaphysical Rosicrucian exercises to execute the crime while mysteriously unaware that he was doing so.

To the rest of us, Sirhan looked simply pinned-down, his eyes darting; frightened, intense, but hardly "purged." He reminded me of a rat I once encountered on the steps of my cellar. The rat stared at me and I stared at the rat, each of us afraid to move, both of us feeling equally trapped and threatened. A confrontation frieze.

When the police finally took over from the volunteer law-enforcers and Bobby was rolled and bounced to the waiting ambulance, a group of us followed him out and then gravitated upstairs to the Kennedy suite where we had been toasting the candidate's health less than an hour before.

"It was my fault," Rosey Grier was sobbing, "I should have been in front of him." We tried to console him: "How do you defend against a man with a hidden revolver? If you're in front, he moves to the side. If you're at his side, he slips in behind—" But Rosey was too far gone in grief. It is hard to see a man that big, 300 pounds not fat but big, crying. And not like a baby, like a man who knows

pistol.

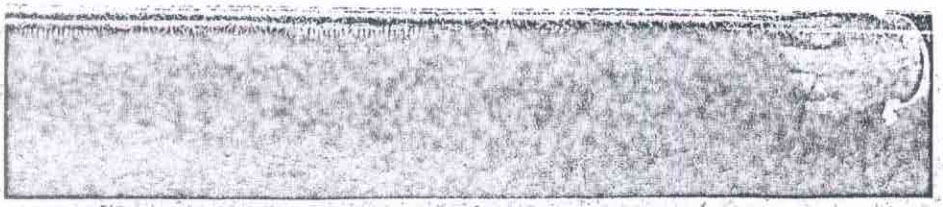
Dr. Ross Miller appeared. He was the black physician from Compton (near Watts) who had been one of the first to answer the call for a doctor in the pantry. Rosey was all right, he said, it was just the strain. "If only I could have been between that bullet and the senator," Rosey had been saying in his unexpectedly small voice. And Charles Evers still sat with his head bowed almost to his knees, a dark supplicant for martyrs.

We stayed there until dawn, talking with fellow eye-witnesses, fellow mourners, too numb and dispirited to go home. And here another unanswered question is provoked. Maybe we have seen too many crime movies where the case-hardened detective is on the spot. You remember the line: "Nobody leave this room." In this case, one of the most catastrophic murders in American history, everybody left the room.

Upstairs were a dozen eye-witnesses, many of them reporters, who had seen the gunning and the gunman at close range. Would it not have seemed S.O.P. for investigators to return to the Kennedy suite and question all the people there? There were a number who had been close enough to Sirhan to have been able to hear what he might have said during those critical 27 minutes before the police arrived. He said very little, but he did speak a few sentences. Apparently he did say, "I did it for my country." Would it not have been better —nay, essential!—to get the fresh and immediate observations of these eye-witnesses, instead of getting around to many of them months later when memories have to be reconstructed?

Mayor Yorty likes to claim that Los Angeles Police Department is the most efficient police force this side of Scotland Yard. But failure to inspect Kennedy's own suite and to question the circle of friends who stayed on there for hours after the tragedy would indicate that the local force, while not sinking to the depths of Dallas, hardly deserves an A rating for its police work in the Ambassador Hotel that night. True, the computer at headquarters rapidly traced the murder weapon to Sirhan Bashira Sirhan. But it is also true that they did not get around to some key observers for many months, if ever. Nor did the F.B.I. A good deal of telling evidence, some of which might have affected the very nature of the case, was never to have its day in court.

NEXT WEEK—Budd Schulberg recounts some vivid impressions of the Sirhan trial and makes a revolutionary proposal for dealing with the growing politics of assassination.



Sirhan, surrounded by his defense battery: (from left) Russell Parsons, Emile Zola Berman and Grant B. Cooper.

A Special Court For Assassins?

That's the proposal of this award-winning author--witness to both RFK's murder and the killer's trial

By BUDD SCHULBERG

YEARS AGO we covered the lurid "White Flame" murder trial for a Los Angeles paper, a typical Southern California crime of passion, a sob sister's delight. Compared to the screaming headlines of a "Black Dahlia" or a "Dr. Finch Murder Case," the trial of the assassin of Bobby Kennedy was reported with second-section modesty. For us the trial of Sirhan Sirhan was an eerie one to cover because it was the first (and we pray the last) time we were to attend a trial for a murder we had witnessed with our own eyes.

The security check of those privileged few permitted to move through the protective barrier and enter the courtroom is the most thorough body-search we have ever experienced. First you remove everything from your pockets, every pen, pencil, slip of paper, coins, paper clips. Then you lean forward on a table while young officers feel you carefully from neck to shoelace. (Lady reporters say they even have to remove their shoes, nor are bras sacrosanct to the distaff fuzz.)

After the body search an electronic gadget is run slowly along every inch of you to make scientifically certain that you are not carrying any concealed weapon; no tiny revolver, no pocket knife, not even a pin can endanger the precious life of the young man who robbed us of Robert F. Kennedy. At one point in my search the electronic device began to scream and two pennies were detected, forgotten in a small inside flap within a larger side pocket. Not even a newspaper is admissible. The jury is not to be exposed to the daily press —although how one could break through the barrier of bailiffs and plainclothesmen between the press section and the jury box is a problem for the houdinis. Perhaps they fear we may roll our newspapers into clubs or spears and turn the decorous trial into the chaos of Dallas.

After one runs the gamut of state troopers and Hall of Justice security officers, the courtroom itself is rather an anti-climax. It is smaller, for example, than the courtroom in Beverly Hills where my wife went on trial for driving 35 miles an hour in a 25-mile zone. It is similar in size to the courtoom where we assisted one of our young Watts writers charged with interfering with the arrest of an alleged traffic offender.

With its nine rows of seats for 65 spectators, this seems an ordinary courtroom for a routine trial; certainly not the scene of judgment for a crime that has shaken the world and has deprived us of our most

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This is Part Two of Budd Schulberg's "Eye-Witness Account: The Assassination of RFK." Part One last week was devoted to the crime, its background and aftermath. The concluding article deals with the trial, its significance, and the lessons it may teach us as how better to cope with the judgment of public murders.

The prosecution at the Sirhan trial: (standing from left) Lynn D. Compton, chief deputy district attorney; John E. Howard, investigation division chief; David N. Fitts, deputy district attorney; (sitting, from left) Robert A. Houghton, deputy police chief; Evelle Younger, district attorney, and Mass Byrne, U. S. district attorney.

mous," is the way he put his refusal to go along with Dr. Diamond and other members of the Diminished Responsibility Club.

Whether you buy Diamond's interpretation or reject it (having observed Sirhan at the time of the shooting, for almost half an hour afterward and for many days on the witness stand and at the defense table, we believe with Dr. Pollack that he is lying)—there is no doubt that this young man deserves a long, hard, reflective look as the prototype of a political assassin. To say that he was "programmed like a computer to commit the assassination" is merely a new-fangled way of suggesting that Sirhan's life pattern conditioned him to perpetrate (magnicide,) which Dr. Frederic Wertham, an expert on violence, defines as "the killing of someone big." To commit magnicide is to leap from obscurity as John Wilkes Booth leapt from the theater box of the murdered Lincoln onto the stage of history, as Lee Harvey Oswald forever linked his name to John F. Kennedy's, as Sirhan Sirhan has accomplished through Bob.

While Booth was a prominent actor he was completely overshadowed by his famous brother, Edwin, the greatest American Hamlet of the century. A brooding sense of failure shadows the political assassin, a sense of personal inadequacy he fights against with intellectual pretensions and a will to do something pivotal and great. Yes, I may appear to be a failure, Wilkes Harvey Sirhan cries out, but actually I am superior to you, I know what is wrong with the world and how to right it. Take a neurosthenic who feels unable to cope with the world, give him a social cause, better yet a lost or losing cause, to identify with, let him indulge grandiose dreams of changing the course of events with a single act and you have the little man who today casts such a long shadow on our land.

Look at the pale, tense, undersized, darting-eyed, quick-tempered, sometimes cocky, sometimes morose, sometimes smirking Sirhan at his trial, watch him chew at his nails bite at his thumb, sip water nervously and almost constantly from a paper cup, scan the crowd with his defiant, restless, intelligent eyes or blatantly try to flirt with the occasional attractive woman who enters the courtroom and you are reminded of another prototype, Raskolnikov, in that classic on "intellectual murder," "Crime and Punishment."

Yes, there in Sirhan's place in this unprepossessing courtroom we see (Raskolnikov,) a young man "out of the garret," irritable, self-absorbed, lying in his den "thinking . . . of Jack the Giant-Killer." Unable to cope with his day-to-day problems, Raskolnikov takes refuge in the deed he is planning to commit and that no one who now spurns him would dream he is capable of committing. Like Oswald and Sirhan, Raskolnikov is a loner, not used to crowds, but as he begins to prepare himself for his crime, Dostoyevsky's anti-hero feels "a desire to be with other people . . . a thirst for company. He was so weary after a whole month of concentrated wretchedness and gloomy excitement that he longed to rest . . . in some other world . . ." In this spirit he is drawn to a tavern, an unlikely refuge for him and to have a few drinks with people he does not know. Not unlike Sirhan Sirhan mingling with strangers at the Hotel Ambassador. Troubled, bitter, touchy, self-important and dreaming of amassing a fortune as well as taking a life, Sirhan is Raskolnikov with an overlay of Palestinian-Arab resentment and envy of the Jews.

We find other elements of what we call The Raskolnikov Complex in Sirhan. Raskolnikov likes to experiment with his own feelings. In advance of his crime he visits the oldwoman-pawnbroker he intends to eliminate, to test his ability to carry it through. At the same time that he plans to commit a brutal murder with an ax, he has dreams that reflect his sensitivity and resistance to cruelty. He dreams of a coarse peasant brutally beating a horse to death, and when he wakes, horrified, he wonders how he can carry out the deed he contemplates if he is so upset by the vision of violence. Sirhan was similarly haunted by memories of brutality and his playmates described him as hypersensitive.

Raskolnikov and Sirhan are both arrogant and servile—we have heard Sirhan at his trial punctuate polite answers with so many "sirs" as to make them ludicrously embroidered. Even when Sirhan is shouting at the judge, like the most arrogant of Raskolnikovs, that he is guilty! that he wants to plead guilty to murder in the first degree! that he wants to fire all of his lawyers and handle his own case! that he wants to go to the gas chamber!—and Judge Walker is shouting back at him to sit down and shut up or a gag will be placed in his mouth and his hands strapped to his sides, even at the height of this scene straight out of Dostoyevsky, Sirhan does not forget the courtesies that underline his furies.

Sirhan assails from the witness stand "the goddamn Jews," and Raskolnikov expresses his contempt for the old pawnbroker who is unfortunately the world's first image of the Jew. When Sirhan snarls at his prosecutor, "Don't put words in my mouth, ask me, don't tell me!" do we not hear Raskolnikov doing his desperate best to hold at bay his prosecutor? And finally, like Raskolnikov, Sirhan considers himself an idealist. Although his crime intensifies the climate of political violence that could destroy this Republic, he speaks from the witness stand as a man with no regrets.

He might reason with Raskolnikov: "In what way was my theory stupider than others that have swarmed and clashed from the beginning of the world? . . . Why does my action strike them as so horrible . . . because it was a crime, the letter of the law was broken and blood was shed. Well, punish me for the letter of the law . . ." Raskolnikov goes on to justify himself by thinking of the many "benefactors of mankind who snatched power for themselves instead of inheriting it" who "ought to have been punished at their first steps. But those men succeeded and so they were right, and I didn't, and so I had no right to have taken that first step."

Cross-examined on the witness stand, (Sirhan) was asked if he regretted what he had done. His answer was No. There were no "photographer's flashbulbs" and hotel mirrors and election-night drinks and all the rest of that elaborate psycho-metaphysical theory for sending him into a trance now. Stone sober and mentally alert, he told us he did not regret having assassinated Robert F. Kennedy. Well, then was he proud of it? No, Sirhan said, in the servile-arrogant voice of Raskolnikov, he was not exactly proud of it, either.

We may learn more about the clutter of Sirhan's mind from Dostoyevsky than from the squad of defense psychiatrists who come to court at the bidding of the defense

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for Dostoyevsky was a concerned but impartial student of the disarranged mind of Raskolnikov. Psychiatrists in the Sirhan trial must take "positions," must testify that he is truly suffering from "retrograde amnesia" or from types of paranoia that prevent him either from remembering or understanding his act; or they must testify for the prosecution that he is paranoid but aware of what he planned and executed, in other words lying.

Being a great novelist, and also under no pressure to twist a professional observation into a legal position that will strengthen or weaken a courtroom argument, Dostoyevsky is able to make a believable fusion of opposites. Raskolnikov feels as if he is in a trance when he commits his crime and there is something dreamlike about his ability to act so brutally, yet at the same time he is sufficiently aware to realize he must dissemble, must try to hide his actions and his true nature from the investigative light of his prosecutor. In the interest of scientific and emotional truth, Dostoyevsky is able to touch both bases at once. So could courtroom psychiatrists if they were not to assume mechanically the roles of experts for the prosecution or for the defense.

Unfortunately, the Sirhan Sirhan case is not a novel. It is all too painfully true. But as we sit there in the courtroom day after day morbidly fascinated by our impression of Raskolnikov returned in the person of a young displaced Arab burning with desire for political revenge, we begin to wonder if our country has discovered the appropriate procedures for dealing with magnicide and the politics of assassination. For, while the Sirhan trial has not been aborted by violence or cupidity like the Lee Harvey Oswald and James Earl Ray affairs, it fails to put the crime in its proper national perspective.

Despite the deaths of Lincoln, Garfield and McKinley and attempts on the lives of Roosevelt and Truman, our country still is not geared to judge political crime. It is high time we were. We do not

and the other recent political assassins into the One Big Conspiracy bag, as do most of our European critics and nearly all our black friends. But clearly, as they said in Hamlet, something is rotten in the Denmark of our soul. Mexico is thought of as a violent land, but 40 years have passed since the violent death of a Mexican president. The French are a volatile people who like to emotionalize their politics, but no French president has been assassinated in nearly 40 years. And British prime ministers have not been removed except by non-violent decision since 1812.

Yet we find it already tragically taken for granted that Ted Kennedy's life is in danger and that if he should run for or achieve the Presidency he too will fall a victim to magnicide like his martyred brothers. We have not met anyone in many months who is not burdened with this apprehension.

Other Sirhans, other Oswalds, other Rays now stalk this land ready to cut down the leaders with whom they—and perhaps fellow conspirators—politically disagree. This is public murder and it would seem to demand a different kind of trial, on a higher level, than that we prescribe for personal or private murder. Sirhan, for example, is being tried by the same legal machinery and state laws as was a young man called Goedecke who slipped away from a church service a few years ago to murder his mother, father, sister and brother. He tried to clean the blood stains from his clothes and to leave the house in disorder that would suggest a robbery. He returned to his home next day with a young lady, appeared shocked to discover the bodies and called the police. It seemed to the prosecution that his crime was as premeditated as Sirhan's, but a recent appeal to the State Supreme Court, on the basis of diminished capacity, was decided 5-2 in favor of the defendant. One of the two dissenters was Judge Stanley Mosk, a distinguished liberal who decries capital punishment. "But," he wrote in his dissent, "you cannot plead guilty by reason of schizo-

law not good medicine. Even before Sirhan's conviction, his defense staff had indicated that it would appeal and had confided to some reporters that the Goedecke case was a reassuring precedent.

But, we argue, as terrible as it is, the Goedecke case involves a crime passionale. An inter-family crime. Horrifying but intensely personal. It has nothing to do with politics. But the murder of the Kennedys, of Evers and of King, has only to do with politics. National politics. The Sirhan case does not belong to California. It happened to take place there, but Bob Kennedy could have been murdered in any state where someone took violent exception to some aspect of his political philosophy. Similarly Medgar Evers was shot and killed by Byron de la Beckwith on the doorstep of Evers' home in Mississippi, but this was no local matter. Clearly it was a national crime. It is the law of our land that every citizen is entitled to vote. Evers was leading a courageous and slowly winning campaign to make that law

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"Political assassination should be judged by a new kind of Supreme Court...like Nuremburg"

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more than an empty promise. When de la Beckwith deliberately blasted Evers from this earth, he was not firing at Evers the man, he was expressing a political opinion, defiance of the Constitution and the Federal Voting Law at the end of a shotgun.

An assassination like de la Beckwith's, or the killing of another civil rights leader, Wharlest Jackson, whose truck was firebombed, or the gruesome triple lynching near Philadelphia, Miss., or the murder of Mrs. Viola Liuzzo near Selma, Ala., or the assassinations of Malcolm X and Martin Luther King are political murders, public murders, national murders and they belong not to the individual states where they have taken place and where the crimes are frequently condoned or the police work is bungled or the prosecution staff and judges are often inadequate—they belong to the highest national court our nation can provide.

If this requires a new amendment to the Constitution, let us begin. At least we think it deserves serious consideration that political assassination be judged by a new kind of Supreme Court, a high tribunal like the one we helped set up at Nuremberg to try major war criminals for their crimes against humanity. A conventional state trial with city prosecutors and local jurors is simply not equipped to take the measure of political murders and conspiracies.

How would it work? A federal grand jury or panel of able and responsible public citizens, such as delivered the recent Report on Civil Disorders, would weigh the evidence as to whether a murder is personal or public. It is not such a complex matter to decide. When the murderer is not even acquainted with his victim, when there is neither a personal nor a monetary motive, when the killer hasn't run amuck, firing into crowds and passing strangers, when instead the gun has been aimed at a key figure whose politics are manifestly at variance with the views of the holder of the gun, then the murderer should be tried, instead of being permitted to throw himself on the mercy of the limited Memphis machinery. And now Sirhan.

In this high court, either specifically appointed or instituted by the Supreme Court or by all three branches of our government, the elements of conspiracy would be considered far more seriously, as well as the political significance of the crime. Not only psychiatrists and psychologists should testify but sociologists and political scientists. Indeed, the rash of public murders our country has suffered in the '60s suggests that we need as expert witnesses not only doctors who speak of paranoia and schizophrenia but students of the burgeoning institution of public murder and political conspiracy.

To study crime only through a personal telescope must narrow your view: Oswald, de la Beckwith, Ray and Sirhan are hardly well-adjusted citizens. If they were being tried in California for personal murder, you could build an argument for diminished responsibility in each of their cases. But meanwhile the political impact of their acts would be hidden behind what we irreverently call The Headshrinker Curtain. No offense to the head doctors. With the ranks of the mentally walking wounded multiplying every year, we need all the mind-blowers we can train. But we need something more.

Three months of the Sirhan trial has convinced me that Los Angeles, while it can take credit for improving on Dallas and Memphis, not to mention Natchez, is simply not up to a case of this magnitude. California law is not up to it. No state laws, limited by the concept of personal murder, are up to it. Americans, at least the best of them, hopefully most of them, have no wish to punish Ray and Sirhan physically, or to take a life for a life. What they want is to know everything there is to know about them. If there is even a breath of conspiracy, let every invisible bug creating that breath be analyzed and not washed down with mouth spray. In the King assassination case his triggerman seems to be trying to say what most of us think obvious: there was not only conspiracy but a whopping efficient mother of conspiracy. Chances are, even a new trial, with Memphis ground rules and state laws not geared to the nature of the crime, will not cut to the heart of the matter.

One of the strongest arguments for moving the trial of a James Earl Ray out of Tennessee and on up to a special tribunal comes from James Earl Ray himself. In a letter to author William Bradford Huie, Ray expressed his confidence that he had little to fear from a jury drawn from the rolls of Shelby County, Tenn., because 70 per cent of the voters of that county had voted either for Wallace or

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promising presidential candidate.

On the right sits Buck Compton, captain of the prosecution team, an ex-football star, a hero both in the Rose Bowl and at the Battle of the Bulge. Buck is a ruddy-faced rock of a man with a Spencer Tracy stoop, in fact with a Spencer Tracy no-nonsense All-American directness; he is flanked by David Fitts, a sophisticated man who sometimes uses phrases and words his witnesses do not understand, and by John Howard, barrel-chested and, like Compton, suggesting square and solid rather than cube and complex.

In the opposite corner we find one of those superstars that criminal law enjoys—Southern Cal's answer to Melvin Belli, Percy Foreman and Lee Bailey, Grant Cooper. While the prosecution goes about its business with a kind of stolid semi-thoroughness, Grant Cooper gives a prize-winning performance, somehow managing to superimpose Cary Grant on Gary Cooper. Stylish, urbane, disingenuous, sometimes grinning at his own cleverness, Grant Cooper creates an impression of being in complete command of these proceedings, like a circus master dancing with theatrical elegance from ring to ring.

A dapper, scene-stealing leading man is Grant Cooper with a star performer's love of limelight. During court recesses, rather than take the 15 or 20 minutes to catch his breath or confer quietly with colleagues as do his less flamboyant opponents, Grant Cooper enjoys throwing himself into the whirlpool questioning of the press milling in the corridor outside the courtroom.

Overshadowed but very much a figure in his own is Emile Zola Berman, who flew out from New York to join forces with Cooper, and a potent team they make.

Berman, with the beak and complexion of an angry, featherless bird of prey, is Jewish and understandably touchy about attaching himself to a case so inextricably bound to the Arab cause. There was one entire morning devoted to testimony from Palestinian Arabs describing their forcible removal from their homes in Jerusalem, suggesting how the displacement and maltreatment could poison and cripple the personality of a sensitive child like Sirhan Sirhan. And SS himself had taken the stand to render what amounted to a detailed lecture on the birth of Zionism and the complex diplomacy of the Middle East that led to the emergence of Israel. "Boy, am I going to catch hell in New York today!" "Zook" Berman said to a small group of reporters at the noon recess.

Then why did Emile Zola take this case? For the same reason that he defended critical civil rights cases in Dixie, his champions insist. Because unpopular cases and causes must be defended as spiritedly as popular ones. In this case, "Zook" Berman would explain, there is an added incentive: California has a new defense for murder more sophisticated than that of any other state—diminished capacity. Or you might call it diminished responsibility. In California you do not have to be legally insane to plead not guilty because of incapacity to premeditate or maturely reflect on the contemplated act. You may know the difference between right and wrong and still, according to recent developments in California law, be suffering from delusion, obsession, alcoholism and other processes of mind over matter that diminish your capacity to make a mature reflection in advance of your crime. Therefore, you are not totally accountable for your acts.

What diminished capacity really adds up to is an effort to mitigate if not eliminate capital punishment. Capital punishment is on the ropes in California. It may be supported by a thin majority, but even a "Law and Order" governor like Reagan isn't rushing any of the 85 inmates on "Death Row" to the gas chamber. If voters hesitate to take the final, inevitable plunge and do away with execution, diminished capacity seems a humane compromise. And so it may be argued that "Zook" Berman has come to the aid of Sirhan Sirhan in the finest tradition of the law, to defend the despised and to test a novel legal concept of human frailty.

Of course, cynics will tell you that Cooper and Berman are not so much Galahads of jurisprudence as they are unabashed publicity seekers and, in the mold of Belli, Foreman and Bailey, not above turning that sow's ear of publicity into an eventual silk purse. While the entire defense staff asserts it is working without pay, individual members are candid enough to admit they expect later to reap the harvest they are now sowing with the gratuitous services. Indeed a magazine writer was added to the defense staff for the sole purpose of permitting him exclusive interviews with Sirhan in his cell, a relationship that raised a whole row of eyebrows in the Press Room. If he is a legitimate member of the press, colleagues argued, would he be allowed to publish his interview, a predictably sympathetic one, in a national magazine while the trial is in progress? Can he serve two masters, the defense and the public press? Was Judge Herbert V. Walker within his rights to grant an "exclusive" to any single writer?

Said one established crime reporter with a touch of malice: "This is Judge Walter's last case before he retires. Did you see that full page picture of him in Life? People who can't tell one Supreme Court Justice from another can describe Judge

Walker. All that publicity, man! The human soul seems to crave it like pregnant women crave pickles."

On the credit side Judge Walker showed a firm hand when lawyers for the defense and prosecution seemed on the verge of making a deal with each other—plea bargaining, it's called. Let the defendant plead guilty in return for a reduced sentence, as in the abortive first trial of James Earl Ray. There was talk that the administration would like to see the Sirhan trial foreshortened to avoid the political implications of the case in a period of Middle Eastern hypertensions. It was Judge Walker's decision that the trial must be played to the last card, that in a case of this magnitude the public has a right to know everything there is to learn about a deed as injurious to the nation's health as was Macbeth's undoing of Duncan. Said a local judge, "off the record" at dinner the other evening, "It was absolutely incredible that the District Attorney's office would consider even for a day a deal that would have turned the Sirhan case into the kind of travesty of justice Judge Battle permitted, even made himself a party to, in Memphis."

It was an insult to the historical stature of Martin Luther King that Judge Battle, Percy Foreman and the Memphis District Attorney were able to make a deal depriving the country of the knowledge it hungers for. Conspiracy more foul than the elaborate mechanisms of Shakespeare hangs over that cold-blooded shooting in Memphis. Who prompted the act? Who put the rifle in Ray's hands? Who helped him escape? Who hid him and staked him? Who are the members of the underground airline that passed him across the Atlantic and through Europe until he was apprehended by Scotland Yard on the very day Sirhan was identified, as if life was suggesting that the two unspeakable crimes were inextricably bound together? How are we to cope with "the politics of assassination?" if we must be forever confounded by Dallas-type authorities, redneck juries that condone racist murder, and the injudicious Judge Battles of our land?

If these questions sound negative, and if we seem to have strayed from our eyewitness account of the Kennedy assassination and the trial that followed, bear with us as we reason our way toward some positive if revolutionary suggestions on how to close in on the infectious disease of political murder.

In contrast to that one-day wonder in Memphis, the Sirhan trial consumed more than three months. This was hardly a race to judgment. Millions of words and almost a hundred witnesses. Sometimes reporters dozed, along with the judge, and news readers grew weary. Unless there was a dramatic explosion, as when the hot-tempered Sirhan fired his attorneys because they were introducing evidence reflecting on his intelligence and emotional instability (The old diminished capacity trick, Maxwell (Get) Smart would call it), the Sirhan case disappeared into the back pages. Meanwhile, we heard mounting puzzlement and frustration about this trial. When you told your friends you had spent the day in that barricaded courtroom, the most frequent response was, "Isn't it a farce? After all, he admits he did it! Why should it take so long to—"

At issue was whether Sirhan was to be punished as a self-propelled martyr to the Arab cause or whether he was to be treated more leniently as a young man so emotionally disturbed, so mentally crippled as to have been incapable of premeditation.

Thus it becomes a classic of logical or objective—law—vs. subjective or psychiatric law. To the prosecution the case could not have been more simple. The defendant writes in his notebook that Kennedy must die. He writes that he will be the author of the crime. He records his conviction that the assassination of President Kennedy marked the beginning of the decline of the United States and that taking the life of his brother will speed that process, looking toward the day when Communism or a cleansing anarchy will bring Utopia. He buys a gun. He practices with it until he becomes expert. Even the chronology of the act is predicted in the notebook: RFK must not live beyond June 5.

Two nights before the end he stalks Kennedy at the Ambassador Hotel. He is seen there, questioning people as to the extent of Kennedy's security. He checks out the places where Kennedy will pass. On the fourth of June, after a full day at the pistol range, he returns to the Ambassador, hides himself in the pantry, takes on "protective coloration" among the Mexican kitchen help and—just as he has promised, both verbally and on paper—shoots the unprotected candidate at point-blank range.

Had he not said, in this very

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courtroom, in a moment of candor brought on by rage at his lawyer's strategy, "I killed Robert F. Kennedy with premeditation . . .?" Under cross-examination Sirhan testified that he would fight for the Arab cause. And that he would be willing to die for that cause. Now, could anything be simpler? If this is not premeditated murder, what in God's name is?

But to the ingenious defense, the same set of facts, turned in a different angle toward the light, could not be more complex. The interpretation of diminished capacity begins to turn the courtroom into a college classroom in criminal psychology. And what a field day it is for those forensic psychiatrists, hypnoanalysts, and roving psychologists. The air becomes heavy with Freudianism and neo-

Freudianism as a parade of headshrinkers march to the witness stand to explain that Sirhan is a schizophrenic paranoid and therefore unable to premeditate a crime, that he suffers from alienation, despondency, delusions of grandeur, fear and hatred of an absent father, resentment of a domineering mother . . . and the reason he remembers nothing of the crime he committed is that he was suffering from "retrograde amnesia."

So day and night contend in the courtroom. To All-American Buck Compton it's clear as daylight. Sure the kid may have been lonely, unhappy, frustrated, a born loser "burned up" at Kennedy for siding with Israel. But he knew exactly what he was doing when he pumped those extra-velocity bullets into Bobby Kennedy. Cooper and Berman, on the other hand, wrap Sirhan in the folds of mysterious night, of dementia, supernatural trances, bizarre disassociations and self-hypnosis. Coaches Cooper and Berman fielded their psychiatrists like a high-powered football team with Dr. Bernard Diamond playing Joe Namath throwing the long one for what the coaches hope will be a mental TD: The pattern of Sirhan's life "programmed" him, exactly as a computer is programmed, to commit the assassination without his being consciously aware of what he was doing. And Dr. Diamond went on to describe the flashbulbs and the mirrors and the Tom Collins at the Ambassador Hotel that sent Sirhan into the kind of trance he sometimes had induced in his own room,

in the spell of the mystic muses.

The prosecution's team of psychiatrists - psychologists was captained by Dr. Seymour Pollack, as eminent in the field as Dr. Diamond. If this was the Superbowl of forensic psychiatry, Dr. Pollack seemed to be playing Earl Morrall's quarterback role against Diamond-Namath. He did not pass on first down. His psychiatry was no less learned than Diamond's but more conventional. Yes, Sirhan had paranoid tendencies, as well as schizophrenic. But he was legally sane when he fired bullets into Kennedy, he was disturbed but capable of premeditation, he was neither in a hypnotic trance nor a drunken stupor when he squeezed the trigger. Emotionally unstable, yes. But he new exactly what he was doing.

For three days of the kind of cross-examination Grant Cooper excels in, he pushed Dr. Pollack all over the field but he was never quite able to bring him down behind his own goal line. Cooper did his brilliant best to outwit him and Sirhan lost his temper and jumped to his feet to call him dirty names, but Dr. Pollack clung to his conviction that Sirhan was "sick but sane." "Being honest is more important than being unani-

The confrontation of the psychiatrists: Dr. Bernard Diamond (left in left photo) for the defense, and Dr. Seymour Pollack (right photo), for the prosecution.

Nixon. And he added the chilling fact that "no white man has ever been given the death sentence in a racial killing."

According to Huie, one of the great Southern reporters (he solved the Emmett Till murder in Mississippi), Ray considers himself as a political prisoner and regards the killings of King as a political action approved by millions of his countrymen and perhaps even by a majority. Ray and his two younger brothers were ardent Wallaceites and had hoped for a prompt pardon from "President" Wallace. Ray believes he has fired a crucial shot in a new "Civil War."

We have heard Sirhan say from the witness stand that Johnson, Goldberg and Kennedy "deserved to be killed." That was his way of expressing his political disagreement with them on the Arab-Israeli question. Personal murder and political assassination are two altogether different crimes and no one expresses this more clearly than Ray and Sirhan themselves.

In the Sirhan Case, two friends of ours who were with us at the Ambassador when Sirhan outvoted Bobby with his practiced .22, Booker Griffin, a well-known local journalist, and a Los Angeles County Democratic leader, have told us they saw evidence of what they believe may be conspiracy. Others concur from what they saw and heard that "Bobby could never have left the hotel alive that night." Griffin's offer to testify as to what he had seen was blocked by a prosecution that did not welcome, in his opinion, facts at variance with the simple, straight-line case they had chosen to present.

When this writer and his colleagues in Watts held a memorial service in our Douglass House Theater for King and Kennedy, a small man of light tan complexion and carrying a violin case moved up toward the stage row by row while we were reading Ted Kennedy's eulogy to his brother and describing that final train journey to Washington. Finally the stranger with the violin case started up the steps to the stage. He was pulled back by members of the Watts Writers Workshop and later put out of the building. Wearing khaki pants and a plaid sports shirt, with the wispy beginning of a beard, he seemed to bear an uncanny resemblance to the man with a violin case that our friend Louise Carter saw with Sirhan at the Ambassador Hotel two nights before the tragedy.

We are not saying this proves conspiracy. Indeed, we question that conclusion. But we are saying that a special tribunal oriented to the politics of assassination and the patterns of conspiracy would not be so hasty as were the prosecutors of Sirhan to agree that there was no evidence of confederates. Our experience was similar to Griffin's; when we called the attorney general's office to offer what we believed to be additional information on the subject of premeditation and possible conspiracy we received no encouragement. We reveal this not because we feel personally rejected, but because we find it incredible that every shred of evidence was not pounced on and that every eye-witness was not questioned exhaustively.

A high court sitting in judgment on political assassination may sound like an "Un-American" graft on our tree of justice. But, if we may paraphrase Gilbert and Sullivan, "Our object all sublime, we shall achieve in time to make the trial fit the crime, the trial fit the crime."

Nor would we depend on the F.B.I. with its political attitudes calcified in the person of J. Edgar Hoover. Anyone who mistakes Martin Luther King for a communist is a relic of the past who would only retard the development of new concepts of justice in tune with these turbulent times. A special court would seem to require a special intelligence staff trained in political science as well as conventional crime detection, a staff that would not leave grave questions unanswered, as in the cases of Ray and Sirhan.

Maybe Sirhan did kill Bob

Kennedy. alone and unaided, because he was "burned up," as he put it, with the senator's public support of planes for Israel. But the way our state courts are constituted, and our district attorney's offices, with the traditions of our advocacy system, and now with the added wrinkle of diminished capacity of responsibility to blur the issue of public vis-a-vis personal murder, we may never know.

To give them their due, Grant Cooper and Emile Zola Berman have done their bit for old-fashioned justice by taking an unpopular case and defending it with all the brilliance, ingenuity and skill developed in a lifetime of trial law. And eschewing all possibilities of conspiracy at the outset, the prosecution had done a low-keyed and straightforward, good if not brilliant job and hence has made its dutiful contribution to old-fashioned justice.

But as an observer of the crime and of the trial that would set the punishment, we call for new-fashioned justice, updated not only by the latest findings of psychiatrists who inevitably cancel each other out as experts study the same subject and the same body of research material and reach opinions as opposite as the poles.

Just as de la Beckwith did not kill Evers but tried to murder his ideas, and as Ray did not kill King the man but tried to murder his ideas, and as Sirhan Sirhan did not kill Kennedy the man but tried to murder his ideas, so now the time has come to assess the crimes of the Sirhans, not as the crimes of men, disordered and fallible, but as crimes flowing from ideas bent on murdering the democratic spirit.

"Assassination," said George Bernard Shaw, "is the most extreme form of censorship." No matter what state of mind Sirhan Sirhan claims to have been in when we saw him firing his revolver in that pantry, he was censoring the honest and outspoken opinions of Robert Francis Kennedy. The implications of this ancient and lately disinterred form of censorship cry out for judgment at the highest possible level of jurisprudence if the politics of assassination are to be countered with the politics of constructive change. If we as a People fail to respond to the challenge of the de la Beckwiths, Rays and Sirhan Sirhans, if we cannot develop the proper laboratory in which to place their crimes in clear national perspective, then we are all doomed to live and die with what Bob Kennedy, in his eulogy of Martin Luther King, described as:

". . . this mindless menace of violence in America which again stains our land and every one of our lives."