

Ballot By Bullet

By Budd Schulberg

When Bob Kennedy decided to make the run for the White House, I was in Italy working on a novel by the shore of the legendary Lake of Como with snow-capped Alps standing sentinel around us. I felt safe, secluded, productive. The London Times, the Paris Herald-Tribune and the Rome Messaggero brought the daily news to my reading room every day, so I knew about the crisis in gold, the British refusal to admit Indians to their island, and I was 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 my 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.

That was my selfish state of mind when a cable from Bob Kennedy called us back to reality — American reality. The cable said he "found himself in a struggle," and expressed the hope that I would be back in the States in time to enlist in his campaign. He expressed his appreciation for any help I might be able to render in getting his message across to "your people." Geraldine and I smiled at that one, for Bob meant not the Hollywood people or literary people or Jewish people but black people, the friends we had made in Watts and other neglected communities.

That evening I answered that we would be coming back shortly, ready to enlist in his army of volunteers.

Lyndon's stunning abdication speech made us even more eager to work for what seemed to us that last, best hope. But Italy is

TROPIC, June 1, 1969



When an assassin shoots down a Kennedy or a King, he murders, not only a man, but an idea — and wounds the whole democratic process. Yet the political killer is tried under state laws that traditionally pertain to private homicide. Here, a best-selling novelist — eyewitness both to the crime and the trial of Sirhan Sirhan — suggests legal reforms that might diminish the threat which hangs over all our leaders

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, Martin Luther King. In that moment the sidewalk cafes of the Via Veneto lost their music and the graceful Spanish Steps were shadowed in grief and rage. It was time to come home.

Two months later, Sunday afternoon, the second of June found me 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.

In the audience for that rally was my employee of many years, Mrs. Louise Carter. 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.

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"Be careful, you could hurt yourself. It's pretty dark in there."

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 3, "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 thought would be a long and eventful evening. Around six p.m. Pete Hamill, the writer, came by with his younger brother and the four of us drove to the Ambassador.

The ballroom was filling up

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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 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.

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 per cent." This turned out to be the most accurate prediction in a night no one could have predicted except a non-descript 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 the 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.

Shortly after 11 o'clock CBS-TV announced that Bob had won a close but clean-cut decision.

At that moment, Bob was sit-



'The mysterious youth . . . unnoticed in the crowd'

The two faces of Sirhan Sirhan: above, the frightened assassin moments after the killing; below, well-groomed and smiling complacently, at his trial.



ting on the floor of a modest bedroom 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 I had ever seen him do so. He seemed markedly less jubilant than the rest of us.

He 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, a "Look" writer who had been with Bob throughout the campaign, and other mutual friends.

In the Colonial Room, about 20 of us were waiting for the senator. We all watched Bob's neat, brief "Thank you — and on to Chicago" speech and then, anticipating his arrival through that back passageway, moved 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 the dressing room.

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! Sonofabitch! He's got a gun! He's shooting!"

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A moment of courtroom candor

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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 my first impression.

With others around me I made a lunge for him. He was being pulled, tugged, cuffed. Everybody screaming. Cursing. A short, brown employee ran to us hysterically, talking rapidly in a Latin accent: "I can't believe it, 30 seconds ago I was shaking hands with him, leaning over that counter and shaking hands, 30 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.

Years ago I 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 me, the trial of Sirhan Sirhan was an eerie one to cover because it was the first (and I pray the last) time I was to attend a trial for a murder I had witnessed with my own eyes.

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 June 4, 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 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?

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'The air became heavy with Freudianism'

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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. 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.

So what a field day it is for the 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... that he was suffering from "retrograde amnesia."

So day and night contend in the courtroom. To the prosecutor, 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.

The defense fielded its psychiatrists like a high-powered football team, with Dr. Bernard Dia-

mond 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.

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 knew exactly what he was doing.

Whether you buy Diamond's interpretation or reject it, there is no doubt that Sirhan 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

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'The Sirhan case does not belong to California'

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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 neuro-sthenic 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.

Despite the deaths of Lincoln, Garfield and McKinley and attempts on the lives of Roosevelt and Truman, the U.S. still is not geared to judge political crime. It is high time we were. We do not sweep Oswald, Ray, Sirhan and our 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, may fall a victim to magnicide like his martyred brothers.

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.

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.

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 FBI 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.

"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 Rays and the 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 ..."

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