

BARES TRIAL STRATEGY

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Sirhan in 'Trance,' Defense Says

LOS ANGELES (AP)—Sirhan Bishara Sirhan's defenders said today that at the moment Sen. Robert F. Kennedy was shot, Sirhan "was out of contact with reality, in a trance in which he had no voluntary control over his will, his judgment, his feelings or his action."

The 24-year-old Jordanian was pictured as "an immature, emotionally disturbed and mentally ill youth "who wrote in a memorandum at the time of the 1967 Arab-Israeli war that "he wants to be recorded by history as the man who triggered off the last war."

EMILE ZOLA Berman, one of three attorneys defending Sirhan on a charge he murdered Kennedy, told the jury in opening arguments that Sirhan had fantasies in which "he was often a hero and saviour of the people."

"In the realities of life, however, he was small, helpless, isolated, confused and bewildered by emotions over which he had no control. He was unable to plan or think clearly, unable to maintain any meaningful direction to his life," the attorney said.

Thus Berman set the stage for a defense that will not deny that Sirhan shot Kennedy but will rely on psychiatric testimony to plead a defense of "diminished responsibility."

IN CALIFORNIA, diminished responsibility recognizes that a defendant may be legally sane yet not fully responsible for his actions.

Berman said Sirhan bought the death gun six months before the June 5 assassination of Kennedy to use for sport and found that shooting "gave him a strange sense of release."

Berman said Sirhan "admired and loved" Kennedy.

"Then came another shot," Berman said. "In early June of 1968 Sen. Kennedy . . . said in essence that if he were president that he would send 50 Phantom jets to Israel.

"That did it!"

BERMAN SAID "Sirhan will tell you himself from this witness stand that he never thought he ever would kill Kennedy but that through his mystic mind power he could fantasize about it and relieve

that feeling of emptiness inside him."

"We have told you that from the beginning that he did in fact fire the shot that killed Sen. Kennedy, Berman said.

"The killing was unplanned and undeliberated, impulsive and without premeditation or malice, totally a product of a sick, obsessed mind and personality.

"AT THE ACTUAL moment of shooting he was out of contact with reality, in a trance in which he had no voluntary control over his will, his judgment, his feelings or his action."

Berman said the defense will back up his arguments "through great men in the field of psychiatry or psychology, by tests that run the gamut of hypnosis, interviews and known and accepted psychological tests."

These witnesses will prove, Berman said, "Sirhan did not have the mental capacity to have the mental states that are the essential elements of murder: namely, to maturely and meaningfully premeditate, deliberate or reflect on the gravity of the fact, nor form

an intent to kill nor harbor malice aforethought as these are defined by the laws of California."

BERMAN OPENED his statement by giving the jury of eight men and four women Sirhan's background. Sirhan was born in Palestinian Jerusalem in a sector held by Jordan and now held by Israel.

"Sirhan was 3 years old when war broke out between Palestinian Arabs and Zionists in Palestine in 1942," Berman said.

The street where Sirhan lived, he said, became the dividing line between the Jews on one side and the Arabs on the other; the building he lived in became a machine gun nest and one night his home was bombed.

The Sirhan family, father, mother, five sons and one daughter, fled to an Orthodox Christian convent and never went back to their home.

SIRHAN "WAS exposed to most severe repeated scenes of war with such effects upon him to leave their mark upon his personality all during his life up to and including the present," Berman said.

Sirhan saw a little girl's leg blown off by a bomb and went

Sirhan--

Continued from Page 1

into a spell, Berman said.

Sirhan had "severe reaction spells from the horrors of war which occurred again and again," Berman said. "Once a bomb exploded and Sirhan went into a spell and remained in a trance for four days," he added.

On another occasion, a bomb tore apart the body of a man and again Sirhan lost contact with reality.

THE SIRHAN family came to America in 1957 when Sirhan was 12 but the father returned to Jordan seven months later.

Young Sirhan attended Muir High School "where he always felt himself an outsider — someone who didn't belong."

"Preoccupied with fanatical obsessions of hatred, suspicion and distrust, he took to long hours of reading works on the power of the mind," Berman said. It was in June, 1967, that Sirhan wrote his memorandum which he entitled, "Declaration of War Against American Humanity," Berman said.

As soon as Berman finished, the first state witness took the stand.

HE WAS A LOS Angeles police officer, Albert LaBalle, who made wooden mockups of the floor in the Ambassador Hotel and a larger detailed model of the kitchen area

where Kennedy was shot.

Berman, in an unusual move, provided newsmen with copies of his opening remarks before he made them in court.

The prosecution in its opening arguments yesterday quoted Sirhan as saying after Kennedy was shot: "I did it for my country."

BUT IN outlining the state's first-degree murder case against Sirhan yesterday, prosecutor David N. Fitts did not identify the country in the quotation. Sirhan, 24, was born in Jordan, but has lived in the United States since age 12. He has been pictured as an ardent Arab nationalist.

Emile Zola Berman, one of the three defense attorneys, was to make his opening statement today. In it, Berman was expected to pave the way for a defense of diminished responsibility aimed at saving Sirhan from the gas chamber.

Kennedy was shot in a kitchen hallway of the Ambassador Hotel early last June 5 after addressing a victory celebration. He had just won the California presidential primary.

FITTS SAID Rafer Johnson, the former decathlon champion, helped disarm Sirhan and then asked, "Why did you do it, why did you do it?" Sirhan's reply, Fitts said, was, "I will explain."