

Sirhan Defense Hopes

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LOS ANGELES, Jan. 12— Each morning in the weeks ahead, a barrel-chested bailiff will fix his eyes on the Stars and Stripes, clasp a hand over his heart and recite aloud:

"Facing the flag of our country and recognizing the principles for which it stands, Department 107 of the Superior Court of the State of California in and for the County of Los Angeles is now in session."

The judge, with his mammoth white eyebrows and Pickwickian face, settles himself behind a gold-plated microphone.

The defendant is brought in, smiling uneasily, plucking at his tie, rubbing his chin. He looks like a high school student waiting for his first date.

The State of California wants to put him to death.

The indictment against him seems almost unreal: That last June 5, he "did wilfully, unlawfully, feloniously and with malice aforethought murder Robert Francis Kennedy, a human being."

To that, Sirhan Bishara Sirhan, 24, has pleaded not guilty. Yet, his lawyers say, he has no intention of denying that he shot down the New York Senator and disenfranchised millions of voters who wanted to put another Kennedy in the White House. The trial will be a quarrel over adverbs.

It will be a long and painful process. Sirhan's chances can only be guessed at. America has never dealt gently with assassins, whatever their motives or state of mind.

The State of New York had a vat of sulfuric acid poured on the electrocuted corpse of President William McKinley's killer. Charles Guiteau, the self-styled "agent of God" who killed President Garfield, barely survived for his hanging; one guard tried to kill him in his cell.

Yet the law, if not society, has become more refined since then. Psychiatry has made its inroads. In California, it can be used both in seeking a verdict less than first-degree murder and, failing that, in pleading for a penalty less than death.

Sirhan's chief defense attorney, Grant B. Cooper, has said the defense is hoping for much more than simply saving Sirhan from the gas chamber at San Quentin. He has hinted that it may try to show Sirhan's mind was so clouded that he was incapa-

to Settle for Manslaughter

ble of malice, a move that could reduce the charge to manslaughter, with a maximum of 15 years in prison.

For the moment, the state is just as dedicated to keeping the short, slim Jordanian immigrant alive.

The antiquated, eighth-floor courtroom's windows have been plated with armor. At least 20 sheriff's deputies, most of them in mufti, have been stationed inside the crowded chamber.

Newsmen and spectators are searched and checked for concealed weapons with a metal detector twice a day. Women reporters are taken to a separate room where female deputies ruffle their hair and give them a thorough check. One said she was even required to disrobe.

The trial was to have begun Jan. 7, but the first juror has yet to be picked.

So far, the sessions have been devoted to a last-minute flurry of defense motions, all of which are expected to be denied. The hearings have been an exercise in slow motion, conducted largely in Judge Herbert V. Walker's private office.

Complicating the proceedings in Defense Attorney Cooper's involvement in a Federal grand jury investigation at the Federal courthouse across the street. The urbane, 65-year-old lawyer reportedly considered withdrawing from Sirhan's defense team, but was urged to stay on to face perhaps the biggest challenge to his reputation for improbable victories.

(At one of the murder trials of Dr. Bernard Finch, Cooper is said to have persuaded the jury not to convict, thanks to his definition

of reasonable doubt. "Reasonable doubt is like love," he said. "You can't define it, but you know when you've got it.")

According to one estimate last fall, Los Angeles County had already spent more than \$285,000 investigating and preparing for the prosecution of Sirhan's case. Some 4300 people have been interviewed in connection with Kennedy's assassination in the Ambassador hotel here minutes after his victory in California's Democratic presidential primary.

Chief Prosecutor Lynn D. Compton, 46, an 18-year veteran of the District Attorney's office, says he expects to call about 80 witnesses, including presumably dozens of those supposed to have seen Sirhan at the Ambassador.

In its effort to prove pre-

meditation, the prosecution is expected to rely heavily on witnesses who saw Sirhan practicing rapid-fire shooting at the San Gabriel Valley Gun Club just two hours before the assassination.

It also has a witness who claims to have seen the young, curly-haired defendant target-shooting "at another time and place" before Kennedy was cut down.

And, finally, it has Sirhan's notebooks containing the injunction: "Kennedy must be assassinated before June 5"—the first anniversary of 1967's Arab-Israeli war.

The defense can be expected to fight hard to keep the notes from being introduced at the trial although Judge Walker has already rejected a move to suppress them as evidence.

Charge

Sirhan's lawyers have still to outline their strategy in any detail, but the Arab community here, and across the country, fully expects it to include a sharp attack on Zionism and its role in American politics. There is a widespread assumption that this is what drove Sirhan to the Ambassador.

The close-mouthed Sirhan has yet to say a word beyond what he may have disclosed to his family and his attorneys. "The real story is what's inside his head," one courtroom observer said, and that has yet to be told.

"I think it's right to allow him a chance . . . to get to the bottom of why he did it," said Mae Jackson, a domestic worker from Pasadena who was the first spectator admitted to the courtroom last week. "There's a reason for everything we do, right or wrong."