

TRIALS

What Was in Sirhan's Mind?

Starting to examine a jury panel of 25 members at the trial of Sirhan Sirhan last week, Attorney Grant Cooper unveiled the defense strategy. "There will be no denial of the fact," he told the first panel member, Aerospace Corp. Employee George Doudle, "that our client, Sirhan Sirhan, fired the shot that killed Senator Kennedy." The admission may have seemed startling, especially since Sirhan has pleaded not guilty to first-degree murder. Cooper made the statement to etch in the minds of the potential jurors a major issue in the case.

He told Doudle that Sirhan would admit only the "mechanical act" of pulling the trigger. The jury, said Cooper, would be called on to consider "not only the act but the intent" before deciding whether Sirhan is guilty as charged. Then he asked: "Now that you have been told the defendant committed the act, would that prejudice you so that you couldn't try him for intent?" Doudle said that it would, and was excused as a juror.

Exposing Skepticism. Cooper asked other panel members whether they had heard of a legal argument called "diminished responsibility," which will obviously be the crux of Sirhan's defense. The argument is an old one. But California is one of only a dozen or so states that permit a lawyer to try to prove diminished responsibility by presenting psychiatric evidence. Cooper's claim would not be that Sirhan was insane at the time of the shooting. Rather, as Cooper indicated, the defense would try to prove that because of mental or emotional illness, Sirhan lacked the malice or "specific intent" required for a first-degree conviction. Unlike a plea of insanity—which can lead to acquittal—the strategy has been used mainly to avoid execution. Thus, the defense in the Sirhan case may be willing to settle for a second-degree murder or manslaughter verdict, since neither of these charges carries the death penalty.

Since psychiatric testimony will be essential to the case, Cooper tried to expose any skepticism about this kind of evidence among potential jurors. Cooper asked a widow, Mrs. Rosa Molina, whether she shared the opinion of some that "all psychiatrists and psychologists are crazy." No, she replied. Did she have any prejudices against the Rorschach test, hypnosis, lie detectors or Sodium Pentothol (truth drug)? Again Mrs. Molina answered no, and she was one of those persons who by week's end had been tentatively accepted as jurors.

As for Sirhan, one of the few outward clues to his state of mind came when an assistant district attorney, David Fitts, pointed out to one venireman that Sirhan had smiled at him. Could



COMMUTERS SIMMONS, GEIGER, PIECORA & GLUCKSMAN
Theft of what service?

the prospective juror bring in a death sentence against a man who smiled at him? Looking up, Sirhan made his first remark of the trial. "I smile at you too, Mr. Fitts," he said.

ARRESTS

Ticket Trouble

Passengers on the Long Island Railroad are accustomed to seeing themselves as victims of a callous and capricious railroad management. The line's 150,000 New York commuters, said Nassau County Leader Eugene Nickerson last week, "travel in rolling slums—if they roll at all." When four commuters who share this opinion got together recently and staged a minor rebellion, they learned just how tough the authorities can be. The rebels were an employment counselor, Allen Simmons, 21, and three secretaries, Diane Glucksman, 21, Carole Geiger, 22, and Frances Piecora, 20.

Humiliating Postures. It was on a day like any other on the Long Island: the trains were unheated, overcrowded and late. While riding home at night, the four decided that their patience had run out. When the conductor came around, they informed him that they would show him their tickets only when they started to receive better service from the railroad. In response, Conductor Charles Farnsworth signaled for the train to stop at the next station. All four were arrested on an obscure misdemeanor charge, "theft of service." Then they were taken in a police paddy wagon to Brooklyn night court, where a judge set bail at \$500 each.

Unable to produce the bail money, they spent the night in jail. The three secretaries were taken to the Women's House of Detention, where they were fingerprinted and asked to strip. A male

doctor, looking for narcotics, examined them. "We were forced to assume all kinds of awkward and humiliating postures," Carole Geiger later said. Simmons, who was handcuffed and taken to the men's jail—"the Tombs"—was unable to contact his family. He claimed that when he filled out a form requesting that police call his father, a cop quipped: "Do you think these calls really go out?" Simmons was bailed out the next afternoon only because the railroad had advised Carole Geiger's family of the arrests.

Allies in Arrogance. Last week, when the four came before Judge J. Wolfe Chasson in Queens Criminal Court, he threw out the charges, saying: "This case is a waste of time." In Chasson's opinion, the four commuters should have been put off at the next regular stop, but not arrested. Describing the conditions that brought about the revolt, the judge said: "I don't think people should be dumped into a train in which there is no heat and no seats."

Complaints about the treatment of the four protesters were not only directed at the railroad. The New York Times referred to the police and the Brooklyn night-court judge as "allies in arrogance" of the road. Edward Dudley, a justice of the New York Supreme Court, announced the start of an investigation into the high bail figure set for the four rebels. "This is not the kind of case for which bail would normally be required," said Dudley. "Someone has made a serious mistake." Deciding that the affair was serious indeed—and that someone ought to pay for their discomfort—the four commuters announced at week's end that they would sue both the railroad and the Metropolitan Transportation Authority, the state agency that runs it, for false arrest and malicious prosecution.