

Sirhan's Prosecutors May Not

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Ask for Death Penalty

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LOS ANGELES, Mar. 1—The State of California no longer intends to press for the death penalty for Sirhan Bishara Sirhan.

The decision is based, at least partly, on the swapping of psychiatric information between the prosecution and the defense at the 24-year-old Arab's murder trial here.

It leaves Sirhan in the bizarre position of being the only one in the stuffy Hall of Justice courtroom insisting on his own execution.

The prosecution had been planning to demand that Sirhan be sent to the gas chamber for the assassination of Sen. Robert F. Kennedy, but to do this now, acknowledges Chief Deputy District Attorney Lynn D. Compton, would be "somewhat awkward" in light of an abortive agreement with the defense last month to settle for life.

"We won't press for the death penalty," Compton told a reporter. "We'll just go to the jury and give them the facts."

A slight man with a king-sized ego, Sirhan served notice yesterday that he would rather go to the gas chamber than suffer his lawyers' plans to lay bare before the court his innermost secrets and frustrations.

But the attorneys, Grant B. Cooper, Emile Zola Berman and Russell Parsons, now representing Sirhan by court order, appeared just as determined to bring out what they call "the real Sirhan" for the world to see.

They were not noticeably surprised or upset yesterday when Sirhan tried to fire them and plead guilty with the defiant declaration that he killed Kennedy "with 20 years of malice aforethought."

Sirhan's lawyers are interested in saving his life. Sirhan is, quite plainly, more interested in preserving his pride. His counsellors are proceeding to pick it apart piece by piece. Pride is not compatible with the defense strategy of establishing Sirhan as a sick, pitiful psychotic.

In the process, the defense team seems at times to be deliberately rubbing their client raw. At one point this week, chief defense investigator Michael McCowan snatched a cigarette out of the defendant's mouth although smoking is permitted in the courtroom when judge and jury are absent. At another point, when Sirhan began jabbering with Parsons, Berman loudly told him to shut up.

Prosecutor Compton did not say whether the State might join the defense in openly urging life imprisonment rather than death, should Sirhan's jurors find him guilty of first degree murder.

But District Attorney Evelle J. Younger and his aides were ready to do just that last month in the abortive bargaining over Sirhan's "copping a plea."

The prosecutors were, and still are, firm in their conviction that the moody, unpredictable immigrant's killing of Kennedy was willful, premeditated, deliberate murder. But they evidently agreed, and

perhaps still do, that there might be enough wrong with Sirhan to make the death penalty inappropriate.

As a result, Sirhan's lawyers agreed on a plea of guilty to first degree murder, and the prosecution agreed to settle for life imprisonment. But Superior Court Judge Herbert V. Walker vetoed the arrangement.

"It was, pure and simple, a compromise," says Cooper. "It was based on the information they had from their psychiatrists and our psychiatrists."

The medical experts met Feb. 2 in Cooper's law offices, led by Dr. Seymour Pollock for the prosecution and Dr. Bernard L. Diamond for the defense. Both had tape recorders and, Cooper has said, the unusual session constituted "about as full a disclosure, I think, as anyone could have."

On Feb. 10, Younger and his assistants joined in urging life imprisonment before Judge Walker. But the judge rejected the proposal, insisting that the jurors should fix the penalty.

And with the jury, as Sirhan's attorneys acknowledge, anything can happen. "I've seen cases," says Cooper, "where judges have advised juries to acquit and they convict."

Sirhan, in short, may lose his pride and still wind up in the gas chamber. But there is no telling what he might do or say in the weeks ahead, especially if called as a witness. He has, it appears, a fertile imagination: