

A F F I D A V I T

ON BEHALF OF SIRHAN SIRHAN PRESENTLY SERVING TIME IN SAN QUENTIN PRISON.

I, Dr. Eduard Simson, being first duly sworn, depose as follows:

1. I have been a resident of the State of California since 1949. I have lived in Monterey, California for more than five years.

2. I am now and for approximately seventeen years have been engaged in the field of clinical psychology and psychotherapy. I was licensed as a psychologist in the State of California in 1960.

3. My formal academic background includes graduation from Stanford University (A.B.), a M.A. from New York University, a M.Psy. from the University of Louisville, a Ph.D. (Magna Cum Laude) from Heidelberg University, and a Diploma in Community Psychiatry, State of California Center for Training in Community Psychiatry and Mental Health Administration in Berkeley. I was Post-Doctoral Fellow with the Devereux Foundation, and a USPHS-NIMH Post-Doctoral Fellow at the University of California, Berkeley.

4. My membership in professional organizations includes: Fellow-British Royal Society of Health; Fellow-American Society for Clinical Hypnosis-ERF; Fellow-International Council of Psychologists; member-American Psychological Association, American and International Society for Clinical and Experimental Hypnosis, American Association of Mental Health Administrators and American Association of University Professors.

5. My practical experience and positions held include five years Chief Clinical Psychologist, Monterey County Mental Health Services; six years, Senior Psychologist, California State Prison, San Quentin; four years Chief Psychologist, Hunterdon Medical Center, New Jersey; and two years Clinical Psychologist, Alaska Territorial Department of Health.

6. I have taught Abnormal Psychology and Methods of Psychotherapy at the University of California, Santa Cruz Extension Program as well as at the University of Hawaii, Hartnell College and California State University, San Jose (a total of twenty-eight courses). I have also taught college extension courses for prisoners at Soledad Correctional Training Facility.

7. During my six years with the San Quentin Prison (two years full time, four years part time), I had an opportunity to study thousands of prisoners, including the condemned men on Death Row. For two years I was in charge of San Quentin Prison's psychological testing program.

During the summer of 1969, I interviewed and tested extensively and repeatedly during approximately twenty weekly visits, one particular inmate on Death Row, Sirhan Sirhan (accused of killing Senator Robert F. Kennedy).

8. After my visits with Sirhan were terminated, I found that Sirhan had repeatedly requested that his family contact me for the specific purpose of reviewing the psychiatric testimony that had been given at his trial. I reserved my decision to become further involved in this case until a much later date when I had the chance

to meet and talk to William W. Harper, a ballistic's expert and to study the trial transcripts. Mr. Harper's findings encouraged me to look further into the psychiatric testimony. I am appalled at the conduct of the mental health professionals involved in this case. It was with some reluctance that I agreed to examine the transcripts of the trial testimony as given by the psychologists and psychiatrists. I undertook the writing of this affidavit because I feel that it would be a disservice to the profession of psychology to let this matter rest without further review.

9. I discussed my findings with the prison's Chief Psychiatrist, Dr. David G. Schmidt. It was our conclusion that the findings reported during Sirhan's trial did not match but, in fact, were strictly in conflict with our findings elicited from Sirhan at San Quentin. My psychological test findings were strongly in conflict with the testimony of the trial's main witnesses, Dr. Diamond, Dr. Schorr, and Dr. Richardson, as well as with the testimony of psychologists performing "blind analysis" of Sirhan's "raw (test) data."

Nowhere in Sirhan's test responses was I able to find evidence that he is a "paranoid schizophrenic" or "psychotic" as testified by the doctors at the trial. My findings were substantiated by the observations of the Chief Psychiatrist at San Quentin, Dr. Schmidt, who also did NOT see Sirhan as psychotic or paranoid schizophrenic.

For instance, the bias and errors of the psychologists, such as Dr. Schorr, are well illustrated by the fact that his IQ estimates of Sirhan were significantly lower than those I obtained at San Quentin. During my testing at San Quentin, Sirhan obtained the following results on the Wechsler Adult Intelligence Scale:

Verbal IQ 129 (Very Superior)

Performance IQ 119 (Bright Normal)

Full Scale IQ 127 (Superior)

Dr. Schorr testified that his intelligence testing of Sirhan produced the following, much lower, IQ estimates:

Verbal IQ 109 (Average)

Performance IQ 82 (Dull-Normal)

Full Scale IQ 98 (Average)

From these scores, Dr. Schorr inferred and related to the jury that, based on his intelligence testing, Sirhan was a schizophrenic. Actually he was performing below his true intelligence because:

a) he was under stress of being imprisoned under very unusual circumstances,

b) he did not, as an Arab, want to cooperate with a Jewish doctor (doctors) he deeply distrusted.

This deep distrust, NORMAL (under the circumstances) was interpreted by his doctors as "paranoia", "schizophrenia", or "psychosis". None of these labels could describe Sirhan's behavior on Death Row where I found that his behavior fell well within the normal range.

10. The testimony of psychiatrists and psychologists, which I have carefully studied from trial transcripts, shows significant errors, distortions, even probable falsification of facts. The main reason for these errors rests largely on their belief that Sirhan killed Robert F. Kennedy. Their approach to examining Sirhan was highly misguided because of this preconceived notion. Had they known the ballistics evidence strongly contradicts Sirhan

having killed Robert F. Kennedy, their approach to interpreting Sirhan's test responses and spontaneous behavior would have been different. Pp 8063, 8068, 9, 70.

11. Assuming that Sirhan killed Robert F. Kennedy, an assumption, the validity of which apparently no one seriously questioned, the mental health specialists saw their role primarily in proving what to them was a known fact, rather than in discovering the truth. Consequently, since their approach was incorrect, they related erroneous conclusions to the jury.

12. The fact that the doctors examining Sirhan were mostly Jewish, whom Sirhan, as an Arab, highly distrusted, no psychological test results or hypnotic experiments conducted by them could be expected to yield valid information. The Jewish doctors, personally involved in the Arab-Jewish crisis, should have disqualified themselves. Psychological testing can provide valid information only when the subject trusts and fully cooperates with a psychologist. This Sirhan did with me, but, as he revealed to me, not with the court psychologists. Consequently, with or without hypnosis, the court psychiatrists and psychologists were NOT in a position to "unlock" Sirhan's mind. This could only be done by a doctor Sirhan fully trusted. I had become such a doctor for Sirhan. I believe I was well on my way to accomplishing this task, but could not complete it because my visits with Sirhan were abruptly terminated by San Quentin's Associate Warden James Park.

13. The following examples which I discovered in the trial transcripts serve as illustrations of the many errors and biases of

the psychologists and psychiatrists. They apparently were unaware of them because they had pre-judged Sirhan as guilty.

Dr. Richardson testified that he used his test responses alone for reaching his conclusions, yet he also admitted that even not using tests, the known act of killing the Senator, would have led a psychologist to assume he was dealing with a paranoid personality. Dr. Richardson told the jury (p. 6444) "...there is no denying that the first thing that would pop to mind is a paranoid personality - to a psychologist... Since we know that assassins far back in the United States history are people who tend to be paranoid people, and this is what we read in our textbooks, and so the assumption is paranoid." He also testified (p. 6443) that hearing and reading in the news media about Sirhan and his presumed killing of Robert F. Kennedy, before his testing, he was "feeling anger at Mr. Sirhan, a general feeling of wishing to punish (him)".

A doctor who feels anger at his client and wishes to punish him is a very poor doctor. His bias becomes an obstacle and he loses the necessary objectivity needed to arrive at a professional judgement. In this case, he is no longer a doctor but an emotional layman and should decline to give testimony - just as jurors are disqualified whenever personal reasons interfere with impartial judgement necessary for a fair trial. Examinations of such a client should be left to a more objective, emotionally uninvolved psychologist or psychiatrist.

14. The testimony of Dr. Schorr, the court's major psychologist-witness, contains many errors. The test responses he claims to have obtained from Sirhan are much more "sick" than those I obtained and which others also obtained from Sirhan at San Quentin. For instance,

Dr. Schorr's results from the Minnesota Multiphasic Personality Inventory, showed marked pathology and paranoia in contrast, the results of testing with the same test at San Quentin fell within the normal range. Had Sirhan been truly "schizophrenic", a chronic condition, he could not have produced normal responses during my repeated testing of him over a period of several months.

Dr. Schorr testified that Sirhan's MMPI was abnormal and it gave "...the truth, the whole truth, as Mr. Sirhan sees it and it is not a distortion due to conscious lying...what follows is valid, whatever follows is valid." (p. 5561)

This is a drastic overstatement and distortion of facts to the jury. I have seen thousands of MMPI results of inmates at San Quentin, where, under my direction, this test was administered once a year to almost all the prisoners. My conclusion was that the prison population the MMPI was a near-useless and possibly an invalid instrument which I was considering discontinuing altogether. The more intelligent a person is, the more quickly he learns to provide whatever responses he believes will be most advantageous to him; that is, he readily learns to falsify the results. The MMPI as a test has some value with naive individuals who are not under a specific stress. Dr. Schorr's testimony, based on the MMPI, was invalid and misleading to the jury.

15. To illustrate that the tester himself is an important variable and that he may influence the testing process, Dr. Schorr elicited twenty-six Rorschach responses from Sirhan (Dr. Schorr tested Sirhan December 1968, p. 7774), while another psychologist at the trial, Dr. Richardson, (Dr. Richardson tested Sirhan August 1968, p. 7764) elicited sixty-three responses!

16. It was improper and unethical for Dr. Richardson to change his psychological test findings after he read Dr. Schorr's report as he states he did (pp. 6416, 17, and 6447, 8).

Professionals must work independently in order not to be influenced by the bias of colleagues. Dr. Richardson utilized conclusions made by Dr. Schorr; at the same time, these psychologists made false statements to the Court, testifying that they worked independently.

17. Dr. Schorr gave the "raw data" obtained from the non-cooperative Sirhan to other psychologists who compounded the errors because they lacked the most vital information, the observation of the subject's (Sirhan) behavior during testing. "Blind analyses" are not a valid means of testimony in court nor a valid procedure in clinical practice. A psychologist should never express an opinion on a client unless he or she personally examines him.

18. Dr. Seward testified she was asked by Dr. Pollack to do a "blind analysis" of Dr. Schorr's test materials by Dr. Pollack. She acknowledged and testified she used Dr. Schorr's evaluation which is an improper procedure:

"... It's the whole attitude with which the examiner approaches the subject who is going to be tested that is important." To get his cooperation. You can't get any kind of a valid response in IQ unless you are sure that your subject wants to work with you; that he is doing the best he can." (p. 7282)

Sirhan told me that he never gave such cooperation to his Jewish psychiatrists and psychologists either before or during the trial. This renders their test findings, hypnotic experiments and psychiatric interview material invalid. This misleading information should not have

been considered valid testimony at the trial.

19, In contrast to the psychiatrists-psychologists team on the trial there was one psychologist, Dr. Crain*, who followed the correct guidelines for mental health professionals; he refused to testify without, himself, seeing and examining Sirhan. Dr. William Crain testified (p. 6636):

"Clinical psychologists particularly do not, and I would not have submitted the report to the Court on the basis of the raw data. I would have insisted on seeing the defendant."

The Court: "(Dr. Crain) ...has said he couldn't give an opinion to the Court based on the tests alone. (p. 6637)." Dr. Crain was the one psychologist at the trial who did not violate his professional ethical guidelines.

20. Dr. Diamond testified (pp. 6979 and 6980): "I might say that I don't wish to give you the impression here that Sirhan is cooperative in the least. Sirhan never talked to me very much. I don't think he ever really believed that I was working for the defense despite the reassurances of his attorneys ... Sirhan represented on my part a power-struggle with Sirhan in which he is very evidently determined to let me know, at least supposed, but I was equally determined to the maximum and I think the struggle still goes on to this day." (pp. 6979, 80)

From the very beginning Sirhan suspected Dr. Diamond was Jewish and it was during the sixth visit (out of a total of 8) that Dr. Diamond confirmed Sirhan's suspicions that Dr. Diamond was indeed Jewish. Sirhan's reaction is best seen through the eyes of Dr. Diamond:

*Transcript spelling is "Crain" but the index spells it "Crane".

"... for the first time [Sirhan] demanded to know whether I was Jewish and I told him that I was. Then he went into a kind of tirade about Jews, and he hadn't been told."

"I incorrectly assumed he had been told and he knew, so there was quite a hassle about this, and I didn't think it proper as a psychiatrist that I would be Jewish, but finally reluctantly he agreed to go on."
(pp. 6979, 6980)

Dr. Diamond testified (at the time of the trial) that his daughter, granddaughter and his son live in Israel. (p. 7043)

Under these circumstances Dr. Diamond certainly should have disqualified himself as a witness in Sirhan's trial. It was impossible for him to remain impartial and objective.

21. Dr. Seward testified (p. 7270, lines 24, 25) that she did know the identity of Sirhan; this means her work was not a "blind analysis" as she claimed and further rules out the necessary objectivity. She knew the charge was political assassination (p. 7271). She was aware of Sirhan's identity. Both factors obviously influenced her testimony, although she also improperly testified that her findings were based solely on test materials.

22. Dr. Richardson's testimony is based on his assumption that Sirhan killed Robert F. Kennedy. Without this conjecture which he assumed to be the truth, his whole testimony would be without an anchor-point, without a foundation. While he claimed he based his statements on psychological tests, his testimony clearly shows it was

the preconceived conviction that Sirhan killed Robert F. Kennedy that molded his testimony; his statements were selected largely to support that fact.

23. Dr. George DeVos testified about Sirhan, yet he never examined Sirhan himself. He should never have presented to the court a diagnosis of "paranoid schizophrenia" (p. 7308) as he did, basing it merely on opinions and test materials gathered by others, such as Dr.'s Pollack, Schorr, and Richardson. If a professional expresses a professional opinion, he must examine the patient himself. Furthermore, his was not a "blind analysis" for he knew the test materials were from Sirhan. (p. 7328. Lines 1,2,3) Sirhan's name was on the test materials. Dr. DeVos also testified that the test materials he used as a basis for his evaluation given to him were incomplete (p. 7320) as indicated by the fact that he did not receive individual responses for his evaluation.

24. Dr. Marcus testified on the basis of a book "The American People" by Muzzey (p. 6790, 6792) that Sirhan had underlined two portions of it dealing with McKinley's assassination. There is an addition to the printing in someone's handwriting stating "Many more will come!". The defense attorney, Mr. Cooper, made the stipulation that it was Sirhan's handwriting, although he is not a handwriting expert. There is no evidence to support this assumption for the handwriting distinctly differs from the many handwriting samples I received from Sirhan.

During the course of preparing this affidavit, Mr. M. McCowan's defense investigative file was brought to my attention. Of particular

interest here was the pedantic collation of Sirhan's books taken by McCowan. These books were twenty-nine in number and the list was given to Sirhan's family. The before-mentioned book is included in this list. Mr. McCowan describes with great detail "The American People" by Muzzey. On page 373 over a picture of Ulysses S. Grant is written "Nuts to myself" twice. This is written with a fine pencil and very lightly. Mr. McCowan concludes his report of this book: "The writing does not appear to be Sirhan's writing", and Mr. McCowan clearly states: "The above concludes the writings in this book". However, on page 527 there is a very strongly pressed pen underlining: "It was his last public utterance..." And there is a handwritten addition: "Many more will come." This sentence Dr. Marcus quoted at the trial. If McCowan could see the very fine writing on p. 373, how could he fail to see the different and heavily underlined notations on p. 527? In view of the fact that Mr. McCowan's research is so thorough, I find it incomprehensible that this could have been overlooked. Sirhan's consistent feelings about strange handwriting in his notebook and this addition leads me to believe that someone other than Sirhan underlined and made notes in this book -- at some date after these books were taken from Sirhan's home.

25. Reading and studying carefully the transcript of Sirhan's trial, there is a dominant impression that the psychiatric-psychological team, largely made up of Jewish doctors, pooled their efforts to prove that Sirhan, the hated Arab, was guilty and insane, a paranoid schizophrenic. Subsequent studies I have done in a more neutral, trusting relationship at San Quentin clearly point out the simple truth: Sirhan is not and was never a paranoid schizophrenic. The jury

was fed pooled information, the main author of the defense strategy being Dr. Diamond. The evidence suggests that Dr. Diamond was wrong, was not objective enough and was not an impartial searcher for truth as a psychiatrist in such a grave situation involving a man's life and death should be. The testimony that followed, too often utilized textbook stereotyped descriptions, rather than the life and personality of a bright young Arab, Sirhan Sirhan. Sirhan had become the center of a drama that unfolded slowly, discrediting and embarrassing psychology and psychiatry as a profession. He was the center of a drama, the true center of which probably still lies very much concealed and unknown to the general public. Was he merely a double, a stand-in, sent there to draw attention? Was he at the scene to replace someone else? Did he actually kill Robert Kennedy? Whatever the full truth of the Robert F. Kennedy assassination might be, it still remains locked in Sirhan's mind and in other, still anonymous minds.

26. Dr. Diamond testified (p. 6848): "(Sirhan) was more than willing to communicate to me that he had shot and killed Senator Kennedy." Sirhan told me that he did not trust Dr. Diamond, that he was making up stories for him to please and confuse him. (p. 6884) Dr. Diamond is correct in admitting that Sirhan lied to him and that it was difficult for him to determine what was truth, what was lie. Yet he drew conclusions from such material, presenting it as the full truth.

To illustrate Dr. Diamond's typical tendency to reach beyond his competence and be an expert also in areas of no expertise, he testified (p. 6854) "I am somewhat familiar with guns ... this type of revolver (that Sirhan used) ... never should have been manufactured and all

available copies should be destroyed..." A response of this type suggests a lack of objectivity and a desire to prove a preconceived notion. Dr. Diamond erred in assuming the role of a gun expert. He calls Sirhan "careless" and "irresponsible" (p. 6854) for not unloading his gun; it could have just been an oversight.

27. (p. 6865) Dr. Diamond: "...it was possible for me to pick up subtle evidence of mental illness." Yet he omitted the source of the evidence from his testimony. I, in contrast, did not see any evidence of "mental illness" in Sirhan in my extensive psychological testing, nor in his spontaneous behavior during the numerous hours we spent together.

28. (p. 6865) If Dr. Diamond's label for Sirhan, "dementia praecox" was correct, Sirhan would have to be incurably insane; that is what this label means. Sirhan was not "incurably insane", or even "insane" as I found from my testing and interviews that extended to the summer of 1969. Dr. Diamond was also wrong testifying that dementia praecox includes "violent activity of all kinds". In fact, such patients are confused, withdrawn, and regressed but seldom violent. "Whatever strange behavior I showed in court," Sirhan told me, "was the result of my outrage over Dr. Diamond's and other doctor's testimony. They were saying many things about me that were grossly untrue, nor did I give them my permission to testify in my behalf in court."

A conclusion emerges from the study of court transcripts that the Sirhan's "notebooks" were modified and changed to support the improper diagnosis of paranoid schizophrenia. This is an assumption that should not be ignored.

29. Dr. Diamond is wrong in testifying that the evidence for

psychosis was obtained when Sirhan was under hypnosis (p. 6881). The fact is, paranoid schizophrenics are almost impossible to hypnotize. They are too suspicious and do not trust anybody, including friends and relatives, not to speak of a hypnotist from, for him, the most hated race. Psychotics in general are among the poorest subjects for hypnosis. They cannot concentrate, they do not follow instructions and basically do not trust. Sirhan, however, was an unusually good hypnotic subject. Sirhan asked me to hypnotize him, which I did not do, in order not to contaminate my test findings with fantasies. He himself had manufactured a hypno-disk was practicing self-hypnosis in his Death Row Cell, an activity requiring considerable self-control which no psychotic has. The fact that Sirhan was easy to hypnotize, as testified by Dr. Diamond, proves he was not a paranoid schizophrenic (during one hypnotic experiment Dr. Diamond made Sirhan jump around, like a monkey; only good hypnotic subjects respond so readily to hypnotic suggestions).

30. (p. 6907) Dr. Diamond testified: "Schizophrenia (as he diagnosed Sirhan) is a disease of the mind which is all pervasive." Admitting this, he presented no evidence, no proof that Sirhan was totally disorganized, "sick" across the board in his mental functioning. Quite to the contrary, numerous witnesses saw him as highly intelligent and well oriented. The fact that Sirhan's behavior was quite appropriate to the reality he was in makes his behavior essentially normal. Normal behavior is tuned in to reality, is fitting to the circumstances in which the person finds himself. The "mentally ill" person does not like his reality and handles it by substituting a world of fantasies; he substitutes his fantasies and wishful thinking to reality, something he can handle without loss of self-esteem.

31. (p. 6914) Dr. Diamond used hypnosis in 6 sessions out of 8 with Sirhan. What was the purpose of it? To plant ideas in Sirhan's mind, ideas that were not there before? To make him accept the idea that he killed Robert F. Kennedy? Dr. Diamond's testimony certainly suggests this. Dr. Diamond testified (p. 7187) that he could not guarantee the authenticity of what Sirhan said under hypnosis. "I make no claim whatsoever (p. 7188) for hypnosis as indicating the validity or the truth of a statement. So I can't vouch for the truth. But it did allow me to obtain a great deal of additional information ... about Sirhan's feelings." At other times, however, Dr. Diamond contradicted himself as far as the usefulness of hypnosis is concerned.

When Dr. Diamond was unable to get Sirhan to admit that he wrote the notebooks, he testified: (p. 6978) "... so I undertook some experiments on possible hypnotic suggestion." This admission strongly suggests the possibility of hypnosis being used for implanting hypothetical ideas in Sirhan's mind, rather than uncovering facts.

31. (p. 6916) A lie-detector (polygraph), not hypnosis, should have been used in finding out whether Sirhan killed Robert Kennedy. Why was a lie-detector not used? It should have been, as it is much more reliable than hypnosis which often provided contaminated results.

A polygraph evaluation should have been made asking a simple question: "Did you, Sirhan, shoot R.F.K.?" This was never done. Dr. Diamond's testimony is wrong, as he states (p. 6916) "I have little or no faith in the accuracy (of a lie detector)." The truth is, the polygraph exceeds in accuracy certain techniques, such as hypnosis that tend to fuse and contaminate experiences from past and

present and also can be influenced significantly by the operator (hypnotist); it makes a significant difference who the hypnotist is.

32. (p. 6917) Sodium Amytal interview is also quite harmless and probably more helpful than hypnosis; unfortunately, it also was not used to get at the truth. While more appropriate, the risks involved in the use of Sodium Amytal were greatly exaggerated. The court obviously relied too heavily on Dr. Diamond's testimony, which was so biased that it should have been discarded in its entirety.

33. The handwriting of Sirhan in his notebooks differ, often drastically, from the handwriting on numerous test materials I obtained from Sirhan at San Quentin. Whether someone else wrote the notebooks or whether they were written under some special influence, such as hypnosis, is entirely unsolved. If someone hypnotize him when the notebooks were written, who was it? Unfortunately, the defense failed to bring in a handwriting expert. No one apparently asked this very important question at the trial where the professionals were primarily over-eager to prove that Sirhan was a paranoid schizophrenic.

Dr. Diamond testified (p. 7199): "I doubt that he (Sirhan) believes that it was truly his writing in the notebook threatening the assassination of Robert Kennedy; I know that he does not believe that he actually wrote the automatic writing I showed here in the courtroom."

Dr. Diamond testified (p. 6977): "I asked him (Sirhan) about the various details of automatic writing (in the notebooks), this and another card which we experimented with, and he observed that

some of the r's were made in an unusual manner and he answered, he wanted to know whether we had hired a handwriting expert to forge the papers (forge his handwriting)."

Dr. Pollack testified (p. 7550) that Sirhan doubted the handwriting in the notebooks was his.

At no time did Sirhan offer the admission that he wrote the notebooks; yet the notebooks were one of the most important parts of evidence leading to his conviction. (p. 6978) Sirhan rejected and disowned the notebooks. According to a handwriting analyst's testimony (p. 7415) the handwriting in the notebooks was by someone who was "taking a little more pains with it than he ordinarily does". It is unlikely people do this in their notebooks; a more reasonable assumption is, it is done more by someone who tries to imitate a handwriting. Mr. Sloan, the prosecution's handwriting analyst, (p. 7432) was very likely also influenced by the fact that he believed Sirhan killed Robert Kennedy. I strongly suspect the notebooks are a forgery, for the thinking reflected in them is foreign to the Sirhan I carefully studied.

34. Dr. Diamond, the defense psychiatrist, blocked further evaluation of Sirhan by Dr. Pollack when Dr. Pollack did not agree with his views on Sirhan, thus further adding to the bias of promoting one specific interpretation to the jury. (Dr. Pollack did not agree with the diagnosis of Sirhan as a "schizophrenic" or "paranoid schizophrenic", as did the psychiatric TEAM working under the direction of Dr. Diamond.)

The following testimony is from Dr. Pollack (p. 7725): "I found no symptoms of any psychosis in Sirhan."

(p. 7513) "Sirhan was NOT psychotic."

(p. 7572) "Sirhan was not in hypnotic trance when shooting R.F.K."

(Did he know for sure, or did he only assume that Sirhan shot R.F.K.?)
How did he know Sirhan was NOT in a hypnotic trance?

(p. 7583) "It is very difficult to hypnotize a psychotic person" yet Dr. Diamond's testimony shows that Sirhan was very easy to hypnotize!

(p. 7768) "Dr. Diamond expressed a great deal of anger and resentment" over Sirhan's being examined by Dr. Pollack.

(p. 7736) Dr. Pollack to D. A. Younger: "... Dr. Diamond's inferences do not carry the weight of reasonable medical certainty."

(p. 7769) "Dr. Diamond led me to believe very strongly that he no longer wanted me to participate (in examining Sirhan)." Consequently, Dr. Pollack no longer continued to examine Sirhan, although he felt it was necessary.

In a more proper and ethical evaluation of Sirhan all the psychologists and psychiatrists should have worked independently. They should NOT have worked as a team, contaminating and influencing each others' views and findings. For example, Dr. Richmond's testimony stated that Schorr's findings made him change his conclusions (p. 6447) and Dr. Diamond eliminated Dr. Pollack's further study of Sirhan after he found he did not agree with him. Had it been a proper, ethical procedure, Sirhan would have been independently examined by each doctor. The findings should have been offered independently by each doctor to the jury -- then their evaluations would have been more objective and closer to the truth. Certainly the jury would have had a more true and valid picture of the kind of man Sirhan actually is. As it happened, the jury was over-exposed to Dr. Diamond's stereotyped

speculations, views, and biases. The people who agreed with him were merely his echo.

(pp. 7195, 7196) The doctors: Diamond, Pollack, Richardson, Schorr and Marcus met in Defense Lawyer Grant Cooper's office library for more than six hours on February 2, 1969. Also present, part of the time, was Dr. Stanley Abo, a physician. This is both highly unethical and improper. Diagnosis is not to be established by a majority vote or a committee but rather by what the patient's behavior communicates to a doctor. No such team conference between doctors should have taken place at the early inception of the trial -- just as it would have been illegal and improper for the jurors to meet together at this early phase of a trial to discuss whether the man on trial is guilty or innocent! The court takes great pains to warn the jury not to discuss the case until the trial is concluded.

35. Dr. Schorr is guilty of plagiarism. In his written report on Sirhan, Schorr borrowed extensively, very nearly verbatim from Dr. James A. Brussel's Casebook of a Crime Psychiatrist. Dr. Schorr copied from the chapters "The Mad Bomber" and "Christmas Eve Killer" -- two cases NOT similar to Sirhan's; yet Dr. Schorr's report on Sirhan shows a "striking similarity" with these cases (p. 6188). Dr. Schorr (p. 6201) borrowed verbatim from the above mentioned work -- which is not a scientific source for an important evaluation of a man fighting for his life. At the same time Dr. Schorr testified to the jury that his work was all "independent" (p. 6204) -- this is patently inaccurate. He was borrowing verbatim, while claiming it was his own, his own alone, and all derived from the psychological tests (p. 6256). Dr. Schorr repeated unidentified quotations from

the "Mad Bomber" thus rendering his report of Sirhan invalid. Such conduct by a psychologist leaves in question his skill as a psychologist in general. Dr. Schorr (p. 6282) copied six quotes from the "Mad Bomber" and inserted them in his final report on Sirhan. Dr. Schorr (p. 6285) further testified that Sirhan had delusions between ages 4-14. This is impossible to tell, as Dr. Schorr was not able to study or see Sirhan between the ages of 4 and 14. Mr. Howard, the Assistant District Attorney, commenting on Dr. Schorr's borrowing from a colleague's book of crime to describe paranoid schizophrenia stated, quite correctly: "This is the most dishonest thing a witness can do before this court or any court."

36. Sirhan informed me that he was never warned that the responses to psychological tests he gave could be used in court and could be used against him. He thought that such material is part of a doctor-patient relationship and confidential. When Sirhan attempted to speak out at the trial over what he knew to be incorrect testimony by a doctor, he was threatened by Judge Walker, who told him that no such "blow-ups" were to be tolerated (p. 1551). For instance: Sirhan: "Your Honor, Sir..." The Judge: "You sit down or I will do what I told you I was going to do." (forcefully shut him up.

Sirhan told me that Dr. Diamond said to him he was not a schizophrenic and paranoid but that he was telling this to the court only in order to save his life, to win the case. Sirhan was angry with Dr. Diamond because of such betrayal which he did not accept or approve of, yet over which he had no control. As a result, Sirhan felt not only a prisoner of the legal authorities, but of the psychologists and psychiatrists who examined him as well. Under the above circumstances, such testimony would have to be seen as illegal

as well as invalid.


37. Dr. Diamond's testimony strongly suggests that his hidden aim was to disturb Sirhan emotionally with the use of hypnotic experiments so he would behave like a paranoid schizophrenic, and so support his theories (I would more appropriately term them Freudian fantasies) which would explain why Sirhan killed R.F.K.

38. In summary, my repeated psychological testing of Sirhan Sirhan after his trial and our interviews strongly indicate that the psychiatric-psychological testimony at the trial was full of numerous factual errors and misleading to the jury. Most of the doctors testifying saw their role in proving why Sirhan killed Kennedy, which required a focus on pathology (mental illness) that I found does not exist. They failed to consider the real facts in a more objective light and failed to consider the possibility clearly suggested by the ballistic testimony and Sirhan's own testimony under close scrutiny that perhaps Sirhan did not kill Robert F. Kennedy.

Sirhan's trial was not handled properly by the mental health professionals. In retrospect, a close study of the trial testimony and my own extensive study of Sirhan leads to one irrevocable and obvious conclusion:

Sirhan's trial was, and will be remembered, as the psychiatric blunder of the century.

Dated: March 9, 1973


Eduard Simson, Ph.D.

STATE OF CALIFORNIA)

COUNTY OF MONTEREY)

On this 9 day of March, 1973, before me appeared, personally, EDUARD SIMSON, known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.



21 W. Alisal, Ste. 120, Salinas, CA. 93901

La Vone H. Crouse
Notary Public in and for said
County and State