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Sirhan Defense Argument

Special to The New York Times

LOS ANGELES, April 11—
Following are excerpts from
the closing argument of Grant
B. Cooper, defense counsel in
the Sirhan B. Sirhan trial:

Let me state at the outset
that I want this to sink in if
anything sinks in—we are
not here to free a guilty man.
We tell you, as we always
have, that he is guilty of hav-
ing killed Senator Kennedy.

And as I have said before,
we are not asking for an ac-
quittal and we expect that
under the evidence in this
case, whether Mr. Sirhan
likes it or not; under facts of
this case he deserves to spend
the rest of his life in the
penitentiary.

I will tell you this as one
of the three defense lawyers
in this case—I wouldn't want
Sirhan Sirhan turned loose
on society.

I wouldn't want Sirhan
Sirhan to be turned loose be-
cause he is dangerous, espe-
cially when the psychiatrist
tell us that he is going to get
worse, and he is going to be
getting worse.

There are two sides to
Sirhan Sirhan as has been
pointed out by the psychia-
trists, which I think demon-
strates the type of mental
illness he has.

Obligation to Society

There is a good Sirhan and
a bad Sirhan and the bad
Sirhan is a nasty man, but
just as Mr. Parsons said, he
has learned to love him, so
I have learned to love him,
the good Sirhan.

But notwithstanding that
we as lawyers owe the obli-
gation to do what we think
is right for him to the fullest
extent of our ability. We also
owe an obligation to society.
And, I for one, am not going
to ask you to do otherwise
than to bring in a verdict of
guilty of murder in the sec-
ond degree.

We can admit that on June
2d he went to the Ambassa-
dor Hotel, having in mind
that he wanted to kill Sena-
tor Kennedy, either then or
at a subsequent time; that he
went there for the purpose, I
think—as Mr. Fitts said in
the vernacular that is used,

of casing the joint—in other
words, looking the place over
to see if he could find an ad-
vantageous point to shoot
him.

We can admit that he made
inquiries of the different per-
sons, sometimes on the 2d
and sometimes on the 4th, as
to the route that Senator Ken-
nedy would take; where he
was going to have bodyguards
or not—all of these things—
all of these things go to show
premeditation and delibera-
tion. It shows some planning.
It shows some thinking.

But we come back to the
law as I have explained it

to you, and whether or not
that is mature and mean-
ingful thinking.

Now the important thing
is this — remember this —
that the issue in this case is
the issue of diminished ca-
pacity with respect to pre-
meditation and deliberation.
It isn't what happened at
the time of the firing of the
shot, the deliberation took
place a long time before that.

I don't care whether he
was in a hypnotic state at the
time he fired the shot, or
whether he was in a trance.
This is beside the point.

The question that you are
to determine is not what his
condition was at the time he
fired the shot, but whether
he could maturely and mean-
ingfully premeditate; and
from the facts in this case, I
think you will agree with me
that the premeditation went
back certainly to at least
May 18th, when he wrote in
his book, "My obsession to
kill Senator Kennedy," or
"my desire to kill Senator
Kennedy," or words to that
effect, "is becoming more the
more of an obsession."

And probably he had an
intention of killing somebody
and planning to kill some-
body, because I remember in
one of the writings in his
book he planned to overthrow
the entire Government of the
United States. But he said he
hadn't formulated his plans
yet.

This is when the premedita-
tion—it isn't what his state
of mind was at the time he
fired the shots; as a matter
of fact as I personally view
the testimony, were you to
accept the fact that he shot
Senator Kennedy in a disso-
ciated state, he would be not
guilty by reason of insanity,
because he didn't know what
he was doing at the time. In
other words, he makes him
crazier than the others.

Now what happened? Sir-
han Sirhan became unglued
when he shot Senator Ken-
nedy. His glue didn't hold
him together. His brakes
wouldn't hold. And he had
been going downhill, as most
of the psychiatrists have told
you.

Now, as I have told you—
I shouldn't say "as I have
told you"; as the law tells
you—as I have tried to ex-
plain the law—motive is not
an essential element of the
crime of murder. But motive
may be offered in evidence
and it is the motive with
which a person commits an
act that determines the de-
gree of the crime. Sometimes
it can aid you in determining
the degree.

SIRHAN IS CALLED UNABLE TO PLAN

Lawyer Says His Condition
Before Killing Is Vital

By DOUGLAS ROBINSON

Special to The New York Times

LOS ANGELES, April 11 —

The chief defense attorney for Sirhan B. Sirhan suggested today that if the jurors really believed that the defendant killed Senator Robert F. Kennedy while in a self-induced trance, they would have to find him "not guilty by reason of insanity."

Thus, the attorney, Grant B. Cooper, appeared himself to be highly skeptical of testimony by a defense psychiatrist that Sirhan was in a "dissociative state" at the time of the killing.

Mr. Cooper, who, in his closing argument, has been pressing the jury for a conviction of murder in the second degree, said that "it is beside the point" whether Sirhan was in a hypnotic state when he shot the Senator.

"The question is not what his condition was at the time he fired the shots," Mr. Cooper told the jury, "but his condition during the time of premeditation. This is the issue in this case."

Three Options Explained

The attorney, who began his summation late yesterday, has consistently hammered away at the theory that Sirhan was unable to act in a "mature and meaningful" way in carrying out the assassination of Mr. Kennedy at the Ambassador Hotel.

Mr. Cooper, speaking in a school-masterish voice, spent a good part of the morning session lecturing the jury on the various verdicts they could return — first degree and second degree murder and manslaughter. He referred frequently to charts on brown wrapping paper that he had placed on a blackboard.

He repeatedly returned to his theme that a conviction for second degree murder would be based on a finding of "modified" premeditation and deliberation as well as malice aforethought, only slightly less than a finding of complete premedi-

tation and deliberation in a first degree murder verdict.

"If you have any doubts in your minds so that you can't say to a moral certainty that Sirhan maturely and meaningfully planned, premeditated and reflected on this crime, then you must find him guilty of second degree murder," Mr. Cooper said.

Yesterday, in his opening statements to the jury, Mr. Cooper stressed that he was not there "to free a guilty man." The defense, he continued, was not asking for acquittal of Sirhan. "Under the facts of this case, he deserves to spend the rest of his life in the penitentiary," Mr. Cooper said.

Psychiatrist Recalled

The attorney recalled the testimony of Dr. Bernard L. Diamond, a psychiatrist who had described Sirhan's mental state as "going downhill for at least a couple of years" and had said that "his brakes wouldn't hold."

In the same context, Mr. Cooper reminded the jury of Sirhan's explosive outbursts in the courtroom that kept on even after Superior Court Judge Herbert V. Walker had threatened to control him with a leather face mask and leg irons if he continued to interrupt the proceedings.

"Notwithstanding that admonition, the glue wouldn't hold," Mr. Cooper told the jury. "He couldn't control himself. Now, I ask you, are these the actions of a man acting maturely and meaningfully?"

The defense lawyer also talked of Sirhan's notebooks and how he persisted in saying he could not remember writing the threats against the lives of public officials, including Senator Kennedy.

"He said on the witness stand that although he couldn't remember writing them, these

were the thoughts in his head at the time," Mr. Cooper said.

"He didn't try to hide that these were his thoughts," the attorney continued. "Maybe there is something to this amnesia, because he wasn't trying to hide his guilt."

Mr. Cooper also referred once again to the testimony of Dr. Martin M. Schorr, the San Diego psychologist who was the defense's initial witness as to Sirhan's mental state and who had given the defendant a battery of personality tests in his jail cell.

Describing Dr. Schorr as "the little man in the green suit," the lawyer said he was "not too happy with his testimony,"

especially when the psychologist admitted that he had taken some of the language of his report from "A Case Book of a Crime Psychiatrist" by a New York psychiatrist, Dr. James A. Brussell.

"Frankly, I could have crawled under the table," Mr. Cooper said with a laugh. "Imagine, copying someone else's work because it sounded better."

Defends Raw Data

He pointed out, however, that the psychologist's raw data from the tests given the defendant were "in Dr. Schorr's own words and in Sirhan's own words."

"There was nothing wrong with Dr. Schorr's diagnosis that Sirhan was a schizophrenic paranoid because other psychologists and psychiatrists, who judged the data independently, arrived at the same conclusion."

At least two of these experts, he reminded the jury, had originally been retained by the prosecution.

In the afternoon, as Mr.

Cooper moved toward what he called "the home stretch," the attorney characterized the differences among psychiatrists and psychologists on the Sirhan case as "honest differences of opinion," adding that it was "remarkable that there was the unanimity there was."

He reminded the jury that in their initial examinations before the trial began they had pledged themselves not to be swayed by the fact that the victim was Senator Kennedy.

"Suppose the defendant in this case was a fellow by the name of John Smith, José Gonzales or George Washington Brown—in other words just one of the crowd—do you think you'd hesitate one minute in finding a verdict of second degree murder?" Mr. Cooper said. "No, you'd do just that."