

Sirhan Prosecution Asserts Analysis Was 'Cribbed'

By DOUGLAS ROBINSON
Special to The New York Times

LOS ANGELES, March 17—The prosecution in the murder trial of Sirhan B. Sirhan began an attempt today to discredit the testimony of a defense psychologist because his report on the mental state of the defendant contained material similar to that in a book published last year.

David N. Fitts, an assistant district attorney, told the court this afternoon that the report by Dr. Martin M. Schorr was "cribbed or copied or variously changed to suit his purpose."

Mr. Fitts made his comment during a long legal wrangle between the prosecution and the defense before Superior Court Judge Herbert V. Walker over which parts of a book by a New York criminal psychiatrist would be allowed in evidence. The jury was absent that Dr. Schorr based much during the argument.

The prosecution contends of his report on material in a book entitled "Casebook of a Crime Psychiatrist" by Dr. James A. Brussel, former Assistant Commissioner of Mental Hygiene of New York State.

The defense argues that Dr. Schorr's analysis was based solely on his own examination of the defendant and that only the words describing his condition were the same.

Other Similarities Hinted

Last week, a reader of The New York Times telephoned the newspaper to point out that much of Dr. Schorr's language in excerpts from his four-page report on Sirhan could be found in Dr. Brussel's book.

Although newsmen have been allowed to see only those few excerpts from Dr. Schorr's report that have been read in court, there were indications that the language of other pas-



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Dr. Martin M. Schorr

sages in the report would also prove to be similar to Dr. Brussel's.

In his testimony, Dr. Schorr has described Sirhan as being a "paranoid" with tendencies toward schizophrenia and hypomania, a diagnosis he reached after examining the scores of a series of tests that measure personality and emotions. Among them was the Rorschach ink blot test.

"There are a half dozen pages in the book, maybe more, with similarities," Lynn D. Compton, the chief assistant district attorney, told newsmen during the afternoon recess. "We want to read them all to the jury."

When the trial resumed after a two-hour lunch break, during which the defense had examined Dr. Brussel's book, the prosecution tried to enter the first 95 pages of the book into evidence.

The defense objected to a good deal of narrative material in the work, which revolves around two cases, that of George Metesky, the so-called "Mad Bomber," and that of a man who killed a Queens woman in 1957.

"We object to them [the prosecution] introducing any of the background of narrative sections," newsmen were told by Emile Zola Berman, one of the defense lawyers. "On the psychology, we have no objections."

Descriptions Likened

"There's no similarity to certain cases," Mr. Berman said, "but only to how they describe paranoia."

Dr. Schorr also submitted the four-page report, which he had distilled from an earlier nine-page report in which he had presented a psychological diagnosis of why Sirhan killed Senator Robert F. Kennedy last June.

The excerpts from this report, those read in court last week, contend that Sirhan killed Mr. Kennedy as a substitute for his father. It is those excerpts, that bear a striking similarity to passages in the Brussel book.

In today's legal argument, Judge Walker ruled several times in favor of the defense, allowing into evidence only those parts of the Brussel book that dealt with psychological problems.

But the prosecutors left no doubt that they hoped to introduce material in the book about other criminals in different circumstances through cross-examining Dr. Schorr.

In this morning's session, the jury once again listened to tape recordings made during the interrogation of Sirhan in

the hours following his shooting of Senator Kennedy. The tapes showed that although the defendant consistently declined to give his name, he engaged in friendly banter with his questioners.

When he returned to the stand, after all the tapes had been played, Dr. Schorr agreed under cross-examination that Sirhan did "not seem" to believe that he was being pursued by "real or imaginary people" or hearing "inner voices" during the interrogation.

Letter Dated July 10

The prosecution also brought forth a letter from Dr. Schorr to Russell E. Parsons, one of the defense attorneys, dated July 10, 1968, in which the psychologist offered to help in "pre-planning the proper jury" in the Sirhan case and also giving some observations on what might have been Sirhan's mental state.

At the same time, the psychologist urged that a "proper jury" be selected, one that was "tuned to the emotional needs of Sirhan."

The letter went on to say that the defendant might have been in an "abnormal or nervous condition" that might not have allowed for a "proper mental balance."

Dr. Schorr, under questioning, denied that he had come to a conclusion about Sirhan before examining him and said the statements in the letter had been based on "vague and undifferentiated ideas" gained from press accounts.

Asked what he meant by closing the letter with the phrase, "with kindest wishes for a hopeful outcome," Dr. Schorr replied that he had been expressing the hope that "justice would be served."

Sirhan Prosecution Presses

From News Dispatches

LOS ANGELES, March 17 —A book that has nothing to do with Sirhan Bishara Sirhan became a key element today in the prosecution's attempt to have the Jordanian immigrant convicted of the murder of Sen. Robert F. Kennedy.

The prosecution began laying the groundwork for its new strategy while psychologist Dr. Martin Schorr, a leading defense witness, was beginning his second straight week on the stand.

He is a psychologist at San Diego County Hospital.

Assistant District Attorney David Fitts told the court he wished to discuss the book "Casebook of a Crime Psychiatrist," which contains passages bearing a striking resemblance to passages in Schorr's report on Sirhan's mental state.

Defense counsel Grant Cooper jumped to his feet to object and was granted a two-hour recess to give him time to read two chapters in the

book, written prior to the Kennedy assassination by Dr. James A. Brussel, former assistant commissioner of mental hygiene for New York State.

The prosecution planned to try to discredit Schorr as a witness by suggesting that he had lifted part of his report almost verbatim from a previous publication.

Before the recess, Fitts showed Schorr the book and asked if he knew of it.

"Yes, I've read it," Schorr replied.

The question of plagiarism was raised last week in a story in the New York Times, which said it was tipped off by an unnamed woman reader.

Brussel's book describes the theoretical mental state of "the mad bomber" responsible for a spate of New York bomb explosions in the late 1950s and of a person who stabbed and killed an old woman in New York in 1957.

In testimony last week Schorr said he believed that Sirhan, who bore a grudge against Kennedy because of his support of Israel, was a paranoid psychotic with indications of schizophrenia or split personality.

A letter from Schorr to associate defense counsel Russell Parsons was read into the record and reported that Sirhan hated his father and transferred his hatred to Kennedy.

The wording of the letter in December, 1968, was similar to passages from the book by Dr. Brussel.

Portions of another Schorr letter to Parsons—dated July 10, 1968—drew some pointed questions from associate prosecutor John Howard, who resumed cross-examination of Schorr at this morning's session.

The July letter said in part: "Most murders committed by basically passive nonviolent personalities are psychotic discharges of previously undiagnosed subtle but real schizophrenia."

Book Dispute

Another section stated that even though a person might be legally sane he might "yet still be in an abnormal mental or nervous condition and because of such condition might be less likely or unable to have or to maintain a proper mental balance at the time of the alleged commission of the crime charged but also at the time of arraignment and pretrial examination."

"Had you made up your mind you were going to be a defense witness at that time?"

A. No.

Q. Did you have an opinion as to the mental condition of the defendant at that time?

A. No . . . I had no opinion as to his personality structure or whether he had or did not have diminished capacity . . .

I had many undifferentiated ideas . . . I had all kinds of different ideas. We were just battling ideas back and fourth.

Schorr said it was not until after the November tests that his opinion of Sirhan's mental capacity crystallized. He ended his letter of July 10: "With my best wishes for a hopeful outcome."

Q. What was the hopeful outcome?

A. Well, that justice would be served . . . that I could be very helpful in the case.

Sirhan Is Called Unable to Plan Killing

By DOUGLAS ROBINSON
Special to The New York Times

LOS ANGELES, March 11 — Sirhan B. Sirhan was described by a clinical psychologist today as not having the mental capacity to "rationally and meaningfully" premeditate the fatal shooting of Senator Robert F. Kennedy.

The psychologist, Dr. Martin M. Schorr, in his second day as a defense witness, also said that the defendant did not have the capacity to comprehend the "duty imposed by law" to act with malice aforethought.

The testimony came at the end of Dr. Schorr's interpretation of a series of tests that indicated Sirhan was a paranoid who also showed tendencies toward hypomania and schizophrenia.

Emile Zola Berman, one of Sirhan's three defense lawyers, asked Dr. Schorr if "in your opinion as a doctor of psychology could any person such as you've described have the mental capacity to maturely and rationally reflect and premeditate on his contemplated act, the unlawful killing of a human being with malice aforethought?"

"As you state the question, I do not think this man can rationally and meaningfully premeditate," Dr. Schorr answered.

'Duty Imposed by Law'

Then, Mr. Berman asked: "Could any such individual have the mental capacity to comprehend his duty to govern his action in accordance with the duty imposed by law and thus have the mental capacity to act with malice aforethought?"

"No," Dr. Schorr answered. Although Sirhan has admitted on the witness stand that he killed Mr. Kennedy last June at the Ambassador Hotel, his

lawyers are contending that he acted under "diminished capacity."

Under state law, a jury must find Sirhan guilty of a lesser crime than first degree murder if the defense can prove that he could not have given mature and rational consideration to his crime.

The two questions and the psychologist's answers followed a legal wrangle that broke out when Mr. Berman asked a similar question in the late morning. A lunch recess was called earlier than usual so the defense could rephrase the question to eliminate the prosecution's objection to parts of it.

Prosecution Psychologists

During the recess, Lynn D. Compton, the chief assistant district attorney, told newsmen in the corridor that he would bring in psychologists who would give other interpretations of Dr. Schorr's findings. Then, somewhat bitterly, he added:

"If you hate a guy a little bit and kill him, it's murder; if you hate a guy a lot and kill him, you're sick."

This morning, Dr. Schorr discussed two more tests given the defendant in his jail cell last November — the Thematic Apperception Test and the Bender Gestalt Test.

The psychologist, in his second day as a defense witness, said that during the Thematic Apperception Test picture are shown to the subject, who is then asked to make up a story about what he sees and about what he believes are the emotions of the figures in the pictures.

After showing Sirhan several pictures, Dr. Schorr said, he asked his reaction to a blank card. Dr. Schorr went on:

"Sirhan said, 'This is the fig-

ure of the arrogant, self-assured bastard, with the victorious smirk on his face. This is the true picture of the conqueror. It is the minister of Israel, Moshe Dayan (the Israeli Minister of Defense), and he's looking down on people, but there's a bullet that's crashin through his brain."

"I asked him," Dr. Schorr said, "Where, if you were part of this scene, would you see yourself?" and he replied, 'Part of the scene? I am the scene. I'm the one killing him.'"

The stories told by Sirhan about the other picture cards in the test showed strong suicidal tendencies and a "strong urge to act out" his feelings, Dr. Schorr said.

"Sirhan sees himself as a loner," Dr. Schorr testified. "He is a Semite, but not a Jew. He is an Arab, but not a Moslem. He has a family but no father. He came here as an immigrant, not an American. This is a man without an identity."

In the Bender Gestalt Test, during which the subject is asked to copy a series of pictures and dots on a sheet of paper, Dr. Schorr said that Sirhan showed "a high degree of fragmentation."

The defendant's figures, the psychologist said, were the work of a "little schoolboy." Sirhan, he continued, is compulsively accurate.

'Normal Logic' Flawed

"However, where normal logic is called for, he misses the boat," Dr. Schorr said. "When detail is not important, he pays close attention."

This is an individual," he went on, "who has lost control and functions as a psychotically disturbed man."

Dr. Schorr answered in the affirmative when Mr. Berman



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NOW SHE KNOWS: Donna Kay Howell, 7, this year's Easter Seal child, after pointing to President Nixon yesterday and asking, "Who's he?" Also appreciating remarks comedienne, Carol Burnett, national Easter Seal chairman. The ceremony started the 1969 Easter Seal campaign.

asked whether Sirhan's out-
breaks in court two weeks ago
were the actions of a psychot-
ically disturbed person. Sirhan
had dismissed his attorney,
asked to change his plea to
guilty and requested execution.

"It is usual for a paranoid
to take the position that he
knows more than anybody else,"
the psychologist explained.
"Sirhan is telling the judge that

he is a higher authority—par-
t of a supernatural authority."

"In telling the judge that he
will not have the trial 'shoved
down his throat' Sirhan is
showing that he feels he is
the helpless victim of the as-
saultive actions of others."

"He's a fighter of the alley-
ways," Dr. Schorr said. "He
has to attack—that's his only
defense."