

Sirhan Defense Pushes 'Diminished'

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LOS ANGELES, Feb. 15—It promises to be a bizarre trial. Only the hashish seems to be missing.

Except for that, Sirhan Bishara Sirhan's lawyers appear to have claimed all the ingredients that can be used under California's theory of "diminished responsibility" to counter a first-degree murder charge.

Defense counsel Emile Zola Bernam, a thin, canny New York attorney, ticked them off in the courtroom yesterday in a dramatic, brutally explicit opening statement: obsession, anger, fear, even liquor.

Sirhan, Bernam suggested, was under the influence of them all when he assassinated Sen. Robert F. Kennedy in the Ambassador Hotel here last June. Only drugs, which can also be claimed to disprove murder in cold blood, were left out.

In a sense, the defense is saying, the killing was done with Arab immigrants, his lawyers say, used to stare into the mirror in his bedroom, acting out his anger at Kennedy for supporting Israel, until he could actually see the Senator's face instead of his own.

"Sirhan will tell you himself from the witness stand that he never thought, and never had a thought, to (actually) kill Kennedy," the jurors were told, "but through his mystic mind power, the doctors will

In the background were the horrors of the 1947 Arab-Israeli war that were said to have sent the Middle Palestinian into a trance even as a boy; an adolescence full of failures and preoccupation with mysticism—some self-unitary.

Then came the night of the assassination. Fueled by a few drinks, the defense contends,

Sirhan found himself wandering near the Embassy Room of the Ambassador, where Kennedy was to give a victory speech celebrating his success in California's Democratic presidential primary.

There, says his lawyers, the twisted young man with a gun found mirrors all over. And there, they assert, not long afterwards, he killed Kennedy "in a trance—that same kind of trance" that he had as a child in war-torn Palestine.

Prosecution Won't Buy It
It is a fascinating theory, but one that the State of California, not surprisingly, refuses to buy.
Four days before the shooting, Sirhan walked into a San Gabriel gun shop and bought the ammunition that was apparently used to kill the New York Senator. Three days before, the prosecution disclosed, several witnesses saw Sirhan hanging around the Ambassador at a day-long Sunday reception for Kennedy, and then later in the pantry kitchen next to the pantry where the Senator was eventually shot.

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Mental Theory to Limit

Then, too, there were the long hours Sirhan spent at a suburban gun range, practicing rapid-fire shooting the afternoon before the assassination. And there was his presence in the hotel, with a .22 caliber revolver in his trousers, hours before the slaying. It was done, the State contends, not with mirrors but with "malice of forethought."

No Stress on Death Penalty
The prosecution, however, did not stress its demands for the gas chamber in the past week. District Attorney Evelle J. Younger and his aides appeared ready at several points to be willing to settle for a life-imprisonment agreement with the defense that would have precluded a full-scale trial.

In the end, the mercurial defendant and his lawyers decided against it. With Superior Court Judge Herbert V. Walker unwilling to consent to a guilty plea that would have made a life term automatic, they would have had to take the question of penalty to the jury.
The prosecution was apparently willing not to urge the next day.

"The hell with it," Sirhan has said to have decided at length. The trial began the