

## Excerpts From State's Argument

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Following are excerpts from the closing argument of David N. Fitts, an assistant district attorney, in the trial of Sirhan B. Sirhan:

If it please the court, gentlemen for the defense, ladies and gentlemen of the jury.

This trial commenced on Jan. 7 of this year, I think we have now passed the third month anniversary. You ladies and gentlemen have been exposed to the testimony of some 90 witnesses, some of them brief; some of them, in view of the objectives of this trial, perhaps trivial; some of them almost interminable.

At this point I don't wish to derogate between the testimony of any witness or to subtract from the significance of anything that you may have heard, but to suggest to you that for the last three weeks, approximately three weeks, we seem to have departed in some measure from the basic premise of this trial, which is, this defendant is accused of the crime of murder.

Murder—and I will read it, just so no one will quibble, and besides that some of the definitions have changed from the manner in which I used to know it by heart—murder is the unlawful killing of a human being with malice aforethought.

On the early morning hours of the fifth day of June of last year Senator Robert F. Kennedy, in an exultant mood, after triumph, seeking the Presidential nomination for the United States, probably tired and as we understand on his way to an unnecessary celebration at some night club, passed hurriedly from the Embassy Room to the pantry in order to give the working gentlemen of the press a chance to meet their deadlines — the

gentlemen assembled in the Colonial Room.

### Paused to Greet Help

As he reached the first of three serving tables located in the pantry he paused to accept the congratulations of certain of the kitchen help. In so doing the defendant in this case, from a position some 12 feet away on the opposite side of the pantry, at or on a serving tray, stepped quickly from that tray, approached the Senator, moving rapidly, and in so doing drawing a loaded .22 pistol from his waistband, and fired eight shots.

Malice, let's go back to that word for a moment, Malice express when there is manifested an intent to unlawfully kill a human being. We have an individual recognizing the target, rapidly approaching the target and firing eight rounds into the head of that target. What could be clearer than that?

Ladies and gentlemen, according to the legal definition that is malice. And what you will be concerned with and what the defense will be asked to be concerned with in this case is determining whether or not that was malice, whether the individual who so acted could appreciate that this was a wrong thing.

Malice does not imply a pre-existing hatred or enmity toward the individual who is the object of an assault, but it does imply the doing of something which is not socially acceptable, the doing of something wrong.

The State in this case is and will continue to urge you to return a verdict of murder in the first degree. The theory of murder in the first degree in this case is that Sirhan Sirhan premeditated and deliberated upon the intended act and that involved, of course, several elements; first of all, an intent to kill.

In this case the people sug-

gest to you that this cold and calculated decision to take the life of Robert F. Kennedy Robert F. Kennedy had been arrived at substantially in advance of the defendant's appearance at the Ambassador Hotel, and that the actual act of assassination was simply the culmination of a series of preparatory events, mental processes on the part of this defendant, which had been at work over a substantial period of time.

Mr. Sirhan, 25 years old, isn't the only young protester in this country. A protest by the youth of this nation seems to be something that has been on the rise. I don't know, maybe it is just me and my time and my generation, but I view it with alarm.

Maybe it was always that bad and I didn't know it, but things have happened in the last few years—they are alarming to me and I don't know what is going to happen if these people don't in time change some of the views which they have when they begin to take our places and run the affairs of this country. Just what kind of a nation are we going to have?

Well, obviously, Mr. Sirhan shares some of those views. They are not delusions. They are not delusions, ladies and gentlemen, because they are shared by so many. Illusions, perhaps, wrong ideas; that is a question of opinion. We aren't all cut out of the same whole cloth.

There is an action right now in this country to have ideas that are opposed to those entertained by the majority and it is perfectly proper for people by reason of their circumstances, their own particular view, their thoughts on life and so forth, to be discontented.

It is perhaps all right to entertain ideas that this Government is not the best of all governments nor is this the best of times in the best of all the worlds.