

# JURY CONDEMNNS SIRHAN TO DEATH IN GAS CHAMBER

Penalty Is Set in Kennedy  
Murder After 4 Ballots  
—Defendant Is Calm

## JUDGE CAN EASE RULING

He Will Hear Defense Plea  
for a New Trial May 14—  
Execution Unlikely Soon

By DOUGLAS ROBINSON

Special to The New York Times

LOS ANGELES, April 23 —  
Sirhan Bishara Sirhan was con-  
demned to death in the gas  
chamber today for the murder  
of Senator Robert F. Kennedy  
last year.

The death penalty was re-  
turned by 12 solemn-faced  
jurors who had deliberated the  
fate of the 25-year-old Pales-  
tinian Arab for 11 hours and  
45 minutes. The same panel  
found the defendant guilty of  
murder in the first degree last  
week.

George A. Stitzel, 57 years  
old, a press room foreman for  
The Los Angeles Times, said  
the original vote was 8 for  
death, 2 for life and 2 unde-  
cided. The count became 10 to  
2 for death on the second ballot  
and 11 to 1 on the third ballot.  
Agreement was reached on the  
fourth.

Formal sentencing will not  
take place before May 14, when  
Superior Court Judge Herbert  
V. Walker will hear a motion  
for a new trial as requested  
by Grant B. Cooper, the chief  
defense attorney.

### Printed Form Is Read

Under California law, Judge  
Walker has the power to re-  
duce the sentence to life im-  
prisonment should he feel the  
death penalty is unwarranted.

Should the decision stand,  
however, it is extremely un-  
likely that Sirhan will die in  
the gas chamber in the near

future because of various ap-  
peals and the unofficial mora-  
torium on executions in the  
state.

Mr. Cooper said that after  
the decision had been read to  
the crowded courtroom, he  
went with Sirhan to a cell just  
off the courtroom and told him  
that "we did the best we  
could."

The attorney said Sirhan had  
replied:

"Even Jesus Christ couldn't  
have saved me."

The decision to send Sirhan  
to the gas chamber at  
San Quentin Prison was an-  
nounced at 11:35 A.M., when

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the court clerk, Mrs. Alice  
Nishikawa, read a formal  
printed form that had been  
handed to the court by Bruce  
D. Elliott, the jury foreman.

"We the jury in the above  
entitled action having found  
Sirhan Bishara Sirhan guilty of  
murder in the first degree as  
charged in count one of the in-  
dictment now fix the penalty  
at death," Mrs. Nishikawa in-  
toned in a clear voice.

Then, pausing, she continued,  
"Is this your verdict, ladies and  
gentlemen of the jury, say you  
one, say you all?"

The seven men and five  
women in the oak jury box re-  
plied "Yes" in unison. They re-  
peated their agreement one by  
one as they were polled in-  
dividually.

The defendant was impassive  
as the decision was read and  
the jurors were polled. He  
chewed gum and stared stead-  
ily at the jurors.

Most of the jurors gazed  
steadfastly at Sirhan, although  
several looked away at spec-  
tators or court officials.

There are now 81 prisoners  
on death row in San Quentin  
Prison. The last man to be  
executed there was Aaron  
Mitchell, the killer of a police-  
man, who was sent to his death  
April 12, 1967. Before  
Mitchell's death, the last ex-  
ecution in California took place  
early in 1963.

The most recent execution  
in the United States took place  
in Colorado June 2, 1967.

In condemning Sirhan to the  
gas chamber, the jury dis-  
missed the pleas of the defense  
lawyers that the defendant was  
"too mentally ill" to die for his  
crime.

One defense attorney, Rus-  
sell E. Parsons, said in his  
closing argument that the jury  
should show the world that  
"we don't execute sick people

in this state."

### Verdict Called 'Proper'

This afternoon, Lynn D.  
Compton, the chief deputy dis-  
trict attorney, said at a news  
conference that he felt the  
death penalty was "a proper  
verdict."

He said that the de-  
cision would act as a "deter-  
rent" in that "it will put people  
on notice that we simply can't  
tolerate this kind of crime."

The prosecutor, who directed  
the state's case since the trial  
began Jan. 7 said he thought the  
verdict reflected the feeling of  
the country since "Americans  
are largely in favor of capital  
punishment."

"I wouldn't say we feel any  
personal satisfaction in the out-  
come of this trial," he con-  
tinued, "but I think we can  
justifiably take pride in the way  
the trial was handled."

Mr. Cooper told newsmen that  
the death penalty was part of  
the "overriding feeling of the  
community—the United States  
—the feeling for law and  
order."

He cited civil disorders in  
cities and on college campuses  
as creating a "backlash for the  
upholding of the law."

Mr. Cooper said his motion for  
a new trial would be based  
on these legal points:

¶That the judge did not ex-

ercise the proper discretion in  
not allowing an agreement be-  
tween the defense and the pro-  
secution that Sirhan be allowed  
to plead guilty to first-degree  
murder in exchange for  
a recommendation of life im-  
prisonment.

¶That the grand jury was not  
properly constituted under a de-  
cision by the Supreme Court  
in that it did not represent a  
cross-section of the community.

¶That the seizure of Sirhan's  
notebooks from his home —  
notebooks that threatened the  
life of Senator Kennedy and  
other officials — had been  
illegal in that the police had  
had no search warrant or per-  
mission from the defendant, his  
family or the defense attorneys.

### 'It Will Happen Again'

On the question of the social  
value of the death penalty, Mr.  
Cooper said that "if any of you  
think this will act as a deter-  
rent to the kind of crazy mind  
that would assassinate a  
political figure, I will tell you  
that it has happened before  
and it will happen again."

He also maintained that "if  
the victim had not been Sena-  
tor Kennedy, but some un-  
known, the district attorney  
would have accepted a plea of  
second degree murder."

Mr. Cooper said that when  
he and Michael A. McCowan,

the chief investigator for the defense, went to see Sirhan shortly after the verdict was announced, "there were tears in our eyes."

"Sirhan had to reassure us," he said.

The lawyer, fearing an angry outbreak by Sirhan, who disrupted the trial several times during its almost 16-week duration, visited the defendant shortly after the jury signaled that it was ready to disclose the verdict.

"I told him not to make a fuss and to act like a man," Mr. Cooper said.

#### Cooper to 'Go Forward'

The defense lawyer, who has represented Sirhan without fee, as have the other lawyers, Mr. Parsons and Emile Zola Berman of New York, said he had "no choice than to go forward" and that he would have to "spend more money out of my pocket."

In finding Sirhan guilty of murder in the first degree, the jury also returned guilty verdicts on five counts of assault with a deadly weapon with the intent to commit murder for the wounding of five persons who surrounded Senator Kennedy when he was shot June 5.

The Senator was celebrating his victory in the June 4 California Presidential primary election.

After the jurors announced their decision this morning, they returned to the Biltmore Hotel, where they had been sequestered each night and each weekend since they were chosen in mid-February.

As the jurors walked off a sheriff department bus, looking haggard and exhausted, a crowd of newsmen and spectators pressed around the security men guarding them. A number of persons in the throng applauded.

The jurors, their heads down, ignored the applause.