

# Sirhan Depicted as 'Sick' but 'Calculating'

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## Prosecution, at Start of Final Argument, Also Decries Weeks of Psychiatric Views as 'Venture Into Quagmire'

LOS ANGELES, April 9—Sirhan B. Sirhan was portrayed today as a "sick man" who nevertheless was able to make a "cold and calculated decision" to kill Senator Robert F. Kennedy last June at the Ambassador Hotel.

The portrait was drawn by David N. Fitts, an assistant district attorney, in the prosecution's closing argument, which will call for Sirhan's conviction on a charge of first degree murder.

After reviewing many of the incidents leading to the shooting at the hotel, Mr. Fitts said that "to the police mind and the prosecutor's mind—which may be somewhat limited, I guess—they suggest a deliberate, premeditated murder with malice aforethought."

The assistant district attorney, speaking in a friendly low-keyed voice that a defense lawyer described as "very effective," also lashed out at the weeks of psychiatric testimony, labeling it a "venture into a quagmire."

Shortly before the usual mid-morning recess, Sirhan, who had been listening impassively at the defense table, suddenly became agitated. His agitation was expressed by Mr. Fitts as the defendant had acted peculiarly in leaving his identification in his car the night of the shooting.

### Led Out of Courtroom

"He's lying, he's lying, he's lying," Sirhan muttered to a lawyer sitting beside him. But before he could stage another angry outburst of the type that had disrupted the court on two occasions, security men led him from the courtroom and Superior Court Judge Herbert V. Walker declared a recess.

At the start of his closing Fitts led the jury back to the days before the shooting on the night of June 5, recalling the testimony of those who had seen and talked with Sirhan both on the night of the killing and during a previous visit to the hotel on June 2.

Describing the earlier visit, the prosecutor said that in his opinion it was a "familiarization run—an attempt to 'case' the joint."

He derided Sirhan's explanation that he had gone to the hotel on June 2 because "he had a heartful of love for the Senator" and suggested that an Arabic proverb quoted by Sirhan that "the friend of my enemy is my enemy" was true.

In his opening remarks, Mr. Fitts also referred to Senator Kennedy as having been in an "exultant mood" on the night of the shooting, a man who was "probably tired" and on his way to an "unnecessary celebration at some nightclub."

### Sirhan's Silence Recalled

It was one of the few times that the Senator had been injected into the trial as a celebrity rather than just another murder victim.

The assistant district attorney recalled the testimony of those who had tried to get Sirhan to talk in the few minutes after the shooting and how the defendant had said, "Do you think I am crazy enough to talk about it so you will use it in evidence against me?"

This comment, Mr. Fitts suggested, strongly indicated that Sirhan was aware of what he had done and the legal gravity of his predicament. The defense had insisted during the trial that Sirhan was in a self-induced trance shortly before, during and after the killing.

He again went through a description of many of the acts of Sirhan before the shooting—the visits to gun ranges to practice rapid-firing, his comment to a Pasadena trash collector that he was going to kill Senator Kennedy, his leaving a gun range on the evening of the shooting with his revolver loaded, and the leaving of his wallet in the glove compartment of his car near the Ambassador Hotel.

Referring to the identification left in the car, Mr. Fitts said that it was "typical of the

precaution that a reasonable assassin might take." It was at this point that Sirhan became angry.

The prosecutor, a tall, lean man with graying hair, drew smiles from the jury when he admitted that he had "received a whole education" in listening to the testimony of the numerous psychologists and psychiatrists who had taken the stand in recent weeks.

### 'Venture Into Quagmire'

He sympathized with the jury for their "venture into a quagmire" and left no doubt in the minds of many of those in the courtroom as to how he stood on clinical psychology when he described it as an "abstruse art."

Mr. Fitts, in his gentle way, was particularly scornful of Dr. Martin M. Schorr, a San Diego psychologist who was the defense's lead-off witness in the parade of mental experts.

"I'm sorry they [the defense] started with Mr. Schorr, because he may have left a bad taste in your mouths for the field of psychology," Mr. Fitts said.

He cited what he called "a curious letter" from Dr. Schorr to the defense volunteering his services to help select a jury

that would be "sympathetic to the psychiatric needs of the defendant."

"Can you imagine a clinical psychologist who begins his task by urging the selection of a jury sympathetic to a sick man?" Mr. Fitts asked.

Mr. Fitts ridiculed the interpretations placed by Dr. Schorr on the answers to many of the personality test questions put to Sirhan in his jail cell, saying that "they are pure Schorr" rather than the inner feelings of the defendant.

He also described as "disgraceful and deplorable" the psychologist's testimony that he had destroyed tape recordings of his test sessions with Sirhan because the "tape kept sticking."

In discussing Sirhan's mental state, Mr. Fitts said the prosecution had conceded that the defendant "is a sick man." Just how sick, he added, would be up to the jury to decide.

He asserted, however, that the "state will urge you and will keep urging you to return a verdict of guilty of first degree murder."

Mr. Fitts spoke for almost four hours on this, the 57th day of the trial. Following the lunch break, he renewed his

attack on the psychological tests given Sirhan in jail, saying that such tests were designed "to give the emotional state of the individual at the time of the test."

### 'Cannot Predict Behavior'

"They cannot predict behavior," he said. "They cannot tell you whether on the night of June 4 Sirhan was able to plan and premeditate the murder of Senator Kennedy."

He scoffed at the diagnosis that Sirhan was a "schizophrenic paranoid psychotic." "We knew that whoever would shoot Senator Kennedy was someone out of the ordinary," he continued. "We can live with that and still have a trial for first degree murder."

Mr. Fitts also criticized the psychiatrists and psychologists who appeared for the defense as believing in the principal of "me too" in that they all supported the findings of the two psychologists who administered the tests.

"Psychologists all belong to the same fraternity," he said. "They operate with the same tools and they are reluctant to come out and knock the field."

Tomorrow the jury will probably hear two defense attorneys, Russell E. Parson and Emile Zola Berman. The chief defense lawyer, Grant B. Cooper, will probably end the defense presentation on Friday, followed by the end of the prosecution's argument on Monday.



## Excerpts From State's Argument

Special to The New York Times

LOS ANGELES, April 9—

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.