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2nd NL Sirhan

By ARTHUR EVERETT

Associated Press Writer

LOS ANGELES AP - Sirhan Bishara Sirhan would not have to worry about a first degree murder conviction, the defense claimed Friday, if his target would have been a lesser figure than Sen. Robert F. Kennedy.

Chief defense attorney Grant Cooper, in a final effort to gain a lesser verdict of second-degree murder for the 25-year-old Arab, told a trial jury:

"Suppose the deceased in this case had been a fellow named John Smith. Suppose he was just one of the crowd. And suppose you had the same type of testimony from the psychiatrist.

"Do you think you'd hesitate for two minutes in returning a verdict of diminished capacity. You wouldn't hesitate one minute.

"I call upon you to do just that and not let the fact that the man was a very important senator of the United States sway you from doing your duty."

A finding of diminished capacity by the jury would bind it to abandoning the first-degree murder charge, punishable by death, and return a second degree verdict in which there is no death penalty.

The prosecution is expected to wind up its summation Monday, after instructions from Judge Herbert V. Walker, the case was expected to go to the jury late Monday or Tuesday.

Cooper said: 3rd graf A358

Call: 21 p.m. April 11

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Sirhan NL Ejt 400

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LOS ANGELES AP - Sirhan Bishara Sirhan's chief counsel made a final effort Friday to gain a second-degree murder conviction, saying that when the young Arab assassinated Sen. Robert F. Kennedy he became mentally "unglued."

It isn't what his state of mind was when he fired the shots," defense attorney Grant Cooper told a jury trying the 25-year-old Sirhan for his life on a first-degree murder charge.

Cooper said Sirhan was motivated in the June 5, 1968 shooting by his hatred of Jews and his conviction that the campaigning senator from New York was pro-Israeli and anti-Arab in the Middle East conflict.

"Sirhan Sirhan became unglued when he shot Sen. Kennedy," Cooper told the seven men and five women on the jury. "His glue didn't hold him together. His brakes wouldn't hold. And he had been going downhill as most of the psychiatrists have told you."

Cooper told the jury, "in my opinion the verdict should be second-degree murder," as he continued his summation that began Thursday.

Second-degree is punishable by five years to life imprisonment. First degree murder carries a penalty of death in the gas chamber or life imprisonment with the choice up to the jury.

Cooper said he didn't care whether Sirhan was in a trance when he shot Kennedy, who was running for the Democratic presidential nomination, nor did he argue that the shooting was not premeditated.

The defense lawyer said he thinks Sirhan was at least partially intoxicated at the time, but that he doesn't consider that a big issue.

Instead, Cooper concentrated on the California legal concept of diminished capacity—that Sirhan, because of substantially reduced mental capacity, was not able to meaningfully and maturely premeditate and deliberate and reflect upon the gravity of his act in shooting Kennedy.

Unless the jury decides otherwise, beyond a reasonable doubt, Cooper said, it is required by law to reduce the first degree murder charge to second-degree in this verdict.

"His motive from his sick mind was a good motive," Cooper said of Sirhan's act. "It was a good motive in his mind. He thought it was right...."

"If Sirhan Sirhan had been born a Jew and lived in Israel and had been forced out of his home as many Israelis have been forced out of their homes, the same circumstances could have happened...."

"So we are talking about it from his point of view. He thought it was right. He thought it was his duty to do it. He didn't think he should be punished for it. He thought it would start a third world war. He thought it would reduce this nation to a state of anarchy where there was no government at all."

"Ladies and gentlemen of the jury, in all good conscience, in honesty, is that the thinking of a mature mind?"

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As Cooper neared the end of his summation, he said: "If you convict the defendant of first-degree murder, you're going to make him, as he desires, a hero in the Arab world. That is what the psychiatrists told you he wanted...."

"I am not suggesting that the defendant Sirhan Sirhan be given a medal for what he has done. I feel the evidence and the law justify a verdict of second-degree murder, which will certainly take care of this situation. I now pass from my shoulders to yours the proper and intelligent fate of Sirhan Sirhan."

Chief Deputy Dist. Atty. Lynn D. Compton got only 12 minutes into his final state argument in the case before court was recessed for the weekend.

Deriding psychiatric testimony for the defense, Compton said:

"Did Robert Francis Kennedy, a young, highly-successful man, at the peak of his career, a former attorney general, a senator from New York, and a candidate for president of the United States, did he breathe his last breath on that dirty floor in the kitchen of the Ambassador Hotel with news and dirty dishes around him that man leave a woman with 11 children and die with a bullet in his brain because he favored the Israeli state or because somehow he became the father in some Oedipus state in Sirhan's mind?"

"...If you buy these so-called experts you would have to turn him loose. If you don't buy them, as I don't buy them, there's nothing left but a plain old cold-blooded first-degree murder."

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Sirhan add

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Cooper said Friday that juror No. 1, Ronald Evans, a telephone installer, has asked to be excused because of the death of his brother. Cooper said both sides were prepared to agree that Evans be replaced Monday by drawing the name of one of the remaining five alternate jurors.

Early in the trial another juror was replaced after being hospitalized.

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