

URGENT

Sirhan 2nd Lead 450

By HARRY F. ROSENTHAL

Associated Press Writer

LOS ANGELES AP — Without mentioning death—a penalty the jury must consider—the prosecution made an emotional appeal Monday to “exercise your awesome responsibility” in fixing the penalty for Sirhan Bishara Sirhan.

Prosecutor John E. Howard called Robert F. Kennedy’s killer a “cold-blooded political assassin” who smirked on the witness stand when he said he didn’t know who killed the New York senator last June.

Howard added: “Mitigation of political assassination to any degree must sooner or later spell an end to traditional democratic processes. If death be the reward for political ambition, you will know your candidates only as two-dimensional figures on the TV screen.”

Howard addressed the jury after presenting no prosecution witnesses at the penalty phase of Sirhan’s murder trial. The 25-year-old Jordanian was convicted of first-degree murder last week by the same jury that must now decide whether he should be executed or imprisoned for life.

The defense presented only one witness, Sirhan’s mother who said only that her son had never been in trouble before “because I raised him up on the law of God and His love.”

“By your verdict,” said Howard, “you may eliminate from society altogether or merely eliminate him from your society. This defendant will regard the right to live as an additional triumph. Imprisonment for life implies entry into a custodial society that can only suffer by the inclusion of this defendant. You will not hear the defendant boast that he committed the crime of the century. Others will.”

Howard said Sirhan had a fair and full trial and he “has no special claim to further consideration.”

That was as close as he got to asking the jury to return the death penalty.

Howard said: “We cannot presume to advise you the extent that mental illness should influence you in determining a proper penalty. You have found him lacking in honesty, integrity and even the courage of convictions.”

Howard said he would like to be able to point to the slightest remorse from Sirhan for the shooting of Kennedy and said he would like to be able to concede that Sirhan displayed candor on the witness stand.

“You could not have failed to see the smirk on the defendant’s face when he said on the witness stand ‘I do not know who killed Sen. Kennedy,’” Howard said in his 13-minute summation.

Defense attorney Russell E. Parsons, in a final plea for Sirhan’s life, said regarding the prosecution: “Without asking you to invoke the death penalty it’s quite plain, at least to me, that’s what they seek.”

Parsons went on: “Do we execute sick people in California? Do we follow Hitler who believed in striking down the lame, the halt and the sick?”

“This man is sick and I don’t believe we’ve gotten down to the bottom rung in California where we execute sick people, as sick as he is.”

Referring to psychiatric testimony that Sirhan was mentally ill, Parsons declared: “You can’t just cast it aside. Oh sure, you can. But as I look you people in the eye, I just can’t believe you’d do it.”

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Chief defense counsel Grant B. Cooper said in the final argument to the jury that the law demands no certain penalty.

“Life in prison or death will equally satisfy the demands of law,” Cooper said.

He told the jury that it was “gathered once again to determine the ultimate issue—an issue that should be God’s alone.

“Shall he forfeit his life by inhaling the deadly fumes of cyanide gas?” Cooper asked.

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Sirhan Bjt #90

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LOS ANGELES AP - Whether the jury decrees death or life in prison for Sirhan Bishara Sirhan in the penalty phase of his trial, it will be a long time before the future of Robert F. Kennedy's murderer is finally determined.

Appeals are expected to take a year, perhaps longer. For today's proceeding, prosecutor John E. Howard and defense attorney Grant B. Cooper said they would not take long to argue their cases before the same jury that last week convicted Sirhan of first-degree murder.

Howard, an advocate of the death penalty, said he would call no witnesses and would take only 20 minutes to "point out facts we think important—his lack of remorse, and the effect of political assassination on a democracy."

Cooper said the jury might begin deliberations on the sentence by late tonight or early Tuesday.

The jury, which spent the weekend seeing a movie and going to the beach, will be given only two choices by Judge Herbert V. Walker: to send Sirhan to San Quentin's gas chamber or to sentence him to life in prison.

Should the seven men and five women return a death verdict, Judge Walker could on his own authority commute the sentence to life. This possibility was considered remote.

Normal procedure—and one that will be followed in Sirhan's case—is that the judge receives a probation report before pronouncing sentence. This normally takes 20 days.

Before the trial began, the judge refused to agree to a prosecution-defense deal allowing Sirhan to plead guilty to first-degree murder and receive a life sentence from the judge without a jury trial.

Judge Walker agreed to a guilty plea but said the importance of the case demanded a jury trial for the penalty. The defense then backed out and the trial ran for 15 weeks before the jury's verdict Thursday.

A death sentence is subject to automatic appeal under California law.

Cooper said he planned to file a notice of appeal on a number of grounds, but whether he would press it immediately "depends partly on whether someone comes up with money to conduct a defense." None of the three defense lawyers or their two investigators has received a fee. Expenses have been paid out of the attorneys' own pockets and from the sale of a magazine article under a royalty-splitting agreement with the writer.

It has been nearly two years since the last execution in the United States. In California, the latest executions were on April 12, 1967, and in January 1967.

A life sentence would mean that Sirhan could not be paroled for at least seven years.

Twenty-three persons serving life sentences for murder in the first degree were released in 1967. They had served an average of 10½ years, the California Corrections Department said.

Sirhan will go directly to a cell complex already set aside for him at the California Medical Facility, a state prison at Vacaville, about 290 miles north of Los Angeles, near Sacramento.

There, heavy duty screens were installed to segregate three cells from those of other prisoners. Sirhan will live in solitary confinement in one of them. An adjoining cell will be used as a shower room and the third cell will be for visitors.

Court resumes 12:30 p.m. EST and top expe

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Court resumes 12:30 p.m. EST and top expectable within an hour.

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