

14 FEB 69
103 PPS

4232LA

lbylzyylhyl LA

Sirhan Bjt NL 500 two takes 900

By ARTHUR EVERETT

Associated Press Writer

LOS ANGELES AP - Sirhan Bishara Sirhan assassinated Sen. Robert F. Kennedy while "in a trance," his defense said Friday.

"There is no doubt," attorney Emile Zola Berman told Sirhan's first-degree murder

jury, "and we have told you this from the beginning: That he did, in fact, fire the shot that killed Sen. Kennedy.

"The killing was unplanned and undeliberate, impulsive and without premeditation or malice, totally a product of a sick, obsessed mind and personality."

The slight 24-year-old Sirhan, a Palestinian Arab, began fidgeting as Berman continued.

"At the actual moment of the shooting, he was out of contact with reality, in a trance in which he had no voluntary control over his will, his judgment, his feelings or his action."

Berman said Sirhan was an admirer of Kennedy until shortly before the assassination, when the 42-year-old Senator from New York advocated sending jet planes to Is

rael.

"That did it," Berman added of events which he said led Sirhan into a weird world of fantasy and hatred.

When Berman—a bald 66-year-old New Yorker who is one of three defenders—finished his 20-minute opening statement to the jury of eight men and four women, the state began calling witnesses to try to prove that Sirhan shot Kennedy June 5, 1968, with malice and premeditation.

Premeditated murder in California carries a penalty of life imprisonment or death in the gas chamber, with the jury making the choice if it convicts.

First eyewitness to the shooting to take the stand was Karl Uecker, husky blond maitre d' at the Ambassador Hotel where, in a kitchen area, Kennedy was shot after proclaiming victory in California's Democratic presidential primary.

In a German accent, Uecker told of leading the New York Senator by the hand into the kitchen a

ea after Kennedy had addressed

supporters in an adjacent ballroom.

"I felt something moving in between a steam table and my stomach," Uecker continued, his hands gesturing emphatically.

"The next thing I did was I heard something like a firecracker. I heard another shot. Mr. Kennedy was falling out of my hand. I realized there was somebody in front of me with a gun . . ."

"I saw a man with a gun in his hand. I started grabbing for the gun. I had my arm around his neck in a headlock trying to get the gun away . . . The man kept on shooting. I don't know how many shots he fired. He was trying to drag his right gun hand away from me."

Asked if he saw the man in the courtroom, Uecker stood up, pointed at Sirhan seated across the courtroom well, and said, "Right over there."

Sirhan smiled self consciously.

Sirhan is not pleading legal insanity in his defense. Rather, his lawyers are relying on a California precedent of diminished responsibility.

Under this, a defendant may be legally sane yet still not responsible for his actions because of his mental or emotional background.

Berman went right to the heart of the diminished responsibility rule when he said at the outset of his opening statement: "The evidence in this case will disclose that the defendant, Sirhan Sirhan, is an immature, emotionally disturbed and mentally ill youth."

MORE

PH25ppps Feb 14

INSERT

A28+LA

1bylryyru vLA

SIRHAN NL INSERT

LOS ANGELES-Sirhan wnl a332LA insert after 7th graf: hatred.

Sirhan was unaware of the contents of the opening statement until Berman began delivering it. At one point the defendant became agitated and tried to rise but was restrained and calmed by defense investigator Michael A. McCowan. The latter said Sirhan wanted to give his own version to the jury of some of Berman's remarks.

When Berman: 8th graf

T1528pps Feb 14

ABZCLA

lbylzyzyzy

LOS ANGELES Sirhan NI take 2: youth."

Beginnin at the age of three, Berman said, Sirhan was exposed to the horrors of the 1947 war between Palestinian Arabs and Zionist Jews.

Berman, himself Jewish, continued: "He was exposed to the most severe repeated scenes of war with such effects upon him to leave their mark upon his personality all during his life, up to and including the present."

Under such st

ess, on several occasions, Berman said, "He went into a spell, he stiffened, his face contorted, he was out of contact with reality and lost all sense of where he was or what was happening around him."

When the family emigrated to the United States in 1957, Berman said, Sirhan encountered further stresses in his home life, education and in various odd jobs.

In 1966, Sirhan was thrown from a horse and knocked unconscious.

"He complained about headaches," Berman said of the aftermath of the fall, "became more and more irritable, brooding, quick to anger and preoccupied with fanatical obsessions of hatred, suspicion and distrust. He took to long hours of reading works on the power of the mind."

On June 2, 1967, Berman went on, Sirhan wrote a tract entitled:

"Declaration of War against American Humanity."

Berman quoted it as declaring: "The victims of the party in favor of this declaration will be or are now the President, Vice President, etc., down the ladder. The author of this memoranda expresses his wishes very bluntly that he wants to be recorded by history as the man who triggered off the last war."

"From which I gather," Berman told the attentive jury, "he meant the last war to ever be. And there were other such writings. Clear evidence of diminished capacity and mental deficiency."

The 1967 Arab-Israeli war triggered new spells, Berman declared, and Sirhan "in his fantasies was often a hero and saviour of his people . . ."

Proceeding to the spring of 1968, Berman continued, "Then came another heavy shock. In late May and early June of 1968, Sen. Kennedy whom he admired and loved, said during the campaign both in Oregon and California, in essence, that if he were President he would send Phantom jets to Israel.

"That did it! Back to mysticism. According to methods he read in a book he acquired, he concentrated in front of a mirror in his own room and thought and thought about Sen. Kennedy until at last he saw his own face no longer but that of Sen. Kennedy himself in the mirror," Berman told the jury.

"Sirhan will tell you himself from the witness stand that he never thought he ever would kill Kennedy, but through his mystic mind power he could fantasize about it and relieve that feeling of emptiness inside him."

PalOpps Feb 14