

# Law

## Sirhan: The Only Issue Is How Much Punishment

LOS ANGELES — For eight weeks Sirhan Bishara Sirhan sat calmly in the eighth-floor courtroom in the Hall of Justice here, daydreaming and watching familiar faces. Then, last Tuesday, he began to change and finally, on Friday, enraged and fierce, he demanded to be executed.

During a startling 20-minute clash with Judge Herbert V. Walker, the 24-year-old Jordanian immigrant pointed his finger at the elderly jurist and insisted that he be allowed to change his plea to guilty, dissociate himself from his three counsels and act henceforward as his own lawyer.

"I killed Robert Kennedy willfully, premeditatively and with 20 years' malice aforethought," he shouted with rage to the stunned courtroom. He slashed the air with his right hand. "I want to plead guilty," he cried, "I ask to be executed."

Then, as he collapsed into his chair, his head on the table, his arms spread in a wide arch on top of the law briefs and the legal pads, the judge threatened to place him in chains if he didn't keep quiet. "You're not capable of handling your own defense," he ruled and refused to grant any of his demands.

This was Sirhan's third and most violent explosion in the courtroom during his long trial here for the murder last June of Senator Robert F. Kennedy. Although the jurors were immediately dismissed from the courtroom when defense counsel Grant B. Cooper told the judge his client wanted "to make a statement," they were present, of course, all week long as the defendant changed suddenly from a calm spectator to a turbulent, anguished young man.

### Abrupt Change

This change started when the prosecution first mentioned his personal diaries early in the week and culminated Friday when a defense witness listed his below-average scores in school on countless achievement tests. In both instances Sirhan protested the use of any evidence, by either side, which he considered intimate and humiliating. The notebooks, lying on the table in front of the three prosecuting attorneys, were full

of boyish dreams and political ramblings, fantasies about girls and a constantly repeated obsession with killing Robert Kennedy.

The threat of having the personal scribbles or his school grades made public was so terrible that he preferred to change his plea to guilty immediately. This, he thought, apparently, would preclude the necessity of anybody knowing about them. But he was wrong. "He just doesn't know what he's doing or saying any more," said his 56-year-old mother, weeping and shaking from her son's tumultuous outburst.

### A Number of Questions

The questions raised by Sirhan's behavior last week were: If he reacted so violently to these two issues, what else will excite him? And will he still protest even though the judge has overruled his demands?

And if he continues to agitate, how would the international press react if the judge stands by his warning and orders the assassin of a prominent and beloved political figure to be chained to his chair in the courtroom and a gag placed over his mouth to prevent him from talking?

Meanwhile, however, the defense lawyers are proceeding with their original strategy. Using the accepted California defense of "diminished capacity," they have pleaded Sirhan innocent. They hope to convince the jurors that no matter how much he dreamed of killing the Senator and despite the fact that he finally did so, he did not have the capacity to maturely and rationally plan a deliberated, premeditated first-degree murder.

If the lawyers are successful, the jury can return one of two verdicts: manslaughter, with a penalty of from zero to 15 years; or guilty of murder in the second-degree, with imprisonment of from five years to life.

If they fail, a first-degree murder verdict carries a sentence of either death in the gas chamber or life imprisonment, to be decided by the jury in a second trial conducted solely for this purpose.

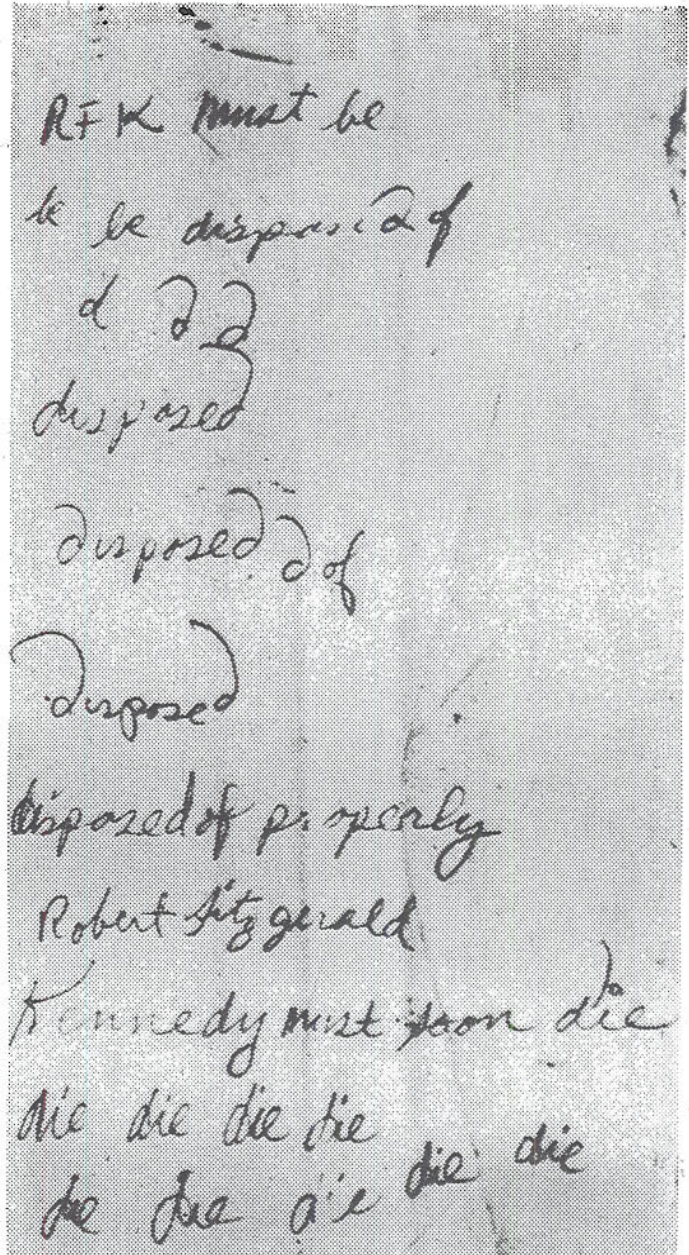
Here in California, where there are numerous legal appeals to

abolish the death penalty, but no significant popular uproar against it at the moment, observers believe execution may eventually await a condemned man. Although the last execution in the state took place in March, 1967, there are now 81 men in Death Row in San Quentin and one woman waiting elsewhere. And significantly, for the first time in over a year, several weeks ago, three men were actually placed on the schedule to die. Their appointments are in March.

Only last week, in another courtroom in the same building, where the Sirhan trial is taking place, a man convicted of first-degree murder was sentenced to the gas chamber.

While everyone on Death Row is undoubtedly involved in the kind of appeals which Sirhan's lawyers would undoubtedly undertake in his behalf if he were sentenced to die, many Californians believe it may be only a matter of time until one by one these cells become vacant.

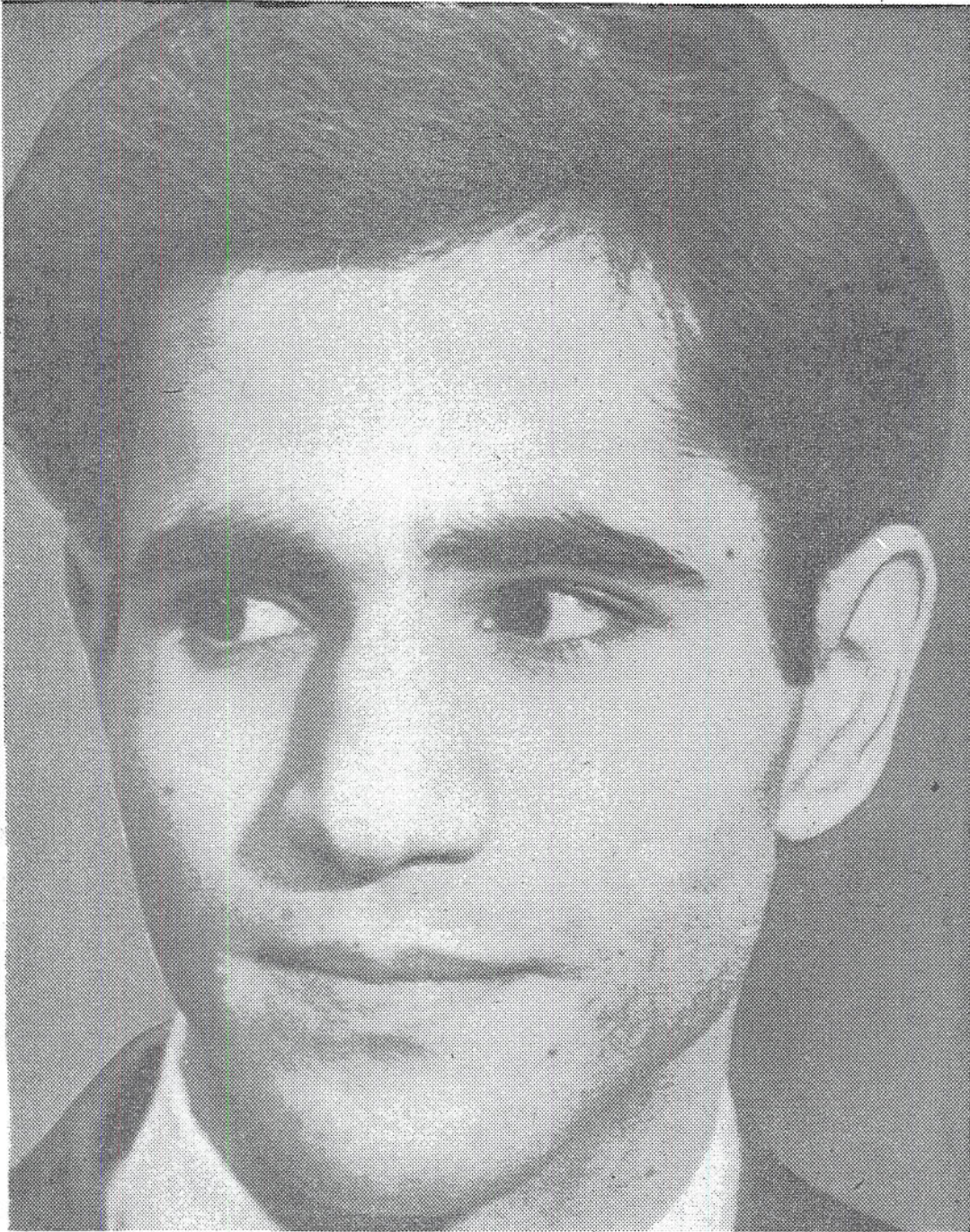
—LACEY FOSBURGH



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United Press International

**SHATTERED CALM:** Sirhan Sirhan, hitherto composed at his trial, was stung into an emotional outburst last week by the introduction of notebooks and diaries in which he had filled pages—such as the one at left—with thoughts about killing Robert Kennedy and with personal reflections of an intimate nature. His attempt to change his plea to guilty was rejected by judge.

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