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Advance for release upon delivery

Sirhan Lead

By HARRY F. ROSENTHAL

Associated Press Writer

LOS ANGELES AP - Sirhan Bishara Sirhan's defenders today today that at the moment Sen. Robert F. Kennedy was shot, Sirhan "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."

The 24-year-old Jordanian was pictured as "an immature, emotionally disturbed and mentally ill youth who wrote in a memorandum at the time of the 1967 Arab-Israeli war that "he wants to be recorded by history as the man who triggered off the last war."

While Zola Berman, one of three attorneys defending Sirhan on a charge he murdered Kennedy, told the jury in opening arguments that Sirhan had fantasies in which "he was often a hero and saviour of the people."

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"In the realities of life, however, he was small, helpless, isolated, confused and bewildered by emotions over which he had no control. He was unable to plan, or think clearly, unable to maintain any meaningful direction to his life," the attorney said.

Thus Berman set the stage for a defense that will not deny that Sirhan shot Kennedy but will rely on psychiatric testimony to plead a defense of "diminished responsibility."

In California, diminished responsibility recognizes that a defendant may be legally sane yet not fully responsible for his actions.

Berman said Sirhan bought the death gun six months before the June 5 assassination of Kennedy to use for sport and found that shooting "gave him a strange sense of release."

Berman said Sirhan "admired and loved" Kennedy.

"Then came another shot," Berman said. "In early June of 1968 Sen. Kennedy . . . said in essence that if he were President that he would send 50 Phantom jets to Israel.

"That did it!"

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

"We have told you that from the beginning that he did in fact fire the shot that killed Sen. Kennedy, Berman said.

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

"At the actual moment of 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."

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Editors

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Berman said the defense will back up his arguments "through great men in the field of psychiatry or psychology, by tests that run the gamut of hypnosis, interviews and known and accepted psychological tests."

These witnesses will prove, Berman said, "Sirhan did not have the mental capacity to have the mental states that are the essential elements of murder: Namely, to maturely and meaningfully premeditate, deliberate or reflect on the gravity of the fact, nor form an intent to kill nor harbor malice aforethought as these are defined by the laws of California."

Berman opened his statement by giving the jury of eight men and four women Sirhan's background. Sirhan, was born in Palestinian Jerusalem in a sector held by Jordan and now held by Israel.

"Sirhan was three years old when war broke out between Palestinian Arabs and Zionists in Palestine in 1947," Berman said.

The street where Sirhan lived, he said, became the dividing line between the Jews on one side and the Arabs on the other; the building he lived in became a machinegun nest and another night his home was bombed.

The Sirhan family, father, mother, five sons and one daughter, fled to an orthodox Christian convent and never went back to their home.

Sirhan "was exposed to 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," Berman said.

Sirhan saw a little girl's leg blown off by a bomb and went into a spell, Berman said.

Sirhan had "severe reaction spells from the horrors of war which occurred again and again," Berman said. Once a bomb exploded and Sirhan went into a spell and remained in a trance for four days," he added.

On another occasion, a bomb tore apart the body of a man and again Sirhan lost contact with reality.

The Sirhan family came to America in 1957 when Sirhan was 19 but the father returned to Jordan seven months later.

YOUNG Sirhan attended Muir High School "where he always felt himself an outsider—someone who didn't belong."

"Preoccupied with fanatical obsessions of hatred, suspicion and distrust, he took to long hours of reading works on the power of the mind," Berman said. It was in June 1967 that Sirhan wrote his memorandum which he entitled, "Declaration of War Against American Humanity," Berman said.

As soon as Berman finished, the first state witness took the stand.

He was a Los Angeles police officer, Albert LaBalle, who made wooden mockups of the floor in the Ambassador Hotel and a larger detailed model of the kitchen area where Kennedy was shot.

Berman, in an unusual move, provided newsmen with copies of his opening remarks before he made them in court.

The prosecution in its opening arguments Thursday quoted Sirhan as saying after Kennedy was shot: "I did it for my country."

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Sirhan held a copy of the opening statement in his left hand, following it closely, during Berman's 20-minute address.

The defendant's mother, Mary Sirhan, cried quietly to herself as Berman called her son "immature, emotionally disturbed and mentally ill."

Highlights of Berman's remarks:

Sirhan "complained about headaches, became more and more irritable, brooding, quick to anger and preoccupied with fanatical obsessions of hatred, suspicion and distrust" after suffering failures at work and in school.

"He took too long hours of reading works on the power of the mind."

"In fact, on the second of June 1967, and you will bear in mind that Arab-Israeli hostilities were occurring in the Middle East and war broke out on the fifth of June 1967."

"But to repeat, on June 2, 1967, he wrote and I quote now a 'Declaration of War Against American Humanity' in which the following appears:

"The victims of the party in favor of this declaration will be, or are now the President, Vice President, etc., down the ladder."

"In this declaration he also wrote:

"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 he meant the last war to ever be. And there were other such writings, clear evidence of diminished capacity and mental deficiency," Berman continued.

First shooting eye witness to testify was Karl Uecker, assistant maitre d' at the Ambassador Hotel, scene of the assassination. He said in a heavy German accent that as he escorted the senator through the gantry toward a press room he "felt something moving between the steam table and my stomach."

"Next thing, I heard something like a firecracker, and next thing we heard another shot and Sen. Kennedy fell . . . I was trying to push the gun away from the senator."

Uecker said the man kept shooting even though he and others pushed him to the steam table.

Q. The man you had in your arms, is he in the courtroom today?

A. Yes he is.

Q. Will you point him out.

A. Right over there.

At that point Sirhan, who had followed the questioning closely, smiled self consciously.

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By HARRY F. ROSENTHALQ

Associated Press Writer

LOS ANGELES AP - "I did it for my country:"

That, claims the prosecution, is what Sirhan Bishara Sirhan said after the assassination of Sen. Robert F. Kennedy last June.

But in outlining the state's first-degree murder case against Sirhan TGHURSDAY, PROSECUTOR David N. Fitts did not identify the country in the quotation. Sirhan, 24, was born in Jordan, but has lived in the United States since age 12. He has been pictured as an ardent Arab nationalist.

Emile Zola Berman, one of the three defense attorneys, was to make his opening statement today. In it, Berman was expected to pave the way for a defense of diminished responsibility aimed at saving Sirhan from the gas chamber.

Such a defense—a California practice that recognizes a defendant may be legally sane yet not fully responsible for his actions—would mean heavy reliance on psychiatric testimony.

Kennedy was shot in a kitchen hallway of the Ambassador Hotel early last June 5 after addressing a victory celebration. He had just won the California presidential prima

"The evidence will show," Fitts said, "that the defendant, Sirhan Sirhan, alone was responsible for this tragedy . . . that he acted alone without concert with anyone."

Fitts said Rafer Johnson, the former decathlon champion, helped disarm Sirhan and then asked, "Why did you do it, why did you do it?" Sirhan's reply, Fitts said, was, "I will explain."

The question was asked again, Fitts said, by Jesse Unruh, Democratic leader of the California State Assembly who rode with the policemen taking Sirhan to jail.

"I did it for my country," the prosecutor quoted Sirhan.

"Why him, he was trying to help?" Fitts continued the narrative and added that Sirhan replied: "It's too late, too late."

And when the question was put for the third time by policemen, Fitts said Sirhan answered: "Do you think I'm crazy, so you can use it in evidence against me."

While Fitts, a distinguished looking gray-haired man addressed the jury, Sirhan sat with his chin cupped in his right hand. He paid rapt attention, smiling occasionally, seemingly relaxed. Several times he arched his eyebrows, as if to question a point.

His tiny, gray-haired mother sitting in the front row, wept softly when the prosecutor's chronology came to the slaying. She sat with 21-year-old Munir Sirhan, another of her five sons. In her lap was a small notebook in which she made notes in Arabic.

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Judge Herbert V. Walker denied a defense motion for a mistrial, based on the fact that news accounts, speculating Sirhan would plead guilty, had reached some jurors before they were locked up Wednesday. Each juror was questioned separately in the judge's chambers on his ability to judge the case on evidence alone. "Everyone," the judge said, "answered yes."

Fitts said the state will prove that Sirhan:

-Obtained the pistol for \$25 from a coworker of his brother;  
-On June 2 visited the kitchen area of the Ambassador while a pre-election party for Kennedy was going on in another room and was seen "leaning or lounging;"

-Spent hours firing the pistol at a range the afternoon before the shooting and said he was going to use it "to kill a dog;"

-Was in the hallway 1 1/2 hours before the shooting and asked bus boys whether Kennedy would pass that way.

When the senator came through, shaking hands with kitchen help, Fitts said, "the defendant, who had been standing on a tray rack, stepped quickly from it and strode a few feet to the New York senator."

As he stepped toward the senator, he reached in the area of the waistband of his trousers, extended his right arm, brought up his right hand with a .22-caliber revolver in it, and with point blank range and in rapid fire succession fired eight shots."

The first of the three shots that hit Kennedy, the prosecutor said, probably caused his death 25 hours later.

Fitts said Sirhan emptied the pistol of its eight bullets, wounding five others in the hallway. Sirhan is charged in each case with assault with a deadly weapon with intent to commit murder.

Once in custody, Sirhan declined to identify himself. "He had no documents, no wallet, no identification,"

Fitts said, "but he had four \$100 bills and some change—\$410.60."

In his pockets, however, were two newspaper clippings about Kennedy "which clearly favored the Israeli cause over the Arab cause," Fitts said. Kennedy's death came on the first anniversary of the Arab-Israeli war.

When the prosecutor began talking about six spiral notebooks found in Sirhan's Pasadena home, one of the defense attorneys jumped to his feet, objected and asked to approach the bench.

There was a five minute whispered conversation with Judge Walker. When Fitts resumed, the judge sustained the objection and the prosecutor made no more mention of the notebooks.

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