

Sirhan Defense Contends He Killed While in Trance

By DOUGLAS E. KNEELAND
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LOS ANGELES, Feb. 14—Attorneys for Sirhan Bishara Sirhan said today that when he killed Senator Robert F. Kennedy, a man he "admired and loved," Sirhan was out of contact with reality, in a trance.

In his opening statement, Emile Zola Berman, New York lawyer, pictured the 24-year-old

Text of Berman's statement is printed on Page 12.

Jordanian immigrant as an "immature, emotionally disturbed and mentally ill youth."

Mr. Berman, thin, baldish, 66 years old, stood at a lectern before the jury, peering through reading glasses at a prepared text as he recounted in a slightly rasping voice Sirhan's early years as a Palestinian Arab.

Setbacks Depicted

The slight, dark-haired defendant, Mr. Berman said, not only was uprooted by the Palestinian war but also was emotionally scarred by the violence that erupted around him when he was only 3 years old.

"For example," Mr. Berman told the crowded eighth-floor courtroom in the Hall of Justice, "Sirhan saw a little girl's leg blown off by a bomb and the blood spurting from below her knee, as though from a

Continued on Page 12, Column 6

faucet. "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 to him."

From this point on, as Mr. Berman described it, Sirhan's life was a series of setbacks, rejections, large dreams and repeated failures.

As the attorney dwelt upon Sirhan's "fanatical obsessions of hatred, suspicion and distrust" and his constant defeats in life, the defendant, his dark eyes bright and glistening, rose half out of his chair at the defense table. Leaning toward Russell E. Parsons, another attorney, and Michael McCowan, chief defense investigator, Sirhan chopped the air with his hands as if to try to halt Mr. Berman,

shook his head agitatedly and whispered frantically.

Later, Mr. McCowan said Sirhan had not read the statement before it was delivered by Mr. Berman.

"Of course, he doesn't believe it," Mr. McCowan said, "and when you're saying unkind things about him he doesn't like it."

When Sirhan started to rise out of his chair, the investigator placed a firm arm around the sheriff's department stood behind Sirhan, placing his hand on the defendant's back.

Mr. McCowan said later Mr. Conroy had urged:

"Mike, talk to him."

"I told him [Sirhan] to calm his shoulders and spoke to him rapidly.

Inspector William Conroy of down." Mr. McCowan said, "we had to put these things in. He just kept saying, 'No, no.'"

Resumes Smiles

As Mr. Berman continued, Sirhan became visibly quieter and resumed smiling and chatting with others at the table.

"He was calmed down at the end," Mr. McCowan said, "and thanked Mr. Berman at the end for his speech."

During the opening statement, Sirhan's mother, Mrs. Mary Sirhan, and a brother, Munir, 21, sat outwardly impassive in the front row of the heavily guarded, 75-seat courtroom.

Mr. Berman said that after a fall from a horse Sirhan "complained about headaches, 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," Mr. Berman said, and began writing, on June 2, 1967, just three days before

the six-day Arab-Israeli war broke out, such things as:

"The author of this memorandum expresses his wishes very bluntly that he wants to be recorded by history as the man who triggered off the last world horse players, he lost."

Mr. Berman said that when Sirhan read about Arab defeats by the Israelis it "triggered his spells."

"In his fantasies he was often a hero and savior of his people, the attorney added. "In the realities of life, as our doctors will tell you, however, he was small, helpless, isolated, confused and bewildered by emotions over which he had absolutely no control."

Mr. Berman said Sirhan then became "concerned with mystical thoughts and searched for supernatural powers of the mind over matter," indulging in mystical experiments akin, at least, to self-hypnosis.

'Another Heavy Shock'

"Then came another heavy shock," the attorney said as the 12 alternates and six jurors listened intently, some leaning forward to hear over the street noises that penetrated the steel sheets blocking the courtroom windows.

Mr. Berman went on: "In late May and early June of 1968, Senator Kennedy, who he himself will tell you he admired and loved, said during the campaign both in Oregon and California, in essence, that if he were President he would send 50 Phantom jets to Israel.

"That did it, because from that point on, back to mysticism went Sirhan. He concentrated in front of a mirror in his own room and thought and thought about Senator Kennedy until at last he saw his own face no longer, but that of Sen-

ator Kennedy, in that mirror."

Mr. Berman said defense psychiatrists and psychologists would support testimony by Sirhan himself that "he never thought and never had a thought to kill Kennedy."

"Through a weird chain of circumstances, and while in a disturbed mental state—intoxicated and confused," Mr. Berman said, "he had the same spells that he had in Palestine."

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

"At the actual moment of shooting—now this isn't Berman talking, it is mental science talking—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 actions."

Aims of the Defense

Sirhan's attorneys, Mr. Berman, Mr. Parsons and Grant E. Cooper, are attempting to prove "diminished capacity" on the part of the defendant. Under California law, such a defense may be used to show that while a person was legally sane he did not have the mental ability to give mature and rational consideration to the act of which he is accused.

Should the jury find that Sirhan had "diminished capacity" at the time he shot Senator Kennedy, it would have to find him guilty of manslaughter or second-degree murder rather than first-degree murder. The defense concession that Sirhan killed Mr. Kennedy precludes a verdict of not guilty.

Immediately after Mr. Berman finished his statement, the prosecution began calling witnesses to prove, as it must despite the concession, that Sirhan killed the Senator.