

Jury Begins Deliberations on Guilt of Sirhan After Prosecutor Assails the Psychological Testimony

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LOS ANGELES, April 14 — The murder trial of Sirhan B. Sirhan, the elf-admitted killer of Senator Robert F. Kennedy, went to the jury this afternoon after 60 days of courtroom proceedings.

The jury of seven men and five women retired to their deliberation room on the ninth floor of the Hall of Justice, just a floor above the small courtroom where the trial has been held, at 2:55 P.M. At 4 P.M. they went back to their hotel.

Superior Court Judge Herbert V. Walker ordered the panel to retire to consider their decision after giving them a 50-minute charge on the various verdicts they could return.

The prosecution asked for a verdict of murder in the first degree, the defense, contending that Sirhan was mentally incapable of "maturely and meaningfully" planning the crime, requested a verdict of second degree murder.

The defense, never denying that Sirhan committed the murder, has not suggested another possibility: a not guilty verdict.

Under California law, a conviction of murder in the first degree is punishable by death in the gas chamber or life imprisonment. Under the bifurcated trial system here, a separate trial, or penalty phase, would have to be held before the same jury in order to determine the punishment.

Parole After Seven Years

After seven years, a prisoner would become eligible for parole, which would be determined by the California Adult Authority, a nine-member agency that decides on sentences and paroles in the state prison system.

The sentence for second degree murder is five years to life imprisonment, with applications for parole being allowed after three years. The sentence would be set by the Adult Authority.

The third possibility, voluntary manslaughter, although remote in the Sirhan case, is punishable by one to 15 years in prison.

In his charge to the jury, Judge Walker said that a verdict of guilty of first degree murder must be returned if the panel is convinced that the defendant acted in a "cold and calculating way" to take the life of Senator Kennedy.

"The act must be planned, deliberated upon and the legal consequences weighed," he said. To the delight of the de-

fense, the judge stressed that first degree murder must be carried out by "a healthy mind."

A conviction of second degree murder, he went on, must be arrived at if the jury has a reasonable doubt that, at the time of the crime, the defendant did not have the mental capacity to premeditate because of "mental illness, intoxication or any other cause."

All during the trial, which entered its 15th week today, the defense has maintained that Sirhan, under the California legal concept of "diminished capacity," did not have the mental machinery to "maturely and meaningfully" plan and carry out the assassination.

No Night Deliberations

Judge Walker, in ordering the case to the jury, said the panel would deliberate in normal court hours, meaning that it would only meet to consider a verdict from 9:30 A.M. to 4 P.M. on weekdays.

Judge Walker said that if the jury returned a first or second degree murder verdict, it would also have to find Sirhan guilty of five counts of assault with a deadly weapon with the intent to commit murder. These are secondary charges in the case growing out of the wounding of five persons during the assassination.

If a manslaughter conviction is returned, Judge Walker said, the jury must find the defendant guilty of the lesser charges of assault with deadly weapon.

At this morning's session, the jury was urged to disregard all the testimony of psychological experts who diagnosed Sirhan as mentally incapable of premeditating the shooting of Senator Kennedy.

"I say throw them all out in one big bag," said Lynn D. Compton, the chief deputy district attorney in his closing summation, referring to the parade of psychologists and psychiatrists who testified for the defense and who tested Sirhan in his jail cell.

"I say reject all the tests," Mr. Compton continued. "I think it would be a frightening thing for justice in this state to decide a case of this magnitude on whether he [Sirhan] saw clowns playing patty-cake or kicking each other in the shins in an ink blot test."

The prosecutor described Sirhan as "vicious and cunning" and asked the jury "not to put a premium on hate" by coming up with any verdict other than first degree murder.

Not 'Long or Profound'

Mr. Compton began his summation by saying that he was not going to be "long or profound." He assailed the psychological experts, describing them as men "whose profession is based on finding something wrong with people." He told

the jurors in his calm, drawing voice, "They are not going to come in and say nothing is wrong with Sirhan."

"I've heard that Charles

Dickens wrote in a book that 'the law is an ass,' the lawyer continued. "I think the law became an ass when it let the psychiatrist get his hand on it."

Mr. Compton, a bulky man with white, crew-cut hair who played guard on the 1943 Rose Bowl team of the University of California at Los Angeles, continually portrayed himself to the jury as a simple, humble man unable to understand the mysteries of psychiatry.

"All we ask is that you go at this thing like you were sitting in your own living room and someone asked you to decide something," he told the

jury as he sat casually on the end of the prosecution table.

Mocks Mirror Version

Mr. Compton was particularly scornful of Dr. Bernard L. Diamond, a psychiatrist and professor at the University of California at Berkeley. The prosecutor said Dr. Diamond had "thoroughly discredited himself" by describing Sirhan as being in a self-induced trance at the time of the shooting.

He assuaged Dr. Diamond of rejecting the testimony of witnesses whose observations did not fit in with "his version" of the killing and said sarcasti-

cally that "any witness that did not fit his pattern was a liar."

He called the psychiatrist "a walking lie detector" and added that "nobody had the true picture" until Dr. Diamond arrived and "solved the whole thing."

"Of course, he did it with mirrors," Mr. Compton said with a slight smile, referring to Dr. Diamond's contention that Sirhan was self-hypnotized by the flashing mirrors in the lobby of the Ambassador Hotel just outside the pantry when the Senator was killed.

The prosecutor also aimed

a blow at testimony by the psychiatrists that Sirhan's personality was "deteriorating" at the time of the shooting and "has been deteriorating ever since."

"If he was a vegetable on June 5, then he should have been a gibbering idiot on the witness stand," Mr. Compton said. He said that, instead, the defendant, when he testified, had been "alert and cunning" and that there had been "no symptoms, clinical or otherwise," to show that Sirhan's mind was deteriorating.

He reminded the jurors that the chief defense attorney, Grant B. Cooper, had asked

them to judge the case impartially without taking into account the political importance of Senator Kennedy—that the victim should be thought of as "John Smith."

Degree of Responsibility

"I agree that this is true," Mr. Compton said, "but you cannot divorce yourself from the fact that Robert Francis Kennedy was the reason the crime occurred. It had to be a figure with the standing of Senator Kennedy, someone strong enough to have sent bombers to Israel."

"The \$64 question," the prosecutor said, "is whether

this defendant's quality of planning is sufficient for you, the jury, to say you are a bad man and should be held responsible."

At the outset today, Mr. Compton was rebuked by Superior Court Judge Herbert Walker for saying last Friday, when he began his summation, that in his opinion, all the felons prosecuted each year in Los Angeles County suffered from "diminished mental capacity."

Judge Walker told the jury that Mr. Cooper had objected for the defense and said that they were to disregard that part of the closing argument.

The judge said that "in law, the concept of diminished capacity applies only to specific crimes."

The defendant's mother, Mrs. Mary Sirhan, was not in court this morning. It was only the second time she had missed the trial since it began 60 days ago. Her son Adel explained

that his mother did not wish to hear Mr. Compton speak.

Before the session began this morning, Judge Walker had the clerk select an alternate juror, George Stitzel, newspaper pressroom superintendent, to take the place of Ronald G. Evans, a juror whose father died last Friday.