

Alleged Assassin of Bobby Kennedy: The Tortured Logic behind Sirhan Sirhan's Parole Denial

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In the newly released transcript of Sirhan Sirhan's [parole hearing](#) on February 10, we discover why— at nearly 72 years of age — the convicted murderer of Bobby Kennedy “continues to pose an unreasonable risk of danger to society or a threat to public safety and is therefore not suitable for parole.”

Since its landmark opinion in the [Lawrence case](#) in 2008, the California Supreme Court has required the parole board to provide “some evidence” that a prisoner is “currently dangerous” when denying parole. This, and pressure to reduce prison overcrowding, has seen parole grant rates for “lifers” jump from 8 percent in 2008 to 33 percent in 2014.

A [Stanford Law School](#) study in 2011 found that, of 860 murderers paroled in California since 1995, only five reoffended and none were convicted of another murder.

But, as we'll see, the tortured logic used by one of the commissioners to compute Sirhan's current threat level gives him little hope of freedom anytime soon.

As described in my [previous piece](#), the hearing was hotly contested. On one side, David Dahle, representing the L.A. County District Attorney's office, called Sirhan a “terrorist.” On the other, Sirhan's attorney William Pepper and shooting victim Paul Schrade called him “a political prisoner” and condemned his inhumane treatment.

In his victim impact statement, Schrade criticized Dahle for his “venomous” attack on Sirhan, saying the assassination was a political crime but it's “also a political crime keeping him in prison.”

Pepper and Schrade were both close to Bobby Kennedy and invoked his name in calling for Sirhan's release. Pepper, who was Citizens' Chairman for Kennedy's Senate run in 1964, said:

If Bob Kennedy were alive and were viewing [the available evidence, he] would urge this Panel to finally grant this man parole.

Schrade apologized to Sirhan for not coming to earlier hearings and presenting evidence “that shows that Sirhan couldn't and didn't shoot Robert Kennedy.”

The parole panel normally bars any attempt to “retry” the case but Schrade's victim rights gave him carte blanche to put the [key evidence](#) of a second gun on the record — arguing that the witness testimony, the autopsy report and the only audio recording of the shooting

prove an unidentified second shooter killed Kennedy.

Panel members acknowledged that the evidence submitted did raise “provocative questions regarding what exactly transpired” on the night of the shooting, but said they are bound to accept the facts of Sirhan’s conviction.



Sirhan Sirhan Photo credit: California State Archives

Sirhan has always said he cannot remember the shooting, and his attorneys claim he was in a hypnotic trance at the time. While Schrade stopped short of saying Sirhan was hypnotized, he does believe Sirhan didn’t know what he was doing and should not be held fully accountable for shooting him and other bystanders, or attempting to shoot Robert Kennedy:

I believe you should grant Sirhan Sirhan parole...in the name of Robert F. Kennedy and in the name of justice...I wanted you to know from me, Sirhan, that I forgive you for shooting me [and] that you did not shoot Robert Kennedy. And you’re being mistreated so long. And I should have been here long ago. And that’s why I feel guilty of not being here to help you and to help me understand what happened.



Sirhan Sirhan June 5, 1968 Photo credit: California State Archives

While Schrade found the proceeding “very abusive,” Sirhan was surprised and thankful that he was treated more respectfully than at his last parole hearing five years ago, when he felt he was “abused” by the commissioners. According to his attorney, he was physically sick after the experience.

This time, the panelists commended Sirhan for being “very cooperative and very restrained.” They also praised his clean disciplinary record and history of positive work evaluations in prison jobs including clerk, yard crew, tram worker, part cleaner, tailor, laundry worker, porter and cook.

Discredited Testimony Resurrected

When it came to recalling the crime itself, Sirhan seemed a little weary of repeating himself, 47 years after the event. He has always claimed he cannot remember the shooting and when the panel resurrected long-discredited claims from [convicted burglar](#) Carmen Falzone and trash collector Alvin Clark, Sirhan denied ever telling anybody he had deliberately shot Robert Kennedy.

Falzone had sold a story to *Playboy* in 1977 in which he claimed Sirhan confessed his guilt about the Kennedy murder and conspired with him to smuggle plutonium to Muammar Gaddafi in Libya. This unlikely plot was used as evidence by the state in its successful attempt to rescind Sirhan’s parole date in 1982.

Hopeless Catch 22 Situation

When the panel asked Sirhan why he pleaded guilty at trial, Sirhan repeatedly answered

that while he had no memory of the shooting, his trial attorneys had told him that he had been the gunman.

“So what do you take responsibility for, sir?” asked Commissioner Brian Roberts.

“Whatever I’m guilty of in this case...[but] not murder”, replied Sirhan, adding it was for prosecutors to determine what he was guilty of:

“If you don’t believe you’re responsible for shooting somebody...tell me what you think you’re responsible for?”

“It’s a good question. Legally speaking, I’m not guilty of anything...I’m responsible for being there...”

“Anything else that you’re responsible for other than being there?”

“Knowing what I know now about the case, no.”

“What do you mean by that?”

“That I did not commit the crime.”

Sirhan said he had remorse “as far as I am criminally responsible” but seemed to imply that, as he was in a dissociated state at the time, he wasn’t criminally responsible for anything. He later clarified that statement:

I would say that I’m not guilty of murder...I feel that if I had a proper defense at the time that the results would have been quite different than what happened. My trial attorney did not conduct a crime scene investigation. He never really examined any of the witnesses. He conceded everything before even examining the bullets...there was hardly anything that he did other than concede my guilt. And he said that numerous times. And he convinced me of it. He made me guilty without even knowing that I am guilty.

Sirhan expressed “extreme remorse” for the death of Robert Kennedy and “for his family’s loss and for the country’s loss.” In the past, before he knew of evidence exonerating him, he “did take full responsibility” for the murder even though he couldn’t remember the crime:

I thought I was guilty, you know, and it bothered me. And it still bothers me now because I’m still a part of this scene, of this situation. But I don’t really know how to prove [my remorse] to you. It’s too abstract. It’s an internal thing...How do you manifest the illustration of it?...If you want a confession, I can’t make it now.



Sirhan Sirhan with his attorney William Pepper at the 2011 hearing

Photo credit: [e2filmsrevolution / YouTube](#)

Sirhan’s attorney William Pepper tried to make sense of the fragmented testimony by summing up his client’s dilemma:

The problem that he faces is, he legitimately does not recall what happened. And if he doesn't recall what happened, he cannot say that he was accountable and legally responsible and therefore he is remorseful. He's remorseful about what happened to Robert Kennedy.

Pepper quoted Dr. Daniel Brown's report, which notes Sirhan was in a dissociated state "at the time of the assassination, [so] it should not be assumed at the parole hearing that he should manifest either knowledge or remorse for, or a clear memory for, an event wherein his behavior was likely compulsively induced involuntarily and for which he still has little memory."

If paroled, Sirhan said he just wanted to "live out my life peacefully and in harmony with my fellow man...[and] I daresay, with respect, that you guys are the obstacle to [those] aspirations."

Asked for a final comment, Sirhan said: "I think I'm way overdue for parole." And his closing statement at the end of the hearing was brief and to the point: "Please let me go home. Thank you."

"However..."

In its decision, the panel acknowledged there were positive factors showing Sirhan's suitability for parole. He had no criminal record prior to the murder of Robert Kennedy in 1968, and has broken no serious prison rules since 1972.

Sirhan's age "reduces the probability of recidivism" and he had "made realistic plans for release" and "developed marketable skills" to gain employment and support himself. There is an immigration hold on Sirhan, so, if paroled, he would probably be deported to Jordan, where he has family and is a citizen.

However, the panel continued:

Those positives are far outweighed by other circumstances that tend to show unsuitability for parole and suggest that if released that you would pose a potential threat to public safety.

Chief among these were the "particularly heinous and atrocious and offensive manner" of the murder and the "magnitude of the crime":

The Supreme Court has ruled that after a long period of time, immutable factors often are no longer relevant. However in your case we believe that the crime committed in this offense is one of a very few and falls into the category that remain relevant today...It was a political assassination on a very viable presidential candidate. It was an attack upon the Democratic system that we reside in and it actually clearly affected the potential of this nation and it remains relevant today.

But, as [*In re Lawrence*](#) notes, "evidence of the inmate's rehabilitation and suitability for parole" can override "the gravity of the commitment offense" by "indicating the conduct is unlikely to recur." So Sirhan's suitability for parole really hinges on his insight into why he committed the crime and here, the panel found him lacking:

Insight is specifically critical in cases such as this where an individual has no prior

propensity towards violence...It is critical to have a significant understanding as to why he would resort to violence in this case. While anger appears to be at the core of it, [Sirhan] has yet to make the necessary connections between his anger and his violence... Absent sufficient insight, he cannot develop the necessary or requisite coping mechanisms or skillsets that would assist him in abating this very specific mindset [in the future].

As noted in [my preview](#) of the hearing, this presents a number of Catch 22 scenarios for Sirhan: How can you show remorse and insight into the crime when you can't remember what happened? And how can you accept full responsibility for the crime when you're still contesting the case — and the courts refuse to hear new exculpatory evidence that supersedes the state's version of events?

The panel did not find Sirhan's "claim of memory loss to be credible, given his other testimony, his other recall and the testimony of others":

We feel that you failed to [show] adequate signs of remorse and to accept full responsibility for your criminal actions. Perhaps you did better at the last hearing. I read in the last hearing you at least accepted responsibility for the shooting of the other victims. And today you didn't even do that. Today you indicated you were not responsible for anything. And we know those who don't take full responsibility for their criminal acts and those who do not show adequate signs of remorse, these people are likely to recidivate. And that makes you a current danger to the public safety.

Doctors: Low Risk for Future Violence

The panel considered psychological evaluations from [Dr. Daniel Brown](#) and Dr. Nameeta Sahni, who spoke with Sirhan for three to four hours last October.

Dr. Sahni concluded Sirhan did not meet the diagnostic criteria for substance abuse or personality disorder and that his impulsivity had declined with age. And like Dr. Carrera in 2010 and Dr. Brown, she concluded Sirhan had a low risk for future violence.

She felt the most relevant clinical risk was "in the area of a lack of insight and understanding of his crime":

While he raises points that are the basis for legal appeals and arguments and may be compelling to the court, his perspective also lacks a willingness to take responsibility for any aspect of the crime. He fails to address why he was in possession of a gun at the time of his life crime, why he fired his weapon regardless of his belief that bullets fired from his weapon were not those that killed the victim or why he would have initially entered pleas of guilty when he was arrested if he did not commit the crime.

When asked about these inconsistencies he remained cooperative and willing to discuss the issues but ultimately never presented a reasonable alternative explanation. Known circumstances that would point to his guilt or some culpability for the crime were met with answers from the inmate of, 'I don't know.' He continued to offer a dual perspective on the crime and that encapsulates both guilt and innocence reflecting that he has not truly explored the issue on an emotional level but continues to focus on an intellectual understanding of the crime and his legal pursuits.

However, to his credit he has repeatedly talked about the loss of human life and the impact of the victim's death on his own family, and on the extended Kennedy family given the loss

of the victim's brother, President John F. Kennedy, several years prior due to an assassination, as well as how the country at large experienced the death of the victim in the controlling offense.

As William Pepper noted at the hearing, this analysis does not factor in Sirhan's dissociated state at the time of the shooting and his subsequent amnesia for the crime, so extensively explored by Dr. Brown.

While the panel noted that Dr. Sahni's report "does generally support release", they gave the issues she raised about "lack of insight and only intellectualized remorse...a different weight than she does":

It is the Board's job to assess dangerousness. And in this case, despite Dr. Sahni's risk assessment, the Panel does not find significant evidence of positive rehabilitation that convinces us that if released Mr. Sirhan would not pose a potential threat to public safety.

Panel's Lack of Insight

Deputy Commissioner Keith Stanton, a 20-year veteran of lifer hearings, then explained his reasons for voting against Sirhan's release. He commended Sirhan for remaining disciplinary-free and for "a pretty good work record" and admitted "there's a lot of controversy regarding evidentiary matters in this [case]":

But there are a lot of undisputed facts. And that's where my issues lie for the most part...and that's what bothered me...in terms of risk to the community if you're released. And so I looked at the documents that you presented and I thought, well, okay, even if I were to accept that you were not guilty of the murder of Robert Kennedy, there are a couple things that are undisputed.

First of all you were present and you had a gun. According to the witnesses you pulled out the gun and you aimed it at Mr. Kennedy and you shot it multiple times. And you injured multiple people. So at a minimum there was at least an attempt to kill him.

Stanton considered the "question of whether you knew what you were doing, the memory issue and whether you were under coercion or maybe if there was a conspiracy or maybe there was hypnosis involved" and had this exchange with Sirhan during the hearing:

"So you lost your memory sometime probably after having the Tom Collins and then your memory came back at the time that you were being held down and choked. Why do you think your memory came back at that particular moment?"

"Well, I needed to breathe. They almost killed me that night."

"And was your memory pretty detailed after that from that time on?"

"It's all vague now. I'm sure you have it all in your record. I mean I can't deny it or confirm it, you know. But I just wish this whole thing had never taken place."

Stanton seemed unaware of clear evidence in the record that Sirhan was in a dissociated

state in the hours after the shooting. [Audiotapes](#) of Sirhan's first hours in custody clearly establish this, as he asks police officers where he is and why he's there.

Explaining his vote for denial, Stanton said he accepted "some memory loss possibly from the alcohol" but "there are too many things for me to accept that you would have been hypnotized."

He was disturbed by the "inordinate amount of time" (six hours) Sirhan spent on a firing range on the day leading up to the shooting; that "the incident took place on the anniversary of the Arab and Israeli war" and that there was such a strong motive — Sirhan's "deep-seated anger...over Mr. Kennedy's promise to aid Israel with jets that could attack Palestine":

You went to the pantry and asked if Kennedy was going to come through the pantry. You were there for, I believe, like a half an hour. The way that you shot, according to what I read, you made a gesture to shake his hand and then pulled out the gun and started shooting and you continued shooting. Your explanation to the doctors was 'I don't know why I did it.'

I just personally don't believe that you were hypnotized. And if you were, I don't believe it was by someone else. I know from your testimony...that you joined the Rosicrucians and you practiced a lot of self-hypnosis. So there was a lot of evidence that if you were hypnotized it was by yourself. I didn't see anything that would indicate to me you were hypnotized by another party or someone else that had plans of assassinating Robert Kennedy.

So now I'm thinking, well, okay, if I don't believe you were hypnotized or intoxicated then you had to know what you were doing...I understand there's a lot of experts — but I'm not that convinced that you didn't know or that you don't remember, to be honest with you.

So if you weren't hypnotized and if you knew what you were doing and you made an attempt to kill Senator Kennedy, how much different is it whether you're the person who shot him or not? If you went there with the intent to kill him and you pulled out a gun and shot at him, I don't really see the big difference in my mind as far as your dangerousness.

Commissioner Roberts pointed out this was carried out in an exceptionally cruel and callous manner. Because this was intended to be an execution that would...cause harm to millions. And you would have known that going in there. So to me, that's evidence of exceptionally callous disregard for the suffering of countless people.

The overwhelming opinion of the psychologists who have worked most closely with Sirhan over the years is that he was in a hypnotic state at the time of the shooting and that his amnesia for the shooting is genuine. Sirhan consumed four Tom Collins cocktails and the prosecution could never prove he wasn't intoxicated because LAPD failed to check his blood alcohol level. Stanton blithely dismissed all this.

The last three psychological reports on Sirhan agree he presents a low risk of violence, if paroled. Stanton dismissed those, too, going back 10 years to to a report by Dr. Kuberski, which "put it about as well as I could and maybe better":

In estimating the risk for violent recidivism in the community, it's important to recognize that the murder of Senator Robert Kennedy was a politically motivated assassination and terrorist act. Sirhan was interested in changing the course of history and avenging the honor of his people by murdering a man he considered a Hitler for Arabs...If involved in politics,

[Sirhan would] be an enormously motivating presence for terror.

Stanton failed to mention that Sirhan had refused to speak to [Dr. Kuberski](#), so the terrorist narrative in Kuberski's report was entirely based on secondary sources and the prosecution's reading of the case.

Stanton took it even further:

I'm not surprised at all you do well in prison. Why wouldn't you? There's no point in being violent here... it's like someone who's going after the head of a snake. Why nip at the body? It's not going to have any effect...you don't have a gun and a lot of guys out here are a lot bigger than you...So it's no surprise to me at all that you do well in prison...I don't perceive you as someone who's just a violent person. My perception is someone who is on a mission however long it takes.

So while Stanton agrees Sirhan is low-risk within the structured setting of a prison, if released, he implies Sirhan may resume his life's mission as a political assassin and go after another head of the snake. It's frightening to think that this kind of logic has been determining prisoner's fates for 20 years. He continues:

I don't see an individual who's changed or rehabilitated. I see someone who has sat in prison for a long time but is still basically saying I don't remember, in fact, at this point I don't even think I did it, I'm not legally responsible for anything. Those are your words not mine. And if that's the case then you remain as dangerous as the day you came to prison.

I don't believe that you didn't know what you were doing at the time. And if you did know what you were doing and you still have the same present state of mind then you really haven't changed. And to me, then you'd be just as dangerous as when you came to prison. And that's the reason I didn't vote for a date. So two reasons, the magnitude of the crime and your present attitude towards the crime, to me, indicate a current dangerousness.

Stanton's stereotyping of Sirhan as a terrorist on a lifelong mission, dormant in jail but ready to reload at 72 years old if released from prison, betrays the very narrow view of Sirhan's case taken by those who sit in judgement on him. His opinion is at odds with virtually all psychological reports ever written on Sirhan, most of which argue he has changed significantly and has been rehabilitated.

Dr. Sahni presented a measured account of the serious issues around Sirhan's insight into the crime that must be weighed by the parole board but Stanton's opinion showed that no matter how many psychologists recommend Sirhan for release, the parole commissioners or governor can always overrule. In their eyes, as long as he refuses to remember or confess, Sirhan today is the same devious assassin he was 47 years ago.

If Bob Kennedy were alive and were viewing [the available evidence, he] would urge this Panel to finally grant this man parole.

Sirhan's five-year denial could have been as long as 15 years, but his age, good disciplinary record, family support and parole plans counted in his favor.

The panel recommended that he stay disciplinary-free and engage in self-help programs in anger management and alcohol use, as requested by the previous panel. The Stanford study

found a strong correlation between grant rates and inmates participating in a “twelve-steps” program:

159 inmates were asked whether they could identify one or more of the 12 steps. Of the 56 inmates who failed to correctly answer the commissioners’ question, only one was paroled. By contrast, 37 of the 141 who correctly responded to commissioners’ queries received parole — a grant rate double that of inmates who were not asked about their treatment program.

Sirhan’s claim that he didn’t need anger management classes because he had learned to walk away in provocative situations, and his pledge to simply avoid alcohol in the future were not enough:

You were unable to identify skillsets and coping mechanisms...that you could or would use should you find yourself in similar circumstances such as anger and being in a place where alcohol is being used...And absent those skillsets and coping mechanisms we feel you are a current risk of danger to public safety because you are likely to react as you have in the past.

Sirhan can request an earlier hearing within three years if “there’s been a change of circumstance or new information that establishes a reasonable likelihood that you don’t require additional incarceration.”

Sirhan’s attorneys are now taking his case to the Ninth Circuit Court of Appeals. One month after the hearing, L.A. County District Attorney Jackie Lacey has still not responded to Paul Schrade’s request for a meeting and a new investigation into the case. Her office declined to comment for this piece.

Read the full transcript of Sirhan’s parole hearing [here](#).

Shane O’Sullivan is an author, filmmaker and researcher at Kingston University, London. His work includes the documentary [RFK Must Die](#) (2007) and the book [Who Killed Bobby?](#) (2008). He blogs on the Sirhan case at <http://www.sirhanbsirhan.com>

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