

SUBSEQUENT PAROLE CONSIDERATION HEARING

STATE OF CALIFORNIA

BOARD OF PAROLE HEARINGS

In the matter of the Life) CDC Number: B-21014
Term Parole Consideration)
Hearing of:)
)
SIRHAN SIRHAN)
)

R.J. DONOVAN CORRECTIONAL FACILITY AT ROCK MOUNTAIN

SAN DIEGO, CALIFORNIA

FEBRUARY 10, 2016

9:10 A.M.

PANEL PRESENT:

BRIAN ROBERTS, Presiding Commissioner
KEITH STANTON, Deputy Commissioner

OTHERS PRESENT:

SIRHAN SIRHAN, Inmate
WILLIAM PEPPER, Attorney for Inmate
LAURIE DUSEK, Attorney for Inmate
DAVID DAHLE, Deputy District Attorney
PAUL SCHRADE, Victim
BILL SCHRADE, Victim's Next-of-Kin
ROBERT BEEMER, Victim's Support
ROGER OLIVARRIA, Correctional Counselor II, RJD
LORI DERY, Deputy District Attorney, LA County, Observer
SHANNON HOGG, Ass. Deputy Chief Commissioner, Observer
GREGORY JOHN BULL, Associated Press
ELLIOT SPAGAT, Associated Press
CORRECTIONAL OFFICER(S), Unidentified

CORRECTIONS TO THE DECISION HAVE BEEN MADE

 No See Review of Hearing
 Yes Transcript Memorandum

CYNTHIA L. WILLMETT, Transcriber, NCCR

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1 **P R O C E E D I N G S**

2 **DEPUTY COMMISSIONER STANTON:** We're on record.

3 **PRESIDING COMMISSIONER ROBERTS:** Good morning
4 everyone. This is a Subsequent Parole Suitability
5 Hearing for Sirhan Sirhan, California Department of
6 Corrections and Rehabilitation number B-21014. Today's
7 date is February the 10th, 2016. The time is
8 approximately 9:10 a.m. We're located at the Richard J.
9 Donovan Correctional Facility and that is in San Diego
10 County, California. Mr. Sirhan was received by the
11 California Department of Corrections and Rehabilitation
12 on or about May the 23rd, 1969, and this is from the
13 County of Los Angeles. It was under their case number
14 A233421 and it was for the offense of Penal Code Section
15 187, Murder in the First Degree. He was also convicted
16 of five counts of Assault with Intent to Commit Murder,
17 it says, or Assault with a Deadly Weapon. He was
18 sentenced to -- initially to the death penalty and it
19 was modified on August the 5th, 1972 to a life term. He
20 has a minimum eligible parole date of April the 26th,
21 1973, and his life term did start on May 23rd, 1969.
22 The victims in this case were His Honor, Senator Robert
23 F. Kennedy, Paul Schrade. Did I say that right, sir?

24 **MR. PAUL SCHRADE:** Schrade.

25 **PRESIDING COMMISSIONER ROBERTS:** Schrade, and

1 that's spelled S-C-H-R-A-D-E, correct?

2 **MR. PAUL SCHRADE:** Right.

3 **PRESIDING COMMISSIONER ROBERTS:** All right. And
4 Paul is here with us today. The other victims of being
5 shot were Irwin Stroll, William Weisel, W-E-I-S --

6 **MR. PAUL SCHRADE:** Weisel.

7 **PRESIDING COMMISSIONER ROBERTS:** Weisel?

8 **MR. PAUL SCHRADE:** Weisel.

9 **PRESIDING COMMISSIONER ROBERTS:** W-E-I-S-E-L.

10 Elizabeth Evans and Ira Goldstein, G-O-L-D-S-T-E-I-N.

11 Now the hearing is being recorded. So for the purpose
12 of voice identification we're going to go around the
13 room and identify ourselves. We'll do that by stating
14 our full name and spelling our last. Mr. Sirhan, when I
15 come to you if you'd state your full name, spell your
16 last and give us your CDC number -- hold on. You're
17 going to go third. All right. And you seem to be
18 anxious but hold on. All right. So we'll start with
19 myself and we'll go to my left around the table. You'll
20 be third. After we go around the table here we're going
21 to ask all of the other people who are here observing or
22 participating in the hearing to step up to this
23 microphone here and state their full name and spell
24 their last and give us the reason for your being here
25 today. We have some -- we'll have some press people and

1 we have some support people for the victim in this case
2 and we have some other observers. So let's start with
3 myself. Good morning, Mr. Sirhan.

4 **INMATE SIRHAN:** Good morning.

5 **PRESIDING COMMISSIONER ROBERTS:** I'm Brian
6 Roberts, R-O-B-E-R-T-S and I am a Commissioner with the
7 Board of Parole Hearings.

8 **DEPUTY COMMISSIONER STANTON:** Good morning.

9 **INMATE SIRHAN:** Good morning.

10 **DEPUTY COMMISSIONER STANTON:** Keith Stanton, S-T-
11 A-N-T-O-N. I'm a Deputy Commissioner with the Board of
12 Parole Hearings.

13 **INMATE SIRHAN:** I'm Sirhan Sirhan, B-21014.

14 **ATTORNEY PEPPER:** I'm William Pepper, attorney
15 for Sirhan Sirhan appointed as an out-of-state attorney
16 pursuant to Rule 9.47 by the California Board of
17 Paroles.

18 **PRESIDING COMMISSIONER ROBERTS:** All right.

19 Thank you, sir.

20 **ATTORNEY DUSEK:** I'm Laurie Dusek. I'm
21 co-counsel for Sirhan Sirhan.

22 **PRESIDING COMMISSIONER ROBERTS:** Will you spell
23 your last name for us please?

24 **ATTORNEY DUSEK:** D-U-S-E-K.

25 **PRESIDING COMMISSIONER ROBERTS:** Thank you,

1 ma'am.

2 **DEPUTY DISTRICT ATTORNEY DAHLE:** David Dahle,
3 D-A-H-L-E, Deputy District Attorney from Los Angeles
4 County.

5 **PRESIDING COMMISSIONER ROBERTS:** All right. So
6 let's go ahead and start with the photographer.

7 **MR. BULL:** I'm Gregory John Bull, B-U-L-L. I'm
8 an Associated Press photographer.

9 **PRESIDING COMMISSIONER ROBERTS:** Thank you.

10 **MR. SPAGAT:** Good morning, Elliot Spagat, S-P-A-
11 G-A-T, a reporter for the Associated Press.

12 **MR. BEEMER:** Robert Beemer, B-E-E-M-E-R, victim's
13 support person.

14 **MR. PAUL SCHRADE:** I am Paul Schrade spelled S-C-
15 H-R-A-D-E. I'm a victim of the shooting that night.

16 **PRESIDING COMMISSIONER ROBERTS:** Thank you, sir,
17 for coming.

18 **MR. BILL SCHRADE:** Bill Schrade, S-C-H-R-A-D-E,
19 support person.

20 **MR. OLIVARRIA:** Correctional counselor II Roger
21 Olivarria, O-L-I-V-A-R-R-I-A, representing RJD.

22 **DEPUTY DISTRICT ATTORNEY DERY:** Lori Dery, D-E-R-
23 Y, Deputy District Attorney for Los Angeles County,
24 observer.

25 **ASSOCIATE CHIEF DEPUTY COMMISSIONER HOGG:**

1 Shannon Hogg, H-O-G-G, Associate Chief Deputy
2 Commissioner, observing the hearing.

3 **PRESIDING COMMISSIONER ROBERTS:** All right. And
4 for the record there are two security staff present.
5 They're here for security purposes only and will not be
6 participating in the hearing. Before we get into the
7 hearing let's talk about any needs for assistance you
8 might have, Mr. Sirhan. I've reviewed your BPT 1073
9 which it looks like Correctional Counselor M. Clay
10 brought to review with you and have you sign on January
11 the 4th, 2016. That document indicates you refused to
12 sign the document. However, I looked into the
13 Disability and Effective Communicate System file which
14 tells me about any disabilities you might have. And
15 that file system tells me that you're currently
16 classified as Medium-A, you're housed on the Sensitive
17 Needs Yard and you have a placement score of 19. It
18 tells me you have no developmental disabilities and did
19 not cite any prior needs for assistance. It also
20 indicates you have a TABE score of 8.5 and a work
21 classification of A1A. You have been assigned, it looks
22 like, to Adult Basic Education III since June 27th,
23 2015. And it looks like you also had been assigned as a
24 cook in, it looks like about August -- I'm sorry, oh,
25 yeah, September 27th, 2014. And you -- prior to that

1 you worked in the scullery there. And that was in June
2 of 2014. Does that all sound about correct, sir?

3 **INMATE SIRHAN:** Yes.

4 **PRESIDING COMMISSIONER ROBERTS:** Okay. All
5 right. Now I did notice in looking for other signs of
6 any disabilities that at one of the Classification
7 Committees they gave you a staff assistant. But it
8 didn't seem to me -- you've got a fairly good TABE score
9 -- that you needed a staff assistant. Do you think you
10 need a staff assistant today, sir?

11 **INMATE SIRHAN:** Not at all.

12 **PRESIDING COMMISSIONER ROBERTS:** Okay. All
13 right. Well, you have your attorneys here. They should
14 be more than adequate as a staff assistant, I think.
15 All right then. So let me ask you this. Do you hear me
16 okay?

17 **INMATE SIRHAN:** Yes, sir.

18 **PRESIDING COMMISSIONER ROBERTS:** Were you able to
19 walk here on your own today?

20 **INMATE SIRHAN:** Yes.

21 **PRESIDING COMMISSIONER ROBERTS:** Okay. And do
22 you need glasses to read or anything?

23 **INMATE SIRHAN:** No. I'm good.

24 **PRESIDING COMMISSIONER ROBERTS:** You're very
25 fortunate then.

1 **INMATE SIRHAN:** Thank you.

2 **PRESIDING COMMISSIONER ROBERTS:** Most of us need
3 glasses. I think most of the people in the room have
4 glasses I think. All right. Now are you currently or
5 have you ever been a participant in the CCCMS or Mental
6 Health Delivery System?

7 **INMATE SIRHAN:** No, sir.

8 **PRESIDING COMMISSIONER ROBERTS:** Okay. Have you
9 ever been treated for a psychiatric illness?

10 **INMATE SIRHAN:** None.

11 **PRESIDING COMMISSIONER ROBERTS:** Okay. Are there
12 any medical issues that we would need to know about so
13 that we can accommodate you today?

14 **INMATE SIRHAN:** No.

15 **PRESIDING COMMISSIONER ROBERTS:** Okay. I noticed
16 at the last hearing you were suffering from Valley
17 Fever. Any issues with that today?

18 **INMATE SIRHAN:** Well, it can recur just any time.

19 **PRESIDING COMMISSIONER ROBERTS:** Okay.

20 **INMATE SIRHAN:** That's the only thing.

21 **PRESIDING COMMISSIONER ROBERTS:** But as you sit
22 here today are you doing fine?

23 **INMATE SIRHAN:** I'm doing okay. Yes.

24 **PRESIDING COMMISSIONER ROBERTS:** All right.

25 Okay. Mr. Pepper, I don't see any ADA reasons that

1 would preclude us from proceeding. Do you concur, sir?

2 **ATTORNEY PEPPER:** No. Everything is fine.

3 **PRESIDING COMMISSIONER ROBERTS:** Okay. Great.

4 All right then. Let's talk about your hearing rights.

5 This is your Subsequent 14th Hearing. Your hearing
6 rights are documented on a BPH 1002. It lists the 14
7 hearing rights. You apparently reviewed that document
8 with Correctional Counselor Clay on September the 23rd,
9 2015. Are there any issues with your rights today, sir?

10 **INMATE SIRHAN:** None.

11 **PRESIDING COMMISSIONER ROBERTS:** Counsel, have
12 you client's rights been met thus far?

13 **ATTORNEY PEPPER:** Sorry?

14 **PRESIDING COMMISSIONER ROBERTS:** Have your
15 client's rights been met thus far?

16 **ATTORNEY PEPPER:** Yes, so far.

17 **PRESIDING COMMISSIONER ROBERTS:** Okay. Great.

18 All right. Now as you know the purpose of today's
19 hearing is to determine your suitability for parole.
20 We'll be considering your past social and criminal
21 history. We'll be considering your life crime. We'll
22 be considering your progress and performance since
23 you've come to prison. Nothing that happens here today
24 is going to change the findings of the court. As you
25 heard at the last hearing, we hold the findings of the

1 court to be true and we're not here today to retry that
2 hearing or retry that case. You've been found guilty.

3 **ATTORNEY PEPPER:** We think for the record the
4 Parole Board and you, Commissioner, should be aware that
5 we have had a pending appeal before the Ninth Circuit
6 Court of Appeals which is designed precisely to address
7 the issues that the Parole -- that your hearing will not
8 address.

9 **PRESIDING COMMISSIONER ROBERTS:** Okay. And I did
10 see that in your written documents. That's addressed
11 there. Since you do have a pending court case, do you
12 wish to proceed today, counsel?

13 **ATTORNEY PEPPER:** Yes.

14 **PRESIDING COMMISSIONER ROBERTS:** Okay. All
15 right.

16 **ATTORNEY PEPPER:** We may proceed.

17 **PRESIDING COMMISSIONER ROBERTS:** Sometimes people
18 don't want to proceed --

19 **ATTORNEY PEPPER:** No.

20 **PRESIDING COMMISSIONER ROBERTS:** -- if they have
21 a pending case. Okay. All right then. So back to the
22 matter. We'll be swearing you in shortly and we'll
23 expect everything you tell us to be truthful, honest and
24 forthright.

25 **INMATE SIRHAN:** Yes, sir.

1 **PRESIDING COMMISSIONER ROBERTS:** All right. We
2 will reach a decision today and we will inform you of
3 whether or not we find you suitable for parole and the
4 reasons for our decision. You should leave here today
5 with a short written proposed decision. And I say
6 proposed because by State law the Board has 120 days to
7 review our decision and to finalize it. Now should this
8 Panel find you suitable for parole today, then after
9 that review period the Governor has an additional 30
10 days to review your case and make his own independent
11 decision as to your suitability for parole. So for all
12 those reasons, today's decision is a proposed decision.
13 Okay?

14 **INMATE SIRHAN:** Okay.

15 **PRESIDING COMMISSIONER ROBERTS:** All right. Do
16 you have any questions before we get started?

17 **INMATE SIRHAN:** No.

18 **PRESIDING COMMISSIONER ROBERTS:** Okay. Very
19 good. Okay. Counsel, are there any initial objections?

20 **ATTORNEY PEPPER:** No initial objections.

21 **PRESIDING COMMISSIONER ROBERTS:** Okay. I noticed
22 the last time you objected to Marsy's Law and some of
23 those others.

24 **ATTORNEY PEPPER:** Sorry?

25 **PRESIDING COMMISSIONER ROBERTS:** The last -- at

1 the last hearing I noticed you objected to Marsy's Law
2 and some of those others.

3 **ATTORNEY PEPPER:** Yeah. We simply -- we'll go
4 step by step with questions that are addressed to --

5 **PRESIDING COMMISSIONER ROBERTS:** Okay.

6 **ATTORNEY PEPPER:** -- Mr. Sirhan. And we may have
7 specific objections as you -- as you go along.

8 **PRESIDING COMMISSIONER ROBERTS:** All right. All
9 right. Very good. All right then. So I'm listing no
10 objections. Will your client be testifying today?

11 **ATTORNEY PEPPER:** It is entirely up to him and
12 whether he chooses to answer or not. And we have so
13 advised him.

14 **PRESIDING COMMISSIONER ROBERTS:** All right. So
15 we'll be posing questions. And if he chooses not to
16 answer the --

17 **INMATE SIRHAN:** Yeah.

18 **PRESIDING COMMISSIONER ROBERTS:** -- question,
19 we'll do that question by question. Is that correct?

20 **ATTORNEY PEPPER:** Sorry?

21 **PRESIDING COMMISSIONER ROBERTS:** He'll be
22 testifying question by question.

23 **ATTORNEY PEPPER:** Question by question, yes.

24 **PRESIDING COMMISSIONER ROBERTS:** All right. Very
25 good. All right. Mr. Sirhan, I need to swear you in.

1 Can you raise your right hand, sir? Sir, do you
2 solemnly swear or affirm that your testimony at this
3 hearing will be the truth, the whole truth and nothing
4 but the truth?

5 **INMATE SIRHAN:** I certainly do.

6 **PRESIDING COMMISSIONER ROBERTS:** Okay. With
7 regard to your case, I see it was a jury conviction.
8 There is a California Supreme Court Opinion as to the --
9 I'll say the offense. And that's cited from the
10 California Supreme Court under their written opinion
11 Crim. 14026. It was filed on June the 16th, 1972. That
12 runs with regard to the discussion of what they believe
13 the facts of the case are from page 3 through 10. And
14 then there's additional discussions from page 10 through
15 about 21 about any psychological assessments and stuff
16 going on there at the time. I noticed at the last
17 hearing that these very facts were cited into the case
18 that appears in the transcript of the last hearing
19 starting on page 23, line 17 and it runs through page
20 31, line 12. So we'll incorporate that into the record.
21 Just as a reminder it starts off -- it says, "At trial
22 it was undisputed that defendant fired the shot that
23 killed Senator Kennedy. The evidence also establishes
24 -- established conclusively that he shot the victims of
25 the assault counts. The principle offense relied upon

1 by the defendant was that of diminished capacity.
2 Extensive evidence was presented of the circumstances
3 surrounding the shootings and of the defendant's mental
4 condition which evidence may be summarized as follows."
5 And then they go on to the next pages I cited as what
6 they saw as the evidence. All right. And you've heard
7 that before, right, sir?

8 **INMATE SIRHAN:** Many times.

9 **PRESIDING COMMISSIONER ROBERTS:** Yes. I would
10 think so.

11 **INMATE SIRHAN:** But I did not hear it the first
12 time around --

13 **PRESIDING COMMISSIONER ROBERTS:** Okay.

14 **INMATE SIRHAN:** -- in 1975 --

15 **PRESIDING COMMISSIONER ROBERTS:** All right.

16 **INMATE SIRHAN:** -- in the parole granting
17 decision then.

18 **PRESIDING COMMISSIONER ROBERTS:** Okay. All
19 right. But certainly you were present at the last
20 hearing and you heard it then, right?

21 **INMATE SIRHAN:** I believe I did.

22 **PRESIDING COMMISSIONER ROBERTS:** Okay. I read
23 the transcript so you did. Okay. With regard to more
24 recently you've talked about the life crime. And that
25 was done during a discussion with Dr. Sahni, S-A-H-N-I,

1 of an interview that she conducted here at the Richard
2 J. Donovan Correctional Facility on October the 20th,
3 2015. Now Dr. Sahni is a clinical psychologist that is
4 employed by the Board to talk to inmates who are going
5 to be appearing before the Board. Do you remember
6 meeting with Dr. Sahni?

7 **INMATE SIRHAN:** Yes.

8 **PRESIDING COMMISSIONER ROBERTS:** Okay. About how
9 long did you spend with Dr. Sahni, sir?

10 **INMATE SIRHAN:** Oh, a good three, four hours --

11 **PRESIDING COMMISSIONER ROBERTS:** Oh, okay. Good.

12 **INMATE SIRHAN:** -- for the whole thing.

13 **PRESIDING COMMISSIONER ROBERTS:** Now in
14 Dr. Sahni's report she discusses the life crime and
15 particularly what you had to say about it. And that's
16 on pages 12 through 16. Now I noticed that when they
17 brought the clinical psychologist's report out to give
18 to you, you refused to accept it and you refused to sign
19 that document. Is that true, sir?

20 **INMATE SIRHAN:** Yes, it is.

21 **PRESIDING COMMISSIONER ROBERTS:** Since then have
22 you had the opportunity to read that document?

23 **INMATE SIRHAN:** (Inaudible.)

24 **PRESIDING COMMISSIONER ROBERTS:** Okay. Counsel,
25 have you read that document?

1 **ATTORNEY PEPPER:** We've read a summary of the
2 document, yes, and we've had the document itself
3 summarized and addressed by our own psychologist,
4 Dr. Brown.

5 **PRESIDING COMMISSIONER ROBERTS:** Okay. Well, I'd
6 be interested to know if what -- if your client agrees
7 with what Dr. Sahni says he said about the life crime is
8 the case, that he told her that.

9 **ATTORNEY PEPPER:** Do you have any -- he's
10 questioning you. Do you have any comment --

11 **PRESIDING COMMISSIONER ROBERTS:** I'm willing to
12 print a copy of that and give you a short opportunity to
13 read it over.

14 **ATTORNEY PEPPER:** I think that would be useful.

15 **PRESIDING COMMISSIONER ROBERTS:** It's actually
16 about four pages. And it's indented and he's given
17 quotes. And I'm real interested in whether your client
18 agrees that's what he told the clinician here recently.

19 **ATTORNEY PEPPER:** That would be useful.

20 **PRESIDING COMMISSIONER ROBERTS:** Okay. So at
21 this point we'll take a recess. The time is
22 approximately 9:25. It's for the purposes of providing
23 counsel -- and I assume -- Mr. Dahle, did you get those
24 documents?

25 **DEPUTY DISTRICT ATTORNEY DAHLE:** I have the

1 65-day and the ten-day package. The ten-day package was
2 amended on Friday night. And I received some additional
3 documents via email.

4 **PRESIDING COMMISSIONER ROBERTS:** Okay.

5 **ATTORNEY PEPPER:** So you have the CRA.

6 **PRESIDING COMMISSIONER ROBERTS:** The
7 Comprehensive Risk Assessment, yeah.

8 **ATTORNEY PEPPER:** Yeah.

9 **DEPUTY DISTRICT ATTORNEY DAHLE:** And the CRA was
10 in the ten-day package.

11 **ATTORNEY PEPPER:** Okay.

12 **PRESIDING COMMISSIONER ROBERTS:** Okay. Counsel,
13 you did also get the documents that's called the master
14 packet and the ten-day packet?

15 **ATTORNEY PEPPER:** No. We received those.

16 **ATTORNEY DUSEK:** Yes, we did.

17 **ATTORNEY PEPPER:** Yes.

18 **PRESIDING COMMISSIONER ROBERTS:** All right.

19 **DEPUTY COMMISSIONER STANTON:** All right.

20 **PRESIDING COMMISSIONER ROBERTS:** And actually I
21 have an update to that. The ten-day packet was updated
22 last night, a second revised description of documents
23 from counsel. Do you have that, Mr. Dahle?

24 **DEPUTY DISTRICT ATTORNEY DAHLE:** I have not been
25 provided that.

PRESIDING COMMISSIONER ROBERTS: All right.

2 Well, at the same time we'll get you a copy of that.

3 | How's that sound?

DEPUTY DISTRICT ATTORNEY DAHLE: Thank you.

PRESIDING COMMISSIONER ROBERTS: All right then.

6 So let's recess to get everybody the right kind of
7 documents to look at here.

(Off the Record.)

9 **DEPUTY COMMISSIONER STANTON:** We're back on the
10 record.

PRESIDING COMMISSIONER ROBERTS: Back on the

12 record. And the time is approximately nine -- oh, I'm
13 sorry, ten a.m. All the parties who were previously in
14 the room have returned to the room again. We took a
15 recess for -- to give an opportunity to Mr. Sirhan and
16 his attorneys to go over the most recent clinician's
17 report. That would be Dr. Sahni's report. Before we
18 get into that I want to make sure that we've got
19 everything from you, counsel. The most recent thing was
20 a revised Sirhan parole hearing description of documents
21 revised. And I got that last night.

ATTORNEY PEPPER: Yeah. You received all of

23 | that?

PRESIDING COMMISSIONER ROBERTS: Is that the most

25 recent?

1 **MS. DUSEK:** Yes.

2 **PRESIDING COMMISSIONER ROBERTS:** Okay.

3 **ATTORNEY PEPPER:** Yeah.

4 **PRESIDING COMMISSIONER ROBERTS:** So everything
5 else was submitted prior to the hearing?

6 **ATTORNEY PEPPER:** Right.

7 **PRESIDING COMMISSIONER ROBERTS:** Okay. Good.

8 **MS. DUSEK:** Yes.

9 **PRESIDING COMMISSIONER ROBERTS:** I just want to
10 make sure I've got everything. Okay. All right. So
11 where we were at was a discussion about the interaction
12 between Dr. Sahni and you, Mr. Sirhan. You had an
13 opportunity to read the doctor's statements about her
14 interaction with you and statements you made about the
15 life crime, again starting on pages 12 of her report and
16 it ends at about page 16. Are those statements she made
17 or accounted to you, are those accurate, sir? I'm
18 particularly concerned where she asked you questions and
19 then you answered. Are those all accurate, sir?

20 **ATTORNEY PEPPER:** Why don't you -- we've had for
21 the opportunity for the first time to discuss this with
22 Mr. Sirhan. Perhaps I can -- I can walk through those
23 statements with you.

24 **PRESIDING COMMISSIONER ROBERTS:** No. I don't
25 want to walk through those statements. That's

1 particularly why I'm trying to do this. Is there
2 anything in there when you read it that you felt were
3 inaccurate?

4 **ATTORNEY PEPPER:** Yes.

5 **PRESIDING COMMISSIONER ROBERTS:** Okay. What were
6 those statements that you felt were inaccurate?

7 **ATTORNEY PEPPER:** Well, the statements beginning
8 on page 5 related to prior violence.

9 **PRESIDING COMMISSIONER ROBERTS:** I'm not even --
10 I'm not even there, counsel. We'll do that when we go
11 over the report.

12 **ATTORNEY PEPPER:** Oh.

13 **PRESIDING COMMISSIONER ROBERTS:** I'm talking
14 about the interaction between him and the clinician with
15 regard to the life crime starting on page 12 and running
16 through page 16.

17 **ATTORNEY PEPPER:** Okay, the lifetime
18 statements --

19 **PRESIDING COMMISSIONER ROBERTS:** Yeah.

20 **ATTORNEY PEPPER:** -- the lifetime summary that
21 she made.

22 **INMATE SIRHAN:** I think it's consistent with what
23 I said beforehand.

24 **PRESIDING COMMISSIONER ROBERTS:** Okay. All
25 right. That's what I'm trying to get a sense -- well,

1 you've read it. Does it sound accurate, what you --
2 what you told her?

3 **INMATE SIRHAN:** I haven't really digested it to
4 really give you an exact answer, a perfect answer, to be
5 honest.

6 **PRESIDING COMMISSIONER ROBERTS:** Okay. Well, I'm
7 -- counsel, is there a discussion in submission that it
8 looks accurate?

9 **ATTORNEY PEPPER:** I think -- I don't think we had
10 any -- we had any objections to those lifetime
11 statements unless Mr. Sirhan has picked something up in
12 there.

13 **PRESIDING COMMISSIONER ROBERTS:** Well, that's
14 what the whole idea was --

15 **ATTORNEY PEPPER:** Yeah.

16 **PRESIDING COMMISSIONER ROBERTS:** -- for having a
17 break. Okay.

18 **ATTORNEY PEPPER:** We did not -- they (inaudible)
19 appeared to be accurate.

20 **PRESIDING COMMISSIONER ROBERTS:** Okay. All
21 right. That's good to know. All right. With regard to
22 your prior social and criminal history, let's talk
23 briefly about that. It's been discussed at the last
24 hearing. And we'll incorporate the transcripts of the
25 last hearing in their entirety so we don't have to

1 duplicate necessarily everything. But there's certain
2 things we want to get a sense of. First of all with
3 regard to any prior criminal history, I didn't see any.
4 Is that correct, sir?

5 **INMATE SIRHAN:** Yes, sir.

6 **PRESIDING COMMISSIONER ROBERTS:** All right.

7 **INMATE SIRHAN:** That's correct. In fact, she
8 asked me about that.

9 **PRESIDING COMMISSIONER ROBERTS:** She did.

10 **INMATE SIRHAN:** And I told her -- have you ever
11 broken any laws? I said yes. One time I was speeding
12 and driving 30-miles an hour in a 25-mile zone at four
13 o'clock in the morning driving to work. And she
14 laughed.

15 **PRESIDING COMMISSIONER ROBERTS:** Okay. Well,
16 what the point is no arrests and convictions --

17 **INMATE SIRHAN:** None, none.

18 **PRESIDING COMMISSIONER ROBERTS:** -- for anything
19 other than the life crime.

20 **INMATE SIRHAN:** None whatsoever.

21 **PRESIDING COMMISSIONER ROBERTS:** All right.
22 Good. Now with regard to your prior social history, the
23 doctor talks about that. And it may be this is the time
24 to correct some things in the first part of the report.
25 It starts on page 2 of the report. And it's been

1 discussed in the past and I think I even read some
2 things in the Appellate or the Supreme Court's
3 discussion about your prior history. And what I'm most
4 interested in is having read some of this and having
5 known what your past social history is, do you think you
6 had a stable or an unstable social history growing up
7 and prior to the life crime?

8 **INMATE SIRHAN:** I think it's -- I adjusted to my
9 situation (inaudible).

10 **PRESIDING COMMISSIONER ROBERTS:** But do you think
11 it was stable?

12 **INMATE SIRHAN:** I think it was stable. Yes.

13 **PRESIDING COMMISSIONER ROBERTS:** All right. I
14 wanted to know that because you talked about in here a
15 fine family setting, a very supportive loving family
16 even though, you know, at times your father had to go
17 back to the --

18 **INMATE SIRHAN:** Yes.

19 **PRESIDING COMMISSIONER ROBERTS:** -- old world.

20 **INMATE SIRHAN:** Yes.

21 **PRESIDING COMMISSIONER ROBERTS:** But there was
22 some discussion in some previous documents I read about
23 some tumultuous kind of living environment that you had
24 before coming to the US.

25 **INMATE SIRHAN:** Yes. That was all a result of

1 that, the Arab Israeli problem --

2 **PRESIDING COMMISSIONER ROBERTS:** Okay.

3 **INMATE SIRHAN:** -- when we become refugees and
4 what have you.

5 **PRESIDING COMMISSIONER ROBERTS:** Do you think
6 during that it was stable or unstable for you?

7 **INMATE SIRHAN:** I was too young to really to make
8 that determination.

9 **PRESIDING COMMISSIONER ROBERTS:** Okay. Well, it
10 was up to age, what 12, right when you came to the US?

11 **INMATE SIRHAN:** Yes.

12 **PRESIDING COMMISSIONER ROBERTS:** Okay. So you
13 should be able to remember that. So you think it was
14 pretty good? I think I read that you didn't even want
15 to come here, you wanted to stay there. Right?

16 **INMATE SIRHAN:** Yes.

17 **PRESIDING COMMISSIONER ROBERTS:** So that would
18 suggest to me you thought it was a stable social
19 history.

20 **INMATE SIRHAN:** Well, yeah.

21 **PRESIDING COMMISSIONER ROBERTS:** Okay.

22 **INMATE SIRHAN:** I mean I was -- I was
23 satisfied --

24 **PRESIDING COMMISSIONER ROBERTS:** Okay.

25 **INMATE SIRHAN:** -- in my existence there.

1 **PRESIDING COMMISSIONER ROBERTS:** That's what's
2 important to know. So I would agree. It looks like you
3 had a stable social history growing up. And while you
4 were exposed to some violence and so forth it looks like
5 that family unit and everything and your relationships
6 were pretty stable.

7 **INMATE SIRHAN:** Yes, sir.

8 **PRESIDING COMMISSIONER ROBERTS:** All right. So
9 with that, let's talk about the clinician's report here.
10 There were some things you wanted to correct about your
11 social history. And again that starts on page 2.
12 Anything on page 2 you'd like to correct for the record
13 where the doctor talks about your --

14 **INMATE SIRHAN:** Where is the page?

15 **ATTORNEY PEPPER:** There.

16 **PRESIDING COMMISSIONER ROBERTS:** It starts off
17 with Childhood and Adolescent Development which we
18 talked about. It talks about you denying a history of
19 engaging in fights, denied prior juvenile criminal
20 history, denied any history of illicit drugs or alcohol
21 use.

22 **INMATE SIRHAN:** Yes, yes.

23 **PRESIDING COMMISSIONER ROBERTS:** You did admit
24 using alcohol starting at age --

25 **INMATE SIRHAN:** Yes.

1 **PRESIDING COMMISSIONER ROBERTS:** -- 17 or 18.

2 Okay. All right. Talks about your parents being
3 married, these things that we thought were stable.

4 Talks about you being born in Jerusalem --

5 **INMATE SIRHAN:** Yes.

6 **PRESIDING COMMISSIONER ROBERTS:** -- and all that
7 and then immigrated to the US when you were 11 or 12 and
8 you were -- originally came to New York and then you
9 were settled in Pasadena. You said your relationship
10 with your parents was hard but loving and you wished you
11 were there again. You denied any history of physical,
12 emotional or sexual abuse, right?

13 **INMATE SIRHAN:** That's right.

14 **PRESIDING COMMISSIONER ROBERTS:** Okay. So that's
15 page 2. Anything there that jumps out at you as being
16 incorrect or needs to be corrected?

17 **INMATE SIRHAN:** It sounds fair.

18 **PRESIDING COMMISSIONER ROBERTS:** Okay. Good.

19 Good.

20 **INMATE SIRHAN:** Yeah.

21 **ATTORNEY PEPPER:** Okay.

22 **PRESIDING COMMISSIONER ROBERTS:** Then page 3, it
23 talks about you graduated from John Muir High School.
24 And I did find the diploma. I think -- talking about in
25 1963. And it also talks about completing an Associate

1 of Arts degree and that's also -- the diploma is in your
2 file. Talks about your school work there. Talks about
3 you didn't want to talk to the doctor about what they
4 call the psychosexual development. You thought it was
5 too personal. Okay. Talks about your adult
6 development, never married. Anything in there that you
7 think needs to be corrected?

8 **INMATE SIRHAN:** No. It sounds accurate pretty
9 much.

10 **PRESIDING COMMISSIONER ROBERTS:** Okay. Good.
11 Talks about prior to coming to prison in the -- in the
12 free community that you denied any history of vocational
13 training in the community. But you do talk about a
14 vocational office services and related technologies
15 vocation completed here. That sound right?

16 **INMATE SIRHAN:** Yes.

17 **PRESIDING COMMISSIONER ROBERTS:** Okay. So you'll
18 be talking more about that with Commissioner Stanton.
19 How about on page 4, anything there? And we're talking
20 living with your parents up to the time of the life
21 crime, they were very supportive and that seemed to be
22 kind of the norm.

23 **INMATE SIRHAN:** Sounds reasonable.

24 **PRESIDING COMMISSIONER ROBERTS:** Okay. All
25 right. I want to make sure that you don't have any --

1 page 5, I think counsel, you said something about you
2 wanted to correct something on page 5. Did I get that
3 right earlier?

4 **ATTORNEY PEPPER:** Yes.

5 **PRESIDING COMMISSIONER ROBERTS:** Okay. What on
6 page 5 would you like to -- would you like to address?

7 **ATTORNEY PEPPER:** Under the section on prior
8 violence --

9 **PRESIDING COMMISSIONER ROBERTS:** Okay.

10 **ATTORNEY PEPPER:** -- where he has -- he has been
11 allegedly involved in -- during incarceration --

12 **PRESIDING COMMISSIONER ROBERTS:** Okay.

13 **ATTORNEY PEPPER:** -- with respect to physical
14 violence.

15 **PRESIDING COMMISSIONER ROBERTS:** Okay. The
16 sentence that says, "Since the controlling offense he
17 has been involved in aggressive violent behavior during
18 his incarceration."

19 **ATTORNEY PEPPER:** During his incarceration. And
20 we take exception to that in the sense that virtually
21 all of -- in all of those instances he was acting in
22 self-defense, that he was -- he was the person being
23 attacked and he was unable to walk away. And Dr. Sahni
24 actually clarifies that situation on page 11 further on
25 in her report where she acknowledges that that seems to

1 be the situation.

2 **PRESIDING COMMISSIONER ROBERTS:** Yeah. When she
3 talks about the 115s there is other discussion like you
4 had at the last hearing about 128s and some other
5 things.

6 **ATTORNEY PEPPER:** Yeah.

7 **PRESIDING COMMISSIONER ROBERTS:** And certainly at
8 that last hearing -- I read the transcript -- you made
9 that same assertion then. That sound fair?

10 **ATTORNEY PEPPER:** Yeah.

11 **PRESIDING COMMISSIONER ROBERTS:** Okay. With
12 regard to the clinical assessment we'll be going over it
13 a little later. So one other area that is kind of --
14 occurs before the life crime and that's why I'm trying
15 to bring things up so we can start talking about the
16 life crime, is substance abuse history here. It says
17 that you admitted a history of using alcohol on a
18 limited basis and that you tried alcohol at age 17. And
19 you said you're not really a drinker. All of that sound
20 accurate --

21 **INMATE SIRHAN:** Yes, yes.

22 **PRESIDING COMMISSIONER ROBERTS:** -- what the
23 doctor had to say?

24 **INMATE SIRHAN:** Yes, pretty much. But I never
25 was addicted to alcohol.

1 **PRESIDING COMMISSIONER ROBERTS:** Okay. All
2 right. And the doctor, I think, says that you don't
3 meet the DSM-5 diagnostic criteria for substance --

4 **INMATE SIRHAN:** I don't know what the means.

5 **PRESIDING COMMISSIONER ROBERTS:** They have what
6 like they call their Bible. Okay. That's the DSM-5.
7 And it kind of directs them if they're going to give a
8 diagnosis what criteria have to be met, the things if
9 you were to make a bullet point that would to be met.
10 And the doctor says in looking in your case, a lot from
11 talking with you, that she did not feel that you met the
12 criteria for a substance abuse diagnosis.

13 **INMATE SIRHAN:** Okay.

14 **PRESIDING COMMISSIONER ROBERTS:** That sound
15 right?

16 **INMATE SIRHAN:** Great.

17 **PRESIDING COMMISSIONER ROBERTS:** Okay.

18 **INMATE SIRHAN:** Great.

19 **PRESIDING COMMISSIONER ROBERTS:** All right.

20 **ATTORNEY PEPPER:** May I make a comment on the
21 clinical assessment section?

22 **PRESIDING COMMISSIONER ROBERTS:** We're going to
23 -- I'm just trying to talk about up to the life crime.
24 And then at the end -- I can tell you how I'm going to
25 -- the game plan, we'll come back after post-conviction

1 and we'll finish off with the doctor's clinical
2 assessment.

3 **ATTORNEY PEPPER:** Okay.

4 **PRESIDING COMMISSIONER ROBERTS:** Okay. That make
5 sense?

6 **ATTORNEY PEPPER:** Because she makes certain
7 comments on page 6 that --

8 **PRESIDING COMMISSIONER ROBERTS:** Okay.

9 **ATTORNEY PEPPER:** And I thought that's where you
10 were.

11 **PRESIDING COMMISSIONER ROBERTS:** Okay. Well,
12 let's take a look at page 6. Okay. Page 6 is where
13 I'll start back up when the clinical assessment -- she
14 talks first about other prior assessments and so forth.

15 **ATTORNEY PEPPER:** Yeah.

16 **PRESIDING COMMISSIONER ROBERTS:** I'm trying to
17 bring everything kind of up to speed --

18 **ATTORNEY PEPPER:** Yeah.

19 **PRESIDING COMMISSIONER ROBERTS:** -- to the point
20 of the life crime. And then I want to get into the life
21 crime with Mr. Sirhan. And then I want to, after we're
22 done with that, go to post-conviction, what he's been
23 doing since he's been in prison, and then we'll talk
24 about the doctor's conclusions and stuff starting with
25 clinical assessment.

1 **ATTORNEY PEPPER:** Okay.

2 **PRESIDING COMMISSIONER ROBERTS:** Okay? That

3 sound fair?

4 **ATTORNEY PEPPER:** That's fine.

5 **PRESIDING COMMISSIONER ROBERTS:** Okay.

6 **ATTORNEY PEPPER:** That's fine.

7 **PRESIDING COMMISSIONER ROBERTS:** Okay then. I

8 don't see anything else that's pre-conviction here

9 that's of interest at this point. But there is

10 post-conviction stuff that we'll talk about later. All

11 right then. So I'm ready to talk about the life crime.

12 Are you ready, sir?

13 **INMATE SIRHAN:** Okay, with his --

14 **ATTORNEY PEPPER:** Well, it depends. We'll go in

15 -- on a question --

16 **PRESIDING COMMISSIONER ROBERTS:** Okay.

17 **ATTORNEY PEPPER:** -- by question basis.

18 **PRESIDING COMMISSIONER ROBERTS:** Well, I'm one of

19 those -- I want to hear what happened. So what I'd like

20 you to tell me is what happened. What do you recall?

21 What do you want to tell us about the life crime?

22 **INMATE SIRHAN:** Well, I was there and I

23 supposedly shot a gun. But that's all pretty much what

24 I -- what I recall of it because --

25 **PRESIDING COMMISSIONER ROBERTS:** Okay.

1 **INMATE SIRHAN:** And later on I'm learning that
2 there is other factors to this case that I wasn't aware
3 of --

4 **PRESIDING COMMISSIONER ROBERTS:** All right.

5 **INMATE SIRHAN:** -- and that --

6 **ATTORNEY PEPPER:** The Commissioner is asking what
7 you actually recall.

8 **INMATE SIRHAN:** Yeah, yeah.

9 **PRESIDING COMMISSIONER ROBERTS:** You had a
10 discussion last time about the crime. And to some
11 degree, I don't want to replicate everything in there
12 unless it's changed, your position. Do you recall the
13 last hearing? Do you recall the last hearing?

14 **INMATE SIRHAN:** Pretty much.

15 **PRESIDING COMMISSIONER ROBERTS:** Okay. All
16 right. And you guys had a lengthy discussion about the
17 crime and the gun and so forth and the type of gun and
18 where you got the gun and so forth.

19 **INMATE SIRHAN:** Yeah, yeah, yeah.

20 **PRESIDING COMMISSIONER ROBERTS:** So I'm
21 interested in you just giving us what you recall leading
22 up to the life crime, what happened and then what you
23 recall of the life crime and then what you recall after
24 the life crime. So let's start with leading up to the
25 life crime. I'm talking about, you know, the day or

1 hours before. What do you recall? What happened? What
2 was going on there?

3 **INMATE SIRHAN:** I was at the gun range at the
4 time --

5 **PRESIDING COMMISSIONER ROBERTS:** Okay.

6 **INMATE SIRHAN:** -- that day. I came -- I was on
7 my way home. I think I had stopped by a restaurant, a
8 Bob's Big Boy. I had a big dinner and I wanted to get
9 the racing paper, you know, for the -- to go to the race
10 track the next day. And I saw some signs about a Jewish
11 celebration of the Arab Israeli war on Wilshire
12 Boulevard. And I ended up going to Wilshire Boulevard
13 to check out this celebration. And all this stuff
14 happened.

15 **PRESIDING COMMISSIONER ROBERTS:** Let's talk about
16 that. You said you saw this sign. What was it about
17 the sign --

18 **INMATE SIRHAN:** It was -- it was in the
19 newspaper. It was the headline --

20 **PRESIDING COMMISSIONER ROBERTS:** Oh.

21 **INMATE SIRHAN:** -- in the -- in the -- and I
22 think it was the Herald or Times Newspaper.

23 **PRESIDING COMMISSIONER ROBERTS:** Okay. Well, let
24 me ask you. Did you see a sign or did you see a
25 newspaper?

1 **INMATE SIRHAN:** It was a headline in the
2 newspaper.

3 **PRESIDING COMMISSIONER ROBERTS:** So it was a --

4 **INMATE SIRHAN:** I'm pretty sure it was in the
5 newspaper not a sign per se.

6 **PRESIDING COMMISSIONER ROBERTS:** Okay. Okay. So
7 what was there about that headline that drew your
8 attention?

9 **INMATE SIRHAN:** It just -- it brought up all the
10 shame of the loss of the 1967 war and the misery of the
11 refugees and --

12 **PRESIDING COMMISSIONER ROBERTS:** So what were
13 you --

14 **INMATE SIRHAN:** -- the human problems, you know,
15 that resulted from it to the Palestinians.

16 **PRESIDING COMMISSIONER ROBERTS:** Okay. So what
17 were you feeling when you saw that?

18 **INMATE SIRHAN:** Anger and -- just curiosity more
19 than, you know, more than anger itself.

20 **PRESIDING COMMISSIONER ROBERTS:** Well, okay. So
21 you saw that headline. Do you recall where you saw that
22 headline?

23 **INMATE SIRHAN:** It was in the newspaper.

24 **PRESIDING COMMISSIONER ROBERTS:** Okay. You saw
25 -- was it in like a newsstand (inaudible)?

1 **INMATE SIRHAN:** Yeah, exactly, exactly. Yeah. I
2 walked out of the restaurant and it was -- I wanted to
3 get the newspaper that has the events, you know, the
4 horse -- what do they call them, the sheets?

5 **PRESIDING COMMISSIONER ROBERTS:** Yeah. Okay.
6 All right.

7 **INMATE SIRHAN:** You know, and then that notice
8 was on the -- that headline was on the -- on the
9 paper --

10 **PRESIDING COMMISSIONER ROBERTS:** Okay.

11 **INMATE SIRHAN:** -- in the -- in the -- on the
12 newsstand.

13 **PRESIDING COMMISSIONER ROBERTS:** Oh, and so that
14 angered you.

15 **INMATE SIRHAN:** It sort of piqued my curiosity
16 that they're still, you know, gloating over their
17 victory.

18 **PRESIDING COMMISSIONER ROBERTS:** But you said
19 earlier that it angered you. Is that fair?

20 **INMATE SIRHAN:** It sort of -- again it piqued my
21 curiosity as well.

22 **PRESIDING COMMISSIONER ROBERTS:** Okay. So what
23 were you planning to do then?

24 **INMATE SIRHAN:** I just went down there to see how
25 they were going to celebrate, what that celebration is

1 all about. It's some kind of parade they were planning
2 or something.

3 **PRESIDING COMMISSIONER ROBERTS:** So this is after
4 leaving the restaurant?

5 **INMATE SIRHAN:** Yes.

6 **PRESIDING COMMISSIONER ROBERTS:** Were they having
7 the celebration that day?

8 **INMATE SIRHAN:** It was supposed to be that
9 evening --

10 **PRESIDING COMMISSIONER ROBERTS:** Okay.

11 **INMATE SIRHAN:** -- or that day or that evening.

12 **PRESIDING COMMISSIONER ROBERTS:** Okay.

13 **INMATE SIRHAN:** But I don't remember the exact --
14 it's been ages since then.

15 **PRESIDING COMMISSIONER ROBERTS:** Right.

16 **INMATE SIRHAN:** But this is the best that I can
17 really put together.

18 **PRESIDING COMMISSIONER ROBERTS:** And all I can
19 ask is --

20 **INMATE SIRHAN:** And I don't feel comfortable
21 really talking about it because it's -- time has passed,
22 you know, it's all water under the bridge in my
23 thinking.

24 **PRESIDING COMMISSIONER ROBERTS:** But it's still
25 important.

1 **INMATE SIRHAN:** Okay.

2 **PRESIDING COMMISSIONER ROBERTS:** Because we're
3 trying to get your mindset --

4 **INMATE SIRHAN:** Yeah.

5 **PRESIDING COMMISSIONER ROBERTS:** -- your thinking
6 at the time. And that's why we explore this with you.
7 Okay. All right. So you saw the headline. And then
8 what did you do?

9 **INMATE SIRHAN:** I went -- I think I went down
10 there. It was -- there was the mention of Wilshire
11 Boulevard. And I couldn't find Wilshire -- I was not
12 familiar with that area even --

13 **PRESIDING COMMISSIONER ROBERTS:** Okay.

14 **INMATE SIRHAN:** -- at Wilshire Boulevard and
15 downtown LA and what have you. But I -- but I found it
16 eventually.

17 **PRESIDING COMMISSIONER ROBERTS:** Okay. And what
18 did you find when you got there?

19 **INMATE SIRHAN:** I was lost to be honest with you.
20 And then they were talking about the Kuchel's
21 headquarters and, yeah, and there was a lot of -- a lot
22 of activity down there during that time.

23 **PRESIDING COMMISSIONER ROBERTS:** Whose
24 headquarters?

25 **INMATE SIRHAN:** Senator Kuchel's headquarters --

1 **PRESIDING COMMISSIONER ROBERTS:** Okay.

2 **INMATE SIRHAN:** -- at the time.

3 **PRESIDING COMMISSIONER ROBERTS:** Well, did he
4 have something to do with this parade or something?

5 **INMATE SIRHAN:** It was on the parade grounds,
6 yes, his headquarters' office.

7 **PRESIDING COMMISSIONER ROBERTS:** So you -- did
8 you go there specifically to the Senator's
9 headquarters --

10 **INMATE SIRHAN:** No.

11 **PRESIDING COMMISSIONER ROBERTS:** -- or was it
12 just happenstance?

13 **INMATE SIRHAN:** It just happened. Because that
14 was the most -- that was -- that was -- that was the
15 area where most people were gathering around.

16 **PRESIDING COMMISSIONER ROBERTS:** Okay. Okay.
17 Okay. So you saw the gathering --

18 **INMATE SIRHAN:** Yeah.

19 **PRESIDING COMMISSIONER ROBERTS:** -- and that's
20 what took you there?

21 **INMATE SIRHAN:** Pretty much.

22 **PRESIDING COMMISSIONER ROBERTS:** Okay. So what
23 happened while you were there?

24 **INMATE SIRHAN:** Somebody said, well, there's a
25 bigger shindig down at the -- at the Ambassador.

1 **PRESIDING COMMISSIONER ROBERTS:** Okay.

2 **INMATE SIRHAN:** So we went down there.

3 **PRESIDING COMMISSIONER ROBERTS:** Okay. Had you
4 ever been to the Ambassador before?

5 **INMATE SIRHAN:** I don't recall.

6 **PRESIDING COMMISSIONER ROBERTS:** Okay. So you
7 don't recall ever being there before?

8 **INMATE SIRHAN:** No. I was accused of being
9 there. There's something in the literature here about
10 it. But I don't recall.

11 **PRESIDING COMMISSIONER ROBERTS:** You don't recall
12 ever being there before?

13 **INMATE SIRHAN:** I don't recall.

14 **PRESIDING COMMISSIONER ROBERTS:** Okay. Okay. So
15 about how long do you think it took you guys to get from
16 the Senator's headquarters to the Ambassador?

17 **INMATE SIRHAN:** Across the street and a couple of
18 blocks distance or thereabouts.

19 **PRESIDING COMMISSIONER ROBERTS:** So you all
20 walked there?

21 **INMATE SIRHAN:** Yes.

22 **PRESIDING COMMISSIONER ROBERTS:** Okay. So what
23 happened when you got to the Ambassador?

24 **INMATE SIRHAN:** Well, there was another person,
25 another elected official's name that I recognized there,

1 the Rafferty campaign. He was running for
2 superintendent of schools. And his daughter was one of
3 my classmates in high school and so I recognized that.
4 And I tried to find, you know, find her or look for her
5 if she was down there. And I got lost in that whole
6 venue of the -- of the celebrations of all the different
7 campaigns --

8 **PRESIDING COMMISSIONER ROBERTS:** Okay.

9 **INMATE SIRHAN:** -- down there that were going on
10 at the same time with them.

11 **PRESIDING COMMISSIONER ROBERTS:** So who all do
12 you understand was there when you got there or did you
13 learn was there when you got there?

14 **INMATE SIRHAN:** It was -- basically it was the
15 Rafferty people and then there was the Kennedy thing.

16 **PRESIDING COMMISSIONER ROBERTS:** Okay. So when
17 you got there were the -- were the Kennedy's entourage
18 there?

19 **INMATE SIRHAN:** I don't -- I don't -- I never
20 knew -- I never knew much about his entourage or
21 anybody.

22 **PRESIDING COMMISSIONER ROBERTS:** Okay. Well, let
23 me ask you this.

24 **INMATE SIRHAN:** Yeah.

25 **PRESIDING COMMISSIONER ROBERTS:** Why did you go

1 to the hotel? You said the shindig. What did you go
2 there to do?

3 **INMATE SIRHAN:** It was a party, you know, a lot
4 of girls and what have you. It was -- it's just to
5 really have a good time. I got distracted from the --
6 from the Jewish parade.

7 **PRESIDING COMMISSIONER ROBERTS:** Okay. So what
8 happened once you got there?

9 **INMATE SIRHAN:** Well, then I got -- I drank some
10 -- what do you call that, Tom Collins. It was a very
11 hot night down there.

12 **PRESIDING COMMISSIONER ROBERTS:** Okay. And had
13 you had Tom Collins before?

14 **INMATE SIRHAN:** That's the only kind of drink
15 that I can really tolerate.

16 **PRESIDING COMMISSIONER ROBERTS:** Okay.

17 **INMATE SIRHAN:** Because it goes down easy. It's
18 like a lemonade instead of a hard liquor.

19 **PRESIDING COMMISSIONER ROBERTS:** Okay.

20 **INMATE SIRHAN:** I can't -- I can't drink hard
21 liquor.

22 **PRESIDING COMMISSIONER ROBERTS:** My question was
23 had you had Tom Collins before.

24 **INMATE SIRHAN:** Yes.

25 **PRESIDING COMMISSIONER ROBERTS:** Okay.

1 **INMATE SIRHAN:** Yes.

2 **PRESIDING COMMISSIONER ROBERTS:** About how many
3 times before had you had Tom Collins?

4 **INMATE SIRHAN:** Two or three times at the most.

5 **PRESIDING COMMISSIONER ROBERTS:** Okay. When you
6 consumed Tom Collins before had you gotten intoxicated?

7 **INMATE SIRHAN:** Yes, pretty much. I got sick.

8 **PRESIDING COMMISSIONER ROBERTS:** Okay.

9 Intoxicated to the point of being sick?

10 **INMATE SIRHAN:** Well, you know, the first time I
11 -- at the bar where my brother worked, he -- they really
12 loaded up the drink, I guess, the mixture. And then I
13 got -- I had a reaction from it.

14 **PRESIDING COMMISSIONER ROBERTS:** So how many
15 times had you consumed Tom Collins before?

16 **INMATE SIRHAN:** Not many, not many, Mr. Roberts.

17 **PRESIDING COMMISSIONER ROBERTS:** Well, give me an
18 estimate.

19 **INMATE SIRHAN:** Oh, three, four, five times at
20 the extreme most.

21 **PRESIDING COMMISSIONER ROBERTS:** Okay, three or
22 four or five times.

23 **INMATE SIRHAN:** If that.

24 **PRESIDING COMMISSIONER ROBERTS:** Okay. Each of
25 those times did you get -- drink so much you got sick?

1 **INMATE SIRHAN:** No, not every time. Because I
2 got -- the sickness that I had when -- it was when we
3 were driving home from --

4 **PRESIDING COMMISSIONER ROBERTS:** Okay.

5 **INMATE SIRHAN:** -- after drinking that stuff.

6 **PRESIDING COMMISSIONER ROBERTS:** Do you think
7 each of those occasions that you became intoxicated?

8 **INMATE SIRHAN:** No, no.

9 **PRESIDING COMMISSIONER ROBERTS:** You don't?

10 **INMATE SIRHAN:** No. But when I was in the car I
11 felt the nausea and the urge to throw up.

12 **PRESIDING COMMISSIONER ROBERTS:** So prior to the
13 life crime, when did you start consuming Tom Collins?

14 **INMATE SIRHAN:** Only at the bar where my brother
15 used to work as an entertainer.

16 **PRESIDING COMMISSIONER ROBERTS:** What I'm trying
17 to get in my mind here is how long prior to the life
18 crime did you start drinking.

19 **INMATE SIRHAN:** Oh, you know, I wasn't a drinker.
20 That's the whole issue. But it was just this sporadic
21 type of drinking on occasional --

22 **PRESIDING COMMISSIONER ROBERTS:** Do you recall
23 when about or how long prior to the life crime that
24 you --

25 **INMATE SIRHAN:** Two or three years --

1 **PRESIDING COMMISSIONER ROBERTS:** Okay.

2 **INMATE SIRHAN:** -- if that.

3 **PRESIDING COMMISSIONER ROBERTS:** So five times
4 maybe worth two or three years? Is that what you're
5 saying?

6 **INMATE SIRHAN:** Pretty much.

7 **PRESIDING COMMISSIONER ROBERTS:** Okay. All
8 right.

9 **INMATE SIRHAN:** A beer every once in a while,
10 yes.

11 **PRESIDING COMMISSIONER ROBERTS:** Okay.

12 **INMATE SIRHAN:** But nothing hard liquor like --

13 **PRESIDING COMMISSIONER ROBERTS:** Okay, other than
14 Tom Collins.

15 **INMATE SIRHAN:** Tom Collins, yeah.

16 **PRESIDING COMMISSIONER ROBERTS:** It's hard
17 liquor. I'm sorry, it is. All right then. So this
18 wasn't the first time you had Tom Collins at the hotel.

19 **INMATE SIRHAN:** No. But I drank a lot of them
20 though. I drank -- they say --

21 **PRESIDING COMMISSIONER ROBERTS:** So how many do
22 you think you drank?

23 **INMATE SIRHAN:** They say that I drank four.

24 **PRESIDING COMMISSIONER ROBERTS:** Okay. Would
25 that be a lot for you?

1 **INMATE SIRHAN:** To me it's a whole heck of a lot.

2 Yeah.

3 **PRESIDING COMMISSIONER ROBERTS:** All right. Do
4 you think at that point you were intoxicated?

5 **INMATE SIRHAN:** I didn't have my senses about me
6 fully as much as I do now or I did then.

7 **PRESIDING COMMISSIONER ROBERTS:** (Inaudible)?

8 **INMATE SIRHAN:** I was -- I was -- I was maybe a
9 little dizzy.

10 **PRESIDING COMMISSIONER ROBERTS:** Okay. Do you --
11 do you think you were drunk?

12 **INMATE SIRHAN:** Not drunk, not helplessly drunk.

13 No.

14 **PRESIDING COMMISSIONER ROBERTS:** Not helplessly
15 drunk, okay.

16 **INMATE SIRHAN:** No.

17 **PRESIDING COMMISSIONER ROBERTS:** Do you think it
18 was affecting your thought processes and your thinking?

19 **INMATE SIRHAN:** I really don't know. But it must
20 have.

21 **PRESIDING COMMISSIONER ROBERTS:** Okay. Because I
22 think you told the clinician you thought it did. All
23 right. So after consuming, what four of these, what
24 happened then?

25 **INMATE SIRHAN:** Oh, then I'm here.

1 **PRESIDING COMMISSIONER ROBERTS:** Okay. Well,
2 what do you recall happening after this?

3 **INMATE SIRHAN:** I was -- I remember being
4 choked --

5 **PRESIDING COMMISSIONER ROBERTS:** Okay.

6 **INMATE SIRHAN:** -- very, very severely.

7 **PRESIDING COMMISSIONER ROBERTS:** There was some
8 discussion at the last hearing about you even leaving
9 and going to your car or something and then coming back.
10 Do you recall that?

11 **ATTORNEY PEPPER:** Did you go -- he's asking
12 whether you at some point went out to the car, you went
13 back to your car.

14 **INMATE SIRHAN:** I think I did. Yeah. I did. I
15 did want to go home.

16 **PRESIDING COMMISSIONER ROBERTS:** Okay.

17 **INMATE SIRHAN:** And I just didn't feel, you know,
18 alert enough to drive and I went back to the hotel to
19 get coffee to wake up.

20 **PRESIDING COMMISSIONER ROBERTS:** Okay. And how
21 long -- did you go to your car? Do you recall going to
22 your car?

23 **INMATE SIRHAN:** I must have gone to my car. Yes.

24 **PRESIDING COMMISSIONER ROBERTS:** So where was --
25 I'm concerned about where your car was at if you

1 originally went down to the other Senator's campaign and
2 then you guys walked up several blocks. You said you
3 walked up. Where was your car at?

4 **INMATE SIRHAN:** It was -- it was across the
5 street from, I think, around Senator Kuchel's
6 headquarters.

7 **PRESIDING COMMISSIONER ROBERTS:** Okay. So you
8 had to walk several blocks back to your car?

9 **INMATE SIRHAN:** No, not several, a block or two
10 at the most.

11 **PRESIDING COMMISSIONER ROBERTS:** Okay, a couple
12 blocks.

13 **INMATE SIRHAN:** It wasn't -- yeah. It wasn't
14 that far.

15 **PRESIDING COMMISSIONER ROBERTS:** Okay.

16 **INMATE SIRHAN:** It was just within walking
17 distance.

18 **PRESIDING COMMISSIONER ROBERTS:** All right. So
19 you left the hotel and walked down. Do you recall about
20 how long you were at your car?

21 **INMATE SIRHAN:** I don't remember that.

22 **PRESIDING COMMISSIONER ROBERTS:** Okay. But at
23 some point you walked back to the hotel?

24 **INMATE SIRHAN:** Yes.

25 **PRESIDING COMMISSIONER ROBERTS:** Okay. Now when

1 you were having those four drinks what was going on?

2 **INMATE SIRHAN:** Oh, it was -- it was a big party.

3 And I was -- I was really impressed with all the people
4 around there.

5 **PRESIDING COMMISSIONER ROBERTS:** All right. Any
6 one particular that you recall?

7 **INMATE SIRHAN:** How do you mean? No.

8 **PRESIDING COMMISSIONER ROBERTS:** No?

9 **INMATE SIRHAN:** No.

10 **PRESIDING COMMISSIONER ROBERTS:** No one in
11 particular?

12 **INMATE SIRHAN:** There was a girl there that I
13 sort of befriended.

14 **PRESIDING COMMISSIONER ROBERTS:** Okay. I imagine
15 there was probably several girls there, wouldn't you
16 think?

17 **INMATE SIRHAN:** Oh, a whole lot of them.

18 **PRESIDING COMMISSIONER ROBERTS:** Oh, okay.

19 **INMATE SIRHAN:** There was a lot of supporters.

20 **PRESIDING COMMISSIONER ROBERTS:** So there was one
21 in particular you recall.

22 **INMATE SIRHAN:** She was -- she was looking for
23 coffee too.

24 **PRESIDING COMMISSIONER ROBERTS:** Okay.

25 **INMATE SIRHAN:** And then -- and that's when we

1 started looking for coffee.

2 **PRESIDING COMMISSIONER ROBERTS:** Okay. So you
3 couldn't get coffee at the bar?

4 **INMATE SIRHAN:** No.

5 **PRESIDING COMMISSIONER ROBERTS:** Okay. So what
6 did you do?

7 **INMATE SIRHAN:** They were -- they told us where
8 the coffee was and we went to get it.

9 **PRESIDING COMMISSIONER ROBERTS:** Where was that?

10 **INMATE SIRHAN:** It was -- where in the --

11 **PRESIDING COMMISSIONER ROBERTS:** Don't look at
12 him. He wasn't there. You were.

13 **INMATE SIRHAN:** I know. But he knows this -- he
14 knows this case better than I do, believe it.

15 **PRESIDING COMMISSIONER ROBERTS:** I'm really
16 counting on you telling me --

17 **INMATE SIRHAN:** Okay.

18 **PRESIDING COMMISSIONER ROBERTS:** -- what you
19 remember, not what --

20 **INMATE SIRHAN:** Yeah.

21 **PRESIDING COMMISSIONER ROBERTS:** -- your attorney
22 remembers.

23 **INMATE SIRHAN:** We went looking for coffee and we
24 found it.

25 **PRESIDING COMMISSIONER ROBERTS:** Where was that

1 that you found it?

2 **INMATE SIRHAN:** It was later on. It was -- it
3 was at the back stage of the -- one of those big fancy
4 ballrooms. I forgot the name of it.

5 **PRESIDING COMMISSIONER ROBERTS:** Okay.

6 **INMATE SIRHAN:** And I was looking for a place to
7 pay for it. And there was no place. And I was a little
8 worried about that because I didn't want them to think
9 that we were, you know, stealing it. But I made a
10 coffee for her and I got one for myself. And then we
11 were -- they told us we couldn't stay there. And then
12 they told us to go into the pantry area.

13 **PRESIDING COMMISSIONER ROBERTS:** Okay.

14 **INMATE SIRHAN:** But that's all I -- pretty much
15 what I remember.

16 **PRESIDING COMMISSIONER ROBERTS:** Okay. So do you
17 remember how long it was that you left the coffee area
18 and went to the pantry area and how long you were in the
19 pantry area?

20 **INMATE SIRHAN:** I really don't know. I really
21 don't --

22 **PRESIDING COMMISSIONER ROBERTS:** You don't know.

23 **INMATE SIRHAN:** -- know how long.

24 **PRESIDING COMMISSIONER ROBERTS:** Okay.

25 **INMATE SIRHAN:** But it wasn't too long after --

1 before I felt the being strangled.

2 **PRESIDING COMMISSIONER ROBERTS:** Okay. So what
3 do you remember after going to the pantry area?

4 **INMATE SIRHAN:** Oh, I was -- I was sort of
5 infatuated with the girl --

6 **PRESIDING COMMISSIONER ROBERTS:** Okay.

7 **INMATE SIRHAN:** -- that was drinking the coffee
8 with me.

9 **PRESIDING COMMISSIONER ROBERTS:** Okay. So what
10 -- if you can describe for me when you remember being
11 there with her, what was in this coffee area and -- I
12 mean in the pantry area.

13 **INMATE SIRHAN:** I remember it was a little
14 darkish. It was dark. It wasn't as bright as the -- as
15 the main ballroom area. And there was a lot of clanging
16 and clanging stuff, a lot of metal work type stuff. But
17 that's all. I was too focused on the girl to be honest
18 with you.

19 **PRESIDING COMMISSIONER ROBERTS:** Okay. So do you
20 recall how long it was before you lost or whatever --
21 you lose consciousness or whatever? You said you -- all
22 of a sudden you were being choked. Did you lose
23 consciousness do you think?

24 **INMATE SIRHAN:** I pretty much could have or would
25 have had they kept their strangle hold on me.

1 **PRESIDING COMMISSIONER ROBERTS:** Oh, so you were
2 conscious this whole time?

3 **INMATE SIRHAN:** Well, I couldn't breathe.

4 **PRESIDING COMMISSIONER ROBERTS:** Okay.

5 **INMATE SIRHAN:** I couldn't breathe.

6 **PRESIDING COMMISSIONER ROBERTS:** Okay.

7 **INMATE SIRHAN:** What was that guy's name, that
8 athlete? He's the one that noticed it and he told them
9 to let up on the -- on the pressure on my throat.

10 **PRESIDING COMMISSIONER ROBERTS:** But what I'm
11 trying to get to is you were awake the whole time,
12 conscious.

13 **INMATE SIRHAN:** Dreaming maybe, yes.

14 **PRESIDING COMMISSIONER ROBERTS:** And what do you
15 think you were dreaming of?

16 **INMATE SIRHAN:** I don't remember all that.

17 **PRESIDING COMMISSIONER ROBERTS:** You don't?

18 **INMATE SIRHAN:** I don't remember all that.

19 **ATTORNEY PEPPER:** Why don't you tell them the
20 physical position you were in? Do you recall -- do you
21 recall a physical position you were in?

22 **PRESIDING COMMISSIONER ROBERTS:** At what point?

23 You know, what would -- if you can tell me you recall
24 what happened --

25 **INMATE SIRHAN:** The girl was sitting. She came

1 -- as we were ordered to leave that area of the --
2 behind the stage --

3 **PRESIDING COMMISSIONER ROBERTS:** Okay. Where the
4 coffee was at.

5 **INMATE SIRHAN:** -- where the coffee pot was.
6 They told us to go -- move into the pantry area but
7 didn't know there was a pantry. I was just following
8 the girl. And then as we went in the pantry the girl
9 sat on one of the tables facing the entrance to the
10 pantry. And I was facing her, leaning on the table.
11 And I was, you know, just taking her beauty in, you
12 know. I was -- I was just there with her and focusing
13 on her. And then -- and then, you know, the shots went
14 off and the -- and I was --

15 **PRESIDING COMMISSIONER ROBERTS:** Shots went off.
16 Well, do you recall -- when did you acquire that day
17 that gun?

18 **INMATE SIRHAN:** I had it all day.

19 **PRESIDING COMMISSIONER ROBERTS:** You had it all
20 day.

21 **INMATE SIRHAN:** I was at the range that morning.

22 **PRESIDING COMMISSIONER ROBERTS:** Okay. I get
23 that.

24 **INMATE SIRHAN:** And I signed in. It was all
25 legal, above board, Mr. Roberts.

1 **PRESIDING COMMISSIONER ROBERTS:** I'm not
2 questioning that. I'm concerned about how the gun gets
3 into the ballroom and into the pantry area.

4 **INMATE SIRHAN:** That I am not certain about. I
5 can't tell you with any definitive knowledge about it.

6 **PRESIDING COMMISSIONER ROBERTS:** Do you remember
7 if you went back and got the gun?

8 **INMATE SIRHAN:** I did go back to my -- to my --
9 to the -- to my car. But I don't remember having the
10 gun with me.

11 **PRESIDING COMMISSIONER ROBERTS:** Okay. Do you --
12 do you remember -- do you have any idea how the gun got
13 into the ballroom that day?

14 **INMATE SIRHAN:** No, I don't.

15 **PRESIDING COMMISSIONER ROBERTS:** Okay.

16 **INMATE SIRHAN:** But obviously it was with me.
17 But I don't remember having it.

18 **PRESIDING COMMISSIONER ROBERTS:** Well, it's been
19 a problem in the past and I think it's -- to some degree
20 I'm concerned that you are able to talk about things
21 pretty smartly and have fairly good recollection about,
22 you know, some things going on there but you can't
23 remember how that gun got into that ballroom. How do
24 you explain that?

25 **INMATE SIRHAN:** I don't really know. I have no

1 explanation for it.

2 **ATTORNEY PEPPER:** Going into those details,
3 Dr. Brown spent over 60 hours with him and did
4 everything possible to try both hypnotically and some
5 free dealing and wheeling to bring out the
6 recollections. And he found that it was -- he was not
7 feigning. He simply literally could not remember these
8 things.

9 **PRESIDING COMMISSIONER ROBERTS:** I've read
10 Dr. Brown's report. Yeah. I'm asking somebody who was
11 there what --

12 **ATTORNEY PEPPER:** I know but --

13 **PRESIDING COMMISSIONER ROBERTS:** -- he recalls
14 and why he would not recall that. It's concerning to
15 me, specifically things that well before he was
16 consuming alcohol perhaps.

17 **INMATE SIRHAN:** That's what -- that was when I --
18 after I had drunk the liquor.

19 **PRESIDING COMMISSIONER ROBERTS:** Do you think
20 that's when you got the gun?

21 **INMATE SIRHAN:** That's when I wanted to go home.

22 **PRESIDING COMMISSIONER ROBERTS:** Okay.

23 **INMATE SIRHAN:** And I went to my car.

24 **PRESIDING COMMISSIONER ROBERTS:** Do you think
25 that's when you got the gun?

1 **INMATE SIRHAN:** It could have been. That's the
2 only explanation.

3 **PRESIDING COMMISSIONER ROBERTS:** Okay.

4 **INMATE SIRHAN:** But I don't know for sure.

5 **PRESIDING COMMISSIONER ROBERTS:** Okay. Well,
6 maybe you can help us with this. When you got out of
7 the car and went over to the first Senator's campaign,
8 did you have the gun on you at the time?

9 **INMATE SIRHAN:** No.

10 **PRESIDING COMMISSIONER ROBERTS:** Okay. Where was
11 the gun?

12 **INMATE SIRHAN:** It was in my -- it was in my car.

13 **PRESIDING COMMISSIONER ROBERTS:** It was in your
14 car, okay. So you know you left it in there at that
15 point.

16 **INMATE SIRHAN:** Yeah.

17 **PRESIDING COMMISSIONER ROBERTS:** And when you
18 walked up to the -- to what ended up being Senator
19 Kennedy's group there, that hotel, did you stop by on
20 the way up before drinking and pick up the gun? Do you
21 recall that?

22 **INMATE SIRHAN:** No. Because I went down there
23 with another guy, with another guy who was at the -- at
24 the -- at the Kuchel, you know --

25 **PRESIDING COMMISSIONER ROBERTS:** Kuchel.

1 **INMATE SIRHAN:** -- headquarters and we went down
2 there to party.

3 **PRESIDING COMMISSIONER ROBERTS:** Okay. So you
4 didn't stop by and get --

5 **INMATE SIRHAN:** No.

6 **PRESIDING COMMISSIONER ROBERTS:** -- the gun out
7 of your car --

8 **INMATE SIRHAN:** No.

9 **PRESIDING COMMISSIONER ROBERTS:** -- on the way up
10 originally?

11 **INMATE SIRHAN:** No.

12 **PRESIDING COMMISSIONER ROBERTS:** Okay.

13 **INMATE SIRHAN:** No, not that I remember.

14 **PRESIDING COMMISSIONER ROBERTS:** Okay. All
15 right. So you said -- anything else you can tell me
16 about what happened, what you recall happened in the
17 pantry prior to the shooting, prior to the gun going
18 off?

19 **INMATE SIRHAN:** There was a lot of -- a lot of
20 festivity, a lot of partying --

21 **PRESIDING COMMISSIONER ROBERTS:** Okay.

22 **INMATE SIRHAN:** -- a lot of happy people. And
23 that's -- and then I was -- I was -- I was really drunk.
24 I was -- I was, you know, having liquor.

25 **PRESIDING COMMISSIONER ROBERTS:** Okay. So you

1 said you were really drunk? Did I hear you say that?

2 **INMATE SIRHAN:** If that's the right word
3 description of it. I mean I wasn't fully aware of my
4 environment --

5 **PRESIDING COMMISSIONER ROBERTS:** Okay.

6 **INMATE SIRHAN:** -- you know, to sit there and to
7 (inaudible).

8 **PRESIDING COMMISSIONER ROBERTS:** (Inaudible)
9 we're trying to get your assessment --

10 **INMATE SIRHAN:** Yeah.

11 **PRESIDING COMMISSIONER ROBERTS:** -- of
12 (inaudible).

13 **INMATE SIRHAN:** But that's the -- that's the best
14 explanation I can have for you.

15 **PRESIDING COMMISSIONER ROBERTS:** (Inaudible.)

16 **INMATE SIRHAN:** Because if I had my full wits
17 about me I wouldn't be here now.

18 **PRESIDING COMMISSIONER ROBERTS:** Do you recall
19 being at all angered during that?

20 **INMATE SIRHAN:** No, no. I was -- I was pretty
21 much down because of the liquor effect --

22 **PRESIDING COMMISSIONER ROBERTS:** Okay.

23 **INMATE SIRHAN:** -- on me.

24 **PRESIDING COMMISSIONER ROBERTS:** Well, that can
25 cause people to be angry.

1 **INMATE SIRHAN:** No, no.

2 **PRESIDING COMMISSIONER ROBERTS:** Okay. All right
3 then. So what's the thing you remember you say?

4 **INMATE SIRHAN:** If anything, I was -- I felt
5 sleepy --

6 **PRESIDING COMMISSIONER ROBERTS:** Okay.

7 **INMATE SIRHAN:** -- and I wanted to go home.

8 **PRESIDING COMMISSIONER ROBERTS:** Okay.

9 **INMATE SIRHAN:** That was my focus.

10 **PRESIDING COMMISSIONER ROBERTS:** But I thought
11 your focus was the girl.

12 **INMATE SIRHAN:** Well, I mean before I met her,
13 before I went back to the hotel, that was my -- I
14 intended to go -- to go home.

15 **PRESIDING COMMISSIONER ROBERTS:** Okay.

16 **INMATE SIRHAN:** Not to go back to meet -- to meet
17 the girl. Because I hadn't met her by then.

18 **PRESIDING COMMISSIONER ROBERTS:** Okay. Right.
19 So it wasn't -- you didn't meet her until you came back
20 and went --

21 **INMATE SIRHAN:** Yes.

22 **PRESIDING COMMISSIONER ROBERTS:** -- to get the
23 coffee.

24 **INMATE SIRHAN:** Yes.

25 **PRESIDING COMMISSIONER ROBERTS:** Right. Okay.

1 So you walked into the -- you told me earlier you walked
2 into the pantry. You don't know how long you were
3 there. You said the next thing you remember were being
4 choked. Is that right?

5 **INMATE SIRHAN:** Yes.

6 **PRESIDING COMMISSIONER ROBERTS:** What do you
7 recall from that point on?

8 **INMATE SIRHAN:** There was a lot of tumult there.

9 **PRESIDING COMMISSIONER ROBERTS:** A lot of what?

10 **INMATE SIRHAN:** A lot confusion.

11 **PRESIDING COMMISSIONER ROBERTS:** Yes, I imagine.

12 **INMATE SIRHAN:** And that's all it was.

13 **PRESIDING COMMISSIONER ROBERTS:** What do you
14 recall?

15 **INMATE SIRHAN:** The choking, I remember the
16 choking. I think that was -- and the people wanting to
17 hurt me or beat me up, you know, to kill me pretty much.

18 **PRESIDING COMMISSIONER ROBERTS:** Did you have a
19 grasp of why that was?

20 **INMATE SIRHAN:** No, no, not right away. I don't
21 -- you know, you're asking me to re-memorialize
22 something that it happened so long ago. And my memory
23 then wasn't that good of it. So it's hard for me to
24 really, you know, to tell you in exact detail what I
25 remember.

1 **PRESIDING COMMISSIONER ROBERTS:** But this was
2 such a tumultuous event --

3 **INMATE SIRHAN:** It is.

4 **PRESIDING COMMISSIONER ROBERTS:** -- especially in
5 your life --

6 **INMATE SIRHAN:** It is.

7 **PRESIDING COMMISSIONER ROBERTS:** -- that people
8 often when happens remember every little detail.

9 **INMATE SIRHAN:** Well, it haunts me now.

10 **PRESIDING COMMISSIONER ROBERTS:** (Inaudible.)

11 **INMATE SIRHAN:** Yes, yes.

12 **PRESIDING COMMISSIONER ROBERTS:** And you said
13 that before actually that it's something that haunts
14 you. All right. So I'm thinking you think about this a
15 lot.

16 **INMATE SIRHAN:** You know what? It's a part of my
17 healing process, you know, to pretty much leave it,
18 leave it --

19 **PRESIDING COMMISSIONER ROBERTS:** All right.

20 **INMATE SIRHAN:** -- leave it aside, you know,
21 rather than to live it. Because how much more
22 lamentation do you want me to experience?

23 **PRESIDING COMMISSIONER ROBERTS:** Okay. All
24 right. So you remember being choked. What happened
25 after you're being choked?

1 **INMATE SIRHAN:** I went to -- I got arrested. And
2 the police came and they took me to -- was it the -- to
3 a police station.

4 **PRESIDING COMMISSIONER ROBERTS:** Okay. All
5 right.

6 **INMATE SIRHAN:** And I'm here.

7 **PRESIDING COMMISSIONER ROBERTS:** All right. Do
8 you remember talking with the police?

9 **INMATE SIRHAN:** I don't remember their names.
10 But I -- my gosh, I don't remember all that.

11 **PRESIDING COMMISSIONER ROBERTS:** Okay.

12 **INMATE SIRHAN:** Just too many people were
13 involved --

14 **PRESIDING COMMISSIONER ROBERTS:** Okay.

15 **INMATE SIRHAN:** -- to keep track of --

16 **PRESIDING COMMISSIONER ROBERTS:** But you've read
17 a lot about that, right?

18 **INMATE SIRHAN:** You know what? I haven't really
19 read much about it.

20 **PRESIDING COMMISSIONER ROBERTS:** Really?

21 **INMATE SIRHAN:** Believe it or not, I haven't.

22 **PRESIDING COMMISSIONER ROBERTS:** Well, I think
23 you've heard it at hearings and so forth, right?

24 **INMATE SIRHAN:** Here, yes. But I never made it a
25 point to make a study of it.

1 **PRESIDING COMMISSIONER ROBERTS:** Okay.

2 **INMATE SIRHAN:** Because I don't know all the
3 details. I don't know. But I have been reading
4 extensively my attorney's briefs --

5 **PRESIDING COMMISSIONER ROBERTS:** Okay.

6 **INMATE SIRHAN:** -- the legal briefs and what have
7 you.

8 **PRESIDING COMMISSIONER ROBERTS:** So you have a
9 good idea of what they're saying.

10 **INMATE SIRHAN:** Yes.

11 **PRESIDING COMMISSIONER ROBERTS:** All right.
12 Because I think I read in the record here from the
13 Supreme Court that at least one of the individuals said
14 he didn't see that you were intoxicated or drunk. Do
15 you recall reading that?

16 **INMATE SIRHAN:** No.

17 **PRESIDING COMMISSIONER ROBERTS:** Okay.

18 **INMATE SIRHAN:** But he must have been in
19 opposition.

20 **PRESIDING COMMISSIONER ROBERTS:** Oh, okay. So
21 what, you didn't --

22 **INMATE SIRHAN:** If he was, I don't know.

23 **PRESIDING COMMISSIONER ROBERTS:** Okay. So you
24 didn't read the opposition. You only read what was
25 favorable?

1 **INMATE SIRHAN:** I don't remember reading that --

2 **PRESIDING COMMISSIONER ROBERTS:** Okay.

3 **INMATE SIRHAN:** -- at all.

4 **PRESIDING COMMISSIONER ROBERTS:** Okay. All

5 right. So do you remember making statements to the
6 police?

7 **INMATE SIRHAN:** No.

8 **PRESIDING COMMISSIONER ROBERTS:** All right. You
9 don't. Do you remember at some time after the event
10 admitting to shooting this -- the Senator?

11 **INMATE SIRHAN:** I was told. I was told that I
12 had shot him. Grant Cooper, the attorney, my defense
13 attorney told me that there was no defense against it.

14 **PRESIDING COMMISSIONER ROBERTS:** But do you
15 remember stating that you did shoot the Senator?

16 **INMATE SIRHAN:** On the belief -- on belief only
17 that subsequent to what I was told.

18 **PRESIDING COMMISSIONER ROBERTS:** Well, you made
19 statements that you did the shooting.

20 **INMATE SIRHAN:** I don't --

21 **ATTORNEY PEPPER:** And for the record he's
22 stressing that he was advised by his attorney that he
23 committed this crime and that is why he made those
24 statements.

25 **PRESIDING COMMISSIONER ROBERTS:** Okay. But do

1 you recall making those statements?

2 **INMATE SIRHAN:** Again this happened so long ago
3 that I don't remember right now.

4 **PRESIDING COMMISSIONER ROBERTS:** It's been a
5 pretty important issue that you don't remember it now?
6 I'm a little concerned. Because these are -- these are
7 important facts.

8 **ATTORNEY PEPPER:** And what you're getting into,
9 you're going a bit afar field. Because his attorney had
10 a pending indictment against him and a serious conflict
11 of interest. And that has to be brought in if you're
12 going to follow this line of questioning.

13 **PRESIDING COMMISSIONER ROBERTS:** Well, you
14 submitted that, counsel, I think. So I'm exploring why
15 he made the statements he made.

16 **ATTORNEY PEPPER:** Right. And we want the record
17 to reflect why.

18 **PRESIDING COMMISSIONER ROBERTS:** Okay, why he
19 believes he made those statements.

20 **ATTORNEY PEPPER:** Why we believe.

21 **PRESIDING COMMISSIONER ROBERTS:** Okay.

22 **INMATE SIRHAN:** I was told. I was told.

23 **PRESIDING COMMISSIONER ROBERTS:** You were told to
24 make those statements. Okay.

25 **INMATE SIRHAN:** They said you did it, you did it,

1 you did it.

2 **PRESIDING COMMISSIONER ROBERTS:** All right. So
3 have you ever told anybody else that you did it?

4 **INMATE SIRHAN:** No, not that I remember. I mean,
5 you know --

6 **PRESIDING COMMISSIONER ROBERTS:** In all the years
7 you've been --

8 **INMATE SIRHAN:** You know, I don't have a
9 (inaudible), you know, a log here saying what I said --

10 **PRESIDING COMMISSIONER ROBERTS:** Okay.

11 **INMATE SIRHAN:** -- you know, ten, 15, 20, 30
12 years ago --

13 **PRESIDING COMMISSIONER ROBERTS:** Okay.

14 **INMATE SIRHAN:** -- 40 years ago.

15 **PRESIDING COMMISSIONER ROBERTS:** Or maybe not
16 even that long. At any time can you ever recall telling
17 people that you did this?

18 **INMATE SIRHAN:** I was told.

19 **PRESIDING COMMISSIONER ROBERTS:** Just beyond --

20 **INMATE SIRHAN:** I was told.

21 **PRESIDING COMMISSIONER ROBERTS:** -- that being
22 told in the report?

23 **INMATE SIRHAN:** I was told. I was told.

24 **PRESIDING COMMISSIONER ROBERTS:** Okay. All
25 right. So what do you take responsibility for, sir?

1 **INMATE SIRHAN:** Whatever I'm guilty of in this
2 case --

3 **PRESIDING COMMISSIONER ROBERTS:** What's that
4 mean?

5 **INMATE SIRHAN:** -- which is not murder --

6 **PRESIDING COMMISSIONER ROBERTS:** Okay.

7 **INMATE SIRHAN:** -- according to what I know now.

8 **PRESIDING COMMISSIONER ROBERTS:** I'm asking you
9 what you take responsibility for, sir.

10 **INMATE SIRHAN:** Whatever you want to attach to
11 it.

12 **PRESIDING COMMISSIONER ROBERTS:** No. I'm not
13 attaching it. I'm asking you to tell me what you feel
14 you're responsible for.

15 **INMATE SIRHAN:** The psychiatrist asked me the
16 same -- similar question. And really I don't know what
17 the prosecution wants to do in this case.

18 **PRESIDING COMMISSIONER ROBERTS:** Okay. I'm not
19 concerned about the prosecution at all. You were there.
20 I'm asking you to tell me what you believe you're
21 responsible for. If you don't believe you're
22 responsible for shooting somebody or what, tell me what
23 you think you're responsible for.

24 **INMATE SIRHAN:** It's a good question. Legally
25 speaking, I'm not guilty of anything.

1 **PRESIDING COMMISSIONER ROBERTS:** I'm asking you
2 what you think you're responsible for.

3 **INMATE SIRHAN:** I feel that now. I feel that
4 now.

5 **PRESIDING COMMISSIONER ROBERTS:** You feel you're
6 not responsible for anything?

7 **INMATE SIRHAN:** No. It's not that I'm making
8 light of it. I'm responsible for being there and I --

9 **PRESIDING COMMISSIONER ROBERTS:** So you're
10 responsible just for being there.

11 **INMATE SIRHAN:** For being there.

12 **PRESIDING COMMISSIONER ROBERTS:** Anything else
13 that you're responsible for other than being there?

14 **INMATE SIRHAN:** Knowing what I know now about the
15 case, no.

16 **PRESIDING COMMISSIONER ROBERTS:** What do you mean
17 by that?

18 **INMATE SIRHAN:** That I did not commit the crime.

19 **PRESIDING COMMISSIONER ROBERTS:** Okay. You
20 believe you did not commit the crime.

21 **INMATE SIRHAN:** Yes.

22 **PRESIDING COMMISSIONER ROBERTS:** All right.
23 Often we talk about remorse. What's the word remorse
24 mean to you?

25 **INMATE SIRHAN:** Regret, a haunting regret about

1 any wrongdoings.

2 **PRESIDING COMMISSIONER ROBERTS:** Okay, a haunting
3 regret. Is there anything else beyond that to remorse?

4 **INMATE SIRHAN:** Well, there's a sense of deep
5 emotion about it, that it's -- I feel unable to really
6 think about it because it is unexplainable.

7 **PRESIDING COMMISSIONER ROBERTS:** Okay. Well,
8 Webster's tell us a deep sense of shame is part of
9 remorse.

10 **INMATE SIRHAN:** I agree with that.

11 **PRESIDING COMMISSIONER ROBERTS:** You do?

12 **INMATE SIRHAN:** I agree with that.

13 **PRESIDING COMMISSIONER ROBERTS:** Okay. All
14 right. Do you think of anything else that it might be?
15 We've got shame, you said.

16 **INMATE SIRHAN:** Shame, the regret really is what
17 (inaudible).

18 **PRESIDING COMMISSIONER ROBERTS:** Regret and
19 shame.

20 **INMATE SIRHAN:** Yes.

21 **PRESIDING COMMISSIONER ROBERTS:** Anything else to
22 remorse?

23 **INMATE SIRHAN:** The wish that it had never
24 happened, to un-do it, to correct it.

25 **PRESIDING COMMISSIONER ROBERTS:** That's a regret,

1 I think. It's a specific regret. Okay. Do you think
2 you have remorse for (inaudible)?

3 **INMATE SIRHAN:** I have remorse every time I hear
4 of a -- of a -- of a homicide or talking with other
5 prisoners about their cases. It haunts me to -- it
6 bothers me to know that this is a part of the human
7 experience that people do commit crimes.

8 **PRESIDING COMMISSIONER ROBERTS:** Okay.

9 **INMATE SIRHAN:** And I feel for --

10 **PRESIDING COMMISSIONER ROBERTS:** Well, hold on.

11 **INMATE SIRHAN:** -- the victims of --

12 **PRESIDING COMMISSIONER ROBERTS:** Hold on.

13 **INMATE SIRHAN:** -- those people's crimes --

14 **PRESIDING COMMISSIONER ROBERTS:** Hold on. I'm
15 more specifically --

16 **INMATE SIRHAN:** -- as much as this case.

17 **PRESIDING COMMISSIONER ROBERTS:** -- interested in
18 your remorse for anything that you may have done or be
19 responsible for for the life crimes and the event then.
20 Do you have any remorse for that, sir?

21 **INMATE SIRHAN:** As far as I am criminally
22 responsible, yes.

23 **PRESIDING COMMISSIONER ROBERTS:** Okay. Tell me,
24 if you have remorse how would we know you had remorse
25 and what do you have remorse for.

1 **ATTORNEY PEPPER:** Do you have remorse? I mean
2 what the Commissioner is asking really is do you have
3 remorse with respect to the death of Robert Kennedy.

4 **INMATE SIRHAN:** Extreme remorse.

5 **PRESIDING COMMISSIONER ROBERTS:** Okay.

6 **INMATE SIRHAN:** Extreme remorse.

7 **PRESIDING COMMISSIONER ROBERTS:** Why?

8 **INMATE SIRHAN:** For the loss of, you know, for
9 his -- for his family's loss and for the country's loss.
10 I do that. It bothers me because I was a part of that
11 scene.

12 **PRESIDING COMMISSIONER ROBERTS:** Okay.

13 **INMATE SIRHAN:** I mean it's so elementary that I
14 seldom, you know -- it's a given that --

15 **PRESIDING COMMISSIONER ROBERTS:** How would we
16 know beyond the words of it? Because so far we're
17 talking about, you know, your feelings, your internal
18 feelings. Are there things that you could point to in
19 the record that would suggest or illustrate or
20 demonstrate to us that you have remorse beyond just the
21 words? A lot of people come into this door and say
22 they've got remorse, you know.

23 **INMATE SIRHAN:** Yeah, yeah.

24 **PRESIDING COMMISSIONER ROBERTS:** And so we look
25 to something more than just words to help us understand

1 whether an individual has remorse. Can you point to
2 some things?

3 **INMATE SIRHAN:** I think that a psychiatrist would
4 speak to that. I had many discussions with Dr. Sutton
5 early on in this case. And we used to talk a lot about
6 the remorse and the wrongfulness of, you know, of
7 antisocial acts. And at then -- at that time I did take
8 full responsibility because I thought I was guilty, you
9 know, and it bothered me. And it still bothers me now
10 because I'm still a part of this scene, of this
11 situation. But I don't really know how to prove it to
12 you. It's too abstract. It's an internal thing.

13 **PRESIDING COMMISSIONER ROBERTS:** But are there
14 things that you've done or things that we could look at
15 in the record that would suggest that -- and would
16 support your assertion that you have remorse?

17 **INMATE SIRHAN:** Other than my true sentiment
18 about it, I don't think so.

19 **PRESIDING COMMISSIONER ROBERTS:** All right.

20 **INMATE SIRHAN:** I don't know --

21 **PRESIDING COMMISSIONER ROBERTS:** Well, have
22 you --

23 **INMATE SIRHAN:** -- if there is anything. How do
24 you manifest the illustration of it?

25 **PRESIDING COMMISSIONER ROBERTS:** Well, let me ask

1 you this. You've participated in some 12-step programs
2 some time ago, correct?

3 **INMATE SIRHAN:** Yes.

4 **PRESIDING COMMISSIONER ROBERTS:** Okay. Can you
5 recall -- in that process there are parts to that that
6 directly address remorse.

7 **INMATE SIRHAN:** Well, you want -- if you want a
8 confession, I can't make it now.

9 **PRESIDING COMMISSIONER ROBERTS:** I'm not talking
10 about a confession.

11 **INMATE SIRHAN:** Okay.

12 **PRESIDING COMMISSIONER ROBERTS:** No, no. I'm not
13 talking about that. I'm asking are there -- thinking
14 about your 12-steps, do you recall your 12-steps?

15 **INMATE SIRHAN:** Yeah.

16 **PRESIDING COMMISSIONER ROBERTS:** Okay.

17 **INMATE SIRHAN:** Go ahead.

18 **PRESIDING COMMISSIONER ROBERTS:** Okay. There are
19 several of those, you know. On the upper end of the
20 12-steps they directly try to address remorse and so
21 forth --

22 **INMATE SIRHAN:** Beyond expression --

23 **PRESIDING COMMISSIONER ROBERTS:** -- things that
24 you can --

25 **INMATE SIRHAN:** -- I don't know if they -- if any

1 can --

2 **PRESIDING COMMISSIONER ROBERTS:** And things that
3 you can do that demonstrate remorse.

4 **INMATE SIRHAN:** No. It's hard for -- the
5 magnitude of this case is so huge.

6 **PRESIDING COMMISSIONER ROBERTS:** It is.

7 **INMATE SIRHAN:** My remorse is insignificant
8 compared to it.

9 **PRESIDING COMMISSIONER ROBERTS:** Okay. All
10 right. So I'm wrestling with trying to get an
11 assessment of whether I think you have remorse. And I'm
12 struggling with that because some guys walk in here and
13 they've got lots of demonstration of that beyond just
14 the words of it.

15 **INMATE SIRHAN:** It's the loss -- you know, when I
16 heard that -- when the news came to me that three
17 members of my family died within six months when I was
18 locked up in SHU at Corcoran, the remorse -- I mean the
19 sadness and the sense of loss, I mean I experienced
20 human death.

21 **PRESIDING COMMISSIONER ROBERTS:** Okay.

22 **INMATE SIRHAN:** And that showed me, you know,
23 other people have the same feelings, you know, when they
24 lose (inaudible).

25 **PRESIDING COMMISSIONER ROBERTS:** So when you

1 experienced some personal loss you had a better sense of
2 remorse?

3 **INMATE SIRHAN:** Oh, hell yes, I do.

4 **PRESIDING COMMISSIONER ROBERTS:** Okay.

5 **INMATE SIRHAN:** You know, I mean the sanctity of
6 life is so paramount now that you shouldn't violate it
7 period.

8 **PRESIDING COMMISSIONER ROBERTS:** All right then.

9 Anything else you want to tell us about the life crime?

10 **INMATE SIRHAN:** I wish it never happened --

11 **PRESIDING COMMISSIONER ROBERTS:** Okay.

12 **INMATE SIRHAN:** -- or I never was involved with
13 it.

14 **PRESIDING COMMISSIONER ROBERTS:** Okay. So I'm
15 clear, what do you think your involvement was?

16 **INMATE SIRHAN:** I was there.

17 **PRESIDING COMMISSIONER ROBERTS:** Just being
18 there?

19 **INMATE SIRHAN:** I was there.

20 **PRESIDING COMMISSIONER ROBERTS:** Okay.

21 Mr. Stanton, anything you'd like to ask about the life
22 crime?

23 **DEPUTY COMMISSIONER STANTON:** Thank you. Good
24 morning, Mr. Sirhan. I've got a few questions. One
25 thing actually I was a little curious on. Commissioner

1 Roberts asked you about whether you were -- how you felt
2 about the Jewish celebration. And you said angry and
3 then you said, well, and it piqued my anger -- I mean it
4 piqued my curiosity a few minutes ago. Do you remember
5 that?

6 **INMATE SIRHAN:** Yes.

7 **DEPUTY COMMISSIONER STANTON:** Okay. You seemed
8 reluctant to repeat the word anger. Why?

9 **INMATE SIRHAN:** Because it -- I don't think --

10 **DEPUTY COMMISSIONER STANTON:** That was your first
11 reaction.

12 **INMATE SIRHAN:** I don't think of anger. I'm not
13 angry now.

14 **DEPUTY COMMISSIONER STANTON:** I didn't ask you
15 that. I'm just asking --

16 **INMATE SIRHAN:** Maybe angry then.

17 **DEPUTY COMMISSIONER STANTON:** Yeah.

18 **INMATE SIRHAN:** Yes, because it affected me as a
19 Palestinian at that time.

20 **DEPUTY COMMISSIONER STANTON:** Okay. I can
21 understand it. All right.

22 **INMATE SIRHAN:** It bothered me. Yes.

23 **DEPUTY COMMISSIONER STANTON:** So you were angry
24 at Senator Kennedy.

25 **INMATE SIRHAN:** But it's not an anger issue now.

1 And it -- I don't think --

2 **DEPUTY COMMISSIONER STANTON:** I'm not saying it
3 is. I'm just asking you at that time you were angry
4 over Senator Kennedy's promise to help Israel basically.
5 Is that accurate?

6 **INMATE SIRHAN:** Yes.

7 **DEPUTY COMMISSIONER STANTON:** Okay. You told
8 Commissioner Roberts that you do have remorse. And you
9 said that was for what -- when he asked you what it was
10 for what you were legally responsible for. Is that
11 correct?

12 **INMATE SIRHAN:** Yes.

13 **DEPUTY COMMISSIONER STANTON:** All right. But
14 right before that didn't you tell him that you were not
15 legally responsible for anything?

16 **INMATE SIRHAN:** Okay. Are you saying that I'm
17 contradicting myself?

18 **DEPUTY COMMISSIONER STANTON:** No. I'm just
19 saying that the two are inconsistent. You just said to
20 Commissioner Roberts before making that statement,
21 legally I'm not responsible for anything. Then when he
22 asked about your remorse, you -- he said what are you
23 remorseful for. And you said for anything that I'm
24 legally responsible for. But you just said previously
25 I'm not legally responsible for anything. So that's

1 tantamount to saying --

2 **INMATE SIRHAN:** Well, that would -- that would
3 apply to any person asked those two questions.

4 **DEPUTY COMMISSIONER STANTON:** Well, I'm -- all
5 I'm saying is simple logic would take you to the fact
6 that that means you're not really remorseful. If you're
7 saying that I'm remorseful over what I'm legally
8 responsible for and in a previous statement you said I'm
9 not legally responsible for anything --

10 **ATTORNEY PEPPER:** And the problem that he faces
11 -- and I think he is struggling to try to deal with this
12 issue. But the problem that he faces is is he
13 legitimately does not recall what happened. And if he
14 doesn't recall what happened, he cannot -- he cannot say
15 that he was accountable and legally responsible and
16 therefore he is remorseful. He's remorseful about what
17 happened to Robert Kennedy. But his point is -- and Dan
18 Brown, the psychologist from Harvard makes this point so
19 clear in his present state of mind at that time he could
20 not be held guilty of being remorseful for something he
21 doesn't remember.

22 **DEPUTY COMMISSIONER STANTON:** Counsel, I read the
23 report. You made a statement a second ago that he, in
24 fact, doesn't remember. Okay?

25 **ATTORNEY PEPPER:** He doesn't remember.

1 **DEPUTY COMMISSIONER STANTON:** Yeah. Okay. How
2 do you know that?

3 **ATTORNEY PEPPER:** I rely on the -- on the opinion
4 of a -- of a -- of a world renowned psychologist who
5 spent over 60 hours with him and who came away with a --
6 with a viewpoint that Sirhan -- I'm quoting him -- "was
7 in such a state at the time of the assassination it
8 should not be assumed at the Parole Hearing that he
9 should manifest either knowledge or remorse for or a
10 clear memory for an event wherein his behavior was
11 likely compulsively induced involuntarily and for which
12 he still has little memory." So that is the basis of my
13 understanding and has been for quite a period of time.

14 **DEPUTY COMMISSIONER STANTON:** Right.

15 **ATTORNEY PEPPER:** And the reason I put Dan Brown
16 with him for 60 hours was to probe in every way possible
17 whether we could -- we could elicit some recollection of
18 this.

19 **DEPUTY COMMISSIONER STANTON:** Weren't all of the
20 psychiatric evaluations generated because of a claim by
21 Mr. Sirhan that he doesn't remember?

22 **ATTORNEY PEPPER:** Well, there were the State's
23 psychological and clinical evaluations.

24 **DEPUTY COMMISSIONER STANTON:** I have them all.

25 **ATTORNEY PEPPER:** You have them all and we've

1 read them. And they basically focus on a major concern
2 of this -- of this Panel. And it has to do, as far as
3 we're concerned, with his proclivity, the potential for
4 violence to be committed in the community should you
5 deem it feasible for him to be granted parole. And that
6 was the major focus. And the tests that were
7 administered by Dr. Carrera, Dr. Sahni were the same as
8 the ones that Dr. Brown administered with one exception.
9 And they all came to the same conclusion that he has a
10 low potential for being volatile or physically violent.

11 **DEPUTY COMMISSIONER STANTON:** I understand that,
12 counsel. That's a separate issue. I'm simply saying
13 that all of this was generated because Mr. Sirhan --
14 it's his claim I don't remember. And he was asked at
15 the beginning at the trial was he -- when he first -- I
16 have some more questions related to this. But basically
17 all of this came about because Mr. Sirhan said I don't
18 remember what happened.

19 **ATTORNEY PEPPER:** Yeah. Well, that's not the
20 sole basis for the total psychological evaluation.

21 **DEPUTY COMMISSIONER STANTON:** Well, that's a
22 major -- would you agree it's a major --

23 **ATTORNEY PEPPER:** But it's a major issue. You're
24 quite correct.

25 **DEPUTY COMMISSIONER STANTON:** Yeah. Right.

1 Okay.

2 **ATTORNEY PEPPER:** It's a major issue.

3 **DEPUTY COMMISSIONER STANTON:** So we have to rely
4 on the fact that a lot of these opinions are based on
5 what Mr. Sirhan said.

6 **ATTORNEY PEPPER:** A lot of these opinions are
7 based on state of the art psychological tests and
8 examinations that have been conducted on Mr. Sirhan.

9 **DEPUTY COMMISSIONER STANTON:** I fully understand.
10 What I'm saying is they were given to Mr. Sirhan based
11 on his claim that he doesn't remember. This all started
12 because he said he doesn't remember. I mean it's pretty
13 simple. Is that accurate?

14 **ATTORNEY PEPPER:** He doesn't remember.

15 **DEPUTY COMMISSIONER STANTON:** Okay. That's his
16 claim.

17 **ATTORNEY PEPPER:** That's his claim.

18 **DEPUTY COMMISSIONER STANTON:** Okay. That's all
19 I'm asking.

20 **ATTORNEY PEPPER:** And every effort through every
21 testing means possible was used to try to elicit that
22 memory, not just his level of potential violence, but to
23 elicit and bring back a recollection --

24 **DEPUTY COMMISSIONER STANTON:** Bring back the
25 memory that he claims he doesn't have.

1 **ATTORNEY PEPPER:** Yes.

2 **DEPUTY COMMISSIONER STANTON:** Sir, Mr. Sirhan, do

3 you remember being in Soledad Prison --

4 **INMATE SIRHAN:** Yes.

5 **DEPUTY COMMISSIONER STANTON:** -- back in about,

6 was it 1976?

7 **INMATE SIRHAN:** I was there.

8 **DEPUTY COMMISSIONER STANTON:** Okay. Because one

9 of the things in the file that I'm looking at is a

10 transcription from a proceeding that was for the Board,

11 a taped proceeding. It took place in 1981 between an

12 investigator Washington and a Mr. Falzone. Do you

13 remember that? You remember Mr. Falzone?

14 **INMATE SIRHAN:** I don't recall all that detail.

15 **DEPUTY COMMISSIONER STANTON:** Okay. Well,

16 according to Mr. Falzone and according to the

17 documentation -- it's in the file, counsel. I'm sure

18 you're aware of it. On page 4 Mr. Falzone was said --

19 asked if he knows you and he said yeah and he knows you

20 from Soledad Prison on the X-Wing. He said he developed

21 a relationship with you during the months that he was

22 there. And during the period of time the investigator

23 asked him did -- do you ever discuss -- or did you ever

24 discuss the assassination of Robert Kennedy with you.

25 And he said yes, you did. And he said could you tell me

1 exactly what Mr. Sirhan said regarding the
2 assassination. And he -- according to Mr. Falzone, you
3 described the assassination. I can read it verbatim but
4 the bottom line is really over on page 7 he said he
5 reenacted the shooting -- "When he reenacted the
6 shooting he actually raised his hand and everything. He
7 had a perfect memory, absolutely perfect at the time he
8 was in the kitchen, at the time of the shooting, during
9 the shooting. He told me that hypnosis or that mind
10 blank thing that he claimed was just a game and that he
11 was never hypnotized." You remember that?

12 **INMATE SIRHAN:** You know, that this inmate was a
13 paid, I believe, informant for the LAPD and District
14 Attorney's Office.

15 **DEPUTY COMMISSIONER STANTON:** Yeah. That was
16 part of it. So I'm just saying --

17 **INMATE SIRHAN:** No. I never -- I never --

18 **DEPUTY COMMISSIONER STANTON:** I'm asking you --

19 **INMATE SIRHAN:** I have never done that with him.

20 **DEPUTY COMMISSIONER STANTON:** Okay. So you deny
21 that.

22 **INMATE SIRHAN:** Yes, I do.

23 **DEPUTY COMMISSIONER STANTON:** All right.

24 **INMATE SIRHAN:** In fact, he was -- he didn't even
25 show up at my Rescission Hearing because of his

1 embarrassment behind that, because he would never have
2 passed the test of cross-examination.

3 **DEPUTY COMMISSIONER STANTON:** Okay. Well,
4 actually I think he said it's with lie detectors. But I
5 don't know what the result was. Your attorney talked to
6 Commissioner Roberts and you said you don't remember
7 ever telling or stating that you -- or you stated that
8 you did do it and your attorney said that was because of
9 your previous counsel, of the statement that -- or your
10 admitting that you killed him. Is that accurate?

11 **ATTORNEY PEPPER:** Well, previous counsel was
12 under an indictment. He was badly conflicted. And yes,
13 he told Mr. Sirhan that he did it.

14 **DEPUTY COMMISSIONER STANTON:** Okay.

15 **ATTORNEY PEPPER:** And Sirhan, not remembering
16 what went on, the details of what went on, and trusting
17 in Grant Cooper as his counsel, accepted that opinion.

18 **DEPUTY COMMISSIONER STANTON:** Well, I'm just
19 curious why would he say this. Because this is in the
20 Appellate Decision. You didn't just say I did it. You
21 said -- and I'm quoting now, "I killed Robert Kennedy
22 willfully, premeditatedly with 20 years of malice
23 aforethought."

24 **ATTORNEY PEPPER:** Twenty years? What?

25 **DEPUTY COMMISSIONER STANTON:** That's the quote.

1 **ATTORNEY PEPPER:** How old was he at the time?
2 Come on, four?

3 **DEPUTY COMMISSIONER STANTON:** I'm just --

4 **ATTORNEY PEPPER:** Four years old?

5 **DEPUTY COMMISSIONER STANTON:** Yeah. Okay. Yeah.
6 I'm just quoting the Appellate Decision. It's on
7 page --

8 **INMATE SIRHAN:** Does that make it --

9 **PRESIDING COMMISSIONER ROBERTS:** Do you recall
10 making that statement?

11 **INMATE SIRHAN:** Does that make it real?

12 **PRESIDING COMMISSIONER ROBERTS:** Did you make
13 that -- do you recall making that statement?

14 **DEPUTY COMMISSIONER STANTON:** Page 33 of the
15 Appellate Decision. I'm quoting it. That's what it
16 says.

17 **ATTORNEY PEPPER:** But I mean the --

18 **DEPUTY COMMISSIONER STANTON:** I'm curious about
19 the 20 years statement. I mean it's one thing to say
20 that counsel led me to believe I did it so therefore I
21 made a confession. It's another thing to make your
22 confession with the addition of I not only premeditated,
23 I did it for 20 years. I'm just curious. Why would
24 you --

25 **ATTORNEY PEPPER:** Yeah, from the age of four.

1 **DEPUTY COMMISSIONER STANTON:** I was -- I was four
2 years old.

3 **ATTORNEY PEPPER:** No, no, look, look.

4 **INMATE SIRHAN:** I didn't even speak English then.

5 **ATTORNEY PEPPER:** The easiest thing for this man
6 to do all of these years -- and the Commissioner will
7 appreciate this -- is he could -- he could say listen, I
8 was there, I'm accountable for what happened, I don't
9 know why I did it, maybe it was the Tom Collins and make
10 up whatever. But to say yes, I'm accountable, I have
11 remorse and I am very sorry, he could have -- he could
12 have said this. Over all these years he could have
13 agreed to say that. He legitimately has taken this
14 position which you're quite right in pointing out, is a
15 -- is a difficult one before a body such as this. This
16 is one of the reasons why we're in the Ninth Circuit
17 trying to get an evidentiary hearing where we can
18 produce new evidence which is not your -- not right for
19 your forum.

20 **PRESIDING COMMISSIONER ROBERTS:** That's
21 absolutely right.

22 **ATTORNEY PEPPER:** And we --

23 **PRESIDING COMMISSIONER ROBERTS:** And as you know,
24 we had this spelled out well at the last hearing.

25 **ATTORNEY PEPPER:** We respect that. But I'm

1 saying that's why we're before the Ninth Circuit now.
2 We're trying to get that evidentiary hearing so we can
3 deal with the very issues you're raising.

4 **DEPUTY COMMISSIONER STANTON:** Now the reports
5 that were submitted by you, counsel, Dr. Brown and some
6 of the reports I read, from what I understand what is
7 being said at this time -- and correct me if I'm wrong
8 -- you know, there's a lot of stuff in here. I only
9 have a limited amount of time to go through it. Some of
10 the sections had over ten-thousand pages. But I did
11 read what you submitted. And my understanding is at
12 first there was a claim of diminished capacity. That
13 was --

14 **ATTORNEY PEPPER:** That was (inaudible).

15 **DEPUTY COMMISSIONER STANTON:** And there was a
16 claim of diminished capacity at trial. That was back --
17 in the days when the Appellate Decision was done as it
18 states on the first page, his first contention on appeal
19 was that it was a diminished capacity and therefore
20 didn't support the conviction. Okay. Subsequent to
21 that there has been auditory analyses suggesting another
22 shooter.

23 **ATTORNEY PEPPER:** Yes.

24 **DEPUTY COMMISSIONER STANTON:** Okay. And there
25 has also been, based on what I read from -- I believe it

1 was Dr. Brown that there is a theory at this point, I
2 guess I would call it, that Mr. Sirhan was basically
3 being used as the distraction and was hypnotized --

4 **ATTORNEY PEPPER:** Yes.

5 **DEPUTY COMMISSIONER STANTON:** -- and the girl
6 actually played a part in this --

7 **ATTORNEY PEPPER:** Yes.

8 **DEPUTY COMMISSIONER STANTON:** -- by when she
9 tapped him on the shoulder that was a hypnotic cue for
10 him to start to go. Okay. So that's a theory at this
11 point.

12 **INMATE SIRHAN:** Exactly.

13 **DEPUTY COMMISSIONER STANTON:** Is that -- is that
14 correct?

15 **ATTORNEY PEPPER:** Sorry?

16 **DEPUTY COMMISSIONER STANTON:** That's the theory
17 at this point?

18 **ATTORNEY PEPPER:** Yes. Then that's -- that
19 became Dan Brown's view. And put into a factual
20 picture, when he talks about being choked he had -- he
21 had gotten off two shots. His arm was pinned to the
22 steam stable and he was being choked. Bob Kennedy was
23 hit with four bullets at powder-burn range in the rear.
24 At the time he had only gotten off two shots and
25 couldn't -- had no control over his gun. Now you raised

1 the issue so we're getting into some facts.

2 **PRESIDING COMMISSIONER ROBERTS:** Again, we're not
3 here to retry the case.

4 **ATTORNEY PEPPER:** Right.

5 **PRESIDING COMMISSIONER ROBERTS:** And these are
6 facts that are not supported by the (inaudible).

7 **ATTORNEY PEPPER:** Oh, they are supported.

8 **PRESIDING COMMISSIONER ROBERTS:** Not by the
9 California State Supreme Court's ruling as to the facts
10 of the case.

11 **ATTORNEY PEPPER:** Well, nobody disputes the fact
12 that this man only fired when he had control of a gun,
13 two shots and that the balance of the shots that he
14 fired was when his hand was pinned to the table and the
15 bullets ricocheted all over the place and Bob was being
16 hit with four bullets in the back at powder-burn range.

17 **MR. PAUL SCHRADE:** Those are the facts.

18 **PRESIDING COMMISSIONER ROBERTS:** Stop, stop,
19 stop. I'm not interested in that whole -- the court
20 says what the case is. And we don't have -- as you well
21 know and we acknowledged earlier -- the authority to
22 retry the case. Because you're asking us to retry the
23 case.

24 **ATTORNEY PEPPER:** I understand that.

25 **PRESIDING COMMISSIONER ROBERTS:** And we can't do

1 that. And I don't (inaudible) --

2 **ATTORNEY PEPPER:** Yeah. I'm not asking you to do
3 that. But the Commissioner raised --

4 **PRESIDING COMMISSIONER ROBERTS:** Right.

5 **ATTORNEY PEPPER:** -- some of the peripheral
6 issues that --

7 **DEPUTY COMMISSIONER STANTON:** The reason --

8 **ATTORNEY PEPPER:** -- brought us down this road.

9 **PRESIDING COMMISSIONER ROBERTS:** Right.

10 **DEPUTY COMMISSIONER STANTON:** The reason I'm
11 bringing this up -- I'll let you talk in a second. The
12 reason I'm bringing this up is at this point we're
13 addressing what Mr. Sirhan knows about the commitment
14 offense --

15 **ATTORNEY PEPPER:** Right.

16 **DEPUTY COMMISSIONER STANTON:** -- his memory of
17 it, et cetera. Okay? And this is why this is relative
18 to that or relevant to that. In other words, this is
19 what he's now saying. We're talking -- we went through
20 the CRA, made sure that his statements to the clinician
21 were accurate. And I want to make sure that we
22 understand what the present position is. Okay? And you
23 submitted documents. So the present position
24 essentially is that he was under hypnosis at that time.

25 **ATTORNEY PEPPER:** Yes.

1 **DEPUTY COMMISSIONER STANTON:** Is that a fair
2 statement? Okay. There are witness statements from
3 back in 1968 from Eddie -- I can't really read this --
4 Minasian and Carl Uecker or something. I guess they
5 were present at the time. I think it was Mr. -- or
6 Becker, it might be Becker actually was the one who
7 grabbed Mr. Sirhan's hand.

8 **ATTORNEY PEPPER:** Yeah.

9 **DEPUTY COMMISSIONER STANTON:** Is that accurate?

10 **ATTORNEY PEPPER:** I'm going to resist going that
11 -- down that road because the Commissioner is going to
12 tell me -- we're going to get -- you're going to be
13 getting into evidence now. And that's not what we're
14 here for.

15 **DEPUTY COMMISSIONER STANTON:** I understand. I
16 just want to -- because according to what I read in
17 witness statements as part of the record -- and I'm not
18 saying he's denying this or admitting this or anything
19 else. But according to what the witness said he did
20 raise his hand and shoot at Kennedy. Okay. Now if he
21 were under hypnosis and not -- unaware of what he was
22 doing then he wouldn't be responsible essentially.

23 **ATTORNEY PEPPER:** Yes.

24 **DEPUTY COMMISSIONER STANTON:** Okay. But I don't
25 know if there's any disputation that he actually raised

1 the gun and fired at Kennedy, whether it was his bullet
2 that hit him or not. I'm not saying -- because, you
3 know, the claim is that Kennedy was actually hit from
4 behind and it wasn't Mr. Sirhan's bullets that hit him.
5 Okay.

6 **ATTORNEY PEPPER:** He was in front.

7 **DEPUTY COMMISSIONER STANTON:** Right. But he was
8 still -- from what I can see, still pointed the gun at
9 Kennedy and shot. Whether he hit him or not I'm not
10 saying it was his bullets that him. Maybe it was the
11 other -- if there was another shooter maybe the other
12 shooter -- but in other words, he did shoot at Senator
13 Kennedy and then his arm was taken down and he kept
14 firing.

15 **ATTORNEY PEPPER:** But he didn't kill him.

16 **DEPUTY COMMISSIONER STANTON:** Right. I'm not
17 saying he did or he didn't. I'm just saying that -- now
18 I know the Appellate Decision -- we accept the court
19 findings as true. But according to this, by anybody's
20 standard he would have shot at him.

21 **ATTORNEY PEPPER:** Well, I'd rather not get into
22 an argument on the -- on the evidence that took --

23 **DEPUTY COMMISSIONER STANTON:** Okay.

24 **ATTORNEY PEPPER:** -- of what took place.

25 **DEPUTY COMMISSIONER STANTON:** Okay.

1 **ATTORNEY PEPPER:** I'd rather not. Because this
2 is not the Panel for that.

3 **DEPUTY COMMISSIONER STANTON:** Mr. Sirhan, you
4 said to Commissioner Roberts you don't remember going to
5 the Ambassador any time previous to the night of the
6 offense.

7 **INMATE SIRHAN:** May I -- may I -- before I answer
8 that --

9 **DEPUTY COMMISSIONER STANTON:** Okay.

10 **INMATE SIRHAN:** -- may I say something to
11 Mr. Roberts? You said that you're bound by this Supreme
12 Court decision. In the -- at the 1975 parole granting
13 decision by the Adult Authority, Board member James
14 Hoover wrote by his -- you know, handwrote in his notes
15 about the -- during the hearing that my hand was being
16 held by others. And he took notice of that. And he
17 wrote it in the file --

18 **PRESIDING COMMISSIONER ROBERTS:** Okay. What we
19 just would read would indicate your hand ended up
20 getting held by others. I don't think that's in
21 dispute. So I don't -- I think it's clear in the record
22 what has been in the record.

23 **ATTORNEY PEPPER:** Okay.

24 **PRESIDING COMMISSIONER ROBERTS:** So let's move
25 on.

1 **DEPUTY COMMISSIONER STANTON:** All right. Did you
2 recall -- I read in the various documents that you at
3 one time were -- you had joined the Rosicrucian.

4 **INMATE SIRHAN:** Yes.

5 **DEPUTY COMMISSIONER STANTON:** Okay. And did you
6 practice self-hypnosis quite a bit?

7 **INMATE SIRHAN:** I liked it. Yes.

8 **DEPUTY COMMISSIONER STANTON:** Okay. All right.
9 And you remember going to the range?

10 **INMATE SIRHAN:** Yes.

11 **DEPUTY COMMISSIONER STANTON:** And how long did
12 you stay at the range?

13 **INMATE SIRHAN:** I used to go to the range, you
14 know, not frequently but I used to go -- I was -- I was
15 -- I liked to shoot.

16 **DEPUTY COMMISSIONER STANTON:** You liked to shoot.

17 **INMATE SIRHAN:** Yeah. I liked to shoot. And I
18 was in the Cadet Corp. We used to have --

19 **DEPUTY COMMISSIONER STANTON:** Okay.

20 **INMATE SIRHAN:** -- access to guns and
21 (inaudible).

22 **DEPUTY COMMISSIONER STANTON:** And the time that
23 you went before the Kennedy assassination, how long did
24 you spend at the range?

25 **INMATE SIRHAN:** Oh, my gosh. Pretty much -- that

1 same day?

2 **DEPUTY COMMISSIONER STANTON:** Yeah.

3 **INMATE SIRHAN:** Oh, I was there that whole
4 morning pretty much. I went there -- it was all legal,
5 sir.

6 **DEPUTY COMMISSIONER STANTON:** Oh, no.

7 **INMATE SIRHAN:** (Inaudible.)

8 **DEPUTY COMMISSIONER STANTON:** I'm not -- I'm not
9 questioning the legality of you're being at the range.
10 Okay? What I'm wondering --

11 **INMATE SIRHAN:** (Inaudible), like I'm, you know,
12 (inaudible).

13 **DEPUTY COMMISSIONER STANTON:** No, no, no. But I
14 just found -- because I read you were there for some
15 maybe five to six hours or something.

16 **INMATE SIRHAN:** I was there -- well, I had
17 nothing to do but spend the day there, you know. I mean
18 I had no other --

19 **DEPUTY COMMISSIONER STANTON:** That just seems
20 like an unusual -- because I've been to ranges and I
21 just find that to be an unusually inordinate amount of
22 time to spend at a range.

23 **INMATE SIRHAN:** Oh, if you like guns, if you're a
24 gun enthusiast with other people, you know, time goes
25 by.

1 **DEPUTY COMMISSIONER STANTON:** And you denied, I
2 believe, that you practiced any kind of fast shooting.
3 Is that accurate?

4 **INMATE SIRHAN:** No. I always aimed for the
5 center -- for the center target, for the X in the middle
6 of the --

7 **DEPUTY COMMISSIONER STANTON:** Okay.

8 **INMATE SIRHAN:** -- of the target sheet.

9 **DEPUTY COMMISSIONER STANTON:** All right. And
10 what time did your memory go out? At what point in time
11 did you suddenly -- because there is a period of time
12 when evidently you don't remember anything. Okay. You
13 went from here to the next thing you know you're being
14 choked.

15 **INMATE SIRHAN:** Yeah.

16 **DEPUTY COMMISSIONER STANTON:** Okay. When was the
17 time when you first lost your memory?

18 **INMATE SIRHAN:** That was -- that was during that
19 time, during that evening, that evening of the shooting.

20 **DEPUTY COMMISSIONER STANTON:** Would you say --

21 **INMATE SIRHAN:** And the exact time, like I said I
22 was sleepy, I was -- I don't know how to describe it. I
23 was -- I was affected by the -- by the -- by the drinks
24 that I had. I wasn't really too aware of time even.
25 But I knew I was sleepy. I wanted to go home.

1 **DEPUTY COMMISSIONER STANTON:** Do you remember --
2 you were quite involved or engrossed with Middle Eastern
3 issues at that time. Is that accurate?

4 **INMATE SIRHAN:** Well, I'm an Arab and I'm a
5 Palestinian. I'm an immigrant.

6 **DEPUTY COMMISSIONER STANTON:** I'm not saying
7 there's anything wrong with it. I'm just asking if it's
8 a fact that's accurate. Okay.

9 **PRESIDING COMMISSIONER ROBERTS:** Did we get a yes
10 on that? I'm not sure.

11 **INMATE SIRHAN:** Well, I mean --

12 **DEPUTY COMMISSIONER STANTON:** Let's do it like
13 this. Were you an avid reader of Middle Eastern
14 subjects at that point?

15 **INMATE SIRHAN:** Yes.

16 **DEPUTY COMMISSIONER STANTON:** That's what was
17 said. I just want to --

18 **INMATE SIRHAN:** Yes, yes.

19 **DEPUTY COMMISSIONER STANTON:** All of this is what
20 I've got out of -- out of the file. Okay. So I just --

21 **INMATE SIRHAN:** Yeah. But I had a little -- a
22 lot of -- I used to read the -- I used to read the
23 current events.

24 **DEPUTY COMMISSIONER STANTON:** Okay. And I read
25 that you had told someone, I believe a trash collector,

1 that -- and I know there was some question as to his
2 credibility. But I just want to know on record. You
3 deny making any statement to a trash collector that you
4 had planned -- that you were going --

5 **INMATE SIRHAN:** Absolutely, absolutely.

6 **DEPUTY COMMISSIONER STANTON:** -- about why he
7 would vote for that SOB --

8 **INMATE SIRHAN:** Absolutely.

9 **DEPUTY COMMISSIONER STANTON:** -- and that you
10 were going to shoot him?

11 **INMATE SIRHAN:** And I never said that to this
12 man.

13 **DEPUTY COMMISSIONER STANTON:** You never said
14 that. Okay.

15 **INMATE SIRHAN:** And then later on the
16 prosecution, I learned later suppressed the fact that he
17 was a child molester and they used that to expose him as
18 that, to make him -- make that testimony, false
19 testimony against me.

20 **DEPUTY COMMISSIONER STANTON:** Okay. So you're
21 alleging there was a lot of prosecutorial misconduct in
22 other words.

23 **INMATE SIRHAN:** There you go. Actually, at that
24 point, yes.

25 **DEPUTY COMMISSIONER STANTON:** Okay. I'm just

1 asking -- I just want to make sure --

2 **INMATE SIRHAN:** Yeah.

3 **DEPUTY COMMISSIONER STANTON:** -- that I'm clear
4 on what exactly you're saying and what exactly you're
5 not saying. All right. So you lost your memory
6 sometime probably after having the Tom Collins.

7 **INMATE SIRHAN:** Yes.

8 **DEPUTY COMMISSIONER STANTON:** Okay. And then
9 your memory came back at the time that you were being
10 held down and choked?

11 **INMATE SIRHAN:** That I was being choked, yes.

12 **DEPUTY COMMISSIONER STANTON:** Why do you think
13 your memory came back at that particular moment?

14 **INMATE SIRHAN:** Well, I was -- I needed to
15 breathe. They almost -- they almost killed me that
16 night, Mr. --

17 **DEPUTY COMMISSIONER STANTON:** And was your memory
18 pretty detailed after that from that time on?

19 **INMATE SIRHAN:** It's so long ago that I don't
20 really -- I can't really pinpoint exact awareness of
21 what happened 47 years ago.

22 **DEPUTY COMMISSIONER STANTON:** Well, of course. I
23 mean I wouldn't expect you to -- we would be able to --
24 but I mean at that point in time do you think your
25 memory sort of came back at that point? In other words,

1 the things that transpired subsequent to that choking,
2 you have some memory of that. You just don't have a
3 memory of what transpired --

4 **INMATE SIRHAN:** It's all vague now. It's all
5 vague. I'm sure you have it all in your record. I mean
6 I can't deny it or confirm it, you know. But I just
7 wish this whole thing had never taken place.

8 **DEPUTY COMMISSIONER STANTON:** Okay. So legally
9 at this point from what you have learned subsequent to
10 the time of trial you now feel that you are not legally
11 responsible for anything. Is that accurate? That's
12 what you told Commissioner Roberts. I just want to make
13 sure that's accurate.

14 **INMATE SIRHAN:** I would say that I'm not guilty
15 of murder.

16 **DEPUTY COMMISSIONER STANTON:** Well, that's a
17 different question.

18 **INMATE SIRHAN:** Well, I know, well, legally --
19 well, what exactly -- and then what are you talking
20 about?

21 **DEPUTY COMMISSIONER STANTON:** Well, I'm just --
22 this was your -- I'm quoting you here, I'm not legally
23 responsible for anything. That's what you said, not me.

24 **INMATE SIRHAN:** I mean it's -- the prosecution is
25 the one that presses that charges if there was any

1 misconduct or any criminal conduct.

2 **DEPUTY COMMISSIONER STANTON:** No. I'm asking you
3 how you feel.

4 **INMATE SIRHAN:** I feel that if I -- if I had a
5 proper defense at the time that the results would have
6 been quite different than they are, than what happened.
7 There was no -- and my trial attorney did not conduct a
8 crime scene investigation. He never really examined any
9 of the witnesses. He conceded everything before even
10 examining the bullets, before even -- there was hardly
11 anything that he did other than concede my guilt. And
12 he said that numerous times. And he convinced me of it.
13 He made me guilty without even knowing that I am guilty.

14 **DEPUTY COMMISSIONER STANTON:** Now you said that
15 you got the revolver from a friend of your brother's?

16 **INMATE SIRHAN:** Yes.

17 **DEPUTY COMMISSIONER STANTON:** Did you pay for it?

18 **INMATE SIRHAN:** It was purchased. Yes.

19 **DEPUTY COMMISSIONER STANTON:** Well, I know it's
20 purchased. But did you pay for it?

21 **INMATE SIRHAN:** Yes.

22 **DEPUTY COMMISSIONER STANTON:** Because it says --
23 I'm just curious. It says in the Appellate Decision the
24 revolver had been obtained by the defendant in February
25 of 1968 when his brother, Munir, paid a fellow employee

1 for it.

2 **INMATE SIRHAN:** I don't remember the exact
3 details of it. But we paid for it. I paid for it or he
4 -- or my brother gave me the money to pay. I don't
5 remember the exactness of it.

6 **DEPUTY COMMISSIONER STANTON:** Okay. Do you
7 remember having a conversation with anybody at the gun
8 range? This was previous that morning.

9 **INMATE SIRHAN:** There is too --

10 **PRESIDING COMMISSIONER ROBERTS:** That morning,
11 that morning.

12 **INMATE SIRHAN:** That morning. There was -- like
13 I said, that's why I was there. I mean everybody, we
14 talked about guns. And we, you know, exchanged -- shot
15 each other's guns and we -- you know, I shot his and he
16 shot mine, if I remember.

17 **DEPUTY COMMISSIONER STANTON:** Now according to
18 what I read you were seen at the Ambassador Hotel on
19 June 2nd, two days before.

20 **INMATE SIRHAN:** I don't remember exactly that.

21 **DEPUTY COMMISSIONER STANTON:** You don't
22 remember --

23 **INMATE SIRHAN:** I was accused of that. But I
24 don't know where I was that day. I don't -- this is
25 ages ago.

1 **DEPUTY COMMISSIONER STANTON:** No, no. I
2 understand.

3 **INMATE SIRHAN:** I can't remember all my --
4 everything I've done --

5 **DEPUTY COMMISSIONER STANTON:** I'm just --

6 **INMATE SIRHAN:** -- in my whole life.

7 **DEPUTY COMMISSIONER STANTON:** -- wondering what
8 you remember and what you don't. You don't remember
9 that?

10 **INMATE SIRHAN:** I don't remember that.

11 **DEPUTY COMMISSIONER STANTON:** You don't remember
12 going --

13 **INMATE SIRHAN:** This guy came to testify. And
14 there were -- a lot of questions about him later on were
15 discovered in the -- in the files.

16 **PRESIDING COMMISSIONER ROBERTS:** Do you think you
17 could have been there the day before or the 2nd?

18 **INMATE SIRHAN:** I could have been -- I could have
19 been in China, you know.

20 **PRESIDING COMMISSIONER ROBERTS:** So you think
21 it's -- so you think it's possible?

22 **INMATE SIRHAN:** Anything is possible.

23 **DEPUTY COMMISSIONER STANTON:** Well, I'm just
24 wondering because I'm trying to figure out when you're
25 -- that's why I asked you when did this memory loss kick

1 in. You said it was that night. But you don't remember
2 going to the hotel two days before.

3 **INMATE SIRHAN:** Sir, you're trying -- you're
4 asking me to reconstruct my life of (inaudible).

5 **DEPUTY COMMISSIONER STANTON:** I'm just asking you
6 to recall events in a very significant time of your
7 life. Most of the time most people, when they remember
8 things, they're -- I don't remember what I did yesterday
9 usually or what I had for lunch. But there are certain
10 things in my life I do remember because there's an event
11 that triggers it or a hanger so to speak, something to
12 hang my memory on. And so that's why I'm curious
13 because you've said that your memory loss kicked in at
14 the time when you had the drinks.

15 **INMATE SIRHAN:** I appreciate your point. The
16 problem with me was that this is such a traumatic --
17 it's a horrendous experience that for me to keep
18 dwelling on it is harmful to me, to my survival even in
19 prison. And that's why I tried to not avoid it, not to
20 forget it, not to dismiss the responsibility for
21 whatever the extent of my guilt is. But for my own
22 mental health I try to avoid it, thinking about it and
23 recall and, you know, do all this self-analysis about
24 it, you know, from 50 years ago.

25 **DEPUTY COMMISSIONER STANTON:** Well, let me ask

1 you this. You said that you're remorseful for the death
2 of Mr. Kennedy.

3 **INMATE SIRHAN:** And I'm remorseful for any death
4 that I hear about --

5 **DEPUTY COMMISSIONER STANTON:** Okay.

6 **INMATE SIRHAN:** -- or see or --

7 **DEPUTY COMMISSIONER STANTON:** All right. Why
8 would you be remorseful for his death if you didn't
9 commit it? I mean I could see you being sad about it.
10 But why would you be remorseful?

11 **INMATE SIRHAN:** Sir, like I told you, I listen to
12 a lot of inmates', prisoners' stories, how they -- what
13 crimes they committed, you know, and how they did it and
14 what have you. And, you know, my heart bleeds for the
15 victims just as much as if I had (inaudible). Because
16 it's a wrongful act to do period.

17 **DEPUTY COMMISSIONER STANTON:** Well, that's not
18 remorse. Okay. I have nothing further on the crime at
19 this point.

20 **PRESIDING COMMISSIONER ROBERTS:** Post-conviction?

21 **DEPUTY COMMISSIONER STANTON:** All right. Let's
22 talk about your prison adjustment.

23 **PRESIDING COMMISSIONER ROBERTS:** Well, before we
24 do that, is everybody prepared to move on or do we need
25 a break?

1 **DEPUTY COMMISSIONER STANTON:** Is everybody good?

2 **ATTORNEY PEPPER:** No. I think we're all -- I

3 think we can move on. But I hope the Commissioner

4 understands that it is possible for someone to have

5 remorse over the death of someone like Bob Kennedy.

6 **PRESIDING COMMISSIONER ROBERTS:** You can make

7 that in your closing statement.

8 **MR. PAUL SCHRADE:** I want this shit over.

9 **PRESIDING COMMISSIONER ROBERTS:** Do you need a

10 break?

11 **MR. PAUL SCHRADE:** No. I want this to get over

12 with.

13 **PRESIDING COMMISSIONER ROBERTS:** Oh, okay.

14 **MR. PAUL SCHRADE:** I find it very abusive.

15 **PRESIDING COMMISSIONER ROBERTS:** Okay. All

16 right.

17 **DEPUTY COMMISSIONER STANTON:** All right. We're

18 going to talk about your post-conviction factors. And

19 hopefully -- it's actually not going to be that long a

20 conversation. And the reason is your -- since coming to

21 prison it's rather been uneventful. I mean there's not

22 that much to talk about. Let's see if I got it right.

23 **INMATE SIRHAN:** Okay.

24 **DEPUTY COMMISSIONER STANTON:** And the -- since

25 coming to prison, I saw there were a couple of incidents

1 back in the early 70's or something. Well, let's see.
2 Yeah, let me start here. You had a hearing. The last
3 hearing, the Board recommended that you earn some
4 positive chronos, you get self-help and you participate
5 in anger-related or read about anger things. Remember
6 that?

7 **INMATE SIRHAN:** No. But I -- you know, go ahead.

8 **DEPUTY COMMISSIONER STANTON:** Okay. And so since
9 coming to prison we looked at your discipline record and
10 I didn't see any 115s in your C-File. I noticed there
11 were a couple of incidents where there was some assaults
12 or something. But I think they were eventually
13 dismissed. There was indications that it was
14 self-defense on your part.

15 **INMATE SIRHAN:** Pretty much, yeah.

16 **DEPUTY COMMISSIONER STANTON:** Okay. And so since
17 that time there's been really nothing. So for all
18 intents and purposes you don't really have a significant
19 discipline history, nothing that would be relevant today
20 anyway no matter what I mean based on the amount of
21 time. Is that a fair assessment of your discipline
22 record?

23 **INMATE SIRHAN:** The last hearing I remember the
24 Deputy Commissioner telling me that I was
25 horse-playing --

1 **DEPUTY COMMISSIONER STANTON:** I think you got
2 commended.

3 **INMATE SIRHAN:** -- with some inmate who
4 instigated the horseplay some 25 years before. And I
5 said --

6 **DEPUTY COMMISSIONER STANTON:** Okay.

7 **INMATE SIRHAN:** -- you know --

8 **DEPUTY COMMISSIONER STANTON:** Well, (inaudible)
9 -- I don't -- there's no issue in my mind with your
10 discipline record. Okay? I mean you really should be
11 commended because you've been -- for the amount of time
12 you've been in prison which is what, 40 years or so, and
13 you haven't really had any discipline issues. That's a
14 pretty long time to stay in a California State Prison
15 and not have any discipline issues.

16 **INMATE SIRHAN:** Thank you.

17 **DEPUTY COMMISSIONER STANTON:** Okay.

18 **INMATE SIRHAN:** And just one point. I just want
19 to corroborate that.

20 **DEPUTY COMMISSIONER STANTON:** Sure.

21 **INMATE SIRHAN:** Again, at the 1975 hearing, the
22 parole granting Adult Authority member wrote in his own
23 hand saying that the Panel does not see subject, meaning
24 me, as being criminally motivated. I think that that
25 statement has been well borne out --

1 **DEPUTY COMMISSIONER STANTON:** Okay.

2 **INMATE SIRHAN:** -- throughout my history --

3 **DEPUTY COMMISSIONER STANTON:** All right.

4 **INMATE SIRHAN:** -- in prison.

5 **DEPUTY COMMISSIONER STANTON:** All right. So
6 discipline record is good. Everybody agree? Okay.
7 Educationally, I see that you were a high school
8 graduate. You completed some college courses. It looks
9 like -- I think you got an AA degree while you're in
10 prison.

11 **INMATE SIRHAN:** Yes.

12 **DEPUTY COMMISSIONER STANTON:** Okay.

13 **ATTORNEY PEPPER:** Summa cum laude.

14 **DEPUTY COMMISSIONER STANTON:** Yeah. There you --
15 okay. Got ahead of me. Okay, without honors. And you
16 also have been recently in Adult Basic Education
17 classes. And I think you have maybe enough units even
18 for a Bachelor's or close.

19 **INMATE SIRHAN:** Yes.

20 **DEPUTY COMMISSIONER STANTON:** Okay.

21 **INMATE SIRHAN:** Yes.

22 **DEPUTY COMMISSIONER STANTON:** All right. So
23 you've upgraded educationally while being in prison. Is
24 that -- anything more about that I need to say?

25 **INMATE SIRHAN:** It's fair. It's fair.

1 **DEPUTY COMMISSIONER STANTON:** Okay. Vocationally
2 I see that -- the only vocation I saw was -- and you
3 completed it -- was the office services and related
4 technology?

5 **INMATE SIRHAN:** Yes.

6 **DEPUTY COMMISSIONER STANTON:** All right.
7 Anything I missed? By the way, wait, before you say
8 that, I noticed you also have skills as a tailor or that
9 you were a tailor at one point.

10 **INMATE SIRHAN:** Yeah. I had did some of that.

11 **DEPUTY COMMISSIONER STANTON:** I actually went
12 through everything. Believe me, it took a lot of time.
13 Is there anything vocationally that I haven't covered by
14 way of trades? I noticed you said that you haven't
15 really done anything else and you spent most of your
16 time more in the educational field.

17 **INMATE SIRHAN:** Yes.

18 **DEPUTY COMMISSIONER STANTON:** Okay. So does that
19 summarize --

20 **INMATE SIRHAN:** Yeah. It sounds fair.

21 **DEPUTY COMMISSIONER STANTON:** Okay. Your work
22 assignment, I -- to make it easy on myself, the doctor
23 spelled it out and I think that was -- she was pretty
24 accurate. And the -- I have the assignment history.
25 And you've held several over the years. Unfortunately,

1 your assignment history only goes back 1992. But you've
2 had several work assignments. You've been clerk, yard
3 crew, porter, tram worker, part cleaner, tailor, laundry
4 worker, porter, scullery, dining room, cook. And from
5 what I could see you had positive evaluations throughout
6 on your work record. You got satisfactory, above
7 average and exceptional evaluations.

8 **INMATE SIRHAN:** I'm honored.

9 **DEPUTY COMMISSIONER STANTON:** Is that a fair
10 assessment of it? All right. Anything about your work
11 record that wasn't sufficiently covered? That's why I
12 said I don't think is going to be a real long -- I mean
13 there's not really any -- that many issues with your
14 institutional adjustment. Okay. Self-help, you've been
15 in a few groups, not exactly, you know, overly
16 impressive considering the time you've been in prison.
17 But you did participate in self-help therapy classes.
18 I'll give you credit for that. In fact, let me look at
19 the doctor's -- I think she had a list.

20 **ATTORNEY PEPPER:** For the record, that's the
21 Alcoholics Anonymous group and --

22 **DEPUTY COMMISSIONER STANTON:** Yeah. I'm going
23 to --

24 **ATTORNEY PEPPER:** -- the Narcotics --

25 **DEPUTY COMMISSIONER STANTON:** I'm going to list

1 the ones that --

2 **ATTORNEY PEPPER:** Right.

3 **DEPUTY COMMISSIONER STANTON:** -- were listed in
4 here. And I think it's pretty complete actually. And
5 you can let me know if it's not. Narcotics Anonymous,
6 Gateway to Recovery, Alcoholics Anonymous, Lifer Support
7 Group, Victims Awareness Group, the Project Soledad
8 courses which included Biofeedback, Tai Chi Chi and
9 Introductory Art Theory and Technique. And you
10 completed the Project Soledad classes in Stress
11 Management, Using Biofeedback, Voyage, which is a
12 challenge in -- Change in Career Planning and Opening
13 the Eye. And you were also, according to the doctor,
14 chairman of AA and engaged in volunteer work. Is that a
15 fairly complete summary of your self-help participation?
16 Does that sum it up? Okay. All right. And so let's
17 see. We talked about your education, your vocation,
18 your work, your self-help. And you did some volunteer
19 work and you stayed out of trouble in prison. Is there
20 anything really -- I don't know what else to do about
21 your -- you know, there's -- you've been in prison for a
22 long time. And which one of these groups was your
23 favorite?

24 **INMATE SIRHAN:** I think I enjoyed a lot of them,
25 most of them. I like to visit the AA group because I

1 listen to other people's problems and relating to them
2 and understanding them. It gave me a lot of
3 understanding, a lot of appreciation for the frailties
4 of human beings --

5 **DEPUTY COMMISSIONER STANTON:** Okay.

6 **INMATE SIRHAN:** -- especially my own too.

7 **DEPUTY COMMISSIONER STANTON:** And you don't
8 really have -- I mean yeah, you were drunk the night of
9 the offense. But I didn't see any significant history
10 of substance abuse.

11 **INMATE SIRHAN:** I've never, never, never used it
12 period.

13 **DEPUTY COMMISSIONER STANTON:** Yeah. And so the
14 Gateway to Recovery, what does that deal with?

15 **INMATE SIRHAN:** I think it had to do with
16 Narcotics Anonymous or something.

17 **DEPUTY COMMISSIONER STANTON:** So you just got
18 benefit from it, from attending --

19 **INMATE SIRHAN:** Exactly.

20 **DEPUTY COMMISSIONER STANTON:** -- and not specific
21 to any substance abuse needs. All right. Is there
22 anything else about your -- what you've been doing in
23 prison that you think is significant or important for us
24 to know?

25 **INMATE SIRHAN:** I think I'm way overdue for

1 parole.

2 **DEPUTY COMMISSIONER STANTON:** All right.

3 Counsel, anything I missed in your opinion on
4 post-conviction factors or does that sum it up?

5 **ATTORNEY PEPPER:** I see no indication of any
6 post-conviction problems in prison. He did have one
7 difficulty with one prison officer which is a matter of
8 the record. And he was being harassed by this one
9 (inaudible).

10 **DEPUTY COMMISSIONER STANTON:** When was this?

11 **INMATE SIRHAN:** Oh, in 19 -- was it '72?

12 **DEPUTY COMMISSIONER STANTON:** Okay. Well, at
13 this point --

14 **ATTORNEY PEPPER:** Yeah.

15 **DEPUTY COMMISSIONER STANTON:** -- I mean is it
16 really relevant?

17 **ATTORNEY PEPPER:** It's a long time ago.

18 **DEPUTY COMMISSIONER STANTON:** Yeah.

19 **ATTORNEY PEPPER:** It's not --

20 **PRESIDING COMMISSIONER ROBERTS:** It was discussed
21 at the last hearing. You made your statements there.

22 **ATTORNEY PEPPER:** Yeah.

23 **INMATE SIRHAN:** All right.

24 **PRESIDING COMMISSIONER ROBERTS:** I have a
25 question. And it has to do with substance abuse. At

1 the last hearing they were concerned that you didn't
2 seem to have a good grasp of substance abuse
3 particularly given, you know, your past and again your
4 recent assertion that you were intoxicated at the time
5 of the life crime. So I'd like to know what you learned
6 about you with regard to substance abuse.

7 **INMATE SIRHAN:** Well, if by substance abuse you
8 mean just liquor -- because that's the -- that's the
9 only experience --

10 **PRESIDING COMMISSIONER ROBERTS:** That's what I'm
11 talking about.

12 **INMATE SIRHAN:** I think that my bedtime was -- I
13 was way past my bedtime that night and I was sleepy and
14 this liquor sort of added more to my -- to my -- to this
15 -- to the effect that it had on me --

16 **PRESIDING COMMISSIONER ROBERTS:** Okay.

17 **INMATE SIRHAN:** -- you know.

18 **PRESIDING COMMISSIONER ROBERTS:** All right.
19 Well, obviously you felt that when you talked to the
20 clinician recently and you have in the past that the
21 alcohol affected your thinking. You said today that you
22 felt -- at one point you said drunk. So what have you
23 learned because you think it was a part and parcel to
24 the problem of being here --

25 **INMATE SIRHAN:** Never, not to touch liquor or any

1 illegal stuff period.

2 **PRESIDING COMMISSIONER ROBERTS:** Okay. Well,
3 that kind of is very simplistic.

4 **INMATE SIRHAN:** And I've made that -- I made that
5 resolve. So when it's in me that I made it for my own
6 interests that it's going to -- I'm going to hold onto
7 that.

8 **PRESIDING COMMISSIONER ROBERTS:** Beyond resolve,
9 beyond that I'm just not going to ever do it again, what
10 other skillsets or coping mechanisms have you developed
11 to support that?

12 **INMATE SIRHAN:** It's keeping the -- keeping the
13 idea, keeping the liquor out of my consciousness really.
14 That's how I would do it.

15 **PRESIDING COMMISSIONER ROBERTS:** Again, that --
16 what I'm trying to get to is an understanding of should
17 you be placed in similar circumstance in the future --
18 wait a minute. Don't shake your head. Let me finish.

19 **INMATE SIRHAN:** I'm listening.

20 **PRESIDING COMMISSIONER ROBERTS:** All right. That
21 became a problem at the end of the last hearing last
22 time so just hold on. What I'm interested in, what kind
23 of skillsets beyond just I'm not going to it again have
24 you developed should you be placed in similar
25 circumstance or stressors in the future that would

1 suggest to us that you'd make a different decision in
2 the future beyond I'm just not going to do it?

3 **INMATE SIRHAN:** Do what now, drink?

4 **PRESIDING COMMISSIONER ROBERTS:** Drink.

5 **INMATE SIRHAN:** Oh, I've -- like I said I've made
6 that resolve. I haven't touched liquor since I've been
7 in prison. So I have no taste for it. I honestly don't
8 have a taste for it.

9 **PRESIDING COMMISSIONER ROBERTS:** You're not even
10 supposed to have it in here. But I'm looking for if out
11 on the streets what other skillsets have you learned.

12 **INMATE SIRHAN:** Oh, well, you're talking about
13 the relapse kind of stuff.

14 **PRESIDING COMMISSIONER ROBERTS:** Well, relapse
15 would be a good part of it, I guess.

16 **INMATE SIRHAN:** But no, I don't -- believe me, I
17 don't anticipate any such problems.

18 **PRESIDING COMMISSIONER ROBERTS:** Okay. All
19 right.

20 **ATTORNEY PEPPER:** Commissioner, he only drank --
21 previously, he only drank a limited number of times in
22 his entire life, four or five times.

23 **PRESIDING COMMISSIONER ROBERTS:** And counsel,
24 he's claiming that the intoxication at this time got him
25 into the situation he was at. And I want to make

1 sure --

2 **ATTORNEY PEPPER:** On that particular evening,
3 yes.

4 **PRESIDING COMMISSIONER ROBERTS:** Counsel, I want
5 to make sure that should he be faced with similar
6 circumstance or stresses in the future beyond just I'm
7 not going to do drink, he has skillsets and coping
8 mechanisms that help him address that. So it's
9 something other than a superficial understanding of what
10 the depth of what he has to deal with and the triggers
11 and so forth. All right.

12 **ATTORNEY PEPPER:** He seems determined not to
13 drink.

14 **PRESIDING COMMISSIONER ROBERTS:** Yeah. He says
15 that.

16 **ATTORNEY PEPPER:** He seems determined not to
17 drink.

18 **INMATE SIRHAN:** Just self-interest --

19 **PRESIDING COMMISSIONER ROBERTS:** All right.

20 **INMATE SIRHAN:** -- and the --

21 **PRESIDING COMMISSIONER ROBERTS:** All right.

22 Thank you. I was just hoping you had developed
23 skillsets through your involvement with AA and NA that
24 would help you beyond (inaudible). Okay.

25 **DEPUTY COMMISSIONER STANTON:** A couple of quick

1 questions and we'll move on. Just my curiosity, why
2 wouldn't you sign your 1073 and why did you refuse your
3 -- and I know it's a compound question. But they're
4 very simple. I'm just curious why you wouldn't sign it.

5 **INMATE SIRHAN:** To be honest with you, I did not
6 want to attend this hearing.

7 **DEPUTY COMMISSIONER STANTON:** Okay. So you
8 changed your mind after --

9 **INMATE SIRHAN:** And then my attorneys insisted
10 that I show up. And so in obedience to their wishes
11 I --

12 **DEPUTY COMMISSIONER STANTON:** All right. All
13 right.

14 **INMATE SIRHAN:** -- (inaudible).

15 **DEPUTY COMMISSIONER STANTON:** I'm just kind of
16 curious why you wouldn't. Because it's just a
17 disability form.

18 **INMATE SIRHAN:** Just judging -- you know, being
19 subjected to the abuse I daresay of the last
20 Commissioners at the last hearing, I just didn't feel --
21 I felt that I'm going to be, you know, treated the same
22 way. And I'm surprised that I'm not and I'm thankful
23 for that.

24 **DEPUTY COMMISSIONER STANTON:** Okay. All right.
25 Before I move on I just want to make sure -- you've got

1 two lawyers sitting there and I just want to make sure
2 there's -- we've talked enough about your institutional
3 adjustment. Like I said, that's been -- it was rather
4 uneventful actually. So is there anything, counsel,
5 that --

6 **ATTORNEY PEPPER:** No. We'll cover it in the
7 same --

8 **DEPUTY COMMISSIONER STANTON:** Okay. All right.
9 Let's talk about your parole plans. And I'm looking at
10 the -- what you told the doctor. Okay. It's in the
11 CRA. I believe you have a copy now. And let me --
12 according to this you do have an ICE hold to be deported
13 back to Palestine.

14 **INMATE SIRHAN:** This is what happened. When I
15 was -- when I arrived at Pleasant Valley, two people
16 from the ICE came and talked to me. And they told me
17 that I'm deportable. And I signed papers agreeing to
18 that. At the last hearing, the Commissioner said that
19 he has no record of that in my file. When I came down
20 here, I saw two Commissioners -- two people from the ICE
21 on two different -- a year apart. And they told me that
22 they would, in fact, leave a record here along, you know
23 -- making a parole hold that I would be deported.

24 **DEPUTY COMMISSIONER STANTON:** All right. Well,
25 let's approach this like this then. There's two

1 possibilities. You'll be deported or you won't. Okay.
2 In the event that you are deported what would your --
3 where would you go?

4 **INMATE SIRHAN:** I would return to Jordan.

5 **DEPUTY COMMISSIONER STANTON:** Okay. I ran out of
6 paper. Give me one second please. Okay. All right.
7 And where -- who do you know -- or where would you live
8 in Jordan? You know, what support do you have there?

9 **INMATE SIRHAN:** You know, I told Dr. Sahni when
10 she asked me that question -- I don't know if she
11 mentioned it in there.

12 **PRESIDING COMMISSIONER ROBERTS:** She wrote it.
13 She talked about it.

14 **DEPUTY COMMISSIONER STANTON:** Yeah.

15 **PRESIDING COMMISSIONER ROBERTS:** You know, she
16 asked me. And my answer to her was, you know, just
17 asking that question it's similar to asking a very ill
18 person in the hospital what he's going to do when he
19 gets well, you know. And really, I don't know what I'm
20 going to do (inaudible).

21 **DEPUTY COMMISSIONER STANTON:** Well, it says you
22 have extended family there.

23 **INMATE SIRHAN:** Yes. I have family.

24 **ATTORNEY PEPPER:** With his family.

25 **DEPUTY COMMISSIONER STANTON:** Okay. All right.

1 **ATTORNEY PEPPER:** He has family.

2 **DEPUTY COMMISSIONER STANTON:** So you don't
3 perceive it as a problem staying with someone -- at
4 least some members of your family?

5 **INMATE SIRHAN:** Temporarily, no.

6 **DEPUTY COMMISSIONER STANTON:** Okay. All right.
7 And if you were to go to Jordan and you did have a place
8 to stay with family members what would you do for a
9 source of income?

10 **INMATE SIRHAN:** I would have to -- I will have to
11 make that arrangement when I get there. I don't have an
12 exact promise to you what I would be doing there.

13 **DEPUTY COMMISSIONER STANTON:** Have you been in
14 contact --

15 **INMATE SIRHAN:** Maybe I can teach. Maybe I can
16 work. Maybe I can labor.

17 **DEPUTY COMMISSIONER STANTON:** Well, your English
18 is -- your fluent in English. So I mean there's --

19 **INMATE SIRHAN:** Yeah.

20 **DEPUTY COMMISSIONER STANTON:** -- always an
21 opportunity -- do you -- well, you have skills in office
22 services. I don't know how viable that is in Jordan. I
23 would imagine it's probably between English skills and
24 office -- how old are your office skills at this point?

25 **INMATE SIRHAN:** A little rusty maybe but I know

1 the basics.

2 **DEPUTY COMMISSIONER STANTON:** Okay. So you think
3 you would be able to update your --

4 **INMATE SIRHAN:** Yes, yes.

5 **DEPUTY COMMISSIONER STANTON:** To a marketable
6 level in a reasonable amount of time. Okay. So you
7 have family you can stay with in Jordan in all
8 likelihood and you have some skills that you believe
9 could be put to use there.

10 **INMATE SIRHAN:** Yes.

11 **DEPUTY COMMISSIONER STANTON:** All right. Any
12 other options that you have contemplated in the event
13 you are deported?

14 **INMATE SIRHAN:** No. I just want to -- I want to
15 live out my life with Arabs if I can (inaudible).

16 **DEPUTY COMMISSIONER STANTON:** Okay. Well, you
17 love your people and so that's understandable. Now in
18 the event that you are not deported was it your
19 intention to stay in the United States?

20 **INMATE SIRHAN:** Well, I would have to.

21 **DEPUTY COMMISSIONER STANTON:** Okay. Okay.
22 That's true for a while anyway. From what I read here
23 you have a brother that lives in Pasadena.

24 **INMATE SIRHAN:** Yes.

25 **DEPUTY COMMISSIONER STANTON:** And he has a home

1 that you could -- is paid for.

2 **INMATE SIRHAN:** Yes.

3 **DEPUTY COMMISSIONER STANTON:** All right. And
4 when I asked you that I'm wondering -- I mean is that --
5 your intention would be to stay -- I mean obviously
6 you're going to be on parole for a while. But you could
7 be discharged from parole assuming that your parole
8 period was positive like your institutional adjustment.
9 Would you still stay in the United States?

10 **INMATE SIRHAN:** It all depends. You know, you're
11 asking me to predict the future.

12 **DEPUTY COMMISSIONER STANTON:** Predict the future.
13 So you don't -- you don't know at this point is your
14 answer.

15 **INMATE SIRHAN:** Yes.

16 **DEPUTY COMMISSIONER STANTON:** Okay. I
17 understand. You haven't thought that out.

18 **ATTORNEY PEPPER:** But you do have a home with
19 your brother.

20 **INMATE SIRHAN:** Yes, yes.

21 **DEPUTY COMMISSIONER STANTON:** Yeah.

22 **INMATE SIRHAN:** We have a home.

23 **DEPUTY COMMISSIONER STANTON:** That's what I was
24 -- that's what I was asking. It says he has a
25 three-bedroom home in Pasadena --

1 **ATTORNEY PEPPER:** Yeah.

2 **DEPUTY COMMISSIONER STANTON:** -- and that
3 according to you he's willing and able to provide you
4 with financial assistance until you get on your feet --

5 **INMATE SIRHAN:** Yes.

6 **DEPUTY COMMISSIONER STANTON:** -- and a residence.

7 Okay. Did we have a letter from him by any chance?

8 **INMATE SIRHAN:** He wrote you one last time and it
9 seemed like -- I got the impression that Commissioner
10 Prizmich, you know, poo-hooted or he said, oh, he
11 couldn't read it. So, you know, if he's going to write
12 another one and you can't read it then why do I --

13 **DEPUTY COMMISSIONER STANTON:** Okay. So it's your
14 representation at this point that your brother in
15 Pasadena would give you both financial support --

16 **INMATE SIRHAN:** Yes, yes.

17 **DEPUTY COMMISSIONER STANTON:** -- and housing.

18 **ATTORNEY PEPPER:** Yeah.

19 **DEPUTY COMMISSIONER STANTON:** All right.

20 **INMATE SIRHAN:** And he would -- and he would be a
21 part of this monitoring thing about liquor and what have
22 you. So he would be my alter ego if you will.

23 **DEPUTY COMMISSIONER STANTON:** All right. Any
24 other options in the United States?

25 **INMATE SIRHAN:** Not immediately, no.

1 **DEPUTY COMMISSIONER STANTON:** All right.

2 **INMATE SIRHAN:** But they will be legal and above
3 board and honest.

4 **DEPUTY COMMISSIONER STANTON:** And I'm not asking
5 you to predict the future. But I mean I'm just -- I
6 guess what I'm wondering is if you've given this any
7 thought about what you would do if, let's say, you do
8 get out into the community. And if you are paroled, if
9 you're granted a parole date and the parole date gets
10 approved and you're out in the community, have you given
11 any thought what would you do when you're living there
12 with your brother --

13 **INMATE SIRHAN:** No.

14 **DEPUTY COMMISSIONER STANTON:** -- as far as work,
15 a job, what your plans are in the future? I know you
16 want to get -- meet a beautiful young lady and live out
17 your life. Okay. I read that in the report. But I'm
18 trying to, I guess, get a feel from you --

19 **INMATE SIRHAN:** Oh, that's a part of it.

20 **DEPUTY COMMISSIONER STANTON:** -- you, what you --

21 **ATTORNEY PEPPER:** Yeah.

22 **DEPUTY COMMISSIONER STANTON:** -- what you see if
23 you have future plans or maybe you haven't given it much
24 thought. I mean that's a fair answer too. I'm just
25 curious what your plans are.

1 **INMATE SIRHAN:** Well, I would daresay -- would
2 daresay with respect that you guys are the obstacle to
3 all these aspirations.

4 **ATTORNEY PEPPER:** Yeah. Commissioner, I've
5 spoken with his brother at some length and the brother
6 -- there's a great deal of fraternal feelings, a great
7 deal of love there. The brother would welcome him into
8 the home, would do everything he could to support him
9 and to help him in every way possible. So he does have
10 a place to go and he does have family here should he not
11 be deported by ICE.

12 **DEPUTY COMMISSIONER STANTON:** That was my next
13 question. Are there other available support networks
14 besides the brother? You said he has other -- are there
15 other family members offering anything?

16 **ATTORNEY PEPPER:** I don't think there are any
17 other --

18 **INMATE SIRHAN:** There's only one.

19 **DEPUTY COMMISSIONER STANTON:** Just the one
20 brother.

21 **ATTORNEY PEPPER:** He's the only one.

22 **DEPUTY COMMISSIONER STANTON:** All right. Okay.
23 All right. So you really -- now you said we're the ones
24 blocking your aspirations. That's what I guess I'm
25 trying to get at. What are the aspirations?

1 **INMATE SIRHAN:** Well, just to live and -- just to
2 live out my life peacefully and in harmony with my
3 fellow man.

4 **DEPUTY COMMISSIONER STANTON:** Okay. Anything
5 else we need to know about parole plans?

6 **ATTORNEY PEPPER:** We would do everything possible
7 also to lend support to his brother if he would remain
8 in this country.

9 **DEPUTY COMMISSIONER STANTON:** Well, what does
10 your brother do?

11 **ATTORNEY PEPPER:** Oh, he --

12 **INMATE SIRHAN:** I don't know. He's retired, I
13 think now.

14 **ATTORNEY PEPPER:** He's retired at this point.
15 They're both elderly.

16 **DEPUTY COMMISSIONER STANTON:** So he is an older
17 brother or younger brother?

18 **INMATE SIRHAN:** Younger, a couple years younger.

19 **DEPUTY COMMISSIONER STANTON:** Younger.

20 **ATTORNEY PEPPER:** A couple years younger.

21 **DEPUTY COMMISSIONER STANTON:** Okay. And so --

22 **PRESIDING COMMISSIONER ROBERTS:** Just so I have
23 -- you've talked with the brother since the last hearing
24 and he's still offering (inaudible)?

25 **ATTORNEY PEPPER:** Many times.

1 **PRESIDING COMMISSIONER ROBERTS:** Okay. I just
2 wanted to make sure that I've got somebody other than
3 (inaudible).

4 **ATTORNEY PEPPER:** Oh, yes, and Laurie has as
5 well, many times.

6 **PRESIDING COMMISSIONER ROBERTS:** I just want to
7 make sure we validated that.

8 **ATTORNEY PEPPER:** Yeah.

9 **PRESIDING COMMISSIONER ROBERTS:** If we don't --
10 usually we have a letter. If we don't, you're
11 (inaudible).

12 **DEPUTY COMMISSIONER STANTON:** Well, I guess we
13 have a -- we have a prior letter and your representation
14 that --

15 **PRESIDING COMMISSIONER ROBERTS:** Right.

16 **ATTORNEY PEPPER:** Yes.

17 **ATTORNEY DUSEK:** Can I speak for a second even
18 though I'm --

19 **DEPUTY COMMISSIONER STANTON:** Not supposed to
20 speak?

21 **ATTORNEY DUSEK:** I saw Munir in August.

22 **PRESIDING COMMISSIONER ROBERTS:** Okay.

23 **ATTORNEY DUSEK:** And we had a lengthy
24 conversation --

25 **PRESIDING COMMISSIONER ROBERTS:** Okay. All

1 right.

2 **ATTORNEY DUSEK:** -- where he said he yes, he
3 would support his brother.

4 **PRESIDING COMMISSIONER ROBERTS:** All right.

5 **DEPUTY COMMISSIONER STANTON:** Okay. All right.
6 Fair enough. Anything else about parole plans before I
7 return it --

8 **ATTORNEY PEPPER:** No.

9 **DEPUTY COMMISSIONER STANTON:** -- to Mr. Roberts?

10 **PRESIDING COMMISSIONER ROBERTS:** All right.

11 **ATTORNEY PEPPER:** Thank you.

12 **PRESIDING COMMISSIONER ROBERTS:** So what I'd like
13 to do now is finish up the clinician's report. Remember
14 we stopped at a certain point? So let's pick up there.
15 We talked about the mental health examination. Is there
16 anything in there you'd like to correct, counsel? This
17 all look good?

18 **ATTORNEY PEPPER:** I just think in -- yes. On
19 page 6 of 20 the -- Dr. Sahni referred to prior
20 assessments. But she, in that second paragraph,
21 excluded Dr. Carrera's report. And Dr. Carrera is the
22 one who administered the critical tests that were not
23 administered by anyone else.

24 **PRESIDING COMMISSIONER ROBERTS:** Right. But she
25 says that on the paragraph below on the -- one, two,

1 three -- third paragraph.

2 **ATTORNEY PEPPER:** Yeah. She admits that.

3 **PRESIDING COMMISSIONER ROBERTS:** She says, "Most
4 recently Dr. Carrera evaluated Mr. Sirhan and concluded
5 that his risk of future violence was low."

6 **ATTORNEY PEPPER:** Yeah. She admits that.

7 **PRESIDING COMMISSIONER ROBERTS:** Yeah.

8 **ATTORNEY PEPPER:** And she believes that -- well,
9 she cites that Dr. Carrera said that the potential for
10 violence was low.

11 **PRESIDING COMMISSIONER ROBERTS:** That's what I
12 just said. Yeah.

13 **ATTORNEY PEPPER:** Yeah. That's what -- that's
14 what you're referring to. And she also --

15 **PRESIDING COMMISSIONER ROBERTS:** So I don't know
16 -- what are you trying to correct?

17 **ATTORNEY PEPPER:** Well, she referred to reports
18 that came out with a future risk of violence being less
19 than average. But she had not -- those other reports
20 were not based upon the same types of examinations,
21 that's all --

22 **PRESIDING COMMISSIONER ROBERTS:** Okay.

23 **ATTORNEY PEPPER:** -- that Dr. Carrera did and
24 Dr. Brown did.

25 **PRESIDING COMMISSIONER ROBERTS:** Okay. All

1 right.

2 **ATTORNEY PEPPER:** And that's --

3 **PRESIDING COMMISSIONER ROBERTS:** We understand
4 that many of those tools weren't used by other doctors
5 and long ago other tools were used and different
6 assessments made.

7 **ATTORNEY PEPPER:** Right.

8 **PRESIDING COMMISSIONER ROBERTS:** Right. All
9 right. So I had already moved on to page 7. We talked
10 about substance abuse already on 7 and 8. Moving on to
11 9, institutional adjustment, that was discussed here
12 just recently with the Deputy Commissioner. And he
13 asked if there was anything that we left out. Anything
14 in there that needs to be corrected?

15 **ATTORNEY PEPPER:** On page 9?

16 **PRESIDING COMMISSIONER ROBERTS:** Page 9.

17 **ATTORNEY PEPPER:** Yeah. She didn't inquire what
18 the -- what the background, what the -- what the facts
19 were with respect to that particular instance.

20 **PRESIDING COMMISSIONER ROBERTS:** Which instance
21 are you talking about, counsel?

22 **ATTORNEY PEPPER:** On this particular RVR.

23 **INMATE SIRHAN:** The 1970 --

24 **PRESIDING COMMISSIONER ROBERTS:** '70 or '72?

25 **ATTORNEY PEPPER:** That's the one that your

1 colleague thought it probably not even worth thinking
2 about. It's so far ago.

3 **PRESIDING COMMISSIONER ROBERTS:** Well, I mean --

4 **ATTORNEY PEPPER:** It's so far -- so far -- long
5 ago.

6 **PRESIDING COMMISSIONER ROBERTS:** There's been --
7 even if we say he's the aggressor and so forth we would
8 -- we would admit that it's been since 1972 --

9 **ATTORNEY PEPPER:** So many years.

10 **PRESIDING COMMISSIONER ROBERTS:** -- that it
11 happened so we wouldn't put much -- normally put much
12 weight into that.

13 **ATTORNEY PEPPER:** Right. Right. Okay.

14 **PRESIDING COMMISSIONER ROBERTS:** Because our job
15 is a balancing job, a weighing job. And so something
16 that's that old, without continued --

17 **ATTORNEY PEPPER:** We appreciate that. Okay.

18 That's all.

19 **PRESIDING COMMISSIONER ROBERTS:** Okay. Moving on
20 to page 9 where there's parole plans, I think we
21 discussed that and I think that was well traveled in
22 here. Then the doctor gets into the risk for violence,
23 the assessment tool. They used the HCR-20 Version 3.
24 The doctor says under the Analysis of Historical Factors
25 that, "Mr. Sirhan's past is indicative of limited

1 employment, discussed previously, which remains a
2 present and highly relevant risk factor particularly if
3 he is to be released and be required to support himself.
4 A historical factor that remains present but only
5 moderately relevant is as it relates to his past history
6 of violence which is limited but serious." Then it
7 talks about it should be noted that RVRs were ultimately
8 dismissed and so forth. So again we've already made our
9 point on that. With regard to -- it says here, "Does
10 not meet the criteria for a full-blown" -- I think it
11 means blown -- "personality disorder diagnosis." Okay.
12 And I think Mr. Brown says the same thing.
13 "Mr. Sirhan's conduct since he has been incarcerated
14 suggests historically there was partially present in
15 other antisocial behaviors." We talked about that. It
16 talks about the PCL-R which is -- it's a test that
17 discusses psychopathy. And it says you are well below
18 the mean and below the cutoff threshold commonly used to
19 identify dissociative or pathologic personalities. The
20 doctor then gets into the analysis of clinical factors.
21 It talks about the life crime which we all agree that
22 that was accurate, those discussions that you had with
23 the doctor when she reported back for all -- and that
24 was over on page 16 that I'm reading. On page 16 the
25 doctor says, "In the clinical domain, Mr. Sirhan's

1 clinical risk is present and highly relevant in the area
2 of a lack of insight and understanding of his crime.
3 While he raises points that are the basis for legal
4 appeals and arguments and may be compelling to the
5 court, his perspective also lacks a willingness to take
6 responsibility for any aspect of the crime. He fails to
7 address why he was in possession of a gun at the time of
8 his life crime, why he fired his weapon regardless of
9 his belief that bullets fired from his weapon were not
10 those that killed the victim or why he would have
11 initially entered pleas of guilty when he was arrested
12 if he did not commit the crime. When asked about these
13 inconsistencies he remained cooperative and willing to
14 discuss the issues but ultimately never presented a
15 reasonable alternative explanation. Known circumstances
16 that would point to his guilt or some culpability for
17 the crime were met with answers from the inmate of, 'I
18 don't know.' He continued to offer a dual perspective
19 on the crime and that encapsulates both guilt and
20 innocence reflecting that he has not truly explored the
21 issue on an emotional level but continues to focus on an
22 intellectual understanding of the crime and his legal
23 pursuits. However, to his credit he has repeatedly
24 talked about the loss of human life and the impact of
25 the victim's death on his own family, the extended

1 Kennedy family given the loss of the victim's brother,
2 President John F. Kennedy, several years prior due to an
3 assassination as well as how the country at large
4 experienced the death of the victim in the controlling
5 offense." The doctor then talks about risk management
6 factor concerns. They seem to stem around the perhaps
7 lack of support when discussing it with the doctor. The
8 doctor felt your parole plans were vague.

9 **INMATE SIRHAN:** Question, Mr. Roberts, please?

10 How does the *In re Lawrence* case affect this discussion?

11 **PRESIDING COMMISSIONER ROBERTS:** You're talking
12 about parole plans? I'm not sure.

13 **INMATE SIRHAN:** No, this -- about the crime
14 itself and the doctor's --

15 **PRESIDING COMMISSIONER ROBERTS:** Well, we'll be
16 discussing that later.

17 **INMATE SIRHAN:** Okay. Okay.

18 **PRESIDING COMMISSIONER ROBERTS:** It's not
19 particularly what I'm talking about here. So I don't
20 know what you're trying to --

21 **ATTORNEY PEPPER:** It's okay.

22 **PRESIDING COMMISSIONER ROBERTS:** All right. The
23 doctor talks about elderly considerations in the fact
24 that you were 25 years old and an age of 71. The doctor
25 talks about physical deterioration, talks about you're

1 actually in pretty good shape here and talks about the
2 fact that all those factors that support in the area at
3 this time -- "His physical and cognitive health remains
4 sufficiently intact and as such are not considered
5 mitigating factors." The doctor talks about the
6 psychological development and concludes that,
7 "Consistent with available research, the inmate's
8 impulsivity appears to have declined sufficiently with
9 age such as that can be considered a mitigating factor."
10 And then in the social contextual influences the doctor
11 is concerned about the lack of a wide support system
12 and, "Limited depth of pro-social relationships remains
13 a factor in aggravation when considering the future risk
14 of recidivism. In this case of Mr. Sirhan, his physical
15 deterioration and physical" -- oh, I'm sorry --
16 "psychological development are not factors in mitigation
17 nor do they aggravate his future risk of violence.
18 However, social contextual influences remain limited as
19 noted above and are therefore considered an aggravating
20 factor. Research has shown that having access to a wide
21 range pro-social network can positively influence an
22 inmate's ability to transition effectively back into the
23 community living. In this individual's case, the world
24 he left behind was isolated. The world he has created
25 within the institution is isolated with the limited

1 support of his brother and some extended relatives who
2 he does not appear to have regular contact with or a
3 close relationship with." All right. And then overall
4 the doctor does say, finds you to be a low risk for
5 future violence. Anything you'd like to say about the
6 doctor's report, counsel?

7 **ATTORNEY PEPPER:** Well, I think -- and I think
8 it's quite fair in terms of acknowledging the
9 post-conviction prison conduct and behavior and problems
10 that have arisen with respect to RVRs that were -- that
11 were dismissed. And I think it's fair in terms of --
12 for the most part the analysis of how he has done in
13 prison. I think with respect to the primary issue that
14 Commissioners have dwelled a great deal on here is the
15 whole area of accountability, responsibility and
16 feelings of what happened and being unable to actually
17 recall that. And that position, I think, she has a
18 problem accepting that. And that's -- that is something
19 that frankly we asked Dr. Brown to just really focus on.
20 And he did -- he did over 60 hours with him and he comes
21 away with a totally different opinion. And we respect
22 him.

23 **PRESIDING COMMISSIONER ROBERTS:** Okay.

24 **ATTORNEY PEPPER:** But other than that I think --

25 **PRESIDING COMMISSIONER ROBERTS:** Okay.

1 **ATTORNEY PEPPER:** I think basically no, we don't
2 have anything more to add to the report.

3 **PRESIDING COMMISSIONER ROBERTS:** All right.

4 **ATTORNEY PEPPER:** And we noticed that she
5 basically says that he has a low risk for violence which
6 is a major concern.

7 **PRESIDING COMMISSIONER ROBERTS:** Okay. Let's go
8 to any clarifying questions. Mr. Dahle, do you have any
9 clarifying questions of the Panel?

10 **DEPUTY DISTRICT ATTORNEY DAHLE:** I do. I would
11 ask the Panel to inquire of the prisoner whether he has
12 made any contact with the Jordanian government to see if
13 the Jordanian government would be willing to accept him
14 back should he be deported.

15 **PRESIDING COMMISSIONER ROBERTS:** Okay.

16 **DEPUTY DISTRICT ATTORNEY DAHLE:** We only have
17 half of the issue here with the federal government
18 planning to deport.

19 **PRESIDING COMMISSIONER ROBERTS:** Okay.

20 **DEPUTY DISTRICT ATTORNEY DAHLE:** But whether or
21 not the receiving country would accept him --

22 **PRESIDING COMMISSIONER ROBERTS:** All right.

23 **DEPUTY DISTRICT ATTORNEY DAHLE:** -- is certainly
24 another significant question.

25 **PRESIDING COMMISSIONER ROBERTS:** So as part of

1 your parole plans have you or any of your family members
2 contacted Jordan officials to see if they'll take you?

3 **INMATE SIRHAN:** Sir, Jordan is my home, sir.
4 They cannot turn me away.

5 **PRESIDING COMMISSIONER ROBERTS:** Okay. He
6 says --

7 **DEPUTY DISTRICT ATTORNEY DAHLE:** I don't think he
8 answered the question though --

9 **PRESIDING COMMISSIONER ROBERTS:** Okay.

10 **DEPUTY DISTRICT ATTORNEY DAHLE:** -- as to whether
11 or not he (inaudible).

12 **ATTORNEY PEPPER:** Well, he's saying he has a --
13 he has a right to -- he has a right to --

14 **PRESIDING COMMISSIONER ROBERTS:** Okay.

15 **ATTORNEY PEPPER:** -- reside in Jordan.

16 **PRESIDING COMMISSIONER ROBERTS:** Well, let me ask
17 you this. Have you made any inquiry of the Jordan
18 government?

19 **INMATE SIRHAN:** Years ago when I had a parole
20 date, yes.

21 **PRESIDING COMMISSIONER ROBERTS:** Okay. So years
22 ago you were of the understanding they would take you.

23 **INMATE SIRHAN:** Yes.

24 **PRESIDING COMMISSIONER ROBERTS:** Okay. But
25 recently you haven't done any --

1 **INMATE SIRHAN:** No.

2 **PRESIDING COMMISSIONER ROBERTS:** -- further work.

3 **INMATE SIRHAN:** No, no.

4 **PRESIDING COMMISSIONER ROBERTS:** Okay. Sounds
5 fair.

6 **INMATE SIRHAN:** But it shouldn't be a problem
7 to --

8 **PRESIDING COMMISSIONER ROBERTS:** Okay. I get it.
9 Recently you haven't done any work but you say in the
10 past you have.

11 **INMATE SIRHAN:** Logistically it shouldn't be a
12 problem.

13 **PRESIDING COMMISSIONER ROBERTS:** Okay. Fine.
14 Thank you.

15 **DEPUTY DISTRICT ATTORNEY DAHLE:** The prisoner was
16 told by the last Panel that he needed to engage in anger
17 management classes or self-help or independent reading.
18 Has the prisoner complied with that direction from the
19 Board and if not, why not?

20 **PRESIDING COMMISSIONER ROBERTS:** Do you feel
21 you've complied with that and how?

22 **INMATE SIRHAN:** By empathetically listening to
23 other inmates and discussing anger and what have you.
24 Because they used to have anger classes. I couldn't --
25 I was always -- not disallowed. I was always on the

1 bottom of the list and never had a chance to attend any.

2 **PRESIDING COMMISSIONER ROBERTS:** So for five
3 years you haven't been able to get into an anger
4 management class?

5 **INMATE SIRHAN:** No.

6 **PRESIDING COMMISSIONER ROBERTS:** Okay. Have you
7 been on the waiting list?

8 **INMATE SIRHAN:** Yes, at Pleasant Valley.

9 **PRESIDING COMMISSIONER ROBERTS:** Okay.

10 **INMATE SIRHAN:** But then I had to -- and then I
11 got hooked up with this disease, this Valley Fever and
12 it weakened me so much that I was more concerned with
13 survival than anger.

14 **PRESIDING COMMISSIONER ROBERTS:** All right. So
15 you came here to Donovan and you've been here since
16 what, 2013, right?

17 **INMATE SIRHAN:** Yes.

18 **PRESIDING COMMISSIONER ROBERTS:** Okay.

19 **INMATE SIRHAN:** Late 2013.

20 **PRESIDING COMMISSIONER ROBERTS:** Okay, so late
21 2013, '14 and '15, haven't been able to get to any
22 programs?

23 **INMATE SIRHAN:** You know, I never -- I never felt
24 angry to really go to --

25 **PRESIDING COMMISSIONER ROBERTS:** Okay. So you

1 didn't do it.

2 **INMATE SIRHAN:** No, I didn't.

3 **PRESIDING COMMISSIONER ROBERTS:** Okay. You
4 didn't do it.

5 **DEPUTY DISTRICT ATTORNEY DAHLE:** Thank you. I
6 have no other questions for him.

7 **PRESIDING COMMISSIONER ROBERTS:** Okay. Any
8 clarifying questions of your client, counsel?

9 **ATTORNEY PEPPER:** When did you feel that you
10 didn't need to pursue the waiting list for anger
11 management?

12 **INMATE SIRHAN:** At this place I'm getting along
13 well with everybody. And there's no reason for me to
14 take up the space for it that somebody else really needs
15 to be --

16 **ATTORNEY PEPPER:** Right.

17 **INMATE SIRHAN:** -- you know, schooled and --

18 **ATTORNEY PEPPER:** You had a provocation once
19 where someone here was stalking you.

20 **INMATE SIRHAN:** Yes.

21 **ATTORNEY PEPPER:** And how did you manage your
22 anger in that situation?

23 **INMATE SIRHAN:** Well, I reported it to staff as I
24 was instructed by the Departmental Review Ward in
25 Sacramento who, when they moved me to this general

1 population type environment, they told me that if I have
2 any problems with anybody to report it to staff and
3 staff will handle it. And that's what I've done. And I
4 told my family and I told my attorneys as well. So I
5 preempted every possibility that I could be provoked
6 into anger (inaudible).

7 **ATTORNEY PEPPER:** So you didn't take the matter
8 into your own hands in response.

9 **INMATE SIRHAN:** No, I did not. In fact, I was --
10 I was -- I was sucker punched by the same individual who
11 was stalking me and harassing me. And I did nothing in
12 retaliation at all.

13 **ATTORNEY PEPPER:** Okay. Nothing further.

14 **PRESIDING COMMISSIONER ROBERTS:** Okay. Anything
15 else from the Panel?

16 **DEPUTY COMMISSIONER STANTON:** I'll look at my
17 notes here real quick. There was an incident at one
18 time in the prison. I didn't go over it because I
19 wanted to hear your take on it that you had made some
20 statements as to being physically removed. Do you
21 remember that?

22 **INMATE SIRHAN:** I've always felt my distance from
23 people here, yeah, because of the uniqueness of
24 (inaudible).

25 **DEPUTY COMMISSIONER STANTON:** No. I meant

1 actually somebody coming and trying to get you out of
2 the prison. Wasn't there an incident?

3 **INMATE SIRHAN:** No. I don't know anything about
4 that.

5 **DEPUTY COMMISSIONER STANTON:** Okay. All right.

6 **INMATE SIRHAN:** You know, this is another aspect
7 of this case that you're not too maybe knowledgeable of.
8 It attracts a lot of the weirdos in these prisons. And
9 they contrive a lot of scenarios, a lot of accusations,
10 a lot of, you know, nonsense. And it seems -- and it
11 gets found in my file. And when you tell me about it, I
12 don't even know what the heck it's all about.

13 **DEPUTY COMMISSIONER STANTON:** Yeah. There was
14 some kind of investigation, I believe, about some --
15 they deemed as sort of a threat or something that you
16 had said about possibly having -- being taken out of the
17 prison by -- I was just curious what the upshot of that
18 was if you --

19 **INMATE SIRHAN:** I don't know anything about it.

20 **DEPUTY COMMISSIONER STANTON:** You don't know
21 anything about it.

22 **INMATE SIRHAN:** And I don't remember if there was
23 any validity to it (inaudible).

24 **DEPUTY COMMISSIONER STANTON:** Well, there was
25 no --

1 **INMATE SIRHAN:** But I'm still here. I'm still
2 here.

3 **DEPUTY COMMISSIONER STANTON:** Yeah. That's fine.
4 There's no 115 related to it that I saw. So if you
5 weren't found guilty of a rules violation then let it
6 sleep at that. And I don't have anything else.

7 **PRESIDING COMMISSIONER ROBERTS:** Okay. Let's go
8 to closing statements. We'll start with closing
9 statements from the Los Angeles County District
10 Attorney's Office.

11 **DEPUTY DISTRICT ATTORNEY DAHLE:** Thank you,
12 Commissioner. The Los Angeles County District Attorney
13 opposes parole for this prisoner. We join with the Los
14 Angeles Police Department in their conclusion that
15 justice would not be served by releasing inmate Sirhan
16 back into free society. It is our view that the
17 seriousness and the gravamen of the crimes committed by
18 this prisoner are too abhorrent to justify his release.
19 The California Supreme Court noted in the decision in *In*
20 *re Lawrence* that in rare circumstances the aggravated
21 nature of the crime alone can provide a valid basis for
22 denying parole to an individual even where -- and unlike
23 in this case -- even where there's been strong evidence
24 of rehabilitation and no other evidence of current
25 dangerousness. This language has not been disapproved

1 to my knowledge since the rendering of the *Lawrence*
2 court's judgment. We believe the crimes committed by
3 inmate Sirhan fit this exception. All murders, all
4 attempt murders are egregious, heinous, serious
5 offenses. But what distinguishes this case from any
6 other prisoner in California who has been convicted on
7 serving a life term is the fact that this was a
8 political assassination designed to and motivated by a
9 desire to eliminate a presidential candidate and a
10 sitting US Senator because of his policies, positions
11 that he was presenting to the American people as should
12 be the future policy of this country. The decision to
13 take a weapon and fire at individuals is substantial.
14 The threats, the injuries to multiple people is
15 substantial. And with all due respect to the victims,
16 dead and surviving, the seriousness, we believe, of this
17 case was the motivation this prisoner had, an attack on
18 the American political system and American political
19 process. It was, in fact, a terrorist act designed to
20 eliminate the potential policies. We know that because
21 there was plenty of evidence adduced at the time of
22 trial that came before the shooting actually took place
23 in that statements of witnesses that had been made to
24 them by the prisoner had been introduced, physical
25 evidence that was linked to the prisoner by his own

1 handwriting that indicated his desire that the
2 presidential candidate should be killed, Senator
3 Kennedy. It was obvious -- and the -- and the prisoner
4 has referenced it, there was a tremendous amount of
5 anger with respect to the relationship between the
6 Arabs, the Israelis and the US government position with
7 respect to supporting Israel. And the prisoner has
8 spoken in the past about the fact that he was
9 particularly angered at Senator Kennedy because of his
10 support to sell 50 then state of the art F-4 Phantom
11 jets to the Israelis for their use in the military. The
12 prisoner's statements subsequent to this killing
13 certainly lend support to that. His outbursts in court
14 when he wanted to fire his lawyers that has been
15 referenced here by Commissioner Stanton is one example
16 of this. But it is not the only example. The prisoner
17 later on spoke about the crime with various other
18 clinicians. In 1982, for example, he spoke to
19 Dr. Thompson again reaffirming the significance of what
20 had taken place politically that led him to his hatred
21 for Senator Kennedy. In his 1985 Board Report he
22 admitted to the correctional counselor that he had fired
23 the fatal shot that killed Senator Kennedy. In 1997 he
24 told the correctional counselor he now decided he didn't
25 do this crime. In 2001 he told Dr. Olson -- I'm sorry,

1 not Dr. Olson but Dr. Carrera in 2010 that he was
2 responsible for shooting two bullets but that he was
3 grappled by the maître d who deflected his shooting
4 towards Bobby and precluded him shooting him. The
5 prisoner has gone back and forth. Today he tells this
6 Panel he is essentially making statements that others
7 have told him because he doesn't remember. We think the
8 gravamen of this crime standing alone warrants a denial
9 of parole. We are not alone in this. In 1977 the State
10 Legislature in California in both Houses, the Senate and
11 the Assembly, passed a joint resolution in June of 1977
12 directed to your predecessor, the Adult Authority and
13 its subsequent successors, the Board of Prison Terms
14 obviously and now the Board of Parole Hearings,
15 indicating the Legislature's resolution asking the Board
16 for those individuals who had been convicted of a crime
17 that earned a death sentence that was overturned by
18 court action, that those individuals still in custody in
19 California not be released during their natural life on
20 parole. So you have the Legislature having spoken to
21 this issue. With respect to the victim of the murder
22 himself, he was a political figure, he was a father, he
23 had numerous family members. This crime itself put a
24 very substantial number of people at risk because it
25 was, as has been discussed, a jam-packed room with a lot

1 of people around. Those people could have been, many of
2 them seriously injured as a result. The Board though,
3 in simply looking at the commitment offense, is not
4 strictly limited to that assessment that the commitment
5 offense alone is substantial enough. We believe there
6 are significant factors today that remain -- that show
7 the prisoner is currently an unreasonable risk to public
8 safety beyond the nature of the crime that he committed.
9 We believe that his past and present mental state is a
10 very significant issue that needs to be broached here.
11 The prisoner still has not come to grips with what he
12 has done. He is in denial of his responsibility and
13 behavior. He has, as noted by the last Panel, despite
14 the conclusions offered in the Risk Assessments that the
15 prisoner poses a low risk, has a pervasive pattern since
16 he's been in custody of the Department of Corrections of
17 impulsive, anger outbursts. And, in fact, I would
18 recommend this Panel again look at the questions posed
19 by Commissioner Prizmich at the last hearing with
20 respect to documentation in the prisoner's file
21 regarding two separate incidents in which the prisoner
22 got into confrontations with staff while he was housed
23 in prisons in the San Joaquin Valley. He was not
24 disciplined for those actions. However, it was clear to
25 the Panel that he had emotional instability, anger

1 issues and the officers had put him into a restraint
2 situation until he was able to calm down. I would also
3 recommend this Panel -- I recognize there is a very
4 substantial, enormous, I will daresay an unprecedented
5 amount of documentation that you must consider in this
6 particular case. But look at the Board's decision with
7 respect to the Rescission Hearing that occurred in 1994
8 -- 1984, I'm sorry, wherein the sitting Panel, in taking
9 away the date, did so and enumerated the numbers of acts
10 that the granting Panel had been unaware of with respect
11 to the prisoner's conduct. Indeed, one of those was
12 communicating a threat through a staff member to be
13 communicated to the Governor of California that if he
14 wasn't released he was going to engage in an agreement
15 with the Soviet Union against the United States. That
16 Governor is the sitting Governor today in California,
17 Governor Jerry Brown. This prisoner has had a
18 continuing pattern. He sees no need to follow the last
19 Panel's recommendations and directions to engage in
20 self-help. With respect to the pattern of conduct, the
21 behaviors, the outbursts, the impulsivity, the anger
22 that he has displayed throughout the years, despite his
23 having no substantial rule violations, there is
24 substantial evidence that he has attempted to manipulate
25 staff, manipulate politicians, others to gain his

1 freedom. Additionally, the prisoner doesn't have
2 substantial and significant parole plans that would
3 indeed assure the public is safe from him should he be
4 released. We don't know what his behavior is going to
5 be like. We know that he has these outbursts. But we
6 have nothing from the brother today that shows the
7 support. We don't know what level of support. We don't
8 know what the financial support is. We don't know what
9 the programming is. Given the fact that the State of
10 California has severely reduced the abilities of parole
11 agents to actively supervise and physically monitor
12 their parolees in California, we have grave concerns
13 that Mr. Sirhan would be out and about and his behavior
14 essentially unchecked or unsupervised. Given the
15 totality of the record that you have before you here
16 today, I would ask this Board again find Sirhan Sirhan
17 unsuitable, to follow the recommendations of the
18 California Legislature, deny him parole. Thank you.

19 **PRESIDING COMMISSIONER ROBERTS:** Thank you.
20 Counsel?

21 **ATTORNEY PEPPER:** Thank you. Sirhan Sirhan was
22 eligible for parole over 30 years ago for the first
23 time. So here we have a prisoner who is going to be 72
24 years old and has been incarcerated for some 47 years
25 who's been denied parole multiple times. He has

1 attempted within the correctional system to do
2 everything that he can to show that he is trying to deal
3 with whatever internal problems he had with respect to
4 alcohol, which he never previously had anyway, by
5 attending those self-help groups. He has attempted to
6 be, and has been really, an exemplary prisoner. Counsel
7 for the State talks about a lot of other alleged
8 behavior. We frankly -- it has to be given no more
9 credibility than the worst rank kind of hearsay with
10 respect to this particular prisoner. On the record he
11 has been exemplary. On the record any RVRs he had have
12 effectively been dismissed. On the record he tried to
13 get into the anger management committee and was at the
14 bottom of a -- of a waiting list and then he was
15 transferred here. So he -- it's not that he didn't try
16 to follow your predecessor's recommendations. He did,
17 in fact, go about the business of trying to do that.
18 Political bodies, Legislatures and -- make decisions and
19 pass resolutions in this state and in all states for
20 varieties of reasons. Those resolutions, I submit, are
21 political resolutions with political underpinnings and
22 political rationales. And they should not have any
23 truck at all with respect to this Panel's decision.
24 This Panel has its own set of criteria and must look at
25 those criteria. You've had three clinical opinions that

1 directly contradict what State's counsel is talking
2 about, directly contradicting. He's ignored them
3 entirely, all of them. And all of them using the same
4 type of testing mechanisms and assessments for violence
5 have provided a picture of this man which is contrary to
6 everything State's counsel would have you believe. He
7 has a low potential violence, low potential violence and
8 danger for the community. So this Panel can assert its
9 own judgment, substitute it for Dr. Carrera, Dr. Sahni
10 and Dr. Brown if the Panel wants to. But I suggest that
11 you seriously consider not doing that and seriously
12 consider the clinical evaluation, not State counsel's
13 off the top of his head evaluation, but the clinical
14 evaluation of these trained professionals. Now changing
15 policies across this country are in full swing with
16 respect to elders in prison, not just because the
17 population, prison populations have grown so enormously.
18 That's certainly one of the reasons. And there's a --
19 there is a cost about keeping people in prison when they
20 are in their late sixties or in this case in the -- in
21 their -- his early seventies and holding him back and
22 having the State pay the enormous cost that it has to
23 pay. But because it's an aspect of humanity of a
24 society as to how it treats people who are in this kind
25 of circumstance and who are incarcerated for this long

1 period of time. And I suggest to you that it is
2 inhumane and there is good reason behind the elder
3 preferences and the whole regulations that tend to go
4 around that and underpin it. Now not only is he no risk
5 to the public in our view. He would have a loving home
6 environment with his brother. I can give you an
7 undertaking as I have earlier that this is the case that
8 we have explored with him. With respect to ICE and
9 Jordan, that's beyond our control. It's beyond the
10 State's control. We would attempt to deal with that if
11 and when this Panel gives us the opportunity to do that.
12 I think what happened in 1984 is just as much to be
13 thrown in the dustbin as anything that happened that
14 long a period ago. This is a man who has evolved in
15 prison in an exemplary way. I think that there is no
16 question about the seriousness of the crime that counsel
17 points out. There's no question about that. I was a
18 friend of Bob Kennedy's. I was Bob Kennedy's citizen
19 chairman when he ran for the Senate in New York in
20 Westchester County. I knew Bobby and knew the family
21 well, knew his sisters, knew his mother very well, not
22 his father but the rest of the family I knew. And I
23 have since known some of the -- some of the children.
24 So this was a -- this is a traumatic event in their
25 life. There's no question about that. And on that, we

1 will agree with State counsel. But that -- the evidence
2 of that crime as it sits on the record and put into the
3 context that we started to get into here, a little
4 involuntarily I might add, Commissioner, is not a
5 grounds for continuing to incarcerate him. I daresay I
6 don't know what the -- our victim friend Paul Schrade
7 who was also very close to Bobby is going to say with
8 respect to his advice to this Panel. But in my view, if
9 Bob Kennedy were alive and were viewing everything today
10 that is available to be viewed with respect to his
11 involvement, his non-involvement, his lack of
12 recollection, what happened to him, I would daresay Bob
13 Kennedy would urge this Panel to grant his man, finally
14 grant this man parole. Please do not allow that he
15 should be -- he should continue to be incarcerated and
16 fuel the worldwide perception of this case that this man
17 is a political prisoner and will remain a political
18 prisoner until he is -- he is met with justice and given
19 the opportunity. Finally, grant him this parole. Take
20 away that kind of a possible approbation of your process
21 here and the -- and the process of justice in the State
22 of California. Finally, let him go free and let him go
23 with his family either in Jordan or here in Pasadena.
24 Grant parole, gentlemen, to Sirhan Sirhan. And thank
25 you very much for all your time and your patience in the

1 course of this -- these proceedings.

2 **PRESIDING COMMISSIONER ROBERTS:** Submitted?

3 **ATTORNEY PEPPER:** I am finished.

4 **PRESIDING COMMISSIONER ROBERTS:** Thank you. Sir,
5 do you have a closing statement you'd like to make?

6 **INMATE SIRHAN:** Please let me go home. Thank
7 you.

8 **PRESIDING COMMISSIONER ROBERTS:** All right. And
9 we have a victim here. Wish to speak?

10 **MR. PAUL SCHRADE:** I'd like to sit.

11 **PRESIDING COMMISSIONER ROBERTS:** Okay. Well, you
12 can do that. Pull this chair up. Have a seat so that
13 the --

14 **MR. PAUL SCHRADE:** I may not see you -- behind
15 you but there is a --

16 **PRESIDING COMMISSIONER ROBERTS:** Yeah, this
17 technology.

18 **DEPUTY COMMISSIONER STANTON:** Not much we can do.

19 **PRESIDING COMMISSIONER ROBERTS:** If you'd just
20 give a minute for (inaudible) have a while to -- the
21 photographer is moving. If you would for the
22 transcriptionist, state your name again --

23 **MR. PAUL SCHRADE:** Yeah.

24 **PRESIDING COMMISSIONER ROBERTS:** -- and spell
25 your last. And then we will receive your victim impact

1 statement.

2 **MR. PAUL SCHRADE:** My name is Paul Schrade
3 spelled P-A- -- well, S-C-H-R-A-D-E. I have a written
4 statement here but being here today I've apologies to
5 make to the Panel, to Sirhan's lawyers and to Sirhan
6 himself for not being here earlier. Because what I've
7 heard here today, I was really suffering listening to
8 what the Panel was saying, what Mr. Dahle was saying.
9 And I didn't know you were going to be as venomous about
10 Sirhan as you were today. And I know you're retired but
11 -- from the District Attorney's Office. But if you were
12 in the District Attorney's Office and studied the record
13 you would know the record of the prosecution shows that
14 Sirhan couldn't and didn't shoot Robert Kennedy. And
15 I'm prepared to present some of that information today.
16 And I wanted Sirhan here today because I apologize to
17 him and to the Panel for not being here earlier and
18 presenting this. But I wasn't really positive of the
19 information although I started studying this case back
20 in 1974. But in 2008 I began working with Dr. Joling
21 and Philip Van Praag on the -- on audiotape showing that
22 there were 13 shots on that audiotape proving that there
23 was a second gunman in that room that day. I'm from Los
24 Angeles and I'm 91. And back when I was 43 I was among
25 six persons shot at the old Ambassador Hotel in Los

1 Angeles at just after midnight on June 5th. I was shot
2 along with Senator Robert Kennedy who had just won the
3 California Democratic Primary for the presidency of the
4 United States. I'm glad I'm reading this because I've
5 really been emotionally upset all through this hearing
6 already -- and I think I'm calming down at this point --
7 because of what I heard and what I feel guilty about in
8 not being here before this. Five of us survived our
9 wounds. And as history knows, Senator Kennedy was
10 fatally wounded. This is the second time I've been with
11 Sirhan Bishara Sirhan because I testified in your trial
12 and I saw you then. And it's good to see you here.
13 It's troublesome to see you here because you're here for
14 the worst kind of reasons.

15 **PRESIDING COMMISSIONER ROBERTS:** All right. Sir,
16 if you'd direct your comments to us. And it's not a --

17 **MR. PAUL SCHRADE:** I feel that -- I was told by
18 the victims unit of this organization that I have the
19 right to say anything I wanted and take as much time as
20 I wanted.

21 **PRESIDING COMMISSIONER ROBERTS:** And we --

22 **MR. PAUL SCHRADE:** So I not only want to talk to
23 the Panel but I want to talk to everybody here. I feel
24 I have the right to do that and I was told I had the
25 right to do that. Kennedy was a man of justice. And

1 first of all, I want to continue, you know, my statement
2 about Sirhan that I know that he didn't kill Robert
3 Kennedy. And I'm here because of that. And I wouldn't
4 be here if I wasn't sure of that. Because I loved
5 Robert Kennedy and I would not defend somebody who
6 killed him. Kennedy was a man of justice. So far,
7 justice has not been served in this case. And I feel
8 obliged as both a shooting victim and as an American to
9 speak out about this and to honor the memory of the
10 greatest American I've ever known, Robert F. Francis
11 Kennedy. Sirhan Bishara Sirhan was originally scheduled
12 for release in 1984. But after intense political
13 pressure -- it's not just a political crime, Mr. Dahle,
14 but also a political crime keeping him in prison. And
15 after intense political pressure, his parole date was
16 rescinded and he has since been denied 13 times. In
17 order for you to make an accurate determination of
18 Sirhan Sirhan's parole you need to know my feelings on
19 this case and the full picture of what actually
20 happened. There are no conspiracy theories needed here.
21 I'm referring only to official documents and scientific
22 results. And the way I've been saying this to my
23 friends these days is that my job is prosecuting the
24 prosecutors in this case because they're the guilty ones
25 in putting Sirhan in prison knowing that he didn't and

1 couldn't do it and did it anyway and kept him there and
2 has kept him here for so many years. Sirhan, I want to
3 forgive you. You've been charged with shooting me,
4 Robert Kennedy and four others. I don't believe the
5 charges against you for shooting Robert Kennedy are
6 true. And I don't hold it against you because I don't
7 think you knew what you were doing. And I was blinded
8 by the television lights so I didn't see you and I
9 didn't know what was happening. I just fell and passed
10 out from a bullet wound in the head. The evidence
11 clearly shows you were not the gunman who shot Robert
12 Kennedy. There is clear evidence of a second gunman in
13 that kitchen pantry who shot Robert Kennedy. One of the
14 bullets, the fatal bullet, struck Bob in the back of the
15 head. And as the autopsy shows, that bullet, that fatal
16 bullet was fired in the back of his head in contact with
17 Bob Kennedy's head or within an inch according to the
18 official autopsy of Dr. Noguchi. You were never in the
19 position to do that. The evidence clearly shows you
20 were not the gunman who shot Robert Kennedy. There is
21 clear evidence of a second gunman in that kitchen pantry
22 who shot Robert Kennedy. One of the bullets, the fatal
23 bullet, struck Bob in the back of the head as I said.
24 Two bullets struck Bob literally in his back. A fourth
25 bullet struck the back of his coat's upper right seam

1 and passed harmlessly through his coat. I believe all
2 four of those bullets were fired from a second gunman
3 who was standing behind Bob. You were never behind Bob
4 nor was Bob's back ever exposed to you according to the
5 prosecution. All the witnesses the prosecution had, up
6 to ten, had you anywhere from one to six feet in front
7 of Robert Kennedy firing a gun. And they all were
8 interviewed by the prosecution and said those things
9 that you were never in a position behind him. So
10 there's no real evidence against you of being in
11 position to shoot Robert Kennedy in the back. And it's
12 one of those horrible facts that we should have known
13 and dealt with years ago. Indeed, Sirhan, the evidence
14 not only shows that you did not shoot Robert Kennedy but
15 shows you could not shoot Robert Kennedy at all.

16 Gentlemen and ladies, the evidence clearly shows that
17 Sirhan again could not and did not shoot Robert Kennedy.
18 Several days ago I made that several -- I made -- excuse
19 me -- sure that several documents were submitted to this
20 Board and I hope you've received them and had a chance
21 to review them. If you have not done so, I would ask
22 you to please review them very carefully during your
23 deliberation. I'll be glad to resubmit those documents
24 to you here today. Do you have those documents we
25 submitted?

1 **PRESIDING COMMISSIONER ROBERTS:** I don't know
2 what those documents you're referring to are.

3 **DEPUTY COMMISSIONER STANTON:** Dr. Brown, the
4 analysis.

5 **PRESIDING COMMISSIONER ROBERTS:** Well, we have
6 those because your support person says that's the one we
7 sent. We acknowledged earlier we received his
8 documents.

9 **MR. PAUL SCHRADE:** Okay. I believe after you
10 review these documents that it should become clear to
11 you that Sirhan Sirhan did not shoot Robert Kennedy and
12 could not have shot Robert Kennedy. What I'm saying to
13 you is that Sirhan himself was a victim and still is a
14 victim. Obviously, there was someone else there in the
15 pantry that also fired a gun. While Sirhan was standing
16 in front of Bob Kennedy and the shots were creating a
17 distraction, the other person -- the other shooter
18 secretly fired at the Senator from behind and fatally
19 wounded him. Bob died 25 hours later. Gentlemen and
20 ladies, women, I believe you should grant Sirhan Sirhan
21 parole. And I ask you to do that today. Along with
22 what Sirhan's lawyers have submitted to you, the
23 following are the documents that I've made sure were
24 submitted to you. First I want to show you this. It's
25 a letter written in 2012 by my good friend Robert

1 Kennedy, Junior. You have that copy?

2 **PRESIDING COMMISSIONER ROBERTS:** We have his
3 letter.

4 **MR. PAUL SCHRADE:** Yeah. Bobby wrote this letter
5 to Eric Holder, the US Attorney General who is a friend
6 of the Kennedy family who was then Attorney General. In
7 his letter to Mr. Holder, Bobby requests that the
8 Federal Authorities examine the Pruszynski recording,
9 the only known audio recording made of his father's
10 assassination at the Ambassador Hotel. The recording
11 was uncovered in 2004 at the California State Archives
12 by CNN international senior writer Brad Johnson. It's a
13 tough experience for me so I'm sorry I seem so nervous.
14 And I am. Because again I should have been here earlier
15 doing this. The next document is the Federal Court
16 declaration from audio expert Philip Van Praag who
17 Johnson recruited to analyze the Pruszynski recording.
18 In this document, Van Praag declares that his analysis
19 of the recording concludes that two guns were fired at
20 the Robert Kennedy shooting. Van Praag found a total of
21 13 shots in the Pruszynski recording. Sirhan's one and
22 only gun at the crime scene held no more than eight
23 bullets and Sirhan had no opportunity to reload. Van
24 Praag also found what he calls double shots meaning two
25 gunshots fired so close together -- and you can see that

1 on the oscillogram made from the audio tape. They could
2 not both have come from Sirhan's Iver Johnson Cadet
3 revolver. Van Praag actually found two sets of these
4 double shots. Additionally, he found that five of the
5 13 gunshots featured a unique audio resonance
6 characteristic that could not -- characteristic that
7 could not have been produced by Sirhan's gun model
8 meaning those five shots were fired from a second gun of
9 a different make. Van Praag further found that those
10 five gunshots were fired in a direction heading away
11 from Pruszynski's microphone. Since the microphone was
12 40 feet west of the Kennedy shooting, those five shots
13 were fired in an eastward direction and to the back of
14 Robert Kennedy which was opposite to the westward
15 direction that Sirhan was -- that Sirhan is known to
16 have fired this eight-shot Iver Johnson Cadet where I
17 was. I was west of Sirhan when he was firing. So his
18 gun was firing at me this way. The second gunman was
19 firing this way. And the second gunman's firing was
20 during Sirhan's six shots westward. The second gunman,
21 within those three seconds, was firing eastward into
22 Robert Kennedy. You know, I've had difficulty over the
23 years really understanding all this. But I have such a
24 firm understanding of it now, that's why I'm here today.
25 Van Praag found -- let's see, where was I? Why don't

1 you help me out here, Mr. Dahle? I guess I turned the
2 page. These documents are statements from two witnesses
3 to the Robert Kennedy shooting both of whom -- both of
4 them assistant maître d of the Ambassador Hotel. These
5 two men, Carl Uecker and Edward Minasian escorted Robert
6 Kennedy into the kitchen pantry immediately after the
7 Senator delivered the -- his victory speech in a hotel
8 ballroom for having won the California Primary. Both
9 Uecker and Minasian say Sirhan was in front of Bob
10 Kennedy as the Senator walked towards Sirhan meaning
11 that Bob and Sirhan were facing each other. Both
12 witnesses say Sirhan was still in front of Bob as Sirhan
13 fired his gun. And both say that after Sirhan fired his
14 first two shots, Uecker quickly pushed Sirhan against a
15 steam table, placing Sirhan in a headlock -- you were
16 being choked by Carl Uecker, the maître -- assistant
17 maître d of the Ambassador Hotel -- grabbing a hold of
18 Sirhan's firing arm, forcing the tip of Sirhan's gun to
19 point away from Robert Kennedy (inaudible) to that
20 shooting right now -- pointing it away from where Bob
21 Kennedy was and causing Sirhan to fire blindly his six
22 remaining shots. So here he's fired six shots. He's
23 fired two in front of me and Robert Kennedy. That's
24 eight shots from the eight-shot Iver Johnson 500 Cadet
25 model. In other words, Sirhan only had full control of

1 his gun at the beginning when he fired his first two
2 shots, one of which hit me. Sirhan had no opportunity
3 to fire four precisely placed point blank bullets into
4 the back of Bob Kennedy's head or body while he was
5 pinned against that steam table and while he and Bob
6 were facing each other. Now those six shots off the
7 steam table like his gun hand was being pounded this
8 way, that's when he wounded Ira Goldstein, Irwin Stroll,
9 Elizabeth Evans and Billy Weisel. And those shots did
10 not come from the second gunman. They came from Sirhan.
11 So here he fires two shots, one of -- missing Bob
12 Kennedy, hitting me. He fires six more shots, shoots
13 four people. Irwin Stroll got two shots. That's a
14 total of five shots. So what's the count there? Two
15 for -- in front of Kennedy and me. He fired six off and
16 he fires -- and fires five more shots into people. He
17 was out of bullets. How could he have turned around --
18 and he would have to turn around -- without the bullets
19 and shoot Bob Kennedy in the back over here when he
20 didn't have enough bullets to fire four shots into
21 Robert Kennedy? So the Pruszynski recording, some
22 people question it because of the new technology. But
23 it reveals all of this very positive evidence that --
24 the firing of the gun. That audio tape -- and I just
25 really thought about this recently. With those two

1 shots and those six shots, Sirhan not having enough
2 bullets, how could this have happened? It still fills
3 me with kind of wonder why we're here. Sirhan had shoot
4 -- had fired all the shots necessary to shoot Robert
5 Kennedy four times in the back. And this is what -- and
6 this new kind of way of counting the bullets -- because
7 oftentimes we just are counting bullets on the basis of
8 Sirhan's eight shots. And the ninth shot, being the one
9 that went through the shoulder pad of Robert Kennedy's
10 coat -- and the prosecution always said that that bullet
11 that was flying eastward went into my head when I was
12 westward over here. And so that was our bullet count.
13 And also to disparage the prosecution that's going --
14 how could that bullet have gone through the back?
15 Because that's where the powder -- the gunpowder was on
16 the back and the exit wound was in the front of his
17 (inaudible). And I was -- I was behind Robert Kennedy
18 at that point. And I've got a picture of us lying on
19 the floor with my feet near his head and we're both
20 aiming -- had to be walking eastward at that point. So
21 there's no way that that -- that's the way we were
22 counting bullets before. But now we have this new
23 system of counting bullets based upon finding all this
24 information on the audio tape of 12 shots -- actually,
25 it's 13 shots -- (inaudible) 13 shots. But we know

1 where all the 12 went at this point. So we can count
2 the bullets based upon the new evidence of the -- of the
3 audio tape backed up by the physical evidence that we've
4 had all these years. There are documents in the LAPD
5 Department that reveal the LAPD misconduct. And the
6 misconduct in this case was monumental. And that's
7 still not made as -- into the public arena and will be.
8 And I want to thank you for our conversation out in the
9 lobby where I said I was trying to meet with Jackie
10 Lacey. Because as a Democrat and as a person against
11 the death penalty, I supported her to be the new -- our
12 new District Attorney. And I've always respected her
13 work. And you advised me that they now have a Innocence
14 Project going on and I should go there. And I told you
15 that I plan to call them as soon as possible and go
16 there and talk to them about this. Because the Chief of
17 Police and Jackie Lacey really don't know the truth in
18 this case because it's never been presented to them.
19 These are documents from the Los Angeles Police
20 Department that reveal LAPD misconduct in the police
21 investigation of the Robert Kennedy murder. They deal
22 -- they detail evidence that was destroyed while
23 Sirhan's appeal was still pending as well as a
24 photograph that was acknowledged by the LAPD to be
25 effective rebuttal that was -- that was withheld from

1 the defense and also from the jury. There are a number
2 of documents that really are important in this case that
3 never got to the jury that were withheld and we found in
4 the files. Now you know the story about the files.
5 They were -- you know, District Attorney Evelle Younger
6 in -- let's see, in June of 1969 after the trial, he was
7 the District Attorney in charge of the trial. He said
8 publicly -- and I have his long statement in my files.
9 He said publicly there's going to be full disclosure of
10 the files in the Sirhan case because we don't want
11 another Dallas. And there are tons of evidence over in
12 the police department that will be revealed to the
13 public. We don't want another Dallas. I can remember
14 that, hearing him say that. What happened in -- right
15 after the trial two -- Lillian Castellano and Floyd
16 Nelson found a photograph of a guy named John Shirley
17 who had taken a photograph of the doorframes in the
18 pantry showing two bullet holes. And when Lillian saw
19 that photograph and Floyd Nelson saw it, they tried to
20 contact the District Attorney on it and say, you know,
21 you should know about this. Well, they went public with
22 that photograph during the trial. And there was no
23 really public reaction on the thing. And the way I got
24 involved in this case was that Allard Lowenstein who had
25 been a member of the Congress, a really close friend of

1 Robert Kennedy's, mourning Robert Kennedy because he
2 tried to get Bob into the campaign and Bob kept refusing
3 him and so he supported -- he supported Gene McCarthy in
4 that -- in that election. Well, Allard came to our home
5 in 1974 and explained this. And he said I want to take
6 you down and meet with Lillian. I said what -- she
7 lives five blocks from me and up in -- off Laurel
8 Canyon. We went down there and Lillian was the
9 proverbial little old woman in tennis shoes with five
10 feral -- five cats with their own separate dishes.
11 Well, that's the first time, Sirhan, I met your mother,
12 a very kind and generous person, very concerned about
13 you. And for the first time I began hearing some of the
14 evidence about the shooting because all through that
15 period of all the shooting I was really psychologically
16 a mess. I held a very long-term office in the United
17 Auto Workers Union. And during that period after the
18 shooting I was not doing my job, I was upset, I was
19 depressed. I took off four months, still in great pain;
20 couldn't solve the pain in my neck and head and back. I
21 tried acupuncture because nothing else was working. I
22 finally found a Korean massage system in DC, Washington,
23 DC during a visit which pretty much solved my pain
24 problems. But after hearing what I did from Lillian
25 Castellano and Floyd Nelson and hearing Allard

1 Lowenstein -- Allard Lowenstein really felt very guilty
2 about all of this and not doing something about it. So
3 he and lawyers like Mel Levin, Steve Howard and others
4 just took on my case voluntarily. And I filed a lawsuit
5 against Sirhan and any others who might be involved on
6 the basis of getting into the records. Well, there are
7 only limited records available and it didn't do us much
8 good. Soon after that, we filed another lawsuit asking
9 for a re-firing of your gun and to see if they would
10 match the bullets that were held in evidence. There was
11 one -- only one whole bullet through Robert Kennedy.
12 The one in his head was shattered. It was just one big
13 piece. So we've -- and we didn't know CBS was doing it.
14 But CBS network filed a same lawsuit. And so we got a
15 re-firing of the gun. I'm getting a little bit
16 off-message here but some of these things are not in
17 here that I keep remembering. So we got a re-firing of
18 the gun by seven experts, really important criminalists
19 in this country. I selected one. Sirhan's lawyer
20 selected one. The DA selected on. The police
21 department selected one. So we had these seven really
22 good -- what did they find in the re-firing of the gun
23 in trying to match the -- match the Kennedy neck bullet,
24 the Goldstein bullet and the -- what's the other bullet?
25 **INMATE SIRHAN:** Weisel.

1 **MR. PAUL SCHRADE:** There were three bullets.
2 Let's see, Kennedy -- oh, the Weisel bullet which was
3 the best of the bullets in terms of condition. What did
4 they find? They found they could not match any of these
5 bullets to the Sirhan gun. And they also found they
6 matched each other. Now they couldn't match each other
7 because the Kennedy bullet was fired by a second gun.
8 So here we're left with this dilemma. We tried to file
9 more lawsuits on this and we were opposed by the
10 Attorney General at this point who is now Evelle Younger
11 who was a man for full disclosure. And he's blocking us
12 in court from trying to get more evidence in this case.
13 And so we're stalled at that point. And let me just go
14 back to this. District Attorney Evelle Younger with his
15 great flare of saying, you know, we're going to release
16 all of the files, well, when the information during the
17 trial and after the trial from Lillian Castellano made
18 it publicly we found years later that those files were
19 locked up right after the trial. And it not only took
20 us lawsuits in '74 or '75 but we finally, in trying to
21 get those files opened, it took us until 1988 with the
22 help of Mayor Bradley and a Kennedy friend on the police
23 commission, Barbara Schlei who was married to Norbert
24 Schlei who was on Bob's staff. We finally got the
25 police commission who said before you have the right to

1 ask questions years before this and just write us. And
2 we never got answers to any questions during this period
3 until 1988 when we finally got the police commission to
4 release the files. Then there was an argument should it
5 go to the federal files in Laguna Beach or to Phil
6 Melanson, Dr. Phil Melanson, one of the great
7 researchers on this case at the University of
8 Massachusetts or to the California State Archives. They
9 went to the State Archives and beautifully organized.
10 The first thing that they announced from the California
11 State Archives when they got everything in order was
12 this shock of finding destruction orders of files of the
13 LAPD, massive destruction that went on during this
14 period from 1968, and nine when the trial -- until 1988
15 when the files were opened. They came out publicly.
16 The Secretary of State of California did this. The head
17 of the files, John Burns, came out and giving us an
18 understanding then of the total conspiracy. And the
19 only conspiracy I know of in this case was the
20 conspiracy of the prosecution to lock up the files,
21 destroy files and keep us from doing anything about this
22 case. That's the conspiracy we have here of the
23 prosecution during this history of this case. Oh, yeah,
24 there's another document that you have which again is a
25 photomicrograph -- a photomicrograph which was similar

1 to a photomicrograph used in the Kirschke murder case in
2 late '67. I didn't know about the Kirschke case
3 although Chief Davis mentioned it in a meeting we had
4 with him in 1974. And we were talking about this and he
5 says that was the Kirschke case, Paul. Well, the
6 Kirschke case again involved District Attorney Younger
7 because Kirschke was a Deputy District Attorney who had
8 murdered his wife and her lover in their bed and he was
9 up on trial. And there were certain things happening in
10 the Kirschke case where the appeal -- the Court of
11 Appeal of California came down and showed where there
12 was a effort to show Kirschke was innocent within the
13 District Attorney's operation. And that same kind of
14 dealing with the evidence happened in the -- in the --
15 in the Robert Kennedy case. And so those are parallel
16 cases that we -- that really informed us about the
17 Kennedy case. And this one document actually is an
18 effective rebuttal of -- that was withheld from the
19 defense team. I'm sorry I'm really nervous about this
20 today. Part of it is guilt and part of it is because
21 I'm really emotional about what happened to Robert
22 Kennedy. There's another document by criminalist Larry
23 Baggett who investigated the Robert Kennedy shooting for
24 the LAPD. The Baggett memo state that the bullets that
25 hit Senator Kennedy and William Weisel, two whole

1 bullets, another shooting victim in the pantry were not
2 fired from the same gun again proving the second gunman.
3 The memo also states that the bullet that traveled
4 upward through Bob Kennedy's body and into his neck area
5 was not fired from Sirhan's revolver. Such a finding is
6 proof that Sirhan did not shoot Robert Kennedy. That's
7 evidence that was kept -- that evidence was duplicated
8 earlier and this became later, again the evidence of a
9 second gun. Mr. Dahle, based upon all this information
10 and more, I ask you to inform Los Angeles County
11 District Attorney Jackie Lacey that I am formally
12 requesting her to order a new investigation in the
13 Robert Kennedy case. I will also be making the same
14 request of Los Angeles County, Los Angeles Police Chief
15 Charlie Beck. And again I thank you for advising me of
16 this innocence unit because that's where I will go
17 first. I already did file a letter with Jackie Lacey
18 back in 19 -- oh, no 2013 and never got a reply from her
19 about that. During that period my wife got very ill and
20 is still quite ill and I had a serious back problem. I
21 was delayed for several months of doing anything. But
22 at one point I called Bill Hodgman, the -- he's now
23 third in command of the -- your Department. I called
24 him and said, you know, I'd like to get an answer to
25 Jackie Lacey's letter. And he says, well -- but I had

1 difficulty in finding him. I found out something about
2 your system of dealing with the mail. Because I -- when
3 I'd filed the letter in October '13, I tried to track
4 down to find out where the letter went because it sure
5 didn't go directly to Lacey. And I talked to three or
6 four people in the Department and I had some clues on
7 where that -- my letter went. And finally somebody said
8 why don't you call the mailroom in the District
9 Attorney's Office. And I said why is that. Well, they
10 keep track of where the mail goes. So I did and found
11 out that Bill Hodgman, the top guy in the Department
12 now, had the letter. So I called him about it. I said
13 we'd like to get a new investigation going on this. And
14 I said, you know, we have information that we've already
15 given to District Attorney Cooley who had, you know,
16 full files. And part of our file was a book by Philip
17 Van Praag who is the forensic scientist who did the
18 study of the audio tape. And so I said to him you have
19 a copy of our book. And he said yeah, but I sent it
20 over to Chief Beck. I said he's already got a copy, we
21 gave him a copy, we gave Cooley a copy, we gave the US
22 Attorney a copy and the Attorney General a copy. I said
23 but there may be a copy available over at Gibson, Dunn &
24 Crutcher. And he said, well, what have they got to do
25 with the case. It's a very -- you probably know the

1 firm but he's very, very conservative, a case that
2 opposed us in building our school that I used to know
3 when I was a union representative of the North American
4 Aviation. They were a really a very conservative
5 anti-union firm. He said, well -- I said why do they
6 have a copy of the case, a copy of your book. And I
7 said to him, I said we've got two attorneys supporting
8 us, Mel Levine who just happened to be my attorney back
9 in '74, went to the State Assembly, went to Congress and
10 now he's back working as a lawyer for Gibson, Dunn &
11 Crutcher. Well, he recruited Rob Bonner who had been US
12 Attorney for our section of California. And we -- and
13 he was working for Gibson, Dunn & Crutcher. So we went
14 from the west side office of Gibson, Dunn & Crutcher
15 down to the downtown office where Rob Bonner was. So we
16 showed him the audio tape evidence. And he took a look
17 at it. And he said God, if I'd seen this when I was US
18 Attorney I would have been in favor of reopening the
19 case. And so he joined us at that point. And then we
20 went to Andre Birotte who was then the US Attorney --
21 he's now a judge -- and submitted all of our evidence to
22 him. And we didn't meet with him. But what happened
23 was we felt that he ought to know about the -- and Rob
24 Bonner said he ought to know about the audio tape
25 evidence that we have. So we provided him with all the

1 information we could because he agreed to send the audio
2 tape to the FBI in Quantico, Virginia to have it redone
3 or re-testing of the audio tape. So he was working with
4 us in that way. The important thing about going to
5 Andre Birotte and to Attorney General Holder was we
6 found out that we were wrong in approaching them, that
7 this was not a federal case, that Robert Kennedy even
8 though had been Attorney General, he was a sitting US
9 Senator, there was no federal law covering crimes
10 against our representatives and it was a State case.
11 And this is why we're back now trying to make the case
12 with Chief Beck and with Jackie Lacey. And so it was a
13 -- it was new education on our part. Here we're
14 spending all this time going to them and having to
15 really go back and focus locally. So here is this
16 bullet evidence that's in the files and was in the files
17 of the prosecution but never exposed to a jury, never
18 exposed, never used as saying we were wrong about the
19 case. Although I'm going to make that new request, the
20 request will be made for me as a shooting victim for the
21 four other shooting victims who also survived their
22 wounds -- they also joined me back in 1974 and five to
23 try to get a new investigation -- for Bob Kennedy who
24 did not survive his wounds because his were the most
25 grievously suffered in that pantry, for the -- for the

1 people of the United States who Bob loved so much and
2 had hoped to lead just as his brother, President John F.
3 Kennedy, had led only a few years before and, of course,
4 for justice to which Bob Kennedy devoted his life.
5 Furthermore, Mr. Dahle, I ask that you please ask
6 District Attorney Jackie Lacey, that I would appreciate
7 the opportunity to personally meet with her in Los
8 Angeles at her earliest convenience. Would you please
9 convey my message to her? That I would hope you would
10 do. But I also accept your advice and recommendation to
11 go to the innocent unit now in her office. And to the
12 Parole Board, I hope you will consider all of the
13 accurate details of this crime that I have presented in
14 order for you to accurately determine Sirhan Sirhan's
15 eligibility for parole. If you do this right away and
16 the just way, I believe you will come to the same
17 conclusion I have that Sirhan should be released. If
18 justice is not your aim then, of course, you will not.
19 Again Sirhan was originally scheduled for release in
20 1984. But after intense political pressure his parole
21 date was rescinded and he has since been denied parole
22 13 times. The best example of this can be found in the
23 statement of Los Angeles District Attorney John Van de
24 Kamp. And let me read that because I highly respected
25 John Van de Kamp for a long time until he took a really

1 negative position on this case. Let's see. It's one of
2 those things I should have been presenting. Bob,
3 where's my --

4 **MR. BEEMER:** It's at the bottom.

5 **MR. PAUL SCHRADE:** At the bottom. Yeah. This is
6 a press statement made by then District Attorney Van de
7 Kamp who at one point -- and it's trying to
8 reinvestigate the case -- he took the media into the
9 pantry area. The hotel was closed down. Fortunately,
10 we were able to demolish it and build a school there.
11 It now has 42-hundred students from that neighborhood
12 who are being bussed out or -- in overcrowded schools.
13 But he took Van de Kamp into the pantry and he came out
14 and announced to the press we've been in the pantry,
15 we've checked the pantry area for bullet holes and we
16 found none. Of course, the pantry had been
17 rehabilitated and all new lumber in the -- in the -- in
18 the -- in the doorframe. It was kind of a ridiculous
19 kind of activity on behalf of a dignified District
20 Attorney. Van de Kamp -- hard to read now without my
21 reading glasses. Can somebody read this for me? Would
22 you read this for me?

23 **MR. BEEMER:** Do one of the attorneys --

24 **MR. PAUL SCHRADE:** Okay.

25 **PRESIDING COMMISSIONER ROBERTS:** You can submit

1 it if you want.

2 **MR. PAUL SCHRADE:** Well, I think it ought to be
3 heard by you and everybody else. It is not that we
4 should consider Senator Kennedy's life of more value
5 than any other individual. This is not the point. But
6 who knows why -- what role Kennedy might have played in
7 the history of this country and for that matter the
8 world had he gone on to become president? Van de Kamp
9 won. The Board did not overturn the cancellation of
10 automatic release in 1944 -- 1984 nor did it grant
11 parole. Sirhan's freedom had become an emotionally
12 charged political issue. Dr. T. Mehdi, head of the Arab
13 American Relations Committee, told the press, "'I have
14 said that Sirhan Bishara Sirhan is legally guilty and
15 Robert Kennedy is morally guilty. Sirhan is responsible
16 for the death of one person directly. Robert Kennedy is
17 responsible indirectly for the deaths of thousands of
18 Palestinians, Libyans, Syrians. What do you say to
19 that?' Sirhan's memory and motive would not be at issue
20 in the battle over his freedom but would be stipulated
21 by both sides." The point of John Van de Kamp was that
22 his life would be more valuable even upon his death, the
23 death of Robert Kennedy. Actually, what Van de Kamp is
24 saying to everybody is that Sirhan is a political
25 prisoner and that what he might have been able to do as

1 president of the United States is lost. Of course, it's
2 lost. I don't know how to -- let me just say finally I
3 believe you should grant Sirhan Sirhan parole. I ask
4 you to do that today in the name of Robert F. Kennedy
5 and in the name of justice. I know and you should know
6 that Sirhan did not shoot Robert Kennedy, did not kill
7 him. And the terrible truth is that he is a political
8 prisoner. He should not be in prison. He should never
9 have been in prison over this although he did shoot
10 other people. But it's not a crime that requires a life
11 sentence, a miserable life. Here we are sitting, we all
12 have good lives, we can leave here. And I understand
13 why Sirhan did not want to show up today because he
14 becomes physically ill after coming here and not knowing
15 -- and this is why I wanted you to know from me, Sirhan,
16 that I forgive you for shooting me but knowing that you
17 did not shoot Robert Kennedy. And you're being
18 mistreated so long. And I should have been here long
19 ago. And that's why I feel guilty of not being here to
20 help you and to help me understand what happened. My
21 love of Robert Kennedy was immense because I first
22 worked with him in his brother's campaign. I was at the
23 -- I worked -- I worked -- I worked two weeks ahead of
24 the -- of the 1970 convention because I was a long-time
25 supporter of Adlai Stevenson in California. I was on

1 his delegation to the -- to the '64 convention. That's
2 where I first met Robert Kennedy and Jack Kennedy in
3 Chicago at the -- not the -- it's the '54 convention.
4 Let me get my dates straight, '54 convention in Chicago.
5 And I was a delegate, officer of my union. Walter
6 Reuther, the president of our union of the United Auto
7 Workers Union, he and I went to a reception area in the
8 -- one of -- in the convention hotel which I had
9 advocated setting up because we wanted to relate to all
10 the other delegates, Michigan Delegation. So it was
11 loaded with UAW people from the auto locals. And when
12 we got to the area, Bob Kennedy and Jack Kennedy were
13 coming out of our reception. Jack Kennedy came up to
14 Walter Reuther and says Walter, I would like to get your
15 support for vice-president on the ticket with Adlai
16 Stevenson. And Walter Reuther said young man, you've
17 got to change your voting record. And Jack Kennedy's
18 voting record was not greatly liberal at that point.
19 But both he and Lyndon Johnson began moving. But that
20 was my first meeting with Bob Kennedy and with Jack
21 Kennedy. Well, during the convention I was actually
22 administrative assistant to Walter Reuther at that point
23 and living in Detroit. I had left California. We had
24 changed directors and I worked for him for a while. But
25 Reuther wanted me to come in on his staff in Detroit.

1 So Reuther said, well, it's a wide open convention that
2 Stevenson is running, Kennedy is running and so forth.
3 Well, I had been a very strong advocate and knew Adlai
4 Stevenson. So I was an administrative assistant of
5 Walter Reuther campaigning in Michigan for Adlai
6 Stevenson. In fact, we had a convention of labor --
7 whole labor convention set up in Lansing. And we were
8 bringing Adlai Stevenson to -- he'd been in Latin
9 America and strong on foreign policy. Therefore, he's
10 going to be a better candidate than Jack Kennedy. Well,
11 Reuther was supporting Kennedy. And Kennedy would say
12 Paul you're running -- you're moving around Michigan as
13 my administrative assistant going for Stevenson and you
14 know I'm for Kennedy. And I said yeah, but you said it
15 was free and I'm still -- I am still your assistant,
16 okay? So we had sort of fun over this. So Stevenson
17 canceled us in this big convention after this -- his
18 trip to Latin America. So I called his guys in Chicago
19 and I says is he really a serious candidate. And we
20 don't know. I said here you're his campaign organizer
21 and you don't know? And so I went to Reuther and said
22 look, I'm not sure about Stevenson even being serious --
23 a serious candidate, so I'm willing to join with you and
24 Jack Kennedy's campaign. And so Walter said to me, he
25 says, well, what we're concerned about is that Adlai

1 Stevenson is going to be -- make a deal with Lyndon
2 Johnson. And I said look, Walter, I'm volunteering to
3 going to work for Jack Kennedy, but if anybody is going
4 to make a deal with Lyndon Johnson it's going to be John
5 Kennedy, I mean because their voting records are
6 similar.

7 **PRESIDING COMMISSIONER ROBERTS:** Sir, can I ask
8 you to bring it to a conclusion because you're -- you
9 know, quite frankly, you're losing us. And I realize
10 you've got a lot of history. Yeah. But if you --

11 **MR. PAUL SCHRADE:** Yeah. But I think that, you
12 know, I was told that I could speak as long as I want.
13 Maybe it's not good for me --

14 **PRESIDING COMMISSIONER ROBERTS:** Well, as long
15 as --

16 **MR. PAUL SCHRADE:** -- to do that. And I agree
17 with you.

18 **PRESIDING COMMISSIONER ROBERTS:** Okay.

19 **MR. PAUL SCHRADE:** Okay. Let me -- let me
20 just --

21 **PRESIDING COMMISSIONER ROBERTS:** Because you --
22 because you might lose us. We want to make sure you
23 don't lose us. So if you could summarize for us I'd
24 appreciate it.

25 **MR. PAUL SCHRADE:** I think you've been lost for a

1 long time. So I hope -- the other Commissioner was
2 speaking about the possibility of going back to Jordan,
3 of going to live with his brother, Munir, that there was
4 some possibility here finally after years and years of
5 this process, keeping him in prison as a political
6 prisoner. There's some hope here today, not necessarily
7 from you because you were sort of retrying his testimony
8 or his case, but from the other Commissioner in talking
9 about the possibilities of Jordan or going home with
10 Munir. So that was the only little hope I've had here
11 today. Because I found the questioning of Sirhan quite
12 abusive. Let me finally say that I wouldn't be here
13 today saying what I'm saying if it wasn't for my love of
14 Robert Kennedy and what he meant to me and what he meant
15 to the country and to the world. He was a fantastic
16 person, the best politician I ever met, and I've met
17 many. And I have to do this because I figure that I am
18 bearing witness for him because I know that he would not
19 want to happen to -- what's happening to Sirhan to
20 happen to him at all. He was a very forgiving person.
21 And I want to honor his memory by talking about justice
22 for Sirhan and justice for Robert Kennedy. Because we
23 still don't know who that second gunman is even though
24 the prosecution had plenty of evidence that there was a
25 second gunman but proceeded against Sirhan anyway. So

1 that's why I don't work really with Sirhan's lawyers
2 because I'm taking a separate independent position. And
3 that is the prosecutors in this case for what they did
4 to Sirhan should be prosecuted because the evidence is
5 there that the prosecutors had that Sirhan couldn't and
6 didn't shoot Robert Kennedy and they acted anyway
7 against the person who was there shooting but did not
8 shoot Robert Kennedy. And that's why I bear witness
9 today for Robert Kennedy. And hopefully you will free
10 Sirhan. He deserves that. Justice deserves that. The
11 memory of Robert Kennedy deserves it. Thank you.

PRESIDING COMMISSIONER ROBERTS: Okay.

ATTORNEY PEPPER: Thank you.

PRESIDING COMMISSIONER ROBERTS: We'll now recess
liberations. The time is approximately 1:15.

R E C E S S

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1 **CALIFORNIA BOARD OF PAROLE HEARINGS**2 **D E C I S I O N**

3 **DEPUTY COMMISSIONER STANTON:** We're back on the
4 record.

5 **PRESIDING COMMISSIONER ROBERTS:** All right.

6 We're back on the record. And this is in the matter of
7 Sirhan Sirhan, CDC number B-21014. Today's date is
8 February the 10th, 2016. Time is approximately 2:30
9 p.m. All the parties who were previously in the room
10 have returned to the room except for one of the --

11 **UNIDENTIFIED MALE SPEAKER:** He's out --

12 **PRESIDING COMMISSIONER ROBERTS:** He's coming
13 back?

14 **UNIDENTIFIED MALE SPEAKER:** No.

15 **PRESIDING COMMISSIONER ROBERTS:** No. Is he --

16 **UNIDENTIFIED MALE SPEAKER:** He'd like to, I'm
17 sure.

18 **PRESIDING COMMISSIONER ROBERTS:** Okay.

19 **UNIDENTIFIED MALE SPEAKER:** But I don't know if
20 he can.

21 **PRESIDING COMMISSIONER ROBERTS:** All right.

22 Well, we'll see if we can get him here. One of the
23 victim's assistants has left. Everybody else has
24 returned to the room again. We're here for the

1 pronouncement of the Panel -- the Panel's decision. Now
2 by way of a background, we note that Mr. Sirhan was
3 received by the California Department of Corrections and
4 Rehabilitation on or about May the 23rd, 1969 from the
5 county of Los Angeles. The controlling offense in this
6 case is a First Degree Murder arising from a conviction
7 in case number A233421 and resulted in a life term
8 sentence. Actually, initially it resulted in a death
9 penalty sentence, but it was modified to life on
10 8/5/1972. We note that he was also convicted of five
11 counts of Assault with a Deadly Weapon. He has a
12 minimum eligible parole date of April the 26th, 1973.
13 And the life term did start on May 23rd, 1969. Now in
14 this case, the Panel has read and considered the written
15 record before us, including but not limited to the
16 Central File, the Comprehensive Risk Assessments,
17 additional documents that were submitted up to
18 yesterday, I believe it was, and we also considered all
19 the written responses received from the public. Now
20 this Panel is not in the position to accept as true new
21 evidence. New reports, new opinions have not been
22 arduously tested by the judicial process. And we just
23 cannot consider it. We are bound by the findings of the
24 California Supreme Court in this case and the facts and
25

SIRHAN SIRHAN

B-21014

DECISION PAGE 2

2/10/16

1 findings that they have made. We reviewed your
2 confidential file. It's huge, but we didn't find
3 anything in there that was particularly helpful in
4 determining suitability for today. We also considered
5 the testimony that you presented at this hearing,
6 Mr. Sirhan, and the input that we received from one of
7 the victims who was with us here today. Now, the
8 fundamental consideration when making a parole
9 eligibility decision is the potential threat to public
10 safety upon an inmate's release. Accordingly, a denial
11 of parole must be based upon evidence in the record of
12 the inmate's current dangerousness. It's having those
13 legal standards in mind that we find that Mr. Sirhan
14 continues to pose an unreasonable risk of danger to
15 society or a threat to public safety and is therefore
16 not suitable for parole today. The record does reflect
17 circumstances that tend to show suitability for parole.
18 Namely, we found that he did not have a significant
19 history of violent crime either as a juvenile or as an
20 adult. We believe that he had a stable social history.
21 We talked about even though he lived early on in his
22 life in a pretty unstable world, his family unit and
23 family were very stable and when they came to the US
24 remained so. We also believe what weighs in his favor

25 **SIRHAN SIRHAN** **B-21014** **DECISION PAGE 3** **2/10/16**

1 is the fact that he is at an age that reduces the
2 probability of recidivism, considering his age of 71,
3 72. We did also, like the clinician, go through and
4 make the elderly parole considerations and ours aligned
5 with the clinician. By and large, age didn't appear to
6 be a mitigating factor, but there were a couple of
7 mitigating factors there. We believe that you've made
8 realistic plans for release and have developed
9 marketable skills that can be put to release (sic). And
10 we say that based basically on that it's probably the
11 best you could do in the fact that you believe you're
12 going to be deported to Jordan. And it seems like
13 you've reached out to family there or family have
14 reached out to family there and you seem to have some
15 support there. And certainly your brother supports you
16 here, should you not. We think that was well
17 represented today by counsel. It was nice to have them
18 tell us they had talked to him because we didn't have
19 anything current. And we also noted you have a viable
20 skillset in terms of a marketable skill in office
21 services and related technologies. While it's a little
22 dated, you talked about being able to brush it up. And
23 we felt your parole plans for you were just as good as
24 they're going to get and they were just fine. Okay. So

25 **SIRHAN SIRHAN** **B-21014** **DECISION PAGE 4** **2/10/16**

1 we felt that weighed in your favor. We also felt what
2 weighed in your favor was that you lacked any serious
3 rules violations in, it looks to me to be about 43
4 years. And we talked about that today. Even if you did
5 them it's been so long, while we would consider them we
6 wouldn't give them any weight, it's been so long. Now
7 those positives however are far outweighed by other
8 circumstances that tend to show unsuitability for parole
9 and suggest that if released that you would pose a
10 potential threat to public safety. We specifically find
11 that you committed the life offense in a particularly
12 heinous and atrocious and offensive manner. As opined
13 by the California State Supreme Court, you were
14 responsible for the shooting of Robert Kennedy and the
15 other five victims in this case. And the reason as they
16 have opined, which would seem reasonable, was your anger
17 with Senator Kennedy over his support of the Jewish
18 state. Now the Supreme Court has ruled that after a
19 long period of time immutable factors often are no
20 longer relevant. However in your case we believe that
21 the crime committed in this offense is one of a very few
22 and falls into the category that remain relevant today.
23 And as such we considered it and gave it considerable
24 weight. This crime impacted a nation and I daresay that

25 **SIRHAN SIRHAN** **B-21014** **DECISION PAGE 5** **2/10/16**

1 it impacted a world. The depth and breadth of its
2 impact is still resonant today. It was a political
3 assassination on a very viable presidential candidate.
4 It was an attack upon the Democratic system that we
5 reside in and it actually clearly affected the potential
6 of this nation and it remains relevant today. In this
7 case we also considered whether there were other
8 circumstances that would be coupled with that immutable
9 circumstance that leads us to the conclusion that you
10 continue to pose an unreasonable risk to public safety.
11 And we find that you do for the following reasons. We
12 gave significant weight to the fact that we believe you
13 lack insight into the underlying causative factors of
14 the life crime. Insight is specifically critical in
15 cases such as this where an individual has -- excuse me
16 -- no prior propensity towards violence at least
17 documented so or an unstable social history that would
18 suggest violence. It is critical to have a significant
19 understanding as to why he would resort to violence in
20 this case. While anger appears to be at the core of it,
21 he has yet to make the necessary connections between his
22 anger and his violence. His violence also appears to be
23 very situational. Absent sufficient insight he cannot
24 develop the necessary or requisite coping mechanisms or

25 **SIRHAN SIRHAN** **B-21014** **DECISION PAGE 6** **2/10/16**

1 skillsets that would assist him in abating this very
2 specific mindset. We do not find his claim of memory
3 loss to be credible given his other testimony, his other
4 recall and the testimony of others. We also find that
5 Mr. Sirhan has failed to demonstrate sufficient progress
6 in other areas that tend to show he is suitable for
7 parole but instead demonstrate his unsuitability for
8 parole. We feel that you failed to lack adequate signs
9 of remorse and to accept full responsibility for your
10 criminal actions. Perhaps you did better at the last
11 hearing. I read in the last hearing you at least
12 accepted responsibility for the shooting of the other
13 victims. And today you didn't even do that. Today you
14 indicated you were not responsible for anything. And we
15 know those who don't take full responsibility for their
16 criminals acts and those who do not show adequate signs
17 of remorse, these people are likely to recidivate. And
18 that makes you a current danger to the public safety.
19 And we gave moderate weight to that. We also gave
20 moderate weight to the fact that we feel you have not
21 sufficiently engaged in institutional activities that
22 would indicate an enhanced ability to function within
23 the law upon release. There are two areas in concern.
24 The first was talked to you or talked with you by the

25 **SIRHAN SIRHAN** **B-21014** **DECISION PAGE 7** **2/10/16**

1 previous Panel. And that was about anger. And when we
2 talked with you today about your anger and your
3 skillsets and coping mechanisms to address anger, your
4 answer was I don't get angry anymore. And that seemed a
5 little superficial to us. But we did acknowledge you
6 did talk about some skillsets that you did have. You
7 walk away. So that was to a lesser degree. But to a
8 greater degree you asserted to the clinician and today
9 at this hearing that alcohol played a significant role
10 in the decision making that night and your actions on
11 the night of the life crime. You have participated in
12 AA and NA in the past. But today you were unable to
13 identify skillsets and coping mechanisms to address this
14 beyond that I'm just simply not going to drink. You did
15 not identify these skillsets and coping mechanisms that
16 we feel that you could or would use should you find
17 yourself in similar circumstances such as anger and
18 being in a place where alcohol is being used and tempted
19 to be using alcohol. And absent those skillsets and
20 coping mechanisms we feel you are a current risk of
21 danger to the public safety because it is -- you are
22 likely to react as you have in the past. And we feel
23 that makes you a current risk of danger to the public
24 safety. We considered the Comprehensive Risk

1 Assessments past and current. We looked at Dr. Brown's
2 and we looked at Dr. Sahni's report. And Dr. Sahni
3 talked to you on October the 20th, 2015. Dr. Sahni said
4 that you present a statistically low risk of violent
5 re-offense. She does -- her report does generally
6 support release, we believe. However she does note the
7 issues with insight or lack of insight and only
8 intellectualized remorse. And we give it a different
9 weight than she does, I think. Now the Supreme Court
10 has held that a psychological evaluation of an inmate's
11 future risk of violence is information that also bears
12 on the prisoner's suitability for release but such
13 assessment does not necessarily dictate the Board's
14 decision. It is the Board's job to assess
15 dangerousness. And in this case, despite Dr. Sahni's
16 risk assessment, the Panel does not find significant
17 evidence of positive rehabilitation that convinces us
18 that if released Mr. Sirhan would pose a potential
19 threat to public safety. Anything you'd like to add?

20 **DEPUTY COMMISSIONER STANTON:** Oh, Commissioner
21 Roberts went through a lot of the things that we
22 discussed that I thought -- you know, I put down a lot
23 of things that were my personal issues. I didn't vote
24 for a date for you. And anybody that knows me knows I

25 **SIRHAN SIRHAN** **B-21014** **DECISION PAGE 9** **2/10/16**

1 would if I really thought you were suitable for parole.
2 But I've got some real issues with your case and I'll
3 tell you exactly what I -- why I think that. I mean
4 it's pretty clear you've done at least acceptably well.
5 Mr. Dahle, the representative for The People, brought up
6 some conflicts you had in prison, maybe some issues.
7 But considering the span of time that you've been in
8 prison, that wasn't -- that's not what influenced me.
9 Okay. And you've got a pretty good work record. If
10 there were some really bad stuff I would have assumed at
11 this point you would have had some disciplinaries and
12 you don't. Okay. You've upgraded educationally,
13 vocationally, et cetera. And Commissioner Roberts
14 pointed out, and it's very important to keep in mind,
15 that we are constrained by the court's findings. We are
16 not a court of law. We can't change your conviction.
17 But in fairness to you, you submitted several documents
18 that raise at least provocative questions regarding what
19 exactly transpired. You've got an actual victim here
20 from -- that was present, who was shot by you and
21 expressed his thoughts regarding the case. So what are
22 -- and so there's a lot of controversy regarding
23 evidentiary matters in this. Okay. I'm not going to
24 say there aren't. But there are a lot of undisputed

1 facts. And that's where my issues lie for the most part
2 primarily on these undisputed things that -- and that's
3 what bothered me. Okay. The reason I say that is
4 because I have to think of this in terms of risk to the
5 community if you're released. And this is not your
6 typical case. Okay. I mean we've been doing lifer
7 hearings on both sides of the table. I have for 20
8 something years now. And so I looked at the documents
9 that you presented and I thought, well, okay, even if I
10 were to accept that you were not guilty of the murder of
11 Robert Kennedy, okay, there are a couple things that
12 are, like I said, undisputed. First of all you were
13 present and you had a gun. According to the witnesses
14 you pulled out the gun and you aimed it at Mr. Kennedy
15 and you shot it multiple times. And you injured
16 multiple people. So at a minimum there was at least an
17 attempt to kill him. Okay. So I have to think, well,
18 all right, then according to the documentation that was
19 submitted there's a question of whether you knew what
20 you were doing, the memory issue and whether you were
21 under coercion or maybe if there was a conspiracy or
22 maybe there was hypnosis involved. Okay. So again I
23 have to consider the public safety factors on that. So
24 I thought about it. I thought, well, I just personally

1 don't believe that you were hypnotized. And if you were
2 I don't believe it was by someone else. Okay. This is
3 just my opinion. This is the things that bothered me a
4 lot. First of all, at most I would have thought you
5 would have had some memory loss possibly from the
6 alcohol. But then I've got Detective Unrue (phonetic)
7 saying he didn't think you were intoxicated. You said
8 you drank four Tom Collins. That doesn't seem to be
9 disputed so maybe you were. All right. But there was a
10 motive involved. I mean there appears to me there was a
11 motive. You're an avid reader of Middle Eastern issues
12 at that time. You had a deep-seated anger from what you
13 told me here. You were very upset over Mr. Kennedy's
14 promise to aid Israel, I think with jets or something
15 that could attack Palestine or Arabian countries. And
16 there are too many things for me to accept that you
17 would have been hypnotized. You went to the -- and even
18 though you say you don't remember, you went to the
19 Ambassador Hotel or were seen there inquiring about him.
20 You spent an inordinate amount of time in a firing range
21 right before. And I know you told me that, well, I went
22 there a lot. But to me, I mean I've been at firing
23 ranges and I don't -- I've never seen anybody spend that
24 kind of time in one single -- or one single time going

1 to the range spend that, what -- that many hours just
2 sitting there shooting. I thought that was a little bit
3 -- but anyway, minor but still something I thought
4 about. It's alleged you practiced some kind of fast
5 firing. You denied that. But I know from your
6 testimony you verified it, that you joined the
7 Rosicrucian and you practiced, excuse me, a lot of
8 self-hypnosis. Okay. So there was a lot of evidence
9 that if you were hypnotized it was by yourself. I
10 didn't see anything that would indicate to me you were
11 hypnotized by another party or someone else that had
12 plans of assassinating Robert Kennedy. It took -- the
13 incident took place on the anniversary of the Arab and
14 Israeli war. That was kind of interesting. According
15 to what I read you asked if you were -- you went to the
16 pantry and asked if Kennedy was going to come through
17 the pantry. You were there for, I believe, like a half
18 an hour. The way that you shot, according to what I
19 read you made a gesture to shake his hand and then
20 pulled out the gun and started shooting and you
21 continued shooting. Your explanation to the doctors was
22 I don't know why I did it. I'm not -- I don't know the
23 level of intoxication. But I'm not as convinced -- and
24 this is a -- and I understand there's a lot of experts

1 -- but I'm not that convinced that you didn't know or
2 that you don't remember, to be honest with you. So that
3 made me think, okay, well, if you weren't hypnotized --
4 and then I had to believe that you knew what you were
5 doing. So if you knew what you were doing and you made
6 an attempt to kill Senator Kennedy, how much different
7 is it whether you're the person who shot him or not. If
8 you went there with the intent to kill him and you
9 pulled out a gun and shot at him, I don't really see the
10 big difference in my mind as far as your dangerousness.
11 A person who goes to kill somebody and it ends up being
12 someone else who kills them, what's the difference? You
13 still have the same intent. Your intent was to go there
14 and kill him. And that's where that becomes dangerous
15 to me. Now the court, Trial Court -- or the Appellate
16 Court found that -- and I'm quoting them, "And here the
17 defendant had ample time to reflect upon the killing and
18 through the -- though the evidence was conflicting the
19 heretofore summarized evidence constitutes substantial
20 proof that at the time of the shooting he was not
21 paranoid, schizophrenic in a dissociative state or
22 intoxicated." That's what they found. So now I'm
23 thinking, well, okay, if I don't believe you were
24 hypnotized or intoxicated then you had to know what you

1 were doing. And if you knew what you were doing then --
2 and I started thinking about, well, let's look at the
3 magnitude of the crime. Commissioner Roberts pointed
4 out this was carried out in an exceptionally cruel and
5 callous manner. He may not have used that words. But
6 that's what in our statute. Why would it be an
7 especially cruel and callous -- or calculated and
8 dispassionate, I should say? Because this was intended
9 to be an execution of -- that would have and did, by the
10 -- by the result, cause harm to millions. And you would
11 have known that going in there. So to me, that's
12 evidence of exceptionally callous disregard for the
13 suffering of countless people. Two things, the -- and
14 one of them -- and the doctor, in 2006, I guess put it
15 about as well as I could and maybe better. And this was
16 the other issue I had, was the crime itself. And I'm
17 quoting the doctor now and it's Dr. Kuberski. And he
18 says that, "In estimating the risk for violent
19 recidivism in the community it's important to recognize
20 that the murder of Senator Robert Kennedy was
21 politically -- a politically motivated assassination and
22 terrorist act. Sirhan was interested in changing the
23 course of history and avenging the honor of his people
24 by murdering a man he considered a Hitler for Arabs. As

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1 such, typical parole considerations in the review of
2 life crimes such as prior criminal records, level of
3 supervision, family support, opportunities in the
4 community and the like are largely irrelevant." And I
5 actually personally agree with that. To me, I'm not
6 surprised at all you do well in prison. Why wouldn't
7 you? It's a different arena. There's no point in being
8 violent here. I don't perceive you as someone who's
9 just a violent person. My perception is someone who is
10 on a mission however long it takes. And that's why I
11 perceive you to be a current threat because -- and this
12 is where Dr. Sahni and I part. I believe that your
13 level of dangerousness within the setting of the --
14 structured setting of the institution is low. That
15 doesn't surprise me at all. What would be the point of
16 being violent in here? To me, it's like someone who's
17 going after the head of a snake. Why nip at the body?
18 It's not going to have any effect. There's absolutely
19 no point not to mention you don't have a gun and you
20 probably -- a lot of guys out here are a lot bigger than
21 you. So it would be absolutely pointless to be -- it's
22 no surprise to me at all that you do well in prison.
23 But the prison setting and you in a -- out in the
24 community are two different things. And the problem I

1 have is that your perspective or your -- and you're not
2 required -- I understand fully the law, that you're not
3 required to admit the offense or discuss it or whatever.
4 But from what you have told the doctor I don't see that
5 you've changed. I don't see an individual who's changed
6 or rehabilitated. I see someone who has sat in prison
7 for a long time but still basically saying I don't
8 remember, in fact, at this point I don't even think I
9 did it, I'm not legally responsible for anything. Those
10 are your words not mine. And if that's the case then
11 you remain as dangerous as the day you came to prison.
12 Even in here he days how you would act at least in the
13 community is (inaudible). If involved in politics you'd
14 be an enormously motivating presence for terror in this
15 evaluation. And that's the way I perceive it. With
16 your attitude or your presentation regarding the crime
17 -- and I understand the victim's position, you know.
18 Because the victim feels that you didn't know what you
19 were doing. And that's where we don't agree. Based on
20 the evidence that I have seen and what I have in front
21 of me that most has been undisputed I don't believe that
22 you didn't know what you were doing at the time. And if
23 you did know what you were doing and you still have the
24 same present state of mind then you really haven't

1 changed. And to me, then you'd be just as dangerous as
2 when you came to prison like I just said. And that's
3 the reason I didn't vote for a date. That's my reason
4 why I think you -- I think the magnitude of the crime --
5 and just like Commissioner Roberts pointed out, it falls
6 under an exception because it is -- this is not an
7 average crime. This is not what we see typically in
8 parole proceedings that we do countless every day. So
9 two reasons, the magnitude of the crime and your present
10 attitude towards the crime, to me, indicate a current
11 dangerousness. I'll return it.

12 **PRESIDING COMMISSIONER ROBERTS:** All right.

13 Thank you. Now based on these findings we conclude that
14 Mr. Sirhan continues to pose an unreasonable risk of
15 danger and a threat to the public safety if he is to be
16 released from prison at this time. Accordingly, we find
17 him not suitable for parole today. This decision is a
18 proposed decision not a final decision. The Board has
19 120 days to review that decision and to finalize it.
20 You'll be notified in writing if there are any changes
21 to that decision. With regard to the length of denial,
22 the Panel here today is obligated to adhere to Marsy's
23 Law or Prop 9. It is presumed that we would deny at 15
24 years unless there is clear and convincing evidence why

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1 the public safety would not require a denial period of
2 that length. We feel there is clear and convincing
3 evidence under those standards that the public safety
4 wouldn't require a 15-year denial. The fact that you've
5 established a stable relationship with your brother and
6 family in Jordan and the fact that you haven't been
7 involved in violence in at least 43 years in prison, we
8 feel that would be supportive of the fact that the
9 public safety would not require a 15-year denial. We
10 looked at ten years which is the next level and we felt
11 the fact that your age of 71 or 72 is of an age that
12 reduces the probability of recidivism. And we think
13 that that would suggest the public safety wouldn't
14 require a ten-year denial. That brings us to the lower
15 echelon of seven, five and three. And we thought the
16 fact that you've at least established realistic parole
17 plans and marketable skills that can be put to use upon
18 release would suggest not the highest. However, with
19 regard to institutional activities, we're not convinced
20 that you've been recently amenable. You were told to do
21 certain things at the last hearing. And you said first
22 you were put on the waiting list. Then when you came
23 here, just not getting angry anymore so you're not going
24 to do it, you didn't need to do it. That questions

1 whether you're amenable to that and those suggestions.
2 However, we feel there is some weight there. So the
3 Panel felt that the most appropriate time period would
4 be five years so this is a five-year denial. Please be
5 aware that you can request an earlier hearing than the
6 denial period we've issued today provided that there's
7 been a change of circumstance or new information that
8 establishes a reasonable likelihood that you don't
9 require additional incarceration. That's done on a
10 Petition to Advance form. You can obtain a copy from
11 your correctional counselor or the law library. The
12 Board will send you one if you request one. Between now
13 and the next hearing the Panel makes the following
14 recommendations to you, sir. We recommend that you stay
15 disciplinary-free and earn positive chronos. You've
16 been able to do that and we want you to continue to do
17 that. And we'd like to see you get self-help to address
18 the areas of which we've discussed today. And with
19 that, the Panel would like to wish you good luck, sir.
20 And we'd like to have the record reflect that Mr. Sirhan
21 has been very cooperative and very restrained during
22 this hearing unlike the last. And I want to commend you
23 for that, sir. I know it was a disappointment. But you
24 have been -- I want the record to reflect -- because it

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1 didn't reflect well last time. And I -- today you've
2 been very good. And thank you for that. And we'll now
3 conclude the hearing. The time is approximately 2:55.
4 Good luck, sir.

A D J O U R N M E N T

9 THIS TRANSCRIPT CONTAINS THE PROPOSED DECISION OF THE
10 BOARD OF PAROLE HEARINGS (BOARD) ANNOUNCED AT YOUR
11 RECENT BOARD HEARING AND IS PROVIDED TO YOU IN
12 COMPLIANCE WITH PENAL CODE SECTION 3041.5, SUBDIVISION
13 (A) (4), AND CALIFORNIA CODE OF REGULATIONS, TITLE 15,
14 SECTION 2254. THIS PROPOSED DECISION WILL BECOME FINAL
15 WITHIN 120 DAYS OF THE DATE OF THE HEARING AS REQUIRED
16 BY PENAL CODE SECTION 3041, SUBDIVISION (B), UNLESS THE
17 BOARD NOTIFIES YOU IN WRITING BEFORE THEN THAT THE
18 PROPOSED DECISION HAS BEEN MODIFIED, VACATED OR REFERRED
19 TO THE FULL BOARD, SITTING EN BANC, DUE TO AN ERROR OF
20 LAW, ERROR OF FACT OR NEW INFORMATION PURSUANT TO
21 CALIFORNIA CODE OF REGULATIONS, TITLE 15, SECTION 2042.
22 THEREAFTER, THE GOVERNOR HAS AUTHORITY TO REVIEW THE
23 BOARD'S DECISION AND AFFIRM, MODIFY, OR REVERSE IT
24 PURSUANT TO PENAL CODE SECTIONS 3041.1 AND 3041.2.

25 | SIRHAN SIRHAN B-21014 DECISION PAGE 21 2/10/16

**CERTIFICATE AND
DECLARATION OF TRANSCRIBER**

I, CYNTHIA L. WILLMETT, as the Official Transcriber, hereby certify that the attached proceedings:

In the matter of the Life) CDC Number: B-21014
Term Parole Consideration)
Hearing of:)
)
SIRHAN SIRHAN)
)

R.J. DONOVAN CORRECTIONAL FACILITY AT ROCK MOUNTAIN

SAN DIEGO, CALIFORNIA

FEBRUARY 10, 2016

9:10 A.M.

were held as herein appears. Further, this transcript is a true, complete, and accurate record, to the best of my ability, of the recorded material provided for transcription.



Cynthia L. Willmett
February 20, 2016
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