PRESS COVERAGE OF THE PSYCHIATRISTS AND PSYCHOLOGISTS WHO TESTIFIED IN THE SIRHAN BISHARA SIRHAN TRIAL

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CHAPTER I

INTRODUCTION

Statement of the Problem

The purpose of this thesis is to analyze the press coverage of the psychiatrists and psychologists who testified in the Sirhan Bishara Sirhan trial. Sirhan Sirhan shot and killed Senator Robert F. Kennedy in the kitchen of the Ambassador Hotel in Los Angeles, California on June 4, 1968. Senator Kennedy had just completed his speech celebrating his victory in the California Democratic primary for President of the United States.

The trial of Sirhan Sirhan took place from the beginning of January, 1969 to the end of April, 1969. The defense pleaded for life imprisonment rather than the death penalty because of the defendant's psychotic "diminished responsibility." Two psychiatrists and six psychologists testified for the defense that Sirhan was a schizophrenic; the chief expert witness for the defense, a psychiatrist, maintained that Sirhan was in a "trance" or "hypnotic state" when he killed Senator Kennedy. One psychiatrist and one psychologist testified for the prosecution that Sirhan was mentally sane enough (according to their interpretations of California law) to have premeditated the "political assassination."

Thus, the trial that was sensational from the outset, became even more so because of this apparent "battle" of psychiatrists and psychologists. These discrepancies, coupled with their technical jargon, confused the jury and the press (see Chapter V). The jury found Sirhan guilty of first-degree murder and sentenced him to death. Many interpreted this verdict to be a repudiation of the fields of psychiatry and psychology. Emile Zola Berman himself, a defense attorney for Sirhan, admitted, "I just regret that the sciences of psychology and psychiatry are held in such low esteem."[1]

It is this author's contention that Sirhan Sirhan was (and is) mentally ill and was in a trance or hypnotic state at the time he killed Robert F. Kennedy. This conclusion was arrived at after studying the testifying psychiatrists' and psychologists' statements (especially those of Bernard L. Diamond, psychiatrist for the defense,) and Sirhan's statements, attitudes, and activities before and during his trial. The jury and the press could not accept the bulk of this psychiatric testimony which said Sirhan was mentally ill. They could not accept it because of the structure of American legal proceedings; psychiatrists and psychologists are forced to use legal definitions of mental illness in their testimony which results in differences of interpretation. How could the jury or the public trust experts who could not agree among themselves? (See Chapter II).

Testimony of Bernard L. Diamond, M.D.

Dr. Bernard L. Diamond, chief psychiatrist for the defense, and associate dean of the School of Criminology, professor in the School of Law, and professor in the Department of Psychiatry of the University of California,

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[1]Robert B. Kaiser, "R.F.K. Must Die!" (New York: E.P. Dutton & Co., Inc., 1970), p. 499.

maintained the theory that Sirhan was in a hypnotic state at the time he killed Kennedy. Sirhan had been avidly studying self-hypnotism by reading occult material produced and distributed by the Rosicrucians. He had learned to hypnotize himself by staring into his bedroom mirror. When Dr. Diamond found it so easy to hypnotize Sirhan, he realized that Sirhan must have been hypnotized before. Dr. Diamond, after hypnotizing Sirhan several times (all with witnesses and taped) found Sirhan's writing while hypnotized to be very similar in pattern to the nonsensical writing in his notebook.

Sirhan's notebook was one of the mysteries of the case which was never completely cleared up (see Appendix in Kaiser's "R.F.K. Must Die!" for sample pages of notebook). Most of it was nonsensical phrases repeated many times or verbiose, but intelligent, declarations about American politics. The notebook was a mystery because, just as Sirhan could not remember actually killing Robert Kennedy, he could not remember writing certain things in the notebook. But when Diamond hypnotized Sirhan and gave him paper and a pencil, Sirhan's written responses started to make things clear.

Dr. Diamond asked Sirhan to write something about Kennedy. Sirhan wrote, "RFK RFK RFK RFK RFK must die RFK must die RFK must die RFK must die RFK must die RFK must die RFK must die RFK must die RFK must die." This was very similar to the jottings in the notebook. So Diamond asked, "Is this the way you wrote the notebook at home?" Sirhan answered, "Yes yes yes yes." Then, "Were you hypnotized when you wrote the notebook?" "Yes yes yes." "Who hypnotized you when you wrote the notebook? Write his name down." Sirhan wrote, "Mirror mirror my mirr my mirror."[2] Dr. Diamond concluded that Sirhan practiced automatic writing while in these self-induced hypnotic trances. And, this is when

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[2] Ibid., pp. 365-367.

he wrote many of his plans to assassinate Robert Kennedy.

Dr. Diamond, in an interview with an editor of Psychology Today, stated,

> Without real knowledge or awareness of what was happening in the trances, he rigorously programmed himself for the assassination exactly the way a computer is programmed by its magnetic tape. In his unconscious mind there existed a plan for the fulfillment of his sick, paranoid hatred of Kennedy and all who might want to help the Jews. In his conscious mind there was no awareness of such a plan, or that he, Sirhan, was to be the instrument of assassination.
>
> It took a series of unlikely events, unrelated and accidental, to put Sirhan in the physical situation -- with a loaded gun, face to face with Kennedy -- and to release this unconscious mechanism...
>
> Sirhan ended up half drunk on gin -- Tom Collinses -- at the hotel late on the night of June 4, when Kennedy won the primary. By the least likely accident of all he blundered into an alcove lined with mirrors and wall lights, which triggered him into his dissociated state...

After "drifting around the hotel for hours" and drinking "four Tom Collinses...about eleven o'clock Sirhan decided to go home," according to Diamond.

> That was the last conscious memory he had...Under hypnosis he tells us of walking out to his car but feels sick, too drunk to drive. He notices his .22 on the back seat and is afraid the Jews -- that paranoia again -- will steal it, so he hides it in the top of his pants and drifts back to drink several cups of coffee...
>
> On the way to get another cup of coffee he finds himself in this alcove with dazzling lights and mirrors...the lights and mirrors triggered off the same kind of dissociated state that he had practiced in the Rosicrucian exercises...Sirhan tells us under hypnosis of leaning on a table feeling sleepy and not sure where he is. He sees "these people coming at me." Then there's Kennedy and his first thought is to shake hands with the Senator...
>
> Under hypnosis...Then he grabs for his gun and shoots like this, shouting, "You son of a bitch!" A few seconds later he is choking, an actual spasm of the larynx, re-experiencing the moment when Kennedy's men have grabbed him by the throat.[3]

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[3]T George Harris, "Sirhan B. Sirhan's Bizarre Paranoia -- A Conversation with Bernard Diamond, M.D., "Psychology Today, September, 1969, pp. 50, 55.

Robert Kaiser, in his thorough account of the aftermath of the assassination, "R.F.K. Must Die!", accepts Diamond's theory and goes one step further. Kaiser maintains the possibility that Sirhan Sirhan was hired to kill Kennedy without his consciously knowing it. Kaiser feels that Sirhan was programmed by hypnosis to kill Kennedy and to forget who had ordered him to do so:

> ...the evidence in Sirhan's notebook that Sirhan associated the killing of Robert Kennedy with some kind of payoff to himself. Whenever the name of Kennedy appeared there, it was always accompanied by 'please pay to the order of Sirhan' and that phrase appeared nowhere else in the notebook -- only on "kill" or "Kennedy" pages...it was clear that in his notebook he was repeating instructions to forget any promises of money: "I have never heard please pay to the order of of of of of of of of of of this or that 80000."[4]

The Purpose of this Study

The purpose of this study was to analyze the press coverage of the psychiatrists and psychologists who testified in the Sirhan Sirhan trial as to whether they were presented with positive "bias," with negative "bias," or in a neutral manner, which will be regarded as "fair." The term "bias" in this study was used to mean accurate portrayal of the positive or negative characteristics of the psychiatrists and psychologists as well as actual bias since these two components could not be separated. The study attempted to find out how the psychiatrists and psychologists are portrayed in the press - one of the main contacts the public has with these professionals. The preceding theories and the following history are presented only for background so that the implications of the results of the study will be more readily understood. A content analysis of newspaper and magazine articles was performed which covered eighty-

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[4]Kaiser, "R.F.K. Must Die!" p. 538.

eight articles on the Sirhan B. Sirhan trial which appeared in the New York Times before, during, and after the appearance of the psychiatrists and psychologists in the courtroom, and fifty-three articles which appeared in nine popular, national magazines before, during, and after the appearance of the psychiatrists and psychologists in the courtroom. The articles included all those listed in the New York Times Index and in the Reader's Guide to Periodical Literature on Sirhan and his trial for June 1968 to April, 1969.

Another purpose of the study was to analyze the views of the psychiatrists and the psychologists who testified in the trial as to whether they felt the press coverage of them was favorably biased, unfavorably biased, or fair. To achieve this purpose, a questionnaire was sent to each.

At the outset of the study, it was hypothesized that:

1) the press would perceive the mental state of Sirhan Sirhan to be sane;

2) the press would be negatively biased against the psychiatric and psychological theories;

3) the press would be negatively biased against the personal traits of the testifying psychiatrists and psychologists; and

4) the psychiatrists and psychologists to whom the questionnaires have been sent would state that the press was negatively biased against them during the trial.

These hypotheses were formulated after a preliminary reading of some of the articles which were to be later studied in the content analysis and after some preliminary reading on the background material of psychiatry and the law (which is discussed in Chapter II).

Relevance of Thesis to Journalism and Mental Health

The jury found Sirhan B. Sirhan to be guilty of murder in the first degree and fixed the penalty at death. This decision reflected the jury's belief that Sirhan did not have "diminished responsibility," thereby rejecting most of the psychiatric and psychological testimony.

In describing the psychiatric and psychological testimony, the press had the power to influence the public about this testimony. "For a considerable segment of the population the only direct contact with psychiatry and the psychiatrist is obtained through the media of sensational trial reports in the newspapers, radio, and television," according to Bernard Diamond, psychiatrist for Sirhan's defense.[5] The public opinion of the testimony in the Sirhan trial (based upon press coverage) may be the basis for future trials which involve a defendant who is possibly mentally ill.

The Sirhan trial was chosen for this study mainly because it was such a sensational trial, it was heavily covered by the press, it involved many psychiatrists and psychologists, and the psychiatric and psychological testimony was covered extensively by the journalists. In other words, it provided a perfect meeting ground for the psychiatrists/psychologists and the journalists; it was relevant to both psychiatry/psychology and the way journalism interpreted it.

The content analysis of the newspaper and magazine articles provides examples of biased and fair journalistic passages. The questionnaire offers

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[5] Bernard L. Diamond, "The Fallacy of the Impartial Expert," in Readings in Law and Psychiatry, ed. by Richard C. Allen et al. (Baltimore: Johns Hopkins Press, 1968), p. 145.

the mental health specialist the opportunity to state his opinions about these passages. A study of press coverage of psychiatrists and psychologists in the courtroom and statements of the psychiatrists and psychologists about this press coverage would reveal possible bias on the part of the press and possible disagreement on the part of the psychiatrists and psychologists due to the differing perceptual concerns of the psychiatrist/psychologist and the journalist. It is hoped that these may clarify differences of opinion and open channels of communication between the journalist and the behavioral scientist.

> To understand the antagonisms, as well as the accommodations, it is necessary to appreciate the motives and the anxieties of both sides. The "approach and avoidance" patterns in each case are complex, but it is only through understanding that the experts and the media personnel will be able to "use" each other effectively.[6]

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[6]Jum C. Nunnally, Popular Conceptions of Mental Health (New York: Holt, Rinehart and Winston, Inc.), p. 87.

CHAPTER II

THE RELEVANCE OF PSYCHIATRY AND THE LAW TO THE STUDY

Uses of Psychiatrists and Psychologists in the Courtroom

Psychiatrists and psychologists are called upon as expert witnesses for the following reasons: before the trial, to determine whether the defendant is capable of understanding the nature of the charges against him and of cooperating with counsel in defending himself; during the trial, when the issue of insanity at the time the crime was committed is raised;[7] during the trial, to assess the credibility of the witnesses;[8] and, at the time of execution, when sanity is an issue since a man must understand the meaning of his punishment and be able to raise any defenses available to him before his execution.[9]

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[7]C. Ray Jeffery, "Criminal Justice and Social Change," in Society and the Law: New Meanings for an Old Profession, by F. James Davis, et al (New York: The Free Press of Glencoe, 1962), p. 291.

[8]Manfred S. Guttmacher, The Role of Psychiatry in Law (Springfield, Illinois: Charles C. Thomas, 1968), p. 134.

[9]Jeffery, "Criminal Justice and Social Change," p. 291.

In reference to the Sirhan trial, the psychiatrists and the psychologists came to the limelight in the press during the trial. It was at this time that their theories about Sirhan became public and were sensationalized.

When a psychiatrist testifies as an expert, he generally appears in one of three roles: as the attending physician testifying about his own patient; as an examining physician; as a nontreating, nonexamining expert testifying about standards of medical care and practice or collateral evidence.[10] All ten expert witnesses at the Sirhan trial testified as examining physicians and psychologists whose services were sought by or offered to the defense or prosecution attorneys.

History of Psychiatrists in the Courtroom

The well-known saying, "The madman is sufficiently punished by his madness," attributed to Marcus Aurelius, goes back as far as the second century.[11] The roots of insanity pleas in the courtroom can be traced to the thirteenth century.

The first to identify the degree of mental disorder that exculpates the offender was Bracton in the thirteenth century: "an insane person is one who does not know what he is doing, is lacking in mind or reason, and is not far removed from the brutes."[12] Bracton, in the first systematic treatise on English law, stated that neither the madman nor the infant could be held civilly liable.

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[10]Richard C. Allen, Elyce Z. Ferster, and Jesse G. Rubin, eds., Readings in Law and Psychiatry, p. 105.

[11]Guttmacher, The Role of Psychiatry in Law, p. 23.

[12]Ibid.

The medical expert came into use in the English courts by the middle of the fourteenth century. "As far back as the middle of the fourteenth century [in England] a case (of mayhem) is recorded in which a physician was called in to testify as to the nature of wounds, and in 1554, we find a court praising the practice of calling in experts to advise it."[13]

The medical expert was originally appointed by the judge. But by the middle of the seventeenth century, the partisan method of presenting facts arose, thus subjecting expert testimony to considerable criticism.

In 1664, the physician Sir Thomas Browne testified, without being questioned in the courtroom, that two women were witches.[14]

About this time, Blackstone said, "If a man in his own memory commits a capital offense and before arraignment for it becomes mad, he ought not to be arraigned because he is not able to plead to it with the advice and caution that he ought. And if, after he has pleaded, the prisoner becomes mad, he shall not be tried, for how can he make his defense?"[15]

In the eighteenth century, Judge Tracy indicated that an important criterion of responsibility was whether the accused could distinguish between good and evil at the time of the offense. Thomas Erskine was appointed to defend a man who attempted to assassinate George III.

> He maintained in a most eloquent and brilliant legal argument that "delusion, where there is no frenzy or raving madness, is the true character of insanity." He said, "There are the cases which frequently mock the wisdom of the wisest in

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[13]Winfred Overholser, The Psychiatrist and the Law (New York: Harcourt, Brace, and Company, 1953), p. 105.

[14]Jeremiah S. Finch, Sir Thomas Browne (New York: Henry Schuman, 1950), p. 214.

[15]David Abrahamsen, The Psychology of Crime (New York: Columbia University Press, 1960), p. 247.

> judicial trials; because such persons often reason with a subtlety which puts in the shade the ordinary conceptions of mankind; their conclusions are just and frequently profound; but the premises from which they reason, when within the range of the malady, are uniformly false; -- not false from any defect of knowledge or judgment: but, because a delusive image, the inseparable companion of real insanity, is thrust upon the subjugated understanding, incapable of resistance, because unconscious of the attack.[16]

It is difficult to believe that such wisdom was spoken almost 200 years ago.

The legal test of insanity which is still used in most American courts is the M'Naghten Rule of 1843. In 1843, a paranoic named Daniel M'Naghten, tried to kill Sir Robert Peel, the Prime Minister of England; he killed Peel's secretary by mistake. Two bipartisan medical witnesses testified that M'Naghten was insane because he was suffering from the delusion that certain people wanted to kill him and that one of these was Sir Robert Peel. He was acquitted by reason of insanity.

> Due to the political controversy surrounding the case, the House of Lords asked a group of English judges for a legal definition of insanity. The test used under the M'Naghten Rule is that the defendant must be suffering from a disease of the mind that prevents him from knowing the nature and quality of his act, or if he does know, he does not know that what he is doing is wrong.[17]

The M'Naghten Rule, like many British laws, was adopted by the U. S. It was approved in the District of Columbia in 1882.[18] In 1929 it was supplemented in a few states by the "irresistible impulse" test which maintains that persons who act under the compulsion of an irresistible impulse arising from a

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[16]Guttmacher, The Role of Psychiatry in Law, p. 24.

[17]Jeffery, "Criminal Justice and Social Change," p. 291.

[18]Guttmacher, Role of Psychiatry in Law, p. 64.

disease of the mind, and who are incapable of restraining themselves, are excused from responsibility.[19]

Because many people can be severely mentally ill yet still be able to differentiate between right and wrong, Judge Bazelon modified the M'Naghten Rule in the case of Durham v. the United States by the following ruling: "An accused is not criminally responsible if his unlawful act was the product of mental disease or mental defect."[20] This is more flexible than the M'Naghten rule since under this rule, a defendant may not be legally punished even if he understands the difference between right and wrong and knows that the criminal act is wrong according to law, but still commits the wrong act because of some faulty, mentally diseased "rationalization." The Durham Rule takes into account the fact that many mentally ill people can differentiate between right and wrong. The Durham Rule, however, has not been adopted in many other jurisdictions.

Another modification of the M'Naghten Rule is the concept of partial responsibility. This concept was first recognized in the laws of Great Britain by a Scottish decision in 1867. Diminished responsibility pertains to a lack of mental capacity to maturely and rationally plan a first-degree murder. Sirhan's lawyers used the California law of diminished responsibility which states that the jury must find a defendant guilty of a lesser crime such as manslaughter or second-degree murder if the defense can prove that the accused had diminished capacity at the time of the crime. A defendant who is legally sane may still be judged to have lacked at the time of the act the mature

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[19] Jeffery, "Criminal Justice and Social Change," p. 291.

[20] Abrahamsen, The Psychology of Crime, p. 248.

consideration for the malice aforethought essential to a first-degree murder conviction.

Bernard L. Diamond, M.D., one of the chief people influential in getting California courts to recognize and use the concept of diminished responsibility, and chief defense psychiatrist for the Sirhan trial, says of it,

> Behavioral science does not support the legal fiction that there's an absolute dichotomy between the responsible and the irresponsible...All human behavior ...is distributed along an infinite spectrum of fine gradations...
>
> Under the doctrine of diminished responsibility, the defendant is held responsible for a lesser crime than he would be if there were no mental illness or incapacity.
>
> It eliminates the all-or-none business of an insanity rule. It takes into account the whole range of mental illnesses, from mild to severe, and relates them to the fine gradations that exist in criminal law for dealing with the guilty mind.[21]

Sirhan's lawyers decided on the diminished capacity defense because of the advanced acceptance on the part of California courts of psychiatric factors that lessen criminal responsibility for murder. Cases for the last twenty years (Wells, Gorshen, Wolff, Conley, Goedecke, Nicolaus, Bassett, Castillo[22]) have shown California courts to rule in favor of diminished responsibility for the defendant.

The Sirhan case was presented along these same lines of the diminished responsibility defense. Sirhan was diagnosed as mentally ill by nine of the ten psychiatrists and psychologists. The doctors differed only in their interpretations of legal definitions of insanity, malice aforethought, and diminished capacity. Yet, Sirhan was convicted of first-degree murder and sentenced to the gas chamber.

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[21]Harris, "A Conversation with Bernard Diamond," pp. 51-52.

[22]Kaiser, "R.F.K. Must Die!" p. 409.

Controversy between Psychiatry and the Law

The criminal mind has always interested psychiatrists, psychologists, and other behavioral scientists. The preceding history shows how they were invited and gradually accepted into the courtroom to present expert testimony on the mental state of the defendant. Unfortunately, however, court proceedings do not always make use of all interdisciplinary concepts. And, sometimes, when they do, there are bitter disagreements between disciplines. The criticisms are most pronounced when experts take the stand as partisan witnesses for either the defense or the prosecution rather than as bipartisan "friends of the court."

The disagreements and criticisms that arose from the Sirhan trial were more or less the same as those that arose from previous trials.

Overholser takes the defensive stand that the experts in other fields do not always agree "yet the public seems to light upon the luckless psychiatric expert as the prototype and chief sinner...one would almost believe from the journalistic comments that in practically every criminal case there is a conflict of psychiatric opinion!"[23]

Menninger is not so harsh with the journalists. He says,

> Most criminal cases, including even the relatively small number that come to trial, are deadly dull. One cannot blame newspaper reporters for picking up the occasionally sensational or dramatic case and playing it up disproportionately. The trouble is that the wrong aspects of the case are stressed, and even the defense attorney, to proceed in ways contrary to the best interests of the case or of the public. Scientific principles become lost in the drama.[24]

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[23]Overholser, The Psychiatrist and the Law, p. 107.

[24]Karl Menninger, The Crime of Punishment (New York: The Viking Press, 1966), p. 97.

To gain some background on why the press sensationalized the appearance of psychiatrists and psychologists in the Sirhan trial and why it presented their appearances the way it did, the following background information on the controversy between psychiatry and the law might be helpful.

...Against the psychiatrists and psychologists

Some legal theorists feel that the psychiatrist and the psychologist are intruding in their domain. "Psychiatrists are saying, 'We should be running things, and not someone else.'"[25] Another criticism is of the confusing psychiatric jargon, "The jury is unsophisticated and the courtroom cannot be turned into a forum for a psychiatric case conference...If you confuse the jury, they ignore all the experts and decide on the basis of their untutored emotions."[26] An extreme point of view is taken by Jeffery:

> There is no evidence that mental disease causes criminal behavior. There is no evidence that psychiatry can reform criminals or non-criminals. There is no evidence that psychiatry is a science or that it has incorporated within its thinking the findings and criticisms of experimental psychology, sociology, and law.[27]

The issue against psychiatrists and psychologists in the courtroom most commonly brought up by lawyers and laymen is the fact that one can always find an expert to back up each side, whether for the defense or for the prosecution. Some experts are paid while others may volunteer their services for publicity purposes.[28] This, of course, leads to public disagreement among psychiatrists

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[25]Jeffery, "Criminal Justice and Social Change," p. 297.

[26]Henry A. Davidson, "The Dilemma of Criminal Responsibility," in Law, Medicine, Science -- and Justice, ed. by Larry Alan Bear (Springfield, Illinois: Charles C. Thomas, 1964), p. 224.

[27]Jeffery, "Criminal Justice and Social Change," p. 292.

[28]Menninger, The Crime of Punishment, p. 120.

and psychologists. Attorneys and laymen ask, how exact is this science and how sincere are these scientists that disagree on fundamental principles and interpretations of their discipline?

A newspaper editorial (written about another murder trial before that of Sirhan sums up the feelings of one journalist about these problems:

> [The prisoner] admitted killing all three. Late Friday night, ten men and two women ruled that he, in turn must die...One redeeming feature that might have come out of the...mess could have been a recognition of mental illness. For psychiatry, a relatively new science...it could have been a moment of triumph... Psychiatry might have come into its own. But instead...quite the reverse occurred. Instead of being portrayed as a competent, exacting science that could take its place once and for all in the field of medicine, and in the minds of men, psychiatry appeared as a catch-as-catch-can profession that depends less on who is examined than who is doing the examining.
>
> [The jury] had the confusing job of choosing the testimony that best suited their opinions...
>
> Millions will continue to be served competently by psychiatry -- many of them by the venerable doctors who appeared for both counsel at the...trial. But in the trial itself, with its conflicting, contradictory psychiatric testimony, what might have been one of psychiatry's finest hours succeeded only in making a mockery of an invaluable profession.[29]

...For the psychiatrists and psychologists

> Our courtrooms still lend themselves well to the expression of hostility toward psychiatry. The psychiatrist is treated with considerable scorn. His knowledge is challenged on the questionable ground that psychiatrists disagree so often...If difference of opinion should become a legitimate cause for disparaging the knowledge of those who express these opinions, there might be no physics. We should discard all religious traditions, because so many theologians disagree on so many things...Moreover, what happens to psychiatrists in the courtroom is actually not a clash of opinion but a clash of lawyers, with psychiatrists in the role of baseball bats.[30]

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[29]Menninger, The Crime of Punishment, pp. 140-141.

[30]G. Zilboorg, The Psychology of the Criminal Act and Punishment (New York: Harcourt, Brace and Co., 1954). p. 111.

Overholser argues along similar lines,

> [an] objection on the part of the public is that experts disagree and that expert testimony may have the effect of confusing and distracting the minds of the jury...This is a strange objection indeed...Witnesses, lay or expert, are not the only persons who disagree. In every field of activity, there are differences of opinion: historians and critics, for example, not to mention of course lawyers and judges.[31]

In many cases, the psychiatrists and psychologists are not actually disagreeing on the mental state of a defendant. They are merely interpreting legal definitions of mental states differently. For example, Dr. W. Russell Brain, President of the Royal College of Physicians, in a letter to the London Times, wrote, "The confusion arose from the unfortunate introduction of the term "insanity" into the trial. This is a word which has no clear medical, nor, I believe, legal meaning."[32]

Psychiatrists and psychologists therefore resent having to discuss the defendant's mental state in legal rather than psychological or psychiatric terms. They claim that the legal definitions are obsolete anyway.

While the expert witness is accused of moralizing and overstepping his position by saying whether the defendant is guilty or not, he argues that he does not want and should not have that position either. Psychiatrists and psychologists feel that this hypothetical question is forced upon them.

Most psychiatrists and psychologists would prefer not to testify on behalf of either the defense or prosecution. They would rather be a "friend of the court" than a witness whose word will be doubted because he is paid by either side.

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[31] Overholser, The Psychiatrist and the Law, p. 114.

[32] Zilboorg, The Psychology of the Criminal Act and Punishment, p. 18.

> The current method, whereby there is a psychiatrist for the State and one for the defense, serves only to confuse the jury, as one expert may give one opinion, while another gives a different one. The jury is forced to sift through the information and draw its own conclusions on the sanity of the defendant. Thus the jury of laymen becomes the "expert." With all due respect to the average man and woman of this country, the lay member of a jury is not capable of deciding this any more than he is capable of deciding whether a person is physically ill.[33]

Abrahamsen criticizes society for being "more intent on punishing the wrongdoer than in understanding why he broke the laws."[34] He explains that,

> the reasons why people are still reluctant to believe that delinquent persons can be cured are twofold. First, many have believed (and this includes those who should know better, physicians and lawyers, for instance) that the criminal was born that way and cannot be changed...The second reason...is because they feel that prisoners should be punished not "coddled."[35]

This last concept, possibly popular when Abrahamsen wrote it in 1952, is fortunately dwindling in popularity.

Solutions

Although there are many disagreements, there has still been much progress in the collaboration of psychiatry and the law. "The efforts made in recent years both by jurists and by psychiatrists to bring about a cooperative understanding between law and psychiatry are commendable and inspiring."[36]

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[33]Abrahamsen, The Psychology of Crime, p. 261.

[34]David Abrahamsen, Who Are the Guilty? (New York: Rinehart and Co., Inc., 1952), p. 3.

[35]Ibid., p. 227.

[36]Zilboorg, The Psychology of the Criminal Act and Punishment, p. 3.

Halleck agrees: "Interestingly, humanistic and scientific principles of dynamic psychiatry are being applied to the field of criminology, and behavior once regarded as merely 'bad' is seen as a product of mental illness."[37] Allen goes so far as to say, "In perhaps no other aspect of the law has there been such dynamic growth as that which has occurred and is occurring in the area of the interrelationship of law and behavioral science."[38]

However, there is still a long way to go toward agreement between psychiatrists, psychologists, and the law. Many suggestions have been made toward these purposes.

Jeffery proposes eliminating the insanity plea altogether, by separating guiltfinding and sentencing:

> The issue of insanity would thus not be raised during the trial, but the psychiatrist would be allowed to testify at the end of the trial and before the sentence is passed. In this way, the hypothetical question would be avoided. The psychiatrist would testify as to the type of treatment he feels the defendant needs.[39]

Zilboorg, who seems at odds with everything else that Jeffery says, partially agrees with him here. Zilboorg would like to see psychiatrists as friends of the court also, instead of partisan.

> The Constitutional rights of the defendant must be protected, but they are hardly protected by our ingenious system of hiring two or more psychiatric baseball bats and lining them up against each other on different sides of a predetermined legal line of separation. The Constitutional rights of the defendant would be amply protected by the right to cross-examine the psychiatric expert, who as a friend of the court would render a well-substantiated report on his findings in a given case.[40]

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[37]Seymour L. Halleck, "The Criminal's Problem with Psychiatry," in Readings in Law and Psychiatry, ed. by Richard C. Allen et al, p. 43.

[38]Richard C. Allen, Readings in Law and Psychiatry, p. ix.

[39]Jeffery, "Criminal Justice and Social Change," p. 297.

[40]Zilboorg, The Psychology of the Criminal Act and Punishment, p. 119.

To avoid insanity pleas, Jeffery has another solution; "most insanity pleas could be avoided if capital punishment were eliminated."[41] This solution, of course, would save much legal maneuvering and many procedures. Although eliminating capital punishment is an excellent solution, avoiding the insanity plea is not. To avoid the insanity plea is to sidestep the issue in many cases. Rehabilitation of the criminal and safety of others should also be considered.

The Scandinavian countries are a few steps ahead of the United States in working out solutions to the law-psychiatry dilemma. In Sweden,

> Psychiatrists act as counsellors in the courts -- that is, as subsidiary judges and aides to the trial judge himself...This is the point at which the Scandinavian system has arrived. The whole idea of responsibility, even the idea of diminished responsibility, is there gradually dropping out of use as being unnecessary for practical purposes. The question is asked instead, will the criminal be benefited by the treatment?[42]

The pendulum of progress seems to be swinging back to the fifteenth and sixteenth centuries (see page 11).

Guttmacher tells of a conversation he had with Dr. George Sturup, a psychiatrist who directs the Herstedvester institution at Copenhagen for psychopathic offenders. When Guttmacher asked him how he handled the inmate who would not cooperate in treatment, he said,

> I call him to my office and talk with him repeatedly. If he still fails to cooperate, I tell him, "Wise man, you know it all. I'm going to let you out, but you'll see, you will be back again after a new crime within a month." Then, when he returns, he is ready to get to work.

Guttmacher remarked, "If we did that in America, there would be banner headlines -- 'Inmate just released commits new crime.'" Sturup countered, "Danish papers have much more important news to report."[43]

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[41]Jeffery, "Criminal Justice and Social Change," p. 297.

[42]Eliot Slater, "The M'Naghten Rule and Modern Concepts of Responsibility," British Medical Journal, II (1954), 713, quoted in Guttmacher, The Role of Psychiatry in Law, p. 83.

[43]Guttmacher, The Role of Psychiatry in Law, p. 123.

Perhaps this practice is carrying a good theory to a bad extreme. Progress can get out of hand when it sacrifices the good of society for the mental tranquility of one individual. Nevertheless, it does show public opinion and the press in Denmark to be much more understanding and knowledgeable about mental illness than that in the United States.

These are the proposed solutions. They are relevant to how the press and the public perceive psychiatrists and psychologists who testify in trials, particularly the solution of using all expert witnesses as bipartisan friends of the court rather than partisan experts hired by either the defense or prosecution. In the present partisan situation, attorneys can line the experts up opposite each other and question them in such a way as to make it appear to the jury and the press that the experts differ immensely in opinion and diagnosis. The press may be biased for or against the psychiatrist or psychologist by the position he assumes in court.

The fact that Sirhan Sirhan was sentenced to death when he was so obviously mentally ill -- or at least in a hypnotic state when he killed Robert Kennedy -- shows that the jury had very little understanding of mental illness. American law and public opinion maintain, according to the results of this trial, that an offender who can rationalize enough to plot a murder (no matter how warped this rationalization) is not mentally ill.

The general public is not usually reached by experts or specialists directly -- especially specialists such as psychiatrists and psychologists. The general public is usually reached by the mass media. It is for this reason that a newspaper and nine popular magazines were analyzed for this study for possible bias pro or con the psychiatrists and psychologists who testified in the Sirhan trial. Press bias will probably be reflected in future verdicts.

CHAPTER III

PROCEDURE

The Content Analysis

Fifty-three magazine articles and eighty-eight newspaper articles were read and analyzed for this study. The magazine articles were selected from the Readers' Guide to Periodical Literature from June 1968 through June 1970. These were found under the heading "Sirhan, Sirhan Bishara" and under the heading "Trials (murder)" under the subheading "Sirhan trial." They consisted of all articles on Sirhan B. Sirhan and his trial listed.

The Readers' Guide was used because the author wished to study articles written for the general population only. Articles in more technical publications such as Psychology Today and Trans-action and various law school reviews were deliberately omitted from the primary sources.

Magazines which included articles used in the study were: Christianity Today, Commentary, Life, Nation, National Review, Newsweek, Senior Scholastic, Time, and U.S. News and World Report.

Although this author does not presume the New York Times to be representative of newspapers in general, the analyzed newspaper articles were selected from the New York Times because back issues were easily obtainable and its index made a thorough study feasible. There are obvious limitations to using this particular newspaper. Because of its sophisticated format, overt

biases in straight news stories are rare.[44] The subtle biases of the New York Times are more difficult to detect.

The articles which were used from the New York Times were listed in the Times Index under the heading "Sirhan, Sirhan Bishara" and the heading "Sirhan Prosecution: Other Data on Him" which was under the heading "Assassination" which was under the heading "Kennedy, Robert F." For a complete listing of all articles analyzed in the study, see the Bibliography (Primary Sources).

After a preliminary reading of all articles, the author outlined eleven categories which were to be rated for possible bias: personal traits, content of testimony, views of others, field of psychiatry/psychology, defense argument for psychiatric/psychological evidence, prosecution argument against psychiatric/psychological evidence, Sirhan's mental condition, legal aspects, accuracy, headline content, and miscellaneous. The miscellaneous category was dropped when the data-taking was completed because there were no entries into it.

Then each article was again read and scrutinized for material pertaining to the above categories. Any relevant material was copied verbatim onto four-by-six index cards. Pertinent data (the name of each article, the source, the date, the author, [if a byline], and the page number) were written on a three-by-five index card for each article. Each three-by-five card was numbered in the top left-hand corner so that each article had its corresponding three-by-five index card and number. Each four-by-six card which contained excerpts from articles relevant to the ten categories, was assigned the same

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[44]In contrast to the subtleties of the New York Times, for example, there appeared an overt bias against psychiatrists in the New York Daily News (which calls itself the "picture newspaper" and is aimed at a less sophisticated audience) on April 4, 1969 in its headline, "Sirhan Enjoys Grilling of Shrink."

number in the top left-hand corner as that on its corresponding three-by-five card. Each four-by-six card was then numbered consecutively in the top right-hand corner. (see Appendix C).

After all data for each article had been taken, a chart was drawn up and zeroxed which listed the ten categories (see Appendix A). Each article was then rated for bias for each category. Since there was only one rater, the author, it was necessary to analyze the index cards twice to minimize possible subjectivity on the rater's part. Precise definitions were assigned to each category (to be explained later) to also minimize subjectivity.

Ratings

If an article mentioned a subject included in a category (in other words, if it was relevant), the article was rated +, $\pm$, −, =, $\underset{-}{+}$, or 0 for that category. Each symbol is defined as the following:

+	one instance of bias for psychiatrists or psychologists*
$\pm$	two or more instances of bias for psychiatrists or psychologists*
−	one instance of bias against psychiatrists or psychologists*
=	two or more instances of bias against psychiatrists or psychologists*
$\underset{-}{+}$	balance of biases for and against psychiatrists or psychologists
0	category discussed without bias

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*Exception -- These symbols were also used for an unbalanced number of instances of bias for and against. For example, if an article discussed a category with four instances of bias for and three instances of bias against, the category was rated +. Likewise, if an article contained two instances for and five against, it was rated $\mp$.

Ratings were sometimes difficult to determine because biases were rarely overt or included in one adjective or in one derogatory or praising term. (The term "bias" in this study was defined as accurate portrayal of real positive or negative characteristics as well as actual bias or prejudice.) Therefore, both a coding unit and a context unit were used in measuring. For overt biases, assertions were used as coding units. Budd et al[45] describe an assertion as "a sentence, a part of a sentence, or even a single word. For example, the sentence, 'Alice is pretty' represents a single assertion. But in the sentence, 'Alice is an attractive, intelligent girl,' there are three separate assertions: 1) Alice is attractive, 2) Alice is intelligent, 3) Alice is a girl."

For the more subtle biases in an article, a context unit was used, even if it was a whole paragraph. These context units were used, for example, when a part of an article was sarcastic about psychiatrists and psychologists but a single assertion was not obvious. De Sola Pool calls this "reading between the lines" or "analysis according to the instrumental model."[46]

Therefore a unit, for this study, was defined very loosely as a statement of a fact (including or not including a value judgment on this fact) about one of the ten categories. This unit was not measured by column inches or words or sentences, which would have been inappropriate for this kind of qualitative content analysis. It was, instead, measured in categories of thought and assertions.

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[45]Richard W. Budd, Robert K. Thorpe, Lewis Donohew, Content Analysis of Communications (New York: Macmillan, 1967) p. 33.

[46]Ithel de Sola Pool, ed., Work Conference on Content Analysis: Monticello, Illinois, 1955 (Urbana: University of Illinois Press, 1959), p. 206.

In other words, each article was analyzed for a mention of each category. For example, the author looked for mention of personal traits of the testifying psychiatrists and psychologists in each article. If this was found, the number of derogatory units was counted, the number of complimentary units was counted and the category was assigned a rating for that article ($-$, $=$, $+$, $\overset{+}{+}$, or $\overset{+}{-}$). If no derogatory or complimentary units were found, the category was rated 0.

Categories

The ten categories were defined as the following:

Personal traits.-- Personality, appearance, manner of presentation, qualifications of the psychiatrist or psychologist;

Content of testimony.-- Criticism of what the expert witness said, rather than the way he said it;

Views of others.-- Criticism of others of the expert witnesses. Subtle biases come forth here, since the reporter can put his feelings in quotation marks and attribute them to others. These others usually included reactions from the judge, jury, attorneys, and Sirhan;

Field of psychiatry/psychology.-- Pertaining to psychiatry/psychology in the courtroom, in law;

Defense argument for psychiatric/psychological evidence.-- If these arguments were positively criticized, a positive (+ or ∓) rating was assigned. If they were negatively criticized, a negative (– or =) rating was assigned.

Prosecution argument against psychiatric/psychological evidence.-- If these arguments were positively criticized, a negative rating was assigned. If these were negatively criticized, a positive rating was assigned;

Sirhan's mental condition.-- If the article described Sirhan as sane, a negative rating was assigned. If Sirhan was described as insane, a positive rating was assigned;

Legal aspects.-- Includes descriptions and explanations of laws having to do with mental illness;

Accuracy.-- This category has been excluded from general statistical results because only the inaccuracies (– and =) were recorded. Without a transcript of the trial, it was impossible to check each fact for accuracy. Therefore, only the known and obvious inaccuracies could be recorded. It cannot be assumed, on the other hand, that all articles left blank in the accuracy category were completely accurate;

Headline content.-- Self-explanatory.

Bias

The term "bias" was used throughout the study to mean positive or negative portrayal of any of the above categories. This positive or negative portrayal was contrasted with neutral portrayal.

According to this definition, "bias" included accurate portrayal of real positive or negative characteristics as well as actual bias or prejudice. It was not possible to fully separate these two components because the author was not at the trial, nor did she have access to a transcript of the trial. There was therefore no way of knowing whether a statement was biased by the press or was an accurate portrayal of positive or negative characteristics. The measured bias, therefore, may be looked upon as "potential bias."

Scoring

In analyzing the newspaper and magazine articles, the whole article was the basic unit for the first study; the category was the basic unit for the second study.

In the first study, the pluses and minuses of each relevant article were tabulated. Each article received an overall score of + or − or no bias. For instance, an article which had a minus for Personal Traits, a minus for Content of Testimony, and a plus for Sirhan's Mental Condition was assigned an overall minus. An article containing four minuses in three categories was assigned a minus also.

Significance of the results was determined by the sign test. The sign test is a statistical test which provides a quick and simple way of determining

whether a set of paired readings shows a significant mean difference between pair members.[47] In this study, the paired readings are sums of the pluses and minuses, respectively, for each article. A significant mean difference, therefore, would indicate a net plus or minus.

The second study tabulated the number of pluses and minuses in each category. The number of articles biased for, biased against, not biased, and balanced for each category were then tabulated. While the first study measured the bias in terms of the number of articles, this study measures bias in terms of the amount of bias for each category. This second study gives some idea of the way in which the articles were biased or unbiased.

Questionnaires

A questionnaire was sent to each of the ten testifying psychiatrists and psychologists. The questionnaire form and responses can be found in Appendix B. A comparison of the content analysis of the articles and the views of the testifying psychiatrists and psychologists helped minimize subjectivity in the study.

The names and number of the psychiatrists and psychologists who testified as expert witnesses in the trial were extremely difficult to determine. There were great discrepancies in news articles as to the number. There was even one mistake in a newspaper article in the spelling of the name of one of the psychologists, which resulted in the sending of a questionnaire to a psychologist who had not testified.

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[47]Edwin L. Crow, Frances A. Davis, Margaret W. Maxfield, Statistics Manual (New York: Dover Publications, 1960), p. 56.

Seven names were gathered from the articles analyzed. The others were found by telephone calls and letters to the various lawyers, investigators, psychologists, and journalists involved in the trial, and by research of California newspaper articles.

CHAPTER IV

RESULTS

The Content Analysis

This chapter presents results acquired from the procedural methods in the previous chapter. First, the overall conclusions will be stated, then the more detailed statistics will be presented.

Of all the magazine and newspaper articles examined, 58% and 61%, respectively, were found to be relevant to the study; they had something to say about one or more of the categories pertaining to psychiatrists and psychologists. With respect to all nine categories -- omitting the category of Accuracy (see Table 1) -- the following was found:

1) Approximately the same percentage of relevant articles was found for newspapers and magazines;

2) For all relevant articles, it is obvious from Table 1 that large percentages were biased;

3) A trend existed for newspaper articles to be less frequently biased than magazine articles. This trend was found to just miss significance at the 95 percent confidence level;

4) For all biased articles, a trend existed for articles to be negatively biased. This trend was significant at the 99 percent level of confidence for newspapers.

THIS BOOK CONTAINS NUMEROUS PAGES WITH DIAGRAMS THAT ARE CROOKED COMPARED TO THE REST OF THE INFORMATION ON THE PAGE.

THIS IS AS RECEIVED FROM CUSTOMER.

TABLE 1

NUMBERS AND PERCENTAGES OF NEGATIVELY BIASED AND POSITIVELY BIASED RELEVANT ARTICLES FOR NINE CATEGORIES

	Magazines		Newspaper		Total	
	Number	Percentage of Relevant Articles	Number	Percentage of Relevant Articles	Number	Percentage of Relevant Articles
Total Articles	53	-	88	-	141	-
Relevant Articles	31	100%	54	100%	85	100%
Biased Articles	19	61%	22	41%	41	48%
Unbiased Articles	12	39%	32	59%	44	52%
Negatively Biased	11	35%	18	33%	29	34%
Positively Biased	8	26%	4	8%	12	14%

With respect to the first, second, and fourth categories (Personal Traits, Content of Testimony, and Field of Psychiatry/Psychology), which are considered especially important for reasons to be enumerated in Chapter V, these results were found (see Table 2):

1) Of all the magazine and newspaper articles examined, 30 percent and 28 percent, respectively, were found to be relevant;

2) For all relevant newspaper and magazine articles, significant percentages were again found to be biased;

3) For all biased articles, the articles tended to be negatively biased at the 99 percent level of confidence.

As far as relevancy is concerned, twenty-one Newsweek articles were studied; eight were judged to be irrelevant. Thirteen Time articles were studied; two were judged to be irrelevant. Five U.S. News and World Report articles were studied; five were judged to be irrelevant. Five National Review articles were studied; one was judged to be irrelevant. Four Life articles were studied; three were judged to be irrelevant. Two Christianity Today articles were studied; both were judged to be irrelevant. One Commentary article was studied and judged to be irrelevant. One Senior Scholastic article was studied and judged to be irrelevant. It was not possible to locate and study one of the articles listed in the Readers' Guide to Periodical Literature: "Sirhan's Motives" in the September 7, 1968 issue of Ramparts Magazine.

The category of Accuracy was treated separately in the study. It would not have been valid to include it in the general statistical conclusions because the author scored a minus for every inaccurate detail pertaining to the psychiatric or psychological testimony but did not score a plus wherever inaccuracies could not be found. Since it cannot be assumed that every

TABLE 2

NUMBERS AND PERCENTAGES OF NEGATIVELY BIASED AND POSITIVELY BIASED RELEVANT ARTICLES FOR THREE CATEGORIES OF GREATEST IMPORTANCE

	Magazines		Newspaper		Total	
	Number	Percentage of Relevant Articles	Number	Percentage of Relevant Articles	Number	Percentage of Relevant Articles
Total Articles	53	-	88	-	141	-
Relevant Articles	16	100%	25	100%	41	100%
Biased Articles	11	69%	16	64%	27	66%
Unbiased Articles	5	31%	9	36%	14	34%
Negatively Biased Articles	11	69%	14	56%	25	61%
Positively Biased Articles	0	0%	2	8%	2	5%

article not having a minus in the Accuracy category is therefore accurate, no pluses were recorded for that category. Because this category was scored differently, it shall be discussed separately. Of the thirty-one relevant magazine articles, four were found to have inaccuracies. Two of these four articles had more than one inaccuracy. Thus, six inaccuracies were found in all. Using the sign test where N is thirty-one, the absence of inaccuracy for the relevant articles is significant at better than the 99 percent confidence level. No inaccuracies were found in the eleven relevant Time articles; no inaccuracies were found in the one relevant Life article; no inaccuracies were found in the one relevant Nation article; no inaccuracies were found in the one relevant Senior Scholastic article. Two of Newsweek's thirteen relevant articles were found to have inaccuracies; two of National Review's four relevant articles were found to have inaccuracies. Although the numbers are too small to have any statistical significance, all the inaccuracies occurred in two magazines, Newsweek and National Review. (see Table 3)

For the New York Times, six inaccuracies were found in the fifty-four relevant articles. Again, using the sign test where N is fifty-four, the absence of inaccuracy for the relevant articles studied is significant at better than the 99 percent confidence level. (see Table 3)

Therefore it might be concluded (with some reservations, however, since the author did not have the transcript) that the relevant magazine and newspaper articles were reasonably accurate.

A third tabulation was carried out for each of the nine remaining categories. While the first study (Tables 1 and 2) measures the bias in terms of the number of articles, this study (see Table 4) measures the bias in terms of the amount of bias for each category. This study gives some idea of the way in which the articles were biased or unbiased.

TABLE 3

NUMBER OF INACCURACIES FOR RELEVANT ARTICLES

Newspaper	Relevant Articles	Articles Containing Inaccuracies	Number of Inaccuracies
The New York Times	54	5	6
Magazines	31	4	6
Christianity Today	0	0	0
Commentary	0	0	0
Life	1	0	0
Nation	1	0	0
National Review	4	2	3
Newsweek	13	2	3
Senior Scholastic	1	0	0
Time	11	0	0
U.S. News and World Report	0	0	0

TABLE 4

NUMBER OF ARTICLES BIASED FOR, BIASED AGAINST, UNBIASED, AND BALANCED FOR EACH OF NINE CATEGORIES

	Magazines					Newspaper				
Category	+	-	0	+ -	Net	+	-	0	+ -	Net
Personal traits	2	5	0	1	-	1	7	4	0	-
Content of testimony	0	13	2	3	-	1	6	15	2	0
Views of others	0	5	0	1	-	0	5	0	0	-
Field of psychiatry/psychology	0	8	1	1	-	1	1	1	0	+/-/0
Defense argument for psychiatric evidence	2	6	4	1	-	1	2	26	2	0
Prosecution argument against psychiatric evidence	0	1	4	0	0	0	2	11	1	0
Sirhan's mental condition	16	2	4	3	+	2	1	6	1	0
Legal aspects	1	2	1	0	-	0	0	9	0	0
Headline content	1	3	6	0	0	0	8	23	0	0
Totals	22	45	22	10	-	6	32	95	6	0

The results of this study for magazines show six of the nine categories have a tendency to be biased against the psychiatrists and psychologists: Personal Traits, Content of Testimony, Views of Others, Field of Psychiatry/Psychology, Defense Argument for Psychiatric/Psychological Evidence, and Legal Aspects. Two categories Prosecution Argument Against Psychiatric/Psychological Evidence, and Headline Content have a tendency to be unbiased. Sirhan's Mental Condition was found to be predominantly biased toward the belief that Sirhan is mentally ill.

For the New York Times, two of the nine categories had a tendency to be biased against the psychiatrists and psychologists: Personal Traits and Views of Others. Six categories were found to have a tendency toward unbias: Content of Testimony, Defense Argument for Psychiatric/Psychological Evidence, Prosecution Argument Against Psychiatric/Psychological Evidence, Sirhan's Mental Condition, Legal Aspects, and Headline Content. One of the categories, the Field of Psychiatry/Psychology, showed an even distribution of articles biased for, biased against, and unbiased.

Questionnaires

Seven psychologists and three psychiatrists testified as expert witnesses at the Sirhan B. Sirhan trial. Those for the defense were: William W. Crain, Ph.D., George De Vos, Ph.D.*, Bernard L. Diamond, M.D., Stephen Howard, Ph.D., Eric H. Marcus, M.D., O. Roderick Richardson, Ph.D., Georgene Seward,Ph.D.*,

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*According to Robert Kaiser in "R.F.K. Must Die!", Dr. De Vos and Dr. Seward were hired by Dr. Pollack to interpret the raw data of Dr. Richardson and Dr. Schorr. They came to the conclusion, however, that Sirhan was mentally ill.

and Martin M. Schorr, Ph.D. Those for the prosecution were: Leonard B. Olinger, Ph.D. and Seymour Pollack, M.D. Completed questionnaires were received from eight of the ten expert witnesses.

Copies of the eight completed questionnaires can be found in Appendix B. Table 5 shows that seven of the eight witnesses had testified before as expert witnesses. Of the six experts who answered the first question, "What did you think of the press coverage of you during the Sirhan B. Sirhan trial?" one defense witness thought the press coverage was fair (0), two defense witnesses and one prosecution witness thought it was biased against them (-), one defense witness thought some was biased for and some was biased against (+/−), and one prosecution witness thought some was biased against and some was fair (0/−).

Of the seven experts who answered the second question, "What did you think of the press coverage of the psychiatrists and psychologists, in general, who testified in the trial?" three defense and one prosecution witnesses thought it was biased against them, and two defense and one prosecution witnesses thought it was fair.

Of the six experts who answered the fourth question, "If [you testified in court before] yes, what did you think of the press coverage of you then?" three defense and two prosecution witnesses thought it was fair, and one defense witness thought that some was biased for him and some was biased against him.

TABLE 5

QUESTIONNAIRE RESULTS

Witness	Press Coverage of You at Sirhan Trial?	Press Coverage of Psychiatrists and Psychologists at Sirhan Trial?	Had You Ever Testified Before?	If Yes, What Was Press Coverage of You Then?
A	~	~	~	~
B	x	x	Yes	x
C	-	-	Yes	0
D	0	-	Yes	0
E	x	0	Yes	0
F	0/-	0	Yes	0
G	-	-	Yes	0
H	~	~	~	~
I	-	0	No	x
J	+/-	-	Yes	+/-

Key: + Very biased in favor of you
+ Biased in favor of you
0 Fair
- Biased against you
= Very biased against you
~ Did not return questionnaire
x Not applicable or left blank
/ Respindent checked two boxes

CHAPTER V

DISCUSSION OF THE RESULTS

The Questionnaires: Opinions of the Psychiatrists and Psychologists about the Press

Its value

The questionnaire was an important part of the study for various reasons. It offers balance to this study by giving the subjects of the analyzed articles an opportunity to present their opinions. It adds reliability to the study by acting as a check against subjectivity on the part of this author. It casts more light on the events of the trial by adding information from viewpoints of persons other than journalists. The questionnaire provided the study with eight more raters of the articles (who would be biased toward rating articles minus, if biased at all, because of their relation to the trial).

Its limitations

The main limitation of the questionnaire is the fact that most of the psychiatrists and psychologists based their opinions on California newspapers

and national magazines. This author based her study on the New York Times and national magazines. A brief skimming of the Los Angeles Times revealed less bias against the psychiatrists and psychologists and more fairness in the descriptions of them. This factor might have attributed to the fact that the psychiatrists and psychologists did not view the articles as biased against them as the content analysis revealed. However, the opposite might be true: perhaps the content analysis showed a little more bias against the witnesses than there actually was.

Sample

There was a good percentage of return of the questionnaire (eighty percent). This was probably due to the high level of interest the recipients have in this study because of their participation in the subject of the study. Also, a summary of the study was offered to each questionnaire recipient.

Responses

Table 5 in Chapter IV (columns one and two) shows slightly more minuses than fairs for how the psychiatrists and psychologists rated the press for possible bias when covering the Sirhan trial (seven minuses, five fairs, and one half minus/half fair). Not one witness rated the press favorably biased. This author's content analysis (Table 1) shows an almost even number of unbiased (twelve) and negatively biased (eleven) magazine articles, but also quite a few positively biased (eight) articles. The author's content analysis of newspaper articles shows a much higher percentage of unbiased articles than the magazines or witnesses' opinions. However, the witnesses' opinions would be more likely

to coincide with the content analysis of the three categories of greatest importance: Personal Traits, Content of Testimony, and Field of Psychiatry/Psychology because the questions in the questionnaire were most directly related to these. The content analysis for these three categories shows a higher percentage of negatively biased articles than unbiased for both magazines and newspapers but the low incidence of positively biased articles coincides with the questionnaire results. The small discrepancy between the results of the content analysis and those of the questionnaire (in relation to more negatively biased articles than the witnesses thought there were) may exist because of the fact that the witnesses may have based their opinions on articles other than those analyzed for this study. Also, a quantitative comparison between the questionnaire results and the study results is difficult because for the questionnaire, one is counting witnesses, and for the study, one is counting articles.

At any rate, an article, when biased, tended to be negatively biased, according to both the content analysis and the expert witnesses.

It is interesting to note that all six psychiatrists and psychologists who answered the last question, "What did you think of press coverage of you then [if you have ever testified as an expert before]?" thought previous press coverage was fair. Minuses appear only in reference to the Sirhan trial. One possible conclusion from this is that the Sirhan case was particularly "sensational" and reporters tended to emphasize what the psychiatrists and psychologists thought was unimportant.

For example, Dr. Pollack, psychiatrist for the prosecution, explained in his questionnaire,

> Most of the press (but not all) highlighted inconsistencies and problems in cross-examination for sensational purposes to dramatize the issue rather than to report it objectively. Often, I hardly recognized the newspaper report from the trial material itself.

However, in reference to Dr. Pollack's view of the press coverage of him in previous trials, he gave it a "fair" and said, "Little press coverage attended most prior testifying, and none was in as 'sensational' a case -- therefore, their coverage was usually more objective and impartial."

Dr. Diamond, chief psychiatrist for the defense, had no comments on his questionnaire except to recommend reporter Robert Kaiser's account of the Sirhan Sirhan case, "R.F.K. Must Die!". However, in an article written long before the Sirhan trial, he said,

> For a considerable segment of the population the only direct contact with psychiatry and the psychiatrist is obtained through the media of sensational trial reports in the newspapers, radio, and television. It is entirely understandable that this segment of the population regards psychiatry as a most uncertain affair, with violent disagreements, contradictory opinions, and dubious ethics the hallmarks of its practitioners.[48]

Others, though, gave different reasons for the negative bias of the press toward the psychiatrists and psychologists. Dr. Seward, defense psychologist, thought that "the 'expert testimony' was depreciated by the prosecution by the attempt to point up minor differences and ignore the basic agreement among all the witnesses" rather than by the press.

Dr. Olinger, prosecution psychologist, said "the comments were fair and biased against the witnesses; that is, I think they deserved the unfavorable comments, in the main, because so many of the assertions were asinine." However, Dr. Olinger was not too happy with some articles about himself.

Dr. Marcus, defense psychiatrist, also thought the "witnesses brought discredit upon themselves."

On the other hand, Dr. Schorr, defense psychologist, wrote of

> pseudo-events created by some of the press including some influential members of the press which added to the perceptual

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[48]Bernard L. Diamond, "The Fallacy of the Impartial Expert," p. 145.

distortions which were superimposed upon an unsuspecting public...false images were created by Time and Newsweek in their publication of erroneous and distorted data including their improper use of correct data, abstracted in such a manner that Sirhan appeared to the reader to be an individual of abnormal but not necessarily sick mentality.

Of the ten [sic] experts who followed my own testimony, which ran to seven days as lead off witness, I had diagnosed Sirhan as the least sick of all. All eleven [sic] of us, however, did not once refer to him as mentally well or sane...

Reporters are only reporters, and even some of the best became enmeshed in the political intricacies of right wing versus left wing extremism - all in the name of free speech and liberty, to somewhat paraphrase a remark of Goldwater's back in 1964. I think subsequent events will vindicate all of the experts to a large degree. This is not "Z" country. It is still the land of the free and I hope it is still the home of the brave.

The most depressing aspects of the trial in my opinion involved the responsive attitudes of the professional silent majority community who accepted lock stock and barrel the productions of the many writers coming out of the trial. The net result of this was that trial by jury was replaced by trial by press. Adding to the confusion was the inability of the press to tape record material as it was spoken from the actual proceedings or courtroom witness box. Distortions crept into every good writer's style as a result...

Hopefully, television and audio techniques will perhaps one day monitor important trials for public consumption so that people can relate meaningfully to emergent facts of evidence. It is our safest safeguard. Until that time comes, we will probably have more Dallas type trials and a few more Sirhan type trials.

Most of the experts...had much more experience as expert witnesses than the public would have normally seen [Dr. Schorr had testified at 102 other murder trials]. There was little amateurish behavior on the part of the experts... If you look for any of James Brussels' writings in my reports, you will have trouble finding it.

This author could not find the supposedly similar passage in Dr. Schorr's original nine-page report to defense attorney Russell Parsons.[49]

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[49]Press accounts and then prosecution attorneys insinuated that Dr. Schorr had cribbed language from a psychiatrist's book for his final report. However, this supposedly-cribbed passage does not appear in Dr. Schorr's original diagnostic report. It appeared only in the report presented in court, in which he presumably added what he thought to be more colorful language.

In summary, the questionnaires showed most of the psychiatrists and psychologists to think the press was biased against them (individually and as a group) during the Sirhan Sirhan trial but fair toward them (individually) at previous trials. Two thought the press portrayed the witnesses unfavorably, but thought their testimony warranted it. And one thought press coverage of him was fair while press coverage of the others was unfavorable. Hypothesis four ("the psychiatrists and psychologists to whom the questionnaires have been sent would state that the press was negatively biased against them during the trial") was therefore proven true in part since slightly over half the expert witnesses maintained the press was biased against them. This author did not expect to receive so many (five and a half) questionnaire responses indicating a fairness in press coverage.

The Content Analysis: Opinions of the Press About the Psychiatrists and Psychologists

Its value

The qualitative content analysis of newspaper and magazine articles permitted a statistical survey of how psychiatrists and psychologists are portrayed by the press. The content analysis forced the author to be objective in evaluating the press by setting up not only criteria for measuring bias in the articles, but also a method of measuring. Although some subjectivity is always possible in a study such as this, it is far less than the subjectivity possible in an opinion formed after a general reading of all the articles. (This can be illustrated by the fact that, after the preliminary

reading of the articles, this author formed the opinion that the newspaper articles were more biased against the psychiatrists and psychologists than the magazine articles. However, the methodological survey of the articles which followed showed this opinion to be wrong. The newspaper and magazines were found to have equal amounts of negative bias.)

Its limitations

One limitation of the content analysis was the very small number of relevant articles. Although the investigator studied and used all articles listed in the New York Times Index and in the Readers' Guide to Periodical Literature on the Sirhan trial, the numbers were sometimes too small to make any statistically significant conclusions or comparisons. For example, from Table 4, it is not possible to state with statistical meaning that eight categories (excluding Sirhan's mental condition) were more biased against than for the psychiatrists and psychologists. Tendencies of more bias against than for are obvious. But statistical significance could not be drawn because the population is so small. (For example, five articles were biased against the Personal Traits of the experts while two articles were biased for them. Although more articles were biased against than for, the total population of seven articles is too small to draw any statistically significant conclusions.)

Results

Hypothesis one ("the press would perceive the mental state of Sirhan Sirhan to be sane" was overwhelmingly proven incorrect. The hypothesis was

made before the study was undertaken, on the assumption that the press would not be sensitive to possible mental illness in a criminal. It was thought that this insensitivity would go hand-in-hand with a negative criticism of psychiatrists and psychologists. This also was proven wrong. Although the results show that Sirhan was portrayed in the press as mentally ill, the results show, at the same time, bias against the psychiatrists and psychologists.

Hypotheses two ("the press would be negatively biased against the psychiatric and psychological theories") and three ("the press would be negatively biased against the personal traits of the testifying psychiatrists and psychologists") were verified by the results.

Interestingly, before the experts testified, they were anxiously awaited by the press. The articles implied, or sometimes flatly stated, that Sirhan was obviously mentally ill; the trial was a mere formality. The reporters wrote that psychiatrists and psychologists would be testifying and looked up to them to solve the mystery of why Sirhan shot Robert F. Kennedy. They regarded these witnesses as experts. A turning point came, however, after the expert witnesses began to testify. For example, a glance at the raw data in Appendix A shows the pluses turning to minuses for Time magazine at about April 4. In Newsweek, the irrelevants change to pluses and plus/minuses at about March 10 and then to minuses at about March 17. In National Review, the pluses change to minuses at about March 11. In the New York Times, the plus/zeros change to minus/zeros at about March 11. Dr. Schorr, lead-off psychologist for the defense, began his testimony on March 10.

On June 8, 1968, a few days after the assassination, the New York Times stated, "Why would Sirhan Bishara Sirhan...have done such a dirty deed?...A final answer may never be known and any valid explanation will have to await psychiatric evaluation and legal proceedings." This reporter was confident

that the psychiatric evaluation would be "valid" and would provide the information for which everyone was waiting.

An article in the New York Times, dated March 12, 1969 and about the first two days a witness testified, was very fair and factual in its account. It described the psychologist and described his testimony with objectivity.

However, on March 14, 1969, the day it was "discovered" that one of the psychologists had used language in his report that was very similar to that used in a psychiatrist's book about another murder case, the psychologist was thus described: "Dr. Schorr, a slight, nervous man with a taste that runs to green suits..." Also:

> Dr. Schorr said that his final four-page report had been derived from a nine-page report that he had prepared on Sirhan. He said it had taken him "only about an hour" to write the final version. Asked if it was possible to make that involved a diagnosis of Sirhan's mental and emotional state in an hour from the results of the tests he had given the prisoner, the psychologist said it was "easily done, once I got the scores of the tests arranged in front of me."

The first statement includes subtle biases against the personal traits of the psychologist. The second statement is a misleading one, slanted against the content of his testimony. Dr. Schorr had had several interviews with Sirhan and had administered a whole battery of tests. The "hour" to which he was referring in his testimony was the time it took him to summarize or condense a nine-page report to a four-page one. The article, though, implies that Dr. Schorr drew his conclusions hastily and haphazardly.

The tone of the magazines seems to follow the same pattern as that of the newspaper (objective or biased for the psychiatrists and psychologists before they began to testify, and objective or biased against them after they began to testify).

A National Review article dated before the Sirhan trial (July 30, 1968), in attempting to explain three American assassinations, including that of

Senator Kennedy, stated,

> ...there must exist in a nation of 200 million people tens of thousands of psychotic potential murderers whose unbalanced emotions and resentments are stimulated by the pace and change of modern life...There also seems to be a contagious effect, which leads psychopaths or neurotics to imitate highly publicized acts of violence.

From this statement, it can be inferred that the National Review regarded Sirhan Sirhan as mentally ill before the trial ("psychotic," "unbalanced," "psychopaths," neurotics").

About the precise time the psychiatrists and psychologists began testifying, National Review was "on the fence" as to its attitude toward them. In a March 11, 1969 article was the following:

> He [Sirhan] has been subjected to extensive psychological testing. We hear much about his fall from a horse. One columnist describes him as psychotic. Another an unstable, envious. Another calls him twisted. In his opening statement at the trial, the defense attorney insisted that Sirhan was in a trance and that therefore he had "diminished responsibility" when he fired the shot.
>
> All these things may be true; we do not yet know Sirhan very well, and one unavowed goal of the legal maneuvering in Los Angeles may in fact be to prevent us from knowing him. Yet though he may be mentally or emotionally impaired, much of the public evidence so far seems to tend the other way...
>
> Psychotic? - maybe. Fanatical? - yes, indeed...

In this article, it seems the National Review does not want to commit itself and say Sirhan is definitely mentally ill or definitely sane. However, after the psychiatrists and psychologists have testified, in a May 6, 1969 article, the National Review (after the trial) stated,

> What was on trial in Los Angeles was not the defendant but the testimony of psychiatrists and psychologists, who would have us believe that every criminal is so sick as to deserve society's pity and succor rather than its punishment...
>
> One hopes that their conviction will have wide repercussions...Defense attorneys marshall psychiatrists and psychologists to make the excuses a fond parent might make because they hope the scientific claims of their witnesses

> will intimidate lay jurors, cloud their distinctions of right and wrong. The great good sense of the jurors in the Sirhan trial is a victory for justice -- so resounding, one hopes, as to discourage the alienists from purveying their dogmas outside their clinics.

Sirhan is here portrayed as sane enough to receive society's punishment rather than its "pity and succor." Although one cannot draw any reliable conclusions from a population of three articles, it is interesting that Sirhan was portrayed in this magazine as mentally ill before the trial and sane after the psychiatrists and psychologists testified.

Before the psychiatrists and psychologists testified at the trial, Time magazine (March 7, 1969) described Sirhan as mentally ill:

> These tortured meditations of Senator Robert F. Kennedy's assassin jump in a schoolboyish scribble across the 9 by 12-inch pages of the spiral-bound notebooks that served Sirhan B. Sirhan as a diary. Meandering on and on in an unpunctuated stream of consciousness, they speak of death. "My determination to eliminate RFK is becoming more the more of an unshakable obsession," wrote Sirhan.
>
> Although the three attorneys defending Sirhan entered objections to exhibiting the diaries, the pages passed from hand to hand in the jury box could only reinforce the defense pleas of diminished responsibility or insanity.

After the psychiatrists and psychologists had testified, Time (April 25, 1969) had this to say:

> Against this clear-cut charge [that of the prosecution] the jury had to consider the more esoteric plea by the defense. Not surprisingly, the twelve at times appeared bewildered by the masses of confusing and contradictory psychological evidence presented to convince them that Sirhan was a "schizophrenic, paranoid psychotic."

On May 2, 1969, Time stated,

> The first degree verdict and the death sentence showed how little impact the defense had had in trying to prove with psychiatric testimony that Sirhan was incapable of telling right from wrong. It was the uncomplicated, law-and-order approach by the prosecution that convinced the jury...Defense testimony by two psychiatrists and six psychologists was often obscure, at times conflicting -- and never convincing to the jury. When the defense

> pressed its experts for judgments on Sirhan's sanity, the imprecision of the science became obvious. Each psychologist and psychiatrist seemed to have a slightly different theory about Sirhan's mental state. "All those psychiatrists -- they really had us all stirred up," said Albert N. Frederico, a plumber [and juryman]. "It was confusing. It stunk."

These two Time articles, written after the psychiatrists and psychologists testified, were biased against the expert witnesses. Notice the change in tone from one sensitive to and sympathetic with mental illness and the mentally ill (in March) to one of rejection of the psychiatrists and psychologists (in April and May). The March article played up such words as "tortured meditations," "schoolboyish," "scribble," "meandering." These words invite sympathy from the reader. Then, the forthright statement that the diary illustrates Sirhan's "diminished responsibility" or "insanity" is very definitely biased toward the belief that Sirhan is mentally ill. The April and May articles, on the other hand, show much subtle biases against the psychiatrists and psychologists as calling the prosecution argument (against the psychiatrists and psychologists) "clear-cut," and "uncomplicated," and "law-and-order" while calling the defense argument (for the psychiatric and psychological testimony) "esoteric" (implying a snobbishness), "obscure," "conflicting," "confusing," "contradictory," "imprecis [e] [ion]." The "not surprisingly" editorializes. The fact that the terms "schizophrenic, paranoid psychotic" were put into quotation marks (whereas "diminished responsibility" and "insanity" in the March article were not) implies that the reporter did not believe that Sirhan was a schizophrenic, paranoid psychotic. Also, the fact that the reporter attributes biases against the psychiatrists and psychologists to others -- such as Mr. Frederico -- is a subtle way of getting across his own feelings about the experts.

Newsweek, before the experts testified, said on January 13, 1969,

> Sirhan's volunteer defense...have lined up 20 or 25 witnesses, among them two psychiatrists, a psychologist, members of Sirhan's broken family -- and, quite possibly, Sirhan himself. (He wants to talk, and the defense might well decide to give the jury a look at his stormy, mercurial, make-up.)

This statement implies that Sirhan's emotional state was unbalanced by using such words as "broken family," "stormy," "mercurial."

However, Newsweek in a March 24, 1969 article -- after the first psychologist had testified -- still described Sirhan as mentally imbalanced, although it was very negatively critical of one psychologist:

> As his lawyers painted him and as his own erratic courtroom behavior suggested, he was the quintessential assassine -- a loner...a paranoid as loser playing out his psychotic fantasies with real bullets...Chief defense counsel Grant Cooper had thoroughly prepared the way for his procession of psychiatrists and psychologists a week earlier by putting Sirhan himself on the stand. The witness's heated testimony...his virulent hatred toward everything touching Isreal, his ambivalent attitudes toward Kennedy, and his profession of a blackout at the scene of the killing had already put his sanity in question. And his courtroom behavior on and off the stand -- a volatile mix of turbulence, supercilious private smiles, near hysteria, gleeful clowning, and short-lived lucidity -- served as a model demonstration of the defense contention that Sirhan was only fitfully in contact with reality.

The above phrases biased toward Sirhan's being mentally ill are obvious: "erratic...behavior," "loner," "paranoid," "loser," "psychotic," "fantasies," "heated testimony," "hatred," "ambivalent attitudes," "blackout," "sanity in question," "volatile," "turbulence," "supercilious private smiles," "hysteria," "clowning," "short-lived lucidity." Furthermore, this article states outright that "Sirhan was only fitfully in contact with reality."

The same article, though biased towards Sirhan's mental illness, is biased against the psychologist:

> ...first expert witness was...clinical psychologist Martin M. Schorr, 45, who offered a three-page biography to a newsman and brought his wife along for news pictures -- until defense lawyers coaxed him away. A short, puffy-faced man in a bright green suit, he was extremely nervous and a bit

> bewildered on the stand, remarking at one point: "today is Monday, isn't it?...is today Monday?" He was told to relax and blurted out "I feel like Don Knotts." He dropped his papers from the witness box and, as Judge Herbert V. Walker looked on with amazement, stacked his notes on the judge's bench. Reporters quickly dubbed him "the Mole."

Again, the biases against this psychiatrist are obvious; the whole paragraph blatantly ridicules him. Words like "coaxed" imply an immaturity, while those like "short," and "puffy-faced" are all but complimentary within the context of the paragraph.

The same article, however, softens in tone toward the psychologist as it continues. "But when the defense counsel Emile Zola Berman began questioning him, the initial impression faded, and Schorr came through with a confident, thorough account of tests he administered to Sirhan last November.." The damage to his image is probably irrevocable, though.

It can be seen, therefore, from the previous examples, that psychiatrists and psychologists were portrayed either with objectivity or with positive bias before they testified, and were portrayed on the whole with negative bias during or after they testified.

The results of this study show the number of net negatively biased articles was greater than the net positively biased articles for all nine categories (but especially greater for the first, second, and fourth categories) both newspaper and magazines. The next few pages will attempt to look more closely at these results and try to explain them.

The drop in the positively biased articles when only the three categories pertaining to psychiatrists and psychologists directly (Personal Traits, Content of Testimony, and Field of Psychiatry/Psychology) are examined, is probably due to the fact that the category of Sirhan's mental condition is heavily biased for his being mentally ill. In other words, most of the positive biases are included in the category of Sirhan's mental condition. When this is omitted,

the articles tend to be even more negatively biased.

Therefore, on the whole, the articles tended to be slanted against the psychiatrists and psychologists, but slanted for the fact that Sirhan is mentally ill.

Excerpts

It might be interesting at this point to further examine what the articles said about the testifying psychiatrists and psychologists:

> Dr. Schorr, a slight, nervous man with a taste that runs to green suits...(New York Times, March 14, 1969).

> Dr. Diamond, speaking in the dry, detached manner of a professor lecturing a college class, calmly dissected Sirhan's personality. The defendant's mother...wept silently...The psychiatrist, a thin-faced man with a tendency to ramble into the underbrush of psychiatric argot...(New York Times, March 25, 1969).

> Dr. Pollack, who sipped water frequently, appeared almost frightened. He had displayed a confident manner while testifying for the prosecution...The psychiatrist, a short man with a florid face...(New York Times, April 3, 1969).

> Dr. Olinger, a thin-lipped, fussy man who spent a good deal of time at a blackboard covered with charts while he lectured the jury...Most members of the jury looked as dazed as bees in smoke as Dr. Olinger talked on and on about the tests and what they meant. (New York Times, April 8, 1969)

> For three weeks a succession of defense psychiatrists and psychologists in Los Angeles's Hall of Justice had used every device in their casebooks -- from Rorschach ink blots to hypnosis -- to convince the jury that Sirhan B. Sirhan was out of his mind when he shot Senator Robert F. Kennedy. Last week, the prosecution got its turn, and to no one's surprise, promptly produced a psychiatrist who stoutly insisted that Sirhan knew what he was doing all along...Dr. Seymour Pollack, a moon-faced University of Southern California psychiatrist...(Newsweek, April 14, 1969).

Most criticisms of the personal traits of the psychiatrists and psychologists occurred in the New York Times rather than in the magazines.[51] All four of the above quotes from the New York Times appeared in articles written by the same reporter. Perhaps this is one drawback of newspaper articles; they can easily reflect bias if the one reporter is biased. Magazines, on the other hand, have many researchers and reporters working on the same article. Although magazines are usually expected to add opinions to the facts, they usually add more than one person's opinion. Therefore, magazines scored more plus/minuses than the newspaper while the newspaper scored more zeros than magazines in this study.

Incidently, the same New York Times reporter said of one of the lawyers, "The prosecutor, a tall, lean man with graying hair, drew smiles from the jury... Mr. Fitts, in his gently way, was particularly scornful of Dr. Martin M. Schorr..." (New York Times, April 10, 1969). The use of "lean" rather than "slight" or "thin-faced" is an example of subtle positive bias. The "graying hair" phrase adds the perfect touch to complete the image of confident maturity. Ironically, the reporter did not describe Mrs. Sirhan when Mr. Fitts was prosecuting her son; he mentions her silently weeping only when Dr. Diamond was trying to save his life. In contrast, the article mentions the "smiles from the jury" the prosecutor received -- rather than the mother's weeping.

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[51]This is not in disagreement with the results in Table 4. Table 4 shows that seven New York Times articles received negative ratings and five magazine articles received negative ratings. The raw data (Appendix A shows that there are actually at least eleven Times statements which are biased against the personal traits, while there are at least six magazine statements which are biased against the personal traits. The difference between eleven and six is much larger than the difference between seven and five. There are, therefore, many more negative newspaper statements than negative magazine statements.

Editorials

There were five editorials on Sirhan B. Sirhan and his trial in the one hundred forty-one articles studied. Three of the editorials were in the New York Times; one appeared in Life and one in Nation. Two of the editorials in the New York Times were irrelevant.

Against the psychiatrists and psychologists and against their contention that Sirhan is mentally ill are the following:

> In the course of the trial, the jury and the attentive public were subjected to a great amount of confusing and conflicting psychological interpretation of Sirhan's early life, deprivations, dreams and fantasies. The psychiatrists made little useful contribution to public respect for their inexact science or their abilities to uncover hidden motives. The jury was rightly unpersuaded that Sirhan pulled the trigger of death simply because he was a problem child in a troubled, fatherless family. (New York Times, April 18, 1969)

> ...the jury...would be justified in returning a second guilty verdict -- against the psychiatric testimony in the courtroom. There is no reason to doubt that the jury responsibly weighed the psychiatric testimony about Sirhan -- though much of it was a shambles -- before rejecting it and finding him guilty of first degree murder. What does seem in doubt is the inadequacy of courtroom proceedings which sometimes appear to become scripts written by psychiatrists and, in the candid opinion of Sirhan's own star psychiatric witness, "too illogical even for the theater of the absurd." (Life, May 2, 1969)

Biased toward the contention that Sirhan was mentally ill is the following:

> ...the jury's action is particularly distasteful because of the man's evident mental confusion. Legal insanity is a will o' the wisp, the despair of both lawyers and psychiatrists, but no reasonable man, reflecting on Sirhan's fantastic motivation and his frenzied courtroom behavior, would advocate putting this pathetic youth to death. (Nation, May 12, 1969)

Therefore, of the three editorials relevant to the study, two were against the psychiatrists and psychologists and maintained that Sirhan was mentally sane. One maintained that he was mentally ill.

Conclusions

What was it that disillusioned the press? Was it the personal traits of the witnesses, the content of their testimony, or perhaps the whole field of psychiatry/psychology altogether? Turning to the raw data, one finds differences between the magazines and the New York Times in answer to these questions. The magazines, are equally negative toward personal traits and content of testimony and extremely negative toward the whole field. The New York Times is just a little more negative toward the personal traits than are the magazines, but is neutral toward the content of testimony and the field of psychiatry/psychology. This author would conclude from this that the magazines perceived the psychiatrists and psychologists as lacking in personality, appearance, manner of presentation etc., as well as lacking in their theories. Interrelated with this is the magazines' even greater negative perception of the whole field of psychiatry/psychology itself. The New York Times, however, found fault mainly with the personal traits of the witnesses, beginning with the first expert witness on March 11.

Furthermore, while the New York Times contained fewer biased articles than the magazines contained, nearly all the biased New York Times articles were negatively biased. The magazines had more of a balance between positively and negatively biased articles. This high incidence of positively biased magazine articles was probably due to the fact that the magazines portrayed Sirhan as mentally ill; the New York Times was neutral for this category. Finally, for the three most important categories (Personal Traits, Content of Testimony, Field of Psychiatry/Psychology), both newspaper and magazine articles tended to be extremely negatively biased against the psychiatrists and psychologists.

It must be kept in mind, however, that these negative perceptions of the press were probably due to two factors: actual negative qualities of the witnesses, and some bias against these witnesses on the part of the press. How much of the "potential bias" was due to each factor could not be determined from the information at hand in this study. This study did show, however, that the psychiatrists and psychologists were portrayed negatively by the press and therefore is significant to the mental health journalist.

The overall results suggest that the articles tended to criticize the "battle of the experts." This negative criticism may be justifiable in many cases. The experts cannot continue to oppose each other at public trials and help the mentally ill offender. Perhaps they should act as "friends of the court" rather than as partisan witnesses for either the defense or prosecution. And perhaps our laws related to mental illness should be more definable in psychiatric terms so the experts will not be merely disagreeing on interpretations of legal definitions of insanity. This disagreement often confuses the jury. Perhaps a solution lies in the adversary system as well as in the field of psychiatry/psychology and in any bias on the part of the press.

Suggestions for further study

There is a need for further research in the area of press coverage of psychiatrists and psychologists who testify in trials and of them in general.

Further research might tackle such problems as investigating press coverage of psychiatrists and psychologists at past and future trials with access to a transcript of the trial or presence at the trial itself. A study of this kind might determine whether the experts' so-called "failure" at the Sirhan trial or

their "success" at previous trials had any impact on future trials.

Presence at a trial or access to a transcript of the trial might enable the researcher to determine why the psychiatrists and psychologists are portrayed as they are in the press. It might enable the researcher to differentiate between the two components of bias in this study: actual positive or negative characteristics of the witnesses or real bias towards the witnesses on the part of the press.

A content analysis of press coverage of past and future trials in which psychiatrists and psychologists testified might put the results of this study in perspective with content analyses of other studies. It might shed light on whether the image of psychiatry and psychology is getting better or worse with time.

Also of importance for further study might be to investigate how the psychiatrists and psychologists in the Sirhan trial were portrayed in newspapers other than the New York Times, and how they were portrayed on television and on radio.

CHAPTER VI

SUMMARY AND CONCLUSIONS

The purpose of this thesis was to analyze the press coverage of the psychiatrists and psychologists who testified in the Sirhan Bishara Sirhan trial as to whether they were presented with positive "bias," negative "bias," or "fairly." The term "bias" in this study was defined as accurate portrayal of real positive or negative characteristics of the psychiatrists and psychologists as well as actual bias as prejudice on the part of the press. The measured bias may therefore be looked upon as "potential bias." A content analysis of one hundred forty-one articles was performed. The articles studied were on Sirhan Sirhan, his trial, and the psychiatrists and psychologists who testified at the trial. They included eighty-eight New York Times articles and fifty-three magazine articles from Time, Newsweek, Life, U.S. News and World Report, Nation, National Review, Christianity Today, Commentary, and Senior Scholastic. The articles were rated for possible bias or fairness according to ten categories: Personal Traits, Content of Testimony, Views of Others, Field of Psychiatry/Psychology, Defense Argument for Psychiatric Evidence, Prosecution Argument Against Psychiatric Evidence, Sirhan's Mental Condition, Legal Aspects, Accuracy, Headline Content. Precise definitions were assigned to each category before rating to minimize subjectivity of this author. A statistical test, namely the sign test, was employed to determine the statistical significance or insignificance of the results. In addition to the

content analysis, a questionnaire was sent to each of the ten testifying psychiatrists and psychologists in order to analyze their views as to whether they felt the press coverage of them was favorably biased, unfavorably biased, or fair.

At the outset of the study it was hypothesized that:

1) the press would perceive the mental state of Sirhan Sirhan to be sane;

2) the press would be biased against the psychiatric and psychological theories;

3) the press would be biased against the personal traits of the testifying psychiatrists and psychologists; and

4) the psychiatrists and psychologists to whom the questionnaires had been sent would state that the press was biased against them during the trial.

The results of the content analysis showed the first hypothesis to be wrong. The opposite was true for magazines; the magazines portrayed Sirhan as mentally insane. The newspaper presented Sirhan's mental state without bias. The second hypothesis was found to be true, although more so for the magazines than for the newspaper. The newspaper presented most of the experts' statements with fairness. However, when the newspaper articles were biased, they tended to be negatively biased. From the trend of the results, the third hypothesis was also found to be apparently true. However, it could not be verified with any statistical significance because the population was too small. The fourth and final hypothesis was proven correct in part. Most of the eight psychiatrists and psychologists who returned the questionnaire thought press coverage to be biased against them during the trial. However, a few thought it to be fair in part. None thought it to be positively biased.

More specifically, the results of the content analysis showed that eighty-five of the one hundred forty-one articles studied were relevant to the study. Similar percentages of the articles were relevant for the magazines and the newspaper.

Large percentages of the relevant articles were found to be biased. However, the newspaper articles tended to be less frequently biased than the magazine articles (sixty-one percent of the magazines and forty-one percent of the newspaper).

For all the biased articles, a trend existed for articles to be negatively biased.

In reference to the accuracy of the articles, it was concluded (with some reservations, since this author did not have a transcript of the trial) that the relevant magazine and newspaper articles were reasonably accurate.

For the other nine categories, six were found to be biased against the psychiatrists and psychologists in the magazines: Personal Traits, Content of Testimony, Views of Others, Field of Psychiatry/Psychology, Defense Argument for Psychiatric/Psychological Evidence, and Legal Aspects. Two categories, Prosecution Argument Against Psychiatric/Psychological Evidence, and Headline Content had a tendency toward unbias. Sirhan's Mental Condition was biased toward the belief that he was mentally ill.

For the newspaper, Personal Traits and Views of Others had a tendency to be biased against the expert witnesses. Found to have a tendency toward unbias were Content of Testimony, Defense Argument for Psychiatric/Psychological Evidence, Prosecution Argument Against Psychiatric/Psychological Evidence, Sirhan's Mental Condition, Legal Aspects, and Headline Content. The Field of Psychiatry/Psychology showed an even distribution of articles biased for, biased against, and unbiased.

In summary, press coverage of the psychiatrists and psychologists in the Sirhan Sirhan trial was approximately half biased and half unbiased. There were two and one-half times more articles biased against the psychiatrists and psychologists than biased for them. Therefore, press coverage, when biased, tended to be biased against the expert witnesses.

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APPENDIX A

ILLEGIBLE

THE FOLLOWING DOCUMENT (S) IS ILLEGIBLE DUE TO THE PRINTING ON THE ORIGINAL BEING CUT OFF

ILLEGIBLE

ILLEGIBLE DOCUMENT

THE FOLLOWING DOCUMENT(S) IS OF POOR LEGIBILITY IN THE ORIGINAL

THIS IS THE BEST COPY AVAILABLE

MAGAZINES - #1

	Time → / Newsmagazine ↓ ① 6-21-68	② 1-17-69	③ 1-24-69	④ 1-31-69	⑤ 2-21-69	⑥ 3-7-69	⑦ 3-14-69	⑧ 3-21-69	⑨ 4-4-69	⑩ 4-4-69	⑪ 4-25-69	⑫ 5-2-69	⑬ 5-30-69	⑭ 6-11-68	⑮ 1-24-69	⑯ 1-24-68	⑰ 8-12-68
Personal traits									+ −								
Content of testimony								0	+ −		=	=					
Views of others											−	−					
Field of psychiatry/psychology			0						−	+ −							
Defense argument for psychiatric evidence		0	0		=						−						
Prosecution argument against psychiatric evidence								0			−						
Sirhan's mental condition	+	0			+ +	+ +	+ +			+ −	+						
Legal aspects																	
Accuracy																	
Headline content			0		±	−		0	0	0							

MAGAZINES #2

Newsweek

	(18)	1-3-69 (19)	1-13-69 (20)	1-27-69 (21)	2-17-69 (22)	2-24-69 (23)	3-3-69 (24)	3-10-69 (25)	3-17-69 (26)	3-24-69 (27)	3-24-69 (28)	3-31-69 (29)	4-7-69 (30)	4-7-69 (31)	4-14-69 (32)	4-28-69 (33)	5-5-69 (34)	6-2-69
Personal traits										=		+	+	−				
Content of testimony							−	−		+ −	+ −	−	−	=				
Views of others																=		
Field of psychiatry/psychology													=					
Defense argument for psychiatric evidence		÷								+	+ −				0			
Prosecution argument against psychiatric evidence										0					0			
Sirhan's mental condition		+	0		0		+	+ −	+ −	+ +						−		
Legal aspects		+																
Accuracy													=			−		
Headline content												0	0					

MAGAZINES #3

	U.S News & World Report					National Review					Life					Christianity Today		
	6-17-68 (34)	4-28-69 (36)	5-5-69 (37)	6-2-69 (35)	8-18-69 (38)	7-30-65 (40)	7-30-68 (41)	3-11-69 (43)	3-11-69 (42)	5-6-69 (44)	5-14-65 (45)	5-21-65 (46)	1-15-69 (47)	5-2-69 (48)	6-12-68 (49)	7-5-68 (50)	8-4-69 (51)	
Personal traits									−					−				
Content of testimony									=					=				
Views of others									−					±				
Field of psychiatry/psychology							=		=					±				
Defense argument for psychiatric evidence							−	−	−									
Prosecution argument against psychiatric evidence																		
Sirhan's mental condition						+ +	−											
Legal aspects								=										
Accuracy							=	−										
Headline content									−					−				

MAGAZINES #4

	(52) 5-12-69 Tidewater	(53) 5-2-69 Sirhan & Volunteer	Total	
Personal traits			-5 +2 ±1	(-)
Content of testimony		0	-13 ±3 0 2	(-)
Views of others			-5 ±1	(-)
Field of psychiatry/psychology			-8 ±1 0 1	(-)
Defense argument for psychiatric evidence		0	-6 +2 ±1 0 4	(-)
Prosecution argument against psychiatric evidence		0	-1 0 4	0
Sirhan's mental condition	+ +	0	-2 +16 ±3 0 4	(+)
Legal aspects			-2 +1 01	(-)
Accuracy				
Headline content			-3 +1 01	0

	1) 6-5-69	2) 6-9-69	3) 1-1-69	4) 1-2-69	5) 1-7-69	6) 1-7-69	7) 1-8-69	8) 1-9-69	9) 1-10-69	10) 1-11-69	11) 1-13-69	12) 1-14-69	13) 1-15-69	14) 1-16-69	15) 1-17-69	16) 1-18-69	17) 1-19-69
Personal traits																	
Content of testimony																	
Views of others																	
Field of psychiatry/psychology		+ +															
Defense argument for psychiatric evidence	0						0				0	0					0
Prosecution argument against psychiatric evidence																	
Sirhan's mental condition		+ +		0			0										
Legal aspects							0										0
Accuracy																	
Headline content	0	0															

	1	1-21-69 (10)	1-22-69 (25)	1-23-69 (31)	1-24-69 (32)	1-25-69 (33)	1-30-69 (34)	1-31-69 (35)	2-2-69 (30)	2-4-69 (27)	2-5-69 (28)	2-6-69 (29)	2-7-69 (36)	2-8-69 (37)	2-9-69 (38)	2-12-69 (39)	2-14-69 (40)	2-15-69 (41)
Personal traits																		
Content of testimony																		
Views of others																		
Field of psychiatry/psychology																		
Defense argument for psychiatric evidence		-			0									+			0	
Prosecution argument against psychiatric evidence																		
Sirhan's mental condition																		
Legal aspects					0			0								0		
Accuracy																		
Headline content		-															0	

	2-18-69 (29)	2-19-69 (3)	2-20-69 (37)	2-21-69 (35)	2-22-69 (32)	2-23-69 (40)	2-23-69 (41)	2-23-69 (42)	2-25-69 (43)	2-26-69 (44)	2-28-69 (42)	2-28-69 (42)	3-1-69 (47)	3-3-69 (49)	3-4-69 (42)	3-5-69 (50)	3-6-69 (51)	3-7-69
Personal traits																		
Content of testimony																		
Views of others																		
Field of psychiatry/psychology																		
Defense argument for psychiatric evidence		0		0			0			0		0	0	0	0		0	
Prosecution argument against psychiatric evidence																		
Sirhan's mental condition														0				
Legal aspects				0						0				0				
Accuracy																		
Headline content																		

THE NEW YORK TIMES

	3-8-69 (52)	3-9-69 (53)	3-11-69 (54)	3-12-69 (55)	3-13-69 (56)	3-14-69 (57)	3-14-69 (58)	3-14-69 (59)	3-14-69 (60)	3-14-69 (61)	3-16-69 (62)	3-18-69 (63)	3-19-69 (4)	3-20-69 (5)	3-21-69 (6)	3-24-69 (67)	3-25-69 (68)
Personal traits			−	0		=	−					−	0	0	0		=
Content of testimony			0	+		+ −				0	−	+ −	0	0	−	0	0
Views of others			−				−										
Field of psychiatry/psychology																0	
Defense argument for psychiatric evidence		+ −										0		0	0	0	
Prosecution argument against psychiatric evidence		+ −		−	0	0					0	0		0	0	0	
Sirhan's mental condition				0	0											+	
Legal aspects																0	
Accuracy						−		0			=				−		
Headline content	0	0	0	0	0	0	0	0		−	−	0	0	0	−		0

	3-26-69 (19)	3-27-69 (32)	3-28-69 (31)	3-29-69 (72)	3-30-69 (23)	4-2-69 (74)	4-3-69 (73)	4-4-69 (20)	4-5-69 (97)	4-8-69 (24)	4-9-69 (27)	4-10-69 (28)	4-11-69 (51)	4-12-69 (52)	4-13-69 (93)	4-15-69 (54)	4-16-69 (55)	4-17-69
Personal traits				+		=			=									
Content of testimony	0	−	−	0	0	0	0	0	0	0			−					
Views of others									−				−		=			
Field of psychiatry/psychology									−									
Defense argument for psychiatric evidence			0			−		0		0		±	0	0	0			
Prosecution argument against psychiatric evidence		0		0			0				=			0				
Sirhan's mental condition														±				
Legal aspects																		
Accuracy			−					−										
Headline content	0	0	−	0		0	−	0	−		0	0	−		0			

	(X) 4-15-69	(X) 4-15-69	(X) 4-15-69																	
Personal traits						= 4 - 3 0 4 + 1		⊖												
Content of testimony	0		=			= 1 - 5 ± 2 0 13		0												
Views of others						+ 1 = 1 - 4		⊖												
Field of psychiatry/psychology						- 1 0 1 + 1		+/-/0												
Defense argument for psychiatric evidence	0					- 2 0 26 ± 2 + 1		0												
Prosecution argument against psychiatric evidence						= 1 - 1 0 11 ± 1		0												
Sirhan's mental condition			—			- 1 0 6 ± 1 + 1 + 1		0												
Legal aspects						0 9		0												
Accuracy						= 1 - 4 0 1														
Headline content						- 4 0 23		0												

APPENDIX B

THIS BOOK WAS BOUND WITHOUT PAGES "A" AND "F" OF APPENDIX B.

THIS IS AS RECEIVED FROM CUSTOMER.

PLEASE CHECK ONE:

What did you think of the press coverage of you during the Sirhan B. Sirhan trial?

___ very biased in favor of you
___ biased in favor of you
___ fair
___ biased against you
___ very biased against you

Explanatory comments _____

What did you think of the press coverage of the psychiatrists and psychologists, in general, who testified in the trial?

___ very biased in favor of these witnesses
___ biased in favor of these witnesses
___ fair
___ biased against these witnesses
___ very biased against these witnesses

Explanatory comments _____

Had you ever testified (as a psychiatrist or psychologist) in court before?

✓ yes ___ no

If yes, what did you think of the press coverage of you then?

___ very biased in favor of you
___ biased in favor of you
___ fair
___ biased against you
___ very biased against you

Explanatory comments _____

unfortunately for our purposes
I have not read the press reports
the San Francisco coverage was
minimal —

Thank you!

PLEASE CHECK ONE:

What did you think of the press coverage of you during the Sirhan B. Sirhan trial?

__ very biased in favor of you
__ biased in favor of you
__ fair
X biased against you
__ very biased against you

Explanatory comments see "RFK Must Die" by Robt Kaiser Bantam 1970
Book contained full account of Sirhan case incl. material in news coverage

What did you think of the press coverage of the psychiatrists and psychologists, in general, who testified in the trial?

__ very biased in favor of these witnesses
__ biased in favor of these witnesses
__ fair
X biased against these witnesses
__ very biased against these witnesses

Explanatory comments

Had you ever testified (as a psychiatrist or psychologist) in court before?

X yes __ no

If yes, what did you think of the press coverage of you then?

__ very biased in favor of you
__ biased in favor of you
X fair
__ biased against you
__ very biased against you

Explanatory comments

I regard the new Kaiser book a very fair presentation

Please send a copy of your completed thesis. Thank you!

Thank you!

PLEASE CHECK ONE:

What did you think of the press coverage of you during the Sirhan B. Sirhan trial?

__ very biased in favor of you
__ biased in favor of you
x fair
__ biased against you
__ very biased against you

Explanatory comments I have read none of the publications mentioned in your letter. My remarks are based only on an article in the Los Angeles Times and the Los Angeles Herald Examiner.

What did you think of the press coverage of the psychiatrists and psychologists, in general, who testified in the trial?

__ very biased in favor of these witnesses
__ biased in favor of these witnesses
__ fair
x biased against these witnesses
__ very biased against these witnesses

Explanatory comments same as above

Had you ever testified (as a psychiatrist or psychologist) in court before?

x yes __ no

If yes, what did you think of the press coverage of you then?

__ very biased in favor of you
__ biased in favor of you
x fair
__ biased against you
__ very biased against you

Explanatory comments

I would like the results of your study

Thank you!

PLEASE CHECK ONE:

What did you think of the press coverage of you during the Sirhan B. Sirhan trial?

__ very biased in favor of you
__ biased in favor of you
__ fair
__ biased against you
__ very biased against you

Explanatory comments Don't know. Did see my name in it. [illegible]

What did you think of the press coverage of the psychiatrists and psychologists, in general, who testified in the trial?

__ very biased in favor of these witnesses
__ biased in favor of these witnesses
X fair
__ biased against these witnesses
__ very biased against these witnesses

Explanatory comments Lectures would credit in Thesis

Had you ever testified (as a psychiatrist or psychologist) in court before?

X yes __ no

If yes, what did you think of the press coverage of you then?

__ very biased in favor of you
__ biased in favor of you
X fair
__ biased against you
__ very biased against you

Explanatory comments

Would like results of your study

Thank you!

PLEASE CHECK ONE:

What did you think of the press coverage of you during the Sirhan B. Sirhan trial?

___ very biased in favor of you
___ biased in favor of you
___ fair
X ___ biased against you
___ very biased against you

Explanatory comments The coverage varied; in several publications, I think the coverage was fair in others, it tended to be overdramatized. Some items were taken out of context, and one story had it that my cross-examination was blistering (which it was not) and that I flushed frequently during it (which I did not, if I may take my secretary's word for it, who was present).

What did you think of the press coverage of the psychiatrists and psychologists, in general, who testified in the trial?

___ very biased in favor of these witnesses
___ biased in favor of these witnesses
___ fair
_X_ biased against these witnesses
___ very biased against these witnesses

Explanatory comments I think that most of the comments were fair and biased against the witnesses; that is, I think they deserved the unfavorable comments, in the main, because so many of the assertions were asinine.

Had you ever testified (as a psychiatrist or psychologist) in court before?

_X_ yes ___ no

If yes, what did you think of the press coverage of you then?

___ very biased in favor of you
___ biased in favor of you
_X_ fair
___ biased against you
___ very biased against you

Explanatory comments

Thank you!

PLEASE CHECK ONE:

What did you think of the press coverage of you during the Sirhan B. Sirhan trial?

___ very biased in favor of you
___ biased in favor of you
___ fair
X biased against you
___ very biased against you

Explanatory comments Most of the press (but not all) highlighted inconsistencies and problems in cross-examination for sensational purposes - to dramatize the issue rather than to report objectively. Even 2 hardly recognized the news power report from the trial material itself.

What did you think of the press coverage of the psychiatrists and psychologists, in general, who testified in the trial?

___ very biased in favor of these witnesses
___ biased in favor of these witnesses
___ fair
X biased against these witnesses
___ very biased against these witnesses

Explanatory comments although I, myself, was unfavorably impressed with their testimony generally, the press coverage seemed to highlight the sensational - usually unfavorably - for publicity purposes.

Had you ever testified (as a psychiatrist or psychologist) in court before?

X yes ___ no

If yes, what did you think of the press coverage of you then?

___ very biased in favor of you
___ biased in favor of you
X fair
___ biased against you
___ very biased against you

Explanatory comments Little press coverage attended most prior testimony, and none was as "sensational" a case - though their coverage was usually more objective and more impartial

Mrs. Grabowski,

My apologies for the delay in answering. I would greatly appreciate a copy of your thesis or at least a summary of your results of study - to date. My best wishes on your study.

PLEASE CHECK ONE:

What did you think of the press coverage of you during the Sirhan B. Sirhan trial?

__ very biased in favor of you
__✓ biased in favor of you
__ fair
__✓ biased against you
__ very biased against you

Explanatory comments _____

What did you think of the press coverage of the psychiatrists and psychologists, in general, who testified in the trial?

__ very biased in favor of these witnesses
__ biased in favor of these witnesses
__ fair
__✓ biased against these witnesses
__ very biased against these witnesses

Explanatory comments _____

Had you ever testified (as a psychiatrist or psychologist) in court before?

__✓ yes Sirhan was Murder #163 __ no

If yes, what did you think of the press coverage of you then?

__ very biased in favor of you
__✓ biased in favor of you
__ fair
__✓ biased against you
__ very biased against you

Explanatory comments _____

Thank you!

PLEASE CHECK ONE:

What did you think of the press coverage of you during the Sirhan B. Sirhan trial?

___ very biased in favor of you
___ biased in favor of you
___ fair
X biased against you
___ very biased against you

Explanatory comments If "Expert Testimony" was discredited by the prosecution & the attempt to exclude such evidence would cause St. Court's trouble in many cases in future.

What did you think of the press coverage of the psychiatrists and psychologists, in general, who testified in the trial?

___ very biased in favor of these witnesses
___ biased in favor of these witnesses
X fair
___ biased against these witnesses
___ very biased against these witnesses

Explanatory comments X My experience at trial and the press stories I've seen & heard are that Lawyers also tried to discredit the press representatives of the testimony of Dr. Diamond & Dr. Satloff

Had you ever testified (as a psychiatrist or psychologist) in court before?

___ yes X no

If yes, what did you think of the press coverage of you then?

___ very biased in favor of you
___ biased in favor of you
___ fair
___ biased against you
___ very biased against you

Explanatory comments

I shall be interested in a summary of the results of your study. It is important because the Expert Testimony in this case was a travesty

Thank you! Contact Dr. George C. de Cha, Anthropology U. of Calif. at Berkeley. Good Luck

APPENDIX C

(12) #32

The 1st degree verdict & the death sentence showed how little impact the defense had had in trying to prove with psychiatric testimony that Sirhan was incapable of telling right from wrong. It was the uncomplicated, law-and-order approach by the prosecution that convinced the jury.

Defense testimony by 2 psychiatrists & 6 psychologists was often obscure, at & conflicting — and never convincing to the jury. When the defense pressed its experts for judgments on Sirhan's sanity, the imprecision of the science became obvious. Each psychologist & psychiatrist seemed to have a slightly different theory @ S's mental state. "All those psychiatrists — they really

(12)

Time, May 2, 1969. p. 19.

Under the Nation, Under Trials.

"Toward the Gas Chamber"

PRESS COVERAGE OF THE PSYCHIATRISTS AND PSYCHOLOGISTS WHO TESTIFIED IN THE SIRHAN BISHARA SIRHAN TRIAL

by

VIRGINIA I. GRABOWSKI

B. A., Marymount College, Tarrytown, New York, 1967

AN ABSTRACT OF A MASTER'S THESIS

submitted in partial fulfillment of the

requirements for the degree

MASTER OF SCIENCE

Department of Journalism and Mass Communications

KANSAS STATE UNIVERSITY
Manhattan, Kansas

1971

The purpose of this study is to investigate the press coverage of the psychiatrists and psychologists who testified at the Sirhan Sirhan trial. One hundred forty-one newspaper (New York Times) and popular magazine (Christianity Today, Commentary, Life, Nation, National Review, Newsweek, Senior Scholastic, Time, and U.S. News and World Report) articles were examined for possible negative or positive bias with respect to nine categories of potential bias. These categories included Personal Traits, Content of Testimony, Views of Others, Field of Psychiatry/Psychology, Defense Argument for Psychiatric/Psychological Evidence, Prosecution Argument against Psychiatric/Psychological Evidence, Sirhan's Mental Condition, Legal Aspects, and Headline Content. In addition, the articles were examined for accuracy. Tabulations of the results were then analyzed statistically and discussed qualitatively. Concurrently with this work, questionnaires were sent to all ten of the testifying psychiatrists and psychologists to determine their views of the press coverage of the trial.

It was found that significant percentages of both magazine and newspaper articles (sixty-one percent and forty-one percent, respectively) contained potential bias as defined in this study. When potential bias occurred, moreover, it tended to be unfavorable toward the psychiatrists and psychologists. The articles portrayed Sirhan Sirhan as mentally ill, however. Newspaper articles, finally, were less frequently positively biased than magazine articles. The results of the questionnaires -- eight were returned -- were in accord with these findings.