

PAROLE SUITABILITY HEARING
STATE OF CALIFORNIA
BOARD OF PAROLE HEARINGS

In the matter of the Parole CDC Number: **B21014**
Consideration Hearing of:

SIRHAN BISHARA SIRHAN

R.J. DONOVAN CORRECTIONAL FACILITY

SAN DIEGO, CALIFORNIA

08/27/2021

8:45 AM

PANEL PRESENT:

ROBERT BARTON, Presiding Commissioner
TERESA MEIGHAN, Deputy Commissioner

OTHERS PRESENT:

SIRHAN SIRHAN, Inmate
ANGELA BERRY, Attorney for Inmate
PAUL SCHRADE, Victim
DENISE BOHDAN, Victim Support
JENNIFER ABREU, Victim's Representative
MARK GROUBERT, Victim's Representative
ROBERT KENNEDY, VNOK
DOUGLAS KENNEDY, VNOK
PAUL DEBLE, Observer
JULIE WATSON, Observer/reporter
STEVEN MAHONEY, Deputy Commissioner/observer

Transcribed by: Fran Matis

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PROCEEDINGS

1 **DEPUTY COMMISSIONER MEIGHAN:** On the record.

2 **PRESIDING COMMISSIONER BARTON:** All right. Good
3 morning. I'm Commissioner Barton and this is the 15th
4 subsequent life parole consideration hearing for Mr.
5 Sirhan CDCR number B as in Boy, 21014. Today is August
6 27th, 2021, the time is approximately 8:45. He's located
7 at the Richard J. Donovan State Prison. The rest of us are
8 joining via audio video conferencing on Microsoft Teams.
9 We have, uh, several victim family members, as well as a
10 surviving victim, as well as representatives and support
11 persons, as well as some observers and staff members that
12 are attending the hearing, so we're going to do a voice
13 identification for everyone. This hearing is being
14 recorded and there is going to be a transcript that will
15 be created subsequently and be available as a public
16 record upon request. It will also be provided to Mr.
17 Sirhan regardless of the outcome, free of charge. As far
18 as everyone else, no one else is allowed to record either
19 audio or video or take pictures of the screen or anything
20 of that nature without prior authorization, which to my
21 knowledge there has been none. Also, I would ask everyone
22 you, the people that are in the call now are authorized to
23 attend, but if someone else were to enter the room that
24 you're in, uh, coming or going, I would need to be advised
25

1 of that or you would need to ask them to leave because
2 they would not be authorized to attend. So those are sort
3 of the ground rules. I'm going to start with myself
4 stating my first name, last name, spelling my last name,
5 and then I'll prompt each person in turn and I'll go
6 through my list and if I miss anybody, I don't intend to,
7 but if I do, I'll ask at the end if anyone is still in
8 attendance that has not been identified. So, starting with
9 myself, my name is Robert Barton, B-A-R-T-O-N. I'm the
10 Presiding Commissioner for this hearing. Next will be our
11 Deputy Commissioner.

12 **DEPUTY COMMISSIONER MEIGHAN:** Good morning, everyone.
13 My name is Teresa Meighan, last name is spelled M-E-I-G-H-
14 A-N. I am the Deputy Commissioner for Board of Parole
15 Hearings appearing by Microsoft Teams.

16 **PRESIDING COMMISSIONER BARTON:** Next will be Inmate
17 Counsel.

18 **INMATE ATTORNEY BERRY:** Good morning to the
19 Commissioner and -- and Deputy Commissioner, Mr. Sirhan
20 and attendees. I am Angela Berry, B-E-R-R-Y.

21 **PRESIDING COMMISSIONER BARTON:** All right. And Mr.
22 Sirhan, first name, last name, spell your last name
23 please.

24 **INMATE SIRHAN:** I am Sirhan Sirhan, S-I-R-H-A-N.

25 **PRESIDING COMMISSIONER BARTON:** All right. And did I

1 get your CDCR number, correct?

2 **INMATE SIRHAN:** Yes. B21014.

3 **PRESIDING COMMISSIONER BARTON:** Thank you. All right,
4 next. I'm just gonna go in the order that I have on my
5 list, Mr. Schrade.

6 **VICTIM SUPPORT/ATTORNEY BOHDAN:** Good morning. Paul,
7 this is Denise Bohdan, Attorney for Mr. Paul Schrade. Paul
8 has just stepped away from the camera, but he is present
9 and we will both be appearing by Teams today.

10 **PRESIDING COMMISSIONER BARTON:** Will you spell his
11 last name for me please?

12 **VICTIM SUPPORT/ATTORNEY BOHDAN:** Certainly. S-C-H-R-A-
13 D-E.

14 **PRESIDING COMMISSIONER BARTON:** And would you state
15 your first name, last name and spell your last.

16 **VICTIM SUPPORT/ATTORNEY BOHDAN:** Denise Bohdan, B
17 like Boy, O-H-D-A-N like Nancy.

18 **PRESIDING COMMISSIONER BARTON:** All right. And I'll
19 continue with his representatives. Uh, next, Ms. Abreu.

20 **VICTIM'S REPRESENTATIVE ABREU:** Hi, good morning. Um,
21 first name is Jennifer, last name is Abreu, A-B as in Boy,
22 R-E-U and I'm, uh, joining via Teams.

23 **PRESIDING COMMISSIONER BARTON:** And you're listed as
24 a representative from Mr. Schrade, correct?

25 **VICTIM'S REPRESENTATIVE ABREU:** That is correct, yes.

1 **PRESIDING COMMISSIONER BARTON:** And Ms. Bohdan, I
2 don't know if you said this, but you're a support person
3 for Mr. Schrade, correct?

4 **VICTIM SUPPORT/ATTORNEY BOHDAN:** That is correct. I'm
5 also his Attorney, um, for purposes of the hearing.

6 **PRESIDING COMMISSIONER BARTON:** That's fine. I don't
7 think Mr. Schrade needs an Attorney for this hearing. As
8 far as next representative we have Mr. Groubert.

9 **VICTIM'S REPRESENTATIVE GROUBERT:** Uh, yeah, Mark
10 Groubert, Uh, M-A-R-K, uh, G-R-O-U-B-E-R-T. I am a support
11 person for, uh, Mr. Schrade.

12 **PRESIDING COMMISSIONER BARTON:** Okay. And just
13 because it has a legal distinction, we have you listed as
14 a representative, victim representative.

15 **VICTIM'S REPRESENTATIVE GROUBERT:** That's true.

16 **PRESIDING COMMISSIONER BARTON:** Okay. Thank you. All
17 right. Now we'll go to victim family members. Um, Mr.
18 Robert Kennedy, could your first name, last name?

19 **VNOK ROBERT KENNEDY:** Uh, yeah, Robert Kennedy III,
20 uh, K-E-N-N-E-D-Y.

21 **PRESIDING COMMISSIONER BARTON:** And Douglas. You're
22 on mute. You're on mute, sir. I need you to take, your off
23 mute.

24 **VNOK DOUGLAS KENNEDY:** Douglas Kennedy, K-E-N-N-E-D-
25 Y.

1 **PRESIDING COMMISSIONER BARTON:** All right.

2 **UNKNOWN:** Oh my God.

3 **PRESIDING COMMISSIONER BARTON:** And we have both of
4 them attending as family members of victim Robert Kennedy.
5 Also, and I appreciate everyone doing this. I noticed
6 people have been doing it, when you're not speaking or
7 being asked to speak if you go back on mute that really
8 helps us with our recording cause we don't get background
9 feedback. All right, next, I'll go to observers and we
10 have a Mr. Deble, first name, last name, spell your last
11 please.

12 **OBSERVER DEBLE:** Sure, my name is Professor Paul
13 Deble and my last name is D as in <inaudible>, E as in
14 Edward, B as in <inaudible>

15 **PRESIDING COMMISSIONER BARTON:** You came in really
16 faint, could I have you do that again louder so we get the
17 recording.

18 **OBSERVER DEBLE:** Absolutely. My name is Professor
19 Paul Deble, D-E-B-L-E and I am joining via on Teams.

20 **PRESIDING COMMISSIONER BARTON:** Okay. And next
21 observer we have is Julie Watson.

22 **OBSERVER/REPORTER WATSON:** Oh, yes, uh, sorry, sorry.
23 Hello, yes, sorry, uh, this is Julie Watson, can you hear
24 me?

25 **PRESIDING COMMISSIONER BARTON:** I can. First name,

1 last name, spell your last name please.

2 **OBSERVER/REPORTER WATSON:** Sure. It's, um, my last
3 name is Watson, W-A-T-S-O-N. My first name is Julie, J-U-
4 L-I-E and I am a reporter for the Associated Press.

5 **PRESIDING COMMISSIONER BARTON:** And my understanding
6 is you're serving in the capacity of pool reporter,
7 correct?

8 **OBSERVER/REPORTER WATSON:** Yes, that is correct.

9 **PRESIDING COMMISSIONER BARTON:** Okay. And then we
10 have an observer from Board of Parole Hearings, Mr.
11 Mahoney.

12 **OBSERVER CHIEF DEPUTY COMMISSIONER MAHONEY:** Steven
13 Mahoney, M-A-H-O-N-E-Y, Associate Chief Deputy
14 Commissioner from Board of Parole Hearings observing only
15 today.

16 **PRESIDING COMMISSIONER BARTON:** And for your benefit
17 and Ms. Berry's and everyone else's, Mr. Mahoney is simply
18 a staff member with our office who's here as an observer.
19 He is not taking part in the decision. He will not take
20 part in the questioning of Mr. Sirhan. The only persons
21 that will be doing that from the Board is myself and Ms.
22 Meighan. Okay, let's see. I think I have identified
23 everyone. Is there anyone else on the hearing who I have
24 not had identify themselves? Good. All right. Thank you
25 everyone. Once again, Commissioner Meighan, do you want to

1 check the recording and make sure that we are.

2 **DEPUTY COMMISSIONER MEIGHAN:** Yes, Commissioner.

3 Brief recess.

6 **RECESS**

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1 **DEPUTY COMMISSIONER MEIGHAN:** On the record.

2 **PRESIDING COMMISSIONER BARTON:** This is Commissioner
3 Barton. We are back on the record. It's 8:54 AM. We have
4 all the parties previously identified for the subsequent
5 parole consideration hearing for Mr. Sirhan. We have
6 checked the recording; it appears to be working so we will
7 continue. I'm going to set the record first with some
8 administrative matters and, uh, before we get started with
9 anything substantive. The record shows that Mr. Sirhan was
10 received in 1969 from Los Angeles County for conviction of
11 first-degree murder and five counts of assault with intent
12 to commit murder for the killing of Senator Kennedy, as
13 well as the, uh, assault with intent to kill Mr. Schrade,
14 Mr. Stroll, Mr. Weisel, Ms. Evans and Mr. Goldstein, which
15 occurred on June 6th, 1968. He was originally sentenced to
16 the death penalty that was later modified in 1972 to life
17 in prison. That is the term that he's currently serving.
18 That is the sentence that he's currently serving, life
19 with the possibility of parole. He also, uh, this has
20 changed since his 2016 hearing, we now have Penal Code,
21 Section 3051 which qualifies Mr. Sirhan as a youth
22 offender as being someone, uh, 25 years of age or younger
23 at the time of the offense, so he now qualifies for what
24 we call youth parole eligibility. Um, and in deciding the
25 issue of suitability, this Panel is required to give great

1 weight to the youth offender status. In addition to which
2 he is over 60 and has served more than 25 years and
3 therefore qualifies for elderly parole consideration,
4 which we also will be extending in this hearing. The
5 hearing, as I stated before, is audio recorded. No one
6 else is allowed to record. Uh, I say this not because I
7 expect it to happen, but if for some reason there was a
8 disruption or there was a problem impacting our ability to
9 conclude the hearing, and what I mean by that someone
10 going off mute and either, um, interjecting or causing
11 feedback, uh, unless it's one of the essential parties
12 that I previously described, um, I will excise them from
13 the meeting basically, um, signing them off from the
14 meeting. I don't expect that to happen, but just letting
15 people know. There will be, the way the hearing works,
16 there will be, uh, some questioning initially between
17 myself and Mr. Sirhan and Ms. Berry regarding some
18 administrative matters and then myself and the Deputy
19 Commissioner would be questioning Mr. Sirhan. Uh, if at
20 any time anyone needs a, uh, break, again, with the
21 exception of the observers who are free to come and go
22 from the room that they're in if they choose to, if anyone
23 else however needs a break and wants us to stop the
24 proceedings to take a break, you simply need to let me
25 know and as long as it's reasonable and we're not doing it

1 every 10 minutes, um, I will accommodate that. In addition
2 to which, as I previously stated, if everyone is mindful
3 of, uh, remaining on mute, unless you are actually
4 speaking, that helps us with the recording as well. So let
5 me finish with the administrative issues. First thing I
6 need to do is swear you in Mr. Sirhan. Would you raise
7 your right hand, please? Do you solemnly swear or affirm
8 any testimony you give today is the truth, the whole truth
9 and nothing but the truth?

10 **INMATE SIRHAN:** Yes, I do, sir.

11 **PRESIDING COMMISSIONER BARTON:** Thank you. Okay. I
12 show sir, a date of birth of March 19th, 1944. Is that
13 correct?

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

15 **PRESIDING COMMISSIONER BARTON:** So that makes you 77
16 years old today?

17 **INMATE SIRHAN:** And a half, yes.

18 **PRESIDING COMMISSIONER BARTON:** Okay. What my
19 daughters used to say when they were 6. I imagine that
20 half-years mean more to you at the beginning and at the
21 end, right, as we get older and when we're young. All
22 right. And I do show that again, based upon the date of
23 the crime, you would have been 24 at the time.

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

25 **PRESIDING COMMISSIONER BARTON:** Okay. All right. I

1 show that there is an education score of 8.5. I know you
2 got your high school diploma in 1963. You've also taken
3 college courses. I think you achieved an AA and at one
4 point they talked about you working towards a Bachelor's
5 degree. Did you ever get that?

6 **INMATE SIRHAN:** No, not yet. I've had, uh, I've been
7 too -- too involved in fulfilling my obligations to you
8 suggestions since last, uh, meeting by attending all
9 these, um -- um, self-help, uh, programs.

10 **PRESIDING COMMISSIONER BARTON:** The reason I'm asking
11 right now, Mr. Sirhan really doesn't have to do with, um,
12 the rehabilitative aspects of your time, it's really just
13 so I can establish that you have the ability to understand
14 what we're doing today, and that you can effectively
15 communicate in English, reading and writing. And I know
16 they asked you this in 2016 when you said, even though
17 it's your second language, you're perfectly comfortable
18 and fluent in English, correct?

19 **INMATE SIRHAN:** Yes, sir. I am.

20 **PRESIDING COMMISSIONER BARTON:** Okay. And I know that
21 you have multiple health issues, I've read the entire
22 file. Trust me, I read lots of pages of files in this
23 case. So, um, I'm aware of all your health issues and then
24 your Attorney also submitted your medical records with
25 your permission, is that correct?

1 **INMATE SIRHAN:** Yes, yes sir, she did.

2 **PRESIDING COMMISSIONER BARTON:** And the reason I
3 state that is under elderly parole we do consider
4 debilitating physical aspects of inmates, um, but only
5 with their permission. Because this is a public record,
6 once you start talking about them, you're waiving any
7 objection to those being public. In other words, you're
8 the one putting them out there for our consideration. So,
9 in looking through those it's apparent to me that you
10 would be on various medications, but listen to the
11 question I'm about to ask. What I need to know is are
12 there any medications that you're taking, and you don't
13 have to tell me what they are, that currently make you
14 unable to understand things. In other words, they impair
15 your ability to participate?

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

17 **PRESIDING COMMISSIONER BARTON:** Okay.

18 **INMATE SIRHAN:** None at all.

19 **PRESIDING COMMISSIONER BARTON:** Good. And then I also
20 show that after, um, the incident in 2019, where your
21 throat was cut, you, it said you briefly attended CCCMS
22 with the therapist, is that correct?

23 **INMATE SIRHAN:** Yes, I did. Uh, she -- she was the Ad
24 -- Ad Seg, uh, --

25 **PRESIDING COMMISSIONER BARTON:** Okay.

1 **INMATE SIRHAN:** psychologist.

2 **PRESIDING COMMISSIONER BARTON:** It's just a yes or
3 no, that's fine.

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

5 **PRESIDING COMMISSIONER BARTON:** And the only reason I
6 asked that is if you're currently in treatment I need to
7 know if you're taking any medications for mental health
8 reasons. Are you?

9 **INMATE SIRHAN:** No, sir, I'm not.

10 **PRESIDING COMMISSIONER BARTON:** Okay. Thank you.

11 **INMATE SIRHAN:** <inaudible>

12 **PRESIDING COMMISSIONER BARTON:** Okay. And you've been
13 able to hear everything okay?

14 **INMATE SIRHAN:** Uh, for the most part, yes.

15 **PRESIDING COMMISSIONER BARTON:** Well, what's
16 important is that you hear me? Have you been able to hear
17 everything I've said?

18 **INMATE SIRHAN:** Yes, sir. Yes, sir. I hear it
19 clearly.

20 **PRESIDING COMMISSIONER BARTON:** So, you're not
21 wearing hearing aids? You don't need help hearing? Nothing
22 like that?

23 **INMATE SIRHAN:** No. No. No.

24 **PRESIDING COMMISSIONER BARTON:** Okay. What about your
25 vision? Are you able to read without assistance?

1 **INMATE SIRHAN:** Yes, I can. I -- I do that, yes.

2 **PRESIDING COMMISSIONER BARTON:** Okay. You don't need
3 glasses or anything like that?

4 **INMATE SIRHAN:** No.

5 **PRESIDING COMMISSIONER BARTON:** Okay. What about
6 sitting in the chair? Do you, are you able to sit in the
7 chair for the hearing?

8 **INMATE SIRHAN:** I'm right here. <inaudible>

9 **PRESIDING COMMISSIONER BARTON:** Well sometimes
10 people, you know, they sit for a while and then they have
11 to move around or they have to stand up or they have
12 issues with back or legs or things like that. So, I know
13 you can sit in it right this moment, but if you need a
14 break at some point, uh, to stand up or something along
15 those lines, you need to let me know because I'm not there
16 in the room with you, I can't see that, okay?

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

18 **PRESIDING COMMISSIONER BARTON:** Right. And were you
19 able to walk to the room on your own without help?

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

21 **PRESIDING COMMISSIONER BARTON:** So, you --

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

23 **PRESIDING COMMISSIONER BARTON:** <inaudible> or
24 anything like that.

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

1 **PRESIDING COMMISSIONER BARTON:** All right. So, it
2 appears to me that we've accommodated any requirements you
3 would have to participate today, and it does not appear
4 that there's any issues, any other issues I need to
5 accommodate. Ms. Berry, are you aware of any others?

6 **INMATE ATTORNEY BERRY:** I am not.

7 **PRESIDING COMMISSIONER BARTON:** Okay. Thank you. All
8 right, sir. We're gonna talk about your rights now. You
9 signed a Notice of Hearing Rights with Counselor Flores on
10 October 6th of 2020. I recognize that this case got, um,
11 postpone at your request once back in March, so some of
12 these things took place before that, but it looks like
13 your interview with Dr. Cirimele, that's spelled C-I-R-I-
14 M-E-L-E, the forensic psychologist from the Board, took
15 place on December 28th of 2020 and it looks like they gave
16 you copies of that report. Uh, have you been able to
17 review that report? I'm talking about your most --

18 **INMATE SIRHAN:** Yes.

19 **PRESIDING COMMISSIONER BARTON:** recent one.

20 **INMATE SIRHAN:** Yes, I did read it, yes.

21 **PRESIDING COMMISSIONER BARTON:** Okay. And it rates
22 you as a low risk. You also had an opportunity to view
23 your Central File on April 8th of 2021, which you
24 declined. You're not required to do so, I just have to put
25 on the record that you had that opportunity, okay?

1 **INMATE SIRHAN:** Yes, sir. Thank you. Yes.

2 **PRESIDING COMMISSIONER BARTON:** All right. You have
3 one more right that, um, I'm assuming you talked to your
4 Attorney about, but I'm going to ask her as well, and that
5 is the right to an in-person hearing. You have a right to
6 have your Attorney sitting next to you, to have the
7 Commissioners in the room, because of the pandemic we're
8 not able to do that, um, I think that's obvious to
9 everyone. So, we're doing this hearing virtually, and
10 we've been doing hearings virtually since the beginning of
11 the pandemic. However, as a matter of due process, because
12 we can't afford you an in-person, we're also allowing
13 inmates to postpone if they'd like to request an in-person
14 hearing. That would mean to the next available date, which
15 right now is running between five and seven months. All I
16 could guarantee is that it would be between six and eleven
17 months. Um, I don't have a crystal ball, I can't say that
18 for sure. You know, that'll be happening in December,
19 January, we're being told that, we're planning for it, but
20 no guarantees. Have you talked to your Attorney about that
21 option?

22 **INMATE SIRHAN:** I believe I have, and I would leave
23 it up to her to make that decision, sir.

24 **PRESIDING COMMISSIONER BARTON:** Well, it's your
25 decision, not hers, but let me ask her. Have you consulted

1 with your client on what would be in his best interest?

2 **INMATE ATTORNEY BERRY:** Uh, yes. Commissioner, we
3 have discussed this and in light of the extension of
4 Executive Order N2620, uh, we are prepared to go forward
5 today.

6 **PRESIDING COMMISSIONER BARTON:** Okay. All right. So,
7 what that means, and I need your answer to this, Mr.
8 Sirhan, Ms. Berry can't waive your rights for you, what
9 that means is if you don't like the outcome of this
10 hearing, you can't come back later and object and say that
11 I didn't get my hearing in-person, I want a brand new one
12 right now, you can't do that, okay?

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

14 **PRESIDING COMMISSIONER BARTON:** Okay, so by going
15 forward you're accepting that this format satisfies your
16 rights to a hearing, correct?

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

18 **PRESIDING COMMISSIONER BARTON:** Okay.

19 **INMATE ATTORNEY BERRY:** Uh, may I interject
20 Commissioner?

21 **PRESIDING COMMISSIONER BARTON:** Sure.

22 **INMATE ATTORNEY BERRY:** Thank you. Um, and of course,
23 uh, prior to this starting, um, you had indicated that if
24 at any time Mr. Sirhan and I need to have a confidential
25 communication that, um, when the time is right you will

1 allow us to take that break to be able to do that.

2 **PRESIDING COMMISSIONER BARTON:** I'm -- I'm not there
3 yet, but you just said what I was --

4 **INMATE ATTORNEY BERRY:** Oh --

5 **PRESIDING COMMISSIONER BARTON:** about to say.

6 **INMATE ATTORNEY BERRY:** sure -- sure, okay. So -- so
7 -- so our agreement was contingent upon that. Thank you.

8 **PRESIDING COMMISSIONER BARTON:** Yeah. I'm -- I'm
9 moving in that direction, give me a minute. When I
10 actually, say we're starting to hearing, if I haven't
11 covered anything by then -- then by all means let me know.
12 All right. So that was the next matter. And I said that
13 for everyone's entitled to a break if they need one. Um,
14 obviously again, we don't have the ability for your
15 Attorney to sit there next to you or confer with you, uh,
16 or, you know, have a separate room or meeting place, so if
17 for some reason, either you or she feels it's necessary to
18 have a confidential conference, what we would do is take a
19 recess, your camera and video and audio would be put on
20 mute as would Ms. Berry's and the prison officials would
21 put you in touch with one another. One of the other things
22 I'm going to put on the record, because I just now
23 realized I didn't state it on the record is that we do not
24 have a representative of the Los Angeles DA's office
25 joining us, uh, prosecutor as we have in the past pursuant

1 to their memo to the Board and so they're not attending.
2 However, we do have prior transcripts, we do have prior
3 arguments of the prosecutor's office to whatever degree
4 they remain relevant is yet to be seen, and we also have,
5 um, a letter in opposition from, uh, the Los Angeles Law
6 Enforcement that was submitted. So, all of that gets
7 considered along with other letters from the public and
8 other letters from family members, et cetera, that we
9 received, even though they may not be here with us. In
10 addition to that, I need to, uh, advise you that if for
11 some reason, um, there's a break or we lose somebody from
12 the hearing, I'm trying to pay attention to that, but I
13 have, I think, 12 people on my screen, so I may miss it.
14 Um, and if myself or the, uh, Deputy Commissioner, um,
15 spots that, we'll immediately stop and give the person a
16 little while to reconnect, uh, unless again, it's one of
17 the observers, in which case we won't wait as long, um,
18 but we'll do our best, okay? So that's for everyone's
19 <inaudible> –

20 **INMATE SIRHAN:** Okay.

21 **PRESIDING COMMISSIONER BARTON:** – Uh, as we've
22 been receiving new documents up until yesterday, Ms.
23 Berry, um, I confirmed with you that we did have all of
24 the latest documents from you. I'm assuming that Mr.
25 Sirhan did not bring anything with him to the room today

1 that's new, is that correct?

2 **INMATE ATTORNEY BERRY:** I have nothing further.

3 **PRESIDING COMMISSIONER BARTON:** Nothing further. He
4 said nothing further. Okay. All right. Now, Ms. Berry, do
5 you have any objections that you want to state for the
6 record before we get started or have ruled on before we
7 get started?

8 **INMATE ATTORNEY BERRY:** Um, I would just make a note
9 Commissioner and Deputy Commissioner with all due respect
10 that PC, uh, 3041, um, requires that a Board member from
11 the previous hearing be present, unless it is not
12 feasible. And, um, I would simply in -- invite, um, uh,
13 Commissioner, um, you to state for the record, uh, why
14 it's not feasible so that we can have a complete record.

15 **PRESIDING COMMISSIONER BARTON:** Well, okay. Um, I'm
16 gonna amend that slightly. First of all, Commissioner
17 Roberts, who was the prior Commissioner is no longer on
18 the Board, so he's unavailable to conduct this hearing.
19 Uh, secondly, as far as your request, are you requesting
20 that this hearing be postponed so that Deputy Commissioner
21 Stanton can be appointed to hear the case?

22 **INMATE ATTORNEY BERRY:** Uh, no, I understand that,
23 um, that it is not feasible based on the conversations we
24 had off the record. I'm just trying to make --

25 **PRESIDING COMMISSIONER BARTON:** Well --

1 **INMATE ATTORNEY BERRY:** a complete record here, so.

2 **PRESIDING COMMISSIONER BARTON:** and -- and I guess my
3 point would be, if -- if it's an objection without a
4 remedy, then it's really not an objection. I mean, you're
5 willing to go forward without Deputy Commissioner Stanton,
6 is that correct?

7 **INMATE ATTORNEY BERRY:** I am willing to go forward.

8 **PRESIDING COMMISSIONER BARTON:** Okay. And Mr. Sirhan,
9 you heard what your Attorney said, do you agree with that
10 clearly?

11 **INMATE SIRHAN:** Fully, yes, sir. Yes, sir, I do.

12 **PRESIDING COMMISSIONER BARTON:** All right. Okay. So,
13 with that stated, no other objections, correct?

14 **INMATE ATTORNEY BERRY:** That's correct.

15 **PRESIDING COMMISSIONER BARTON:** All right. So let me
16 again, for the record, indicate that we have your Central
17 File, we have all your prior transcripts, all your prior
18 Risk Assessments, all your prior testimony. This hearing
19 is not about retrying the case, and obviously that some
20 issues in terms of the case facts and your responsibility
21 for them and how that's changed over the years may become
22 relevant to our decision at the end of the day, if we have
23 to make a decision regarding, uh, implausible or plausible
24 denial and how that bears on someone's suitability, we'll
25 cover that when we get to it. Um, however, what I show is

1 that you appeared last in front of the Board in February
2 of 2016, and it was Commissioner Roberts and Stanton. At
3 that time, you were given a five-year denial and then as I
4 said, there was a request to postpone in March so your
5 Attorney could, uh, help prepare you for the hearing, uh,
6 that has all now come to fruition and we're here now for
7 the hearing. You've been to many hearings, Mr. Sirhan, but
8 I'm obligated to ask you if you have any questions about
9 the process that we follow.

10 **INMATE SIRHAN:** None at all, nothing so far.

11 **PRESIDING COMMISSIONER BARTON:** Okay. All right. And
12 again, I need you to tell me if you don't understand
13 something or if you, um, can't hear me, I need you to tell
14 me that, okay?

15 **INMATE SIRHAN:** Will do. Thank you.

16 **PRESIDING COMMISSIONER BARTON:** All right. So, there
17 are some things, we're not gonna go over necessarily every
18 factor or every single thing in your file, first of all it
19 would take us days. But secondly, because what the purpose
20 for myself and Commissioner Meighan today is, to determine
21 whether or not you're currently posing any unreasonable
22 risk to public safety. And in doing that, we rely on a lot
23 of different things, a lot of risk factors and other
24 protective factors and various things that we've been
25 trained based on the research and our own experience to

1 evaluate. And as you may recall from your last hearing,
2 we're not necessarily here about the guilt or innocence or
3 legitimacy of your conviction. We are required to accept
4 as true the conviction until some other court overturns it
5 if that were to ever happen. So, at this point, that's
6 what we're proceeding on those convictions and those
7 facts. That said, um, in the past, you've chosen to talk
8 about some aspects of the crime, talk about limited
9 aspects of the crime, talk about it on a question-by-
10 question basis. Um, today, are you willing to talk about
11 the crime or is there going to be some limitation on
12 questions you choose to answer or not answer because you
13 have that right.

14 **INMATE ATTORNEY BERRY:** May I, um, answer that in
15 lieu of Mr. Sirhan?

16 **PRESIDING COMMISSIONER BARTON:** Well, you can
17 certainly tell me what you've advised him, but he's gonna
18 ultimately have to affirm that.

19 **INMATE ATTORNEY BERRY:** Yes, of course. Yes. So, he
20 and I have discussed this and we would prefer to do it on
21 a question-by-question basis and of course, feel free to
22 ask.

23 **PRESIDING COMMISSIONER BARTON:** Okay. Well, that
24 makes it actually a little more laborious, but we'll do it
25 that way.

1 **INMATE ATTORNEY BERRY:** Um, my, so this is my concern
2 Commissioner. I, as you indicated, we are not here to re-
3 litigate and so I don't want to get caught up too much on
4 pressing him for details that he has claimed he doesn't
5 remember. So that --

6 **PRESIDING COMMISSIONER BARTON:** Yeah --

7 **INMATE ATTORNEY BERRY:** that's where I'm trying to
8 avoid.

9 **PRESIDING COMMISSIONER BARTON:** And we are mindful of
10 his prior testimony and I doubt someone's memory got
11 better over five years, uh, most likely it's gotten worse.
12 However, just so you know, and in all transparency, Mr.
13 Sirhan, one of the reasons for, well, let me ask you, why
14 do you think you were denied last time? What were the
15 reasons?

16 **INMATE SIRHAN:** Well, the -- the -- the last reason
17 that Mr. Robert said I stated was that I expressed none,
18 no remorse and I felt that I did. And that --

19 **PRESIDING COMMISSIONER BARTON:** Okay.

20 **INMATE SIRHAN:** that's what he, that's the reason
21 that he hung his hat on for the most part, exc -- in
22 addition to saying that, uh, I, uh, lacked, uh, obtaining,
23 uh, life skills and, uh, and familiarity with, uh, anger
24 issues and, uh, and similar topics.

25 **PRESIDING COMMISSIONER BARTON:** Right.

1 **INMATE SIRHAN:** He -- he denied --

2 **PRESIDING COMMISSIONER BARTON:** So, so I have five --

3 **INMATE SIRHAN:** <inaudible>

4 **PRESIDING COMMISSIONER BARTON:** I have five.

5 **INMATE SIRHAN:** I'm sorry.

6 **PRESIDING COMMISSIONER BARTON:** You -- you just told
7 me two, I had five things that they, as you said, hung
8 their hat on. Okay. Two of them you got. He felt that you
9 were lacking in remorse. If you recall, Commissioner
10 Stanton, one of his issues was he felt the lack of
11 credibility in claiming selective memory, that you can
12 remember some things before, can remember some things
13 after, but you just couldn't remember what happened during
14 the shooting. Um, he didn't find that to be credible. Uh,
15 and in the sense that you went from at the trial admitting
16 culpability, and I understand your testimony, that was
17 based upon what you felt your Attorney was telling you you
18 did, I've heard you testify, or not heard you I've read
19 you testified to that in the past. And then there was a
20 time when you admitted to basically what Mr. Schrade's,
21 uh, belief is, and that is that you fired your weapon
22 several times and may have hit other persons, uh, other
23 than, uh, Senator Kennedy and that he was shot by someone
24 else not you. And then your last hearing, one of the
25 concerns was that you had regressed from that and said,

1 you're not responsible for anything, you don't believe you
2 shot anybody. And that was based on what people are
3 telling you, you know, that based on other outside
4 investigations I suppose into different things. All of
5 that being the case, that was Commissioner Stanton's issue
6 in terms of credibility. And the reason that becomes
7 important is because when someone denies either in part or
8 in full committing the crime, what Commissioner Roberts
9 talked about was a lack of insight, a lack of personal
10 responsibility. And if you then don't know why you did
11 something and circumstances were to reoccur, the concern
12 would be you would do those things again. Okay? That's
13 what I got out of that transcript. Does any of that sound
14 familiar?

15 **INMATE SIRHAN:** It sounds familiar, but I would want
16 to disagree with his -- with his, the final decision that
17 I would repeat and reoffend. I have no such intention
18 whatsoever.

19 **PRESIDING COMMISSIONER BARTON:** And that is what --
20 that is what I'm gonna focus on with you, okay? So, let's
21 start there. Obviously in the last hearing, you're, what
22 some could consider an unstable social history, certainly
23 a dysfunctional childhood growing up in a war-torn zone
24 and moving to a whole another country when you're 11 year,
25 12 years old is not the normal childhood, would you agree?

1 **INMATE SIRHAN:** Definitely, yes. It was is not --

2 **PRESIDING COMMISSIONER BARTON:** At the time --

3 **INMATE SIRHAN:** healthy --

4 **PRESIDING COMMISSIONER BARTON:** Okay.

5 **INMATE SIRHAN:** childhood.

6 **PRESIDING COMMISSIONER BARTON:** Not at all. And at
7 the time of the crime, you said you were sort of wayward,
8 you didn't have a job, even though you took care of your
9 sister for a while, um, her death was a blow to you. You
10 had, um, kind of this, not sure what you were doing with
11 your life, right?

12 **INMATE SIRHAN:** Pretty much, yes. Yes.

13 **PRESIDING COMMISSIONER BARTON:** Okay. And in the
14 past, that's been an aggravating factor in the sense that
15 it shows what we call lack of offender, well, an unstable
16 social history. However, under the youth offender law
17 which has come into play since your last hearing, that is
18 now viewed as something that is part of youth offender
19 factors, so it's no longer an aggravating factor as we
20 look at someone's crimes at that age, um, but actually a
21 factor that we consider in -- in the backdrop of what was
22 going on. So, in that sense, what was your plan for your
23 life at 24? What did you see yourself doing or becoming?

24 **INMATE SIRHAN:** I was trying I think to put myself in
25 that, in a -- in a position where I can develop a career

1 and maybe go back to school and -- and get a -- a -- a
2 more, you know, meaningful job and, uh, you know, get
3 married and settled down and, you know, be a -- a regular,
4 you know, a family man and -- and -- and a good solid
5 member of the community. And that's really what -- what I
6 looked, uh, forward to and, uh, dreamed about doing and I
7 hope that I can have a -- a chance to do that with
8 whatever's left in my life when I do get out of prison.

9 **PRESIDING COMMISSIONER BARTON:** So, what were you
10 doing in that regard? What were you doing to get to there?

11 **INMATE SIRHAN:** I was -- I was just trying to get
12 myself ready to do that, by going to -- to school, by --
13 by starting to go back to school and, uh, and learning
14 some trade or maybe some academic courses. I like foreign
15 languages, that might've been one of my favorite, uh,
16 topics and, uh, careers if, uh, if I had that chance. If
17 that, if it turned out that I, you know, if this isn't, if
18 this nightmare didn't happen.

19 **PRESIDING COMMISSIONER BARTON:** Well, what I'm asking
20 you is in June of 1968, were you signed up for school,
21 were you in summer school classes, were you gonna sign up
22 in the Fall? What was the plan?

23 **INMATE SIRHAN:** No, I wa --, no I had noth -- nothing
24 definite at -- at that ti -- at that time, no.

25 **PRESIDING COMMISSIONER BARTON:** Okay.

1 **INMATE SIRHAN:** No, I was just a -- a, yeah. I had
2 nothing planned as of that time, no.

3 **PRESIDING COMMISSIONER BARTON:** Okay. At that time,
4 were you still having, um, questions or problems with the
5 Israeli-Arab conflict? Is that something that you've
6 followed at the time?

7 **INMATE SIRHAN:** I didn't really follow it -- it came
8 to me, you know. The -- the war itself and the coverage of
9 that war and watching the -- the sadness of the victims of
10 that war, the refugees and just the people, because I put
11 myself in those people.

12 **DEPUTY COMMISSIONER MEIGHAN:** The inmate appears to
13 be emotional.

14 **INMATE SIRHAN:** <inaudible> it could have been me.

15 **PRESIDING COMMISSIONER BARTON:** Okay. It could have
16 been you. Take a deep breath. I'm not trying to revisit
17 your trauma.

18 **INMATE SIRHAN:** <inaudible>

19 **PRESIDING COMMISSIONER BARTON:** Take a deep breath.

20 **INMATE SIRHAN:** <inaudible>

21 **PRESIDING COMMISSIONER BARTON:** Take a deep breath --
22 take a deep breath. Force yourself to breathe. Take a few
23 deep breaths. The reason I asked the question is, one of
24 the concerns, okay, one of the concerns would be, how do
25 you feel now because that conflict has not gone away.

1 There's still conflicts in the Middle East involving the
2 same parties. How do you feel about that today? You
3 obviously are -- are still able to touch a nerve cause you
4 just got very emotional talking about it.

5 **INMATE SIRHAN:** Um, empathy -- empathy caused this
6 sir, not -- not just outright to sadness about it. I
7 sympathized. I see the -- the misery that those people are
8 experiencing and it's painful and they're my kindred --
9 they're my kindred and I -- I wouldn't be a human being if
10 I just ignored their misery and their misfortunes in this
11 life. Although --

12 **PRESIDING COMMISSIONER BARTON:** I understand that --

13 **INMATE SIRHAN:** -- although whatever I would want to
14 do in the future, it would be towards resolving that
15 problem peacefully --

16 **PRESIDING COMMISSIONER BARTON:** Well and that was the
17 next --

18 **INMATE SIRHAN:** and helping.

19 **PRESIDING COMMISSIONER BARTON:** that's the next line
20 of inquiry, okay? Because no one expects you to not have
21 empathy, regardless which side. I mean, I would hope that
22 you would have empathy for both sides. Anybody who's a
23 victim of a bombing regardless of their side, right?

24 **INMATE SIRHAN:** Yes, sir. True.

25 **PRESIDING COMMISSIONER BARTON:** I mean, do children

1 of Israelis deserve to be bombed? No. No, more than
2 children of Palestinians.

3 **INMATE SIRHAN:** True -- true, but again, when I was a
4 -- when I was a little boy experiencing that we -- we
5 didn't, we didn't have a chance to observe the Israelis
6 children. We had enough problems watching our own, you
7 know, kindred, our own children, our own --

8 **PRESIDING COMMISSIONER BARTON:** Let --

9 **INMATE SIRHAN:** -- neighbors.

10 **PRESIDING COMMISSIONER BARTON:** let me ask you this -
11 - let me ask you this. You are now 77, right?

12 **INMATE SIRHAN:** Yes.

13 **PRESIDING COMMISSIONER BARTON:** Been through what
14 you've been through. What would you go back and tell your
15 24-year-old self about viewing what was happening or
16 acting about it?

17 **INMATE SIRHAN:** I would see it in a historical persp
18 -- from a historical perspective as this is a part of
19 human life, that conflicts occurred, not just between the
20 Palestinians and -- and Israelis, but throughout the --
21 the world where there's a, you know, dissension and
22 disagreements and, uh, and, uh, just you know, people
23 fighting each other, countries fighting each other. So, it
24 -- it -- it's a part of the -- it's a part of human nature
25 and it's -- it's - it's history really and I would really

1 dis --, uh, disengage from that myself because I'm too old
2 and I'm just interested in doing other things than being
3 involved with all the politics of this world. There are --
4 there are other peoples who are doing that and I feel that
5 they're doing a good job at it without my interference in
6 that area.

7 **PRESIDING COMMISSIONER BARTON:** Yeah. And I'm not
8 saying you would go become some spokesperson for the UN or
9 something. My questions are more hypothetical, okay, so I
10 need you to think abstractly. In other words, for example,
11 if you were to go back to Jordan, you said you're too old
12 to do anything anyway, but what if there were young people
13 that wanted to make you, their hero? Because you acted
14 against the United States who was helping Israel and they
15 wanted to make you a hero. I know it happened once a long
16 time ago, and you said your mother put an end to it, but
17 if it were to happen now, what would you tell those young
18 men?

19 **INMATE SIRHAN:** I -- I -- I think that the peaceful
20 means are -- are the best way to resolve that conflict in
21 the Middle East by meeting and by -- by, uh, give
22 and take pro --, uh, procedure, proc -- processes between
23 us and the Israelis. Uh, eh, yes, that's all I would say
24 that, uh, that there are other ways than violence to
25 resolve conflicts and, uh, I --

1 **PRESIDING COMMISSIONER BARTON:** Okay.

2 **INMATE SIRHAN:** endorse think about it.

3 **PRESIDING COMMISSIONER BARTON:** And similarly, if you
4 were, um, to stay in the United States, and I have no
5 idea, and just so you know, and maybe for your Attorney's
6 benefit cause she's submitted some paperwork from
7 immigration which really doesn't have a bearing on us, we
8 don't have any control. This -- this Panel has no control
9 whether you get deported or not. Whether you voluntarily
10 deport or whether, uh, Immigration Services ends up
11 deporting you. I know your Attorney made a public records
12 request, apparently nothing came of that. I know we show a
13 detainer in your record from sometime back, so whatever
14 happens with that happens. But what you need to understand
15 is as a Panel, we're concerned about public safety. That's
16 not just American safety, that's anybody's safety. So, for
17 us, the questions when it comes to for parole plans or for
18 whether or not you pose an unreasonable risk to public
19 safety, it doesn't matter whether that you ended up
20 paroling here or in Jordan or any other country. To me,
21 the concern would be that you would become some type of,
22 you know, symbol or lightening rod to ferment more
23 violence.

24 **INMATE SIRHAN:** I can see that. I -- I -- I see that
25 point, but I discount that wholeheartedly. The same -- the

1 same argument can be said or made that I can be a
2 peacemaker and a contributor to, uh, a friendly non-
3 violent way of resolving the issues. And that's, if I --
4 if I do do that, which is really unlikely because my -- my
5 whole orientation right now is to be with my younger
6 brother who needs my help. He's -- he's medically, eh,
7 pretty much incapacitated vision-wise and he needs my
8 help. I want to be there for him as -- as -- as my main
9 goal once I'm out and I hope that you would seriously
10 consider that and I beg you to consider.

11 **PRESIDING COMMISSIONER BARTON:** Well -- well, and --
12 and I appreciate that. And certainly, that's a strong
13 motivation for you to do so, but I think we, you would be
14 naive and I would certainly be more naive if I didn't
15 think that were you to be released people weren't gonna
16 request to interview you and that if either one of us
17 would think that the topic of the modern conflict wouldn't
18 be raised with you.

19 **INMATE SIRHAN:** It -- it -- it, I, it's - it's hard
20 to foresee, I don't expect it, but if it does come, it
21 does occur, I would be more of a peacemaker than a -- then
22 a rebel or a troublemaker over there and here.

23 **PRESIDING COMMISSIONER BARTON:** Okay. All right. So,
24 I do have, um, a few other questions for you. There was
25 discussion last time and you've admitted and, uh, and tell

1 me if you changed your mind, that there was for you on
2 that evening, um, a period, and I -- I couldn't really
3 tell, looking back through the records I was trying to set
4 a time period, but I couldn't really tell if it was just
5 shortly before or within the four or five hours before
6 that you drank the four Tom Collins. Do you remember
7 talking about that?

8 **INMATE SIRHAN:** I remember talking to about that and
9 I discussed it with the -- with the psychologist hired by
10 my Attorneys who spent some 70 hours with me <inaudible>.

11 **PRESIDING COMMISSIONER BARTON:** Yeah, I read it -- I
12 read it, you don't have to tell me, I read Dr. Brown's
13 report. That's what I'm saying. You can rest assured that
14 I have read everything in your file, trust me.

15 **INMATE SIRHAN:** Okay. Thank you.

16 **PRESIDING COMMISSIONER BARTON:** And so as far as, you
17 know, stuff that's there, what I want you to focus on is
18 the questions I'm asking you because they have a specific
19 purpose. As I told you at the beginning, we have plenty of
20 records of what you said in the past, plenty of records of
21 what act, what has happened, what you've been convicted
22 of. What I'm trying to determine today is whether you
23 currently pose an unreasonable risk to public safety, so
24 that's what my questions are geared toward. And I'm
25 looking at risk areas. One was your attitude towards the

1 conflict and how you would approach that if you were
2 paroled and you're saying that you would do what you could
3 to advocate peace, right?

4 **INMATE SIRHAN:** Yes.

5 **PRESIDING COMMISSIONER BARTON:** This next area is
6 one, I may not be as concerned as some of the last Panels
7 that told you to go to substance abuse programming. I
8 don't think there's anything wrong with going to that
9 programming. I don't think that it's gonna hurt you
10 necessarily because I think any programming, um, can help.
11 You can take things from it that benefit. But my
12 understanding is that you were not a, uh, a steady
13 drinker, that it was a social occasional thing for you.

14 **INMATE SIRHAN:** I -- I -- I, ye--, I could count the
15 number of times that I drank liquor maybe on -- on -- on
16 my hand.

17 **PRESIDING COMMISSIONER BARTON:** Me too. So that makes
18 two of us. But here's the thing. I also know that that
19 means your tolerance was very low.

20 **INMATE SIRHAN:** Yes, yes, I, yes. I again --

21 **PRESIDING COMMISSIONER BARTON:** So that -- that's a
22 yes, that's fine. And then the other thing that you said
23 last time was that you came to an understanding, and I
24 don't know if this was from one of your classes or what,
25 that at least to the degree that you had those drinks, it

1 impaired your judgment and ability to function.

2 **INMATE SIRHAN:** That night -- that night, it must
3 have. Something must have influenced me to -- to -- to
4 shoot, to fire those two shots. And I -- I, the liquor was
5 a part of it. It must have been that, just there's a part
6 of me --

7 **PRESIDING COMMISSIONER BARTON:** So, help me with that
8 -- help me with that part of it. When, how long do you
9 think it was before the shooting that you had the first
10 drink?

11 **INMATE SIRHAN:** Oh my gosh --

12 **PRESIDING COMMISSIONER BARTON:** Ballpark.

13 **INMATE SIRHAN:** An hour or two hours.

14 **PRESIDING COMMISSIONER BARTON:** Okay.

15 **INMATE SIRHAN:** Maybe longer.

16 **PRESIDING COMMISSIONER BARTON:** That's what I'm
17 trying to figure out.

18 **INMATE SIRHAN:** Yeah, it -- it -- that night was a
19 very hot night, it was a June night, it was summer. There
20 were a lot of people there. There's a lot of, the area was
21 very warm, very, you know, it's -- it was warm. And there
22 was nothing, you know, there were, I couldn't find any,
23 uh, sodas or drinks or Cokes or anything else to drink.
24 And, and, and, and I could, I knew I could consume these
25 what's the name of it, Tom Collins because -- because they

1 were easy -- they were easy to -- to -- to drink. They
2 reminded me of a -- of a cool -- of, uh, lemonade instead
3 of hard liquor. If it's hard, if it was hard liquor, none
4 -- none of this, not the, I wouldn't have been involved in
5 the in -- in -- in this, uh, situation because I --

6 **PRESIDING COMMISSIONER BARTON:** Well, I mean it was
7 hard liquor. That's what Tom Collins has in it --

8 **INMATE SIRHAN:** But -- but see, that's -- that's how
9 much, that's -- that's how little I know about liquor.

10 **PRESIDING COMMISSIONER BARTON:** Okay --

11 **INMATE SIRHAN:** but it was easier for me to swallow.
12 It was easier to drink then -- then hard liquor.

13 **PRESIDING COMMISSIONER BARTON:** I'm not asking you
14 why you drank, I, that's not the point of the question.
15 What I'm trying to figure out, and again, maybe this is
16 just my experience. I've been a police officer. I've given
17 people tests, you know, I've been a prosecutor, I've
18 prosecuted many -- many drunk driving cases, cases
19 involving alcohol. So, I'm trying to get a sense of how
20 inebriated you were. And I know basically how much alcohol
21 is in Tom Collins, not because I drink them, but because
22 I've handled those cases. So, you've already testified in
23 the past, you felt you were too impaired to drive, right?

24 **INMATE SIRHAN:** Yes.

25 **PRESIDING COMMISSIONER BARTON:** So, you knew that,

1 you knew at the time that you were off, in other words,
2 you weren't of, you know, functioning the way you normally
3 would function.

4 **INMATE SIRHAN:** Yes, sir. I was impaired in that --
5 that sense.

6 **PRESIDING COMMISSIONER BARTON:** And you also said
7 that you had training as far as shooting goes, prior to
8 going to the range you said you were a cadet or something?

9 **INMATE SIRHAN:** You, I was in the Cadet Corps in --
10 in, uh, in high school?

11 **PRESIDING COMMISSIONER BARTON:** Okay.

12 **INMATE SIRHAN:** Yes.

13 **PRESIDING COMMISSIONER BARTON:** And there's a safety
14 portion of that, right?

15 **INMATE SIRHAN:** There's a --

16 **PRESIDING COMMISSIONER BARTON:** Gun safety. When
17 you're in the Cadet Corps, there's a gun safety.

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

19 **PRESIDING COMMISSIONER BARTON:** What do they say
20 about alcohol and guns?

21 **INMATE SIRHAN:** They don't mix. They don't --

22 **PRESIDING COMMISSIONER BARTON:** Yeah.

23 **INMATE SIRHAN:** -- mix.

24 **PRESIDING COMMISSIONER BARTON:** Did you think about
25 that? I mean, did you carry your gun, uh, and it was a

1 revolver. Did you have a holster for it or did you carry
2 it in a jacket, well it was summer, did you put it in your
3 pants loop, in your pocket? Where'd you carry it?

4 **INMATE SIRHAN:** I kept it in his original purchase
5 box.

6 **PRESIDING COMMISSIONER BARTON:** Okay. But when you
7 carried it around, like that evening, how did you carry
8 it?

9 **INMATE SIRHAN:** That's the thing that I honestly
10 don't remember.

11 **PRESIDING COMMISSIONER BARTON:** Well, it had to be in
12 your waistband or your pocket. Those are the only choices.

13 **INMATE SIRHAN:** I -- I must have brought it in, but I
14 don't remember having it and I would take responsibility
15 for bringing it in and I take responsibility for firing
16 the -- the shots in there.

17 **PRESIDING COMMISSIONER BARTON:** Okay.

18 **INMATE SIRHAN:** but, uh, and --

19 **PRESIDING COMMISSIONER BARTON:** We've covered that.
20 I'm at, I'm trying to get you to back up. At some point,
21 you know you got a gun and you know you've been drinking.
22 Right? But it didn't occur to you at that point, Gee, my
23 training should kick in and I -- I should not even touch
24 the gun while I've been drinking.

25 **INMATE SIRHAN:** At that time, I was chasing that

1 girl.

2 **PRESIDING COMMISSIONER BARTON:** Right. So, were you
3 gonna impress her? Was that the idea?

4 **INMATE SIRHAN:** She was, she was my number one, uh,
5 <inaudible> attraction at that -- at that period of time.

6 **PRESIDING COMMISSIONER BARTON:** Well, I've known guys
7 who try to impress girls by saying, Hey, I've got a gun,
8 like somehow that's impressive.

9 **INMATE SIRHAN:** I don't remember doing that, no.

10 **PRESIDING COMMISSIONER BARTON:** Okay.

11 **INMATE SIRHAN:** I don't remember saying that or
12 talking to her in that regard.

13 **PRESIDING COMMISSIONER BARTON:** All right. But you do
14 remember, um, drinking and you do remember that you had
15 the gun and you're telling me right now that you did not
16 follow what you'd been trained, which is not to mix guns
17 and alcohol.

18 **INMATE SIRHAN:** Yes. But again, the, you're right --
19 you're right.

20 **PRESIDING COMMISSIONER BARTON:** Okay. And then as far
21 as your feelings aside and I'm, it -- it may not be
22 evident to you, but what I'm doing is going through the
23 very risk factors that were identified last time, okay, in
24 terms of whether or not I feel those are still risks. So,
25 we talk about the alcohol. I'm assuming at this point,

1 you've been 55 years alcohol-free, what would your plan be
2 if you were released, would you ever drink again?

3 **INMATE SIRHAN:** I want to remain alcohol-free and I
4 will never be around liquor or beers even, or anything
5 like that. I would never even look at liquor, uh,
6 advertisement.

7 **PRESIDING COMMISSIONER BARTON:** Okay. And then the
8 second, uh, the second concern they had, and I think it's
9 at page, it's one of the transcript notes that I wrote
10 down, is whether or not you had coping skills for anger
11 management.

12 **INMATE SIRHAN:** At the -- at the time, I didn't
13 understand that anger is such a complicated mode of
14 behavior. What I've, eh, since then, with all the reading
15 and the research and the study that I have done of -- of
16 anger, it, uh, it became clear that it's a process. It's a
17 continuum, the, uh, continuum of activity and interactions
18 with -- within myself and with others. And, uh, it -- it -
19 - it was -- it was a, in fact -- in fact I have a whole
20 pamphlet over here just to show you that, uh, it was --

21 **PRESIDING COMMISSIONER BARTON:** Here's the thing I
22 can read the pamphlet. I -- I know what -- what the
23 courses teach. What I'm trying to figure out is what
24 you've learned. And you're right, there's a continuum. It
25 starts out, you can be annoyed. I drove to work today,

1 somebody cut me off. Sure, I got upset, frustrated with
2 it. But I have two choices, right, on how to deal with
3 that. A good one and a bad one --

4 **INMATE SIRHAN:** Exactly.

5 **PRESIDING COMMISSIONER BARTON:** Right?

6 **INMATE SIRHAN:** Exactly. Exactly.

7 **PRESIDING COMMISSIONER BARTON:** Right.

8 **INMATE SIRHAN:** Yes.

9 **PRESIDING COMMISSIONER BARTON:** So, what do you think
10 the good choice would be --

11 **INMATE SIRHAN:** The good choice would --

12 **PRESIDING COMMISSIONER BARTON:** in my situation.

13 **INMATE SIRHAN:** is -- is to -- to -- to relax, to
14 leave the scene and to think about it and to try to
15 resolve whatever is outstanding in your thinking process,
16 that would, uh, either lead to violence or discord or cou
17 -- or lead to peace and, uh, and safety for yourself and
18 for others.

19 **PRESIDING COMMISSIONER BARTON:** I -- I turned on the
20 radio and I changed lanes, okay, exactly what you're
21 saying. But I had to first recognize that I was angry in
22 the first place, right? Cause the bad choice is to go up
23 and tailgate the guy, or try to cut him off or flip him
24 off or beat my horn or all of that stuff that's only gonna
25 make the situation worse. So, what I'm trying to figure

1 out is whether you've developed that, it's a phrase we use
2 called emotional intelligence.

3 **INMATE SIRHAN:** Okay. I have conditioned myself now
4 and abstracted from all this information that I have
5 research this tactic, that whatever, if it is negative, if
6 it's gonna lead to any form of a conflict with anyone,
7 that I just cease and desist and walk away from the
8 situation and avoid it.

9 **PRESIDING COMMISSIONER BARTON:** Okay.

10 **INMATE SIRHAN:** And no matter what it is, who it is
11 involving and anything that would cause me to re-offend
12 and that's --

13 **PRESIDING COMMISSIONER BARTON:** Okay, so that's --
14 that's step one.

15 **INMATE SIRHAN:** -- that's why you have my word on that
16 -- you have my word on that.

17 **PRESIDING COMMISSIONER BARTON:** Okay. Mr. Sirhan,
18 that's step 1, okay. But emotional intelligence actually
19 has four steps. Okay. The first one is, and you kind of
20 skipped over it, the first one is to be aware that you're
21 in a situation like that, or you're getting angry. A guy
22 cuts in front of you for the phone or cuts in front of you
23 at chow, what are -- what are the physical symptoms that
24 you feel, and I know it happens every day in prison, I was
25 also the inspector general for six years, I -- I know what

1 happens in prisons. So that happens, how do you recognize
2 physically or physiologically in yourself that you're
3 getting upset? What -- what do you feel?

4 **INMATE SIRHAN:** I would -- I would feel that -- that
5 the indignation that a person would want to cut into the
6 phone line. But again, I would also empathize with him and
7 see what problems he might be suffering from what urgency
8 he might have in wanting to, uh, get on the phone that
9 quickly or in front of, uh, another person so that maybe -
10 - maybe he has a legitimate, you know, need to -- to get
11 on that phone. So, I have to give and take like, you know,
12 pretty much in -- in that -- in that situation, given what
13 the other person, uh, what his needs are and what the,
14 what -- what the circumstances are <inaudible>

15 **PRESIDING COMMISSIONER BARTON:** So that's -- that's
16 the definition of empathy, putting yourself in their
17 shoes, trying to see things from a different perspective.
18 You didn't do that when you were 24, did you?

19 **INMATE SIRHAN:** Well, I was young. I was imp -- imp -
20 - impulsive. I, you know, it, and -- and -- and I wish I
21 was -- I wish I had the maturity then that I have now --

22 **PRESIDING COMMISSIONER BARTON:** I agree.

23 **INMATE SIRHAN:** with the -- the -- the perspective
24 inside then what happened.

25 **PRESIDING COMMISSIONER BARTON:** Okay. Let's get back

1 -- let's get back to what we were talking about, because I
2 want to finish on this topic. So, the first step is to
3 recognize, you said that you're indignant or you're upset
4 about it. The second one is to avoid the conflict, right?
5 Not -- not -- not engage. What's the third one?

6 **INMATE SIRHAN:** I would relax. I would rethink about
7 it and I would, uh, return to the guy and -- and see what,
8 uh, how --

9 **PRESIDING COMMISSIONER BARTON:** Well, that's down the
10 road -- that's down the road. The third one, you, like you
11 started, you said, you'd relax. You have to do coping
12 skills. If in the past your coping skill was, you just
13 said to act impulsively or selfishly cause you were young,
14 now, what are your coping skills? If you feel, because
15 even though I got cut off, even though I changed lanes, I
16 still wasn't happy about it, right, so I gotta find some
17 way to release that negative emotion, because if you keep
18 it bottled up inside what happens?

19 **INMATE SIRHAN:** It -- it's gonna explode. It's gonna
20 raise --

21 **PRESIDING COMMISSIONER BARTON:** Yeah.

22 **INMATE SIRHAN:** -- it's gonna, you know, build --

23 **PRESIDING COMMISSIONER BARTON:** And all of your
24 feelings about the unrest in the Middle East exploded in a
25 terrible way that night, right?

1 **INMATE SIRHAN:** Yes. Yes.

2 **PRESIDING COMMISSIONER BARTON:** So, I need to know
3 that you

4 **INMATE SIRHAN:** <inaudible>

5 **PRESIDING COMMISSIONER BARTON:** -- developed emotional
6 intelligence.

7 **INMATE SIRHAN:** I -- I agree.

8 **PRESIDING COMMISSIONER BARTON:** So how do you cope?
9 How do you relieve stress? How do you, after you avoid the
10 conflict, that doesn't mean that you're still not upset
11 that the guy took your place, how do you get rid of that?

12 **INMATE SIRHAN:** I would really detach myself from it
13 now. I would --

14 **PRESIDING COMMISSIONER BARTON:** Yeah <inaudible> how?

15 **INMATE SIRHAN:** I would <inaudible>.

16 **PRESIDING COMMISSIONER BARTON:** Give me -- give me
17 physical examples of -- of what you would do instead of --
18 of reacting, what would you do instead?

19 **INMATE SIRHAN:** I would -- I would, uh, observe it, I
20 would analyze it, I would think it through and see how
21 who's right and who's wrong, make my own judgment and
22 reason about it.

23 **PRESIDING COMMISSIONER BARTON:** What if you're right
24 -- what if you're right and he's wrong?

25 **INMATE SIRHAN:** If I am right -- if I am right, then,

1 uh, it -- it -- it would be a process within my own mind,
2 rather than, uh, extended to others in -- in a violent
3 way. I would never --

4 **PRESIDING COMMISSIONER BARTON:** How do you let it go
5 --

6 **INMATE SIRHAN:** -- do that --

7 **PRESIDING COMMISSIONER BARTON:** -- how do you let it
8 go?

9 **INMATE SIRHAN:** I would -- I would let it go by just
10 -- just, uh, let, eh, dismissing it, just dropping it from
11 my consciousness, don't think about it.

12 **PRESIDING COMMISSIONER BARTON:** That's very hard to
13 do. I mean, there is some people that can do that -- that
14 can redirect cognitively, but I doubt you or I are those
15 people. You know maybe there's some Buddhist monks out
16 there that could do that, but I think as human beings
17 we're still going to have those emotions. What I'm trying
18 to figure out is if you figured out other things that you
19 can do, other, um, activities you could involve yourself
20 in that would take you away from thinking that way. Like I
21 said, I turned on the radio.

22 **INMATE SIRHAN:** I can go back to doing some hobbies,
23 I can read. I can go for a walk.

24 **PRESIDING COMMISSIONER BARTON:** Now we're getting
25 <inaudible>

1 **INMATE SIRHAN:** Exactly. Exactly. I don't see it as a
2 -- as a, I'm not going to be locked into that kind of a --

3 **PRESIDING COMMISSIONER BARTON:** Mr. Sirhan, you're on
4 the right track. I want you to give me that list. You gave
5 me two, you could go for a walk, you could read. What else
6 could you do?

7 **INMATE SIRHAN:** Oh, I can go, I can read a book. You
8 know, I can get on the phone, I can go on a date or I can,
9 you know, I can cook dinner to distract myself and to, or
10 just to, just -- just to do something else rather than to
11 sit there and dwell -- and dwell -- and dwell on a -- on a
12 -- on a -- a painful experience or -- or a painful scene,
13 that's, uh, that's beyond my control.

14 **PRESIDING COMMISSIONER BARTON:** Well, and so you
15 finally got to my point is I'm trying to see if you
16 develop techniques to relieve yourself of the stress or
17 the negative emotion that you're feeling and you finally
18 gave me four or five things that you could do instead. I'm
19 looking at, um, your latest Risk Assessment. You said that
20 you read it, correct?

21 **INMATE SIRHAN:** Yes.

22 **PRESIDING COMMISSIONER BARTON:** Okay. And this is not
23 a closed book. Do you have it there with you or something?

24 **INMATE SIRHAN:** No, I didn't bring it. No.

25 **PRESIDING COMMISSIONER BARTON:** Okay. Well, you're

1 not required to, I just thought maybe you were looking for
2 it. I was gonna say I don't have any problem if you wanted
3 to look at it because there were a couple of comments, and
4 these are things that were discussed with you a year ago,
5 right, uh, less than a year ago, I guess. December of last
6 year. Yes?

7 **INMATE SIRHAN:** Okay. Okay.

8 **PRESIDING COMMISSIONER BARTON:** All right. And there
9 were few things that I pulled out that I wanted to ask you
10 questions about, um, because these reports are not
11 verbatim. It's not everything that you've said, right, in
12 the past and they try to get pieces of it, um, but one of
13 the things that, uh, you talked about, um, that I thought
14 was, um, not really fleshed out I guess, you said that now
15 you go to church, do you remember saying that?

16 **INMATE SIRHAN:** Oh, that --

17 **PRESIDING COMMISSIONER BARTON:** You said you reported
18 your participation in church groups has been most
19 beneficial, citing it adjusted your perceptions, refined
20 your spirituality, us that correct?

21 **INMATE SIRHAN:** Yeah. Uh -- uh, that -- that's been
22 an ongoing, uh -- uh, activity for me, going to church and
23 attending services.

24 **PRESIDING COMMISSIONER BARTON:** What I was going to
25 ask is, here's the thing. The Board doesn't require

1 anybody to have any spiritual conversion or any spiritual
2 faith to be paroled, but when someone makes that claim, we
3 recognize that it can be beneficial in a couple of ways.
4 Number one, as a support community. You -- you only have
5 your brother out there now, but we know that if someone
6 has plans of a particular faith, and we don't care what it
7 is, but whatever it is, if they have a particular faith,
8 sometimes that can be a support community. Um, and then we
9 also recognize that most faiths, I'd say the vast majority
10 of them have basic principles of being good to our fellow
11 man, right?

12 **INMATE SIRHAN:** Yes. Yes.

13 **PRESIDING COMMISSIONER BARTON:** So, what did you mean
14 by your participation in church groups? Do you go to
15 different groups? Do you attend a particular one? What?

16 **INMATE SIRHAN:** I -- I -- I subscribed to a specific
17 group, but if I'm invited or if there - there's -- there
18 are other people who were inviting me to -- to their
19 church I attend, uh, to, uh, other groups and other and I
20 speak with other, you know, chaplains rather than one
21 specific, uh, chaplain that com -- that, uh, visits from
22 the other side.

23 **PRESIDING COMMISSIONER BARTON:** Well and -- and the
24 prison chaplains are unique in that they tend to be more
25 universal. Right? They'll talk --

1 **INMATE SIRHAN:** Yes.

2 **PRESIDING COMMISSIONER BARTON:** -- to anyone of any
3 faith, even if they may be an Imam or they may be a Rabbi,
4 or they may be a Priest, or they may be a -- a Protestant
5 Pastor, they'll talk to inmates of any faith about their
6 issues, right?

7 **INMATE SIRHAN:** Just to let you know, Mr. Barton, I
8 was born in the Christian faith. My family was Christian.
9 And I've been since, I've been in that religion, in -- in
10 that faith, uh, all my life, I'm not a -- a Muslim, I'm
11 not asso -- associated with any of the, you know, the --

12 **PRESIDING COMMISSIONER BARTON:** Mr. Sirhan, that, I --
13 -- I read your history. I know that's what your history
14 was. Okay. As I said, we're not making a distinction
15 necessarily, the only -- the only way that even mattered
16 ultimately is if you went to Jordan, even though my
17 understanding is there's certain protections for
18 Christians there, it certainly isn't the majority view and
19 it certainly isn't easy to be a Christian in Jordan or
20 anywhere in the Middle East, right?

21 **INMATE SIRHAN:** Yes. But I have a claim to -- to
22 being in the hol --, to having been born <inaudible> right
23 next door --

24 **PRESIDING COMMISSIONER BARTON:** Right.

25 **INMATE SIRHAN:** Jesus was born and to where he

1 preached, where he ministered.

2 **PRESIDING COMMISSIONER BARTON:** Sir, I am not at all
3 questioning your faith or that, what I'm trying to point
4 out are practicalities. Okay?

5 **INMATE SIRHAN:** Okay.

6 **PRESIDING COMMISSIONER BARTON:** Because that's what I
7 have to deal with. And so, the reason I asked about this,
8 is little while ago when we talked about, you know, what
9 would you do to relieve, you know, negative tension or
10 negative emotions or things like that, you didn't mention
11 prayer, or, you know, anything along those lines. Does
12 that provide any type of outlet for you?

13 **INMATE SIRHAN:** Meditation and solitude and spiritual
14 thinking is a -- is a -- is a constant part of my, you
15 know, activities. Every morning that I do that -- I do
16 that, I pray --

17 **PRESIDING COMMISSIONER BARTON:** So is there -- is
18 there a --

19 **INMATE SIRHAN:** But I --

20 **PRESIDING COMMISSIONER BARTON:** community out there
21 that if you paroled and, you know, ultimately, he got back
22 to Pasadena, I'll just be honest with you. If you ever are
23 found suitable and you are paroled because of the years
24 been down, I don't think any Commissioner is going to
25 allow you parole directly to your brother's house. Odds

1 are, you would be paroled to some transitional housing at
2 least for six months. But my question is, again, one of a
3 practical nature. Is there some faith community out there
4 that would be a support network for you?

5 **INMATE SIRHAN:** I believe that there would be, and my
6 bro - and -- and my brother would help me do that because
7 we are in contact with, uh, with, uh, religious, uh,
8 supporters. And there is, in -- in -- in neg --, it's very
9 close by our home there is a transitional, uh, housing
10 facility that can -- that can -- that we can use, you
11 know, uh, enroll in, when, if when, if and when I am
12 paroled to -- to Pasadena.

13 **PRESIDING COMMISSIONER BARTON:** Okay. You also said
14 in this Risk Assessment, I'm looking now at page 8 of the
15 Risk Assessment, that's more for your Attorney's benefit
16 than yours, but it said that you recognize your childhood
17 must have at least indirectly and subconsciously played a
18 significant role in, um, your anger in the commitment
19 offense and basically you had had thoughts, um, against
20 Robert Kennedy because of his support for Israel at the
21 time. You've admitted that in the past, right?

22 **INMATE SIRHAN:** Yes. And -- and it's, uh, it's part
23 of this insight process, you know, developing your
24 insight, viewing it and seeing who is involved in -- in --
25 in your -- in your problem in life. And, uh, and -- and --

1 and, uh, I -- I wasn't even aware of this youthful
2 offender, um, Franklin type hearing in preparation for
3 these kind of hearings. So, I -- I --

4 **PRESIDING COMMISSIONER BARTON:** Well, it's the --

5 **INMATE SIRHAN:** I thought about it before.

6 **PRESIDING COMMISSIONER BARTON:** Yeah, that -- that --
7 that's all relatively new, but insight's not new. They've
8 been talking to you about insight for many years, and you
9 have to admit early on, you know, in the late 80s, early
10 90s, you were just angry.

11 **INMATE SIRHAN:** Well, they, the, I nev -- I never
12 knew that these kinds of, uh, disciplines and these kinds
13 of, uh, scientific, uh, processes are existed then in the
14 -- in the 1980s or utilized by the Board. They, I don't
15 remember ever --

16 **PRESIDING COMMISSIONER BARTON:** They weren't -- they
17 weren't, that's my point. What I'm saying is I'm trying to
18 gauge offender change. That's one of the factors that we
19 look at, and you said that you were upset by what was
20 happening at the time, you were angry about it, there was
21 a certain amount of national pride. You talked about today
22 these are your kindred that you're seeing that are, you
23 know, having these devastating effects. You said you were
24 impulsive, you were, didn't think about the consequences,
25 you had poor judgment. We talked about the alcohol and the

1 gun, right? So those are all --

2 **INMATE SIRHAN:** Yes.

3 **PRESIDING COMMISSIONER BARTON:** what we call
4 underlying causative factors. That's the person you were
5 at 24. I've been trying to establish by asking you
6 questions if you're still that person. We talk about --

7 **INMATE SIRHAN:** No, I am not. I'm not.

8 **PRESIDING COMMISSIONER BARTON:** Okay. Well, and --
9 and everyone tells me that, Mr. Sirhan, so understand
10 that, you know, we can say, no, I'm not all day long, but
11 that's why I'm trying to figure out what you've done to
12 address these. And you've talked about, --

13 **INMATE SIRHAN:** Okay.

14 **PRESIDING COMMISSIONER BARTON:** you know, some of
15 them so far, we've gone through, um, and some of them we
16 can see too from behavior, but as far as prior planning,
17 you've always said that you didn't plan it. You, uh,
18 denied the writings that were found and again, it was
19 found to be evidence, whether you believe a handwriting
20 expert would validate it or not is neither here nor there
21 for this Panel. Okay? But if you're taking responsibility
22 today for your overall anger towards what was happening,
23 what I have to determine is whether or not that anger
24 would resurface, if you were released.

25 **INMATE SIRHAN:** Right now, it doesn't even exist.

1 **PRESIDING COMMISSIONER BARTON:** Okay.

2 **INMATE SIRHAN:** There's always a pot -- speaking
3 about potentialities and un -- unforeseens, but I don't
4 even anti -- anticipate that because, like I said, I'm
5 gonna nip it in the bud before it even happens. I
6 <inaudible>

7 **PRESIDING COMMISSIONER BARTON:** But you understand
8 from my -- from my perspective, I have to look at the
9 unforeseen. That's what they asked me to do is guess the
10 future.

11 **INMATE SIRHAN:** Okay. And I respect that.

12 **PRESIDING COMMISSIONER BARTON:** So --

13 **INMATE SIRHAN:** And I, you have my pledge that I will
14 always look to for safety and peace and nonviolence. I
15 have been disciplined-free for more than half a century.

16 **PRESIDING COMMISSIONER BARTON:** That -- that --
17 that's not in dispute.

18 **INMATE SIRHAN:** And that should show --

19 **PRESIDING COMMISSIONER BARTON:** It's not about --
20 it's not about whether you figured out how to do time, I --
21 I know you can do time, it's not about that. But here,
22 think of it from this perspective. There are some that
23 might say you -- you be released, you'd see yourself as a
24 victim because you spend your whole life in prison, and if
25 you say, I --

1 **INMATE SIRHAN:** Not <inaudible>

2 **PRESIDING COMMISSIONER BARTON:** well, let me finish,
3 I'm just playing the -- the other side's advocate. We
4 don't have a DA here, but I have to consider all sides,
5 right. And they could say, he could be so angry about
6 spending all that time in prison that once he's released,
7 he somehow wants to, you know, rectify that or rebel
8 against the system because of it. What would you tell
9 those people?

10 **INMATE SIRHAN:** I disagree with them outright. I am
11 grateful to having had my life spared from the gas
12 chamber. I value my life so much that I would never allow
13 myself to risk it, or allow myself to put myself in
14 jeopardy again, period. And you have my solemn word on
15 that, and I'm never gonna violate it. You know, once when
16 I -- when I was, when I read that, um, parole member, uh,
17 Commissioner, uh, James Overs parole granting --

18 **PRESIDING COMMISSIONER BARTON:** Uh --

19 **INMATE SIRHAN:** decision. Please --

20 **PRESIDING COMMISSIONER BARTON:** Go ahead.

21 **INMATE SIRHAN:** And -- and he -- he --

22 **PRESIDING COMMISSIONER BARTON:** You said the same
23 thing in your last hearing, but go ahead.

24 **INMATE SIRHAN:** Yes, yes, uh, okay, you know why.

25 **PRESIDING COMMISSIONER BARTON:** Yeah. I've read all

1 of your comments, I've read all of your Attorney's
2 briefings on past hearings. I we -- we've read all of
3 that. So, we consider all of that, I get it, okay. That's
4 why we're not, you may be thinking right now, well he's
5 not talking to me about all the good stuff. Well, the good
6 stuff's in the record, we have it. I have the
7 commendations from Correctional Officers for you. I have
8 your good work history. I have your educational upgrades.
9 I have your lack of discipline. We have all that. Those
10 aren't risk factors. I'm trying to concentrate on the
11 things that I think might still make you dangerous and
12 trying to satisfy myself whether or not it's an
13 unreasonable risk. So that's why I'm asking these
14 questions. I know you want to tell me about all that good
15 stuff. Trust me, I've read it. Okay, and it's being
16 considered. But we're focusing on the areas that we think
17 still might be a risk.

18 **INMATE SIRHAN:** <inaudible>

19 **PRESIDING COMMISSIONER BARTON:** And at this point --

20 **INMATE SIRHAN:** <inaudible>

21 **PRESIDING COMMISSIONER BARTON:** at this point it was,
22 the substance abuse which I don't give a whole lot of
23 weight to necessarily currently, it was the anger
24 management and emotional intelligence. It's the lack of
25 responsibility and the lack of insight, which we've talked

1 about some. Okay. But at this point, I am going to turn it
2 over to the Deputy Commissioner. Are you doing, okay?
3 We've been going now for about an hour and a half. Do you
4 need a break?

5 **INMATE SIRHAN:** I'm good -- I'm good. Unless others
6 are need a break.

7 **PRESIDING COMMISSIONER BARTON:** Ms. Berry, I'm
8 looking at you. Do you want a break? I cannot hear a thing
9 you're saying.

10 **INMATE SIRHAN:** She's mute.

INMATE ATTORNEY BERRY: I'm fine. Thank you.

12 **PRESIDING COMMISSIONER BARTON:** Okay. All right. It's
13 just a natural break I think and I, some other folks might
14 want one and rather than get started with Commissioner
15 Meighan and then have to take a break, I am gonna take a
16 break at this time. It's 9:57. We will reconvene the
17 hearing at 10 minutes after 10, give everyone a chance to
18 take a comfort break. Okay?

DEPUTY COMMISSIONER MEIGHAN: All right.

20 **PRESIDING COMMISSIONER BARTON:** And we'll see
21 everyone back on the call at 10 minutes after 10, We're in
22 recess.

23

24

25

RECESS

1 **DEPUTY COMMISSIONER MEIGHAN:** On the record.

2 **PRESIDING COMMISSIONER BARTON:** All right. We are
3 back on the record for the subsequent parole consideration
4 hearing for Mr. Sirhan. Today is August 27th, 2021. All
5 the parties that were previously present I believe are
6 present. I'm going to verify that here momentarily. I can
7 see Mr. Sirhan. I can see Ms. Berry. I can see Mr.
8 Groubert. We have the Deputy Commissioner. I can see Mr.
9 Deble. I can see Douglas Kennedy. I can see Ms. Abreu. Um,
10 Ms. Watson, are you there? Ms. Watson are you there? I can
11 see Ms. Bohdan and Mr. Schrade.

12 **OBSERVER/REPORTER WATSON:** I -- I'm here, I'm sorry.

13 **PRESIDING COMMISSIONER BARTON:** Okay. That's okay.
14 I'm just verifying we still have everyone. Um, Mr. Robert
15 Kennedy, are you there?

16 **VNOK ROBERT KENNEDY:** Yes.

17 **PRESIDING COMMISSIONER BARTON:** Okay. Thank you. And
18 then, uh, no offense Mr. Mahoney, but whether you're there
19 or not we're gonna start. So as far as, um, all the
20 parties being present, we have everyone and we're gonna at
21 this time have Deputy Commissioner Meighan is going to ask
22 you some questions, Mr. Sirhan. She may cover some of the
23 same, uh, areas as far as the crime and other issues that
24 she wants to go into to determine offender change. Uh, and
25 then she's also gonna talk to you about what you've been

1 doing overall and especially since your last hearing.

2 Okay?

3 **INMATE SIRHAN:** Sure, yes, sir. Thank you.

4 **PRESIDING COMMISSIONER BARTON:** Can you see her on
5 the screen?

6 **INMATE SIRHAN:** She's at the lower left-hand corner.

7 Yes.

8 **PRESIDING COMMISSIONER BARTON:** Yes. Okay. And she
9 is, um, I think has a voice that's as loud as mine, so you
10 should have no problem, but if for some reason you don't
11 hear her, make sure you let us know. Okay?

12 **INMATE SIRHAN:** Yes, sir. Thank you. All right.

13 **PRESIDING COMMISSIONER BARTON:** All right. Go ahead,
14 Commissioner.

15 **DEPUTY COMMISSIONER MEIGHAN:** Good morning, Mr.
16 Sirhan.

17 **INMATE SIRHAN:** Good morning, Ms. Meighan.

18 **DEPUTY COMMISSIONER MEIGHAN:** It's Meighan, but
19 that's okay, everyone ruins it, but that's fine. Deputy
20 Commissioner is good enough. All right, Mr. Sirhan if I
21 ask you now the top two causative factors for the
22 commitment offense, what would your answer be?

23 **INMATE SIRHAN:** Positive factors for the commitment
24 offense. Positive? <inaudible>

25 **DEPUTY COMMISSIONER MEIGHAN:** No, causative, sorry --

1 sorry, causative C-A-U-S-A, causative.

2 **INMATE SIRHAN:** Causative. Hmm. It -- it would have
3 to be the Middle East situation. It would have to be that,
4 but, uh, again, I want to express my utter remorse for
5 everything that took place that night whether I'm
6 responsible for it or not.

7 **DEPUTY COMMISSIONER MEIGHAN:** Okay. Well, I just want
8 to touch on the causative cause I think that's been, you
9 know, flushed out already many times before. I just wanted
10 to hear what you think is the top two causative factors
11 for the commitment offenses. You gave me the Middle East
12 situation and I'm assuming you're talking about the trauma
13 that you had, um, endured in your life, is that correct?

14 **INMATE SIRHAN:** Yes.

15 **DEPUTY COMMISSIONER MEIGHAN:** Okay.

16 **INMATE SIRHAN:** Yes. And the number two, I would -- I
17 would attribute to -- to the liquor, that -- that, I
18 wasn't, couldn't control of my -- my wits and my senses in
19 full control, that my sense of responsibility, personal
20 responsibility was -- was -- was, I -- I didn't, I just
21 didn't have it that night, that evening.

22 **DEPUTY COMMISSIONER MEIGHAN:** Okay.

23 **INMATE SIRHAN:** and I regret that.

24 **DEPUTY COMMISSIONER MEIGHAN:** All right. Now, if I
25 ask you at the time of the commitment offense, now, I want

1 to ask you, what were your character defects at the time
2 of the commitment offenses, sir?

3 **INMATE SIRHAN:** Uh, sign -- ignoring that basic
4 principle of not, of -- of, uh, mixing guns and liquor. I
5 -- I -- I disobeyed that -- that, uh, that injunction, you
6 know, that you're not supposed to mix guns and -- and
7 liquor and -- and I did that. That was the biggest flaw in
8 my -- in my -- in my, in -- in -- in my training and in my
9 values because, uh, it did lead to a very disastrous, very
10 tragic, uh -- uh, event.

11 **DEPUTY COMMISSIONER MEIGHAN:** Okay. Now we all have
12 character defects. No one amongst us are perfect. Right?
13 So now I understand that you say one of your character
14 defects, you said, was it, um, mixing alcohol, you know
15 and guns so it sort of sounds that you were reckless.
16 That's what I got from that.

17 **INMATE SIRHAN:** Eh, yea, -- yeah, definitely.
18 Definitely.

19 **DEPUTY COMMISSIONER MEIGHAN:** Okay. Was there any
20 other character defects you've, um, had at the time of the
21 commitment offense?

22 **INMATE SIRHAN:** You know, I was so young that, and --
23 and -- and so self-assured, so impulsive, so know it all
24 type, you know, that -- that was one of the -- the -- the
25 attributes of -- of youths and the sense of recklessness,

1 the sense of bravado and, you know, I was just a young
2 man. I wasn't really in control. I wasn't mature to -- to
3 really sit back and consider and think and -- and evaluate
4 and -- and -- and think of the consequences of my actions
5 and my thoughts. And right now, eh, I'm a, uh, it's
6 different with me, you know, --

7 **DEPUTY COMMISSIONER MEIGHAN:** Okay.

8 **INMATE SIRHAN:** it, uh, the -- the idea that -- that
9 I would be, uh, reoff --, you know, reoffend, and you, and
10 I really appreciate your concern, your responsibility,
11 your -- your obligation to the public to make sure that
12 whoever you release, whoever is in front of you, like I am
13 now, is not gonna reoffend or recommit crimes or re --,
14 uh, you know, hurt anybody else or -- or in any way, or
15 just, uh, you know, break the law because I just, I -- I
16 don't have it in me anymore.

17 **DEPUTY COMMISSIONER MEIGHAN:** Okay. Mr. Sirhan don't
18 -- Mr. Sirhan I don't want to, I don't like interrupting
19 you, but I want you to stay on point with my question. I'm
20 only, um, I want you to stay on point because all I'm
21 asking you about is character defects. All right. You gave
22 me a -- a wide list, alrighy and I appreciate that. Were
23 there more defects you had that you can recall?

24 **INMATE SIRHAN:** 53 years ago, I honestly can't recall
25 that any -- any --

1 **DEPUTY COMMISSIONER MEIGHAN:** Where you -- where you
2 say you were angry?

3 **INMATE SIRHAN:** I -- I -- I must have -- I must have
4 had defects. I must have. But to -- to -- to, you know, to
5 give you a list of them --

6 **DEPUTY COMMISSIONER MEIGHAN:** Yeah.

7 **INMATE SIRHAN:** eh, I don't -- I don't, I can't put
8 my finger on -- on --

9 **DEPUTY COMMISSIONER MEIGHAN:** Okay.

10 **INMATE SIRHAN:** I would -- I would say anger would
11 have been, uh -- uh, um, a character defect. I would say
12 that impatience would have been a character defect. I
13 would say, uh, a lot of things that -- that, uh, that I
14 experienced or anybody would experience with could cause,
15 uh, defects, especially this, uh, of anger and, uh, and
16 just, uh, and just ignoring, uh, sense, ignoring my better
17 judgment, ignoring my -- my -- my conscience, because, uh,
18 --

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

20 **INMATE SIRHAN:** this is a horrible event and it goes
21 against everything I value in life. I, you know, my -- my
22 -- my spiritual upbringing, my church upbringing and it,
23 it's -- it's -- it's unbelievable.

24 **DEPUTY COMMISSIONER MEIGHAN:** Okay.

25 **INMATE SIRHAN:** It's unbelievable to me <inaudible>

1 **DEPUTY COMMISSIONER MEIGHAN:** Well, thank you for
2 your honesty, Mr. Sirhan, but I want to stay on point
3 here. Um, now I'm gonna get into some post-conviction
4 factors and, um, now what I see here is that you've had
5 numerous laudatory chronos and I think it is for the
6 benefit to read those into the record, cause I didn't see
7 much in the past, but I've seen, um, now. I saw that, um,
8 for instance, you had one from January 4th, 2021, a
9 laudatory chrono from a Correctional Officer Mack and he
10 wrote about, basically by your character, and to quote in
11 pertinent parts, the Correctional Officer observed your
12 willingness to help and with the cooking staff and
13 complete specific tasks in a timely manner, and, uh, they
14 view you as a genuine in your conduct and your attempts to
15 rehabilitate yourself. And the Correctional Officer's
16 opinion, they believe that the inmate has demonstrated
17 remorse and has dealt with his incarceration in a positive
18 manner. Mr. Sirhan has been a model inmate and the
19 Correctional Officer believed that you will continue to do
20 this if you should be released. And that was from the
21 Correctional Officer Mack from Facility C, EOP Complex. I
22 also saw another, um, a laudatory chrono I see was
23 submitted, it was in the record, uh, August the 25th, also
24 2021 from a Correctional Officer Corkran, also attesting
25 to your character and your demeanor. You've also, um, and

I also note that your Attorney had also submitted that too, um, recently, I appreciate that. That one states in pertinent parts, that Mr. Sirhan was always respectful to both staff and inmates alike, they observe you and one of your greatest attribute is to navigate the inmate population, never surrounding yourself with negative influences, always following orders when directed, and it's the Correctional Officer's professional opinion that you have exhibited attributes of rehabilitated individual, and he believes that you will succeed, um, in society. You also had a, um, one an October 23rd, 2020, um, that was in the packet, um, as well, I have it at page 205, and that -- that Correctional Officer also attests to your character and your merits, and that was dated October 23rd, 2020. And the Correctional Officer states in pertinent parts, what was a long written up, but let's, they observe you as -- as well and they observe you on a daily basis and you exhibited no unusual behaviors. You were always conforming to the rules and regulation. You worked in the culinary, you attended your group meetings, church regularly. They say you have a upright in your character, respectful in your conduct and staff and peers without any defiance, you are polite, well spoken, you exemplify a rare model inmate description. You're very respectful to the staff. Um, they also observed that, um, you're committed to your recovery

1 and reformation. You appeared to spend much of your spare
2 time reading, educational literature, exercising, being
3 pleasantly available to other inmates and academic mentor.
4 And there was one in 1983 letter where the staffs
5 commended you for your meritorious efforts in assisting
6 them. Um, so we had four and I thought that was mentioned,
7 especially the three recent ones, cause I didn't see many
8 of that in the past. Um, is there someone in the, um,
9 waiting room Commissioner that got sent out?

10 **PRESIDING COMMISSIONER BARTON:** Well, let me add, uh,
11 --

12 **DEPUTY COMMISSIONER MEIGHAN:** Okay. Thank you.

13 **INMATE ATTORNEY BERRY:** Commissioner, if I can
14 briefly interrupt, I just received a phone call and I'd
15 like to convey to the Commissioner, um, the wishes of that
16 person that just called.

17 **PRESIDING COMMISSIONER BARTON:** Well, it depends, who
18 is it.

19 **INMATE ATTORNEY BERRY:** Um, Robert Kennedy Jr. just
20 called and he said he's trying to send something to the
21 Commissioner. So, I have, um, given him the appropriate
22 email contact, so I just wanted to convey that message. I
23 don't --

24 **PRESIDING COMMISSIONER BARTON:** Well --

25 **INMATE ATTORNEY BERRY:** know if he's attempting to

1 join the hearing or send something --

2 **PRESIDING COMMISSIONER BARTON:** Well, we lost --

3 **INMATE ATTORNEY BERRY:** but I feel like --

4 **PRESIDING COMMISSIONER BARTON:** are you talking about
5 the same person that we already have?

6 **INMATE ATTORNEY BERRY:** No, this would be Robert
7 Francis Kennedy II.

8 **PRESIDING COMMISSIONER BARTON:** Gotcha. And we did
9 receive a letter from them already. So, I don't know if
10 he's trying to resend that or not, but we do have a letter
11 already if that's what he's talking about.

12 **INMATE ATTORNEY BERRY:** Okay. And just so --

13 **PRESIDING COMMISSIONER BARTON:** and when we get to --
14 when we get to Victim Impact, I'll touch base with you
15 then.

16 **INMATE ATTORNEY BERRY:** Okay. Thank you.

17 **PRESIDING COMMISSIONER BARTON:** Yes.

18 **INMATE ATTORNEY BERRY:** Sorry for the interruption.

19 **DEPUTY COMMISSIONER MEIGHAN:** All right, Mr., um,
20 where was I? Oh, all right, Mr. Sirhan, um, --

21 **PRESIDING COMMISSIONER BARTON:** You had just finished
22 the positive chronos I think.

23 **DEPUTY COMMISSIONER MEIGHAN:** Thank you. I -- I
24 believe I'm done. I -- I mentioned that there were three
25 recent ones and I -- and I spoke about the 1983 one. Um, I

1 wanted to also note, Mr. Sirhan, if you were given a
2 parole date and the Board, already, we already established
3 for the record that on December 17th, 2013, that you have
4 a detainer, it's an ICE Deportation under A number
5 206265918, um, but nonetheless, we still have to look at
6 both sides. If you were given, um, a parole date and
7 you're granted parole, uh, and the Board orders you to
8 participate in a transitional home for six months, would
9 you comply?

10 **INMATE SIRHAN:** Definitely would comply, with this
11 observation, please. Ever since I got, uh, my neck cut,
12 it, uh, that incident made me, uh, mistrustful of
13 intentions of inmates because this guy, he crept up on me
14 without any notice. I didn't even know this injury had
15 occurred until other inmates were telling me about it.
16 Now, if I go into a transitional setting where it's
17 similar kinds of inmates, eh, my safety would be a little,
18 it would be a concern. And that's what worries me about
19 the transitional housing. Although I realized the value of
20 transitional housing in terms of re -- re --
21 reconditioning the inmate to civil society and to, you
22 know, to normal life on the streets, but -- but again,
23 safety wise, I would -- I would be just a little bit extra
24 cautious myself if I were in a transitional --
25 transitional housing setting. We own our own home. We have

1 plenty of space to live in and, uh, in -- in that regard I
2 would prefer to be home, to be with my brother than to be
3 in the transitional housing, but I will comply with all of
4 your directions.

5 **DEPUTY COMMISSIONER MEIGHAN:** Well, we do know this
6 is a --

7 **INMATE SIRHAN:** without any --

8 **DEPUTY COMMISSIONER MEIGHAN:** a public, we know this
9 is a public interest case, but my question was just
10 hypothetically speaking. I just wanted to know whether or
11 not you would be compliant. It's just basically a simple
12 yes or no --

13 **INMATE SIRHAN:** Yes.

14 **DEPUTY COMMISSIONER MEIGHAN:** uh, answer.

15 **INMATE SIRHAN:** Yes. Believe me, I -- I would be,
16 ma'am.

17 **DEPUTY COMMISSIONER MEIGHAN:** Okay.

18 **INMATE SIRHAN:** I would be, 100% --

19 **DEPUTY COMMISSIONER MEIGHAN:** I do note --

20 **INMATE SIRHAN:** compliant <inaudible>

21 **DEPUTY COMMISSIONER MEIGHAN:** for the record, okay.

22 **INMATE SIRHAN:** Yes.

23 **DEPUTY COMMISSIONER MEIGHAN:** I -- I got your
24 response. Thank you so much, sir. I do note for the record
25 that you do have a letter from your brother and I'll just

1 review it in the record. Um, and just for the record,
2 before I go reading his, um, brother's, uh, support letter
3 into the record, I just want to note that there were
4 several responses from the public and we received numerous
5 responses from the public noted, actually more than --
6 more than 100 responses I've counted, um, that supports
7 the inmate's release and there were some also that opposed
8 the release of the inmate. Um, now back to what I was
9 stating that you, I did see a letter of support and it
10 came from your brother, Munir. Um, I also read that, well
11 your brother had been convicted of a felony for possession
12 of a controlled substance also. Um, I just have to note
13 that for the record, I saw that in the packet that was
14 submitted to me. Um, but nonetheless, how old is your
15 brother?

16 **INMATE SIRHAN:** Again, he, he's -- he's, he went to
17 the -- he went to see the doctor yesterday, he told me
18 that on the phone. He's improving, but his medical
19 condition is still -- still, uh, less hopeful than -- than
20 -- than it should be. Uh, he's seeing doctors for his eyes
21 and, uh, and other ailments and, uh, I'm very, uh, to be
22 honest with you, just humanly speaking, I'm very worried
23 about his -- his, uh, --

24 **DEPUTY COMMISSIONER MEIGHAN:** Okay.

25 **INMATE SIRHAN:** his condition.

1 **DEPUTY COMMISSIONER MEIGHAN:** How old is he -- how
2 old is he.

3 **INMATE SIRHAN:** He's a couple of years, three, four
4 years younger than me.

5 **DEPUTY COMMISSIONER MEIGHAN:** All right. So, the
6 letter that I have here, was it your brother that wrote
7 this letter or did someone assist them in writing this
8 letter?

9 **INMATE SIRHAN:** I don't really know. I don't know how
10 he -- how he, uh, got it together and sent it to you. I,
11 he told me that he sent you one, he sent you, and he said
12 that he sent an earlier one but, uh, it wasn't
13 acknowledged by the staff in -- in Sacramento, so he wrote
14 a subsequent one.

15 **DEPUTY COMMISSIONER MEIGHAN:** All right.

16 **INMATE SIRHAN:** I'm -- I'm not, I don't know the full
17 details of that.

18 **DEPUTY COMMISSIONER MEIGHAN:** Okay. Just asking if
19 you knew.

20 **INMATE SIRHAN:** Yes <inaudible>

21 **DEPUTY COMMISSIONER MEIGHAN:** All right. So, January
22 4th, 2021, the letter states that your younger brother, as
23 you stated and, um, he said that he understands that, um,
24 if he's not permitted to be here, basically, he says that
25 he has a home, the retirement home that he lives in is the

1 family home and if, even if you're not able to stay here,
2 um, he's willing to sell that family home and go wherever
3 you are deported to -- to support you. And he's willing to
4 live out his last days and times with you in a quiet,
5 peaceful manner. That's according to your brother here and
6 it's signed, it's, uh, written by Munir Sirhan, M-U-I, M-
7 U-N-I-R and your brother's last name S-I-R-H-A-N. Um, and
8 he has a letter of support for you, and he also had two
9 neighbors who supported you too that was here in
10 California. I can't understand their handwriting, but they
11 did indicate that they were neighbors and dated January of
12 2021. Um, so I just wanted to put that on the record. Now
13 I want to move on a little bit. Let's see, um, I want to
14 get to the RVRs that we have here. Now, these RVRs, you
15 only have two RVRs, and these are in 1972, one was in
16 1970, uh, in both, the 1972 you're 28 years old, the other
17 1970 you're 26. You had, uh, three 128A's, um, just for
18 the record, the first one was threatened officer May 8,
19 1972. Um, this, uh, second one was behavior which could
20 lead to violence September 2nd, 1970. Then you had three
21 128A's, March 3rd, 1976, um, where you were, um, cursing
22 at an officer, uh, April 10th, 1990 Correctional Officers
23 say he was horse-playing, March 3rd, 2010, Correction
24 Officer observed, uh, you, um, looking through a trashcan
25 of Correctional Officers. These were reviewed the, um, in

1 past transcripts, so I'm not going to review them. Um, but
2 what I would like to ask you is about the 2016, February
3 17th, 2016, the attempt to manipulate staff, um, chrono,
4 that's in the, um, C-file. And the reason why I'm asking
5 this, sir, because in the past you have res --, has used
6 your anger and your coping mechanism was, um, to threaten
7 someone or to threaten harm, um, even in the, there's one
8 part where you even in 1975, you were granted parole, they
9 took away your parole, you made a statement to the staff
10 and communicated to the staff to tell the Governor that if
11 he wasn't released, he was going to engage in an agreement
12 with the Soviet Union against the United States. So,
13 there's been a pattern in the past, and then there's this
14 recent February 17th, 2016 incident. Basically, when I
15 read it, um, you told the Correctional Officers, first of
16 all, do you recall that incident before I go any further,
17 Mr. Sirhan?

18 **INMATE SIRHAN:** Is that the confidential one, and --

19 **DEPUTY COMMISSIONER MEIGHAN:** No.

20 **INMATE SIRHAN:** if it is, I know nothing --

21 **DEPUTY COMMISSIONER MEIGHAN:** No, I don't know
22 anything of, uh, okay, I'm talking about well I'll -- I'll
23 read some of the facts to you because I have it here in a
24 nutshell for you. Basically, you had reported that you
25 were being harassed by an inmate, this is in February

1 17th, 2017, um, you indicated. Um, so the Correction
2 Officer did their research and tried to see what happened
3 and you said that you're being harassed again. Um, when it
4 came up in my parole hearing and then he asked if I had
5 any problems with him, you said that there's an inmate --
6 you said that there's an inmate working in kitchen, he's a
7 Mexican man name and he's a senior cook. All right. You
8 don't like, he's like a shot caller and you didn't like
9 the way he uses his power to make you do work and shitty
10 jobs. Um, so the Correctional asks, Officer asks you, has
11 he ever specifically threatened or harassed you and you
12 said no, but he gives me these looks, you know, mean
13 looks, um, and he asked you, then you made a statement to
14 the Corr --, um, to the inmate, you said, um, to the fact
15 that, you know, go meet me to the back of the restroom and
16 they wanted to know why you're saying that, because I want
17 him to know, the other senior cook inmate that I'm not
18 scared of him and I can hurt him really bad. All right. So
19 that's the incident I am --

20 **INMATE SIRHAN:** <inaudible>

21 **DEPUTY COMMISSIONER MEIGHAN:** talking about, right.
22 Um, so, first of all, do you recall this incident now that
23 I've read you in a -- a short synopsis of it?

24 **INMATE SIRHAN:** Recall it vaguely, but that, it that,
25 all the details are not accurate, ma'am. I -- I -- I did

1 not see him as a threat. He was, he had just been hired
2 to, uh, to that spot and he was trying to establish
3 himself along with his, you know, uh, Spanish Latino
4 workers and trying to take ahold and control of the
5 kitchen. I had no support at the time and I still don't
6 have any support in the kitchen because I just do my own -
7 - my own, uh -- uh, assigned job instead of work as a, you
8 know, with a gang type of a -- a group of people. And that
9 is what triggered this whole incident with this guy. And
10 he was always pushing his weight around and interfering
11 with my -- with my routine. And I had seniority over him
12 though he had a -- a -- a higher ranking what was a -- a
13 description, job description than I did and he wasn't that
14 much experienced. And I felt that I had to, I <inaudible>
15 the -- the -- the operation of the kitchen mandated, you
16 know, that he be, you know, uh -- uh, let the staff know
17 about his shortcomings in that regard.

18 **DEPUTY COMMISSIONER MEIGHAN:** Well, you know, it
19 happened in 2016, you've taken a lot of programming, okay,
20 regarding emotionally intel -- intelligence, anger
21 management, you know, a lot of different conflict --
22 conflict resolution, um, programming, you know. Now you're
23 looking back at this at 2016 aspect, okay, you're looking
24 at it now, all right. Do you think it was wise for you to
25 say, meet me around the restroom, I want to know if, um,

1 you know, to let him know I'm not scared that I can hurt
2 him really bad. You think that was wise to make that?

3 **INMATE SIRHAN:** That -- that part, that -- that part
4 I don't think is accurate, but the idea of -- of -- of
5 challenging -- challenging him like that, it a -- it's a
6 part of the prison culture, ma'am, that if you show
7 kindness, if you show passivity, that -- that -- that
8 other inmates would interpret it as weakness, a personal
9 character weakness. And when that, when they -- when they
10 noticed that, when they see it -- it's -- it becomes a
11 part of their picture of you. And then they, I become
12 their whipping boy. And not just this guy's, everybody
13 else's whipping boy because I do not respond the
14 provocations that they would have brought me. And that is
15 why I had to like, you know, hold my ground with this guy,
16 because he was constant. It wasn't just a, an occasional,
17 uh, incident. And it -- it -- it builds up -- it builds
18 up, you know, the -- the tension and the, just the
19 constant, eh, having to have a -- a disagreeable coworker
20 and staff knew that. They saw it, they observed it, and
21 they let it happen. They -- they let it persist. And it's
22 -- it's painful when you see that happen.

23 **PRESIDING COMMISSIONER BARTON:** But her question is,
24 Mr. Sirhan -- Mr. Sirhan, her question is --

25 **INMATE SIRHAN:** Yes.

1 **PRESIDING COMMISSIONER BARTON:** looking at it now, do
2 you think you had other options? They may not have been
3 your favorite options --

4 **INMATE SIRHAN:** Oh, definitely, I would have --

5 **PRESIDING COMMISSIONER BARTON:** other options.

6 **INMATE SIRHAN:** I had, I -- I -- I used my, the best
7 options available at the time, but in retrospect now --

8 **PRESIDING COMMISSIONER BARTON:** No, you didn't -- no
9 you didn't.

10 **INMATE SIRHAN:** In retro --

11 **PRESIDING COMMISSIONER BARTON:** No, you didn't. What
12 had been -- what had been your best option at the time?

13 **INMATE SIRHAN:** Eh, letting staff know that this
14 process was going on, this problem --

15 **PRESIDING COMMISSIONER BARTON:** And then quit your
16 job if you have to.

17 **INMATE SIRHAN:** I could have, but again --

18 **PRESIDING COMMISSIONER BARTON:** Was the job more
19 important -- was the job more important than your freedom
20 or then being written up or anything like that?

21 **INMATE SIRHAN:** But I was assigned there, sir. I
22 don't know --

23 **PRESIDING COMMISSIONER BARTON:** I don't care.

24 **INMATE SIRHAN:** if that guy was assigned --

25 **PRESIDING COMMISSIONER BARTON:** I don't care. So,

1 think about it. We're trying to see if you've matured --

2 **INMATE SIRHAN:** Okay. In -- in -- in retrospect -- in
3 retrospect I -- I might have done that, I should have done
4 that, but, uh, I didn't anticipate this being, uh, this
5 crucial an -- an issue, because it happens all the time in
6 the kitchen.

7 **PRESIDING COMMISSIONER BARTON:** We don't know how
8 crucial it is. And I know what happens in the kitchen and
9 I get it. And I know what a shot caller is and I know what
10 happens when guys bring their guys in and they want to
11 take over, whether it's the kitchen or the yard crew or
12 whatever. I know how it works. But what I'm trying to
13 figure out is whether you're mature enough to say, even
14 though I'm in the right, this is the conversation you and
15 I had. I'm going to give up something that I'm in the
16 right about.

17 **INMATE SIRHAN:** Definitely. Definitely. This is a
18 part of the healing process and a part of dealing with
19 anger issues and a part of just being human, Mr. -- Mr.
20 Barton.

21 **PRESIDING COMMISSIONER BARTON:** Yeah, so, so, you
22 could've --

23 **INMATE SIRHAN:** I have no <inaudible>.

24 **PRESIDING COMMISSIONER BARTON:** you could've fixed --

25 **INMATE SIRHAN:** I could have.

1 **PRESIDING COMMISSIONER BARTON:** it -- it didn't get
2 fixed.

3 **INMATE SIRHAN:** And I -- and I did the, talk with
4 this guy, eh, subsequently, and I did make peace with him
5 and we, and -- and -- and resolved the issue with him. And
6 in fact --

7 **PRESIDING COMMISSIONER BARTON:** Well, that's --

8 **INMATE SIRHAN:** later on -- later -- later on he was
9 caught with misconduct and he was -- he was dismissed from
10 his job, he was fired.

11 **PRESIDING COMMISSIONER BARTON:** Okay. I don't doubt.
12 But our point is, let's say you get paroled and you start
13 working part-time somewhere and you feel you're being
14 treated unfairly. And it could be that you are being
15 treated unfairly. Okay. Uh, Ms. Berry, why are you seeming
16 frantic?

17 **INMATE ATTORNEY BERRY:** Thank you. Because my, uh,
18 the audio went out, uh, when you were speaking and I -- I,
19 it's asking me to dial in manually. Can you hear me?

20 **PRESIDING COMMISSIONER BARTON:** Well, no, I can see
21 you and hear you. Can you hear me?

22 **INMATE ATTORNEY BERRY:** I can now, but I, it, that's
23 why I panicked for a little bit.

24 **PRESIDING COMMISSIONER BARTON:** Sometimes the
25 bandwidth with this many people and the Deputy

1 Commissioner was experiencing too, sometimes the audio
2 gets garbled and what -- what I suggest is you turn off
3 your video when that happens, and that might increase your
4 bandwidth and make your audio better.

5 **INMATE ATTORNEY BERRY:** Sure.

6 **PRESIDING COMMISSIONER BARTON:** And that will go for
7 anybody if they're trying to get better audio, you can
8 turn off --

9 **INMATE ATTORNEY BERRY:** Thank you.

10 **PRESIDING COMMISSIONER BARTON:** the video. Not you,
11 Mr. Sirhan. Okay. So, Mr. Mr. Sirhan, my point was, you're
12 in a job on the outside and, you know, let's say you're a
13 janitor and they hire some young 20-year-old and he's
14 trying to tell you how to do things, this, that, and the
15 other thing, and your prison mentality, your prison
16 culture that's been entrenched after 50 years of
17 institutionalization creeps up and, you know, I'm not
18 gonna take that from this kid. I'm, you know, I'm gonna
19 stand up for myself. Do you see that leading to potential
20 good things or bad things?

21 **INMATE SIRHAN:** Well, first off, I'm not gonna look
22 look for that problem. I'm not gonna invite --

23 **PRESIDING COMMISSIONER BARTON:** It may find you -- it
24 may find you.

25 **INMATE SIRHAN:** But even if, exactly, and when it

1 comes, I have the -- the tools, the psychological tools to
2 address the guy and try to resolve the issue peaceful --
3 peace --

4 **PRESIDING COMMISSIONER BARTON:** But do you have --
5 but do you have the humility to say --

6 **INMATE SIRHAN:** Yes, I do. Yes, I do. I'm sorry, it
7 was my mistake. I'll walk away. Exactly. That's my --
8 that's my strategy, walk away and avoid confrontation and
9 hassles with people. I have done that so many times
10 recently because they, people, ever since I got injured, a
11 lot of people again see me as being vulnerable and they
12 try to confront me, talk -- talk very nastily to me and I
13 just nod and walk away because I don't want any trouble.
14 And it's the right thing to do, because I realize that
15 they're young people, they're, they haven't matured. They
16 haven't really sobered up from their -- from their, uh,
17 from their, uh -- uh, from there, impet --, uh, what's the
18 word? What's the word? I lost the word.

19 **PRESIDING COMMISSIONER BARTON:** It's okay.
20 Impetuosity. But but be that as it may --

21 **INMATE SIRHAN:** What's -- what --

22 **PRESIDING COMMISSIONER BARTON:** be that as it may, my
23 concern is that you would value that job over potential
24 negative consequences, like a fight.

25 **INMATE SIRHAN:** Definitely -- definitely, it -- it's

1 -- it --

2 **PRESIDING COMMISSIONER BARTON:** So, what if he had
3 taken -- what if he had taken that challenge and said,
4 yeah, let's go meet and wanted to get in a fight with you.
5 Would you have fought him?

6 **INMATE SIRHAN:** This guy with the -- this guy with
7 the 150 was a --

8 **PRESIDING COMMISSIONER BARTON:** Anybody -- anybody.

9 **INMATE SIRHAN:** I doubt it. I don't think so. Because
10 most people, that is their -- that is their invitation,
11 that is their cockiness.

12 **PRESIDING COMMISSIONER BARTON:** Again, I get it -- I
13 get it.

14 **INMATE SIRHAN:** And once you challenge them --

15 **PRESIDING COMMISSIONER BARTON:** A lot of it is power,
16 I get that, but my point is, would you be willing to quit
17 a job, <inaudible> --

18 **INMATE SIRHAN:** Definitely.

19 **PRESIDING COMMISSIONER BARTON:** a job that, to avoid
20 that negative situation?

21 **INMATE SIRHAN:** I would quit the job, I would give
22 everything to avoid it because it is to me, the long-term
23 values, the long-term benefits of being free, outweigh all
24 kinds of risks that this situation would, uh, would bring.

25 **PRESIDING COMMISSIONER BARTON:** Well, I'm just trying

1 to see you under ---, if you understand. Even back in
2 2016, that might've been the better option.

3 **INMATE SIRHAN:** And -- and in retrospect --

4 **PRESIDING COMMISSIONER BARTON:** Quit your job
5 <inaudible> later and then reapply.

6 **INMATE SIRHAN:** And then, and that's, and -- and I
7 did keep the job because I -- I had good reports from most
8 of staff. And, eh, well, and this guy had a -- had a -- he
9 had -- he had the friendship, he had, uh, he had the in
10 with the staff and they -- they -- they let him have a lot
11 of latitude and --

12 **PRESIDING COMMISSIONER BARTON:** Mr. -- Mr. Sirhan, I
13 know how it works. You don't have to explain prison
14 culture to me or the ins and outs. Trust me I know. I'm
15 not, but -- but I'm not concerned with that. What we're
16 concerned with is how you evaluate situations, how you
17 make appropriate choices even when they may not be fair
18 for you. Do you understand?

19 **INMATE SIRHAN:** Oh, yes. I -- I have forfeited a lot
20 of advantages.

21 **PRESIDING COMMISSIONER BARTON:** Okay.

22 **INMATE SIRHAN:** You know, just for the purpose of
23 avoiding hassles and difficulties --

24 **PRESIDING COMMISSIONER BARTON:** And that's what we're
25 trying to -- that's what we were trying to figure out. Go

1 ahead, Commissioner.

2 **INMATE SIRHAN:** And that's what I -- and that's what
3 I would do when I'm on the streets too.

4 **PRESIDING COMMISSIONER BARTON:** Okay.

5 **DEPUTY COMMISSIONER MEIGHAN:** All right. Thank you,
6 Commissioner. I think you did a great job with that. Um,
7 Mr. Sirhan, if I ask you at the time of the February 17th,
8 2016, what do you think were your character defects at
9 that incident at that time?

10 **INMATE SIRHAN:** Uh, being wanting to be assertive
11 more than I am now, lacking a little bit of humility and
12 understanding the entirety of the picture that is, uh,
13 that is, that I was -- that I was involved with, or in.
14 And, uh, that is a character defect because I -- I -- I
15 was impul, uh, not impulsive, I was too quick to -- to --
16 to, uh, to respond to that guy's, uh, provocations, which
17 I feel free that I am now doing that with, uh, with
18 people. Due to my age and due to my self-interest in
19 remaining, in -- in wanting to comply with the Parole
20 Board's rules and my nature just doesn't -- doesn't
21 include it. I haven't, I've never been violent with --
22 with people in prison and, uh, and that's my -- my policy,
23 and my -- and my temperament.

24 **DEPUTY COMMISSIONER MEIGHAN:** Okay.

25 **INMATE SIRHAN:** I don't see myself as <inaudible>

1 **DEPUTY COMMISSIONER MEIGHAN:** Do you think -- do you
2 think you have a problem with lack of respect for
3 authority?

4 **INMATE SIRHAN:** No. I -- I try to obey the rules and
5 I respect authority. I -- I was surprised even when --
6 when this, uh, when one of these chronos, uh, spoke about
7 my respect by following the staff's orders and
8 instructions and direction. That's -- that's is -- that is
9 -- that is routine. That is what I do all the time. Other,
10 I've seen, and I've seen defiance of that of the staff's
11 orders, you know, by -- by other inmates and I've seen how
12 they behave even and how they were handled by staff too.

13 **DEPUTY COMMISSIONER MEIGHAN:** All right. Thank you. I
14 think the Commissioner did a great job with the anger
15 management; you had your details on there. I appreciate
16 you had upgraded and did all your work. I noticed that you
17 were started to enroll in maintenance and repair. Is that
18 something you're still going to pursue or?

19 **INMATE SIRHAN:** Well, it -- it -- it, this, uh,
20 COVID, uh, new, this COVID protocol in the prison is still
21 active to some, uh, degree with older inmates and
22 vulnerable inmates and they removed me from being a cook
23 to this job and, uh, I don't know what the, how it's gonna
24 develop, uh, later on, but, uh, I, then they took notice
25 of the fact that -- that, uh, that I am under what they

1 call medical COVID precaution and they're -- they're aware
2 of it and they're -- they're concerned about it and that's
3 why they -- they want to distance me from the kitchen. In
4 fact, --

5 **DEPUTY COMMISSIONER MEIGHAN:** Okay. But no, let me
6 ask you --

7 **INMATE SIRHAN:** They used to --

8 **DEPUTY COMMISSIONER MEIGHAN:** wait, Mr. Sirhan. Are
9 you, my question was maintenance and repair, or is that
10 something you are still going to pursue or is that what
11 you're interested in? Cause that's what you're assigned to
12 right now.

13 **INMATE SIRHAN:** Uh, yes, uh, out, if we, eh, when I
14 am resume my job --

15 **DEPUTY COMMISSIONER MEIGHAN:** Got it.

16 **INMATE SIRHAN:** I will be doing that --

17 **DEPUTY COMMISSIONER MEIGHAN:** Okay. I got it.

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

19 **DEPUTY COMMISSIONER MEIGHAN:** Okay. So, it's
20 something you're interested in pursuing.

21 **INMATE SIRHAN:** Right.

22 **DEPUTY COMMISSIONER MEIGHAN:** Okay. Thanks.

23 **INMATE SIRHAN:** <inaudible> and they want me to do
24 it, I'll do it. I -- I don't want to defy any -- any --

25 **DEPUTY COMMISSIONER MEIGHAN:** No, no. If you're

1 interested in it, you should do. I mean, you understand?
2 It's not what they want, if you're interested in
3 maintenance and repair and that's what you're interested
4 in, then that's definitely something you should continue
5 on, right. All right. So, I had, um, I have a final
6 question here for you actually. I've heard in all the past
7 transcripts and I've read, you're able, when I ask you
8 about the victims, you're able to advi -- um, to, um,
9 specifically state, you know, all the direct victims,
10 right? You named all of them in the past. So, I don't want
11 to hear you listing that again, uh, at least I don't, um,
12 at this time, cause it's -- it's part of the record, we
13 already know. Um, so if I ask you, what is the impact on
14 victims indirectly? What is your answer.

15 **INMATE SIRHAN:** That brings up this, the ripple
16 effect of the crime and -- and the harm, the injury, the
17 pain of the family, of their, uh, of -- of their extended
18 family and their friends, the community, the -- the -- the
19 ambassador staff, and the -- the country, the world. This,
20 uh, Senator Kennedy was the hope of the world as far as I,
21 as -- as I can say, and, uh, it, I injured and I harmed
22 all of them and, uh, it pains me to -- to -- to experience
23 that -- that, the knowledge that I'm responsible for such
24 a horrible deed, if I did in fact do that. And whether I
25 did or whether I did not, I'm still responsible for being

1 there and -- and, uh, and probably causing this whole
2 incident, through my own gun or other guns.

3 **DEPUTY COMMISSIONER MEIGHAN:** Do you hate the United
4 States of America pol -- political process?

5 **INMATE SIRHAN:** No, I don't. No, I don't. But I -- I
6 do disagree with some of the legal, uh -- uh, processes.
7 My Attorney should have at least on when we were appealing
8 this case on the basis of act -- actual innocence, they
9 should have at least given us a hearing on, uh, on the --
10 on the -- on the merits and they didn't do that. They, a
11 lot of prisoners they get hearings, they get due, some due
12 process, uh, consideration, but, I don't, my Attorneys did
13 not.

14 **DEPUTY COMMISSIONER MEIGHAN:** Okay.

15 **INMATE SIRHAN:** And, uh, it's regrettable -- it's
16 regrettable.

17 **DEPUTY COMMISSIONER MEIGHAN:** Do you --

18 **INMATE SIRHAN:** but, uh, that's how --

19 **DEPUTY COMMISSIONER MEIGHAN:** Okay. Let me ask you
20 this next question. Do you dislike the fact that United
21 States of America supports Israel in its plight?

22 **INMATE SIRHAN:** In -- in Israel's plight?

23 **DEPUTY COMMISSIONER MEIGHAN:** Yes.

24 **INMATE SIRHAN:** I would say that the United States
25 should treat the Israelis and the Palestinians equitably

1 and fairly.

2 **DEPUTY COMMISSIONER MEIGHAN:** I understand that.

3 **INMATE SIRHAN:** <inaudible>

4 **DEPUTY COMMISSIONER MEIGHAN:** I understand that. And
5 I -- I think that's a very fair assessment from you. Um, I
6 won't, yeah, I won't dispute that. But I was just asking
7 you, you know, I want to know how you feel towards us
8 because your commitment offense was a cry, the attack on
9 the American process system and and electoral candidate.
10 So, I'm just asking you, currently, do you hate or dislike
11 or angry with the American --

12 **INMATE SIRHAN:** I have no quarrel -- I have no
13 quarrel with any human alive, ma'am, in America, in
14 Israel, in Palestine, anywhere. I -- I -- I want to make
15 my peace with life, with all human beings.

16 **DEPUTY COMMISSIONER MEIGHAN:** All right.

17 **INMATE SIRHAN:** I will denounce any -- any tendency
18 to -- to, uh, to violate that, uh, that, uh, that attitude
19 that I have now. It took me a long time to -- to arrive,
20 to get to it and, uh, I want to honor it by -- by -- by
21 keep, by adopting it as my life pattern.

22 **DEPUTY COMMISSIONER MEIGHAN:** I have to say for the
23 record, you know, throughout the process and the
24 Commissioner has pressed you hard at times, your demeanor
25 is very calm, um, which is quite different than I've read

1 in prior transcripts. Um, maybe that's attributed to age,
2 I don't know or maybe it's because of what you did some, a
3 lot of programming I see this year and, um, last year, a
4 tremendous amount of programming. Uh, what do you think
5 that's attributed to?

6 **INMATE SIRHAN:** I think it's -- it's a little bit of
7 -- of -- of both. I think the aging and just learning how
8 to evaluate human beings and learning from them. And if --
9 if -- if a person is, uh, is just empathizing with the,
10 he, whoever it was that you say that I would say I was,
11 you know, contentious with, um, must have tried to provoke
12 me, to stress me, to see how I would react and, uh, and,
13 uh, I foolishly, you know, responded in -- in like manner,
14 but, uh, I wouldn't do that again ever. And if I -- if I
15 think that, you know, problematic with you today, I -- I
16 would apologize and I would ask you to help me overcome
17 it.

18 **DEPUTY COMMISSIONER MEIGHAN:** So, let me ask you,
19 this is my last question. If you were given a grant today
20 and that grant was taken away, um, would you be angry and
21 to threaten the Board or the --

22 **INMATE SIRHAN:** I would --

23 **DEPUTY COMMISSIONER MEIGHAN:** Governor?

24 **INMATE SIRHAN:** I would be -- I would be
25 disappointed. I would lose a little bit faith because it -

1 - it -- it of the repetition of it, you know, because
2 America's word is -- is big and it should have hold.
3 When you, when I was given that parole date in 1975, to
4 me, that was a promise. And I -- I've vouched myself to --
5 to -- to uphold my end of that bargain of that grant of
6 parole to be a -- a good citizen, to make my peace with
7 society, to make amends to with society and I'm willing to
8 do that again, regardless of the length of time that you
9 have, eh, you know, uh, found me unsuitable since, uh, um,
10 that rescission. I -- I have no quarrel with any human
11 alive. And, is, I'm not saying that just to please you,
12 it's -- it's -- it's my disposition now. It's my
13 inclination and it's - it's my mental attitude towards
14 this whole, uh -- uh, just being alive.

15 **DEPUTY COMMISSIONER MEIGHAN:** I don't have any
16 further questions at this time, Commissioner. I will
17 submit on the entire record here, the C-file, the master
18 10 day and all the Attorneys on documents and support
19 letters in opposition and nothing further.

20 **PRESIDING COMMISSIONER BARTON:** All right. We just
21 received a correspondence, another family member, uh,
22 looks to be a -- a support letter from Robert F. Kennedy
23 Jr. So, I'll read that at the appropriate time when we get
24 to victim impact.

25 **INMATE SIRHAN:** Okay.

1 **PRESIDING COMMISSIONER BARTON:** Um, Mr. Sirhan, I
2 have one last area I need to question you about. We talked
3 about this at the beginning, however, um, uh, we didn't go
4 into it in detail at that time, because I was only asking
5 the questions to determine whether or not you, um, could
6 understand what we were doing and could participate in the
7 hearing, and that's your medical conditions. And the
8 reason I go into this now at this point is because it is
9 something we're required under the law to consider, your
10 age, your long-term confinement and any physical, um,
11 disabilities that you have. So, I'm going to, uh, I'm
12 assuming you're okay with this since your Attorney
13 submitted, uh, a release and actual medical records. Are -
14 - are you okay with that?

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

16 **PRESIDING COMMISSIONER BARTON:** And for your benefit,
17 Ms. Berry, we have access to everything you submitted.

18 **INMATE ATTORNEY BERRY:** Okay.

19 **PRESIDING COMMISSIONER BARTON:** I mean, I -- I look
20 up the medical records myself, but I don't generally put
21 them on the record unless an inmate has either, uh,
22 expressly waived his right to privacy or he's asking. So,
23 at this point, given your waiver, um, your file shows
24 medical diagnoses as follows: Atrial fibrillation, and I
25 understand you're taking some heart medication for that?

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

2 **PRESIDING COMMISSIONER BARTON:** Okay. And that also
3 probably covers the bradycardia, right?

4 **INMATE SIRHAN:** Yes, and they're giving me another
5 medication relief for that.

6 **PRESIDING COMMISSIONER BARTON:** Okay. Well, yeah, you
7 have an anticoagulation problem. Um, the one that your --
8 your Attorney doesn't talk about too much, but I, and I
9 don't know the extent of this, um, I'm not a doctor, even
10 though I'm reading the records here, it says chronic
11 kidney disease, but I know you're not on dialysis. So, um,
12 is that something that is, uh, you gotta to get treatment
13 for or what -- what's going on with that?

14 **INMATE SIRHAN:** It seems they attribute, they, I,
15 they attribute to age, the GFR level is a little bit, um,
16 lower than it should be.

17 **PRESIDING COMMISSIONER BARTON:** So, is that is that
18 controlled by medication or what?

19 **INMATE SIRHAN:** No, it's -- it's an age problem, it's
20 a deterioration of the kidney --

21 **PRESIDING COMMISSIONER BARTON:** Oh, gotcha, okay.

22 **INMATE SIRHAN:** -- issue.

23 **PRESIDING COMMISSIONER BARTON:** But currently your
24 kidneys are working. It's not like you need a transplant,
25 It's not like --

1 **INMATE SIRHAN:** No --

2 **PRESIDING COMMISSIONER BARTON:** -- you need dialysis.

3 **INMATE SIRHAN:** -- no, I don't need any -- no, I'm
4 good -- I'm good in that regard.

5 **PRESIDING COMMISSIONER BARTON:** Well, yeah. I guess
6 good is a relative term, but it says here, you also have
7 obviously the -- the issue with your neck. Um, I imagine
8 there's scarring tissue there and that's causing pain and
9 stiffness, correct?

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

11 **PRESIDING COMMISSIONER BARTON:** And then the
12 shoulder, again, is that arthritis, is that just, uh, age?

13 **INMATE SIRHAN:** It's -- it's, uh, what happened is
14 supposedly, I haven't read the medical, uh, records on
15 this injury, but it, when the, when that fellow attacked
16 me, he severed my -- my neck muscle as well as the, uh,
17 uh, juggler and when they -- when they reconnected the --
18 the muscle, it shortened -- it shortened it a little bit,
19 and it reaches the sternocleidomastoid muscle, it reaches
20 into the shoulder and that's where they uh -- uh, the in -
21 -- uh, the discomfort is.

22 **PRESIDING COMMISSIONER BARTON:** Well, and I've
23 noticed throughout the hearing you slumped to your left,
24 does that alleviate the discomfort?

25 **INMATE SIRHAN:** It -- it helps a little bit, yes.

1 **PRESIDING COMMISSIONER BARTON:** All right. And then,
2 um, I -- I didn't know, cause there was something about a
3 fall that you suffered off a horse or something like that,
4 some accident that stopped your jockey career and I didn't
5 know if this was a long-term thing from that or not. See,
6 I do read your file.

7 **INMATE SIRHAN:** And I respect that and I admire your
8 -- your thoroughness.

9 **PRESIDING COMMISSIONER BARTON:** So, this doesn't have
10 anything to do with that though.

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

12 **PRESIDING COMMISSIONER BARTON:** Okay. Any other
13 medical conditions you feel are debilitating currently?

14 **INMATE SIRHAN:** None. None.

15 **PRESIDING COMMISSIONER BARTON:** Okay. All right. At
16 this point, I'm going to ask your Attorney if she has any
17 clarifying questions, uh, she would like to ask you. Ms.
18 Berry.

19 **INMATE ATTORNEY BERRY:** Uh, thank you. Um, yes. Uh,
20 during the break, when Mr. Sirhan and I had a moment, he
21 did, um, --

22 **PRESIDING COMMISSIONER BARTON:** Ms. Berry -- Ms.
23 Berry, don't testify, just ask him the question.

24 **INMATE ATTORNEY BERRY:** Oh, oh, oh, I, you're gonna
25 allow me to. I thought I had to ask you to ask the

1 question.

2 **PRESIDING COMMISSIONER BARTON:** No, the DA's -- DA's
3 generally ask them through us. You're his Counsel, you can
4 ask him directly. If I feel it's irrelevant, or if I feel
5 it's not clarifying, I'll jump in and -- and stop you. But
6 you can ask him the question directly and you can answer
7 directly Mr. Sirhan.

8 **INMATE SIRHAN:** Thank you. Thank you.

9 **INMATE ATTORNEY BERRY:** Uh, Mr. Sirhan, why are you
10 not in the same mindset as the young 24-year-old you were
11 back then. Give us an example.

12 **INMATE SIRHAN:** It's -- it's age, experience,
13 observation of human life, and it's just the -- the his --
14 it's -- it's just the desire to live life in a, uh,
15 amicable friendly way now as opposed to my young, you
16 know, uh, eh, unsettled kind of a person that I was in --
17 in, uh, what at -- at my age in -- in the, at 24 years
18 old. And, uh, it, uh, it -- it's really a part of the
19 maturation process and, uh, it -- it -- it's working, uh,
20 its way through me. Even at this age, I feel that I -- I
21 am older than all of you guys here and appear on the -- on
22 the screen. So, I -- I have, eh, I don't know what else to
23 say, it's just that I'm just growing old.

24 **INMATE ATTORNEY BERRY:** Thank you. Um, there was
25 another question that was asked earlier. Um, you were

1 talking about your empathy when you were a young child,
2 um, uh, when you experienced, um, the bombing and the --
3 the discord in, um, Jerusalem and I think that you were
4 going to expand on your answer as far as your empathy. Um,
5 did -- did you want to add something to that?

6 **INMATE SIRHAN:** Well, it's the imp -- the, feeling,
7 you know, when you're a victim, when you experienced, eh,
8 you know, war and -- and, uh, and -- and destruction and,
9 uh, and just the, and the -- the dispossession of your --
10 of your home and your property and -- and -- and your
11 family members, it, uh, it's painful, not just for the
12 aggressor but the victim too, the victim of that, uh --
13 uh, you know, agg -- aggression. And it take, everybody is
14 -- is -- is hurt in that process. It's not just, eh, it's
15 not a win-lose kind of a situation because we have to live
16 with each other. And in order to do that, you know,
17 harmony has to prevail eventually.

18 **INMATE ATTORNEY BERRY:** Thank you. And just to follow
19 up, um, there was a question about this 2016 incident, um,
20 and that incidentally is the same year you had your, um,
21 last parole hearing. So, with the -- the, um, training and
22 introspection that you have gained since that 2016 time
23 period, tell us what you've learned since then.

24 **INMATE SIRHAN:** That there are solutions to the most
25 difficult problems if, uh, handled properly and if -- if

1 dealt with in a responsible and nonviolent way. And, uh,
2 that would be my method of, uh, of handling, uh,
3 unpleasant situations, the violence or whatever the issue
4 might be. But my favorite one, to be honest with you, is
5 to just walk away and avoid it from the get-go just by
6 observing it. If I sense it is gonna be a negative
7 problem, I will walk away rather than to rationalize and
8 keep thinking about it and dwelling on it and -- and try
9 to solve it. Because if -- if -- if it's not gonna be a --
10 a positive, uh -- uh, positively resolved, uh, then just
11 walk away because, uh, that's -- that -- that satisfies my
12 needs and my -- and my -- my concerns that, uh, I'm not
13 hurting anyone and, uh -- uh, and I'm safe.

14 **INMATE ATTORNEY BERRY:** Okay. Um, since your last
15 parole hearing, um, did you have a chance to meet, um,
16 somebody who is involved in this case personally, um, a
17 next of kin. I'll try not to be leading, Commissioner, I
18 just --

19 **PRESIDING COMMISSIONER BARTON:** Counselor --
20 Counselor --

21 **INMATE ATTORNEY BERRY:** Yes.

22 **PRESIDING COMMISSIONER BARTON:** It's not necessary,
23 it's not relevant to our decision one way or the other.

24 **INMATE ATTORNEY BERRY:** Sure. Sure. Okay. Um, I -- I
25 intended on, um, discussing that in my, um, summation to

1 you, um, so I did not want to, uh, speak from --

2 **PRESIDING COMMISSIONER BARTON:** Well, there's
3 evidence in the record, I think that's who just wrote us a
4 letter.

5 **INMATE ATTORNEY BERRY:** Okay. All right. Very good.
6 Then I will -- I will, um, withdraw that. Mr. Sirhan, um,
7 there has been, um, an issue in your past hearings about,
8 um, your lack of remorse. And I think it's important that
9 this Board and everyone here, um, how you have
10 internalized, um, if at all, um, your, um, conduct and how
11 that has changed since the 2016 hearing.

12 **INMATE SIRHAN:** You know, I -- I, in assessing, I
13 would have, I would like to include the -- the -- the
14 Robert Kennedy Jr's, uh, meeting, because it -- it helped
15 me really express and show the -- the -- the sorrow and
16 the -- the self-condemnation reproach that I experienced
17 and I still do for me responsible for this incident to --
18 to -- to take place because I can't -- I can't absolve
19 myself fully. I can't wash myself fully. It's a part of,
20 uh, it's a part of my thinking every day that I'm alive
21 every in myself. That's all I think about. Why did this
22 happen? Why am I here? How can I help myself, you know,
23 surviving, living and -- and enduring, and, uh, can well
24 imagine the -- the victim's, uh -- uh, fears and -- and
25 pain and suffering that they experienced too, uh, in this

1 case too, because there's no, they -- they can't be --
2 they can't be -- they can't be healed up because it's --
3 it's a -- it's a, it's a real loss and -- and --

4 **PRESIDING COMMISSIONER BARTON:** Okay. Mr. Sirhan,
5 hold on a minute. Mr. Sirhan you're -- you're breaking up.
6 I'm going to ask if Ms. Abreu and Mr. Deble and Mr.
7 Groubert don't mind taking their videos off for a moment
8 so that we can maybe save some bandwidth, um, I appreciate
9 that. Don't leave the call, but, um, okay. So, Mr. Sirhan
10 I -- I got most of your answer, and I understand you had
11 that meeting and I do have a letter from, uh, Robert
12 Kennedy Jr. now that was submitted to us today, which will
13 be read at the appropriate time under victim impact, which
14 he's requested, um, but how do you -- how do you speak to
15 those members of the Kennedy family and for that matter
16 members of the public or members of the other victims'
17 families, or the other surviving victims who feel that you
18 should never get out of prison. I mean, is that an
19 unreasonable thing for them to feel because of the pain
20 they've suffered?

21 **INMATE SIRHAN:** I appreciate their pain that they've
22 suffered. I appreciate their -- their opposition to my
23 release on parole, but there are laws that, uh, that
24 govern this area. And believe you me, I include, I -- I
25 want to address that issue of the victims, all of them,

1 Mr. Schrade, Mr. Stroll --

2 **PRESIDING COMMISSIONER BARTON:** Okay. You -- you can
3 do that in your closing - you can do that in your closing
4 statement.

5 **INMATE SIRHAN:** Okay.

6 **PRESIDING COMMISSIONER BARTON:** I just wanted to see,
7 and you answered my question that those feelings are
8 reasonable on their part. Trust me, as judicial --

9 **INMATE SIRHAN:** Oh, I do.

10 **PRESIDING COMMISSIONER BARTON:** - officers we are
11 aware of what the law requires us to do, but I just wanted
12 to, because you were talking about those that may be,
13 there has been, um, some type of, uh, restoration or more
14 reconciliation, but there are some that there hasn't, and
15 I want you to acknowledge that.

16 **INMATE SIRHAN:** Oh, I -- I -- I agree with that and
17 all I can offer is my humblest apologies and -- and
18 expressions of remorse and regret for -- for what I did.
19 And, uh, there's no explanation for that.

20 **PRESIDING COMMISSIONER BARTON:** Okay.

21 **INMATE SIRHAN:** And -- and I accept responsibility.

22 **PRESIDING COMMISSIONER BARTON:** Like I said, you will
23 have an opportunity for a closing statement. I don't want
24 you to have to go through it twice. Ms. Berry, anything
25 else?

1 **INMATE ATTORNEY BERRY:** No. Thank you for the
2 opportunity.

3 **PRESIDING COMMISSIONER BARTON:** Okay. At this time,
4 um, we go to what we call closing statements, Mr. Sirhan
5 and in the past, we start with the DA, there is no DA
6 present. We do, as I say, have one letter in opposition
7 from law enforcement and that letter is in the record. I'm
8 not going to read it. Both myself and the Deputy
9 Commissioner have reviewed it, um, and we certainly are
10 required to consider it, and we will. But at this time,
11 we're going to give your Attorney an opportunity to give a
12 closing statement regarding your suitability. And then you
13 can give a closing statement if you choose to, you're not
14 required to. And then after that, I will go through the,
15 uh, victims and victim family members that want to speak
16 and I'll read the, uh, letter that we have. We also have,
17 as I indicated some confidential letters, which we are
18 aware of and consider, but we don't read in the record
19 pursuant to those persons requests that qualify as victims
20 or victims next of kin. So, with that, Ms. Berry, um, go
21 ahead.

22 **INMATE ATTORNEY BERRY:** Thank you. Um, as this Board
23 knows, um, the law presumes release. The Board is aware
24 that parole is to be granted unless it finds that Mr.
25 Sirhan, eh, presents an unreasonable risk to the danger of

1 society. That means there is a presumption for his
2 release. That has been codified in the Penal Code and it
3 has been echoed by our Supreme Court in the in re Lawrence
4 case. Um, before I get into the particulars in this case,
5 and I think, um, Commissioner, you -- you did mention them
6 early on, but there are some key differences at this
7 hearing, um, that we haven't seen in any of the other
8 hearings. One is Mr. Sirhan's significant progress in his
9 journey of self-reflection and insight. And I'm gonna get
10 into that in a little bit and I think that he -- he has a
11 statement that will also show that. Um, but in addition,
12 there've been good, the legal and policy changes that make
13 this hearing very different, uh, from his 2016 hearing and
14 all previous hearings. Um, and in my view these changes,
15 um, warrant a finding of -- of suitability for Mr. Sirhan.
16 Um, first of all, as was noted early on, the District
17 Attorney's Office is not here opposing release. Um, they
18 have a new policy in place, um, with basically a -- a, um,
19 a statement that, um, they are not in the position to
20 assess the risk, um, factors at this stage in the game and
21 so they are leaving it to the Board to make that
22 determination based on the Risk Assessments that have been
23 prepared, um, their -- their policy is that they will not
24 oppose if CDCR's determination the prisoner is, um, of low
25 risk of recidivism. And as we know, uh, the 2021 Risk

1 Assessment came in as a low risk of recidivism as have
2 many -- many previous Risk Assessments, um, done for
3 purposes of, uh, suitability determination. Um, so Mr.
4 Sirhan fits squarely within the Los Angeles District
5 Attorney's Office, um, policy, um, that supports release.
6 Uh, another key change since the 2016 hearing is, uh, that
7 Mr. Sirhan's youth must be considered as a mitigating
8 factor, making him less culpable for his crimes. Um, the
9 legislature mandated that the cou -- that this Board
10 consider his youth at the time of the offenses and, um, in
11 fact, give it quote "great weight". Um, as, uh,
12 Commissioner, you -- you mentioned, um, his unstable
13 childhood, which, um, in the past may have been used as a
14 reason to find him unsuitable, uh, can no longer be used
15 for that purpose. Instead, it is to be used for purposes
16 of understanding who the young man was at the time that he
17 committed these crimes and to look at all the subsequent
18 rehabilitation and maturation when determining whether or
19 not he still poss -- possesses a, an unreasonable risk,
20 uh, to the public. He falls squarely within in the
21 youthful offender law, um, as defined by the legislature
22 and through the California Supreme Court in its Franklin
23 decision. Mr. Sirhan was 24 years old, so the Board must
24 consider that. A third key difference of this hearing, um,
25 as was mentioned, and, um, Commissioner, you went through,

1 um, a, uh, very thorough, um, uh, job of going through the
2 different medical conditions that Mr. Sirhan has but this
3 difference is that the legislature now mandates that the
4 Parole Board give quote, "special consideration", um, to
5 Mr. Sirhan's time served, his diminished physical
6 condition and his reduced risk of future violence given
7 his elderly age. Um, we went through what the different,
8 um, uh, ailments he now suffers, um, and Penal Code
9 Section 3055 incidentally, um, also coincides with, um,
10 the Los Angeles District Attorney's new special directive.
11 Um, both of them were guided by research that shows that
12 individuals simply age out of crime, including the most
13 serious violent crimes. Um, statistics demonstrate that,
14 um, those over 54 had just a 4% recidivism rate and I
15 believe that George Gascon, um, does cite that in his
16 special directive. Um, Mr. Sirhan statistically has an
17 extremely low recidivism rate simply based on his age. And
18 then additionally, we know through the Department of
19 Corrections psychologist, their Risk Assessment that he
20 personally is a very low risk of violence as has been
21 consistent with his past, um, Risk Assessment evaluations.
22 So, these three key changes, um, the DA's policy, youthful
23 offender and elderly, um, prisoner consideration all
24 support a finding of suitability, um, in this matter. Um,
25 so I want to talk about, uh, the factors and -- and just

1 simply, um, remind the Board that the onl --, that the
2 only issue for this Board is to determine whether or not
3 he presently is a current danger, presently a current
4 danger. The Board can't require an admission of guilt, and
5 this Board has not been delving into the facts, um,
6 because the Penal Code, uh, does not allow for an
7 admission of guilt for purposes of, um, granting parole
8 and that's, um, Penal Code Section 5011. But a sticking
9 point at previous parole hearings has been whether, um,
10 Mr. Sirhan has accepted responsibility for all crimes of
11 which he was convicted, um, as -- as -- as if they were
12 requiring an admission of guilt for everything. Um, so
13 just -- just a quick reminder since we all have read the
14 prior, um, hearings that, um, requiring an admission of
15 everything is impermissible, um, by the Penal Code. Um,
16 another thing that the court cannot rely on, um, is, et,
17 to find him unsuitable, is this notion that his actions
18 changed history so he must be locked up and stay locked
19 up. Time and again in den -- in denying, um, Mr. Sirhan's
20 suitability, past Boards have declared that he's
21 responsible for changing history, that he disenfranchised
22 millions and the gravity of those facts or assumed facts,
23 um, are used to justify a finding of unsuitability. But
24 the law is clear. A finding of unsuitability cannot be
25 based on immutable or unchangeable facts at all. 53 years

1 after the commission of the crime, the facts are only
2 minimal, minimally relevant for purposes of exploring
3 whether today, currently, Mr. Sirhan has reflected on his
4 crime, his contrite is remorseful, and whether he has
5 gained the insight into the triggers and causes of his
6 behavior from that day. The Board must refrain from
7 relying on the facts of the crime to make its finding of
8 unsuitability if it were to go that way, um, because such
9 a reliance would ignore all of his rehabilitation. It
10 ignores the Board's obligation to give great weight to
11 youthful offender factors and Mr. Sirhan's subsequent
12 growth and rehabilitation, and it would ignore the Board's
13 obligation to give quote, "special consideration" to age-
14 related factors that significantly reduce the prisoner,
15 Mr. Sirhan's risk of future violence. Um, the Supreme
16 Court has, and subsequent appellate courts have ruled that
17 where an inmate's record indicates he's no longer
18 dangerous, the circumstances of the offense committed do
19 not generally support unsuitability for parole and the
20 only exception is where there a rational nexus between
21 those facts and current dangerousness, and I submit to
22 this Board that, um, this exception is not, um, supported
23 by the record. Um, respectfully this Board cannot legally
24 base a finding of unsuitability relying on an argument
25 that this was a political assassination. Um, let's be

1 clear, Mr. Sirhan was convicted of the generic
2 premeditated statute for murder, just like countless other
3 vic -- convicted murderers who have been released by this
4 Board. Additionally, calling this a political
5 assassination and then basing a finding on that claim,
6 belies the evidence in this case. Um, and the evidence I
7 referred to here has to do with post, uh, prior, um, Risk
8 Assessments, where doctors have opined, um, that because
9 of the political undertones of this and the potential
10 political, um, motivation that causes Mr. Sirhan to be
11 less of a risk and -- and specifically Dr. Pollick in his
12 opinion in 19, um, that was recognized in the 1985 parole
13 hearing, um, he opined that the risk of re-offense is very
14 remote since the crime was politically motivated. We heard
15 that echoed by Dr. Dry in, uh, 1987. Um, again, Dr. Dry
16 opined that the political motive for the offense makes
17 Sirhan's violence potential very low. And then we saw most
18 recently, um, at the last parole hearing it came up with
19 Dr. Sahni, um, Risk Assessment, uh, for the 2016 hearing,
20 uh, Dr. Sahni said Mr. Sirhan's risk relates squarely to
21 the crime itself, rendering him a low risk of future
22 violence. Um, so these experts in conclusions show there's
23 no nexus between the political nature of Mr. Sirhan's
24 crime and his current danger, um, his current danger
25 level. Um, given these expert opinions over time, the

1 Board would need evidence to prove that these experts
2 failed to detect or underestimated Sirhan's current danger
3 in their risk evaluations and we've seen no such evidence.
4 Um, another area that the Board should refrain from, uh,
5 being swayed by is an oft repeated argument, um, by, uh,
6 prosecutors in -- in past hearings that Mr. Sirhan got a
7 lucky break and avoided the death penalty, so he should
8 never be released. Um, it's been stated by the District
9 Attorney's Office --

10 **PRESIDING COMMISSIONER BARTON:** Counselor, that's not
11 even -- that's not even a legal argument, so you can --

12 **INMATE ATTORNEY BERRY:** Yeah, and -- and that's where
13 I was going with that, but however it has been mentioned
14 and it was mentioned that, uh, the comments from the
15 District Attorney's Office, um, that were made in previous
16 hearings would be considered or, uh, or have been reviewed
17 anyway by this, uh, Board. So, I wanted to dispel any
18 argument that, um, uh, or any justification that -- that
19 could be used as a basis to, um, keep him in custody. He
20 did not get the death penalty because as we know, the US
21 Supreme Court ruled that death penalty statutes like the
22 one used in Mr. Sirhan's case were ruled unconstitutional
23 under the 8th amendment. Um, and -- and I also want to
24 suggest that this Board should also refrain, um, from
25 deeming one victim of this event as more important than

1 other victims in other, um, cases. This Board in -- in the
2 past has appeared in my view to give this particular
3 decedent in this case more value than decedents in other
4 cases. Um, they have appeared to treat the decedent victim
5 here because he's a Kennedy has somehow a life more
6 valuable than countless other victims of murder, where the
7 Board has released the killers. But a human life is a
8 human life, all worthy of the same consideration and a
9 prisoner's rehabilitation and suitability for relief, for
10 release are just that as well. They are the same, no
11 matter who the victim was. And it's important to remember
12 that Mr. Sirhan was not a political, uh, this was not a
13 political assassination, he was convicted of generic
14 premeditated murder. And again, just like the countless
15 other prisoners convicted of first-degree murder who have
16 now been released by you, um, he should be trea -- treated
17 the same and seen under the same standard. Now I -- I've -
18 - I've gotten this impress, uh, this impression from past,
19 um, Board hearings that I've read that have to do with
20 this case that, um, there's this need to feel that the
21 Board has to advocate for the late Senator Kennedy, um,
22 assuming they know what he would have wanted. Um, but with
23 due respect, um, we -- we do know what he would have
24 wanted and that is that the decision that the Board should
25 make is to release Mr. Sirhan. How do we know that? We

1 know that through people who actually knew Robert Kennedy.
2 We know that through his longtime friend and confidant,
3 Paul Schrade. We also know it through his son, Robert
4 Kennedy, um, who has publicly spoken for release of Mr.
5 Sirhan, um, and, um, while I haven't seen the letter he
6 has just, um, recently sent, um, since I spoke with him
7 last night, I assume it is in favor of Mr. Sirhan's
8 release. Um, there's no conjecture bottom line as to -- to
9 what Mr. Kennedy would have wanted, Senator Kennedy. This
10 Board cannot rationalize denying parole in what it feels
11 is respect for the Kennedy's because we know Senator
12 Kennedy would've what -- what he would've wanted. He
13 would've wanted justice and due process for Mr. Sirhan and
14 that means a finding at this point of suitability for
15 release. Um, and I would also just simply state that, um,
16 any tendency to deny parole based on what the Board thinks
17 is appropriate for the Kennedys would also ignore the
18 other direct victims in this case. Um, the vic -- victim's
19 bill of rights applies to all victims of the crime
20 equally. Paul Schrade was a victim. William Weisel was a
21 victim. The late William Weisel, um, an ABC news reporter
22 who received a bullet to his stomach on that evening, um,
23 made a public statement in 2011 that he supported Mr.
24 Sirhan's release if the experts found Mr. Sirhan of little
25 risk to the public. The experts did find that. They found

1 it previously to that and they have since. And Paul --
2 Paul Schrade, um, he is now 96 years old, as a victim of
3 the crime, for over 40 years now, he has advocated for the
4 release of Mr. Sirhan. He comes before you today in his
5 twilight years, pleading with you to do the right thing
6 and release Mr. Sirhan because he is suitable for release.
7 The evidence that we have before us and the, all of the
8 central file, um, and -- and what we presented for this,
9 the 65-day packet, the 10-day packet, everything there
10 supports a finding of suitability. There's nothing that
11 shows he is currently dangerous. He's been consistently
12 assessed low risk by CDCR for many -- many years, over
13 many parole hearings. He has no criminal record other than
14 this case, which is very dated. He has no serious
15 custodial rules violations since 1972, 49 years ago. He
16 has a classification score of 0 and psychiatrists and
17 psychologists over the years have concluded he has the
18 insight into his offense and learned to self-regulate
19 against any triggers to re-offend. He has expressed
20 remorse, and there's nothing that shows he is currently
21 dangerous. Um, as we touched on, um, his -- his unstable
22 youth, um, and the state of mind, the frame of mind, he
23 was as a young, um, man trying to figure out his life
24 after just, uh, recently losing his sister to leukemia,
25 um, he was living in some turmoil within his head. The --

1 the Board needs to consider that, or it must consider
2 that, um, his youth, what was going on in his particular
3 life and the hallmarks of youth, which we all know based
4 on the unrefuted neuroscience, that the brain is still
5 developing until we're in our, well into our mid 20s. The
6 -- the prefrontal lobe, which is responsible for decision-
7 making, for impulse control, um, weighing the risks and
8 the benefits, the cost benefit analysis, all of that is
9 still developing well into our 20s and because of that,
10 the legislature has mandated that you consider that when
11 considering his culpability and look at who he was then,
12 and the strides that he has made since then. Um, I, this
13 hearing has been going on a long time, and I know that
14 <inaudible> read this, you've demonstrated that
15 Commissioners, um, you know, a lot about Mr. Sirhan's
16 childhood and the tumultuous life he had as a, uh, toddler
17 in the Middle East with the bombings, um, and, uh, seeing
18 his older brother run over right in front of him. Um, uh,
19 --

20 **PRESIDING COMMISSIONER BARTON:** <inaudible> brief
21 also which is in the record.

22 **INMATE ATTORNEY BERRY:** Sure -- sure, yes, it's in
23 the record as well as in the record from, um, the Franklin
24 hearing, which has been forwarded to you, so I -- I don't
25 need to repeat that since it is in the record and, um, I

1 don't want to lose you. Um, so I -- I would ask that you
2 consider the -- the time that he spent in Israel and the
3 time coming to the United States, where he was in his life
4 and particularly where everybody is in their lives and
5 look at his demonstrable records since he's been in to see
6 that he is not the same young individual, the young dumb
7 person that, um, we all are when we are a lot younger and,
8 um, in my view that supports, um, a release from custody.
9 Um, Dr. Megan Williamson also brings up in her report, she
10 was the doctor who was appointed by the court to evaluate
11 Mr. Sirhan for purposes of, um, developing youthful
12 offender mitigation. Um, she has opined that Mr. Sirhan
13 suffers from complex PTSD as a result of, um, the trauma
14 he experienced as a child, um, again, that is in her
15 report and I would ask that you consider that and how he
16 reacts or rather did react to situations, um, when he was
17 a lot younger. She tells us that, um, uh, PTSD can disrupt
18 memory, it can disrupt awareness and it can lead to
19 impulsive behavior. So, we have that on top of what we
20 already know that every person whose brain is not fully
21 developed yet, which would be all of us, um, added to Mr.
22 Sirhan's makeup at the time he committed these crimes. Um,
23 as far as rehabilitation, um, it was outlined earlier, he
24 -- he did earn his AA degree. Um, he did graduate Magna
25 cum laude, he had an impressive 4.0, um, to get his AA. He

1 has almost enough college for credits to earn his BA
2 degree and I think the question was asked if he's done
3 that. Um, but I think, um, the record establishes from
4 prior, um, hearings, that there haven't been the
5 resources. At one point they had told Mr. Sirhan that they
6 didn't have the ability to accommodate his high level of
7 education, and while he did not articulate that today,
8 instead focused on his -- his time being spent, um, with
9 insight, um, I suspect that that is one of the reasons,
10 um, given that that was the state of affairs, um, for so
11 long that there simply wasn't, um, the -- the
12 opportunities offered to allow him to -- to attain that,
13 um, higher degree. He's maintained his work assignments.
14 Um, he is consistently reported to be a reliable and
15 respectful worker. Um, he participated in the category X
16 psychological program. That was something that the 1984
17 Board had recommended that he complete. It took a very
18 long time, several years for CDCR to comply with that
19 recommendation to transfer Mr. Sirhan so he could do that
20 program. Um, that was because of, um, their decision that
21 there were safety concerns with transferring him and
22 allowing him to do that. Nevertheless, he did it. Um, he
23 got that completed and Dr. Dry in 1986 opined that Mr.
24 Sirhan should be considered for release after completing
25 that program. Um, Mr. Sirhan is suitable for release now.

1 He -- he's -- he has the level of insight, um, and has
2 learned to self-regulate that, um, would lead to a finding
3 of suitability. He completed that psychological
4 counseling, um, before the 1990 hearing and there he
5 explained to the Board, um, that that program taught him
6 about triggers, influence -- influencing his conduct
7 during the crime. Um, he explained to the Board then that
8 the Arab Israeli conflict is no longer a focus in his life
9 and he has learned to not make things he cannot control
10 his business. I -- I bring that up today because, um,
11 sometimes Mr. Sirhan isn't as articulate as we want him to
12 be, um, and particularly I think it is also, um, it
13 depends on who the person is that is asking him questions,
14 um, the -- the dynamic. So, knowing that he has told you
15 that in the past, um, I did want to remind you of that.
16 Um, back in 1994, um, the Board, um, quoted Dr. Martin.
17 Um, Dr. Martin was, as you know, another one of the, uh,
18 psychologists who had assessed Mr. Sirhan's, um, risk
19 level and found him to be a low risk and the Board
20 considered Dr. Martin's report to be the most
21 comprehensive evaluation it had seen thus far. And Dr.
22 Martin said that Sirhan seems fairly clear on the
23 causative factors of his crime. Um, so we have doctors who
24 are telling us that they, through their extensive talk,
25 uh, conversations with him, he has expressed that to them,

1 um, and I'd ask the court, uh, the Board to consider that,
2 um, if it is finding that perhaps today, he wasn't as
3 articulate, um, as, um, it would have wanted. We do know
4 that doctors who had more time with Mr. Sirhan when Mr.
5 Sirhan wasn't so much under the gun have made the decision
6 that he is clearer about the causative factors, um, that
7 led to his crime. Um, more recently, Mr. Sirhan completed
8 a six-month substance abuse program, um, his -- his files
9 replete with positive programming, uh, Dr. Williamson in
10 her, um, Franklin papers goes through the list of
11 programming that he's done. She makes a really, um, a
12 decent record or a list of the programming that he's done.
13 Um, I just did want to point out as far as what he's done
14 since just over the last two years and I think Deputy
15 Commissioner, you did -- you did, uh, um, recognize that
16 he's done a lot of self-help programming, a lot of
17 programming into his insight, but I did want to, for the
18 record, um, indicate, and I -- I don't need to name them
19 all because I -- I trust that the two of you have looked
20 at all of this, but he has done, um, I would say roughly
21 20 different programs just over the last two years. Um,
22 during a time of COVID when the programming isn't as
23 available to the prisoners because of the protocols, the
24 safety protocols, um, yet he has still done, uh, this
25 programming and I think that he has really demonstrated,

1 um, to this Board today and through the work that he's
2 been doing, that he is a different person and is, um, now
3 ready to be released. Um, the chronos were -- were talked
4 about as well. I had marked, um, for myself to mention
5 them. Um, one thing I did want to just also highlight with
6 respect to the chronos, um, that, um, the Deputy
7 Commissioner mentioned was the laudatory chrono that we
8 received just within the last couple of days from J.
9 Corkran. Um, while there was a -- a good summary on the
10 record, um, here today regarding what that said, um, one -
11 - one part I thought was, is missing that I -- I think
12 would be notable for the record is that this Correctional
13 Officer, um, has noticed Mr. Sirhan's nonviolent
14 predisposition. And that really is a key factor for this
15 Board to consider because that's what this is all about,
16 right? Does he have the capacity to still be violent? And
17 this Correctional Officer Corkran who has a lot of contact
18 with Mr. Sirhan found him to have a nonviolent
19 disposition. So, I -- I, um, point that out to the Board
20 as well. Um, I know that Mr. Sirhan has -- has done a lot
21 of programming the last couple of years. Um, he's trying
22 to improve himself. He's working within the confines of
23 the adminis --, uh, the -- the administrative staff there
24 and what is allowed, um, COVID has further restrict --
25 restricted that. He was in administrative segregation

1 after he was, um, stabbed, um, but he still found a way to
2 do his programming and I think he should be, um, commended
3 for -- for that. He also reached out in an untraditional
4 way. There are resources that he was able to find that
5 were not being offered at his institution in his yard. His
6 yard, Yard A, does not offer programming currently. I
7 don't know if that is because of COVID or if it's just
8 because of the nature of the individuals that are there,
9 but nevertheless, undeterred, Mr. Sirhan had found a way
10 to do the programming. Um, he found ways to -- to rehabil
11 -- rehabilitate himself despite the lack of resources. Um,
12 he sought out other inmates. What they did was they got
13 together whenever they had yard time and they would work
14 on these -- these, um, didactic, um, theories. They would
15 work with -- with insight. They would do these workbooks.
16 He's been doing a lot because he is now at the point in
17 his life where he realizes that he was missing the mark,
18 and he is now doing the work and has done the work, um, to
19 give him that insight so that we can feel confident that
20 he is not a risk if he were to be released. Um, Jennifer
21 Abreu who is with us today and is an advocate for Paul
22 Schrade, I believe will, um, discuss some of the work that
23 Mr. Sirhan has been doing, um, through her organization,
24 which is called Redemption Row. Um, Mr. Sirhan, has told
25 you he -- he has a greater understanding today than he has

1 in the past. Um, he better under --

2 **PRESIDING COMMISSIONER BARTON:** You're -- you're
3 repeating yourself, ma'am.

4 **INMATE ATTORNEY BERRY:** Okay. He better understands
5 the precursors. Um, he has consistently expressed his
6 remorse. He takes responsibility for the conduct and how
7 he ruined the lives of, um, the actual victims and the
8 indirect victims. He, um, we will hear from Robert Kennedy
9 Jr., and like I said, since, I don't know what that letter
10 says, um, Mr. Sirhan did note that he did meet with
11 Robert, um, Kennedy Jr. and I could tell this Board that
12 based on my conversations with, uh, Kennedy --

13 **PRESIDING COMMISSIONER BARTON:** No, you can't -- no
14 you can't. You're not allowed to testify.

15 **INMATE ATTORNEY BERRY:** Sure. His plans for the
16 future, um, Mr. Sirhan, um, if he's allowed to stay in the
17 United States will reside with his brother Munir in the
18 house that they own in Pasadena. Um, Mr., uh -- uh, Munir
19 Sirhan has told us that he owns the house, um, free and
20 clear, so there's not gonna be an issue with whether or
21 not, um, these two older gentlemen, um, have enough means
22 to be supported. Mr. Munir Sirhan has told us that based
23 on his, um, social security, um, he can provide for the
24 two of them, um, and so we don't need to worry about any
25 financial issues in that regard. And I would just, um,

1 just make one correction, I believe, uh, there are four
2 letters from neighbors. Um, the first round of -- of, um,
3 documents we received in the 65-day packet I believe only
4 included two. Two others were, um, added later. These are
5 --

6 **PRESIDING COMMISSIONER BARTON:** We have -- we have
7 them all.

8 **INMATE ATTORNEY BERRY:** Neighbors of Munir.

9 **PRESIDING COMMISSIONER BARTON:** We have them.

10 **INMATE ATTORNEY BERRY:** Sure. Okay. Thank you. Um,
11 Ms. Abreu I think will also be telling you that, um, she
12 will be offering her support to Mr. Sirhan. Um, he has --
13 he has told us that he is interested in pursuing his, um,
14 his religious activities and so he would have that also as
15 support out there. And, uh, victim Paul Schrade, um, based
16 on the, um, statement that he has already made, we know
17 that he would offer his friendship and support to Sirhan.
18 So Sirhan has, um, a lot of support out there, a strong
19 support system for him, for his transition back into
20 society. Um, before I wrap this up and -- and, um, I -- I
21 appreciate you letting me know if I -- I was repeating
22 myself, but, um, should this Board, um, make a
23 recommendation that he is unsuitable, which I don't
24 believe the evidence here can support that, but should
25 this court make that decision, I would ask that, um, the

1 Board, given Mr. Sirhan's age, given Mr. Schrade's age,
2 and Mr. Sirhan's, um, reduced risk of violence with each
3 passing year, that the next hearing be set at the minimum
4 time, the three years, um, that is allowed for under --
5 under the, um, Penal Code Section, but hopefully we don't
6 get there because, um, this Board will agree that, um, Mr.
7 Sirhan is finally suitable for, uh, release. Um, I think
8 it's important also to view Mr. Sirhan's confi --
9 confinement through the lens of the sentencing laws at the
10 time of the offenses. Um, today murder, the punishment for
11 murder is much harsher today. Somebody convicted of the
12 crime, they receive 25 to life in prison. Um, it's not
13 uncommon for us to see with enhancements people getting
14 sentences that are beyond their natural life, 75 to life
15 or 160 years to life. But that's not what, how we need to
16 judge Mr. Sirhan.

17 **PRESIDING COMMISSIONER BARTON:** It's -- it's
18 irrelevant, Ms. Berry. It's irrelevant. Both elder --

19 **INMATE ATTORNEY BERRY:** And I just want --

20 **PRESIDING COMMISSIONER BARTON:** and youthful offender
21 would make him eligible even if he had --

22 **INMATE ATTORNEY BERRY:** that's right.

23 **PRESIDING COMMISSIONER BARTON:** 100 to life.

24 **INMATE ATTORNEY BERRY:** That's right. Back in 19, uh,
25 88, actually yes so.

1 **PRESIDING COMMISSIONER BARTON:** Okay.

2 **INMATE ATTORNEY BERRY:** Okay. All right. Sure. I
3 would just summarize, um, that we have the Risk
4 Assessments that have been very low for a very long time.
5 And with the new laws that this Board must consider, which
6 is that he is an elderly prisoner that you must give great
7 consideration to, um, because he was a youthful offender
8 and all the programming that he has been doing and his
9 demonstration of his remorse and his, um, articulation of
10 his insight, that this Board at this time find him
11 suitable for release.

12 **PRESIDING COMMISSIONER BARTON:** All right. Thank you.
13 And just to correct, I think you misspoke, but it's --
14 it's great weight to the youth offender factors and it's
15 special consideration to the elderly factors.

16 **INMATE ATTORNEY BERRY:** Thank you. I -- I

17 **PRESIDING COMMISSIONER BARTON:** So, we have the --

18 **INMATE ATTORNEY BERRY:** that's correct.

19 **PRESIDING COMMISSIONER BARTON:** the actual standards
20 in the record. All right.

21 **INMATE ATTORNEY BERRY:** That's it, yeah.

22 **PRESIDING COMMISSIONER BARTON:** Thank you. Um, --

23 **INMATE ATTORNEY BERRY:** Thank you.

24 **PRESIDING COMMISSIONER BARTON:** Mr. Sirhan, this is
25 your opportunity to tell us anything you want us to know

1 before we, uh, go to victim's statements and then decide
2 your case. Um, do you have a closing statement you want to
3 read, or what do you want to do?

4 **INMATE SIRHAN:** Say a short, it's a short comment and
5 it really deals with the victims. As we come into the
6 conclusion of this Board hearing, I realized that advanced
7 age and health risks may prevent Mr. Paul Schrade and
8 myself from ever meeting again. I would like to use my
9 closing statement to personalize -- to personally
10 apologize, not only to Mr. Schrade again, but to Mr.
11 Stroll, to Mr. Evan, Mr. Weisel, Mr. Goldstein and Mr.
12 Kennedy. Over a half a century has passed and young
13 impulsive kid that I was does not exist anymore. Mr.
14 Schrade and surviving family members of the Evans,
15 Weisels, Strolls, Goldstein and the Kennedy families, I
16 want you to know that I have tried to live my life
17 dedicated to never creating another victim or using
18 violence again. My exemplary record is unheard of within
19 CDC prison system, but it is not a testament of my own
20 merit, it is an a rather a debt -- debt of honor to those
21 who were affected by the chaos of my actions way back that
22 night in 1968. I have grown into a humble, balanced man,
23 educated myself, having earned my Assoc -- Associate's
24 degree. I have completed and even facilitated cognitive
25 based self-help groups and I am constantly conscious about

1 living peacefully, even in this dangerous and violent
2 environment. It is my greatest wish to return to society
3 as a man, one who has a lot to offer, one who has overcome
4 not with a few overcome -- a mistake -- overcome, not with
5 words, but with actions. I only take it -- it -- it only
6 takes a few seconds to make a bad choice that will create
7 a ripple effect and create a lost life, a lost lifetime.
8 My creed today is to find myself in others and find common
9 ground and not be so quick to harm or judge. I will
10 continue and I have, as I have for the past half a century
11 on this path, regardless of today's decision. Insight and
12 love are constantly developing new paths and I am on that
13 journey to progress. Thank you.

14 **PRESIDING COMMISSIONER BARTON:** Thank you. Okay. Now
15 we're going to go to the various, uh, family members that
16 want to speak, and we will start with the one surviving
17 victim, um, Mr. Schrade. Again, I don't know, I've seen
18 him come and go from the screen with Ms. Bohdan. I don't
19 know if he wants to speak in person. We have read his
20 letter. We have read the, his comments he made previously
21 from prior transcripts, but at this time, Mr. Schrade,
22 maybe Ms. Bohdan you can facilitate, uh, does he want to
23 make any comment in addition to what we already have?

24 **VICTIM SUPPORT BOHDAN:** <inaudible> do you want to?

25 **VICTIM SCHRADE:** No.

1 **VICTIM SUPPORT BOHDAN:** Thank you, Mr. Commissioner.
2 Paul does have a few words he wants to state, and we, he
3 wants also the record to reflect that he did provide his
4 prerecorded video --

5 **PRESIDING COMMISSIONER BARTON:** We have it.

6 **VICTIM SUPPORT BOHDAN:** -- statement, as well as --

7 **PRESIDING COMMISSIONER BARTON:** We have it.

8 **VICTIM SUPPORT BOHDAN:** <inaudible>

9 **PRESIDING COMMISSIONER BARTON:** We have all of it.

10 **VICTIM SUPPORT BOHDAN:** So, he's going to say a few
11 words now.

12 **PRESIDING COMMISSIONER BARTON:** Okay, go ahead, sir.

13 **VICTIM SCHRADE:** First of all, I, uh, pleased that
14 the hearing is going so well. I, in hopes that, uh, Sirhan
15 will be released. Uh, I know I've been working with his
16 brother, uh, through this long period and know that he
17 will have a good home to go to. I have great respect for
18 his brother, Munir. What is not really often said about
19 this case is that Sirhan was not the shooter of, uh, my
20 friend, Robert Kennedy. There was a second gunman
21 involved. The forensic bullet and witness evidence is
22 clear that he did not do it. There's a second gunman who
23 was never identified, but it was covered up by the Los
24 Angeles Police and the District Attorney for 52 years. He
25 is innocent of the murder of Rob, my friend, Robert

1 Kennedy. And I un -- I've been able to work with Robert
2 Kennedy Jr. and his family to inform them and keep them,
3 uh, on message so that we finally get Sirhan's removal
4 from this prison environment. I'm hope that we'll do that
5 today.

6 **PRESIDING COMMISSIONER BARTON:** Thank you, sir.

7 **VICTIM SUPPORT BOHDAN:** Can I have just one moment.
8 <inaudible>.

9 **VICTIM SCHRADE:** I already did say that, didn't I.

10 **VICTIM SUPPORT BOHDAN:** <inaudible>

11 **VICTIM SCHRADE:** Okay. Uh, I just received a copy of
12 Robert Kennedy Jr.'s letter.

13 **PRESIDING COMMISSIONER BARTON:** I -- I have it sir.
14 We'll read that into the record.

15 **VICTIM SCHRADE:** That's very good. And I support
16 everything he says in that letter.

17 **PRESIDING COMMISSIONER BARTON:** Okay.

18 **VICTIM SUPPORT BOHDAN:** Thank you.

19 **PRESIDING COMMISSIONER BARTON:** All right. Ms.
20 Bohdan, you don't have any comments I take it, in addition
21 to what's already been said and what we have in the
22 record?

23 **VICTIM SUPPORT BOHDAN:** Um, well your honor, to the
24 extent that I'm permitted to comment through, um, what I
25 have worked with Mr. Schrade on, I would --

1 **PRESIDING COMMISSIONER BARTON:** Okay. We're -- we're
2 losing --

3 **VICTIM SUPPORT BOHDAN:** -- indicate that he supports
4 all of --

5 **PRESIDING COMMISSIONER BARTON:** -- we're losing --

6 **VICTIM SUPPORT BOHDAN:** <inaudible>

7 **PRESIDING COMMISSIONER BARTON:** -- we're losing your
8 audio. I'm getting everyone --

9 **VICTIM SUPPORT BOHDAN:** I would indi -- okay, can you
10 hear me now?

11 **PRESIDING COMMISSIONER BARTON:** Yeah, that's much
12 better.

13 **VICTIM SUPPORT BOHDAN:** Okay. I turned off my screen,
14 so I'll just speak without a screen.

15 **PRESIDING COMMISSIONER BARTON:** Yeah, that's better.

16 **VICTIM SUPPORT BOHDAN:** Um, to the extent that, um,
17 Mr. Schrade can, he's listened to all of the arguments by
18 Counsel today, and he certainly supports the analysis of
19 the law by Mr. Sirhan's Counsel. He, um, he himself has
20 met with Mr., um, Sirhan. He believes that he has remorse
21 and that remorse was expressed. He understands, um, his
22 perspective of the case, which is based on decades of
23 research and for him this boils down to a matter of due
24 process and justice, but even setting aside some of the
25 factors, the court, uh, the Commissioners may be

1 constrained to not consider today such as the re-
2 litigation issue. Even setting that all aside, Mr.
3 Schrade, knowing full well that he did in fact receive a
4 bullet, um, to his own body from Sirhan, still supports
5 release based on all the factors that have been
6 highlighted today by Sirhan and his Counsel. Thank you.

7 **PRESIDING COMMISSIONER BARTON:** Okay. And just so the
8 record is clear, I recognize you're a support person.
9 Typically, representatives get to speak. I was extending
10 you a little more given the age and the obvious, um,
11 difficulties that Mr. Schrade has in expressing himself.
12 So, I appreciate that you limited it to that. So next I'm
13 going to, uh, go to, uh, victims' family members. We'll
14 start with Douglas Kennedy. Would you like to make a
15 comment? You're on mute. You're on mute, sir. I appreciate
16 that, but okay, go right ahead, sir.

17 **VNOK DOUGLAS KENNEDY:** Yeah. Uh, my name is, uh,
18 Douglas Kennedy, I'm the 10th, uh, child of, uh, Robert
19 Kennedy. Um, I am very grateful to, uh -- uh, be able to
20 participate today, um, and, uh, I thank the Commissioners,
21 uh, for their, uh, for your, uh, work and is a very
22 difficult, uh, job you have and a lot of responsibility on
23 your shoulders and, uh -- uh, I'm grateful for your
24 service. Um, and I'm, uh, first and foremost, uh,
25 overwhelmed by just, uh -- uh, being able to, uh, view,

1 uh, Mr. Sirhan, uh, face to face. Uh, um, I -- I think
2 I've lived my life, I think he mentioned, uh, in -- in
3 fear of -- of both him and his name, um, and, uh, in -- in
4 -- in one way or another. And, um, I am greatf --grateful
5 to, uh, today see him, uh, as -- as a human being, uh,
6 worthy of compassion and love and, um, and, uh, the -- the
7 -- the, I -- I -- I'm grateful for that experience, um,
8 and, uh, I do, uh, wish him well in his life. Um, uh, I,
9 the -- the only I, and I -- and I really do believe that
10 anybody who any prisoner who, uh, is found to be a, uh,
11 not a threat to themselves or the - or the world should be
12 released. Uh, I -- I -- I believe that a -- a -- applies
13 to, uh, everyone, every human being and including Mr.
14 Sirhan. Um, and, uh, if the Board does find him, um, to
15 be, uh, not a threat to himself or others, I think they
16 should release him. Um, I -- I would just like to note a -
17 - a -- a couple things that, um, that I did notice, uh,
18 some -- sometime I -- I was very moved by, uh -- uh, Mr.
19 Sirhan's, um -- um, uh, expression of remorse, um, and --
20 and at times it brought tears to my eyes and, uh, and
21 affected me very deeply. Um, uh, I -- I do -- I do wish,
22 uh, he had not, uh, added a qualifier at times that said
23 if I did this, um, and I know there's been some
24 speculation that he was not the killer or, uh, of my
25 father, um, but, uh, he did bring a gun to, uh, the -- the

1 hotel that night and, uh, he did shoot it, uh, with the
2 intention to kill, uh, my father. So that -- that's
3 enough. Uh, I don't think we -- we need to get into
4 anything else, uh, or -- or have any other qualifiers, uh
5 -- uh, that -- that's enough just to say, uh, just
6 -- just to leave it at that. Um, I -- I -- I would also,
7 you know, I know, uh, Ms. Berry mentioned a couple of
8 things that, uh -- uh, her, she expressed a regret that
9 this is all about Robert Kennedy. I -- I don't think
10 anybody, uh, wants to, uh, put Robert Kennedy's life above
11 any other human being's life. Um, uh, I think the only
12 reason it is in this case is because, uh, his intention
13 was to kill Robert Kennedy and, uh, had some, uh -- uh,
14 collateral, uh -- uh, lives that he also, um, affected.
15 Um, uh, I would also, um, uh, just my -- my own personal,
16 uh, I, and I call it more of a hope than anything, I -- I
17 -- I did hear, um, Mr. Sirhan, uh, express, um, in an
18 emotional way, uh, the -- the his, uh, his continued, um,
19 uh, what he called empathy for, uh, the Palestinians, uh,
20 at that time in 1968. I -- I would, that -- that to me did
21 not, uh, look like, uh, rehabilitation. That to me looked,
22 uh, like a justification and it did not look to me like
23 empathy. Um, it looked, uh, more like a justification for
24 -- for something he did, and I just my own personal, uh,
25 belief is that, uh, and -- and I was glad to hear Ms.

1 Berry describe it as a trigger. Um, this is a trigger and,
2 uh, any -- anything that's a trigger I think probably
3 should be avoided. Um, and so I heard Mr. Sirhan say, well
4 he wants to be a, um, an agent of peace in the Palestinian
5 Israeli crisis. I personally would hope that he would just
6 avoid that -- that topic and, uh, even -- even the fact,
7 uh, I recognize that he was affected by it, I recognize
8 that fact. I -- I would urge him to, um, to, uh, delve
9 into that part of -- of his psyche and -- and get in touch
10 with that stuff rather than the, uh, the trigger that led
11 him to violence, uh, that night. Um, uh, so, uh, I -- I
12 am, uh, grateful to be able to speak today. I am grateful
13 to, I -- I'm looking at you, I'm looking at Mr. Sirhan,
14 uh, right now. And, um, and, uh, I -- I do have some love
15 for you, for him, and, um, and I -- and I do wish him well
16 in his, uh, life and rehabilitation. That's it. Thank you.

17 **PRESIDING COMMISSIONER BARTON:** All right. Thank you,
18 sir. And just so, um, my record is, and obviously you
19 heard things maybe differently than I did, but I was doing
20 the questioning of him and I indicate in my notes, not
21 that he was seeking out to be a peacemaker, like join the
22 UN, but my hypothetical is if approached and people put a
23 microphone in his face or he was asked about being a
24 peacemaker, what would he do? And his -- his answer I
25 thought was that he would then advocate for peace. So, um,

1 and we'll, you know, the record is --

2 **VNOK DOUGLAS KENNEDY:** Yeah, yeah, and if I -- if I
3 could respond to that --

4 **PRESIDING COMMISSIONER BARTON:** Sure.

5 **VNOK DOUGLAS KENNEDY:** I -- I -- I think that, um,
6 that -- that, uh, that, uh -- uh, to me, in a more
7 appropriate, if -- if -- if I may, uh, a more --

8 **PRESIDING COMMISSIONER BARTON:** No, I understand what
9 you're saying, but for <inaudible> --

10 **VNOK DOUGLAS KENNEDY:** -- appropriate -- a more -- a
11 more appropriate response to say I don't want anything to
12 do with that conflict, that's a trigger for me and I don't
13 and -- and -- and I don't want anything to do with it, I
14 have no business in it and, uh, and -- and I will leave it
15 to others to work that out. I have to focus on myself and
16 -- and -- and the tragedies of my own life and that's what
17 I'm going to focus on, rather than anything political.
18 Because unlike Ms. Berry, I -- I know she's probably
19 talking about technical, this was a political
20 assassination. So, you know, it, that -- that might be a
21 technical term that she's talking, but this was a
22 political assassination.

23 **PRESIDING COMMISSIONER BARTON:** Thank you, sir.

24 **VNOK DOUGLAS KENNEDY:** So, uh, so anything political
25 --

1 **PRESIDING COMMISSIONER BARTON:** <inaudible>

2 **VNOK DOUGLAS KENNEDY:** -- yeah, okay, great. Thank you
3 very much.

4 **PRESIDING COMMISSIONER BARTON:** All right. And, uh,
5 let's see, did I lose him? I don't think so. Uh, Robert
6 Kennedy are you still there? I can't hear you.

7 **VNOK ROBERT KENNEDY:** No comment.

8 **PRESIDING COMMISSIONER BARTON:** Okay. All right. And
9 then, um, representatives on behalf of Mr. Schrade, I'll
10 start with, uh, Ms. Abreu. Again, as was indicated in the
11 past, uh, the comments should be to the Panel, not to Mr.
12 Sirhan directly. Um, so you can now speak regarding victim
13 impact.

14 **VICTIM'S REPRESENTATIVE ABREU:** Hi, good afternoon.

15 Um, --

16 **PRESIDING COMMISSIONER BARTON:** And just so you know,
17 I had some problems. When Mr. Kennedy was speaking, I took
18 myself off video momentarily, I was still listening, but I
19 was having some auditory problems. So, if you see my video
20 move it's because I'm trying to make sure I can hear
21 everything, okay? But I'll try to come back on as soon as
22 I get the little prompt saying that my signal is clear
23 again.

24 **VICTIM'S REPRESENTATIVE ABREU:** And I -- I may also
25 have to switch off my video, um, just if in the event the

1 bandwidth is not strong enough, it might stick. So, um --

2 **PRESIDING COMMISSIONER BARTON:** I can tell you -- you
3 already look like a bad movie. Your lips are moving, and
4 then we hear <inaudible>

5 **VICTIM'S REPRESENTATIVE ABREU:** Okay. I'll just go
6 ahead and take if off then. Okay. Um, thank you for giving
7 me the opportunity to speak, uh, before the Board today,
8 as a victim support representative for Mr. Paul Schrade.
9 Mr. Schrade, as this Board knows, continues to be an
10 impactful and passionate advocate and activist of human
11 labor and civil rights and he was <inaudible> confidant to
12 both the late President John F. Kennedy and his younger
13 brother, Senator Robert F. Kennedy during his presidential
14 campaign. Mr. Schrade's lifelong commitment to the
15 equality of all Californians, comes once again before this
16 body, as a victim in the shooting at the Ambassador Hotel.
17 It's important to respect and listen to victims of
18 violence who have been traumatized. It validates their
19 experience and provides insight on the impact the
20 <inaudible> had has had on their lives, which in turn
21 affects many others. Mr. Schrade has the right to be
22 treated with dignity and respect throughout the criminal
23 justice process brought forth by Marsy's law. Therefore,
24 as his victim impact representative, I will be unpacking
25 the empirics of Mr. Schrade's reasoning in advocating for

1 Mr. Sirhan's release today. My name is Jennifer Abreu and
2 I am the President and outside representative of
3 Redemption Row, California. It's a secular public charity
4 organization providing compassionate centered curricula
5 with academic value, which encourages the incarcerated
6 population to apply sociological insights towards real
7 life scenarios and problems, decreasing personal shame,
8 antisocial attitudes and violent behaviors. Prior to the
9 pandemic, I was active inside maximum security prisons
10 throughout Southern California as an alternative to
11 violence project prison coordinator. In my tenure, I've
12 worked with high risk, high security prisoners, mostly
13 active and former gang members in Level 4 facilities. I
14 have provided <inaudible> of evidence-based workshops and
15 have graduated thousands of incarcerated individuals in a
16 program specifically designed to mitigate violence while
17 incarcerated and to reduce California's obscene recidivism
18 rate. Additionally, I hold multiple degrees from the
19 University of California, San Diego, in political science
20 and sociology with a concentration on public law in the
21 carceral State. My years spent in both academia and prison
22 classrooms with some of California's most violent
23 offenders will provide experiential and evidential merit
24 to Mr. Schrade's plea of release for Mr. Sirhan to this
25 Board, to millions of Californians who are invested in

1 their public institutions and officials. On the California
2 Department of Corrections and Rehabilitation website, it
3 states that quote, "the purpose of a parole suitability
4 hearing is to determine whether an inmate currently poses
5 an unreasonable -- unreasonable risk of danger to society
6 if released from prison. In 2016, this Board found Mr.
7 Sirhan unsuitable for parole stating that the Panel does
8 not find significant evidence of positive rehabilitation
9 and convinces us that if released, Mr. Sirhan would not
10 pose a potential threat to public safety. In his
11 incarcerated tendency, Mr. Sirhan has participated and
12 cooperated fully in a wide variety of prison programs
13 before his 2016 hearing. To augment his decades long
14 record of positive programming, Mr. Sirhan rigorously
15 pursued cognitive behavior therapy programs grounded in
16 data verified to reduce California's recidivism rate by
17 half, proving to the Board and Californians he is prepared
18 and eager to be a positive part of society. Although
19 numerous programs are available to prisoners which
20 facilitate rehabilitation that Mr. Sirhan has participated
21 in, and also led as a group mentor for decades, the
22 Alternatives to Violence project supersedes the rubric of
23 other program because his academic based curriculum, which
24 has demonstrated a reduction in violence within the
25 facility and post-incarceration. The Alternatives to

1 Violence project is a proven model of success. Data shows
2 that graduates of the program decrease the recidivism rate
3 by 33% in the first three years post release. No other
4 program in CDCR outside of education can claim such an
5 accomplishment. If the State's recidivism rate is at 65%
6 graduating from AVP reduces an incarcerated individuals
7 recidi -- recidivism metric by half. Because I specialize
8 in high risk, high security prisoners who benefit the most
9 from the AVP curriculum, Mr. Sirhan was directed by his
10 peers to become highly involved in the nonviolent model of
11 conflict resolution under my supervision. The core AVP was
12 designed by leaders of the civil rights movement and was
13 originally and liberally applied by the student nonviolent
14 coordinating committee and by Dr. Martin Luther King, Jr.
15 while desegregating the Jim Crow South. Through weekly
16 meetings and correspondence material, Mr. Sirhan is an
17 active participant, not only in his own nonviolence
18 training but also as a mentor and example for hundreds of
19 others. Being discipline-free for half a century,
20 possessing a classification score of 0 and a CSI score of
21 1, Mr. Sirhan has set the benchmark in rehabilitation and
22 is an extraordinary example of the model prisoner. When we
23 look to examples of situational violence, twice Mr. Sirhan
24 has been brutally attacked during his incarceration, the
25 last resulting in his throat being cut by another prisoner

1 with the intent to kill him. Both times, Mr. Sirhan did
2 not respond with violence, even in self-defense. Other
3 mitigating factors which continue to reduce Mr. Sirhan's
4 chances of re-offending and being a threat to the public
5 include his age. A 2017 corrections outcome evaluation
6 report indicates that prisoners over the age of 55 are
7 significantly less likely to recidivate and those who are
8 -- than those who are 25 or younger. Mr. Sirhan has
9 obtained a college education and graduated with an
10 impressive 4.0 GPA, developed marketable skills and made
11 realistic plans for his release. From a policy
12 perspective, the aging of the prison population matters
13 because all else equal, older prisoners are much more
14 expensive to incarcerate. At least one of the reasons this
15 is true is that older prisoners are more susceptible to
16 costly chronic medical conditions, all of which apply to
17 Mr. Sirhan. A stated reason for the significant length of
18 homicide sentences is fear that those who have killed
19 before will kill again. It matters whether this popular
20 belief is actually true. It's imperative that Californians
21 know that people who commit murder are least likely to re-
22 offend compared to other violent offenders. In fact, data
23 shows that those convicted of property crimes are more
24 likely to recidivate than those convicted of a serious
25 crime. The bureau of justice statistics is a primary

1 statistical agency of the Department of Justice. Their
2 research represents the largest cross-section of criminal
3 justice data available for analyzing recidivism rates by
4 crime type. Taken as a group, the BJS studies suggest that
5 individuals released after serving homicide sentences
6 generally re-offend at a lower rate than individuals
7 released after committing other kinds of crimes.
8 Furthermore, in California, a study examining criminal
9 releases for prisoners serving life sentences, discovered
10 that of the 860 murder prisoners paroled by the Board
11 after 1995, only five had new crime re-incarcerations for
12 any crime, that's less than 1% and none recidivated
13 through crimes potentially subject to life imprisonment
14 indicating a lower recidivism rate than any of the other
15 studies. Excuse me. Um, the incarceration rate for
16 individuals released after an initial incarceration for
17 murder is the lowest of any category of violent crimes,
18 such as robbery, rape, and homicide. Notably the motor for
19 non-negligent manslaughter re-offense rate is lower yet
20 among older releases. Finding suggests that there are
21 diminishing returns to very long sentences, even for
22 homicide, and that the vast majority of individuals
23 released after serving a sentence for homicide are not
24 dangerous. An abundance of research suggests that
25 lengthening already long prison sentences has little to no

1 deterrent effect on violent crime.

2 **PRESIDING COMMISSIONER BARTON:** Ms. Abreu -- Ms.
3 Abreu.

4 **VICTIM'S REPRESENTATIVE ABREU:** Yes.

5 **PRESIDING COMMISSIONER BARTON:** Can I stop you for a
6 moment. I -- I appreciate you're representing Mr. Schrade
7 and I appreciate that, um, your credentials, but your, I -
8 - I don't know that we need a thesis on rehabilitation.
9 This Panel is well aware of the statistics and all of the
10 information that you're asserting, um, so if we could kind
11 of gear it towards the victim impact and, um, that area
12 rather than, you know, reciting statistics and studies
13 that the Board is already well aware of, it would probably
14 be a better use of time.

15 **VICTIM'S REPRESENTATIVE ABREU:** Okay. Um, I'm going
16 to stay within the scope of rehabilitation.

17 **PRESIDING COMMISSIONER BARTON:** Okay. That's fine.

18 **VICTIM'S REPRESENTATIVE ABREU:** Okay. Thank you. Um,
19 so when we look to the law, um, in regarding Lawrence and,
20 um, with five decades at behavior-free living and
21 education, positive programming, um, which is evidence-
22 based, low to non-existent Risk Assessment scores and
23 situational violent encounters, which Mr. Sirhan did not
24 retaliate, we must compare the totality of his
25 rehabilitation to others who have been convicted of the

1 same crime and worse, which this Panel has paroled
2 recently. Mr. Demosley was convicted of a first-degree
3 murder with robbery acquiring thirty-six 115's --

4 **PRESIDING COMMISSIONER BARTON:** Okay, so now I am
5 gonna stop you Ms. Abreu --

6 **VICTIM'S REPRESENTATIVE ABREU:** Okay. That's --

7 **PRESIDING COMMISSIONER BARTON:** cause you're going
8 well beyond. You're making a legal argument and -- and
9 what we're allowing you to do is give victim impact in
10 place of Mr. Schrade. Um, I don't know how long whatever
11 you have prepared is, um, but we are, we do have other
12 speakers and we are mindful of that time, so if, again, if
13 you confine it to what is actually relevant to the victim
14 impact, um, that Mr. Schrade would express, I would
15 appreciate that.

16 **VICTIM'S REPRESENTATIVE ABREU:** You bet. So, any
17 comparative analysis of other, um -- um, situations we
18 have to look at the totality. What I would like to bring
19 up is that Mr. Paul Schrade advocates for the release of
20 Mr. Sirhan, as the only living victim of Mr. Sirhan's
21 actions 53 years ago. I'm sure it isn't often that this
22 body encounters a victim of a violent crime supporting the
23 release of the offender. This is why the Board must take
24 into consideration Mr. Schrade's testimony as a victim and
25 close family friend of Senator Kennedy and the deceased's

1 own son, Robert Kennedy, Jr. Mr. Schrade sits before you
2 today because he finds the extraordinary accomplishments
3 of Mr. Sirhan's rehabilitative efforts, which make him
4 suitable for parole and empirically less of a public
5 threat than former validated gang members and other
6 assassins, political assassins, which have been granted
7 parole by this Board. Based on these reasons outlined
8 above, my professional opinion and victim, um, and -- and
9 victim, Mr. Schrade's wish align. Mr. Sirhan does not
10 require additional incarceration and must be granted
11 parole today. Thank you.

12 **PRESIDING COMMISSIONER BARTON:** All right. Thank you.
13 And just for the record so we're clear for anyone
14 reviewing it, we're accepting those comments, uh, as far
15 as Mr. Schrade's, uh, desire to be heard as a victim, but
16 we cannot give any extra weight, uh, to your expert
17 opinion because we, uh, cannot allow expert opinion
18 testimony at this hearing. So, in the context of Mr.
19 Schrade's desires to share information about
20 rehabilitation of the inmate, um, we will consider that.
21 Next, we'll ask Mr. Groubert. Do you have any comments
22 that you want to make as a representative from Mr.
23 Schrade?

24 **VICTIM'S REPRESENTATIVE GROUBERT:** Um, yeah, actually
25 I do. It, you know, I had a lot of other comments, but I

1 wanted to talk about, um, I wanted to talk about the
2 alcohol situation, the memory blackouts if that's
3 possible. You touched on some great stuff, um, of doing
4 blood alcohol tests when you were, I'm a big law
5 enforcement supported by the way, and I am also a drug
6 counselor. I'm also a, uh, group, uh, therapist. I'm also
7 an interventionist and a, uh, sober companion. The Kennedy
8 family and other families in America have been riddled
9 with drug addiction and alcoholism as you're well aware.
10 And I'm 33 years sober in Alcoholics Anonymous and I deal
11 a lot with law enforcement and I deal a lot with the
12 prison system in the State of California. And I just
13 wanted to offer the idea that possibly when he's released,
14 he could be mandated to Alcoholics Anonymous,
15 Commissioners, as a spiritual program. Commissioner,
16 Deputy Commissioner Meighan, when she was talking about
17 character defects, all I kept thinking about was step 6 of
18 the 12-step program that AA offers. The character defects
19 that she kept mentioning, all I kept thinking about was
20 AA, and I know that Sirhan has been in AA in the prison
21 system as have many people I've sponsored on the outside
22 over the years, uh, Commissioners. And I just wanted to
23 put that out there as a possibility for when and if he's
24 released that you could see a way to mandate a number of
25 meetings per week for him in Pasadena, where I've gone to

1 meetings quite a few times, I've lived in Pasadena. Uh,
2 this would be a wonderful spiritual community for him to
3 use on the outside world as many former inmates have over
4 the years. Uh, some of them are very famous. Some of them
5 are close friends. And I think at the end of the day, this
6 is not to minimize it, but a black-out drunk driving
7 incident with death. The person who is the drunk driver
8 who can't remember the actual collision is not questioned
9 about that blackout and the numbers that he's involved
10 with here, which is four Tom Collins, which adds up to
11 roughly a 0.16 BAC and I -- I believe that Commissioner,
12 uh, Barton knows what that means, cause that's almost an
13 enhanced DUI at 0.16. If you have four Tom Collins at that
14 level, that speed, with his size, and as the Commissioner
15 pointed out, his tolerance was very low. His judgment was
16 impaired. His ability to function was impaired. And I
17 think what we have here, forget about all the mumbo jumbo
18 about hypnosis and conspiracy and everything else, I think
19 underneath this entire situation is an alcoholic blackout
20 from having that level of alcohol in his system for that
21 short period of time. And when you come out of a drunk
22 driving crash, and you come out of a situation like that,
23 you may not remember the impact into, uh, into another
24 car. You may not remember the impact of a -- of a bank
25 robbery in a blackout. You guys have dealt with this for

1 decades -- for decades these types of crimes. The other
2 political stuff I'm not concerned with. What I'm concerned
3 with as a drug counselor and as a sober member of
4 Alcoholics Anonymous for 33 years, is that this is so
5 reminiscent of dozens and dozens and dozens of other
6 members in AA that I deal with on three to four times a
7 week when I go to meetings. If I don't go to meetings, I
8 get angry. I want to kill somebody. I mean, the anger
9 situation that I see and hear today seems like a guy who
10 doesn't have a spiritual program that he could use on a
11 daily basis, that's just my interpretation of it. I mean,
12 you guys are gonna do what you're going to do. And you
13 know, so many people come out of -- of institutions in
14 California with court cards, Commissioner Barton, as
15 you're well aware and we deal with this all the time. This
16 is not unusual for us. We have a special relationship in
17 Alcoholics Anonymous with the prison system in this State
18 and -- and as do others in other States, and I'm merely
19 here to get rid of all the other stuff that people are
20 talking about. I'm more concerned about him being in a
21 blackout during the incident and being asked over and over
22 and over again, hypnosis and -- and different grillings,
23 why can't you remember the incident. And it just speaks to
24 me, to seem so familiar to other people that I'm known in
25 AA who led wonderful, spiritual, sober lives after the

1 incident that they went through, that they can't ever
2 remember. And you guys know this stuff. You guys hear this
3 every day in your jobs. He's just another guy who was in a
4 blackout and did something that he can't remember, in my
5 humble opinion. This is just my opinion. And I --I just
6 want to offer if you're ever going to let him out, to do
7 and live the final years of his life in Pasadena, I would
8 offer to be a temporary sponsor to help in the transition
9 into Alcoholics Anonymous. I've lived in Pasadena; I've
10 lived on Michigan and Colorado. I know the meetings there.
11 I'd be willing to help him to make that transition,
12 whether you send them to a halfway house or not, which,
13 uh, may or may not be, uh, viable here. I just want to put
14 myself out there to offer to help him to make that
15 transition into that, you know, 12 step world, if that's
16 what you guys seem to want to do. And that could involve
17 court cards that can mandate, you know, three, two-three
18 meetings a week Commissioners, as we do all the time. We
19 do this all the time, you guys and I. So, I just wanted
20 to, you know, cut through all the extraneous stuff in this
21 case and get to the bottom of it. And I think that's the
22 bottom of it for release and parole and being pardon or
23 whatever the situation here is, I think that this is a man
24 who's obviously done his time, he's done it well and he
25 regrets and has remorse for his victims. And I think the

1 first three steps of the program he's already worked and
2 Commissioner Meighan is talking about step 6, whether
3 inadvertently or not, that's what she was talking about,
4 his character defects. And I, you know, I just want to
5 offer that to you guys as another angle to this, uh,
6 possible ending of this, of the story internally here.

7 **PRESIDING COMMISSIONER BARTON:** And we're both very
8 familiar with the 12 steps as well as potential conditions
9 of parole, but thank you for --

10 **VICTIM'S REPRESENTATIVE GROUBERT:** Yeah.

11 **PRESIDING COMMISSIONER BARTON:** All right. Um, I
12 think that's everyone that I have on my list. I do have
13 the letter that I'm going to put on the record received
14 today, August 27th, 2021 from Robert F. Kennedy Jr.
15 indicates as follows: This evening I learned that the Los
16 Angeles Sheriff's Department late today submitted a letter
17 opposing Mr. Sirhan's release quote, "on behalf of the
18 Kennedy family" end quote, please know that letter was not
19 at the direction of the "family", quote unquote, uh,
20 certainly not me. As you may know, I have been a strong
21 adv -- advocate for the release of Mr. Sa -- Sirhan since
22 I learned of evidence that was not presented to the court
23 during his trial. After years of careful investigation, I
24 arrived at the conviction that the story of my father's
25 murder was not as cut and dried as portrayed at trial.

1 While Sirhan clearly fired shots at my father,
2 overwhelming evidence suggests that these were not the
3 shots that took his life. I also understand that Sirhan's
4 guilt or innocence is not an issue in this proceeding. I
5 sought to meet with Mr. Sirhan and we spent several hours
6 together. During that meeting, I was impressed by the
7 genuineness of his remorse for the indisputable part he
8 played in my father's assassination. Sirhan wept, clenched
9 my hands and asked for forgiveness from me, from my
10 siblings and from my mother for his part in that tragic
11 evening's events. My father taught me to believe in
12 redemption and justice, his favorite quote from Esquis,
13 and I'm probably butchering that, um, is urge that we
14 should tame the savageness of man and make gentle the life
15 of the world. In my own life, I have experienced the
16 miracles of redemption and forgiveness. I believe that Mr.
17 Sirhan is redeemed. At 77, he is a gentle, humble,
18 kindhearted, frail and harmless old man who poses no
19 threat to our community. His release will be testimony to
20 humanity, compassion and idealism of our justice system to
21 which my father devoted his life. While nobody can speak
22 definitively on my, on behalf of my father, I firmly
23 believe that based on his own consuming commitment to
24 fairness and justice, that he would strongly encourage
25 this Board to release Mr. Sirhan because of Sirhan's

1 impressive record of rehabilitation. This action would be
2 consistent with the rule of law which requires Sirhan's
3 release, absent evidence that he currently poses a danger.
4 Mr. Sirhan was sentenced to life with the possibility of
5 parole. Parole is the rule and denial is an exception only
6 justified if the Board determines that Mr. Sirhan still
7 presents a high risk of danger to the community. I
8 understand that Mr. Sirhan has more than rehabilitated
9 himself. I further understand that his most recent Risk
10 Assessment performed by CDCR psychologists has confirmed
11 the many prior Risk Assessments which opine that Mr.
12 Sirhan does not pose a high risk of danger to society.
13 Should he be released, I offer to be a guiding friend to
14 him. I know that Paul Schrade has made the same offer to
15 Mr. Sirhan. Any opposition in Mr. Sirhan's release simply
16 based on the crime is contrary to the law and contrary to
17 concepts of redemption and forgiveness. I ask that you
18 extend the same consideration to Mr. Sirhan that you've
19 given to other lifers who have been convicted of murder of
20 whom you have released. Sincerely, Robert F. Kennedy Jr.
21 So that's the letter that we received today. As I
22 mentioned before, we do have confidential letters in
23 opposition, um, that we will also be considering and I
24 believe that is everyone that I have on the call, uh, has
25 been given the opportunity to -- to speak that is

1 authorized to speak. It is currently 12:30. We will
2 reconvene this hearing at 1 o'clock for pronouncement of
3 the Panel's decision. If we need more time, we'll advise
4 everyone at that time, but at this time we are in recess
5 until 1 o'clock. Thank you everyone.

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8 [RECESS]

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CALIFORNIA BOARD OF PAROLE HEARINGS**DECISION**

3 **DEPUTY COMMISSIONER MEIGHAN:** On the record.

4 **PRESIDING COMMISSIONER BARTON:** Good afternoon,

5 everyone. This is Commissioner Barton again, and we are on
6 the record for the 15th subsequent life parole
7 consideration hearing for Mr. Sirhan CDCR number B21014.

8 The time is now 1:05 PM. on August 27th of 2021. All the
9 parties that were previously present for the hearing are
10 with us again for pronouncement of the Panel's decision.

11 This is a very weighty decision today that we have to
12 make. We recognize that it has to be based on whether or
13 not Mr. Sirhan continues to pose an unreasonable risk to
14 public safety and any denial has to be based on evidence
15 in the record of his current dangerousness. In making our
16 decision, we are required by law to give great weight to
17 the mitigating effects of the diminished culpability of
18 youth as compared to adults, the hallmark features of
19 youth and any subsequent growth and increased maturity in
20 reviewing his suitability for parole. We are also required
21 to give special consideration to his age, his long-term
22 confinement and diminished physical condition. We also
23 consider all other, uh, relevant evidence, including his
24 entire Central file, his recent Comprehensive Risk

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1 Assessment, prior Comprehensive Risk Assessments,
2 additional documents he and his Attorney have submitted
3 for the hearing. We have numerous, uh, letters in support
4 and also letters in opposition to his parole from the
5 public that are considered. We've considered the testimony
6 of Mr. Sirhan, the comments of his Attorney. Uh, I think a
7 couple of times, uh, it was misrepresented on the record
8 that we have an opposition letter that was received
9 recently from Los Angeles Sheriff, it's actually from the
10 Los Angeles Police Department. It is dated August 26th of
11 2021, it is signed by Michael Moore. The Chief of Police,
12 uh, actually signed for him by Captain Jonathan Tippett,
13 Commanding Officer, Robbery and Homicide Division, so it's
14 actually the LAPD letter in opposition that we have. We
15 also have heard statements from surviving victim, Mr.
16 Schrade, from victim family members, um, victims'
17 representatives, which have all been considered. We also
18 have letters from victims' family members, uh, both the
19 one I read into the record as well as ones from others,
20 uh, that chose to remain confidential, but have been
21 considered. We've also considered Mr. Sirhan's, uh,
22 confidential file. There is information there that, um, we
23 reviewed. There was one entry from 2019 that both the
24 Department as well as our independent review found to be
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1 unreliable and not relevant to the proceedings here today.
2 We talked to him about the rest of his record and, uh,
3 talked to him about the incident in 2016 also, which, um,
4 was something that was pertinent in the last hearing in
5 that it showed perhaps a lapse in judgment at that time,
6 um, but it's been five years since then. I will say both
7 myself and Commissioner Meighan, um, have spent hours
8 preparing for this case, and as I said, it's a weighted
9 decision. I agree with Mr. Kennedy and quite frankly
10 disagree with Ms. Berry that, um, this is not like any
11 other homicide. This is a political assassination and it
12 does have wide ranging impact, much more so than the
13 typical homicide that we see. That's not to say that any
14 life is any more sacred or missed than another in our
15 opinion, um, and we recognize that. And so that factor is
16 given the weight that we deemed appropriate and I will go
17 into that. Also, we note that the State of California and
18 he was convicted under California statutes is a
19 presumptive State, meaning to deny parole there has to be
20 evidence in the record of current dangerousness that rises
21 to the level of being an unreasonable risk of current
22 danger to public safety. We also recognize that it's not
23 our job to change anything that's been done by a
24 sentencing court. And so, we view Mr. Sirhan in the light
25

SIRHAN SIRHAN B21014 8/27/2021 DECISION PAGE 3

1 of having committed these offenses regardless of what
2 other information has been provided either by him or by
3 others. This Panel also notes that this is a de novo
4 hearing, meaning that while prior findings and information
5 in the file can certainly inform us in our decision, none
6 of that is binding. We make an independent decision based
7 on our own training, experience and moral conviction. And
8 I will say, while I know Ms. Meighan is a dedicated public
9 servant, I have 40 years in public service and have given
10 an oath to uphold the constitution of both California and
11 the US on numerous occasions at numerous levels. And I
12 certainly hold that oath to be what grounds my moral
13 convictions and decisions. In doing this job, I don't
14 think you could do it otherwise. Having said all of that
15 and taking into consideration the comments and concerns of
16 everyone involved, based on the legal standards and the
17 evidence that we have before us today, we're finding that
18 he does not, Mr. Sirhan pose an unreasonable risk to
19 public safety and we're finding him suitable for parole
20 today. Having said that Mr. Sirhan, bear with me because
21 this decision is gonna be reviewed by many eyes and so I
22 want to make sure that I'm thorough in giving the reasons
23 for our decision. Certainly, anyone else on the hearing,
24 you're not obligated to remain for purposes of the

25 **SIRHAN SIRHAN B21014 8/27/2021 DECISION PAGE 4**

1 decision, you're welcome to, but you're certainly not
2 obligated to after this point. You, however, Mr. Sirhan
3 are, so, well actually that's not true. You could absent
4 yourself at this point if you wanted to, but I recommend
5 you stay there. All right. So here are the reasons for our
6 decision and the analysis that we undertook. First of all,
7 we are cognizant of the law in this State, Penal Code,
8 Section 5011, the Board cannot require an admission of
9 guilt as a requirement for parole. California Code of
10 Regulations, Title 15, Section 2236 indicates an inmate
11 can refuse to discuss facts of the crime and the refusal
12 shall not be held against the inmate, and we are certainly
13 following those laws today. And I say that because, uh,
14 the two factors that we saw that were still problematic,
15 the first one being the aggravating factor of the crime
16 itself, we did give due weight to, and there are some
17 crimes that are so extremely aggravating that the crime
18 itself carries so much weight. In order to outweigh that,
19 the factors in mitigation have to be overwhelming. This
20 Panel found that today, that is the case. That the factors
21 in mitigation are overwhelming, such that they overtake
22 the crime, notwithstanding its atrocity, not with --
23 notwithstanding its impact on not just the families and the
24 victims and the nation as a whole, perhaps the world as a

25 **SIRHAN SIRHAN B21014 8/27/2021 DECISION PAGE 5**

1 whole. And if you had been sentenced to life without
2 parole, that would be a different matter, but you were
3 sentenced to life with parole. And I had that brief
4 discourse with Ms. Berry about our sentencing laws today,
5 but over time laws change and we are bound as judicial
6 officers to follow the law that is existing now and the
7 law that existed at the time. And while I find this crime
8 to be extremely aggravated and I find your, uh, personal
9 responsibility for it to not be perfect, we felt that
10 those things are overwhelmingly outweighed by the factors
11 of mitigation that I will also go through. And having said
12 that, again, looking at the crime, there are times when we
13 see crimes that are horrendous, that 20 years doesn't seem
14 like enough to serve, 30 years, even 40 years, but to
15 serve 53 years or close to 55, I guess on this crime, uh,
16 I think it's `68 to now, I think it's 53 years, um, we
17 think certainly adequately has under the law justified the
18 punishment phase of incarceration. The other things, the
19 other goals of incarceration of course are rehabilitation
20 and to a certain degree incapacitation, and to the degree
21 that you are now 77 years old and we factor in those
22 elderly offender considerations, we think you're
23 significantly incapacitated also as far as committing
24 additional crimes, and I will go into that as well. But we

25 **SIRHAN SIRHAN B21014 8/27/2021 DECISION PAGE 6**

1 do find the crime itself to be extremely aggravated. There
2 were multiple victims, there was a US Senator, potential
3 presidential candidate, uh, it was done for, in your own
4 mind, what you told us today, under the influence of
5 alcohol and in response to anger over the Arab Israeli
6 conflict, and so that's political motivation whether you
7 want to call it that or not. And so, I don't want anyone
8 to view this decision and think that somehow, we set that
9 aside, we did not. We also do not set aside the fact that
10 you, um, are denying memory of the events. At one point in
11 time on the record, uh, you admitted committing the crime
12 and shooting everyone and then during hearings and later
13 discovery I suppose, uh, you came to the opinion that that
14 was basically under the undue influence of a perhaps, uh,
15 Attorney who had ethical issues. Then later you came to
16 the understanding that, um, you were still responsible and
17 today, and I want to say this because this is my notes in
18 the record, you have again taken responsibility for firing
19 the weapon, for bringing the gun there as we discussed,
20 um, and for being in, as I think Mr. Kennedy put it, in
21 the room, shooting a gun at people with malicious intent,
22 regardless of whether your bullets killed somebody in
23 particular or hurt someone in particular, you were there
24 taking that action and it certainly caused, um, damage,

25 **SIRHAN SIRHAN B21014 8/27/2021 DECISION PAGE 7**

1 certainly caused injury and potentially death. Even if it
2 wasn't your bullet, perhaps it was the distraction of your
3 firing that allowed someone else to fire, I don't know I
4 wasn't there. But I have to take the convictions as they
5 stand, which is you being responsible for the murder and
6 the assault with intent to commit murder. And so, in
7 considering that we looked at other Panels and what
8 they've done in the past, where they've analyzed your
9 claims of innocence or partial claims of innocence, which
10 is what we have today and made a determination that that
11 therefore by claiming that innocence, that it was somehow
12 implausible to the degree that it raised the question as
13 to whether or not you had true remorse, true insight, or
14 were lacking in personal responsibility. This Panel finds
15 that whether plausible or implausible, at this stage with
16 all of the other factors, you still do not pose an
17 unreasonable risk to public safety because of the second
18 prong of that test. The first test is whether or not it's
19 implausible. Even if we were to find it implausible, we
20 then would have to go to the second prong which would be,
21 okay, if his defense is implausible, does it rise to the
22 level that he's a current danger? And because of all the
23 factors that I'm gonna go through now, we believe that
24 that is not the case. And I say that again, because those

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1 reviewing this, I don't want them to think that we're
2 making an expressed finding of plausibility, because as I
3 stated, even if implausible, we find that you no longer
4 pose an unreasonable risk to public safety. Having said
5 that, is your insight perfect, no. I don't know that
6 anyone's insight is ever perfect, but we think that you
7 have grown. And as was mentioned, in the last five years,
8 since your last hearing, there are several things that
9 have changed, not just the things that your Attorney
10 raised, which I had on my list, but, um, there are a few
11 more. Not only are you five years older at 77 and your
12 physical condition has worsened, you've also got the youth
13 offender factors, which was mentioned, and I'm gonna go
14 over those that apply. Whether or not there's DA
15 opposition doesn't even enter into the picture, at least
16 as far as our consideration or determination of the case.
17 Um, they obviously have opposed in the past and even
18 assuming they opposed it today, our decision would be the
19 same. But you've had five more years of discipline-free
20 time, but more importantly than that, five more years of
21 exercising good judgment. And as I said, decision might
22 have been different in 2016 when I personally feel you had
23 a lapse in judgment in that kitchen incident, you should
24 have just walked away and quit the job and not risk even

25 **SIRHAN SIRHAN B21014 8/27/2021 DECISION PAGE 9**

1 having words. That being said, it seems from our
2 discussion today that you've learned from that and you've
3 grown from that and so that has changed. There's been no
4 further lapses in judgment. We also see more programming,
5 significantly more programming in several areas of self-
6 awareness that we think was beneficial, uh, both in how
7 you presented today. I wasn't present at the other
8 hearings, but from reading the transcripts and having been
9 involved in hundreds of hearings myself, at times in past
10 hearings you appear -- appear to be verbally combative, if
11 not, um, in some respects, uh, indignant. I did not sense
12 that today whatsoever. I actually sensed from your
13 demeanor and from your manner of responding, even when we
14 would interrupt you and try to bring you back on track,
15 because you do have a little bit of a tendency to stray,
16 um, we were able to do so without any visible reaction,
17 negative reaction on your part. And, um, so that was
18 evident to us too and I believe that that's a change. In
19 addition to which you have additional positive character
20 references from Correctional Officers. And as I said
21 before, we take that and give that great weight in -- in
22 this sense. We get letters all the time in support and
23 opposition, and obviously letters from family and friends
24 of yours are typically going to be supportive.

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1 Obviously letters, oftentimes from victim family members
2 are going to be the opposite. Here we have a mix. But
3 nevertheless, we consider those people and their opinions
4 as valid, but they're also to a certain degree, um,
5 understood because of the positions they hold. And then we
6 look at letters from the public at general, and we have a
7 lot of letters in public here, and again, those are just
8 people's opinions that don't have the information that we
9 have in terms of everything in your record. And so, while
10 we certainly consider that, it's not given a lot of
11 weight. And then we move up to those letters from people
12 that see you on a day-to-day basis, so free staff, like a
13 kitchen supervisor or a volunteer leader or someone along
14 those lines that seen you work in programs, seen you work
15 with other inmates, seen you work, um, on the job, seeing
16 that you get along with others, you follow, you know,
17 people's direction, supervisors' direction and we see that
18 over time, um, your reviews have been excellent in that
19 regard. And then we get to that other level and that's
20 Correctional Officers who, in my experience, don't have
21 any incentive to write a support letter for any inmate. In
22 fact, at times they have disincentive based upon how maybe
23 their colleagues feel about them doing that. Having said
24 that you have three fairly recent letters, all of which

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1 are Correctional Officers that, and we put them on the
2 record already, I don't have the names in front of me at
3 the moment, but I did read all of them. And each one of
4 them says basically the same thing, oh, here we go,
5 Correctional Officer Mack, Correctional Officer Nolan,
6 Correctional Officer, uh, Derek, each one of them says the
7 same thing, that they see you day in-day out, good days,
8 bad days when you know they're looking, when you don't
9 know they're looking and that your character is one of,
10 um, being a prosocial individual who following directions,
11 who avoid problems, avoids problem inmates and does not
12 display anger or loss of temper. And we know that that was
13 one of the things at play at the time of this crime, so
14 that is showing offender change from people who see you on
15 a daily basis. And so, we give those perhaps more weight
16 than we give others, because they see you on that daily
17 basis. And then we had the one, which while it's dated
18 from 1983, the reason it is even mentioned is because
19 within our own training and experience, when we look at,
20 um, whether or not someone is rehabilitated, we look at
21 not just can they do time, in other words, without getting
22 disciplined. And apparently not everyone realizes this,
23 but we do see many inmates who do 20, 30 years with very
24 few discipline write-ups. Now we see many that have a ton

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1 of them too. So, I'm not saying that it's not exemplary,
2 but you're not the first person, you're probably the first
3 person I've seen that's done 53 years with only two that
4 were older 42 years old, but I've seen people with 30
5 years and no write-ups. So that alone though, wouldn't
6 necessarily, uh, in and of itself show that you've changed
7 although it is good evidence to your conduct, but we also
8 look for those things that show you've gone beyond that.
9 And the fact that you were willing to step in, assist an
10 officer when he was in potential danger and that officer
11 wrote of that, is also something that speaks to
12 underlying, uh, character trait and that was actually, uh,
13 several decades back. So, we considered those things. We
14 also considered the fact that when we look at one's
15 criminal history, that's one of the factors both under the
16 regulations and under our structured decision-making that
17 we have to consider. Not only do you have no prior
18 criminal history, which is a mitigator, you don't even
19 have any prior instances of violence in your record before
20 this crime. So, no prior instances of violence. And then
21 as I said, in the last 40 something years, no serious rule
22 violations of any kind, um, certainly no overt violence of
23 any kind. Your last even counseling chrono was in 2010,
24 which is over 11 years ago and everything else predicated

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1 into the 70s, um, and the one instance in 1990. So that is
2 also a mitigating factor in that your institutional
3 history is exemplary. Your lack of prior criminal record
4 is mitigating. You also, obviously had never been on
5 supervised release, so because you've never been convicted
6 of anything. As far as any substance abuse issues, we do
7 find that alcohol was a factor in this crime through your
8 own admission, but we also find that you programmed
9 considerably to address that both through AA, through the
10 substance use disorder treatment program and we are going
11 to put conditions in place that will reinforce your
12 sobriety and reinforce, um, your ability to maintain what
13 you've expressed to us, which is a conviction to be
14 alcohol-free for the rest of your life, so I'll get to
15 that when we get to special conditions. We also recognize
16 that you have, um, in prison as part of your adjustment,
17 you haven't joined any gangs. You haven't been involved
18 in, uh, a lot of the problems that other guys get them to,
19 into, with negative associations in prison. We see
20 upgrades in education, which is also mitigating, obtaining
21 your AA, taking other college courses. You've tried to
22 better yourself vocationally, there's a number of
23 certificates in the record, I'm not gonna recite them all.
24 You've completed the office services and related

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1 technology course. Your work history, as I said, has been
2 steady and positive. Um, you listened to what the last
3 Commissioner said, which was, you know, increase your
4 programming, and we see that you've done that. Again, I'm
5 not going to necessarily list the 20 programs that you've
6 done, but we find your self-help programming, especially,
7 uh, in the last five years to be, um, commendable and
8 mitigating. You have completed several what I would call
9 cell-study or in-cell study, rather than what many have
10 done, which is sit on their hands during COVID and feel
11 like they didn't have to do anything to better themselves,
12 you have been able to complete self-directed courses in
13 stress, bouncing back resilience toolkit, uh, action plan
14 for relapse prevention, cognitive behavior therapy, again
15 the substance use disorder treatment which you actually
16 took for a longer period of time, 6 months I believe that
17 course was. Emotional intelligence workbook, communication
18 skills workbook, anger management in 2020, dealing with
19 your emotions in 2020. Um, you have gone, ongoing basis,
20 for the las -- off and on for the last 5 years to lifer
21 support group. You've gone through victim awareness, um,
22 Tai Chi. Looks like you were in gateway to recovery,
23 narcotics anonymous, uh, alcoholics anonymous and as you
24 said, you even assisted in running some of those programs,

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1 facilitating some of those programs. So, we do find your
2 programming to be adequate and to be mitigating in the
3 terms that it addressed, um, the risk factor, as far as
4 your ability to recognize anger, emotional intelligence,
5 deal with stress, because we do find that there were
6 stressors at the time of this crime. There was the
7 potential for PTSD having gone through what you went
8 through as a child and then of course with your daughter,
9 your not, excuse me, not your daughter, your sister dying
10 recent, uh, recently before this. Um, while those
11 certainly aren't excuses whatsoever for your actions, they
12 are things that are considered because stressors that
13 someone is under at the time of the crime are things that
14 we can consider and have considered. In addition to that,
15 it appears that as I said, your insight has improved. You
16 talked about, today I think more clearly than in the past.
17 One of the things I noted in past transcripts when asked a
18 direct question, and this also has come up in your Risk
19 Assessments, and I don't know if this is because you had
20 legal actions pending, or because you were cautioned, uh,
21 in the past by other Attorneys about what you said or how
22 you said it, but it always appeared that you would evade,
23 you would kind of skirt the issue, you would give answers
24 that weren't really direct answers, but today we felt you

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1 were very direct in saying, yeah, my feelings about the
2 Middle East, my use of the alcohol that night were two
3 major factors. You talked about, you know, character
4 defects of being selfish, impulsive, reckless. Um, we had
5 the discussion about even guns and alcohol being reckless
6 as something that is just ranks up there with stupidity.
7 And so as far as understanding your character defects, is
8 it perfect? No, I probably would have thrown some more in
9 there, but you also talked about lacking humility. You
10 also talked about being in, you know, I think you said
11 self-assured or cocky or something like that, but I would
12 put that as lacking humility. Um, and then the fact that
13 you certainly weren't seeking help from anyone else, we
14 see that also as something that has changed. Your
15 willingness to seek help from others that you didn't have
16 as a 24-year-old. So, we believe that your insight has
17 improved. It's certainly not perfect. Um, and as far as
18 coping skills, you know, when we talked about emotion
19 intelligence, you said that you do read, you do go out and
20 exercise, you meditate, um, you're willing to talk to
21 other people to resolve things. You certainly have taken
22 the classes on conflict resolution and dealing with your
23 emotions in a positive way. And that's why we had the
24 discussion we had about the 2016 incident, because I think
25

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1 you summed it up later and maybe it was after the break,
2 you had some more time to think about it, I don't know,
3 but you said, yeah, now I have to look at the big picture
4 and I have to recognize that, you know, at that time it
5 was more about you may be feeling jealousy, that's another
6 character defect. You know, this guy got a job you felt
7 you should get and doggone if you were gonna quit the job,
8 you know, but it appears that you understand that that was
9 false pride and that that was something that you need to
10 get rid of, because certainly as you go out in life,
11 things may not be fair and you're gonna have to deal with
12 that on a day-to-day basis. So, we thought your not only
13 responses today were much better than in the past, but
14 your understanding of who you are and your ability to deal
15 with those things has improved. You also talked about
16 yourself being, um, I don't know if you used the word
17 ignorant, but you said ignoring what was going on. But I
18 think that that's common too amongst youth defenders. So
19 overall we found that offender change does, has existed
20 and not just based upon maturation of age. We know the
21 statistics; we know it drops significantly at 50 and at 60
22 recidivism drops dramatically. We also recognize that this
23 crime was situational in a certain extent in that you
24 weren't someone who had this long history of violence and

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1 an escalating criminality that was going from thefts to
2 robberies to assaults, to, you know, shootings to murder.
3 I mean, for you, it was 0 to 100 in one instance, or may,
4 if there something more than 100, I personally, uh, think
5 that's high enough, but the reality is we've seen that
6 there has been off -- offender change, both because of the
7 elderly offender considerations, but also, I think through
8 your own reflection and growth, um, even in how you
9 approach these hearings. And so, I think that that to me,
10 indicates that you have internalized your programming. I
11 would agree with your Attorney, maybe it's a function of
12 age at 77. Um, you're not always able to articulate or
13 express your feelings exactly, there were several times
14 today you were searching for words, um, but we do look at
15 the conduct and we do look at, as I said, letters from
16 people that have seen you on a day-to-day basis and we
17 take that into consideration along with the work that
18 you've done and the discipline-free record that you have.
19 So, all of that shows us that there is offender change and
20 that it has been, um, ongoing. We're all a work in
21 process. Transformation doesn't happen overnight. We also
22 found your parole plans to be adequate. You have someone
23 out there with housing that's being offered in your
24 brother, even to the extent that he would assist you if

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1 you were deported, um, and that's always one of the major
2 concerns are housing and financial support. It sounds like
3 he has that. That said, we also believe that after 50
4 something years, you can't not be institutionalized and we
5 believe that there should be some structured setting. We
6 would certainly leave it -- leave it up to parole to
7 ensure your safety wherever it is that you are placed, but
8 that'll be one of the special conditions as well. We also
9 believe that you have a support network. While you only
10 have the one brother left, there are obviously people on
11 this call and others that have pledged their support to
12 you. Um, it appears that you also may have the ability to
13 create a support network in your faith community once
14 you're, um, released. And so, we find that your plans
15 subsequent to release are mitigating, parole plans and
16 support network. And then that brings us to the Risk
17 Assessments, not only in 2020 by Dr. Cirimele wherein it
18 is opined that you are a low risk for violence, but
19 there's also a 2016 report by Dr. Sahni, S-A-H-N-I, and a
20 2010 report by Dr. Carrera, C-A-R-R-E-R-A, not -- not
21 leaving out the private reports that have been, um,
22 prepared by others on your behest, but even leaving those
23 out, and they of course are both positive as well, these
24 are three expert forensic psychologists who work on behalf
25

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1 of the Board to prepare these assessments. And while they
2 are not certainly the end-all, many times I have given
3 things different weight than what they've given things.
4 But when I read through them all, there was one sort of
5 central theme that I saw and that is even recognizing that
6 you don't take complete responsibility for the actions,
7 even recognizing that your insight has been poor at times
8 with them, and that your answers to them have not always
9 been direct and they've even described you as evasive,
10 nevertheless, notwithstanding those issues, they've all
11 still come to the conclusion overall that you were a low
12 risk and that's for a lifer inmate. And not to
13 necessarily, um, take issue with Ms. Abreu, but I can tell
14 you that in the last 10 years the overall recidivism rate
15 for California prisoners has dropped from 65 to 45% in a
16 large part my belief is because we've re-instituted
17 rehabilitation into the prisons. But that's for general
18 determinately sentenced inmates. Lifers, somewhere between
19 8 and 10,000 now that have been released have recidivated
20 at less than a 1.5 to 2% rate. And what these ratings are
21 indicating is that you are considered by all three of
22 these expert psychologists, to be at the low end of a 1.5
23 or 2% recidivism rate. So, it is significantly lower than
24 the average recidivism rate for an average person being

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1 released from prison and there are a lot of reasons for
2 that, obviously given people aging out of crime, people
3 having more time and more motivation to program. And there
4 are some programs I don't think you can help but learn
5 something about yourself even if you're just sitting in
6 the chair. So, we find that the Risk Assessment, the
7 current Risk Assessment as well as the two priors, support
8 this decision. And then we get to, um, mental health
9 issues. You're not currently diagnosed with anything on
10 the DSM-5 as far as a major mental, uh, disorder. However,
11 because there was mention of, you know, your impact of
12 your childhood and your Attorney certainly mentioned it as
13 posttraumatic stress syndrome, which we know can stay
14 repressed for many years and impact people differently,
15 depending on what triggers arise, we're also going to
16 order as a special condition that you take part in what we
17 call BHRP, which is Behavioral Health Reintegration
18 Program, it used to be called Parole Outpatient
19 Counseling, but I'll get to that when we get to special
20 conditions. So, in case someone is checking boxes, we find
21 mitigating your offender control, mitigating your, uh,
22 prior criminal or lack thereof history, mitigating
23 institutional adjustment, mitigating an offender change,
24 mitigating in parole plans, mitigating for programming.

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1 And now we get to spa -- what we call case specific
2 factors, the first one of which is what we call the youth
3 offender factors. And this is important because if we were
4 on the fence again, in terms of the impact of the crime
5 and lack of responsibility, this factor in my opinion
6 would cause us to still, and looking at the scales, um,
7 give benefit to the inmate who qualifies as a youth
8 offender. Basically, what science indicates at this time
9 is that at that age our brains are not fully mature. Now
10 you were probably at the upper end at 24, as opposed to a
11 16-year-old, but nevertheless, when I talked to you about
12 where you at in your life, you were aimless. No doubt you
13 had some emotional growth stunted as a result of your
14 childhood experiences and the fact that that was ongoing
15 and I -- I quite frankly think that you still need to
16 explore that because even though you said you didn't seek
17 it out, it wasn't like you were looking for it, I think
18 that you had to have been keenly aware of it because of
19 how it impacted you, and certainly in your actions on the
20 day of the shooting. So, but when we look at that, we look
21 at overall, if those executive order functions are not
22 fully mature, what does that do to the individual? And in
23 your case, it's subjected you to basically immature
24 thinking, certainly bad judgment as we talked about,

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1 having a gun when you're inebriated. You also didn't weigh
2 the long-term consequences of your actions. You were
3 impulsive. Um, there's even a section in the law that
4 talks about having a general mistrust and reluctance to
5 trust your Attorney resulting in working less effectively
6 with your Attorney and aiding in your defense. In your
7 case, it sort of turned on its ear a little bit in that at
8 least it's been represented that you may have trusted your
9 Attorney too much and not been able to effectively aid in
10 your defense, but it still falls under that rubric of
11 someone who's 24, who has not been exposed to the criminal
12 justice system. And then we look at all the other hallmark
13 features of youth, and you demonstrated what we call an
14 underdeveloped understanding of your responsibility for
15 your actions and decisions and you demonstrated impetuous
16 thinking. At some point, in my mind, regardless of how
17 many drinks you had, you had to make a conscious choice to
18 pull that gun out and pull the trigger and in doing so,
19 whether inebriated or not, in my mind there had to have
20 been for most of us, you know, some thought process that
21 proceeds that because your hand usually doesn't work on
22 its own. That said, your thought process, by virtue of
23 being a youthful offender, demonstrated significant
24 heedless appreciation of the consequences of your action.

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1 In other words, it was very impetuous. It was very
2 impulsive. You didn't think about what was gonna happen to
3 the people that were shot, what was gonna happen to you,
4 what was gonna happen to the nation, what was gonna happen
5 to the world. I doubt any of that was gone through in your
6 mind ahead of doing what you did. So as a youth offender,
7 we have to look at whether or not you were capable of
8 change, or whether this evidenced what we call a depraved
9 character, in other words, entrenched criminality. And
10 oftentimes we see people come to prison and they get
11 worse. They join gangs, they commit perhaps even more
12 horrific crimes in prison than they did when they came.

13 That wasn't the case for you. We saw someone who, I think
14 you were immature in the 70s, that certainly shown by the
15 115's that you got then and some of the verbal outbursts
16 that you were, uh, making. Um, but I think that if, you
17 know, you came in at 24 and by the time you were basically
18 in your late 30s, certainly through your 40s and beyond,
19 um, you showed considerable maturity in avoiding
20 situations. As I said, I am keenly, maybe uniquely, other
21 than perhaps some of our Wardens that are on the Board
22 that understand what happens in prisons, aware of how
23 difficult it is to live in that environment, especially
24 being someone with high notoriety and avoid problems. So

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1 we recognize that in doing so, you had to exercise good
2 judgment on a daily basis and it appears again from the
3 laudatory chronos that you received that you did. And then
4 as I said, in the last five years, we felt that you've
5 engaged in more reflection and made a significant attempt
6 to think about the reasons and the impact of your actions.
7 You demonstrated maturity through impulse control,
8 developed prosocial relationships, stayed away from
9 negative influences, and it's resulted in all the positive
10 programming, the positive job reports, the -- the
11 positive, uh, letters of support from officers, certainly
12 the programming and results of that programming. So, under
13 the youth offender factors and giving great weight to
14 those factors, um, we felt that that is significant
15 mitigation as well, that hasn't existed previously in your
16 hearings. And then finally we gave special consideration
17 and considered to be mitigating your age of 77, the
18 various health concerns that you have, I'm not gonna
19 reiterate them, they're already in the record. Um, and
20 obviously I don't wish this upon anyone, but you're going
21 to continue to age and -- and that debilitation will only
22 increase, we don't see it as something that gets better
23 necessarily. So, we determined that those, that factor
24 also reduced your risk for future violence, uh, age, and

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1 certainly the time that you served and the injuries that
2 you've suffered, uh, even most recently is something that
3 has additionally resulted in debilitation, at least in
4 terms of your, uh, neck and then we know about the
5 shoulder and the kidneys and those issues. Overall, we
6 look at, uh, these decisions, as I said, judicial
7 officers, and when they're examined, we are mindful of the
8 case law. We're mindful of Shaputis 2, in re Bush, in re
9 Rodriguez, all of which are contrary perhaps to your
10 Counsel's arguments, um, would in the past have found an
11 implausible denial along with attendant, lack of
12 responsibility or insight, along with the aggravating
13 nature of the crime, to be sufficient, uh, to deny you.
14 However, we did consider all of those things. And in
15 considering those things, we saw the improvement that
16 you've made and all of the other mitigating factors and we
17 did not find that your lack of taking complete
18 responsibility adds to current dangerousness. Based on
19 these findings, we conclude that you do not pose an
20 unreasonable risk of danger or threat to public safety and
21 are finding you suitable. This decision is not final. You
22 need to understand the Governor has discretion to be more
23 stringent or cautious in determining whether someone poses
24 an unreasonable risk to public safety and courts give much
25

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1 deference to the executive function. But as far as our
2 decision within the law and the evidence that we are bound
3 to follow today as judicial officers, we are finding that
4 you are suitable. However, it will be reviewed. The
5 Board's legal team reviews this decision, that takes up to
6 120 days. The Governor has an additional 30 days to review
7 it. If something changes, you'd be notified in writing of
8 what that is, The Governor can reverse it and the Governor
9 can send it back to the entire Board, the other 16
10 Commissioners would then review the entire file. They
11 would not like me very much at that point probably, but
12 they would all do it and all of my colleagues are, um,
13 certainly, uh, in -- in my opinion, I know that past
14 Boards, through no personal intent have been disparaged
15 for their decisions or in some of the filings I saw that
16 they were, um, ascribed ill-intent, that they were making
17 their decisions just to reach a particular conclusion and
18 looking for any reason to do that. I have faith in my
19 fellow colleagues in their commitment to this job and
20 their commitment to doing what the appropriate thing is in
21 every case and treating every individual fairly. So, if
22 it, uh, ends up being that their review, I have every
23 confidence that they will do so and they may disagree with
24 me, but I also believe that they are all fair men and

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1 women who take this job as seriously as I do. That said,
2 the reason that I'm saying this is, I want you to know
3 that for the next four to five months, until whatever
4 happens happens, you need to remain in your program,
5 whatever it is that you're doing, being on the job,
6 staying out of trouble, because even the slightest misstep
7 on your part, even a counseling chrono for putting up a
8 window covering or something that shows additional
9 recalcitrance or disrespect for authority could be enough
10 to have your grant rescinded. So that's why I'm trying to
11 make that clear to you. If you are released from prison,
12 you're gonna be subject to all the general conditions of
13 parole as well as the special conditions that I'm going to
14 impose in a moment. But before I do that, I have to ask
15 Commissioner Meighan, if she concurs and if she wants to
16 add to the decision. Commissioner.

17 **DEPUTY COMMISSIONER MEIGHAN:** Concur. Nothing
18 further. Thank you.

19 **PRESIDING COMMISSIONER BARTON:** Okay. All right, sir.
20 That is our decision. These are the special conditions.
21 This is the part you really need to listen to. And what I
22 would also recommend, if -- if and when you live with your
23 brother, you let him read all of your parole conditions,
24 it's gonna be several pages that parole will give to you.

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1 And then the ones that I am imposing right now is special
2 conditions. First, and while I appreciate your concerns, I
3 also appreciate that our Parole Division, um, are
4 perfectly capable of finding a suitable placement for you
5 in transitional housing and making sure that that's a safe
6 environment and we're gonna rely on them to do that, but
7 we are going to require you spend the first six months.
8 And the reason for that is we know that releasing people
9 sometimes straight out onto the street, I think I've done
10 it maybe two or three times with people that have more
11 than 20 years down, but that's because they had a very
12 strong support system, ongoing relationship with someone
13 and as you've said, your -- your brother has issues of his
14 own. So, for you to re-acclimate to society, we think it
15 would be better done in a structured setting. And so, for
16 the first six months of your release, you would have to go
17 to transitional housing. Now, if there's one close to your
18 brother that you think would be good and you want to
19 submit that to parole, they can certainly consider that.
20 Um, and any work you do in that regard, finding yourself a
21 suitable placement, if they, uh, check into it and it
22 meets their requirements, then I'm sure they'd be more
23 than happy to place you there, so you can work with them
24 on that, but we are going to require that. And of course,

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1 all of this is in the backdrop that you're not deported.
2 We have no control over that. I don't know what's gonna
3 happen when you're released. I don't know if, you know,
4 ICE is gonna pick you up at that point or if something
5 else is gonna happen, but we have to look at it as if you
6 are being paroled to California. Second special condition,
7 um, and whether Mr. Groubert had suggested it or not, we
8 are going to require that you attend some form of
9 substance abuse counseling, preferably geared towards
10 Alcoholics Anonymous as opposed to Narcotics Anonymous or
11 something of that nature. We're not going to specify it
12 has to be AA cause oftentimes transitional programs have
13 their own substance abuse program in-house that you could
14 attend. You could also attend Celebrate Recovery at a
15 local church, or you could find another adequate program
16 that deals with, uh, recovery from alcohol and we're gonna
17 require that for that first six months to reinforce your
18 sobriety. While I certainly appreciate Mr. Groubert's
19 opinion, we also want you to succeed and not impose
20 something that would be difficult for someone perhaps of
21 your age if there are other issues. But we're gonna
22 require that you go for at least one -- once a week, and
23 you're gonna have to provide proof of that to your parole
24 officer, and if for some reason you don't attend a week,

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1 you need to get prior approval from that parole officer.
2 So, for that six months you're gonna be required to go to
3 some type of alcohol treatment program, um, as authorized
4 by parole, so they'll work with you on that as well. So,
5 you've got to go to transitional housing, you have to go
6 through that, um, some type of alcohol recovery treatment
7 at least once a week for the first six months. I of course
8 recommend you continue it for the rest of your life, it
9 can't hurt you, that's for sure, but we're going to
10 require it for that timeframe. The third thing we're gonna
11 require is that you, as I said before, take part in BHRP,
12 that's what we call our Behavioral Health Reintegration
13 Program, it used to be called Parole Outpatient
14 Counseling. A therapist will meet with you, they'll assess
15 you, not like the forensic assessments necessarily, but
16 for any needs that you may have in terms of your mental
17 health. And they may give you direction to see them on a
18 regular basis or to do something else and you're to follow
19 their directions. So that'll be up to them whether or not
20 you need further assistance or not. Okay? So that's the
21 Behavioral Health Reintegration Program. And then finally,
22 again, I recognize that there are, there's a mix in terms
23 of feelings of victims, um, but we are going to order, out
24 of an abundance of caution, that you not, uh, initiate any

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1 contact with any victims or any victim family members. And
2 it will be up to parole to authorize if they want to
3 initiate through parole, something with you. If there's
4 some type of, you know, restorative justice thing, where I
5 know you're already in contact with at least one of the
6 Kennedy's and Mr. Schrade, but even if you're gonna have
7 contact with them, you need to have that authorized
8 through parole. In other words, they need to know that
9 you're having that contact. And again, you can't seek it,
10 they would have to seek it. Okay? Um, ask the officer to
11 unmute your screen. Can you.

12 **CORRECTIONAL OFFICER:** Okay.

13 **PRESIDING COMMISSIONER BARTON:** Mr. Sirhan have you
14 heard everything that I've said?

15 **INMATE SIRHAN:** Yes, sir. I have.

16 **PRESIDING COMMISSIONER BARTON:** Do you understand
17 everything I've said?

18 **INMATE SIRHAN:** Everything.

19 **PRESIDING COMMISSIONER BARTON:** Do you have questions
20 about any of the conditions that I've imposed?

21 **INMATE SIRHAN:** None, and I am willing to comply with
22 all of them.

23 **PRESIDING COMMISSIONER BARTON:** And if you don't
24 comply, what happens?

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1 **INMATE SIRHAN:** Trouble for me.

2 **PRESIDING COMMISSIONER BARTON:** Well, you get
3 violated on your parole and then what happens?

4 **INMATE SIRHAN:** Well, they'll -- they'll be repeat of
5 the same --

6 **PRESIDING COMMISSIONER BARTON:** Yeah.

7 **INMATE SIRHAN:** -- the same problems as before and I'm
8 not going to allow that.

9 **PRESIDING COMMISSIONER BARTON:** Well, you'd come back
10 to prison on a life term. You'd be entitled to future
11 hearings, but you'd come back on a life term. So, you need
12 to understand all of that. If you have any questions about
13 your general conditions of parole, I recommend you sit
14 there and read through them before you leave the office.
15 And if you have questions you need to ask, and I would
16 recommend you have somebody assist you with that. Someone
17 that perhaps, you know, is maybe Abreu or somebody from
18 her organization, um, provided that you're -- you're out
19 and able to do that. Um, that would be my recommendation
20 to you. So, I want to be very clear. For the next four to
21 five months. You need to do everything that you're doing
22 and stay out of trouble. Do you understand?

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

24 **PRESIDING COMMISSIONER BARTON:** Ms. Berry, anything

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1 else for the record? I can't hear you.

2 **INMATE ATTORNEY BERRY:** Yeah. And no, nothing
3 further. Thank you very much.

4 **PRESIDING COMMISSIONER BARTON:** Thank you everyone
5 for your participation. That's the decision of this Panel.
6 We were adjourned on this case. It is 1:55 PM.

7 **INMATE SIRHAN:** Okay. Thank you all. Thank you.

8 **VICTIM'S REPRESENTATIVE GROUBERT:** Thank you. Thank
9 you.

10 **INMATE ATTORNEY BERRY:** Thank you. Have a good
11 weekend.

12 **DEPUTY COMMISSIONER MEIGHAN:** Off the record.

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ADJOURNMENT

THIS TRANSCRIPT CONTAINS THE PROPOSED DECISION OF THE BOARD OF PAROLE HEARINGS (BOARD) ANNOUNCED AT YOUR RECENT BOARD HEARING AND IS PROVIDED TO YOU IN COMPLIANCE WITH PENAL CODE SECTION 3041.5, SUBDIVISION (A) (4), AND CALIFORNIA CODE OF REGULATIONS, TITLE 15, SECTION 2254. THIS PROPOSED DECISION WILL BECOME FINAL WITHIN 120 DAYS OF THE DATE OF THE HEARING AS REQUIRED BY PENAL CODE SECTION 3041, SUBDIVISION (B), UNLESS THE BOARD NOTIFIES YOU IN WRITING BEFORE THEN THAT THE PROPOSED DECISION HAS BEEN MODIFIED, VACATED OR REFERRED TO THE FULL BOARD, SITTING EN BANC, DUE TO AN ERROR OF LAW, ERROR OF FACT OR NEW INFORMATION PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 15, SECTION 2042. THEREAFTER, THE GOVERNOR HAS AUTHORITY TO REVIEW THE BOARD'S DECISION AND AFFIRM, MODIFY, OR REVERSE IT PURSUANT TO PENAL CODE SECTIONS 3041.1 AND 3041.2.

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CERTIFICATE AND DECLARATION OF TRANSCRIBER

I, Fran Matis, am a disinterested party, and have no interest in the outcome of the hearing. Further, I certify this transcript is a true, complete, and accurate record, to the best of my ability, of the recorded material provided for transcription of proceeding for:

In the matter of the Parole CDC Number: **B21014**
Consideration Hearing of:

SIRHAN BISHARA SIRHAN

R.J. DONOVAN CORRECTIONAL FACILITY

SAN DIEGO, CALIFORNIA

08/27/2021

8:45 AM

Signed: *Fran Matis*

Transcribed by: Fran Matis

Conduit Transcriptions

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