

Daniel Brown, Ph.D.
796 Beacon St. St.
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Legal Dept.
Richard J. Donovan Correctional Facility
480 Alta Rd.
San Diego CA 92179

Re: The February 10, 2016 Parole Hearing of *Sirhan B. Sirhan*.

DECLARATION

1. I, Daniel P. Brown, Ph.D. of 796 Beacon St. Newton, MA hereby declare and state as follows. I am an Associate Clinical Professor in Psychology at Harvard Medical School at the Beth Israel Deaconess Medical Center. In the course of my professional career I have been qualified as an expert witness on psychological assessment, memory, memory for trauma, and the effects of suggestive influence in numerous state and federal jurisdictions I have never been disqualified. I am the senior author of a textbook, *Memory, Trauma Treatment and the Law* (Norton, 1999), which was the recipient of awards from 7 professional societies including the Manfred Guttmacher award for the “outstanding contribution to forensic psychiatry” given jointly by the American Psychiatric Association and the American Academy of Psychiatry and the Law. I also served as an expert witness and consultant on three occasions for the prosecution at The International War Crimes Tribunal, The Hague, Netherlands. My expert testimony was adopted as the standard of evidence by the tribunal regarding the reliability of memory in extremely traumatized witnesses, and that standard has been upheld through two appeals. I have also served as an expert witness in the area of hypnosis. I have written four books on hypnosis, including a standard textbook, *Hypnosis and Hypnotherapy* (Erlbaum, 1986, co-authored with Erika Fromm). I also wrote the current guidelines on forensic interviewing with hypnosis, which appear in the current edition of *The Comprehensive Textbook of Psychiatry*. It is with these qualifications that I agreed to interview Mr. Sirhan B. Sirhan around his memory for the events leading up to and the evening of the assassination of Senator Robert F. Kennedy, and to conduct a detailed psychological assessment regarding Mr. Sirhan’s mental status.

2. In May, 2008, I was instructed by the attorney for Mr. Sirhan B. Sirhan, William F. Pepper, to begin a series of interviews with Mr. Sirhan. One purpose of the interviews was to conduct a detailed forensic psychological assessment of Mr. Sirhan regarding his mental status. The second purpose of the interview was to allow Mr. Sirhan the opportunity to develop a more complete memory, in a non-suggestive context, for the events leading up to and of the night of the assassination. The central question Attorney Pepper asked me to render an expert opinion about is whether or not Mr. Sirhan was a subject of coercive suggestive influence that rendered his behavior at the time of the assassination of Senator Robert F. Kennedy involuntary and also made him amnesic for his behavior and role in the assassination. What follows are my expert opinions to a reasonable degree of psychological certainty.

3. I interviewed Mr. Sirhan and conducted a forensic psychological assessment in 8, two-day sessions over a three-year span from 2008-2015 on: 1. 8/18-19/08; 2. 10/20-21/08; 3. 12/7-9/08; 4. 8/26-28/09; 5. 5/9-10/10; 6. 9/27-28/10; 7. 12/16-17/12; and 8. 8/24-25/15. In all, over a seven-year period, I spent over 100 hours interviewing and testing Mr. Sirhan. The first four visits were conducted at Corcoran Penitentiary, the next three visits were conducted at Pleasant Valley State Prison, and the last visit was at Donovan State Prison, all within the California Penal System.

4. In association with these interview sessions with Mr. Sirhan, I reviewed the following records and documentation: all FBI files on the investigation and FBI files on RFK; Audiotapes of hypnotic interviews of Mr. Sirhan conducted by defense expert Dr. Diamond, provided by the RFK archives, N. Dartmouth, MA; Test results, original Rorschach Inkblot test transcript, and spiral notebooks allegedly written by Mr. Sirhan, as published in Robert Kaiser's book; Mr. Sirhan's central file/unit health record, which contains his complete prison mental health record over the past 40 years.

5. I offer the following expert opinion with respect to Mr. Sirhan's mental status:

5.1 At his trial both defense and prosecution experts concurred that Mr. Sirhan was diagnosed as a paranoid schizophrenic. This expert opinion at trial was primarily based on the expert's subjective interpretation of a Rorschach Inkblot Test. Since the trial in the late 1970s and 1980s a scientifically reliable and valid scoring system the Thought Disorder Index (TDI) was developed and after that the Exner Special Scores System. Both of these scoring systems allow for an assessment of the degree of thought disorder, i.e. a central feature in the diagnosis of schizophrenia. Using this refined scoring system (not available at trial) Mr. Sirhan did not show any evidence of disordered thinking either on the original Rorschach test used at trial nor on the Rorschach I re-administered to him in 2008. The diagnosis of paranoid schizophrenia admitted at trial is completely inaccurate and based on junk science.

5.2 According to the intensive psychological assessment I conducted on Mr Sirhan, all of the findings with respect to psychiatric conditions show that he is normal and does not have a psychiatric condition. A number of these psychological instruments have validity tests, which were all in the normal range. Mr. Sirhan's report of symptoms is likely valid. Contrary to his prison psychiatric records, I found that Mr. Sirhan did not meet sufficient diagnostic criteria for a personality disorder, nor was there evidence of any violence risk using scientifically valid and reliable instruments to test for violence risk.

5.3 In a detailed psychological assessment of Mr. Sirhan Dr. Simpson-Callas at San Quentin Penitentiary in the 1970s found that Mr. Sirhan had neither a diagnosis of schizophrenia, or personality disorder, nor any other psychiatric condition. A recent independent forensic psychological assessment by Dr. Carrera of the Pleasant Valley Prison staff, as part of Mr. Sirhan's previous parole request, also found, using a number of the same tests I administered, no psychiatric conditions and low violence risk in Mr. Sirhan. Thus, there have been three

independent and comprehensive assessments of Mr. Sirhan's mental status and all three failed to find the presence of a psychiatric condition or significant violence risk.

6. As a result of extensive psychological assessment I offer the following expert opinions relevant to his mental state at the time of the assassination and criminal responsibility:

6.1 As a result of the extensive testing of personality factors associated with vulnerability to social influence I found that Mr. Sirhan strongly shows a variety of personality factors that are associated with high vulnerability to coercive suggestive influence. These factors include: 1. An extreme dissociative coping style; 2. Actual evidence of hypnotically-induced alter personality states; 3. Extremely high hypnotizability; and 4. High social compliance. Mr. Sirhan is one of the most hypnotizable individuals I have ever met, and the magnitude of his amnesia for actions not under his voluntary in hypnosis is extreme, more than I have observed in many other highly hypnotizable individuals. This unusual combination of personality factors makes Mr. Sirhan the type of individual extremely vulnerable to coercive social influence. To a reasonable degree of psychological certainty, Mr. Sirhan's uncharacteristic behavior and strong amnesia for that behavior on the night of the Senator Kennedy assassination is a combination of his very high hypnotizability, high compliance, a dissociative vulnerability on rare occasions to shift self-states in a manner that would cause him to act in an uncharacteristic way, a strong dissociative coping style, that would cause him to be 'out of it' and be confused and amnesic for such actions. Mr. Sirhan is also exactly the type of individual who could have been easily influenced/induced by others to engage in uncharacteristic actions for which he would subsequently become amnesic.

6.2 Mr. Sirhan regularly practiced self-hypnosis with fellow stable boys at the local race track where he worked. It was obvious to his co-workers that Mr. Sirhan's hypnotic behavior was highly unusually. Mr. Sirhan was observed to quickly enter very deep state of hypnotic trance state and to then respond compulsively and uncritically to suggestion the behave in certain ways for which he subsequently became amnesic. Shortly thereafter he was hired at a high-end race track in Corona and was told that he could ride the thoroughbred horses. Shortly, thereafter he had a fall from a horse he was riding. The medical record of the hospital shows that he was treated for a minor eye injury and discharged the same day. His mother and best friend both states that he was missing for two full weeks. Mr. Sirhan recalls being in the hospital for several weeks. Sometime thereafter he was taken to a military firing range and trained to shoot upon command at vital human organs while in an hypnotic state. On more than one occasion I was able to find the cue to induce "range mode," wherein upon hypnotic cue, Mr. Sirhan takes his firing stance, hypnotically hallucinates that he is shooting at circle targets at a firing range, automatically starts shooting, and subsequently is completely amnesic for the hypnotically induced behavior. This altered personality state *only* occurs while Mr. Sirhan is in a hypnotic or self-hypnotic state, and *only* in response to certain cues. This state never spontaneously manifests. While in this altered personality state Mr. Sirhan shows both a loss of executive control and complete amnesia. The fact that this distinctive self-state is cue specific and state-dependent is also quite unlike a psychiatric condition, namely dissociative identity disorder, wherein alter personality states manifest spontaneously, and is likely the product of coercive suggestive influence and hypnosis.

6.3 Mr. Sirhan recalled being led to the kitchen on the night of the assassination by a woman in a polka dot dress. He also recalls that as Robert F. Kennedy was approaching him in the kitchen this same woman taped him on the elbow twice (a common hypnotic cue) following which he immediately went into “range mode,” and believed he was shooting at circle targets at a local firing range.

6.4 It is my expert opinion that Mr. Sirhan was trained through a variety of coercive persuasion techniques to serve as a distractor on the night of the assassination, so that a second professional shooter could render the fatal shot. Mr. Sirhan has been in prison for over four decades for a crime that in all likelihood he never committed. Acoustical forensic analysis of the Prusynski audiotape by Philip Van Praag establishes reasonable doubt that Mr. Sirhan was the sole gunman, and likely not the assassin of Robert F. Kennedy, and establishes that 13 shots were fired during the assassination {Mr. Sirhan’s gun only had a maximum of 8 bullets). Furthermore, the fatal bullet was a hollow-point bullet that fragments upon impact leaving no identifiable marks. Therefore, there is reasonable doubt that Sirhan fired the fatal shot with his gun.

7. As result of extensive interviewing of Mr. Sirhan, an exploration of his responsiveness to automatic writing in hypnosis, and a review of record, I offer the following expert opinions that the allegedly self-incriminating evidence from his spiral notebooks, and certain self-incriminating verbal statements at trial, are the product of coercive persuasion and do not meet a test of voluntariness:

7.1 Mr. Sirhan’s entries in his personal spiral notebooks were used as evidence at his trial to incriminate him. The notebooks contain potentially self-incriminating statements such as “My determination to eliminate RFK is becoming more and more of an unshakable obsession.” These statements were used as strong evidence at is trial that Mr. Sirhan had premeditation to commit the assassination. In my expert opinion, these statements from his spiral notebooks were written by Mr. Sirhan through an hypnotic state using an automatic writing technique (in his own hand but therefore appearing somewhat differently than his waking hand writing) and were writing in response to suggestions given by third parties. Mr. Sirhan was an avid enthusiast of short wave radios. He had a short wave radio in his bedroom, and spent most nights before the assassination communicating on his sort wave radio to third parties. Mr. Sirhan frequently entered a hypnotic state while communicating with other parties on the short wave radio. While in trance Mr. Sirhan would automatically write down what was communicated to him, and subsequently was amnesic for the content of his automatic writing in the spiral notebooks. Given this new evidence, it is my expert opinion that the inculpatory statements in the spiral notebooks are a product of coercive persuasion by a third party, and therefore such evidence is comparable to a coerced internalized false confession. Such evidence, in my opinion, does not met the test of voluntariness or trustworthiness, and its likely inadmissibility should have been a central issue at his trial over 40 year ago.

8. The following expert opinions are offered to the officers at this February 10, 2106 parole hearing:

8.1 Given the consistent evidence derived from careful scientifically-based psychological assessment that Mr. Sirhan does not have a psychiatric condition including low violence risk, Mr. Sirhan’s petition for parole should seriously consider the conclusions of Drs. Simpson-Callas,

Brown, and Carrera regarding lack of a psychiatric condition and lack of violence risk over speculations about hypothetical violence risk.

8.2 Given the new ballistic evidence and new evidence from his interviews with me that Mr. Sirhan was trained to be a distractor at the assassination through systematic coercive persuasion, and that he remains largely amnesic for the role he compulsively carried out on cue, it should not be assumed at this parole hearing that Mr. Sirhan was the sole assassin, or even that he was the assassin the Robert F. Kennedy. Given that Mr. Sirhan enacted “range mode” upon a cue given by the woman in the polka dot dress at the time of the assassination, in my opinion is evidence that his mental state when in this hypnotic and coercively persuaded states lacks voluntariness, knowledge, and memory. Given the likelihood that Mr. Sirhan was in such a state at the time of the assassination, it should not be assumed at the parole hearing that he should manifest either knowledge of, remorse for, or clear memory for an event wherein his behavior was likely compulsively induced, involuntary, and for which he still has little memory.

8.3 Given this new evidence of the self-incriminating statements in the notebooks, and other verbal self-incriminating statements around the trial, are likely the product of involuntary coercive persuasion, in my opinion, arguments used at previous parole hearings that Mr. Sirhan admitted to the assassination are invalid in that they fail to consider the fact that these statements were a product of coercive persuasion and, in my opinion, do not met the test of voluntariness and trustworthiness. Arguments that “he said it,” or “he wrote it, therefore he is guilty,” used at some past parole hearings show little understanding of the extensive forensic literature and history of court decisions on false confessions and involuntariness.

8.4 Mr. Sirhan has been incarcerated for over four decades for a crime he is unlikely to have committed. Extensive psychological testing by me and others shows no evidence for any clinically significant psychiatric condition and low evidence for violence risk, combined with the new evidence that raises reasonable doubt that Mr. Sirhan was the assassin of Robert F. Kennedy, and also reasonable doubt about his previous written and verbal self-incriminating statements being voluntary and reliable, there is, in my opinion, no justifiable reason to deny his parole. Since he has spend all of his adult life in prison for a crime that he may not have committed, nor has volition about, knowledge of, nor memory for, the compassionate response would be to let Mr. Sirhan live the remainder of his life free. There is little risk here.

Respectfully Submitted,

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MA Psychologist #2399-PR
2/8/16

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge and belief.