

Verdict Was People's Will, Prosecution Says

BY RON EINSTOSS
Times Staff Writer

4-18-69

The circumstances of the murder and the conduct of Sirhan B. Sirhan were the major contributing factors to his conviction of first-degree murder, Chief Dep. Dist. Atty. Lynn D. Compton said Thursday.

Appearing at a press conference several minutes after the verdict, Compton, flanked by his fellow prosecutors, David N. Fitts and John E. Howard, termed the jury's decision "appropriate" and said it "expressed the will of the community."

Asked the penalty the prosecution will seek at that phase of the trial, scheduled to begin Monday, Compton said:

"I don't think it appropriate for me to express what we think would be the appropriate penalty."

He explained that "this is a unique case without precedent" and that it should be left to a jury to decide what should be the "appropriate" penalty for a political assassination.

'An Obligation'

The burly, 47-year-old ex-UCLA football player conceded that the fact that the prosecution early in the trial agreed to accept a penalty of life in prison "imposed on us an obligation not to assert the death penalty as an absolute must."

But he made it plain that Howard, who will deliver the prosecution's argument to the jury, will emphasize those facts which point to one punishment — presumably the death penalty.

Howard, who has been assigned to the case since moments after the shooting, and who has lost 35 pounds since the trial began in January, said the thrust of his summation

will be that the killing of Sen. Robert F. Kennedy was a "political assassination" and that the jury must decide what should be the proper punishment for such an act.

He hinted that he will hammer home to the jury what he described as Sirhan's lack of remorse.

He intends to remind the panel that while the elec-

torate went to the polls last June 5 Sirhan went to a pistol range. To be fair, Howard said, he will say all he can in Sirhan's favor, but, he added, "that will be very little."

Fitts, who carried the brunt of the prosecution's presentation in court, remained silent during the press conference, but he said later that he was "relieved" when he heard the verdict.

Psychiatric Testimony

Compton who had asked the jury to disregard the trial testimony of psychiatrists, said he did not think the verdict necessarily was a repudiation of such testimony in general.

Rather, he said, in this case the jury "did not accept the diagnosis of the psychiatrists."

The facts in the Sirhan case, according to Compton, pointed overwhelmingly to a first degree verdict. He said he felt Sirhan's outbursts in the courtroom "probably had very little effect one way or the other" on the jury's decision.

It was his conduct in plotting and carrying out the murder, Compton said, which was instrumental in influencing the jury.

Compton commended both Fitts and Howard, saying "this whole community owes a debt of gratitude to them for the work they performed on this case."

He also complimented the three defense attorneys, for their behavior during the trial.

Compton, Howard and Fitts all have been through death penalty trials before, Compton having obtained seven death verdicts, Fitts four and Howard, who has spent much of his career as a prosecutor handling major fraud cases, one.

However, with all their experience, there has never been a Sirhan case — a political assassination which in itself, as Howard said, affects "our democratic processes." The tension has shown on their faces and in their actions for months.