

SIRHAN CONVICTED IN FIRST DEGREE; JURY TO FIX FATE

Will Rule Whether Slayer of
Kennedy Gets Life Term or
Goes to Gas Chamber

HEARING IS SET MONDAY

Prosecutor Will Not Press
for an Execution—Killer
Takes Verdict Calmly

By DOUGLAS ROBINSON

Special to The New York Times

LOS ANGELES, April 17 —

Sirhan Bishara Sirhan was convicted today of murder in the first degree for the slaying of Senator Robert F. Kennedy last June 5.

The jury of seven men and five women also found Sirhan guilty on five counts of assault with a deadly weapon with intent to kill. This was for the wounding of five persons who standing near Senator Kennedy the night of the shooting.

Under California law, the same jury will now sit for a so-called penalty phase that will determine whether Sirhan dies in the gas chamber at San Quentin Prison or is sentenced to life in prison.

Superior Court Judge Herbert V. Walker set Monday morning to begin consideration of the penalty. Witnesses summoned by the District Attorney's office and the defense will advance their recommendations.

Lyndon D. Compton, the chief deputy district attorney, said several weeks ago that the state would probably not press for the death penalty. He said this was up to the jury to decide.

Bid for New Trial

Should the panel bring back a death sentence, the judge, at his discretion, may reduce the punishment to life impris-

onment.

The defense attorneys have said they expect to ask for a new trial once the jury has sentenced Sirhan. If the motion is granted, and it is not expected to be, the entire trial, including the penalty phase, would be repeated before a new jury.

Throughout the trial, the defense attorneys, while conceding that Sirhan shot and killed the Senator, attempted to convince the jury that the defendant was mentally incapable of planning, premeditating and weighing the legal consequences of his crime in a "mature and meaningful" way.

The verdict came on the 63d court day of the trial that began last Jan. 7. The jury deliberated for 16 hours and 42 minutes since receiving the case last Monday afternoon.

At 10:47 A.M. Pacific Standard time (1:47 P.M. New York Time) three buzzes were heard on the courtroom signal system. This was the signal that a verdict had been reached.

All the principals in the trial

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Jury to Fix Fate

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were in the courtroom at 11:11 A.M. when Judge Walker asked the jury foreman, Bruce D. Elliott, a computer analyst, whether the jury had reached a verdict.

"We have, your honor," Mr. Elliott replied.

The foreman handed six white forms to a bailiff who passed them to the judge. After studying them for a few seconds and glancing briefly at the defendant, Judge Walker gave the forms to the clerk of the court, Mrs. Alice Nishikawa.

Sirhan, dressed in an open-necked, light blue shirt and gray slacks, a garb he favored for the last month of the trial, was in control of himself as Mrs.

Nishikawa read the verdict.

Although three security men stood around him in case he should explode in rage as he did several times before, the defendant remained impassive but tense as the other verdicts were read.

Later, at a news conference, the chief defense attorney, Grant B. Cooper, said that "Sirhan's reaction was one of disappointment."

"Other than telling you that he expressed disappointment, our other conversations were privileged," Mr. Cooper said. "Sirhan requested that they be kept privileged."

After Mrs. Nishikawa had read all the verdict, Mr. Cooper asked that the jurors be polled individually on the first degree murder decision. As the clerk called their names, each of the

12 jurors said they had agreed to the verdict.

Sirhan, looking straight ahead, strode briskly from the courtroom to be returned to his cell.

At a news conference later in the morning, Mr. Compton said that the prosecution believed it was "an appropriate verdict."

"The jury analyzed the evidence and expressed the conscience and reaction of the community," he said.

Mr. Compton said that the state's position on whether to seek the death penalty was affected by its agreement to a defense request several months ago that Sirhan be allowed to plead guilty in exchange for a life sentence. The request was denied by Judge Walker, who said he believed that the public was entitled to know all the details of the crime.

Sees An Obligation

The prosecution's agreement to a plea, Mr. Compton said, "certainly imposes on us an obligation to not assert the death penalty."

In answer to a question, he said that the penalties for conviction of assault with a deadly weapon could not be added to a sentence of life imprisonment. "Under California law, nothing can be made consecutive to a life sentence," he said.

For his part, Mr. Cooper said the defense lawyers were "disappointed." He added that he was "not going to argue or quarrel with the jury."

"While I personally disagree with them, I know they made their decision fairly and honestly," Mr. Cooper said. "Obviously they are convinced beyond a reasonable doubt that Sirhan could maturely and meaningfully plan and premeditate a murder."

The attorney disclosed that he had renewed an earlier request for a new jury to decide the penalty but that Judge Walker had denied the motion.

The defendant's mother, Mrs. Mary Sirhan, and his 30-year-old brother, Adel, who have been faithful spectators all during the trial, were not in the court for the verdict. Adel Sirhan, reached by telephone, said of his mother:

"She's almost out and she's gone to bed. She's too depressed to talk. We all feel terrible."

Conflict of Witnesses

During the long trial, 90 witnesses were heard, 61 for the state and 29 for the defense. Among those who testified for the prosecution were persons who saw Sirhan shoot Senator Kennedy in the crowded pantry at the Ambassador Hotel

and a parade of policemen who arrested the defendant, questioned him immediately after the crime and had the laboratory tests relating to the crime.

Among the witnesses for the defense were a number of psychologists and psychiatrists who, although they did not agree on every point, believed that the 25-year-old killer was a paranoid schizophrenic psychotic unable legally to premeditate the crime.

Several of the defense psychologists were originally retained by the prosecution, a fact that the defense made sure did not escape the notice of the jury.

In rebuttal, the state found a psychiatrist, Dr. Seymour Pollack, who testified that, in his opinion, Sirhan was a borderline-psychotic who had the mental equipment premeditate the shooting. The last state witness, Dr. Leonard B. Olinger, was a psychologist who volunteered his services and who said the defendant was only a neurotic.

The state based most of its case for premeditation on notebooks found in Sirhan's bedroom in which the defendant had scrawled over and over that

Senator Kennedy and other political leaders, including former President Johnson, must die.

On the witness stand, Sirhan said that he did not remember either killing the Senator or writing in the notebooks. He did, however, express his hatred of Mr. Kennedy for the Senator's support of Israel and his pledge to send jet bombers to Tel Aviv if he were elected President.

End Of A Victory

Senator Kennedy was shot on the triumphal night that he won the Democratic Presidential primary nomination in California. He died of a massive head wound in a hospital the next day.

One psychiatrist for the defense, Rr. Benard L. Diamond, hypnotized Sirhan in his jail cell and got the defendant to re-enact the shooting. Dr. Diamond contended that Sirhan had been in a self-induced trance at the time of the killing, a result of his experiments with the occult.

The prosecution derided this testimony, labeling it a "fantastic story." Dr. Diamond himself, outside the courtroom, told newsmen that he did not expect anyone to believe him.

In his summation, Mr. Cooper told the jury that he did not want them to acquit Sirhan and said that Sirhan "deserved to spend the rest of his life in prison, whether he likes it or not." The attorney urged the jury to return a verdict of guilty of murder in the second degree since, he said, Sirhan, because of his mental state, did not deserve the death penalty.

Mr. Compton, in his closing argument for the state, described Sirhan as "cunning and vicious" and spent a good deal of his summation deriding psychiatrists for their conflicting diagnoses.

The defense based its entire case on a California legal concept that says a murder defendant must be found guilty of a lesser crime than first degree murder if the defense can prove that he acted with "diminished capacity" in that he had reduced mental ability to plan, premeditate and realize the gravity of his contemplated crime.

Engineer of the Sirhan Verdict

Lynn Davis Compton

By LACEY FOSBURGH
Special to The New York Times

LOS ANGELES, April 17—
The chief prosecutor stands in the courtroom the same way he must have stood in the line of the victorious, mighty Bruins.

In the Rose Bowl game on New Year's day in 1943, as the crowds cheered the winning football team from the University of California at Los Angeles, Lynn Davis Compton—a starting guard—surely shrugged his

Man in the News
hefty shoulders and shifted his bulk from one foot to the other, just as he has done for 15 weeks now in Department 107 of the Superior Court.

Here, in a small, hazy courtroom filled with guards and newsmen, the 47-year-old chief deputy district attorney has engineered the state's case against the 25-year-old man he first saw 10 months ago in the early morning hours.

In a police station not far from the hospital where Senator Robert F. Kennedy lay dying from the young assassin's bullets, "Buck" Compton first confronted Sirhan B. Sirhan.

That night, in his rough, but gentle voice the prosecutor tried to persuade the suspect to reveal his identity. Earlier this week he called Sirhan a cold, calculating killer, and today, a seven-man, five-women jury obeyed Mr. Compton's instructions and found the defendant guilty of first degree murder.

A career prosecutor who has worked in the District Attorney's office here since 1951, Mr. Compton has the reputation of being a tough, articulate, reflective man.

This was never more in evidence during the long trial than when the 200-pound

man delivered his crucial, final argument.

Instead of leaning decorously on the podium as the lawyers before him had done, he unbuttoned his suit jacket, perched on the end of the counsel table and looked straight into the waiting eyes of the jurors.

Characteristically, he spoke slowly and quietly. What he said, however, had the stunning effect of a sledgehammer deftly swung.

Discounts Mental State

He told the jurors to "throw out" the psychiatric testimony presented by the defense and to consider seriously only the objective facts in the case. What was important, he said, was not Sirhan's alleged state of mind and mental illness, but what, in fact, he had done.

The barely concealed scorn and skepticism that he admittedly has felt since the doctors first started streaming into the courtroom poured forth, apparently with success.

With his deep blue eyes and a gray crew-cut, thick hands and a large, broken nose an inch off center, the prosecutor is pure Spencer Tracy. And during the years, his friends say, he has always had this same blend of folksy charm, toughness and humor.

Born here in Southern California on Dec. 31, 1921, Mr. Compton graduated in 1943 from U.C.L.A., where he won letters and achieved a certain stardom in both football and baseball.

Detective Experience

He served subsequently during World War II in Northern Europe as a first lieutenant and rifle platoon leader in the 101st Airborne Division. Following combat in Normandy, Holland and in the Battle of the Bulge, he

was awarded the Silver Star, the Purple Heart and the Bronze Star.

After the war he entered Loyola University Law School and graduated in 1949. Following several years in the detective bureau of the Los Angeles Police Department, he entered the District Attorney's office. In 1966 he became the chief deputy.

Far south of his large, book-lined office filled with golfing trophies and pictures of rockets and spaceships is the Compton home in Palos Verdes, on a high cliff overlooking the Pacific Ocean.

Here, in the easygoing fashion of this sunny part of the world, he lives with his second wife, the former Donna Newman, and his two daughters, 12, and Cindy, 14, in a large, two-story Colonial house.

His apparently permanent tan comes from long hours spent around his swimming pool and walking each weekend over the rolling hills of a nearby golf course.

THE PROSECUTOR: Lynn D. Compton, center, chief prosecutor at the trial of Sirhan B. Sirhan, at a Los Angeles news conference, after the jury brought in the verdict, guilty. With Mr. Compton are his assistants, David N. Fitts, at left, and John E. Howard.

