

Can Sirhan Get A Fair Trial?

THERE IS A curiously unreal quality about the current effort to erect a wall of silence around the facts of the Robert F. Kennedy murder case for the purpose of assuring the accused slayer a fair trial.

The deeper purpose is to preserve the institution of the fair trial itself. No one doubts that Sirhan B. Sirhan assassinated Sen. Kennedy; he did so publicly, before many witnesses. But if Sirhan were denied the constitutional processes and safeguards, it would be easier to lay them aside another time in a less open-and-shut case.

Sirhan will in our judgment receive a fair trial. It will not be, however — and should not be — a fair trial in the strained and faintly ridiculous meaning of that phrase now being applied in this case and all too often in other criminal cases.

This murder was a political act as well as a criminal act. It was a political act because it was a violent challenge to the orderly American political process.

This political side of the crime made it an immediate threat to the public order and tranquility for the reason that it aroused fears of the unknown — the fear, particularly, of a widespread political conspiracy. This threat had to be removed quickly. It could be removed in only one way; by getting to the public, as rapidly as possible, basic facts about the murder and its motivation.

In short the political side of the crime set in motion at once, and in the most profound way, the need and the right of the public to be informed.

In this context we defend Los Angeles Mayor Sam Yorty's brief revelation concerning motive. Though we think some of his subsequent comments should not have been made, we believe his brief disclosure of Sirhan's anti-Israel fanaticism as revealed in a diary served an overriding public purpose. One could almost hear a national sigh of relief.

YORTY AND other public officials have now been silenced by a court order that seems to us of doubtful validity.

In this case and in many other crimes involving the public safety, those zealots who try to sanitize courtrooms in the name of fair trial, by gagging all concerned, are pursuing a course not only unreal and a will-o'-the-wisp but against the deepest public interest.