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Disturbing Trial Of Sirhan Sirhan

TEN MONTHS after the assassination of Sen. Robert F. Kennedy, the predictable verdict of first degree murder has been returned against his slayer. It came after a trial that lasted too long, cost too much, and was surrounded by an excess of court-imposed secrecy.

Nor is an end to this torturously slow business in sight. If the jury returns a death verdict in the penalty phase starting Monday, an appeal to the California Supreme Court will become automatic. Such an appeal, all the way to the U.S. Supreme Court, is likely in any event.

The question in the trial was not whether Sirhan Sirhan slew Robert Kennedy. He did, of course, before many witnesses. The question was whether he was so mentally sick that he could not be held legally responsible for his crime. That question should not have required seven months of combative legal maneuvering, or consumed 15 weeks of the time of a judge and jury.

Moreover the public was again presented with a ridiculous spectacle common to such situations, that of many presumed learned psychiatrists testifying to diametrically opposed conclusions, with a lay jury unversed in mental illness then compelled to choose between them.

OUR SOCIETY has gone through this elaborate ritual in an open-and-shut case in order to sustain our system of justice based on a presumption of innocence, and to prove anew to ourselves that even the most unworthy among us shall be judged fairly.

To the extent that these purposes were served, it was both necessary and praiseworthy. What is wrong with it is that, over the last two generations, the system has been encrusted by a judicial priesthood with all sorts of devices, mechanisms and incantations that rob it of the essential element of swiftness. It too little resembles the justice of 1933, when Giuseppe Zangara was fairly tried and executed within 35 days after he shot at President Franklin D. Roosevelt and killed Chicago's Mayor Anton Cermak instead.

To whatever extent the whole, prolonged ritual of the Sirhan case has failed to reassure our people about our system of justice, to that extent we are warned to start reforming it.

Certainly, too, it has not served to impress upon any small, mean, sick seeker after notoriety that assassination does not pay.