

DEFENDANT OGLES BLONDE

# Jaunty Sirhan, DA's Aide Swap Repartee

BY DAVE SMITH  
Times Staff Writer

A jaunty Sirhan Bishara Sirhan swapped repartee with Dep. Dist. Atty. David N. Fitts Wednesday as Fitts questioned a prospective juror in Sirhan's first-degree murder trial.

Sirhan's impromptu remark was the first time the 24-year-old Jordanian has spoken loudly in court.

Fitts had just asked Lawrence Morgan, a systems analyst for International Business Machines Corp., whether he would have the courage to face Sirhan three or four months from now "and tell him face to face that for the murder of Sen. Robert P. Kennedy, you must die in the gas chamber."

As Fitts spoke, Sirhan abruptly leaned forward in his swivel chair and smiled broadly at Morgan.

Fitts continued quickly to Morgan: "You can see him now, he just leaned over, and even smiled at you. He may smile at you all through the trial."

**'Smile at You, Too'**

"I smile at you, too, Mr. Fitts," Sirhan blurted in a clear, but good natured tone.

"Yes, you do," said Fitts. "You smile a lot."

Superior Judge Herbert V. Walker cut off the dialog with the admonition: "Restrict yourself to the questions, Mr. Fitts."

The prosecuting attorney repeated his question to Morgan, and Morgan said he could tell Sirhan directly if he should decide on a death penalty.

Morgan, Leslie H. Laney, a Post Office employe, and Alfonso Galindo, a civilian mechanic employed by the U.S. Navy, became the first three men provisionally seated on the jury. Four women already had been tentatively seated.

A milestone of sorts was reached Wednesday afternoon when Mrs. Alvina Alvidrez, the 21st prospective juror to be questioned, became the first to say she has conscientious objections to the death penalty.

**Quite Explicit on Position**

All 20 previous prospects—the 13

dismissed and the seven tentatively seated—have said they are not opposed to the extreme penalty.

But Mrs. Alvidrez, speaking in heavily accented but quite explicit English, said that "under no circumstances whatsoever" could she return a guilty verdict if a death penalty might result.

She was equally precise in stating that despite her view she felt qualified to sit in judgment on the question of guilt or innocence.

Fitts challenged the seating of Mrs. Alvidrez, but Judge Walker disallowed the challenge and said arguments would continue today on her qualifications to sit on the Sirhan case.

Defense atty. Grant B. Cooper, talking to newsmen after adjournment, cited a recent U.S. Supreme Court decision and a California Supreme Court decision in which murder convictions were reversed because the jury excluded persons opposed to the death penalty.

The U.S. Supreme Court ruling on the Witherspoon case held, in part, that "a jury from which all prospective jurors who oppose the imposition of the death penalty are excluded is not an impartial jury but rather constitutes a hanging jury . . . one that is uncommonly willing

to condemn a man to die . . . (and which) speaks for a distinct and dwindling minority."

Cooper said the Satterfield-Anderson case before the state high court was based on the Witherspoon case, and that California law further provides for two juries to try a case—one for the issue of guilt or innocence and the other, if needed, to decide the penalty.

As a result, Cooper said, Mrs. Alvidrez could not legally be excluded from the Sirhan jury, and that if a first-degree murder con-

is some question whether such a conviction could not also be reversed, on the same grounds as in the Witherspoon and Satterfield-Anderson cases.

"The precise question that is now before this court has never been definitely settled," Cooper said.

Sirhan's demeanor in court Wednesday seemed markedly lighthearted, in contrast to earlier days.

**Speaks in Arabic**

As he entered the courtroom he spotted an acquaintance in the back row, and said, brightly, in Arabic, "Abdeen, how's your health today?"

"Fine, thank you," answered Abdeen Jabara, 28, a Detroit-born attorney of Lebanese parentage. Jabara, who has identified himself only as a defense consultant, said he has been in Los Angeles for two weeks but that he had made one previous visit here since Sen. Kennedy was shot June 5.

He said he had not known the Sirhan family previously and that "I'm just out here as an observer—to observe the situation."

Jabara said he is with the Detroit law firm of Lafferty, Reosti and Jabara, but would name no other affiliations.

He is not an attorney of record in the Sirhan case, but for the last three days has sat with Sirhan's mother, Mary, and brothers Adel and Munir in the rear of the courtroom.

Jabara said he became a defense consultant on his own initiative and that he was not invited by defense attorneys. Both Cooper and Emile Zola Berman of the defense team confirmed this statement, adding that Jabara has done some translating from Arabic to English for them.

**Affection for Parsons**

During the questioning of jurors, Sirhan leaned close to his third defense counsel, Russell E. Parsons, 69, for whom he

reportedly has developed a strong affection.

Whenever Sirhan enters the court before Parsons is seated, he invariably positions the elderly man's chair and greets him warmly.

Wednesday Sirhan whispered often to Parsons, touching his sleeve and patting him affectionately on the back, seeming almost to cling to the attorney's presence.

After the exchange of remarks with Fitts, Cooper came to sit with Sirhan, while Parsons for the first time took over questioning of a juror.

During this time Sirhan sat back in his chair and followed Parsons' questions intently.

But at one point, an attractive blonde spectator in an orange dress

entered the court and Sirhan watched her as she went to her seat. Then he nudged Cooper, quirked an appreciative eyebrow, and made some whispered comment, which Cooper rewarded with a quiet chuckle.