



WEB OF GUARDS—Tight police security surrounds the trial of Sirhan B. Sirhan. The presence of Dep. Sheriff Donald Cheney is evident in the silhouette against a wall and a warning near the courtroom. Times photo by John Maluin

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Sirhan Prosecution Willing to Take Jury 'as Now Constituted'

Deputy DA in Surprise Maneuver Waives 19 of His 20 Peremptory Challenges; Status of 12th Panelist Unsure

BY DAVE SMITH
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In a surprise maneuver Friday, the prosecution in the murder trial of Sirhan Bishara Sirhan passed its peremptory challenges of prospective jurors and said it was willing to accept "the jury as now constituted."

If the defense does the same when the trial of the accused slayer of Sen. Robert F. Kennedy reconvenes Tuesday morning, it could mean that 11 permanent jurors would be ready for swearing in. The status of a 12th permanent juror was not resolved Friday, and six alternate jurors remain to be chosen.

The unexpected move by Chief Dep. Dist. Atty. Lynn D. Compton opened up the possibility that the prosecution could begin presenting its case as early as the end of next week.

Early Recess Requested

Upon Compton's announcement that the prosecution would not exercise the remaining 19 of its 20 peremptory challenges, chief defense attorney Grant B. Cooper requested an early recess until Tuesday to allow the three-man defense team "to weigh the possibility of accepting the jury as a whole."

Under normal circumstances, if the defense also waives its peremptories, the jury would simply be impaneled.

But in this case, one prospective juror, Miss Helen L. Woodworth, had not yet been accepted on legal grounds by both sides. A mutual stipulation Friday morning directed Miss Woodworth to get a statement from her doctor whether she could endure a lengthy trial.

Superior Judge Herbert V. Walker then directed that the jury selection proceed, even into the peremptory

challenges, despite Miss Woodworth's unresolved status.

The possibility that a final jury may be a near thing, or that Compton's maneuver was simply a ploy to force the defense ahead in its use of peremptory challenges, perhaps hinges on Judge Walker's

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Continued from First Page interpretation of "the jury as constituted."

Certainly Compton and Cooper have different views of it.

Compton said the prosecution holds that the jury includes Miss Woodworth, and that if she is not seated, then the jury will no longer be constituted the same way as when he passed the peremptories.

Cooper contends that the jury does not yet include Miss Woodworth, since she has not been passed by both sides, and that if he calls the prosecution on its bold play, the 11 jurors thus far seated on legal grounds will, in effect, be locked into the final jury, with only Miss Woodworth's seat yet to be filled and alternates chosen.

Compton's move came after questioning and unusually quick acceptance of a Jewish woman juror, Miss Dora Jacobi, who said she is a retired university instructor and former employe of the U.S. Armed Forces Institute's neuropsychiatric center.

Another Jew, Benjamin Glick, a Westside clothing

retailer, was accepted provisionally by both sides Thursday. Glick was the only prospective juror asked whether his religion would prejudice him against the 24-year-old Jordanian suspect.

Whatever the outcome of the peremptory ploy, both defense and prosecution did indicate that they "could live with this jury," no matter which side outmaneuvers the other.

Earlier Friday, a woman who says she could never decree the death sentence for anyone—including the slayer of Kennedy—was dismissed from the jury panel.

Judge Walker, reversing a previous ruling, decided in favor of a prosecution challenge to the seating of Mrs. Alvina Alvidrez, who had said that although she was firmly opposed to the extreme penalty in any case, she still felt qualified to judge the issue of guilt or innocence.

Cooper had battled to retain her since Wednesday afternoon, when Mrs. Alvidrez became the first person after 20 prospective jurors to oppose capital punishment.

Cooper cited recent high

court decisions which he said had ruled against the selection of so-called "hanging juries" by excluding people with conscientious scruples against execution.

Dep. Dist. Atty. John E. Howard, in rebuttal, had argued that Mrs. Alvidrez' views went beyond conscientious scruples and were inflexible to a degree not supported by the cases Cooper cited.

Judge Walker, after taking the matter under submission Thursday morning, ruled that Mrs. Alvidrez be excused on legal grounds. He cited a California Supreme Court decision handed down just a week ago, in the People vs.

Belvelman, that such irrevocable opposition to the death penalty constitutes a just challenge on legal grounds.

The prosecution exercised the only one of its 20 peremptory challenges it used to unseat Mrs. Alicia Duke, a divorcee and an accountant for the State Lands Division.

The defense also exercised one of its peremptories in dismissing Mrs. Sharon Engle, wife of a Glendale mortician. *and*