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SIRHAN TRIAL SET FOR KEY APPEALS

Two Opening Statements Are Expected This Week

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LOS ANGELES, Feb. 8—Although the trial of Sirhan Bishara Sirhan started 34 days ago and is expected to continue for two or three months more, one day next week may be the most critical day of all.

At that time two lawyers who have been silent during the process of jury selection will stand up in the small, crowded eighth-floor courtroom in the Hall of Justice here and deliver their opening statement.

First the Chief Deputy District Attorney, Lynn D. Compton, who has been absent for more than half of the proceedings, will speak.

The jurors, accustomed to hearing the two Deputy District Attorneys, David N. Fitts and John E. Howard, will then listen for almost an hour to the deep, gruff voice of the 6-foot-tall, 220-pound former football player outlining the prosecution's case.

Afterward, 66-year-old Emile Zola Berman, the slight, baldish defense lawyer from New York who has not yet said 10 audible words in open court, will rise and face the jurors.

Key Part of Trial

"This is about the most important part of the whole trial," he said the other day. "If you can't make the jury realize in the opening statement that you have a valid and strong defense, you're lost."

Day in, day out, Mr. Berman has leaned back in his chair, his fingertips pressed together, and studied the prospective jurors' faces as his colleagues,

Grant B. Cooper and Russell E. Parsons, questioned them.

"This is the only chance you have," he said, "for the weeks and weeks, and perhaps months, that go by until summation time, to explain your case and convince them of the validity of what you believe about your client."

Mr. Berman, a member of the board of trustees of the International Academy of Trial Lawyers, was chosen to deliver this important speech, Mr. Cooper explained, "because he's recognized as the top lawyer in the country at this. No one's better than Berman, he said.

"It's a real challenge," Mr. Berman said of the assignment. "It's tough."

In 1956 he waged a successful defense battle to have Staff Sgt. Matthew C. McKeon found guilty only of drinking on duty and simple negligence.

The sergeant been charged with culpable negligence and responsibility for the death of six marines in a South Carolina swamp.

"Here's a guy who shot Kennedy, and everybody knows it," Mr. Berman said. "You have nothing but hostility to start with. The whole case depends on how the jury reacts to my opening."

Problem Defined

He intends to argue, "not in psychiatric terms or mumbo-jumbo, but in English," that Sirhan was of unsound mind when he shot the Senator last June. He was in a state of "diminished responsibility" and could not have given the act the rational and mature consideration necessary for a first-degree murder conviction, Mr. Berman said.

"The problem will be to persuade them this is a real defense for Sirhan," he said, "and that psychiatry is not witchcraft or alchemy."

While the selection of six alternate jurors continued last week and is scheduled to resume Monday, the two lawyers have been busy preparing their speeches.

Mr. Compton, who has tried more than 100 murder cases in his 19 years as a prosecutor in Los Angeles County, said he "will negate some of the rumors that have arisen about the assassination."

The prosecution expects to call about 80 witnesses, many of whom saw the shooting in the Ambassador Hotel last June.

"I don't want to reveal ahead of time what I'm going to say," Mr. Compton said, "but some of our evidence may be unexpected. It may be something people are not aware of."