

# Sirhan's Motion for Mistrial Denied as Prosecution Opens

Jury Hears Statement That Defendant Attended Party for Sen. Kennedy at Ambassador Two Days Before Slaying

3-14-69  
BY DAVE SMITH  
Times Staff Writer

Sirhan Bishara Sirhan attended a preselection party for Sen. Robert F. Kennedy at the Ambassador two days before the senator was shot to death there, it was disclosed in the prosecution's opening statement Thursday.

The disclosure came shortly after Superior Judge Herbert V. Walker denied a motion for mistrial by Sirhan's defense attorneys.

The motion was based on grounds that a story in The Times Wednesday prejudiced Sirhan's right to a fair trial by saying the 24-year-old defendant probably would change his plea from innocent to guilty of first-degree murder.

## Jurors Interviewed

Judge Walker, after interviewing jurors privately in chambers, denied the motion. Though several jurors admitted hearing of the story, Judge Walker said, all agreed they could disregard it and decide the case solely on the basis of evidence produced in court.

Dep. Dist. Atty. David N. Fitts, in the opening statement of the prosecution's case, told jurors of Sirhan's activities, including target practice, for four months before the slaying on June 5.

The previously undisclosed highlight concerned a preselection party for the New York senator last June 2 in the Ambassador's Palm Court—a few yards away from the site of the fatal encounter in a pantry corridor.

Sen. Kennedy, destined to be the victor in the June 4 Democratic primary, addressed several hundred boosters at the party. Among the crowd, said Fitts, was the defendant, recognized by an acquaintance who had worked next door to Sirhan in Pasadena.

## 'It Could Kill a Dog'

Two days later, Fitts said, Sirhan was target practicing at the San Gabriel Valley Gun Club in Duarte with an eight-shot .22-caliber revolver. Asked by an observer what he planned to do with a pistol of such small size, Sirhan was quoted as answering:

"It could kill a dog."

Fitts was painstaking in his reconstruction of the slaying of Sen. Kennedy, the wounding of five others and the "complete pandemonium" that followed.

After Sirhan had been taken into custody, he said, the then Assembly Speaker Jess Unruh asked the

Please Turn to Page 26, Col. 1

Jordanian: "Why did you do it?"

"I did it for my country," Sirhan was quoted as saying.

"Why him?" said Unruh. "He was trying to help."

"It's too late. It's too late," the defendant was said to have answered.

Sirhan, 21, was born in Palestinian Jerusalem, in a sector later held by Jordan and now held by Israel. He is said to be violently anti-Zionist and pro-Arab, and was described as embittered by Sen. Kennedy's campaign statements on U.S. aid to Israel after the 1967 Israeli-Arab

war.

Fitts said Sirhan also asked police as he was being taken away, "You think I'm crazy, so you can use it in evidence against me?"

Fitts' smoothly delivered, hour-long statement was interrupted at one point by a defense objection when Fitts referred to six notebooks taken from Sirhan's Pasadena home.

These notebooks—from which Mayor Sam Yorty quoted Sirhan as having written that "Kennedy must be assassinated before June 5"—are the subject of a defense motion to suppress, on grounds they were illegally seized.

Judge Walker sustained the objection, and Fitts promptly concluded his statement by telling the jurors that evidence would show that Sirhan "alone was responsible for the tragedy at the Ambassador Hotel."

## Facial Expressions

Earlier, during argument over the mistrial motion, Sirhan displayed a wide variety of facial expressions — from broad smiles of amusement to a hand at his forehead in apparent surprise—as defense attorney Grant B. Cooper detailed the content of The Times story.

It was known, however, that Sirhan had read the story previously.

Cooper asked the mistrial ruling "on grounds that publicity emanating from the Los Angeles Times, followed by resumes on every television and radio station," had publicized the story "to the saturation point before the sequestering of the jury" Wednesday night.

Cooper offered into evidence—not to be shown to the jury — copies of Wednesday's home delivered editions of The Times and transcripts of broadcasts Wednesday on most metropolitan radio and television stations.

The Times' front page story said Sirhan "probably" would switch from a plea of innocent to a plea of guilty of first-degree murder, based on his defense counsel's under-

standing or firm belief that life imprisonment would be the most drastic penalty he would face.

The story also said that the only likely obstacle to such a change of plea would be Sirhan's refusal to agree to the change.

After consultation later Wednesday between Sirhan and his defense team, it was not known whether he had refused or approved such a change.

Cooper said of the story Thursday in court:

"For obvious reasons, and I'm not pointing an accusing finger at anyone, I can only say that this did not emanate from the defense."

He said news of the defense plan to agree to a guilty plea, with the understanding that a life sentence would ensue, would deny Sirhan the right to be later found guilty of any lesser degree of murder, such as second-degree murder or manslaughter.

Chief Dep. Dist. Atty. Lynn D. Compton answered Cooper's motion by saying there was "no showing at this time that jurors have read the article or heard of it on radio or television."

Compton said The Times' article was "simply a surmise on the part of a reporter" and that it was "beyond my comprehension that anyone could be so influenced by such an article."