

Possibility of Guilty Plea by Sirhan Now Appears Remote

Judge Walker's Insistence That Jury Must Determine Penalty in Case Seen as Barring Contemplated Change

Superior Judge Herbert V. Walker's insistence that the jury determine any penalty in the murder of Sen. Robert F. Kennedy has all but eliminated the possibility of a guilty plea by Sirhan Bishara Sirhan, The Times has learned.

Sirhan and his attorneys were willing to plead guilty to first-degree murder last week—on condition that the defendant be guaranteed a life term rather than the death penalty.

But Sirhan balked at the last minute, when Judge Walker refused to give his required consent to the arrangement. The 69-year-old jurist indicated he would accept a guilty plea only on condition that the penalty be set by the jury.

Later he is said to have confided that his reason for this was a resolve to guarantee a full airing of the facts surrounding the senator's assassination.

Sirhan then reportedly took the position, after consulting with his lawyers, that the jury might vote the death penalty even if it were not sought by the prosecution.

Seems to Know System

There is reason to believe Sirhan knows the vagaries of the jury system.

He could have been influenced by the outcome last year of the trial of former Dep. Dist. Atty. Jack Kirschke.

Kirschke, after being convicted of killing his wife and her paramour, received the death penalty—since reduced by the court to life imprisonment.

Within a few hours of his arrest, Sirhan reportedly told investigators that he felt the jury was wrong in returning a death penalty verdict against Kirschke.

He insisted that the evidence was

too weak to justify such punishment.

Speculation that Sirhan did not want to change his plea because he desired to tell his story of the assassination is not altogether valid.

He had agreed to plead guilty if he could be assured of life in prison.

If he had accepted the alternative presented by Judge Walker—pleading guilty and taking his chances in a penalty trial—he could have taken the witness stand to relate at least some of the details of why he shot Kennedy.

Judge Walker, it was learned, also felt that disclosure of the evidence

Please Turn to Page 30, Col. 5

Continued from First Page

would have laid to rest any doubt that Sirhan was acting alone when he fired the fatal shots.

Why did the two sides—the prosecution and defense—decide to take the proposal of a change in plea to Judge Walker?

Concede Shooting

The defense attorneys concede that Sirhan did the shooting. They have publicly stated that their main goal in the case is to save his life.

By agreeing to a change in plea, with a guaranteed life prison term, they would have accomplished such a mission.

The prosecution, on the other hand, fully intended from the beginning to seek the death penalty—and felt there was a good chance of success.

However, psychiatric reports furnished to both prosecution and defense reduced these chances.

The prosecution is said to have felt that if it had only a marginal chance of

securing the death penalty for Sirhan, the interest of the public might best be served by accepting a guilty plea, with life in prison, thus saving a great deal of time and expense and personal anguish for the families and individuals involved.

And the prosecution has indicated that it would make public the full record of its investigations in the event of a guilty plea.

Presumably there still could be a change of plea. But that is unlikely unless either Judge Walker or Sirhan reverses his present thinking.

Meanwhile, the prosecution is pushing ahead with its case against Sirhan.