

Woman Death-Penalty Foe Dropped From Sirhan Jury

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LOS ANGELES, Jan. 17—In a quick about-face, Superior Court Judge Herbert V. Walker today dismissed a woman irrevocably opposed to the death penalty from the jury being chosen for Sirhan B. Sirhan's murder trial.

The judge had said that he felt the prospective juror, Mrs. Alvina N. Alvidrez, could not be barred for cause, but the prosecution came up with a fresh opinion handed down by the California Supreme Court last week that changed his mind.

Prosecutor David N. Fitts told newsmen that he came across the decision only Thursday and brought it to the Judge's attention.

Mrs. Alvidrez's dismissal left the jury panel occupied exclusively by prospective jurors who have declared that they could look Sirhan in the face and send him to the gas chamber for the assassination of Sen. Robert F. Kennedy.

Chief Deputy District Attorney Lynn D. Compton told reporters that he was satisfied that all the jurors were "fairly strongly in favor of the death penalty."

Public Approval

"I've always felt the public in this area favors the death penalty more than most pollsters and writers are willing to admit," he said.

Compton denied, however, that it could be called "a hanging jury."

The U.S. Supreme Court ruled last year that individuals with conscientious objections to the death penalty could not be automatically excluded from juries in capital cases. A panel from which such jurors had been summarily excluded, the Court said, was "a hanging jury . . . one uncommonly willing to see a man die."

Mrs. Alvidrez, a dark-haired, heavyset woman from La Puente, said she could give Sirhan a fair trial on the first-degree murder charge against him, but "under no circumstances whatsoever," could she send him or anyone else to his death.

The California Supreme

Court decision that settled the issue was handed down Jan. 10 against Gerald A. Beivelman, who drew the death penalty for the 1967 murder of a woman proprietor during the robbery of a Sacramento liquor store. On appeal, his lawyers pointed out that several prospective jurors had been dismissed for their opposition to the death penalty.

Verdict Upheld

The State Supreme Court upheld the verdict. It explicitly rejected "the contention that a jury from which veniremen (prospective jurors) irrevocably opposed to the death penalty have been excluded" cannot fairly determine a defendant's guilt or innocence.

Chief defense counsel Grant B. Cooper indicated that the

issue would be appealed if Sirhan should be convicted. "We believe that (Judge Walker's) ruling affords us a constitutional issue," added defense attorney Emile Zola Beriman.

Sirhan's defense team has maintained that a separate jury could always be appointed to decide Sirhan's fate if he should be convicted. In California, a separate trial, though usually before the same jury, is held to fix the punishment in first-degree murder cases.

Another woman replaced Mrs. Alvidrez and, with 12 jurors chosen by noon today, both prosecution and defense began the cat-and-mouse game of using their peremptory challenges to get rid of those they want to keep off without disclosing their reasons.

DL 7-7000