

'LANDMARK' ISSUE

Juror Argued in Sirhan Trial

By **GEORGE ZUCKER**
 LOS ANGELES (AP)—Continued legal arguments over a prospective juror opposed to the death penalty raises the possibility the Sirhan Bishara Sirhan trial may become a landmark case in U.S. law.

Since Sirhan is charged with slaying Sen. Robert F. Kennedy, the trial commands worldwide attention.

BUT THE calling of Alvina Alvidrez as a prospective juror set the stage for a legal decision that could become a keystone ruling in future U.S. murder trials.

The battle was joined yesterday—the seventh day of Sirhan's trial—when Deputy Dist. Atty. David N. Fitts renewed his challenge to her seating.

Mrs. Alvidrez told the court Wednesday that "under no circumstances whatsoever" could she vote for a death penalty.

But, the bespectacled woman in her 30s added, she felt quali-

fied to judge the question of the 24-year-old Jordanian's guilt or innocence.

JUDGE HERBERT V. Walker indicated he would rule today on her seating. Mrs. Alvidrez is among five men and six women tentatively seated.

Both the defense and prosecution say it could be a landmark decision which ultimately might spare Sirhan, if convicted, from the gas chamber.

Should the disputed juror remain on the panel and Sirhan be convicted of first degree murder, Deputy Dist. Atty. John E. Howard said, the judge would risk a mistrial or the problem of double jeopardy—trying a defendant twice on the same charge.

THE DOUBLE jeopardy would come, said Howard, if the jury that convicted Sirhan had to be replaced by a jury to deliberate punishment.

Three prospective jurors, two

men and the wife of an undertaker, were seated yesterday.

One is Benjamin Glick, owner of a retail clothing outlet in West Los Angeles. In his first question to the Jewish juror, chief defense counsel Grant B. Cooper said the Arab-Israeli situation was sure to come up during the trial.

Glick responded by saying he felt he could be fair in deliberating the evidence against the defendant, a Palestine-born Arab.

ALL PROSPECTIVE jurors were escorted out of court yesterday before arguments on the seating of Mrs. Alvidrez began.

Howard said any juror whose opposition to capital punishment is irrevocable "must necessarily be biased."

The defense cites a recent U.S. Supreme Court ruling in the Witherspoon case which held that juries on which those

opposed to the death penalty were excluded "is not an impartial jury but rather constitutes a hanging jury."