

Sirhan Jury Is Sequestered as It Weighs Penalty

By DOUGLAS ROBINSON

Special to The New York Times

LOS ANGELES, April 21—The decision on whether to send Sirhan Bishara Sirhan to the gas chamber or to prison for the rest of his life was placed today in the hands of the jury.

The panel—the same one that found the Arab immigrant guilty last week of murder in the first degree for the shooting of Senator Robert F. Kennedy—retired to consider its verdict at 11:50 A.M., only two hours and 20 minutes after the penalty phase of the trial began.

At 4 P.M. the jury was sequestered for the night. It will resume deliberations tomorrow. If Sirhan receives a life sentence, he would have to serve at least seven years before even being eligible for consideration for parole.

Should the jury bring back a death sentence, the judge, at his discretion, may reduce the punishment to life imprisonment.

Before leaving the courtroom, the jury of seven men and five women heard one witness speak briefly and then heard impassioned arguments from both the prosecution and the defense.

The witness was the defendant's mother, Mrs. Mary Sirhan, who was called to the witness stand by Grant B. Cooper, the chief defense lawyer, at the outset of the penalty phase.

Mother Testifies

"Has your son, in his entire life before this shooting, ever been in trouble with the law?" Mr. Cooper asked the tiny woman with the sorrow-lined face.

"He has never been, and that is not from me or from him," she answered softly. "That is because I raised him up on the law of God and His love."

"Thank you very much, Mrs. Sirhan. That is all," Mr. Cooper said in a gentle voice.

Following a brief recess, John E. Howard, a deputy district attorney, began the state's final argument to the jury, a summation that included patriotism and vengeance among its ingredients.

Although the prosecution had

said earlier that it would not seek the death penalty, Mr. Howard erased that impression by saying, among other things, that "by your verdict you may eliminate Sirhan B. Sirhan altogether from society or merely eliminate him from your society."

"This defendant will regard permission to live as a triumph," he said, adding that "imprisonment for life implies an entry into a form of custodial society that can only suffer by his inclusion."

Mr. Howard, a large, florid man with close-cropped hair, reminded the jury that Senator Kennedy was "struck down at a moment when he represented the ideals and hopes of a substantial segment of the nation."

Impact of Death Recalled

"History may well record that, but for this defendant, Senator Kennedy might have succeeded to the highest honor and responsibility which the American democratic process can bestow," he said.

He asked the jury to consider the impact that more political assassins might have, saying that "a half-dozen would suffice to leave this country bereft of democratically endorsed leadership."

"Mitigation of political assassination, to any degree, must sooner or later spell an end to the traditional democratic process we now enjoy," said Mr. Howard, pausing dramatically between phrases. "If death is to be the reward for political aspiration, we will know our candidates only as two-dimensional images on the television screen and disembodied voices on the radio."

The deputy district attorney conceded that Sirhan was mentally abnormal, but urged that this not be the only consideration in deciding the penalty. He also cited the defendant's lack of remorse for the killing and his enjoyment of "star status" while on the witness stand.

Speaking of Sirhan's legal rights, Mr. Howard said that "we have lavishly expended our resources for the sake of a cold-blooded, political assassin while content to send patriotic Americans to Vietnam with a \$70 rifle and our best wishes."

"Sirhan was entitled to the

fair trial which he received," he concluded, "he has no special claim to further preservation."

In opposing the death penalty, Russell E. Parsons, a defense attorney, said that the entire world was watching to "see that justice is done."

"Do we execute sick people in California?" he shouted at the jury. "Do we follow Hitler who struck down the lame, the halt and the sick?"

Mr. Parsons reminded the panel that psychiatrists and psychologists, "the best that could be found," had testified that Sirhan was mentally ill, adding in an emotional voice that "you can't sweep that out the door, you can't get rid of it."

The 69-year-old attorney, among the first lawyers to represent Sirhan, spoke in an old-fashioned, fire-and-brimstone way of the "gruesome responsibility" of deciding on a death sentence.

Mr. Parsons recalled that when he once was a prosecutor, he had had to ask for execution.

"I still think about it," he said in a voice full of sympathy for the jurors and their task.

Then, it was the turn of Grant B. Cooper, chief defense counsel. In a measured, calm voice that reflected his confidence that the jury would do the correct thing, Mr. Cooper quoted Senator Kennedy, the law and the Bible in a final effort to spare Sirhan's life.

Senator Kennedy, he said, was a "victim of hate — hate generated in the bowels of a war a long way off and a hate that consumed the brain of a young man."

"You have gathered here this morning to decide an issue that should be God's alone — whether Sirhan shall spend the rest of his life in prison or breathe the deadly fumes of cyanide gas in the green execution room of San Quentin prison," he went on.

Mr. Cooper told the jury that the law "makes no distinction" between the penalties for first-degree murder, whether they be death or life imprisonment. "You are entirely free to act in your own judgment, your own conscience and your own

discretion," he said.

He cited the Biblical injunction that "vengeance is mine, saith the Lord" and appealed to the panel to "let the circle of violence end here in this courtroom."

He urged that Sirhan be sent to prison so that psychiatrists may study him to "learn more about the human mind and what makes people want to kill." It might even turn out, he said, that a study of the defendant "may avert another political killing."

Then, turning to a speech made by Senator Kennedy in

Cleveland on April 5, 1968, the day after the assassination of the Rev. Dr. Martin Luther King Jr., Mr. Cooper quoted the Senator as saying "when-ever an American life is taken, whether taken by the law or in defiance of the law, the whole nation is degraded."

"I beseech you to save Sirhan's life," Mr. Cooper said. "If the Senator were here, I'm sure he would say something like this to you."

Then turned and spoke to

the defendant, saying that "I've done all I can do for you under our system of justice." Sirhan looked back impassively, chewing a was of gum.

Then, Mr. Cooper looked at Mrs. Sirhan in the second row of spectators and said:

"To you, Mary Sirhan, his mother, I can do no more. I now entrust the life of your son into the hands of this jury. May your prayers be answered."

Mrs. Sirhan began to weep.