

Sirhan Jury Panel Questioned on Death Penalty

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LOS ANGELES, Jan 14 — Prospective jurors for the trial of Sirhan Bishara Sirhan were interrogated intensely by defense attorneys today about their attitude toward the death penalty.

Yesterday, for the first time in open court, Grant B. Cooper, chief counsel for the 24-year-old Jordanian immigrant, said that the defense would not contend that Sirhan did not fire the shot that killed Senator Robert F. Kennedy.

Mr. Cooper made it clear, however, that the defense would attempt to show that Sirhan's state of mind was such at the time of the assassination last June 5 that his "responsibility" or "capacity" was diminished.

Since Sirhan is charged with first-degree murder, the prosecution must prove "malice aforethought." If the slight, dark youth is convicted as charged, he faces life imprisonment or death in the gas chamber.

But under California precedents, the defense may win a conviction for a lesser degree of murder, or at least decrease the chances of a death sentence, by proving that the defendant's state of mind was such at the time of the act that he could not have given it "mature" consideration.

As the second day of jury selection began in the tightly guarded 75-seat courtroom on the eighth floor of the Hall of Justice, Mr. Cooper resumed his questioning of Miss Caroline R. Freeman, a young telephone operator.

"As you sit here in the jury box at the present time," the tall, gray-haired chief defense counsel asked, "do you feel that the death penalty is a more appropriate penalty than life imprisonment?"

Miss Freeman, a serious-faced blonde with tortoise-shell glasses, shook her head slowly and replied that she did not.

In California, a jury that convicts a defendant of first-degree murder then holds a separate proceeding to determine sentence.

Since there are no legal guidelines for the jury to follow in making the choice between life imprisonment and death, Mr. Cooper asked Miss Freeman how she would arrive at that decision.

"It would depend on how overwhelming the evidence would be," she answered softly.

Under further questioning,

Views Sought by the Defense at Coast Murder Trial in Kennedy Slaying

she conceded that if she was convinced that the defendant was guilty of murder in the first degree, she would "lean toward" the death penalty. Mr. Cooper immediately challenged her for "cause."

Later, under examination by David N. Fitts, a deputy district attorney who is doing most of the talking for the three-man prosecution team, Miss Freeman declared.

"I have no leanings one way or the other toward either penalty. It would depend on the evidence one way or the other which way I would go."

Superior Court Judge Herbert V. Walker overruled the challenge for "cause," and Miss Freeman became the second juror, both women, to be provisionally seated. In this state, the defense and the prosecution each have 20 peremptory challenges that they may exercise after 12 jurors have been temporarily seated. Challenges for cause are unlimited, but must be upheld by the judge. Mr. Cooper also questioned

prospective jurors today about their attitudes toward the defense of "diminished responsibility." Moreover, he again sought to learn if they had any prejudices against the testimony of psychiatrists or psychologists.

And hinting further at possible defense testimony to come, he asked their feelings about expert witnesses who might say that they had examined a defendant by using such "diagnostic tools" as hypnosis, lie detectors, ink-blot tests or truth serum.

Sirhan followed the proceedings with apparent interest, while the prospective jurors, their eyes flickering in his direction occasionally, seemed to avoid looking at him. However, he put his hand flat on the counsel table and stared hard at the varnished wood when Mr. Fitts asked Miss Freeman: "Would you have the courage to walk down from the jury chamber look at this defendant and say, 'Sirhan, for the murder of Robert F. Kennedy, you must die in the gas chamber'?"

And he did not look up as Miss Freeman, her face flushing slightly, said, "Yes, I would."