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SIRHAN LAWYERS STUDY JUROR LIST

May Accept Tentative Panel,
as the Prosecution Did

By LACEY FOSBURGH
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LOS ANGELES, Jan. 19 — By the time Sirhan Bishara Sirhan is brought into the eighth-floor courtroom in the Hall of Justice Tuesday morning, his three lawyers will have decided whether to accept the prosecution's surprise invitation last Friday to seat as permanent jurors the persons heretofore only tentatively chosen.

Eleven potential jurors have been provisionally passed by both sides and the status of the 12th was left unresolved Friday pending consultation with a doctor.

Depending on how the three protagonists in this intricate process of jury selection — the judge, the defense and the prosecution — play their hands Tuesday, the result could be that a 12-man panel would be sworn in soon and the trial would begin several weeks ahead of schedule. It was originally predicted that this phase would take from four to six weeks.

During the weekend as heavy rain fell steadily, the three lawyers defending Sirhan against a first-degree murder charge in the assassination of Senator Robert F. Kennedy have been in constant consultation, planning their next moves.

Private Inquiries

Simultaneously a handful of private investigators associated with the defense team has been working from before dawn until after midnight gathering information about the 12 possible jurors.

"We're not looking for gossip, or whether they have had credit ratings," explained 36-year-old Ronald Allen, a partner with Michael McCowan, the chief defense investigator, in a leading Southern California investigating firm.

"If any of these jurors are in poor emotional shape," he said, "we want to know it. If they have hang-ups which affect their views on life in general, this will obviously affect their ability to understand my client."

Both in the courtroom and in the judge's private chambers all prospective jurors have been questioned about their political and religious affiliations and their views on capital punishment.

Whether to Try Again

The problem the defense lawyers face, as one of them, Emile Zola Berman, explained this morning, is weighing the advantages and disadvantages of the present tentative jurors against "what we hopefully might get if we decide to try further."

If they try to acquire a group seemingly "more sympathetic to Mr. Sirhan" and more opposed to the death penalty, he said, they risk ending up with another set of jurors who would be worse.

Just before the court adjourned on Friday, Lynn D. Compton, chief deputy district attorney, who is one of the three prosecuting lawyers announced that the prosecution was willing "to accept the jury as now constituted."

The defense interpreted this to mean that the prosecution waived the use of the remaining 19 of 20 peremptory challenges of jurors.

Under normal circumstances, the defense would also agree to waive its 19 remaining challenges and accept the group and the jury would be impaneled.

However, in this situation, the key question is the 12th possible juror, Miss Helen L. Woodworth. Her status is undecided because Judge Herbert V. Walker told her to ask her doctor over the weekend if she could undertake the ordeal of jury duty.

Disagree on 11 or 12

The defense and the prosecution disagree on whether the phrase "the jury as now constituted" includes Miss Woodworth or refers only to the 11 others.

If on Tuesday Grant B. Cooper, the leading defense attorney, tells the courtroom that he accepts the prosecution's list, it will be up to the judge to rule on the matter.

The prosecution, saying that Miss Woodworth is included, contends that if she cannot participate and another juror must be selected to fill her place, the jury will no longer be constituted the same way as when Mr. Compton passed the peremptories. The jury question would then be open again and the prosecution would be free to use its remaining 19 peremptory challenges on all or any of the jurors.

Mr. Cooper, on the other hand, argues that because Miss Woodworth's status is undecided, she is not included in the group. If the defense accepts the 11 jurors, he contends, they are locked into the final jury and only Miss Woodworth's seat can be changed.