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Sirhan 2nd NL

By ARTHUR EVERETT

Associated Press Writer

LOS ANGELES AP - Sirhan Bishara Sirhan's pretrial offer to plead guilty to first-degree murder of Sen. Robert F. Kennedy was confirmed Thursday by the judge presiding at his trial.

It was the judge himself who refused to ratify an agreement between the 24-year-old Sirhan's defense lawyers and the state. Had he done so, Sirhan would have accepted a life sentence, and there would have been no trial and no possibility of a death sentence.

Death is the maximum penalty in Sirhan's current trial for the assassination last June of the New York senator.

The disclosure came after defense attorneys, in a morning conference in the judge's chambers, sought a mistrial on grounds that a newspaper story might prejudice the jurors in the case. The motion was denied, as one on similar grounds had been last week. The judge said he himself was the source for the newspaper account.

In the courtroom itself during the day, Sirhan was described as very alert and sober after the shooting, a crime the defense says was committed in a trance and while the young Arab was intoxicated.

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By ARTHUR EVERETT

Associated Press Writer

LOS ANGELES AP — Sirhan Bishara Sirhan was described Thursday as alert and sober after shooting Sen. Robert F. Kennedy, which the young Jordanian's defenders say he did while in a trance and intoxicated.

And it was disclosed that Sirhan has indeed expressed willingness to plead guilty to first degree murder if he could be guaranteed a sentence of life imprisonment.

The disclosure came when defense attorneys moved for a mistrial at a morning conference in the judge's chambers, on grounds that a newspaper story might prejudice jurors. The motion was denied.

The 24-year-old Arab is on trial charged with murder in the assassination of the New York senator last June.

One of the two policemen who arrested Sirhan after the shooting, Travis White, testified that in his opinion Sirhan was not under the influence of alcoholic liquor.

White said Sirhan was quite nervous—other witnesses have said there were shouts of "Kill him. Kill him"—but that "in three to five minutes he was calmer, he regained his composure.

After shining a light into Sirhan's eyes, to test reaction of his pupils, he said he concluded that the reaction was normal and not indicative of use of alcohol.

The morning conference concerned a story in the Los Angeles Times saying Sirhan had all but eliminated the possibility of a guilty plea because of the judge's insistence that the jury, rather than the court, determine the penalty. Sirhan was said to feel that the jury might condemn him to death even if the prosecution didn't recommend execution.

Said Superior Judge Herbert V. Walker, as quoted in the trial transcript: "Well, let me say that I gave some of that information in the newspaper out myself. I told them the plea had been offered, that I had refused the plea, but that I would take a plea and that the jury could try the penalty."

The judge said he felt that because someone had leaked an earlier story to the Times, saying that Sirhan was willing to plead guilty, "I wanted them to have the whole of that."

"I assign your honor doing that as misconduct," said Grant B. Cooper, chief defense counsel. He noted that the defense moved for a mistrial after the first Times story, on grounds it might influence jurors, and it was denied.

The first time, jurors were questioned individually about whether they would be influenced. One said it might make it difficult for him to return a verdict of second degree murder.

Thursday Judge Walker offered to remove that jurors. Cooper declined the offer, saying "other jurors likewise have heard these matters."

Cooper opposed release of the trial transcript containing the remarks in chambers, saying "then it (the publicity) spreads like ripples going out, your very objectives are defeated."

The judge said he saw no reason to keep it secret.

Officer White testified as a state witness about Sirhan's demeanor after the shooting at the Ambassador Hotel.

Q. Have you any opinion as to whether or not he was frightened.

A. He was very frightened. He was in terror.

Q. Have you any opinion after regaining his composure whether he was alert.

A. He appeared to be very alert.

Sirhan has been depicted by the defense as too emotionally and mentally unbalanced to premeditate the Kennedy slaying. Maximum penalty for premeditated murder is death in the California gas chamber.

Cooper subjected White to an hour of probing cross-examination, longest in the 26-day trial.

Cooper said White's partner, officer Arthur Placencia, examined the pupils of Sirhan's eyes, found them unresponsive to light, and concluded that the defendant could have been under the influence of drugs or intoxicants.

White testified that when he made a similar test, Sirhan's pupils contracted rapidly, a normal reaction. Use of alcohol, it was explained, would slow the contraction.

White conceded under cross-examination that he made no written report of the eye examination, or his findings, although he discussed both in pre-trial statements to prosecution interrogators.

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