

# SIRHAN COUNSEL TO BAR A DENIAL

To Concede on Shooting—  
Jury Selection Begins

By DOUGLAS E. KNEELAND

Special to The New York Times

LOS ANGELES, Jan 13 — Attorneys for Sirhan Bishara Sirhan told prospective jurors today they would not deny that he killed Senator Robert F. Kennedy.

As Sirhan's first-degree murder trial entered its fourth day in the small, heavily guarded courtroom on the eighth floor of the Hall of Justice here, a defense motion to set aside the petit jury panel as improperly constituted was denied by Superior Court Judge Herbert V. Walker.

After a short recess, 25 prospective jurors, including two Negroes among the 12 women on the panel, were led into the courtroom by sheriff's deputies. With the slight, dark defendant leaning forward and studying them intently, 12 were seated in the jury box. The others remained in the first three rows of spectator seats.

Approaching the first prospective juror, George E. Doudle, a middle-aged, graying man with horn-rimmed glasses, Grant B. Cooper, the chief de-

Continued on Page 14, Column 4

Continued From Page 1, Col. 1

fense counsel, first established that he worked in research and development for an aerospace company.

Then, after two or three other preliminary questions, Mr. Cooper declared in the hushed courtroom, its quiet broken only by traffic noises rising from the streets below: "There will be no denial of the fact that our client, Sirhan Sirhan, fired the shot that killed Senator Kennedy."

Sirhan has pleaded not guilty to the first-degree murder of Senator Kennedy and to five counts of assault with intent to murder five other persons. The five were wounded in the serving pantry at the Ambassador Hotel here where the Senator was mortally wounded by a .22-caliber bullet in the brain shortly after midnight last June 5.

The defense has never made a secret of its conviction that it would be difficult to convince a jury that Sirhan, who was overcome by friends of Senator Kennedy and arrested in the pantry, did not fire the shots. But when the admission finally came in open court, it seemed to have a vividly sobering effect on the prospective jurors and the spectators.

Letting a moment lapse for the impact of the statement to take effect, Mr. Cooper, a tall, smiling, 65-year-old former president of the Los Angeles County Bar Association, continued with Mr. Doudle.

Noting that Judge Walker would later instruct the jury that "not only the act, but the intent" must be weighed in determining whether Sirhan was guilty of first-degree murder, Mr. Cooper asked him:

"Now that you've been told the defendant committed the act, would that prejudice you so you couldn't try him for intent?"

Nodding his head slowly, Mr. Doudle replied: "I believe so."

### Cites State of Mind

Deputy District Attorney David N. Fitts, who is expected to do most of the talking for the three-man prosecution team, rose and asked Mr. Doudle:

"You understand that merely because he pulled the trigger, he cannot be found guilty unless a certain state of mind accompanied the act. Do you now feel that you couldn't give him a fair trial as to his state of mind at the time he committed the act?"

Again nodding his head, Mr. Doudle said, "Yes."

With the agreement of both the defense and prosecution, Judge Walker ordered Mr. Doudle removed from the jury box for "cause."

This initial exchange with a prospective juror gave an indication of one of the several difficulties expected to be encountered in seating a jury. Most legal observers believe it will take a minimum of three

or four weeks to get the 12 jurors and six alternates that Judge Walker wants on this case.

The number of alternates, which is unusually large, is another reason for the predicted length of the process. Ordinarily, two alternates are seated, occasionally four. Judge Walker has said he wants six for this trial because of the importance of the Sirhan case.

He noted in an interview, for instance, that the Hong Kong flu was still making inroads in the community and that he did not want to risk a delay or a mistrial by having illness cut the number of jurors below the required 12.

Another obstacle to the selection of jurors is the judge's order that they be sequestered throughout the trial, which Mr. Cooper predicted today would take about two months after the jury has been sworn. Two of the first three prospective jurors were excused because both sides agreed that it would be a hardship for them to be locked up for that long a time.

In California, lawyers for each side have 12 pre-emptory challenges, for which they can ask that a juror be removed without giving a reason. The number of challenges for cause, which must be demonstrated, is unlimited.

### Notes Political Angle

In his questioning of prospective jurors, Mr. Cooper noted that Senator Kennedy was a political figure, struck down just after he had acknowledged victory over Senator Eugene J. McCarthy in the California primary.

"It therefore may be necessary to question you," he said, "as to your political beliefs or preference of candidates."

In his instructions to the prospective jurors, Judge Walker warned them to be extremely candid in replying to questions from the bench, the defense and the prosecution.

"It is extremely important that we have a fair and impartial jury," the heavy-browed, 69-year-old judge declared.

The judge added that he would later ask all the jurors two questions: First, whether

they held such strong convictions against the death penalty that they could not find a defendant guilty of first-degree murder, and, second, whether their consciences would permit them to sentence him to death should he be found guilty.

In California, juries that find a defendant guilty of first-degree murder then hold a separate proceeding to determine the sentence, which the judge

may reduce at his discretion. The possible penalties for first-degree murder are life imprisonment or death in the gas chamber.

Judge Walker did not explain the purpose for which he would inquire into the jurors' conscientious beliefs. A recent United States Supreme Court decision, however, held that persons holding such beliefs could not be systematically excluded from juries.