

## Sirhan Bars Plea, Prefers Full Trial

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LOS ANGELES, Feb. 12—Sirhan Bishar Sirhan met today with his lawyers in the jail at the Hall of Justice and apparently decided to retain his plea of not guilty to first-degree murder in the slaying of Senator Robert F. Kennedy.

It was learned late today that the 24-year-old Jordanian immigrant wanted to go ahead with a full-scale trial.

Yesterday afternoon, after court was recessed early, with the trial scheduled to resume tomorrow after the Lincoln's Birthday holiday, Sirhan's lawyers, his mother, Mary, and a brother, Munir, visited him in the jail five stories above the eighth-floor courtroom.

Members of the defense team at the meeting were Grant B. Cooper, Russell E. Parsons and Emile Zola Berman, the lawyers, and Michael McCowan,

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chief defense investigator.

They are known to have explained to Sirhan the choices open to him when court reopens tomorrow. These choices were said to have been narrowed to two—going ahead with a full-scale trial and risking a first-degree conviction with the possibility of a death sentence or pleading guilty with assurances from the prosecution that it would not seek the death penalty.

Sirhan's first reaction was said to have been that he would "rather die than spend my life in jail." His dark, gray-haired mother, whose wrinkled, careworn face makes her look many years older than her 55, was reported to have favored any action that would assure her son's life.

For two hours, the visitors talked with Sirhan. His lawyers were said to have explained to him the "mathematics" of a second-degree or first-degree murder conviction, pointing out that there would be only three or four years' possible difference in the time in which he would be eligible for parole.

### Death or Life Imprisonment

The California Adult Authority has complete control over parole. A second-degree murder conviction carries a sentence of five years to life imprisonment. The Adult Authority then determines in each case what the minimum term will be and also considers applications for parole when the prisoner becomes eligible.

A first-degree conviction leaves the jury with the choice of death or life imprisonment. If the sentence is life, there is a provision that the convicted person must serve at least seven years behind walls.

After that, the Adult Authority may decide when he is ready for parole.

Another avenue that might have been open to Sirhan would have been to plead guilty to first-degree murder with the stipulation that the sentence would be life imprisonment.

This possibility apparently was ended Monday. At that time, District Attorney Evelle J. Younger for the first time joined the prosecution team of Lynn D. Compton, David N. Fitts and John E. Howard in the heavily guarded courtroom.

At a meeting in the chambers of Judge Herbert V. Walker of Superior Court, who is presiding, the prosecution and defense lawyers are reliably reported to have discussed a first-degree plea with a life sentence.

However, Judge Walker is

said to have opposed the move. "We don't want another Dallas," he is reported to have declared, alluding to the rumors of conspiracy that have persisted since Jack Ruby killed Lee Harvey Oswald before the Oswald case could be brought to trial.

In California, first-degree murder pleas with a specification of life imprisonment must be approved by the defense, the prosecution and the judge.

Yesterday, after the possibilities were explained to him, Sirhan is reported to have said that he wanted "to think about it." With that he was returned to the six-by-eight-foot windowless cell, where he is kept in isolation, except for a 24-hour guard, to ponder his decision.

If he had decided to plead guilty, the trial would probably have moved immediately into the penalty phase.

In this state, first-degree murder trials are divided into two parts. If the defendant is convicted, a second proceeding is held to determine the penalty. The jury must then decide, without any guidelines, on life or death.

Sirhan's lawyers have conceded that he fired the pistol that killed Senator Kennedy. However, at his arraignment last August, he pleaded not guilty to first-degree murder.

His lawyers have said the defense would be based on "diminished capacity." Under California law, a defendant may attempt to prove that his state of mind at the time of the act was such that he could not have given it rational mature con-

sideration. This is necessary for a first-degree conviction.

If "diminished capacity" is proved, the jury must find the defendant guilty of second-degree murder or manslaughter.

If Sirhan had changed his plea to guilty of first-degree murder, he could no longer use "diminished capacity" as a defense. However, his lawyers could still present testimony from psychiatrists and psychologists and other evidence during the penalty phase to attempt to show that he was in a confused mental state at the time of the shooting.

Sirhan is reported to have been examined repeatedly by defense psychiatrists and psychologists during his more than eight months in jail. He is said to have been administered a wide variety of tests and to have been examined frequently under hypnosis.

Although they did not have to under the law, defense lawyers are reported recently to have invited Dr. Seymour Pollack, a prosecution psychiatrist, to study Sirhan. Dr. Pollack is said to have been given full access to reports by defense psychiatrists and psychologists and to have observed Sirhan under hypnosis.

The prosecution and the defense are scheduled to present their opening statements when court opens tomorrow. However, a meeting is said to be scheduled in the judge's chambers before the public session begins at which a motion for a mistrial on the basis of publicity about the case is to be heard.

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