

"I think this poor fellow Sirhan is a very sad creature," said Mrs. Connolly. "It's hard to imagine anyone who would be driven to something like this."

Missing Sirhan, the couple still rated the visit to the court building worthwhile.

"It's certainly different from courtrooms in little St. Paul," said Mrs. Connolly, observing the tight security practices.

Hall of Justice secretaries and clerks lined the hallway during their coffee breaks—mostly, they said, just out of curiosity.

"Sirhan looks pitiful to me. I feel sorry for him," said Mrs. Dora Pace who waited outside the courtroom with her daughter-in-law, Mrs. Dorothy Pace, and two noisy grandchildren, Robert, 2, and Luwanda, four months. The Paces longed for a glimpse of the Jordanian defendant. They didn't get it.

"I'm the mother of six boys and I'd hate for that to happen to one of my sons," said Mrs. Pace. "They can do anything but take a life."

"I saw Mrs. Sirhan on television," she added thoughtfully. "She looks pleasant and peaceful, and like she is a mother who tried to do a good job."

Mrs. Mary Sirhan did not appear at the Hall of Justice yesterday. It was the first time since Sirhan's arraignment in Municipal Court before Judge Joan Dempsey Klein that the young defendant had no family support in the courtroom.

Complaints that they could not see Sirhan were echoed by people who thought they had a right to members of the press in the auxiliary courtroom.

Technicians sought to remedy that problem yesterday afternoon by installing a new closed circuit television camera aimed directly at Sirhan's seat in the courtroom. The defendant will now appear on camera throughout the proceedings.

Complaints from the public, however, are not so easily answered. The interested and the curious gather daily, always hoping for a look at Sirhan.

(Mount Clipping in Space Below)

Sirhan Jury Selection To Begin Monday

By JOHN DOUGLAS

Herald-Examiner Staff Writer

Jury selection in the trial of Sirhan Bishara Sirhan, accused as the murderer of Sen. Robert F. Kennedy, can begin Monday, according to the chief of his defense team—Grant B. Cooper.

Cooper made his announcement to newsmen as he emerged from a day-long, closed-door hearing in the chambers of Superior Court Judge Herbert V. Walker, who presides over the Sirhan trial.

During that hearing, seven radio newsmen and two others were quizzed about publicity given Cooper in his troubles with the Federal Court and grand jury.

The nature of the hearing was ordered kept secret by Judge Walker. Defense and prosecution lawyers refused to disclose what was argued, whether Judge Walker made a decision, and—if he did—what that decision might be.

In the words of Emile Zola Berman, a associate defense counsel:

"I am absolutely forbidden to discuss the matter in any way, shape or form."

However, Wednesday Berman

indicated he wanted a 30-day postponement of the Sirhan trial because of Cooper's grand jury problems. It is believed that is what was argued yesterday.

Since the trial will proceed Monday, it is presumed that Berman was unsuccessful.

Judge Walker also ordered the newsmen witnesses not to discuss their testimony—even in their own broadcasts.

First witness called to Judge Walker's chambers yesterday was Dean F. West. He declined to give his occupation or say why he had been subpoenaed. However, it was learned West operates a commercial radio monitoring service from his Hollywood home.

He was followed by Herb Humphries, managing editor of KFWB. Humphries said he and the station's news editor, Ken Weinberg, both were subpoenaed at their desks early in the morning. He said they were not told why they had been called, nor to bring any material with them. Weinberg was excused without testifying.

Most of the other newsmen, however, said they had been

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asked to bring with them materials broadcast about Cooper, sat disconsolately in the jury box of the armor-plated eighth floor courtroom which adjoins Sirhan material.

Cooper has appeared twice before the grand jury, and must make at least one more, as yet unscheduled, appearance to explain how he came into possession of a secret Federal Grand Jury transcript relating to the Friars Club card-cheating case.

Hugh Brundage, KMPC newsman, brought tapes of a broadcast relating to Cooper to the hearing. Subpoenas duces tecum (orders to produce records) were not served on any of the witnesses, and Jon Goodman, 34, KNX newsman, said his station had refused to produce its broadcast logs as requested by the defense lawyers. Goodman was accompanied by William Hill, associate counsel of Columbia Broadcasting Company's System Division, which owns the station.

Hill denounced subpoenaing of the newsmen as a "fishing expedition," and said CBS would refuse to produce any records unless specifically ordered by the court.

Other newsmen called yesterday were: Dean Sander, KLAC assistant news director; Bill Brown, KHJ; Lou Leslie, KABC assistant assignment editor, and Leo McElroy, KFI public affairs director.

One witness apparently was subpoenaed by mistake. She was Diana Smith, secretary to Clay Brown, Los Angeles manager for American Research Bureau — a radio rating service.

Miss Smith said she was the only one in her office when the defense process server arrived early yesterday morning. She said he asked her name, filled it in on the subpoena, and told her to "get down to the Hall of Justice."

The mini-skirted Miss Smith sat disconsolately in the jury box of the armor-plated eighth floor courtroom which adjoins Judge Walker's chambers. She frowned and bit her thumb, smiling only when Defense Investigator Michael McGowan told her she was free to go.

McGowan excused her when it was determined that she not only knew nothing of interest to the defense, but also that she could not read the computer print-out in which her employers make their reports. The final witness of the day was Robert Light, president of the Southern California Broadcasters Association.

Open court proceedings in yesterday's session lasted only eight minutes. That time was spent in making arrangements for copies of an 1010-page transcript of proceedings in the Sal Castro-Brown Beret case.

Attorneys in that case have attacked the grand jury selection system in the county on the same grounds as Cooper, who will assail it later in the Sirhan trial in an attempt to have the young Jordanian emigrant's indictment quashed.

The grounds are that the system of nomination of prospective grand jurors by Superior Court judges serves to exclude the members of certain minority groups.

Cooper, Berman and the third defense lawyer, Russell E. Parsons, will spend the weekend studying the transcript also for possible use in their attack on the petit (trial) jury system.

This attack, on the grounds that the jury system is inherently unfair to Sirhan because certain members of professions may be excused by law from jury service, will be mounted Monday before jury selection may begin.

(Mount Clipping in Space Below)

Ask Death For Sirhan

By JOHN DOUGLAS

Herald-Examiner Staff Writer

San Quentin's gas chamber cast its grim shadow over the courtroom today as jury selection in the Sirhan Bishara Sirhan murder trial moved into its second day.

Any lingering doubt the prosecution will seek the supreme penalty in the case of the man accused of the murder of Sen. Robert F. Kennedy vanished yesterday. Deputy District Attorney David N. Fitts bluntly told a prospective juror the state would not only ask the penalty, but "urge it."

Mrs. Rosa Molina, nurse and widow, was tentatively seated as a juror when, after some hesitation, she mumbled "yes sir," to Fitts' thundered question:

"If you arrived at a decision that this was proper in the case of Sirhan Bishara Sirhan, would you have the courage to say, 'for the murder of Sen. Kennedy you die in the gas chamber?'"

Judge Herbert V. Walker, who presides over the trial of the man accused of fatally shooting Kennedy early the morning of June 5, 1968, in an Ambassador Hotel kitchen, braces each prospective juror with two questions regarding the death penalty.

He asks:

"Do you hold an opinion or conviction such that you would be unable to find guilty verdict if the penalty was death?"

"Is your opinion of the death penalty such that you would automatically refuse to impose it without regard to evidence in the case?"

So far, no prospective juror questioned by Judge Walker has made an affirmative answer to either question.

It is not just the prosecutor and judge who are concerned with the jury prospects' death penalty attitude.

Chief defense counsel Grant F. Cooper did not accede to

suggesting Mrs. Molina until she answered "no" to his question;

"In the recesses of your heart and mind, knowing what you know now, do you have a leaning toward life (imprisonment) or death as a proper punishment?"

When court resumes this morning, the questioning of Miss Caroline L. Freeman, a clerk for Pacific Telephone Company's "Yellow Pages," will continue.

Judge Walker adjourned the trial yesterday following a secret, in-chambers session in which he, and defense and prosecution lawyers queried her about what publicity she has

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Judge Walker adjourned the trial yesterday following a se-crecy, in-chambers session in which he, and defense and prosecution lawyers queried her about what publicity she has seen and heard of the Sirhan case, and what, if any, effect that publicity might have on her fitness to serve on the jury.

Miss Freeman apparently passed that test. So far, only the questioning of Mrs. Molina and Miss Freeman progressed to that point. Questioning of the first jury prospect yesterday brought open-court confirmation of a defense tactic Cooper had already disclosed to newsmen.

He announced to prospective jurors: "There will be no denial of the fact that our client, Sirhan Bishara Sirhan, fired the shot or shots that killed the late Sen. Kennedy and injured others."

The jury will be asked to consider Sirhan's intention, Cooper said.

George Doude, Aerospace Corp. property management executive, was excused by Judge Walker after he told Cooper he did not believe he could find Sirhan not guilty of first-degree murder in circumstances where Sirhan admitted he fired the shots but maintained innocence by reason of intent.

Double, bifocaled and dark-suited, replied with a firm "no sir," in response to Cooper's probing.

Sirhan displayed no emotion

when the chief of his defense team said he would admit killing Kennedy. At other times, however, he showed great animation. Several times he huddled close to Russell E. Parsons, defense attorney who has represented him the longest, whispering in Parsons' ear and apparently receiving reassurance in return.

Twice he acknowledged the presence of his mother, Mrs. Mary Sirhan, and brothers Adel and Munir (Joe) at the rear of the courtroom.

When the first panel of 25 prospective jurors was brought into court, Sirhan studied the face of each intently.

Yet when the jury prospects returned from lunch, the young Jordanian immigrant did not glance up from the letter he was reading.

Sirhan received two typewritten letters yesterday. Parsons read each first and then gave them to his client.

Mail for Sirhan flows into the Hall of Justice every day, both from the post office and by hand delivery. One day last week a teenaged Negro girl delivered two letters to the deputies guarding the man accused of slaying Kennedy. His name was misspelled on each envelope.

The hardship of jury service in a trial that may last three months or longer led to the dismissal of three prospective jurors yesterday.

Machinist Guillermo Salvador was released when he expressed concern over his loss of wages should he serve. Mrs. Lois Knowlton was dismissed because of her husband's illness. Mrs. Nadine Echols, a typist, was excused when she said that concern for her three small children might impair her fitness to serve throughout the long trial.

Most of the day was taken up questioning Mrs. Molina.

In that questioning, the defense appeared to draw the veil from more of its strategy.

Cooper questioned Nurse Molina carefully about her attitude toward psychiatry and psychology.

A titter ran through the courtroom when he asked a firm

"no" to his only half-facetious

query, "Do you think all psychiatrists and psychologists have to be crazy themselves?"

Mrs. Molina was also asked if she was "prejudiced against the use of hypnosis, lie detectors (polygraphs), and sodium-pentothal (truth serum)."

She answered, "No, sir."

Defense psychiatrists have been studying Sirhan since his arraignment. Their finds are available only to Cooper and his associates, Parsons, and Emile Zola Berman. They have so far refused to discuss them.

Cooper, as expected, also queried Mrs. Molina about her reaction to the concept of diminished capacity," or, as he described it, "diminished responsibility." This is a valid criminal defense in California.

Under the defense of diminished capacity, a defendant cannot be found guilty of first-degree murder if it is determined that, although sane, his capacity to understand the full nature of his action is impaired.

In "diminished capacity" it is held that there may not be "intent" to commit a crime if there is such an impairment. This impairment can be the result of fear, obsession, anger, terror, drugs or even alcohol.

It is expected that Cooper will bear heavily on a defense of diminished capacity as the trial wears on.

Sirhan's family seemed far less reserved than it was when the trial opened. The Sirhans yesterday received advance copies of two national magazines that carry stories of their son and brother this week. They huddled over the weeklies, whispering back and forth, and finally, discussing them briefly with newsmen.

Mrs. Sirhan disclosed she has not visited her son in his isolated jail cell on the Hall of Justice's 13th floor since the trial began. Her son, Adel, cut her off abruptly when she was asked why.

A recent newspaper profile of his brother said the family name means "wanderer" in Arabic. One of the magazine articles gives "wolf" as the English translation.

What does Sirhan mean? "Wandering wolf," was Adel Sirhan's smiling rejoinder.

His mother murmured, "Oh, no," and turned away.

Caroline

(Mount Clipping in Space Below)

3 More Women Tentatively OK'd for Sirhan Jury

Selection of Trio Helps Accelerate Process That May Require Three Weeks

BY DAVE SMITH
Times Staff Writer

Three more women jurors were provisionally accepted Tuesday as jury selection accelerated in the trial of Sirhan Bishara Sirhan, accused slayer of Robert F. Kennedy.

One woman was provisionally seated Monday.

Activity in the small courtroom of Superior Judge Herbert V. Walker centered on exhaustive and repetitious probing by prosecution and defense attorneys of prospective jurors.

Three of the most important areas of questioning involve the effect of the pretrial publicity on the jurors' opinions on the case, the jurors' views on the death penalty and their attitudes on psychiatry.

Carolyn L. Freeman was tentatively seated on the jury, but not until Grant B. Cooper, chief defense attorney, challenged her on the death penalty.

States Her Views

That was when Miss Freeman, a clerk for Pacific Telephone Co., said that in a case where she was completely convinced that willful, deliberate, premeditated murder had been proved "I think I would lean toward the death penalty."

Under questioning by Dep. Dist. Atty. David N. Pitts, Miss Freeman modified her answer, saying that her verdict "would depend on the mental attitude" of the defendant and whether he had been aggravated or provoked into murder.

"Now after all that fol-de-rol," said Cooper, "let me ask you again. If you were totally sure that first-degree had been proved, would you lean toward the death penalty or toward life?"

"I don't lean either way," she answered.

Judge Walker denied Cooper's challenge.

Questioned on Prejudice

Cooper also asked Miss Freeman if she felt any prejudice or disregard for the science of psychiatry and its various diagnostic tools, such as hypnosis, lie-detector tests, sodium pentathol and ink-blot tests.

"No," she replied each time.

She said she could fairly weigh testimony the defense will introduce to show that Sirhan's state of mind before the killing was such as to diminish his responsibility for the killing.

Cooper has said repeatedly that the defense will not deny that Sirhan killed Sen. Kennedy, but that it will show that obsessive thinking and an emotional frame of mind affected his capacity to formulate the specific intent to commit first-degree murder.

For premeditated murder to be proven, the jury must be convinced that both the act of murder and the intent to murder were clearly demonstrated by evidence.

Since the defense has granted the former as an acknowledged fact, it is banking its defense of Sirhan on the hope that the jury will accept their evidence of Sirhan's limited capacity to plan first-degree murder and then find him guilty on a lesser charge.

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Charge Could Be Reduced

The first-degree murder charge could be reduced to second-degree murder, which carries a sentence of five years to life. First-degree murder convictions carry a penalty of life imprisonment or death in the gas chamber.

Following acceptance of Miss Freeman, defense and prosecution attorneys were fairly quick in approving Mrs. Alicia Duke, an accountant for the State Lands Division, and Mrs. Barbara L. Collins, a service representative for Pacific Telephone.

Cooper and Pitts both seemed impressed with Mrs. Duke, who answered questions quickly, in a clear direct tone.

She also provoked some laughter in the courtroom when she told Cooper she had read very little about the Sirhan case because "I don't read either of the Los Angeles newspapers."

"Why?" asked Cooper.
"Because I don't think the two Los Angeles daily papers are very well-written," she explained.

Has Own TV Set

She told Cooper that her reading included the sports section of The Times, "the New York Times when someone hands it to me," and two magazine subscriptions, to Time Magazine and Sports Illustrated.

She does own a television set, she said, but added, "my son is the only one who watches it."

In questioning Mrs. Collins, Pitts asked if she would be inclined to be lenient in her verdict on Sirhan because of his apparent youth.

"Would you give the kid a break just because he's a kid?" Pitts asked.

"No," said Mrs. Collins. Mrs. Collins also said she believed that the murder of Kennedy made the case no bigger a murder simply because the victim was a prominent political figure.

'Most Difficult' Task

Pitts asked her, as he has each prospective juror, "Could you come down from the jury room and face Sirhan and tell him he must die in the gas chamber?"

"It would be the most difficult thing I've ever had to do," she said, "but I could do it."

Three jurors were excused Tuesday after telling the court they would suffer loss of pay or even their jobs if the trial were to take up the expected two or three months. A fourth was excused after he said the trial would be a personal hardship because of illness in his home.

At a news conference after adjournment, defense attorney Emile Zola Berman of New York said the selection of three jurors in one day made him feel "a lot more sanguine today than when we started," but he estimated that impaneling the jury will still take another 18 days.

After 12 jurors are provisionally seated, both defense and prosecution may exercise 20 peremptory challenges each to dispose of jurors about whom they have doubts.

Political Issue

Asked if the Arab-Israeli political situation was expected to figure in Sirhan's trial, Berman said the defense would not introduce the topic, but that it would figure insofar as it goes to explain Sirhan's motivations.

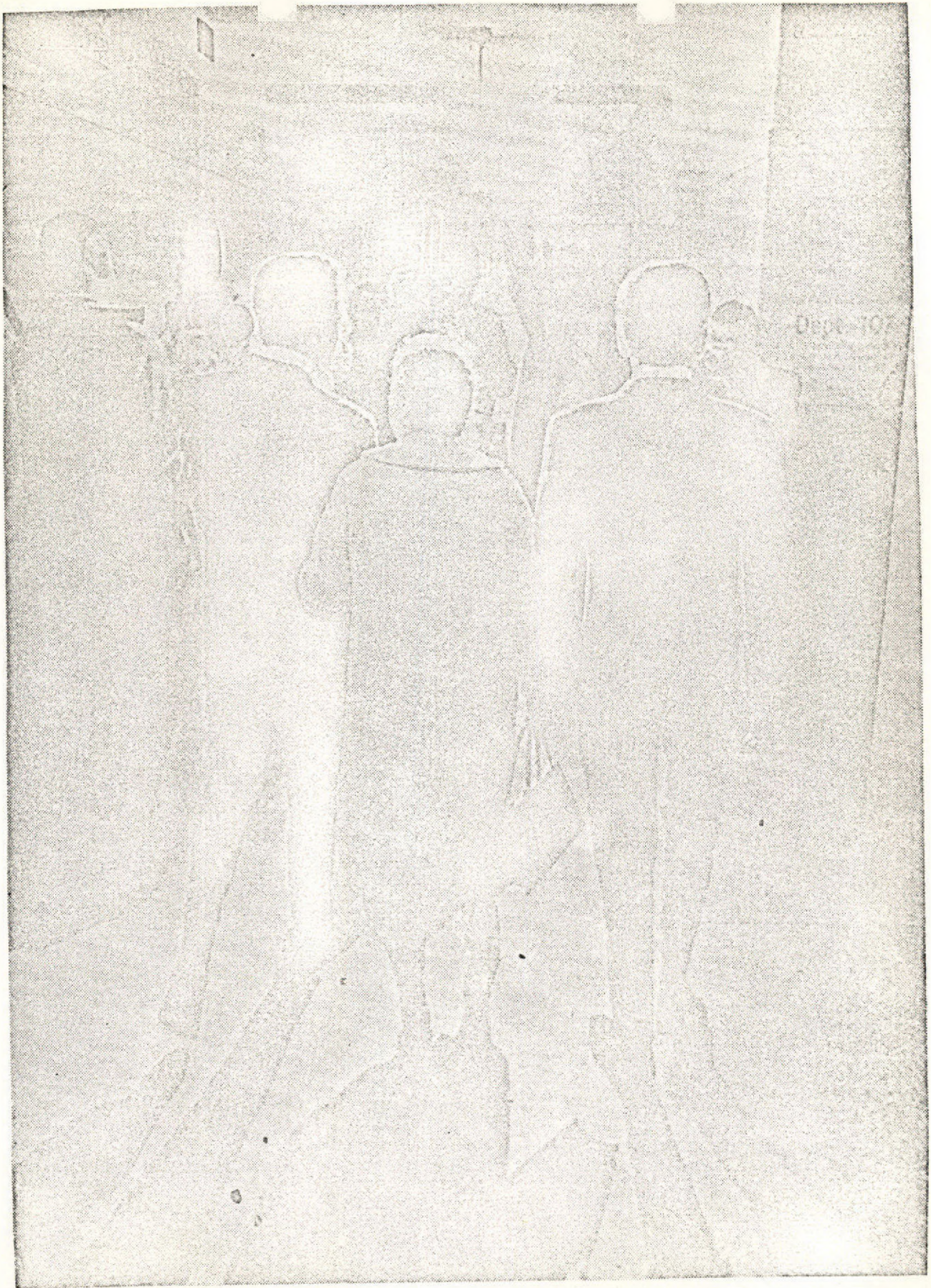
"We will offer scientific evidence as well as the history, background, and problems of the defendant," Berman said, to support the defense contention that the "intellectual content necessary to a premeditated act is not present in this case. That's going to be our defense."

Berman confirmed that Sirhan has been placed under hypnosis and has been administered the Rorschach (ink-blot) test and the test for the XYY chromosome syndrome.

Plan Uncertain

But he did not say whether these tests would be introduced into evidence.

The XYY syndrome is a recent scientific development by some geneticists who claim that certain males are born with an extra Y chromosome for maleness, and that the presence of this extra chromosome carries with it a tendency to resort to aggressive behavior.



DAILY ROUTINE—Members of Sirhan B. Sirhan's family make their daily trek to court and face bat-

tery of lights and cameras. From left: Adel Sirhan, a brother, Mrs. Sirhan and a second brother, Munir. Times photo by John Malmgren

(Mount Clipping in Space Below)

Sirhan Insists He's American

NEW YORK (AP)—Sirhan B. Sirhan, the Jordanian immigrant on trial in Los Angeles for the murder of Robert F. Kennedy, blazed with resentment last fall at a story saying he wasn't legally an American, a writer says.

The writer, Robert B. Kaiser, interviewed Sirhan in his tiny cell in the Los Angeles Hall of Justice in August and December. His report appears in the Jan. 17 issue of Life magazine.

Kaiser says Sirhan was angered by William F. Buckley's article "The Politics of Assassination," which said Sirhan "was legally a Jordanian citizen. His loyalties were clearly to Jordan."

"What does he mean?" Sirhan said angrily. "Not American!"

Kaiser says Sirhan told him later: "I feel like an American. If I went back to Jordan I would be a foreigner."

Another time Sirhan said he felt like a man without a country, Kaiser says.

He quotes Sirhan as saying his very name set him apart.

"As soon as anyone heard it, everything else stopped. They wanted to know, 'What kind of name is that?' I began to associate more and more with my name. Sirhan means wolf, and I became more and more a lone wolf," Sirhan said.

Sirhan said he was injured in the melee in the service pantry of the hotel where Kennedy was shot last June.

"I felt a choking in my throat, and people were holding me and beating me and twisting my left knee and pounding my head on the table. They hurt my left eye. It still hurts," Sirhan said.

At first Sirhan read a newspaper each day, but then he cancelled it when he became depressed by world events, Kaiser says.

"It's all violence, chaos, unrest. Whatever happened to the old days, peace and quiet?" he quotes Sirhan as asking.

(The interviewer, Robert B. Kaiser, is a "staff investigator" for Sirhan's legal corps, which permitted Kaiser an exclusive interview in Sirhan's County jail cell).

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Sirhan Will Not Deny Shooting, Attorney Says

But Cooper Tells Panel
of Jury Prospects That
Intent Must Be Established

BY DAVE SMITH

Times Staff Writer

"At the outset you should know that there will be no denial of the fact that our client fired a shot or shots that killed Sen. Kennedy."

Thus did chief defense attorney Grant B. Cooper address a group of 25 prospective jurors Monday as jury selection got under way at the trial of Sirhan Bishara Sirhan, accused assassin of New York Sen. Robert F. Kennedy.

It was the first time the senator's name had been uttered in open court since the trial began last Tuesday.

Cooper said admissibility of a prospective juror depended, in part, upon the juror's ability to separate knowledge of the 24-year-old Jordanian defendant's act in shooting Kennedy from a consideration of intent.

Both the act and the intent must be established, Cooper said, before the jury may return a verdict of first-degree murder. Such a verdict requires a penalty of death in the gas chamber or life imprisonment.

Of eight of the 25 prospective jurors questioned Monday, only one, Mrs. Rosa A. Molina, was passed provisionally by both defense and prosecution.

Four were quickly dismissed, two were asked to check with their employers whether they could retain their jobs over a prolonged trial, and the eighth, Miss Carolyn L. Freeman, was still being questioned by the defense at adjournment.

1st Prospective Juror Excused

The first prospective juror was George E. Doudle, who said he works on research and development for Aerospace Corp. Doudle answered Cooper's questions easily and quietly, and admitted that knowledge of Sirhan's shooting of Kennedy would render him unable to consider the question on motivation separately.

Dep. Dist. Atty. David N. Fitts cross-examined Doudle, paraphrasing Cooper's questions but getting the same answers.

"Well," said Fitts, "I guess we couldn't put it any plainer than that."

Doudle was excused.

The next two jurors excused were Guillermo Salvador, a machine operator and labor union member, who said a prolonged trial could cause him to lose his job, and Mrs. Lois E. Knowlton, who said her husband was in poor health and that "he can't eat in restaurants every night" if the trial draws on too long.

Mrs. Molina, a widowed nurse, was taken into Superior Judge Herbert V. Walker's chambers for a part of questioning that the defense and prosecution have agreed should not take place in open court.

Such questions reportedly involve the influence wide publicity has exerted on the juror's opinion.

Discussions Not Revealed

All parties to the closed sessions—attorneys for both sides, the prospective juror and the defendant—have been ordered not to reveal these discussions.

Mrs. Molina reappeared after 15 minutes of private questioning and thus presumably had cleared the preliminary high hurdles.

After lengthy questioning by both defense and prosecution whether she would be inclined to disregard testimony on possible diminished responsibility, (limited responsibility of a defendant for a crime)—which the defense indicates will be the major part of its defense effort—Mrs. Molina was passed, "for cause," by both sides.

This means that neither side found any legal objections to Mrs. Molina's serving as a juror.

Each side, however, is entitled to 20 peremptory challenges of any juror. This phase takes place after

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12 jurors have been accepted "for cause."

Following Mrs. Molina were Mrs. Betty J. Kraker, a food laboratory technician, and Max H. Jensen, a Southern California Edison employee. Both said they felt they could lose their jobs if the trial lasted two months or more, but Judge Walker directed them to ask their employers and report back today. The seventh prospective juror, Mrs. Nadine M. Echols, was excused after she told the court she has three children, 8, 10 and 13, and that the sequestering of the jury would be a family hardship.

Miss Freeman, a clerk for Pacific Telephone, said her company would pay her salary for the first month of jury duty, but added, "I live at home, so I could do without my salary after that."

The 25 prospective jurors—12 women and 13 men—were led in from a waiting room on an upper floor and through Judge Walker's chambers. They, unlike any other persons attending the trial thus far, are not being searched.

Admits Some Risk

Asked if this introduced an element of possible risk to the diminutive defendant, Cooper admitted that there was some risk but added: "You just can't expect jurors to submit to searching. You have to trust somebody."

Cooper said Judge Walker originally intended that jurors be searched but that the defense objected.

The jurors sat soberly, sometimes nodding in assent, as Judge Walker, owl-faced but smiling, peered intently at them through tangled white eyebrows and instructed them in a grandfatherly tone on the limits of their function as jurors.

Judge Walker, 69, facing the biggest trial of his career before his planned retirement in July, told the jurors that whatever conception of the law they may have formed, or whatever instructions another judge may have given them in previous jury duty, they were to adhere solely to the concept of the law given to them from his own bench.

All nodded in agreement. They appeared equally sober as Judge Walker informed them that the 12-man jury and six alternates will be locked up at a downtown hotel throughout the entire trial — which could run two months or more — except for weekend visits from a wife or husband.

Grins at Mother

As Sirhan entered the courtroom shortly after 10 a.m., he flashed a quick wave and a bright grin to his mother, Mary, and two brothers, Adel and Munir, who sat in the last row of the courtroom.

He turned to them frequently during the morning to exchange nods and smiles.

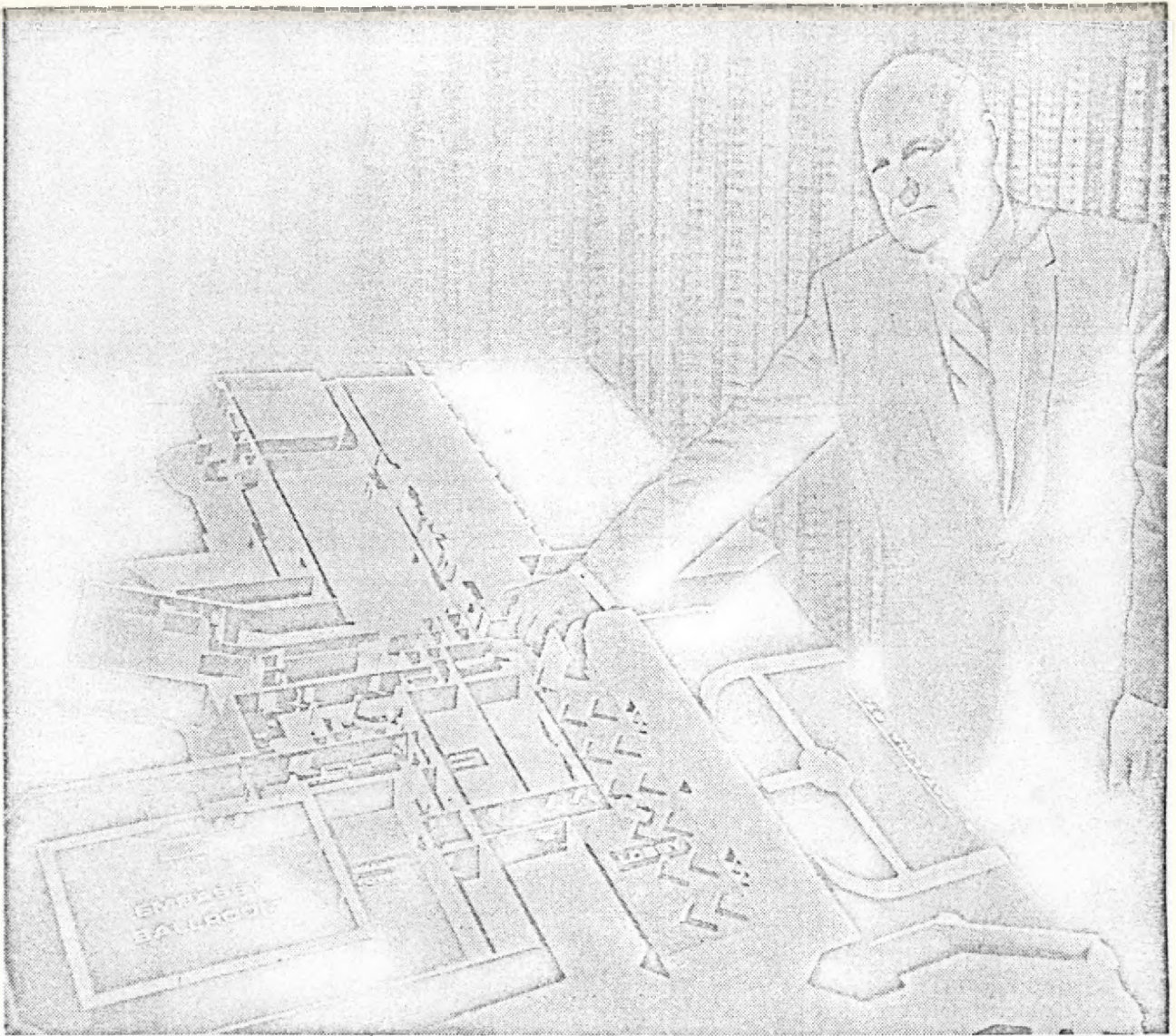
Throughout the judge's instructions to the jury and Cooper's initial questions, Sirhan was intent on the proceedings, often leaning forward in his swivel chair to catch jurors' responses.

At other times he teetered gently in his chair and stared back at newsmen in the 75-seat courtroom, eyes roving solemnly from face to face.

The first business of the court Monday was quick disposal of a defense motion to set aside the trial jury list, on defense contentions that the list does not represent a fair cross section of the population.

After studying the four-volume, 1,010-page transcript of another case throughout the weekend, the defense was unable to find relevant points in that case that they felt supported their original motion to set aside the list.

Judge Walker denied the motion and jury selection began immediately.



HOTEL LAYOUT — Chief of Detectives Robert Houghton examines mockup of Ambassador floor

where Sen. Robert F. Kennedy was slain. Model is expected to be used in trial of Sirhan B. Sirhan.
Times photo by Bill Murphy

(Mount Clipping in Space Below)

Sirhan's Jury By Computer

By JOHN DOUGLAS

Herald-Examiner Staff Writer

Sometime this week 100 men and women awaiting Los Angeles County jury duty will be moved from their accustomed waiting room in the County Court House to what's called Dept. 75 in the old Hall of Records—a baroque highrise which glowers over Spring Street at Temple Street.

There they will wait, and wait, and wait.

Finally, a quarter of their number will be moved again—this time across Temple Street to Dept. 107—the armor-plated 8th floor courtroom in the Hall of Justice where Sirhan Bishara Sirhan is on trial for his life, accused of the murder of Sen. Robert F. Kennedy.

Some of these 25, and of the many panels of 25 prospects each who will be called on many succeeding days may become the 12 who will judge the young Jordanian guilty or innocent, and perhaps, whether he will live or die.

The Sirhan murder trial is an extraordinary case. And consequently the selection of its jury also will be extraordinary—not only as to the security which must be maintained over the jury, but also as to the very

manner in which jurors, are chosen.

The selection process, both legally and physically, will range from the usual to the bizarre—with emphasis on the bizarre.

The prospects were chosen by the County Registrar of Juror's computer at the request of the Superior Court Jury Commissioner.

The computer used the "key number of five." This means that every fifth person listed on the registrar's voter list in every fifth precinct was tapped as a prospect.

Accustomed to the rather informal atmosphere of come and go in Los Angeles County courtrooms, the jurors will first meet the same heavily-guarded security perimeter everyone else who enters Dept. 107—scene of the Sirhan trial—encounters. But there will be a difference.

They will not be required to undergo the thorough search which newsmen, witnesses, and even the guarding deputies themselves are put.

Once inside the courtroom they will wait in spectator seats—displacing some newsmen who will have to watch the trial via closed-circuit television in

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Once inside the courtroom they will wait in spectator seats—displacing some newsmen who will have to watch the trial via closed-circuit television in the auxiliary courtroom on the Hall of Justice's fourth floor until the jury is selected.

Twelve at a time, they will take their places in the jury box to answer defense and prosecution questions as to their fitness to serve. They will answer some, but not all, the questions put to them from the box, and in public.

The rest of the questioning will be done in secret, in the chambers of Superior Court Judge Herbert V. Walker, who presides at the trial.

Judge Walker wants the private session to ascertain from each prospective juror what publicity he has seen and heard on the case, and what influence the opinions of friends, relatives and neighbors may hold over him.

He points out that to do this questioning in open court would defeat its purpose, because the possible prejudice of one prospect would be aired, and might influence two dozen others.

Defense and prosecution lawyers have agreed to the secret questioning, which is unusual—but not, according to Chief De-

rense Counsel Grant B. Cooper, unprecedented in California.

The lawyers for both sides, and Sirhan himself, will be present at, and may participate in the private questioning. Records of the proceedings will be made public at the trial's end.

Normal court procedure is to select two or four alternates in addition to the 12 jurors who will ultimately decide a defendant's fate. In the Sirhan case, Judge Walker has called for six alternates. They will serve on the actual trial jury; if one of the central 12 falls ill, or for some reason is disqualified.

No man, nor woman, will be finally named to the jury until all 18 are chosen. Up until that time any tentatively accepted juror may be challenged, and perhaps disqualified for service.

This means that a prospect might think he was cleared the first day of the selection process, only to find himself excused just prior to the swearing of the jury.

How long will jury selection take?

Judge Walker forecasts two and one-half weeks. Some attorneys in the case speculate a month. No one, of course, really knows.

Jury selection in the first murder trial of Dr. Bernard Finch and his mistress-receptionist Carole Tregoff took nine court days—a little more than two weeks—and was considered extraordinarily long.

Cooper believes the Sirhan jury selection will take far longer, both because of the nature of the case and because of greater latitude in questioning jurors provided in recent court decisions.

When the 12 jurors and six alternates are finally selected and sworn, they will be "sequestered"—locked up for the balance of the trial—perhaps as long as three months.

On weekends they may be visited by their "spouses of record." Overnight visits are provided for in a precedent-breaking order by Judge Walker.

(Mount Clipping in Space Below)

DEFENDANT OGLES BLONDE**Jaunty Sirhan, DA's
Aide Swap Repartee****BY DAVE SMITH**

Times Staff Writer

A jaunty Sirhan Bishara Sirhan swapped repartee with Dep. Dist. Atty. David N. Fitts Wednesday as Fitts questioned a prospective juror in Sirhan's first-degree murder trial.

Sirhan's impromptu remark was the first time the 24-year-old Jordanian has spoken loudly in court.

Fitts had just asked Lawrence Morgan, a systems analyst for International Business Machines Corp., whether he would have the courage to face Sirhan three or four months from now "and tell him face to face that for the murder of Sen. Robert F. Kennedy, you must die in the gas chamber."

As Fitts spoke, Sirhan abruptly leaned forward in his swivel chair and smiled broadly at Morgan.

Fitts continued quickly to Morgan: "You can see him now, he just leaned over, and even smiled at you. He may smile at you all through the trial."

'Smile at You, Too'

"I smile at you, too, Mr. Fitts," Sirhan blurted in a clear, but good natured tone.

"Yes, you do," said Fitts. "You smile a lot."

Superior Judge Herbert V. Walker cut off the dialog with the admonition: "Restrict yourself to the questions, Mr. Fitts."

The prosecuting attorney repeated his question to Morgan, and Morgan said he could tell Sirhan directly if he should decide on a death penalty.

Morgan, Leslie H. Laney, a Post Office employe, and Alfonso Gakido, a civilian mechanic employed by the U.S. Navy, became the first three men provisionally seated on the jury. Four women already had been tentatively seated.

A milestone of sorts was reached Wednesday afternoon when Mrs. Alvina Alvidrez, the 21st prospective juror to be questioned, became the first to say she has conscientious objections to the death penalty.

Quite Explicit on Position

All 20 previous prospects—the 13 dismissed and the seven tentatively seated—have said they are not opposed to the extreme penalty.

But Mrs. Alvidrez, speaking in heavily accented but quite explicit English, said that "under no circumstances whatsoever" could she return a guilty verdict if a death penalty might result.

She was equally precise in stating that despite her view, she felt qualified to sit in judgment on the question of guilt or innocence.

Fitts challenged the seating of Mrs. Alvidrez, but Judge Walker disallowed the challenge and said arguments would continue today on her qualifications to sit on the Sirhan case.

Defense atty. Grant B. Cooper, talking to newsmen after adjournment, cited a recent U.S. Supreme Court decision and a California Supreme Court decision in which murder convictions were reversed because the jury excluded persons opposed to the death penalty.

The U.S. Supreme Court ruling on the Witherspoon case held, in part, that "a jury from which all prospective jurors who oppose the imposition of the death penalty are excluded is not an impartial jury but rather constitutes a hanging jury . . . one that is uncommonly willing

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to condemn a man to die

... (and which) speaks for a distinct and dwindling minority."

Cooper said the Satterfield-Anderson case before the state high court was based on the Witherspoon case, and that California law further provides for two juries to try a case—one for the issue of guilt or innocence and the other, if needed, to decide the penalty.

As a result, Cooper said, Mrs. Alvidrez could not legally be excluded from the Sirhan jury, and that if a first-degree murder conviction were returned, an entirely new jury would have to be impaneled to decide whether Sirhan should get a life sentence or die in the gas chamber.

Mrs. Alvidrez' position represents a ticklish situation for the prosecution. It can, after a full 12-man jury is tentatively seated, exclude her by exercising one of their 20 peremptory challenges.

But if they should do so, and if Sirhan should subsequently be convicted of first-degree murder, there is some question whether such a conviction could not also be reversed, on the same grounds as in the Witherspoon and Satterfield-Anderson cases.

"The precise question that is now before this court has never been definitely settled," Cooper said.

Sirhan's demeanor in court Wednesday seemed markedly lighthearted, in contrast to earlier days.

Speaks in Arabic

As he entered the courtroom he spotted an acquaintance in the back row, and said, brightly, in Arabic, "Abdeen, how's your health today?"

"Fine, thank you," answered Abdeen Jabara, 28, a Detroit-born attorney of Lebanese parentage. Jabara, who has identified himself only as a defense consultant, said he has been in Los Angeles for two weeks but that he had made one previous visit here since Sen. Kennedy was shot June 5.

He said he had not known the Sirhan family previously and that "I'm just out here as an observer—to observe the situation."

Jabara said he is with the Detroit law firm of Lafferty, Reosti and Jabara, but would name no other affiliations.

He is not an attorney of record in the Sirhan case, but for the last three days has sat with Sirhan's mother, Mary, and brothers Adel and Munir in the rear of the courtroom.

Jabara said he became a defense consultant on his own initiative and that he was not invited by defense attorneys. Both Cooper and Emile Zola Berman of the defense team confirmed this statement, adding that Jabara has done some translating from Arabic to English for them.

Affection for Parsons

During the questioning of jurors, Sirhan leaned close to his third defense counsel, Russell E. Parsons, 69, for whom he reportedly has developed a strong affection.

Whenever Sirhan enters the court before Parsons is seated, he invariably positions the elderly man's chair and greets him warmly.

Wednesday Sirhan whispered often to Parsons, touching his sleeve and patting him affectionately on the back, seeming almost to cling to the attorney's presence.

After the exchange of remarks with Fitts, Cooper came to sit with Sirhan, while Parsons for the first time took over questioning of a juror.

During this time Sirhan sat back in his chair and followed Parsons' questions intently.

But at one point, an attractive blonde spectator in an orange dress entered the court and Sirhan watched her as she went to her seat. Then he nudged Cooper, quirked an appreciative eyebrow, and made some whispered comment, which Cooper rewarded with a quiet chuckle.

(Mount Clipping in Space Below)

Sirhan Defense Stressing Use of Hypnosis

By JOHN DOUGLAS

Herald-Examiner Staff Writer

Hypnosis has been used on Sirhan Bishara Sirhan by psychiatrists seeking to determine his mental state at the time he shot Sen. Robert F. Kennedy.

Use of the hypnosis technique, which was hinted during selection of the jury for the man accused of Kennedy's assassination, was confirmed yesterday by Emile Zola Berman, one of his attorneys.

Berman told a news conference called by defense lawyers following adjournment of court that the psychologists and psychiatrists working with Sirhan had also administered the Roschach or ink-blot test. He declined to discuss the findings, saying he would leave this to the psychiatrists when they testify on Sirhan's behalf.

Each of the four jurors tentatively seated so far was passed by the defense only after he testified he regarded psychiatry as a "true" science and hypnosis and Roschach tests as "valid" tools of that science.

Sirhan was hypnotized in his isolated cell on the 13th floor of the Hall of Justice where he has been held since his indictment for Kennedy's slaying, June 7, 1968.

Berman made it clear that the defense would continue to approve only jurors who accept psychiatry and hypnosis when selection of the jury resumes today.

The New York attorney, who joined Grant B. Cooper and Russell E. Parsons on Sirhan's defense team when the trial opened last week, said he was "sanguine" over success in obtaining tentative jurors reached yesterday.

But, he warned, jury selection still is expected to take "at least 18 more court days." This would mean the actual trial would not get underway until sometime in February.

As Sirhan alternately watched glumly or ignored the proceedings altogether, three jurors, all women, were tentatively accepted yesterday.

They are:

Caroline Freeman, clerk for the Pacific Telephone Company's "Yellow Pages."

Mrs. Alicia Duke, accountant for the State Division of Lands.

Mrs. Barbara Collins, a telephone company service representative.

They joined Mrs. Rose Mollen, a widowed nurse, bringing the total of jurors tentatively accepted so far to four.

This morning, questioning of Lawrence K. Morgan, International Business Machine computer programmer, will resume.

Morgan is the first male juror to reach the detailed questioning stage. With the exception of one man, George Douale, who was excused when he testified he did not believe he could try Sirhan's case fairly, all men examined so far have been released either for reasons of health or economic hardship.

Although many business firms make provision for their employees to serve on juries, few are willing to guarantee the job of a man who may be tied up on jury duty from three to four months.

Defense lawyers have refused to comment on their reaction to an all-woman jury, but they are known to be concerned.

For most of yesterday's session Sirhan did not acknowledge the courtroom presence of his mother, Mrs. Mary Sirhan, and brothers Adel and Munir (Joe). In all previous days' sessions he

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—Herald-Examiner Photo

EMILE ZOLA BERMAN Tells of hypnosis

has greeted them with a cheery wave.

Yesterday he only glowered at them until near the end of the session when he sheepishly grinned and raised his arm in a half-salute.

Judge Herbert V. Walker, who presides over the trial, yesterday spelled out in detail the accommodations arranged for the jurors when they are "sequestered" (locked up) during the trial. The 12 jurors finally selected, and six alternates, will be kept under guard in a hotel, once they are sworn in.

Walker's explanation came when Delos Bezd, a prospective juror, said he believed being locked in a hotel room for a three-month trial would leave him "climbing the walls."

The judge explained that each juror would have a private room. There will be a special dining room and a "recreation room" for the jurors. They will be permitted to watch and listen to "monitored" television and radio.

He said the jury would be brought to and from court in a chartered bus.

"The Sheriff and I," Walker explained, "have selected the

accommodations with all regard for the personal comfort of the jury."

Walker declines to name the hotel where the jury will be kept. That will be announced only after the final jury is selected and sworn.

When questioning resumes this morning, the defense will continue to seek only those jurors who agree that, if it is proved, they will be willing to accept the defense of so-called diminished capacity.

Berman yesterday termed this the "primary defense" for Sirhan.

He explained that the defense will seek to show that on June 5, 1968, when Sirhan shot the New York Senator in a kitchen off the Ambassador Hotel's Embassy Room, he "did not have the intellectual content necessary for a premeditated act (of murder)."

David N. Fitts, deputy prosecutor, who is handling jury selection for the state, continues to raise the question of the youth of the defendant.

He asked Mrs. Collins if, in view of Sirhan's age—24—she would, "give the kid a break just because he's a kid."

Mrs. Collins, who appears no older than Sirhan, answered with a firm "no."

The jurors tentatively present thus far a study in contrast in age and style.

Mrs. Collins yesterday wore a modish yellow tweed suit and white accessories. Her hair is upswept and she wears "mod" hornrimmed glasses. She speaks in a low voice, and even with a microphone is sometimes difficult to hear.

Mrs. Duke, who clearly considers herself an intellectual, wears her hair in tight ringlets and speaks in a loud, clear voice.

Miss Freeman, who wore a shocking pink dressmaker dress, also wears glasses and speaks clearly.

Mrs. Molina, the oldest juror chosen so far, barely in her

(Mount Clipping in Space Below)

SIRHAN JUROR: 'GUILTY PENALTY, YES. DEATH PENALTY, NO.'

By JOHN DOUGLAS
Herald-Examiner Staff Writer

"Absolute" opposition to California's death penalty has failed to cost a La Puente woman a place on the jury that will try Sirhan Bishara Sirhan for the murder of Sen. Robert F. Kennedy.

Superior Judge Herbert V. Walker late yesterday denied a prosecution challenge to the tentative seating of Mrs. Alvina Alvidrez who said "no set of facts" in a murder trial could induce her to vote the death penalty.

"Guilty penalty, yes. Death penalty, no," Mrs. Alvidrez told the court.

Deputy District Attorney David N. Fitts is expected to renew his challenge of Mrs. Alvidrez when court reconvenes this morning, and Judge Walker has agreed to listen to him.

But the jurist made it clear yesterday that as he reads decisions of both the United States and California Supreme Courts, Mrs. Alvidrez may not be disqualified solely because of her unshakable opposition to the gas chamber.

Mrs. Alvidrez, dressed in a white waitress uniform and speaking with a heavy Spanish accent, was unshaken as Judge Walker, Fitts and defense attorney Grant B. Cooper pressed her on her anti-death penalty convictions.

The first prospective juror to voice any opposition to the gas chamber, she replied with a loud, "No, sir," when Cooper asked her:

"Do you mean to tell the court there is no set of facts in

any murder trial that could induce you to vote for the death penalty?

"You mean you could never vote for a verdict of death under any circumstances whatsoever?"

Fitts sought twice to challenge Mrs. Alvidrez. The first challenge was because he believed there was a question as to whether she would follow Judge Walker's instructions on the law during the trial.

When this failed, he advanced the death penalty challenge.

Judge Walker turned him down both times after Cooper announced:

"We take the position we are entitled to have this juror."

The problem, Cooper explained to newsmen following the day's adjournment, is the U.S. Supreme Court decision in the Witherspoon case. In it, the high court overturned an Illinois murder conviction because all persons opposed to the death penalty were excluded from the jury.

Reviewing the U.S. Supreme Court decision, the California high court found:

"A jury from which all opponents to the death penalty are excluded is not an impartial jury but a hanging jury.

"... It is uncommonly willing to condemn a man to die ... It can speak only for a dwindling minority ..."

The prosecution in the Sirhan case has announced it will probably "urge" the death penalty for the man on trial for the June 5, 1968, slaying of Senator Kennedy.

Under California law, if Sirhan is convicted of first-degree

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murder, the same jury that convicts him must set the penalty at either death or life imprisonment. The law gives no guidance to the penalty jury. The decision is left solely to its collective judgment and conscience. Whatever the verdict, it must be unanimous.

Cooper believes Mrs. Alvidrez may lawfully be seated on the Sirhan jury. The prosecution, of course, could hurl one of its preemptory challenges at her (dismiss her without giving a reason), but even that might be on weak ground, according to the defense counsel.

It appears that, under California law, if Mrs. Alvidrez or any other death penalty opponent, is seated on the Sirhan jury, and if Sirhan is found guilty of first-degree murder, a new jury would have to be chosen to set the penalty.

This is one of the prosecution's goals, set early in the trial.

If this happens, the net effect would be two complete trials for Sirhan. The new jury would have to be told the facts in the case. Court sources believe this course of action possible, but highly unlikely.

Before the questioning of Mrs. Alvidrez, three men were tentatively seated on the jury. They were:

Lawrence K. Morgan, IBM computer programmer.

Leslie H. Laney, Los Angeles postal clerk.

Alphonso Galindo, U.S. Navy civilian mechanic from Long Beach.

The first panel of 25 jurors was exhausted yesterday and Judge Walker called for a new panel—this time of 15 to permit the seating of more newsmen in the crowded court.

Seven prospects of the original panel—four women and three men—have been tentatively accepted by prosecution and defense. Thirteen men and women were excused and four others are seated in the jury box awaiting questioning.

Yesterday, Sirhan was buoyant when he was brought from his cell.

The 24-year-old Jordanian immigrant, who had appeared glum and distraught since jury selection began Monday, smiled and joked throughout the day.

He called an Arabic greeting to a defense interpreter, Abdeen Jabara, upon entering the courtroom.

Later he verbally tangled with Fitts, when the prosecutor commented on his smiling at a prospective juror, telling Fitts: "I smile at you, too, Mr. Fitts."

In the afternoon session he waved several times to his brothers Munir and Adel, seated in their accustomed places in the back of the courtroom.

Asked for an explanation of his change in demeanor, Michael McGowan, chief investigator for the defense said:

"He is happier. He is coming to know we love him."

Also, said McGowan, Sirhan had been greatly buoyed by a visit from his family Tuesday night.

(Mount Clipping in Space Below)

SIRHAN, A MAN ACCUSED IT'S NOT AN EASY JOB BUT SOMEONE HAS TO DO IT A Day in Court With the Pivotal Figure in the Kennedy Murder Case

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By JAN MEIER

Herald-Examiner Staff Writer

Would \$5 a day compensate for disruption of family life and business routine, possibly for three months or longer?

Prospective jurors for Sirhan B. Sirhan have to decide.

In fact, some already have been granted permission by Judge Herbert V. Walker to ask employers if their jobs would be jeopardized by the lengthy jury duty.

But personal business, except as applied to necessary care by a mother for minor children, seldom constitutes sufficient reason for excuse from jury duty, although the Sirhan panel will be locked up and their personal lives temporarily closed for the trial's duration.

In a trial innovation, however, wives and husbands of the Sirhan jury will be allowed to spend week-ends with their juror spouses. Nominal expenses will be charged the "spouses of record," though the jurors are on an expense-paid tour of duty.

Stanford Briden, assistant jury commissioner, explained the jury call entitles each prospect to \$5 daily "reimbursement," provided by law, beginning the first day of appearance for possible service.

In addition to their compensation, each of the jurors is allowed 15 cents a mile "going only" (one way) beginning the first day of appearance. While sequestered (locked up) during the trial, meals, lodging and "reasonable and necessary" expenses will be paid by the county.

Reasoning behind the one-way mileage payment is hazy, but a jury commission spokesman suggested it could date back to the days of the horse and buggy.

Prospective jurors would be given an allowance to buy food for his horse while in town, but would be presumed to have food for the animal at home.

Money thus paid the jurors is not subject to Social Security tax. But must be reported on income tax returns.

Payment of jurors' expenses is the responsibility of the city or county in which the court is held, Briden said, and Los Angeles County is picking up the tab for Sirhan's jurors.

With the 70 courts in the Central District, in excess of 500 persons are on the jury payroll daily, he said, either serving on panels or waiting for the call.

Hardship is only one of many possible reasons for excusing a prospective juror, however, and answers given to questions asked by prosecution and defense attorneys, and the trial judge, are the real determiners.

★ ★ ★

Interested always in giving every defendant a fair trial, the American court system bans any prospective juror who asserts prejudice in either direction.

"It would be awfully hard," said Fay Doris Bell, an elevator operator in the Hall of Justice, who said she has a predetermined idea on the defendant's guilt or innocence, and "would rather not be one" of the jurors.

"Someone has to do it and I wouldn't mind," said Richard Govan, elevator starter.

While attorneys asked similar questions of actual prospects in the eighth floor courtroom, Govan pondered his reactions to conclusions as to the defendant's state of mind at the time of the criminal act.

"I wouldn't have any objection to being a juror," Govan said, as he clicked his castanet, giving the order for a car to begin its ascent.

"But I couldn't determine anything about any defendant's state of mind until I have heard all of his testimony. Maybe

after I heard all there is to hear about the circumstances, then I could sit in judgment."

"If you arrived at a decision of guilt, which you feel warrants the death penalty, would you be able to face the defendant, who no longer could be considered a total stranger, and pronounce that verdict to him?" Govan was asked, as were prospects facing Superior Judge Herbert O. Walker.

Considering, Govan replied:

"If I have reached a verdict in my own mind, yes, I could relay it to the accused."

Family members of the defendant and others attending the trial become known, in some ways, to operators of the courthouse elevators. They learn to spot the morbidly curious and the thrill-seekers in the crowds.

★ ★ ★

Visiting the Hall of Justice as part of a field trip for a class in American Government, 12 students from Santa Fe High School appeared at the Sirhan courtroom entrance.

Surprised at the extreme security enveloping the trial procedure, one of the students denounced the measures as "a waste of money."

"What's fair for one man on trial should be fair for all," the student said. "He shouldn't be entitled to all this."

★ ★ ★

Noting a slight build-up in the size of crowds waiting to gain entry to the courtroom each morning, one of the security guards said the group has become quiet as jury selection proceeds.

"This is serious business. The circus is over. Now a man's life really is going to be decided," the guard said.

One of five spectators in afternoon sessions of the court proceedings was Bob Weir, a student at Boise State College, who "happened" to be on hand at 3:40 p.m. when a spectator vacated his seat.

Voicing surprise at the difference in security, Weir said he thought the jury also should be searched, since he was "frisked thoroughly" before being allowed into the courtroom.

"Deputies inside the courtroom seemed tense," Weir said, "as though expecting something at any moment."

"On the other hand," he added, "Sirhan and his attorney seemed very relaxed, whispering to each other and joking."

Though Weir said he would "not be anxious" to serve as a juror in Sirhan's trial, he has no objection to use of the death penalty in cases, "where it is deserved."

"I have mixed emotions," said Mrs. Rodney Seoll of San Diego, in Los Angeles on business over the week-end, and who stayed Monday to try to gain entry to the Sirhan courtroom.

"As a mother," she said, "and I know other mothers feel as I do, I know how hard it must be for Sirhan's mother to see her son on trial for murder."

"But if he's found guilty, he should be executed," she said. "If it were my own son, I would pray I'd have the courage to say that anyway. But I know a mother sees it differently. Maybe she doesn't think he really is guilty. It would be hard to decide, and I'm glad I don't have to be one of the jurors."

"They seem sort of removed, like they're always busier with something else," said one of the women waiting for the elevator, referring to the Sirhan family.

"I've seen them twice, and both times they don't look like they're here for the thing they're here for," she said.

Most of the crowds are middle-aged people with only a few students, though guards and elevator operators expect the younger elements to be more interested in the actual trial, more than the selection of jurors.

Tense—a tightly-controlled
Spring.

Almost carefree—smiling
and waving to his family
across a crowded courtroom.

Bewildered—sometimes
seeming more a puzzled spec-
tator than the subject of one
of the greatest dramas of this
century.

All these are Sirhan Bishara
Sirhan as he watches his trial
for the killing of Sen. Robert
F. Kennedy unfold behind the
walls of his armored, eighth-
floor courtroom in the Hall of
Justice.

The grim phrase "gas
chamber" was specifically
mentioned for the first time at
Monday's court session, and
for a moment observers
feared the 24-year-old defen-
dant would become physically
ill.

Yet the moment passed, and
with it apparently his terror.

Soon he was staring off into
space, his hands loosely fold-
ed, paying little attention to
the battle being waged around
and over him.

Each day as he enters court
his eyes search the rear of the
room for his family. Usually
when he sees them he waves
a peculiar wave, with fingers
far outstretched.

But one greeting was dif-
ferent. When he spotted his
mother Mrs. Mary Sirhan,
and his brothers, Adel and
Munir (Joe), he raised his
arm in a clenched fist salute.

Sirhan, according to a mem-
ber of his defense staff, has
taken a fancy to a tall, blonde
woman reporter covering his
trial. Twice he waved, and
tried to catch her eye.

She blushed, and turned her
head away.

Here is a

dimensional

look at the Sirhan

Bishara Sirhan

trial during

its second week

in Los Angeles.

At left, staff

artist Bryon

Robley gives his

visual impressions

of the defendant

during a recent

session.

Accompanying the

illustration in

column one is

staff writer John

Douglas' word-portrait

of Sirhan during the

same moments the

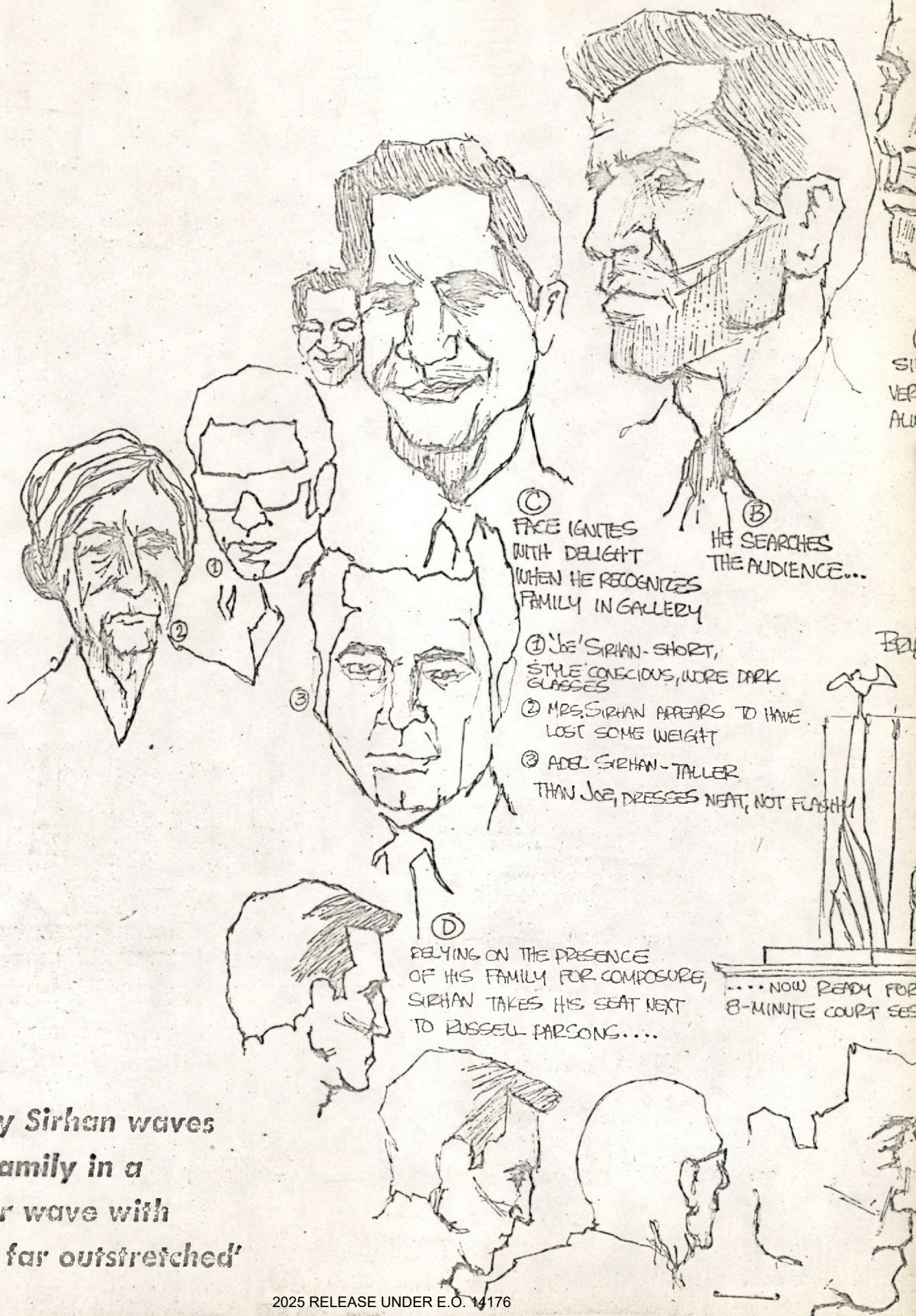
illustrations were

developed. Below,

staff writer Jan

Moier gives her view

of the trial scene.



① FACE IGNITES
WITH DELIGHT
WHEN HE RECOGNIZES
FAMILY IN GALLERY

② HE SEARCHES
THE AUDIENCE...

③ JOE SIRHAN - SHORT,
STYLE CONSCIOUS, WORE DARK
GLASSES

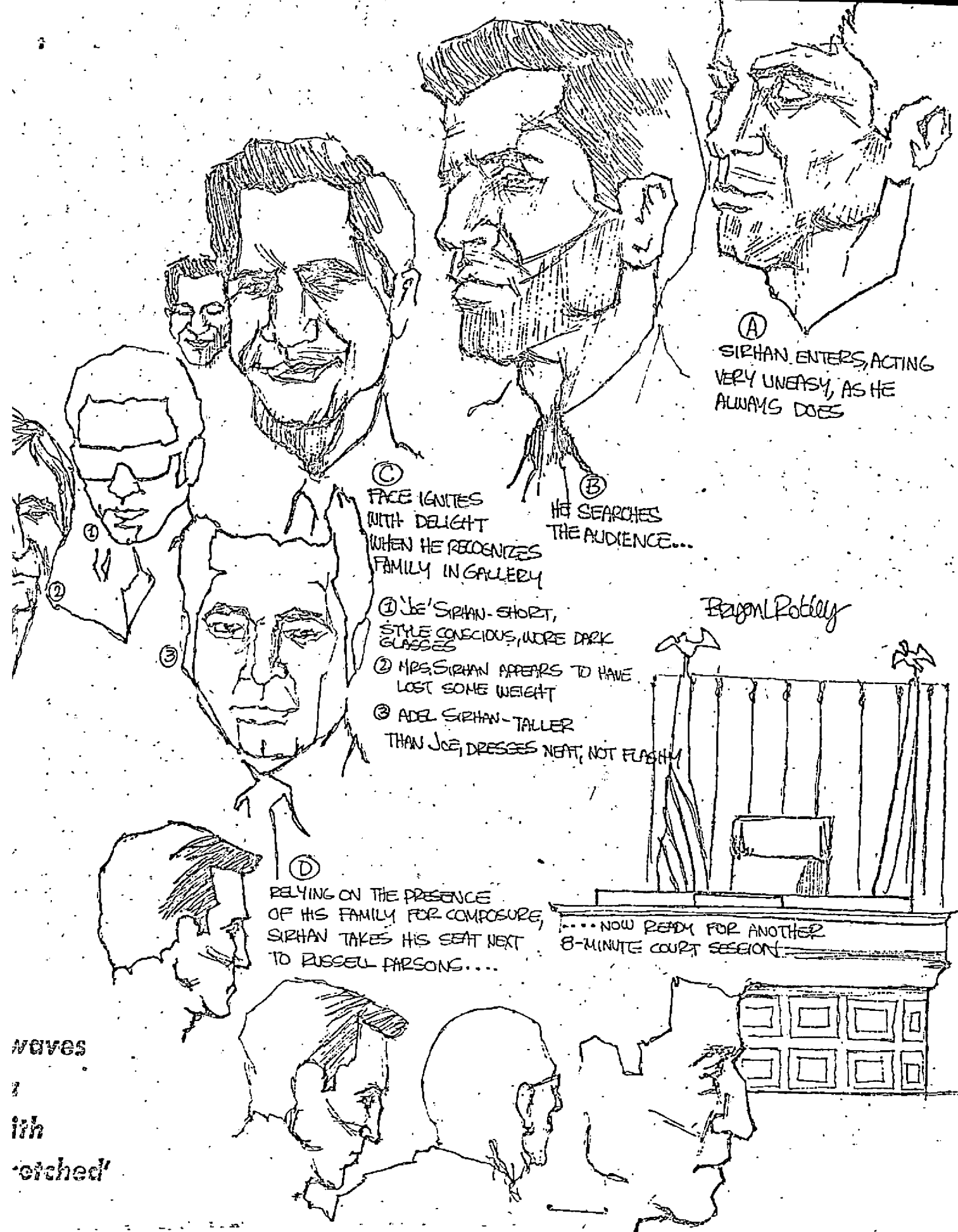
④ MRS. SIRHAN APPEARS TO HAVE
LOST SOME WEIGHT

⑤ ADEL SIRHAN - TALLER
THAN JOE, DRESSES NEAT, NOT FLASHY

⑥ RELYING ON THE PRESENCE
OF HIS FAMILY FOR COMPOSURE,
SIRHAN TAKES HIS SEAT NEXT
TO RUSSELL PARSONS....

.... NOW READY FOR
8-MINUTE COURT SEE

**'Usually Sirhan waves
to his family in a
peculiar wave with
fingers far outstretched'**



(Mount Clipping in Space Below)

Landmark Issue Looms in Sirhan Slaying Trial

Stage Set by Woman Juror's Opposition to Death Penalty

BY DAVE SMITH
Times Staff Writer

A courtroom wrangle over a woman juror opposed to the death penalty raised the possibility Thursday that the murder trial of Sirhan Bishara Sirhan could become a landmark case in U.S. law and that Sirhan, if convicted in the slaying of Sen. Robert F. Kennedy, might never be executed.

The battle was joined when Dep. Dist. Atty. David N. Fitts renewed his challenge on legal grounds to the seating of Mrs. Alvina Alvidrez, who said Wednesday that "under no circumstances whatsoever" could she vote for the death penalty.

But Mrs. Alvidrez also specified that she felt herself qualified to judge the question of Sirhan's guilt or innocence.

Superior Judge Herbert V. Walker disallowed the challenge Wednesday but was considering arguments Thursday and was expected to hand down a ruling today.

One Phase Left Open

Judge Walker pointed out to Fitts that while he had disallowed the challenge on legal grounds, he had left open whether the prosecution could renew the challenge at the end of the first phase of trial. He added that an alternate juror for any juror opposed to the death penalty could be substituted rather than impanel an entire new jury if a penalty trial is necessary.

Dep. Dist. Atty. John E. Howard argued that if Mrs. Alvidrez or a juror of similar opinion were seated, and that if Sirhan ultimately were convicted of first-degree murder, the court could face the possibility of a mistrial or the problem of jeopardy—in effect presenting a second trial on the same set of facts. The latter case could result, Howard said, if the jury that determined guilt had to be dismissed and replaced by another jury to fix the penalty.

California law offers only the death penalty or life imprisonment on a first-degree murder conviction, and also allows for two juries—one for the guilt-innocence phase and one for the penalty phase.

Defense Attorney Grant B. Cooper previously has cited two high court decisions—that of the U.S. Supreme Court in the Witherspoon case last June and that of the California Supreme Court in the case of Anderson-Saterfield last November—which inveigh against the seating of juries who are only in favor of the death penalty.

Cooper earlier quoted the federal decision:

"Under the view of the Witherspoon majority, a jury from which all prospective jurors opposed to the death penalty have been excluded is not an impartial jury but rather constitutes a 'hanging jury'—one that is 'uncommonly willing to condemn a man to die' and one that 'cannot speak for the community' but 'can speak only for a distinct and dwindling minority.'"

Howard, in rebuttal, said that the decisions were not intended to go so far as to allow seating of jurors whose opinions are so irrevocable as that of Mrs. Alvidrez.

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JAN 17 1969	
FBI - LOS ANGELES	

Not Definitely Decided

"All the Supreme Court has required is that it be shown that a prospective juror has more than a conscientious scruple against the death penalty," Howard argued.

Cooper then suggested that the precise question facing the court has not been definitely decided by the higher court decisions.

He pointed out that in the cases cited the question of a juror's opinion about the defendant's guilt or innocence, regardless of his position on the death penalty, was not raised.

Cooper then argued that the provision for a two-part trial offers a logical solution to the question raised by Mrs. Alvidrez' position.

Both defense and prosecution tentatively seated three more jurors Thursday—Mrs. Sharon A. Engle, Benjamin Glick and Gilbert F. Grace. This brings to 10—5 women and 5 men—the number on the provisional panel.

Mideast Enters Sirhan Trial

By JOHN DOUGLAS
Herald-Examiner Staff Writer

Arab-Israeli tensions have intruded into the Sirhan Bishara Sirhan murder trial as prosecution and defense lawyers continue to seek 12 men and women to decide the young Jordanian's guilt or innocence—and possibly whether he will live or die.

Defense attorneys stated emphatically earlier in the week that the Arab-Israeli conflict would not play a role in the trial of the man charged with the slaying of Sen. Robert F. Kennedy. But, yesterday they bore down hard on whether prospective jurors held strong feelings on the tense Mideast situation.

This line of questioning became particularly acute during the questioning of Benjamin Glick—first, and so far the only Jew to be tentatively seated on the jury.

The defense "passed" Glick, after he assured chief defense attorney Grant B. Cooper that he was not prejudiced against Sirhan, because of the defendant's Jordanian background and nationality.

Glick responded, "I don't believe so," to Cooper's question: "Would your religion make it difficult for you to give Sirhan a fair trial?"

It is believed that Glick's attitude toward Arabs and the Arab states also were discussed in detail in the chambers of Superior Judge Herbert V. Walker, who presides over the Sirhan trial. Each juror is examined in

secret as to possible prejudices he may have before he can be approved.

However, other than to say that Glick had told them he was Jewish, defense lawyers, obedient to Judge Walker's orders, declined to discuss his in-chambers testimony.

Glick, West Los Angeles resident, who operates a ready-to-wear clothing business from his home, was the 9th juror to be seated.

His acceptance followed that of Mrs. Sharon Engle, chestnut-haired wife of a Glendale mortician. Mrs. Engle works for the office products division of International Business Machines, and is the second IBM employee to be tentatively seated on the jury. The second is Lawrence Morgan, a computer programmer.

Glick was not the only jury prospect to be questioned about his attitudes toward the Arab-Israeli conflict.

Questioning Gilbert W. Grace, Cooper's associate, Russell E. Parsons, asked point-blank if Grace had ever contributed money to organizations in this country supporting either Israel or the Arab states, and whether he had ever attended any meetings or lectures where the Arab-Israeli conflict was discussed.

Grace, a Los Angeles Department of Water and Power em-

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1 JAN 20 1969	
FBI — LOS ANGELES	

ployee, who lives in the San Fernando Valley, answered "No" and was tentatively selected as juror No. 10.

At day's end, the jury count in the Sirhan trial stood at 10 tentatively seated.

One of the jurors, Mrs. Alvina Alvidrez, Los Angeles factory worker, claims her convictions against the death penalty are so strong that it would be impossible for her to vote to send a convicted murderer to San Quentin's gas chamber, no matter what the circumstances of his crime.

Deputy prosecutors John Howard and David N. Fitts for two days have sought to get Mrs. Alvidrez off the jury. Judge Walker has their challenge under study. He may rule on it today.

Whatever Walker's ruling, it is expected to make "new law" in California.

A recent U. S. Supreme Court decision, which has been reinforced by subsequent California high court decisions, holds that a jury from which all opponents to the death penalty are automatically excluded is not impartial, but a "hanging jury."

In seeking to keep Mrs. Alvidrez on the jury, defense counsel applied this ruling to the Sirhan case.

Fitts and Howard argue that the high courts never meant to go this far. They point to California's so-called "bifurcated" murder trial, in which a jury which finds a defendant guilty of first-degree murder must also, after a second hearing, decide whether he shall suffer death or life imprisonment.

Unless Mrs. Alvidrez is put off the jury, they told Judge Walker, there is a danger that Sirhan will have two trials. This could come about if Mrs. Alvidrez sat on the trial jury and Sirhan was found guilty of capital murder.

Defense and prosecution agree she could not sit on the penalty jury.

Judge Walker thinks she might be replaced by an alternate juror, if things get to that point. But the California law on this is not clear, and there is a

possibility that another jury would have to be selected. And another trial, presumably almost as lengthy as the trial on the facts, would be undertaken.

Sirhan sat quietly alongside Parsons yesterday as the arguments over penalty juries and the Arab-Israeli conflict swirled about him.

His buoyancy of Wednesday, when he called out to a friend in the rear of the courtroom and tangled verbally with Prosecutor Fitts, was gone. Gone, too, was the lassitude which seemed to infect him through the early part of this week's proceedings.

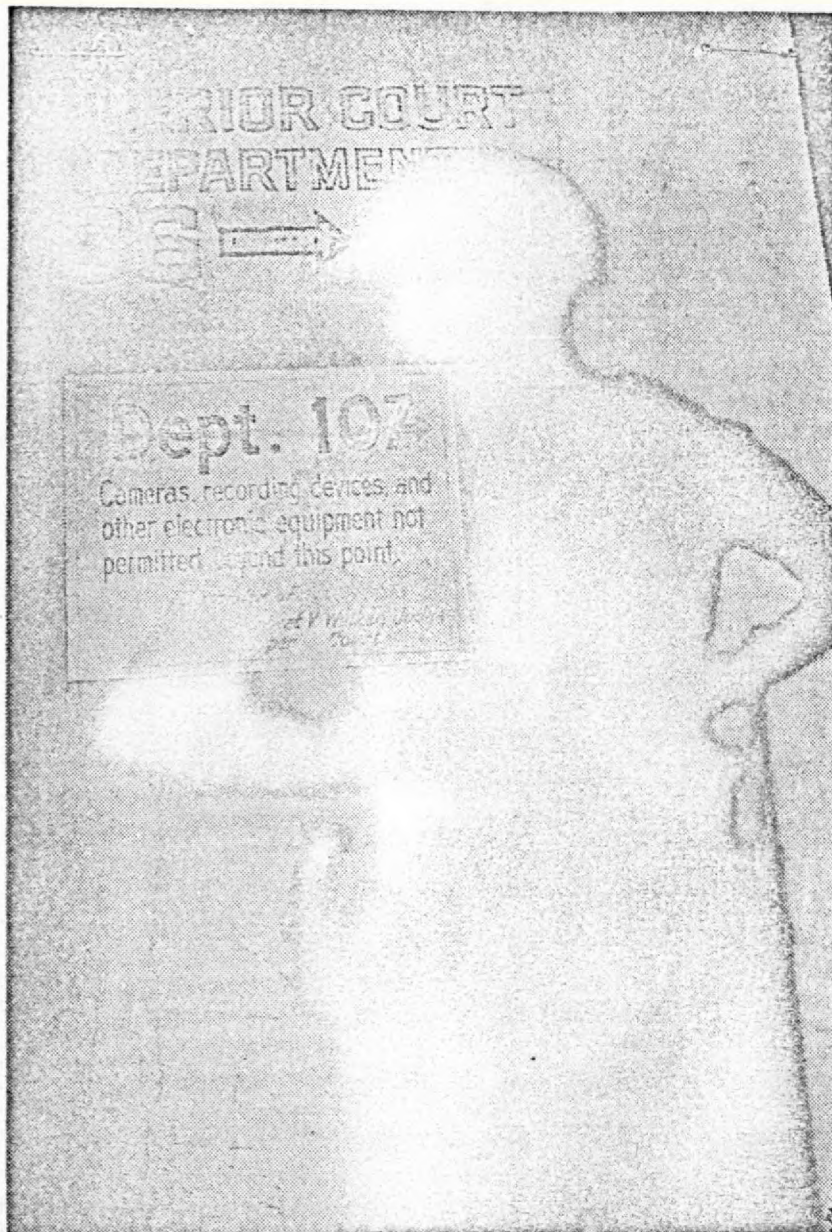
Although quiet, he was alert and studied prospective jurors carefully as each was questioned.

Defense chief investigator Michael McGowan reported that Sirhan is satisfied with the progress of the jury selection to date.

Parsons, Cooper and Emile Zola Berman, third defense counsel, met with him in his cell on the Hall of Justice's 13th floor following court.

Today, if the problem of Mrs. Alvidrez can be resolved and two more jurors tentatively seated, defense and prosecution will get a chance to make their first pre-emptory challenges.

These are moves to disqualify a juror without stating a reason. They are usually made as a result of background investigations of their jurors. But sometimes they come because of a lawyer's hunch.



WEB OF GUARDS—Tight police security surrounds the trial of Sirhan B. Sirhan. The presence of Dep. Sheriff Donald Cheney is evident in the silhouette against a wall and a warning near the courtroom. **Times photo by John Malmin**

Sirhan Prosecution Willing to Take Jury 'as Now Constituted'

Deputy DA in Surprise Maneuver Waives 19 of His 20 Peremptory Challenges; Status of 12th Panelist Unsure

BY DAVE SMITH
Times Staff Writer

In a surprise maneuver Friday, the prosecution in the murder trial of Sirhan Bishara Sirhan passed its peremptory challenges of prospective jurors and said it was willing to accept "the jury as now constituted."

If the defense does the same when the trial of the accused slayer of Sen. Robert F. Kennedy reconvenes Tuesday morning, it could mean that 11 permanent jurors would be ready for swearing in. The status of a 12th permanent juror was not resolved Friday, and six alternate jurors remain to be chosen.

The unexpected move by Chief Dep. Dist. Atty. Lynn D. Compton opened up the possibility that the prosecution could begin presenting its case as early as the end of next week.

Early Recess Requested

Upon Compton's announcement that the prosecution would not exercise the remaining 19 of its 20 peremptory challenges, chief defense attorney Grant B. Cooper requested an early recess until Tuesday to allow the three-man defense team "to weigh the possibility of accepting the jury as a whole."

Under normal circumstances, if the defense also waives its peremptories, the jury would simply be impaneled.

But in this case, one prospective juror, Miss Helen L. Woodworth, had not yet been accepted on legal grounds by both sides. A mutual stipulation Friday morning directed Miss Woodworth to get a statement from her doctor whether she could endure a lengthy trial.

Superior Judge Herbert V. Walker then directed that the jury selection proceed, even into the peremptory

challenges, despite Miss Woodworth's unresolved status.

The possibility that a final jury may be a near thing, or that Compton's maneuver was simply a ploy to force the defense ahead in its use of peremptory challenges, perhaps hinges on Judge Walker's

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interpretation of "the jury as constituted."

Certainly Compton and Cooper have different views of it.

Compton said the prosecution holds that the jury includes Miss Woodworth, and that if she is not seated, then the jury will no longer be constituted the same way as when he passed the peremptories.

Cooper contends that the jury does not yet include Miss Woodworth, since she has not been passed by both sides, and that if he calls the prosecution on its bold play, the 11 jurors thus far seated on legal grounds will, in effect, be locked into the final jury, with only Miss Woodworth's seat yet to be filled and alternates chosen.

Compton's move came after questioning and unusually quick acceptance of a Jewish woman juror, Miss Dora Jacobi, who said she is a retired university instructor and former employe of the U.S. Armed Forces Institute's neuropsychiatric center.

Another Jew, Benjamin Glick, a Westside clothing

retailer, was accepted provisionally by both sides Thursday. Glick was the only prospective juror asked whether his religion would prejudice him against the 24-year-old Jordanian suspect.

Whatever the outcome of the peremptory ploy, both defense and prosecution did indicate that they "could live with this jury," no matter which side outmaneuvers the other.

Earlier Friday, a woman who says she could never decree the death sentence for anyone—including the slayer of Kennedy—was dismissed from the jury panel.

Judge Walker, reversing a previous ruling, decided in favor of a prosecution challenge to the seating of Mrs. Alvina Alvidrez, who had said that although she was firmly opposed to the extreme penalty in any case, she still felt qualified to judge the issue of guilt or innocence.

Cooper had battled to retain her since Wednesday afternoon, when Mrs. Alvidrez became the first person after 20 prospective jurors to oppose capital punishment.

Cooper cited recent high

court decisions, which he said had ruled against the selection of so-called "hanging juries" by excluding people with conscientious scruples against execution.

Dep. Dist. Atty. John E. Howard, in rebuttal, had argued that Mrs. Alvidrez' views went beyond conscientious scruples and were inflexible to a degree not supported by the cases Cooper cited.

Judge Walker, after taking the matter under submission Thursday morning, ruled that Mrs. Alvidrez be excused on legal grounds. He cited a California Supreme Court decision handed down just a week ago, in the People vs.

Beivelman, that such invincible opposition to the death penalty constitutes a just challenge on legal grounds.

The prosecution exercised the only one of its 20 peremptory challenges it used to unseat Mrs. Alicia Duke, a divorcee and an accountant for the State Lands Division.

The defense also exercised one of its peremptories in dismissing Mrs. Sharon Engle, wife of a Glendale mortician.

(Mount Clipping in Space Below)

'Lack Of Malice' Sirhan's Defense

By JOHN DOUGLAS
Herald-Examiner Staff Writer

Sirhan B. Sirhan returns to court today for a third week of effort to seat a jury in his murder trial, a process complicated by the extraordinary nature of his defense.

The 24-year-old Jordanian immigrant does not deny he fatally wounded Sen. Robert F. Kennedy last June 5 in the Ambassador Hotel here. But, his lawyers claim, he didn't have the mental capacity to really premeditate the crime.

On this contention—lack of malice—the defense hopes to save Sirhan from a possible death sentence conviction, gaining a lesser verdict, if not an outright acquittal.

Prosecutors, however, have announced they will object strenuously to the introduction of any psychiatric testimony, claiming it is not an accredited science, and if it is, it is not an exact science.

They contend that two competent medical men examining the same patient could come to completely opposite opinions of the patient's mental state.

The alienists, a vital bulwark in the Pasadena man's fight to beat the death penalty for his admitted slaying of Sen. Kennedy, work with Sirhan in his cell each Saturday while his trial progresses, a defense staff member disclosed.

Ink blot (Rorschach) tests and hypnosis have already been

tried on Sirhan, and consideration is now being given to putting him to a polygraph (lie detector) examination.

In each of the tests the defense psychiatrists and psychologists are seeking to determine the 24-year-old Arab's state of mind the morning of June 5, 1968, when in a kitchen off the Ambassador Hotel's Embassy room, he fatally shot Kennedy.

Insanity is not a factor in the Sirhan defense, but so-called diminished capacity is. This defense says, in effect, that while a defendant may not have been insane when he committed his crime, he lacked the "intellectual capacity" requisite to the malice essential in first degree murder.

In other words, those of a landmark decision on diminished capacity, his was not "a malicious and abandoned heart and nature."

"Nor are psychiatrists the only weapon in the Sirhan arsenal of diminished capacity defense.

Emile Zola Berman, co-counsel for the young Jordanian with Grant B. Cooper and Russell E. Parsons, disclosed this weekend that the defendant's mother, 56-year-old Mrs. Mary Sirhan, and other members of his family will be brought to the witness stand to tell of his upbringing and his life before the Kennedy slaying.

Mrs. Sirhan attends the trial of her son nearly every day. Seated in the back row of the armor-plated, eighth-floor Hall of Justice courtroom where he fights for his life, she is often heard to murmur "terrible, terrible," as arguments over the death penalty swirl around her.

Usually she is accompanied by her sons, Munir and Adel.

A robust woman when Sirhan was indicted for Kennedy's murder more than seven months ago, she now is gaunt and drawn. A cataract in her right eye has worsened.

She waits and watches, and someday will tell her story.

Neither her alienists nor the family will reach the stand until the prosecution presents its case. This will include the testimony of many eyewitnesses to Kennedy's murder.

This prosecution case cannot be presented until a jury is finally selected.

This may be done this week.

The 11 jurors chosen so far are acceptable to the State of California. Tomorrow, defense lawyers must decide if they, too, will pass the jury and get on with the case after selection of the twelfth juror and six alternates.

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Maneuver by Sirhan Defense Nearly Results in Jury Seating

BY DAVE SMITH

Times Staff Writer

Defense attorneys for Sirhan Bishara Sirhan matched a prosecution maneuver Tuesday that, to outward appearances, made the seating of the jury only one juror away.

But the prosecution, by withdrawing its waiver of the right of peremptory challenge, countered the defense counter-measure, unseated a Jewish woman juror and the entire process resumed with swearing-in of a final jury still estimated at a week or more away.

Last Friday, Chief Dep. Dist. Atty. Lynn D. Compton waived the right to challenge jurors and accepted the prospective jury as then constituted.

But of that 12, one—Miss Helen Woodworth—had not been accepted by both sides on legal grounds, and Tuesday she reported that her doctor felt confinement during a long trial would endanger her health.

Another prospective juror, Mrs. Geraldine Scherer, was accepted in her place and then defense attorney

Grant B. Cooper startled the court room by announcing: "The defense accepts the jury as now constituted."

Under normal circumstances, this would have meant that the jury was picked, but because of Miss Woodworth's replacement, Compton protested that this was no longer the jury he had accepted Friday.

Cooper contended that the jury Compton had accepted never included Miss Woodworth in the first place, but only the 11 that both sides had agreed to.

Superior Judge Herbert V. Walker directed Compton to request a withdrawal of his waiver of the peremptory challenge privilege, and then, exercising judicial discretion, granted Compton's request.

Compton then excused Miss Dora Jacobi, a former university instructor and one-time employee of the U.S. Air Force Institute's Neuropsychiatric Center.

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Another woman, Mrs. Jeannette F. Hendler, was excused on legal grounds after telling the court, even before she was asked, "I am unequivocally opposed to capital punishment for any reason whatsoever, whether it is imposed by an individual or by the state."

Under questioning by Cooper, Mrs. Hendler said of the 24-year-old Palestinian defendant, "I would have difficulty finding this man innocent . . . He performed an execution."

Sirhan appeared pensive throughout the tedious questioning Tuesday. But at one point he whispered urgently to defense investigator Michael McCowan, who later quoted him as saying, "Don't forget to get my alien registration card mailed in on time."

Alien residents of this country must report each year, or they are subject to deportation. McCowan said Sirhan, who has lived here 12 years on permanent alien resident status, "is very careful about complying with the law."

(Mount Clipping in Space Below)

Sirhan Jury Could Wind Up Today

By JOHN DOUGLAS

Herald-Examiner Staff Writer

Jury selection in the Sirhan-Bishara Sirhan murder trial could be completed today, if the defense decides to accept six men and five women now seated in the jury box.

Such a move by Chief Defense Counsel Grant B. Cooper and his associates, Russell E. Parsons and Emile Zola Berman, would pave the way for choosing the final juror and selection of six alternates.

This could easily be done in a few days with the results that trial of the man charged with the June 5, 1968, assassination of Sen. Robert F. Kennedy could get underway late this week or early next.

The defense decision must be whether to fling preemptory challenges against any of the 11 jurors tentatively seated last week.

Preemptory challenges are those for which attorneys need give no reason. Each side has 20 in a murder trial.

In the Sirhan trial, defense and prosecution have used one each.

Chief Dep. Dist. Atty. Lynn D. Compton startled the court of Judge Herbert V. Walker late Friday when he announced that he was satisfied with the Sirhan jury "as now constituted."

Cooper moved immediately for a recess to give the defense time to ponder the jury and decide if it wished any preemptory challenges. Judge Walker granted the recess telling Cooper:

"I realize this may come as sort of a shock to you."

The Sirhan trial was in recess yesterday while Cooper sought unsuccessfully a new Federal

District Court trial for another client, Maurice H. Freidman, convicted in the Friars Club card-cheating case.

When court adjourned Friday there was some sentiment in the defense camp for accepting the jury as it is. Some members of Sirhan's team believe that the 11 jurors chosen so far could never agree on the death penalty for the 24-year-old Jordanian immigrant.

Late yesterday the defense had not made a final decision and Cooper said that even when the decision was reached it would not be announced before court convenes this morning.

He explained, "We don't want the prosecution to know what we are going to do."

If the defense does decide to use one of its preemptory challenges, the prosecution will be absolved of its agreement to accept the jurors. The see-saw process of each side getting alternate preemptory challenges will resume until both are either satisfied with the jury, or one or the other, or both, has used up 20 challenges.

There is some speculation that the defense may yet use its 20 challenges. The reason for this is that under the holdings of most appellate decisions, if the defense wishes to challenge the Sirhan jury on appeal, it must exercise all its remedies against prospective jurors during the selection process.

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Sirhan Showing Strain as Jury Selection Drags

By JOHN DOUGLAS

Herald-Examiner Staff Writer

Strain of the long preliminaries in his trial on charges he murdered Sen. Robert F. Kennedy has begun to tell on Sirhan Bishara Sirhan.

The 24-year-old Jordanian immigrant showed a new tenseness and concern yesterday as jury selection in the case wore into its second week.

Throughout most of the day the admitted slayer of Sen. Kennedy morosely studied jury prospects with more awareness than he has evidenced since the trial began Jan. 7.

Seated head in hand, his chair drawn away from his lawyers, he focused deep-socketed black eyes on the face of each prospective juror.

He paid great attention to the legal arguments that arose over peremptory challenges to tentatively seated jurors.

He whispered far less into the ear of Russell E. Parsons, defense lawyer who sits next to him.

Usually given to smiling, and even an occasional laugh, Sirhan grinned only once during yesterday's session. That was when Robert Kaiser, a member of his defense staff, and his biographer, sent him a cigar in celebration of a new birth in the Kaiser family.

Then Sirhan did smile, and, brandishing the cigar, called out across the court room, "Thank you . . . thank you very much . . . Congratulations."

If the length of the preliminaries is of concern to Sirhan, neither his attorneys, nor Judge Herbert V. Walker, who presides over the trial, had good news for him yesterday.

Cooper now forecasts that completion of the jury of 12 and six alternates will take two weeks.

Judge Walker, revising his estimates of the length of the trial after jury selection is completed, warned a new panel of prospective jurors that their service could exceed two months. Before the trial opened, Judge Walker forecast that the entire matter could be disposed of in 2½ months.

The forecasts of length came after Chief Deputy Dist. Atty. Lynn D. Compton abruptly changed strategy and won from Walker permission to again file peremptory challenges against tentatively seated jurors. Compton had waived that right in the case of 11 prospective jurors Friday.

One prospective juror was excused by Judge Walker when both defense and prosecution

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lawyers found her pre-conceived notions about the case objectionable.

Mrs. Jeanette Hendler loudly announced that her opposition to the death penalty was such that she could never vote for it — no matter what the circumstances of a murder case.

In the next breath Mrs. Hendler told the court that she also could never vote to acquit Sirhan, nor find him guilty of less than first-degree murder.

She insisted, "He is an executioner."

Sirhan cringed as the woman spoke.

Dismissed by the prosecutor was Miss Dora Jacobi, a retired instructor in neuro-psychiatrics.

Although the defense had in the morning session indicated satisfaction with jurors seated in the box, Chief defense counsel Grant B. Cooper, too, reversed himself, and challenged Los Angeles Postal clerk Leslie H. Lavey.

Henry Miller, Department of Defense official from Long Beach Naval Shipyard was tentatively selected to replace Miss Jacobi.

When the day's session ended Mrs. Wilma L. Boone, electronic assembler from Norwalk, was being questioned. Interrogation of Mrs. Boone will resume today.

Also seated yesterday was Mrs. Geraldine Scherer, retired antique dealer from Whittier.

It now appears that both defense and prosecution may use a large number of the 20 peremptory challenges each is allowed under California law in a murder trial.

Compton described his tentative agreement of Friday to accept the jury as then "constituted" as a "tactical maneuver," when talking to newsmen.

Defense lawyers may well wish to use all their peremptory challenges to pave the way for an attack on the jury when, and if, the Sirhan case is appealed.

Strain of the trial told, too, yesterday on the defendant's 56-year-old mother, Mrs. Mary Sirhan.

During one recess she advanced upon Cooper, her hands frantically gesturing as she made a point. The lanky defense lawyer put his arm around her to calm her and drew her away from newsmen to settle whatever her problem was.

Mrs. Sirhan appears to have lost even more weight since the trial began. Today, she wore a heavy tweed coat. It hung upon her in loose folds.

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5 Sirhan Jury Candidates Excused

Jury selection wore on slowly in the murder trial of Sirhan Bishara Sirhan, accused slayer of Sen. Robert F. Kennedy. Five prospective jurors were excused on peremptory challenges—three by the prosecution and two by the defense. With 15 prosecution and 16 defense peremptory challenges still unused, it was expected that swearing in of a jury to try the 24-year-old Palestinian immigrant could consume the rest of this week and next week as well, before the prosecution could begin its case.

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The murder trial of Sirhan Bishara Sirhan neared the end of its third week of jury selection. Two more prospective jurors were dismissed on peremptory challenges, leaving the defense with 15 and the prosecution 14 opportunities remaining to unseat jurors either side feels might be unsympathetic to its case. But speculation arose that the defense might waive its further peremptories today in hopes of either forcing the prosecution to also accept the present jurors or to move still further ahead of the defense in the use of its remaining challenges.

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Sirhan Ignores Jury Selection Quizzes

By JOHN DOUGLAS

Herald-Examiner Staff Writer

Sirhan Bishara Sirhan, apparently disinterested in selection of the jury which will try him for the murder of Sen. Robert F. Kennedy, read in court yesterday while jury-picking arguments swirled around and over him.

Through nearly all of his trial session yesterday the young Jordanian immigrant was engrossed in a thick, mimeographed report which defense aides said contained testimony of Arab refugees about their harsh treatment by Israel.

When his interest in that document waned, he picked up a copy of a legal opinion.

He seldom glanced at prospective jurors who came and went as jury selection dragged on throughout the day.

Defense and prosecution attorneys used a total of nine peremptory challenges yesterday. Thirty one peremptories remain.

Dismissed from the jury at the request of Dep. Dist. Atty. John Howard were:

Mrs. Rosa Molina, widowed nurse.

Mrs. Geraldine Sherer, retired antique dealer from Whittier.

Harold Baldwin, retired Bank of America assistant cashier, of Alhambra.

The defense filed peremptory challenges against Mrs. Barbara Collins, Pacific Telephone Co. customer service representative, and Mrs. Wilma Boone, electronics assembly worker, of Norwalk.

A defense source disclosed

that the reasons for challenging

Mrs. Boone were developed in

secret questioning in Judge Her-

bert V. Walker's chambers.

Each juror is interrogated in

private by Walker and defense

and prosecution lawyers in Sir-

han's presence. They are asked

about the influence publicity in

the Kennedy murder case may

have had upon them, as well as

questions about religion and po-

litics. Other questions are asked

in open court.

For the first time since jury

selection began last week, this

secret questioning prompted a

defense challenge for cause

(that is, a reason defense law-

yers thought strong enough to

disqualify a juror).

Judge Walker denied the chal-

lenge for cause, leveled against

Mrs. Patricia Anderson, a Secu-

rity-Pacific National Bank sec-

retary.

The incidents of Mrs. Ander-

son and Mrs. Boone served to

point up the large measure of

secrecy surrounding selection of

the jury that will try Sirhan for

the June 5, 1968 murder of

Kennedy.

Perhaps less is known public-

ly about this jury than any

other in the history of major

criminal trials in the century.

Jury selection see-sawed back

and forth throughout the day,

yesterday, and at day's end

only 11 were tentatively seated.

Questioning of a 12th prospec-

tive juror, Ronald Evans, a tele-

phone company installer from

Inglewood, resumed this morn-

ing.

Jurors tentatively accepted

yesterday included James B.

Avery, Burbank postman,

Bruce D. Elliott, TRW computer

programmer, Redondo Beach,

and Mrs. Anderson.

Explaining Sirhan's behavior

during the trial, Russell E. Par-

sons, one of his attorneys, told a

newsman that the constant

references to the gas chamber

during the trial "are beginning

to get Sirhan down."

Each prospective juror is

questioned sharply by the prose-

cution as to whether he would

have the "courage" to condemn

the admitted slayer of Sen. Ken-

nedy to death, if he thought the

facts in the case warranted it.

Mrs. Mary Sirhan, the defen-

dant's 65-year-old mother, for

the first time reacted against

the publicity which she and her

sons Adel and Munir received.

The Sirhans leave the court

by a back stairway to avoid

television and still photogra-

phers. Yesterday some news-

men discovered the secluded

exit.

On her way out the door, Mrs.

Sirhan angrily told a photogra-

pher: "Those lights are ruining

my eyes. Why can't you leave

us alone?"

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(Mount Clipping in Space Below)

TRIAL HALT SOUGHT FOR SIRHAN

Bid to Quash Indictment Renewed

By JOHN DOUGLAS

Herald-Examiner Staff Writer

Selection of a jury in the Sirhan Bishara Sirhan murder trial drags into its ninth day today, on the heels of a defense announcement that it will renew legal moves that could halt the trial before it gets well under way.

Selection time in the case of the man accused of the murder of Sen. Robert F. Kennedy now equals that in the first Finch-Tregoff murder trial—considered a landmark of length in its day.

But, if defense attorney Grant B. Cooper is successful in arguments next week, the Sirhan trial could end abruptly.

Cooper again will argue that the indictment charging his client with Kennedy's murder should be quashed because the 1968 Los Angeles County Grand Jury which returned it was chosen unconstitutionally.

Sirhan would not be freed, however. He could be reindicted or brought to a new trial on the basis of a district attorney's complaint.

When the trial first opened, Cooper attacked the indictment. He said the system by which

prospective jurors are nominated by Superior Court judges excludes members of some minorities from membership.

Judge Herbert V. Walker, presiding over the Sirhan trial, held Cooper's motion in abeyance. Cooper said that the end of yesterday's court session that, at the suggestion of one of the prosecutors, Dep. Dist. Atty. John Howard, the jurist had agreed to hear the motion next week. No date has been set.

The Cooper announcement was the major event of the trial's 12th day, on which most of the action took place behind closed doors.

Little progress was made toward final selection of the jury.

Much of yesterday was taken up with a secret argument in Judge Walker's chambers in which the defense sought to disqualify a prospective juror, Mrs. Patricia Anderson, a Security Pacific National Bank secretary. Defense wanted her disqualified on the grounds that her attitude toward the death penalty in first-degree murder cases might be prejudicial to Sirhan.

On other occasions, these arguments had been in open court.

However, Judge Walker ordered this one heard in chambers, and, under a blanket order he issued at the opening of the trial, lawyers in the case could not disclose details.

(The problem of Mrs. Anderson became moot, however, when she told the court that Security Pacific had decided that her serving during the trial, which could last three months, would be a hardship to the bank. She was excused.

Three jurors were seated yesterday and two were removed after defense and prosecution used peremptory challenges against them. A peremptory challenge is one for which lawyers need give no reason.

Tentatively seated were: Ronald Evans, Pacific Telephone Co. installer from Inglewood.

Mrs. Mary Lou Busby, Downey High School mathematics teacher.

Mrs. Irma Martinez, clerk for the Southern California Gas Co.

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Removed by peremptory challenges were:

~~James B. Avery~~, Burbank mail carrier.

~~Miss Carolyn L. Freeman~~, clerk for the telephone company's Yellow Pages.

An observer at yesterday's session was ~~Dr. Cesar Garay~~, justice of the Supreme Court of Paraguay and professor of law in that nation's Asuncion University.

Dr. Garay was visiting Los Angeles under the auspices of the State Department and expressed a wish to observe the Sirhan trial.

He and his state interpreter were subjected to the usual stringent security regulations for trial visitors, including a careful body search.

Asked his feelings about the security and search, Dr. ~~Garay~~ declared through his interpreter:

"Of course, I do not mind. It is the law."

The Paraguayan jurist obtained a copy of Judge Walker's order detailing security for the trial. ~~He said he wanted to show it to his law students.~~

Asked about political assassination trials in his own country, he responded:

"Well, there haven't been any. We have had only one assassination—a president was shot in the 1880's. Everyone knew who did it, but they got away."

He said he had never tried a capital case, and that he did not believe there had been one in his country in 50 years.

Sirhan, on trial for breaking one law, yesterday complied with another.

He completed, and gave to his attorneys to file for him, his ~~alien registration certificate for 1969.~~

Earlier in the week, a defense aide said the young Jordanian immigrant was "very upset" because the filing time was drawing to a close and he had not yet registered.

(Mount Clipping in Space Below)

8 MEN, 4 WOMEN TO TRY SIRHAN

Start of testimony in the Sirhan Bishara Sirhan murder trial is a step nearer today with the selection of 12 jurors to try the man accused of the assassination of Sen. Robert F. Kennedy.

The jury was completed at 2:05 p.m. yesterday when defense and prosecution lawyers told Judge Herbert V. Walker, presiding over the trial, they were "satisfied with the jury as presently constituted."

The jury consists of eight men and four women. Its members are:

Ronald Evans, Inglewood, switchboard installer for Pacific Telephone Co.

Miss Susan Brunin, telephone company supervisor from Alhambra.

Albert M. Frederico, San Gabriel resident and plumber for the Los Angeles Department of Public Works.

Mrs. Mary Lou Bushy, Downey High School mathematics teacher.

Lawrence Morgan, computer programmer for international Business Machines Corp.

Mrs. Irma Martinez, Southern

California Gas Co. clerk from Alhambra.

Alphonso Golin, civilian mechanic employed by the Navy at Long Beach.

Bruce D. Elliott, TRW computer programmer of Redondo Beach.

Miss Nell Bortels, telephone company service representative from Monrovia.

Benjamin Glick, semi-retired West Los Angeles man who, with his wife, operates a ready-to-wear clothing business from his home.

Gilbert F. Grace, Los Angeles Department of Water and Power employee from the San Fernando Valley.

George Broonis, El Sereno, a DWP lineman.

These 12 will be sworn in late next week, and will be sequestered (locked up) in a downtown hotel sometime after that for the duration of the trial.

The Sirhan trial will be in recess Monday and Tuesday. Wednesday, defense and prosecution will argue challenges to the California grand and petit (trial) jury selection law, advanced by Sirhan's lawyers.

The jurors are due back in court Thursday.

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Sirhan Jury of 8 Men and 4 Women Selected

5 of Jurors Belong to Minority Groups; Both Sides Satisfied

BY DAVE SMITH

JURY SELECTED

A jury of eight men and four women, including five minority group members, will try the case against Sirhan Bishara Sirhan, the Palestinian immigrant accused of murdering Sen. Robert F. Kennedy last June 5.

Agreement between the defense and prosecution came early Friday afternoon, on the last day of the third week of trial.

The defense moved twice during the morning to accept the panel and the prosecution, after the substitution of one more juror and consideration of the panel over the two hour lunch break, acceded on the second motion.

Attorneys for both sides later expressed satisfaction with the jury, which includes four Mexican-Americans and one Jew. Possible identification of jurors with the Arab defendant or their antipathy toward him, became an obvious though subtle influence on the selection technique of both sides.

The jury reportedly includes seven Republicans and five Democrats, including one Kennedy supporter.

Questioned on Religion

The sole Jew on the jury—and the only final juror to be questioned in open court about his religious views on the Israeli-Arab controversy—is Benjamin Glick, who with his wife owns a ready-to-wear shop on the city's West Side. Glick said his religious faith would not interfere with his ability to give Sirhan a fair trial.

The Glicks moved to Los Angeles five years ago from New York City.

Other jurors are:

Mrs. Irma O. Martinez, an employee of the Southern California Gas Co. whose husband is a truck driver. Mother of a 5-year-old son, Mrs. Martinez lives in Alhambra.

Alphonso Galindo, a civilian mechanic employed by the Navy in Long Beach, where he lives.

Gilbert E. Grace, a Department of Water and Power employee who lives in the northeast San Fernando Valley.

George Broonis, also a DWP employee, who lives in El Sereno and is the father of two sons who will be graduated from high school this spring.

Ronald G. Evans, a switchboard installer for Pacific Telephone Co., who lives in Inglewood and has two children.

Susan J. Brumby, a service supervisor for Pacific Telephone, who lives in Alhambra.

Albert N. Frederico, a plumber employed by the City of Los Angeles, who lives in San Gabriel.

Mrs. Mary Lou Busby, a mathematics teacher at Downey High

School, married to a history teacher at Glendale High School. A resident of the Highland Park area, Mrs. Busby described herself as a regular reader only of Barron's Weekly financial newspaper and the financial section of the New York Times.

Laurence K. Morgan, a systems analyst for International Business Machines. Married and a father, Morgan is described as deeply religious, and said he chiefly reads religious periodicals.

Bruce D. Elliot, a systems analyst for TRW Systems, Inc. He is a Ph.D. who lives in Redondo Beach.

Nell Bortells, a service representative for Pacific Telephone who lives in Montevia.

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A Good Conglomeration

Chief defense attorney Grant B. Cooper said, "I think we've got people from all walks of life . . . and that's America. I just don't know what kind of juror I would have looked for in this particular case, but I think we got a good conglomeration."

Another who expressed satisfaction with the jury was Mrs. Mary Sirhan, 55, mother of the 24-year-old accused slayer.

"They are nice people," said Mrs. Sirhan, "and they stand up and say they are sure of themselves. To consider taking a life you have to be sure of yourself."

"It's up to their conscience. They are nice people. I am satisfied."

Asked if her feelings about the jurors would make the ensuing weeks of trial easier to endure, Mrs. Sirhan paused and said, "Through this, we learn. Before everything, we get our power from God above. I get my power from Him daily."

Sirhan himself, in an obvious good mood throughout the morning, as he whispered and joked with defense investigator Michael McCowan, appeared not to realize what had happened for several minutes after the prosecution accepted the jury.

Then he suddenly appeared tense, laughing quietly one moment, then darting nervous looks about the courtroom as his hands clenched and unclenched.

Superior Judge Herbert W. Walker

recessed the trial until Wednesday morning and sent the jurors home until Thursday morning with an admonition not to discuss the case with anyone and to be careful of telephone callers who "might try to advise you, as I have already experienced."

Once the trial begins in earnest, jurors will be sequestered in a downtown hotel for the two or three months the trial is expected to last. Their only outside contact will be conjugal visits over the weekends.

Judge Walker ordered attorneys for both sides to prepare their final arguments for Wednesday on a defense motion to quash the first-degree murder indictment against Sirhan.

Cooper based the motion on a contention that the method of selection of the grand jurors who originally indicted Sirhan is unconstitutional and that the jury does not represent a proper cross-section of the community.

That argument is expected to consume most of Wednesday and perhaps part of Thursday, followed by swearing-in of the 12 regular jurors and then the selection of six alternate jurors. If choosing the alternates progresses at the rate at which the 12 regular jurors were picked, the prosecution could begin presenting its case early the following week.

Attorneys for both the defense and prosecution

have been unusually concerned about the composition of the jury.

Sirhan is a Palestinian Arab immigrant whose shooting of the New York Senator reportedly was inspired partly by violent pro-Arab, anti-Zionist political feelings.

Attorneys for both sides have speculated that Arabs, Jews, Democrats, Republicans, radicals or conservatives of any stripe or people of any ethnic background could feel an emotional involvement in the Sirhan case because of their backgrounds.

Accordingly, the defense exercised peremptory challenges to dismiss some prospective jurors who gave an impression of

rigid opinions or conservative views, while the prosecution dismissed one woman, for example, who expressed left-oriented political views and a Negro man who wore a blue turtleneck sweater and an Egyptian love symbol on a chain around his neck.

Similarly, any person who expressed unshakable opposition to the death penalty was dismissed, despite efforts of the defense to retain these jurors.

But this question arose only twice, and New York attorney Emile Zola Berman of the defense team privately expressed dismay that such opposition occurred so rarely in the questioning of 59 prospective jurors.

(Mount Clipping in Space Below)

The 12 Sirhan Jurors - No Longer Faces in the Crowd

By John Douglas

Herald-Examiner Staff Writer

An engineer with a Ph.D. . . . a garment salesman who retired to Los Angeles . . . a mechanic who emigrated here from Mexico and found a trade at the Long Beach Naval Ship Yard.

These men, in their occupations and circumstances, are typical of the Los Angeles County community.

They are not faces in the crowd. They are members of a select group.

Their names are Dr. Bruce D. Elliott, Benjamin Glick and Alphonso Gollida. With five other men and four women they will try Sirhan Bishara Sirhan for the murder of Sen. Robert F. Kennedy.

Should they find him guilty of murder in the first degree,

they will also decide whether he is to serve out his life in a California prison, or die in San Quentin's gas chamber.

It took eight-and-a-half days to choose the 12. They were winnowed from 60 men and women brought to the armor-plated courtroom on the Hall of Justice's eighth floor to be questioned . . . questioned . . . questioned by Superior Judge Herbert V. Walker and defense and prosecution lawyers.

They had to satisfy not only the questioning, but the hunches of the lawyers. One juror, tentatively accepted for service, was challenged by the defense only after one of the lawyers noticed she rarely smiled.

Two other women seemed too "eager" to serve and were likewise dismissed.

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The jury as finally selected includes four Mexican-Americans, and a Jew, Glick. The defense considers this a good representation of minority groups.

Seven of the jurors are Republicans and five Democrats. Only one voted for Kennedy in the California Democratic primary.

Each juror has been asked his religion in a secret questioning session in Judge Walker's chambers, but this information is confidential.

Only one of the jurors has made it clear he is a deeply religious man.

Lawrence Morgan, during each day's recesses sits in the jury box studying his gilt-edged Bible.

He testified that while he subscribed to The Herald-Ex-

aminer his basic reading was "church periodicals."

Asked about his acquaintance with police officers, he answered he knew "only those I've met at church."

Morgan has little time for television news, he explained. He arises each morning and leaves for work before the news broadcasts begin, and is at home, in bed, before it is time for the late night news.

Morgan was the only one of the 12 original prospects for the Sirhan jury to survive the selection process.

He is one of two computer programmers on the jury. The other is Dr. Elliott.

Elliott, in his 20's, won his doctorate in engineering at Purdue University and then came to California to join TRW—space oriented "think tank" headquartered in Re-

dondo Beach's Space Park.

Both men are readers when their attention is not required by the court — but Dr. Elliott leans toward paper-back novels.

Alphonso Galindo is the "loner" of the jury. During in chambers conferences when he and 11 fellows are left in the jury box, many of them chat together. Galindo appears to withdraw into himself. He looks neither to the left nor to the right. He rarely speaks.

The defense is impressed by Galindo's Mexican background. Mexico has no death penalty. And it does have a strong tradition of anti-death penalty sentiment.

Juror No. 1 — he wasn't chosen first, he sits in the seat numbered "one" — is Ronald Evans.

He answers questions from judge and lawyers with an almost military precision.

He speaks in monosyllables. He is a PBX (office switchboard) installer for Pacific Telephone Co. from Inglewood.

Another telephone company employee, Miss Susan Krumm, a supervisor-foreman for operators — sits next to him. She's been involved in jury duty since the middle of last month. She was seated on the jury only after she obtained from her employers assurances that her service at the Sirhan trial, which may last as long as three months, would in no way jeopardize her job.

Mrs. Mary Lou Busby teaches mathematics at Downey High School. She rarely reads local newspapers, she says, but is an avid reader of Barron's — a financial journal.

She's married. Her husband teaches history at Glendale High School.

A graduate of Seton Hill College at Greensburg, Pa., she has a good background in psychology.

This is important to the defense which has conceded that Sirhan fired the shot that killed Kennedy, and now seeks to save him from the gas chamber through the psychological defense of "diminished capacity."

Mrs. Busby — buxom, blonde, usually dressed in black, every hair in place, has a smile that hints of the Mona Lisa.

She also has a mind like a steel trap as she made clear during her interrogation by Cooper and Dep. Dist. Atty. John Howard.

Lawyers on both sides are somewhat in awe of Mary Lou Busby — juror No. 4.

Very much not in awe of her — he jokes with her and draws her Mona Lisa smile into a broad grin — is juror No. 3 — Albert M. Frederico.

Frederico, a giant of a man, is a plumber for Los Angeles Department of Public Works.

When his questioning by Judge Walker began he became confused and frankly told the judge:

"I'm not too sharp, your honor."

According to Cooper and Berman the Sirhan jury has a "solid back row," meaning that the six jurors who sit in the second row of seats in the box are to them, particularly impressive.

Galindo sits there in seat No. 7, and next to him Dr. Elliott.

On Dr. Elliott's left is Nell Bortells.

Stocky, hair drawn back from her face, Miss Bortells pauses before answering nearly every question.

She's a telephone company sales representative from Monrovia.

Miss Bortells' pause after one question was so long that one wondered if she had heard.

She was asked, by Dep. Dist. Atty. David N. Filts:

"If this case gets to the penalty phase, if you have to decide between life and death for first degree murder, (if you hold this man's life in your hands) you won't shrink from the duty — will you?"

She finally answered.

"No."

When Benjamin Glick retired from his job as a wholesale clothing salesman in New York City five years ago, he and his wife moved to West Los Angeles.

To supplement their retirement income they formed a small ready-to-wear-firm they operate from their home. Glick does the buying, Mrs. Glick the selling.

Glick is Jewish, but not active in Zionist causes.

Glick is juror No. 10 and will judge the Arab, Sirhan, for a killing which the defense will try to prove was sparked, at least in part, by Sirhan's "obsession" with his victim's sympathy for Israel.

The other three members of the jury are all Mexican-Americans — Gilbert F. Grace, George Broomis and Irma Martinez.

Mrs. Martinez is the "baby of the jury." In her early 20's, she is a clerk for the Southern California Gas Co.

Her short black hair in unruly and a strand often obscures her vision. She brushes it back with an angry gesture.

Grace and Broomis are both Los Angeles Department of Water and Power employees.