

Both have a stolid look about them.

Sirhan is satisfied with his jury. When selection was completed he reared back in his chair and relaxed like a runner, at the end of a close race.

His brother, Munir and

mother, Mrs. Mary Sirhan, take the lawyers' word for it.

Said Munir:

"If they are satisfied, we are satisfied."

Mrs. Sirhan added:

"We have confidence in them so long as they have confidence in themselves."

(Mount Clipping in Space Below)

Jurors for Sirhan To Yield Freedom

Only a few days remain for the dozen jurors chosen in two weeks of questioning will be sworn and six alternates will be selected.

The 18 jurors then will be sequestered in a downtown hotel for the trial's duration. It is expected to last as long as three months.

Judge Walker will permit conjugal visits on weekends, but jurors otherwise will be allowed no contact with relatives or friends.

Each juror will be limited to a private hotel room and a community recreation room with television and newspapers—both monitored and censored to screen news of the trial.

Attorneys for both sides said they were satisfied with the jury.

(Indicate page, name of newspaper, city and state.)

A-3 Herald-Examiner
Los Angeles, Calif.

Date: 1/27/69
Edition: Night Final
Author:
Editor: Donald Goodenow
Title: Kensalt

Character:
or
Classification: 56-156
Submitting Office: Los Angeles
☐ Being Investigated

56-156-2-632

SEARCHED	INDEXED
SERIALIZED	FILED
1 JAN 28 1969	
FBI - LOS ANGELES	

(Mount Clipping in Space Below)

3 MONTHS OF CONFINING TRIAL

12 Sirhan Jurors Face
Their Last Free Day

BY DAVE SMITH

Times Staff Writer

Eight men and four women—total strangers—may enjoy their last day with family and friends today before embarking on three months of grim and tedious confinement together.

If they are sworn in Thursday, as has been indicated, they will be kept day and night in a rigidly controlled environment in which diversions will be chosen for them, and precious few at best.

Their attention in almost every waking hour will be riveted on only one thing: giving Sirhan Bishara Sirhan his due.

That won't be easy.

On the surface the Sirhan case appears cut-and-dried. But three months from now these 12 jurors

will have to do the most sophisticated thinking of their lives to fairly assess one complex, intangible—and all-important—factor: Sirhan's state of mind.

That is what his trial is going to be about.

Dozens of people saw Sirhan kill Sen. Robert F. Kennedy at the Ambassador last June 5, and Mayor Sam Yorty gave a public airing over television of parts of a diary in which Sirhan wrote of his intent to assassinate the New York senator.

Even though the defense admits Sirhan killed Sen. Kennedy, the prosecution plans to spend a month in court proving the uncontested fact, to drive the point fully home before asking the jury to gas Sirhan to death.

Since none of the jurors has expressed any conscientious objection to the death penalty, theirs might seem a simple task.

But the defense hopes to impress the jury with a wide array of medical, psychological, political, sociological and perhaps even chemical and genetic evidence to show that Sirhan was incapable of responsible premeditation of murder, that emotional factors diminished his capacity to plan.

This is a legitimate defense under California law, one that takes account of mental imbalance less bizarre than the dithering lunacy normally required to buttress a defense of legal insanity.

The defense of diminished responsibility also is one that each of these 12 jurors has sworn to give impartial, open-minded attention to. And in doing as they have sworn, they open themselves to agonizing hours when the time comes to decide whether to kill a man or let him live.

The prosecution has already warned these jurors that it is merely an abstraction to say, "I could vote the death penalty." They must liken themselves, the prosecution stresses, not only to eye-witnesses at the beheading of a person but also to "the man who has to put his hand on the axe."

(Indicate page, name of newspaper, city and state.)

I-1 Los Angeles Times
Los Angeles, Calif.

Date: 1/29/69
Edition: Home
Author: Dave Smith
Editor: Nick B. Williams
Title: Kensalt

Character:

or

Classification: 56-156
Submitting Office: Los Angeles

☐ Being Investigated

56-156-N-633

SEARCHED	INDEXED
SERIALIZED	FILED
1 JAN 29 1969	
FBI - LOS ANGELES	

Until that moment of truth arrives, the jurors will sit through one of the most cumbersome yet cautious trials in American history. They have already—in the two weeks of jury selection—had a taste of what it will be like:

Endless repetition, painstaking detail, confusing niceties of law, haggling over semantic nuances until the whole point is blunted by the monotonous drone.

Tug at Stomach

And then, at unexpected moments, the quick tug at the stomach whenever two recurrent details rear out of the fog like icebergs: Kennedy, bleeding to death on a kitchen floor. The impending decision on Sirhan's life or death.

Despite the frequent monotony that is handmaiden to American jurisprudence, the attentiveness of the jurors impaneled last Friday indicates they sense something awesome in the spectacle of such complicated legal machinery cranked up to grind out justice for one little 120-pound sprig of humanity.

Despite the inconvenience the jurors will suffer in being kept out of touch with life in general

during the trial, most of the 12 seemed to want to be on this historic jury.

Their sense of history is doubtless heightened by the presence of newsmen and artists who occupy half of the courtroom's 75 seats.

With sidelong glances, the jurors can see the reporters scanning their faces keenly and continually, looking for telltale reactions.

They can see the artists busy with their sketchpads, drawing their profiles, then a three-quarter view, maybe even a full-face sketch in color. There will be no photographs—cameras are forbidden in the court—but the jurors know that their portraits will be shown in newspapers and on television all over the country.

Never See Portraits

They, ironically, may never see their portraits, unless someone saves them until after the long trial. The jurors are forbidden to read or listen to anything about the case until a verdict is reached. In the downtown hotel where they will be locked up nights and weekends, a bailiff will monitor their television and censor their reading, cutting out all reference to the Sirhan case.

These precautions, designed to protect the jurors from editorial persuasion and from harassment

by cranks, are at the order of Superior Judge Herbert V. Walker, who at 69 presides over the biggest case in a distinguished career that ends with his retirement in July.

Judge Walker is a portly man with a gruff face seamed by downward-drooping lines. His face is dominated by bushy white eyebrows which rise and descend with unusual expressiveness. When he smiles, as he often does in court, he looks remarkably like an owl.

Below him, the pale, thin, nervous defendant sits, large, dark eyes darting to and fro in a smiling but frightened face.

Sirhan, 24, small enough to have once aspired to be a jockey, exhibits a number of nervous mannerisms as the arguments wear on. He chews at hangnails, picks at his fingers, clenches and unclenches his hands, clapping them over and over. His fingers are deeply stained by nicotine.

He always has a smile and a wave for his mother, Mary, and brothers Adel, 30, and Munir, 21, who sit in the rear of the court. And he hangs over the arm of the chair of one of his attorneys, Russell E. Parsons, a grandfatherly man of 69, for whom Sirhan has formed a deep attachment.

Mrs. Sirhan, 55, worries

about how much sleep Sirhan gets these days, and shakes her head like any hard-working mother over the problem of keeping her imprisoned son in a clean change of clothes. "This is the hardest time of my life," she admitted one day last week. "It has always been a hard life, but now, now is the hardest."

"Every day when I come here, the deputies search me — my clothing, my purse, even my hair. Why don't they search my heart?"

(Mount Clipping in Space Below)

Sirhan Charge Quash Pressed

By JOHN DOUGLAS

Herald-Examiner Staff Writer

Defense attorneys will seek to make more California legal history in the Sirhan Bishara Sirhan murder trial today as they return to court to again attack the county grand jury which indicted the Jordanian immigrant for Sen. Robert F. Kennedy's murder.

Chief Defense Attorney Grant B. Cooper seeks to quash the first-degree murder indictment on the grounds that the grand jury was unconstitutionally chosen.

Bone of contention is the system in Los Angeles County by which grand jurors are chosen from lists of nominees submitted by the judges of the Superior Court. The defense contends that the nomination procedure serves to exclude members of "certain minority groups" from grand jury service.

Whatever the outcome, the grand jury argument will extend the Sirhan trial at least five days. There is an outside possibility, prosecution sources said yesterday, that the argument could drag on for at least two weeks.

On call by defense counsel for today's session are professors Bob and Ray Schultz, demographic-sociologists at the University of Southern California. Demographic sociology is the study of the make-up of social and population groups with reference to their ethnic entities.

Cooper and his colleagues, Russell E. Parsons and Emile Zola Berman, hope to show that the 1968 grand jury was not ethnically representative of the population of the county and therefore could not by its very nature give a "fair and impartial" hearing to Sirhan.

At an in-chambers conference with Superior Judge Herbert V. Walker yesterday, defense and prosecution lawyers agreed to poll the 135 judges of the Los Angeles County Superior Courts by mail on their policies as to the nomination of grand jurors. Had this not been done, any or all of the 135 could have been subpoenaed into the armor-plated, eighth-floor Hall of Justice courtroom where Sirhan is being tried, to testify. Such a procedure could have extended the trial more than a month. Prosecution lawyers believe that opening and closing arguments in Cooper's motion to quash the Sirhan indictment will take two days. Witnesses called by both sides are expected to occupy the court's time for at least another three days.

*Grand Jury Selection /w
cc to Bureau
1-29-69*

(Indicate page, name of newspaper, city and state.)

A-3 Herald-Examiner
Los Angeles, Calif.

Date: 1/29/69
Edition: Night Final
Author: John Douglas
Editor: Donald Goodenow
Title: Kensalt

Character:

or

Classification: 56-156

Submitting Office: Los Angeles

☐ Being Investigated

56-156-N-634
SEARCHED INDEXED
SERIALIZED FILED

1 JAN 29 1969
FBI - LOS ANGELES

(Mount Clipping in Space Below)

Sirhan Counsel Calls 133 Judges in Move to Quash Indictment

BY DAVE SMITH

Times Staff Writer

Sirhan Bishara Sirhan's defense counsel subpoenaed all 133 Los Angeles County Superior Court judges Wednesday to testify as to how they pick their nominees for the grand jury.

The move postpones for perhaps a week the swearing-in of the 12 trial jurors seated last Friday. It also delays selection of six alternate jurors and the opening of the prosecution's case.

There was no prospect, however, that the 133 subpoenas would cause a parade of judges through Superior Judge Herbert V. Walker's courtroom.

With each subpoena, the defense included a questionnaire for each judge to fill out and return, instead of appearing personally.

Moves to Quash Indictment

The questions deal with the racial, ethnic and economic backgrounds of all grand jury nominees since 1959.

Chief defense attorney Grant B. Cooper argued Wednesday, as he has earlier, for a motion to quash the indictment against Sirhan, accused of killing Sen. Robert F. Kennedy. Cooper contended that the system of seating the grand jury excludes many classes of workers and minorities and is thus unconstitutional.

Cooper said he intends to find out whether judges nominate only from their circle of acquaintances, or whether they make an effort to nominate qualified persons from all strata of society.

(In Los Angeles County, each Superior Judge nominates two candidates. Twenty-three jurors are ultimately chosen by lot.)

Two Judges Willing to Appear

Of the 133 subpoenas, 26 were found to be undeliverable, the defense said, due to death, illness, absence or retirement of the judge from this jurisdiction. Of judges subpoenaed Wednesday, only two—Arthur L. Alarcon and Edward Brand—indicated a desire to appear in court.

Judge Walker ruled that the trial would convene today to take testimony from the two jurists and to give the trial jurors another probable date for their swearing-in. Other judges who want to appear—if there are any—would be heard Friday, Judge Walker said.

Cooper said he will compile the answers to the questionnaires and add them to other testimony in support of the motion to quash the indictment against Sirhan.

Cooper called Dr. Robert E. Schultz, a professor of finance at USC, to describe his analysis of the 1968 grand jury's makeup in comparison to 1960 census figures for the county.

Schultz's testimony indicated that the majority of nominees were older, wealthier, better educated and from the least integrated parts of the county.

Chief Dept. Dist. Atty. Lynn D. Compton countered Cooper's argument

with the contention that claims of racial or economic exclusion from the grand jury were "rather specious" in the case of Sirhan, a Palestinian Arab.

Compton pointed out that the function of a grand jury is solely to determine whether evidence is sufficient to warrant a trial, and that he felt it "inconceivable" that any grand jury, however constituted, would not have indicted Sirhan, particularly in view of the fact that the defense does not deny Sirhan killed Kennedy.

(Indicate page, name of newspaper, city and state.)

II-1 Los Angeles Times
Los Angeles, Calif.

Date: 1/30/69
Edition: Home
Author: Dave Smith
Editor: Nick B. Williams
Title: Kensalt

Character:
or
Classification: 56-156
Submitting Office: Los Angeles

☐ Being Investigated

56-156-N-635
SEARCHED INDEXED
SERIALIZED FILED

1 JAN 30 1969
FBI — LOS ANGELES

Superior Court Judges
subpoenaed

Grand Jury Selection
12/1/69

106 jurors
1-30-69

(Mount Clipping in Space Below)

Trial of Sirhan

Bogged in Detail

Trial of Sirhan Bishara Sirhan on charges he killed Sen. Robert F. Kennedy bogged down again today in a morass of technical detail as defense lawyers awaited responses from Superior Court Judges on how they choose nominees for the grand jury.

The defense has served 123 jurists with subpoenas and questionnaires on grand juror nomination as part of the attack on the 1968 grand jury which indicted the 24-year-old Jordanian immigrant for Kennedy's murder. The judges may either fill out the questionnaires and return them to the court of Judge Herbert V. Walker, who presides over the trial, or testify in person.

By late last night, 55 judges had returned their questionnaires. Judge Walker made today at 5 p.m. the deadline. Chief Defense Attorney Grant B. Cooper wants to do a statistical study of the jurists' responses. He will have to base it on material received through today, according to Walker.

The trial will not resume until Tuesday, at which time Cooper will call Sirhan and his 56-year-old mother, Mrs. Mary Sirhan.

One of the bases of attack Cooper is employing is that the grand jury was unconstitutionally chosen because excluded members of the low income group. He says the Sirhan family members of this



—Herald-Examiner Photo
ARTHUR ALARCON
Judge also appeared



—Herald-Examiner Photo
JUDGE EDWARD BRAND
Witness at Sirhan trial

nominees for 1968 as revealed in the judges questionnaire.

He has already testified that the makeup of the grand jury was not economically, socially and demographically reflective of the profile of the county as that profile is revealed in the 1960 census.

William A. Goodwin, Superior Court Jury Commissioner, testified yesterday that for the last three years Superior Court presiding judges have urged jurists to consider ethnic, racial and economic level factors in choosing grand jurors.

According to Emile Zola Ber- man, Cooper's associate:

"They have been told to do this. But they have not done it."

Cooper believes that if he can show that the 1968 grand jury was unconstitutionally selected the indictment charging Sirhan with first degree murder in the Kennedy slaying must be quashed.

If this happens the present trial will be halted. However, Sirhan would not go free. He could be re-indicted or brought to trial on the basis of a district attorney's complaint. Meanwhile, he would remain behind bars under the police warrant charging him with murder.

(Indicate page, name of newspaper, city and state.)

A-3 Herald-Examiner
Los Angeles, Calif.

~~Superior Court~~
~~Judges Subpoenaed~~
~~Grand Jury Selection law~~

Date: 1/31/69
Edition: Night Final
Author:
Editor: Donald Goodenow
Title: Kensalt

Character:
or
Classification: 56-156
Submitting Office: Los Angeles

☐ Being Investigated

SEARCHED	INDEXED
SERIALIZED	FILED
1 FEB 3 1969	
FBI - LOS ANGELES	

cc to Bureau
2-3-69

56-156-36-638

They will be questioned on economic status and nothing else, he said yesterday.

Three Superior Court Judges chose yesterday to answer Cooper's questions in person rather than responding to the questionnaires.

Retired Los Angeles County Superior Court Presiding Judge Kenneth Chantry and Judges Arthur L. Alarcon and Edward Brand all testified yesterday.

Chantry and Alarcon said they sought members of minority groups for grand jury service, but were often unsuccessful. They were not successful in their search for such persons for the 1963 grand jury, they said.

Judge Brand said he did not believe in "hyphenated Americans" and paid little or no attention to the ethnic backgrounds of his nominees.

Brand and Chantry admitted their nominees in 1962 and 1963, the test years in the Cooper argument, were affluent and in their 60's and 70's.

Alarcon said he sought younger nominees.

All three judges pointed out that beside its functions of criminal indictment, the grand jury was charged under California law with responsibility for investigating and auditing the various departments of county government. Great judgment and maturity is needed to perform this task, they said.

When court resumes Tuesday, Dr. Robert Schultz, University of Southern California population expert, will again take the stand--this time to testify of his analysis of the grand jury

(Mount Clipping in Space Below)

Sirhan Lawyers Call in Judges

By JOHN DOUGLAS

Herald-Examiner Staff Writer

Defense maneuvering gets underway today in the Sirhan B. Sirhan murder trial and, if successful, it could end the trial before any evidence is presented against the admitted slayer of Sen. Robert F. Kennedy.

Los Angeles County's chief superior court jury commissioner, William Goodwin, and at least two Superior Court judges will be questioned about how the 1968 county grand jury which indicted Sirhan was chosen.

The jurists, Arthur Alarcon and Edward Brand, were among 133 Superior Judges for whom defense subpoenas were issued yesterday. Each judge was given the option of answering a written questionnaire about his nominations to the grand jury, or appearing personally to testify in the Court of Superior Judge Herbert V. Walker.

Alarcon and Brand declined to answer the questionnaire, but within hours of receiving their subpoenas indicated a desire to testify.

Judge Walker said he expected more judges to testify.

Defense strategy, devised by Sirhan's chief counsel Grant B. Cooper, is to challenge the constitutionality of the grand jury selection system. If this strategy is successful the indictment charging the 24-year-old Jordanian immigrant with Kennedy's slaying would be quashed.

Sirhan would not go free, but the present trial would be halted. He then could be re-indicted, or brought to trial on the basis of a district attorney's complaint. Meanwhile, he would remain in jail under a police warrant charging him with murder.

Just how long defense and prosecution arguments on the grand jury issue will take is uncertain. Some indication may come from Judge Walker today when he tells the 12 jurors chosen to try Sirhan when they must return to court.

They were excused today, and will not be present during argument of the grand jury challenge. They also can not be sworn in until Walker rules on the defense attack.

Cooper told Judge Walker yesterday that he expects the judicial questionnaires to be returned to him by Monday evening. Then they must be analyzed by Dr. Robert Schultz, University of Southern California population studies expert retained by the defense.

Cooper has indicated he would like the trial recessed until the analysis is completed, but Judge Walker is resisting further delays in the Sirhan case.

Schultz was the only witness called by the defense yesterday. He testified that he had compared ethnic, demographic and economic data concerning nominees for the 1968 grand jury with 1960 census profiles of Los Angeles County.

Asked is conclusion, he said: "The makeup of the grand jury nominees in no way shows a profile of Los Angeles County."

On the basis of Dr. Schultz' findings, Cooper attacked the grand jury on two grounds:

• First, that it was unfair to Sirhan because he is but 24 and no member of the grand jury was 30 or under.

• Second, that it was unfair because Sirhan comes from "an economically low level," and no member of the grand jury, Schultz estimates, had an income of less than \$10,000 annually.

Although he maintained that the same legal principles apply to Sirhan's case as have been cited in successful attacks on grand juries based on racial exclusion, Cooper said he is not raising the racial issue here.

The grand jury that indicted Sirhan included Negroes, Mexican-Americans, and, ironically, one Arab.

Cooper insisted that he does not have to show that exclusion of young persons and those of low income from the grand jury was prejudicial to his client. The simple fact of exclusion is enough, he says.

(Indicate page, name of newspaper, city and state.)

A-3 Herald-Examiner
Los Angeles, Calif.

Date: 1/30/69
Edition: Night Final
Author: John Douglas
Editor: Donald Goodenow
Title: Kinsalt

Character:

or

Classification: 56-156
Submitting Office: Los Angeles

☐ Being Investigated

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 31 1969	
FBI - LOS ANGELES	

Chief Deputy Dist. Atty. Lynn D. Compton disputed this.

He also argued that the grand jury question is irrelevant because any grand jury would have indicted Sirhan. He pointed to the fact that Cooper concedes, "Sirhan pulled the trigger that fired the shot that killed Sen. Robert F. Kennedy."

Cooper insisted that a substantial "federal constitutional" question is raised in his attack on the grand jury system.

Dep. District Atty. John Howard, responding for the prosecution, said that while the federal courts had agreed to look at the makeup of federal grand juries, they had not involved them-

selves with state grand jury selection. He pointed out that there was no question but that the 1968 grand jury was chosen in accordance with California law.

"The federal government lets us run our own railroad," he said.

Judge Walker broke in from the bench to question this, saying:

"In the past five years the federal government has said we can't run our own railroad. I am not sure they won't do it in this case."

When court adjourned yesterday, defense aides said they had served subpoenas and questionnaires on 80 of the 133 Superior Court judges they sought. Another 26 will not be served because the judges are retired and either ill or out of town. The balance of the subpoenas will be served today.

Profiling the grand jurors nominated by the judges under subpoena, Dr. Schultz said he found that 88 per cent were 45 or older; 74 per cent had at least one year of college and many held graduate degrees.

He said 67 per cent were either professional or technical men or managers and that 154 of 160 nominees lived in basically all-white neighborhoods which he listed as "centered on Beverly Hills and including Brentwood, Bel-Air, West Los Angeles and the Palisades Peninsula."

He said 75 per cent of the grand jury nominees lived in homes valued at more than \$25,000 and 70 per cent had annual incomes greater than \$10,000.

Countering his argument that these figures were in marked contrast to the 1960 census profile, Compton termed Schultz' testimony irrelevant because, he said, the 1960 Census is out of date.

The Sirhan attack on the grand jury is similar to that brought last year in the Sal Castro-Brown Beret case. Defense and prosecution attorneys have obtained copies of the 100-page record in that case, but Judge Walker said yesterday he wants to establish a new record and not rely on the Castro case.

(Mount Clipping in Space Below)

GRAND JURY ISSUE**Sirhan Defense
Subpoenas 133
Superior Judges****BY DAVE SMITH***Times Staff Writer*

The prospect of a week-long recess in the murder trial of Sirhan Bishara Sirhan arose Wednesday as the defense subpoenaed all 133 of Los Angeles County's Superior Court judges regarding their method of selecting grand jury nominees.

Chief defense attorney Grant B. Cooper, arguing for a motion to quash the indictment against the admitted slayer of Sen. Robert F. Kennedy, contended Wednesday that the grand jury is unconstitutional because it does not represent a broad cross section of the population.

Cooper said Superior Judge Herbert V. Walker indicated he would grant a "reasonable" continuance for the defense to analyze the judges' testimony. Cooper said he would seek to have the matter put over to next Wednesday.

There was no prospect, however,

that the 133 subpoenas would trigger a parade of judges through Judge Walker's courtroom.

With each subpoena the defense included a questionnaire for each judge to fill out and return instead of appearing personally. The questionnaire's 14 questions deal with the racial, ethnic and economic backgrounds of all the people the judges have nominated to the grand jury since 1959.

23 Selected

Each judge nominates two persons to the grand jury and from the pool of more than 200, 23 are selected by lot.

Cooper called Dr. Robert E. Schultz, a professor of finance at USC, to describe his analysis of the 1968 grand jury's makeup in comparison to 1960 census figures for the county.

Schultz' testimony indicated that the majority of nominees were older, wealthier, better educated and from the least integrated parts of the county.

"The people (on the 1968 prospective grand jury panel) in no way approximate the profile of the Los Angeles County population," Schultz concluded.

Chief Dept. Dist. Atty. Lynn D. Compton countered Cooper's argument with the contention that claims of racial or economic exclusion from the grand jury were "rather specious" in the case of Sirhan, a Palestinian Arab.

Compton pointed out that the function of a grand jury is solely to determine whether evidence is sufficient to warrant a trial, and that he felt it "inconceivable" that any grand jury would not have indicted Sirhan, particularly in view of the fact that the defense does not deny Sirhan killed Kennedy.

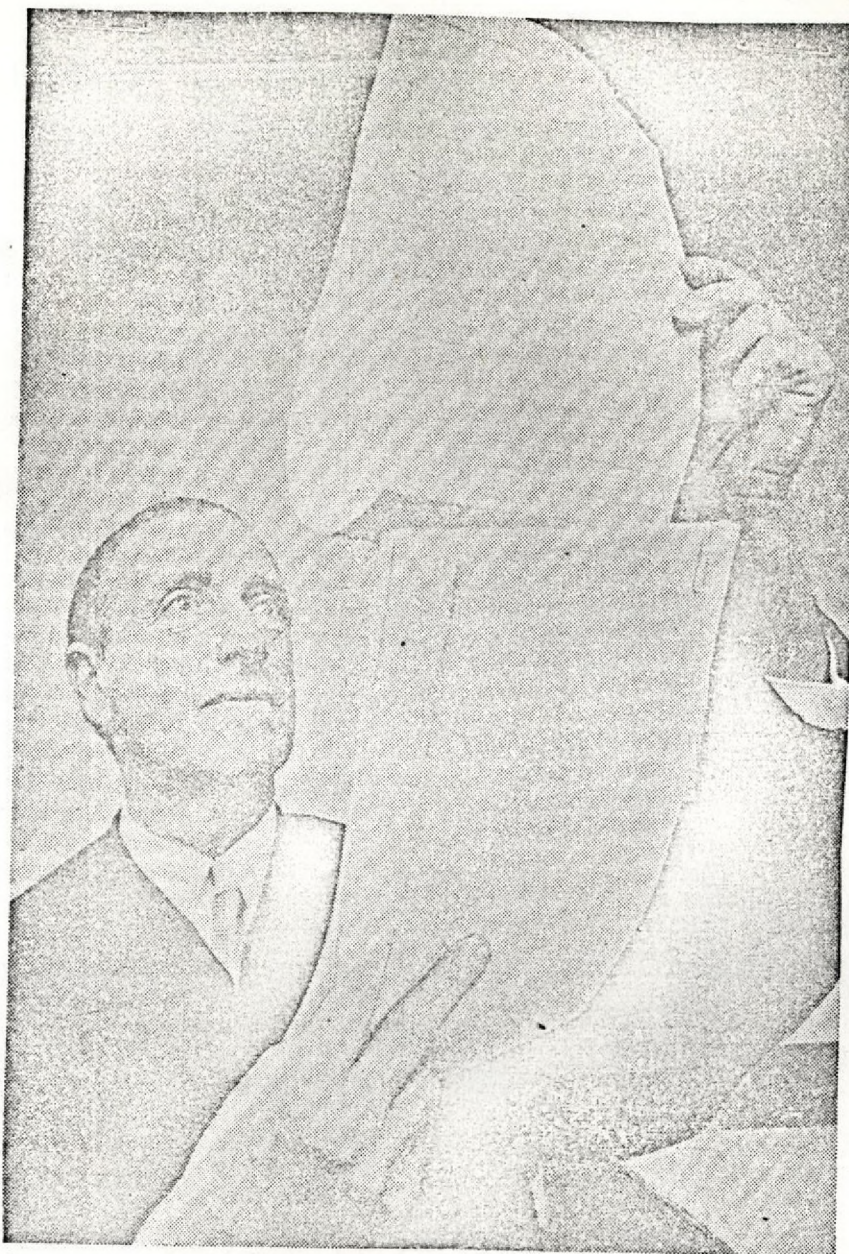
(Indicate page, name of newspaper, city and state.)

**II-1 Los Angeles Time
Los Angeles, Calif.**

Date: 1/30/69
Edition: Preview
Author: Dave Smith
Editor: Nick B. Williams
Title: Kensalt

Character:
or
Classification: 56-156
Submitting Office: Los Angeles
☐ Being Investigated

56-156-2-636
SEARCHED INDEXED
SERIALIZED FILED
1 JAN 30 1969
FBI - LOS ANGELES



SUBPOENAED IN SIRHAN CASE—Superior Court Judge Mark Brandler, one of 133 judges called by Sirhan Bishara Sirhan's defense counsel. He is studying a questionnaire included with subpoena. Times photo by John Malmin

(Mount Clipping in Space Below)

Breaks Into Tears

Talking in the hallway with Cooper, Mrs. Sirhan suddenly shuddered and brought her hands to her face, then buried her face against Cooper's chest as she sobbed.

Cooper wrapped his arm around the diminutive woman, patted her on the shoulder and kissed her on the cheek, murmuring "There, there, there now."

The cause of her outburst was not definitely learned, but it was reported that she was apprehensive about the forthcoming testimony. Mrs. Sirhan has been described as very shy and very proud, deeply religious and emotionally anguished since the June 5 killing of the New York senator.

Courtroom action Thursday was dominated by Cooper's attack on the grand jury seating system as unconstitutional because of alleged exclusion of poor or unemployed persons or those from minority groups.

As a Palestinian Arab whose family is also poor, Sirhan is thus a member of at least two classes traditionally unrepresented on the grand jury, Cooper contends.

The prosecution countered that despite defense studies indicating

Sirhan May Testify on Low Income in Challenge on Jury

BY DAVE SMITH

Times Staff Writer

Sirhan Bishara Sirhan and his mother will "in all probability" be called to the witness stand next Tuesday to testify to the family's low economic status since their immigration in 1957.

Defense attorney Grant B. Cooper said the testimony will support the defense contention that the admitted slayer of Robert F. Kennedy was indicted for murder by unconstitutionally seated grand jurors who came from a much wealthier class than he, and that the indictment should therefore be quashed.

The trial was recessed until Tuesday to allow preparation for further argument on the defense motion.

Cooper said the Sirhans' testimony would be kept "very brief," and that it would relate only to the family's income.

Mrs. Mary Sirhan, 55, a tiny, soft-spoken woman who has sat in the rear of the courtroom almost every day of her son's trial, broke down and cried at the close of Thursday morning's court session.

(Indicate page, name of newspaper, city and state.)

II-1 Los Angeles Times
Los Angeles, Calif.

Date: 1/31/69

Edition: Home

Author: Dave Smith

Editor: Nick B. Williams

Title: Kinsalt

Character:

or

Classification: 56-156

Submitting Office: Los Angeles

☐ Being Investigated

note bureau
1-31-69

Q₂

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 31 1969	
FBI - LOS ANGELES	

56-156-24 639

that some exclusion does occur, the 1968 grand jury that indicted Sirhan did in fact include two Negroes, Robert W. Garrett and Mrs. Adele M. Gomez, and even one Arab-American woman, Mrs. Margaret E. Shalhoub, whose father was Syrian and whose mother was Lebanese.

A major part of Cooper's attack on the grand jury selection system will be the answers of the county's Superior Court judges, all subpoenaed Wednesday, on how they choose their nominees. Each judge may nominate two jurors, and 23 are ultimately chosen by lot.

Most of the jurists answered the subpoena by filling out a questionnaire included by the defense, but three judges, Arthur L. Alarcon, Edward R. Brand and Kenneth N. Chantry, appeared Thursday afternoon to testify.

The testimony of these three—out of more than 100 responses expected over the weekend—tended to support Cooper's claim that nominees mostly come from the wealthier, older, better educated strata of society.

But Alarcon and Chantry also testified that they have tried in the past to find qualified nominees from among minority groups and lower income areas.

Judge Brand, however, told Cooper he had never considered racial or ethnic background in any way in selecting nominees because "I've never concerned myself with 'hyphenated Americans.' To me, there's only one kind of American."

Asked if his nominees tended to earn \$15,000 or more per year, he said he assumed they did and added, "It doesn't take very much to earn over \$15,000 nowadays."

Grand Jury Selection 12/20

*Superior Court
Judges Suspend*

(Mount Clipping in Space Below)

Grand Juries

Sirhan Defense Team to Probe California's Unique System

By John Douglas*Herald-Examiner Staff Writer*

County grand juries
how are they chosen?

Is the system archaic?

Do they try to accomplish
too much in their dual respon-
sibilities to the criminal
courts and to civil govern-
ment?

These questions will be
pressed by defense lawyers in
the Sirhan Bishara Sirhan
murder trial this week as they
not only seek to quash the in-
dictment charging their client
with the murder of Sen. Rob-
ert F. Kennedy, but also to
overturn forever California's
unique Grand Jury system.

—The law of every state
makes provision for some
kind of Grand Jury system. In
the New England states, these
juries are seldom called into
session—summoned only in
the event of major crimes or
scandals.

In other states, such as New
York, the County Grand Jury
is in session almost continual-
ly, as it is in California. But
there is a difference. The
Grand Jury, except in very
limited circumstances, has
only the power to indict for
crime in New York — noth-
ing else.

But in California the Legis-
lature has given Grand Jury
many tasks. Summing them
up, the 1968 Los Angeles
County Grand Jury reported
to the Board of Supervisors:

"Few citizens realize that
California county grand juries
have two-fold functions: The
first, well-known, is the crimi-
nal function; the second less
widely recognized but equally
important, is the civil or
housekeeping responsibility."

The 1968 Grand Jury indict-
ed Sirhan. It notes this in its
report in a 10-line paragraph.
The same report devotes 65
pages to the Grand Jury in-
vestigation of county govern-
ment. This was not a criminal
investigation. Much of it is
based on the findings of an
audit team employed each
year by the jury.

This year the jury also de-
voted its time to investigation
of health services in the
county, a study of student un-
rest and civil disobedience,
and to a probe of inadequate
facilities for the Coroner's
Office.

As the grand jurors noted in
their final report: "Los An-
geles County is one of the
largest financial enterprises

(Indicate page, name of
newspaper, city and state.)

A-11 Herald-Examiner
Los Angeles, Calif.

Grand Jury Selection Law
(12)

Date: 2/2/69
Edition: Night Final
Author: John Douglas
Editor: Donald Goodenow
Title: Kensalt

Character:
or
Classification: 56-156
Submitting Office: Los Angeles
☐ Being Investigated

Consolidated
File Stripped
Initials *REP*
Date *1-27-72*

per S. H. Hagan
4 ER

CC to Bureau
2-3-69

SEARCHED _____ INDEXED *MC*
SERIALIZED *MC* FILED _____
1 FEB 3 1969
FBI — LOS ANGELES

56-156-JH-640

in the West. . . . The conduct of this enterprise, and the spending of a budget in excess of \$1.5 billion is, by law, the direct business of the Grand Jury.

The magnitude of the Grand Jury's task can perhaps be fathomed by comparing the county with a similar metropolitan region.

The only municipal jurisdiction in the United States comparable in population to Los Angeles County is the City of New York. That city, divided into five counties, never has less than five grand juries sitting simultaneously.

There are usually twice that number. Moreover, all the civil 'housekeeping' functions performed by the Los Angeles County Grand Jury are done by the New York State and New York City comptrollers' office, each with a staff of hundreds.

In Los Angeles the 23 members of the jury can expect to meet four or five days a week, and be loaded with homework to study at their all-too-rare leisure. Although, by law, the jury must hire an auditor, usually a certified public accountant, that accountant's findings must be studied and approved by the jurors before they can be finalized.

Judge Arthur Alarcon, who twice as Criminal Courts Master Calendar Judge, has supervised the jury, estimated in testimony at the Sirhan trial that a member of the jury spends some 50 hours weekly on his task.

For it he is paid \$10 daily when the grand jury is sitting, plus mileage one-way at 10 cents per mile.

Kenneth Chantry, retired Presiding Judge of the Los Angeles County Superior Court and Judge Edward Brand, a member of the Superior bench since 1936, both believe that the time grand jury service takes and the judgment required of a juror in his assesment of the county's business, necessarily limits service on the jury to a few.

Unlike many jurisdictions, California grand juries sit for a full calendar year. An appointee to the jury must be able to make the financial sacrifice demanded by this year's service. And, if he is not self-employed, he must have an employer who is willing to, in effect, give him up for that year.

Judge Brand especially, according to his testimony at the Sirhan trial, is convinced that the decisions about the county's business a grand juror is required to make also requires a person of extraordinary intelligence and business acumen.

The element of sacrifice of time, Judge Alarcon and Judge Chantry testified, is the major barrier they found in their search for young people and members of minority groups to serve on the jury.

Judge Brand testified he never made any special effort to find either the young or the minority group members, when he sought nominees. He appointed people he knew.

The system of selection in California is a complex one. It begins each September in the year prior to which the juror is to serve.

In Los Angeles County, each of the 134 Superior Court Judges is invited to nominate two persons. Some do not make nominations, others name only a single person. In each case it is up to the individual jurist.

The names submitted are then subjected to a background investigation and studied by a committee of judges, which may have from three to eight members.

Some names are winnowed out and the rest given to the county clerk. By the spin of a wheel, he selects 34 names. Summons are served on these 34, and they appear before the clerk, at which time, again by the spin of a wheel, 23 of their number are finally chosen for service. This selection must be made by Dec. 10 in the year preceding the year in which the juror is to serve.

In criminal cases, and in

questions involving the removal of civil officials, which the Grand Jury also has the power to do, 14 of the 23 jurors must hear the evidence and concur before an indictment or removal may be voted.

In its civil work, the Grand Jury is divided into committees: Audit, Schools, Social Service, Smog, Jails, etc. These committees are of differing size depending on their importance and responsibility.

The jury makes its criminal reports to the Master Criminal Calendar Judge and its final municipal report to the Board of Supervisors. It has the services of the District Attorney and his staff and other municipal officials as staff.

It must hire an auditor, but, unlike other states in California the jury can not hire an attorney independent of the district attorney.

Each of the judges who nominated a member of the jury which indicted Sirhan has been asked questions about the criteria he used in selecting nominees.

Defense attorneys believe that in many cases this study will show the judges nominated their friends. However, many observers maintain that, given the civil responsibilities at the Grand Jury, this occurs because the jurists want persons whose judgment they trust.

Emile Zola Berman, one of Sirhan's lawyers says that the very nature of the California Grand Jury system is such that "no working stiff can ever serve."

Because of this, he, and his associates, Grant B. Cooper and Russell E. Parsons, will attack the system at its roots—the selection process and the civil aspect.

They expect to take their battle to the U.S. Supreme Court.

Should they prevail, the California Grand Jury system would fall.