

LA 56-156

two individuals were not interviewed by the LAPD.

The list of witnesses at the Ambassador also contains the name of Mrs. JEFFREY FINLEY and Mrs. CHARLES FINLEY. The interviews enclosed reflect that the interview and the witness is actually JEFFREY CHARLES FINLEY, as well as an interview of Mrs. CHARLES R. FINLEY (FRANCES).

F B I

Date:

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Special Agent in Charge

INTERVIEWS

LOS ANGELES POLICE DEPARTMENT

RE: JOSE DUARTE

*Part 5* 62-587-1090  
*pgs 771 thru 796*

1 TAPE RECORDED INTERVIEW OF JOSE DUARTE  
2 TAKEN AT 6642 DELONGPINE, HOLLYWOOD, CALIFORNIA, APT. #15  
3 WEDNESDAY, JULY 24, 1968, 7:00 P.M.

4 QUESTIONED BY: LT. M. PENA, S.U.S. UNIT  
5 SGT. M. J. MCGANN [REDACTED] S.U.S. UNIT  
6 OFFICER J. L. MOUNT [REDACTED] S.U.S. UNIT

7 TRANSCRIBED BY: STELLA C. ROTH

8 ASSISTED BY: SGT. M. J. MCGANN  
9 OFFICER J. L. MOUNT

10 (\*) UNINTELLIGIBLE

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LT. PENA: I'd like to identify myself as Lt.  
Manuel Pena. This is Sgt. McGann, Sgt. Mount, and you are  
Major Jose Duarte. I would like to cover four or five points  
with you in connection with this meeting on May 21st.

SGT. MCGANN: First.

LT. PENA: Wherein you had a verbal altercation  
with a particular individual.

A A verbal altercation. There was some kind of  
shoving in there, too.

LT. PENA: All right. Sgt. McGann and Sgt.  
Mount have, during the past two weeks, have been investigating  
this particular meeting and contacting a group of people--a  
number of people. They have located and identified--is it  
seven?

SGT. MCGANN: Seven men.

LT. PENA: Seven men of Arabic or--

SGT. MCGANN: Persian.

LT. PENA: Persian background who were at that  
meeting. Last evening they brought Ali--

1 SGT. MCGANN: Kahn Bouzmand.

2 LT. PENA: Ali Kahn Bouzmand, to your home here,  
3 and you have identified him as the man with the beard that  
4 was present with this group of Persians at the meeting.

5 Q BY LT. PENA: Isn't that so, Mr. Duarte?

6 A Arabs. They may have been Bengaleze (sic), or  
7 they may have been Algerians or Arabs.

8 Q You did identify the gentleman that was brought  
9 here last night?

10 A Yes, he was present there. Yes.

11 Q From the first instance in this case, is it not  
12 true--

13 A Would you gentlemen like something to drink?

14 Q --is it not true, Major Duarte, that you indicated  
15 that it could be a case of mistaken identity with respect to  
16 your indicating that the man you had the altercation with  
17 was Sirhan Sirhan?

18 A It was more than that. I said--this is what I  
19 said. In regards to this situation, these circumstances,  
20 it could be left to honest to God truth that this was either  
21 a case of I making up the story or a case of mistaken  
22 identity or whether I'm saying the truth. This is what I  
23 said. I even said myself--guarded myself--I granted the  
24 public and I gave myself that I have been guilty of allowing  
25 people to think that this was a story that I was making up  
26 because people could think of that. Those are the three

1 things I mean that come to be now a case of mistaken  
2 identity. But I say--

3 OFFICER MOUNT: Jaladipour (phonetic).

4 A --I say from the beginning, this is what I say  
5 from the beginning--this is what I said from the beginning.  
6 This could be construed as three cases. Three cases. Three  
7 independent cases. One, that I am making up a story in  
8 order to bring the Cuban question out and give to it publicity.  
9 Second, that this could be the case of mistaken identity.  
10 Third, that if the truth, what I'm speaking--therefore, if  
11 this is the case, that I'm making this up, I'll have to  
12 stand on my record for that and on the investigation.

13 Second, if this was a case of mistaken identity, let  
14 the person that was there at this time come forward and  
15 identify himself or bring Sirhan or his brother.

16 Third, that I am saying the truth up 'til now. I have  
17 no contradictions to it. Those were my statements. Now,  
18 in the beginning--I say from the beginning--I think this may  
19 be a case of mistaken identity. I wasn't sure. These were  
20 the three things I brought out that could be, and I was  
21 letting everyone know to go forward and prove to me and prove  
22 to the police and prove to the authorities which of the three  
23 were. I said in the first case it could be this, that I am  
24 making this up, investigate me, and whether I was there or  
25 not--what took place.

26 Second, if this is the case of mistaken identity, I

4  
1 have identified this picture without seeing the man ever on  
2 different occasions of photos having been shown to me. If  
3 I recognize a man that is similar to him, let him come for-  
4 ward now, and the case--it happens that two months afterwards  
5 his Persian friends, his roommate, and so they come forward  
6 now to bring a story or an evidence or circumstantial  
7 evidence or a likely story or something that eliminates one  
8 or two premises of there--of my making up a story, or  
9 whether I'm telling the truth, too. Leave out only the case  
10 of mistaken identity, and it comes of what? Of their words?  
11 Your investigation? And my--my position, I stand.

12 Q Now, we have shown you several photographs of the  
13 roommate of Ali Kahn Bouzmand.

14 A And I do not recall him.

15 Q You have indicated you do not recall him. We  
16 have indicated to you that--

17 A --that he was a man that your investigation has  
18 shown that he was a man and that he had, and that you have  
19 in your investigation, be of the evidence--I don't know  
20 whether you got evidence, but you have been led to believe,  
21 or that you believe--I don't know how you can paraphrase  
22 that in English. I leave it to you. I could say in Spanish--  
23 (speaks in Spanish).

24 Q I will translate that for purposes of the record,  
25 "That the Los Angeles Police Department by virtue of its  
26 investigation, has been investigationaly satisfied and con.

1 convinced that this is the case of mistaken identity and  
2 that the picture of this gentleman--

3 OFFICER MOUNT: Reza.

4 LT. PENA: Reza.

5 OFFICER MOUNT: Jaladipour.

6 Q BY LT. PENA: Jaladipour is the man that had the  
7 altercation with you. The interviews with this gentleman  
8 have verified to great extent your version of the altercation  
9 at the meeting. He is willing to face you and meet you  
10 personally and go over the incident if this could be arranged  
11 on an amicable basis. I have also--

12 A If he keeps his cool and he does not act the way  
13 he acted there, it might be amicably.

14 Q Well, we appreciate the delicacy of that, and  
15 shall we say can we hold that in abeyance and make a decision  
16 at a later time?

17 A Any time you want.

18 Q You are willing if it can be handled on an  
19 amicable basis?

20 A I am not willing--this puerto (sic).

21 Q You are disposed to meet him?

22 A Surely.

23 Q All right.

24 A Willing is not in Spanish what--what this puerto  
25 means--I'll be ready, willing and able--willing all the time.

26 Q BY SGT. MCGANN: While we are on this subject

1 of Jaladipour, would you agree that he had similar features  
2 in this picture that we have shown you today?

3 A I can't go into that today because he doesn't  
4 look to me like Sirhan's nose. His hair--he has short hair.  
5 There, now, he has long hair. His hair at that time was not  
6 as long as you have here.

7 Q You can't say there is a resemblance, is that  
8 correct?

9 A Well, according to the resemblance--and this is  
10 a fact--something that we never mentioned--but this really  
11 hurt us. Chief Reddin--with all respect for him--the first  
12 thing he came out and say the man looks like an exile Cuban  
13 or like a West Indian, and that created a very delicate  
14 situation, you know. Mesquera was working in Washington at  
15 the time that Oswald was killed. She was working that day--  
16 Organization for American States before she became a  
17 librarian in UCLA. She's been there for four years. And  
18 she could tell you when they said that the Cubans had killed  
19 Kennedy, the situation she had to face there. The same  
20 thing happened here when Chief Reddin--I would say extempor-  
21 aneously--I wouldn't say unwisely--I would say extemporandi  
22 (sic), and I'll say that now--excuse me, what the hell does  
23 a Cuban look like compared to a Jamaican because I'm brown-  
24 skinned, so are you.

25 JF. PENA: That's true.

26 A And I can show you so many huertos in our

1 Spanish race that might be taken for them--for Americans.  
2 And yet because he was olive-skinned and he had an accent,  
3 all of a sudden they say he looks like a Cuban or a West  
4 Indian. Wait a minute! Maybe we wouldn't mind so much to  
5 be taken for niggers.

6 Q BY LT. PENA: Did the man that you have, Major  
7 Duarte, did the man that you had the altercation with that  
8 you, shall we say, believed was Sirhan Sirhan have an accent?

9 A Just like I have. Surely.

10 Q He had an accent and he spoke English with you?

11 A Oh, yes, the whole conversation was in English,  
12 and he had an accent just like I have, I have, like Mesquera  
13 has, like--you have one.

14 Q Do you think I have an accent?

15 A Oh, yes. You don't have an accent, you have an  
16 inflection.

17 Q I have an inflection, but I don't believe I have  
18 an accent.

19 A No, no, you have an inflection. I stand corrected.  
20 The inflection is that we say words and we have a certain  
21 cadence.

22 Q Well, that comes from the Latin influence.

23 A That's right.

24 Q As opposed to an accent.

25 A An accent, it would be like if I was--I would be  
26 saying for instance, instead of saying record, I would be

1 saying record, or something like that.

2 Q Yeah, it's a--

3 A --an accent. It's a case of garbmatology (sic)  
4 now. An accent or and inflection--I probably have an accent.

5 Q You do have an accent. Yes, sir, and you are  
6 positive that the man that you believe might have been Sirhan  
7 Sirhan at this meeting had an accent?

8 A He was--I mean he was--he was--he was not  
9 speaking American with inflection characteristic to American.

10 Q He spoke with an accent. All right, now, we  
11 have approached you. We have approached you on the possibility  
12 of--of considering the tremendous burden this places on you  
13 in terms of the length of time that has passed and of the  
14 publicity that has been given your particular situation.  
15 We have asked you how you felt about making--

16 A --as a matter of fact, Lieutenant, for the record,  
17 not here in Los Angeles, but the world over--

18 Q Yes.

19 A --but not here in Los Angeles.

20 Q Yes. I--we understand that the publicity is  
21 outside of Los Angeles, but we have approached you on the  
22 possibility of indicating to the news media on the basis  
23 that would be most comfortable and satisfactory to you and  
24 to the publications that have been published.

25 A Of which I had nothing to do with. I mean, I  
26 have been sighted, my picture taken, and all that. And my

1 threat--I have been threatened over the telephone, and I  
2 went on Channel 9.

3 Q Have you been misquoted by the news?

4 A No--yes, from the Los Angeles Times. Yes.

5 Q Yes.

6 A Not only misquoted, it's a lie what it says  
7 there. Would you care to read it?

8 A Not just at the moment.

9 A They send me a--a gentleman by the name of Hilda,  
10 who visit me, he knew about the threat, not only--I tell you  
11 what, Velasco was threatened the same way, and he told me--  
12 now I don't say he did--he told--excuse, me, he told me that  
13 he had contacted the FBI through his son-in-law, and the  
14 FBI had bugged his phone with his permission to see if they  
15 could trace the calls, and they didn't do it. (\*) and I  
16 thought I didn't tell you that. I went on television in  
17 case--the date is there.

18 Q Yes.

19 A The date is there, and I went on Channel 9, and  
20 I asked Dolan for 15 seconds in which I addressed myself  
21 this way. I say, "Now, this is to you who have been making  
22 threatening telephone calls to me, my family, and my friends.  
23 We don't scare easy. Now, let the hand of destiny," and it  
24 was romantically speaking, sir, taken in Spanish, "taking  
25 the hand of destiny to erase my name from the scroll of the  
26 living wherever and whenever he wills." Just like that.

1 "And listen, and listen well, damn you," just like that, "this  
2 Cuban-American yields to no violence or terrorism." Then you  
3 have (\*) "This Cuban-American yields only to God." I even  
4 said that. I said, "You have been threatened." Everything,  
5 I have come out to the public and said it.

6 Q How do you feel about making a statement or  
7 authorizing a statement to be made to the news media with  
8 respect to the investigation thus far, and what we have shown  
9 you and indicated to you our investigators have determined?  
10 I'll preface that with your own words.

11 A No, I say it now. I say it now, Sgt. Mount, Lt.  
12 Pena, Sgt. Mc what?

13 SGT. MCGANN: McGann.

14 A McGann, have told me that their investigation  
15 has led them to believe, or been convinced, that this is a  
16 case of mistaken identity; that the person in question was  
17 not Sirhan Sirhan but somebody else. (\*) Out of all respect  
18 for the police force and for their judgment, but in all  
19 honesty, within myself, within my consciousness, I can't re-  
20 cant I believe that this man was Sirhan Sirhan. I'm sorry,  
21 that's right.

22 Q And you are still disposed and ready, willing,  
23 and able to face this gentleman?

24 A Yes, gentleman, yes.

25 Q And a--

26 A --by all means.

1 Q That our investigation--

2 A Oh, definitely. Anybody, anybody.

3 Q Wait--

4 A (\*) Just like when he called me yesterday, I  
5 say, "Bring him over, surely. I have no--no prejudice or  
6 objection whatsoever." I would never in any case say they've  
7 been taken and this is a plot. Never would I say that  
8 because I'm convinced this is not the case; that you are  
9 honest law officers in the performance of your duties, your  
10 inescapable duties. I regret--I don't know whether Sgt.  
11 Mount has given you what we say our organization is.

12 Q Yes, I've read it.

13 A And you say that I said in there that we only  
14 regret that officers of the law in the performance of their  
15 inescapable duties may come in conflict with us. Because  
16 we admit that if I break the law, proceed against me. Bring  
17 me to trial--the Neutrality Law, the Sullivan Act--whatever  
18 it is, proceed against me in the performance of your duty.  
19 In fact, if I have broken the law, I'm going to stand in  
20 front of a jury and in front of the judge and say, "Yes,  
21 I have broken the law." But I have not this on my conscience.  
22 You're saying the truth. I would never say--I would never  
23 go against what you bring into court. Ever. Just like for  
24 the record in the case of this fellow here in court. I  
25 would never do anything like I said before, if this would  
26 complicate--and I will not submit or subject or be willing

1 or unwillingly used by certain factions or interests in this  
2 country that might use this as means of damaging the image  
3 either of the police force or their administration. I'll  
4 say that, too. I'll say that, too.

5 Q You are not in any way discrediting any part of  
6 our investigation?

7 A What I can't do is just to say now that I have  
8 beyond a reasonable doubt committed a mistake because the  
9 attitude of these other people which subjectively--I know  
10 how they act--are not what they pretend to be or what you  
11 have been honestly led to believe.

12 Q May I offer this thought. If their attitude  
13 was either just a means of baiting, or whether their attitude  
14 was sincerely expressed in this verbal altercation that  
15 occurred--

16 A --that's a very good point.

17 Q Either way, I do not doubt the emotion that must  
18 have arisen there at the meeting. But say that the emotion  
19 was there, however motivated, this would not necessarily--  
20 because even if the man you identified last night--

21 A --he said so. He did. He said so. That does  
22 not necessarily make him Sirhan.

23 Q Right. (\*) The man that you identified last  
24 evening.

25 A I said yes, didn't I?

26 SGT. McGAHEE: Yes.

1 LT. FENA: With the beard admits, and so does  
2 this gentleman, that we are honestly and investigationaly  
3 convinced that you have mistaken for Sirhan. He admits and  
4 states that he engaged you in a verbal altercation, and he  
5 has cited this altercation to Sgts. McGann and Sgt. Mount.

6 A Uh, say that psychologically, did he say what he  
7 said to me? I mean, did he say there that--could you quote  
8 it from memory what he said?

9 SGT. MCGANN: I cannot quote from memory what  
10 he said. People--the persons with him, including Ali Kahn  
11 Douzmand and another gentleman we talked to, stated that it  
12 became quite heated at one point.

13 A But did he say exactly--the expressions, what they  
14 were?

15 SGT. MCGANN: No.

16 A It was not a case of being heated because I  
17 might be--uh, forgive the expression, now I might may be  
18 heated to a person and call him a son-of-a-bitch like in a  
19 traffic jam or something or something. This happens, you  
20 know, tempers flare and you know how the Latins are and  
21 so forth, and (\*) are.

22 LT. FENA: I know how they are.

23 A But this was not that case.

24 LT. FENA: I understand.

25 A This was not the case. That was not the case,  
26 but he insulted me and called me a bastard or a son-of-a-bitch.

1 or cocksucker or any one of the most deprecating words you  
2 can use, no. He called me a C.I.A. agent. He said that I  
3 was a traitor to the revolution--what this country needs is  
4 another Castro, and he was doing to--with you--doing with  
5 you what the Jews are doing to the Arabs, and then he went  
6 on to say terrible things. I could--I say he had not insulted  
7 me. He had insulted my country, and he was in favor of Castro  
8 and he was in favor of Guevara, and he was in favor of  
9 Communism. Now, he wasn't baiting me personally calling me  
10 names. He was insulting my family, or he was calling me  
11 this kind of insults, and a person like you might have some-  
12 one in a traffic jam, you know, or in a shoving match and  
13 whatever. A Cuban or a theory, no. He express himself in  
14 that group. I haven't say that this gentleman that was here  
15 yesterday insulted me or anything, or something, because I  
16 don't recall it. He might have been saying things to me  
17 while I was talking to the other one. I remember him only  
18 because he was the one that had me mad enough to say--did he  
19 say that I told him when he started baiting me, this--we are  
20 in a private home, and you should abide by the rules a  
21 gentleman should and keep a civil tongue in your head or  
22 otherwise I'll take action against you? Did he say that?  
23 I warn him that way before. I even warned him that. I kept  
24 on talking and he kept on there baiting me and calling me  
25 names from there until finally came so much, he was right  
26 there standing in front of me (\*) I mean, pushing me. So I

1 turned, and that's when the shoving match really got started.  
2 Then I asked him, "Who are you?" because he said something  
3 about being back to Cuba, suppose. And I told him, "I'm  
4 an American; who are you?" And he said, "I'm an Arab." And  
5 I said, "Why don't you go back to it?" So he was all the  
6 time--but this was not a personal--

7 LT. PENA: I understand.

8 A Like he tries to pretend, but this was a personal  
9 incident, Lt. Pena. He was--he was expressing himself as a  
10 Communist. He was expressing himself anti-American. He was  
11 at a Communist meeting. He was at a meeting where they  
12 weren't in favor--I mean against the Vietnam War. They had  
13 Guevara and Castro and everybody's picture around there.  
14 Even the slides we took, I'll be honest enough to say we  
15 stole slides. Didn't I tell you that? I could have been  
16 put in prison or something for that. We took the slides to  
17 prove of this Shinoff that he had there.

18 Q BY LT. PENA: Now--

19 A He wasn't--it was an impression of--if they had  
20 led you to believe that this was just a personal matter, it  
21 wasn't. This was a philosophical question, a political  
22 question.

23 Q May I--

24 A They expressed themselves, and I really got angry  
25 at him, not because he--he--because he didn't call me names.

26 Q May I--

1           A       Personally a--a personal insult. What I got  
2 really sore is because derogatory remarks about the United  
3 States. He was making derogatory remarks about that and  
4 praising Castro and Communism. Probably that is why they  
5 didn't come forward in the beginning because if it wasn't  
6 Sirhan, now see how much benefit or investigator (sic) I'm  
7 giving it to you, my experience. Like I said before, I  
8 haven't had the experience that you have, but I have been a  
9 military man and I know that. In my opinion the case, that  
10 when they knew, although you give them the benefit of the  
11 doubt because you didn't know--they didn't know--I might ask  
12 you this now, Sergeant, just because you didn't know, does  
13 it make it evidence? Just because you didn't know more about  
14 my appearance on television, just because you didn't know,  
15 and Sgt. Mount didn't know, and the Lieutenant didn't know,  
16 does it make it a fact that they didn't know?

17           SGT. MCGANN: It does not make it a fact.

18           A       Okay.

19           SGT. MCGANN: But by the same token, they may  
20 not have known. Just as easily.

21           LT. PENA: Objectively speaking.

22           A       Okay, they might have not, but like I say, I  
23 can answer in this way. Maybe if it wasn't Sirhan, he didn't  
24 come forward in the beginning because since he had said so  
25 many things, and he's probably an alien, he made enough  
26 remarks there to be kicked out of the country.

1 LT. PENA: This is a possibility to consider.

2 A All right, so this is what I tell you now,  
3 personally any man who's an alien and does not feel loyal to  
4 this country that took him in, he does not deserve to be  
5 here. He should be kicked out, Cuban or otherwise, because  
6 I was here to study with my money--the money that my family  
7 brought in here when I was a kid. Then I felt my responsi-  
8 bility when this country was at war was to go. So they  
9 didn't do it. They come over here; they are taken in; and  
10 they try to undermine the government, our way of living, our  
11 society. Maybe they didn't come forward for that, but that  
12 just doesn't make that he wasn't Sirhan; that he was this  
13 man. So I can give you so many subjective suppositions that  
14 they derived into the objective motivations.

15 You see, Lieutenant, it's just like this, to us. Now  
16 let me tell you this now as a policeman, because one time I  
17 was one. When a person is found murdered, to us investi-  
18 gators is the beginning, but that is the end of the situation  
19 because when a man kills a woman, it has been piling up on  
20 him for God knows how much, how long a time until he decides  
21 to kill her. That is the end of the situation, but for us,  
22 the investigators, that's the beginning. There is the corpse.  
23 We have to go there; we have to investigate why; who is she?  
24 Where does she live? And so forth and so on. This is just  
25 the case. This is not the beginning. For you as investi-  
26 gator, this is the beginning (\*) but for me, no, that was the

1 end of a situation. A situation that these people are  
2 coming from a foreign country into this country to associate  
3 with the subversive, with the anti-patriotic, with the  
4 Communists, with the violators of law, with the violent, and  
5 all of a sudden it appears that they went there. Incidentally,  
6 that I can find.

7 Q BY LT. PENA: In your comments--

8 A --that I can find.

9 Q --even if valid, still do not investigationaly  
10 make this man--

11 A Yes, I admit it.

12 Q --Sirhan Sirhan.

13 A But it doesn't make him either because not on  
14 the contrary, to the contrary.

15 Q And in your mind only?

16 A Yes, but I can't say it for you because if I would  
17 say it for you, I would be insulting you, your intellect--  
18 no, more than that, your authority, which to me is sacred.  
19 Your authority, gentlemen, to me is sacred, and I have been  
20 very careful all along, as you may have seen and as you have  
21 perceived, not what (speaks in Spanish.

22 LT. PENA: Translation, he has indicated that he  
23 has handled himself as delicately as he would have handled  
24 the petals of a rose in terms of not casting any doubt as to  
25 the integrity of our police investigation, our intentions,  
26 our objectives, in the investigation, and very eloquently

1 said, Major, we appreciate that. Can we hold it in abeyance  
2 then that you are--

3 A --Yes, sir.

4 Q --willing to face this gentleman?

5 A Yes, sir.

6 Q Or observe--

7 A Yes, sir.

8 Q --or talk with him?

9 A Yes, sir, talk with him like anybody else. Yes.  
10 Not only with me, but with the rest of the Cubans if you  
11 want to.

12 Q And if you or we decide that this might be the  
13 best method to proceed by, if you are satisfied that he is  
14 the man that was there, well, will this be too much of a  
15 burden?

16 A No, sir. No, I wish it were true. I wish--I wish--  
17 I wish to God--I wish to God there would be a reasonable  
18 doubt in my mind. I have pray for it ever since the beginning  
19 of this unfortunate affair. And now because I'm saying so,  
20 because you have witnesses to that, you have been saying--

21 Q You have a doubt but not a convincing doubt, is  
22 that what you are saying?

23 A Yes, sir.

24 Q But you have been--

25 A --yes, because there was an incident there--I  
26 saw the picture; I was shown the pictures; I recognized him;

1 and the Sergeant showed me a picture I have never seen any-  
2 where. It hasn't appeared anywhere, among the rest of the  
3 pictures, and I said this is the man. Now, if he had shown  
4 me the picture that you have shown to me today, I probably  
5 would have discarded it and picked this other one.

6 Q Now, you will agree that it's entirely psycho-  
7 logically and humanly possible?

8 A To err is human, yes.

9 Q To err and to be honestly mistaken.

10 A Yeah, to err is human.

11 Q It is my firm belief that you are honestly  
12 mistaken, Major, and we hope that we can convince you.

13 A (Speaks in Spanish)

14 Q Very well put. He said, "It's human to err, but  
15 to rectify is divine."

16 A And if I could rectify, I would rectify, but  
17 there would still be what is come to be a verbal cliché in  
18 this country, the credibility gap.

19 Q I understand.

20 A I haven't been able because you are basing your-  
21 self on the investigation of which I haven't been part of.  
22 I have taken your word face value, not theirs. Theirs isn't  
23 worth a damn to me. Yours, I have taken at face value.

24 Q We appreciate that.

25 A And the only thing I'm sorry that--really burdens  
26 me--is to be in this conflictive (speaks in Spanish) and no,

1 no, it hasn't been a meeting of the minds, but it's a con-  
2 flict, not of opinions but of minds. It's not your opinion  
3 or any opinion, a conflicting of mind there. Their--their  
4 declarations, their story, that you have all reasons in the  
5 world to take as evidence or otherwise to believe their  
6 story. I am not in the least hurt, sore, (?) that you might  
7 take their word, their story; and through your investigation,  
8 because after all your investigation has nothing but your  
9 word--their word--because you were not there at the meeting.  
10 They were, and I was; but you were not. The opinions of the  
11 others that were there, their roommate, just like the opinion  
12 of these Cubans that identified Sirhan.

13 Q The investigation is also the interviews of many  
14 of the other members that were there say that Sirhan was not  
15 there,

16 A But have they identified this other person as  
17 the one that have been there?

18 Q We haven't got to that point, but we anticipate  
19 that it will happen.

20 A Why sure, it probably will.

21 Q We anticipate that this gentleman will be  
22 identified by any of the people that were close enough to  
23 have paid attention and to have been able to observe the man  
24 that had the altercation with you.

25 A And most of the people there when the altercation  
26 started, because there were different altercations, not only

1 this one, and they left. Now it all comes to the point of  
2 credibility gap, credibility. It is there and comes to--and  
3 the--I'm not bringing in the moral aspect. They are  
4 Communists and we are not.

5 Q I understand.

6 A We are loyal Americans and they are not.

7 Q I understand.

8 A And I'm bringing the point in because it has no  
9 weight whatsoever. In the trial they would discard that.

10 Q Yes.

11 A Emotions. They are just emotional as I am. I  
12 can say that because they baited me, and they became emotional.  
13 Now it just comes to the identification, declarations, or  
14 statements of these people that were there and for my stand  
15 which is based on these presumptions. Presumptions that I  
16 received from the investigators. Point of view valid. I  
17 believe in all honesty that my deductions are valid. My  
18 deductions as to investigative time and just like--take Earl  
19 Ray, for instance, no one saw him shoot Martin Luther King,  
20 but there is a day when he is going to be brought to a trial.  
21 Now what he might say--circumstantial evidence, not it comes  
22 to me who to believe, these people or these other people,  
23 and he comes to the credibility gap. Right. Who are these  
24 people? What right--what motivation would they have to say  
25 different than I am. All right, my motivation might be this  
26 is hurting Castro. These people express themselves. In his

1 mind there has been an image--not a criteria, but an image,  
2 because a criteria is something that comes from analysis,  
3 from deduction, from logic, whereas an opinion is based on  
4 emotion, on--sociologically speaking--from a consensus. This  
5 might be a consensus; this might be an image. But from the  
6 objective point of view I have, I have as many valid--I  
7 wouldn't say reasons, suppositions, because I don't believe  
8 that you have the reasons. Like I said (speaks in Spanish).

9 Q He have no motive but to seek the truth.

10 A Right. Right. But the reasons that bring out  
11 a truth are nothing but suppositions. In this case your  
12 investigation of talking to (speaks in Spanish) Their state-  
13 ments, and their statements here, and then you put in the  
14 balance to weigh of your experience and support. The Cubans  
15 may have (\*) specifically must, could, should, probably have  
16 it in motivation. If for a reason to make this a (\*) I'd  
17 say in French (\*) I will say in English (\*) President Kennedy  
18 shooting in Dallas, so this brings out the question just like  
19 raising a (\*) or an inference, just to bring out the question  
20 of ethics--but still down to brass tacks is the credibility  
21 gap. A, bear in mind (\*) This gentleman that came here with  
22 the beard of which I said there was a malice of aforethought.  
23 If there was malice of aforethought, and from our conversa-  
24 tion you might have to guess that I'm no stupid person (\*)  
25 I'm a very intelligent--but I'd say I'm cultured. But I  
26 could perceive--well, if I want to make this stick in my case

1 I would say him--I don't know. But if I had done this, you  
2 would have found the truth. You would have found the truth,  
3 and I couldn't risk a lie, so he was there, yes. And he was  
4 sitting with the person I presume is Sirhan. Just like I  
5 say here, it's just a matter of technicalities, semantics.  
6 They are rich. And I got in an argument with Bob Dolan  
7 because, as I said, what do you mean they are rich, they are  
8 fascists. Oh, no, 27 people saw him in the commission of  
9 the act--still you have to say they are rich. It's a matter  
10 of technicalities. Just like they were saying, there's a  
11 Supreme Court interest in finding out the truth about  
12 technicalities, and there you have another case and you have  
13 to abide by it. Here we have to abide by it. He's a con-  
14 fessed murderer, but there wasn't a lawyer in front, and I  
15 weigh that right all by myself. So you don't have to bring  
16 a lawyer here or anywhere else. I--but I put it in favor  
17 of the Americans, but it appears here they abuse the techni-  
18 calities, and here we come to the technicalities--this man  
19 come over here and says, "Yeah, I admit that I was there."

20 Oh, it was a very heated argument, but he doesn't come  
21 out and say why was it heated, because they would have to  
22 confess they were deprecating the United States. They were  
23 pro-Communist in their expressions and support. And then I  
24 don't think it was as bad as that--maybe they were afraid.  
25 Don't they trust--

26 Q Wouldn't this explain to you why they didn't come

1 forward before?

2 A Don't they trust--don't they trust the law of the  
3 judicial system? I do. Don't they trust the judicial  
4 system of this country? I do. They don't. They're working  
5 against it and was in favor of it, so it comes right back  
6 to where we are. Like I said before, Lieutenant, I will  
7 face anybody; I'll put it on tape; I'll put it on a statement  
8 in writing; and I will say this like I said it before--the  
9 gentlemen of the Department, the gentlemen of the police, I  
10 (\*) they have said this. I respect them without exception,  
11 just like they do in court. In court they overrule (\*) I  
12 admit it because the judge--(\*) I will not question whatso-  
13 ever your investigation, your judgment, whatsoever. I'll  
14 make exception of it (\*).

15 Q That's fair enough, and we do agree on the  
16 existing fact that--that honest people make honest mistakes.

17 A Yes. Yes, like I said before to err is human,  
18 or I mean any human can err, only God can rectify. And I  
19 would be willing to rectify if I could.

20 LT. PENA: Anything you would like to add?

21 SGT. MCGANN: I can't think of anything.

22 A Anything I can do, anything. I've had a lot of  
23 work to do. I have put it aside to be here, to be available  
24 at any time.

25 Q BY LT. PENA: May we contact you again?

26 A Surely, you can contact me at any time. I won't

1 be leaving here. Probably I go out to lunch, and maybe I  
2 try to contact the university. I do research there or some-  
3 thing, but I--see all the books she have brought me? See,  
4 I'm doing some research here. I have recently finished the  
5 History of Cuba.  
6 \* \* \* \* \*

UNITED STATES GOVERNMENT

# Memorandum

TO : Director, FBI

DATE: February 4, 1969

FROM : Legat, Rome (62-283) (RUC)

SUBJECT: KENSALT

Re London letter to Bureau 1/27/69, captioned  
GIUSEPPE PIRAINO, AR, and Romlet to Bureau 6/12/68, captioned  
KENSALT.

Enclosed for Legat, London, are two copies of a  
LHM dated 6/12/68, captioned "ASSASSINATION OF SENATOR  
ROBERT F. KENNEDY, LOS ANGELES, CALIFORNIA, JUNE 5, 1968."  
The LHM sets forth results of Legat's interview with  
PIRAINO on June 11, 1968.

3 - Bureau (1 - Liaison)  
1 - London (Enc. 2) (92-105)  
1 - Rome  
TJB:MEG  
(5)

REC-23

62-587-1091

12 FEB 8 1969

51 FEB 17 1969

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FEB 18 1969

2/5/69  
NA 12:5  
4P

VIA TELETYPE  
FEB 4 1969  
ENCIPHERED

Mr. Tolson	_____
Mr. DeLoach	✓
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	✓
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

WASH DC ---4---

8-47 PM DEFERRED 2-4-69 KH  
TO DIRECTOR 62-587 PLAINTEXT  
FROM LOS ANGELES 56-156

0  
KENSALT

ASSASSINATION OF SENATOR  
ROBERT F. KENNEDY

*Sept 3*

RE MY TELETYPE DATED JANUARY THIRTY ONE LAST.

TRIAL OF SIRHAN B. SIRHAN CONTINUED TODAY AT LOS ANGELES  
COUNTY SUPERIOR COURT. ACTIVITIES CONSISTED OF EFFORTS ON  
PART OF DEFENSE TO SUPPORT THEIR MOTION FOR DISMISSAL OF GRAND  
JURY INDICTMENT AGAINST SIRHAN. THOSE EFFORTS CONSISTED  
OF TESTIMONY ON PART OF SIRHAN AND MOTHER, MARY SIRHAN, BOTH  
OF WHOM TESTIFIED AS TO THEIR ECONOMIC STATUS.

*A*

AFTER HEARING TESTIMONY, JUDGE HERBERT V. WALKER DENIED  
DEFENSE MOTION.

FURTHER ACTIVITIES TO CONTINUE FEBRUARY FIVE NEXT WHEN  
TWELVE JURORS ALREADY SELECTED WILL BE SWORN IN AND EFFORTS  
WILL COMMENCE TO SELECT SIX ALTERNATE JURORS. PENDING.

END  
LRC FBI WASH DC

REC 82  
62-587-1092  
FEB 6 1969  
*6 chf*

54 FEB 13 1969

February 5, 1969

GENERAL INVESTIGATIVE DIVISION

Attached pertains to current developments in the trial of Sirhan B. Sirhan in connection with the murder of the late Senator Robert F. Kennedy.

*Rpm*

HAS:ms

*AL*

*HJ*

2/6/69  
NA 11P  
12

VIA TELETYPE

FEB 6 1969

ENCLIPHERED

WASH DC --8--

7-34 PM DEFERRED 2-6-69  
TO DIRECTOR (62-587) AENCODE-  
FROM LOS ANGELES (56-156) QP

Mr. Tolson	✓
Mr. DeLoach	✓
Mr. Mohr	✓
Mr. Bishop	✓
Mr. Casper	✓
Mr. Callahan	✓
Mr. Conrad	✓
Mr. Felt	✓
Mr. Gale	✓
Mr. Rosen	✓
Mr. Sullivan	✓
Mr. Tavel	✓
Mr. Trotter	✓
Tele. Room	
Miss Holmes	
Miss Gandy	

KENSALT

ASSASSINATION OF SENATOR  
ROBERT F. KENNEDY

REMYTEL FEBRUARY FIVE LAST.

ACTIVITIES IN TRIAL OF<sup>S</sup> IRHAN, LOS ANGELES COUNTY SUPERIOR COURT TODAY CONSISTED OF FURTHER EFFORTS TO SEAT SIX PROSPECTIVE ALTERNATE JURORS. THOSE EFFORTS WILL CONTINUE AGAIN TOMORROW.

SUPERIOR COURT JUDGE HERBERT G. WALKER, PRESIDING, ANNOUNCED IN OPEN COURT THAT JURORS WILL BE SEQUESTERED IN THE BILTMORE HOTEL, LOS ANGELES, WHEN TRIAL COMMENCES.

HAROLD FREDIANI, LOS ANGELES COUNTY SUPERIOR COURT, COORDINATOR, AGAIN ADVISED IN EXTREME CONFIDENCE THAT ROBERT GIBSON, LOS ANGELES TIMES, FOREIGN EDITOR, WILL NOT ACCOMPANY GEORGIY ZHUKOV AND BORIS OREKHOV, MENTIONED IN RE TEL TO COURT ON FEBRUARY SEVEN NEXT. THEY WILL BE ACCOMPANIED BY WILLIAM J. FOX, PRESUMABLY AFFILIATED WITH LOS ANGELES TIMES. ACCORDING TO FREDIANI, JUDGE WALKER WILL PROBABLY MEET PERSONALLY WITH RUSSIANS. FREDIANI WAS FURNISHED, ON CONFIDENTIAL BASIS, INFORMATION REGARDING SEATING ARRANGEMENTS FOR ABOVE THREE MEN.

END

EFH

FBI WASH DC

51 FEB 18 1969

cc Mr. Sullivan

FEB 7 1969

February 7, 1969  
GENERAL INVESTIGATIVE DIVISION

Attached pertains to the current developments in the trial of Sirhan B. Sirhan in connection with the murder of the late Senator Robert F. Kennedy. In confidence it was learned that the presiding judge will probably personally meet with visiting members of the Russian press, who will be attending trial session today.

HAS:ms

A handwritten signature in dark ink, appearing to be 'R. H. M.' or similar, written over a horizontal line.A handwritten signature in dark ink, appearing to be 'A. N.' or similar, written over a horizontal line.

February 3, 1969

• GENERAL INVESTIGATIVE DIVISION •

Attached pertains to the current developments in the trial of Sirhan B. Sirhan in connection with the murder of the late Senator Robert F. Kennedy.

D

Rym

HAS:ms

RTS

1123

2/6/69 12:24  
WA 48

VIA TELETYPE

FEB 5 1969

ENCIPHERED

WASHDC--7--

808 Pm

~~808PM~~ DEFERRED 2/5/69 BCD

TO DIRECTOR (62-587) (ENCODE)

FROM LOS ANGELES (56-156) (P) 2P

Mr. Tolson	✓
Mr. DeLoach	✓
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	✓
Mr. Rosen	✓
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

KENSALT

*ASSASSINATION OF SENATOR  
ROBERT F. KENNEDY*

REMYTEL FEBRUARY FOUR LAST.

PROCEEDINGS CONTINUED TODAY IN LOS ANGELES COUNTY  
SUPERIOR COURT IN TRIAL OF SIRHAN B. SIRHAN. ACTIVITIES  
CONSISTED OF EFFORTS ON PART OF DEFENSE AND PROSECUTION TO  
SELECT SIX ALTERNATE JURORS TO SERVE.

TWELVE JURORS PREVIOUSLY SEATED WERE SWORN IN BUT WILL  
NOT BE SEQUESTED <sup>REP</sup> UNTIL SIX ALTERNATES ARE SELECTED. ESTIMATES  
ON PART OF DEFENSE AND PROSECUTION ATTORNEYS IS THAT ALTERNATES  
WILL NOT BE SELECTED UNTIL APPROXIMATELY FEBRUARY TWELVE NEXT.

HAROLD FREDIANI, COORDINATOR FOR LOS ANGELES SUPERIOR  
COURT SYSTEM, ADVISED IN EXTREME CONFIDENCE THAT YURI ZHUKOV  
AND BORIS OREKHOV WILL VISIT TRIAL ACTIVITIES TEN A.M. FEBRUARY  
SEVEN NEXT. ZHUKOV IS MEMBER OF SUPREME SOVIET AND POLITICAL

END PAGE ONE

2 FEB 10 1969

51 FEB 18 1969

CC MR. SULLIVAN

PAGE TWO

LA 56-156

COMMENTATOR FOR PRAVDA. OREKHOV IS CHARACTERIZED AS A REPRESENTATIVE OF RUSSIAN GOVERNMENT, STATIONED IN NEW YORK AND AFFILIATED WITH PRAVDA. BOTH WILL BE ACCOMPANIED BY ROBERT GIBSON, FOREIGN EDITOR FOR LOS ANGELES TIMES NEWSPAPER, WHO WILL BE SERVING AS THEIR GUIDE WHILE THEY ARE IN LOS ANGELES. REPRESENTATIVE OF LOS ANGELES TIMES, ACCORDING TO FREDIANI, HAVE REQUESTED THAT NO INFORMATION CONCERNING AFOREGOING BE FURNISHED TO ANYONE SINCE RUSSIANS DESIROUS OF RECEIVING NO PRESS ATTENTION.

END

WA...JDR

FBI WASH DC

FBI

Date: 2/7/69

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via AIRTEL AIR MAIL  
(Priority)

TO: DIRECTOR, FBI (62-587)  
FROM: SAC, LOS ANGELES (56-156) (P)  
SUBJECT: KENSALT

Re Los Angeles airtel to Bureau 1/30/69.

RE: WEEKLY NEWS RELEASE FROM  
LOS ANGELES COUNTY DISTRICT  
ATTORNEY'S OFFICE

Attached herewith are two copies of a 7 page weekly summary of information prepared for the benefit of the news media by the Los Angeles County District Attorney's Office. This release is dated 2/5/69 and is being furnished for information of the Bureau.

ENCLOSURE  
"ENCLOSURE ATTACHED"

3 - Bureau (Encl 2)  
2 - Los Angeles

RJL/cal  
(5)

REC 104

62-587-1095  
FEB 10 1969

Approved: \_\_\_\_\_ Sent \_\_\_\_\_ Per \_\_\_\_\_

Special Agent in Charge

FEB 24 1969 PGP

2025 RELEASE UNDER E.O. 14176

February 11, 1969

GENERAL INVESTIGATIVE DIVISION

The attached teletype sets forth developments in the Los Angeles trial of Sirhan B. Sirhan for the murder of the late Senator Robert F. Kennedy. We have confidentially learned the District Attorney has contacted the trial judge with request judge consider accepting plea of guilty by Sirhan to first degree murder charge with guaranteed life sentence. Judge has refused to consider this course of action. District Attorney is apparently concerned that medical studies of Sirhan may provide defense with opportunity to claim Sirhan is mentally or emotionally disturbed.

JOK:ms

*[Handwritten signatures and initials: "JOK", "ms", "Loren", "2/11/69", and a checkmark]*

55

62-587-1095

DP 074012057 JR

DEC 4

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2025 RELEASE UNDER E.O. 14176

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2025 RELEASE UNDER E.O. 14176

NEWS RELEASE

Office of the District Attorney  
600 Hall of Justice  
Los Angeles, California 90012

FOR FURTHER INFORMATION

Call: Jerry Littman  
News Secretary  
626-3888, Ext. 82396

RELEASE: Wednesday,  
February 5, 1969  
After 10 a.m.

WEEKLY SUMMARY #35

Re: The assassination of  
Senator Robert F. Kennedy

Note to editors: Because of the widespread interest in the assassination of Senator Robert F. Kennedy in Los Angeles on Wednesday, June 5, 1968, and proceedings in court, the Office of Los Angeles County District Attorney Evelle J. Younger is publishing a weekly summary of the case. This is the 35th summary, and others will be for release on subsequent Wednesdays.

WEDNESDAY, JANUARY 29 -- All 133 Los Angeles Superior Court judges were subpoenaed today by Sirhan Bishara Sirhan's defense counsel to testify as to how they pick their nominees for the Grand Jury.

(The 1968 Grand Jury indicted Sirhan).

With each subpoena, the defense included a questionnaire for each judge to fill out and return, instead of appearing personally. The questions dealt with the racial, ethnic and economic backgrounds of all Grand Jury nominees since 1959.

(In Los Angeles County, each Superior Court judge nominates two candidates, and ultimately 23 jurors are chosen by lot).

In court today, Grant B. Cooper, one of Sirhan's three attorney's argued, as he had earlier, for a motion to quash the indictment against his client, who is accused of killing Senator Robert F. Kennedy.

Cooper has contended that the system of seating the Grand Jury excludes many classes of workers and minorities and is thus unconstitutional.

more --

(A Los Angeles newspaper (Herald-Examiner) noted that the 1968 Grand Jury, which indicted Sirhan, included Negroes, Mexican-Americans and one Arab.

(Chief Dep. Dist. Atty. Lynn D. Compton said that the prosecution contends that since Sirhan is not a Negro or Mexican-American he can't complain about the exclusion of these groups, even if it were true, which it isn't.

(Additionally, Compton related, the defense doesn't demonstrate how their client was harmed, nor do they say Sirhan might not have been indicted).

Cooper told the court 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.

As for the questionnaire, Cooper said he would compile answers and add them to other testimony in support of his motion to quash the indictment.

The only witness in court today was Dr. Robert Schultz, USC population studies expert, who has been retained by the defense. He testified he had compared ethnic, demographic and economic data concerning nominees for the 1968 Grand Jury with 1960 census profiles of Los Angeles County.

Asked to draw a conclusion, Schultz replied:

"The makeup of the Grand Jury nominees in no way shows a profile of Los Angeles County."

On the basis of findings by the professor, Cooper then attacked the Grand Jury on these grounds:

1. That it was unfair to Sirhan because he is but 24 and no member of the Grand Jury was 30 or under.

2. 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.

Cooper said he was not raising the racial issue, which has been cited "in successful attacks on Grand Juries . . .," a Los Angeles newspaper reported (Herald-Examiner).

Chief Dep. Dist. Atty. Lynn D. Compton, one of three prosecutors appointed by Dist. Atty. Evelle J. Younger, disputed this.

He said 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. Kennedy."

Cooper continued, stating that a substantial "federal constitutional" question is raised in his attack on the Grand Jury system.

Dep. Dist. Atty. John Howard, responding for the prosecution, said while the federal courts had agreed to look at the makeup of federal grand juries, they had not involved themselves 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," Howard said.

But Superior Judge Herbert V. Walker, who is presiding, declared, "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."

Meanwhile, Professor Schultz in profiling the grand jurors nominated by judges under subpoena, found that 88 per cent of the jurors were 45 years of age 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 live in basically all-white neighborhoods which he listed as "centered on Beverly Hills and including Brentwood, West Los Angeles and the Palisades Peninsula."

The professor added that 75 per cent of the 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 the professor's testimony irrelevant because the 1960 census is out of date.

Meanwhile, another Los Angeles newspaper (Times) today said the 12 members of the jury selected to hear the case, "Eight men and four women -- total strangers -- will enjoy their last day with family and friends . . . before embarking on three months of grim and tedious confinement together."

The newspaper indicated the 12 would be sworn in tomorrow and "will be kept day and night in a rigidly controlled environment in which diversions will be chosen for them, and precious few at best."

The writer of the article, Dave Smith, noted "their attention will be riveted on only one thing: giving Sirhan Bishara Sirhan his due. That won't be easy."

He added that "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 stressed, not only to eye-witnesses at the beheading of a person but also to 'the man who has put his hand on the axe.'

"Until that moment of truth arrives," wrote the reporter, "the jurors will sit through one of the most cumbersome yet cautious trials in American history."

\* \* \*

THURSDAY, JANUARY 30 -- Sirhan Bishara Sirhan, the accused assassin of Sen. Robert F. Kennedy, and his mother, Mrs. Mary Sirhan, will "in all probability" be called to the witness stand on Tuesday, February 4, to testify to the family's low economic status since their immigration in 1957, Grant B. Cooper, one of the three defense lawyers, said today.

Cooper indicated the testimony will support the defense contention that the admitted slayer of the senator 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.

(Should the indictment be quashed, the trial will be halted, - reported a Los Angeles newspaper (Herald-Examiner).

("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.")

Today's trial was recessed until next Tuesday to allow preparation for further argument on the defense motion.

"The trial, said the newspaper, "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 served 123 jurists with subpoenas and questionnaires on grand juror nomination as part of its attack on the 1968 Grand Jury that indicted Sirhan.

The judges had the option to testify in court or fill out the questionnaire. Three judges appeared in court.

Kenneth N. Chantry, retired Los Angeles County Superior Court presiding judge, and Superior Judge Arthur L. Alarcon said they sought members of minority groups for Grand Jury service, but were often unsuccessful.

Superior Judge Edward Brand said he did not believe in "hyphenated Americans" and paid little or no attention to the ethnic backgrounds of his nominees. Alarcon also 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," said a Los Angeles newspaper (Herald-Examiner).

"Great judgment and maturity is needed to perform this task, they said," reported the newspaper.

Meanwhile, the prosecution countered that despite defense studies indicating that some exclusion does occur, the 1968 Grand Jury did include two Negroes and one Arab-American, whose father was Syrian and whose mother was Lebanese.

Also testifying today was William A. Goodwin, Superior Court jury commissioner, who noted that for the last three years Superior Court presiding jurists have urged judges to consider ethnic, racial and economic level in choosing grand jurors.

# #