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Sirhan's Trial Opens, Recesses Until Today After Brief Session

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The long-postponed trial of Sirhan Bishara Sirhan began in a heavily guarded Hall of Justice courtroom Tuesday and proceeded briefly before defense maneuvers delayed it again.

Superior Judge Herbert V. Walker took the bench at 9:40 a.m. and formally opened the case of the People vs. Sirhan, the slight youth charged with the murder of Robert F. Kennedy.

But immediately one of Sirhan's attorneys asked that a closed session be held in Judge Walker's chambers to discuss a motion neither the court nor attorneys would describe to newsmen—although there were reports it was a request for yet another postponement in the celebrated case.

After an hour in chambers, four motions were introduced in court. The argument on motions was continued until the trial resumes this afternoon.

Defense attorney Grant B. Cooper made the four motions, two of which were denied.

Two Motions Set for Today

Today's session will take up a defense motion to set aside Sirhan's plea of not guilty, then to a motion to set aside the indictment.

The first motion is a legal technicality; an indictment cannot be quashed while a plea stands. After a plea is withdrawn, if another indictment is returned, the original plea may be re-entered.

It had been anticipated that Cooper, 65, now under federal grand jury investigation arising from the Friars Club card-cheating case, would seek a fourth continuance of Sirhan's trial, on grounds that the publicity involving himself might be prejudicial to Sirhan's right to a fair trial.

Two minutes after Judge Walker took the bench Cooper asked for a closed session in the judge's chambers to consider a motion which, Cooper said, "would only complicate matters" if introduced in open court.

Judge Walker, Sirhan and attorneys for the defense and prosecution withdrew to chambers for more than an hour. Cooper introduced his four

legal motions upon their reappearance at 11:16 a.m. The session was adjourned shortly afterward.

But in a corridor news conference after adjournment, Cooper was asked to comment on speculation that he might seek a continuance because of his involvement with the federal grand jury.

"I'm not allowed to comment on anything that was discussed in chambers," Cooper said, thus indicating that the topic was at least discussed.

Reason Indicated for Rejection

It would also indicate that Judge Walker rejected a continuance on those grounds, since the four motions Cooper introduced in court did not touch on the Friars Club investigation.

Of the four, Judge Walker denied Cooper's motion to inpanel two juries—one to decide the question of guilt or innocence, the other to set a penalty if Sirhan is found guilty—and a motion that prospective jurors be given written questions to answer as a time-saving device during jury selection.

Cooper said he and his two associates in the Sirhan defense, Russell E. Parsons, 69, and New York attorney Emile Zola Berman,

65, would seek to quash the first-degree murder indictment by attacking the system by which grand juries and petit juries are selected.

Parsons, after adjournment, said the defense teams feel the grand jury that indicted Sirhan last June 6 "was not a proper cross-section." Parsons said such juries frequently exclude women, minority group members and people of various professions.

Grand juries are selected after nomination by Superior Court judges, while petit juries are selected from lists of voters.

14 Women on Jury

(The 23-member County Grand Jury that indicted Sirhan contained 14 women—believed to be the most

ever on an L.A. County Grand Jury.)

Chief Dep. Dist. Atty. Lynn D. Compton objected to Cooper's motion to name two juries, contending that California law did not intend, though it does allow, separate juries for the trial and penalty phases.

Compton said it would be "very premature and improper to announce now that there will be two juries," but if that becomes warranted during the course of Sirhan's trial, "the court, at its own discretion, can do so later."

Cooper countered that "the law is a living, growing thing. The law yesterday is no longer the law today."

Judge Walker denied the motion, but said he would entertain its reintroduction later as circumstances warrant.

In arguing for the submission of written questions for prospective jurors, Cooper said it would save time in what would otherwise, he estimated, take as long as six weeks for jury selection.

Question of Consultations

But Judge Walker denied this motion, saying "we have no real experience to go by in this state, particularly in this court" regarding this procedure. He added that if jurors were given written questions, "there could be some consultations" about how to answer.

Compton said the prosecution team—including Dep. Dist. Attorneys John E. Howard and David N. Fitts—was ready to argue Cooper's motion to set aside the plea, "in the morning or this afternoon, if necessary."

Cooper requested, however, that the trial be recessed till 2 p.m. today "because I have other commitments."

Judge Walker, smiling broadly, granted the request.

Cooper appeared in federal court at 1 p.m. Tuesday, where he was ordered to answer questions by the federal grand jury.

Sat Close to Parsons

Throughout the brief proceedings, Sirhan, clad in a new blue-gray suit,



TRIAL BEGINS—Sirhan Bishara Sirhan is escorted by a defense attorney, Russell E. Parsons, on arrival

at courtroom in the Hall of Justice for the start of his trial in the slaying of Robert F. Kennedy.

remained silent. He sat close to Parsons, first attorney to enter the defense, and gazed nervously at the public area of the 75-seat courtroom.

The seats were divided about evenly between security officers and newsmen, with only five members of the general public admitted after the trial began.

In two seats in the back row sat the defendant's mother, Mrs. Mary Sirhan, 55, of Pasadena, and Munir (Joe) Sirhan, 21, the only one of Sirhan's four brothers in this area to attend the first day of trial.