

Attorney Advises Cooper Not to Quit Sirhan Defense Team

Lawyer Who Faces Contempt of Court Threat in Friars Case Had Sought Advice on Fears of Adverse Publicity

Jan 10, 1969
L.A. Times
BY DAVE SMITH

Times Staff Writer

Attorney Grant B. Cooper, faced with the threat of contempt proceedings in federal court, sought advice from another lawyer on whether he should withdraw from the defense of Sirhan Bishara Sirhan, it was learned Thursday from a source close to Cooper.

That lawyer, The Times also learned, considered for 24 hours before advising Cooper to remain on the three-man defense team for the 24-year-old Jordanian.

The identity of the other attorney was not definitely known, but A. L. Wirin, American Civil Liberties Union lawyer, originally proposed that Cooper join the Sirhan defense.

The trial, in its third day Thursday, was marked by two closed sessions in the chambers of Superior Judge Herbert V. Walker on defense motions designed to delay the start of jury selection.

Trial to Resume Monday

The motions continued to meet with disapproval from Judge Walker, who declared that after a one-day recess today, the trial will resume Monday morning. Hopefully, the arduous task of jury selection will begin then.

Publicity linking the Sirhan case to the grand jury investigation of Cooper was the focus of the closed sessions Thursday. The Times learned, and the defense again sought a 30-day continuance, unsuccessfully.

Cooper reportedly is concerned that publicity surrounding the grand jury probe of his admitted unauthorized possession of secret transcript in the Friars Club card-cheating case could prejudice prospective jurors who will sit on the Sirhan case.

Cooper has introduced several motions designed to delay the start

of the trial, presumably until his own legal situation is resolved.

But Judge Walker has frequently expressed privately and in open court his determination to get the long-delayed, oft-postponed Sirhan trial moving. Sirhan was arraigned seven months ago.

Thursday the defense subpoenaed 17 witnesses to the closed session in support of its contention that "saturation of publicity"—and publicity

involving Cooper more than Sirhan—was prejudicial to Sirhan's right to a fair trial.

Los Angeles television and radio newsman John Goodman said before testifying that the defense indicated to him it was concerned not with stories that dealt with the Sirhan and Cooper cases separately, but with stories in which both cases were linked.

Another witness was a secretary for Arbitron, a television rating firm which gauges how widely any given television program is viewed in a certain area.

It was expected that such evidence, aside from supporting the unsuccessful defense motion for continuance, could also be used later as grounds for motions for change of venue or for a continuing motion for mistrial.

Sheppard Trial

Cooper also referred in court Thursday to the murder trial of Dr. Sam Sheppard in Cleveland, in which pretrial publicity was ruled grounds for both a continuance and, later a change in venue.

Thursday's session was

also marked by little activity in open court. A closed session began in Judge Walker's chambers shortly after 9 a.m., delaying public proceedings until shortly after 10.

After 15 minutes of hearing motions in open court, Judge Walker, the attorneys for the defense and prosecution, and the pale, subdued defendant withdrew to chambers for

the remainder of the day.

The public proceedings concerned Cooper's earlier motion to quash the first-degree murder indictment by attacking the constitutionality of the grand jury which indicted Sirhan for the slaying of Sen. Robert F. Kennedy.

Castro Case

In support of that motion, Cooper introduced the four volume, 1,010-page transcript of the case against East Los Angeles teacher Sal Castro in which several judges were called to explain and defend their methods of nominating members to the grand jury.

The defense team also planned to study the transcript in hope of finding relevant points in support of another motion by Cooper to set aside the trial jury list.

Cooper contends that the method of selecting jurors from voters' lists automatically excludes so many classes of citizens that such juries do not represent "a proper cross section of the population."

Sirhan sat quietly throughout the brief proceedings in open court. His mother, Mary, was absent for the first time Thursday, as were two brothers, Munir and Adel, who attended earlier sessions.

Thursday, as on the previous two days of trial, the name of the slain New York senator was never mentioned in court. *end*