

Sirhan Counsel Calls 133 Judges in Move to Quash Indictment

BY DAVE SMITH
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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 sealing 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.

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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.