

Sirhan May Testify on Low Income in Challenge on Jury

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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.

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

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that some exclusion does occur, the 1968 grand jury that indicted Sirhan did in fact include two Negroes, Robert W. Garrott 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."