

ATTORNEY FOR SIRHAN HITS JURY SELECTION

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Not True Cross Section
of Community, Claim

By GENE HANDSAKER
LOS ANGELES (AP) — Defenders of Sirhan Bishara Sirhan attacked the county's jury selection system Wednesday as not representative of the community, and his murder trial got its first witness — an expert on juries.

The 24-year-old Jordanian accused of fatally shooting Sen. Robert F. Kennedy last June watched attentively during the second session of his trial, which lasted less than an hour and was devoted to motions and arguments and rulings on them.

Attorney Grant B. Cooper moved to set aside the list of prospective jurors saying they do not comprise "a true cross section of the community." The system, he said, excuses many groups such as legislators, stenographers, professors, ministers, teachers, doctors and mail carriers.

MANY WAIVE RIGHT

Jury Commissioner William A. Goodwin, testifying on the motion, said any prospective juror claiming an exemption could be removed from final jury selection lists. Many, however, waive their right to exemption, he added.

Then, at the request of Chief Dep. Dist. Atty. Lynn D. Compton, Goodwin read into the trial record part of jury selection law stipulating "no discrimination," fairness and impartiality.

Cooper said he would like more time to think about the motion before the judge rules on it, and Superior Court Judge Herbert V. Walker said he would keep the motion open.

Walker let Cooper put Goodwin on the stand after denying a

defense motion for a 30-day continuance so Cooper could confer with the commissioner.

The judge also denied a renewed motion for separate juries for the trial itself and for a decision on the penalty. The first such motion was rejected Tuesday.

Then the defense moved to set aside Sirhan's plea of innocent in order to quash the indictment charging him with murder.

Walker set aside the motion, saying it was unnecessary. Because of an amendment to California law, he said, the defense can request quashing the charge without removing the plea.

Cooper also asked for more time on another motion, to quash the indictment on grounds that grand juries also are not representative of the community.

TIME GRANTED

The judge granted the time so
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Jury Selection System Hit

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Cooper can study the transcript of a grand jury in another case in which the defense made a similar challenge.

"If he (Sirhan) were convicted with an unbalanced grand jury . . . the case could be reversed on appeal and tried again after some of the prejudice has cooled down," Cooper explained to newsmen later. This, he said, might possibly result in a verdict of life imprisonment in place of an earlier verdict for a death penalty.

During jury commissioner Goodwin's testimony, he said trial jury lists are made by selecting names from the county registrar's list of voters.

For instance, he said, this year his office will select every fifth name in every fifth precinct. The work is done by a data processing machine, he said.

COURT RULING CITED

Cooper cited a Supreme Court ruling that "every citizen ought to be subject to jury duty" and jurors should be "drawn from the widest cross-section of the people."

The present system with its exemptions does not allow this, he said.

Another of Sirhan's attorneys, Elil Zola Berman, indicated the defense might make another motion for delay in the proceedings — this one based on how much publicity Sirhan's case has gotten.

Berman said he would present information concerning "saturation of the public which affects

this case." He didn't elaborate.

MORE DISCUSSION

Defense attorney Cooper told newsmen Thursday's court session will further discuss the motions before the court and "other matters will be taken up in chambers."

He didn't specify the matters. Lawyers have said the judge has ordered them not to talk publicly about discussions in chambers.

Sirhan is accused of shooting Kennedy moments after the New York senator declared victory in the California Democratic presidential primary.

His trial opened Tuesday.

Neatly dressed in a gray suit; white, buttoned-down shirt and blue tie, Sirhan took a seat near his attorneys at the left end of a long table for lawyers of both prosecution and defense.

Sirhan said nothing publicly.

His mother, Mary, 55, and brother, Munir, 21, sat in a back row of the small courtroom on the eighth floor of the Hall of Justice.

Seats were evenly divided between security officers and newsmen. Only five members of the general public are admitted for each day's proceedings.

SPECTATORS FRISKED

Newsmen and spectators were frisked. The courtroom has quarter-inch steel plates inside its four windows.

Within minutes after the bushy browed judge was seated, Sirhan's attorneys asked for a closed session in the judge's

chambers to discuss motions.

An hour later, defense and prosecution attorneys and Sirhan emerged and four motions were introduced in open court. The judge ruled against two of them.

He asked that the other two— withdrawing the plea of innocent and setting aside Sirhan's indictment—be submitted in writing. Then he adjourned court for the day.

After a plea is withdrawn, and if another indictment is returned, the original plea may be re-entered. One of Sirhan's attorneys, Grant B. Cooper, has said, "It would be silly to deny he did it."

BASIS FOR MOTION

Another of Sirhan's attorneys, Russell Parsons, said the motion against the indictment is based on a contention the grand jury, which returned it was not composed of a proper cross-section of the community. Such juries, Parsons said, often exclude women, members of minority groups and various professions.

The defense also asked Walker for a 30-day delay to prepare two motions. In addition, it requested two juries—one to decide Sirhan's guilt or innocence, the other to set the penalty if he is convicted. The motions were rejected.

After the Sirhan proceedings, defense attorney Cooper appeared in U.S. District Court across the street under direction to answer questions about how he obtained secret transcripts in another case. He had said earlier he would refuse to an-

swer.

Cooper left the federal court session an hour later, said he was not ordered to return, but did not elaborate.