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Sirhan Lawyers to Try to Prove Jury Is Unfair

Judge Agrees to Hear Arguments, Evidence

By LINDA DEUTSCH

LOS ANGELES (AP) — Sirhan Bishara Sirhan's defenders got a go-ahead Wednesday to try to throw out a grand jury murder indictment against him on grounds the jury wasn't representative of the community.

The prosecution objected, saying that since the defense concedes Sirhan fired the shot that killed Sen. Robert F. Kennedy last June, any grand jury regardless of makeup would return a true bill of murder.

The defense called one witness and introduced much data in support of its motion to quash the indictment. But it had no witnesses available after the noon recess and asked for a delay until Monday to prepare further. The judge refused and ordered defenders to be ready to proceed on Thursday.

The jury, selected last Friday and ordered to report to court Thursday, will be excused during arguments, the judge said.

BASIS FOR APPEAL

Wednesday's session had been

set for determination of whether the defense would be allowed to pursue its contention that the grand jury system is unfair. Attorneys have said they are laying the groundwork for a possible future appeal.

The judge agreed to hear arguments and evidence, and chief defense counsel Grant B. Cooper said he will try to prove that the grand jury was racially, economically and otherwise unbalanced.

"Our position is," he said, "that the very system itself as constituted over the last 10 years is discriminatory. We expect our evidence to show that a substantial majority of the judges in this county selected jurors from friends and acquaintances."

RESULTS OF STUDY

A defense witness, Robert Edward Schultz, professor of finance at the University of Southern California, presented results of a study he made of the 1968 Los Angeles County Grand Jury distribution as compared with the 1960 census.

He said it showed that grand jurors generally were of higher education, higher income and higher age than the average of county residents. Most were over 45, he said, lived in upper income areas, had homes valued at more than \$25,000 and 70 per cent had incomes higher than \$10,000 a year.

Each of the county's judges nominates two persons for the grand jury and the final 23 are chosen by lot. The defense served subpoenas on 130 judges, but written testimony will eliminate the need to call all to the witness stand.