

Sirhan Trial Judge

Herbert Van Walker

By LACEY FOSBURGH

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LOS ANGELES, April 11— There may still be a few oldtimers left in the green, rolling San Joaquin Valley of Central California who remember Herbert Van Walker when they read about him now as the judge at the Sirhan B. Sirhan trial.

He was the brown-haired boy in the dirty trousers they used to see playing around the Hanford jail, running in and out of the nine empty cells, or climbing over the wooden chairs in the adjacent courthouse.

His father, a quiet man in his late 50's then, was the jailer.

There have been a lot of changes in the law since the early 1900's when the rambunctious boy first frequented the court, but it is Judge Walker's commitment to one abiding concept, as demonstrated in the Sirhan trial, that may earn him a reference in history.

In mid-February, prosecution and defense lawyers wanted to plead the 25-year-old defendant guilty of the assassination of Senator Robert F. Kennedy and accept a first degree verdict with life imprisonment.

Backs 'Right to Know'

When the baldish, gray-haired judge of the State Superior Court was informed of their plans, he said, "No." The trial itself, he insisted, was too important.

"I think I made the proper decision and I'm proud of it," he said recently in his private chambers behind the courtroom. Dressed in a handsome, old-fashioned gray suit with baggy legs, he leaned back in his chair and puffed on a fat pipe just the way Andy Hardy's father would do.

"I think people in this country have the right to know every single fact in this case, to know everything about it," he said, his long, bushy, thoroughly distinctive eyebrows moving with every word.

This, however, is the judge's last big case, since he will retire on July 31, one month shy of being 70 years

old, the mandatory retirement age.

During his 16 years on the bench, Judge Walker has sentenced 19 men to die in the gas chamber. He commuted one of the cases to life imprisonment. Only one of the men was executed.

He is not unfamiliar with controversial and highly publicized trials since one of his 19 death-sentence cases was that of Caryl Chessman, who was convicted of robbery and rape in 1948. Judge Walker in 1960 was the eighth and final person to sentence the celebrated convict-author to death.

No Reliance on Humanities

Today the judge, a conservative gentleman who wears a broad, felt cowboy hat, belongs to the old school.

"He has a very good, strong code of morality and he believes in a fair trial. He's a good judge," one colleague said respectfully.

"But he believes in the dry words of the law and doesn't consider the courtroom an appropriate place for the humanities. Today the humanities are assuming more and more of a role in the operation of justice."

Since Jan. 7, however, some of the most progressive teachers of the American system of jurisprudence have been on display in the small courtroom on the eighth floor of the Hall of Justice where he presides.

Daily the testimony has been of severe mental illness and psychosis, psychiatry and psychology, and what is being told is not only objective evidence as the old school prescribes but also the defendant's state of mind as the new school prefers.

Judge Walker, born Aug. 31, 1899, in San Francisco, grew up in the broad farmland of central California. His family was poor. Later, after serving in the Navy, working in the oil fields, taking bit parts in silent films and roaming around the country, he settled down here and studied law.

He was graduated from the University of Southern California Law School in 1928 and was a deputy commis-



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"A very good, strong code of morality."

sioner of corporations for the state until 1943. That year he succeeded Grant B. Cooper, Sirhan's chief defense counsel, as chief deputy district attorney, the position the chief prosecutor in the case, Lynn D. Compton, holds now.

A Furniture Builder

He was in private practice here from 1946 to 1953, when he was named a judge of the State Superior Court.

In 1925 he married Alice Sophia Phelps, and several years later moved into a modest house in Glendale, a Los Angeles suburb, where he is one of the many Republicans. There he still lives, now, surrounded, "as often as possible," he says, by his three children and 12 young grandchildren.

In a corner of his basement he has accumulated a number of woodworking tools, which he still uses almost daily.

"I have a little house and I built almost all the furniture inside it," the judge said, recently. "I have my chair and my books, but I don't know what I'll do when I retire. I'm a little worried about it."

"My whole life has been my family and my work," he said proudly, doffing his cowboy Stetson hat to passersby as he walked out of the Hall of Justice into the chilly evening air. "We're simple folk."