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# Sirhan Trial Off Till Monday; Judge Weighs Motion, Presumably for Mistrial

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LOS ANGELES, Jan. 9—The trial of Sirhan Bishara Sirhan was adjourned today until Monday after only 10 minutes in open court, while attorneys moved to the judge's chambers for consideration of a defense motion that presumably called for a mistrial to be declared.

Proceedings in the chambers of Superior Court Judge Herbert V. Walker were secret. However, it was understood that attorneys for the 24-year-old Jordanian immigrant, who is charged with first-degree murder in the assassination of Senator Robert F. Kennedy, made the motion for a mistrial on the ground that recent publicity about a Federal grand jury investigation of another matter involving the chief defense counsel was prejudicial to Sirhan's right of a fair trial.

The chief counsel, Grant B. Cooper, admitted before the Federal grand jury last Friday that he lied in court, in an earlier case, about the source of an unauthorized transcript of grand jury proceedings that was found in his possession during the trial.

## Other Transcripts

He also admitted to the jury that he had had the transcripts of testimony given by four other witnesses before the grand jury. But he declined to answer other questions about where the transcripts came from or the ground that to do so would violate the sanctity of the lawyer-client relationship.

After a hearing this week, United States District Judge Francis C. Whelan ordered Mr. Cooper to return and answer nearly 50 questions before the Federal grand jury, which is investigating the actions of several defense attorneys in the Friars Club case, a well-publicized card-cheating trial.

Mr. Cooper returned to the grand jury Tuesday, the day the Sirhan trial opened, but it is not known whether he answered the questions. He has not been recalled yet and no action has been taken against him.

In today's secret motion, Sirhan's attorneys were understood to have urged Judge Walker to declare a mistrial and allow a "cooling off" period of 30 days or longer before calling the case again.

In support of their argument, the attorneys — Mr. Cooper, Russell E. Parsons of Los An-

geles and Emile Zola Berman of New York — summoned 17 witnesses to testify at the session in the judge's chambers.

Reinforcing informed reports of the nature of the motion, representatives of all radio and television stations in the Los Angeles area were summoned. Moreover, one witness entering the out-of-court hearing, which recessed at noon and continued this afternoon, said that he had been told to bring transcripts of all radio broadcasts and tapes "relating to Cooper and the Friars case."

Judge Walker's ruling on the motion, which defense attorneys said they did not foresee for the next day or two, is not expected to be made public since the motion itself is not public.

The assumption among knowledgeable sources at the Hall of Justice here, where the Sirhan trial is being held, is that the judge will deny the motion. They point out that Sirhan has already been awaiting trial for seven months for the June 5 slaying of Senator Kennedy and that it has been postponed twice. However, they also note that it is incumbent upon the defense to

establish as many grounds as possible for later appeals should Sirhan be convicted.

The brief session in open court today began at 10:03 A.M., after a 45-minute conference in the judge's chambers between Judge Walker and defense and prosecution counsel.

During the few minutes that the heavily guarded eighth-floor Superior Court Department 107 was open, Sirhan appeared to be relaxed and assured, smiling and conferring with his attorneys. Neither his mother, Mrs. Mary Sirhan, nor any of his four brothers were in court today, apparently having been informed that most of the day would be devoted to the out-of-court hearing.

The 10 minutes were devoted almost entirely to discussion of a 1,010-page transcript of proceedings in the case now being tried in Superior Court Department 108 down the hall.

Attorneys for Sirhan had asked that portions of the transcript be accepted as evidence to support two motions, one to quash the indictment on the ground that the grand jury handling it down was improperly constituted, and the other

to set aside for a similar reason the petit jury panel from which jurors who would hear the Sirhan case would be drawn.

In California, judges draw up lists from which grand jurors are chosen. Sirhan's counsel is arguing that such "blue ribbonism" makes them unrepresentative. As for petit juries, they are contending that these are also improperly constituted because persons in numerous specified occupations are auto-

matically exempted upon their request.

Since defense attorneys in the People v. Castro, the case now going on in Department 108, presented lengthy testimony in support of similar contentions, Sirhan's lawyers had sought the Castro transcript in the interest of saving time and duplication of effort.

The Castro case involves 13 Mexican-American militants who were indicted last March

on a conspiracy charge following boycotts and demonstrations at Lincoln High School here.

After asking the defense lawyers to read the 1,010-page Castro transcript as quickly as possible, and to tell the prosecution as soon as they could the portions to be offered in evidence, Judge Walker adjourned the court until Monday morning "unless something unusual occurs."