

Sirhan Lawyers Attack Grand Jury Composition

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LOS ANGELES, Jan. 29—Sirhan Bishara Sirhan's attorneys contended today that his indictment on a charge of first-degree murder should be set aside because the grand jury that returned it was improperly constituted.

In presenting the motion, Grant B. Cooper, chief counsel for the 24-year-old Jordanian immigrant who is accused of killing Senator Robert F. Kennedy last June, attacked the constitutionality of the California grand jury system.

In this state, Superior Court judges nominate people to serve on panels from which grand juries are drawn. Each Superior Court judge in Los Angeles County, for instance, may nominate two persons for the prospective grand jury panel. The final panel of 23 jurors is then chosen by lot.

Judges Are Subpoened

To support their charges that such a system did not produce a jury composed of a broad cross-section of the community, the defense attorneys subpoenaed all the county's Superior Court judges to testify as to their methods of selecting grand jury nominees. The judges were ordered to report Monday to the heavily guarded eighth-floor courtroom where Sirhan is being tried.

However, if they chose not to appear, the judges were given the alternative of filling out a 10-page questionnaire that seeks to determine whether there was any discrimination by age, race, economic status or geography in their approaches to the nominations.

Twenty-six of the 133 judges upon whom the defense had intended to serve subpoenas were found to be ill, retired, deceased or moved out of the county.

By this afternoon, two judges had indicated that they would prefer to testify in person. They will appear in court tomorrow, as will Jury Commissioner William Goodwin.

Grand Jury Defended

In an interview after court was recessed until tomorrow, Lynn D. Compton, chief deputy district attorney, indicated that he felt the Sirhan grand jury had represented a cross-section of the community. On the 23-member jury, he said, were two Negroes, one Mexican-American and one Arab.

As court opened today, Mr. Compton opposed the motion to quash the indictment. He argued that "even stipulating the validity" of the evidence the defense was prepared to offer, "it really is irrelevant to this case."

Contending that there must be some allegation that a jury otherwise constituted would not have returned the same indictment, Mr. Compton said:

"I will submit that, no mat-

Contend Indictment Should Be Set Aside Because Panel Was Improperly Drawn

ter how a grand jury was constituted in this case, coupled with the admission that this man fired the shot, that nothing but an indictment could have resulted."

In turn, Mr. Cooper declared: "Our contention is that the system itself has the effect of being discriminating."

In the view of the defense, he added, "this is a question of constitutional dimensions."

Superior Court Judge Herbert V. Walker, who is presiding at the trial, denied the prosecution move to shut off the argument, permitting the defense to go ahead with its testimony.

Robert E. Schultz, a professor in the Department of Finance at the University of California, was then called to the witness stand as an expert on sociological demography. Mr. Schultz made a study of the persons nominated for possible grand jury duty last year.

Under questioning by Mr. Cooper, he testified, with the aid of four maps, that his study had shown that those on the

jury panel did not proportionately represent young adults, Negroes, the working class, lower economic groups or those with less than a college education.

For instance, using 1960 Census Bureau figures for comparison, Mr. Schultz said that 30 per cent of the members of the jury panel could be classified as professional or technical workers, while only 14 per cent of the county's population fell into that category.

Most observers at the Hall of Justice here do not expect Judge Walker to uphold the defense motion to quash the indictment.

In fact, the defense attorneys are known to be mainly interested in getting the challenge on the record, providing them with another possible point of appeal should Sirhan be convicted of first-degree murder.

The motion was first presented before jury selection began, but both sides agreed at that time to postpone argument on it until the defense had had time to gather more evidence.

Now, with the main body of 12 jurors seated, no action is expected on the choice of six alternate jurors until the evidence is on the motion to quash the indictment and Judge Walker rules upon it.