

DISTRICT ATTORNEY  
SUPREME COURT OF THE STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff-Respondent,

vs.

CHARLES MANSON, SUSAN ATKINS, LESLIE  
VAN HOUTEN AND PATRICIA KRENWINKEL,

Defendants-Appellants.

NO. 1002

APPEAL FROM THE SUPERIOR COURT OF LOS ANGELES COUNTY

HON. CHARLES H. OLDER, JUDGE PRESIDING

REPORTER'S TRANSCRIPT ON APPEAL

APPEARANCES

For Plaintiff-Respondent:	THE STATE ATTORNEY GENERAL 600 State Building Los Angeles, California 90012
For Defendant-Appellant Charles Manson:	IRVING KANAREK, Esq.
For Defendant-Appellant Susan Atkins:	DAYE SHINN, Esq.
For Defendant-Appellant Leslie Van Houten:	LESLIE VAN HOUTEN In Propria Persona
For Defendant-Appellant Patricia Krenwinkel:	PATRICIA KRENWINKEL In Propria Persona

VOLUME 2

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211 West Temple Street  
Los Angeles, California 90012

14-6

1 A I don't think so.

2 If you are going to say curiosity, yes,  
3 there was a lot of curiosity on my part involving the crime,  
4 because I was driving through Beverly Glen every day to  
5 UCLA and I was curious.

6 Q Curious in what sense?

7 A Curious about what had happened. What  
8 happened.

9 Q And who did it?

10 A Yes. I think, yes, there was a special  
11 time during the interim in which there was a curiosity on  
12 everyone's part. I was curious about it. I wondered who  
13 had done it.

14 Q Anything that you read or heard that caused  
15 you to form any opinion that someone was more probably  
16 guilty than not guilty of the offense?

17 Specifically, I am talking about any  
18 defendant in this case.

19 A No. I have no opinion as to whether anyone  
20 is guilty or whether one person might be more guilty than  
21 another on the basis of anything I have read or heard.

22 THE COURT: Mr. Fitzgerald?

23 MR. FITZGERALD: Thank you.

14a file

14a-1.

1 BY MR. FITZGERALD:

2 Q Mrs. Pfeifer, have you resided in Los Angeles  
3 County continuously for the last ten months?

4 A Yes.

5 Q You subscribe to the Los Angeles Times; is  
6 that correct?

7 A That is correct.

8 Q You also subscribe to their Sunday edition?

9 A Yes.

10 Q Is that delivered to your home on a regular  
11 basis?

12 A Yes. It is now. At that time I think it was.

13 Q Do you own a radio?

14 A Yes. Several.

15 Q If you own more than one radio, how many do  
16 you own or how many do you have access to?

17 A Two -- three.

18 Q Do you drive a car?

19 A Yes.

20 Q Do you have a radio in your car?

21 A Yes.

22 Q Do you own more than one television set?

23 A No.

24 Q Do you own one?

25 A Yes.

26 Q Is that at your home?

14x2.

1 A Yes.

2 Q When you listen to the radio, do you regularly  
3 listen to the news broadcasts?

4 A No, I don't. I usually listen to the music.  
5 I usually watch, if I am looking for news,  
6 I watch television.

7 Q What station do you usually listen to on  
8 the radio?

9 A A variety, honestly.

10 Would you like some of them?

11 Q Yes.

12 A KHLJ. We listen to a lot of FM at home.

13 Q Do you remember hearing news reports on the  
14 radio about this case?

15 A Yes.

16 Q Without getting into the contents, do you  
17 recall hearing about it on the radio?

18 A Yes, I recall hearing.

19 Q Do you ordinarily watch news programs on  
20 television?

21 A Yes.

22 Q Who do you customarily watch? I am talking  
23 about any TV personality or channel.

24 A I am not trying to be vague again, but we  
25 watch several of them.

26 Do you want the specific channels?

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Q Yes.

A 2, 4 and 7, I would say would be the most frequently.

Q Do you watch Jerry Dunphy on Channel 2?

A A minimum. I would say we watch Jerry Dunphy usually --

Q Who do you watch most often?

A I am trying to recall.

Q Bill Bonds on Channel 7?

A We watch Bill Bonds.

I can't think of their names. Is there a special -- you don't want to prompt me, do you? If you asked me, I could answer you.

Is there a Walter --

Q Walter Cronkite?

A No. The guy that gives the editorial-type comments.

Q George Putnam?

A No.

Q Thomas Reddin?

A Tom Reddin, yes. Well, no. That is not really one of the major ones.

Q Robert Abernathy?

A Yes, Robert Abernathy.

Who are the two fellows?

Q Huntley-Brinkley?

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1 A No. The other, I am sorry.

2 Q Do you recall hearing anything on the radio,  
3 seen anything on TV, or reading anything in the newspapers  
4 about any of the individual defendants?

5 We will start with Charles Manson. Do you  
6 remember anything about him?

7 A Yes. I recall descriptions in the newspaper  
8 and notriety in general about the fact that he had been  
9 arrested, and about several incidents in which he had  
10 disrupted courtroom operations, and that sort of thing  
11 in general; and then a history, I think, once in the paper.

12 Q Did you learn from the media anything about  
13 Mr. Manson as a person?

14 A As far as physical appearance? Yes. I think  
15 I knew possibly through pictures what he looked like.  
16 And as far as his background or his upbringing, I recall  
17 reading it. I don't recall it definitely. In fact, I  
18 don't even recall his face.

19 I do remember seeing some type of thing that  
20 was his history. I don't recall whether I read it.

21 Q At this moment you don't have any recollection?

22 A No.

23 Q About anything about Mr. Manson's background  
24 or history, or anything like that?

25 A Only the association with the family, quote.

26 Q What did you learn from the media in that

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1 regard?

2 A That he was alleged to be the leader of the  
3 family.

4 Q And what was the family?

5 A The family was a group that was residing  
6 out in the Simi Valley area, living together, I guess.

7 Q And what, if anything were they doing in  
8 the Simi Valley area?

9 A That I don't know.

10 Q Did you learn anything about the family itself,  
11 its background, history, the activities, anything in  
12 connection with the family?

13 A No.

14 I think -- this can be completely erroneous --  
15 I think I recall it starting out as a smaller group with  
16 just a few people and Mr. Manson, and then expanding.

17 Now, I don't know whether that is my  
18 imagination or not. That, I would say, would be one  
19 impression I had.

20 Q Did you learn anything from the media in  
21 connection with any of the female defendants in the case,  
22 Patricia Krenwinkel, Susan Atkins, Leslie Van Houten or  
23 Linda Kasebian?

24 A No.

25 I recall giving their residences and the  
26 families and how old they were, things like that, but I

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1 couldn't recite them to you. I do recall reading them.

2 If you were to question me on this, I could  
3 not answer you as to how old they were.

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14b-1

1 Q Did you learn anything about their background,  
2 their history, from the media?

3 A I don't recall it. No. Okay, that will  
4 answer it.

5 The thing that I recall most probably -- most  
6 clearly -- would be the description of the crimes, and that  
7 was more what I read in the newspaper than anything else.

8 Q And I believe you previously had stated that  
9 you were curious about the offenses; is that right?

10 A I was curious about the offense?

11 Q Yes. Were you?

12 A Yes.

13 Q Were you also fearful?

14 A As I was driving through Beverly Glen for  
15 a while, yes, I was a little uneasy.

16 MR. FITZGERALD: I have nothing further. Thank you.

17 THE COURT: Mr. Reiner?

18 MR. REINER: Thank you, your Honor.

19 BY MR. REINER:

20 Q Last August, when you first heard of these  
21 things, you were going to UCLA?

22 A Yes, I was.

23 Q And do you recall the speculation in the media  
24 at that time that the killings had been a ritual type thing?

25 MR. STOVITZ: Objected to, your Honor. It assumes  
26 facts not in evidence. It is an improper question.

14b-2

I imagine counsel can reframe his question--

MR. REINER: Withdraw the question.

Q Do you recall at that time hearing information in the media that these killings involved ritual type killings?

MR. STOVITZ: That is objected to, your Honor. There is no statement in the record that there were ritual killings, and this puts before this prospective juror information that she may not have.

THE COURT: Well, all she has to do is answer yes or no. She either heard about it or she didn't. That is what Mr. Reiner wants to find out.

MR. REINER: Yes, sir.

MRS. FELIFER: Yes, I do.

BY MR. REINER:

Q You have heard some speculation in the media?

A Yes.

Q When I use the term media, I mean that to be all inclusive, the newspaper, radio, television and the like.

A Yes.

Q Had you heard through the media that some of the victims had their hands tied?

MR. STOVITZ: That is objected to, your Honor.

The vice of the question is that it puts into

14b-3 1 the jurors' minds things -- it just assumes facts that  
2 have not been proved and may never be proved, and if this  
3 juror is to be qualified --

4 THE COURT: I don't understand the question that  
5 way.

6 I would admonish you, Mrs. Pfeifer, that  
7 you are not to assume from any question that anybody asks  
8 you that the facts that are stated in the question in fact  
9 occurred. They are simply probing your state of mind and  
10 your recollection to find out what, if anything, you did  
11 hear, and they are trying to jog your memory a little bit  
12 to see if you heard something one way or the other, that  
13 is all.

14 If you didn't hear it, just say you didn't  
15 hear it. If you heard it but in some other way, you can  
16 explain the way you did hear it.

17 MRS. PFEIFER: Yes.

18 THE COURT: Don't assume what is asked, in fact,  
19 occurred from the question.

20 All right?

21 MRS. PFEIFER: Yes.

22 Yes, I do recall the description.

23 MR. REINER: That is correct. There are a good  
24 many things that I will be inquiring about that we would  
25 perhaps dispute, but our inquiry here is as to whether you  
26 perhaps heard such information.

14b-4 1

2 Q Had you heard that some of the victims had  
3 a rope of some sort around their necks?

4 A Yes.

5 Q And this rope had been thrown over a beam  
6 in the living room?

7 A Yes.

8 Q Of the Tate residence?

9 A Yes.

10 Q Was that yes?

11 A Yes. That was a yes.

12 Q Do you recall hearing that the victims had  
13 been stabbed and shot?

14 A Yes.

15 Q And that a young boy was shot in the drive-  
16 way in his car?

17 A Yes.

18 Q And that he was not connected with the  
19 persons in the residence but he just happened to have been  
20 on the premises at the time that the incident occurred?

21 A Yes.

22 Q Do you recall that the telephone wires had  
23 been cut?

24 A Yes. I worked for the Telephone Company.

25 Q Do you recall that Sharon Tate was pregnant?

26 A Yes.

Q Do you recall in the house was a person by

14b-5 1

the name of Jay Sebring?

2 A Yes.

3 Q Do you recall speculation in the media  
4 or information in the media that Jay Sebring and Miss  
5 Tate had previously been engaged?

6 A Yes. Let me think for a minute. I do not  
7 recall directly that they had been engaged. I recall that  
8 there was a relationship between them. I recall that she  
9 had known him, I believe, before she married.

10 Q Do you recall at the time of these killings  
11 she was married to a man by the name of Roman Polanski?

12 A Yes.

13 Q Do you recall speculation in the media to  
14 the effect that her body had been mutilated? Do you  
15 recall reading or hearing of such speculation in the media?

16 A I don't recall reading or seeing or hearing  
17 anything in the media.

18 There were lots of rumors flying around at  
19 the time everywhere. At some point, someone, somewhere  
20 suggested that there was a lot of mutilation in general.

21 Q So, your best recollection at this time is  
22 that you do not recall receiving the information from the  
23 media but you recall receiving such information or similar  
24 information from rumors that were current at that time?

25 A Right.

26 Q Incidentally, just offhand, can you recall

14b-6

1 other rumors that had been occurring at or around that  
2 time?

3 A I think that was the most common thing you  
4 ran into, the mutilation aspect, other than the general  
5 information.

6 Q In just general terms, but what forms did  
7 these rumors take with respect to the mutilation? What  
8 was the effect of the mutilation?

9 A Where did I receive the information?

10 Q No. What type of mutilation, according to  
11 the rumors, just in general terms. You needn't be  
12 specific.

13 A I don't think anyone ever described anything  
14 physically that way. I think it was just the bodies were  
15 file.15 mutilated and that there was a lot of mutilation.

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1 Q Do you recall that a young boy living in the  
2 back guest house was arrested immediately after the bodies  
3 were recovered?

4 A Yes.

5 Q Do you recall this boy was released by the  
6 police and there was an indication that he had been cleared  
7 of any involvement?

8 A Yes.

9 Q Do you recall hearing that the words "Pig"  
10 had been scrawled on the door in the victim's blood?

11 A Yes.

12 Q Do you recall hearing that the very next  
13 night there was a similar homicide in the Los Angeles  
14 area?

15 A Yes.

16 Q Do you recall that the victims of this similar  
17 homicide were the LaBlancas, Mr. and Mrs. La Bianca?

18 A Yes.

19 Q Do you recall speculation that the two  
20 crimes were related?

21 A I recall speculation on the part of the media.

22 Q Yes, that the two crimes were related?

23 A Yes.

24 Q And you recall similar words such as "Pig,"  
25 or --

26 A Something.

1 Q -- "Death to the pigs" and so forth had  
2 been scrawled on the wall in blood at the La Bianca  
3 residence as well?

4 A Just speculation.

5 Q Do you recall any speculation in the media  
6 about so-called wild parties that had taken place at the  
7 Tate residence involving narcotics and the like?

8 A Yes, not necessarily involving narcotics,  
9 involving narcotics specifically, relating the parties  
10 to the narcotics I haven't heard of. I recall hearing of  
11 wild parties.

12 Q You do recall speculation in the media about  
13 so-called wild parties in the Tate residence?

14 A Yes.

15 Q About wild parties -- that is a vague term.  
16 When you used the term in response to my  
17 question, what did you mean to say?

18 A When you asked me that I recalled that I  
19 believed that the people in the surrounding area had  
20 remarked there had been some wild parties, and that  
21 description, loud, boisterous, I imagine, very loud  
22 parties.

23 Q Well, this is information then that you  
24 received from people in the immediate community in the  
25 general neighborhood as opposed to the media, is  
26 that correct?

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1 A No, I believe that when I read that in the  
2 newspapers that those were supposed to have been comments  
3 made by people --

4 Q Oh, I see, very well.

5 A -- in the surrounding area.

6 Q Do you recall speculation in the media about  
7 the use of narcotics by one or more of the victims?

8 A Yes.

9 Q Do you recall the type of narcotics that the  
10 media speculated on?

11 A I recall marijuana. I believe that the news  
12 media reported that they found some type of man-made  
13 drugs in Mr. Sebring's Porsche.

14 Q Do you recall an announcement in early  
15 December of last year by the Chief of Police in a televised  
16 news conference at which time they announced that the  
17 case had been solved and that arrests were imminent?

18 A I don't recall an announcement the case had  
19 been solved.

20 Q Do you recall an announcement in the media  
21 that arrests were imminent?

22 A Yes.

23 Q And was that the first time the name of Charles  
24 Manson had ever been presented to you?

25 A Yes.

26 Q The first time you ever heard the name?

15-4.

1 A Right.

2 Q Read the name?

3 A Right.

4 Q Now, after that initial indication in the  
5 media you then began to read of Mr. Manson with some  
6 frequency, and hear of him on television and radio?

7 A Right.

8 Q Do you recall hearing that Susan Atkins  
9 testified before the Grand Jury?

10 A Yes.

11 Q Do you recall that a purported confession of  
12 Susan Atkins was published in the Los Angeles Times?

13 A No.

14 Q Do you read the Los Angeles Times?

15 A Yes.

16 Q Do you subscribe to the Los Angeles Times?

17 A Yes.

18 Q Do you have a recollection of reading a  
19 story on the front page of the Sunday Times on December  
20 14th by some person who allegedly participated in these  
21 killings, without necessarily remembering the name of  
22 the individual?

23 A Yes.

24 Q And do you recall reading this story, that  
25 this story purported to relate in a first person account  
26 everything that had occurred during these first two nights

15-5.

1 when the events occurred?

2 A Yes.

3 Q But you do not recall which of the defendants  
4 it was?

5 A No.

6 Q You have of course heard of the Spahn Ranch?

7 A Yes.

8 Q And had you heard from the media this is  
9 where Charles Manson and several other persons including  
10 the defendants lived?

11 A Yes.

12 Q Have you heard of the Barker Ranch?

13 A The Barker Ranch?

14 Q In the desert?

15 A No.

16 Q All right, had you heard or received informa-  
17 tion from the media with respect to the life style of  
18 Mr. Manson and the defendants?

19 A At the Spahn Ranch?

20 Q Yes.

21 A Yes.

22 Q And had this information been in terms of  
23 their living in a commune-type of life style?

24 A Yes.

25 Q Involving a group free sex, or had you read  
26 of that?

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A In the news media itself, and the articles?

I recall being exposed to the idea of free sex somewhere there, but I cannot tell you whether I read it in that article or not.

I was exposed to that theory, yes, or that --

Q Had you received indications from the media

with respect to the use of drugs by Mr. Manson and other

members of the family?

A Yes.

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Q What drugs specifically do you recall?

2

A I don't recall the drugs specifically.

3

Q Do you recall receiving information to the

4

effect that they used LSD?

5

A No.

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Q Marijuana?

7

A Marijuana? I would guess, yes.

8

THE COURT: Mr. Reiner, it is 4:15. I have to go back into court and instruct the panel to return tomorrow and also inform them that we will not be in session on Thursday and Friday of this week, so I think we'd better stop here and you can continue tomorrow morning.

13

MR. REINER: I have only four questions indicated here.

15

THE COURT: I imagine other counsel will have some questions too.

17

All right, Mrs. Pfeifer, I will admonish you not to discuss with any of the other prospective jurors or with anyone else, for that matter, especially the press, anything that occurred in here today.

21

MRS. PFEIFER: Okay.

22

THE COURT: Will you now return to your seat in the jury box and then I will take the bench and adjourn the trial until tomorrow.

25

Thank you.

26

MRS. PFEIFER: Uh-huh.

15a-2

1 (Mrs. Pfeiffer leaves the chambers of the  
2 Court.)

3 MR. FITZGERALD: Your Honor, we have a joint  
4 defense motion we would like to raise outside the jury  
5 panel.

6 THE COURT: You want to do it now?

7 MR. FITZGERALD: Yes, we wonder if, the court  
8 facilities permitting, we might for a brief period this  
9 afternoon after the adjournment get all of our clients  
10 together, including Miss Krenwinkel, Miss Atkins, Miss  
11 Van Houten and Mr. Manson, with their respective counsel.

12 We would like to confer briefly about some  
13 joint aspects of the case.

14 THE COURT: What about up in the jury room,  
15 Mr. Murray, would that be feasible?

16 THE BAILIFF: Whatever you say. There is room up  
17 there, yes.

18 THE COURT: They have to go back out that way  
19 anyway, don't they?

20 THE BAILIFF: Yes.

21 THE COURT: And it is right in line with their  
22 route.

23 THE BAILIFF: Are they talking about by themselves  
24 completely, or someone in there with them?

25 THE COURT: Their counsel -- well, what are you  
26 talking about, Mr. Fitzgerald, we have of course security

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problems.

2 MR. FITZGERALD: We would like to confer privately.  
3 We understand the security problems.

4 Is there some way that security could be  
5 arranged so we could have a confidential interview with  
6 our clients?

7 THE BAILIFF: Not without somebody being in there  
8 with them.

9 MR. REIMER: Mr. Fitzgerald and I previously met  
10 in the jury room without the presence of an officer with  
11 three of the defendants.

12 MR. FITZGERALD: Hanson is the problem?

13 THE BAILIFF: Yes.

14 MR. KANARER: I see no problem with Mr. Hanson,  
15 your Honor. Mr. Hanson is not Houdini. He cannot fly  
16 through the walls if the bailiff is standing outside  
17 there.

18 I mean, this is a fictional situation.

19 THE COURT: What is fictional?

20 MR. KANARER: What is fictional, your Honor, is  
21 that the Sheriff and the bailiffs have something that  
22 the three defendants are safe, and Mr. Hanson is not safe.

23 There is nothing unsafe about him.

24 MR. FITZGERALD: What about the male lockup; that  
25 has security provided.

26 THE COURT: You mean our holding room next to the

15a-41

court?

2 MR. FITZGERALD: Yes.

3 THE COURT: What about that, Mr. Murray?

4 THE BAILIFF: As long as we can see them, your  
5 Honor, that is all.

6 MR. FITZGERALD: Is that agreeable, Mr. Murray?

7 THE BAILIFF: If it's all right with the Judge.

8 THE COURT: When you say "see them," what do you  
9 mean, looking through the door?

10 THE BAILIFF: So we can see them visible, your  
11 Honor, we cannot see them if we lock the door on the jury  
12 room.

13 THE COURT: All right, then we will do it in the  
14 holding tank.

15 MR. FITZGERALD: Thank you very much.

16 MR. KANAREK: Thank you, your Honor.

17 THE COURT: Now, let's have an understanding as to  
18 a reasonable amount of time.

19 MR. FITZGERALD: Fifteen minutes.

20 THE COURT: All right, 15 minutes is reasonable.

21 MR. KANAREK: Your Honor, and I would ask this  
22 request: This is a joint trial, now, we would like Mr.  
23 Hanson to be able to confer with co-defendants, and I  
24 understand co-defendants wish to confer with Mr. Hanson,  
25 but not just in a matter of a few minutes in the lockup.

26 We would like to make arrangements either

15a-5

1 at the new County Jail, or at the Sybil Brand Institute,  
2 or perhaps my office -- my office would be a good place.

3 THE COURT: We will take this up some other time,  
4 Mr. Kanarek. Right now I will adjourn, and if you have  
5 some suggestion or proposal to make tomorrow or some  
6 other day, you may do so.

7 MR. KANAREK: Yes, your Honor.

8 (Whereupon the following proceedings were  
9 had in open court in the presence and hearing of all the  
10 prospective jurors:)

11 THE COURT: The record will show all parties and  
12 counsel are present.

13 Ladies and gentlemen, we are going to  
14 adjourn at this time until 9:45 tomorrow morning.

15 The morning sessions of this trial will  
16 commence promptly at 9:45.

17 We will recess at 12:00 noon. The afternoon  
18 sessions will start at 2:00 p.m. and we will adjourn  
19 for the day at 4:15.

20 This court will not be in session on either  
21 Thursday or Friday of this week, so those of you who  
22 wish to make plans will have those days free.

23 Is there anything further, gentlemen, before  
24 we adjourn for today?

25 MR. FITZGERALD: Nothing further, your Honor.

26 MR. REINER: Nothing further.

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1 MR. STOVITZ: Nothing further.

2 THE COURT: All right, 9:45 tomorrow morning.

3 (Whereupon an adjournment was taken until  
4 the following day, Wednesday, June 17, 1970,  
5 at 9:45 o'clock a.m.)  
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1 LOS ANGELES, CALIFORNIA

WEDNESDAY, JUNE 17th, 1970

2 9:58 A.M.

3 - - -

4 THE COURT: People vs. Charles Manson, Susan  
5 Atkins, Patricia Krenwinkel and Leslie Van Houten.

6 The record will show all parties and counsel  
7 are present.

8 At this time we will resume with the  
9 examination of Mrs. Pfeifer in chambers.

10 If you will wait just a moment, Mrs. Pfeifer,  
11 until counsel have joined me in chambers I will have the  
12 bailiff escort you in.

13 MR. KANAREK: Your Honor, we would ask the jury  
14 box be filled. It is our position at this point the jury  
15 box should be filled.

16 THE COURT: Very well.

17 THE CLERK: Herman R. Stokes. First name spelled  
18 H-e-r-m-a-n. S-t-o-k-e-s.

19 (Prospective Juror Herman R. Stokes  
20 takes Seat No. 1.)

21 Mrs. Mary Anne Nelson. M-a-r-y. A-n-n-e.  
22 N-e-l-s-o-n.

23 (Prospective Juror Mrs. Mary Anne Nelson  
24 takes Seat No. 2.)

25 Mrs. Fern L. Steen. F-e-r-n. S-t-e-e-n.  
26 (Prospective Juror Mrs. Fern L. Steen  
takes Seat No. 3.)

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1 Miss Rose Pahn. R-o-s-e. P-a-h-n.

2 (Prospective Juror Miss Rose Pahn takes  
3 Seat No. 4.)

4 Frank J. Rios. F-r-a-n-k. R-i-o-s.

5 (Prospective Juror Frank J. Rios takes  
6 Seat No. 7.)

7 Mrs. Sonia Y. Gordon. S-o-n-i-a. G-o-r-d-o-n.

8 (Prospective Juror Mrs. Sonia Y. Gordon  
9 takes Seat No. 9.)

10 Victor L. Frondorf. V-i-c-t-o-r. F-r-o-n-d-o-r-f.

11 (Prospective Juror Victor L. Frondorf takes  
12 Seat No. 10.)

13 THE COURT: Mrs. Muehlberger, would you move down  
14 one seat, please; there should be a vacancy between Mrs.  
15 Gordon and you; Miss Gayon, you also.

16 (Mrs. Muehlberger and Miss Gayon move over  
17 one seat.)

2.

18 THE COURT: Mr. Stokes, have you heard and under-  
19 stood everything that has occurred in the courtroom since  
20 you came into the case?

21 MR. STOKES: Yes, I have.

22 THE COURT: I am going to ask you the same few  
23 questions that I put to the other jurors yesterday  
24 regarding the death penalty.

25 Have you had an opportunity to think about  
26 these matters?

1-3. 1

MR. STOKES: Yes, sir.

2

THE COURT: Since then?

3

MR. STOKES: Yes.

4

MR. KANAREK: Your Honor, may we approach the bench briefly?

6

THE COURT: Not at this time?

7

MR. KANAREK: In connection with this particular subject matter?

9

THE COURT: Not at this time. I will hear you when we go into chambers.

11

MR. KANAREK: Then our position would be that it be done in chambers because the time involved is so small that it could be integrated with the interrogation concerning publicity and we would, for the same reasons that your Honor is doing the publicity in camera, so to speak, we would ask that this be also in chambers.

16

17

THE COURT: The motion is denied. It will be done here.

19

The first question, Mr. Stokes, is do you entertain such conscientious opinions regarding the death penalty that you would be unable to make an impartial decision as to any defendant's guilt regardless of the evidence developed during the trial of this case?

24

MR. STOKES: I do not have any.

25

THE COURT: The answer is no?

26

MR. STOKES: No.

1 THE COURT: Do you entertain such conscientious  
2 opinions regarding the death penalty that you would  
3 automatically refuse to impose it without regard to the  
4 evidence during the trial?

5 MR. KANAREK: Your Honor, may I respectfully object.

6 THE COURT: Don't interrupt.

7 MR. KANAREK: I'm objecting to the Court's question.

8 THE COURT: You have already objected.

9 MR. KANAREK: On the basis that it solicits a  
10 conclusion, and it is compound, it is complex, and it is  
11 ambiguous.

12 THE COURT: All right. Your objection is overruled.

13 What was the answer to the last question,  
14 Mr. Stokes?

15 MR. STOKES: No.

16 THE COURT: Mrs. Nelson?

17 MRS. NELSON: Yes.

18 THE COURT: I am going to put the same two questions  
19 to you.

20 Do you entertain such conscientious opinions  
21 regarding the death penalty that you would be unable to  
22 make an impartial decision as to any defendant's guilt  
23 regardless of the evidence developed here during the trial?

24 MRS. NELSON: No.

25 THE COURT: Do you entertain such conscientious  
26 opinions regarding the death penalty that you would

1 automatically refuse to impose it without regard to the  
2 evidence developed during the trial?

3 MRS. NELSON: No.

4 THE COURT: Mrs. Steen, do you entertain such  
5 conscientious opinions regarding the death penalty that  
6 you would be unable to make an impartial decision as to  
7 any defendant's guilt without regard to the evidence  
8 developed during the trial?

9 MR. KANAREK: Your Honor, may I have a standing  
10 objection --

11 THE COURT: Yes.

12 MR. KANAREK: -- to each of these questions, based  
13 on the grounds enunciated previously; and also on the  
14 grounds, your Honor, that it is a solicitation -- that  
15 the question is unintelligible, your Honor.

16 THE COURT: Did you understand the question?

17 MRS. STEEN: I did.

18 THE COURT: What is your answer?

19 MRS. STEEN: No.

20 THE COURT: Do you entertain such conscientious  
21 objections concerning the death penalty that you would  
22 automatically refuse to impose it without regard to the  
23 evidence developed during the trial?

24 MRS. STEEN: No.

25 THE COURT: Mrs. Pahn --

26 MISS PAHN: Miss Pahn, your Honor.

1 THE COURT: Miss Pahn?

2 MISS PAHN: Yes.

3 THE COURT: Do you entertain such conscientious  
4 opinions regarding the death penalty that you would be  
5 unable to make an impartial decision as to any defendant's  
6 guilt without regard to the evidence developed during the  
7 trial?

8 MISS PAHN: No.

9 THE COURT: You have to press that button.

10 MISS PAHN: No.

11 THE COURT: Do you entertain such conscientious  
12 opinions regarding the death penalty that you would  
13 automatically refuse to impose it without regard to the  
14 evidence developed during the trial?

15 MISS PAHN: No.

16 MR. KANAREK: Your Honor, if I may --

17 THE COURT: Just a minute, Mr. Kanarek. Don't  
18 interrupt me again, sir, or I will have the bailiff silence  
19 you. ✓

20 MR. KANAREK: I --

21 THE COURT: Don't interrupt an answer or a question.

22 MR. KANAREK: Then may I make the record?

23 THE COURT: Not at this time.

24 Yes?

25 MISS PAHN: I said no, your Honor.

26 THE COURT: The answer is no to both questions?

1 MISS PAHN: Yes, sir.

2 THE COURT: All right.

3 Mr. Rios, do you entertain such conscientious  
4 opinions regarding the death penalty that you would be  
5 unable to make an impartial decision as to any defendant's  
6 guilt without regard to the evidence developed during the  
7 trial?

8 MR. RIOS: No, sir.

9 THE COURT: Do you entertain such conscientious  
10 opinions regarding the death penalty that you would  
11 automatically refuse to impose it without regard to the  
12 evidence developed during the trial?

13 MR. RIOS: No, I don't.

14 THE COURT: Thank you.

15 Would you pass the microphone on to -- Miss  
16 Mesmer, I already asked you these questions yesterday --

17 MISS MESMER: Yes.

18 THE COURT: Mrs. Gordon, do you entertain such  
19 conscientious opinions regarding the death penalty that  
20 you would be unable to make an impartial decision as to  
21 any defendant's guilt without regard to the evidence  
22 developed during the trial?

23 MRS. GORDON: No.

24 THE COURT: Do you entertain such conscientious  
25 opinions regarding the death penalty that you would  
26 automatically refuse to impose it without regard to the

1 evidence developed during the trial?

2 MRS. GORDON: No.

3 THE COURT: Mr. Frondorf, is that correct?

4 MR. FRONDORF: Yes.

5 THE COURT: Sir, do you entertain such conscientious  
6 opinions regarding the death penalty that you would be  
7 unable to make an impartial decision as to any defendant's  
8 guilt without regard to the evidence developed during the  
9 trial?

10 MR. FRONDORF: No, sir.

11 THE COURT: Do you entertain such conscientious  
12 opinions regarding the death penalty that you would  
13 automatically refuse to impose it without regard to the  
14 evidence produced during the trial?

15 MR. FRONDORF: No.

16 THE COURT: I previously asked both of those  
17 questions to you, did I not, Mrs. Muehlberger?

18 MRS. MUEHLBERGER: Yes.

19 THE COURT: And Miss Gayon?

20 MISS GAYON: Yes.

21 THE COURT: Very well. Then we will repair to  
22 chambers at this time.

23 MR. STOVITZ: Does your Honor want to go into any  
24 questions on hardship at this time before going into  
25 chambers?

26 THE COURT: Yes.

1 I will ask if there are any of you who have  
2 come into the jury box this morning who would find it an  
3 undue hardship to serve as a trial juror in this case if  
4 you were selected.

5 Mrs. Nelson, what is your situation?

6 MRS. NELSON: Mostly it is my husband. He is  
7 most adamant.

8 MR. KANAREK: I can't hear.

9 MR. STOVITZ: Just a moment.

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2A.

1 MRS. NELSON: My main problem mostly is my husband.  
2 He is most adamant against this trial; and also I visit  
3 a doctor once a month.

4 THE COURT: By reason of these things, do you feel  
5 that it would be an undue hardship for you to serve in  
6 this case?

7 MRS. NELSON: Well, I should not like to.

8 MR. KANAREK: Your Honor, I submit that it goes to  
9 state of mind rather than hardship.

10 THE COURT: All right.

11 Would you pass the microphone to Mrs. Steen.

12 Mrs. Steen, what is your situation?

13 MRS. STEEN: Well, I am on a 30-day situation from  
14 work. I work for the Bank of America, and I truly don't  
15 know what their feelings will be.

16 THE COURT: Will you hold that microphone a little  
17 closer to your mouth.

18 MRS. STEEN: I don't know what their feelings are  
19 in relation to a long -- I could not do without the money  
20 for the full six months if I were not reimbursed.

21 Also, I do have a medical problem which I  
22 have to take care of next month.

23 THE COURT: Is that something that would require  
24 your absence for some time?

25 MRS. STEEN: Yes, your Honor, I believe it will.

26 THE COURT: Was there anyone else? Miss Pahn?

1 MISS PAHN: I am free to serve if selected.

2 THE COURT: I beg your pardon?

3 MISS PAHN: I am free to serve if selected.

4 THE COURT: You are not asking to be excused?

5 MISS PAHN: No.

6 THE COURT: Was there anyone else?

7 Mrs. Pfeifer?

8 MRS. PFEIFER: Yesterday, your Honor, you mentioned  
9 that if we should change our mind on any of these questions  
10 we should speak up. Would this be the appropriate time  
11 now?

12 THE COURT: Yes.

13 MRS. PFEIFER: Last night I contacted my employer  
14 and I discussed it at length with my husband. It would  
15 not affect my job financially, I would be reimbursed for  
16 the six months period. However, they would have to hire  
17 someone to take my spot and, on returning, I would not  
18 be guaranteed the same position I have.

19 I will be eligible for promotion in September,  
20 and if I am absent, I would not be.

21 And emotionally, my husband and I think it  
22 would be an emotional hardship on both of us that might  
23 have some severe repercussions on our marriage, which I  
24 don't think is an over-statement.

25 3.  
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1 THE COURT: You don't think you what?

2 MRS. PFEIFER: I don't think I am over-stating the  
3 problem.

4 THE COURT: You consider that it would be an undue  
5 hardship then, is that right, Mrs. Pfeifer?

6 MRS. PFEIFER: Yes, in both of these areas.

7 MR. STOVITZ: Your Honor, I think maybe there is  
8 some misunderstanding.

9 The sequestering of the jury, if it does take  
10 place, will only take place during the testimony. I  
11 believe that is what your Honor announced yesterday, is  
12 that correct?

13 THE COURT: As distinguished from what?

14 MR. STOVITZ: As distinguished from jury selection.  
15 The jury selection may take a month, but the trial will  
16 take only some 60 days.

17 THE COURT: That is true.

18 MR. REINER: 60 days!

19 THE COURT: The jury will not be sequestered until  
20 it has finally been selected.

21 MRS. PFEIFER: But then they would be sequestered  
22 during the entire trial, is that correct?

23 THE COURT: Yes.

24 MRS. PFEIFER: Which has been estimated as much as  
25 six months.

26 THE COURT: It could. I seriously question whether

1 it will, but it could.

2 MR. STOVITZ: I think counsel agrees with us that  
3 60 court days is what we estimated the testimony to take,  
4 your Honor.

5 MR. REINER: Excuse me, your Honor, as I recall  
6 the estimate said they personally would require 60 court  
7 days, or three months, to put on their case, just their  
8 case in chief, not counting rebuttal, not counting the  
9 defense, not counting argument or anything else.

10 But I think as we worked it out in chambers,  
11 approximately six months would probably be more illustra-  
12 tive than to state 60 days.

13 THE COURT: No one knows for sure what the exact  
14 length of the trial would be, but I think any juror  
15 should be prepared for the possibility it could last  
16 six months.

17 Are you asking to be excused for those  
18 reasons, Mrs. Pfeifer?

19 MRS. PFEIFER: Yes, I am. I would like to be  
20 excused for those reasons.

21 THE COURT: All right, was there anyone in the  
22 back row -- very well. Will counsel approach the bench,  
23 please.

24 (The following proceedings were had at the  
25 bench out of the hearing of the prospective jurors.)

26 MR. KANAREK: I would ask that Mr. Manson be

1 allowed to be present at the bench in connection with this  
2 very vital matter, your Honor.

3 I think he has a right to be present at  
4 every stage of the proceedings including the vitalness of  
5 the matter of picking a jury, I would ask he be allowed  
6 to be present.

7 THE COURT: He is not going to attend all of the  
8 bench conferences, Mr. Kanarek.

9 Now, if you want to go back and confer with  
10 him before you make a decision, you of course may do so.

11 MR. KANAREK: Thank you.

12 THE COURT: I have three names here, Mrs. Nelson,  
13 Mrs. Steen and Mrs. Pfeifer.

14 MR. FITZGERALD: I would offer to stipulate as to  
15 all three, if it is agreeable with counsel. I stipulate  
16 they may be removed.

17 MR. KANAREK: May I check with Mr. Manson?

18 THE COURT: Yes.

19 MR. KANAREK: Thank you.

20 MR. REINER: I would join in the stipulation with  
21 respect to Mrs. Steen and Mrs. Pfeifer.

22 I would not join in the stipulation with  
23 respect to Mrs. Nelson.

24 MR. STOVITZ: We will wait until Mr. Kanarek  
25 returns.

26 (Mr. Kanarek returns.)

1 MR. KANAREK: That is agreeable, your Honor.

2 MR. STOVITZ: May the record show --

3 THE COURT: Are you stating that you will stipulate  
4 to having Mrs. Nelson, Mrs. Steen and Mrs. Pfeifer  
5 excused?

6 MR. KANAREK: Yes, your Honor.

7 MR. SHINN: I join.

8 THE COURT: Mr. Reiner indicated he will not  
9 stipulate as to Mrs. Nelson, is that right?

10 MR. REINER: That's correct. As to the other two  
11 I will stipulate.

12 MR. STOVITZ: The People will stipulate to all  
13 three being excused.

14 However, I believe that they should be excused  
15 after being brought into chambers.

16 The reason for it is because Mrs. Nelson's  
17 reasons, and Mrs. Pfeifer's reasons I don't consider  
18 substantial enough, and it may cause other prospective  
19 jurors to think that all they have to do is parrot these  
20 same words and they will be able to get excused without  
21 giving specific reasons.

22 THE COURT: The answer is very simple, no one is  
23 compelled to stipulate.

24 MR. STOVITZ: The point is this, we feel that if a  
25 juror truly expresses hardship, and gives sufficient  
26 reasons, that this is ground for the Court to excuse the

1 juror on its own motion.

2 The Court stated it would not, I know.

3 THE COURT: Except in highly exceptional cases I am  
4 not going to excuse any of them.

5 If you cannot agree on it you will have to  
6 use your peremptory challenges.

7 MR. STOVITZ: The People after further questioning  
8 the jurors as to specific reasons for the hardship -- we  
9 don't want to embarrass them before the entire group;  
10 we don't want them to have to say "My husband has to  
11 have me home for particular reasons," whatever they may  
12 be.

13 But in chambers, if they are excused, it will  
14 perhaps delay it another two or three minutes for each  
15 juror; then the other jurors won't be able just to catch  
16 the words.

17 THE COURT: I don't want to prolong it, Mr. Stovitz.  
18 Actually I think we are getting a fairly high percentage  
19 of people who are not asking to be excused.

20 I would have expected the percentage to have  
21 been much lower.

22 MR. BUGLIOSI: I agree with Mr. Stovitz.

23 MR. KANAREK: I agree with the Court, either you  
24 stipulate or you don't, your Honor. We are supposed to  
25 be lawyers up here; either they stipulate. If they don't,  
26 they don't.

1           You cannot have a stipulation with conditions  
2 precedent. Either he stipulates or he doesn't.

3           MR. BUGLIOSI: It's not a question of stipulation,  
4 it's a question of whether they should be excused back  
5 in chambers or here.

6           MR. KANAREK: I suggest a stipulation, and if  
7 counsel doesn't wish it, then we won't have it.

8           MR. BUGLIOSI: We will stipulate; we will stipulate --

9           MR. REINER: If I may be heard just briefly, I would  
10 go along with the position of Mr. Stovitz for this reason:

11           In this particular case I probably would  
12 agree to the stipulation of Mrs. Nelson if I had additional  
13 information. I can only obtain that in chambers, so I  
14 have to wait, and perhaps it might save time under those  
15 circumstances if we conducted a hardship examination in  
16 chambers.

17           That is the only reason I withheld my  
18 stipulation with respect to Mrs. Nelson.

19           MR. STOVITZ: That is my position.

20           MR. FITZGERALD: Both these women indicated they  
21 have medical problems; both appear to be middle-aged.

22           THE COURT: I think if you are looking for grounds,  
23 that you are just wasting time. It seems to me if a juror  
24 is convinced it is an undue hardship, you would not want  
25 him anyway, regardless of whether he had substantial  
26 grounds or not.

1 But that is a matter for you to decide. I  
2 don't think we should spend a lot of time on it. If your  
3 initial reaction is he is an unwilling juror and you don't  
4 want him, then stipulate.

5 If you don't think you want to stipulate,  
6 don't stipulate.

7 MR. STOVITZ: Well, on behalf of the prosecution,  
8 we stipulate that the jurors may be excused, these jurors  
9 may be excused at this time without a conference in  
10 chambers.

11 However, in the future I think it would be  
12 better to further question them in chambers on it.

13 MR. REINER: Your Honor, just one point:

14 Yesterday when the first juror was excused,  
15 Mr. Coubrough, when he left the court he was immediately  
16 interrogated and interviewed by reporters and television  
17 people.

18 I am not so much concerned here with people  
19 who would indicate reasons why they would wish to be  
20 excused, but perhaps some people, particularly some of  
21 the middle-aged women we have, would be reluctant to  
22 indicate there is a hardship reason, if it involves certain  
23 medical problems they don't want to discuss.

24 So we may have a reluctant juror not revealed to  
25 us.

26 THE COURT: Once we have the box filled and the

1 challenges start to be exercised, there won't be any  
2 problems.

3 MR. STOVITZ: Also another point, the jurors don't  
4 have much to do out there in the courtroom. I think if it  
5 is stated from the bench they may read books, but they  
6 should avoid reading anything about the case in the  
7 newspapers --

8 THE COURT: No. Let's get on with this.

9 MR. BUGLIOSI: I am very concerned about this  
10 six-month estimate. I think we are frightening people  
11 away.

12 I never estimated this case at six months. I  
13 think Mr. Kanarek is controlled by the Court.

14 The trial itself, I don't think -- I'm pretty  
15 close to this trial -- I don't think the trial itself will  
16 last more than three or four months.

17 The jury selection may take a month, but like  
18 Mr. Stovitz said, during that time --

19 THE COURT: I already indicated, Mr. Bugliosi, no  
20 one knows what the exact length is, and I personally don't  
21 think it will be that long if you prepared it.

22 MR. BUGLIOSI: I am wondering if the period of time  
23 mentioned to the jurors, being sequestered, whether it  
24 should not be three to four months rather than six, a  
25 half year.

26 It is kind of a long period of time, and I

1 think we are frightening people away. They are not going  
2 to be sequestered during the voir dire.

3 THE COURT: Let's get on with it now.

4 MR. BUGLIOSI: Are we going to keep this at six  
5 months?

6 THE COURT: I am trying to indicate to you and the  
7 jurors that it is flexible. I think I have so indicated.

8 MR. BUGLIOSI: I think in terms of a half year.

9 THE COURT: I told them they should be prepared. I  
10 don't know. You are the people who gave the time estimates;  
11 I did not set it.

12 MR. KANAREK: Your Honor, may I say this --

13 THE COURT: As a matter of fact, Mr. Bugliosi, you  
14 are the one that told the newspapers that it would last  
15 two or three years.

16 MR. BUGLIOSI: If Mr. Kanarek is not controlled it  
17 will take three or four years, and I stand by that.

18 I said if he is not controlled.

19 THE COURT: No, I assure you it won't take three or  
20 four years.

21 MR. BUGLIOSI: I am confident the Court will control  
22 Mr. Kanarek, but it will take three or four if the Court  
23 will not.

24 THE COURT: I suggest if you stop making statements  
25 for public consumption, perhaps these problems will  
26 disappear.

1 Any information about the length of the trial,  
2 as far as I have been able to see from reading the  
3 newspaper, has come from the People.

4 MR. BUGLIOSI: The statements back in chambers,  
5 my estimate of the trial was if Mr. Kanarek is controlled  
6 and it appears the Court is controlling Mr. Kanarek, would  
7 be three to four months.

8 THE COURT: Do we have a stipulation as to these  
9 three or not, Mr. Reiner?

10 MR. REINER: Not as to Mrs. Nelson, but as to the  
11 other two.

12 THE COURT: Then I will excuse Mrs. Steen and Mrs.  
13 Pfeifer.

14 MR. KANAREK: I have one point, if I may, on behalf  
15 of Mr. Manson, your Honor, I submit it is a denial of  
16 his right to counsel under the Sixth Amendment, and to  
17 a fair trial and fair voir dire, were your Honor to  
18 threaten me with the bailiff when your Honor is  
19 interrogating on the most important matter concerning the  
20 death penalty --

21 THE COURT: Any time you interrupt me or interrupt  
22 a witness' answer, Mr. Kanarek, I will stop you. I will  
23 never stop you from making a legitimate objection or  
24 motion.

25 I will stop you from interrupting the  
26 proceedings by either interrupting something I am saying

1 or a question being asked by counsel or an answer.

2 You simply will have to wait your turn.

3 MR. KANAREK: I apologize to the Court, your Honor,  
4 if I in fact interrupted.

5 THE COURT: You did several times.

6 MR. KANAREK: My impression was the Court had  
7 finished the question. But, the juror, as your Honor well  
8 knows, people in answering questions sometimes will start  
9 answering before your Honor has perhaps finished.

10 THE COURT: Well, I made the point clear.  
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(The following proceedings were had in open court in the presence and hearing of the prospective jurors:)

THE COURT: Mrs. Steen and Mrs. Pfeifer will be excused at this time, thank you very much.

(Mrs. Steen and Mrs. Pfeifer leave the jury box.)

THE COURT: Mr. Darrow.

THE CLERK: Robert A. Mitchell. R-o-b-e-r-t. M-i-t-c-h-e-l-l.

(Prospective Juror Robert A. Mitchell takes Seat No. 3.)

John Ricke. J-o-h-n. R-i-c-k-e.

(Prospective Juror John Ricke takes Seat No. 6.)

THE COURT: Mr. Mitchell, have you heard and understood everything that has been said in court since you came into this case?

MR. MITCHELL: Yes, sir.

THE COURT: And have you, Mr. Ricke?

MR. RICKE: Yes, sir.

THE COURT: Is that the correct pronumciation?

MR. RICKE: Yes, sir.

THE COURT: Mr. Mitchell, do you entertain such conscientious opinions regarding the death penalty that you would be unable to make an impartial decision as to

1 any defendant's guilt without regard to the evidence  
2 developed during the trial of the case?

3 MR. MITCHELL: No, sir.

4 THE COURT: Do you entertain such conscientious  
5 opinions regarding the death penalty that you would  
6 automatically refuse to impose it without regard to the  
7 evidence developed during the trial of the case?

8 MR. MITCHELL: No, sir.

9 THE COURT: Mr. Ricke, I will ask you the same  
10 questions:

11 Do you entertain such conscientious opinions  
12 regarding the death penalty that you would be unable to  
13 make an impartial decision as to any defendant's guilt  
14 without regard to the evidence developed during the trial?

15 MR. RICKE: No, sir.

16 THE COURT: Do you entertain such conscientious  
17 opinions regarding the death penalty that you would  
18 automatically refuse to impose it without regard to the  
19 evidence developed during the trial?

20 MR. RICKE: No, sir.

21 THE COURT: Do either of you believe that if you  
22 are selected as trial jurors in this case it will work  
23 an undue hardship on you?

24 MR. MITCHELL: Yes.

25 THE COURT: Mr. Mitchell?

26 MR. MITCHELL: Yes, sir.

1 THE COURT: What is your situation, please?

2 MR. MITCHELL: Well, my employer asked me to take  
3 the shortest term of jury service as I could for one,

4 Secondly, I am a part-time salesman on a  
5 commission basis; no commissions.

6 Thirdly, I have a vacation planned for the  
7 end of the year.

8 And fourthly I don't believe I can take the  
9 amount of strain of being locked up for that length of  
10 time. I am on the go too much as it is now.

11 THE COURT: All right, sir.

12 What about you, Mr. Ricke, would serving as  
13 a juror in this case be an undue hardship on you do you  
14 believe?

15 MR. RICKE: My time is up this coming Friday.

16 In view of that I will have to ask my company  
17 if I can be released.

18 THE COURT: Who is your company?

19 MR. RICKE: McDonnell-Douglas Aircraft.

20 THE COURT: The fact that your time is up, of course,  
21 is not a reason for not serving.

22 Do you know what your company's policy is with  
23 respect to your compensation while you are serving as  
24 a juror?

25 MR. RICKE: No, I don't.

26 THE COURT: Can you check that?

1 MR. RICKE: I will try.

2 THE COURT: All right, then, we will pass the matter  
3 for the timebeing as far as you are concerned.

4 Will counsel approach the bench, please?

5 (The following proceedings were had at the  
6 bench out of the hearing of the prospective jurors:)

7 THE COURT: Do you gentlemen care to stipulate with  
8 respect to either of these?

9 MR. REINER: I will stipulate with respect to  
10 both.

11 MR. FITZGERALD: It is so stipulated.

12 MR. KANAREK: So stipulated.

13 MR. SHINN: So stipulated.

14 MR. STOVITZ: So stipulated on behalf of the  
15 People.

16 THE COURT: I did not understand Mr. Ricke stated  
17 he wanted to be excused, at least until he checks with  
18 his employer to find out if he is going to be paid during  
19 the time of his jury service.

20 However, if you gentlemen want to stipulate  
21 to excusing him I will do so.

22 MR. STOVITZ: This is one of the points -- I think  
23 that if we started questioning the other jurors in chambers  
24 we would reach our eleven o'clock recess and he can make  
25 a phone call out to Douglas and find out.

26 THE COURT: Why not pass Mr. Ricke for the time being

1 and let him check with his employer.

2 MR. FITZGERALD: We offer to stipulate Mr. Mitchell  
3 can be removed.

4 MR. REINER: So stipulated.

5 MR. KANAREK: I so stipulate as to Mr. Mitchell,  
6 your Honor, but I do have a motion, your Honor.

7 THE COURT: All right.

8 MR. KANAREK: The motion is, your Honor, I think  
9 that this is drastic, but I must make it:

10 I make a motion there be no sequestration,  
11 but on the other hand I make the motion that the Court  
12 bar the Press from this courtroom.

13 The defendants are entitled to a fair trial.  
14 If I may finish, your Honor:

15 The point is -- the point is this: What we  
16 are doing, we are going to get 12 --

17 THE COURT: Mr. Kanarek, I will hear your motion,  
18 but I am not going to hear it now. We are engaged in  
19 another matter at the moment.

20 MR. KANAREK: Very well.

21 THE COURT: Furthermore I don't want to hear it at  
22 the bench. You will have to make that motion in open  
23 court, state whatever your grounds are, but not at this  
24 moment.

25 Let's finish with this particular problem,  
26 then we will get on with other matters.

1 MR. REINER: Your Honor, I would like to bring  
2 something to the Court's attention and raise an objection  
3 to it.

4 On three occasions Mr. Stovitz -- on two  
5 occasions Mr. Stovitz handed the hand mike to a juror,  
6 and on one occasion repeated the statement of the juror  
7 to the Court.

8 I think handing the mike to jurors is some-  
9 thing that the bailiff should be doing, and repeating  
10 statements to the Court is something perhaps the court  
11 reporter should do.

12 I don't think we should be in the position  
13 of racing among ourselves to do favors for jurors.

14 THE COURT: Do we have a stipulation as to Mr.  
15 Mitchell?

16 MR. KANAREK: So stipulated.

17 MR. FITZGERALD: So stipulated.

18 MR. REINER: So stipulated.

19 MR. SHINN: So stipulated.

20 MR. STOVITZ: So stipulated.

21 THE COURT: All right, I will excuse Mr. Mitchell.

22 (The following proceedings were had  
23 in open court in the presence and hearing of  
24 the prospective jurors:)

25 THE COURT: By stipulation of counsel, Mr. Mitchell,  
26 you are excused. Thank you, sir.

1           Mr. Ricke, will you at your first opportunity  
2 find out from your employer whatever you need to find  
3 out and let the Court know whether this would constitute  
4 an undue hardship as to you.

5           MR. RICKE: Yes, sir.

6           THE CLERK: William T. McBride, II, W-i-l-l-i-a-m;  
7 M-c-B-r-i-d-e, the II. ✓

8                     (William T. McBride, II, takes seat No.

9           3.)

10          THE COURT: Mr. McBride, have you heard and under-  
11 stood everything that has been said in the court since  
12 you came into the case?

13          MR. MC BRIDE: Yes, I have.

14          THE COURT: Do you have any unusual circumstances  
15 that would cause this to be an undue hardship as far as  
16 you are concerned?

17          MR. MC BRIDE: No, I don't.

18          THE COURT: Mr. McBride, do you entertain such  
19 conscientious opinions regarding the death penalty that  
20 you will be unable to make an impartial decision as to  
21 any defendant's guilt without regard to the evidence  
22 received during the trial?

23          MR. MC BRIDE: No, your Honor.

24          THE COURT: Do you entertain such conscientious  
25 opinions regarding the death penalty that you would  
26 automatically refuse to impose it without regard to the

1 evidence received during the trial?

2 MR. MC BRIDE: No, I don't.

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1 THE COURT: I think, then, gentlemen, we may resume  
2 our examination in chambers since Mrs. Pfeifer has been  
3 excused.

4 You can start with Mr. Stokes who is sitting  
5 in the No. 1 chair.

6 If you will wait just a moment, Mr. Stokes,  
7 we will ask the bailiff to escort you into chambers after  
8 counsel and the defendants have gone in.

9 MR. STOVITZ: Is the court in recess during the  
10 in-chambers conference?

11 THE COURT: No.

12 MR. STOVITZ: I meant for the rest of the court?

13 THE COURT: No.

14 (Whereupon the following proceedings  
15 occur in chambers:)

16 THE COURT: Before we start, the record will show  
17 all parties and counsel are present.

18  
19 INTERROGATION OF PROSPECTIVE JUROR NO. 1

20 HERMAN R. STOKES

21 BY THE COURT:

22 Q As I mentioned yesterday in open court, Mr.  
23 Stokes, the reason for having you come into chambers is  
24 because the parties would like to know what exposure you  
25 have had to any pretrial publicity and what effect, if  
26 any, that has had on you without letting everybody else

1 know what you have read, heard, seen, and so forth.

2 I will start out by asking you some questions  
3 and then the attorneys will have an opportunity to  
4 inquire further.

5 First, Mr. Stokes, can you tell us what you  
6 have read, heard or seen regarding what you have read,  
7 heard or seen regarding this case or any of the defendants?

8 A Well, I am not up on this situation at all.  
9 I have heard of it on the news. I have seen, on the  
10 newsreel, I have seen pictures, you know, but I didn't  
11 pay too much attention.

12 This was maybe six months ago, whenever it  
13 happened, a long time ago.

14 Q Is your home in Los Angeles?

15 A Yes..

16 Q Were you in Los Angeles last August?

17 A Well, I paid more attention to the death  
18 of these people, you know. I paid attention to this  
19 part of it, but as far as the follow-up, I didn't follow  
20 it up.

21 I didn't know Miss Tate as a movie star.  
22 In fact, I never heard of her until this happened.

23 Q I take it, then, that immediately after the  
24 deaths, you did read about --

25 A I didn't read about it.

26 Q You didn't read about it?

1 A No.

2 Q How did you find out about it? From the  
3 newspaper?

4 A The newsreel, TV.

5 Q Television?

6 A Yes. In other words, I heard about the  
7 deaths, but after it was determined, you know that so  
8 many people were killed, I just kind of threw it out of  
9 my mind.

10 I don't follow that type of news too well.  
11 I try to keep to the good side of things.

12 Q Have you read or heard anything about it since  
13 then?

14 A No. In fact, really, I will have to catch  
15 up on what is happening.

16 Q We don't want you to do that now.

17 A My wife -- well --.

18 Q Did you read about Mr. Manson having been  
19 arrested?

20 A Let's see. Actually, the whole thing is  
21 confusing.

22 I heard his name together with -- like, you  
23 know, just some flash news, like Tate-Manson, this other  
24 fellow involved. Tate and Manson. If I hadn't known  
25 that Miss Tate was a movie star, I would have thought  
26 they were talking about one person, the way they referred  
to the name.

1                   Actually, I can't really say I'm up on it.

2                   I am sorry.

3                   Q     As a result of whatever you have read, heard  
4                   or seen, have you formed any opinions as to the guilt  
5                   or innocence of any person, of any of the defendants, or  
6                   anyone else?

7                   A     No, because I really don't know what happened.  
8                   I know that they have been arrested now, you  
9                   know. I know this now. But I don't know why and, you  
10                  know, for what reason other than it evidently involved,  
11                  you know, this Tate murder.

12                  The reason for this, why each one has been  
13                  arrested, I don't know. I haven't figured that out yet.

14                  Q     Have you formed any opinion because of the  
15                  fact that they have been arrested --

16                  A     No.

17                  Q     -- that they are, for example, more likely  
18                  to be guilty than innocent?

19                  A     No. I believe that a person is more or less  
20                  innocent, you know, but -- I don't go by what the papers  
21                  say, in other words, or the news.

22                  So, therefore, I can't say guilty or innocent.

23                  Q     You heard me tell all of the jurors yesterday  
24                  that under our law a defendant is presumed to be innocent --

25                  A     Yes, that is the law.

26                  Q     -- until the contrary is proven.

1 Do you agree with that principle?

2 A Well, as far as I am concerned, they are  
3 innocent of this particular thing, you know, until proven,  
4 you know, until I see the facts and the evidence.

5 Q In other words, you are willing to give each  
6 of these defendants the presumption of innocence?

7 A Definitely.

8 I'd like to hear both sides of it. That is  
9 all.

10 THE COURT: Do you wish to inquire, Mr. Fitzgerald?

11 MR. FITZGERALD: No, I don't; but I would like  
12 at this time, your Honor, to offer to stipulate that,  
13 for this voir dire procedure in chambers -- and I think  
14 this will expedite matters -- I would offer to stipulate  
15 that all questions asked by all counsel for the defense  
16 are asked on behalf of all counsel and all defendants.

17 Is that agreeable?

18 MR. REINER: Sure.

19 MR. KANAREK: So stipulated. And it will be deemed,  
20 as far as we are concerned, for all appearances which  
21 have occurred up to now.

22 MR. SHINN: Yes.

23 MR. STOVITZ: Is that agreeable, Mr. Shinn?

24 MR. SHINN: Yes.

25 MR. STOVITZ: Mr. Reiner?

26 MR. REINER: Yes.

1 MR. STOVITZ: On behalf of the People, we will so  
2 stipulate.

3 THE COURT: Just exactly what is the purpose of  
4 the stipulation?

5 MR. FITZGERALD: I think that it avoids record  
6 problems in terms of whether particular counsel asked  
7 particular questions, your Honor.

8 Some counsel are of the feeling, your Honor,  
9 that they must ask a repetitious question in order to  
10 protect the record for their client. We don't think  
11 that is necessary, but in the event that it is, we simply  
12 elect to stipulate that a question asked by one is asked  
13 by all, in this area, so that we can avoid the need for  
14 repetition.

15 THE COURT: Apparently everybody is willing to  
16 stipulate, and the Court will accept the stipulation.

17 Do you have any questions?

18 MR. FITZGERALD: We have no questions of this witness.

19 THE COURT: Mr. Reiner?

20 MR. REINER: Yes, sir.

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4a-1

BY MR. REINER:

Q Do you read a particular newspaper, Mr. Stokes?

A The Times. I don't take it but I read it. I discontinued it.

Q Do you buy the Times on a regular basis?

A No. That is what I mean.

Q Do you have a television set, sir?

A Yes.

Q Do you watch the television news on any sort of regular basis?

A Yes.

Q Which particular shows do you watch, Mr. Stokes?

A 2 usually and 7 sometimes.

Q The Jerry Dunphy Show on 2 and the Bill Bonds News Show on 7?

A Yes.

Q Do you watch the early evening show, the 5:00 to 6:00 o'clock news, or the late news?

A The late, the 11:00 o'clock news.

Q Do you watch that on a regular basis?

A No.

Q On a generally regular basis?

A Not regularly. It depends on how I feel.

Q What would be your best estimate as to

4a-2

1 the regularity of your viewing the evening news, sir?

2 A I would say that I view it every -- well,  
3 at least three times a week.

4 Q And -- go ahead.

5 A Another source is the radio. I stay tuned  
6 to, I guess it is, 98, or something like that, KFWB.

7 Q And that is an all news program?

8 A Yes.

9 Q That is a radio station that broadcasts  
10 nothing but the news; is that correct?

11 A Right.

12 Q Twenty-four hours a day?

13 A Yes.

14 Q Do you listen to this while you are in your  
15 car riding around?

16 A Once a day. At least once a day.

17 Q For what period of time?

18 A Traveling to work, back and forth to work.

19 Q You listen to that particular station on  
20 the way to work and also returning home?

21 A Yes.

22 Q And how long does it take you to drive home?

23 A Fifteen minutes.

24 Q Thirty minutes a day you do listen to the  
25 news on KFWB?

26 A Right.

4a-3

1 Q And about three times a week you watch either  
2 the Jerry Dunphy News on Channel 2 or the Bill Bonds News  
3 on Channel 7 in the evening?

4 A Right.

5 Q And you have followed these habits since  
6 last August?

7 A No. I don't have any habits, you know. I  
8 just do things as I feel.

9 Q Very well.

10 You follow the practices that you have just  
11 previously discussed since last August?

12 A Yes.

13 Q And during that time you have lived -- during  
14 all of that time you have lived in the greater Los Angeles  
15 area; is that right?

16 A Right.

17 MR. REINER: No further questions.

18 MR. STOVITZ: On behalf of the People --

19 THE COURT: Mr. Shinn?

20 MR. SHINN: No questions.

21 THE COURT: Mr. Kanarek?

22 MR. KANAREK: No questions.

23 THE COURT: All right, Mr. Stovitz.

24 BY MR. STOVITZ:

25 Q Mr. Stokes, what part of Los Angeles do you  
26 live in?

4a-4

1 A Central Los Angeles, around 48th and  
2 Crenshaw. That area.

3 Q And where do you work, sir?

4 A The Post Office. I am a mechanic, an  
5 electro-mechanic.

6 Q Downtown here?

7 A Yes. The Terminal Annex.

8 Q I take it you have a high school degree,  
9 sir?

10 A Yes, sir.

11 MR. FITZGERALD: Your Honor, that is beyond the  
12 scope and I object.

13 MR. SHINN: We object.

14 MR. STOVITZ: It is preliminary to another question,  
15 your Honor.

16 THE COURT: That may be, but what we are in here  
17 for is a very limited purpose, Mr. Stovitz.

18 MR. STOVITZ: Yes, it is for a limited purpose, to  
19 see if the publicity that he has read or heard about in  
20 any way influences his verdict.

21 THE COURT: I don't see what his educational status  
22 has to do with that.

23 MR. STOVITZ: All right.

24 Q How long have you lived here in Los Angeles,  
25 Mr. Stokes?

26 A Approximately 22 years or so.

4a-5

1 Q I take it that you are, what, about 30 years  
2 of age?

3 A 37.

4 Q 37?

5 A Yes.

6 Q Now, bearing in mind everything that you  
7 might have heard about the case, be it on the radio or  
8 television, and bearing in mind everything that people  
9 might have said -- has anybody ever talked to you about  
10 this case?

11 A No. I have heard people talking about it  
12 but that is about all. I never actually conversed with  
13 people on the case.

14 Q Okay.

15 Now, bearing in mind everything you do know,  
16 do you think that you could put out of your mind everything  
17 that you might have heard or read or seen about the case  
18 and decide this case solely on the evidence that you hear  
19 in this court?

20 A That would be very easy because I kind of  
21 cast everything I have heard aside. I was very disinterested  
22 in it.

23 Q Now, if the Court were to ask you for a  
24 promise, that you would promise the Court, you would take  
25 an oath on it, that you would decide this case only on  
26 the evidence that you hear in the courtroom, do you think

4a-6

1 you could keep that promise without any hesitation?

2 A I know I could, because that is my makeup.

3 Q Assume -- just assume, Mr. Stokes -- that  
4 you were locked up on this case say three or four or  
5 five months while you were listening to the evidence.  
6 Do you think that you could still keep your promise  
7 all of the time and just concentrate on the evidence and  
8 not try to get anything from any newspapers or any  
9 telephone calls that you might make to your family or  
10 anything like that?

11 A Yes, I could.

12 Q Suppose you weren't locked up. Do you  
13 think you could keep your promise and not learn about the  
14 case from any other source except from the evidence in  
15 court?

16 A Yes, I can.

17 Q And you have no hesitation in that promise?

18 A No.

19 Q By the way, have you ever heard of a  
20 newspaper or publication known as The Rolling Stone?

21 A A paper?

22 Q Yes. Not the musical group.

23 A The group.

24 Q You have never read any copy of The Rolling  
25 Stone, to your knowledge?

26 A No.

7  
1 Q You never heard of it?

2 A No.

3 MR. STOVITZ: Thank you.

4 THE COURT: Are you through, Mr. Stovitz?

5 MR. STOVITZ: Yes.

6 THE COURT: Anyone else?

7 MR. REINER: Yes, if I may.

8 BY MR. REINER:

9 Q You indicated in response to Mr. Stovitz's  
10 questions that you had, in your general activities, heard  
11 people discuss either Mr. Manson or the people involved  
12 in the case or the case itself.

13 What sort of things have you heard discussed,  
14 sir?

15 A Well, what was mostly discussed was his  
16 appearance. You know, the way he -- he seemed to be --  
17 he seemed to imply that he was a deep person, he had some  
18 kind of power.

19 Q What sort of power are you referring to?

20 A They seem to wonder why, how he could get  
21 people to follow him, you know.

22 What I mean, like I said, I work with a  
23 lot of people in the Post Office, and I just heard  
24 this.

25 Q Right now we are not inquiring into any  
26 comments that you may or may not have made but as to

8 1 any comment that you overheard, in a conversation that  
2 you had or while working with other people.

3 You then heard comment between other people  
4 with respect to Mr. Manson's appearance; is that correct?

5 A Yes.

6 Q Would this be relating to his appearance as  
7 has been revealed on television in the last few months?

8 A Yes. Evidently they got the information  
9 from TV, or maybe magazines, whatever it was, you know.

10 Q And also with respect to Mr. Manson's  
11 influence, ability to influence other people?

12 A Right.

13 Q What did they say with respect to their  
14 impressions or concern with Mr. Manson's ability to have  
15 great influence upon people?

16 A Well, they seemed to be puzzled, you know.  
17 They couldn't understand how he could, you know, how he  
18 could persuade people to follow him in any way.

19 You know, he looked like a fellow that  
20 was just a normal type fellow, you can say hippy type,  
21 but he just looked like a regular guy, you know, in  
22 that area, doing his thing.

23 Q Have you -- go ahead.

24 A He evidently had a little more power, you  
25 know, than appeared on the surface.

26 Q You say evidently. Why evidently?

1           A           I mean evidently for them. So far as I  
2 am concerned, I haven't made any decision.

3           Q           We are referring to them. Why did they feel  
4 that evidently he had more power?

5           A           Because of what they heard, I guess, or what  
6 they read, shall I say?

7           Q           What had they read? Put it in context.

8           A           I don't know. That is what I mean.

9           Q           Have you heard people discussing either  
10 Mr. Manson or any other person connected with the case  
11 in any other context, other conversations that you might  
12 have overheard from time to time?

13          A           No. Sorry. My mind on this particular case  
14 is like a recording, you know, like a tape recording. You  
15 hear it and after a while you erase it.

16                    I never thought I would be involved with it.  
17 I just thought -- we have so many things happening around  
18 L. A., I just kind of throw certain things aside. I  
19 listen to most of the good things, you know.

20          MR. REINER: I have no further questions.

21          MR. STOKES: Happy things.

22          MR. STOVITZ: No further questions.

23          THE COURT: I will ask you one last question,  
24 Mr. Stokes.

25                    Do you believe you are able to fairly  
26 and dispassionately weigh all of the evidence received

10

1 during the trial, and in accordance with the instructions  
2 of the Court, base your verdict solely on the evidence  
3 received during the trial?

4 MR. STOKES: Yes.

5 THE COURT: Would you give the Court your promise  
6 now that you will do so if you are selected as a juror?

7 MR. STOKES: I will do so.

8 THE COURT: All right, sir.

9 MR. STOVITZ: May we have one other question?

10 THE COURT: Yes.

11 BY MR. STOVITZ:

12 Q Mr. Stokes, do you think that between now  
13 and the time that you are ultimately selected that you  
14 could refrain from reading anything about the case in  
15 the newspapers or watching on TV?

16 A Yes. That would be easy. I don't take the  
17 paper any more and I can just turn the TV off.

18 Q Thank you.

19 A I watch sports anyway.

20 THE COURT: Mr. Stokes, please do not discuss any  
21 of these matters that have been gone into here with any  
22 of the other prospective jurors, or with anyone else for  
23 that matter, the news media; if they question you, just  
24 say you are not permitted to disclose what went on here.  
25 Do not discuss it with anyone else.

26 MR. STOKES: Yes, sir.

11

1 THE COURT: All right.

2 We will take our regular morning recess at  
3 this time for 15 minutes, and Mr. Stokes, you may be  
4 excused.

5 Thank you very much.

6 MR. BUGLIOSI: Shall we reconvene back here or  
7 in the courtroom?

8 THE COURT: I think we might as well reconvene  
9 back here in 15 minutes and then we will take the next  
10 juror, Mrs. Nelson.

11 (Recess.)  
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(Following the recess proceedings were had as follows at the hour of 11:07 A.M.)

(The following proceedings were had in the chambers of the Court out of the presence and hearing of the prospective jurors, all counsel being present:)

THE COURT: Will you have No. 2, Mrs. Nelson, come in, please?

(Mrs. Nelson enters the room.)

THE COURT: The record will show all parties and counsel are present.

As I indicated yesterday to the jurors, Mrs. Nelson, the reason why we have this inquiry in chambers is so that all of the other prospective jurors will not hear what, if anything, you have read, heard or seen about the case and any opinions you may or may not have formed about it.

INTERROGATION OF PROSPECTIVE JUROR NO. 2

MRS. MARY ANNE NELSON

BY THE COURT:

Q Will you tell us to the best of your ability what you have read, seen or heard about this case or any of the defendants?

A Mostly what I have read in the newspaper.

Q Are you a resident of Los Angeles?

5-2.

1 A Yes, I live in Hollywood.

2 Q Were you here last August?

3 A No, I was visiting my parents in Omaha, and  
4 my father wanted to know if this occurred near where we  
5 lived, and I said, "Oh, we have murders in Los Angeles  
6 all the time."

7 Q Did you read the newspaper accounts of the  
8 deaths of these victims at that time?

9 A Yes.

10 Q And did you continue to read the newspapers  
11 thereafter on a daily basis with regard to any stories  
12 that might have come out about the --

13 A Well, shortly after that, when it was still--

14 Q -- about the crimes of the defendants?

15 A -- while it was still in the paper, and the  
16 article that made such headlines that it was printed all  
17 over the world,

18 Q Are you referring to Miss Atkins' article?

19 A Yes.

20 Q You did read that?

21 A Yes.

22 Q And had you watched television accounts of  
23 this case at all?

24 A When it was on the regular news broadcast,  
25 yes.

26 Q Well, as a result of anything that you have

5-3.

1 read, seen or heard, have you formed any opinion as to  
2 the innocence or guilt of any defendant or of any other  
3 person?

4 A Well, yes. I have heard all about it, and all  
5 the descriptions and everything, and their life style and  
6 the things they were purported to have done even before  
7 this.

8 Q Well, my question is whether or not you  
9 formed any opinion as to whether or not any defendant in  
10 this case is guilty or not guilty of the crimes charged  
11 against him or her?

12 A Well, one hates to admit, but this publicity,  
13 one rather believes they're guilty.

14 MR. KANAREK: Your Honor, could the witness speak  
15 up a little.

16 THE COURT: Yes, would you speak just a little  
17 louder, please.

18 Read that last answer, please.

19 (Whereupon the reporter reads the record.)

20 THE COURT: I am not sure that I understand exactly  
21 what you mean by that answer. Would you explain that,  
22 please?

23 THE WITNESS: Well, one does not want to pre-  
24 judge people just by what one reads in the newspaper, but  
25 there has been so much of it that it just seems that  
26 among my family and my friends that we have all more or

5-4. 1 less assumed that they probably were guilty.

2 Q Well, now, if you were selected as a juror  
3 in this case do you think that it is possible that you  
4 could put all of that out of your mind, that is, everything  
5 that you have read, seen or heard before you came into  
6 this court, and decide the case only on the evidence that  
7 comes out during the trial?

8 Could you do that?

9 A I think it would be rather difficult. Not  
10 only because of the nature of the crime, but the nature of  
11 ~~how these people live; that they are the type that might~~  
12 engage in something like this.

13 Q Well, do you feel that because of what you  
14 already know that they would more or less start out with  
15 two strikes against them as far as you are concerned?

16 A Yes.

17 Q Do you think you would be able to be fair and  
18 impartial then?

19 A No, my emotions would be involved.

20 I was on juries before; I didn't know anything  
21 about it; I was just impartial, but this referred to  
22 so many things that --

23 Q Do you believe at this time that it is more  
24 likely than not that the defendants are guilty of the  
25 crimes charged against them, as a result of what you know?

26 A Yes, and even their subsequent behavior in

1 court, the type of persons they are.

2 Q You don't think that you will be able to wipe  
3 the slate clean, so to speak, and put all of this out of  
4 your mind and judge the case solely on the basis of the  
5 evidence that comes out during the trial?

6 A Well, there is just too much of it, there  
7 just seems from the newspapers and the evidence, just  
8 delaying tactics, and technicalities.

9 They are not getting down to business.

10 Q Well, of course, those things happen in many  
11 trials.

12 A Well, yes.

13 Q It is often hard for lay people to understand  
14 why things don't happen faster?

15 A Yes.

16 Q But apart from all that do you feel that you  
17 would be unable to put all of these things out of your  
18 mind and decide the question of innocence or guilt solely  
19 on the basis of what came out at the trial?

20 A I don't think so.

21 THE COURT: Do you wish to inquire, Mr. Fitzgerald?

22 MR. FITZGERALD: I have no questions. I thank  
23 the juror for her honesty and candor, and challenge her  
24 for cause on behalf of all of the defendants.

25 MR. REINER: I have two questions if I may inquire,  
26 your Honor.

## INTERROGATION OF PROSPECTIVE JUROR NO. 2

MRS. MARY ANNE NELSON

BY MR. REINER:

Q Mrs. Nelson, you indicated in addition to any information you had received from the newspapers or any other mass media that this matter has been discussed by friends and acquaintances of yours, is that correct?

A Well, at the time it happened, and when it was quite the subject of conversation, and then more recently as the trial neared.

Q With respect to comments that you have heard in the community, how extensive has the discussion been?

Has it been something that has been discussed repeatedly or constantly by members of the community in which you live and work, and so forth?

A No, just at the time it happened, and as I say, more recently, as the trial has come up, people, you know, make comments.

Q Would it be a fair statement to say that within the community within which you function, that is, your social community, your neighborhood community, your employment community, that as the trial now has approached, that the comments that you hear, overhear about the trial, have increased in volume, the number of comments that you have heard?

1           A     Well, I think as it draws quite close to the  
2 trial, yes.

3           I think most people almost-cannot keep track  
4 of the comings and goings of the lawyers.

5           If they followed it that closely, of course,  
6 they would know, but now as it nears, actually coming to  
7 the courtroom, it is back on the TV again and they make  
8 their same comments.

9           Q     What sort of comments?

10          A     "Better not ask me on that jury."

11          Well, "They are just riffraff of society and  
12 the scum of the earth, and I hope they get what is coming  
13 to them," and things of that sort.

14          They may be tolerant of hippie types, but they  
15 are not tolerant of people that --

16          Q     Would that be a fair characterization of the  
17 general tenor of the comments made by the people within  
18 the community, to your knowledge?

19          A     The ones I come in contact with are not that  
20 openminded about the subject.

21          Q     Now, with respect to an earlier indication of  
22 yours that with the subsequent behavior of the defendants  
23 you have reached certain opinions regarding the defendants,  
24 when you are talking about the subsequent behavior, were  
25 you referring to their behavior as has been revealed on  
26 television newscast, coming to court and going from

1 court?

2 A Yes.

3 Q What sort of specific behavior are you referring  
4 to?

5 A Well, the ones that showed being disruptive or  
6 lack of decorum and respect for the Court.

7 MR. KANAREK: Your Honor, as to this question I  
8 cannot join with Mr. Reiner's question, as to this about  
9 the disruption.

10 THE COURT: We are getting far afield, Mr. Reiner.  
11 Let's get back to the subject under consideration.

12 MR. REINER: Thank you, your Honor.

13 Q With respect to the television newscasts in  
14 which the defendants or some of them have appeared, have  
15 you ever seen the defendants being brought to court on  
16 television newscasts, or being taken from court?

17 A Mostly I recall pictures in the newspapers  
18 rather than television.

19 Q Do you recall anytime seeing the girls being  
20 brought to court or being taken back into the jail from  
21 court when they were singing?

22 A Not that instant.

23 THE COURT: There is now a challenge for cause under  
24 consideration.

25 MR. REINER: I have no further questions.

26 THE COURT: Does anyone else want to be heard?

1 MR. BUGLIOSI: I have a question.

2  
3 INTERROGATION OF PROSPECTIVE JUROR NO. 2

4 MRS. MARY ANNE NELSON

5 BY MR. BUGLIOSI:

6 Q Mrs. Nelson, I realize it is very difficult  
7 to forget what you heard and read about this case, but  
8 the thing I am concerned about is this:

9 If you are selected as a juror on this case,  
10 say four or five months from now you are back in the jury  
11 room and are deliberating, do you think that you would  
12 be able to base your verdict solely on the evidence  
13 presented in court under oath from the witness stand,  
14 and not be influenced by anything you have read or heard  
15 about the case before the trial started?

16 A Well, I think it is almost a natural thing  
17 to relate it and tie it together, to say, does this sound  
18 as though it is the same as I have heard before.

19 You see, when I am on another trial I have  
20 nothing to relate the evidence to, not having heard it  
21 before.

22 Now, I say, "Well, in a newspaper they said  
23 this, and now they say this. It's hard to separate the  
24 two."

25 Q You realize as a juror the only thing you  
26 would be able to consider would be the evidence coming from

1 the witness stand. You understand that?

2 A Yes, I understand.

3 Q And if the Judge told you you were not to be  
4 influenced by your verdict by anything you read or heard  
5 outside of court, would you follow the Judges instruction  
6 on that?

7 A Well -- but how could one erase it from  
8 his mind?

9 Q It is not a question of that. I realize it  
10 is almost impossible to forget something that you have  
11 been exposed to, it is in your subconscious mind even if  
12 it is not in your conscious mind.

13 The question is this: Not whether you can  
14 forget it or not, but can you base your verdict solely  
15 on the evidence presented in court, and not have your  
16 verdict influenced by what you have heard or read prior to  
17 trial?

18 A Well, I cannot be certain.

19 Q You are not sure about it, I take it?

20 A It is not whether I want to or not.

21 Q Pardon?

22 A If I said I would, I would, but I don't know  
23 if I feel like I wanted to.

24 MR. BUGLIOSI: May I confer with Mr. Stovitz?

25 (Off the record conference between Mr.  
26 Bugliosi and Mr. Stovitz.)

1 Q BY MR. BUGLIOSI: Mrs. Nelson, have you ever  
2 heard of the periodical, a publication, I think it comes  
3 out twice a month, called the Rolling Stone?

4 A No, the first time I heard about it was just  
5 these last days.

6 I never read it, no.

7 MR. BUGLIOSI: Thank you very much. No further  
8 questions.

9 THE COURT: Does anybody else want to be heard?

10 MR. KANAREK: Join the challenge for cause, your  
11 Honor.

12 THE COURT: Do you join in it?

13 MR. KANAREK: Yes.

14 MR. SHINN: Join.

15 MR. REINER: Join the challenge for cause.

16 MR. STOVITZ: We do not oppose it.

17 THE COURT: Then the challenge will be allowed and  
18 you are excused, Mrs. Nelson.

19 Thank you very much for being so frank and  
20 honest with us.

21 (Mrs. Nelson leaves the chambers.)

22 5a.  
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THE COURT: Would you ask Mr. McBride,  
Juror No. 3, to come in, please?

MR. STOVITZ: Is it admissible to state the time  
as 11:22 Mr. McBride is coming in?

I just wanted some kind of record as to  
how long it takes.

The reporter usually puts the time of  
starting the proceedings, but there is no clock in chambers.

THE COURT: Yes there is.

MR. STOVITZ: Oh.

(Mr. McBride enters the chambers  
of the Court.)

THE COURT: Mr. McBride, as I mentioned to the  
jurors yesterday, the reason for having this conference in  
chambers is so we can ascertain anything you read, heard,  
or had seen about the case or what opinions you might have  
formed outside of the presence of the other people, so that  
they will not also be exposed to whatever it is you have  
seen or what you relate to us.

#### INTERROGATION OF MR. MC BRIDE

BY THE COURT:

Q I am going to ask you a few questions and  
then the attorneys will have an opportunity to ask you some  
more questions.

First, can you describe as accurately as you

JA-2

1 can what you have read, seen, or heard about the case or  
2 any of the defendants?

3 A It has been mainly what I have heard on the  
4 radio, from listening to the radio, and the news.

5 Q That is in your automobile?

6 A Yes, mainly in the automobile; sometimes  
7 in the home.

8 Q Do you read the newspaper?

9 A At times; not very often, just every once  
10 in a while.

11 I don't make it a point to read the newspaper  
12 every day.

13 Q How did you first find out about this, about  
14 the killings?

15 A I think the first I heard of it was on  
16 television, on the television news.

17 Q Was this at or about the time it happened  
18 back in August of 1969?

19 A Yes, I believe so. I don't remember the  
20 date.

21 Q Did you ever read in the newspaper or hear  
22 on television or the radio any statement which purportedly  
23 had been made by any of the defendants about the case?

24 A No, I haven't.

25 Q Do you watch the television news in the  
26 evening or any other time?

1 A Occasionally. I'm pretty busy at night,  
2 a lot of times I go down to see my fiancée; she lives in  
3 Anaheim.

4 A lot of times I don't have time to watch  
5 TV. She doesn't have a television.

6 Q Do you work in Los Angeles?

7 A In the City of Commerce.

8 Q City of Commerce?

9 A Yes, sir.

10 Q Well, as a result of anything that you have  
11 read or seen, have you formed any opinion as to the guilt  
12 or innocence of any defendants in this case?

13 A No, sir; I honestly believe I have not.

14 Q Do you think if you are selected as a juror  
15 in this case you can put out of your mind whatever you have  
16 read, seen, or heard about the case, and decide the case  
17 solely on the evidence received during the trial?

18 A Yes, sir, I believe so.

19 Q And in accordance with the Court's instructions  
20 to you as to the law?

21 A Yes, sir.

22 Q Do you have any doubt about that at all?

23 A No, sir.

24 THE COURT: Do you wish to inquire, Mr. Fitzgerald?

25 MR. FITZGERALD: Yes.  
26

## INTERROGATION OF MR. MC BRIDE

BY MR. FITZGERALD:

Q Have you resided continuously in Los Angeles County for the last ten months or so?

A Yes, sir.

Q You do not regularly subscribe to a newspaper, is that correct?

A My parents subscribe to a newspaper, yes.

Q You live at home with your parents?

A Yes.

Q This is delivered every day to your parents' home?

A Yes.

Q What newspaper is that?

A The Daily News; it is a city newspaper, a local newspaper.

Q From what locality?

A Whittier.

Q Do they also subscribe to the Los Angeles Times?

A No, sir.

Q Are there television sets in your home?

A Yes, sir.

Q More than one?

A One.

Q Do you customarily watch television and news

A-5

1 broadcasts?

2 A Not ordinarily. Like I told his Honor, I  
3 am pretty busy at night.

4 Q When you do watch them, do you watch a  
5 particular channel or a particular newscaster?

6 A No, my father usually decides what he wants  
7 to watch, you know; I don't have much to say in the matter.

8 Q And I take it you have radios in your home?

9 A Yes, sir.

10 Q Do you also have a radio in your car?

11 A Yes, sir.

12 Q Have you heard radio broadcasts in connection  
13 with this case?

14 A Yes.

15 Q Have you heard anything about the arrest of  
16 any of the defendants in this case?

17 A Only that they were arrested.

18 Q Do you know where they were arrested or what  
19 they were arrested for?

20 A I don't know where; I know what for.

21 Q How do you know what they were arrested for?

22 A From the news.

23 Q What did the news say?

24 A They had been charged with murder.

25 Q Do you know what murders they were charged  
26 with?

5A-6

1 A Yes.

2 Q What?

3 A I don't understand.

4 Q What murders were they charged with?

5 A You mean who?

6 Q Yes.

7 A You would like me to name the people?

8 Q Yes, if you remember.

9 A Sharon Tate is one of them; La Bianca people.

10 Q Did you learn of any evidence against the

11 defendants that led to their being charged with murder?

12 A No.

13 Q Did you have any question in your mind as

14 to what they were charged?

15 A No.

16 Q Did you learn from radio or newspaper or

17 television any connection whatsoever between the defendant

18 and the offenses, the killings?

19 A No.

20 Q Did you think that was peculiar?

21 A What, that I hadn't learned of any connection?

22 Q Yes.

23 A No, I don't think so.

24 Q Did you read or hear anything about any of

25 the individual defendants in this case?

26 Let's begin with the first defendant, Charles

A-7

1 Manson; had you heard anything about him in the newspaper,  
2 television, or radio?

3 A Yes.

4 Q What had you heard?

5 A Primarily that he was some sort of a leader  
6 of some sort of a clan or something like that.

7 Q What did you learn about the clan, if any-  
8 thing?

9 A (Witness shakes head in the negative.)

10 Q Would you describe yourself as a man of good  
11 memory, poor memory, average memory?

12 A I would say a bit better than average  
13 memory.

14 Q Do you remember what you heard about the  
15 clan on the radio, TV, or anything like that?

16 A No, I cannot say that I really heard any  
17 particulars about it.

18 Q Did you form some sort of general impression  
19 as to the clan or as to Mr. Manson?

20 A Just that it may be some commune type of  
21 thing.

22 Q Did you learn from the media anything about  
23 any of the other defendants, Patricia Krenwinkel, Susan  
24 Atkins?

25 A Other than hearing the names, no.

26 Q Did you see anything in the paper in connection

5A-8

1 with any of the female defendants?

2 A Just that they were connected with it. I  
3 don't remember any of the details that they may have been  
4 involved with.

5 Q Do you recall though at some time reading  
6 some details of their involvement?

7 A Yes, I may have.

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1 Q It is possible that you could have read them  
2 and forgotten about them?

3 A Yes.

4 MR. FITZGERALD: I have nothing further.

5 THE COURT: Mr. Reiner?

6 MR. REINER: Thank you, your Honor.

7  
8 INTERROGATION OF PROSPECTIVE JUROR NO. 3

9 MR. WILLIAM T. MCBRIDE, II

10 BY MR. REINER:

11 Q Mr. McBride, you were in the Greater Los  
12 Angeles area last August, is that true?

13 A Yes.

14 Q And at that time do you recall hearing about  
15 these killings that occurred at the Tate residence?

16 A Yes.

17 Q Do you recall how it was that it was brought  
18 to your attention? Was it on a television newscast,  
19 the newspaper?

20 A Television news.

21 Q Was it in the evening or in the morning that  
22 you first heard about it?

23 A I don't recall.

24 Q You don't recall?

25 A No.

26 Q During the initial stages of -- strike that.

1 In the days immediately following first  
2 hearing about these killings, Mr. McBride, do you recall  
3 the very next-day hearing about some other killings the  
4 were described by the media as being similar to the Tate  
5 killings?

6 A I can't say that I heard the very next day.  
7 I do recall hearing of it but I am not sure it was the  
8 very next day.

9 Q I see.

10 You recall, then, Mr. McBride, shortly after  
11 hearing about the Tate killings, hearing about some other  
12 killings in the Los Angeles area that were described by  
13 the media as being similar to the Tate killings?

14 A Yes.

15 Q The LaBianca killings?

16 A Yes.

17 Q Do you recall hearing information to the  
18 effect that the victims at the Tate residence, that some  
19 of them had had their hands tied?

20 A No, I don't think I recall that.

21 Q Do you recall hearing that the telephone  
22 wires at the Tate residence had been cut?

23 A Yes, I believe so.

24 Q Do you know whether or not, or had you heard  
25 whether or not Miss Tate was pregnant at the time of her  
26 death?

1 A Yes, I heard.

2 Q What had you heard?

3 A I heard that she was.

4 Q Had you been exposed to any speculation in  
5 the media or from friends and acquaintances to the effect  
6 that her body had been mutilated?

7 A Some acquaintances, not from the media.

8 Q From acquaintances you had heard the rumor  
9 to the effect that her body had been mutilated?

10 A Yes.

11 Q Do you recall hearing that a certain word or  
12 words had been written on the walls or doors of the Tate  
13 residence?

14 A Yes, sir.

15 Q What word or words was that that you recall  
16 hearing, Mr. McBride?

17 A "Pig," I believe.

18 Q With respect to the La Bianca killings, Mr.  
19 McBride, do you recall hearing about any word or words that  
20 were written on the wall of their residence?

21 A I think the same word.

22 Q Were you in the Los Angeles area at or around  
23 the time that Mr. Manson was arrested?

24 A Yes, sir.

25 Q Do you recall hearing about his arrest?

26 A Yes.

1 Q Was that on television or the newspapers that  
2 you first heard of it?

3 A I think it was on the radio that I first heard  
4 of him being arrested.

5 Q Do you recall a newscast by the Chief of  
6 Police in Los Angeles, Mr. Davis, indicating that the  
7 case had been solved?

8 A No, I didn't hear that.

9 Q At the time that Mr. Manson was arrested,  
10 was that the very first time in your life that you had  
11 ever heard of Mr. Manson?

12 A Yes, sir.

13 Q Do you recall the indications in the media  
14 that Susan Atkins had testified before the Grand Jury?

15 A No.

16 Q Do you recall the article that appeared in  
17 the Los Angeles Times which purported to be a confession of  
18 Miss Atkins?

19 A No.

20 Q Have you ever heard of the Spahn Ranch?

21 A Yes, sir.

22 Q What have you heard with respect to the Spahn  
23 Ranch?

24 A That, somehow, I think, Mr. Manson was  
25 connected with it in some way.

26 Q Had you heard that Mr. Manson had lived at the

1 Spahn Ranch?

2 A Yes.

3 Q With other persons?

4 A Yes, sir.

5 Q Included among these other persons were the  
6 defendants?

7 A I couldn't say that I heard that for sure.

8 Q Had you heard that he had lived at the  
9 Spahn Ranch with various females?

10 A Yes.

11 Q Have you had occasion to see any of the  
12 defendants on television since they were arrested?

13 A Yes, sir.

14 Q On these occasions that you saw them on  
15 television, Mr. McBride, did you see them being brought  
16 to and from court?

17 A Yes.

18 Q Do you recall their conduct as they were being  
19 brought to and from court?

20 A Yes.

21 Q What was their conduct?

22 A Generally well kept, in order.

23 Q Go ahead.

24 A I would say it was generally in order. Good  
25 conduct.

26 Q Do you recall seeing the female defendants or

1 any of them singing while being brought to or from court?

2 A No.

3 MR. REINER: Thank you. I have no further questions.

4 THE COURT: Mr. Shinn?

5 MR. SHINN: Yes, your Honor, I have one question.

6  
7 VOIR DIRE EXAMINATION

8 BY MR. SHINN:

9 Q Have you heard or read about the Hinman matter?

10 A I have heard of it. I have read no details  
11 of it.

12 Q What did you hear about the Hinman matter?

13 A This is just generalizing. That it was  
14 somehow involved with this matter, or someone in that  
15 matter was involved with this matter, or something.

16 Q Do you recall any names, any particular  
17 names?

18 A No, I don't.

19 Q In other words, as far as you are concerned,  
20 in the Hinman matter, you don't recall the names of the  
21 defendants or the people that were involved in it; is  
22 that correct?

23 A From this matter?

24 Q No. In the Hinman matter.

25 A Just the fact that the name Hinman was  
26 mentioned, and I think Beausoleil, or something like  
that. I heard that name.

1 Q That is the only name you heard, Beausoleil?

2 A Yes.

3 MR. SHINN: Nothing further.

4 THE COURT: Mr. Kanarek?

5 MR. KANAREK: No questions.

6 THE COURT: Mr. Bugliosi?

7

8 VOIR DIRE EXAMINATION

9 BY MR. BUGLIOSI:

10 Q Have you ever heard of publication called the  
11 Rolling Stone?

12 A A publication?

13 Q Yes. Not the recording group.

14 A No.

15 Q Have you heard about it recently, in the last  
16 couple of days, a magazine called the Rolling Stone?

17 A No, I haven't.

18 MR. BUGLIOSI: No further questions. Thank you.

19 THE COURT: Thank you, Mr. McBride.

20 Will you refrain from discussing anything  
21 that has gone on in chambers here with anyone else,  
22 including the other prospective jurors?

23 MR. MC BRIDE: Yes, your Honor.

24 THE COURT: All right. Fine.

25 MR. KANAREK: Thank you, Mr. McBride.

26 THE COURT: That took approximately 17 minutes,

1 according to my estimate.

2 Would you ask Miss Rose Pahn, No. 4, to come  
3 in, please.

4 MR. FITZGERALD: Outside the presence of this  
5 juror, we would interpose a challenge.

6 The challenge, your Honor, is not based on  
7 the current standard of California law but it is based on  
8 the ABA minimum standards, the so-called Reardon Report  
9 standards, on the ground that the prospective juror has  
10 been exposed to prejudicial publicity, prejudicial pre-  
11 trial publicity.

12 THE COURT: This challenge is directed to Mr. McBride?

13 MR. FITZGERALD: Yes.

14 MR. REINER: Join in the challenge for the reasons  
15 stated by Mr. Fitzgerald.

16 MR. SHINN: I join.

17 MR. KANAREK: I join in the challenge. It is  
18 my position that California law substantiates this  
19 challenge.

20 MR. STOVITZ: I think it is abundantly clear, your  
21 Honor, that the juror can be fair and impartial and that  
22 he has not formed any conclusion whatsoever based on  
23 what he has heard and seen in this case.

24 MR. FITZGERALD: I might say that the problem with  
25 the prevalent standard is that the exercise of a challenge  
26 for cause usually boils down to whether or not the

1 prospective juror is able to say that he will act free  
2 of any bias or prejudice despite what adverse publicity  
3 he has been exposed to.

4           Few prospective jurors before a judge and  
5 attorneys will admit that they have prejudged the matter.  
6 Even if they admit awareness of news articles or other  
7 pretrial information, prospective jurors frequently feel  
8 that their integrity is somehow impugned if they would  
9 admit that they cannot be unbiased. Some may feel that  
10 sanctions may attach if they admit partiality. This  
11 attitude is encouraged by the formal setting, the oath  
12 taking, the instructions that the prospective juror  
13 receives at the beginning of his term, and the attitude  
14 and demeanor of the judge.

15           In some instances the juror may not be  
16 consciously aware of any predisposition while, in fact,  
17 unconscious influences are quite likely to color his or  
18 her ultimate decisions.

19           I think that is it.

20           MR. STOVITZ: Submit it, your Honor.

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1 THE COURT: The record is not clear, Mr. Fitz-  
2 gerald, as to what ground your challenge for cause is  
3 based on.

4 MR. FITZGERALD: Excuse me. We are challenging the  
5 juror for cause, your Honor, on the ground that the  
6 prospective juror has been subjected to and he has been  
7 aware of and exposed to prejudicial pretrial publicity.  
8 For that matter and for that reason, we would ask that he  
9 be excused as a juror.

10 MR. BUGLIOSI: Section 1073, subdivision (2), of  
11 the Penal Code.

12 MR. FITZGERALD: That is correct. I will read  
13 that. For the existence of the state of mind on the part  
14 of the juror in reference to the case. Notwithstanding the  
15 provisions that are contained in the Penal Code, Section 1076.  
16 The last paragraph thereof.

17 THE COURT: You are talking about actual bias?

18 MR. FITZGERALD: Yes, your Honor.

19 THE COURT: All right. The challenge will be  
20 disallowed.

21 MR. REINER: Your Honor, we would join in the  
22 challenge for cause for the reasons stated by Mr. Fitzgerald,  
23 and so as to perhaps facilitate the proceedings going on  
24 here, may we must simply indicate subsequently the challenge  
25 for cause without going into the further argument?

26 THE COURT: Very well.

1 MR. FITZGERALD: For the Court's information, we  
2 plan to challenge every juror as indicated. They have  
3 been exposed to publicity.

4 THE COURT: Very well.

5 Now, will you ask Miss Pahn to come in, please?

6 Will you sit right over here, please,

7 Miss Pahn?

8 MISS PAHN: Thank you.

9  
10 VOIR DIRE EXAMINATION

11 BY THE COURT:

12 Q The reason, as I explained to the jurors  
13 yesterday, why we are asking you to come in here is so that  
14 the other prospective jurors will not hear what you may  
15 have read, heard, or seen about the case or how it may  
16 have affected you.

17 Would you describe for us, Miss Pahn, what  
18 you have read, heard or seen about the case?

19 A Well, I was away when -- I was told about  
20 the thing when I came back to the States.

21 Q Were you out of the country?

22 A I was out of the country in Israel and --

23 Q Last August?

24 A I don't know anything about it. I didn't  
25 know anything about it at all. I didn't read the newspaper.  
26 I was in Israel and Denmark.

A-3 1 Q Last August?

2 A Last August. And on the way back I stopped  
3 in Chicago, and I think that is where I first was made  
4 aware of it. For a week I was there.

5 Q How did you first hear about it?

6 A It was first just told to me in conversations  
7 by my family.

8 And this has always been a habit with me --  
9 not a habit, but something I didn't want to do -- if that  
10 is a habit, not wanting to do it -- is follow these cases  
11 after the first information. But you can't help hearing  
12 things with the blasting on the radio and television. I  
13 live alone.

14 Q Did you follow this case in the newspapers?

15 A I haven't followed it, no. I read the  
16 newspapers. That is, I subscribe to it. I should say  
17 the Times comes every day. I don't always have time to  
18 read it, but as I scan it I read the captions. I don't  
19 recall the case.

20 Q Have you read in detail any newspaper  
21 article concerning this case or any of the defendants?

22 A Not in detail.

23 Somebody mentioned something outside about  
24 a book having been written by somebody. It was entirely  
25 news to me. I never heard about that.

26 Q Do you watch the television news broadcasts?

A-4

1 A I don't always watch it. I listen to it.  
2 Because I may be doing something in the kitchen and I  
3 can hear. In fact, I keep the television on for that  
4 reason. My radio is kind of hoarse.

5 But just to have a voice in the room. I  
6 live alone.

7 Q Have you been continuously in Los Angeles  
8 since your return from Israel last summer?

9 A Yes. The nearby suburbs.

10 Q Excuse me?

11 A The nearby suburbs.

12 Q Are you employed out of the home?

13 A No.

14 Q As a result of what you have learned about  
15 the case, from whatever source, have you formed any opinion  
16 as to the guilt or innocence of any defendant in this  
17 trial?

18 A No. I have formed the habit of not prejudging  
19 people in general. When I was very young I formed that  
20 habit.

21 Q What about in this case?

22 A Fortunately, as I say, I haven't got a  
23 curiosity, an average curiosity, for morbid things; and I  
24 haven't followed the newspapers. So, I still have an open  
25 mind about it. Outside of the first horror of the thing,  
26 the shock.

6A-5

1 Q Do you feel that if you were selected as a  
2 juror in this case that you could put out of your mind  
3 entirely anything that you found out about this case before  
4 the trial started and decide the case solely on the  
5 evidence that comes to you during the trial?

6 A I hope that I could.

7 MR. REINER: I am sorry, I wasn't able to hear you.

8 MISS PAHN: I hope that I could.

9 THE COURT: Do you have any question in your  
10 mind about it?

11 MISS PAHN: No. I will try always to be fair  
12 and keep an open mind.

13 Q BY THE COURT: Well, this isn't just a  
14 question of being fair.

15 A I will keep an open mind.

16 Q You might be fair in considering the evidence  
17 outside the case, which would be wrong.

18 A I would consider only the evidence. Is  
19 that what you mean?

20 Q Whether you could put from your mind anything  
21 that you have learned in these past months about the case,  
22 right up to the time of trial, and decide the case solely  
23 on the testimony and evidence that came to you in the trial.

24 A Yes, I think so.

25 Q Have you heretofore learned enough about the  
26 case to be able to form any opinions about it?

A-6

1 A I don't think I have learned too much.

2 Q Do you feel at the moment that you have an  
3 inclination to lean more toward one side than the other?  
4 Do you feel from perhaps what you have learned that the  
5 defendants are a little more likely to be guilty than  
6 innocent?

7 A No. I don't know. I have been arguing  
8 with some of the people about that, judging, trying to  
9 judge from the things that they heard; hearsay knowledge  
10 that they have, and they probably read more.

11 Q Do you have any such feeling? In other  
12 words, have you any feeling that the defendants are  
13 probably more likely to be guilty than innocent?

14 A Not at this time. I might change my mind.

15 Q You might change your mind how?

16 A I mean, the evidence might sway me.

17 Q If you were selected as a juror and heard  
18 the evidence in the trial, is that what you mean?

19 A Yes.

20

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A+

A-7

1 THE COURT: Mr. Fitzgerald?

2 MR. FITZGERALD: Yes. Thank you, your Honor.

3  
4 VOIR DIRE EXAMINATION

5 BY MR. FITZGERALD:

6 Q You regularly subscribe to the Los Angeles  
7 Times; is that correct, Miss Pahn?

8 A Yes. I took the insurance. That is one of  
9 the reasons.

10 Q Pardon me?

11 A I get the insurance that you get cheaper by  
12 subscribing.

13 Q You also receive the Sunday edition of the  
14 Los Angeles Times?

15 A Yes.

16 Q Do you read it regularly, both the daily  
17 issue and the Sunday issue?

18 A Parts of it, yes.

19 Q Do you read the news section of the newspaper?

20 A Partly. But I always save my editorial  
21 page and read that.

22 Q Do you read the feature section in the  
23 newspaper?

24 A There are times when I may read it all, but  
25 not always. I have been too busy.

26 Q When did you return to the Los Angeles area,

4-8  
1 if you did, in the year 1969?

2 A. Just the first days of September.

3 Q. And were you here the balance of 1969?

4 A. Yes.

5 Q. Do you recall reading an article in the Sunday  
6 issue of the Los Angeles Times in connection with one of  
7 the female defendants in this case?

8 A. No.

9 Q. I take it you learned things from radio and  
10 the newspaper and television in connection with the back-  
11 ground of the persons that were killed; isn't that correct?

12 A. Not the background. There was some information  
13 about the women and the men, that is all.

14 Q. As a matter of fact, you learned specific  
15 information about their background, didn't you?

16 MR. STOVITZ: You are talking about the people who  
17 were killed, Counsel?

18 MR. FITZGERALD: Yes. The decedents in this case.

19 MISS PAHN: I don't even -- I know there were two  
20 or three in one case, and the husband and wife in another,  
21 wasn't there?

22 MR. FITZGERALD: Q. For example, you knew what  
23 their occupations were, you knew where they lived, you knew  
24 what they did for a living; isn't that correct?

25 A. One was an actress.

26 Q. Sharon Tate?

A-9

1 A Yes.

2 Q And you knew that her husband was -- you  
3 learned that her husband was a movie director, didn't  
4 you?

5 A Oh, yes, I learned that.

6 Q And you learned who Abigail Folger was,  
7 didn't you?

8 A I don't know.

9 There is another man's name, though, a  
10 foreign name that I don't recall.

11 Q And I take it you have a television set in  
12 your home?

13 A I do.

14 Q Do you regularly watch news programs,  
15 Miss Pahn?

16 A Yes. As I said, I may listen, but I don't  
17 always watch it.

18

19

20

21

22

23

24

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26

7-1

1 Q (By Mr. Fitzgerald) Do you listen to any  
2 particular channel or any particular newscaster?

3 A No, I vary that.

4 Q Do you watch Jerry Dunphy on Channel 2?

5 A I have, yes.

6 Q Do you watch Thomas Reddin?

7 A Once in a great while.

8 Q Do you watch Channel 7 Eyewitness News with  
9 Bill Bonds?

10 A No, I don't think so, only if I happen to  
11 watch a picture or something that turns on to 7.

12 Q Do you watch the George Putnam News?

13 A No.

14 Q Which of the news programs do you watch  
15 or listen to most frequently?

16 A KNBC and KCBS.

17 Q I take it you heard and saw things on  
18 television in connection with the arrests of the defendants  
19 in this case, didn't you?

20 A I don't recall anything about the arrests.  
21 I was not here.

22 Q Were you here during the month of December,  
23 1969?

24 A Yes.

25 Q Did you hear anything on television during  
26 the month of December about the arrest of any of the

7-2

1 defendants?

2 A I couldn't pin it down in my memory, now,  
3 that it was December or when they were arrested, it has  
4 been so much.

5 Q When did you first learn that these defendants  
6 here in chambers were the ones that were charged with the  
7 killing of Sharon Tate and of the other people?

8 A This has been some time now, I could not  
9 pinpoint the dates.

10 Q Can you place in your mind when you first  
11 recall the arrest of the defendants?

12 A No, to me it's all running together, the  
13 crime and the arrest.

14 Q Do you also have a radio in your home?

15 A I have, but only lately have I started using  
16 the transistor.

17 Q Do you drive an automobile that has a  
18 radio?

19 A No.

20 Q Did you hear anything on television, or  
21 did you read anything in the paper in regard to the back-  
22 ground or history of Mr. Manson or any of the female  
23 defendants in this case?

24 A As I say, I haven't -- by preference I  
25 rather did not want to hear about those, not because --  
26 I did not know I would be a juror.

7-3

1 Q Did you turn the television set off?

2 A No, it's just that, you know, you may be  
3 listening to some other news entirely and all of a sudden  
4 they will come on, you see, or you may be in another  
5 room and that news may be on and it's blasting away,  
6 so if you are not interested and your water is running  
7 in the kitchen sink you can't hear anyway.

8 Unless I'm particularly interested in  
9 certain of the news -- as far as foreign news, I attended  
10 a series of lectures which a man gave, an analysis, which  
11 gave me a better view than all of the editorials.

12 MR. KANAREK: Your Honor, I did not hear that.

13 THE WITNESS: I attended a series of lectures.

14 THE COURT: Would you like the answer read, Mr.  
15 Kanarek?

16 MR. KANAREK: Yes.

17 THE COURT: Would you read the answer, please.

18 (Whereupon the reporter reads the record.)

19 MR. KANAREK: Thank you, your Honor.

20 BY MR. FITZGERALD:

21 Q Have you heard anything about the Spahn  
22 Ranch?

23 A No.

24 Q Can you tell us anything at all that you  
25 heard on television -- can you tell us anything at all  
26 that you heard on television or read in the newspaper in

7-4

1 connection with the defendants, Mr. Manson, Miss Atkins,  
2 Miss Krenwinkel and Miss Van Houten?

3 A I recall there was, I guess, one girl who  
4 was pregnant, but that was another name; I recall that  
5 one.

6 Q Kasabian?

7 A Kasabian, that is the name I recall.

8 Q Is that all you recall hearing on television?

9 A I have heard these names, but vaguely.

10 You see, it's all there, I suppose, I  
11 suppose something else will jog my memory up. They  
12 become passive, actually, despite the continual talk now.  
13 But I did not follow it, as I say, I prefer not to, so  
14 I could shut some things away.

15 MR. FITZGERALD: I have nothing further.

16 MR. REINER: May I inquire?

17 THE COURT: Mr. Reiner.

18  
19 VOIR DIRE EXAMINATION

20 BY MR. REINER:

21 Q Mrs. Pahn, you indicated earlier a certain  
22 book concerning this case. What was the title of the book?

23 A I don't know. The girl did not mention the  
24 name.

25 Q You had not read the book yourself?

26 A No, I did not know there was a book written.

7-5

1 She was referring to something that one of the defendants,  
2 I think she referred to, had written it.

3 Q I see, so the book that you are referring to  
4 is some book, the title of which you are unaware?

5 A About the case.

6 Q Supposedly written by one of the defendants?

7 A That is what I heard.

8 Q Who was it that told you about this?

9 A I don't know which one of the women, one  
10 of the prospective jurors.

11 Q Did you hear about it today or had you  
12 heard about it some other day?

13 A I think it was as late as today, I think  
14 it was this morning while we were waiting for the bus.

15 Q And at that time she indicated that there  
16 was a book purportedly written by one of the defendants,  
17 is that correct?

18 A Yes.

19 Q Did she indicate to you that this book  
20 purportedly contained a confession by that defendant?

21 A Either a confession or an accusation.

22 Q Accusation of whom?

23 A An accusation of someone having committed  
24 the crime.

25 MR. REINER: Just one moment, please.

26 (Pause.)

7-6

1 BY MR. REINER:

2 Q Now, you have indicated earlier in response  
3 to one of his Honor's questions that if you were selected  
4 as a member of this jury that you would try to decide  
5 the case based upon the facts that were brought out  
6 during the case and not upon any other information that  
7 you received from some other source?

8 Is that correct?

9 A Yes.

10 Q You indicated in response to his Honor's  
11 questions that you had had some sort of discussion of  
12 this sort. I don't think you used the word argument,  
13 but perhaps you meant the word discussion with some other  
14 person.

15 What sort of discussion or argument were  
16 you referring to?

17 A I told you something like that?

18 Q Do you recall by your answering the  
19 question --

20 A No, I don't recall. I only answered the  
21 two questions about capital punishment.

22 Q Well, do you recall saying something to  
23 this effect in response to the question that was earlier  
24 related to you by the Court, that "I have been arguing  
25 with some of the people about that."

26 I'm referring to deciding the case based

7-7

1 upon the facts rather than any information that is  
2 speculated upon in the news media.

3 A Nobody asked me that question.

4 MR. STOVITZ: I think that was a former juror,  
5 Counsel.

6 MRS. PAHN: Oh, a former juror, perhaps you may  
7 have questioned to that effect.

8 BY MR. REINER:

9 Q No, I'm referring to an answer to one of  
10 his Honor's questions, that you gave.

11 A I gave?

12 Q Yes, do you recall giving that answer?

13 A I don't recall giving that answer. I  
14 don't recall the question actually.

15 Q Well, perhaps -- would it refresh your  
16 memory if that particular question and answer were read  
17 back by the reporter?

18 A Please.

19 THE COURT: Why don't you just reask it?

20 MR. REINER: Perhaps it would refresh the witness's  
21 memory if we could have the question and answer read  
22 back, it might jog her memory.

23 THE COURT: What are we looking for?

24 MR. REINER: Perhaps I might get together with the  
25 reporter during the noon recess and we can find the  
26 question and answer.

7-8

1 THE COURT: All right, we will recess at this  
2 time for the noon recess and then we will resume, Mrs.  
3 Pahn, at 2:00 p.m.

4 Counsel apparently have some more questions  
5 they wish to ask you here in chambers before you go back.

6 MR. FITZGERALD: Your Honor, while all counsel are  
7 present we would renew the motion that our clients be  
8 allowed to read over the noon hour a copy of The Rolling  
9 Stone magazine which we will hand to them. The  
10 Sheriff's regulations simply --

11 MR. STOVITZ: May this juror be excused while  
12 this is going on?

13 THE COURT: Yes. Would you escort Miss Pahn out,  
14 please; thank you.

15 (The prospective juror leaves the court-  
16 room.)

17 MR. FITZGERALD: It is helpful in forming our  
18 client's as to the basis of the motion to dismiss that  
19 is being lodged with the Court.

20 THE COURT: Do you have any objection, Mr. Stovitz?

21 MR. STOVITZ: No.

22 THE COURT: Mr. Bugliosi?

23 MR. BUGLIOSI: What?

24 THE COURT: Counsel is asking that the defendants  
25 be permitted to read The Rolling Stone newspaper, whatever  
26 it is, or magazine.

7-9

1 MR. BUGLIOSI: No.

2 MR. KANAREK: May the record reflect that I am  
3 handing to --

4 THE COURT: They will be permitted to read it.

5 MR. KANAREK: -- to the female defendants --

6 MR. REINER: The articles should take at least  
7 two or more hours to read. Would there be any objection  
8 by the Court to take it back to the jail with them?

9 THE BAILIFF: They won't let them take it back  
10 to the jail with them.

11 MR. REINER: Not without a court order.

12 THE COURT: Is there any reason why they cannot  
13 read it while they are sitting here in chambers this  
14 afternoon?

15 MR. FITZGERALD: No.

16 MR. REINER: While the jury is being examined  
17 I don't think I would like Miss Van Houten to show  
18 disinterest in the proceedings by doing that.

19 THE COURT: That is up to you.

20 MR. REINER: Would there be any objection to her  
21 having it over at the jail facility so she can read it  
22 this evening?

23 THE COURT: I don't really see any objection to  
24 it.

25 All right, do you have a copy for each  
26 defendant?

7-10

1 Each defendant will be permitted to take  
2 one copy of The Rolling Stone with her back to Sybil  
3 Brand.

4 (Noon recess.)  
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1 LOS ANGELES, CALIFORNIA WEDNESDAY, JUNE 17th, 1970

2 2:00 P.M.

3 - - -

4 (The following proceedings were had in the Court's  
5 chambers:)

6 THE COURT: All right, the record will show that  
7 Mrs. Kasabian is present with her counsel, Mr. Goldman  
8 and Mr. Fleischman; Mr. Kanarek, Mr. Shinn, Mr. Reiner and  
9 Mr. Fitzgerald are present; Mr. Bugliosi and Mr. Stovitz.

10 Do you want to say anything at this time in  
11 regard to this proceeding?

12 MR. STOVITZ: Nothing, your Honor. I believe there  
13 was a motion to continue the trial date setting to August  
14 the 7th.

15 MR. GOLDMAN: August 17th.

16 MR. STOVITZ: August 17th. It was agreed to by  
17 both sides, and your Honor wanted the personal consent of  
18 Linda Kasabian so there can be an official time waiver.

19 MR. KANAREK: Your Honor, I move that Mr. Manson  
20 be present in these proceedings. He is a defendant in  
21 this case and he has a legal and a constitutional right to  
22 be present. Otherwise the Court is operating without  
23 authority.

24 THE COURT: This is a matter involving Mrs. Kasabian  
25 and the continuance of her case for trial setting. It does  
26 not involve Mr. Manson.

1           MR. KANAREK: Your Honor, to my notion or my  
2 knowledge, there has been no severance. We oppose a  
3 severance. Either there is a severance or there isn't.

4           Now, of course, the Court has the power to  
5 rule because the Court can make its orders, but our  
6 position is that Mr. Manson is denied the right to confront,  
7 the right to have effective counsel by way of the Sixth  
8 Amendment, which is incorporated in the Due Process Clause  
9 of the Fourteenth Amendment. He has a right to be present  
10 at every stage of the proceedings.

11           This lady is a named defendant. I see no  
12 difference except that the District Attorney's Office  
13 chooses to bring these proceedings here. This lady is  
14 a named defendant.

15           MR. GOLDMAN: Your Honor, if I may respond just  
16 briefly.

17           First of all, Mr. Kanarek's remarks are not  
18 timely because on the 15th we made the motion and the  
19 Court did grant the motion subject only to Mrs. Kasabian's  
20 personal waiver, at which time there was no objection from  
21 counsel who was present, at which time there was an  
22 effective severance of the case; and the only matter,  
23 I think, pending before the Court is whether or not Mrs.  
24 Kasabian will agree to the date being moved over to the  
25 17th of August.

9-1.

1 MR. KANAREK: Counsel has not been present;  
2 evidently he is not aware of the fact that at the very  
3 initiation of these matters, I believe on the 15th, we  
4 asked that Miss Kasabian be present.

5 We maintained and still maintain she is  
6 a defendant and there has been no waiver.

7 Counsel was not present at that time, and we  
8 are not agreeing to any severance. There has been no  
9 severance. There is no severance, and I would urge the  
10 Court in order that we avoid the type of situation that has  
11 developed in another case, that we not depart from due  
12 process of law.

13 The lady is a named defendant; there is no  
14 way of getting around it.

15 THE COURT: What is your objection, Mr. Kanarek?

16 MR. KANAREK: Well, first of all Mr. Manson is  
17 charged --

18 THE COURT: I am aware of what he is charged with.

19 What is your objection? State the objection,  
20 will you?

21 MR. KANAREK: I stated it. I want Mr. Manson  
22 present. I need the man who is most vitally interested in  
23 this as far as I am concerned, Mr. Manson, and he should  
24 be present here in these proceedings.

25 THE COURT: All right, we will have all of the  
26 defendants present here.

1 MR. BUGLIOSI: Your Honor, I would object to that --

2 THE COURT: I am not very concerned, Mr. Bugliosi,  
3 whether you object or not.

4 MR. STOVITZ: May we go out in the open court?

5 THE COURT: Yes.

6 MR. BUGLIOSI: The Court should be concerned about  
7 the views of the prosecution, I really do believe.

8 THE COURT: I am concerned, yes, sir, but I don't  
9 have to hear a long argument about whether or not the  
10 defendants should be present.

11 MR. BUGLIOSI: I'm not making a long argument.

12 THE COURT: State your view.

13 MR. BUGLIOSI: My view is that I object to it.

14 THE COURT: Object to what?

15 MR. BUGLIOSI: I object to having Mr. Manson or  
16 any of the other defendants present here at the present  
17 time; it does not concern them.

18 THE COURT: Your objection is overruled. We will  
19 hear this in open court, all the defendants being present.

20 MR. FLEISCHMAN: If the Court please --

21 THE COURT: I don't want to hear any argument on  
22 that point.

23 MR. FLEISCHMAN: This is not an argument on that  
24 point.

25 THE COURT: All right.

26 MR. FLEISCHMAN: If that is your Honor's ruling,

1 and these defendants are going to be present at this time,  
2 we could prefer to have Mrs. Kasabian wait; it's simply  
3 a matter of Mrs. Kasabian's rights here, we would prefer  
4 to waive her right by affidavit, and ask the matter be  
5 reset at this time.

6 Your Honor gave us the choice at this time.

7 THE COURT: We will do it in open court. It will  
8 just take a few minutes.

9 MR. REINER: May this be outside of the presence of  
10 the prospective jury panel?

11 The reason for it, and I think it is a sound  
12 reason, is that the jury may speculate or infer from the  
13 fact that Mrs. Kasabian is severed from this case, that she  
14 intends to be a prosecution witness, or she does not intend  
15 to be a prosecution witness, or they can infer or speculate  
16 any of a number of things, unless your Honor is inclined  
17 to instruct the members of the panel to disregard anything  
18 in connection with the continuance of Mrs. Kasabian being  
19 a named defendant.

20 THE COURT: I think we should remove the prospective  
21 jurors.

22 How can we do that, Mr. Murray?

23 THE BAILIFF: We can take them up on the ninth  
24 floor in the hallway there.

25 THE COURT: All right, it will just be a matter of  
26 a few minutes. Why don't you then escort them back up.

1                   Then when the court is cleared let us know  
2 and we will bring in the defendants.

3           MR. FLEISCHMAN: Your Honor, if we may, we would  
4 like a copy of the proceedings conducted today on behalf  
5 of Mrs. Kasabian.

6           THE COURT: Very well.

7           MR. KANAREK: We are in session, aren't we, your  
8 Honor? Are we excused?

9           THE COURT: We are going back in the courtroom as  
10 soon as the prospective jurors are removed.

11          MR. KANAREK: Are we in recess now, your Honor?

12          THE COURT: We are not in recess; we are just  
13 waiting.

14          MR. KANAREK: I see, thank you.

15                Mr. Bugliosi left the room, your Honor.

16          MR. STOVITZ: He raised his hand and said "May I?"

17          THE COURT: Does that bother you, Mr. Kanarek?

18          MR. KANAREK: No, your Honor, I just --

19          THE COURT: You just like to talk.

20          MR. KANAREK: No, if we are in session I believe  
21 we owe the Court the respect of not walking out on the  
22 Court.

23          MR. STOVITZ: Or walking in three minutes late.

24          MR. KANAREK: I don't believe a lawyer has the  
25 right to leave the courtroom without the Court's permission,  
26 your Honor.

1 MR. STOVITZ: Or speak when someone else is speaking.

2 THE COURT: Incidentally, Mr. Kanarek, I believe  
3 you were late for this afternoon session.

4 MR. KANAREK: I believe I was three minutes late.  
5 I had to drive around the block several times to get a  
6 parking place, your Honor.

7 THE COURT: I am really not interested in the reason,  
8 Mr. Kanarek, but I will admonish all counsel again that I  
9 expect these proceedings to start on time.

10 MR. KANAREK: I apologize to the Court, your Honor.

11 THE COURT: I accept the apology but I don't intend  
12 to keep accepting apologies from counsel who are late.

13 MR. STOVITZ: In that connection, your Honor, seeing  
14 the District Attorney's Office is one office, Mr. Bugliosi  
15 and I have agreed in the event it becomes necessary for  
16 one of us to be absent, the other one can act in behalf of  
17 the District Attorney.

18 As a Deputy I have other duties besides this  
19 case, and Mr. Bugliosi from time to time is called away  
20 for other matters as well.

21 So in the absence of one the other one is  
22 fully empowered to enter into all stipulations.

23 THE COURT: As long as you are represented.

24 MR. KANAREK: And your Honor, since we do have a  
25 pause here, I do make a motion, your Honor, that we be  
26 given some kind of space, parking space within striking

1 distance of the courthouse.

10.

2 THE COURT: You can take that up with the Board of  
3 Supervisors of the County, Mr. Kanarek.

4 MR. KANAREK: All of the parking lots are filled.  
5 It is a most frustrating experience. I think co-counsel,  
6 that is, defense counsel, will agree. It is practically  
7 impossible to get a parking place, a legitimate parking  
8 place, either on the street or in a parking lot. They are  
9 all filled because of the building activity that is going  
10 on around the courthouse.

11 And I would move the Court to order that  
12 counsel for the defendants be allowed parking facilities  
13 in either the Old Hall of Records or in the area that is  
14 immediately adjacent to this building, which is the Hall  
15 of Justice.

16 THE COURT: Your motion is denied.

17 MR. STOVITZ: I have a very fine suggestion -- this  
18 is not necessarily on the record -- but it will enable  
19 Mr. Kanarek to park his car.

20 The New County Jail has unlimited parking  
21 facilities in their parking lot. To take a cab down here  
22 is much cheaper than paying for parking in a lot. That is  
23 what several of our deputies do because we don't have  
24 parking for them.

25 MR. SHINN: Where is the parking lot?

26 MR. STOVITZ: At the New County Jail.

1 MR. SHINN: Where are you going to get a cab in  
2 that area?

3 MR. STOVITZ: Except on a rainy day, you can always  
4 get a cab in the area.

5 THE COURT: We are not on the record now.

6 (Discussion off the record.)

7 THE COURT: We will then go back into open court.

8 (The following proceedings are in open  
9 Court.)

10 THE COURT: The record will show that all parties  
11 are present with counsel; the defendant Linda Kasabian is  
12 also present with her counsel, Mr. Goldman and Mr.  
13 Fleischman.

14 On June 15th, Mrs. Kasabian, your counsel  
15 moved that the matter of your case be continued until  
16 August 17th for trial setting. That motion was granted  
17 by the Court subject to your approval and personal waiver  
18 of time, and that is the reason why you have been brought  
19 here today.

20 Has your counsel explained to you the  
21 situation?

22 MRS. KASABIAN: Yes.

23 THE COURT: Do you personally give up your right to  
24 be tried sooner and consent to a continuance of this  
25 matter until August 17th?

26 MRS. KASABIAN: Yes, sir.

1 THE COURT: Very well.

2 MR. KANAREK: Your Honor, may I be heard in this  
3 regard?

4 THE COURT: Yes.

5 MR. KANAREK: Your Honor, it is our position, on  
6 behalf of Mr. Manson, it is our position that Linda  
7 Kasabian is a defendant in this case.

8 MR. STOVITZ: Submit it, your Honor.

9 MR. KANAREK: She is a defendant. We either live  
10 by the law or we don't.

11 THE COURT: State your objection.

12 MR. KANAREK: My objection is that she is a  
13 defendant. Until her status is other than that of a  
14 defendant, we would object to her not being present at  
15 these proceedings.

16 We object to a severance. This is a subtle  
17 way to obtain a severance.

18 MR. STOVITZ: Submit it, your Honor.

19 Counsel is arguing, he is not stating his  
20 objection. His objection was stated for the record before.

21 We submit the motion, your Honor.

22 MR. KANAREK: We object.

23 If this is, in fact, a severance, if it  
24 turns out to be, factually, a severance, we object to  
25 any severance without being notified, without there being  
26 the proper opportunity to argue the matter to the Court,

1 because this lady is, at the present stage of these  
2 proceedings, she is neither fish nor fowl, she is neither,  
3 evidently, a true defendant nor is she a true witness,  
4 and we wish to know.

5 We can't prepare for trial, your Honor,  
6 unless we know her status. Is she a defendant or is she  
7 a witness?

8 The prosecution has not filed any immunity  
9 papers, to my knowledge. No Judge of the Superior Court  
10 has granted immunity. To my knowledge, there has been  
11 no dismissal as to her.

12 MR. STOVITZ: Submit it.

13 MR. KANAREK: To my knowledge, there is nothing  
14 here except a trial strategy technique by the prosecution  
15 which imposes on the integrity and impugns this Court.

16 We ask your Honor -- we beg your Honor -- to  
17 allow her to be either one or the other, or at least be  
18 informed as to what her status is. We have a right to  
19 know, your Honor, so that we can proceed accordingly with  
20 representing our respective defendants.

21 MR. STOVITZ: Submit it, your Honor.

22 THE COURT: The objection is overruled.

23 MR. FITZGERALD: I wonder -- I would offer to  
24 stipulate on behalf of all the present defendants and  
25 counsel with the prosecution that Mr. Fleischman and Mr.  
26 Goldman need not be present and join in the exercise of

1 our joint peremptory challenges.

2 There is some problem. If she is a defendant  
3 in the case at this point, we need the acquiescence of  
4 her respective counsel in order to impose joint  
5 peremptory challenges.

6 If we can obtain a stipulation from the  
7 prosecution and counsel for Mrs. Kasabian so that we  
8 might exercise the joint peremptories we have available,  
9 I have no objection. Otherwise, I would like to interpose  
10 an objection on behalf of Miss Krenwinkel also.

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1 MR. STOVITZ: Your Honor, Miss Kasabian obviously  
2 is no more a defendant in the trial in progress than is  
3 Mr. Watson, who is also named in the Indictment.

4 We submit that this is merely just an objection  
5 that they want to make. We will submit that objection to  
6 the Court.

7 THE COURT: Well, do you wish to respond, either  
8 Mr. Goldman or Mr. Fleischman?

9 MR. FLEISCHMAN: Your Honor, I think it is clear  
10 that the case is now being severed by operation of law,  
11 and in effect continued at least for the trial setting.

12 I would have nothing further to offer on the  
13 matter at this time.

14 MR. GOLDMAN: Our position, your Honor, is we have  
15 no standing any longer in the case that is presently in  
16 progress to respond even to their objections.

17 MR. KANAREK: Then, your Honor, I would make a  
18 motion for the prosecution to elect:

19 Is she a witness or is she a defendant?

20 Because, if she is a witness, we wish to  
21 speak with her. All we want, all Mr. Manson wants, is  
22 a fair trial, your Honor. He doesn't wish anything  
23 except a fair trial, and this operation by Mr. Stovitz  
24 and Mr. Bugliosi and these two gentlemen who represent  
25 Miss Kasabian is impinging on Mr. Manson's right to a  
26 fair trial.

1 MR. STOVITZ: Your Honor, the People too demand a  
2 fair trial.

3 Submit it.

4 THE COURT: Is that a motion or an objection, Mr.  
5 Kanarek?

6 MR. KANAREK: It is a motion to ask the District  
7 Attorney to elect.

8 We are going to trial; is she a defendant or  
9 is she a witness.

10 THE COURT: The motion is denied.

11 We will resume with our examination of the  
12 prospective jurors in chambers, and I will ask that the  
13 bailiffs bring the prospective jurors back into the court-  
14 room. They have been removed from the courtroom for the  
15 purpose of this proceeding.

16 (The following proceedings were had in the  
17 chambers of the Court, all defendants and all  
18 counsel being present:)

19 THE COURT: Will you bring in prospective Juror No.  
20 4, Miss Rose Pahn.

21 Good afternoon, Miss Pahn.

22 The record will show all parties are present  
23 with their counsel.

24 Had you completed your examination, Mr.  
25 Reiner?

26 MR. REINER: No, your Honor. You recall we were

1 going to see if the reporter could find the question and  
2 answer. I see again we have the same reporter rather than  
3 the original reporter.

4 Perhaps I could refresh Mrs. Pahn's memory  
5 without having the question read back to her.

6 Do you recall the Court asking you a question  
7 with respect to whether you would find it possible or  
8 whether you would be able to decide the case based on the  
9 evidence in court as opposed to any information that might  
10 have come to your attention?

11 Do you recall such a question being put to  
12 you by the Judge?

13 A I have heard that question before. I don't  
14 know whether I heard it here or not, so I am not sure,  
15 but I would answer it, I think I would wait and decide on  
16 the evidence.

17 Q Have you had occasion in the last few days  
18 perhaps, or any time for that matter, of entering into  
19 conversations with any person or persons relative to  
20 difficulties that would be encountered in trying to decide  
21 a case such as this, that has had a lot of publicity?

22 THE COURT: We are getting into collateral  
23 matters, Mr. Reiner. I am going to sustain my own  
24 objection to that question.

25 Let us confine this portion of the voir  
26 dire examination in chambers to matters of what publicity

1 she has been exposed to, and what opinions, if any, she has  
2 formed as a result of it.

3 MR. REINER: Thank you.

4 Q Have you had discussions with any of the other  
5 prospective jurors relative to the difficulties that one  
6 might encounter in trying to sit on a case of this sort?

7 THE COURT: That is exactly the question you asked  
8 before. Now, don't repeat it again after I just sustained  
9 an objection to it.

10 MR. REINER: Your Honor, what I am getting toward is  
11 the problem we discussed yesterday, Rideau vs. Louisiana,  
12 where the Court held of course it was proper to determine  
13 what influences one's community has on a juror.

14 I am inquiring here as to conversations she  
15 may have heard.

16 THE COURT: I understand what you are inquiring to.  
17 Now, let's get on with it.

18 MR. REINER: So I fully understand the Court's  
19 ruling, is the Court objecting --

20 THE COURT: The Court's ruling is I sustain an  
21 objection to that question.

22 Now, let's get on with another question.

23 Q BY MR. REINER: Well, Mrs. Pahn, have you  
24 had any conversations with fellow prospective jurors either  
25 here or in the jury waiting room across the street  
26 relative to the publicity which has been given to this

1 case?

2 A Well, it's been very sketchy, as we waited  
3 for the bus, and remarks were made.

4 But there haven't been any conversations  
5 really; discussions, I would say.

6 Q What sort of remarks?

7 A Well, I heard about that book; that is what  
8 we discussed.

9 Q Have you heard this case -- go ahead.

10 A One woman said that she's pretty exposed to  
11 calling him guilty because she doesn't feel well when  
12 she looks at them, to quote her words. She will say it  
13 herself, probably.

14 Q I see, is this a woman who is part of this  
15 group of prospective jurors in the courtroom, or some  
16 woman who is a prospective juror across the street in  
17 the jury room, waiting?

18 A Must I identify the woman?

19 THE COURT: Do you know who the person is?

20 MISS PAHN: I think I recall her.

21 THE COURT: He's asking you is she one of the  
22 members out in the courtroom now?

23 MISS PAHN: She is on the panel now.

24 THE COURT: Do you know what her name is?

25 MISS PAHN: Cora Muehlberger.

26 THE COURT: She is sitting in the jury box now.

1 MISS PAHN: Yes.

2 THE COURT: No. 11.

3 MISS PAHN: Yes, sir.

4 THE COURT: All right.

5 Q BY MR. REINER: As well as you can possibly  
6 remember can you repeat the sum and substance, if you  
7 are unable to repeat the exact remarks, that she made?

8 A That I made?

9 Q No, that she made that you overheard.

10 A I just said them.

11 Q As well as you can recall, you cannot stand  
12 on the remarks she made other than you just stated a  
13 moment ago, is that it?

14 A Yes.

15 Q Have you heard any comments or remarks made  
16 by any other possible prospective jury member, whether  
17 they be here in the courtroom or across the street in  
18 the Courthouse, relative to this case?

19 A No, not across the street, just some people  
20 were not to serve because of the length of time.

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1 THE COURT: Keep your voice up, please, Miss Pahn.  
2 It is quite difficult to hear you.

3 MISS PAHN: I'm sorry. Yes.

4 MR. REINER: Thank you very much. I have no  
5 further questions.

6 MISS PAHN: Your Honor?

7 THE COURT: Yes?

8 MISS PAHN: Is it permitted for me to say something?

9 THE COURT: Yes.

10 MISS PAHN: I was afraid maybe I put myself in a  
11 poor light by saying that I didn't remember or I hadn't  
12 read, you know, much of the paper.

13 I said I wasn't employed. I haven't been  
14 gainfully employed but I have been busy with organizational  
15 work, going to school, and so many things.

16 THE COURT: There is no need to apologize. You have  
17 been very frank.

18 MISS PAHN: Yes. That is what I wanted to say.  
19 That is why. Maybe you were doubting that.

20 THE COURT: No. There is no need to apologize for  
21 that, Miss Pahn, as long as you are telling us what you  
22 honestly think and believe. That is what the attorneys  
23 want to hear.

24 Mr. Shinn?

25 MR. SHINN: Yes.  
26

## VOIR DIRE EXAMINATION

1  
2 BY MR. SHINN:

3 Q Miss Pahn, this book that you described --  
4 did she show you this book?

5 A I didn't see any book. She said there was  
6 a book written by one of the defendants. I don't know  
7 which one. They may have named the one but I don't recall.

8 Q This was discussed with you by another person?

9 A Yes. There was a group and it was mentioned.  
10 I said that you can't --

11 I was saying that you can't judge ahead of  
12 time on the guilt or innocence of the people.

13 She was accused in the book by one of the  
14 defendants.

15 Q Did they mention whether it was female or a  
16 male that wrote that book?

17 A Female.

18 Q Female?

19 A Yes.

20 Q Did they mention the first or the second name?

21 A No, I don't think so.

22 Q Did they discuss the contents of it thoroughly?

23 A No, we didn't go into a lengthy discussion.

24 Q Did they discuss anything about whether it was  
25 the La Bianca, the Tate, or some other homicide?

26 A No. The case itself wasn't mentioned by name.

1 The defendants or the people weren't mentioned.

2 Q Were any of the defendants mentioned?

3 A They accused them.

4 Q Who is "them"?

5 A That is it. Them is very vague. I didn't go  
6 into it. I didn't question.

7 Q When she said "them," do you know who she  
8 meant?

9 A I assumed it was the rest of the accused  
10 people.

11 Q In this case, you mean?

12 A Yes.

13 Q Have you heard or have you read anything about  
14 the Hinman matter?

15 A I think only about this final decision.

16 Q Where did you hear this?

17 A On the television, and there was captions  
18 in the newspapers, in my reading.

19 Q Do you recall any names, though, that were  
20 mentioned?

21 A The only name was Beausoleil. Is that right?  
22 Is that right?

23 Q Beausoleil. Is that the only name that you  
24 recall?

25 A Right.

26 MR. SHINN: Nothing further.

1 THE COURT: Mr. Kanarek?

2 MR. KANAREK: I have no questions, your Honor.

3 THE COURT: Mr. Stovitz?

4  
5 VOIR DIRE EXAMINATION

6 BY MR. STOVITZ:

7 Q Miss. Pahn, does it strike any coincidence to  
8 you that there was a name of Spahn that has been mentioned  
9 around here?

10 In other words, if you put an S in front of  
11 your name, it would be Spahn; is that right?

12 A Yes.

13 Q Does that have any -- I mean, when you heard  
14 about the Spahn Ranch, did you say, oh, I wonder if they  
15 cut their name short?

16 A No. I noticed the name Greenspahn. I had  
17 noticed that.

18 Q Do you take Life Magazine at home?

19 A No, not any more. Not for a year and a half  
20 or two.

21 Q Do you take Time Magazine at home?

22 A No.

23 Q Did you ever read anything about this case in  
24 any of the magazines as distinguished from the newspaper?

25 A No.

26 Q Now, among the many groups that you belong to,

1 have you ever had a discussion at your group concerning this  
2 case?

3 A No. We are interested in something far away  
4 from that.

5 Q You stated that you live alone; is that  
6 right?

7 A Yes.

8 Q Do you have any relatives here in Los Angeles,  
9 Miss Spahn?

10 A Yes.

11 Q Have you ever discussed with any of your  
12 relatives here in Los Angeles about this case?

13 A No. Not outside of telling them last Sunday  
14 that I was called as prospective juror.

15 Q Is this the first week that you have been  
16 on as a prospective juror?

17 A No. I have served a month. A month, but  
18 I was only on a jury for two days.

19 Q Now, assume for the moment that the jury  
20 selection continues for, say, two or three weeks. We  
21 have no way of knowing.

22 Do you think that you could refrain from  
23 reading anything about this case in the newspapers?

24 A Yes. I have other reading matter.

25 Q What is that?

26 A I have other reading matter, more elevating.

1 Q Do you think if you see any special report  
2 on television you could intentionally go into the kitchen  
3 and do your dishes and omit watching that part? .....

4 A I can turn off the set by remote control. ....

5 MR. SHINN: Your Honor, I will object to that question  
6 as an improper question because we are discussing what the  
7 jurors have read already, not the future.

8 THE COURT: What was the objection, Mr. Shinn?

9 MR. SHINN: He is asking whether or not, in the  
10 future, whether she would watch TV or even read the  
11 newspaper about the Manson case.

12 We are here to inquire whether or not or as  
13 to what the jurors have read in the past.

14 THE COURT: Of course, we are also interested in  
15 knowing whether or not the prospective jurors will be  
16 able to put out of their mind anything they know about  
17 the case and decide it solely upon the evidence.

18 MR. SHINN: That will be inquired about outside.  
19 We are here just for the purpose of determining what they  
20 have read so far.

21 THE COURT: Well, I have asked them those questions.  
22 This was a slight variation of the questions that the  
23 Court already asked, I believe, of Miss Pahn and some of  
24 the other prospective jurors.

25 MR. STOVITZ: Q. Is it Mrs. Pahn?

26 A Miss.

1 Q All right.

2 Miss Pahn, many, many times it occurs that  
3 you will hear evidence in the courtroom and that evidence  
4 will then refresh your memory as to something you might  
5 have read somewhere along the line in the newspaper.

6 A It is possible.

7 Q Do you think that you could so divide your  
8 mind as to forget what you read in the newspaper and be  
9 guided solely by the evidence in the courtroom?

10 A Yes. I think so.

11 Q Do you have that type of mind that you could  
12 do that?

13 A Yes. I think I probably would take little  
14 notes and I would refer to my notes to have my memory  
15 refreshed on the current information.

16 Q What type of work did you do in the past?

17 A Stereographic.

18 Q If the Judge were to ask you when you take  
19 your oath of office as a juror that you are to promise the  
20 Court that you would abide only by the evidence that you  
21 hear in the courtroom, do you think that you could keep  
22 that promise faithfully?

23 A I think so. I would.

24 Q Do you have any question in your mind that you  
25 can do that?

26 A No.

1           Q     Now, you heard the expression about curiosity.  
2     You wouldn't be curious to go back and look at something  
3     that you had at home, say some old issue of a newspaper,  
4     or anything like that?

5           A     I throw all the old editorials away.

6           Q     You throw them all away?

7           A     Yes.

8           Q     Miss Pahn, on this question of publicity now  
9     that we have been talking about before lunch, and now  
10    that we are talking about it after lunch, can you give  
11    us your honest state of mind as to how you feel the  
12    publicity, if any, has affected your attitude as to whether  
13    or not these defendants are innocent or guilty?

14          A     Well, just the statement of the fact was  
15    enough to shock me, as I say, not to want to know until  
16    the trial came and more was heard about it. It isn't  
17    something that I wanted to dwell on, so I shut that out of  
18    my mind.

19          Q     You are talking about the initial shock of  
20    reading about the people killed?

21          A     Yes.

22          Q     What about the --

23          A     The other stuff, you hear it, sometimes you  
24    listen without hearing, and this was hearing without  
25    listening. If that tells you the way I feel about it.

26          Q     Do you remember my question about telling us

1 honestly your state of mind now? From all that you have  
2 read and all that you have heard, can you honestly state  
3 to us whether or not you are more inclined to find these  
4 people innocent or guilty, or what your state of mind is,  
5 based upon what you heard or read about this case?

6 A Well, I am not supposed to have a decision  
7 now in my mind.

8 Q It is not a question of what you are supposed  
9 to do. A lot of people do things they are not supposed  
10 to do,

11 A I haven't. I want to keep an open mind on  
12 that until I hear more evidence. More evidence.

13 Q Do you have an open mind now?

14 A I think so.

15 Q Do you have any doubt as to that?

16 A As to my own mind, no.

17 Q Would the defense require any evidence --  
18 would the defense be required to produce any evidence  
19 to convince you of their clients' innocence?

20 A Yes.

21 THE COURT: Well, the difficulty with a question  
22 like that, Mr. Stovitz, is, as we all know, the juror  
23 may not have any conception yet of what the law is or  
24 what the Court will instruct as to the law.

25 MR. STOVITZ: I tried to be fair with the juror and  
26 I tried to get from her, and she has been thinking about it

1 from before lunch and after lunch, what --

2 THE COURT: Miss Pahn, I told all the jurors, and  
3 I will tell you again now, that in a criminal case a  
4 defendant, any defendant, regardless of what he is charged  
5 with, starts out with a presumption of innocence.

6 Now, the effect of that presumption is to  
7 place upon the State, the prosecution, the burden of  
8 proving that person guilty beyond a reasonable doubt.

9 A defendant, any defendant, regardless of  
10 what he is charged with, has no burden whatever to prove  
11 his innocence.

12 Do you understand that?

13 MISS PAHN: Yes.

14 THE COURT: The burden is all on the People's side.

15 MISS PAHN: I wouldn't need that information then  
16 that I acquiesced to, in other words; is that right?

17 THE COURT: Are you willing to accept the  
18 instruction and give all the defendants in this case that  
19 presumption of innocence, and require that the People  
20 prove their case beyond a reasonable doubt by the evidence  
21 that comes out in the trial? Are you willing to do that,  
22 Miss Pahn?

23 MISS PAHN: Yes.

24 That is the law, isn't it?

25 THE COURT: That is the law but what I want to know  
26 is whether you are willing to follow it?

1 MISS PAHN: Yes. I am willing to follow the law.

2 THE COURT: And regardless of what you have heard,  
3 read or seen about the case before, do you think you can  
4 put that out of your mind completely and listen to the  
5 evidence as it comes in during the trial and then decide  
6 the case solely on that evidence?

7 MISS PAHN: I believe so.

8 THE COURT: Well, you say you believe so. Do you  
9 believe sincerely that you are able to do that?

10 MISS PAHN: I really think I am, yes.

11 I would, to the best of my ability, use my  
12 judgment, according to the evidence, and decide yes or no.

13 THE COURT: Anyone else?

14 MR. SHINN: Your Honor, Mr. Stovitz went into her  
15 state of mind.

16 May I ask a couple of more questions on that,  
17 your Honor?

18 THE COURT: Yes.

19  
20 VOIR DIRE EXAMINATION

21 BY MR. SHINN:

22 Q After reading and hearing about this Manson  
23 case, you would feel that you want them to get on the  
24 stand and explain their side of the story, would you  
25 not?

26 A Yes, I suppose I would.

13-1.

1 Q And if they don't get on the stand and  
2 explain their side of the story, you wouldn't maybe hold  
3 that against them, would you?

4 A I don't know about the law--

5 Q Well, I mean you read all about the Manson  
6 case, and you got a lot of information through the  
7 newspapers, and the fact that they don't get on the stand  
8 and explain their side of the story, wouldn't that make  
9 you kind of feel that would go against them?

10 MR. BUGLIOSI: He asking the juror to prejudge the  
11 evidence.

12 MR. STOVITZ: Not only that, it assumes a fact not  
13 in evidence.

14 THE COURT: You are getting into an area, in effect,  
15 where you are asking the witness to prejudge. She has  
16 not been instructed on the law except as I have already  
17 done so.

18 We are not interested in whether she knows  
19 what the law is or not, but whether she would follow it.

20 MR. SHINN: My question was to the state of mind  
21 of the juror, after reading the stories about the Manson  
22 Family, your Honor.

23 THE COURT: Are you willing to follow the instruc-  
24 tions of the Court whatever they are, Miss Pahn?

25 MISS PAHN: Yes.

26 THE COURT: All right. If the Court tells you a

1 defendant is not required to take the stand, cannot be  
2 compelled to take the stand, and if he does not take the  
3 stand you should not consider that in making up your mind  
4 as to the issues in the case, will you follow that  
5 instruction?

6 MISS PAHN: Yes.

7 THE COURT: If the defendant does not take the stand  
8 will you follow the Court's instruction that you should  
9 not consider that in deciding the issues in this case?

10 MISS PAHN: If it is not required, yes.

11 THE COURT: In other words, whatever my instructions  
12 are you agree to follow them?

13 MISS PAHN: Yes, I do, Judge.

14 THE COURT: And not try to substitute your own  
15 opinion of what the law is or should be, is that right?

16 MISS PAHN: Yes.

17 THE COURT: You have to answer audibly.

18 MISS PAHN: Yes, sir.

19 THE COURT: All right.

20 Anything further?

21 MR. REINER: Yes, your Honor, I have one question.

22  
23 VOIR DIRE EXAMINATION

24 BY MR. REINER:

25 Q Miss Pahn, do you recall the name of the  
26 juror that had possession of the book that you previously

1 referred to?

2 A I don't know whether she had the book now or  
3 not; she just spoke of a book.

4 Q Well, do you recall her name?

5 A No. I questioned one woman and she was not  
6 the one.

7 Q She was, though, one of the women who is  
8 seated out in the courtroom today?

9 A Did I say she was before? I asked a woman  
10 who was on the panel now in the jury box now, she said  
11 no.

12 Q Yes.

13 A She said, no, she was not the one. So it must  
14 have been another one whom I cannot identify.

15 Q Apart from identifying her individually,  
16 do you recall whether she was a member of this panel of  
17 prospective jurors or not?

18 A No.

19 Q You have no recollection?

20 A I have no recollection whether she is in the  
21 box or out among the prospective jurors.

22 Q Would you recognize her again if you were  
23 to see her?

24 A No, there were a group of people around,  
25 and faces move around, and so forth.

26 As a matter of fact I left the group. I have

1       been alone more or less at times.

2               MR. REINER: Thank you very much.

3               THE COURT: Anything further?

4               MR. REINER: Nothing further.

5               THE COURT: All right, would you escort Miss Pahn  
6 back, please, and bring in -- we did examine Mr. Dominguez  
7 yesterday.

8               MR. REINER: Yes, we did, your Honor.

9               MR. BUGLIOSI: Yes, we did.

10              THE COURT: All right then, Mr. Ricke, No. 6.

11              MR. FITZGERALD: Now that the juror is outside of  
12 the room I would interpose an objection and challenge her  
13 for actual bias on the grounds heretofore stated in regard  
14 to Mrs. Nelson.

15              MR. REINER: We join.

16              MR. KANAREK: Join.

17              MR. BUGLIOSI: We will oppose that motion.

18              THE COURT: The challenge will be disallowed.

19                      (Mr. Ricke enters the chambers of the

20 Court.)

21              THE COURT: Mr. Ricke, would you be seated, please.

22                      As I explained yesterday to the prospective  
23 jurors, Mr. Ricke, the reason why we have you come here  
24 in chambers is so the attorneys will have an opportunity  
25 to find out what, if anything you have read, seen or  
26 heard about the case, and to find out if you have formed

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1 any opinions regarding the case or any of the defendants,  
2 without all of the other prospective jurors hearing what  
3 you have to say.

4  
5 INTERROGATION OF MR. RICKE

6 BY THE COURT:

7 Q Could you describe for us now what you have read,  
8 seen, or heard about this case?

9 A I read the local newspaper.

10 Q The Los Angeles Times?

11 A The Times and also the Examiner.

12 Q Have you lived in Los Angeles continuously  
13 since last August?

14 A Yes, I have.

15 Q Did you learn about the killings within a  
16 few days after they occurred?

17 A Yes, I have.

18 Q You read the newspapers at that time?

19 A Yes, I have.

20 Q And have you continued to read the newspapers  
21 since then?

22 A Yes, I have.

23 Q Regarding this case?

24 A Yes, I have.

25 Q Do you usually read the articles from  
26 beginning to end?

1 MR. KANAREK: Your Honor, would your Honor ask the  
2 prospective juror to raise his voice; I cannot hear what  
3 he is saying.

4 THE COURT: Yes. Keep your voice up, please, sir.

5 THE JUROR: Yes.

6 Q BY THE COURT: Do you remember whether or not  
7 you have read anything in any newspaper or magazine which  
8 purported to be a statement by any of the defendants?

9 A I cannot remember; I can't remember.

10 Q As the result of what you have learned about  
11 the case, from whatever source, have you formed any opinion  
12 as to the guilt or innocence of any of the defendants?

13 A Yes, I have.

14 Q Would you tell us what your opinion or opinions  
15 are?

16 A I don't know if I want to tell that.

17 Q Well, I have to ask you that, Mr. Ricke. You  
18 don't have to be afraid of anything. We want you to be  
19 honest and frank, and certainly the defendants, if the  
20 opinion should happen to be adverse, no one is more  
21 interested than they are.

22 A Would you want me to say I think he is guilty  
23 or not guilty?

24 Q I want you to say whatever your opinion is.

25 Do you have an opinion now as to whether any  
26 defendant is guilty or not guilty?

- 1           A     At the present moment, yes.
- 2           Q     What is the opinion?
- 3           A     I would say guilty. I would have to listen to  
4 the Court --
- 5           Q     When you say he is guilty, are you talking  
6 about Mr. Manson?
- 7           A     People are guilty.
- 8           Q     All of the defendants?
- 9           A     That the newspaper pointed out.
- 10          Q     Are you talking about all of the defendants?
- 11          A     Yes.
- 12          Q     We have four defendants here now; you are  
13 talking about all four of the defendants?
- 14          A     Yes, that's right.
- 15          Q     You have formed an opinion now that they are  
16 guilty?
- 17          A     I assume the newspaper knows what they are  
18 talking about.
- 19          Q     Sir, I did not hear your answer.
- 20          A     I assume the newspaper knows what they are  
21 talking about.
- 22          Q     And based upon the newspaper accounts you  
23 have formed this opinion, have you?
- 24          A     That's right.
- 25          Q     Now, if you were selected as a juror in this  
26 case, Mr. Ricke, do you think it would be possible for you

1 to put out of your mind everything that you learned about  
2 this case, and listen only to the evidence that is brought  
3 you during the trial, and base your decision as to the  
4 defendant's guilt or innocence only on the trial evidence?

5 A I would only say this, that I hope I can.

6 Q Well, would you be willing to try?

7 A Yes, I would.

8 Q I am not saying that you have to forget every-  
9 thing that you know. That is probably an impossible thing.

10 But what I am saying is, recognizing what you  
11 know, would you put that off to one side in your mind and  
12 say to yourself "I am not going to consider that; I will  
13 only consider what I see and hear in the trial, and decide  
14 the case on the basis of the trial."

15 Would you do that?

16 A All I can say again is I hope I can.

17 Q Do you think you can?

18 A I would say I would try; I would try. I don't  
19 really know if I could.

20 Q Would you be willing to follow my instructions  
21 as to what the law is in this case?

22 A Yes, I would.

23 Q Even though your personal opinions might  
24 differ from what you think the law is or should be?

25 A Yes, I would.

26 THE COURT: Do you wish to inquire, Mr. Fitzgerald?

1 MR. FITZGERALD: Yes, may I?

2 MR. STOVITZ: This juror was supposed to check with  
3 his employer to find out if they would keep paying him.

4 THE JUROR: I wasn't able to contact them.

5 The only thing I can tell you now is they  
6 paid me for 20 days, and when my 20 days is up they stopped  
7 paying, that is as much as I can tell you now.

8 I didn't even plan on even being called.

9 THE COURT: This is McDonnell-Douglas?

10 MR. RICKE: That's right, as far as I could get was  
11 to the desk, and they said "Hello," and they could not  
12 hear my voice.

13 That is as much as I could get this noon.

14 THE COURT: Will you continue to try to find out?

15 MR. RICKE: I tried three times.

16 THE COURT: Will you keep trying?

17 MR. RICKE: Yes. When we get off tonight I will go  
18 in to talk to them personally, which I would like to do  
19 really, rather than on the telephone, anyway.

20 THE COURT: All right, Mr. Fitzgerald.

21 MR. FITZGERALD: Thank you, your Honor.  
22  
23  
24  
25  
26

## VOIR DIRE EXAMINATION

1  
2 BY MR. FITZGERALD:

3 Q Your understanding of the newspaper coverage  
4 was that in part the newspapers said the defendants were  
5 guilty, is that correct?

6 A Well, they led me to believe this. I don't  
7 remember if they put it in the paper that way or not.

8 Q And you did form a belief that they were  
9 guilty?

10 A Yes, I have.

11 Q And that was guilty of multiple murder?

12 A Yes.

13 Q And was that an honest belief of yours that  
14 you are entertaining?

15 A Yes.

16 Q And you still believe that, is that correct?

17 A That's right.

18 Q And that is in a sense your present frame of  
19 mind, isn't it?

20 A That is right.

21 Q Would it take evidence to change that frame  
22 of mind?

23 A Yes.

24 MR. FITZGERALD: I have nothing further, your  
25 Honor.

26 THE COURT: Mr. Reiner.

1 MR. REINER: May I inquire, your Honor?

2  
3 VOIR DIRE EXAMINATION

4 BY MR. REINER:

5 Q Mr. Ricke, you did indicate to the Court, did  
6 you not, that you would follow his Honor's instructions if  
7 you were a juror on this case, is that true?

8 A Yes, I would.

9 Q Now, if the Judge instructed you to the  
10 effect that your decision in this case would have to be  
11 based solely and entirely upon the facts that you heard  
12 here in court, would you then base your decision whatever  
13 it is, guilty or not guilty, solely upon the facts in  
14 court, as the Judge has instructed you to do?

15 A I would say the same thing. I would try.  
16 I would hope I could forget what was in the newspaper.

17 Q Apart from trying to forget, would you be  
18 able to base your decision only on what you hear in court,  
19 and irrespective of anything that you may have heard  
20 elsewhere?

21 You would not put that as one of the factors  
22 of your decision.

23 You understand what I am saying?

24 A Yes.

25 Q Would you then just sit in the jury room, and  
26 if something came up for discussion that had not been

1 brought up in court, but perhaps it had come to your  
2 attention, or someone else's attention in the newspaper,  
3 would you then say to the others and say to yourself that  
4 that is something that is not to be considered in the  
5 decision; the only things that may be considered are the  
6 facts to be brought up in court?

7 A Yes, sir.

8 Q You would do that?

9 A Yes, sir.

10 Q In that way you would base your entire  
11 decision only on the evidence brought into court, is that  
12 correct?

13 A Yes, sir.

14 MR. REINER: Thank you very much.

15 MR. STOVITZ: No questions, your Honor.

16 MR. SHINN: No questions, your Honor.

17 MR. KANAREK: No questions, your Honor.

18 THE COURT: All right, sir, thank you, Mr. Ricke,  
19 for being so frank and honest with us.

20 And I will ask the bailiff to escort you back  
21 into the courtroom and bring in Mr. Rios, No. 9.

22 MR. REINER: Does your Honor want to take the  
23 afternoon recess?

24 THE COURT: Yes, it is that time.

25 We will take a 15-minute recess at this  
26 time.

1 MR. FITZGERALD: Could I interpose?

2 THE COURT: Just before we recess -- just a moment.

3 MR. FITZGERALD: We would challenge this juror for  
4 cause, for actual bias.

5 I think it is clear the juror has formed an  
6 opinion.

7 MR. REINER: Join.

8 MR. SHINN: Join.

9 MR. STOVITZ: We have no objection to the challenge  
10 for cause, your Honor, no objection.

11 MR. KANAREK: Join, your Honor. That is, I join with  
12 Mr. Fitzgerald.

13 THE COURT: All right. Is there anyone who opposes  
14 the challenge?

15 Hearing no response, I take it that all  
16 defense counsel have indicated that they join in the  
17 challenge, and the People do not oppose it.

18 MR. STOVITZ: That's correct.

19 THE COURT: I think the challenge is good and it  
20 will be allowed.

21 Mr. Ricke will be excused for cause.

22 All right, we will take our 15-minute recess  
23 then at this time.

24 (Whereupon at 3:05 a recess was taken.)  
25  
26

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1 THE COURT: The record will show all parties and  
2 their counsel are present.

3 Please bring in Mr. Frank Rios, No. 7,  
4 please.

5 (Prospective juror Frank Rios enters the  
6 Court's chambers.)

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Rios.

7 THE COURT: Mr. Rios, would you sit over here,  
8 please.

9 MR. RIOS: Thank you.

10  
11 INTERROGATION OF MR. FRANK RIOS

12 BY THE COURT:

13 Q Mr. Rios, the reason, as I indicated  
14 yesterday to the prospective jurors, why we are having  
15 this in-chambers is so that the attorneys can find out  
16 what, if anything, you have learned about the case and  
17 what opinions, if any, you hold regarding the case, without  
18 having all the other prospective jurors hear what you  
19 tell them.

20 So, could you start out, Mr. Rios, by  
21 telling us what you have learned about this case from  
22 reading the newspapers or watching TV?

23 A The only thing I heard is what I read in  
24 the papers, and that was quite a long time ago. I haven't  
25 read anything about it in the papers recently. I mean,  
26 when the case started, whatever the papers said.

1 Q You live in Los Angeles?

2 A Yes, I live in East Los Angeles.

3 Q And have you lived there since last August?

4 A Yes.

5 Q Did you read about these killings at about

6 the time that they happened in the newspaper?

7 A Yes.

8 Q Do you remember what your reaction was at

9 that time?

10 A Well, the thing that I can recall most is

11 the paper that I read from Mexico. They kind of had a

12 different description than what they said over here in

13 the paper.

14 Q The Mexican paper had a different account of

15 what happened?

16 A Not different, but in certain ways that I

17 couldn't explain. I have never seen the American papers.

18 Q Have you heard or read anything about the

19 defendants themselves?

20 A A little bit.

21 Q Was this in the newspaper?

22 A Yes.

23 Q Which paper was it?

24 A The L.A. Times.

25 Q Do you read that every day?

26 A Yes, I do, but mostly I read the sports

1 section a little.

2 Q As the result of what you have learned about  
3 this case, Mr. Rios, have you formed any opinion as to  
4 whether or not the defendants are guilty or are not guilty?

5 A No, I haven't.

6 Q You have no opinion one way or the other?

7 A No.

8 Q If you were selected as a juror in this case,  
9 do you think that you could put out of your mind, or at  
10 least put to one side, what you already know about this  
11 case and decide it solely on the evidence that comes in  
12 during the trial?

13 A I think I could.

14 Q Would you be willing to follow the Court's  
15 instructions on the law even if you felt the law should  
16 be different or was different?

17 A Yes, sir.

18 Q Do you know of any reason why you could not  
19 be a fair and impartial juror in this case?

20 A No, sir.

21 Q You may remember yesterday that I told the  
22 prospective jurors that in a criminal case a defendant,  
23 regardless of what crime he is charged with, is entitled  
24 to the benefit of a presumption of innocence; that is,  
25 he starts out the trial with a presumption that he is  
26 innocent, and that presumption has to be overcome, if at

1 all, by the People; that is, the People have the burden  
2 of proving his guilt beyond a reasonable doubt.

3 Do you understand that?

4 A Yes, I do.

5 Q Would you be willing to give each of the  
6 defendants in this case the benefit of that presumption  
7 of innocence?

8 A I will sure try, your Honor.

9 Q And make the People prove their case beyond  
10 a reasonable doubt?

11 A Yes, sir.

12 Q Before you would convict anybody?

13 A Yes, sir.

14 Q And if the People did not carry that burden  
15 and prove beyond a reasonable doubt the guilt of a defendant,  
16 would you then be willing to acquit that defendant?

17 A Yes, sir.

18 THE COURT: Mr. Fitzgerald?

15.

## VOIR DIRE EXAMINATION OF MR. RIOS

BY MR. FITZGERALD:

Q Do you subscribe to a newspaper, Mr. Rios?

A No, sir.

Q Do you read a newspaper on a regular everyday basis?

A Well, not every day but, you know, like I work on the road, you know, somebody buys a newspaper, I was standing, I work on the road and, you know, some guys sometimes they buy the newspaper and what I read mostly is the sport section and a few other things.

Q But you do read a Mexican newspaper on a regular basis?

A No.

Q Do you have access to Mexican newspapers or Spanish newspapers?

A Yes.

Q What is the name of the Spanish newspaper you read?

A A newspaper from Juarez, Mexico.

Q Do you know the name of it?

A Yes.

Q Spell it for the reporter.

A El Frontereso.

Q Do you own a television set?

A Yes.

1 Q Is it in your home?

2 A Yes.

3 Q Do you watch it every day?

4 A Not every day.

5 Q Do you sometimes watch news programs?

6 A Sometimes, yes.

7 Q Have you watched anything on television about  
8 this case?

9 A I saw on TV, you know, when that case happens,  
10 a long time away, nothing else.

11 Q Did you watch something about this case back  
12 in August of 1969?

13 A Yes..

14 Q That is when the deaths happened, in August?

15 A Yes.

16 Q You understand that?

17 A Yes.

18 Q Did you read anything or see anything on  
19 television about the arrest of Mr. Manson, the gentleman  
20 over here in the blue shirt?

21 A Not that I remember.

22 Q Did you read or see anything on television  
23 about the girls being arrested, the defendants in this  
24 case, the females?

25 A No. The first time I noticed, that is when  
26 she brought them into court, and deputies had them and that

1 was the first time I noticed them.

2 Q Did you discuss this with any members of  
3 your family?

4 A What do you mean, this case?

5 Q Yes.

6 A In that time?

7 Q Yes.

8 A Well, yes, general opinion, just like anybody  
9 else, whatever happened.

10 Q Did you have an opinion as to whether or not  
11 they were guilty?

12 A I could not say that.

13 Q Did you think they were when you saw them  
14 in handcuffs on the television set?

15 A Well, that is what the newspaper said, but  
16 of course I cannot rely on newspapers.

17 Q Did the newspapers say they were guilty?

18 A Not exactly they said that they were guilty,  
19 they said that they were accused.

20 Q And did you believe the accusation?

21 A I don't know, I couldn't tell that.

22 Q You did not make up your mind about it?

23 A No, in neither way.

24 Q Did you think they were innocent?

25 A I don't know that either.

26 Q You didn't think they were guilty?

1           A       I don't know that either because just like  
2 I told you, it was in the newspaper.

3           Q       Do you ordinarily believe what you read in  
4 the newspaper?

5           A       More or less, you know, half and half.

6           Q       Would it be fair to say that the newspaper  
7 would not print it unless it was true, is that your  
8 belief or your opinion?

9           A       Not necessarily.

10          Q       In other words, there are some things that  
11 are false in the newspaper?

12          A       I think there is.

13          Q       Did you learn anything from the newspapers or  
14 TV about the defendants in this case being responsible  
15 for the crime?

16          A       I read about it.

17          Q       And did you think that they were responsible  
18 for the crime?

19          A       I could not tell you that. I mean, I'm not  
20 sure; I could not form an opinion, you know, yet.

21          Q       Did you see anything on television or read  
22 anything in the paper about the background and history  
23 of any of the defendants in this case?

24          A       Just a little bit, not too much.

25          Q       About their home life or their family life?

26          A       No. What I can recall is when that place

1 where they were arrested, they were living on some ranch,  
2 that is all I can remember right now --

3 Pardon me, none of their family backgrounds,  
4 I don't know nothing about it.

5 Q Did you learn what nationality or descent  
6 they were or anything like that?

7 A No, sir.

8 Q Do you also own a radio?

9 A Yes.

10 Q Do you have a radio in your car?

11 A Yes.

12 Q And you heard things on the radio about this  
13 case?

14 A Yes, the news, you know; well, they usually  
15 say the news.

16 I listened to the music box, sometimes they  
17 give you some news.

18 Q And do you distinctly remember hearing anything  
19 on the radio about this case?

20 A Well, not something that I can recall, you  
21 know, something that -- nothing, they say several  
22 things at a time.

23 Q Is it possible that these defendants are  
24 innocent, based on what you have seen on television or  
25 read in the newspapers?

26 A It could be, I don't know.

1 MR. FITZGERALD: I have nothing further.

2 THE COURT: Mr. Reiner.

3 MR. REINER: Thank you.

4  
5 VOIR DIRE EXAMINATION OF MR. RIOS

6 BY MR. REINER:

7 Q Mr. Rios, you indicated a moment ago that  
8 what you saw on television was, and I think I quote your  
9 words, the same routine all the time.

10 What did you mean by the same routine all the  
11 time?

12 A You know, like these reporters, they always  
13 talk into something like that, the time I remember I was  
14 telling him, one day they were supposed to be arrested at  
15 this ranch, and I saw the reporters, you know, they were  
16 talking to these girls that lived there, or used to live  
17 there, I don't know, but this is what I can recall them  
18 doing.

19 What I remember is not seeing Mr. Manson at  
20 that particular time.

21 Q Do you recall hearing about or reading about  
22 the article that was the purported confession of one of  
23 the girls?

24 A Would you repeat that, please?

25 Q Yes. Do you recall reading in the newspaper  
26 or hearing about on television or from any of your friends

1 or acquaintances, about a confession by one of the girls?

2 A No, I cannot remember that.

3 Q You indicated a few moments ago that the  
4 effect of the stories that you read in the newspaper was  
5 that the defendants were guilty.

6 Does that correctly state your understanding  
7 of the articles that were in the newspaper?

8 A If I understand --

9 Q I will withdraw the question and rephrase it.

10 Did you from time to time read articles in  
11 the newspaper about the people that are involved as  
12 defendants in this case, is that true?

13 A Yes.

14 Q And these articles generally indicated, did  
15 they not, that the defendants were guilty?

16 A Well, not exactly guilty, but they were  
17 suspected to be guilty, that is what the newspapers said.

18 Q And you did from time to time watch television  
19 shows that were concerned about some of the people that  
20 are involved in this case as defendants?

21 A No, sir.

22 Q Do you ever watch the news programs on  
23 television?

24 A Yes, sometimes.

25 Q Just approximately or roughly? How often  
26 do you watch the news programs?

1 A Well, I would say about once a week on  
2 television.

3 Q And is there any particular news program  
4 that you generally watch in preference to the others?

5 A Well, now, one I watch is the Eleven O'clock  
6 News the most.

7 Q On which channel?

8 A Channel 2.

9 Q Would that be the Jerry Dunphey news on  
10 Channel 2?

11 A Yes.

12 Q You generally watch that at least once a  
13 week?

14 A Yes.

15 Q Perhaps on some weeks you watch more often  
16 than once a week?

17 A Yes, sometimes.

18 Q There isn't any particular day of the week  
19 that you watch the show. It generally averages out  
20 to once a week or so?

21 A No, sir.

16.

16-1

1

Q It is not correct?

2

A What was that?

3

Q I will withdraw the question.

4

Do you watch this show on the average of once a week?

5

A Yes.

6

Q Or do you watch it on a particular day each week?

7

8

A No. Just when I have time, you know.

9

Not necessarily that I have to watch it.

10

Q Since last August, when these crimes

11

occurred, you have, haven't you, from time to time,

12

on the Jerry Dunphy News at 11:00 o'clock, listened to

13

reports of this case?

14

A Not recently.

15

Q Whether it be recently or sometime back,

16

you have seen this reported on the Jerry Dunphy News,

17

haven't you?

18

A No. The most recent thing that I watched,

19

I watched this program yesterday, last night.

20

Q Which program?

21

A Some other channel. But they didn't say

22

nothing about the case. They didn't say nothing about

23

the jury that was being picked.

24

Q What did they say about the jury being

25

picked yesterday on television?

26

16-2

1 A Well, they said that they called 14  
2 men for duty and they only have two persons left.

3 Q When was the last time since last night  
4 that you watched the television news?

5 A Last night.

6 Q Before last night, what was the last time?

7 A Well, you see, I couldn't watch it too  
8 much because I watched this sport game, you know, that  
9 they showed on the Mexican channel. So I didn't watch  
10 too much TV.

11 Q You have been watching the World Cup  
12 soccer matches on the UHF television station?

13 A Yes.

14 Q Before the World Cup soccer matches began  
15 a couple of weeks ago, did you watch the news at that  
16 time?

17 A Yes, I did, but I can't recall when  
18 because, you know, when I watch TV, mostly I watch just  
19 sports, you know, like baseball or football.

20 Q Mr. Rios, for the moment it doesn't make  
21 too much difference when. We are concerned now, just  
22 for the moment, with what you saw when you did watch  
23 television.

24 Do you recall the last time -- I am not  
25 talking about last night, but other than that -- do you  
26 recall the last time that you were watching the television

16-3

1 news and they reported some part of this case?

2 A Let me think.

3 Well, the last time I remember is when  
4 they said they were going to open this case Monday. So,  
5 it was probably last week. Sometime last week. Last  
6 week.

7 Q Last August, when these killings occurred,  
8 you first read about it in a Spanish language newspaper;  
9 is that correct?

10 A No, sir.

11 Q Did you first read about it in a local  
12 newspaper?

13 A Yes, sir.

14 Q Which paper?

15 A What I said about the Mexican paper is that  
16 they had a little different story than what they had in  
17 the American paper. That is what I said before.

18 Q I see.

19 Would you be able to tell us what story they  
20 had in the Mexican newspaper that you were reading?

21 A I can't remember, you know. That is what  
22 I am trying to tell you. That is what impressed me  
23 most. I can't recall it.

24 I read mostly the sports.

25 Q How did it impress you? In what way did  
26 it impress you?

16-4

1           A       Like I say, they translated it. They  
2 don't use it in the English language.

3           Q       As well as you can, can you tell us more  
4 or less what you read in the Mexican newspaper?

5           A       Well, they gave you more, you know, like  
6 a -- they describe you more things that is supposed to  
7 have happened.

8           Q       They went into more detail?

9           A       More details that I never seen before. I  
10 mean, in these papers.

11          Q       Can you give us an example of the sort of  
12 details that they mentioned that were not mentioned in  
13 our newspapers?

14          A       No. That is what I mean. That is the only  
15 one thing that I remember.

16          Q       What was that?

17          A       Something different.

18          Q       What was it?

19          A       I can't tell you.

20          Q       Didn't you just say a moment ago there was  
21 only one thing that was different?

22          A       I am referring to the whole report, you  
23 know. It was different.

24          Q       And you are unable to recall the way in  
25 which it was different; is that correct?

26          A       Well, they more or less tried to give you,

16-5

1 you know, like an impression that they had committed an  
2 atrocity in the house. Something you never did see over  
3 here.

4 Q Would it be an accurate statement of what  
5 you said that in the Los Angeles newspapers you did not  
6 read of any atrocities that occurred in the house?

7 A Yes.

8 Q But in the Mexican newspaper you did read  
9 of certain atrocities that occurred in the house?

10 A Yes.

11 Q What sort of atrocities, as well as you can  
12 describe what you read in the paper?

13 A Do I have to tell you?

14 Q Yes. Please.

15 A Well, the thing mostly that impressed me  
16 the most is when somebody, I can't recall who, they were  
17 going to kill Mrs. Tate -- Miss Tate or Mrs. Tate --  
18 and she pleaded for her life, and they still stabbed her  
19 and stabbed her.

20 That is the thing that I can recall the  
21 most.

22 Q I see.

23 This newspaper that you read, this Mexican  
24 newspaper, you were reading that after these people  
25 were arrested; is that correct?

26 A It was about a month after.

16-6 1

2 Q And in this Mexican newspaper you recall  
3 reading a story or a series of stories in which it was  
4 described in this story or stories that Miss Tate begged  
5 for her life; is that correct?

6 A Yes.

7 MR. STOVITZ: Answer out loud.

8 He just shook his head.

9 MR. REINER: Do you mean to say yes? I saw you  
10 shake your head.

11 A Yes.

12 Q And although she begged for her life, she  
13 was killed anyway by one of the people; is that correct?

14 A That is what the newspaper said.

15 Q Do you recall any of the other details that  
16 were described in this particular article?

17 A No. That is the one that I can't recall,  
18 the difference.

19 I never did see these papers, I never read  
20 about this in these papers.

21 Q Was this article that you read in this  
22 Mexican newspaper an account by one of the people who  
23 had participated in the crime describing what they had  
24 done?

25 A No. It looked more like the work of a  
26 reporter to me.

Q Did they indicate in this article where they

16-7 1 had found out that Miss Tate had begged for her life?

2 A No, they didn't say this. That is what I  
3 mean to tell you. That was probably the work of the reporters.

4 Q In working on your job, did you hear other  
5 people from time to time make some remarks about this case  
6 over the last eight months or so? Have you heard such  
7 remarks?

8 A Not that I can recall. Just like -- what I  
9 mean, just like general opinion, when they are talking  
10 about something and something comes up.

16a fls. 10

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1 Q Mr. Rios, that is all that we are referring  
2 to here, not conversation that you may have participated  
3 but just general opinions that you might have heard other  
4 people express.

5 Have you, from time to time, ever heard other  
6 people express some sort of general opinion that you,  
7 perhaps, just overheard?

8 A Not that I can recall.

9 Q Have you ever heard other people make  
10 critical comments about Mr. Manson or any other person  
11 connected with this case?

12 A No, sir.

13 MR. REINER: I have no further questions.

14 THE COURT: Mr. Shinn?

15 MR. SHINN: I have no questions, your Honor.

16 THE COURT: Mr. Kanarek?

17 MR. KANAREK: Thank you, your Honor. I have no  
18 questions.

19 THE COURT: Mr. Bugliosi?

20  
21 VOIR DIRE EXAMINATION

22 BY MR. BUGLIOSI:

23 Q Mr. Rios, have you ever read the publication  
24 called Rolling Stone?

25 A Rolling Stones?

26 Q Rolling Stone. It is a publication, a

16a-2

1 periodical that comes out twice a month. Have you ever  
2 read it?

3 A I never read it. I have seen it. When we  
4 work in the Hollywood area I have seen the paper. I  
5 have never read it.

6 Q You have never read any article in the  
7 Rolling Stone?

8 A No, sir.

9 Q Mr. Rios, if you are picked as one of the  
10 jurors in this case, will you base your verdict solely  
11 on the evidence that comes from the witness stand under  
12 oath and not be influenced by anything that you have read  
13 or heard outside of court?

14 A Yes, sir.

15 Q Do you promise to do that?

16 A Yes.

17 MR. BUGLIOSI: No further questions. Thank you.

18 THE COURT: Will you also promise, Mr. Rios, to  
19 follow my instructions to you as to what the law is?

20 MR. RIOS: Yes, sir.

21 THE COURT: Even though you might now think the  
22 law is different or should be different, would you never-  
23 theless follow the instructions that I give you?

24 MR. RIOS: Yes, sir.

25 THE COURT: All right.

26 I will ask you to go back into the courtroom,

16a-3<sub>1</sub>

please, Mr. Rios, and we will bring the next prospective juror in.

MR. RIOS: Thank you, sir.

(Mr. Rios leaves the chambers.)

MR. FITZGERALD: We will challenge this juror for cause, for actual bias, on the same grounds, that he has been exposed to prejudicial pretrial publicity.

MR. REINER: And we would join with just this addition: That it appears to us that the article Mr. Rios read in the Mexican newspaper was based upon the confession, the purported confession, of Miss Atkins.

MR. SHINN: Join.

MR. KANAREK: Join, your Honor.

MR. STOVITZ: We oppose the excuse for cause, your Honor.

Of course, it is pure speculation that it was based upon the confession of Miss Atkins or anyone else.

THE COURT: As I recall his answer, he said he thought it was the Mexican reporter.

MR. REINER: Your Honor, as I recall the answer, he indicated that it was reporting dialogue allegedly coming from Miss Tate, that she begged for her life, and the only source that we have seen so far in any of the media has been the alleged confession of Miss Atkins.

THE COURT: Well, I don't know whether that is

16a-4

1 true or not, but you have expressed your opinion for  
2 the record.

3 The challenge will be disallowed.

4 It is my recollection that we have not yet  
5 examined Miss Marie Mesmer in chambers; is that correct?

6 MR. STOVITZ: That is correct, your Honor. We  
7 skipped her yesterday.

8 THE COURT: All right. Then we will bring in  
9 No. 8, please, Marie Mesmer.

10 Miss Mesmer, would you sit over here,  
11 please?

12 MISS MESMER: Thank you.

13  
14 VOIR DIRE EXAMINATION

15 BY THE COURT:

16 Q As I explained to the prospective jurors  
17 yesterday, Miss Mesmer, the reason why we have this  
18 session in here is so that the attorneys may find out  
19 what, if anything, you have learned about the case from  
20 reading or hearing or seeing something, and whether or  
21 not you have formed any opinions, and what they might  
22 be, without having all of the rest of the prospective  
23 jurors hear what you have to say about the matter.

24 A Frankly, I have not been following the  
25 case.

26 Q You have not?

16a-5

1 A No. I know of it but I have not followed  
2 it.

3 Q Will you tell us, to the best of your  
4 ability, what you have learned about the case from any  
5 source?

6 A Well, frankly, as I said, I haven't  
7 followed it, you know, detail by detail. I have checked  
8 the headlines, maybe the opening -- the lead of the  
9 story.

10 Q Did you live in Los Angeles last August?

11 A Yes.

12 Q That is where the killings occurred.

13 Did you find out about the case at that  
14 time?

15 A Well, I knew about the case, yes.

16 Q How did you find out about it?

17 A Well, I mean it was in the newspapers, I  
18 was aware of the case, yes, but I really couldn't tell  
19 you about the happenings in detail because I haven't  
20 followed it. I mean, I very seldom check -- I just  
21 haven't checked the story.

22 Q Do you read the Los Angeles Times regularly?

23 A I do get the Times and I go through the  
24 paper and read what seems to interest me.

25 Q This case has been reported from time to  
26 time in the Times. When you have noticed these articles,

16a-6 1 do you usually read them from beginning to end?

2 A No, I do not, sir. I do not.

3 Q Do you remember whether or not you have ever  
4 read anything in the newspaper or heard anything on the  
5 radio or TV which purported to be any statement of one  
6 of these defendants regarding the case?

7 A Well, I very seldom tune in on TV. I have  
8 a TV set but I very seldom tune in.

9 Q Well, have you read or heard anything which  
10 purported to be a statement by any of the defendants?  
11 Do you recall whether you have or not?

17 fls. 12 A No, I can't recall any particular statement.

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17-1

1 Q Miss Mesmer, as a result of what you have  
2 learned about this case since last August have you formed  
3 any opinions as to whether or not the defendants or any  
4 of them are guilty or not guilty?

5 A No, I have not formed any opinion.

6 Q Would you say that you have an open mind on  
7 that subject?

8 A I think I have an open mind, yes.

9 Q Would you be able to put out of your mind  
10 anything that you have learned about the case, and if you  
11 are selected as a juror base your decision solely on the  
12 evidence that comes out during the trial?

13 A Yes, I can.

14 Q And would you be willing to follow my instruc-  
15 tions on the law to you even though your own opinion of  
16 what the law is or should be might be different?

17 A I would follow your instructions.

18 THE COURT: Mr. Fitzgerald.

19 MR. FITZGERALD: Thank you.  
20

21 VOIR DIRE EXAMINATION

22 BY MR. FITZGERALD:

23 Q Do you have a television set in your home,  
24 Miss Mesmer?

25 A Yes, I do.

26 Q Do you watch television regularly?

17-2

1 A Very seldom.

2 Q Do you watch television news programs?

3 A No, I don't. I may tune in just casually.  
4 I have no favorite newscaster. It is not really a habit  
5 of mine to tune in on the news.

6 Q Would you consider yourself uninformed in  
7 terms of current events?

8 A No, definitely not. I do read the newspaper,  
9 I mean, I get the paper every day. I am aware of what is  
10 going on.

11 Q But you are uninformed as to this case, is  
12 that it?

13 A Well, as I stated earlier, I have not  
14 followed it. I have not followed the happenings as they  
15 came up, and the involvements.

16 I am not up on the case.

17 Q You have not paid any attention to it?

18 A I am not up on it -- yes, I guess that means  
19 the same thing.

20 Q Have you seen material in connection with  
21 this case on television?

22 A No, frankly, I haven't because I don't tune  
23 in on the news like some people, at 6:00 o'clock, turn on  
24 the news, and 4:00 o'clock.

25 They have a favorite newscaster. That just  
26 isn't my forte, so to speak.

17-3

1 Q You don't watch the news at all, or if you  
2 do, very briefly?

3 A I won't say at all, because that would not  
4 be quite correct, but I would tune in casually.

5 I mean, if I am up late I might tune in on  
6 the 11:00 o'clock news, but it is not a habit, and it is  
7 not a way of life with me.

8 Q During your casual perusal of some of the  
9 TV news shows, have you seen anything about this case?

10 A No, you know, I just cannot recall any  
11 particular incident.

12 Q Do you have a radio in your home?

13 A No, I have no radio.

14 Q Do you ever listen to other people's radios?

15 A No.

16 Q Do you listen to a radio at work or on your  
17 way to and from work?

18 A No, I don't.

19 Q Do you know anything about the arrest of  
20 these defendants?

21 A No, I do not.

22 Q Do you know where they were arrested or how  
23 they were arrested?

24 A No, I do not.

25 Q By whom they were arrested?

26 A No, I do not.

17-4

1 Q Do you know what connects them, if anything,  
2 with this case?

3 A You mean as far as the arrests go?

4 Q Yes.

5 A No, I don't. In other words, I don't have  
6 the happenings of this case because I have not delved  
7 into it, I have not followed it.

8 Q Have you heard anything about Mr. Manson?  
9 Have you heard the name Charles Manson before?

10 A Well, that would be, I mean, well,  
11 naturally.

12 Q Why do you say "well naturally"?

13 A Well, it's in the headlines. I mean, we  
14 just have to be out of this world, I mean, not to be  
15 around, not to exist I mean, you know, by -- it's like  
16 saying "Do you know President Nixon"?

17 I don't mean to make the comparison, excuse  
18 me, but I meant, you know, you have to know what is going  
19 on.

20 Q Now, do you know anything from the media  
21 about Mr. Manson?

22 A You mean the TV?

23 Q Yes -- now, you are very familiar with the  
24 name Charles Manson, is that correct?

25 A Yes.

26 Q Do you know anything about Charles Manson

17-5

1 other than the name Charles Manson.

2 I take it you must know something about  
3 his background or his history or something?

4 A No, I don't.

5 Q It is not just a loose name without an  
6 association in your mind?

7 A The name is associated with the case.

8 Q Is the name in any way associated with any  
9 of the female defendants in the case?

10 A Well, there is an involvement. I mean, I  
11 have been aware of their pictures and I have seen them  
12 on occasions, you know.

17a fls.

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17a.

1 Q Is there any connection as far as you know  
2 as a result of watching television or reading newspapers  
3 between Mr. Manson and the female defendants in this  
4 case?

5 A Any connection? Well, when you say --

6 Q I mean friends or relatives.

7 A I don't fancy any connection in that sense.

8 Q Do you customarily believe what you read?

9 A No, I don't.

10 MR. FITZGERALD: I have nothing further.

11 THE COURT: Mr. Reiner?

12 MR. REINER: Thank you, your Honor.

13  
14 VOIR DIRE EXAMINATION

15 BY MR. REINER:

16 Q When you made the comparison a moment ago  
17 between the name of Mr. Manson and the name of President  
18 Nixon, did you mean to say --

19 A Well, that was, I mean --

20 Q If I may finish the question.

21 A Okay, sure.

22 Q Did you mean to say the only comparison you  
23 are making is that whenever someone's name is constantly  
24 repeated, day and night in the newspapers, and on  
25 television, that it is impossible not to be aware of it.

26 Is that what you meant to say?

17a2.

1 A Yes, that is what I meant to say.

2 Q And because of this constant repetition from  
3 all of the media occurring day and night over some months  
4 since December, you became aware of the name Charles  
5 Manson and perhaps also his likeness, so you would  
6 recognize him when you see him, or recognize a picture  
7 of him, isn't that true?

8 A Yes, that is true.

9 Q And to a slightly lesser degree is that also  
10 true as to the girls who are defendants, their names  
11 having become household words?

12 A Yes.

13 Q And their faces have become familiar so they  
14 are recognizable to you?

15 A Yes, I would say that.

16 Q And although you have indicated that you do  
17 not read the newspapers, newspaper stories carefully with  
18 respect to this case, you do from time to time, I imagine,  
19 at least, skim through the article and perhaps pick up  
20 a few facts here and there on occasion, would that be  
21 reasonably accurate?

22 A Well, when you say "facts," I don't know.

23 Q When I say "facts" I mean some of the facts  
24 in the paper irrespective of whether it is true or false,  
25 the information.

26 A Information, yes, would be a better word.

17a-3.

1           Q     So it would be a reasonable and fair statement,  
2 since last December from time to time you have had occasion  
3 in reading this paper, on a daily basis, to skim through  
4 some of the articles about these defendants and the case  
5 and the charges -- of picking out some of the information,  
6 is that a fair statement?

7           A     Well, I don't know how to answer you because  
8 I have already said that I have not picked out information  
9 because I have not really followed the case.

10                     I mean, as I told you, I would glance at a  
11 headline. I might read the opening paragraph; I might  
12 run quickly through it, but I don't have information  
13 about the case in my mind.

14           Q     I would not attempt to pin you down to  
15 details, but would it be a fair statement to say that the  
16 general impression of the articles that you have read,  
17 even having read them just as cursorily as you have  
18 indicated, would be to the effect that these defendants  
19 are guilty?

20           A     Well, of course, I wasn't comparing them in  
21 my thinking. I have been a juror on this occasion, and  
22 I have been a prior juror.

23                     As I understand the law everyone is innocent  
24 until proven guilty. This is a feeling I have about the  
25 courts.

26           Q     Well, yes, Miss Mesmer, I certainly agree.

17a-4.

1 We are not talking here at this particular  
2 moment about what your impression has been, but just what  
3 your exposure has been, what you have seen.

4 Would it be a fair statement to say that the  
5 general tenor of the articles that you have read in the  
6 paper were to the effect that these defendants are guilty.

7 Is that the position generally taken by the  
8 articles that you have observed?

9 A Well, it could be the position taken by the  
10 articles but it is not necessarily my position.

11 Q Okay, now, have you ever read a single word  
12 in a newspaper at any time that suggested that perhaps Mr.  
13 Manson was guilty and these defendants as well?

14 A Well, I haven't really read whether he was  
15 guilty or not guilty as far as the information goes, which  
16 I cannot possibly recall, because I keep saying over and  
17 over again like an old record, I have not followed the  
18 case and I couldn't say I read an article which said he  
19 was not guilty and one which said he was guilty. I did  
20 not follow the case.

21 I cannot recall reading an article in which  
22 it said he was guilty or an article in which the newspaper  
23 said he was not guilty.

24 Q You read the Los Angeles Times?

25 A Yes, I do.

26 Q Do you subscribe to it?

17a-5.

1 A No, I do not subscribe to it.  
2 Q Do you read it on a daily basis?  
3 A Pretty much so, yes.  
4 Q Do you generally buy a Sunday Times?  
5 A Sometimes, not always.  
6 Q All right, do you recall a story that appeared  
7 in the Sunday Times in December that purported to be  
8 a confession of Susan Atkins?

17b fol.

9 A No, I don't recall that.  
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17b-6.

1 Q Do you recall ever hearing about the fact  
2 that there was a purported confession of Susan Atkins in  
3 the newspapers?

4 A No, I don't.

5 Q Have you heard of any books that have been  
6 published, or any book that has been published which  
7 purportedly contain, or contain what was purportedly  
8 a confession of Susan Atkins?

9 A No.

10 MR. REINER: No further questions.

11 THE COURT: Mr. Shinn.

12 MR. SHINN: I have nothing, your Honor.

13 THE COURT: Mr. Kanarek?

14 MR. KANAREK: Thank you, your Honor, I have no  
15 questions.

16 THE COURT: Mr. Stovitz?

17  
18 VOIR DIRE EXAMINATION

19 BY MR. STOVITZ:

20 Q Did you ever hear of a publication known  
21 as the Rolling Stone?

22 A Never.

23 Q A magazine that comes out about twice a month,  
24 did you ever hear the name -- not read it -- just hear  
25 the name?

26 A No, I have never heard of it.

17b-7. 1

2 Q Do you think if you were sworn as a juror  
3 in this case that regardless of what you might have picked  
4 up in the newspapers or from television that you could  
5 cast everything aside and just decide this case on the  
6 evidence that you hear in court?

7 A Yes, I do.

8 Q Do you have any hesitancy whatsoever in your  
9 mind?

10 A Well, I know my mind and I know how it works,  
11 and I have given you an answer. I said I could do that.

12 MR. STOVITZ: I have nothing further.

13 THE COURT: All right, thank you very much, Miss  
14 Mesmer. I will ask the bailiff to escort you back into  
15 the courtroom at this time.

16 MISS MESMER: Thank you.

17 (Miss Mesmer leaves the chambers.)

18 MR. FITZGERALD: Your Honor, we will challenge this  
19 juror for cause on the grounds she is actually biased as  
20 a result of being exposed to prejudicial pretrial  
21 publicity.

22 MR. REINER: Join.

23 MR. KANAREK: Join.

24 MR. SHINN: Join.

25 MR. BUGLIOSI: The People oppose the motion.

26 THE COURT: Very well. The challenge will be  
disallowed.

17b-8.

INX.  
Gordon

1 I will ask the bailiff to bring in Mrs.  
2 Sonia Gordon.

3 (Mrs. Sonia Gordon enters the chambers.)

4 THE COURT: Mrs. Gordon, as I explained to the  
5 prospective jurors yesterday, the reason why we have  
6 this session here in chambers is so that the attorneys  
7 may find out what, if anything, you have learned about  
8 the case before you came here and what, if any, opinions  
9 you may have formed about the case, without having all of  
10 the other prospective jurors hear what you have to say  
11 about it.

12  
13 VOIR DIRE EXAMINATION

14 BY THE COURT:

15 Q Now, could you describe for us what you have  
16 learned about this case, either from reading or from  
17 watching television or from any other source?

18 A I hate to read, so I don't read, and I like  
19 to watch movies on television.

20 I think Sharon Tate would be the only name --  
21 that is the only name that comes up in my mind.

22 Q Were you living in Los Angeles last August?

23 A Um-hum.

24 Q At that time did you learn about the killing  
25 of Miss Tate and some other people?

26 A The only thing I know is Sharon Tate. I don't

17b-9.

1 know how she was killed or anything else.

2 Q But you did hear she was killed?

3 A Yes.

4 Q Do you remember whether you read that in  
5 the newspaper?

6 A I think I saw it in the headlines.

18fol.

18-1

- 1 Q Do you subscribe to any newspaper?
- 2 A The Glendale News Press.
- 3 Q The Glendale News Press?
- 4 A Yes.
- 5 Q Do you read the Times, the Los Angeles Times?
- 6 A No.
- 7 Q Do you regularly read accounts of this case
- 8 in the Glendale newspapers?
- 9 A We go to the crossword puzzle.
- 10 Q The answer is, I take it, that you do not
- 11 read about this case?
- 12 A I don't like to read. I really don't.
- 13 Q Are you married?
- 14 A Yes.
- 15 Q Does your husband ever discuss the case with
- 16 you?
- 17 A We haven't.
- 18 Q Have you ever discussed the case with anyone?
- 19 A No. I really -- I didn't know too much
- 20 about it.
- 21 Q Do you watch television?
- 22 A Yes.
- 23 Q Have you seen any accounts of the case on
- 24 television?
- 25 A No.
- 26 Q Have you seen a news broadcast, for example?

48-2

1           A.       I like the movies on television. Otherwise,  
2 I don't watch it.

3           Q        As a result of anything that you have  
4 learned about this case, Mrs. Gordon, have you formed any  
5 opinion as to the guilt or innocence of any of the  
6 defendants?

7           A.       The only one I know is Sharon Tate, that is  
8 all, that she was killed. That is all I know about it.

9           Q        And you have no opinion one way or the  
10 other?

11          A.       No.

12          Q        As to whether any of these defendants are  
13 guilty or not guilty?

14          A.       No, I don't know.

15          Q        If you are selected as a juror in this case,  
16 do you think it would be possible for you to put to one  
17 side in your mind whatever you have learned about the case  
18 and decide the case solely on the basis of the evidence  
19 that comes into this case during the trial?

20          A.       Yes.

21          Q        Would you be willing to follow the instructions  
22 on the law that I give you even if your personal opinion as  
23 to what the law is or should be might be different?

24          A.       Right. You are the boss. I found that out  
25 in a civil case I was on. They said the same thing.

26          Q        But you have never been before me before?

J-3

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A. No.

Q. As a juror or otherwise?

A. No. But you judges, I think you all say  
the same thing.

Q. Hopefully we are consistent.

A. Yes.

THE COURT: Mr. Fitzgerald?

MR. FITZGERALD: Thank you.

## VOIR DIRE EXAMINATION

BY MR. FITZGERALD:

Q Do you know who the husband of Sharon Tate was?

A No.

Q Do you know if anybody else died at the same time she did?

A No. Was there?

Q I think so.

A I don't know.

Q Are you familiar with the name Charles Manson?

A Now I am.

Q Before you were summoned to jury duty in this case or actually came over to Department 104 here, were you familiar with the name Charles Manson?

A I heard it, but I don't know.

Q Was it a name that you had some connection with, or was it just a name?

A Well, I really don't know. This happened a long time ago, and I think Sharon Tate and him was mentioned together. But really, the name that sticks in my mind is Sharon Tate.

Q Do you have any teenage daughters?

A Yes.

Q Have they ever mentioned the name Charles

1 Manson to you?

2 A. They are too interested in boys.

3 Q. Do you have daughters, in other words?

4 A. Yes.

5 Q. Have they mentioned any of the female  
6 defendants in this case, Susan Atkins, Patricia Krenwinkel,  
7 Leslie Van Houten?

8 A. No.

9 Q. Were you here in the courtroom yesterday?

10 A. Yes.

11 Q. Did you have a discussion with any members  
12 of your family yesterday in connection with this case?

13 A. No. Just that I might be locked up for six  
14 months. My children would like that.

15 Q. Did you happen to mention that it was the  
16 case that involved Sharon Tate?

17 A. They told me that it was.

18 Q. What did you tell them?

19 A. That I'd be locked up for six months if I  
20 got on it.

21 Q. Did you tell them the name of the case?

22 A. No. I wanted to call him Manson -- is that  
23 it?

24 Q. Yes. They told you something about the case?

25 A. No. Just that they would be glad that I would  
26 be locked up for six months.

1 We don't read about that.

2 Q Did your daughters discuss with you the  
3 facts that they knew about Mr. Manson or some of the  
4 female defendants in the case as a result of some publicity?

5 A No.

6 Q Now, do other members of your family watch  
7 news programs on television?

8 A We have three televisions. My husband and  
9 I watch one, and they watch another. So, I don't know  
10 if they do or not.

11 Q I see.

12 Do you ever discuss news events or current  
13 events that occur in the newspapers or on television in  
14 your home?

15 A No. I can't say that we do.

16 Q Do you have some radios in your home?

17 A Yes. But it is music. We have teenage  
18 girls, and it is music.

19 Q Do you ever hear news on the radio?

20 A No. I don't turn it on.

21 Q Do you say that you don't care to read but  
22 that you are interested in the crossword puzzle section of  
23 the newspaper?

24 A My husband is, and when he gets stuck then  
25 I look it up in the dictionary for him.

26 Q You subscribe to the Los Angeles Times as well

4-7  
1 as the Glendale newspaper, do you?

2 A. No. The Glendale News Press.

3 Q. Do you take the Sunday edition of the  
4 Glendale News Press?

5 A. It comes on Saturday. It has the radio  
6 guide in it.

7 Q. And that is the weekend publication with  
8 the comics and the color?

9 A. They don't have comics. It is just the  
10 regular comics that you have in your paper, but there isn't  
11 any Sunday comics there.

12 MR. FITZGERALD: Nothing further.

13 THE COURT: It is about that time, Mr. Reiner,  
14 and I will have to go back into the courtroom and instruct  
15 the jurors to return next Monday because we will not be  
16 in session tomorrow or Friday.

17 MR. STOVITZ: May this juror please be cautioned  
18 by the Court to maintain her unbiased attitude?

19 THE COURT: Yes.

20 Mrs. Gordon, I am going to ask you to go  
21 back into the courtroom now. The attorneys will want to  
22 ask you some more questions on Monday when we reconvene.

23 In the meantime, however, I will ask you  
24 and admonish you not to discuss anything that has been  
25 said in here today with anyone, including your husband,  
26 your children, the newspaper men, or anybody.

8-8

1 MRS. GORDON: All right.

2 THE COURT: Will you follow that instruction?

3 MRS. GORDON: Yes, I will.

4 THE COURT: All right.

5 (Whereupon, the following proceedings

6 occur IN OPEN COURT:)

7 THE COURT: All the parties and their counsel  
8 are present.

9 As I told you yesterday, ladies and gentlemen,  
10 this Court will not be in session tomorrow or Friday.

11 We will adjourn at this time until 9:45 a.m.  
12 next Monday morning, June 22nd.

13 I admonish you that you should not converse  
14 among yourselves nor with anyone else on any subject  
15 relating to this case nor form or express any opinion  
16 regarding the case until it is finally submitted to those  
17 of you who are, in fact, selected as trial jurors.

18 Next Monday at 9:45 a.m.

19 (Recess.)

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LOS ANGELES, CALIFORNIA

MONDAY, JUNE 22nd, 1970

9:50 A. M.

THE COURT: People vs. Charles Manson, Susan Atkins, Patricia Krenwinkel and Leslie Van Houten.

All parties and their counsel are present.

Mr. Kanarek, do you wish the jury panel filled before we resume our voir dire examination in chambers?

MR. KANAREK: Yes, your Honor. Thank you.

THE COURT: Very well.

MR. STOVITZ: May we have just a moment?

THE COURT: Did you say something, Mr. Stovitz?

MR. STOVITZ: May we have just a moment before the names are read?

THE COURT: Could you turn the microphone around?

MR. STOVITZ: Is there any way of disconnecting the microphone?

THE COURT: We don't want to disconnect it.

MR. STOVITZ: Sometimes counsel and I want to talk at the bench here without being heard.

THE COURT: If you just turn it around in the opposite direction.

MR. STOVITZ: I guess it's on now.

THE CLERK: Shall I call the names, your Honor?

THE COURT: Yes, Mr. Darrow

*(Clerk's name)*

1 THE CLERK: Lawrence Reynolds. L-a-w-r-e-n-c-e,  
2 R-a-y-n-o-l-d-s.

3 (Prospective Juror Lawrence Reynolds  
4 takes seat No. 2 in the jury box.)

5 THE CLERK: Freddie L. Nelson. F-r-e-d-d-i-e,  
6 N-e-l-s-o-n.

7 (Prospective Juror Freddie L. Nelson  
8 takes seat No. 6 in the jury box.)

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1 THE COURT: Mr. Reynolds, have you heard and under-  
2 stood everything that has been said in court since you  
3 came into the courtroom?

4 MR. REYNOLDS: Yes, sir.

5 THE COURT: Would serving as a juror in this case  
6 constitute an undue hardship so far as you are concerned?

7 MR. REYNOLDS: Well, it would be rather -- I mean,  
8 being locked up for six months would be a long time but my  
9 company will pay me for full time, so I can't really say  
10 it is a financial hardship.

11 THE COURT: All right, sir.

12 And Mr. Nelson, have you heard and understood  
13 everything that has been said in this case since you came  
14 into the court?

15 MR. NELSON: Yes, sir.

16 THE COURT: Would serving as a juror in this case  
17 constitute an undue hardship so far as you are concerned?

18 MR. NELSON: No, sir, but along with the rest of the  
19 visitation rights of my spouse, I would like to see my  
20 kids every now and then. I have got three young ones, four,  
21 three and one year old. I can't go six months without  
22 seeing them.

23 THE COURT: I think that is a reasonable request,  
24 and the visitation would also include your right to see  
25 your children.

26 With that proviso, are you willing to serve

1 as a juror in this case if you are selected?

2 MR. NELSON: Yes, because I will be still payable  
3 -- paid by my company while I am serving on jury duty.

4 THE COURT: All right.

5 MR. KANAREK: Your Honor, may I address the Court?

6 THE COURT: Yes.

7 MR. KANAREK: Your Honor, on behalf of Mr. Manson,  
8 I make a motion that there be no sequestering, your Honor.

9 our position is that what has occurred is so  
10 all pervasive and so all enveloping that the sequestering  
11 would not serve any purpose, and on behalf of Mr. Manson,  
12 it is our position there be no sequestering.

13 THE COURT: I am going to deny the motion at this  
14 time, Mr. Kanarek, without prejudice to you or any of the  
15 other defendants to renew the motion later, but at the  
16 moment, it will be denied, and it is my present intention  
17 that the jury will be sequestered.

18 MR. KANAREK: I would like to inform the Court that  
19 it is our intent to offer expert testimony in connection  
20 with this matter, your Honor, so thank you for denying it  
21 without prejudice.

22 THE COURT: The appropriate time to renew the motion  
23 would be after the jury has been selected and sworn.

24 MR. KANAREK: The trouble with that, your Honor, is  
25 that there are jurors who would, perhaps, be capable, ob-  
26 jective, impartial, judicial types of jurors, who may be,

1 in the interim, excused because of the sequestering, and  
2 that is why we would welcome having a full hearing on that  
3 at the earliest possible time.

4 THE COURT: I realize that, and I have to weigh that  
5 against the other problems of not sequestering the jury  
6 and the possible adverse effect upon the jurors of exposure  
7 to publicity and the possible harassment, and so forth.

8 MR. STOVITZ: Your Honor, may we continue this  
9 discussion in chambers outside the presence of the prospec-  
10 tive jurors, because it may in some way tend to influence  
11 the jurors.

12 THE COURT: The motion is denied.

13 MR. SHINN: May I address the Court?

14 THE COURT: Yes.

15 MR. SHINN: On behalf of defendant Susan Atkins, she  
16 wishes to waive a jury at this time.

17 MR. STOVITZ: May we also, your Honor, at this time,  
18 take that motion up outside the presence of the jury?  
19 I believe that matters of this type have always been  
20 handled outside the presence of the jury.

21 THE COURT: I will take that motion up in chambers,  
22 Mr. Shinn.

23 MR. SHINN: Thank you, your Honor.

24 THE COURT: Now, Mr. Reynolds, I am going to put to  
25 you the same two questions regarding the death penalty  
26 that I have asked the other prospective jurors.

1 First, do you entertain such conscientious  
2 objections regarding the death penalty that you would be  
3 unable to make an impartial decision as to any defendant's  
4 guilt without regard to the evidence developed during the  
5 trial?

6 MR. REYNOLDS: No, sir.

7 THE COURT: Do you entertain such conscientious  
8 objections regarding the death penalty that you would  
9 automatically refuse to impose it without regard to the  
10 evidence developed during the trial?

11 MR. REYNOLDS: No, sir.

12 THE COURT: Mr. Nelson, I will put the same two  
13 questions to you.

14 Do you entertain such conscientious opinions  
15 regarding the death penalty that you would be unable to  
16 make an impartial decision as to any defendant's guilt  
17 without regard to the evidence developed during the trial?

18 MR. NELSON: No, sir.  
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1 THE COURT: And do you entertain such conscientious  
2 opinions regarding the death penalty that you would  
3 automatically refuse to impose it without regard to the  
4 evidence developed during the trial?

5 THE JUROR: No.

6 THE COURT: Very well then, gentlemen, we will  
7 retire into chambers and I will ask Mrs. Gordon to come  
8 in with the bailiff after we have gone in.

9 Mr. Shinn, I received your motion this  
10 morning regarding the right to interview Mrs. Kasabian.

11 I have not had an opportunity to read it  
12 thoroughly. It was just received shortly before 9 o'clock.

13 I would like to put that over until two  
14 o'clock this afternoon.

15 MR. SHINN: That's okay, your Honor, thank you.

16 (The following proceedings were had in  
17 the chambers of the Court. All defendants and  
18 their counsel being present.)

19 THE COURT: The record will show that the defendants  
20 and all counsel are present.

21 Would you bring in Mrs. Gordon, please.

22 (Mrs. Gordon enters the room.)

23 THE COURT: Do you recall who was examining Mrs.  
24 Gordon?

25 MR. REINER: Yes, your Honor, Mr. Fitzgerald had  
26 just concluded his examination.

3-2.

1 THE COURT: You may proceed, Mr. Reiner.

2 MR. REINER: Thank you, your Honor.

3  
4 VOIR DIRE EXAMINATION OF MRS. <sup>SONIA</sup>GORDON

5 BY MR. REINER:

6 Q Mrs. Gordon, you indicated the last time you  
7 were here in the Court's chambers that prior to being  
8 called for this particular case you had not heard of  
9 Mr. Manson, is that correct?

10 A Just in the headlines or something.

11 Q You had seen his name in the headlines?

12 A I think so, I don't know -- his name and  
13 Sharon Tate's are in some way connected, that is the only  
14 thing I know.

15 Q Would it be a fair statement to say that prior  
16 to being called as a prospective juror in this case, you  
17 recall having from time to time perhaps seen Mr. Manson's  
18 name in the headlines, is that correct?

19 A I don't know. All I know is his name is  
20 familiar to me but I don't know how often I have seen it.

21 Q Then you have no specific recollection of  
22 ever having seen his name in the paper, is that correct?

23 A Right. I don't know how, really, it's been  
24 so long ago, but I know I have heard it.

25 Q Apart from having heard it do you have any  
26 specific recollection of ever having seen Mr. Manson's

3-3.

1 name in a newspaper?

2 A No, I don't.

3 Q Do you have any specific recollection of ever  
4 having seen Mr. Manson's name in a periodical or magazine?

5 A No.

6 Q Do you have any specific recollection of ever  
7 having heard Mr. Manson's name on television?

8 A No.

9 Q On radio?

10 A No.

11 Q However, you just have a vague feeling that  
12 perhaps from time to time in the last few months you have  
13 heard his name from one source or another, is that  
14 correct?

15 A Yes, just maybe heard it, I don't know anything  
16 about him, really.

17 Q Prior to being called as a prospective juror  
18 were you aware that Mr. Manson had certain criminal  
19 charges pending against him?

20 A No.

21 Q Did you learn for the first time that Mr.  
22 Manson had certain criminal charges pending against him  
23 after you were called to this court as a prospective  
24 juror?

25 A Yes, but eight things, is that what is  
26 against him?

1 Q When you refer to the "eight things," are  
2 you referring to the eight charges read to the prospective  
3 jurors by the Court?

4 A Yes, by the Judge.

5 Q That was the first time you were informed  
6 either directly or indirectly that criminal charges of  
7 any sort were pending against Mr. Manson?

8 A I didn't know there was eight of them. You  
9 know, I mean, I just thought Sharon Tate and him, that's  
10 all.

11 Q What did you think about Sharon Tate in  
12 connection with Mr. Manson?

13 A Well, I don't know, I think he was supposed  
14 to have killed her.

15 Q Where did you hear that?

16 A Just from people I think.

17 Q What did they say to you that led you to  
18 believe that he was suspected of having killed Sharon  
19 Tate?

20 A Well, they just said that he did, or something.  
21 I don't really remember. All I know is those are the  
22 two names that they connect in the case.

23 Q Can you recall specifically what friends and  
24 acquaintances of yours have said to you with respect to  
25 Mr. Manson?

26 A No.

3A.

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1 Q other than just generally, in sum and substance,  
2 they had said to you that he was supposed to have killed  
3 Sharon Tate, is that correct?

4 A I think one was in the headlines, or something,  
5 they mentioned it, I can't remember really who said it or  
6 how I got the two names together.

7 Q Since last Wednesday, when you last appeared  
8 here in chambers, had you spoken of this case with any other  
9 person?

10 A No.

11 Q Anyone in your family discussed this case  
12 with you?

13 A No.

14 Q Had anyone in your family mentioned the name  
15 Manson in any context whatsoever since last Wednesday?

16 A No.

17 Q Has anyone in your family asked whether you had  
18 been called as a prospective juror in the Manson case?

19 A Yes, I told them I was going to be locked up  
20 for six months if I was in.

21 Q Well, since last Wednesday did they ask any  
22 questions of you with respect to your prospective jury  
23 services in this case?

24 A No, I just told them I did not want to discuss  
25 it.

26 Q Since last Wednesday did you have occasion to

1 read anything about this case in the newspapers?

2 A No.

3 Q or radio?

4 A No.

5 Q Did you hear or see anything on television?

6 A I don't even think I watched television.

7 MR. REINER: No further questions, your Honor.

8 THE COURT: Any questions, Mr. Shinn?

9 MR. SHINN: Oh --

10 MRS. GORDON: Just a minute, before he asks a  
11 question, I was on a case once here before and my daughter  
12 was arrested and it was dismissed. Maybe that will save  
13 time.

14 MR. KANAREK: I did not hear that, your Honor.

15 THE COURT: Read the remarks, Mr. Reporter.

16 (Whereupon, the reporter reads the record as  
17 follows:

18 "MRS. GORDON: Just a minute, before  
19 he asks a question, I was on a case once  
20 here before and my daughter was arrested and  
21 it was dismissed. Maybe that will save time.")

22 THE COURT: You mean that you were called as a  
23 prospective juror?

24 THE JUROR: Yes.

25 THE COURT: And during the course of the  
26 questions by the attorneys it came out that your

daughter had been arrested in some other case.

MRS. GORDON: Yes, so they dismissed me. I just figured it would save time.

THE COURT: All right. How long ago was it that your daughter had been arrested?

MRS. GORDON: In November.

THE COURT: 1969?

MRS. GORDON: Yes.

THE COURT: And what was the nature of the charge?

MRS. GORDON: She was found with marijuana in her purse.

THE COURT: Is that case still pending or has it been disposed of?

MRS. GORDON: She is not on probation.

THE COURT: She is on probation?

MRS. GORDON: No.

THE COURT: She is not on probation?

MRS. GORDON: No.

THE COURT: Was she convicted or acquitted?

MRS. GORDON: We never did go to court. We just talked to a woman.

THE COURT: Is she a juvenile?

MRS. GORDON: Yes.

THE COURT: You were in the Juvenile Court.

MRS. GORDON: We went to court. I don't know what the case is. They said she cannot be locked up until she

1 is 21.

2 THE COURT: How old is she?

3 MRS. GORDON: She is 18 now.

4 THE COURT: Well, thanks very much for telling us,  
5 Mrs. Gordon.

6 I don't know whether any attorney will consider  
7 that important or not, but thank you for telling us.

8 MRS. GORDON: I did not want to tell anybody out  
9 there (indicating the open court).

10 THE COURT: All right, do you wish to ask any  
11 questions, Mr. Shinn?

12  
13 VOIR DIRE EXAMINATION OF MRS. GORDON

14 BY MR. SHINN:

15 Q Do you belong to any type of women's clubs?

16 A No, I don't.

17 Q I don't know whether or not somebody asked  
18 you this, but do you subscribe to any magazines?

19 A We get the Reader's Digest. It was a  
20 Christmas gift.

21 Q That is the only magazine you have around the  
22 house or in your house?

23 A Yes.

24 Q In other words, there was no other type of  
25 magazine in your house?

26 A That is the only magazine that we do get. If

1 there is other magazines in, well then, my husband might  
2 have gotten them off an engine and brought them in.

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1 Q And I believe you stated that the only names  
2 that you can recall is Tate --

3 A Yes.

4 Q -- and Manson?

5 A Yes.

6 Q And you don't recall any other first names or  
7 second names or nicknames?

8 A No.

9 MR. SHINN: Thank you. I have nothing further,  
10 your Honor.

11 THE COURT: Mr. Kanarek, any questions?

12 MR. KANAREK: No, your Honor. Thank you.

13 THE COURT: Mr. Stovitz?

14  
15 VOIR DIRE EXAMINATION

16 BY MR. STOVITZ:

17 Q Mrs. Gordon, have you ever heard of a magazine  
18 known as the Rolling Stone?

19 A No. Isn't that a singing group?

20 Q It may be a singing group but there is a  
21 publication of some sort called the Rolling Stone. You  
22 have never heard of it?

23 A No.

24 Q With the permission of the Court, knowing  
25 that the juror would feel more comfortable if we question  
26 her concerning her daughter's arrest in chambers, may  
I inquire very briefly, your Honor?

1 THE COURT: Very well.

2 Q BY MR. STOVITZ: I take it that at some time  
3 you were notified that your daughter had been arrested?

4 A The night she was arrested.

5 Q And in that connection, you had to talk to  
6 a probation officer; is that right?

7 A It was a woman.

8 Q And did you ever have to talk to any police  
9 officers?

10 A That night I did.

11 Q Now, there is no way to be able to equate  
12 this except by you looking into your own mind.

13 Now, you know that your daughter has been  
14 arrested and there may be evidence in this case -- there  
15 may be -- that some persons have smoked marijuana.

16 You know that it is against the law to use  
17 marijuana; is that right?

18 A Yes.

19 Q Now, because of the nature of your daughter's  
20 experience, do you feel that you could be fair to both  
21 sides in this case; that is, to the prosecution and to  
22 the defense?

23 A I think this is what helped me to be.

24 Q What is that?

25 A This is what helped me to be. I was more  
26 narrow until experience happened.

1           Q     You mean by more narrow, you were more against  
2 the use of marijuana than before this experience happened?

3           A     Then I found out that the innocent can be  
4 arrested too. She was found innocent, but the boy she was  
5 with in the car was smoking marijuana.

6           Q     Now, again bearing in mind that we don't  
7 want to ask you any questions about this outside with the  
8 jury panel --

9           MR. KANAREK: Your Honor, we may agree with that,  
10 but I think it is the prerogative of the Court to make  
11 orders as to what is going to happen outside, as to whether  
12 it is in chambers or not.

13           MR. STOVITZ: I said that we don't want to, Mr.  
14 Kanarek. I didn't say you don't have to.

15                     I said we, the prosecution.

16           MR. KANAREK: I would welcome the Court -- I will  
17 object to that question on the grounds that it is for the  
18 Court to decide whether we have in camera proceedings or  
19 not.

20           THE COURT: I am sorry. I must have missed something  
21 because I don't understand what either one of you are  
22 saying.

23           MR. STOVITZ: I had asked permission of the Court  
24 to go into the matter, and now I am going to ask one  
25 question of the juror. That is, bearing in mind your  
26 daughter's experience, do you feel that you have a feeling

1       against police officers --

2           A       No.

3           Q       -- or against law-enforcement?

4           A       No. She was halfway guilty, you know.

5           Q       And there is nothing that you would hold  
6       against the prosecution in this case because of her  
7       arrest?

8           A       No.

9           Q       Now, just as you must decide the evidence  
10       from what you hear in court in this case and not from  
11       what you may have remembered from reading a newspaper  
12       or watching a television set, you also must decide the  
13       arrest procedures and the law-enforcement procedures  
14       from what you hear in this courtroom and not from what  
15       happened to your daughter.

16           Do you understand that, ma'am?

17           A       Yes.

18           Q       Would you be able to do that?

19           A       Right.

20           MR. STOVITZ: We have no further questions, your  
21       Honor.

22  
23                               VOIR DIRE EXAMINATION

24       BY THE COURT:

25           Q       Mrs. Gordon, do you believe that you are  
26       able to put out of your mind anything that you have

1 learned about this case, and if you are selected as a  
2 juror decide the case solely on the basis of the evidence  
3 that is introduced during the trial?

4 A Yes.

5 Q And do you believe that you are able to follow  
6 the Court's instructions --

7 A Yes.

8 Q -- and that you will do so regardless of  
9 what those instructions are --

10 A Yes.

11 Q -- and regardless, further, whether they  
12 coincide with your opinion as to what the law is or should  
13 be?

14 A Yes.

15 Q You would follow those instructions?

16 A Right.

17 Q And will you promise the Court now that you  
18 will do so?

19 A Yes, I will.

20 Q That is, that if you are selected, you will  
21 decide the case only on the evidence developed during the  
22 trial, and then only in accordance with the Court's  
23 instructions to you as to what the law is.

24 A Yes, I will.

25 THE COURT: Now, I am going to admonish you not  
26 to discuss with any of the other prospective jurors or

1 with anyone else anything that has been said here in  
2 chambers.

3 Will you follow that instruction?

4 MRS. GORDON: Yes, I will.

5 THE COURT: Thank you very much.

6 (Mrs. Gordon leaves the Court's chambers.)

7 THE COURT: I believe Mr. Frondorf is next. Mr.  
8 Victor Frondorf, No. 10.

9 (Mr. Frondorf enters the Court's chambers.)

10 THE COURT: Mr. Frondorf, will you sit here, please.

11 MR. FRONDORF: Thank you.  
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## VOIR DIRE EXAMINATION OF VICTOR L. FRONDORF

BY THE COURT:

1  
2  
3 Q Mr. Frondorf, the reason why we are having  
4 this little examination in chambers, as I mentioned the  
5 other day, is so that the attorneys may find out what, if  
6 anything, you have learned about this case before you came  
7 here, and what effect, if any, it has had on your thinking  
8 with regard to any of the defendants, so that the other  
9 prospective jurors will not hear whatever it is that you  
10 have learned about the case.

11 A Yes.

12 Q Would you tell us, first, sir, what you have  
13 learned about the case and from what source you learned it.

14 A Well, what I have learned has been from  
15 newspapers, but not too much, because I don't subscribe to  
16 a newspaper.

17 Whenever I go downtown, if I get one, why, I  
18 will read it, but since I am retired, why, I am mostly out  
19 of the city.

20 Q Now, these killings in this case occurred last  
21 August, 1969. Were you in Los Angeles at that time?

22 A Yes, I was.

23 Q And have you been here continuously since then?

24 A No. I have been in Oregon and down south in  
25 the desert.

26 Q How much of the time would you say you have been

442  
1 away from Los Angeles?

2 A I would say about, of the last ten months, about  
3 three and a half or four months I have been away.

4 Q When did you first learn about the killings?  
5 About the time that they occurred?

6 A Yes.

7 Q And was that in the newspaper?

8 A Yes.

9 Q From the newspapers?

10 A Yes.

11 Q Do you watch television?

12 A After 6:00 at night, never before; and usually  
13 movies or plays, but very seldom the news, because I have  
14 a radio that I listen to, and usually a talk program.

15 Q Do you watch television news programs?

16 A No, I do not.

17 Q Do you recall having seen or heard anything on  
18 television regarding this case?

19 A Yes, I have. I have heard comments about it.

20 Q Was that on the news?

21 A Yes, but I have never followed it.

22 Q Have you heard anything about it on the radio?

23 A No. I don't think I ever heard anything on  
24 the radio. Usually strictly talk programs.

25 Q Have you had occasion to learn anything about  
26 the case or discuss it with anybody in conversations with

443  
1 other people?

2 A No. Other than my wife.

3 Q Have you and your wife discussed the case?

4 A Occasionally but not very much.

5 Q Do you remember whether or not you have read  
6 anything in the newspaper at any time which purported to  
7 be a statement by any defendant in the case?

8 A I don't believe so.

9 Q As a result of what you have learned about the  
10 case, Mr. Frondorf, have you formed any opinion regarding  
11 the case as far as the guilt or innocence of any defendant?

12 A No, I don't believe I have done that either.

13 MR. KANAREK: I didn't hear that.

14 MR. FRONDORF: I don't believe so.

15 MR. KANAREK: Thank you.

16 THE COURT: All right. Mr. Fitzgerald?

17 MR. FITZGERALD: I don't have any questions.

18 THE COURT: Mr. Reiner?

19 MR. REINER: Thank you, your Honor.

20  
21 VOIR DIRE EXAMINATION OF Mr. VICTOR L. FRONDORF  
22 BY MR. REINER:

23 Q Mr. Frondorf, at the time that these killings  
24 occurred, it did not occur to you, at that time, did it,  
25 that perhaps you might ultimately be a juror in the case?

26 A No.

424 1 Q That probably was the furthest thing from your  
2 mind at that time; is that right?

3 A That's right.

4 Q It wasn't until after much later that you even  
5 received your notice to report for jury duty; is that  
6 correct?

7 A Sometime in September.

8 Q If today or yesterday or the day before, or  
9 perhaps the day after tomorrow, you were to hear some  
10 information with regards to this case, you would try not  
11 to pay attention to it because you are a prospective jury  
12 member; is that correct?

13 A That's right.

14 Q However, prior to the time that you were inform-  
15 ed or even suspected that you might be a prospective  
16 member of the jury in this case, you did not feel that  
17 compulsion or need to avoid making up your mind or reaching  
18 any even tentative conclusion about this case, did you?

19 A No.

20 Q Now, going back to that date of last August  
21 when the killings occurred, you read about them in the  
22 newspaper; is that true?

23 A I believe so, yes.

24 Q And obviously you heard about it on the radio;  
25 is that true?

26 A I don't believe so. Not on the radio.

4x5  
1 Q Do you recall hearing other people talking  
2 about it?

3 A No.

4 Q Right around the days following the killings?

5 A No.

6 Q These conversations and discussions that you  
7 told us about that you had with your wife, did some of  
8 these discussions occur immediately around or in the days  
9 following the first indication that there had been these  
10 killings?

11 A No.

12 Q When was it that these discussions with your  
13 wife did come up?

14 A Probably after I retired and we were together  
15 more.

16 Q When was that?

17 A The first of October.

18 Q It was sometime around October or November  
19 that you began for the first time to discuss this case from  
20 time to time with your wife; is that true?

21 A Not to any great extent, no.

22 Q Well, to whatever extent, though, it was around  
23 October?

24 A It would probably be in October.

25 Q That you began to discuss this?

26 Were you in the Los Angeles area in December?

46  
1 A I worked for the Division of Highways and I  
2 was in this area.

3 Q In December?

4 A Yes.

5 Q Well, then, you were in Los Angeles.

6 A Yes.

7 Q Do you recall last December when you were in  
8 Los Angeles hearing about the arrests that were made in  
9 this case?

10 A No. I will take that back. I am not sure if  
11 I was in Los Angeles or whether I was down in the desert  
12 at the time.

13 Q What desert would that be?

14 A It would be down around the Salton Sea area,  
15 Twenty-Nine Palms.

16 Q When was it that the name Charles Manson first  
17 came to your attention?

18 A Probably sometime after the first of the year,  
19 if at any time, if I ever seen it.

20 Q Do you recall how it was that the name Charles  
21 Manson first came to your attention? Did it have anything  
22 to do with his arrest in this case?

23 A It was probably in the Sunday paper. We usually  
24 take the Sunday paper.

25 Q In the Sunday paper, Mr. Frondorf, do you  
26 recall just generally, in sum and substance, what the story

47  
1 was about?

2 A No, I don't.

3 I think the only thing that I seen in the paper  
4 was some discussion about a home in the desert, in Death  
5 Valley. There was a comment made about it. Other than  
6 that, I don't recall anything.

7 Q Are you familiar with the Death Valley area?

8 A Yes. I have been in there several times.

9 Q When was the last time that you were in the  
10 Death Valley area, Mr. Frondorf?

11 A Last year, '69.

12 Q When in 1969?

13 A In January, February, sometime around there.

14 Q Have you, from time to time -- strike that.  
15 Don't you recall hearing about the arrest that  
16 took place involving Mr. Manson and perhaps others last  
17 December?

18 A I don't believe so.

19 Q When you first heard of Mr. Manson, the arrest --  
20 strike that.

21 Prior to hearing of Mr. Manson, you were,  
22 of course, familiar with the killings that had occurred;  
23 is that correct?

24 A Yes, I was.

25 Q And I am referring to the killings that  
26 occurred at the Tate house and to the killings that

4m8  
1 occurred the following evening at the La Bianca home.

2 A Yes.

3 Q You were familiar with both of those incidents?

4 A Yes.

5 Q And at some later date you became aware of the  
6 fact that Mr. Manson and other persons had been arrested  
7 for those particular killings; is that correct?

8 A Yes.

9 Q But you don't believe that you became aware of  
10 this fact at or around the time of his arrest; is that  
11 true?

12 A Yes.

13 Q It was sometime after his arrest that you  
14 became aware of him?

15 A Yes.

16 Q And this was from reading the Sunday newspaper?

17 A Yes.

18 Q The Los Angeles Times?

19 A Yes.

20 Q Now, in reading the Los Angeles Times, did you  
21 read a story about one of the girls in the case?

22 A I don't believe so.  
23  
24  
25  
26

4-1  
1 Q (BY MR. REIMER:) Do you recall reading a  
2 story about one of the girls by the name of Susan Atkins?

3 A Yes.

4 MR. SHINN: I object on behalf of Susan Atkins. It  
5 is highly suggestive.

6 THE COURT: Overruled, you may answer.

7 THE REPORTER: He answered yes, your Honor.

8 MR. REIMER: May the reporter read back the last  
9 question and answer?

10 THE COURT: Yes.

11 (Whereupon, the reporter reads the record  
12 as follows:

13 "Q (BY MR. REIMER:) Do you recall  
14 reading a story about one of the girls by the  
15 name of Susan Atkins?

16 "A Yes."

17  
18 VOIR DIRE EXAMINATION (Continued)

19 BY MR. REIMER:

20 Q And that story was in the Sunday edition of  
21 the Los Angeles Times?

22 A Yes.

23 Q Might that have been December 14th?

24 A I don't think so.

25 Q Do you recall when it might have been?

26 A After the first of the year sometime.

1 Q Do you recall the sum and substance of the  
2 story that you read?

3 A No, I do not.

4 Q Did it relate to these killings?

5 A I don't think so.

6 Q What did it relate to?

7 A I don't remember, but I don't think it had any  
8 relation to the killings.

9 Q Have you from time to time --

10 A I think what it was about was some remark about  
11 the jail down on Terminal Island, or some other place, but  
12 not in Los Angeles; it was not referring to any jail in  
13 Los Angeles.

14 Q Do you recall the sum and substance of the  
15 discussion of the jail?

16 A No, I don't.

17 Q From time to time when you read of Mr. Manson  
18 or other persons connected with this case in the newspaper,  
19 did these articles attempt to suggest that Mr. Manson and  
20 other persons were perhaps guilty of these killings?

21 A I believe no.

22 Q I'm sorry?

23 A I believe no.

24 Q All right, and in the various articles in the  
25 newspaper that you read, in fact all of them indicated in  
26 sum and substance that Mr. Manson and these other

1 defendants were guilty of these killings, is that correct?

2 A I believe so, yes.

3 THE COURT: I think the question is somewhat mis-  
4 leading. I assume you mean his subjective reaction.

5 Whether the articles in fact suggested it goes  
6 to another question.

7 MR. REINER: Yes, of course. I will amend the  
8 question.

9 Q BY MR. REINER: Sir, with respect to the last  
10 question, you did understand, did you not, that what I was  
11 referring to was your reaction to the story, that is, did  
12 you believe that the writer of the particular story that  
13 you were reading was trying to indicate that Mr. Manson  
14 and these other defendants were guilty of the crimes?

15 A Yes, I believe so.

16 Q All right, now, also from time to time you  
17 heard certain news reports on the radio in connection with  
18 this case?

19 A I cannot remember ever hearing a news report on  
20 the radio because I don't pay particular attention to it.  
21 I am in and out.

22 Q In the evening do you watch any of the television  
23 news shows?

24 A Very seldom, if ever.

25 Q When you do watch these shows, is there any  
26 particular show that you do watch?

1 A Well, I usually watch KABC channel 7 movies  
2 from 6:00 until 7:30; and then I usually go to "This Wide  
3 World," and "You Can Have It," and mostly comedy shows,  
4 things like that.

5 Q Well, in the evening do you watch channel 7  
6 news?

7 A No, I do not.

8 Q Do you watch the news on any of the other  
9 channels?

10 A No.

11 Q Not at all?

12 A No.

13 Q Over the last few months have you heard other  
14 people discussing this case or any of the defendants in  
15 the case?

16 A No.

17 Q With respect to these discussions that you  
18 have had from time to time with your wife, what was the  
19 sum and substance of these discussions as well as you can  
20 recall?

21 A Oh, mainly the trouble that they were having  
22 extraditing from places.

23 Q Are you referring to Mr. Watson in Texas?

24 A Yes, I believe so.

25 Q Did your wife comment on the difficulties  
26 they were having in extraditing Mr. Watson?

1 A No, not especially, no, the conversation just  
2 happened to come up. There was no dialogue or anything  
3 like that. We were not trying to make a point.

4 MR. KANAREK: Your Honor, could the prospective  
5 juror raise his voice just a little bit, I'm having  
6 difficulty hearing.

7 THE COURT: Keep your voice up a little bit,  
8 Mr. Pzondorf, our air conditioner we happen to have on  
9 because of the closeness of the quarters is noisy.

10 MR. KANAREK: Would it be imposing to ask the last  
11 two questions and answers be read back?

12 THE COURT: Read the last two questions and answers.

13 (Whereupon, the reporter reads the record as  
14 follows:

15 "Q Are you referring to Mr. Watson  
16 in Texas?

17 "A Yes, I believe so.

18 "Q Did your wife comment on the diffi-  
19 culties they were having in extraditing  
20 Mr. Watson?"

21 MR. KANAREK: Thank you.

22 Q BY MR. REINER: Sir, in all of the newspaper  
23 stories that you did read, would it be a fair statement  
24 to say that in not a single one did the reporter try to  
25 indicate that Mr. Manson and those defendants were not  
26 guilty, is that correct?

1           A     I don't believe so. I don't think they were  
2 trying to pin it on anybody.

3           I think it was just ordinary, something that  
4 you see in the paper.

5           I did not bear on it. I did not try to stress  
6 any points or anything like that or try to read anything  
7 into it.

8           I say whatever was in the paper, and I have  
9 gotten <sup>it</sup>/now, whatever it was, any comments I might have  
10 made --

11          Q     Were you familiar with the area in the desert  
12 where Mr. Manson and these girls were arrested?

13          A     Yes, I am familiar somewhat with it.

14          Q     What particular part of the desert was that  
15 where they were arrested?

16          A     Around Death Valley.

17          Q     And did you read that in the newspaper?

18          A     I don't believe so, no.

DS-1.

1 Q Where did you receive the information that  
2 they were arrested in Death Valley?

3 A I think it was in the newspaper some time in  
4 January, but not at the time of the arrest.

5 MR. REINER: I have no further questions.

6 THE COURT: Mr. Shinn?

7 MR. SHINN: No questions.

8 THE COURT: Mr. Kanarek?

9 MR. KANAREK: I have no questions, your Honor.

10 THE COURT: Mr. Stovitz?

11  
12 VOIR DIRE EXAMINATION OF MR. FRONDORF

13 BY MR. STOVITZ:

14 Q Mr. Frondorf, have you ever heard of a  
15 magazine or publication known as the Rolling Stone?

16 A No, I never have.

17 Q And in connection with what you have read  
18 the papers did you yourself form an opinion as to whether  
19 or not the defendants were guilty or innocent from reading  
20 that article?

21 A No.

22 Q Now, did you yourself form any opinions as  
23 to whether or not the defendants were more likely to be  
24 guilty from what you read in the newspapers?

25 A No.

26 Q Now, with respect to your jury service here,

5a2.

1 you know that it may take a week or two or even three  
2 weeks to select the jury; you understand that?

3 A Yes.

4 Q Do you think that you can refrain from  
5 reading any newspapers or watching any television shows  
6 or radio shows dealing with this case completely?

7 A I believe so because, as I stated before,  
8 I seldom if ever watch news on television.

9 Q All right, now, assume that you were selected  
10 as a jury and that you were allowed to go on with your  
11 normal routine and not be put in a hotel, do you think  
12 you can still refrain from reading anything about it in  
13 the newspapers, and refrain from watching anything on  
14 television, or listening to it on the radio?

15 A I believe so, yes.

16 Q Now, assume for the moment, assume for the  
17 moment that as the trial goes on you may hear about  
18 Panamint Junction, or you may hear about, say, Inyo County,  
19 and then it refreshes something in your mind that you had  
20 read in the newspapers about that area in connection with  
21 Mr. Manson and the other defendants?

22 A Yes.

23 Q Do you think that you could refrain from  
24 thinking back to what you read in the newspapers and just  
25 go on what you hear in court?

26 A I would do so.

5a3.

1 Q You understand it would be your sworn duty  
2 to be governed just by the evidence in this case?

3 A Yes, I realize that.

4 Q Do you think you will be able to fulfill that  
5 oath to the letter of the law?

6 A I believe so.

7 MR. STOVITZ: I have no further questions.

8 THE COURT: I am going to ask you some questions  
9 that are more or less repetitious of what Mr. Stovitz  
10 and some of the other counsel has asked you, but I want  
11 it to be perfectly clear, and I want you to be perfectly  
12 clear in your own mind as to what the answers are.

13  
14 VOIR DIRE EXAMINATION OF MR. FRONDORF

15 BY THE COURT:

16 Q Do you believe that you are able to put out  
17 of your mind all of the publicity regarding this case or  
18 any of the defendants and consider the testimony in this  
19 case fairly and impartially as though you had never been  
20 exposed to such publicity?

21 A I believe so, yes.

22 Q Do you believe that you are able to fairly  
23 and dispassionately weigh all of the evidence received  
24 during the trial and, in accordance with the instructions  
25 of the Court, base your verdicts solely on the evidence  
26 received during the trial?

5a4.

1 A I believe so.

2 Q Will you give the Court your promise now that  
3 you will do so?

4 A I will, yes.

5 Q Mr. Frondorf, I am going to ask you, I will  
6 put it in the form of an instruction and ask you not to  
7 discuss with anyone, the other prospective jurors, your  
8 wife or anyone else what has been said in here today.

9 Will you follow that instruction?

10 A Yes.

11 THE COURT: All right, sir. Thank you.

12 I believe Mrs. Cora Muehlberger, No. 11 is  
13 next.

14 MR. REINER: Your Honor, there will be a challenge  
15 for cause of Mr. Frondorf.

16 MR. FITZGERALD: Join.

17 MR. SHINN: Join.

18 MR. KANAREK: Join.

19 MR. BUGLIOSI: The People oppose the motion.

20 THE COURT: The challenge will be disallowed.

21 I assume the challenge was for actual bias.

22 MR. REINER: That is correct, your Honor, based upon  
23 the grounds previously enunciated with respect to the prior  
24 challenges for cause.

25 MR. STOVITZ: Does your Honor's ruling still stand?

26 THE COURT: Yes, the challenge is disallowed.

1 (Mr. Frondorf leaves the Court's chambers  
2 and Mrs. Muehlberger enters.)

3 THE COURT: Good morning, Mrs. Muehlberger.

4 I asked you to come in here so that I and the  
5 attorneys may ask you some questions regarding what you  
6 may have learned about the case from reading the newspapers,  
7 hearing the television, reading it in magazines and so  
8 forth, and what if any opinions you may have formed as a  
9 result of anything you have learned about the case.

10  
11 VOIR DIRE EXAMINATION OF MRS. MUEHLBERGER  
12 BY THE COURT;

13 Q Would you tell us first just what you can  
14 recall about what you have learned about the case and  
15 from what source it came?

16 A One would practically have to be blind, deaf  
17 and dumb not to have heard anything about it.

18 I do not read these things, I am not the kind  
19 of person who follows these things very closely. I cannot  
20 help having heard about it. I cannot say I definitely  
21 formed an opinion.

INX.

5B.

5B.1.

1 Q Well, I am not being critical of you when I  
2 asked the question.

3 A I know, I realize that but that is what the  
4 situation is.

5 Q We are simply trying to find out what it is  
6 you have learned and what effect, if any, it had on you  
7 in regard to your opinions about the case or any of the  
8 defendants.

9 I take it you do read the newspapers?

10 A I read the newspapers, yes.

11 Q Have you lived in Los Angeles continuously  
12 during the last year?

13 A Yes, Pasadena.

14 Q Did you find out about the killings about the  
15 time they occurred last August?

16 A Yes, I can remember it; I cannot remember the  
17 date; I was at Boulder at the time, I was on vacation at  
18 the time. The date sticks in my mind.

19 Q Did you read the newspapers every day?

20 A I did not while I was on vacation. I do  
21 most of the time read newspapers.

22 Q Do you watch television?

23 A Not very much.

24 Q Do you watch the television news broadcasts?

25 A Usually once a day.

26 Q Which one, the six o'clock at night?

1           A     Either six or five, whichever one is most  
2 convenient.

3           Q     Have you seen anything on TV regarding the  
4 case?

5           A     Not recently. I have not watched it --  
6 however, maybe I should say, first, I don't see how I  
7 possibly could be sequestered, I have a business, so all of  
8 this would be immaterial, because I have a business and  
9 no one to run it while I am going.

10          MR. STOVITZ: This is the lady who was supposed to  
11 check with her relatives.

12          THE COURT: Yes,

13          MRS. MUEHLBERGER: I did check and they cannot come.  
14 I have no one to leave in the place.

15          THE COURT: I see.

16          MRS. MUEHLBERGER: So all the rest is rather  
17 immaterial.

18          Q     BY THE COURT: What kind of business is it?

19          A     It is a rooming house.

20          Q     And you are --

21          A     I am the owner and operator.

22          Q     -- the owner, manager --

23          A     I have a helper, but I cannot give the  
24 janitor power of attorney to pay the bills and things.

25          Q     Well, let's go on with the questioning.  
26 We will talk about the hardship later.

1 A Thank you.

2 Q Have you read any books or magazines concerning  
3 the case?

4 A No.

5 Q Have you talked with other people about the  
6 case?

7 A To some extent.

8 Q Were these close friends?

9 A Usually members of the family or friends.

10 Q As a result of what you have learned about  
11 the case have you formed any opinion as to the guilt or  
12 innocence of any of the defendants?

13 A No.

14 Q You've got an open mind on that subject?

15 A I feel that I could listen to the evidence  
16 and judge by that.

17 Q You could base your verdicts solely on the  
18 evidence that came out during the trial?

19 A Yes.

20 Q And you could put to one side of your mind  
21 everything that you have learned up until now and --

22 A I think so. I don't know anybody can say  
23 for certain. I will try to.

24 THE COURT: Mr. Fitzgerald.

25 MR. FITZGERALD: I have no questions.

26 THE COURT: Mr. Reiner.

1 MR. REINER: Thank you, your Honor.

2  
3 VOIR DIRE EXAMINATION OF MRS. MUEHLBERGER

4 BY MR. REINER:

5 Q Mrs. Muehlberger, did you have a conversation  
6 with one of the other prospective members of the jury with  
7 respect to a certain book that you were currently reading,  
8 that is in one way or another involved or connected with  
9 this case?

10 A Involved with this case particularly?

11 Q Yes, or these defendants?

12 A No, I haven't read any such book.

13 Q Do you recall having a conversation with Miss  
14 Pahn with respect to a book that you are currently reading  
15 that is in some way either directly or indirectly concerned  
16 with this particular case or any of the defendants in it?

17 A No, I was reading The Godfather, and I  
18 discussed that with her.

19 But it has nothing to do with this case.

20 Q Are you presently reading a book called  
21 Stranger in a Strange Land?

22 A No, I never heard of the book.

23 Q You never heard of the book?

24 A No.

25 Q Are you currently reading or have you recently  
26 read a book called Five to Die?

1 A No, I am not familiar with that book or  
2 that title.

3 Q Are you currently reading or have you recently  
4 read or had in your possession any book concerned with  
5 the killings alleged in this case?

6 A No, I have not.

7 Q Or any of the defendants in this case?

8 A No.

9 Q Do you recall having a conversation with Miss  
10 Pahn with respect to any book other than The Godfather?

11 A I don't recall any.

12 Q You do recall Miss Pahn, though?

13 A Yes.

14 Q Are you familiar with or have you ever heard  
15 of the book Stranger in a Strange Land?

16 A No, I'm not familiar with that. I don't even  
17 know the title.

18 Q Have you heard of the book Five to Die?

19 A No.

20 Q Have you ever heard of a book called The  
21 Sharon Tate Murder Case?

22 A The title sounds familiar.

23 MR. REINER: Strike that.

24 Q A book called The Killing of Sharon Tate?

25 A The title sounds familiar but I have not read  
26 the book.

MR. REINER: I have no further questions.

## VOIR DIRE EXAMINATION OF MRS. MUEHLBERGER

BY MR. STOVITZ:

Q Have you heard of a magazine known as The Rolling Stone?

A Again, the name is familiar but I have not read the magazine.

THE COURT: Just a moment, Mr. Stovitz.

MR. STOVITZ: I am sorry.

MR. SHINN: I have no questions.

THE COURT: Mr. Shinn, no questions?

MR. SHINN: No questions.

THE COURT: Mr. Kanarek.

MR. KANAREK: No questions, your Honor, thank you.

THE COURT: Mr. Stovitz.

## VOIR DIRE EXAMINATION

BY MR. STOVITZ:

Q Just with that one question, have you ever heard of the magazine called The Rolling Stone?

A The name strikes a familiar sound but I have not read the magazine.

Q You have not discussed the contents of the magazine with anyone?

A No.

MR. STOVITZ: No questions.

## VOIR DIRE EXAMINATION

BY MR. BUGLIOSI:

Q Just one more question:

When you say it strikes a familiar sound, could you be thinking of the Rolling Stones recording group, a musical group?

A Possibly, the name sounds familiar.

Q Just the name, not that it is a magazine?

A Yes, the name sounds familiar, that is all I can say, not that it's a magazine.

MR. BUGLIOSI: No further questions.

THE COURT: Thank you, Mrs. Muehlberger.

(Mrs. Muehlberger leaves the courtroom.)

MR. FITZGERALD: There is a problem in connection with this juror.

Mr. Kanarek wishes to preserve the record insofar as his motion not to sequester the jury, and frankly it would be the feeling of all counsel present to enter a stipulation to remove her from the jury.

On the other hand, Mr. Kanarek does not wish to enter into such a stipulation until and unless the issue of the sequestering is cleared up.

Apparently Mr. Kanarek's position is if the jury were not sequestered, then this juror would not have a hardship.

MR. STOVITZ: Maybe we should describe the juror for

the record then, your Honor.

It is our feeling we would tend to get older jurors if we would have to sequester.

Some people, like Mr. Frondorf who is retired, this lady, Mrs. Muehlberger, appears to be in her 60's, appears to be elderly.

She would be the same type of juror that we would get if we were to sequester the jurors.

If the defendants were interested in seeking a younger group of jurors, then of course they would be at a disadvantage, to sequester the jurors if the defendants were interested in seeking a juror who would be more of the working man, wage-earner type, even though they draw a salary like Mr. Reynolds said, he would continue to get pay but his family life would be seriously disrupted.

or like the other gentleman this morning, Mr. Nelson, "I just could not give up seeing my kids."

He indicated he would continue to get paid.

Frankly, your Honor, it is the feeling of the People that the People would also be restricted in getting a group of jurors that we would like to have.

We have not made <sup>known</sup> any intentions yet as to whether we are or not seeking the death penalty, but for the record we have sought permission of Mr. Younger, and it is the feeling of our office that we should seek the death penalty in this case.

jc4  
1 THE COURT: That expression I have always thought  
2 curious, since I don't think what the People seek has any-  
3 thing to do with it. It is for the jury.

4 The law provides that if it is murder in the  
5 first degree the penalty may be death or life imprisonment,  
6 either the jury or the court makes that decision.

7 The People say they seek it; they don't really  
8 add anything.

9 MR. BUGLIOSI: If the People don't seek the death  
10 penalty, your Honor, frequently there is no penalty trial.

11 If no one is seeking the death penalty, if the  
12 prosecution is not seeking the death penalty, 99 times out  
13 of 100 there is not going to be a penalty trial unless  
14 the Court insists on a penalty trial, even though the prose-  
15 cution is not seeking the death penalty, so I think it is  
16 relevant whether or not the People are asking for the  
17 death penalty.

18 THE COURT: I think we are getting far afield now.

19 MR. STOVITZ: We find that all of the older jurors  
20 sometimes are reluctant to vote for the death penalty for  
21 some reason or other.

22 THE COURT: I did not intend this to be a hearing on  
23 the motion not to sequester.

24 We are simply talking about Mrs. Muehlberger,  
25 if counsel care to stipulate on excusing her, fine.

26 MR. STOVITZ: We will stipulate on the hardship

c5  
1 basis.

2 THE COURT: Apparently Mr. Kanarek is not willing to  
3 stipulate. I already denied the motion Mr. Kanrek made  
4 earlier today not to sequester the jury.

5 The record is clear. I denied it without  
6 prejudice to renew it at some later time.

7 MR. STOVITZ: Well, we also feel --

8 THE COURT: My present feeling is that the jury  
9 will be sequestered. I don't anticipate there will be any  
10 change.

11 I am certainly willing to listen to arguments  
12 on both sides.

13 MR. STOVITZ: Seeing now there are no jurors present,  
14 we would like to put our position on the record, and our  
15 position is, your Honor, that unless something happens  
16 whereby any of the jurors were intimidated by either the  
17 prosecution or by cranks, or perhaps by some of the  
18 friends of the defendants, that there would be no need.

19 Now, I know it was the Sirhan case in which  
20 they did sequester the jury. In that case there was a  
21 question that I would consider, a national emergency;  
22 there was a question of security.

23 There was a question, also, that the trial  
24 would be much shorter.

25 They anticipated the maximum of three months  
26 trial of the case testimony, and I think the trial only

took 12 actual weeks of testimony, including the penalty.

It may very well be that your Honor would want to sequester the jury in between the guilt and penalty phase, and that is something else.

We feel this way about it: If at the, say, after going through 50 or 60 jurors, your Honor finds that there is a small selection of jurors that we can reach for this trial, then it might perhaps be too late to recall some of the good jurors that have been excused because of hardship, especially when that hardship deals with the fact that they would be sort of separated from their families, which is a great hardship.

THE COURT: I appreciate the arguments, Mr. Stovitz, and I have considered them at great length. Right now, though, we are concerned with whether or not Mrs. Muehlberger is going to remain on the panel for the time being or not.

MR. KANAREK: Well, your Honor, if I may be heard?

THE COURT: Yes.

MR. KANAREK: There may be a middle ground. If I may, just before we get directly to Mrs. Muehlberger, there may be a middle ground on sequestering.

There are certain aspects, such as phone calls; each one of these people could get unlisted phone calls, there could be a method set up of taking the people to and from their homes by way of County automobile; not the

1 Deputy Sheriffs, but I mean just plain unmarked County  
2 automobiles.

3 In other words, your Honor, if you add up and  
4 balance the cost to the County of putting them in the  
5 Biltmore, I think the transportation to their homes to a  
6 friendly atmosphere, back and forth to the Court, would be  
7 effective sequestering along with the unlisted telephones,  
8 and we would then get jurors who are not eager to sit. In  
9 other words, we would get the truly impartial juror.

10 Any juror who is going to let himself be locked  
11 up for six to eight months has something in mind which I  
12 think is other than complete impartiality. Whatever it  
13 might be, we could argue it either way as to which way  
14 their thinking was. We could have the same effect by  
15 applying a little imagination to keeping the juror away from  
16 the harrassment. That can be easily remedied by taking  
17 them to their homes.

18 I would suggest that perhaps among us we can  
19 work out a program which would be something that would  
20 allow us to have people.

21 I don't know this lady, Mrs. Muehlberger,  
22 whether she is acceptable on other grounds, but just the bare  
23 sequestering is going to divest us of some, perhaps, very  
24 capable and judicial-type jurors, your Honor.

25 THE COURT: Well, that may be true. However, so far,  
26 I am surprised that the percentage of people that are not

1 asking to be excused on hardship grounds is as high as it  
2 is. I think it is remarkably high of people who are willing  
3 to serve, even though it undoubtedly constitutes a hardship  
4 for anyone being locked up for any period of time, being  
5 away from their families, their friends, their jobs; it is  
6 a hardship to all of those people, but apparently there is  
7 a rather high percentage of possible jurors, prospective  
8 jurors, who are willing to do that.

9 MR. KANAREK: But there may be an approach that is  
10 less than this military type security, your Honor.

11 THE COURT: It isn't a military type security.

12 MR. KANAREK: Taking them to the Biltmore and locking  
13 them up. It becomes, your Honor, as I say, we don't wish  
14 to belabor it, but --

15 THE COURT: They are not being put in cages,  
16 Mr. Kanarek. They are being given very fine hotel rooms  
17 and recreational facilities, and they will be taken out on  
18 the weekends for various recreational activities. They will  
19 be permitted to see their families on the weekends.

20 Well, all I want to know now, gentlemen, is  
21 do you wish to excuse Mrs. Muehlberger or not?

22 MR. STOVITZ: Mr. Fitzgerald?

23 MR. FITZGERALD: Prior to that, I would like to  
24 challenge Mrs. Muehlberger for cause, for actual bias,  
25 on the grounds that she has been exposed to prejudicial  
26 publicity.

MR. REINER: Join in the challenge.

1 MR. SHINN: Join.

2 MR. KANAREK: We join.

3 MR. BUGLIOSI: The People oppose.

4 MR. STOVITZ: We oppose the challenge.

5 THE COURT: The challenge is disallowed.

6 MR. FITZGERALD: We will offer to stipulate that she  
7 be removed on the grounds of hardship.

8 MR. REINER: Join in the stipulation.

9 MR. STOVITZ: The People stipulate that she may be  
10 removed on the grounds of hardship.

11 THE COURT: Mr. Shinn?

12 MR. SHINN: Join in the stipulation.

13 THE COURT: Mr. Kanarek?

14 MR. KANAREK: I will join in view of the Court's  
15 order of the sequestering, which is presently the Court's  
16 order on sequestering.

17 THE COURT: All counsel stipulating that  
18 Mrs. Muchiberger be excused, she will be excused for hard-  
19 ship.

20 Would you so inform the bailiff, and then we  
21 will bring in the next -- well, I see it is time for our  
22 recess.

23 MR. SHINN: Your Honor, I have to be in Federal  
24 Court for about ten minutes. May we be excused earlier  
25 today? I will be right back.

26 MR. STOVITZ: Do you mean right now?

MR. SHINN: Right now. I'm supposed to be there at

1 10:00 o'clock.

2 THE COURT: Mr. Shinn--

3 MR. SHINN: I couldn't find a stand-by, today, your  
4 Honor.

5 THE COURT: We will take a 15-minute recess right now.

6 MR. SHINN: I will try to get back in time. So, your  
7 Honor, don't hold me in contempt any more. I will get a  
8 bad reputation.

9 THE COURT: I have not held you in contempt, Mr. Shinn.  
10 You successfully explained your absence the other day.

11 MR. SHINN: I am trying to explain my situation now  
12 ahead of time.

13 THE COURT: I understand. But this trial is going to  
14 have to take priority over everything else. If you have  
15 any other commitment, Mr. Shinn, I suggest that you look  
16 ahead and have some other attorney appear for you.

17 MR. SHINN: Yes. I had one in mind but --

18 THE COURT: We will take a 15-minute recess at this  
19 time.

20 (Recess.)

6A-1.

(Whereupon the Court, all counsel and the defendants resume proceedings in chambers.)

THE COURT: All right. Would you ask Miss Darlene Gayon to come in, please.

MR. KANAREK: Your Honor, before the next prospective juror comes in, I want the record to be clear that we join with Mr. Shinn on his motion in connection with Linda Kasabian, that which has been filed.

THE COURT: Very well.

MR. FITZGERALD: We all do.

MR. KANAREK: Yes.

(Miss Darlene M. Gayon enters the Judge's chambers.)

VOIR DIRE EXAMINATION OF MISS GAYON

BY THE COURT:

Q Miss Gayon, I have asked you to come into chambers here so that the Court and the attorneys may ask you what you may have learned about this case over the past months from the newspapers, television, and so forth, and what, if any, opinions you may have formed as the result of anything you have learned about the case.

Would you tell us, first, what you have learned.

First of all, have you lived in Los Angeles continuously since last August?

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1 A Yes, I have.

2 Q Did you learn about the killings about the  
3 time they occurred?

4 A Yes. When it first came out in the paper.

5 MR. KANAREK: Your Honor, once again, would she  
6 speak --

7 THE COURT: Keep your voice up, please.

8 MISS GAYON: Yes, sir.

9 MR. KANAREK: I didn't hear the last response.

10 THE COURT: Read the last answer.

11 (The record was read by the reporter.)

12 MR. KANAREK: Thank you.

13 THE COURT: Q. Do you subscribe to one of the  
14 newspapers?

15 A No, I don't.

16 Q Do you read the newspaper on a daily basis?

17 A I only read it about once a week. On  
18 Wednesday.

7 fol.

7-1.

1 Q On Wednesday?

2 A Yes. I don't have time to read the paper.

3 Q Do you watch television news programs?

4 A Not as a rule. I did last week just to see  
5 the sketches of the artists, but I don't have a TV myself.  
6 When I am over to some other place I don't  
7 watch news.

8 Q Have you read any magazines or other books or  
9 anything like that?

10 A I have read some writeups in movie magazines,  
11 and that sort of thing.

12 Q Do you recall having read anywhere anything  
13 that purported to be a statement made by any of the  
14 defendants?

15 A No.

16 Q Do you remember what movie magazines you read  
17 that had something in it about this case?

18 A Photoplay, Modern Screen, any of them, really.

19 MR. KANAREK: Your Honor, I could not, I must  
20 confess, I could not hear that last.

21 THE COURT: Read the last answer.

22 (Whereupon the reporter reads the record.)

23 Q BY THE COURT: Did these articles talk about  
24 the case or were they talking about Sharon Tate?

25 A It was mostly about Sharon Tate, and Roman  
26 Polanski, just that sort of thing.

7-2.

1                   It was just about the same thing that was  
2 in the papers except from a movie star's viewpoint, I  
3 guess.

4           Q       Well now, as a result of what you have  
5 learned about this case over the months, have you formed  
6 any opinions as to the guilt or innocence of any of the  
7 defendants?

8           A       I think most of what I read to me is theory,  
9 it really has not been proven.

10                   I would assume they are guilty, but like I  
11 say, it has not really --

12                   I don't know that much about it that anyone  
13 actually saw it being done or that sort of thing.

14           MR. KANAREK: Your Honor, may that last answer  
15 be read back? There were certain key words there that I  
16 did not hear.

17           THE COURT: All right, read the last answer.

18                   Try to keep your voice up a little higher,  
19 please, Miss Gayon.

20                   (Whereupon the reporter reads the record as  
21 follows;

22           "A       I think most of what I read to me  
23 is theory, it really has not been proven.

24                   "I would assume they are guilty, but like I  
25 say, it has not really --

26                   "I don't know that much about it that anyone

7-3.1

actually saw it being done or that sort of thing.")

Q BY THE COURT: Why do you assume that they are guilty?

(No response.)

Are you referring to the defendants now when you say "they"?

A Yes.

Q What makes you assume that they are guilty?

A Just from what I read, everything you read points to that.

Q Well, is this a conclusion that you have drawn from what you have read, or did the material that you read state, or imply that they were guilty?

A I would say it implied it.

Q Is this from a description of what happened, is that what you mean?

A No, not from the description, but from what someone said, that one of the girls told them that they had done this, and it was in the paper, something like that.

THE COURT: Mr. Fitzgerald?

MR. FITZGERALD: Yes, your Honor.

VOIR DIRE EXAMINATION OF MISS GAYON

BY MR. FITZGERALD:

Q You assume that the police arrested the right people?

7-4.

1 A I assume so.

2 Q Then I take it you assume that unless it were  
3 true there would not be that much publicity about the  
4 defendants admitting the crime?

5 A No, not really, they have to have -- they have  
6 to have someone -- they have to have something to go on,  
7 and these names were given to them, so they arrested  
8 them.

9 Q You said that in Photoplay, in Modern Screen,  
10 for example, you read the same thing that was in the  
11 newspaper, is that right?

12 A Approximately, yes.

13 Q Then you did read the newspapers?

14 A I read it at the time the killings happened.

15 Q And that was in August of 1969?

16 A Yes.

17 Q And you did not read anything further about  
18 the case after August in the newspaper?

19 A I may have glanced over it from time to time,  
20 but I don't follow something like that.

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Q Is there a reason for that?

A Mainly that I don't have time to read the paper.

Q All right. Do you drive an automobile?

A Yes.

Q Do you have a radio in it?

A Yes.

Q Do you listen to radio shows, the news shows,  
on —

A No. I listen to KHR, which is mostly music.

Q Do you own a television set?

A No.

Q Do you watch television at somebody else's  
house?

A Yes, I do.

Q Is that a friend or a relative?

A Yes, friends.

Q Do you watch television news shows?

A No, I don't.

Q Have you seen anything on television in connection with this case at all?

A Just the pictures at the time of the killing.

Q Did you see something else recently on television in connection with this case?

A Just the sketches from the artists here.

Q From one of the courtroom proceedings here?

1 A Yes.

2 Q And that is all you saw was the sketches?

3 A Just the sketches of the jurors mainly.

4 I only saw TV last Tuesday and Wednesday, the  
5 6:00 o'clock News.

6 I work two jobs. I don't have time to see  
7 TV.

8 Q Two jobs?

9 A Yes.

10 MR. FITZGERALD: I have nothing further.

11 THE COURT: Mr. Reiner?

12 MR. REINER: No questions, your Honor.

13 THE COURT: Mr. Shinn?

14 MR. SHINN: No questions, your Honor.

15 THE COURT: Mr. Kanarek?

16 MR. KANAREK: No questions. Thank you.

17 THE COURT: Mr. Bugliosi?

18 MR. BUGLIOSI: Yes, sir.

19

20 VOIR DIRE EXAMINATION

21 BY MR. BUGLIOSI:

22 Q Is it Miss Gayon?

23 A Yes.

24 Q Miss Gayon, if you are selected as a juror in  
25 this case, will you be able to set aside any assumptions  
26 you have already made and base your verdict only on the

1 evidence presented in court from the witness stand under  
2 oath?

3 A Yes, sir.

4 Q Do you promise the Judge that you will do that?

5 A Yes, I will.

6 Q And you will give the defendants a fair trial?

7 A Yes, I will.

8 Q And you will give the prosecution a fair trial?

9 A Yes, I will.

10 Q And you are sure that you can exclude from  
11 your mind any preconceived opinions that you might have?

12 A Yes.

13 Q You are positive about that?

14 A I believe so, yes.

15 MR. BUGLIOSI: No further questions. Thank you.

16 MR. STOVITZ: Ask her about the Rolling Stone.

17 MR. BUGLIOSI: Oh, yes.

18 Q Have you ever heard of a news periodical called  
19 The Rolling Stone?

20 A No, I haven't.

21 Q Have you ever heard of it?

22 A No.

23 MR. BUGLIOSI: No further questions.  
24  
25  
26

## VOIR DIRE EXAMINATION

BY THE COURT:

Q Miss Gayon, you say that you assume that the defendants are guilty. Now, from that, don't you believe that it is more likely that they are guilty? In other words, wouldn't you start out the trial with that in your mind, that they are more likely to be guilty than innocent, from everything that you have heard and read about the case?

A No. I think I would go on the evidence in the case as presented. I would go into it with an open mind.

Q Do you think that you can put to one side of your mind everything that you now know about the case and consider only the evidence that comes in during the trial and then base your verdict solely on that evidence?

A I think so because I don't really know that much about it.

Q Would you be willing to follow my instructions to you as to what the law is?

A Yes, sir.

Q Even if your own ideas as to what the law is or should be might differ from the instructions that I give you, you would still follow mine?

A Yes.

8a-1.

1 Q When I first talked to you, Miss Gayon, when  
2 you came into the courtroom with the other prospective  
3 jurors, I mentioned to you that in a criminal trial the  
4 defendants start out with a presumption of innocence; that  
5 is, they are presumed to be innocent.

6 A Yes.

7 Q And that that presumption can only be overcome  
8 by the People proving to the jury beyond a reasonable  
9 doubt that the defendants are guilty.

10 In other words, that burden is a burden that  
11 the State has to prove the guilt of the defendant.

12 A Yes.

13 Q And the defendant has no burden at all. He  
14 or she doesn't have to prove anything.

15 Do you understand that?

16 A Yes, I do.

17 Q Now, some time that concept is strange to  
18 a lay person, who is not familiar with the law. Sometimes  
19 people come in as prospective jurors and they think that,  
20 well, maybe the defendant should do something to prove  
21 his innocence.

22 Would you be willing to follow my instructions  
23 and give each of the defendants the presumption of  
24 innocence?

25 A Yes, I would.

26 Q And would you make the People prove their

7a2,

1 case beyond a reasonable doubt?

2 A Yes.

3 Q And if the People fail to prove their case  
4 beyond a reasonable doubt, would you then be willing and  
5 would you vote for an acquittal?

6 A If they didn't prove --?

7 Q That's right. If they failed to prove their  
8 case beyond a reasonable doubt as to a particular  
9 defendant, or all the defendants, would you be willing to  
10 vote for an acquittal?

11 A Yes.

12 Q And would you do it?

13 A I think so.

14 Q Do you have any question about it? That is  
15 what my instructions would be. Among others, you would  
16 be instructed that if the People fail to prove their  
17 case beyond a reasonable doubt, then it is your absolute  
18 duty to vote for an acquittal.

19 Would you follow that instruction?

20 A Yes, I would.

21 Q Even though the People might have proved their  
22 case in part, in the sense that they might have put on some  
23 evidence which was incriminating, but if you have a  
24 reasonable doubt as to the guilt of any defendants would  
25 you be willing to vote for his acquittal?

26 A If I had a reasonable doubt?

8a3.

1 Q Yes.

2 A Yes.

3 Q Even though there might have been some  
4 evidence that made you suspicious, if you still had a  
5 reasonable doubt, would you be willing to vote for an  
6 acquittal?

7 A If I didn't think that they had really proved  
8 it, I couldn't condemn them.

9 Q And you would be willing to vote for an  
10 acquittal in a case like that; is that right?

11 A Yes.

12 Q And you would do it?

13 A Yes.

14 Q Not only would you be willing to do it, you  
15 would do it; is that right?

16 A Yes, I would.

17 THE COURT: Any further questions?

18 MR. REINER: No.

19 MR. FITZGERALD: No.

20 MR. SHINN: No questions.

21 MR. BUGLIOSI: No questions.

22 THE COURT: All right, Miss Gayon, I am going to  
23 instruct you now not to discuss anything that occurred in  
24 here with any of the prospective jurors or anyone else.

25 Will you follow that instruction?

26 MISS GAYON: Yes.

8a4.

1 THE COURT: All right.

2 MR. REINER: Excuse me, your Honor. There is a  
3 question that I might put to the prospective juror.

4 THE COURT: All right.

5 MR. REINER: Have you ever read a book called  
6 "Stranger in a Strange Land?"

7 MISS GAYON: No.

8 MR. REINTER: Thank you.

9 (Miss Gayon leave the chambers.)

10 MR. FITZGERALD: The defense will challenge this  
11 juror for cause, for actual bias, on the grounds that she  
12 has been exposed to prejudicial publicity.

13 MR. REINER: Join.

14 MR. SHINN: Join.

15 MR. KANAREK: Join, your Honor, and I would like,  
16 if I may, to call the Court's attention to the language in  
17 Bruton vs. The United States, as well as Aranda, wherein  
18 this idea of being able, that is, the jurors' subjective  
19 intent or what they respond, the way they respond is of  
20 no effect as far as what, in fact, the law is.

9fol. 21

-1  
1 For instance, in the Bruton case they use  
2 that simile of telling the little boy to stand in the  
3 corner and not think of a white elephant.

4 I know your Honor -- she is a pleasant lady  
5 and your Honor has asked her certain questions and she  
6 stated certain things.

7 But the law makes it mandatory that your Honor  
8 allow this challenge because she has stated that she is  
9 assuming they are guilty, and this is a much stronger  
10 factual situation than the Aranda or Bruton case where all  
11 you have, really, is just the statements of the co-  
12 defendant, and they are asked to erase them, and the courts  
13 say you cannot do that.

14 And here we have her way behind that, so this  
15 is an a fortiori situation.

16 MR. BUGLIOSI: People would oppose the motion. I  
17 think that if she said she is assuming these defendants are  
18 guilty, I believe that is a candid statement on her part, a  
19 very frank statement.

20 Likewise, when she thereafter said she feels  
21 she will be able to base her verdict solely on the evidence  
22 presented in court, I think that also is a candid statement  
23 on her part.

24 I think the Court should give that last state-  
25 ment just as much weight as the previous statement that she  
26 assumes the defendants are guilty at this time.

-2

1 She has stated clearly and unequivocally that  
2 she will base her verdict solely on the evidence presented  
3 in court; therefore the People would respectfully oppose  
4 the motion to exclude her on the grounds of actual bias.

5 MR. KANAREK: Your Honor, right now she assumes they  
6 are guilty.

7 Right now the presumption of innocence -- she  
8 cannot go into this trial at this point; all of the law  
9 becomes meaningless if she is allowed to be a juror in  
10 this case.

11 THE COURT: Of course you have to take all of her  
12 words together, not just the words she she says she  
13 assumes they are guilty.

14 I agree that statement taken by itself, with-  
15 out being considered with everything else that she said  
16 in response to my questions, would indicate actual bias.

17 However, she also said, for example, that she  
18 thought that what she had read was just theory and has  
19 not been proved.

20 Upon further questioning she said that she  
21 believes that she can't put everything out of her mind,  
22 and base her decision solely on the evidence that comes in.

23 People do not always articulate exactly what  
24 they are thinking. That is why we go through further  
25 questioning and try to elicit exactly what her thinking is,  
26 rather than simply accept her words at face value.

1 MR. KANAREK: But, your Honor, as a matter of law,  
2 Depoali was overruled by the Bruton case, your Honor.

3 our appellate courts have held as a matter of  
4 law that this admonishment, this charade that we go through,  
5 is inadequate, and certainly here it has to be inadequate  
6 if it is going to be inadequate on another mere  
7 admonishment where it is a case where no publicity, and  
8 the Court says, "I don't want you to consider one state-  
9 ment as to this defendant; I don't want you to consider a  
10 co-defendant's statement as to this defendant," and they  
11 reverse on that.

12 This is certainly an a fortiori situation.

13 THE COURT: Of course those cases are talking about  
14 the confessions of a co-defendant.

15 Here we are talking about pretrial publicity.

16 MR. KANAREK: But we are still dealing with the same  
17 behavior of the human mind, your Honor.

18 THE COURT: That's right, we are concerned with the  
19 state of her mind, that is the problem.

20 MR. KANAREK: There is no question but what this is  
21 a stronger case than the factual setup as set out in  
22 Bruton, for instance.

23 THE COURT: Well, there is no rule that requires  
24 me as a matter of law to disqualify her or to allow the  
25 challenge unless I find actual bias.

26 I don't find it here. I don't find actual  
bias notwithstanding her initial statement.

9A-1.

1 MR. KANAREK: What it does, it means that the  
2 juror then decides it.

3 If the juror is sophisticated and wants to  
4 be on the case and makes the right statement, then you  
5 get a juror who then decides it for the Court, by making  
6 certain statements, your Honor.

7 THE COURT: Well, I don't agree with that, Mr.  
8 Kanarek. Actually I have to consider what the prospective  
9 juror says.

10 But I have to analyze what he or she is  
11 saying in terms of whether they really mean it, whether  
12 or not they are articulating what they believe.

13 People often use words; you can tell in the  
14 context in which they are used that the words they have  
15 selected to express themselves are not really expressing  
16 the idea that they hold.

17 I am not convinced at all that she literally  
18 means what she stated initially, that she assumes the  
19 defendants are guilty.

20 I think that at best was a mis-description  
21 of what her state of mind is based upon the further  
22 questions and answers that came out.

23 MR. SHINN: May I be heard, your Honor?

24 THE COURT: Yes.

25 MR. SHINN: I think the test we should use, the  
26 Court should use is the reasonable likelihood that she might

9a2.

1 be prejudiced, your Honor, not that she is wrong.

2 We used to call identifiable prejudice.

3 I think the cases now hold that the Court  
4 must, if there is a reasonable likelihood that she may  
5 have been prejudiced, that the Court must grant the motion  
6 for cause, your Honor.

7 In this case here it clearly demonstrates,  
8 your Honor, she said that she assumed they were guilty.

9 There is a very strong reasonable likelihood  
10 she may be prejudiced, your Honor. We don't have to go  
11 back to the old rule. We have to identify positively  
12 the prejudice in order to have a juror dismissed.

13 I think that comes down from *Stovle vs.*  
14 *California.*

15 It is an old case, there must be an identifiable  
16 prejudice before the courts may excuse the juror.

17 A later case came down, *Estes vs. Texas*,  
18 I think the one Mr. Reiner cited, *Rideau vs. Louisiana*;  
19 all of those cases, I think most of these recent cases  
20 now point to that direction of the reasonable likelihood  
21 that she is prejudiced.

22 So I believe this juror clearly demonstrates  
23 she is prejudiced.

24 There would be a reasonable likelihood that  
25 she is prejudiced.

26 MR. KANAREK: Your Honor, I don't think we should

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lose perspective of another point here:

If this were a case coming through your Honor's court wherein it wasn't this case, with the most minimum of contact, the Court would exclude, and we cannot lean over backwards to try to find people and try to synthetically qualify them.

And that is the tendency in these proceedings, your Honor, because there is such overwhelming publicity, that the Court may be grabbing at straws to try to find a reason why notwithstanding everything that has happened as far as the jurors' state of mind is concerned, and I can see where the Court could go down that mistaken path because the Court has a desire to get on with the case.

But we are losing sight of the fact that the best juror so far in this case would be disqualified in any other case for even having heard what they heard.

And so --

THE COURT: I cannot agree with that.

MR. KANAREK: It's a relative aspect.

THE COURT: I cannot agree with that, Mr. Kanarek, there is no change in the standards, not so far as I am concerned at least, in this case or any other case. If a juror has actual bias and he is challenged, it comes to my attention, he will be excused.

MR. KANAREK: To allow a juror who says she assumes the people are guilty to be a juror, your Honor, is a

9a4.

1 denial of due process under the Fourteenth Amendment,  
2 a denial of a fair trial and a denial of -- and all of  
3 this coming about because of State action.

4 THE COURT: If in fact it is true, yes, if the fact  
5 it is true that she has actual bias, yes.

6 Well, I think it is a close one. I think  
7 because it is close I will allow the challenge in this  
8 case, notwithstanding the fact that I have some serious  
9 question in my own mind that she really meant what she  
10 said.

11 MR. KANAREK: Thank you, your Honor.

12 THE COURT: All right.

13 Miss Darlene Gayon will be excused, Mr.  
14 Darrow, Miss Gayon, No, 12 is being excused on a challenge  
15 for cause.

16 We will recess at this time until 2:00 p.m.

17 (Adjournment taken to the hour of 2 p.m.  
18 of the same day, Monday, June 22, 1970.)  
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LOS ANGELES, CALIFORNIA

MONDAY, JUNE 22, 1970

2:06 P.M.

- - -

(Whereupon the following proceedings were had in open court, all counsel and defendants being present.)

THE COURT: All parties and counsel are before the Court.

Mr. Shinn, I have read and considered your motion for permission to interview Linda Kasabian.

Do you wish to be heard on the motion?

MR. SHINN: Just shortly.

MR. STOVITZ: Does your Honor feel that this should be in the presence of the prospective jurors?

THE COURT: Yes.

MR. EUGLIOSI: May we be heard on this, on the issue of whether it should be heard in front of the prospective jurors?

THE COURT: I don't think there is any question about it. We can't conduct the trial out of the presence --

MR. EUGLIOSI: This has nothing to do with the trial, your Honor.

This is something preparatory to the trial, it does not concern the trial itself.

This is not evidence in front of a jury.

MR. STOVITZ: There may be an offer of proof

1 necessary, which is commonly heard outside of the presence  
2 of the jury, your Honor.

3 MR. BUGLIOSI: I earnestly request that you hear  
4 the matter outside the presence of the jury, or at least  
5 hear the People's position why it should be heard outside  
6 of the presence of the jury.

7 MR. SHINN: Your Honor, I am prepared to go ahead,  
8 It will be very short.

9 THE COURT: Are you asking that it be heard outside  
10 of the presence of the prospective jurors, Mr. Shinn?

11 MR. SHINN: No. It should be heard in open court.

12 MR. BUGLIOSI: May we approach the bench, your  
13 Honor?

14 THE COURT: I don't think so, Mr. Bugliosi.

15 Are you opposing the motion?

16 MR. BUGLIOSI: We are opposing the motion.

17 The reasons why we are opposing the motion,  
18 your Honor, I think should be heard outside of the presence  
19 of the prospective jury.

20 MR. KANAREK: Your Honor --

21 THE COURT: Well, my inclination is that the motion  
22 should be granted provided that counsel have the permission  
23 of Miss Kanabian's counsel of record in this case prior  
24 to each interview.

25 MR. BUGLIOSI: All right. With that proviso, your  
26 Honor, then we don't have any objection.

THE COURT: Very well. Go ahead, Mr. Shinn, I  
want to hear your argument.

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1 MR. SHINN: Your Honor, in view of the fact of what  
2 I just stated, that we must get permission from  
3 Miss Kasabian's attorney to interview Miss Kasabian, I had  
4 a conversation with her attorney on Friday, June 19th,  
5 1970, and I also had a conversation with Captain Carpenter,  
6 and I called Captain Carpenter first and I inquired whether  
7 or not I could come up and interview the witness,  
8 Linda Kasabian.

9 He informed me I would have to get permission  
10 from her attorney, Gary Fleishman, so I just put in a call  
11 to meet with Gary Fleishman.

12 He was kind of belligerent and threatened to  
13 take me to the bar for talking to his client.

14 I explained to him since Linda Kasabian is now  
15 a witness, that neither party has a right to -- I mean  
16 either party has a right to interview Linda Kasabian, and  
17 I believe the District Attorney's office has already inter-  
18 viewed her.

19 So I thought that we, the defendants' counsel,  
20 should have an opportunity to interview her.

21 And then he sent me a letter saying that if I  
22 attempted to talk to Linda Kasabian, that he would report  
23 me to the State Bar.

24 In other words, it is an implied threat. I  
25 believe that the Court is well aware of the fact that  
26 eye witnesses don't belong to either party, and both

1 parties have a right to interview this witness.

2 Now, I believe I stated in my written motion  
3 that cases have held that a witness does not belong to any-  
4 one, and we have a right to go into her background for  
5 reason of credibility at the time she takes the stand.

6 Now, if the Court is going to say that we can-  
7 not interview Miss Kasabian without her attorney's consent,  
8 then this case law and the law is meaningless, your Honor.

9 I feel in this case that she is going to be a  
10 state's witness, and I believe that the District Attorney  
11 has declared that, and in view of the fact that she is a  
12 witness I believe that under due process, your Honor,  
13 defendants' counsel should be allowed to interview her  
14 without interference by her attorney, Gary Fleishman.

15 THE COURT: Miss Kasabian may be a witness in this  
16 case, I don't know, but she's also a party and she is  
17 represented by counsel.

18 The Court has no authority to order her to  
19 talk to anyone.

20 You may and should have the right to interview  
21 her providing her counsels are willing to give their  
22 consent to such interview.

23 That is a matter between you and her counsel.

24 MR. SHINN: Your Honor, then, this law set forth  
25 regarding witnesses by the State courts and the United  
26 States Supreme Court is meaningless, your Honor.

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1 All we have to say then is that we don't want a  
2 defendant's counsel to talk to a witness; all they have to  
3 do is appoint an attorney for the witness, and we would be  
4 at a disadvantage because we don't know her background,  
5 and how could we attack her credibility in the event we  
6 want to attack her credibility?

7 THE COURT: You asked me for an order. I am willing  
8 to give you the order which I have the power to make. I  
9 cannot go beyond that, Mr. Shinn.

10 MR. SHINN: May we then continue this matter to,  
11 say, about next week so we may file documents and bring in  
12 Gary Fleishman and inquire whether or not he would give  
13 us permission.

14 THE COURT: No, that is a matter for you to take up  
15 with Mr. Fleishman.

16 MR. SHINN: Your Honor, in other words, the Court is  
17 tying our hands at this moment, Your Honor.

18 THE COURT: The Court is not tying your hands, sir,  
19 but this woman is represented by an attorney. The Court  
20 has no power to compel her to speak to you or anyone else.

21 The defendants are granted permission to inter-  
22 view Linda Kasabian at the Sybil Brand Institute during  
23 normal visiting hours, providing consent for such inter-  
24 view is first obtained from her counsel in the case.

25 That order is applicable to all of the defen-  
26 dants including, of course, Mr. Manson, Mr. Kanarek.

1 MR. KARAREK: As far as it goes we thank the Court,  
2 your Honor. However, we ask your Honor to analyze the  
3 situation in the attorney-client relationship.

4 Now, Linda Kasabian has a lawyer because she is  
5 a defendant in this action.

6 The District Attorney is not supposed to play  
7 games, your Honor, and therefore we make the motion, once  
8 again, if we may, that the District Attorney at this time,  
9 if she is going to be granted immunity, if she is going to  
10 be granted immunity, that the District Attorney approach the  
11 Court, get the immunity, because it is our belief that  
12 once that immunity is actually granted her lawyer has no  
13 standing to keep her from being interviewed, because the  
14 only purpose she has a lawyer for is to give her legal  
15 protection in this criminal case.

16 And his advice to her, not to speak, would be  
17 meaningless and would be without any legal effect if she  
18 were granted the immunity, because if she is granted immuni-  
19 ty there is no reason for a lawyer or a plumber or anybody --  
20 or anybody -- to tell her not to talk.

21 And anybody that did that would be impeding the  
22 process of this Court -- any more than a witness who the  
23 prosecution wishes to talk to can avoid coming to court  
24 and can avoid being interrogated if that particular witness  
25 has testimony to offer.

26 MR. STOVITZ: Submit it, your Honor.

1 MR. KANAREK: I believe, your Honor, that there is  
2 merit in our position that the District Attorney is not  
3 granting this immunity; they cannot hold us like the Sword  
4 of Damocles over our heads.

5 We don't know whether she is a defendant or  
6 whether she is a witness.

12-1.

1 THE COURT: Well, the immunity is granted by the  
2 Court if and when an application is made and it appears  
3 to the Court that it should be granted.

4 No such application has been made. I know  
5 of no power in this Court to require the People to make  
6 such an application.

7 MR. KANAREK: But then, your Honor, the prosecution  
8 can play --

9 THE COURT: Nor is there any power in the Court to  
10 require a witness to accept it.

11 MR. KANAREK: The Court can do this: The Court has  
12 the power to say to the prosecution: Either you grant  
13 the immunity or you are going to be foreclosed from using  
14 this lady as a witness.

15 Your Honor, we desperately need to prepare  
16 for this defense, and to go out to Sybil Brand and just  
17 go through a routine which is meaningless, because Mr.  
18 Fleischman at this point, your Honor, has indicated what  
19 his position is, but he will have no legal basis for it  
20 if your Honor grants the immunity.

21 MR. STOVITZ: I submit, your Honor, that a witness --  
22 any witness -- whether represented by counsel or not --  
23 does not have to talk to anybody if she or he does not  
24 desire to do so.

25 This Court cannot order a witness to be  
26 interviewed by these defendants if that witness does not  
want to be interviewed by them, and I submit that

12-2.

1 counsel's objections and the statements against the Court  
2 order is meaningless.

3 We submit it, your Honor.

4 MR. KANAREK: Your Honor, if I may. The point is  
5 that if she were on the street, if she were in her own  
6 home, her lawyer doesn't own her, your Honor. The focus  
7 upon this, just because she happens to be in custody,  
8 incommunicado, held incommunicado, it is just obvious  
9 that we should have the same access to her as if she were  
10 living in her own home.

11 THE COURT: You do have the same access. That is  
12 what my order purports to say, purports to give you.

13 She would have the right to refuse whether  
14 she was represented by counsel or not.

15 MR. KANAREK: Let's say she was in her own home and  
16 living at home, and Mr. Fleischman is off in San Francisco.

17 Does your Honor say that if she were living  
18 in her own home and I wanted to talk to her and Mr.  
19 Fleischman said I couldn't and she were granted immunity,  
20 that I would be violating some kind of law or order or  
21 rule by speaking to her when his counsel to her would be  
22 meaningless? It serves no purpose. She can't be  
23 prosecuted.

24 The only thing that could happen would be,  
25 your Honor, the suppression of evidence by the relation  
26 of Mr. Fleischman and the District Attorney's Office. They

1 are combining to misuse the State power as declared in  
2 Brady vs. Maryland and People vs. Keoyo, on the general  
3 principle that you are not supposed to suppress evidence.

4 MR. STOVITZ: Your Honor, this is the reason why  
5 we wanted the meeting outside the presence of the prospec-  
6 tive jurors.

7 Counsel has a big mouth and he can use  
8 the words "suppression of evidence" a hundred times, but  
9 we are not obstructing justice and we want the Court to  
10 know that.

11 MR. KANAREK: That is a gratuitous statement.

12 THE COURT: All right, Mr. Kanarek. I have already  
13 ruled. You have the order.

14 MR. KANAREK: Would it be in contempt of Court,  
15 your Honor, if I wanted to speak to her, without getting  
16 Mr. Fleischman's permission? I want to know that, your  
17 Honor, because I believe that the order --

18 THE COURT: According to Mr. Shinn, the Captain out  
19 at Sybil Brand would not -- did you say that you had  
20 tried to interview her, Mr. Shinn?

21 MR. SHINN: Yes. I did call on the telephone and  
22 asked whether or not I could interview her, and he told  
23 me that I would have to get the permission of Mr.  
24 Fleischman first. In other words, he denied it.

25 THE COURT: You would not be in contempt of Court,  
26 Mr. Kanarek. I have given you the Court order. You have

1 a right to interview her if you get the consent of counsel.

2 MR. KANAREK: But let's say that I go out there to  
3 try and interview her without the permission of Mr.  
4 Fleischman. Would your Honor view that as a contempt of  
5 the Court order?

6 THE COURT: I don't think there would be a contempt  
7 because, apparently -- well, in fact, the officials at  
8 Sybil Brand would not permit you to interview her without  
9 that consent.

10 MR. KANAREK: Then, as a result of State action,  
11 evidence is being suppressed, because the officials at  
12 Sybil Brand are deputy sheriffs, and State action is being  
13 used to deprive us of the opportunity, and we allege that  
14 it is a violation of --

15 THE COURT: No, there is no State action, sir.

16 MR. KANAREK: Captain Carpenter is a Deputy Sheriff,  
17 and his action is State action.

18 THE COURT: He is simply protecting her rights.  
19 She has rights also.

20 MR. KANAREK: Well, your Honor, what I am saying is  
21 that she is still a flesh and blood human being, even  
22 though this is "The case of the century," according to  
23 Mr. Bugliosi.

24 THE COURT: There is no point in going over the  
25 same argument again and again, Mr. Kanarek. You have the  
26 order. I cannot order her to talk if her counsel does

1 not want her to talk or if she does not want to talk.

2 It is no different than any other case,  
3 No witness can be compelled to talk to defense counsel,  
4 or the prosecution, for that matter.

5 They are equally available to both sides if  
6 they want to be interviewed.

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1 MR. WATSON: Then, your Honor, may I have a ruling on  
2 my request that the Court order the District Attorney to  
3 make the election, that they either present -- there is no  
4 logical reason why they can't present the immunity to the  
5 Court now except that they are using it for their own  
6 advantage; I will ask the Court make its order saying  
7 that Linda Tasabian cannot be used as a witness against  
8 Mr. Watson.

9 I move that the Court order that the District  
10 Attorney make that election at this time, your Honor.

11 THE COURT: The motion will be denied.

12 Now, we have two vacancies in the jury box.

13 Will you call the next two names.

14 THE CLERK: Mrs. Eva S. Cohn; E-v-a, C-o-h-n.

15 Mrs. Mariol C. Lehman, M-a-r-i-o-l,  
16 L-e-h-m-a-n.

17 THE COURT: Mrs. Cohn, have you heard and understood  
18 everything that has been said in court since you came into  
19 this court?

20 A I believe I have.

21 THE COURT: Are you willing to serve as a juror in  
22 this case if you are selected?

23 MRS. COHN: Well, I couldn't do it because I am  
24 employed. I couldn't give all that time to it.

25 THE COURT: What is the nature of your employment?

26 MRS. COHN: I work in the payroll department.

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THE COURT: For whom?

MRS. COHN: For the May Company.

THE COURT: For the May Company?

MRS. COHN: Yes.

THE COURT: Which branch is that?

MRS. COHN: Well, it is the downtown store.

THE COURT: How long have you been there, Mrs. Cohn?

MRS. COHN: About 7-1/2 years.

THE COURT: Do you know what their policy is with respect to compensation while you are serving on a jury?

MRS. COHN: Well, I get paid my full compensation and turn in what I get from here to the firm, but I think it only applies to one calendar month.

THE COURT: Have you specifically asked them that question?

MRS. COHN: I haven't.

THE COURT: Would you do that?

MRS. COHN: I will.

THE COURT: If that matter were cleared up, Mrs. Cohn, is there any other reason why you would not be able to serve?

MRS. COHN: Well, no, not really.

THE COURT: Mrs. Lehrman, are there any unusual circumstances which would make this an undue hardship for you to serve?

MRS. LEHRMAN: Well, as far as getting paid goes,

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1 I have questioned my employer and I would get paid for  
2 the time, but I do have a family at home and it would be  
3 hard to be away from them for any length of time.

4 THE COURT: Do you have young children?

5 MRS. LEHRMAN: I have one young daughter.

6 THE COURT: How old is she?

7 MRS. LEHRMAN: 15.

8 THE COURT: Do you have older children at home?

9 MRS. LEHRMAN: No.

10 THE COURT: All right.

11 I am going to ask each of you the same two  
12 questions I put to the other jurors regarding the death  
13 penalty.

14 First, Mrs. Cohn, do you entertain such  
15 conscientious objections regarding the death penalty  
16 that you would be unable to make an impartial decision as  
17 to any defendant's guilt without regard to the evidence  
18 developed during the trial of this case?

19 A No, I do not.

20 THE COURT: Do you entertain such conscientious  
21 opinions regarding the death penalty that you would  
22 automatically refuse to impose it without regard to the  
23 evidence developed during the trial?

24 MRS. COHN: No, I wouldn't.

25 THE COURT: Would your answer to either of those  
26 questions be yes, Mrs. Lehrman?