

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. 1004

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

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1                   Stories about crimes and so forth, just  
2 do not attract my attention.

3                   I listen to the news each day, but I don't  
4 know about this particular case or what took place.

5           Q       Have you followed in detail the news accounts  
6 of this particular case?

7           A       No, sir, it has not interested me.

8           Q       When did you first find out that there had  
9 been some killings?

10          A       I heard over the news flash when they said  
11 the people had been murdered.

12          Q       That was at or about the time it happened?

13          A       Yes, sir.

14          Q       August of 1969?

15          A       Yes, sir, yes, sir.

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1 Q Have you read some newspaper accounts of the  
2 trial since then?

3 A No, none whatsoever, except the ones that have  
4 been happening in court since I came in court.

5 I looked at the one here when I came in court,  
6 that is about it, after I was assigned to the case here  
7 which was really nothing more than the court proceedings.

8 Q Have you watched television news accounts of the  
9 case?

10 A No, because when I get home I've got small  
11 kids and I very seldom get to watch the news.

12 I go to bed before the 11:00 o'clock news comes  
13 on.

14 A sports item, or something like that, I  
15 listen to baseball scores, something like that, but not  
16 just news.

17 Q Have you ever read or heard anything which was  
18 represented to be a statement made by any of the defendants?

19 A No, sir.

20 Q As a result of what you have learned -- well,  
21 before I ask you that question:

22 Do you know the names of any of the victims  
23 in the case?

24 A The ones you mentioned out here at the beginning  
25 of the court.

26 Q Had you heard those names before I mentioned

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them?

A Just the one, Mrs. Tate was the onliest one.

Q You had heard the name of Tate or Sharon Tate?

A Yes.

Q Was that from the newspapers?

A From newspaper accounts and from looking in the movie section, after they brought her picture back down, in other words that is all we saw in the newspaper afterwards, Sharon Tate, that she had died.

Mostly that was in the theatre section.

Q Do you remember reading anything about the details of the crimes themselves?

A No, I never did read any details about them.

Q Do you know where it occurred?

A No, sir.

Q Have you formed any opinion regarding the guilt or innocence of any of these defendants?

A No, I didn't, sir, because I don't know who they are or how they came to be involved in the crime or anything like that.

I don't know anything about that, so I cannot therefore associate any guilt or innocence to them.

Q Do you think that if you were selected as a juror in this case that you would be able to put aside from your mind everything that you have heard about the case and decide the case solely on the basis of the evidence



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1 that comes out during the trial?

2 A Yes, sir, because I heard very little about the  
3 case. I don't know much about the case.

4 Q Would you follow the Court's instructions, all  
5 of them, on what the law is, even though your own opinion  
6 as to what the law is or should be might be different?

7 A Yes, sir.

8 THE COURT: Mr. Fitzgerald?

9 MR. FITZGERALD: I have no questions of this  
10 juror.

11 THE COURT: Mr. Reiner?

12 MR. REINER: Thank you, your Honor.

13  
14 VOIR DIRE EXAMINATION

15 BY MR. REINER:

16 Q Mr. Nelson, have you subscribed to the  
17 Los Angeles Times since last August?

18 A Yes, I have, because I have been subscribing to  
19 it ever since 1967.

20 We subscribed to it just in the fall, for the  
21 football season.

22 After football season was over we used to  
23 cancel the paper come January and February.

24 This last year we continued to take the paper  
25 because we got tired of cancelling it.

26 We read, say, about the Rams. I start reading

1 pre-season. During the season time you build it up, you  
2 cannot wait for the games, so as football fans, that is  
3 when we subscribe to the paper.

4 Q I understand. When you do get the newspaper,  
5 though, even before you read the sports section --

6 A Yes.

7 Q -- you are aware of the headlines?

8 A Yes, I glance at the headlines, but really I  
9 usually read the far left-hand corner. They have got a  
10 little human interest column there. I thumb through and  
11 maybe look at the cartoons, and maybe in the political  
12 section.

13 They have got a front section of the paper;  
14 they have a human interest story there about something,  
15 whatever, and I look through that and I read the political  
16 cartoons.

17 After that I drop that section and maybe look  
18 at what ships are in port, something like that.

19 I go to the sport section; I read in detail  
20 everything in the sport section.

21 The classified section, I might look over  
22 what jobs are available just to be curious, or the price of  
23 a car to see how much my car has depreciated, what my car  
24 is selling for at that time.

25 Rather than that we keep the paper because we  
26 have small kids, we take the paper around our house. If we

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1 don't have a paper we have to go down to the store and buy  
2 one.

3 At the end of the week a lot of people have  
4 paper left over, but ours goes out in the trash. We use it  
5 each day, as far as the kids and things like that, otherwise  
6 we pay 10 cents a day to mop the spills of the kids.

7 Q Looking at the headlines you learned a great  
8 deal of Mr. Manson without having read the stories?

9 A Really, I cannot recall one headline that has  
10 come up for court trial or something like that.

11 Q Apart from anything you may have read in the  
12 newspaper or seen on television or even heard on the radio,  
13 just going about your normal activity during the day --

14 A Yes.

15 Q -- you heard Mr. Manson's name mentioned by  
16 people?

17 A Yes.

18 Q And the general context of it is that Mr. Manson  
19 and these girls, and so forth, killed Sharon Tate and these  
20 other people at that home.

21 Would that be a fair statement?

22 A As far as the statement, I could not say whether  
23 it is fair or not because I don't know.

24 I don't even know how they were associated with  
25 them, because I was never interested in the case and really  
26 I could not say.

1 I could say I could care less who killed them  
2 at the time because there were a lot of people who like to  
3 read a story like that. I have no interest in it at all.

4 Q I appreciate that. I am not exactly inquiring  
5 into your state of mind at this point, but just going  
6 about your normal activities and having heard other  
7 people mention Mr. Manson, would it be a fair statement  
8 to say the sum and substance, without reference to the exact  
9 words, the sum and substance of the words, of the remarks  
10 you heard other people make was to the effect that  
11 Mr. Manson and these girls had killed these people?

12 A I wouldn't say that is a fair statement. No  
13 one came up to me and said they killed them.

14 Q Have you heard Mr. Manson's name mentioned at  
15 all by the people?

16 A Yes, yes.

17 Q Just generally, what did they say, again without  
18 reference --

19 A Generally, since I came down here to be a juror,  
20 I go back to work, like last week, I went back to work  
21 Monday, they said, "Well, the newspapers said, well, they  
22 are going to start selecting a jury; you might be down  
23 there." I said, "Yes, I am on jury duty down there."

24 I don't know, that's about the only thing I  
25 heard, the thing came up for selection of jury, that is  
26 the only thing I heard.

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1 MR. REINER: Thank you very much.

2 THE COURT: Mr. Shinn?

3 MR. SHINN: No questions.

4 THE COURT: Mr. Kanarek?

5 MR. KANAREK: No questions.

6  
7 VOIR DIRE EXAMINATION

8 BY MR. STOVITZ:

9 Q Mr. Nelson, have you ever heard of a publication  
10 known as The Rolling Stone?

11 A No, sir; no, sir.

12 Q Have you ever heard of a singing group known as  
13 the Beatles?

14 A Yes, everybody has heard of the Beatles.

15 Q Have you ever read anything in the newspapers  
16 concerning the Beatles and this case?

17 A No, sir, no.

18 Q Do you know of your own knowledge what you may  
19 have read or heard on television or radio, how many people  
20 were killed?

21 A No, sir. The names that he mentioned, there was  
22 quite a few.

23 I really don't know the defendants' names, all  
24 of them. I cannot say all their names out.

25 Q Do you know what month Mr. Manson was arrested?

26 A No, I don't. I could not say.

Q Assume for the moment that if you were selected as a juror and you were sitting in this case, all of a sudden you hear something from the witness that is sworn and testifies, and that did not jibe with something that somebody might have said to you, or something you might have read in the paper, do you think you could separate from your mind what you heard from the witness stand as opposed to what somebody might have told you?

A Yes, I could, very definitely.

Q You understand that is very important?

A Yes, I understand.

Q Because the defendants and the People are entitled for your decision to be based only on the evidence in this case.

A Yes, sir, what I hear in the courtroom.

MR. STOVITZ: No further questions.

THE COURT: All right, sir, thank you, Mr. Nelson.

I will ask the bailiff to escort you back into court and we will take a 15-minute recess at this time.

(At 11:00 a.m. a 15-minute recess was taken until 11:15 after which the following proceedings were had:)

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(The following proceedings resumed in the chambers of the Court; all the defendants and their counsel and the Deputy District Attorney being present, outside the presence and hearing of the prospective jurors.)

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

Will you ask Mrs. Eva Cohen to come in, please.

MR. REINER: Your Honor, if I might remind the Court, Mrs. Cohen, I believe, was a prospective juror who said she was not certain whether she could serve, whether it would be a hardship. She would check with her employer, I believe.

THE BAILIFF: Have a seat over there, please.

THE COURT: Good morning, Mrs. Cohen.

MRS. COHEN: Good morning.

VOIR DIRE EXAMINATION OF MRS. COHEN

BY THE COURT:

Q Did you indicate, Mrs. Cohen, earlier that you might have some problem with regard to serving as a juror in this case?

A Yes, I did.

Q What is your situation?

A I called on my boss and he said they will not



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1 pay for more than one month.

2 Q What company do you work for?

3 A The May Company.

4 Q Well, did you indicate to him that if you  
5 were called as a juror that you might be required to serve  
6 longer than a month?

7 A Yes, I did, but he told me that as far as he  
8 knew that was their policy.

9 Q As far as he knew --

10 A -- that was their policy.

11 Q Then if your compensation was terminated  
12 after a month would that constitute a hardship on you?

13 A Yes, it would

14 MR. FITZGERALD: We will offer to stipulate that  
15 this prospective juror may be excused.

16 MR. REINER: So stipulated.

17 MR. SHINN: So stipulated.

18 MR. KANAREK: So stipulated.

19 MR. STOVITZ: So stipulated.

20 THE COURT: On the basis of the stipulation of all  
21 counsel, Mrs. Cohen, you will be excused. Thank you.

22 MRS. COHEN: Thank you.

23 (Mrs. Cohen leaves the chambers of the Court.)  
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1 THE COURT: Will you ask Mr. Darrow to call the next  
2 prospective juror.

3 (A prospective juror enters the chambers.)

4 THE COURT: Good morning.

5 THE CLERK: The prospective juror's name is Elzie K.  
6 Black; E-l-z-i-e, B-l-a-c-k.

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8 VOIR DIRE EXAMINATION OF ELZIE K. BLACK

9 BY THE COURT:

10 Q Mr. Black, have you heard and understood  
11 everything that has been said in court since you came on  
12 the case?

13 A Yes, sir.

14 Q As I indicated to the panel yesterday before we  
15 adjourned, the attorneys estimate in this case that the  
16 trial will take somewhere between three and five months.  
17 No one knows exactly how long. This is after the jury  
18 selection. And I further indicated that the jury would be  
19 sequestered after the jury is selected.

20 Are you willing and able to serve as a juror in  
21 this case if you are selected as one?

22 A I have only one thing that may come in conflict  
23 with it.

24 Q Will you keep your voice up, please, so all  
25 the attorneys can hear you?

26 A I have only one thing that may come in conflict

1 with it.

2 Q Yes?

3 A I am a diabetic, so I have periodical visits to  
4 the doctor.

5 Q Do you visit the doctor or does he come to you?

6 A I go to him.

7 Q Does this involve your taking of shots or just  
8 a physical examination?

9 A Just a physical.

10 Q How often do you have to go?

11 A Every three or four weeks.

12 Q Every three or four weeks?

13 A Yes, sir.

14 Q Well, that, I don't think, would present any  
15 insurmountable problem. You could be escorted out by one  
16 of the deputies and taken out to your doctor.

17 A This is the only problem I have.

18 Q Other than that, in other words, if arrangements  
19 were made so that you were driven out to your doctor --  
20 where is he, in Los Angeles here some place?

21 A Yes.

22 Q Every three or four weeks, would that take care  
23 of your hardship problem?

24 A Yes.

25 Q I take it, then, apart from that, you would  
26 be willing to serve if you were selected?

1 A Yes.

2 Q Mr. Black, you will recall that when the new  
3 panel first came in I made some preliminary remarks about  
4 the nature of murder cases and the fact that if there is a  
5 verdict of guilty in the first degree that then there is a  
6 second phase of the trial called the penalty phase.

7 Do you remember these remarks?

8 A I do.

9 Q And that the Court was required to ascertain  
10 from every prospective juror whether or not he entertains  
11 such conscientious opinions regarding the death penalty  
12 that it might affect his ability to make an impartial  
13 decision as to guilt, or if he would automatically refuse to  
14 impose the death penalty.

15 Do you recall the statements that I made?

16 A Yes.

17 Q Have you had an opportunity to think about these  
18 things since then?

19 A Yes.

20 Q All right. I am going to put the questions to  
21 you, then, and the first one is this: Do you entertain  
22 such conscientious opinions regarding the death penalty  
23 that you would be unable to make an impartial decision as  
24 to any defendant's guilt regardless of the evidence  
25 developed during the trial?

26 A No, I don't.

1 Q And the second question is: Do you entertain  
2 such conscientious opinions regarding the death penalty  
3 that you would automatically refuse to impose it without  
4 regard to the evidence developed during the trial?

5 A No.

6 Q Now, one of the other reasons that we asked you  
7 to come in chambers here, out of the presence of the other  
8 prospective jurors, was to determine what, if anything, you  
9 may have learned about this case over the months since  
10 the killings occurred by way of reading newspapers or  
11 watching television or listening to the radio, or whatever,  
12 and whether you have formed any opinions regarding the  
13 guilt or innocence of any of the defendants based upon what  
14 you have learned.

15 Now, do you subscribed to a daily newspaper?

16 A I don't subscribe but I take the paper, I get the  
17 paper every day.

18 Q What paper is that?

19 A The Examiner.

20 Q Have you lived in Los Angeles continuously  
21 since last August?

22 A I have.

23 Q When did you first learn about this case or  
24 the killings involved in the case; do you remember?

25 A Shortly after it happened.

26 Q Was that from reading the newspaper?

1 A Right.

2 Q Have you read about the case in the newspaper  
3 more or less regularly since then?

4 A Not regularly. I scanned through it. I wasn't  
5 particularly interested in it after I first read of it.

6 Q Do you remember any particular things that you  
7 have read about the case or any of the defendants?

8 A I wouldn't say so, no.

9 Q Do you know how many people were killed?

10 A I believe there were six.

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1 Q Do you know the names of any of those people?

2 A Vaguely. I couldn't recall. I would know  
3 them if I heard them.

4 Q Do you remember reading anything about any  
5 of the defendants?

6 A Some things would come to my mind -- I would  
7 know if I heard them.

8 Q Excuse me. Go ahead.

9 A As I say, if it were mentioned, some of it  
10 would come back ; but I haven't just dwelled on the  
11 case continuously.

12 Q Are you familiar with the names of the  
13 defendants?

14 Do you recognize Mr. Manson's name?

15 A Yes, I do.

16 Q And the names of the young ladies?

17 A Yes.

18 Q Do you remember reading or hearing or learning  
19 from any source anything about the details of the crimes?

20 A Some of it I do, yes.

21 Q Do you recall now just what it is that you  
22 did learn?

23 A I mean, it would more or less have to be  
24 presented to me and then I would recall. I mean, other  
25 than that, I can't recall.

26 Q You don't recall off hand, but you think that if

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1 some of it were mentioned to you that it would refresh  
2 your memory?

3 A Yes.

4 Q Have you ever read or heard anything that  
5 was represented to be statement made by any of the  
6 defendants?

7 A I don't recall a statement.

8 Q As a result of whatever you have learned about  
9 the case, Mr. Black, have you formed any opinion regarding  
10 the guilt or the innocence of any of the defendants in  
11 the case?

12 A I have not.

13 Q Do you believe that you would be able to  
14 put aside in your mind whatever you have heard about the  
15 case and if you are selected as a juror decide the case  
16 solely on the evidence that comes in during the trial?

17 A I will.

18 Q Would you follow the Court's instructions on  
19 the law as given to you by the Court even though your  
20 own opinion as to what the law is or should be might be  
21 different?

22 A I would.

23 THE COURT: Mr. Fitzgerald?

24 MR. FITZGERALD: Yes, sir.  
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## VOIR DIRE EXAMINATION OF MR. ELZIE BLACK

BY MR. FITZGERALD:

Q Do you regularly listen to the radio, Mr.  
Black?

A I do.

Q And have you heard anything on the radio about  
this case at any time?

A Lately, no.

Q Did you hear anything some time in the past  
about the case?

A That would be vague. I mean, as to just  
what.

Q Do you regularly watch television?

A Yes.

Q Do you have a television set in your home?

A I do.

Q Do you watch newscasts or news programs on  
TV?

A I do.

Q Do you watch a particular channel usually?

A Not necessarily, no.

Q Is there some favorite newscaster you usually  
watch?

A Baxter Ward, I believe.

Q That would be Channel 7, Eyewitness News?

A Right.



1 MR. STOVITZ: Baxter Ward is Channel 9.

2 MR. FITZGERALD: Excuse me.

3 Q Would that be Channel 9, Mr. Black?

4 A I don't recall what channel.

5 MR. STOVITZ: Before the election, I believe it was  
6 7.

7 MR. FITZGERALD: Q. Did you see anything on  
8 television in connection with this case at any time?

9 A I did not see anything.

10 Q I take it that back in August or September  
11 there was some material on television about this case  
12 and you saw it; about the deaths; right?

13 A I don't recall, to be frank with you.

14 Q Do you know any of the defendants' names?

15 A I do.

16 Q Do you know the name Charles Manson?

17 A I do.

18 Q How do you know that name?

19 A From the newspaper.

20 Q And what do you associate with that name?

21 When you hear that name, what do you think of?

22 A It is in regard to the case at hand.

23 Q You connect him with Sharon Tate, do you?

24 A I do.

25 Q And what is the connection between Charles  
26 Manson and any of the other defendants and Sharon Tate,

1 from what you have learned from the radio, television,  
2 or the newspaper?

3 A The connection would be that they are  
4 accused of --

5 Q Do you know why they are accused as the result  
6 of listening to the radio, reading the newspaper or  
7 watching television?

8 A Yes.

9 Q Why?

10 A Murder.

11 Q Are you saying that they are accused of  
12 murdering Sharon Tate and others?

13 A Pardon?

14 Q Do you know why they are accused?

15 Do you know of any of the evidence against  
16 them, if there is any?

17 A No, I don't.

18 Q Do you think they murdered Sharon Tate?

19 A I have no thoughts on that at all.

20 Q Do you think anybody else thinks they did?

21 A I don't know about that. I haven't talked  
22 or formed -- I haven't had any conversation dealing with  
23 that.

24 Q All right.

25 Did you, at any time, ever hear on the radio  
26 or see in the newspaper or see on television anything

1 that these defendants killed Sharon Tate or anybody else?

2 A Did I see that they did?

3 Q Or did you hear that they did?

4 A No. Not to my knowledge, no.

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1 MR. FITZGERALD: I have nothing further.

2 THE COURT: Mr. Reiner.

3 MR. REINER: Thank you, your Honor.

4 VOIR DIRE EXAMINATION

5 BY MR. REINER:

6 Q Mr. Black, most people are saying that  
7 Mr. Manson is guilty, are they not?  
8

9 MR. STOVITZ: Objected to, your Honor, as leading  
10 and suggestive, assuming a fact not in evidence.

11 MR. REINER: If your Honor please, nothing is in  
12 evidence.

13 THE COURT: Well, I think the question is objectionable.

14 MR. REINER: Very well, I will withdraw it.

15 THE COURT: I think you can get at it in some other  
16 way.

17 Q BY MR. REINER: Mr. Black, you have heard  
18 Mr. Manson discussed from time to time these last few  
19 months, have you not?

20 A I have.

21 Q From what you have heard discussed, most people  
22 seem to take the position that he is guilty of the murder,  
23 isn't that right -- I'm not referring now to your opinion,  
24 but just what you heard other people say.

25 Most of the people take the position  
26 Mr. Manson is guilty.

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1 A I could not say. I have not delved into any  
2 depth on this with anyone, so far as to whether they are or  
3 not.

4 Q I appreciate that, I am not at this time  
5 inquiring into what your state of mind is, but with respect  
6 to what you heard other people say.

7 For the most part have you heard other people  
8 indicate either in conversations with you or in conver-  
9 sations with other persons that you might have overheard  
10 that they believe Charles Manson is guilty of these  
11 crimes?

12 A I haven't had any pros or cons on it one way or  
13 the other.

14 Q Then you have not heard the pros and cons of  
15 this case discussed by any person in the last few months?

16 A No.

17 MR. REINER: No further questions.

18 THE COURT: Mr. Shinn.

19 MR. SHINN: No questions.

20 THE COURT: Mr. Kanarek.

21 MR. KANAREK: Thank you, your Honor, no questions.

22 THE COURT: Mr. Stovitz.

23  
24 VOIR DIRE EXAMINATION

25 BY MR. STOVITZ:

26 Q Mr. Black, sir, aside from taking the

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1 Examiner, do you also take a local throwaway or shopping  
2 newspaper?

3 A No.

4 Q What part of town do you live in, sir?

5 A Southwest.

6 Q What part of town do you work in, sir?

7 A I am on disability at present.

8 Q I could not hear you, sir -- on disability?

9 A On retired disability.

10 Q How long have you been so retired, sir?

11 A Approximately four years.

12 Q So then I take it you do not go from your home  
13 to your work, and you more or less work around the house,  
14 is that right?

15 A That's true.

16 Q You do some odd jobs in the neighborhood?

17 A No.

18 Q And is this disability due to your diabetes or  
19 some other condition?

20 A Diabetes and other things.

21 Q I could not hear you.

22 A Numerous other things.

23 Q You understand we don't want to get personal  
24 with you, but going back again to your condition, whether  
25 or not it would cause you not to be a juror in this case:

26 Is there anything that might flare up that would

prevent you from serving the rest of the time?

The trial may take three months after we get a jury.

A No, there is nothing more serious than the diabetes, which is under control.

Q I see.

And providing you were taken to a doctor every three or four weeks you can keep that under control, is that right?

A Yes.

Q What is your approximate age, sir?

A 52.

Q Now, it may come to pass, sir, that you will hear something in the trial; you will hear it from a witness.

This witness will say, "The red light was green" -- I mean, "A traffic light was green at the time," you understand.

That might be the witness' testimony.

You may recall reading back something in the newspapers that there was no traffic light there at all at the time.

You see, I am just drawing a hypothetical situation for you.

Do you understand what I'm talking about?

A No, I don't follow.

Q All right, we will try to break it down for you.

1 Do you know where the deaths of any of the  
2 parties took place?

3 A Vaguely, yes.

4 Q Where do you think they took place?

5 A As I say, if this was repeated or something like  
6 this, I probably would recall, I mean --

7 Q Let's say now that the evidence comes out that  
8 the deaths occurred in West Los Angeles, and that the  
9 Los Angeles Police Department were the first ones at the  
10 scene, and you remember from what you read that they took  
11 place in Beverly Hills and that the Beverly Hills Police  
12 Department were the first on the scene.

13 Do you think you could put aside what you read  
14 in the newspapers or heard about the case and just follow  
15 the evidence here, or would you wonder, where were those  
16 Beverly Hills Police officers?

17 A I would have to follow whatever was in court.

18 Q Do you think you could completely dismiss from  
19 your mind the thought that it might have happened in Beverly  
20 Hills, and Beverly Hills Police officers were first on the  
21 scene?

22 A Yes.

23 Q Assume for the moment that the evidence in  
24 this case is that the people were shot, that is, the victims  
25 in the case were shot and knifed.

26 But you remember reading something about a rope



1 being used, and you had the impression they were strangled.

2 Do you think you could completely forget what  
3 you might have read about the case and just go by what the  
4 evidence is?

5 A Yes.

7a-1.

1 Q Would you wonder about what happened to that  
2 rope? Would you wonder about it if there was no evidence  
3 of a rope being introduced?

4 A I don't quite follow you there.

5 Q Well, if you are chosen as a juror you are  
6 going to have to abide by the Court's instructions to  
7 you, and one instruction will be to follow the evidence as  
8 you hear it in this case and not what anyone tells you,  
9 or not anything that you might have read or heard.

10 You understand that?

11 A Yes.

12 Q All right, now, you said that as you go along  
13 certain things might refresh your memory as to what you  
14 read.

15 Now, as I speak about it do you remember  
16 anything being said about a rope being used in the case?

17 A I do not.

18 Q That does not refresh your memory?

19 A No.

20 Q All right. Now, do you think if your memory  
21 was refreshed about any item of evidence that you might  
22 have read about in the newspaper or seen on TV, that you  
23 could completely forget about it and intentionally  
24 forget about it, and just intentionally follow the  
25 evidence in the case?

26 A I could.

7a2.

- 1 Q Do you have any doubt that you could do that?
- 2 A No.
- 3 Q How long have you lived in Los Angeles,
- 4 sir?
- 5 A Since 1948.
- 6 Q '48?
- 7 A Yes.
- 8 Q So I take it you were educated somewhere else,
- 9 is that right?
- 10 A Right.
- 11 Q Did I ask you about the Rolling Stone, sir?
- 12 A No.
- 13 Q Did you ever hear about a publication known
- 14 as the Rolling Stone?
- 15 A No, you did not ask me.
- 16 Q Did you ever hear of a publication, the
- 17 Rolling Stone?
- 18 A Yes, I have.
- 19 Q What is that type of publication?
- 20 A What type?
- 21 Q Yes.
- 22 A It's more or less musical.
- 23 Q Are you distinguishing between a musical
- 24 group and a newspaper or a magazine?
- 25 A I am.
- 26 Q What do you associate the name, Rolling Stone,

1 with?

2 A A musical group.

3 Q Have you ever heard of a newspaper or magazine  
4 known as the Rolling Stone?

5 A I don't recall.

6 Q Do you recall ever having read it at any time  
7 in your life?

8 A No.

9 MR. STOVITZ: I have no further questions.

10 THE COURT: All right, thank you, Mr. Black.

11 I will ask the bailiff to take you back  
12 into the court then.

13 THE COURT: According to my records that is the  
14 12th prospective juror in the jury box.

15 We completed the voir dire in chambers of  
16 those four.

17 MR. STOVITZ: Is it the same batting order as  
18 announced the other day?

19 THE COURT: Mr. Fitzgerald, Mr. Reiner, Mr. Shinn  
20 and Mr. Kanarek, is that right?

21 MR. FITZGERALD: That's right.

22 MR. SHINN: Are we going to be able to go into  
23 the death penalty phase again, your Honor?

24 THE COURT: Yes, I have indicated informally to  
25 someone else who asked me, I think to all of you when  
26 we started, that I would permit reasonable examination on

1 the death penalty, but again I caution you gentlemen to  
2 keep your voir dire examination within bounds.

3 Do not attempt to indoctrinate or instruct  
4 the jurors.

5 This is not the place to attempt to pre-  
6 determine whether or not a peremptory challenge should  
7 be exercised.

8 The purpose of the examination is to determine  
9 whether or not there exists any basis for a challenge for  
10 cause.

11 And do not be merely repetitive.

12 If the question has been asked and answered by  
13 one counsel, I know of no reason why -- unless from the  
14 response further examination is indicated -- that it  
15 should be asked again.

16 MR. STOVITZ: Does your Honor want the actual  
17 objections for challenges for cause to be made at the  
18 bench, so as not to embarrass any of the jurors?

19 THE COURT: That would be desirable, and the ground  
20 of course should be stated specifically, in statutory  
21 form, so there is no question on the record as to what  
22 the basis for the challenge is.

23 MR. BUGLIOSI: Your Honor, if there is an objection  
24 to a question on the ground it violates, say, Witherspoon,  
25 hypothetically, do you want the discussion at the bench,  
26 in chambers or in open court?

1 I suggest it be at the bench or in chambers.

2 THE COURT: Violate Witherspoon? I don't understand.

3 MR. BUGLIOSI: Hypothetically, say I ask a question  
4 and the defense objects on the grounds it is an improper  
5 question, on the grounds it violates the Witherspoon case,  
6 and, let's say again, hypothetically, that I have authority  
7 for the proposition that it is a proper question, do you  
8 want this discussed in open court, which I certainly would  
9 not recommend, or do you want this discussed at the  
10 bench, or back in chambers.

11 I imagine some of these questions might be  
12 objected on both sides, and it will require in-depth  
13 discussion on the law with the Court.

14 MR. STOVITZ: Perhaps we can do it this way, if there  
15 is a time when it will be convenient to go into chambers,  
16 we can go do it in chambers.

17 If not convenient, perhaps the Court could  
18 ask counsel to go on to another subject matter and take  
19 it up at another time.

20 Whatever would seem fitting under the  
21 circumstances. I don't think coming back into chambers  
22 necessarily would speed the trial.

23 Perhaps going to the bench would.  
24  
25  
26

7B-1

1 THE COURT: I would not think there would be many  
2 questions to which an objection was interposed that would  
3 require very extensive or any argument, for that matter.

4 Most of the rulings are self-evident..

5 MR. BUGLIOSI: I am very hopeful there won't be too  
6 much objections.

7 THE COURT: I appreciate there may be questions that  
8 do require argument and discussion. I certainly don't want  
9 to foreclose counsels' opportunity to do that.

10 But let's not unnecessarily prolong things by  
11 running to the bench or in chambers on every routine  
12 objection.

13 MR. BUGLIOSI: I agree with the Court on that, but  
14 if there is going to be a heated discussion --

15 THE COURT: Well, if it's something that requires  
16 discussion or argument, then I want it out of the presence  
17 of the prospective jurors.

18 MR. STOVITZ: Along with that, discussions at the  
19 bench concerning objections to a questions of the  
20 prospective juror, that may be done without the defendants  
21 personally being present at the bench, is that correct,  
22 your Honor?

23 THE COURT: I see no need for their presence at the  
24 bench on such matters.

25 MR. KANAREK: Your Honor, in that regard, Mr. Manson,  
26 your Honor, and I do make the motion that Mr. Manson be

co-counsel.

Now, I say this --

THE COURT: We are not going into that again, Mr. Kanarek.

MR. KANAREK: I say this because it is a very critical stage of the proceedings. He has a right to effective counsel, Your Honor.

THE COURT: Don't you think you are effective, Mr. Kanarek?

MR. KANAREK: Yes, Your Honor, but he has a right, Your Honor, as Your Honor knows, to --

THE COURT: State your motion if it is a motion.

MR. KANAREK: My motion is this, that Mr. Manson be allowed to interrogate the prospective jurors.

This, Your Honor -- Mr. Manson is on trial for his life.

THE COURT: Well, you have made this motion a number of times now, Mr. Kanarek, and it has already been ruled on and I see no reason to change the ruling.

MR. KANAREK: Well, I would hope to convince the Court for this reason:

The prosecution, as your Honor knows, in a death penalty situation, it is possible for two lawyers to be able to argue the case.

Now, Mr. Manson, it is his life which is at stake, Your Honor.



7b3

1 THE COURT: You are talking now about final argument?

2 MR. KANAREK: Well, right now, if there are to be  
3 two lawyers who can argue the case, it certainly stands to  
4 reason that there are two people who may argue, and proceed  
5 with matters prior to the time that it is argued.

6 Your Honor, Mr. Manson would like to speak to  
7 you.

8 THE COURT: Do you have some request to make,  
9 Mr. Manson?

10 MR. MANSON: All I would like to do, your Honor, is  
11 maybe ask two questions.

12 THE COURT: To whom?

13 MR. MANSON: To the prospective jurors, if they are  
14 going to sit in judgment on me I should be allowed to ask  
15 a couple of questions.

16 THE COURT: This should be done through your counsel,  
17 Mr. Manson. You are free to discuss these matters with  
18 Mr. Kanarek. If he wants to ask these questions he is  
19 perfectly free to ask the same questions that you want.

20 Anything else, gentlemen?

21 MR. FITZGERALD: Yes, there are a couple of matters.

22 One is, I think in this case there may not  
23 or there is a distinct possibility that there is some  
24 member of the prospective jury panel who may know one or  
25 more of the prosecution witnesses, inasmuch as there are a  
26 tremendous number of witnesses.

1 Now, we probably ought to at some time, at some  
2 point in the voir dire, ask the prospective jurors if they  
3 know any of the witnesses to be called by the prosecution.

4 The prosecution had certain problems in regard  
5 to divulging in public forums the names or other indications  
6 or identities of their witnesses.

7 I wonder if we may have the list now at this  
8 time in chambers.

9 MR. STOVITZ: I have drawn up a big diagram with the  
10 letters about an inch and a half or perhaps an inch and a  
11 quarter large, of all these prospective witnesses.

12 It doesn't mean we will call every one of these  
13 people. In fact I will tell counsel that some will not be  
14 called.

15 It may be these witnesses' names will be  
16 mentioned.

17 Also there will be witnesses added from time to  
18 time as the investigation continues.

19 So if your Honor wants to I can bring them up,  
20 say, at 1:45 this afternoon.

21 Counsel can look at them before we present them  
22 to the jury, and we can handle it that way.

23 If they see nothing objectionable, all of the  
24 witnesses are of the same equal size and width -- sometimes  
25 we just use an initial rather than a first name, where the  
26 last name is unique, or, where it is a common name, we put

1 in the first name.

2 THE COURT: Is it one large chart?

3 MR. STOVITZ: Three large cardboard boxes about 4 by  
4 6, the size of that window.

5 THE COURT: You propose to show this to the  
6 prospective jurors?

7 MR. STOVITZ: Yes, so they can look at the list, so  
8 we don't have to keep repeating it over and over.

9 THE COURT: It seems that would be better than  
10 merely reading them off.

11 MR. STOVITZ: But I think your Honor should explain  
12 that these are not all of the witnesses, nor does it mean  
13 the mere fact that the name appears on there that these  
14 witnesses will necessarily be called.

15 We have the description by occupation.  
16 In other words, those that are from the Sheriff's  
17 Office we have labeled Sheriff's deputies; those from the  
18 Los Angeles Police Department, Los Angeles Police Department.

19 Those from the Coroner's Office we have indicated  
20 Coroner's Office.

21 Civilians we don't have any label or description  
22 about them, but you will be able to recognize them, I'm  
23 sure, from the witnesses' statements.

24 I am talking about the jury recognizing the  
25 names. There may be a lot of common names.

26 If they are common we have the first name and  
we can always explain.

8-1.

1 MR. REINER: One additional point, your Honor.

2 Would it be possible to have a microphone  
3 attached to the lectern. You understand that most  
4 counsel will be conducting their examination from the  
5 lectern.

6 THE COURT: I think you can just lift the microphone  
7 off the table and put it up there.

8 MR. REINER: During the course of the trial it might  
9 be necessary to have an additional microphone for the  
10 lectern, as well as for counsel table.

11 Counsel at the table might need one as well.

12 THE COURT: Possibly we can get another hand  
13 microphone.

14 MR. REINER: That will require holding one.

15 I tried one out with the microphone on  
16 counsel table and they sit perfectly on the lectern.  
17 They don't have to be attached.

18 THE COURT: I think we can arrange that.

19 However, I don't know how many outlets we  
20 have.

21 MR. REINER: We won't be using the hand mike.

22 MR. FITZGERALD: Again, your Honor, we would like  
23 to bring to the Court's attention that we would like our  
24 clients to be at counsel table, if at all possible.

25 I wonder if maybe this afternoon we couldn't  
26 attempt to see if we can't make an adjustment of the

1 space?

2 It certainly would be helpful if we can  
3 have the three young ladies up at counsel table.

4 THE COURT: All right.

5 MR. FITZGERALD: If it is somehow possible.

6 THE COURT: If you can work out some arrangement.

7 DEFENDANT MANSON: Your Honor --

8 THE COURT: Otherwise they can be seated immediately  
9 behind their respective counsel so that all you have to  
10 do is turn and you can talk with them.

11 DEFENDANT MANSON: Could we finish what we were  
12 talking about a minute ago?

13 THE COURT: You are referring now to your request  
14 to ask some questions of the prospective jurors?

15 DEFENDANT MANSON: Yes.

16 THE COURT: As I explained to you, Mr. Manson,  
17 under our rules, when a person, a defendant, is represented  
18 by counsel, all of the matters during the trial must  
19 be handled by that counsel, except when the person  
20 takes the stand, if in fact he does take the stand, and  
21 of course no defendant can be compelled to testify.

22 So, the answer to your question is simply  
23 the same answer that I have to give to any defendant who  
24 wants to speak when he is represented by counsel. He  
25 has to speak through his counsel.

26 If you have some question that you think

1 should be asked the prospective jurors, then I suggest  
2 that you discuss these with your attorney and he can  
3 then consider those, and if he feels that they should  
4 be asked, he may ask them.

5 DEFENDANT MANSON: Your Honor, it is a simple  
6 thing for me. If you were to talk with this man through  
7 me, it would be almost impossible to talk<sup>to</sup> that man through  
8 me.

9 It is like proving yesterday happened today.  
10 It would take you all day, and by then it would be  
11 tomorrow.

12 Now, I am sure that you are wise or you  
13 wouldn't be in this position that you are in.

14 I don't want to lose sight of the father  
15 image. I don't wish to do this. I look at you and I  
16 am trying to accept the father image and obey, like a  
17 good child should, but there are times in a man's life  
18 when he must stand up and be a man.

19 Now, if I could explain to you with a motion  
20 and put in the papers and the words that you use from  
21 your books, I would, but I can't because my logic is  
22 childlike and my vocabulary is simple.

23 I have many degrees of the picture that I  
24 see on front of me, the subliminal picture, the picture  
25 of the father-son relationship, the picture of the people  
26 in the street, the Press, the picture of the jurors' minds,

1 knowing that it is practically impossible for a juror to  
2 react to common questions that I would put forth that  
3 wouldn't be as confusing as perhaps these gentlemen, who  
4 have esoteric teachings, and they understand things, they  
5 understand many things that the layman doesn't seem to  
6 grasp.

8a.

3-21-  
1 THE COURT: I understand from what you say that you  
2 want to ask these questions directly, but what I am telling  
3 you, Mr. Manson, is that you are not able to do so.

4 DEFENDANT MANSON: I am not able to do so?

5 THE COURT: That's right. You are not permitted.

6 DEFENDANT MANSON: I am not permitted; that is  
7 better.

8 THE COURT: And your counsel will have to do the  
9 examination for you.

10 So, if you have some questions that you feel in  
11 your own mind should be asked, then so inform Mr. Kanarek.

12 DEFENDANT MANSON: Those questions come up just like  
13 the conversation here. / If I had to say what I said to you  
14 through him, it would be impossible. You know that and so  
15 do I.

16 THE COURT: You have a pencil and a pad, and you can  
17 go along and make notes.

18 DEFENDANT MANSON: That presents another problem.  
19 I don't write that well, and especially that fast and good.

20 Then, by the time that I tell this man something  
21 to explain to this man, the moment is lost, the thought is  
22 gone.

23 In order to get on top of the thought and  
24 understand the thought and to look into it and see if it is  
25 true or not true, you do it as you speak and as you judge  
26 people every day, you look into the thought, you look into



1 the person, and you see if there is any truth there, or you  
2 see if there isn't any truth there, and you can bring that  
3 out at the second, the moment you speak with each other,  
4 and be truthful with each other, and then I can see when you  
5 are not honest with me.

6 This is what I wish to do, to talk to the jurors  
7 in this respect.

8 THE COURT: I am sorry, but the answer to your  
9 question is no, that the questions must be asked by your  
10 counsel.

11 DEFENDANT MANSON: Then I have two alternatives. I  
12 have one alternative. No defense to employ in that  
13 direction, or to be a disobedient child.

14 I don't wish to be a disobedient child. I am  
15 willing to accept your authority, as I have done all my  
16 life, and I am willing to, if you will let me accept your  
17 authority. But allow me to stand up and be a man for once.  
18 I am not a eunuch.

19 THE COURT: I am sorry. Those are the rules. They  
20 are not special rules for you, they apply to every defendant  
21 in every case.

22 DEFENDANT MANSON: The rules are that if you went to  
23 74 and you read that book, it would send you to 103, and  
24 if you read 103, you would have to go to 99. You could  
25 travel in those books for millions of years, in circles,  
26 you could travel in circles for millions of years.

8a3

1 It amounts to your discretion, your opinion.  
2 It amounts to what you wish to do.

3 You could say Manson vs. so-and-so, or you  
4 could say Robles vs. such-and-such. You can say the  
5 Constitution allows me to stand in the entrance to the  
6 courtroom.

7 Maybe, in a simple, child-like way and in a  
8 layman's sort of form of English, I wouldn't be able to  
9 speak with big words, but I could speak to be understood.

10 I don't wish to dab in the law and try to  
11 confuse anyone with any dilatory tactics or do anything  
12 but ask a few simple, tiny, child-like questions that are real  
13 to me in my reality.

14 Now, if the meaning is leaning in these gentle-  
15 men's minds and they think on a certain level, a certain  
16 reality, I can see that and I can understand that is where  
17 their minds are and that is why they are placed as they  
18 are and why your Honor is on another level looking up above  
19 the rest of the children that are down there. I see why  
20 there is 12 seats there and I see why there is one there.  
21 I see with my awareness what is going on in the courtroom,  
22 and I see that my motion in the courtroom could bring the  
23 truth forward.

24 If I don't have the motion in the courtroom,  
25 then the truth is going to be distorted, it is not going to  
26 be brought forward.

8a4  
1 Innocence or guilt, I think, is relative, as the  
2 Judge knows, as well as I know and we all know. Guilt is  
3 not for you to decide, it is for the Man to decide himself.

4 You can kill me but you can't judge me. You  
5 can bring witnesses in that dislike me and they can bear  
6 witness against me. But what it amounts to is that it  
7 doesn't amount to anything in my mind except what you let  
8 me enter into and let it amount to me.

9 If you don't let it amount to me, then there  
10 is nothing I can do but act like a fool.

8b.

1 THE COURT: Well, I hope you won't do that, Mr.  
2 Manson, because I think you would only be hurting your  
3 own case, ✓

4 DEFENDANT-MANSON: My own case, sir?

5 Your Honor, let me please say this. This is  
6 a case I have had all my life. There is actually nothing  
7 you can do to me.

8 You know, you are in a position where you can  
9 send me home, because I have lived in the penitentiary for  
10 22 years. The penitentiary is mine just as this free  
11 world is yours. The penitentiary belongs to me, as much  
12 as I wish it to belong to me.

13 I understand the penitentiary, I understand  
14 the men that run the penitentiary and the people in  
15 the penitentiary far better than I do the people in your  
16 world. K

17 I don't understand your world. Your world  
18 is confusing to me. I understand your logic and I am  
19 trying to look into your justice, if you will let me.

20 Now, if you don't let me, let me say this  
21 to your Honor. My word doesn't mean much on the outside,  
22 but in the inside it rings a long way, it rings all the  
23 way across the country in every penitentiary that you  
24 have got.

25 Now, I am not asking anything unreasonable.  
26 The Constitution allows this. The Constitution says that

1 I have a right to confront the witnesses and cross  
2 examine the witnesses. Not in an angry sort of way,  
3 because I am not mad at anyone. I am not disturbed at  
4 the jury. I am not disturbed at the Court or the  
5 Judge or the District Attorney. I am not mad at anyone.  
6 I am just pleading.

7 THE COURT: Well, I understand what you are saying,  
8 Mr. Manson, at least some of it.

9 DEFENDANT MANSON: Some of it?

10 THE COURT: Yes.

11 The answer, unfortunately, has to be the same,  
12 the same for you and for every other defendant. Where  
13 you are represented by counsel, then you must permit  
14 counsel to conduct the trial in your behalf.

15 DEFENDANT MANSON: Well, then, is there any  
16 possibility that I could be dis-represented by counsel.

17 THE COURT: That you could what?

18 DEFENDANT MANSON: Be unrepresented by counsel.

19 THE COURT: Well, no. That has been taken up  
20 a number of times before and the Court has ruled against  
21 your request to represent yourself.

22 DEFENDANT MANSON: All right.

23 Now, I have two alternatives. I will try the  
24 first one, and I will ask my lawyer --

25 THE COURT: You don't have to tell me what the  
26 alternatives are.

1           DEFENDANT MANSON: You will not say another word  
2 in court. Let the Court do what it does. Because if  
3 you do, I will either have to direct --

4           THE COURT: I will adjourn the proceedings until  
5 two o'clock this afternoon. We will resume in the court-  
6 room at that time with the voir dire examination.

7           MR. STOVITZ: If it please the Court, may the  
8 record show that Mr. Manson's last remarks were made to  
9 Mr. Kanarek, if the reporter wasn't able to portray that  
10 in his record.

11          THE COURT: Yes, that is so.

12                   Very well. Two o'clock this afternoon,  
13 gentlemen.

14                           (Whereupon an adjournment was taken to  
15 the hour of two o'clock p.m., Wednesday, June  
16 24, 1970.)  
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LOS ANGELES, CALIFORNIA

WEDNESDAY, JUNE 24th, 1970

2:05 P.M.

- - -

(The following proceedings were had in open court in the presence and hearing of all the prospective jurors, all defendants and their counsel being present, the Deputies District Attorney also being present.)

THE COURT: All parties and counsel are before the Court.

Mr. Fitzgerald, you may inquire of the prospective jurors.

Mr. Murray, would you obtain the hand mike for the use of the jurors.

(Bailiff complies.)

VOIR DIRE EXAMINATION OF HERMAN R. STOKES  
BY MR. FITZGERALD:

Q Mr. Stokes, we will start with you.

As the Judge explained to you earlier, counsel during this stage of the proceedings, the jury selection portion, are going to ask you some questions concerning your life, and concerning your attitude, and it is not our intention to pry into anything personal, but in our capacity as representing the defendants we want to try for them to secure a fair and impartial a jury as we



1 possibly can.

2 So if there is any question I ask you that  
3 you feel embarrassed about, or anything like that, please  
4 don't feel that it is anything personal, okay?

5 A Yes.

6 Q Have you had a pleasant day so far?

7 A Yes.

8 Q Can you give me your business or occupation,  
9 Mr. Stokes?

10 A I am an electronics mechanics at the United  
11 States Post Office, Los Angeles.

12 Q From the discussion we had with you in  
13 chambers, you are employed at the Terminal Annex facility  
14 of the United States Post Office, is that correct?

15 A Yes.

16 Q Are you married, sir?

17 A Yes.

18 Q Is your wife employed outside the home?

19 A Yes, she is a teacher for the Los Angeles  
20 School Department.

10.

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10-1

1 Q Does she teach in a particular school?

2 A Yes. In Los Angeles.

3 Q Where is that school located? You don't need  
4 to give us the exact address but give us the major inter-  
5 section.

6 A South L.A.

7 Q Whereabouts in South L.A.?

8 A Oh, it is in the area of Florence and Van Ness.

9 Q Do you have any children?

10 A I have two.

11 Q Boys or girls?

12 A One boy, nine, and a girl, three.

13 Q Have you ever served as a juror before?

14 A No, I haven't.

15 Q You have served neither on a civil case nor a  
16 criminal case; is that correct?

17 A No, neither.

18 Q You have never been on jury duty before?

19 A I have not, no.

20 Q Have you or any member of your family ever  
21 been the unfortunate victim of a homicide?

22 A No.

23 Q Have you or any member of your family ever  
24 been associated with or been a witness in or a party to  
25 or know anything about or intimately involved with a  
26 homicide or a murder case of any kind?

1 A No.

2 Q Have you ever studied law, Mr. Stokes?

3 A In a business phase.

4 Q You took a course in business law at some  
5 school?

6 A Well, in accounting I had a little law, business  
7 law.

8 Q No criminal law, I take it?

9 A No criminal law, no.

10 Q Have you or have any of your friends or  
11 relatives ever been a police officer or otherwise engaged  
12 in law enforcement?

13 A No.

14 Q Do you have any friends or relatives that are  
15 police officers?

16 A No.

17 Q No acquaintances that are police officers  
18 either?

19 A No.

20 Q Have you ever testified in a criminal case?

21 A No.

22 Q Are you a member of any organization that --

23 A No.

24 Q You have got the script.

25 Are you a member of any group or organization  
26 that is principally brought together for the suppression of

1 crime?

2 A No.

3 Q In a Sheriff's posse or vigilante group of any  
4 kind?

5 A No.

6 Q And I take it, then, that you don't belong to  
7 any organization that has as its goal the enforcement of  
8 any specific law; is that correct?

9 A No.

10 Q Are you related to or friendly with or do you  
11 have any close acquaintanceship with anyone in the District  
12 Attorney's Office?

13 A No.

14 Q Now, obviously, you are being selected as a juror.  
15 Do you have any quarrel with the proposition that a defendant  
16 in a criminal case is entitled to have a jury trial?

17 A No, I have no quarrel with that.

18 Q Do you have any strong opinions against the  
19 jury system itself?

20 A No.

21 Q Would you prefer, for example, that all  
22 defendants in criminal cases be tried by a judge or a  
23 District Attorney, or whoever swears out the complaint; any-  
24 thing like that?

25 A No, I have no ideas on that.

26 Q Do you think that somebody that has a jury trial

1 is more likely to be guilty than innocent?

2 A No.

3 Q Do you have any opinion whatsoever in  
4 regard to why somebody would select a jury trial, if such is  
5 the case? I am not implying that one selects one or the  
6 other.

7 A No, it never occurred to me.

8 Q Now, from our discussions that we have had with  
9 you in chambers, you indicated to us that you had heard  
10 something about this case on the radio or on television  
11 and you had seen something in regard to the case in the  
12 newspaper, isn't that correct?

13 A Yes, I have heard, yes.

14 Q And you feel that you can put everything you  
15 have heard about this case so far out of your mind and be  
16 able to decide this case solely on the facts and the  
17 circumstances you have here in this courtroom?

18 A Without a doubt.

19 Q No doubt in your mind about that at all?

20 A No.

21 Q Now, the Court is going to instruct you that  
22 these defendants have been arrested, and that is obvious,  
23 isn't it?

24 A Yes.

25

26

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1 Q And the Judge is going to instruct you that  
2 not only have these defendants been arrested but that an  
3 Indictment has been returned against them.

4 Do you understand that?

5 A Yes.

6 Q And that they are here before you standing  
7 trial; correct; do you understand that?

8 A Yes.

9 Q Now, the Judge is going to instruct you that  
10 the fact that these defendants were arrested for something  
11 is not evidence.

12 Do you understand that?

13 A Yes, I do.

14 Q And the fact that an indictment has been  
15 returned against them also isn't evidence.

16 Do you understand that?

17 A Yes.

18 Q And the fact that they are standing here on  
19 trial isn't any evidence of their guilt.

20 Do you understand that?

21 A Yes.

22 Q The Judge is going to further instruct you that  
23 the fact that they have been arrested and the fact that  
24 an indictment has been returned against them and the fact  
25 they are here standing trial may not be considered by you  
26 in any manner at all as evidence of their guilt.

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Would you follow that instruction?

A To the letter, yes.

Q You understand that an indictment is simply an accusation, do you not?

A Yes.

Q It is simply a piece of paper that accuses somebody. It is a method in the State of California of actually bringing somebody to trial.

A Yes, I understand.

Q Okay.

Now, in addition, the Court indicated to you that defendants in criminal cases are presumed to be innocent.

Did you understand that instruction?

A Yes.

Q Now, this presumption of innocence carries with the defendant throughout the entire period of the trial.

You understand that?

A Yes.

Q That as these defendants sit here now they are presumed to be innocent.

Do you understand that?

A Yes.

Q So, if, at this time, you went back into the jury room right now after hearing no evidence whatever, you couldn't convict these defendants.

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Do you understand that?

A Yes.

Q Because they are presumed to be innocent and you haven't heard any evidence yet; correct?

A Yes, I understand that.

Q If you disagree with me, you be sure and let me know.

A Yes.

Q Do you have any quarrel with that proposition of law that somebody is presumed to be innocent in a criminal case?

A No quarrel with it.

Q You understand that in some countries of the world defendants on trial are presumed to be guilty?

MR. STOVITZ: That is objected to, your Honor, as not a correct statement of the law.

THE COURT: I didn't understand it to be a statement of the law.

MR. STOVITZ: Then I object to it as being a misstatement of fact.

I know of no country where a defendant is presumed to be guilty, and I cite the International Law on that.

THE COURT: I think it is intended only by way of illustration in contrast to the law of this State and

1 this country.

2 Overruled.

3 DEFENDANT KRENWINKEL: Your Honor, may I please  
4 be heard?

5 THE COURT: Yes.

6 DEFENDANT KRENWINKEL: I have spoken with my  
7 lawyer and I have talked with him about the way I wish  
8 this to be handled right now, and he doesn't do as I  
9 ask, and he is to be my voice, which he is not, so if  
10 he won't do what I want him to do, then this man is not  
11 representing me.

12 So I don't feel like I am adequately, you  
13 know, represented because he is not doing as I wish.

14 I have talked over this matter with him and  
15 he goes on to do what he wishes to do, so I don't wish  
16 him as my attorney, if that is what he would do is  
17 overrule what I wish, because he is to be my voice.

18 THE COURT: Are you making a request of some kind?

19 DEFENDANT KRENWINKEL: Yes. If he is not willing  
20 to represent me the way I wish to be represented, then  
21 I would wish to release him from being my attorney.

22 THE COURT: Are you asking that he be released now?

23 DEFENDANT KRENWINKEL: Yes, I am. If we can't get  
24 together and do it the way that I would wish and believe,  
25 that since this case is pending against me, I think that  
26 I should be able to have my voice through him, which he is



5.

1 not giving me.

2 THE COURT: Are you making a request of the Court  
3 at this Miss Krenwinkel?

4 DEFENDANT KRENWINKEL: Yes, I am.

5 THE COURT: What is the request?

6 DEFENDANT KRENWINKEL: That Paul Fitzgerald be  
7 relieved as my counsel.

8 THE COURT: On the basis that you just stated?

9 DEFENDANT KRENWINKEL: Yes.

10 THE COURT: The request will be denied.

11 MR. STOVITZ: May the record show, your Honor,  
12 that Mr. Fitzgerald did, in fact, supply Miss Krenwinkel  
13 with the microphone so that she could be heard by the  
14 Court.

15 DEFENDANT KRENWINKEL: Then I am really not  
16 represented by counsel of my choice at all.

17 11fol.  
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11-1  
1 THE COURT: The request is denied, Miss Krenwinkel.

2 Let's proceed.

3 Q BY MR. FITZGERALD: Mr. Stokes, we were  
4 talking about presumption of innocence.

5 Do you have any quarrel with that proposition  
6 of law? Would you personally prefer that somebody be  
7 presumed to be guilty rather than presumed to be innocent?

8 A I would not prefer that they be presumed  
9 guilty.

10 Q In a sense you philosophically, you agree with  
11 the law?

12 A Yes, I agree with the law completely.

13 Q Do you believe that the law in California that  
14 somebody is presumed to be innocent is a mere technicality,  
15 or do you believe that that is a substantial aspect of the  
16 law?

17 A I did not understand that.

18 Q Well, do you think that presumption of innocence  
19 is just some technicality used to free defendants?

20 A No, I believe it's being thought out, and that  
21 is the law.

22 Q I take it you could follow that aspect of the  
23 law?

24 A Yes, I can.

25 Q And that you won't have any problems in  
26 connection with it?

1 A No.

2 Q Now, you understand also that the prosecution  
3 is the party that must prove the defendants guilty; do you  
4 understand that?

5 A Yes.

6 Q And you understand they must prove to you  
7 individually as a juror that the defendant Patricia  
8 Krenwinkel and all these defendants in this case are  
9 guilty.

10 Do you understand that?

11 A Yes.

12 Q And I want to emphasize the fact that you under-  
13 stand that it is proof that they must use in order to  
14 convict these defendants?

15 A Yes.

16 Q You won't convict anybody on suspicion or  
17 innuendo or anything like that, would you?

18 A No.

19 Q You are not going to convict anybody in this  
20 case or any other case, are you, Mr. Stokes, because of the  
21 length of their hair?

22 A No.

23 Q You are not going to convict anybody, I take it,  
24 because of any particular life style they happen to follow?

25 A No.

26 Q You are not going to convict any young lady

1 in this case because she does not happen to wear makeup?

2 A No.

3 Q Is that correct?

4 A Yes.

5 Q It's not going to influence you in arriving at  
6 a verdict in this case that one or more of the female  
7 defendants don't wear brassieres or anything like that?

8 A No.

9 Q Do you think you can give these defendants in  
10 this case the same fair and impartial trial that you can  
11 give anybody else?

12 A Yes.

13 Q Is there any feeling in your mind at this time  
14 that these particular defendants are entitled to something  
15 less than a fair trial?

16 A No.

17 Q Now, in addition to the prosecution proving  
18 each one of these defendants are guilty, they must do so  
19 beyond any reasonable doubt, do you understand that?

20 A Yes.

21 Q Do you have any quarrel with that proposition  
22 of law, that is, that the prosecution must not only prove  
23 they are guilty by competent evidence, but they must do so  
24 beyond any reasonable doubt?

25 A I have no quarrel with that.

26 Q Now, let's take the situation where you listen

1 to all the evidence and you listen to the people take the  
2 witness stand and testify, and you thought, "well, there's  
3 something to the evidence; they might be guilty; but the  
4 prosecution has not proven it to me."

5 What do you do?

6 A I couldn't do anything.

7 Q Would you vote to acquit these defendants?

8 A They would not have been proven guilty, so I  
9 could not vote anything other than innocent, if I voted,  
10 which I wouldn't.

11 Q All right. And I take it that if after you  
12 listened to all of the evidence you had a reasonable doubt  
13 that these defendants were guilty, you would vote to acquit  
14 them, isn't that correct?

15 A Yes, if I had a reasonable doubt I would vote  
16 to acquit.

17 Q Now, these defendants are charged with the crime  
18 of murder, you understand that?

19 A Yes.

20 Q And at this point in the proceedings you don't  
21 quite know, understandably, just exactly what murder is,  
22 do you?

23 You don't know what the legal definition of  
24 murder is?

25 A No, I don't.

26 Q Do you think that you can wait until you hear

1 all of the facts and the evidence in this case, and wait  
2 until the Judge actually tells you what murder is before  
3 you jump to any conclusion that what has happened in this  
4 case is a murder?

5 A Yes, I would have to.

6 Q Now, there are different degrees of murder, and  
7 we are not going to get into that.

8 But just so long as you understand there are  
9 different degrees of murder, right?

10 A Yes, sir.

11 Q And you understand also that there are  
12 different types of criminal homicide, do you understand  
13 that?

14 A I have been told, yes.

15 Q I mean, there is something called manslaughter.  
16 We won't get into any definitions or anything like that.

17 A Uh-huh.

18 Q And do you understand that what is going to  
19 happen in this case is that the prosecution, because they  
20 must prove the defendants guilty, put on their evidence  
21 first, do you understand that?

22 A Yes.

23 Q Then the defense puts on their evidence.

24 A Yes.

25 Q Then there is argument on both sides in this  
26 case. The prosecution will argue to you and try to explain

1 their evidence, and the inferences to be drawn therefrom.

2 Then the defense will do the same thing, and then  
3 the prosecution is going to again argue to you.

4 Then the judge is going to instruct you on the  
5 law of the case.

6 Do you understand that?

7 A Yes, sir.

8 Q So it is not until the very conclusion of the  
9 case almost that you are going to learn certain aspects of  
10 the law. Is that all right with you?

11 A Yes, so far.

12 Q And do you think you can keep yourself from  
13 forming any judgments until the conclusion of the case?

14 A Yes, I do.

15 Q Do you think you can do that?

16 A Uh-huh.

11A.

1 Q Now, the prosecution goes first because they  
2 have the burden of proof.

3 Do you think you would be able to keep an  
4 open mind until this entire case is over before you formed  
5 any opinion?

6 A Yes, I could.

7 Q You understand that if you decide, after  
8 just listening to half the case, it is like deciding the  
9 score of a football game at halftime, or something.

10 You have got to wait until you hear all of  
11 the evidence before you make up your mind.

12 Do you understand that?

13 A Yes.

14 Q Now, is there anything about the fact the  
15 defendants are charged with the crime of murder that makes  
16 you feel they are more guilty than innocent?

17 A No.

18 Q Is there anything about the nature of the  
19 charge, that is, murder, that makes you feel you had  
20 rather not sit on a jury?

21 A No.

22 Q Now, it may be that in the course of this  
23 trial you are going to have to view some photographs of  
24 some dead bodies.

25 Is that going to so inflame and prejudice you  
26 that you would be unable to give the defendants a fair



11a2.

1 trial?

2 A No.

3 Q Now, each one of these defendants, in a  
4 sense, is a co-defendant; you understand that?

5 A Yes.

6 Q They are all here; they are all defendants.  
7 I don't know quite how to explain it, but  
8 they are all defendants in this case although -- and in  
9 regard to some defendants, they are charged with crimes  
10 that other defendants are not charged with.

11 Do you understand that?

12 A Yes.

13 Q I take it from your seat in the audience you  
14 were able to hear the Judge when he explained what the  
15 defendants were indicted for and what they were being  
16 charged with?

17 A Yes.

18 Q All right, now, let's say that --

19 Well, is there anything about the fact that  
20 some of these defendants are charged with more than one  
21 murder that makes you feel they are more likely to be  
22 guilty than not guilty?

23 A Will you rephrase that again?

24 Q All right.

25 Now, you said that you would be able to  
26 apply the doctrine of presumption of innocence and reasonable

11a3.

1 doubt, right?

2 A Yes.

3 Q And you told me that the fact that they were  
4 charged with murder would not influence you, right?

5 A Right.

6 Q That you could give somebody the benefit of  
7 any reasonable doubt in a homicide case, right?

8 A Yes.

9 Q Now, does the fact that there is more than  
10 one murder charge against these defendants influence  
11 you?

12 A No.

13 Q Does the fact that they have been charged  
14 with three or four or five or six murders make you feel  
15 that they are more likely to be guilty than not guilty?

16 A No.

17 Q You don't think, for example, well, maybe  
18 they could make a mistake and charge somebody with one  
19 murder that they did not commit, but nobody could  
20 possibly make a mistake and charge somebody with seven  
21 murders they did not commit?

22 A I don't feel that.

23 Q Do you feel it is just as likely as not  
24 as you sit here, that these defendants are innocent as  
25 they are guilty of all these offenses?

26 A That is very possible.

1 Q Now, during the course of this case you are  
2 going to see a lot of witnesses, and we are going to  
3 discuss a number of areas in the City of Los Angeles, and  
4 we are going to take evidence in connection with a number  
5 of physical locations in the City and County of Los  
6 Angeles.

7 I want to ask you if you know anything about  
8 some of these areas:

9 Are you familiar with the Benedict Canyon  
10 area of the City of Los Angeles?

11 A No.

12 Q Are you familiar with the Chatsworth area,  
13 the County of Los Angeles, adjacent to the northwest  
14 corner of the City of Los Angeles?

15 A No.

16 Q Are you familiar with the Simi Valley of  
17 Los Angeles?

18 A No.

19 Q Are you familiar with any locations in  
20 Beverly Hills?

21 A No.

22 Q Are you familiar with the Los Feliz district  
23 of the City of Los Angeles?

24 A Yes.

25 Q What is the nature of your experience with the  
26 Los Feliz district?

1                   You used to live there?

2           A       Echo Park.

3           Q       You used to live in the Echo Park area?

4           A       I used to go to the park once in a while.

5           Q       Do you know where Waverly Drive is?

6           A       No.

7           Q       Hyperion?

8           A       No.

9           Q       Do you know where Golden State Freeway at  
10       Hyperion is or would be?

11          A       No.

12          Q       Now, there is going to be a number of  
13       witnesses called in this case and I am going to ask you  
14       to look at a chart and tell me if you recognize any of  
15       the people who appear on that chart.

16                   This is a list of prospective witnesses and  
17       it is prospective only.

18                   It may be that some of these people don't  
19       testify; it may be that additional people that are not  
20       on the list will testify.

21                   THE COURT: Are you all able to read the names  
22       from where you are? Is there anyone in the jury box who  
23       cannot see the names from that distance?

24          Q       BY MR. FITZGERALD: Can you see the names?

25          A       Those books are in the way on the bottom.

26          Q       Is there any name you cannot see?

1 A No, that is fine now.

2 Q Do you have any friends or relatives that are  
3 employed or are in any capacity connected with the Los  
4 Angeles County Coroner's Office?

5 A No.

6 Q Do you have any friends or relatives who  
7 are in the Los Angeles Police Department or the Los  
8 Angeles County Sheriff's Office?

9 A No.

10 Q Or are in any way connected with television  
11 Channel 7 or connected with in any respect Eyewitness News?

12 A No.

13 Q Do you ever watch Channel 7, Eyewitness News?

14 A Once in a while.

15 MR. BUGLIOSI: Your Honor, I think it should be  
16 brought to the attention of the jury that these are  
17 tentative prosecution witnesses as opposed to defense  
18 witnesses and on behalf of the prosecution I would  
19 request at this time that the defense also indicate whom  
20 they intend to call as witnesses in their defense.

21 MR. FITZGERALD: I will attempt to furnish to Mr.  
22 Bugliosi a list of witnesses before the prosecution  
23 begins their examination of the prospective jurors.

24 MR. BUGLIOSI: Thank you.

25 Q BY MR. FITZGERALD: I take it, Mr. Stokes,  
26 you don't know anybody there, is that right?

A I do not.

12-1

1 Q Now, Mr. Stokes, I take it that you are familiar  
2 with the term "law and order"?

3 A Yes, I have heard it.

4 Q You heard it on radio and in the newspaper  
5 and on television, and so on?

6 A Politics, yes.

7 Q Politics, right.

8 You are not going to use law and order or  
9 any sort of increased crime rate or anything like that in  
10 arriving at a verdict in this case, are you?

11 A No.

12 Q Do you feel that you could decide this case  
13 solely on the evidence you receive and hear in court?

14 A Yes, I could.

15 Q Do you feel that you would be under any  
16 pressure as a juror in this case from your friends and  
17 neighbors?

18 A No.

19 Q To arrive at a verdict one way or another in  
20 this case?

21 A No.

22 Q Do you feel that if after you listen to all the  
23 evidence you had a reasonable doubt as to the guilt of the  
24 defendants you could vote to acquit them and still face  
25 your friends and neighbors?

26 A Yes.

4-2  
1 Q Do you think that you are under any pressure  
2 to find anybody guilty in this case?

3 A No, I am not.

4 Q Do you understand that if you acquitted the  
5 defendants in this case that you would be enforcing the law  
6 just as vigorously as if you convicted them?

7 A Yes.

8 Q You understand that the presumption of innocence  
9 and reasonable doubt are just as much the law as any other  
10 aspects of the law?

11 A Yes.

12 Q The law of murder or homicide or anything else?

13 A Yes.

14 Q Now, do you think that you personally have the  
15 courage to acquit somebody charged with murder?

16 A Yes.

17 Q Do you think that you would have the courage to  
18 acquit somebody that is charged with more than one count of  
19 murder?

20 A Yes.

21 Q Now, if you are selected as a juror in this  
22 case, would you give the defendants, each one of them, the  
23 benefit of your own individual opinion in arriving at a  
24 verdict?

25 A Yes.

26 Q Would you change your mind because you were

12-3

1 outnumbered on the jury?

2 A No.

3 Q Let's say that you are selected as a juror and  
4 11 other members of the jury feel one way and you feel  
5 another way. Would you change your mind simply because you  
6 were outnumbered by the other 11?

7 A No. I would talk it over and see where I am  
8 going, see the differences, and then I would decide again,  
9 but I would stick to my decision if I thought it were  
10 correct. I wouldn't eliminate conversing with the rest of  
11 the jury, though.

12 THE COURT: Keep your voice up just a little, please,  
13 Mr. Stokes.

14 MR. STOKES: I would discuss it with, you know, the  
15 panel, the jury panel.

16 MR. FITZGERALD: Q In other words, I take it that  
17 you would listen to what your fellow jurors had to say,  
18 you would listen to their opinion?

19 A Yes, I would.

20 Q But you wouldn't change your mind simply  
21 because you were outnumbered?

22 A I would not.

23 Q If you had a conviction in your mind that was  
24 honestly held, would you change it for any reason?

25 A No.

26 Q And you understand that everybody in this case



1 would hope that you would arrive at a verdict, but you are  
2 not compelled to arrive at a verdict and in so doing give  
3 up any conscientious opinion you retained concerning the  
4 evidence in the case.

5 A Yes, I understand that.

6 Q Now, should the prosecution call police officers  
7 as witnesses, are you likely to give the testimony of a  
8 police officer greater weight simply because that person is  
9 a police officer?

10 A No.

11 Q You understand that police officers are human  
12 like everyone else and they can make mistakes?

13 A Yes.

14 Q Would you evaluate the testimony of a police  
15 officer using the same standards you use to evaluate the  
16 testimony of any other witness in the case?

17 A Yes, I would.

18 Q Now, it may be that the prosecution will  
19 call more witnesses than the defendants call to the  
20 witness stand. Is that going to influence you in arriving  
21 at a verdict, the number of witnesses?

22 A No.

23 Q Let's say that the defendant Patricia  
24 Krenwinkel, or any of the other defendants, didn't even  
25 call one witness in their own behalf and that the prosecution  
26 called 100. Would you think, for that reason alone, that

1 you should vote to convict the defendants?

2 A No.

3 Q You understand that the prosecution, as I have  
4 said several times, has the burden of proving the defendants'  
5 guilt beyond a reasonable doubt?

6 A Yes.

7 Q Furthermore, do you understand that the  
8 defendants need not prove anything?

9 A Yes.

10 Q They don't have to prove anything in this case.

11 A Yes.

12 Q They can sit and not say a word. Do you  
13 understand that?

14 A Yes.

15 Q Not call a witness.

16 Do you think, if that happened, the defendants  
17 didn't call any witnesses, and you had a reasonable doubt,  
18 that you would be able to acquit them?

19 A Yes.

20 Q Now, a defendant in a criminal case has a  
21 constitutional right to take the witness stand and to  
22 testify. The defendants also have a constitutional right  
23 not to take the witness stand and testify.

24 Do you understand that?

25 A Yes.

26 Q Let's say that one or more of the defendants in

1 this case didn't take the witness stand and didn't testify.  
2 Would that make you feel they are more likely to be guilty  
3 than innocent?

4 A No.

5 Q You understand that they are not required to  
6 take the witness stand?

7 A Yes.

8 Q And that there may be a number of reasons,  
9 many of which were unknown to you, as to why or why not  
10 they did or did not take the witness stand.

11 A Yes, sir.

12 Q Do you promise not to infer or speculate in  
13 regard to whether the defendants take the witness stand or  
14 whether or not they call witnesses on their own behalf?

15 A Yes.

12a.

1 Q And you could still be fair and impartial  
2 in spite of that fact; is that correct?

3 A Yes, I could.

4 Q Now, it may be also that the prosecution will  
5 introduce into evidence a number of documents, a number  
6 of charts, a number of photographs, a number of diagrams;  
7 and it may also be that the defendant, Patricia  
8 Krenwinkel, or the other defendants, don't introduce  
9 anything like that at all.

10 I take it that you are not going to decide  
11 this case by the weight of the paper that one side or the  
12 other introduces?

13 A No.

14 Q Do you have any familiarity with firearms?

15 A Yes.

16 Q Do you own firearms?

17 A Yes.

18 Q Do you own any handguns?

19 A No.

20 Q Do you know the difference between an  
21 automatic and a revolver?

22 A Yes.

23 Q Have you hunted from time to time?

24 A Yes.

25 Q Were you also in the military service?

26 A Yes.

12a2.

1 Q And is that where your first contact was  
2 obtained with firearms and offensive weapons?

3 A No.

4 Q I take it you learned about it as a boy;  
5 is that it?

6 A Yes.

7 Q Is your experience limited mostly to rifles  
8 or to pistols?

9 A Rifles.

10 Q Do you have any particular aversion to  
11 firearms or to knives?

12 A Aversions?

13 Q Yes. Is there anything about knives or  
14 guns that upset you?

15 A No.

16 Q Some people get very --

17 A No, nothing.

18 Q Now, it may be that the prosecution will  
19 introduce what is called circumstantial evidence.

20 Are you familiar with the term " circumstantial  
21 evidence"?

22 A Yes.

23 Q It may be that they will introduce into  
24 evidence various types and kinds of physical items of  
25 evidence that are circumstantial in nature, and I don't  
26 want to get into the definition of circumstantial evidence

12a3.

1 at this point, but if you were instructed that in certain  
2 circumstances -- well, let me ask you this.

3 Would you carefully analyze any circumstantial  
4 evidence that was introduced in this case in arriving  
5 at your verdict?

6 A Yes, I would carefully weigh all the evidence.

7 Q Now, I wanted to ask you some questions,  
8 very, very brief questions, about the death penalty and  
9 your feelings and attitudes toward the death penalty, but  
10 I want at the outset to make something very clear, Mr.  
11 Stokes.

12 I am not conceding for a moment that anybody  
13 in this case is guilty of murder, particularly murder in  
14 the first degree, and by asking you these questions I am  
15 not conceding for a moment that anybody is guilty of  
16 anything.

17 Do you understand that?

18 A Yes.

19 Q Do you understand that -- well, the Judge  
20 asked you, I believe, whether you would automatically  
21 impose a sentence of life imprisonment without regard to  
22 any evidence in the case.

23 Do you recall the Judge asking you a question  
24 similar to that?

25 A No.

26 Q All right.

1 I take it that you wouldn't automatically  
2 impose the death penalty regardless of any evidence in this  
3 case, would you?

4 A No.

5 Q Now, are you a member of any organization that  
6 has as one of its tenets the increase in the number of  
7 offenses punishable by death in California?

8 A No.

9 Q Are you a member of any organization that  
10 is actively involved in the retention of the death  
11 penalty in California?

12 A No.

13 MR. FITZGERALD: Thank you, Mr. Stokes, that  
14 concludes my questions.

15 Would you pass the microphone along.

16 MR. STOKES: Thank you.

17  
18 VOIR DIRE EXAMINATION OF MR. LAWRENCE REYNOLDS  
19 BY MR. FITZGERALD:

20 Q I believe it is Mr. Reynolds; is that  
21 correct?

22 A That is correct.

23 Q What is your business or occupation, Mr.  
24 Reynolds?

25 A I am Senior Photographer at the Los Angeles  
26 County Museum of Natural History, consulting photographer

1 for the Special Events Section of the Department of Parks  
2 and Recreation, and I am a part-time photography teacher.

3 Q Did you recently graduate from some institution?

4 A Not completely. I still have about six more  
5 units to go.

6 Q Where was that?

7 A UCLA.

8 Q Are you married, sir?

9 A Yes, I am.

10 Q Do you have any children?

11 A We have a boy 9 months old.

12 Q Where in the County of Los Angeles do you  
13 reside?

14 A In the South Bay District.

15 Q Is your wife employed outside the home?

16 A No. She is just a housewife.

17 Q Have you ever sat as a juror before in any  
18 kind of a case, criminal or civil?

19 A Yes, I have. A criminal case.

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12B 1 Q Did that criminal case on which you sat as a  
2 juror involve a charge similar to any one of the charges  
3 here?

4 A No, sir, it didn't.

5 Q Without telling me what the verdict was, was  
6 the jury able to arrive at a verdict in that case?

7 A Yes. After a rather long discussion, we were.

8 Q Is there anything about that experience that  
9 makes you feel you would rather not sit as a juror in this  
10 case?

11 A No, sir.

12 Q Is there anything about the nature of this  
13 case at all that makes you feel that you would prefer not  
14 to sit as a juror?

15 A Well, other than the length of time that we  
16 will be locked up, if I am on the jury; I mean, I doubt if  
17 anyone would want to stay indoors for six months. But that  
18 is the only thing.

19 Q Do you have any friends or relatives that are  
20 police officers or are otherwise engaged in law enforcement?

21 A No, sir, I don't.

22 Q Have you or any member of your family ever been  
23 the unfortunate victim of a criminal homicide?

24 A No, sir.

25 Q Have you ever been the complaining witness in a  
26 criminal case?

12b2

1 A No, sir.

2 Q Are you a member of any organization organized  
3 for the suppression of crime in any respect?

4 A No, sir.

5 Q Do you have any friends or relatives or are  
6 you friendly with or acquainted with anybody in the office  
7 of the Los Angeles County District Attorney?

8 A No, sir.

9 Q Do you have any objections to the jury system  
10 as a whole?

11 A No. I think it is a very good system.

12 Q I take it, then, that you wouldn't prefer that  
13 there be any change, that the right to a trial by jury in a  
14 criminal case be abrogated in any sense?

15 A No, sir.

16 Q If you were requested by the Court not to  
17 take into consideration the fact that these defendants have  
18 been arrested and were before the court standing trial,  
19 would you be able to follow that instruction?

20 A Yes, sir, to the best of my ability.

21 Q Is there some doubt in your mind about whether  
22 or not you would be able to?

23 A There is a slight amount of doubt, yes.

24 Q If I were to ask you individually each and  
25 every question that I asked the preceding juror, Mr. Stokes,  
26 would your answers be substantially the same or approximately

1 the same?

2 A Basically the same, yes.

3 Q Basically the same?

4 A Yes.

5 I might mention one fact, though. I did work  
6 for the Los Angeles County Sheriff's Department as a  
7 photographer four and a half years ago.

8 Q And for how long a period of time were you  
9 employed by the Sheriff's Office?

10 A Eight months.

11 Q Is that going to influence you in arriving at a  
12 verdict?

13 A No, sir.

14 Q Other than those remarks, is there any other  
15 question that you would answer differently?

16 A I can't remember all the questions that were  
17 asked.

18 Q You don't know any of the witnesses, you are  
19 not familiar with any of the locations involved, I take it?

20 A I am familiar with the Beverly Hills area and,  
21 to a certain extent, with the Los Feliz area.

22 Q Are you familiar with the Benedict Canyon area?

23 A I have driven through there.

24 Q Do you know where Waverly Drive is in the  
25 Los Feliz district?

26 A No.

12b4

1 Q Do you know where Hyperion and the Golden State  
2 Freeway is located?

3 A I know where the Golden State Freeway is but  
4 not Hyperion.

5 Q Is there anything that you think ought to be  
6 brought to our attention at this time to save us the time-  
7 consuming effort of asking you each question we have asked  
8 of some other juror?

9 A Not that I can think of, no.

10 MR. FITZGERALD: Okay. Thank you very much.

11  
12 VOIR DIRE EXAMINATION OF WILLIAM T. McBRIDE, II  
13 BY MR. FITZGERALD:

14 Q Mr. McBride, is it not?

15 A Yes.

16 Q What is your business or occupation?

17 A I am a reactor operator for Ashland Chemical  
18 Company.

19 Q What is a reactor?

20 A It is a vessel that produces chemicals under  
21 reaction.

22 Q And by whom are you employed?

23 A Ashland Chemical Company.

24 Q And basically, what is the nature of your  
25 duties as a reactor operator?

26 A I operate the reactor in which the chemicals

2b5  
1 are made.

2 Q Do you also supervise personnel in connection  
3 with the --

4 A Yes, two.

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Q You do?

A Yes.

Q How many people do you supervise?

A Two.

Q And where is your place of employment located?

A City of Commerce.

Q And where in the County of Los Angeles do you reside?

A Whittier.

Q Are you married, sir?

A No.

Q And for how long a period have you been employed as a reactor operator?

A One and a half years.

Q Did you have some other previous employment or occupation?

A Before this time?

Q Yes.

A Before I was employed there?

Q Yes.

A The United States Air Force.

Q Were you there for four or five years?

A Three years.

Q How long have you resided within the County of Los Angeles or California, Southern California?

13-2.

1 A Approximately 19 or 20 years.

2 Q Have you previously sat as a juror?

3 A Yes, I have.

4 Q Was that on a criminal case or a civil case?

5 A Criminal case.

6 Q Did the charge involve a charge similar to the  
7 one here?

8 A No, it did not.

9 Q To the ones here, excuse me.

10 Without telling me what the verdict was, was  
11 the jury able to arrive at a verdict in this case?

12 A Yes, they were.

13 Q Was there anything about that experience that  
14 makes you feel you would rather not sit as a juror in this  
15 case?

16 A No, not at all.

17 Q Is there anything about the nature of this case  
18 that makes you feel you would rather not sit as a juror?

19 A No, sir.

20 Q Are you familiar with any of the locations that  
21 have been previously mentioned or any of the prospective  
22 prosecution witnesses that have been mentioned?

23 A No, I am not.

24 Q Has any member of your family or any close  
25 personal acquaintance or friend or relative or anybody like  
26 that, ever been the unfortunate victim of a criminal

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1 homicide?

2 A No.

3 Q Have you personally ever been involved, or  
4 any member of your family ever been involved in the  
5 prosecution of a criminal case?

6 A No.

7 Q And do you have any quarrel with the  
8 proposition that a defendant in a criminal case is  
9 presumed to be innocent?

10 A No, I do not.

11 Q Would you have any problem following that  
12 aspect of the law?

13 A No, I would not.

14 Q Would you require any more or greater  
15 evidence to convict anyone simply because the charge was  
16 murder?

17 A No, -- well, I am not sure I completely  
18 understand that question.

19 Q Would you require less evidence to convict  
20 somebody of murder?

21 A Certainly not.

22 Q Now, do you have any difficulty presuming  
23 that the defendants are innocent inasmuch as they are  
24 charged with more than one murder?

25 A No.

26 Q Do you have any quarrel with the proposition



13-4, 1

2 that the prosecution must prove the defendant's guilt  
3 in a criminal case?

4 A No.

5 Q Would you promise to enforce that rule, that  
6 is, let the prosecution actually prove to you as an  
7 individual that the defendants were guilty?

8 A Yes.

9 Q Would you make the prosecution prove to you  
10 that each and every defendant was guilty?

11 A Yes.

12 Q If you listened to all of the facts and  
13 evidence in the case, and you had a reasonable doubt as  
14 to the defendant's guilt, would you vote to acquit  
15 him?

16 A Yes, I would.

17 Q Do you feel you have the courage to acquit  
18 somebody of the charge of first degree murder?

19 A Yes, I do.

20 Q If you voted to acquit these defendants who  
21 are charged with murder, do you think you would be able  
22 to face your friends and your neighbors?

23 A Certainly.

24 Q Do you feel that you are under any pressure in  
25 this case to decide the case one way or the other?

26 A No, I am not.

Q Do you feel that if you voted to acquit any

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1 of these defendants that you would have any trouble in  
2 the community or anything like that?

3 A No.

4 Q I take it you have the courage of your own  
5 convictions?

6 A Yes, sir.

7 Q Would you give us the benefit of your own  
8 individual opinion in arriving at a verdict?

9 A Yes, I would.

10 Q You are not going to adopt somebody else's  
11 opinion simply because you think they are more smart or  
12 more educated or something like that, are you?

13 A No.

14 Q You understand that to each of these defendants  
15 your opinion is what is important to us?

16 A Yes.

17 Q I take it you would not change your mind  
18 simply because you were outnumbered?

19 A That is right.

20 Q If during the course of this case you were  
21 forced to view some photographs of dead bodies or  
22 anything like that, is that going to so enrage or inflame  
23 you that you would be unable to dispassionately evaluate  
24 the proof and the evidence against the defendants?

25 A No, it would not.

26 Q You understand we don't contest that certain

7.

1 people are dead?

2 A No, sir.

3 Q I mean, we all agree that some people are  
4 dead?

5 A Yes, sir.

6 Q And by virtue of the fact they are dead,  
7 the prosecution have to introduce some proof they are  
8 dead?

9 A Yes.

10 Q As a result one item of proof is a photograph.  
11 You can look at the photograph of a dead body?

12 A Of course.

13 Q You understand that is about all that is,  
14 that is about all that it involves.

15 A Yes, sir.

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1 Q Now, if police officers were called to the  
2 witness stand and they testified for the prosecution, are  
3 you going to give the testimony of the police officer  
4 greater weight simply because that person is a police  
5 officer?

6 A No, I am not.

7 Q Are you going to give greater weight to the  
8 testimony of witnesses or -- are you going to give greater  
9 weight to the testimony of witnesses called by the prose-  
10 cution than you are to those called by the defense?

11 A No, I am not.

12 Q Now, if it should appear that there is a dis-  
13 parity in the number of witnesses called by the respective  
14 sides, I take it that is not going to enter into your  
15 decision, is it?

16 A No.

17 Q And you clearly understand that the defendant  
18 need prove nothing at all?

19 A Yes, I understand that.

20 Q You understand that?

21 A Yes, I do.

22 Q I mean, you understand that intellectually,  
23 I'm sure.

24 A Yes.

25 Q But now I am going to ask you to kind of  
26 project yourself ahead a little bit.

3a2  
1 If you are selected as a juror in the case,  
2 and the defendants have not presented any evidence yet.  
3 You have a reasonable doubt. You don't feel the prosecution  
4 has proven their guilt.

5 What would you do?

6 A I would vote for an acquittal.

7 Q You would not have any problem with that, is  
8 that right?

9 A No.

10 Q In other words, you don't have any preconceived  
11 ideas in your mind as to what has to be shown you by the  
12 defense in order for you to acquit them?

13 A No.

14 Q Now, it may be that a witness will testify in  
15 this case who will be defined legally as an accomplice.

16 Have you ever heard that word, accomplice?

17 A Yes, I have.

18 Q We are not going to get into a definition or  
19 a discussion of what is an accomplice and what is not.

20 But would you carefully follow all of the  
21 Judge's instructions regarding the testimony of a witness  
22 who has been described as an accomplice?

23 A Yes, I would.

24 Q It may be that you are going to be instructed  
25 that the testimony of an accomplice is to be treated with  
26 caution.

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Would you be able to follow such an instruction?

A Yes, sir.

Q Would you be able to critically analyze the testimony of an accomplice should one such person testify in this case?

A Yes, sir.

Q In other words, you would not have any difficulty putting some witnesses in different categories than other witnesses?

A No.

Q Do you have any unfamiliarity with firearms?

A Yes, I do.

Q Do you have some substantial familiarity with handguns?

A Nothing substantial, no.

Q Do you have any emotional problem with the use of firearms or any other kind of offensive weapon, knives?

A No.

Q Bludgeons, clubs, that sort of thing?

A No.

Q I take it you will follow the instructions that your decision in this case is to be based solely on the facts and evidence in this case?

A Yes, sir.

Q Now, I'm sure you will be willing to promise that the length of the defendants' hair, or anything else



1324  
1 about their life style, is not going to enter into your  
2 verdict, is that correct?

3 A That's correct.

4 Q Can you be absolutely fair and impartial in  
5 that regard?

6 A Yes, sir, I can.

7 Q You understand that this is a trial only to  
8 determine whether these defendants are guilty of what they  
9 are charged with.

10 You understand that?

11 A I understand.

12 Q You understand that no one's character is on  
13 trial here?

14 A Yes.

15 Q We are not trying to determine whether anybody  
16 violated anybody else's moral code or anything like that?

17 A Yes, sir.

18 Q Some people obviously have opinions about other  
19 people in our society, is that right?

20 A Yes, that's true.

21 Q Some people have fixed opinions about other  
22 classifications of people?

23 A That's true.

24 Q Do you have any fixed opinions about people who  
25 wear long hair or people who don't particularly follow  
26 what may be your life style?

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A No, I don't.

Q You don't see red when you see somebody with long hair?

A No.

Q You don't see red if you see somebody, some girl that is not wearing makeup, or wears a different style of clothing, or anything like that?

A No, I don't.

Q And you understand also we are not here to try anybody for any philosophical, moral or religious belief, do you not?

A Yes.

Q And that only insofar as those philosophical, religious beliefs involve some aspect of this case, they are really not to be considered by you.

A I understand that.

Q Whether you agree with them or not.

A Uh-huh.

Q Now, should the prosecution introduce into evidence any items of circumstantial evidence, do you think that you would be able to carefully and critically analyze any of that circumstantial evidence?

A Yes, I believe so.

Q And you are not familiar with any of the witnesses who may be called by the prosecution, right?

A No, I am not.



Q Or any of the locations in the case?

A No, no.

Q If during the course of the case you should hear a reference to some location that you are familiar with, do you think that you would be able to listen to the facts and evidence in this case rather than what your own impression of the location is?

A Certainly.

Q In other words, let's just take an example:

Let's say this was a personal injury case, and it involved the intersection of 3rd and Main, and you happened to be very familiar with the intersection of 3rd and Main.

And it may be that both sides were putting on evidence that was contrary to your understanding of how 3rd and Main was situated.

You understand that you are bound, indeed bound by the evidence here in court as to 3rd and Main?

A Yes, I understand that.

Q And I take it that you are not going to let law and order or any increased crime waive or anything like that influence your verdict?

A No, I am not.

Q You have read publicity in connection with this case and you have seen things on TV and heard things on the radio?

B7

1 A Yes.

2 Q You are not going to let that influence you in  
3 arriving at a verdict, are you?

4 A No, I am not.

5 Q You understand that frequently radio and  
6 television and TV are incorrect in their statements about  
7 facts and situations, is that correct?

8 A Yes, I realize that.

9 Q You understand they have certain pressures that  
10 other people don't have; they've got to meet deadlines and  
11 things.

12 You understand that?

13 A Yes, yes.

14 Q You understand that the only facts and  
15 circumstances you can use in arriving at a verdict in this  
16 case are what you heard in this courtroom?

17 A Yes.

18 Q Do you feel that you can wait until you hear  
19 all of the evidence and you hear the law as given to you by  
20 the Judge before you arrive at any verdict?

21 A Yes, I believe I can.

22 Q We are asking you to hold in abeyance any  
23 judgments you might make until it is all over.

24 A Yes.

25 Q Frequently that is difficult to do. We all  
26 make judgments about people, but do you think you will be

3B8 1 able to keep that all out of your mind until the very  
2 conclusion of the case?

3 A Yes, I believe I can.

4 Q Do you believe in some sort of principle of  
5 guilt by association?

6 Do you believe that because somebody is a  
7 friend of somebody's, and a friend is guilty, that other per-  
8 son must be guilty as well?

9 A No, I do not believe that.

10 Q Do you think that it is possible for a  
11 witness to be mistaken under oath?

12 A If I understand your question correctly, yes,  
13 I believe it is possible.

14 Q It is a pretty simple question:

15 You don't think there is anything magical,  
16 really about taking an oath that removes people's human  
17 frailties?

18 A No.

19 Q You understand they can be just as wrong under  
20 oath as they can be not under oath?

21 A Yes.

22 Q Do you believe it is possible for someone to  
23 deliberately lie or fabricate while they are under oath?

24 A Yes, that is possible.

25 Q Possible seems to indicate that it is within  
26 the realm of intellectual occurrence.

1 But as a human practicality do you think that  
2 it is more than possible, that it is probable in some  
3 situations that certainly some witnesses can lie or  
4 fabricate?

5 A Yes, sir.

6 Q Simply because something comes from the  
7 witness stand you are not going to be awed by it, are you?

8 A No.

9 Q We are not asking you -- the defendants are not  
10 asking you to leave your common sense at home when you sit  
11 in the jury.

12 I mean, we are asking for the benefit of your  
13 opinion.

14 It is simply because you are going to have to  
15 form some judgments as a result of hearing things in  
16 court. That does not sanctify it in any sense, do you  
17 know what I mean?

18 A Yes, I do.

19 MR. FITZGERALD: Okay --

20 THE COURT: Mr. Fitzgerald, we will take our afternoon  
21 recess at this time.

22 Ladies and gentlemen, do not converse among  
23 yourselves or with anyone else on any subject relating to  
24 this case, nor form or express any opinion regarding the  
25 case until it is finally submitted to those of you who are  
26 selected as trial jurors.

1 We will recess for 15 minutes.

2 (Whereupon, at 3:06 p.m. a recess was taken.)

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14-1. 1 THE COURT: All parties and counsel are before the  
2 Court.

3 You may continue, Mr. Fitzgerald.

4 MR. FITZGERALD: Thank you.

5  
6 VOIR DIRE EXAMINATION OF WILLIAM T. McBRIDE II  
7 BY MR. FITZGERALD: (Continuing)

8 Q Let me ask you this, Mr. McBride.

9 If you were on trial here, if you were one  
10 of the defendants, would you be satisfied with somebody  
11 in your frame of mind?

12 A Yes, I would.

13 Q Do you feel that your mind is perfectly open  
14 and perfectly fair at this time?

15 A Yes, sir.

16 Q Do you think that throughout this case you  
17 can maintain an attitude of fairness toward each and every  
18 one of these defendants?

19 A I think so.

20 Q I take it that you don't belong to any  
21 organization that has as one of its objectives or tenets  
22 the retention of the death penalty in California?

23 A No.

24 Q Nor are you a member of any organization that  
25 is in favor of increasing the number of crimes punishable  
26 by death in California?

14-2.

MR. FITZGERALD: I have nothing further.

Thank you very much.

VOIR DIRE EXAMINATION OF ROSE PAHN

BY MR. FITZGERALD:

Q Miss Pahn, isn't it?

A Right.

Q How are you today?

A Warm.

Q Warm?

A Yes.

Q Sometimes it is kind of hard to hear with these air conditioners on.

Miss Pahn, what is your business or occupation?

A At present I am retired.

Q What did you do?

A I was a stenographer, a secretary.

Q For whom?

A Well, I worked for United Jewish Welfare Fund and also back in 1936 I worked for the Police Department, in '36, for ten years, and on promotion I went upstairs and worked for the Public Utilities in Transportation.

Q In 1936?

A In 1936 I worked for the police department.

Q The Los Angeles Police Department?

A Yes, sir.

INX.

1 Q How long a period of time did you work with  
2 the L.A.P.D.?

3 A 10 years.

4 Q What did you do for them?

5 A Stenographer.

6 Q Is that going to influence you in arriving  
7 at a verdict here?

8 A No, sir.

9 Q Do you consider yourself familiar and  
10 conversant with police practices and terminology and  
11 things?

12 A Not very much.

13 Q You do know some police officers, don't you?

14 A Not at this time. That was 25 years ago.

15 Q You formed some relationship with some  
16 police officers in the past, did you not?

17 A I was friendly with them when I worked there.

18 Q If it was necessary for you to critically  
19 evaluate the testimony of a police officer, do you think  
20 you would be able to do it inasmuch as you once were  
21 allied with them sort of?

22 A Certainly I would.

23 Q Do you think that you would be inclined because  
24 of your past employment to give greater weight to a police  
25 officer's testimony than you would somebody else?

26 A Not greater weight. I could give them fair



1 weight, as to what they say, like anyone else, like any  
2 other witness.

3 Q But what I am asking you is:

4 Do you think that because they are police  
5 officers --

6 A They are not holier than thou.

7 Q Right.

8 Do you understand that police officers, like  
9 anybody else, can be mistaken?

10 A Yes.

11 Q But let's -- I don't envision this situation  
12 coming up in the trial -- it may -- let's say that the  
13 integrity or the word of a police officer is attacked and  
14 that it may be up to you to decide whether a police  
15 officer is telling the truth or not.

16 Would you prefer not to have that sort of a  
17 burden?

18 A Well, I have to do the same for any other  
19 person.

20 Q Do you think you could do it fairly?

21 A I believe so.

22 Q After your ten years stint with Los Angeles  
23 Police Department, were you engaged in some other line of  
24 employment as a stenographer?

25 A Yes. I worked for the Public Utilities  
26 in the Transportation Department where I was Board

1        secretary and general stenographer in the Engineering  
2        Division.

3                Q        Do you have any friends or relatives that  
4        are engaged in law-enforcement or connected at all with  
5        the suppression of crime, or anything like that?

6                A        Attorneys.

7                Q        Attorneys?

8                A        Yes.

9                Q        Do you have some friends that are attorneys?

10              A        Friends, relatives.

11              Q        Relatives?

12              A        Yes.

13              Q        Any close relatives that are lawyers?

14              A        Third or fourth cousins. Well, second, third  
15        and fourth cousins.

16              Q        Do any of them practice criminal law?

17              A        Not that I know of.

18              Q        Do any of them have a trial practice?

19              A        Yes.

20              Q        Do you see them from time to time?

21              A        I saw them all last Sunday, but otherwise it  
22        is one of these, you know, generation gap things, or large  
23        family things. I don't see them very often.

24                      This was a wedding so everybody gathered,  
25        a gathering of the clan.

26              Q        Are you aware of the generation gap in dealing

1 with some people?

2 A We are friends. I like young people and I  
3 think they like me, but I meant that as far as visiting  
4 and socializing, not very often.

5 Q The defendants on trial here are all young  
6 people, are they not?

7 A Yes.

8 Q Are you going to have any difficulty in  
9 evaluating the testimony of any of the young people in  
10 this case?

11 A I don't think so.

12 Q Do you particularly react to their life  
13 style in and of itself?

14 A No.

15 Q You don't wear your hair, Miss Pahn, in all  
16 due respect, in the same fashion and manner that my client  
17 wears her hair.

18 A No. It wouldn't be very nice long. It is  
19 gray.

20 Q Pardon?

21 A Gray hair wouldn't be very nice long. It  
22 wouldn't be very becoming.

23 Q Perhaps Miss Krenwinkel doesn't wear the same  
24 type of clothing you do. It is quite obvious she  
25 doesn't; right?

26 A Yes.

1 Q Is that going to influence you in arriving  
2 at a verdict one way or the other in this case?

3 A That is her taste, if she wants to wear it  
4 that way.

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# 15.

15-1

1 Q Well, it is a question of choice, isn't it?

2 A Yes.

3 Q It may be that somebody chooses to wear a  
4 particular type of garment; someone else chooses to wear  
5 another type of garment.

6 You are not going to base your decision on  
7 whether they are guilty of murder based on their clothes,  
8 obviously?

9 A No.

10 Q Now, I want to ask you a little more subtle  
11 question:

12 Do you think the fact that she wears a little  
13 different clothing than you do, or her hair is a little  
14 different, that is going to subtly affect your ability to be  
15 fair or give her a fair trial?

16 A No.

17 Q Do you think you can be fair to Miss Krenwinkel  
18 and all the other defendants in this case?

19 A Yes, I think so.

20 Q Would you consider yourself a woman who has a  
21 certain amount of strength and courage in your life and in  
22 your beliefs?

23 A I believe so.

24 Q Well, the charge here is murder, isn't it?

25 A Yes.

26 Q As far as you know?

15-2

1 A Yes.

2 Q Is there anything about the nature of the  
3 offense that makes you feel you would rather not sit on a  
4 jury like this?

5 A I didn't pick it. I mean, it is my specific  
6 duty. I was sent here, that is all.

7 Q All right, and that is an admirable position.

8 But you may be required during the course of  
9 this case to view some photographs, bloody photographs,  
10 dead bodies and other unpleasant sorts of things.

11 Do you think that you could still be fair and  
12 impartial to the defendants?

13 A Until the evidence shows that they are responsi-  
14 ble for that dead-bodies condition, my mind would be open.

15 Q Well, but some people just get inflamed by  
16 the very fact there is blood and gore, and it is not  
17 pleasant; it is going to be unpleasant.

18 That is what I want to get across.

19 A No, I think that would be beside the point.

20 Q You think that you could still be fair and  
21 impartial regardless of the charge?

22 A Right.

23 Q Is there something in the nature of these  
24 charges that makes you feel that they are more likely to be  
25 guilty than innocent, the fact that somebody files a murder  
26 charge, accuses somebody of murder, does that make you feel

15-3

1 they are more likely to be guilty?

2 A No.

3 Q What about the situation where you have one or  
4 two or three or four murders, does that make you feel they  
5 are more likely to be guilty than innocent?

6 A I have no way of judging that now.

7 Q What I am getting at is do you think that  
8 because there are multiple charges in this case that the  
9 defendants are more likely to be guilty than innocent?

10 A No, for me to say that they were, would be to  
11 prejudge them now.

12 Q And you haven't prejudged them?

13 A No.

14 Q You have not even quarreled with the proposition  
15 of law that somebody is presumed to be innocent?

16 A No.

17 Q And do you presume that Miss Krenwinkel and the  
18 other defendants are innocent?

19 A I am willing to accept that.

20 Q You presume Mr. Manson is innocent?

21 A Until proven guilty.

22 Q And you would force the prosecution to prove  
23 his guilt?

24 A Right.

25 Q Beyond a reasonable doubt?

26 A Correct.

5-4  
1 Q Do you have any quarrel with that proposition  
2 of law that the prosecution must prove his guilt by  
3 evidence beyond a reasonable doubt?

4 A Correct.

5 Q Are you familiar with what has often been  
6 referred to as women's intuition?

7 A Right.

8 Q Do you possess some quantity of that women's  
9 intuition?

10 A Only insofar if I don't follow that hunch, if  
11 a hunch is the same as intuition, I am usually wrong.

12 Q Now, let's say that you listen to all of the  
13 evidence in the case and you had one of these hunches, one  
14 of those intuitions.

15 Would you convict somebody on a hunch or an  
16 intuition?

17 A That is a little different matter. If the  
18 hunches were my only personal plans and things like that.

19 Q Would you convict anybody on suspicion or associa-  
20 tion with somebody else?

21 A No.

22 Q Would you convict somebody because of where  
23 they happen to live or who their friends were?

24 A No.

25 Q It would take proof to convince you?

26 A Right.



15-5

1 Q It would take solid, competent evidence, right?

2 A Right.

3 Q Do you think you've got the courage to acquit  
4 Miss Krenwinkel and any of the other defendants on the  
5 charge, in the face of charges such as this?

6 A Yes.

7 Q Is there any question in your mind about it?

8 A No.

9 Q Do you feel that you will be able to acquit  
10 these defendants of all these charges and still face your  
11 friends and your neighbors?

12 A Yes.

13 Q Do you feel that you are under any pressure to  
14 convict these defendants?

15 A No.

16 Q Do you feel you would be subject to any  
17 retaliation in any respect, or do you feel that you somehow  
18 would be in trouble with the State of California or anything  
19 like that?

20 A No.

21 Q You understand that you are one of 12 separate,  
22 individual, distinct judges. Do you understand that?

23 A Yes.

24 Q And you are here to judge the facts?

25 A Yes.

26 Q Would you give us the benefit of your own

15-6  
1 individual opinion?

2 A Yes.

3 Q Do you think you would be able to hold your  
4 own against the men?

5 A Yes, I will.

6 Q What if you are selected as a juror and there  
7 are 11 other jurors; let's say you are the only woman on  
8 the jury and there were 11 men; they say one thing and you  
9 say another.

10 Would it change your mind?

11 A No, I would have to go over the case again,  
12 that is the only way to be sure that I understand everything  
13 well.

14 But I again would judge it myself.

A  
15 Q Has any member of your family or any close  
16 personal friend or acquaintance ever been the unfortunate  
17 victim of a criminal homicide?

18 A No.

19 Q Have you ever been associated in any way with  
20 the trial of a criminal case?

21 A Yes, I served two days on a criminal case.

22 Q You previously sat as a juror in a criminal case?

23 A Yes, sir.

24 Q Was the jury able to arrive at a verdict in  
25 that case?

26 A They were.

Q Was there anything about that experience that

15-7

1 is going to influence you in arriving at a verdict in this  
2 case?

3 A No.

4 Q What was the charge in that case?

5 A Burglary.

6 Q So you are familiar with the procedure in  
7 criminal cases?

8 A A little bit.

9 Q Do you think you can wait until you heard both  
10 sides of this case before you arrive at a conclusion or a  
11 decision?

12 A Correct.

13 Q Would you require less proof to convict these  
14 defendants because the charge is murder?

15 A No.

16 Q Would you require less proof to convict these  
17 defendants because of the notoriety this case has received  
18 in the press?

19 A Not less, no.

20 Q And should it come to pass that during the  
21 course of this case you should recall that you read some-  
22 thing in the newspaper or saw something on television or  
23 heard something on the radio, do you think you would be  
24 able to put that out of your mind and decide this case  
25 solely on the facts here in court?

26 A Yes.

1 Q And you understand that frequently news reports  
2 can be inaccurate?

3 A Right.

4 Q You wouldn't have any problem with that?

5 A No.

6 Q You don't think that, for example, that the  
7 media has the truth, and somehow these lawyers are always  
8 trying to suppress the truth or something like that?

9 A No.

10 Q Some sort of a general feeling that you are not  
11 going to be told the truth?

12 A No.

13 Q Do you have any familiarity with firearms,  
14 Miss Pahn

15 A No, not at all.

16 Q You never owned any and never fired any, I  
17 take it?

18 A No.

19 Q Do you have any particular aversion to fire-  
20 arms?

21 A I would rather not handle them.

22 Q Do you have any particular aversion to other  
23 kinds of offensive weapons like knives?

24 A The knives I handle are houseware.

25 Q Kitchen knives, butcher knives?

26 A Yes, pocket knives.

1 Q Now, I probably have not asked you --

2 Well, I take it you don't belong to any  
3 organization that has as one of its tenets to increase the  
4 number of crimes punishable by death in California?

5 A No.

6 Q And you are not the kind of person that  
7 automatically would impose any death penalty in any case  
8 without regard to the evidence, are you?

9 A No, I am not.

10 Q I haven't asked you all of the questions I have  
11 asked the three preceding jurors, but if I were to ask you  
12 those questions individually would your answers be about  
13 the same?

14 A Practically the same, yes.

15 Q Is there any question you think I ought to ask  
16 you?

17 (No response.)

18 If you were me and I was you would you ask me  
19 anything?

20 A No, I cannot think of anything now.

21 Q Was there anything I omitted that I should  
22 have asked you in connection with your attitude about this  
23 case or your knowledge about this case?

24 A No.

25 Q Whereabouts in the City of Los Angeles do you  
26 live, Miss Pahn?

1 A I live -- it is called West, I believe.

2 Q What are the major intersections near your  
3 home?

4 A La Cienega and Beverly or Melrose.

5 Q You live in the West Los Angeles area, is that  
6 correct?

7 A Just this side of West Los Angeles.

8 Q Are you familiar with the Benedict Canyon area  
9 of the City of Los Angeles?

10 A No.

11 Q Beverly Hills?

12 A Yes, just going through shopping there, I have  
13 a few friends there.

14 Q And I take it you are not familiar with any  
15 of the prosecution witnesses whose names appear on the  
16 board.

17 A One name is familiar in the Police Department,  
18 that is Boen.

19 Q Jerome A. Boen, B-o-e-n?

20 A Boen, I don't remember the first name.

21 He was in the accountant's office when I knew  
22 him, so I don't know if that is the same man.

23 Q Jerome Boen is a young man in his early 30's  
24 or so, I believe he is a resident of Orange County.

25 He is married, has two children, is employed by  
26 the Scientific Investigation Division of the Los Angeles

1 Police Department.

2 A I think this man would be older.

3 Q If I were to ask you all the questions I asked  
4 the preceding jurors would your answers be about the same?

5 A Yes, they would.

6 MR. FITZGERALD: Thank you very much.

7  
8 VOIR DIRE EXAMINATION OF MR. PEDRO R. DOMINGUEZ  
9 BY MR. FITZGERALD:

10 Q Mr. Dominguez, what is your business or  
11 occupation?

12 A Electrical designer for the Fluor Corporation.

13 Q And where is the particular facility of Fluor  
14 Corporation located?

15 A They have two buildings, one is located on  
16 Washington and Atlantic Boulevard.

17 Q Which facility do you work in?

18 A I work on the one on Ferguson across from the  
19 Union Pacific Railroad in East Los Angeles.

20 Q Over on Soto?

21 A No, it is further down, it is east of Atlantic  
22 Boulevard.

23 Q Are you married?

24 A Yes, sir.

25 Q Do you have any children?

26 A Two of them.

1 Q How old are your children?

2 A Four and the small one is one year and ten  
3 months.

4 Q Is your wife employed outside the home?

5 A No, she is not.

6 Q Have you ever served as a juror before?

7 A Yes, on civil cases.

8 Q On a civil case?

9 A Yes.

10 Q Not on a criminal case?

11 A No.

12 Q Is that it?

13 A Right.

14 Q Is there anything about that experience,  
15 serving as a juror in a civil case, that makes you feel you  
16 would rather not sit as a juror in this case?

17 A Not at all.

18 Q Do you understand -- have you read the juror's  
19 handbook?

20 A Not -- yes, I did, yes, I did.

21 Q Back sometime when you first started on jury  
22 duty.

23 A Yes.

24 Q Is your tour of duty about up?

25 A The 8th of next month, July.

26 Q That will be 30 days?



1 A Right.

2 Q You understand, perhaps, from your reading of  
3 the juror's handbook, that there are some differences in  
4 the trial of a criminal case as opposed to the trial of a  
5 civil case on which you sat as a juror, right?

6 A Yes.

16.

1 Q And in a civil case nine persons on a jury  
2 can arrive at a verdict and that is a valid verdict; isn't  
3 that right?

4 A True.

5 Q It may have happened on your civil case.

6 In a criminal case, the jury must be unanimous.  
7 all 12 persons must personally and individually agree in  
8 order to arrive at a verdict.

9 Do you understand that?

10 A Yes.

11 Q It must be a unanimous verdict.

12 A Yes.

13 Q The other major difference<sup>is</sup> that in a criminal  
14 case the standard of proof is different. The prosecution  
15 must prove guilt beyond any reasonable doubt.

16 Do you understand that?

17 A Yes.

18 Q Whereas, in the civil case you served as a  
19 juror on, the plaintiff had only to prove his case by  
20 a preponderance of the evidence, some sort of a mere  
21 tipping of the scales; right?

22 A Yes.

23 Q You understand the difference?

24 A Yes.

25 Q And without going into the reasons for the  
26 difference between criminal cases and civil cases, I take it

2.

1 you would be able to follow the law in regard to reasonable  
2 doubt?

3 A Yes, I would.

4 Q You would make the prosecution prove their  
5 case and you would make them prove it beyond a reasonable  
6 doubt; right?

7 A Yes.

8 Q Do you have any quarrel with that proposition  
9 of law?

10 A Not at all.

11 Q Would you change it if you had the opportunity?

12 A No.

13 Q Do you have any quarrel with the fact Miss  
14 Krenwinkel is presumed to be innocent, and as she sits  
15 there now is innocent?

16 A No quarrel with that.

17 Q You wouldn't change that, I take it, if you  
18 had the opportunity, or would you?

19 A No.

20 Q Are you familiar with any of the locations  
21 that we have previously mentioned, Benedict Canyon,  
22 Simi Valley, Beverly Hills, Silver Lake, Chatsworth?

23 A The Silver Lake area, I used to live on  
24 Glendale Boulevard off of Allessandro. That is the  
25 beginning of the Glendale Freeway now.

26 Q It is right over by the Riverside on-ramp?

3.

1 A Right.

2 Q Do you know where Waverly Drive is, 3301  
3 Waverly Drive?

4 A No, I don't recall the street.

5 Q Do you know where Hyperion is?

6 A Yes.

7 Q Are you familiar with any of the other  
8 locations?

9 A The Echo Park area, the Griffith Park  
10 area.

11 Q Sunset Boulevard and the Echo Park area?

12 A Yes, sir.

13 Q Are you familiar with any of the prosecution  
14 witnesses who may be called whose names appear on those  
15 large -- three large -- charts directly in front of you?

16 A No.

17 Q Have you or any member of your family been  
18 the unfortunate -- has any member of your family or any  
19 close personal acquaintance ever been the victim of a  
20 homicide?

21 A No.

22 Q You wouldn't be here if you were, would you?

23 A Right.

24 Q I am sorry.

25 Have you been associated in any way, or has  
26 any member of your family or any friend of yours ever been

1 associated with the prosecution of a criminal case?

2 A No.

3 Q Do you have any friends or relatives that  
4 are police officers or who are otherwise engaged in law-  
5 enforcement in California or elsewhere?

6 A No, I don't.

7 Q Do you have any friends or relatives that  
8 are employed by the Office of the District Attorney or  
9 the Office of the Los Angeles County Sheriff?

10 A Not at all.

11 Q Do you have any friends or relatives that are  
12 employed by the City of Los Angeles or the County of  
13 Los Angeles?

14 A No.

15 Q I believe you indicated in our discussion in  
16 chambers that occasionally, from time to time, you had  
17 occasion to watch the Channel 7 Eyewitness News; is that  
18 correct?

19 A Yes, I did.

20 Q Should some witness testify from Channel 7  
21 in this case, do you think that you would have a tendency,  
22 because you saw that person on television, to give his  
23 testimony a little greater weight?

24 A Under oath?

25 Q Under oath.

26 A No, I wouldn't.

1           Q     You are not going to be awed by any television  
2 personalities who testify here, are you?

3           A     No.

4           Q     If a police officer should testify, or a  
5 lot of police officers testify, in this case, would you  
6 give their testimony greater weight simply because they  
7 are police officers?

8           A     No.

9           Q     If the prosecution calls a great number of  
10 witnesses and the defendants didn't call any, or just  
11 a few, do you think that that would make you feel that  
12 the defendants were more likely to be guilty than  
13 innocent?

14          A     No.

15          Q     Do you think you could find these defendants  
16 innocent if you had a reasonable doubt as to their  
17 guilt?

18          A     Can you rephrase that a little slower?

19          Q     Do you think you could find these defendants  
20 innocent if you had a reasonable doubt as to their  
21 guilt?

22          A     Yes, I would.

23          Q     Would you have any problem with that?

24          A     No.

25          Q     Are you a man that has the courage of his  
26 convictions?

1 A I think so.

2 Q Would you change your mind simply because  
3 you were outnumbered?

4 A No, definitely not.

5 Q Do you think you would be able to acquit all  
6 of these defendants of all these charges and still be  
7 able to face your friends and neighbors?

8 A I think I can.

9 Q You wouldn't have any problem with that,  
10 would you?

11 A No.

12 Q Do you feel that you are under any pressure  
13 to arrive at a verdict in this case?

14 A No.

15 Q Do you feel that you are under any pressure  
16 at all to convict these defendants?

17 A No.

18 Q Is there any reason at all that you can  
19 think of that you can't be absolutely fair and impartial  
20 in arriving at a verdict in this case?

21 A No.

22 Q You are not going to convict anybody because  
23 of the length of their hair or the clothes they wear  
24 or anything like that?

25 A No.

26

16a.

46a-p

1 Q Do you think you can keep that out of your  
2 deliberations insofar as it is not material to their  
3 guilt?

4 A Yes, I can.

5 Q You don't think, for example, that everybody  
6 who wears long hair doesn't tell the truth, or something  
7 absurd like that, do you?

8 A I don't think?

9 Q or do you think?

10 A I don't think so.

11 Q You understand that these young ladies and this  
12 young gentlemen are entitled to the same fair trial as any-  
13 body else?

14 A Yes, I do.

15 Q Do you feel that because this case has had a  
16 lot of attention, a lot of notoriety, that these defendants  
17 are more likely to be guilty than not?

18 A No.

19 Q And if you were instructed that the mere fact  
20 that these people have been arrested isn't evidence of their  
21 guilt, you could follow that instruction?

22 A Yes.

23 Q And you understand that an indictment is just a  
24 mere formal accusation of somebody's guilt and is not  
25 evidence at all?

26 A Yes, I do.



16a2

1 Q Would you be able to follow that?

2 A Yes.

3 Q As you sit there, do you think there must be  
4 something to it or they wouldn't be here?

5 A I can't make that assumption just on that.  
6 I can't make it. I just can't take that attitude, no.

7 Q And you don't take that attitude?

8 A No.

9 Q Now, the defendants are in custody in this case,  
10 right?

11 A Yes.

12 Q And they are not out on bail; you understand  
13 that?

14 A Yes.

15 Q Now, is there anything about that fact that  
16 makes you think they are more likely to be guilty than  
17 innocent?

18 A No, not at all.

19 Q Do you understand that you would be enforcing the  
20 law just as vigorously by acquitting somebody if the  
21 evidence indicated it as you would if you convicted somebody?

22 A Yes, I do.

23 Q You are not going to feel that if you acquit  
24 these defendants you are going to be anti-law enforcement or  
25 anti-law and order, do you?

26 A No.

15a3

1 Q Do you think you would be able to follow the  
2 instruction to carefully analyze any circumstantial  
3 evidence that may be introduced in this case?

4 A Yes, I do.

5 Q Are you familiar with any firearms?

6 A Yes.

7 Q Are you familiar with handguns?

8 A Yes.

9 Q Do you know the difference between an automatic  
10 and a revolver?

11 A Yes, I do.

12 Q I take it you don't have any aversion to fire-  
13 arms?

14 A No. Only if somebody points it out to me.

15 Q Pardon me?

16 A Only if somebody points it out at me.

17 Q You mean points it right at you?

18 A Right at me, right.

19 Q Do you belong to any organization that has as  
20 one of its tenets or objectives the increase in the number  
21 of offenses punishable by death in California?

22 A No.

23 Q or the retention in any way of the death  
24 penalty in California?

25 A No.

26 Q Can you think of any reason why you can't be

16a4  
1 fair and impartial to both sides?

2 A Not at all.

3 Q Do you believe that it is possible for a witness  
4 to be mistaken under oath?

5 A Yes.

6 Q You understand that it is possible for someone  
7 to fabricate or deliberately lie under oath?

8 A Yes.

9 Q If someone should testify in this case who was  
10 told to you by the Judge to be an accomplice, and the Judge  
11 told you that her testimony was to be treated critically,  
12 do you think you would be able to do that?

13 A Yes.

14 Q You don't have any problem finding or deter-  
15 mining that a woman isn't telling the truth, do you?

16 A Having a problem that she is telling the truth?

17 Q Yes. Do you think women are more likely to  
18 tell the truth than men?

19 A I have got to hear them. I have to hear them.  
20 I can't say yes or no. People are funny.

21 Q No doubt about that.

22 A I have met some that with a straight face will  
23 lie right to your face.

24 Q Okay.

25 A Both sides.

26 Q Women as well as men; right?

16a5

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A That's right.

Q If I were to ask you all of the questions that I have asked the preceding jurors, would your answers be about the same?

A Yes.

Q Is there any question I should ask you that I have omitted that if you were in my shoes you would ask?

A Not offhand, no.

Q If you were on trial for your life, would you be satisfied to have somebody with the frame of mind of Mr. Dominguez sitting in judgment on you?

A Yes, I would.

Q Is your mind sufficiently fair and open?

A I believe it is, yes.

Q Thank you.

A Thank you.

VOIR DIRE EXAMINATION OF FREDDIE L. NELSON  
BY MR. FITZGERALD:

Q Mr. Nelson?

A Yes, sir.

Q What is your business or occupation?

A I am an electronic technician for General Electric Corporation.

Q Do you work at a particular General Electric facility?

1 A No. I am a field serviceman, repairing  
2 colored TV sets, stereos, home equipment for customers.

3 Q Do you service that sort of equipment in any  
4 particular area of the City of Los Angeles or County of  
5 Los Angeles?

6 A I generally get all over, wherever the work is.

7 Q Are you familiar with any of the locations in  
8 this case?

9 A I am not familiar per se, but I have been  
10 through the areas, yes.

11 Q Are you married, sir?

12 A Yes, sir.

13 Q And do you have three children?

14 A I have three children, yes.

15 Q Is your wife employed outside the home?

16 A Yes. She is employed by the Los Angeles Day  
17 Care Centers as a stenographer.

18 Q And in what area of the City of Los Angeles do  
19 you reside, generally?

20 A Southwest.

21 Q Crenshaw?

22 A No. The Inglewood-Morningside area.

16B.

1 Q Where is, generally speaking, the Day Center  
2 where your wife is employed located?

3 A She doesn't work at the Day Center, she works  
4 at the office, at the Crenshaw office in West Los Angeles.

5 Q Have you ever served as a juror before?

6 A Yes.

7 Q Is that on a criminal case or a civil case?

8 A It was a criminal case.

9 Q Did it involve a charge similar to the one  
10 here?

11 A No, sir.

12 Q What was the charge?

13 A Child molestation.

14 Q Was the jury able to arrive at a verdict in  
15 that case?

16 A Yes, sir.

17 Q Was there anything about that experience that  
18 has embittered you about jury service?

19 A No, sir.

20 Q Are you familiar with any of the witnesses  
21 that may have testified in this case?

22 A No, I am not.

23 Q In some of these proceedings in chambers you  
24 indicated that you were a regular reader of the Los  
25 Angeles Times; is that right?

26 A Yes. I subscribe to the paper, not that I

1 read it every day, but I just subscribe to it.

2 Q And I take it that you can arrive at verdict  
3 in this case based solely on the evidence that you hear  
4 here in court?

5 A Yes.

6 Q You are not going to let the L.A. Times  
7 influence you in arriving at your decision; right?

8 A No, sir.

9 Q Has any member of your family or any  
10 friends of yours ever been the unfortunate victim of  
11 a homicide, or has any friend been involved in any way in  
12 any criminal homicide prosecution?

13 A No, sir.

14 Q Have you or any member of your family ever  
15 been involved in any criminal case in any respect?

16 A No, sir.

17 Q Now, the defendants in this case are charged  
18 with murder; right?

19 A That is the charge as stated.

20 Q Is there anything about the nature of the  
21 charge that makes you feel that they are more likely to be  
22 guilty than not guilty?

23 A No, sir.

24 Q Is there anything about the nature of the  
25 charge or the notoriety that has attended this case that  
26 makes you feel that you would rather not sit as a juror?

1 A No, sir.

2 Q Are there any friends or relatives of yours  
3 that are police officers or that are engaged in law-  
4 enforcement in any respect?

5 A No.

6 Q Should a police officer testify in this case,  
7 would you be inclined to give his testimony greater weight?

8 A No, sir.

9 Q Would you give the testimony of a prosecution  
10 witness any greater weight?

11 A No, sir.

12 Q Simply because they were called by the  
13 prosecution?

14 A No, I wouldn't.

15 Q You understand that witnesses are witnesses?

16 A That is true, yes.

17 Q They don't have any magic because they are  
18 called by one side or the other?

19 A Yes.

20 Q Would you use the same standards to evaluate  
21 the testimony of a defense witness as you would a  
22 prosecution witness?

23 A That is true, yes.

24 Q You wouldn't think that any witness for the  
25 prosecution is automatically telling the truth, would  
26 you?



1 A No.

2 Q I take it that you wouldn't feel that any  
3 witness for the defense would automatically be lying?

4 A No.

5 Q Do you have any quarrel with the proposition  
6 of law that defendants in criminal cases are presumed  
7 to be innocent?

8 A No, I don't, sir.

9 Q If you had a reasonable doubt as to the  
10 defendants' guilt, what would you do?

11 A I would have to acquit them, yes.

12 Q You say you would have to.  
13 Are you a little reluctant about that?

14 A I would acquit them.

15 Q Would you have any problem about that?

16 A No, sir.

17 Q Do you think you have the courage to convict --  
18 excuse me -- do you think you have the courage to acquit  
19 somebody charged with more than one count of murder?

20 A Yes, sir. If the evidence indicates there is  
21 reasonable doubt, I would have to acquit them. At least  
22 I would acquit them.

23 Q Would you change your mind because you were  
24 outnumbered on the jury?

25 A No, sir.

26 Q You would give us the benefit of your own

1 personal opinion in arriving at a verdict?

2 A I would, sir, yes.

3 Q Would you follow all the instructions in  
4 regards to circumstantial evidence?

5 A Yes, sir.

6 Q You don't think that circumstantial evidence  
7 is entitled to any greater weight or anything like that,  
8 do you?

9 A No, sir.

10 Q If you were instructed that you were to  
11 treat the testimony of an accomplice with caution, would  
12 you be able to do that?

13 A Yes, sir, I could.

14 Q Is there any question that I haven't asked  
15 you that I should ask you in regard to your attitude  
16 or your feelings about this case?

17 A No, sir.

18 Q If I were to ask you all the questions I  
19 have asked each one of the preceding jurors, would your  
20 answers be approximately the same?

21 A They would be basically the same, yes.

22 Q In other words, if I were to repeat every  
23 one of the questions that I asked them different than  
24 I asked you, would your answers be about the same?

25 A They would be the same.  
26

1 MR. FITZGERALD: Thank you very much.

2 Would you pass the microphone down, please.

3  
4 VOIR DIRE EXAMINATION OF FRANK J. RIOS

5 BY MR. FITZGERALD:

6 Q Mr. Rios, what is your business or occupation?

7 A I am employed by the Los Angeles County.

8 Q I didn't hear the first part. I heard the  
9 Los Angeles County.

10 A I said I was employed by the Los Angeles  
11 County, and I am a traffic painter.

12 Q Did you say you were a traffic painter?

13 A Yes, sir.

14 Q What is a traffic painter? What does a traffic  
15 painter do?

16 A We do all the striping on the street, all the  
17 streetmarkings, in the Los Angeles area.

18 Q The crosswalks?

19 A Yes, sir.

20 Q The double yellow lines?

21 A The stops; everything concerning traffic.

22 Q Do you work out of a particular office?

23 A Yes. I work out of the central yard that is  
24 located on Alcazar Street in Los Angeles.

25 Q Do you service a particular area of the City  
26 of Los Angeles?

1           A     No, we don't service the City of Los Angeles.  
2     We service the County of Los Angeles.

3           Q     Are you in a particular area of the County  
4     usually when you are working?

5           A     We are all over the County except in the  
6     cities that don't have a contract with the County.

7           Q     Are you familiar with any of the locations  
8     that have been mentioned previously?

9           A     No. We don't service those cities. We don't  
10    service those cities you mentioned.

-1  
1 Q I see.

2 A But --

3 Q Are you married, sir?

4 A Yes, sir.

5 Q Do you have any children?

6 A No, sir.

7 Q Is your wife employed outside the home?

8 A No.

9 Q Have you served as a juror before?

10 A One time only.

11 Q Was that a civil case or a criminal case?

12 A It was a criminal case.

13 Q Did the jury arrive at a verdict?

14 A Yes, sir.

15 Q What was the charge?

16 A It was possession of stolen property.

17 Q Is there anything about that experience that  
18 makes you not want to sit on any more juries?

19 A No, sir.

20 Q Is there any reason why you don't want to sit  
21 on this jury?

22 A Not that I can think of.

23 Q Do you have any friends or relatives who are  
24 police officers or engaged in law enforcement?

25 A One of my wife's nephews is a police officer  
26 in the City of Fresno, California.

17-2

- 1 Q Your wife's nephew is a police officer?
- 2 A Yes, sir.
- 3 Q Do you see him frequently?
- 4 A About every year, more or less.
- 5 Q Does he discuss his views of crime and law
- 6 enforcement and the courts and things like that?
- 7 A No, he never does.
- 8 Q He is not going to influence you in arriving at
- 9 a verdict, is he?
- 10 A No, sir.
- 11 Q Or any of his attitudes or anything like that?
- 12 A No.
- 13 Q If it was necessary for you to be critical of
- 14 a police officer's testimony, would you be able to do so?
- 15 A Would you repeat that, please.
- 16 Q Sure. If it was necessary for you to be criti-
- 17 cal of a police officer's testimony, would you be able to
- 18 do so?
- 19 A I surely will.
- 20 Q Do you think that witnesses called by the
- 21 prosecution are entitled to any more weight than witnesses
- 22 called by the defense?
- 23 A I could not understand the words.
- 24 Q There are two sides in this case, the prosecution
- 25 and the defense.
- 26 A Yes.

17-3

1 Q For lack of a better term.

2 And do you think that witnesses that the  
3 prosecution puts on the witness stand are more believable --

4 A No.

5 Q -- solely because of that fact?

6 A No, sir.

7 Q Do you have any problem with presumption of  
8 innocence, presuming all of these defendants are not  
9 guilty?

10 A No, sir.

11 Q Do you have any problem with the law of  
12 reasonable doubt in California?

13 A No, sir.

14 Q Do you think these defendants are more likely  
15 to be guilty than innocent?

16 A No, sir.

17 Q You have a perfectly open mind at this time?

18 A Yes.

19 Q You have not formed any opinions about anybody?

20 A No, I have not.

21 Q Have you formed an opinion about whether you  
22 like or dislike any of the defendants?

23 A No, I have not.

24 Q Do you belong to any organization --

25 A No, sir.

26 Q You don't belong to any organization at all?

.7-4

1 A No.

2 Q Fine. Is there anything I should ask you that  
3 I have not?

4 A No, sir.

5 Q If I were to ask you all the questions I have  
6 asked all the preceding jurors would your answers be about  
7 the same?

8 A More or less.

9 Q Do you think that you have the courage to  
10 acquit somebody charged with murder?

11 A Yes.

12 Q Do you think you would have any problem doing  
13 it?

14 A No, I don't think so.

15 MR. FITZGERALD: All right, I have nothing further,  
16 thank you.

17 MR. RIOS: Thank you.

18 MR. FITZGERALD: Miss Mesmer, is that correct?

19 MISS MESMER: Yes, it is.

20  
21 VOIR DIRE EXAMINATION OF MISS MARIE M. MESMER  
22 BY MR. FITZGERALD:

23 Q What is your business or occupation?

24 A Well, I am self-employed.

25 I own a rental property. ✓

26 Q You own what?



175

1 A Rental property.

2 Q Oh, excuse me, rental property.

3 And have you been self-employed in that  
4 capacity for some period of time?

5 A No, previous to that I did sales work and  
6 sales promotion.

7 And I have been an exhibiting artist throughout  
8 the country.

9 I was a dramatic critic many years ago.

10 Q For a newspaper?

11 A Yes.

12 Q What newspaper was that?

13 A It is the former Los Angeles Daily News.

14 Q Do you still feel you have some affinity for  
15 the press?

16 A No, I have to answer that frankly, I don't.

17 Q Where in the City of Los Angeles do you reside?

18 A I live in the Highland Park area. That is near  
19 Pasadena.

20 Q Los Angeles 42?

21 A No, it is 65.

22 Q Have you served as a juror before?

23 A Yes, I have.

24 Q Was it on a criminal case?

25 A Yes, it was.

26 Q What was the charge?

17-6

1 A The charge was sale of narcotics.

2 Q Was the jury able to arrive at a verdict?

3 A Yes, it did.

4 Q Was there anything about that experience that is  
5 going to influence you here?

6 A No, nothing.

7 Q Well, in that previous case you were instructed  
8 as to certain aspects of law by the Judge, right?

9 A Yes, we were.

10 Q Do you think you can put that out of your mind  
11 and wait until the very conclusion of this case when Judge  
12 Older tells you what the law is?

13 A Definitely.

14 Q In this particular case?

15 A Yes, definitely.

16 Q You don't think you would have a tendency because  
17 of your previous jury experience to prejudge any aspect of  
18 this case?

19 A No, I would not.

20 Q This case may take a little bit of time; it  
21 may take two or three months to try.

22 Do you think you would be able to keep your  
23 mind open for two or three months, not make any judgment  
24 at all about the guilt or innocence of the defendants until  
25 you have heard the whole thing?

26 A Yes, I do.

17a

17a7

1 Q Do you feel that you would be intimidated in  
2 any way by serving on a jury on a case as well known or  
3 notorious as this?

4 A No, I would not.

5 Q Do you feel there would be any pressure on you  
6 to convict these defendants?

7 A No, there would not be.

8 Q Do you think that you have the courage to  
9 acquit somebody charged with murder?

10 A Yes, I have the courage, yes.

11 Q Do you think you would be able to stand up  
12 against the men?

13 A Yes, I would, yes.

14 Q Can we get a promise from you that you would  
15 not change your mind if you had an honestly-held conviction?

16 A You have my promise, yes.

17 Q Do you have any quarrel with reasonable doubt  
18 or presumption of innocence?

19 A No, I have no quarrel.

20 Q You understand that it might be difficult to  
21 prove that somebody was not guilty, and that the prosecution  
22 must prove their guilt?

23 A Yes, I understand that.

24 Q You would hold them to that burden?

25 A Yes, I will.

26 Q Would you require any less proof to convict

17a8  
1 someone of murder than you would of any other offense?

2 A No, I would not.

3 Q If you were required to view gruesome and  
4 bloody photographs, is that going to influence you, or  
5 so inflame you that you would be unable to be cool and  
6 dispassionate about analysis of the evidence?

7 A No, I would be able to do the job.

8 Q Has any member of your family or any close  
9 friend of it been the victim of a homicide, or ever been  
10 involved in any criminal action of any kind?

11 A No, they have not.

12 Q Do you have an aversion to firearms?

13 A No, I really had not thought too much about it.

14 Q Is there anything about the defendants'  
15 appearance that makes you feel that --

16 A No.

17 Q -- anything in this case?

18 A No, definitely not.

19 Q Is there anything about the way they wear their  
20 hair or the way they walk or the clothing they wear or  
21 anything like that that is going to influence you in  
22 prejudging any aspect of this case?

23 A No, it would not.

24 Q Do you think that you would be able to critically  
25 evaluate the testimony of another woman?

26 A Yes, I would.

1 Q Is there anything I should ask you that I  
2 haven't?

3 A No, there is not. I don't think there is.

4 Q Is there any sort of attitude that you enter-  
5 tain that I should know about as the defense lawyer?

6 A No, there is not.

7 Q Can you think of any reason at all that you  
8 cannot be fair to the defendants?

9 A No, I cannot think of any reason I couldn't be.

10 Q Can you think of any reason why you prefer not  
11 to sit on this jury?

12 A No, there isn't any reason.

13 Q Thank you. I did not ask you some questions I  
14 asked some of the other jurors. I take it you were listen-  
15 ing to me.

16 A Yes, I was.

17 Q As much as you could.

18 A I was.

19 Q If I were to ask you the same questions, would  
20 your answers be about the same?

21 A Yes, they would be.

22 MR. FITZGERALD: Thank you.

23

24

25

26

/B.

1 MR. FITZGERALD: Mrs. Gordon, right?

2 MRS. GORDON: Yes.

INX.

3  
4 VOIR DIRE EXAMINATION OF MRS. SONIA Y. GORDON  
5 BY MR. FITZGERALD;

6 Q And you are a housewife, are you not?

7 A Yes.

8 Q And you live in the Glendale area of the  
9 County of Los Angeles, is that correct?

10 A Eagle Rock.

11 Q Eagle Rock, and you are married?

12 A Yes.

13 Q What is the nature of your husband's employ-  
14 ment?

15 A Locomotive engineer with the Southern Pacific  
16 Railroad.

17 Q And you are a housewife?

18 A Yes.

19 Q And you have --

20 A -- four children.

21 Q All girls?

22 A No, the first and the last are boys.

23 Q Have you ever served on a jury before?

24 A Yes.

25 Q Criminal or civil?

26 A Civil.

17b2.

1 Q Are you familiar with the difference in the  
2 two types of cases?

3 A Why yes, but we had to prove that it was  
4 negligence in this case, and also there were three different  
5 people that we had to deal with so -- it civil, but it  
6 had a lot of possibilities on the criminal, too.

7 Q I was inclined to infer that, or imply that  
8 civil cases were not just as complicated or intricate or  
9 sophisticated or anything.

10 You understand, in order for one side to  
11 prevail the prosecution in this case, they must actually  
12 prove the defendants' guilt beyond a reasonable doubt,  
13 whereas the plaintiff in a civil case only needed to  
14 prove negligence a little bit, that is to say, he only  
15 needed to tip the scales, convince you that there was  
16 negligence.

17 A Yes.

18 Q But in this case the prosecution must convince  
19 you that each one of these defendants are guilty?

20 A Yes.

21 Q Beyond any reasonable doubt?

22 A Yes.

23 Q All right. You might have the feeling now  
24 about the case, but there can't be any reasonable doubt  
25 in your mind at all?

26 A Right.

1 Q And also in that civil case was it a majority  
2 verdict?

3 A Yes, we had only one that was against it.

4 Q In other words, it was 11 to one.

5 A Uh-huh.

6 Q You understand in this case it is going to  
7 require all 12?

8 A Right.

9 Q Do you have some feeling about that one juror  
10 who thought the other way, or who maintained his opinion?

11 A I thought he was wrong, but he felt like he  
12 was right and he stuck to it.

13 Q Did you respect him for his opinion?

14 A Yes.

15 Q If you were selected as a juror in this case  
16 would you respect anyone's opinion or respect anyone's  
17 position if it was an honestly, legitimately held position?

18 A Right.

19 Q Now, the charge here is obviously murder.

20 Is there anything about that charge that makes  
21 you feel you would rather not sit as a juror?

22 A No.

23 Q Is there anything about that charge that makes  
24 you feel they are more likely to be guilty than innocent?

25 A No.

26 Q Is there anything about that charge that makes



1 you feel you would require less evidence to convict  
2 somebody?

3 A I think you have to give it more attention.  
4 It is more important.

5 Q In other words you would be more careful?

6 A Right.

7 Q You would have to be convinced?

8 A Right.

9 Q Do you have any friends or relatives that  
10 are police officer?

11 A We have an acquaintance, he lived across  
12 the street. My daughter babysat for him.

13 Q He was a neighbor of yours?

14 A Yes, he moved about three years ago.

15 Q What kind of a police officer was he?

16 A He rode around in a car.

17 Q From Glendale?

18 A No, L.A.

19 Q Were you close to him?

20 A No, I talked more with his wife.

21 Q Oh, if a police officer were to testify in  
22 this case will you give this testimony greater weight than  
23 somebody else's?

24 A No, everyone is equal.

25 MR. FITZGERALD: Is this a convenient time?

26 THE COURT: Yes, Mr. Fitzgerald.

1 Ladies and gentlemen, we will adjourn at this  
2 time until 9:45 tomorrow morning.

3 This court will not however meet tomorrow  
4 afternoon, for those of you who wish to make some plans  
5 for tomorrow afternoon.

6 We will have our regular morning session,  
7 starting at 9:45 a.m.

8 Please do not converse among yourselves or  
9 with anyone else on any subject relating to this case,  
10 nor form or express any opinion regarding the case until  
11 it is finally submitted to those of you who are finally  
12 selected as trial jurors.

13 9:45 a.m.

14 (Adjournment taken to the following day,  
15 Thursday, June 25, 1970; 9:45 a.m.)  
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1-1.

LOS ANGELES, CALIFORNIA

THURSDAY, JUNE 25th, 1970

9:52 A. M.

- - -

(The following proceedings were had in the chambers of the Court, all counsel for defense and prosecution being present, in the absence of all defendants.)

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

Gentlemen, I asked you to come in here this morning principally because of an article I read in the Times this morning which I am going to read for the record in full.

This is the Los Angeles Times, June 25th, 1970, page 3, part 1.

The headline reads:

"TATE SUSPECTS TRY TO SILENCE LAWYERS."

It is under the by-line of John Kendall, Times staff writer.

The article reads as follows:

"Charles Manson and three of the cultists 'girls' tried to silence their attorneys Wednesday with instructions to be quiet for part or all of the Tate-La Bianca murder trial.

"It did not work with Paul Fitzgerald who ignored Patricia Krenwinkel's orders, examined

1 prospective jurors and listened while she asked  
2 Superior Judge Charles Older to dismiss him as  
3 her attorney.

4 "The Judge refused.

5 "After examining nine panelists in the  
6 afternoon session Fitzgerald offered an  
7 explanation for the action of the defendants.

8 "'They take the position that they have  
9 been accused in the (news) media, convicted in  
10 the media and have been sent to DEATH ROW.'"

11 "Death Row" is capitalized.

12 "'In the media' he said."

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1 "They don't think they should participate  
2 in the hypocrisy of an Establishment trial in  
3 which the outcome has been determined."

4 "It soon will become apparent how effective  
5 the orders to be silent will be as the time  
6 comes for each of the other defense attorneys to  
7 question the 12 persons now in the jury box.

8 "But Ira Reiner said he will ignore  
9 Leslie Van Houten's instructions and, like  
10 Fitzgerald, examine the jurors. Daye Shinn,  
11 representing Susan Atkins, said he will remain  
12 silent through questioning of the panelists.

13 "The attempt to silence the defense  
14 attorneys began shortly before noon in Older's  
15 chambers when Manson once again lost a plea to  
16 act as his own lawyer on seven counts of  
17 murder.

18 "His attorney, Irving A. Kanarek, refused  
19 to discuss what Manson told him or predict  
20 whether he will remain silent.

21 "But, others who heard the exchange said  
22 it began when the 35-year-old defendant asked  
23 Judge Older for permission to ask questions of  
24 the prospective jurors."

25 "They said that when Manson was told  
26 that he must pose questions through his attorney,

1 "the defendant proposed that he act as his  
2 own attorney.

3 "When it was pointed out that the court  
4 ruled on that question previously, Manson  
5 reportedly said that left him with only two  
6 alternatives, to act as a disruptive child or  
7 to remain silent.

8 "Then, reportedly he turned to Kanarek  
9 and instructed him that from that point forward  
10 no arguments were to be raised in his defense.

11 "In another development Wednesday, the  
12 Texas Court of Criminal Appeal in Austin refused  
13 to stop the extradition of Charles (Tex) Watson,  
14 24, one of the six defendants indicted last  
15 December 9 in the murders of actress Sharon Tate  
16 and six others.

17 "Watson's attorney, Bill Boyd, petitioned  
18 and was granted a Federal Court hearing on the  
19 extradition question at 10:00 a.m. Saturday in  
20 Tyler, Texas.

21 "The district attorney's office said that  
22 the hearing will stay Watson's immediate return  
23 here.

24 "If Watson is returned here by July 1,  
25 however, Stovitz and Bugliosi will attempt to  
26 have his case joined with Manson and the others.

1 "Stovitz explained that the move would  
2 require each of the defendants to waive the right  
3 to a speedy trial, a continuance and selection of  
4 a new jury panel."

5 And that is the end of the article.  
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2a.

1 Well, gentlemen, all I can say is if what is  
2 reported in this article is true, there has been a direct  
3 violation of the Court's order regarding publicity.

4 I don't know how the newspaper could have  
5 gotten this information except through the attorneys who  
6 participated.

7 Specifically, I think the statement of Mr.  
8 Fitzgerald and the statement of Mr. Reiner regarding  
9 statements made to them by their clients are direct  
10 violations, if true, of the publicity order.

11 The disclosure to the Press of what went on  
12 here in chambers and the statements apparently quoted to  
13 the Press as made by Mr. Manson are direct violations of  
14 the publicity order.

15 While I don't think the statements regarding  
16 Mr. Watson in the Texas proceedings and what might happen  
17 if Mr. Watson is returned to California are violations of  
18 the order, I think they are highly improper for the  
19 reason -- first of all, there is no necessity for them.  
20 I think they could be very distracting to prospective  
21 jurors.

22 For example, the statement that if Mr. Watson  
23 returns to California that this might require the selection  
24 of a new jury panel. I don't suppose any juror sitting  
25 out here now who reads this article -- and I suppose they  
26 have all read it -- is going to feel very good about  
wasting a month's time with the thought that after he has



2. 1 put in a month here the Court may continue the matter and  
2 discharge the jury and select a new panel.

3 I am not stating that as if it is going to  
4 happen because I certainly have no intention of doing so,  
5 but the point is that they have now -- if they have  
6 read this article -- been put in that frame of mind or  
7 possible frame of mind.

8 It appears to me that some of you are simply  
9 ignoring the Court's order, and it is going to stop,  
10 gentlemen.

11 I am going to issue an order to show cause  
12 to Mr. Fitzgerald and Mr. Reiner and set it down for  
13 Monday, June 29th, at 9 a.m., to show cause why they  
14 should not be held in contempt for violation of the Court's  
15 order regarding publicity with regard to these statements  
16 that I have just read to you from this article in the  
17 Times.

18 I am going to ask you, each of you, now,  
19 about the statements that were made to the Press regarding  
20 what went on here in chambers yesterday.

21 Before I get to that, I am going to admonish  
22 all of you that any of the proceedings in this case that  
23 occur in chambers, or any of the proceedings that occur  
24 out of the presence of the jury, whether at the bench or  
25 anywhere else, are confidential and they are not to be  
26 disclosed to the Press, for the obvious purpose that the

3. 1 reason that they are being held out of the presence of the  
2 jury is because we don't want the jury to hear what is  
3 going on and we certainly don't want them to read about  
4 it secondhand through the newspaper.

3.

3-1  
1 Now, one other matter, before I put some  
2 questions to you, and that is, Mr. Kanarek and Mr. Shinn  
3 were both late this morning.

4 Mr. Kanarek was about five minutes late  
5 and Mr. Shinn was somewhat later.

6 I admonish you again I expect you to be  
7 scrupulously punctual because we have a problem involving  
8 multiple defendants, multiple counsel, many people trying  
9 to conduct a trial in one place, and it is very difficult  
10 to coordinate all of these things, and the minutes have a  
11 way of multiplying into more minutes, one minute late means  
12 that someone else is not doing something they should be  
13 doing.

14 Before we know it, we waste 15 or 20 minutes.  
15 We don't have that kind of time to waste.

16 I set the hours for this trial, so that, allowing  
17 for recesses, we could get a minimum of four hours trial  
18 time a day.

19 We have not been averaging that for various  
20 reasons. One is that counsel on occasions have been a few  
21 minutes late, sometimes the defendants are not here exactly  
22 on time.

23 Sometimes there are recesses even though we  
24 try to hold them to 15 minutes, but they run over.

25 Some of these matters are unavoidable; some are  
26 obviously avoidable. I want to avoid the avoidable.

1 MR. KANAREK: I don't believe in fact I was more than  
2 two minutes late, if you are talking of the immediate area  
3 adjacent to the court.

4 I have this problem, your Honor, I have a man  
5 doing investigative work in connection with this case.  
6 Because of the orders of the Sheriff this man who is vital  
7 in connection with our defense cannot even come in the  
8 courtroom, and so I have to talk to him, keep one eye on the  
9 door, because I want to make maximum use of the time, and  
10 in fact, your Honor is correct, Mr. Manson at the time we  
11 entered the chambers here still had not been brought down.  
12 I can represent that to the Court.

13 THE COURT: I know there are reasons for these things.  
14 All I can say is, gentlemen, to the best of your ability  
15 try to anticipate these problems.

16 If you are having a problem of having your  
17 investigator get in here, I will help you and see he gets  
18 in.

19 MR. KANAREK: Would your Honor make that order?

20 THE COURT: That would be true for any of you.

21 I realize these problems. We have security  
22 matters out in front. It is not easy for people to get  
23 through. It was purposely made that way.

24 But if those measures are hardship for you and  
25 for people who are key personnel for the defense or  
26 prosecution, we will make arrangements to have them

1 expedited through.

2 But you have to let me know in time so we can  
3 do these things. Don't wait until a quarter of 10:00 in  
4 the morning and then bring up the problem for the first  
5 time.

6 MR. SHINN: May I explain why I was late, your  
7 Honor?

8 THE COURT: I am not really interested, Mr. Shinn. I  
9 know you have problems.

10 What I said to Mr. Kanarek goes the same for  
11 you and everybody else. Anticipate your problems. If you  
12 have other commitments, arrange for someone else to handle  
13 them.

14 When you are supposed to be here at 9:45, let's  
15 make it 9:44 rather than 9:46.

16 MR. BUGLIOSI: May I make one comment:

17 If someone has a commitment have someone else  
18 handle it -- as I understand it, once this trial commences  
19 the attorneys are not supposed to be handling any other  
20 trial. If they did have a motion to be heard in another  
21 trial they should have someone else handling it for them.

22 This would even apply if the motion or hearing  
23 in the other trial predated this trial.

24 Mr. Kanarek has made a motion on the Hinman  
25 trial which has nothing to do with this trial, and he made  
26 that motion subsequent to the commencement of this trial,

1 and as a result of it, apparently this afternoon we have to  
2 recess the entire afternoon.

3 THE COURT: That is a little bit different, there.  
4 Mr. Kanarek is the attorney of record; the defendants are  
5 also defendants in this case, and that is an unusual  
6 situation.

7 That case unfortunately has to go ahead also,  
8 and there are certain preliminary things which have to be  
9 done.

10 He is the attorney of record there. I cannot  
11 expect someone else to appear for him under those circum-  
12 stances.

13 But I am talking now about the collateral  
14 cases that have nothing to do with the defendants in this  
15 case.

3A

3a.

1 MR. BUGLIOSI: The vice of the problem is, he makes  
2 these motions, and the Tate trial has to be suspended  
3 while we go out to Santa Monica.

4 THE COURT: These are necessary interruptions,  
5 because some of these defendants are also involved in  
6 other cases which are pending, which are not yet at  
7 issue as far as I know.

8 MR. SHINN: There will be other motions made in  
9 that case in Santa Monica, your Honor, so I am going  
10 to forewarn all the persons here that there will be  
11 motions made.

12 THE COURT: Well, as to my recollection, I notice  
13 only three in the newspaper, you correct me if I am  
14 wrong.

15 That case has been continued for trial setting  
16 to some time in October.

17 MR. SHINN: No, for trial, and I believe the Judge  
18 indicated that in between that time we could file motions,  
19 your Honor.

20 THE COURT: I am going to have to be very restrictive  
21 in that, gentlemen, because obviously you will be given  
22 time to prepare and to have your pretrial motions heard  
23 in that case before you are compelled to go to trial.

24 But this case is now in trial and I think  
25 you are just going to have to defer your pretrial  
26 motions over there until this one is finished.

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2 The Court there will then give you whatever  
3 time you require to process your pretrial motions, and  
4 prepare that case.

5 But we cannot try both of them at the  
6 same time. That won't adversely affect you, Mr. Shinn.  
7 You are not waiving any rights. You will still have all of  
8 your pretrial motions and you will be able to devote all  
9 of your energies to one case at a time.

10 MR. SHINN: Is your Honor saying we should defer  
11 our motions in that case until this case is finished,  
12 your Honor.

13 THE COURT: I certainly think so.

14 MR. SHINN: There may be motions that are necessary  
15 before this case is over; there may be a waiver problem  
16 there, your Honor.

17 THE COURT: A waiver? How do you mean?

18 MR. SHINN: Of the rights of the defendants.

19 THE COURT: What waiver are you talking about?

20 MR. SHINN: Like a 995 waiver.

21 THE COURT: A 995 can be raised at any time.

22 MR. SHINN: Change of venue; or they may be deemed  
23 waived, your Honor.

24 THE COURT: I have no doubt you have motions to  
25 make and should make before trial, but the point is that  
26 trial is not going to start while this one is going on,  
so there is no necessity to make those motions during the



3. 1 course of this trial.

2 I am sure the Court understands that. I am  
3 sure each of you understands that.

4 MR. SHINN: I will get the Judge's feelings today  
5 when we go out this afternoon.

6 THE COURT: Now, what I would like to know is  
7 who is disclosing to the Press the statements that are  
8 made in chambers, or were made in chambers here yesterday  
9 regarding Mr. Manson's statements as disclosed in this  
10 article?

11 MR. REINER: Your Honor, when interviewed by  
12 certain reporters -- I don't recall specifically which  
13 ones -- more than one, I tried to reconstruct from  
14 memory the precise language that occurred in court that  
15 was on the record.

16 Now, perhaps that particular article was  
17 quoting me; perhaps it was quoting some other person.

18 But I did indicate to the reporters the  
19 precise dialogue -- not all of the dialogue, but snatches  
20 of certain dialogues that occurred in chambers on the  
21 record.

22 You did not indicate anything was off the  
23 record.

24 THE COURT: Now, let's have one thing straight,  
25 gentlemen, the fact that something is on the record does  
26 not put it into the public domain so far as the publicity

4. 1 order is concerned.

2 MR. REINER: Perhaps that is the misunderstanding.

3 My understanding was up till a few days  
4 ago, I believe, perhaps it was last week, the indication  
5 was that anything on the record could be discussed  
6 with the Press. Then the Court amended that specifically  
7 on Monday to bring one particular matter into the chambers  
8 within the publicity order, and that involved the questions  
9 and answers of the prospective jurors, the matter of  
10 publicity, since that would make it public.

11 MR. STOVITZ: There was also another exhibit ordered  
12 sealed.

13 MR. REINER: But at the time the Court indicated  
14 that previously matters that were in chambers, if they  
15 were on the record, were not incorporated within the  
16 publicity order, but henceforth it limited the matter of  
17 the voir dire examination of the jurors with respect to  
18 publicity; that that would now be within the publicity  
19 order until the jury had been sworn. At that time it  
20 could be discussed.

21 Nothing else.

22 The comments I made yesterday to the Press  
23 were in sum and substance as follows:

24 That Mr. Manson requested permission to  
25 address the Court; the permission was granted.

26 Mr. Manson addressed the Court at some

5.

1 length; the Court permitted him to go on at some length.

2 Mr. Manson asked to be allowed to ask ...  
3 voir dire questions of the jury. The Court denied his  
4 request.

5 Mr. Manson asked the Court to make an  
6 exception.

7 The Court declined.

8 Mr. Manson on the record directed his attorney  
9 to remain silent during the court proceedings.

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3b.

B-1

1 Now, I think that covers just about everything  
2 I said in pretty much of the same language I used to the  
3 press, although the OSC is set for Monday, since we have a  
4 few days to Monday, perhaps we need some guidelines as to  
5 what the Court might construe as a violation.

6 So at least we can conduct ourselves between  
7 now and Monday in a manner that won't be considered a  
8 violation.

9 THE COURT: The publicity order is quite clear. The  
10 statements of a party are not to be disclosed, the extra-  
11 judicial statements.

12 MR. REINER: That was not an extrajudicial statement.

13 THE COURT: This particular one was not. However,  
14 Mr. Fitzgerald's certainly was.

15 So the record will be absolutely clear, if  
16 that publicity order does not now cover matters which are  
17 conducted in chambers or out of the presence of the jury,  
18 I will now amend that order to add the express proviso  
19 that any session of this trial which is conducted in  
20 chambers or out of the presence of the jury, and not in  
21 open court, so that it can be heard by all present, comes  
22 within the publicity order, and the contempt, statements  
23 which are statements that are made during such sessions,  
24 are not to be disclosed to anybody.

25 MR. FITZGERALD: I cannot discuss the fact that I am  
26 going to have to appear for an order to show cause in regard

b2  
1 to contempt? I cannot go out of this chambers and talk with  
2 the press about the fact that the Court feels I have engaged  
3 in contemptuous conduct?

4 If that is the case I am going to object to any  
5 further chamber proceedings in regard to anything in this  
6 case.

7 THE COURT: You may do that, Mr. Fitzgerald.

8 I am talking now about portions of this trial  
9 which -- I am not talking about the proceedings against  
10 attorneys.

11 I am talking about the trial itself, involving  
12 the parties, where the parties are present or the counsel are  
13 present, and we are talking about matters at issue in the  
14 trial.

15 I am not talking about disciplinary matters  
16 involving attorneys.

17 MR. REINER: If I might, Your Honor, if what I say is  
18 correct, and I believe that it is, the Court can verify  
19 it momentarily.

20 The Court, on the record, indicated that the  
21 publicity order did not encompass chambers proceedings,  
22 with the single exception of the voir dire examination of  
23 the jurors, on the publicity. Then, of course, there would  
24 not be the need for an OSC in re contempt with respect to  
25 myself.

26 THE COURT: Just a moment. Read what he said.

b3  
1 MR. REINER: If the Court wishes, I can repeat it.

2 THE COURT: Well, all right.

3 MR. REINER: If my understanding of what the Court  
4 said last week is correct, I believe that it is, in any  
5 event it can be verified because it was in the record.  
6 The Court indicated that in chambers proceedings did not  
7 come within the publicity order with the exception of the  
8 voir dire examination of the jurors; then the comments  
9 that I made that I just revealed to the Court, of course,  
10 would not constitute a violation of the gag rule.

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1 I might respectfully suggest that the Court  
2 check the transcript to see --

3 THE COURT: I don't remember making such a statement.

4 MR. REINER: Might we look through the transcript to  
5 see if they were, in sum and substance, made, for this  
6 reason: Rather than having a OSC, if, in fact, the Court  
7 had made such statements, that would negate the need for a  
8 OSC hearing to make the same finding.

9 THE COURT: You can examine the record to your heart's  
10 content. Go ahead.

11 MR. STOVITZ: Your Honor --

12 THE COURT: If such a statement was made, I certainly  
13 would like to see it, because I didn't intend such a  
14 statement.

15 MR. REINER: May I suggest this: If, in fact, I am  
16 able, today or at some other time, to find that statement  
17 in the transcript, and if such statement were made, would  
18 the Court then require a OSC on Monday with regard to that?

19 THE COURT: If you can show me that what you have  
20 done, or what that I have said was ambiguous, certainly I  
21 am not going to be unreasonable about it.

22 However, I can't see how quoting directly  
23 statements made by any party in this case to the Press  
24 when those statements were not made in open court could  
25 possibly be misunderstood as not being within the terms of  
26 the publicity order.

4-2

1 MR. REINER: Well, I can understand why the Court  
2 would indicate that he does not want such statements  
3 repeated, but I am simply stating that up until today that  
4 wasn't the position of the Court, at least the expressed  
5 position of the Court, with respect to the publicity  
6 order, and that the Court meant the order expressly to  
7 cover one situation and not all the proceedings in the  
8 chambers.

9 THE COURT: You find where I said that.

10 MR. FITZGERALD: I have an observation to make, and  
11 I am very disturbed about the allegations of the Court and  
12 I am very disturbed about the conduct of this entire trial.

13 This trial is being conducted for the benefit  
14 and the convenience of the Press. There are only 12 to  
15 17 members of the general public that are allowed in this  
16 courtroom to begin with.

17 It is absolutely impossible for us as attorneys  
18 to avoid direct confrontations with the Press during the  
19 course of this trial.

20 I go to the restroom and members of the Press  
21 follow me into the restroom.

22 Every judge who has had anything to do with this  
23 case always conducted proceedings in regard to this gag  
24 order in chambers.

25 I would prefer that you take the bench, your  
26 Honor, and tell the Press. I would prefer that the Press



1 not even be here at all in this courtroom. If I had my  
2 way about it, I would exclude them from the entire  
3 building just like it is done in the Federal Court.

4 It is absolutely impossible. If we don't  
5 talk to the Press, the Press just makes up what we  
6 allegedly said.

7 You have got to talk to the Press otherwise  
8 they will just slay your client, and I am aware that these  
9 jurors read the newspapers, and in order to protect my  
10 client, I absolutely have to talk to the Press, there is no  
11 way that I can avoid it, unfortunately.

12 I used to sneak up to the 9th floor and have  
13 the Sheriff's put me through three doors and through a  
14 secret elevator to the basement, but that didn't work any  
15 more, when I walk out of the Hall of Justice there was the  
16 television camera.

17 I would suggest that you put those people under  
18 the order. Order the members of the Press to leave us alone.  
19 Order the members of the Press not to interview us in  
20 connection with anything in regard to the case. Order that  
21 the Press not ask us any questions in connection with what  
22 happens in chambers or what happens anywhere else.

23 We are always in the middle. We are the ones,  
24 the defense attorneys and the prosecuting attorneys are the  
25 ones that have to suffer the brunt of an ill-advised and  
26 extremely ill-enforced so-called gag order to the Press.

1 It doesn't gag the press, it just makes us --

2 THE COURT: It is not intended to gag the Press.

3 MR. FITZGERALD: Is your Honor adverse to taking the  
4 bench and ordering them to leave us alone?

5 THE COURT: I have no power to order the Press to  
6 leave you alone.

7 MR. FITZGERALD: I object to any further proceedings  
8 in connection with this case at all. I don't have anything  
9 to hide, and I will do it in open court, and I want my  
10 objection registered on the record at this time that I am  
11 objecting to this procedure in chambers, and I am also  
12 objecting to the fact that my client isn't present. I want  
13 my client present here.

14 I am also objecting on the Sixth Amendment  
15 grounds that she is being deprived of a free, open and  
16 public trial.

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4a.

1 MR. STOVITZ: Your Honor, before we leave chambers,  
2 there was some inquiry made of me by some news media whether  
3 they would be able to purchase a copy of the transcript.  
4 I referred them to both reporters.

5 THE COURT: The answer is going to be no, until the  
6 trial is over.

7 MR. STOVITZ: I take it that the daily transcripts  
8 that we have should not be made available to the Press?

9 THE COURT: That is exactly right.

10 MR. FITZGERALD: They have in the past, we all  
11 know that.

12 MR. STOVITZ: In this case or previous cases?

13 MR. FITZGERALD: In this case.

14 MR. REINER: If I might make this observation for  
15 the record?

16 I have seen reporters in the courtroom with  
17 various copies of the transcript. I haven't gone up to  
18 any reporter with the transcript and looked at it to see  
19 which name is typed in the upper right hand corner, but  
20 I have, from time to time, seen more than one reporter  
21 at one time, two and three reporters, reading different  
22 transcripts.

23 I think it is just a matter of common practice  
24 among all counsel to make their transcripts available to  
25 the Press.

26 Now, I say among all counsel because this has

1       been done in the presence of all counsel.

2               It has never been brought to anyone's attention  
3       that this is proscribed, and having seen more than one  
4       transcript floating around at any given time, obviously  
5       it is not just one person acting alone.

6               Again, I can understand the Court's desire to  
7       bring an end to such practices, and whether I agree or  
8       disagree with it, I understand the Court's interest, but  
9       I think we are being put in a very awkward position by  
10       being chastised for what has been common practice all  
11       along.

12              THE COURT: It is not common practice to my  
13       knowledge.

14              MR. SHINN: To my knowledge.

15              MR. REINER: I would say to the knowledge of all  
16       counsel, since there has been no attempt to be secretive  
17       about it.

18               The reporters have been sitting in the court-  
19       room reading the transcript, and they have been floating  
20       around almost as freely as the newspaper.

21              MR. KANAREK: Your Honor, may I make a statement?

22              THE COURT: Just a moment. (Pause.)

23               Yes, Mr. Kanarek?

24              MR. KANAREK: I would like the record to reveal  
25       that when the mass media attempted to interrogate me about  
26       the proceedings yesterday, I stated that because of the

1 attorney-client privilege I could not discuss what  
2 they were asking, and I also stated that because of the  
3 Court's order, because of the order issued by Judge  
4 Keene, which your Honor has emphasized to us, that I  
5 could not discuss the matter with them.

6 MR. STOVITZ: In that connection, your Honor,  
7 although Mr. Kanarek may very well have said it, he  
8 certainly did not prevent his client from giving a  
9 lengthy interview in the Santa Monica Superior Court last  
10 week when the so-called Hinman murder case was called,  
11 and I have here a national publication known as News Week  
12 which has a two-column article quoting Manson's words  
13 and with Manson's picture with Mr. Kanarek.

14 "Manson in Los Angeles Court.

15 "'I know what I have done. I have no guilt.'"

16 This was in the Los Angeles Times, and then  
17 it was included in the News Week Magazine.

18 MR. REINER: Your Honor -- if you are through,  
19 Mr. Stovitz?

20 MR. STOVITZ: Yes, I am through.

21 MR. REINER: If I might comment, your Honor?

22 That was the first thing that occurred to me  
23 when I saw the interview on television. I think that  
24 the only persons involved in that interview that could  
25 possibly be held in contempt -- and I say this with all  
26 due respect -- the only persons that could be held in

1 contempt would be Judge Rittenband and Mr. Manson, because  
2 they were the only two people involved.

3 Manson made the statement, and Judge Rittenband  
4 granted permission to make the statement.

5 I don't need to come to the defense of Mr.  
6 Kanarek, but, again, I don't think that relates to our  
7 problem here.

8 THE COURT: No. That is a matter that occurred  
9 elsewhere.

10 I was very upset when I read that article.  
11 I don't know why the interview was permitted. It certainly  
12 would not have been permitted here, nor the photographs  
13 in the courtroom.

14 But in any event, I again call your attention  
15 to the fact that the publicity order covers statements  
16 by the defendants themselves as well as statements by  
17 counsel of what the defendants have told them.

18 MR. REINER: I appreciate that.

4b.

B-1

1 THE COURT: I am going to hold each of you responsi-  
2 ble for that.

3 If you are sitting next to your client and  
4 your client is talking to a newsman and you do nothing  
5 about it, I am going to consider that both of you are  
6 violating the publicity order.

7 MR. REINER: I would agree.

8 I don't know that that has occurred. It  
9 certainly has never occurred with Leslie Van Houten.  
10 She hasn't spoken to a reporter.

11 MR. STOVITZ: She doesn't even want to talk to you,  
12 I understand.

13 MR. REINER: That apparently is true.

14 MR. SHINN: Your Honor, in Santa Monica they have a  
15 different type of rule. Down there the Judge allows the  
16 reporters to come into the courtroom for five minutes, I  
17 believe it is, and then they kick them out.

18 In that situation, your Honor, the people are  
19 in the courtroom, the news media, and there is no way  
20 to control our client if they want to talk. We can't tell  
21 them to shut up or to turn around.

22 The Judge allows them into the courtroom. That  
23 is a different situation.

24 THE COURT: I disagree with you, Mr. Shinn. I think  
25 you not only can but you must control your client in the  
26 courtroom.

4b2 1 MR. BUGLIOSI: May I make a brief observation?

2 We have got the gag order on one side. On the  
3 other side we have two very sacred rights in our society,  
4 freedom of speech -- I am talking about that freedom of  
5 speech that all the attorneys in this case have -- and also  
6 freedom of the press; two very powerful sacred rights that  
7 we have to protect.

8 Now, those two rights are working at cross-  
9 purposes with the gag order, obviously, and I would only  
10 ask the Court to construe that gag order flexibly and  
11 reasonably.

12 I think the underlying situation should always  
13 be, in interpreting whether there has been a violation of  
14 the gag order, common sense, and the reasonable underlying  
15 consideration should be this: Does the statement work to  
16 the prejudice of the opposite party?

17 I am not referring to anything that has happened  
18 thus far, I am just making an observation. /If it does not  
19 work to the prejudice of the opposite party, then I think  
20 the freedom of speech and the freedom of the press should  
21 prevail over the gag order. /

22 THE COURT: I don't think it is necessary to draw any  
23 such distinction, and that is the purpose of the gag order.  
24 The rights of all parties are to be protected.

25 MR. BUGLIOSI: I am saying that if there has been an  
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1 individual statement, the question is "Does it violate the  
2 gag rule," and --

3 THE COURT: I don't think that anyone can determine  
4 whether a particular statement is beneficial or adverse  
5 to a party.

6 MR. BUGLIOSI: That is true. It is very difficult.

7 THE COURT: It depends on who is listening to it.

8 MR. BUGLIOSI: But the Court, being the presiding  
9 officer of this lawsuit, it seems to me that the Court has  
10 to make that determination in every case, the determination  
11 "Does it hurt someone?"

12 MR. REINER: Your Honor --

13 THE COURT: It is a determination that I don't have  
14 to make because it is impossible to make. That is why we  
15 have the publicity order.

16 MR. REINER: Your Honor, if I might make one  
17 observation?

18 So far, the problem has not arisen with  
19 respect to Leslie Van Houten, so perhaps this is the time  
20 to discuss it.

21 The Court indicated that counsel would be held  
22 accountable for the actions of the defendants because they  
23 can, should and must control them.

24 I would agree with that as a principle and as  
25 a matter of general practice.

26 As yet, in my practice, I have never

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1 represented a defendant whom I could not control one way or  
2 the other, but I think it should be abundantly clear to  
3 everybody here that all lawyers have what could  
4 euphemistically be called minimal client control. We have  
5 virtually no control. We can control them when they agree  
6 with us, but at the times that they disagree with us, our  
7 control is nil.

8 There is no way that Mr. Fitzgerald could  
9 possibly have prevented his client from standing up and  
10 doing what she did yesterday.

11 There is no way in the world that I could  
12 prevent my client from standing up when I begin to conduct  
13 the voir dire examination of the jurors.

14 If my client attempts to talk to reporters,  
15 there are things that I can do. I can attempt to prevent  
16 her from talking to the reporters or the reporters from  
17 talking to her, but as far as the conduct of my defendant  
18 is concerned, all I can do is use all the powers I have of  
19 persuasion with my client to conduct herself in the proper  
20 manner that I want her to conduct herself, but as far as  
21 being effective, it is quite clear that we cannot be  
22 effective if they decide that they wish to disobey our  
23 instructions or any attempt that we may have made to per-  
24 suade them to act differently.

25 THE COURT: In a case such as the matter in Santa  
26 Monica last week, it is a very simple matter to prevent

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1 what happened -- I know that your client might want to  
2 talk to the reporters -- by simply having your client put  
3 back in the custody of the Sheriff and the Sheriff will  
4 remove them from the presence of the reporter.

5 MR. REINER: I was concerned with the broad state-  
6 ment that counsel would be held responsible for all the  
7 conduct of his client, your Honor, because we can't con-  
8 trol them in all cases.

9 It isn't realistic in this case, given these  
10 particular defendants, your Honor.

11 THE COURT: Anything further?

12 MR. KANAREK: Yes. I would like your Honor to be  
13 apprised that, first, I would make a motion that we have  
14 an evidentiary hearing in connection with what happened in  
15 the court in Santa Monica. I would welcome an evidentiary  
16 hearing, and I do make the motion, and this is what I wish --  
17 this is the offer of proof --

18 THE COURT: For what purpose?

19 MR. KANAREK: To show your Honor what happened there  
20 is something that is sort of a spontaneous type of thing  
21 because of the way that the defendants were brought in.  
22 They were brought in before the Court took the bench.  
23 The bailiff --

24 THE COURT: Let's not get into that.

25 MR. KANAREK: The defendants were brought into the  
26 court before the Court took the bench and then the Press

surged forward, your Honor.

1 THE COURT: Well, Mr. Kanarek, that is not before the  
2 Court at the moment.

3 MR. KANAREK: Mr. Stovitz has brought this up, your  
4 Honor, I gather with some kind of --

5 THE COURT: It is regrettable that it occurred.  
6 I think, certainly, that the Court there has to take part,  
7 if not all, of the blame for what happened.

8 I am sure Judge Rittenband didn't realize.  
9 I don't know. I wasn't there. I assume that he didn't  
10 realize what was going to happen.

11 MR. KANAREK: I don't want this record to reveal that  
12 Judge Rittenband was at fault.

13 THE COURT: I don't know who was at fault. All I  
14 know is what happened.

15 MR. KANAREK: What happened was that the defendant  
16 was brought in before the Court took the bench, and the  
17 Press seeing the defendant surged forward, came almost  
18 within touching distance of the defendants. Most of them  
19 stayed beyond the barrier, but they reached over with their  
20 implements, that is, with their cameras and their micro-  
21 phones, and it was a spontaneous thing, your Honor, which  
22 resulted because the defendants were brought in, your  
23 Honor, before the Court took the bench, and the Sheriff  
24 does what the Court says.

25 You see, the Sheriff will not take orders from  
26

1 the lawyers as to what should be done with defendants.

2 THE COURT: Very well. Anything else before we go  
3 out?

4 MR. STOVITZ: Well, the reason that I wanted it  
5 brought up, your Honor, is that there is going to be  
6 another hearing in Santa Monica. Although my understanding  
7 is that there has been no court order issued re publicity  
8 in the Grand Jury indictment on the Hinman case, there  
9 had been previously a court order issued on the People vs.  
10 Susan Atkins case, but I believe that that case has now  
11 been dismissed and the Grand Jury indictment has super-  
12 seded that case. But nevertheless, counsel should be  
13 aware that anything they may say in that may have an  
14 effect on this proceeding here.

15 THE COURT: That's right.

16 I suggest that if you have any question about  
17 it, gentlemen, you re-read the order carefully in this  
18 case.

19 MR. SHINN: Is Mr. Stovitz saying that this order  
20 re publicity extends to the Hinman matter, your Honor?

21 THE COURT: It may very well. Re-read the order,  
22 gentlemen.

23 MR. REINER: Your Honor, what are we to say of these  
24 proceedings? Are we to indicate that the matters are set  
25 for an OSC on the 29th of June or are we to remain silent  
26 on that?

1           THE COURT: Well, I think I am going to rescind my  
2 order to show cause and let this serve as a final warning  
3 to all of you.

4           I am perfectly willing to concede that in the  
5 past various things have occurred that have been the fault  
6 of various people, not all of it being the fault of any one  
7 person.

8           I am not out to make the life of any attorney  
9 in this case any more difficult than it has to be by  
10 virtue of your job, and you all have very difficult jobs,  
11 I realize that. The Court also has other duties and  
12 obligations.

13           I am going to amend this publicity order to  
14 cover some of the things that have come up. In the  
15 meantime, I think that from our discussions you must now  
16 know what is in my mind, you must now know what is  
17 covered by the publicity order, you must now know that every  
18 time you talk to a reporter you are in very grave danger,  
19 if you are not extremely careful, of violating that order.

20           I don't know what else I can tell you.

21           Now, let's start out from this point forward.  
22 As far as I am concerned, you are not entitled to any more  
23 warnings or admonishments. This is the end. That applies  
24 to everybody in the case.

25           I will rescind the orders to show cause.

26           If you have any question in your mind now as to

1 what or what not is covered by that order, I would like to  
2 hear your questions.

3 MR. REINER: I have one question that I think, from a  
4 very supertechnical analysis, would have to be considered a  
5 violation of the gag rule, the publicity order, but I  
6 really think that it puts counsel in a quandary, and that  
7 is this problem.

8 The defendants, or at least one of them, in  
9 open court has indicated that it is the attitude of that  
10 defendant, and presumably of the other defendants, not to  
11 participate in these proceedings, not to conduct a defense.

12 Now, the moment we left the courtroom after  
13 this came out, we were besieged by reporters, and the  
14 thrust of their questions were "Are you going to remain  
15 mute during the entire trial?"

16 In my view that would be unethical. A lawyer  
17 should be disbarred if he should cooperate and follow  
18 such instructions of the client.

19 But I feel very much ill at ease saying, "No  
20 comment on that." Because I can assure the Court, and I  
21 am sure that the Court is aware --

22 THE COURT: Don't you see, Mr. Reiner, if there  
23 hadn't been a violation of the order, if someone hadn't  
24 said what Mr. Manson said in chambers about remaining  
25 mute, the reporters never would have been in a position to  
26 ask that question.

1 MR. REINER: I am referring to Miss Krenwinkel, when  
2 Miss Krenwinkel stood up and said what she did, your Honor.

3 THE COURT: Obviously no one has any control over a  
4 client who insists on standing up in open court and making  
5 a fool out of themselves or anything else. I realize that.

6 MR. REINER: The point I am making, your Honor --

7 THE COURT: Unless the attorney is actively aiding  
8 or abetting such conduct. He can't be held responsible  
9 for everything his client does, I realize that.

10 MR. REINER: The point that I am making here, your  
11 Honor, the first thing after I left the court, what the  
12 reporters wanted to know was whether I was going to follow  
13 suit and remain mute through the entire trial.

14 I would hate to have to tell a reporter as to  
15 whether I am going to be unethical -- which is the way I  
16 would construe such conduct -- I did say, and it was reported  
17 in the Los Angeles Times article that you quoted, that  
18 "No, I did not intend to follow such instructions."

19 THE COURT: I don't think you have to say anything,  
20 Mr. Reiner.

21 MR. REINER: I appreciate that. But you can see the  
22 position that it puts counsel in, your Honor.

23 THE COURT: It puts you in a position where you can  
24 say "No comment."

25 MR. REINER: The reporters will then pick it up and  
26 they will say that my position as to whether I should remain



1 silent during the whole trial is equivocal, and then there  
2 is the question of whether I am conducting myself in an  
3 unethical manner.

4 There is a problem, your Honor, because we have  
5 50 reporters out in the courtroom each day plus television  
6 cameras.

5-1.

1 THE COURT: We cannot control what the reporters  
2 say about what you don't say; but you certainly can  
3 control what they say about what you do say. That is  
4 the point.

5 All right, let's get back into court,  
6 gentlemen, unless there is something else.

7 MR. KANAREK: Yes, your Honor, may I request,  
8 your Honor, that we adjoin at 11:30 because we have to  
9 be at Santa Monica at 1:00.

10 THE COURT: 11:30? No, we are going to have to  
11 go until 12:00.

12 MR. KANAREK: We have to be there at one.

13 THE COURT: You will be necessarily late out there.  
14 Why was it set at one?

15 MR. KANAREK: It was set at one because I wanted to  
16 accommodate this Court at that time --

17 THE COURT: Well, the answer is no, Mr. Kanarek.

18 MR. KANAREK: -- that we could have the hearing  
19 there and get back here and have the Sheriff transport  
20 the people back and forth.

21 THE COURT: You won't even have your defendants  
22 out in Santa Monica by one o'clock. They cannot get them  
23 back there that fast after feeding them and so forth  
24 from here.

25 MR. KANAREK: Very well, your Honor.

26 THE COURT: You won't be able to start at one.

5-2.1

MR. KANAREK: That is when I told the Judge the problem. Judge Rittenband actually enunciated the one o'clock time there.

MR. FITZGERALD: Shall we take a recess for the reporter?

THE COURT: No, they have two teams, two reporters.

(The following proceedings were had in open court in the presence and hearing of all the prospective jurors, all the defendants and their counsel being present; the Deputies District Attorney being present;)

THE COURT: The defendants and all counsel are present. You may continue with your examination, Mr. Fitzgerald.

MR. FITZGERALD: Thank you.

VOIR DIRE EXAMINATION OF MRS. GORDON (continued)

BY MR. FITZGERALD:

Q Good morning, Mrs. Gordon --

THE COURT: The record will show all of the prospective jurors are in the jury box.

Q BY MR. FITZGERALD: Miss Gordon, if I were to ask you the same questions I asked all the other preceding jurors, would your answers be approximately the same?

A Yes.

INX.

A No. \_\_\_\_\_

A No, I think you covered it pretty good.

A. I really don't have any --

A                      mind.

A No, I cannot.

VOIR DIRE EXAMINATION OF MR. FRONDORF

Q. What did you do in the Navy?

Q Did you spend some considerable period of time in the Navy?

5-4. 1

A I am retired.

2

Q Did you spend considerable time there?

3

A Yes.

4

Q Twenty years or so?

5

A 26.

6

Q I take it you are married, sir?

7

A Yes.

8

Q Is your wife employed outside the home?

9

A No.

10

Q Do you have any children?

11

A No.

12

Q Where in the County of Los Angeles do you

13

reside?

14

A Downey.

15

Q Have you ever served as a juror before?

16

A No.

17

Q Neither in a civil nor a criminal case?

18

A No.

19

Q Is your tour of duty just about to end?

20

A Yes.

21

Q Have you ever studied law?

22

A No.

23

Q Have you ever taken any courses in law or

24

procedure?

25

A No.

26

Q Have you or any member of your family ever

5-5. 1 been the unfortunate victim of a criminal assault?

2 A No.

3 Q Or has anyone close to you or near and dear  
4 to you ever been the victim of a homicide or anything  
5 like that?

6 A No.

7 Q Have you ever been connected in any way  
8 with the prosecution of a criminal case?

9 A No.

10 Q Never been a witness or anything like that?

11 A No.

12 Q Do you have any objection to the system  
13 of trying cases by a jury of 12 people --

14 A No.

15 Q -- deciding the facts and the evidence in the  
16 case?

17 A No.

18 Q Do you have any friends or relatives who  
19 are police officers or who are otherwise engaged in law-  
20 enforcement?

21 A No.

22 Q Do you have any friends or relatives or  
23 acquaintances, friends, who are associated in any  
24 capacity with the Office of the District Attorney?

25 A No.

26 Q Are you familiar with any of the locations

25-6.

1 that were mentioned, or do you know or are you related to  
2 or do you have any connection with any of the witnesses  
3 whose names appear on the charts before you?

4 A No.

5 Q I believe as a result of some discussion that  
6 was had with you in chambers, you indicated that you  
7 were familiar with certain desert locations in the State  
8 of California?

9 A I worked for the Division of Highways for the  
10 last 18 years, so I am fairly familiar with the State of  
11 California.

12 Q Are you familiar with Inyo County?

13 A A little bit, I have gone up there deer  
14 hunting.

15 Q Are you familiar with the Death Valley  
16 area in Inyo County?

17 A Yes, I have been in there.

18 Q Have you been in there in your capacity --

19 A No, as a -- on vacation.

20 Q Have you been camping in the mountainous  
21 areas of Death Valley?

22 A Yes.

23 Q Are you familiar with locations such as  
24 Ballarat?

25 A No.

26 Q Goler Wash?

5-7.

A No.

Q Mengal Pass?

A No.

Q Willow Springs?

A No.

Q Do you know where Shoneshone, California is?

A Yes, it is in the Valley.

Q Are you familiar with any locations near or adjacent to Shoneshone?

A No.

5a.



5a-1

1 Q If during the course of this trial you should  
2 receive some evidence in connection with some of those  
3 areas, do you think -- strike that. I'm sorry.

4 The charge here is murder, as you know.

5 A Yes.

6 Q Is there anything about the nature of that  
7 charge that makes you prefer not to sit as a juror?

8 A No.

9 Q Do you believe you can give the defendants the  
10 same fair trial even though the charge was murder as if  
11 they were charged with some other offense, say petty  
12 theft, or theft, or something?

13 A I think so.

14 Q You would not require any less evidence to  
15 convict somebody of a homicide, would you?

16 A No.

17 Q Do you own any firearms?

18 A Yes.

19 Q Are you familiar with handguns?

20 A Yes.

21 Q I take it you are aware of the differences and  
22 distinctions between revolvers and automatics?

23 A Yes.

24 Q You don't have any problem or quarrel with the  
25 proposition that a defendant in a criminal case is presumed  
26 to be innocent?

1 A No.

2 Q -And I take it you wouldn't have any problem  
3 applying that proposition of law?

4 A No.

5 Q You understand that the defendants don't need  
6 to prove their innocence, do you understand that?

7 A Yes.

8 Q They are presumed to be innocent; their guilt,  
9 if any, must be shown beyond a reasonable doubt.

10 A Yes.

11 Q Do you have any quarrel with the proposition of  
12 law that the prosecution must actually prove to you as an  
13 individual juror guilt beyond any reasonable doubt?

14 A Could you rephrase that, please?

15 Q Do you have any quarrel with that proposition of  
16 law?

17 A No.

18 Q Can you think of any reason at all why you can-  
19 not be fair and impartial to all of the defendants in this  
20 case?

21 A None.

22 MR. FITZGERALD: Thank you.

23  
24 VOIR DIRE EXAMINATION OF MR. ELZIE K. BLACK  
25 BY MR. FITZGERALD:

26 Q I believe it is Mr. Elzie Black?

1 A Right.

2 Q Excuse me just a moment. --

3 And Mr. Frondorf, if I were to ask you  
4 individually all of the questions I asked the preceding  
5 jurors, would your answers be about the same?

6 MR. FRONDORF: Approximately, yes.

7 MR. FITZGERALD: Is there any question I should ask  
8 you or is there any particular area in which you would like  
9 to be asked some questions?

10 MR. FRONDORF: No.

11 MR. FITZGERALD: Is there anything you want to bring  
12 to our attention?

13 MR. FRONDORF: No, other than I stated I work for the  
14 Division of Highways and am fairly familiar with all of the  
15 areas that you discussed.

16 MR. FITZGERALD: All right, but you understand this is  
17 just basically a little procedure whereby we are trying to  
18 determine what your attitude, what your mental disposition  
19 is toward a fair and impartial adjudication of this case.

20 MR. FRONDORF: Yes, I understand that.

21 MR. FITZGERALD: Is there anything in that respect at  
22 all that you think ought to be called to our attention,  
23 that you think would influence you in arriving at a  
24 verdict?

25 MR. FRONDORF: None.

26 MR. FITZGERALD: Thank you.

## VOIR DIRE EXAMINATION OF MR. ELZIE BLACK

BY MR. FITZGERALD:

Q I believe it is Mr. Elzie Black, is it not?

A Yes.

Q What is your occupation, Mr. Black?

A Retired custodian, Los Angeles County.

Q I heard "retired custodian." I did not hear the last portion of the answer.

A Due to disabilities, Los Angeles County.

Q And I take it you live in the City of Los Angeles?

A Right.

Q Where in the City of Los Angeles do you reside, generally speaking?

A Southwest.

Q What are the major intersections near your home?

A It would be 51st and Broadway.

Q Are you married, sir?

A Separated.

Q Was your wife employed outside of the home? at some time in the past?

A Right, yes.

Q What was her occupation?

A Machine operator.

Q Do you have any children?

A Yes.

1 Q How many?

2 A One.

3 Q Is that a grown child?

4 A Right.

5 Q Have you ever served as a juror before?

6 A Yes.

7 Q Was that on your current tour of duty?

8 A Yes.

9 Q Is there anything about that experience that  
10 would influence you one way or the other in deciding this  
11 case?

12 A No.

13 Q Did you understand the differences between a  
14 criminal and civil trial that we discussed yesterday  
15 with some of the other prospective jurors?

16 A Yes.

17 Q Do you have any friends or relatives that are  
18 police officers or are otherwise engaged in law enforcement?

19 A No, I don't.

20 Q If a police officer should testify in this  
21 case do you think you would be inclined to give his or her  
22 testimony greater weight simply because he or she were a  
23 police officer?

24 A I would not.

25 Q Are you going to give greater weight to some  
26 witnesses called by the prosecution merely because they are

1 called by the prosecution?

2 A No.

3 Q Do you have any quarrel with the presumption of  
4 innocence or reasonable doubt?

5 A Would you rephrase that, please?

6 Q Do you have any quarrel or any argument with  
7 the proposition of law that defendants are presumed innocent  
8 in criminal cases, and their guilt must be proven beyond a  
9 reasonable doubt?

10 A I do not.

11 Q Do you have any quarrel with the jury system  
12 itself?

13 A No.

14 Q Can you think of any reason why you cannot be  
15 fair and impartial to all of the defendants in this case?

16 A No.

5B.

1 Q From what you heard is there any particular  
2 instruction of the Court that you might receive in this  
3 case that you would have difficulty applying?

4 A No.

5 Q Are you familiar with firearms?

6 A Yes.

7 Q Is there anything I should ask you that I  
8 have not?

9 A I cannot think of anything.

10 Q If I were to ask you the same questions I  
11 have asked all the other preceding jurors would your  
12 answers be about the same?

13 A Basically, yes.

14 Q Is there anything you would answer a little  
15 differently?

16 A No.

17 Q Are you familiar with any of the locations  
18 we mentioned, or any of the witnesses?

19 A No, I am not.

20 Q Do you know anybody in the District Attorney's  
21 Office?

22 A No.

23 MR. FITZGERALD: Thank you very much.  
24  
25  
26

5b2.

## VOIR DIRE EXAMINATION OF MR. HERMAN C. TUBICK

BY MR. FITZGERALD:

Q I believe it is Mr. Gerth, is it not?

A No, sir, I am Mr. Tubick.

Q It is Mr. Tubick?

A Yes, sir.

Q What is your business or occupation, Mr. Tubick?

A Mortician, employed at Rose Hills Mortuary in Whittier.

Q You are employed in Rose Hills Mortuary?

A Yes, sir, in Whittier.

Q Are you married, sir?

A Yes, sir.

Q Do you have any children?

A Two, sir.

Q Are they grown?

A Yes, sir.

Q Where in the County of Los Angeles do you reside?

A Monterey Park.

Q Is your wife employed outside of the home?

A She is managing the apartments we are living in.

Q Have you ever served as a juror before?

A No, sir.



5b.3.

1 Q Is this the beginning of your tour of duty?

2 A Yes, sir.

3 Q You have had an opportunity to listen to the  
4 questions I have asked every one of the other 11 jurors,  
5 right?

6 A Yes, sir.

7 Q Rather than go through all of those questions,  
8 is there anything I should ask you?

9 A Well, I recognize Dr. Noguchi's name on  
10 the list up there.

11 Q Ah huh, the Coroner.

12 A Yes, sir.

13 Q What is your connection with Dr. Noguchi?

14 A Just that his name appears on death  
15 certificates.

16 Q You have seen his name on numerous death  
17 certificates, I take it?

18 A Yes, sir, yes, sir.

19 Q Almost like you're not dead unless you have  
20 his signature, is that right?

21 A That's right.

22 Q But you don't have any personal connection  
23 with him, do you?

24 A No, sir.

25 Q I take it that viewing photographs of dead  
26 bodies won't influence you?

4.

1 A No, sir.

2 MR. FITZGERALD: Thank you. Pass these jurors  
3 for cause.

4 THE COURT: Mr. Reiner.

5 MR. REINER: Thank you, your Honor.

6 Does the Court wish to take the morning  
7 recess at this time or should I commence?

8 THE COURT: Since we started late I don't think  
9 we will take a recess, Mr. Reiner.

10 MR. REINER: Thank you, your Honor.

11  
12 VOIR DIRE EXAMINATION OF MISS ROSE PAHN JUROR NO.4  
13 BY MR. REINER:

14 Q Miss Pahn, I am Ira Reiner and my client  
15 is Leslie Van Houten.

16 Do you know which of the defendants is  
17 Leslie Van Houten?

18 A No, I don't think I remember.

19 Q I will go over and stand behind Leslie  
20 Van Houten.

21 (Mr. Reiner indicates.)

22 This young lady is Leslie Van Houten.

23 Now, evidence will be presented in this  
24 case that will relate to one defendant or another.

25 Now, will you take very good care to distinguish  
26 in your own mind which evidence relates to one defendant and

5.

1 which evidence relates to perhaps another defendant?

2 May I have your answer, please?

3 A I thought you were making a statement. I did  
4 not get the question.

5 Q I said evidence in this case will relate from  
6 time to time to one defendant and will not relate at all  
7 to perhaps some other defendants.

8 A I understand.

9 Q During the course of this trial will you  
10 take great care to assign that evidence that relates  
11 to one defendant only to that particular defendant?

12 A Yes, sir.

13 Q And not to any other defendant?

14 A Yes, sir.

15 Q You do understand that you are to consider  
16 the guilt or innocence of each defendant separately?

17 A Yes, I do.

18 Q Although they sit here as four defendants  
19 joined in a trial that perhaps some may, well, all may  
20 be innocent, all may be guilty, some may be guilty, and  
21 some may be innocent.

22 Do you appreciate that?

23 A I understand that, yes, sir.

24 Q You do understand, of course, that you are  
25 required as a matter of law to presume that a defendant is  
26 innocent until they are proven guilty beyond all reasonable

6. 1 doubt?

2 A I understand that.

3 Q Now, as yet, of course, you have not heard  
4 any evidence with respect to the defendant Leslie  
5 Van Houten?

6 A No.

7 Q Now, then, do you presently at this moment  
8 presume that Leslie Van Houten is innocent?

9 A I accept that statement.

10 Q Do you have an affirmative belief that Leslie  
11 Van Houten is innocent?

12 THE COURT: I don't think that is a proper question,  
13 Mr. Reiner.

14 MR. REINER: Well, your Honor, as I understand,  
15 if I may address the Court, or shall we do this at the  
16 bench?

17 THE COURT: I think you can rephrase your question.

18 MR. REINER: Oh!

19 Q BY MR. REINER: Miss Pahn, you will be  
20 instructed prior to hearing any evidence that you are  
21 to presume, that is, you are to accept the fact that a  
22 defendant is innocent?

23 A Yes.

24 Q You have no quarrel with that particular  
25 instruction?

26 A No.

c-1  
1 Q Well, then, you do affirmatively accept the  
2 fact that right now since no evidence has been introduced  
3 with respect to Leslie Van Houten, that she is innocent?

4 A No, we start with a clean slate.

5 THE COURT: I do not think that is a proper statement,  
6 Mr. Reiner.

7 MR. REINER: Well, your Honor, may I inquire as to  
8 how it is improper?

9 THE COURT: Would you care to approach the bench?

10 MR. REINER: Yes.

11 (The following proceedings were had at the  
12 bench out of the hearing of the prospective jurors, all  
13 counsel with the exception of Mr. Fitzgerald being present.)

14 THE COURT: I do not think it is a proper statement  
15 to ask a juror -- I will state it another way.

16 You certainly have every right to delve into a  
17 prospective juror's state of mind on the question of bias.

18 However, the law does not state that a person is  
19 innocent. It states only that a person is presumed to be  
20 innocent. That is the distinction I make.

21 MR. REINER: Well, your Honor, the purport of the  
22 question was simply this, that before evidence is  
23 introduced a juror may not indicate they are neutral; they  
24 must say they presume as a fact the person is innocent,  
25 unless their mind is changed by evidence.

26 THE COURT: You did not ask that question. To make

5c2  
1 her state as a fact that at this moment she has an  
2 affirmative belief that any particular defendant is in  
3 fact innocent is to ask her to prejudge one of the critical  
4 issues in the case.

5 MR. REINER: I don't believe it asks her to prejudge  
6 anything.

7 In effect, what it says, since there is no  
8 evidence; since in the absence of evidence you are required  
9 to presume, i.e., believe that the defendant is innocent,  
10 I just put it in legal language rather than legal terms.

11 THE COURT: There is a difference between asking a  
12 person whether he is willing to give the defendant the  
13 benefit of the presumption of innocence and asking him to  
14 affirmatively state that he believes that the person is  
15 in fact innocent.

16 I think there is an important distinction be-  
17 tween the two. I don't want to any way foreclose your  
18 right to test the prospective juror, in any way, the state  
19 of mind, the possible bias or prejudice. But I think  
20 what you have asked the witness was put in an improper  
21 form.

22 MR. REINER: I see. Well, your Honor, if I deleted  
23 the two words, "in fact," and couch the question as follows:  
24 Do you have an affirmative belief in the  
25 absence of any evidence at this time that the defendant is  
26 innocent --

1 THE COURT: That is the same question again.

2 MR. REINER: I left out the two words "in fact."

3 THE COURT: That is not the point at all. You  
4 apparently misunderstood what I said.

5 MR. REINER: My understanding of the word "presume" --

6 THE COURT: You may ask the juror if she will follow  
7 the instruction; if she will give the benefit of the  
8 presumption of innocence. That is proper.

9 MR. REINER: Surely I may inquire as to what she  
10 understands the presumption to mean.

11 THE COURT: Jurors don't always understand all of the  
12 law, Mr. Reiner.

13 She may not understand what it means, but she  
14 will be instructed by the Court before this case is over  
15 if she is a juror.

16 MR. REINER: Well, may I inquire as to the Court's  
17 view of what the correct law is?

18 THE COURT: I am not saying you cannot ask her what  
19 it means. I am simply saying you don't always get the  
20 correct answer --

21 MR. REINER: I appreciate that.

22 THE COURT: -- at the beginning of the trial on some  
23 question of law.

24 MR. REINER: I appreciate that. Very well, I will  
25 just at this point limit that aspect of the inquiry into  
26 what she means when she says that she will presume the

1 defendants to be guilty, and see -- if I may --

2 THE COURT: I don't think you stated what you meant  
3 there.

4 MR. REINER: Pardon? I did not hear the Court.

5 THE COURT: You said you would ask her what she meant  
6 by saying she would give the defendant the benefit of the  
7 presumption of being guilty.

8 That is the way you stated it.

9 MR. REINER: I am sorry, I meant to say not guilty.

10 THE COURT: You understand the distinction I am  
11 drawing? I think the form in which you put the question  
12 required her to prejudge an issue.

13 Maybe you did not intend it that way.

14 MR. REINER: No, I didn't.

15 THE COURT: But that is the way it sounded to me.

16 You have every right to delve into her state of  
17 mind on the question of any possible bias.

18 MR. REINER: All right.

19 (The following proceedings were had in open  
20 court in the presence and hearing of all the prospective  
21 jurors, all defendants and all counsel.)

22 DEFENDANT VAN HOUTEN: Your Honor, before this goes  
23 on any further, may I say something?

24 THE COURT: Yes, Miss Van Houten.

25 DEFENDANT VAN HOUTEN: Mr. Reiner came over here and  
26 stood behind my chair and identified me; and yet when he is



1 speaking he is not speaking my voice, he is speaking  
2 Mr. Reiner's voice.

3 THE COURT: Do you have some request to make of the  
4 Court, Miss Van Houten?

5 DEFENDANT VAN HOUTEN: Yes, I would like to put a  
6 motion, or whatever you call it, forward to dismiss  
7 Mr. Reiner as my attorney.

8 THE COURT: For what reason?

9 DEFENDANT VAN HOUTEN: As I see it, Mr. Reiner is  
10 fighting his case; he is not doing what I ask.

11 He is not being my voice. He is being his own  
12 voice.

13 THE COURT: Anything further?

14 DEFENDANT VAN HOUTEN: None other than I would like to  
15 dismiss him, release him, or whatever.

16 THE COURT: The motion will be denied.

17 DEFENDANT VAN HOUTEN: Where do I go from here?

18 THE COURT: Please be seated, and we will proceed  
19 with the trial.

5d.

## VOIR DIRE EXAMINATION OF MISS PAHN (resumed)

BY MR. REINER:

Q Does it appear to you, Miss Pahn, that Leslie Van Houten is trying to get herself convicted?

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

THE COURT: Read the last question, please, Mr. Reporter.

(Whereupon the reporter reads the pending question as follows:

"Q Does it appear to you, Miss Pahn, that Leslie Van Houten is trying to get herself convicted?")

MR. STOVITZ: Furthermore, not proper voir dire.

THE COURT: The objection is sustained.

MR. REINER: Your Honor, may we discuss it at the bench, it is a matter of some importance.

May I discuss it at the bench, your Honor.

THE COURT: No, you may not. Let's proceed, gentlemen.

MR. REINER: Your Honor, may we discuss this out of the presence of the jury?

It is a matter of some importance in the voir dire examination.

THE COURT: Very well.

5d-2

MR. REINER: Thank you.

(The following proceedings were had at the bench outside of the hearing of the prospective jurors, all counsel being present:)

MR. REINER: Your Honor, the very crux of the voir dire examination is to determine even the possibility of some bias or implied bias on the part of the prospective jurors.

Traditionally we go into such matters as the manner in which they dress, the way they wear their hair, to determine whether the jurors would perhaps prejudge because of such extraneous matters.

We have something here far more significant than the curious way they are dressed here in court.

We have conduct that is, if not unparrelled, certainly is terribly unique, a defendant standing up in court and indicating for all to hear that she does not wish to present any sort of defense at all.

THE COURT: She made no such indication. She asked that you be dismissed.

MR. REINER: Because I insisted on going ahead and asking questions.

Now, clearly this has to have, or very likely could have some massive effect upon the attitude of the jurors.

It's had a massive effect on all our attitudes.

5d3.

1 THE COURT: What does this have to do with the  
2 question you asked?

3 MR. REINER: I would like to find out now whether  
4 this juror might be more predisposed towards convicting  
5 Leslie Van Houten than she otherwise might have been.

6 THE COURT: That is not the question you asked.

7 You asked if she thinks Leslie Van Houten  
8 wants to be convicted.

9 MR. REINER: Yes, your Honor, this is voir dire  
10 examination, not a set of stock questions.

11 THE COURT: Mr. Reiner, let's not have long,  
12 involved conversations at the bench for every question,  
13 now.

14 I don't see any connection between the  
15 question you asked and the search for bias on the part  
16 of this juror.

17 MR. STOVITZ: Maybe you can ask it in another  
18 form.

19 The point of my objection was that the juror  
20 can consider the conduct of the defendants in court in  
21 arriving at a verdict in this case, and if the conduct  
22 in court indicates to the jurors the way the defendants  
23 receive certain evidence, the way they conduct themselves,  
24 they can consider everything that takes place in court.

25 MR. REINER: Your Honor, I do not dispute that the  
26 jury may consider even the very appearance of a defendant in

1 reaching a verdict.

2 THE COURT: I think you can put the question in  
3 another form and get at the same thing.

4 For example, you can ask the juror if the  
5 fact that Miss Van Houten made a statement would cause  
6 her to be more likely to acquit or convict.

7 MR. REINER: That is precisely what I am leading  
8 up to.

9 THE COURT: I have heard enough now.

10 MR. REINER: May I just indicate the series of  
11 questions I wanted to ask.

12 THE COURT: I cannot rule on a series of questions  
13 until I hear them, sir.

14 MR. REINER: So your Honor will understand the  
15 context within which that question was asked.

16 THE COURT: You have the right to delve into the  
17 juror's state of mind on the question of bias; there is  
18 no question about that.

19 Let's proceed, gentlemen.

20 (The following proceedings were had in open  
21 court in the presence and hearing of all of the  
22 prospective jurors.)

23 Q BY MR. REINER: Miss Pahn, were you startled  
24 by the conduct or the action of Miss Van Houten a moment  
25 ago when she stood up?

26 A I was surprised.

1 Q Why were you surprised?

2 MR. STOVITZ: That is objected to as being  
3 improper voir dire.

4 THE COURT: The question should be reframed,  
5 Mr. Reiner.

6 The objection is sustained.

7 Q BY MR. REINER: What was your impression,  
8 as clearly and candidly as you can give it to us, of Miss  
9 Van Houten's conduct a moment ago?

10 A Well, I thought the client and the attorney  
11 have usually reached some sort of rapport, and know  
12 where they are at, so she would have confidence in what  
13 he is doing.

14 Q And in what way did her comment in court that  
15 she did not wish to have her attorney ask any questions  
16 at all, in what way did that impress you?

17 What was your reaction as well as you can  
18 articulate it?

19 A Well, as I said, I was surprised because I  
20 thought it showed a lack of confidence, and it was  
21 kind of surprising at this late date, late hour.

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5E.

68-1

1 Q Do you feel in your own mind the fact that a  
2 defendant, standing trial for a capital offense, would not  
3 wish to put on any defense at all would affect your judgment  
4 in this case as to whether that defendant is or is not  
5 innocent?

6 A If she refused to put on a defense?

7 Q When I say "put on a defense," I mean refuse to  
8 even participate in any stage of the proceedings.

9 How would that affect you in your judgment of  
10 this case?

11 MR. BUGLIOSI: Your Honor, I object. This would call  
12 for the juror to prejudge the case, your Honor.

13 Certainly this is something that the juror can  
14 take into consideration concerning guilt, vis-a-vis  
15 innocence, a total lack of defense.

16 THE COURT: The objection is sustained as to the form  
17 of the question. I think it should be rephrased.

18 MR. REINER: Thank you, your Honor.

19 Q Miss Pahn, if it should happen that you should  
20 be a juror on this case, you will make every attempt to  
21 determine whether there is any evidence of her guilt, will  
22 you not?

23 A Correct, yes.

24 Q If there is not evidence of her guilt so as  
25 to convince you beyond a reasonable doubt, you will acquit  
26 her, will you not?

5E2

1           A     Absolutely.

2           Q     Now, if that evidence is presented by counsel  
3 and it is done in the face of an express objection by the  
4 defendant in open court, she indicates she does not wish  
5 to put on any defense at all or to participate in the  
6 proceedings in any manner whatsoever, would that color  
7 your judgment with respect to whether any evidence was  
8 presented by the People?

9           MR. STOVITZ: I object to the question as ambiguous  
10 and compound, your Honor.

11          THE COURT: Just a moment, Miss Pahn.

12                I think it requires an answer calling for  
13 speculation as to something in the future.

14                What we are interested in determining now is  
15 Miss Pahn's state of mind on matters at this time.

16                Objection sustained.

17          Q     BY MR. REINER: Miss Pahn, will you allow the  
18 conduct of Leslie Van Houten in court, not on the stand,  
19 but here in court as she sits here, to influence your  
20 judgment as to the weight of the evidence that is offered  
21 against her?

22          A     Yes, I am supposed to keep an open mind for  
23 the evidence.

24          Q     Miss Pahn, do you feel that you have been, or  
25 that you would be under any pressure from family or friends  
26 to convict all of these persons?



SE3

1 A No.

2 Q Do you feel that you could in good conscience  
3 acquit a defendant in this case if the evidence was  
4 insufficient to prove the guilt of that defendant?

5 A Yes, if the evidence so indicated.

6 Q What do you suppose that your friends and  
7 family might say if you were to acquit even one of these  
8 defendants?

9 A I haven't any idea; I haven't discussed it  
10 except that some people said, "Oh, don't get on the case."

11 Q Why not?

12 A I just said I was just called, that is all.

13 Q Pardon?

14 A I told them I was called and I would serve, that  
15 is all.

16 Q Why do you suppose these people felt you should  
17 not get on this case?

18 A Well, this six-month's business of being  
19 sequestered so long.

20 Q Do you think that you might be criticized by  
21 your friends or family or acquaintances if you were to  
22 acquit either one of these defendants?

23 A I don't know.

24 Q Do you think perhaps that it is possible that  
25 some of your friends or acquaintances or family might  
26 criticize you if you acquitted even one of these defendants?

4-5  
1 A I cannot say what they would think.

2 Q Would it in any way --

3 If there was a possibility that they might do  
4 so, would that in any way affect your judgment in this  
5 case?

6 A No.

7 Q You have indicated in answer to prior questions  
8 by Mr. Fitzgerald that you would follow the instructions  
9 of the Court?

10 A Yes, sir.

11 Q Now, those instructions have not as yet been  
12 given to you, but whatever those instructions are, you  
13 will follow them?

14 A Yes.

15 Q One of the witnesses indicated on the board  
16 by the prosecution, that they intend to call, is Linda  
17 Kasabian; is that name familiar to you?

18 A Yes, that is the girl that is in the custody --  
19 in protective custody, you call it.

20 Q Do you know her as one of the girls who was  
21 a member of Charles Manson's Family?

22 A That is what I heard, is all.

23 Q Had you heard that she had indicated that she  
24 had participated in these killings?

25 A Well, she was named among many names in the  
26 headlines of the news that I got.

1 As I indicated before, I have not read details,  
2 just those captions.

3 Q Well, excuse me.

4 When Linda Kasabian testifies, or, that is,  
5 just prior to the time that the jury begins to deliberate,  
6 the Court will give you certain instructions of law, and  
7 one instruction of law will deal with the testimony of  
8 an accomplice to a crime.

9 Now, his Honor, I think we may presume, will  
10 instruct you that Linda Kasabian was an accomplice to the  
11 crimes that were charged --

12 MR. BUGLIOSI: We object at this point --

13 THE COURT: The objection is sustained.

14 Q BY MR. REINER: In the event that his Honor  
15 instructs you that Linda Kasabian was an admitted accom-  
16 plice in this particular crime, would you then follow his  
17 Honor's instructions with respect to the weight to be given  
18 to the testimony of an accomplice?

19 A Yes.

20 Q His Honor will instruct you that a person may  
21 not be convicted of any crime on the uncorroborated testimony  
22 of an accomplice.

23 Do you have any quarrel with that law?

24 A No.

5-F.

1 Q So that if the only testimony that links  
2 Leslie Van Houten to any crime is the uncorroborated  
3 testimony of an accomplice, will you follow the Court's  
4 instructions and acquit Leslie Van Houten?

5 A I will keep the Court's instructions in  
6 mind.

7 Q By that you mean that you will acquit  
8 Leslie Van Houten?

9 A Yes.

10 Q If there is no independent corroborating  
11 evidence?

12 A Yes.

13 Q Now, will you carefully consider the  
14 corroborating evidence if it is introduced in this trial  
15 to see whether it relates to Leslie Van Houten or whether  
16 it relates to other defendants?

17 A I was thinking of the other question; I don't  
18 think I was quite clear on that.

19 If you will rephrase it, rather than I ask  
20 you the question, please.

21 Q If any corroborating evidence, that is,  
22 evidence that would tend to corroborate Linda Kasabian's  
23 testimony is offered, will you carefully consider it to  
24 see whether it corroborates her testimony as it relates  
25 to Leslie Van Houten, or whether it corroborates her  
26 testimony only as it relates to the other defendants?

5-f.2.1

MR. STOVITZ: We object to the question, your Honor, as ambiguous, and also presupposes, ahead of time, that Linda Kasabian is an accomplice.

For that reason we object to the question.

THE COURT: The objection is sustained.

MR. REINER: Thank you.

Q BY MR. REINER: In the event that any person testifies in this case, and the Court subsequently instructs you that that person is an accomplice, and in the event that there is some evidence offered to corroborate that accomplice's testimony, will you carefully consider whether that corroborating evidence applies to Leslie Van Houten, or whether it applies only perhaps to other defendants?

A Yes, I will consider that.

Q If that corroborating evidence applies to other defendants and not to Leslie Van Houten, will you then follow the Court's instructions and acquit Leslie Van Houten?

A I will.

MR. BUGLIOSI: The Court will not instruct the witness or the jury to that effect, your Honor.

We object on that ground.

THE COURT: The objection is sustained.

Q BY MR. REINER: In the event there is an instruction --

A I am confused.

1 Q I am sorry, Miss Pahn. Did you say something?

2 A I am getting confused.

3 Q May I inquire as to what it is that confuses  
4 you?

5 A Such a long question; I don't know I can  
6 follow it and be clear.

7 THE COURT: The objection was sustained to that  
8 question, Miss Pahn.

9 Q BY MR. REINER: This question that I am  
10 going to ask you, Miss Pahn, has in substantially the same  
11 form or similar form been asked of you already, and  
12 hopefully you will search your mind and conscience before  
13 you answer this question, and I ask it in all due respect  
14 because tragedy does visit all families.

15 But will you consider the evidence that is  
16 presented in this trial, whatever the evidence is, against  
17 Leslie Van Houten as carefully as you would if she were  
18 the young daughter of someone near to you who had been  
19 drawn into this existence, this situation, this life  
20 style?

21 A Yes.

22 Q You will not turn your head away from all of  
23 this because it is all too unbelievable or perhaps all  
24 too grotesque, and consider everybody jointly rather  
25 than separately?

26 A Separately.

11

1 Q You will consider them separately?

2 A Yes.

3 Q You appreciate that it may perhaps take some  
4 self-discipline in the face of the evidence that will  
5 be presented, that you consider each defendant separately  
6 and individually and make separate judgments as to  
7 each?

8 A Yes.

9 Q And you are willing to impose that sort of  
10 discipline on yourself if it should happen that you would  
11 be a prospective juror?

12 A Yes, I would.

13 Q And if, perhaps, either subconsciously or  
14 inadvertently you should let other factors creep into  
15 your thinking, would you make a conscious attempt to put  
16 it aside?

17 A Yes.

18 MR. REINER: Thank you very much.

5G.

1-1

## VOIR DIRE EXAMINATION OF HERMAN R. STOKES

BY MR. REINER:

Q Mr. Stokes?

A Yes.

Q I will not go through many of the questions that we generally like to ask, because Mr. Fitzgerald has covered a lot of ground as to occupation and the like, so we will limit our examination just to a few points that we feel are of particular interest to Leslie Van Houten.

There are, of course, four defendants. Will you take special care to consider each item of evidence, each word of testimony, with respect to whether it applies to one defendant, two defendants, three defendants, or four defendants?

A Yes.

Q In the event that there is testimony by an accomplice, will you follow the Court's instructions that you may not convict anyone of any crime on the testimony of an accomplice unless it is corroborated by some independent evidence?

A Yes.

Q Do you have any quarrel with that rule of law we have here in California, that does not permit you to convict anybody of a crime based upon the testimony of an accomplice, unless it is corroborated by some independent evidence?



5G2

1 A No.

2 Q You would not say to yourself that that  
3 accomplice might be telling the truth; therefore, even  
4 if there isn't any independent corroborating evidence,  
5 "I would like to convict."

6 You would not say that?

7 A I would not.

8 Q And will you carefully consider all of the  
9 evidence as it comes in to see whether it corroborates the  
10 testimony of the accomplice with respect to Leslie  
11 Van Houten, or whether it corroborates such accomplice's  
12 testimony with respect to, perhaps, other defendants?

13 A I will.

14 Q Now, if there is testimony by an accomplice,  
15 and if there is some independent corroborating evidence,  
16 but it only corroborates her testimony with respect to  
17 two or three of the defendants, would you then acquit the  
18 remaining defendant or defendants who are not tied in by  
19 the corroborating evidence?

20 THE COURT: Will counsel approach the bench, please?

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

23 THE COURT: Mr. Reiner, you are getting into the  
24 area of instruction and indoctrination now.

25 I am going to have to ask you to refrain from  
26 that.

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You may, of course, go into the question of whether a prospective juror is willing to follow the Court's instructions. But you are going beyond that.

MR. REINER: My understanding of the Court's previous indication was if we stated the rule correctly, and generally --

THE COURT: I just indicated what my position is.

MR. REINER: Does that apply to all rules of law?

THE COURT: I don't know. I cannot rule on the question until I hear it, but your questions are now getting beyond the legitimate bound of voir dire examination, and you are getting into the area of indoctrination and instruction on the law.

MR. REINER: The reason I inquire is because I anticipate after I conclude, Mr. Bugliosi has a fairly extensive examination on the law of conspiracy, far more intensive than I.

THE COURT: I don't know anything about Mr. Bugliosi's examination and I don't know how you do.

We will consider it when it happens.

MR. BUGLIOSI: I would have to say this, your Honor:

To ask a juror whether they had any objection to a rule of law or whether they would follow it, they have got to have some idea what that rule of law is.

They have got to have some idea. Just to say "Will you follow all of the Court's instructions," they might

5B4  
1 say, "Yes."

2 When they found out what the rule of law is,  
3 when the Court gives them the rule at the end of the case,  
4 they might say, "Gee, that's a horrible rule; I don't  
5 want to follow this."

6 We are dealing with human beings.

7 I agree we cannot go into too much indoctrin-  
8 ation, but to ask a juror whether they will follow a rule  
9 of law, or whether they have a quarrel with it, by  
10 definition they will have to have some idea what that rule  
11 is.

12 THE COURT: It is not necessary for the Court to  
13 instruct the jury fully on the law in order to conduct the  
14 voir dire examination. We all know that.

15 MR. BUGLIOSI: If we ask the jury whether they would  
16 follow the vicarious rule of conspiracy -- I have to, it  
17 goes to the very heart of our case; I cannot get an  
18 answer from them unless they get an idea from me what this  
19 rule of law is.

20 I think this, however -- I think this, however,  
21 if either Mr. Reiner or myself improperly state the law,  
22 I think the Court should jump on us immediately and say,  
23 "Wait a while, this is not the law."

24 However, if Mr. Reiner or myself properly states  
25 the law, I think it is imperative the Court permit us to  
26 do this so we can get an answer from that juror as to how

1 they feel about this rule of law, and I will say this,  
2 further, this is common practice from my experience, and I  
3 have tried over 100 felony juries, and even in simple cases  
4 of burglary.

5 / In a case of this immense magnitude, seven  
6 murders, it just seems absolutely imperative that the jury  
7 have some idea of these rules of law, because otherwise we  
8 could run into a situation where we might have a five-months  
9 trial and some juror might go back there and say, "I dis-  
10 agree completely with that rule of law, and <sup>if</sup> Mr. Bugliosi  
11 would have told me what was involved, I would have told him  
12 I wouldn't follow it." /

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1 MR. BUGLIOSI: I don't intend to --

2 THE COURT: I am not concerned with your voir  
3 dire examination, Mr. Bugliosi. I will take that up  
4 when it occurs.

5 I am concerned with Mr. Reiner's at the moment.

6 You are getting into the field of instruction  
7 and indoctrination, and I am asking you to refrain.

8 Now, let's proceed.

9 MR. REINER: Let me make one comment, your Honor.

10 Because of the possibility of extended  
11 voir dire examination of the jury, all counsel can  
12 drastically cut it down and lessen the time it takes if  
13 instead of covering a great many points, we cover just a  
14 relatively few but try to cover them in depth.

15 We don't intend to take much time at all in  
16 voir dire examination, your Honor, and I ask for forbearance  
17 of the Court.

18 THE COURT: It is admirable. I encourage that.

19 MR. REINER: I ask the forbearance of the Court to  
20 let us delve into some areas which we feel are crucial  
21 to the case.

22 THE COURT: You know my feelings. I do not want  
23 to foreclose any reasonable attempts to voir dire the  
24 jurors, but I think when you start getting into instructions  
25 and paraphrasing the law, in the first place, almost  
26 invariably they are incomplete or inaccurate, and sometimes

6-2. 1

not understandable.

2

That is the first objection.

3

Secondly, it is not a legitimate aspect of voir dire examination.

4

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You can determine whether the juror has any actual or implied bias without instructing them on the law.

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MR. BUGLIOSI: Your Honor --

9

THE COURT: Let's proceed, gentlemen.

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VOIR DIRE EXAMINATION OF HERMAN R. STOKES

16

BY MR. REINER: (continuing)

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20

Q Mr. Stokes, you have previously indicated that prior to hearing any evidence in this case that you would presume any given defendant or all defendants to be innocent; is that true?

21

A Yes.

22

23

24

25

Q In light of all of the publicity that has been given this case, the massive exposure, do you think that you truly could give a defendant the presumption of innocence?

26

A Yes.

1           Q     Do you mean that, and you are not merely  
2 giving lip service to the fact that you would give the  
3 defendant the presumption of innocence?

4           A     I mean that.

5           Q     So that even if perhaps from time to time  
6 during the trial you might acquire certain suspicions,  
7 if the evidence that was presented by the People was  
8 inadequate to meet the standard that will be given to  
9 you by the Court at the conclusion, the standard that is  
10 required for a conviction, would you then acquit that  
11 defendant?

12          A     Yes.

13          Q     Even if there was a nagging or lingering  
14 suspicion in your mind that perhaps that defendant might  
15 be guilty, would you still acquit?

16          A     Yes.

17          Q     In addition to distinguishing the defendants,  
18 you do appreciate that each defendant is represented at  
19 this trial by separate counsel?

20          A     Yes.

21          Q     We hope -- I imagine all of us hope -- that  
22 we make a reasonably favorable impression on the jurors,  
23 but in the event that, for one reason or another, you have  
24 certain feelings of animosity toward any counsel in this  
25 case, would you not allow that to affect your judgment  
26 with respect to the guilt or innocence of that client?

1 A I would not allow that to affect my feelings.

2 Q And in any event, would you also discipline  
3 yourself not to allow your feelings, such as they might  
4 be or might arise, from time to time, with respect to  
5 one counsel in this case, to spill over and affect your  
6 feelings toward any other counsel in this case?

7 A No.

8 Q You appreciate that although we have been  
9 assigned seats on the same side of the courtroom, we are  
10 representing four separate people and we are four separate  
11 lawyers with four separate clients?

12 A Yes.

13 Q Will you consider the evidence in this case  
14 against Leslie Van Houten as carefully as you would  
15 consider the evidence if she were the young daughter of  
16 someone who was near and dear to you caught up in this  
17 sort of a life situation or life style?

18 A Yes.

19 Q You would then discipline yourself and resist  
20 any subconscious attempts or subconscious inclination  
21 that you might have to be so totally revulsed by the  
22 grotesqueness of these acts as to take a position that  
23 whether one is guilty or all are guilty, that you would  
24 convict all?

25 A Yes.

26 MR. REINER: Thank you very much.



1 Will you pass the microphone behind you to  
2 Mr. Rios?

3  
4 VOIR DIRE EXAMINATION OF MR. FRANK J. RIOS  
5 BY MR. REINER:

6 Q Mr. Rios, will you give the defendant Leslie  
7 Van Houten the presumption of innocence?

8 A Yes.

9 Q And unless and until evidence is produced  
10 at this trial -- not in the newspaper or on television,  
11 but at this trial -- that convinces you beyond all reasonable  
12 doubt that she should be convicted, unless that happens,  
13 will you then acquit her?

14 A Yes.

15 Q Now, sir, do you truly mean that you will give  
16 the presumption of innocence even to a defendant in this  
17 particular case in light of all that has been said about  
18 it, or are you merely indicating that because you understand  
19 that it is your duty to say that you will give the  
20 defendant the presumption of innocence?

21 MR. STOVITZ: I object to the question as argumentative,  
22 your Honor.

23 THE COURT: It is compound.

24 I think you had better rephrase it, Mr.  
25 Reiner.

6a-1

1 MR. REINER: Thank you.

2 Q Mr. Rios, you have indicated, of course, that  
3 you will give the presumption of innocence to Leslie  
4 Van Houten in this case?

5 A Yes.

6 Q You have been exposed to information of one  
7 sort or another over the preceding months with respect to  
8 the defendants in this case, have you not?

9 A Not too much.

10 Q Forgetting for the moment just exactly how  
11 much, these defendants were not unknown to you before you  
12 came to court, were they?

13 A Yes.

14 Q They were unknown or they were not unknown?

15 A They were what?

16 Q Were they known to you?

17 A Oh, no.

18 Q I don't mean personally, but I mean you knew of  
19 their names or what they were charged with?

20 A Just by the papers.

21 Q All right. By the papers.

22 Now, you would admit, would you not, Mr. Rios,  
23 that it is more difficult for a juror to give the presumption  
24 of innocence to a defendant who he has read about so much  
25 in the newspaper than it would be to a defendant whom he  
26 had never heard of in a case that he had never heard of?

a2  
1 MR. STOVITZ: I object to the question as argumen-  
2 tative, your Honor.

3 THE COURT: I think it is argumentative. It is  
4 objectionable, Mr. Reiner. Sustained.

5 MR. REINER: Q Mr. Rios, do you think that it would  
6 be more difficult to give the presumption of innocence to a  
7 defendant whom you had been reading about in the newspapers  
8 for a very long period of time than toward a defendant whom  
9 you had never heard of?

10 A No, sir.

11 Q Do you think it would be just as easy for you  
12 to presume that Leslie Van Houten is innocent as it would  
13 be for perhaps some defendant down the hall in some other  
14 courtroom being tried for a crime?

15 A Yes.

16 Q And this notwithstanding all that you have  
17 read and heard and seen with respect to the Manson Family?

18 A No, sir.

19 MR. REINER: Well, I'm sorry. Perhaps I didn't under-  
20 stand your answer or perhaps you didn't understand my  
21 question.

22 May the reporter read the question to the  
23 prospective juror?

24 THE COURT: Yes.

25 (The record was read by the reporter.)

26 MR. REINER: Q So you do not feel, then, that all

1 that you have read and heard and seen would in any way  
2 affect your judgment, Mr. Rios?

3 A No, sir.

4 Q In respect to Leslie Van Houten?

5 A No, sir.

6 Q If there is any testimony presented in this  
7 case by a person whom the Court will instruct you is an  
8 accomplice -- strike that.

9 In the event that a person testifies in this  
10 case who was an accomplice to these crimes, his Honor will  
11 read certain instructions with respect to how you are to  
12 consider the evidence of an accomplice. Will you follow  
13 those instructions, Mr. Rios?

14 A Yes.

15 Q If the Court indicates to you that you are not  
16 allowed, as a matter of law, Mr. Rios, to convict anybody  
17 of any crime on the uncorroborated testimony of an  
18 accomplice, will you follow that instruction?

19 A I will.

20 Q Is there any reason why you think that there is  
21 something wrong with a rule of law that does not permit you  
22 to convict somebody of a crime when the only evidence  
23 presented against them is that of an accomplice?

24 A No, I don't think so.

25 Q Even if you sort of believed or perhaps  
26 believed that the accomplice might be telling the truth,

14 1 would you still acquit the defendant if no independent,  
2 corroborating evidence was offered?

3 A I don't understand that question.

4 Q You indicated, did you not, that if an accom-  
5 plice testifies in this case and if there is no independent,  
6 corroborating evidence, that you would follow the Court's  
7 instructions and acquit the defendants, Leslie Van Houten;  
8 is that true, sir?

9 A Yes.

10 Q And you would do that even if you suspected that  
11 maybe the accomplice might have been telling the truth?

12 A Yes.

13 Q As the evidence is presented in this court,  
14 it will, from time to time, apply to one defendant, perhaps  
15 to two defendants, or perhaps to all defendants.

16 Will you discipline yourself to pay very close  
17 attention to each item of evidence as it comes in to  
18 determine whether it applies to Leslie Van Houten?

19 A Yes.

20 Q And if the evidence, as it begins to come in,  
21 applies to any other defendant or any other defendants but  
22 does not apply to Leslie Van Houten, you will not inadver-  
23 tently apply it to Leslie Van Houten, will you, Mr. Rios?

24 A No, sir.

25 Q And again, you will not permit your attitude  
26 toward any attorney in this particular case to affect your

1 judgment with respect to any defendant or any other  
2 defendants?

3 A I certainly wouldn't.

4 Q The young daughter of someone who was near and  
5 dear to you -- strike that.

6 Will you consider the evidence against  
7 Leslie Van Houten as carefully as you would if Leslie  
8 Van Houten was the young daughter of someone who was near  
9 to you who was drawn up or caught up into this life style?

10 A Yes.

11 Q And if, while you are sitting in the jury room,  
12 inadvertently thoughts should come to your head with  
13 respect to the grotesqueness of the crime, you would not  
14 allow that to interfere with your judgment as to the  
15 individual guilt of the defendants, would you, sir?

16 A No, sir.

17 Q You would not take the position in the jury  
18 room that irrespective of the evidence, if one is guilty  
19 and they are all so close to each other, that they should  
20 be all convicted whether there is evidence against them or  
21 not?

22 A No.

23 Q And you could just as well return verdicts of  
24 guilty against all, innocent for all, or guilty on some  
25 and innocent on others, could you not?

26 A I would not.

1 Q I'm sorry. I didn't hear you.

2 A I said no.

3 Q Perhaps you misunderstood the question.

4 You would not find it difficult to return a  
5 verdict of innocent for one defendant and then return  
6 verdicts of guilty for other defendants?

7 A Would you repeat that, please? I can't under-  
8 stand that.

9 Q All right.

10 You would treat each defendant separately and  
11 individually, would you not?

12 A Yes.

13 Q And you would determine the guilt or innocence  
14 of each defendant separately, wouldn't you?

15 A Yes.

16 Q If you found in your own mind that, say, one  
17 or two defendants were guilty, you would not return guilty  
18 verdicts against the other ones just because you thought  
19 one or two were guilty, would you?

20 A No, I wouldn't.

21 Q So, it would not be difficult for you to  
22 return a verdict of innocent as to one defendant and  
23 perhaps guilty as to other defendants?

24 A No, sir.

25 Q You do not feel that you have to be consis-  
26 tent right down the line and acquit everybody or convict

1 everybody?

2 A No.

3 MR. REINER: Thank you very much.

4 Please pass the microphone to Miss Mesmer.

5  
6 VOIR DIRE EXAMINATION OF MARIE M. MESMER

7 BY MR. REINER:

8 Q Miss Mesmer, you do know which of the defendants  
9 is Leslie Van Houten?

10 A Yes, I do.

11 Q And do you appreciate that I represent  
12 Leslie Van Houten and no other defendant in this case?

13 A Yes, I understand.

14 Q And that any evidence that I should present  
15 would be presented on behalf of Leslie Van Houten and not  
16 on behalf of any other defendant in this case?

17 A Yes, that is correct.

18 Q And that any objections or arguments that I  
19 would make would relate solely to Leslie Van Houten and no  
20 other defendant in this case?

21 A Yes, that's right.

22 Q With respect to the discussion that we  
23 previously had with other prospective jurors in regard to  
24 an accomplice, if an accomplice testifies in this case,  
25 the Court will instruct you that you may not convict any  
26 person of any crime upon the uncorroborated testimony of an



1 accomplice, will you follow that instruction?

2 A Yes, I will.

3 Q Do you have any particular quarrel with that  
4 instruction?

5 A No, I have not.

6 Q So you then will search out the evidence to  
7 see whether or not there is any independent corroboration of  
8 the testimony of the accomplice?

9 A Yes, that's right.

10 Q And if you do not find any independent  
11 corroboration of the testimony of the accomplice that  
12 relates to Leslie Van Houten, you would then acquit  
13 Leslie Van Houten, would you not?

14 A Yes.

15 Q And that is irrespective of any possible  
16 suspicions that you might have that the accomplice might  
17 be telling the truth; is that true?

18 A Yes, that's right.

19 Q You indicated earlier, Miss Mesmer, that you do  
20 not quarrel with the presumption of innocence that we  
21 apply in criminal cases.

22 A That is true.

23 Q Now, the presumption of innocence really does  
24 run contrary to, perhaps, the way most of us order our  
25 normal affairs outside of the courtroom, but would you,  
26 nonetheless, apply that very strict requirement; that  
irrespective of any attitude you have, you must presume the

1 defendants to be innocent before any evidence is presented?

2 A That is correct.

3 Q And until and unless the evidence that is  
4 presented is so strong that it convinces you beyond all  
5 reasonable doubt, up to that point you are required, as a  
6 matter of law, to acquit the defendant.

7 A Yes, that's right.

6c.

1 Q And that does not disturb you, and you  
2 have no hesitation whatsoever in applying such a principal  
3 of law?

4 A No, I have not.

5 Q And you will distinguish between Leslie  
6 Van Houten and the other defendants, will you not, Miss  
7 Mesmer?

8 A Definitely.

9 Q And you will do this even if she should  
10 indicate, as she has, that she does not want to be  
11 distinguished from any of the other defendants, will you  
12 not?

13 A Yes, I will.

14 Q And you do appreciate that she is represented  
15 by counsel, as the other defendants are represented  
16 individually by counsel?

17 A Yes, I understand that.

18 Q And anything that I say or do relates solely  
19 to Leslie Van Houten?

20 A Yes, that's right.

21 Q And conversely, anything that any other lawyer  
22 in this case says or does is something that he does with  
23 his own independent judgment and relates only to his  
24 client and does not relate to Leslie Van Houten?

25 A Yes, that's right.

26 Q Now, again, most of us like to ask this

6c2.

1 question at the end, and you have heard it before, but  
2 perhaps we do it hopefully that you will search your  
3 own mind and conscience.

4 If Leslie Van Houten was not a stranger to  
5 you, if Leslie Van Houten was not a name and a photograph  
6 that you have seen in the media, if she was, instead,  
7 the young daughter of someone who was near to you and  
8 had been drawn into the ambit of this existence, would  
9 you consider the evidence that is presented against  
10 Leslie Van Houten as carefully as you would the evidence  
11 that would have been presented against this other young  
12 girl?

13 A Yes, I would.

14 MR. REINER: Thank you very much.

15 Would you pass the microphone.  
16

17 VOIR DIRE EXAMINATION OF SONIA Y. GORDON

18 BY MR. REINER:

19 Q Miss Gordon, again I apologize for repeating  
20 these questions, but you should appreciate that we must  
21 discuss this with each juror, even though you may have  
22 heard the identical questions asked of other jurors.

23 Will you discipline yourself to consider  
24 the evidence that comes into this case with respect to  
25 Leslie Van Houten and not apply, inadvertently even,  
26 evidence that relates to some other defendant?

6c3.

1 A Right.

2 Q And you appreciate that there are four  
3 defendants in this case and that the evidence as it comes  
4 in will not apply to all four defendants at all times?

5 A Right.

6 Q And should it happen that you are<sup>a</sup> juror in  
7 this case, when you retire to deliberate, Miss Gordon,  
8 you will separate the evidence that applies to Leslie  
9 Van Houten and the evidence that applies to any other  
10 defendant or defendants?

11 A They are all separate, yes.

12 Q And if it should happen that there is  
13 sufficient evidence to convict one or more but insufficient  
14 evidence to convict one or more, you will, nonetheless,  
15 acquit those defendants against whom there is insufficient  
16 evidence?

17 A Right.

18 Q Are you willing to give a defendant the  
19 presumption of innocence?

20 A Yes.

21 Q Even in a case of this sort?

22 A Yes.

23 Q Finally, if Leslie Van Houten was the young  
24 daughter of someone who was near to you and had been  
25 drawn into this sort of an existence that brought her to  
26 this trial, would you consider the evidence as carefully as

6c4.

1 if you knew her?

2 A Yes.

3 MR. REINER: Thank you very much.

4 Would you pass the microphone, please.

5  
6 VOIR DIRE EXAMINATION OF VICTOR L. FRONDORF

7 BY MR. REINER:

8 Q Mr. Frondorf, again, I will try to go through  
9 these as quickly as I possibly can, but I would like  
10 to direct questions toward each juror.

11 You do appreciate that there are four  
12 defendants in this case?

13 A Yes.

14 Q And that they are to be treated separately?

15 A Yes.

16 Q And that it is not inconceivable that they  
17 may all be innocent or all be guilty, or some innocent  
18 and some guilty; you will accept all of those as at least  
19 possible, is that true?

20 A Yes.

21 Q And you would not be so distressed or so  
22 upset with the grotesqueness of the crimes that you would  
23 be inclined toward convicting all the defendants if any  
24 defendant is found in your mind to be guilty?

25 A No.

26 Q You would then discipline your own thinking so

6c5.

1 as to separate in your judgments, the judgments that you  
2 have to render, one defendant from another?

3 A Yes.

4 Q And are you willing in this case to give  
5 Leslie Van Houten the presumption of innocence?

6 A Yes.

7 Q And that is notwithstanding all that has  
8 been said and all that you heard about this defendant and  
9 any and all of the defendants up to now?

10 A Yes.

6d.

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16-1

1 Q In the event that there is testimony by an  
2 accomplice, will you follow the Court's instructions,  
3 whatever it may be, with respect to how you are required  
4 to consider the testimony of an accomplice?

5 A Yes.

6 Q And if the Court should instruct you that you  
7 are required to acquit a defendant unless there is some  
8 independent corroborating evidence that relates to that  
9 defendant, will you then acquit the defendant?

10 A Yes.

11 Q Then will you very carefully consider the  
12 evidence as we go through the trial to see whether there is  
13 any credible -- to your mind credible -- independent,  
14 corroborating evidence that relates to Leslie Van Houten?

15 A Yes.

16 Q And will you consider the evidence with  
17 as great care in this case as you would if Leslie Van Houten  
18 was the daughter of someone who was near to you and had been  
19 drawn into this particular type of life style?

20 A Yes.

21 MR. REINER: Thank you very much.

22 Please pass the microphone.

23  
24 VOIR DIRE EXAMINATION OF ELZIE K. BLACK

25 BY MR. REINER:

26 Q Mr. Black, will you discipline yourself during



6d2  
1 the course of this trial to carefully scrutinize all of the  
2 evidence that comes in to determine whether it applies  
3 to Leslie Van Houten or whether it applies to some other  
4 defendant?

5 A I will.

6 Q And merely because Leslie Van Houten is very  
7 close and has a relationship that has been described as a  
8 family relationship with the others, that standing alone  
9 would not cause you to convict her if you found evidence  
10 only of the guilt of some other person or persons, would it?

11 A No.

12 Q And if Leslie Van Houten should, during the  
13 course of this trial, indicate that she wants to be treated  
14 exactly the same as her Family, irrespective of her guilt  
15 or innocence, you would not allow that to affect your  
16 judgment, would you?

17 A No.

18 MR. STOVITZ: I will object to the question, your  
19 Honor. It assumes facts not in evidence, and it is  
20 improper voir dire examination.

21 THE COURT: Read the last question.

22 (The record was read by the reporter.)

23 THE COURT: Overruled.

24 MR. REINER: Q So, you will acquit Leslie Van  
25 Houten if there is insufficient evidence presented to  
26 convict her, even if she should want you to convict her;

1 is that true, Mr. Black?

2 A True.

3 Q Now, sir, will you consider the evidence as  
4 carefully as you would if Leslie Van Houten was the  
5 young daughter of someone who was near and dear to you who  
6 had been caught up into this type of an existence that  
7 brought her to this courtroom?

8 A Yes.

9 MR. REINER: Thank you very much.

10 Your Honor, is this a proper time to declare  
11 a recess?

12 THE COURT: Very well.

13 We will adjourn at this time, ladies and  
14 gentlemen, until 9:45 tomorrow morning, as I had indicated  
15 to you previously.

16 Do not converse among yourselves nor with any-  
17 one else on any subject relating to this case nor form or  
18 express any opinion regarding the case until it is  
19 finally submitted to those of you who are selected as  
20 trial jurors.

21 9:45 tomorrow morning.

22 (Whereupon, at 12:00 noon court was adjourned.)  
23  
24  
25  
26

LOS ANGELES, CALIFORNIA, FRIDAY, JUNE 26th, 1970

9:10 A.M.

- - -

THE COURT: Are counsel ready to proceed in the Manson case?

MR. KANAREK: Your Honor, I would request that Mr. Manson be present?

THE COURT: Yes, all of the defendants will be present.

I am just wondering if everyone is ready at this time.

MR. STOVITZ: Yes, your Honor, we are ready.

MR. KANAREK: We are ready.

THE COURT: Apparently Mr. Reiner is not present.

THE CLERK: Neither is Mr. Goodwin. I will call his office.

THE COURT: Do you have any knowledge of Mr. Rainer's whereabouts?

MR. KANAREK: Is your Honor directing the question to me?

THE COURT: To any of you.

(All counsel respond in the negative.)

THE COURT: The Court will recess until all counsel and their clients are ready.

Would you check with Mr. Goodwin, Mr. Darrow?

THE CLERK: Yes, I will.

2-1.

(The following proceedings occurred in open court, all the defendants and their counsel being present, Mr. Aaron Stovitz representing the People.)

THE COURT: The People against Charles Manson, Susan Atkins, Patricia Krenwinkel and Leslie Van Houten.

All parties and their counsel are present.

Mr. Kanarek, this matter was called this morning at your request.

Would you state the nature of your motion and the ground for it?

MR. KANAREK: Well, yes, your Honor. I have already enunciated it.

I wish to call Mr. Goodwin and interrogate him in connection with some aspects of this precise panel, the People that are here, your Honor.

THE COURT: This, then, is in connection with your challenge to the petit jury.

MR. KANAREK: Right; and may the record reflect that this is in connection with the offer of proof -- and Mr. Goodwin will verify it -- and I suppose it is because of the nature of his job, he has refused to speak with me except from the witness stand.

He has declined to speak with me.

So, therefore, I can't make, as I indicated, a precise offer of proof.

1 THE COURT: All right.

2 And your challenge to the petit jury is  
3 based upon what grounds? Statutory grounds?

4 MR. KANAREK: I have prepared a challenge as to  
5 why there is a challenge to the jury.

6 Hopefully we will be able to stipulate  
7 to the Powell and Smith transcripts, which I have in  
8 mind -- that is the ones that the District Attorney  
9 brought down -- but this particular aspect, your Honor,  
10 is a due process and equal protection aspect.

11 THE COURT: All right. You may proceed.

3-1  
1 THE COURT: All right, you may proceed.

2 MR. KANAREK: May I call Mr. Goodwin, then?

3 THE COURT: Yes.

4 THE CLERK: You do solemnly swear that the testimony  
5 you may give in the cause now pending before this Court  
6 shall be the truth, the whole truth, and nothing but the  
7 truth, so help you God?

8 THE WITNESS: I do.

9 THE CLERK: Would you be seated, please.

10 Please state and spell your name for the  
11 record.

12 THE WITNESS: William A. Goodwin, G-o-o-d-w-i-n.

13  
14 WILLIAM A. GOODWIN,  
15 called as a witness by and on behalf of the Defendant  
16 Manson, was examined and testified as follows:

17  
18 DIRECT EXAMINATION

19 BY MR. KANAREK:

20 Q Mr. Goodwin, directing your attention to the  
21 people --

22 First of all, may I inquire are there any  
23 prospective jurors in the courtroom, may I inquire?

24 THE COURT: No, the prospective jurors have not been  
25 brought over and will not be in the courtroom while this  
26 particular proceeding is going on.

3-2

1 MR. KANAREK: Very well, thank you.

2 Q BY MR. KANAREK: Mr. Goodwin, directing your  
3 attention to the panel or panels from which the prospective  
4 jurors that are being considered in this case were drawn,  
5 would you tell us what panels they came from?

6 THE COURT: Before that question is answered, I  
7 think some foundation should be laid, Mr. Kanarek, for the  
8 record, as to who Mr. Goodwin is and what his job is.

9 MR. KANAREK: Very well, certainly.

10 Q What is your business or occupation,  
11 Mr. Goodwin?

12 A I am the jury commissioner of the Superior  
13 Court, Los Angeles County.

14 Q And is it a fair statement, Mr. Goodwin, that in  
15 that capacity you are knowledgeable and cognizant of the  
16 events surrounding the particular panel or panels from which  
17 the prospective jurors are taken for this case?

18 A I believe so.

19 Q Now, would you state what panels are used in  
20 this case?

21 A The jury panel for this half of 1970 is  
22 designated as "70-1 jury panel," which is qualified, the  
23 last half of 1969.

24 Q And directing your attention to that last half  
25 of '69 --

26 That last half of '69 included September,

3  
4-4  
1 began in June of '69?

2 A July, I believe.

3 Q All right. At that time, Mr. Goodwin, had the  
4 jury test, had the examination been changed?

5 A No.

6 Q So is it a fair statement that those jurors  
7 who are chosen or who were evaluated or who were inter-  
8 viewed prior to say, October or November of '69, were  
9 interviewed and given the written test, as we call it, as  
10 it was done for many years previously?

11 A Yes, prior to November 3, 1969.

12 Q Now, on November 3, 1969, the presiding judge  
13 issued an order changing the grading procedure of the  
14 test, is that correct?

15 A That's correct.

16 Q Would you tell Judge Older the difference, just  
17 give us a little essay, perhaps, of the difference, in  
18 order to make it as short as possible, the difference  
19 between what the method -- what method was used subsequent  
20 to November 3, 1969 in this written test, and that prior to  
21 November 3, 1969?

22 A Well, basically the scoring grade was lowered  
23 approximately five points from passing grade of 65 to  
24 a passing grade of 60 per cent.

25 That is a basic change in the scoring procedure.

26 There was also an order to change one or two



1 words in the qualifying test.

2 I believe the word "duress" was to be changed  
3 to "coercion."

4 But that is to be done at the next printing of  
5 the test. We have several hundred thousand forms printed  
6 up, and when those forms are exhausted that word will be  
7 changed, but the basic change was in the scoring.

8 Q Now, had you used what we previously have  
9 termed the sudden death approach in the two parts to the  
10 jury written examination?

11 A Yes. I don't believe I used that term, though.

12 Q Well --

13 A My assistant or someone else in the office  
14 might have testified to that. I don't recall using it.

15 Q Well, prior to November 3rd, 1969 were there  
16 two parts to the test?

17 A Yes, there are still two parts to it.

18 Q There are still two parts, right?

19 A Yes.

20 Q Now, prior to November 3, 1969 would you tell  
21 us how each part was used in excluding jurors?

22 A You had to pass both parts with a grade of  
23 approximately 65 per cent.

1 Q So that is it a fair statement that if you  
2 got 100 per cent on one part of the test and less than  
3 65 on the other part of the test, you were wiped out?

4 A You failed the test, yes.

5 Q You failed the test; right?

6 A Right.

7 Q So, it is a fact that the overwhelming  
8 majority<sup>of</sup> people that are presently on this prospective  
9 jury panel -- withdraw that.

10 Is it a fact that the overwhelming majority  
11 of the prospective jurors that are in this courtroom  
12 were qualified under the old system?

13 A That I couldn't testify to without checking  
14 each individual's test.

15 Q Well, is it a fair statement, Mr. Goodwin,  
16 that you have a reasonably constant flow of people  
17 through your office?

18 A Yes.

19 Some are postponed for three to six months  
20 also.

21 Q But isn't it a fair statement that looking  
22 at it without going through each prospective juror, that,  
23 generally speaking, you have about the same number of  
24 people coming through your office every day?

25 A Yes, generally speaking.

26 Q So that if the change occurred on November 3,

1 1969, the reasonable probability, the reasonable inference  
2 is that the overwhelming majority of these people have  
3 been chosen pursuant to a test that the Presiding Judge  
4 has changed?

5 MR. STOVITZ: That is objected to, your Honor, as  
6 being argumentative.

7 THE COURT: Overruled. You may answer.

8 THE WITNESS: I would believe that most of them  
9 had been qualified under the old test.

10 MR. KANAREK: Q. No matter how much they got on  
11 one part of the test, they were excluded if they got  
12 less than 60 per cent on the other part of the test;  
13 right?

14 A Yes. 65 per cent, not 60.

15 Q Previously, they got less than 65 per cent?

16 A Right.

17 Q Now, do you have, for Judge Older's benefit  
18 and for all of our benefit, the jury test?

19 A Yes.

20 MR. KANAREK: May I have it?

21 May I approach the witness, your Honor?

22 THE COURT: Yes, you may.

23 (Mr. Kanarek approaches the witness and the  
24 witness hands a document to him.)

25 MR. KANAREK: May this be marked, your Honor, in  
26 some appropriate manner?

INX.Sp.A.

1 THE COURT: Defendant Manson's Special Exhibit A?

2 MR. KANAREK: Certainly, your Honor.

3 THE COURT: For the purpose of this challenge.

4 It will be so marked.

5 THE WITNESS: I would like to make a statement  
6 here.

7 I used the words from the test "Duress and  
8 compulsion." The change recommended is from "compulsion"  
9 to "coercion" as a definition of duress.

10 MR. KANAREK: Q. In what will occur in the  
11 future?

12 A Yes. When the present supply of examinations  
13 is exhausted, the new tests will have that change, that  
14 word.

15 Q As far as all the present prospective jurors  
16 are concerned, the word test is as Judge Older has it  
17 in his hands right now, this exhibit that was offered;  
18 is that correct?

19 A Yes.

20 Q Now, Mr. Goodwin, departing from this  
21 subject matter for just a moment, Mr. Goodwin, as far  
22 as these particular jurors are concerned, would you  
23 tell us how they were chosen on this particular trial?

24 A You mean originally from the voters' list  
25 way back from the start?

26 Q No. Assuming we now have a group of people

1 who have overcome all the hurdles and they are now  
2 on one or more panels which have been approved by a  
3 majority of the Superior Court Judges.

4 Would you tell us how they got to this  
5 courtroom; what procedure, what procedures was --

6 A Well, we have <sup>a</sup> Jury Assembly Room which is  
7 a pool of jurors over in the Courthouse --

8 THE COURT: Just a moment.

9 The question isn't clear, Mr. Kanarek.

10 Are you talking about now how the panel of  
11 prospective jurors in this particular case happened to  
12 be sent to this court for this case?

13 MR. KANAREK: Yes, your Honor.

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1 THE COURT: Do you understand the question,  
2 Mr. Goodwin?

3 THE WITNESS: Yes.

4 They were drawn by lot from a wheel over in  
5 Room 253, which is the Jury Assembly Room.

6 MR. KANAREK: Q And that wheel, is it literally a  
7 wheel?

8 A Yes, it is.

9 (Mr. Bugliosi now enters the courtroom.)

10 MR. KANAREK: Q Is there one or more persons  
11 involved in the physical pulling of those names?

12 A Yes. There is one or two. There is a chief  
13 clerk over there in charge, and I believe she assigns one  
14 of her assistants to do that.

15 Q And would you give us the name of those?

16 A Mrs. Edith Pruitt is the chief clerk, Jury  
17 Assignment Division.

18 Q And the other lady or man?

19 A The first name is Judy; Judy Rivituso.

20 Q Now, Mr. Goodwin, at the time that the people  
21 were pulled for coming over to this courtroom, is it your  
22 opinion or is it your knowledge that these people came  
23 solely from what we would call the 70-1 jury panel?

24 A I couldn't testify that to be true because some  
25 of the persons from the prior draw were postponed, which  
26 is normal procedure. Someone gets a summons and they can't

a2  
1 serve for three months or two months or six months  
2 frequently, and we postpone it or defer it to a later date.

3 Q All right.

4 So, then, it is a fair statement that those  
5 that are in this panel either are part of the 70-1 panel  
6 or an earlier panel?

7 A That is correct.

8 Q Certainly not a later panel?

9 A That is correct.

10 MR. KANAREK: Now, your Honor, in view of that  
11 proposed stipulation that we have, I don't want to belabor  
12 this record because I believe we will use the Powell and  
13 Smith transcripts.

14 MR. STOVITZ: I don't believe so, Counsel.

15 I have attempted to try to read them and they  
16 are unintelligible as far as I am concerned.

17 If I have misled you in doing that, I don't  
18 want you to continue on in this misapprehension.

19 If you could select those volumes of the Powell  
20 and Smith transcript that are pertinent to the case, I will  
21 be glad to direct my attention to it, but I started reading  
22 the transcripts and they are unintelligible to me, and I  
23 don't want to burden the Court with them.

24 MR. FITZGERALD: As long as Mr. Goodwin is here, your  
25 Honor, we might be able to establish the basis for our  
26 attack on the jury system itself. It would take a very

1 short time, by way of an offer of proof.

2 We would intend to establish through this  
3 witness that jurors in Los Angeles County and jurors that  
4 are presently seated on this panel are paid a statutory  
5 fee of five dollars per day plus 15 cents a mile one  
6 way from their home to the courthouse, and also that the  
7 source of this panel is a list of registered voters; that  
8 is to say, that no person who is not a registered voter is  
9 seated on this panel.

10 And I think thirdly, we could establish the  
11 procedure in the Jury Commissioner's Office insofar as  
12 a follow-up after an initial letter is sent to a  
13 prospective juror.

14 MR. KANAREK: I think we could probably do that by  
15 stipulation without imposing upon Mr. Goodwin's time, al-  
16 though it is up to the Court.

17 I would be willing -- I think that part we  
18 could do.

19 THE COURT: Actually, I would prefer a stipulation  
20 because it saves time.

21 MR. STOVITZ: We have been furnished with a two-page  
22 written stipulation prepared by Mr. Fitzgerald which we  
23 would be glad to sign. It, in essence, states what  
24 Mr. Fitzgerald has just said by way of an offer of proof.

25 However, in regard to the stipulation, I  
26 would like to ask one or two brief questions concerning



1 the stipulation of this witness while he is here so we  
2 don't have to recall him.

3 But going back again to Mr. Kanarek's --

4 THE COURT: In order to have an orderly procedure,  
5 let's let Mr. Kanarek finish whatever he started out to do  
6 here and then you can ask questions.

7 MR. KANAREK: Very well.

8 Actually, I had been informed that they are  
9 willing to stipulate to the Powell and Smith transcripts  
10 that was done before Judge Peracca.

11 There was at least one, if not more, I think  
12 there were a couple of Deputy District Attorneys present  
13 at that hearing.

14 Who the defendant is in the case is really not  
15 significant. As a result of that Powell and Smith  
16 initiation of these procedures, your Honor, that is, some  
17 of the things that went on in the jury panel, in the  
18 attack on the jury panel, the Presiding Judge has  
19 promulgated what we advocated initially in that Powell and  
20 Smith challenge in doing away with the sudden death --  
21 that is the term, "sudden death" -- approach to the written  
22 examination.

5-1.

1 And so I have been misled by Mr. Stovitz  
2 who previously has indicated that there would be this  
3 stipulation to what happened in the Superior Court with  
4 Judge Peracca present.

5 And I can see no reason why we cannot leave  
6 the chips drop where they may, and let the Court have  
7 those documents, those transcripts.

8 MR. STOVITZ: Well, Counsel, now you have had two  
9 weeks -- two weeks ago you said you would bring your  
10 transcripts, your outlines that deal primarily with this  
11 issue.

12 Now, I have had 235 volumes up here until  
13 the rugs were put into the courtroom; then I took them  
14 back to my office so they would not get misplaced or  
15 mislabeled.

16 If you can show me, say, five or six or  
17 seven hundred pages of transcript, I will be willing to  
18 read through it. But I started reading through the  
19 transcript from the beginning, and it was unintelligible  
20 to me.

21 Now, I cannot help that, that my intelligence  
22 is so subnormal, perhaps I couldn't even pass the jury  
23 test.

24 I cannot make any sense out of it, Counsel.  
25 I cannot stipulate to anything which I cannot make  
26 any sense of.

2. 1 THE COURT: Isn't the stipulation suggested by  
2 Mr. Fitzgerald adequate? --

3 MR. KANAREK: No, it isn't; it is not complete.

4 MR. STOVITZ: Perhaps if counsel would again go to  
5 his office pick out his transcripts and bring them to  
6 me --

7 MR. KANAREK: I will do it again.

8 THE COURT: Why don't you designate specifically  
9 page references in the transcript?

10 MR. KANAREK: I will do it again.

11 THE COURT: Very well. Do you have any further  
12 questions?

13 MR. KANAREK: I don't have questions, your Honor,  
14 because in anticipation of this stipulation, which will  
15 encompass these transcripts, there is no need to do it.  
16 It is just that I wanted to bring before the Court the  
17 fact of what we have brought forth here. It is our  
18 position that this panel -- Mr. Manson is entitled,  
19 specially -- specially in this case -- not only because  
20 of what has been charged, but because of Mr. Manson's  
21 right to equal protection and due process, to have  
22 people with his way of thinking, his particular way of  
23 life on that jury panel.

24 This is most significant, most important.

25 THE COURT: Now, we are getting into argument.

26 MR. KANAREK: Your Honor is correct, I'm sorry,  
but I have no further questions on this issue, your Honor,

1 thank you.

2 THE COURT: Any cross examination, Mr. Stovitz?

3 MR. STOVITZ: I thought we would have the defense  
4 first, but I will be glad to.

5  
6 CROSS EXAMINATION

7 BY MR. STOVITZ:

8 Q Mr. Goodwin, approximately how many jurors  
9 were in the jury assembly room on Tuesday, June 15th --  
10 June 16th, when the first panel of approximately 60 jurors  
11 were sent over here?

12 A I was not present, Mr. Stovitz.

13 Q Approximately?

14 A I imagine around 200. We have probably 650  
15 to 800 people every day in various stages of selection,  
16 returning from courtrooms to the assembly room.

17 Q And these first 60 jurors --

18 MR. STOVITZ: I am sorry, were 60 jurors first sent  
19 over here, your Honor, approximately?

20 THE COURT: Yes, 60 were called for the first time.

21 Q BY MR. STOVITZ: Of the 60 sent over here  
22 were they selected by lot?

23 A Yes, they were.

24 Q They were not handpicked for the Manson  
25 case?

26 A They were not handpicked, no, sir.

4.

1 Q They were not told ahead of time "Who wants  
2 to serve on the Manson case?"

3 A They were not.

4 Q Or "Who wants to serve on the Sharon Tate  
5 case?"

6 A They were not.

7 Q You have no information that that occurred?

8 A That is correct.

9 Q Now, subsequently another panel of approximately  
10 60 jurors was sent to this courtroom.

11 How were they selected, sir?

12 A From the same jury assembly room, from names  
13 drawn from the wheels as they revolved, and they were  
14 drawn by lot by the Jury Clerk in the assembly room, and  
15 they were then sent over here for this trial.

16 It was handled no different from any other  
17 trial at the Civic Center.

18 Q Now, if a person did not want to be a juror,  
19 he could refrain from being so by not registering to vote,  
20 is that correct, under our present system?

21 MR. KANAREK: Your Honor, I must object to that  
22 question. That assumes a state of mind on the part --

23 MR. STOVITZ: I will reframe the question.

24 Q BY MR. STOVITZ: If a person failed to  
25 register to vote would he ever be selected to act as a  
26 juror in a trial jury?

5a.

A He would not.

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1 Q If a person was sent a letter to come into the  
2 Jury Commissioner's Office in response to an invitation to  
3 attend as a juror, and he failed to answer that first  
4 letter, would he then be ever selected to sit as a trial  
5 juror?

6 A Not for that particular draw. He might be  
7 called again another time.

8 Q Now, if a person came down to take the  
9 intelligence test, and intentionally answers the questions  
10 wrong so that he would get less than 50 per cent, would that  
11 juror be selected as a juror?

12 A He would not.

13 Q And does your intelligence test that you give  
14 the jurors have any built-in apparatus whereby you can  
15 detect whether a person is malingering or not?

16 MR. KANAREK: First of all I will object on the  
17 ground of improper foundation.

18 I think Mr. Goodwin would be the first to  
19 admit, would be the first to admit that he is not an  
20 expert in the field of giving tests or creating tests.

21 I would object on the grounds of improper  
22 foundation.

23 It is requiring an expertise which I think  
24 Mr. Goodwin does not profess to have.

25 THE COURT: Well -- I believe Mr. Goodwin probably  
26 would know whether the test was designed to have such

5a2  
1 safeguards, even though he might not know how to construct  
2 them himself.

3 MR. KANAREK: I believe that would be just hearsay as  
4 far as Mr. Goodwin is concerned. We object on that ground.

5 THE COURT: Well, it would be, but it might lead to  
6 something further.

7 overruled.

8 Q BY MR. STOVITZ: Your answer was no?

9 A No. That is correct.

10 Q In addition, is there a word test given to the  
11 jurors, in the early part of 1969?

12 A Yes, on the reverse side of that test is a  
13 reading comprehension test.

14 Q Is it a fair statement, then, that if a juror  
15 could not read English, he could not pass the test?

16 A Yes.

17 Q Then, I take it, there are no translators  
18 provided for jurors who do not speak English?

19 A There is not.

20 Q I mean reading, I'm sorry, reading. I have no  
21 further questions.

22 THE COURT: Anything further, gentlemen?

23 MR. FITZGERALD: No, in view of our agreement, I  
24 don't think it is necessary.

25 THE COURT: All right, you may step down, Mr. Goodwin.

26 MR. KANAREK: Mr. Goodwin --

1 THE COURT: Do you have something further,  
2 Mr. Kanarek?

3 MR. KANAREK: Yes. May I?

4 REDIRECT EXAMINATION

5 BY MR. KANAREK:

6 Q Let me ask you this: Let us say someone who  
7 had gone to school, maybe up to the fifth grade, wrote and  
8 read the English language with difficulty, sir --

9 MR. KANAREK: May I approach the witness, your Honor?

10 THE COURT: Yes.

11 (Mr. Kanarek approaches the witness.)

12 Q BY MR. KANAREK: I have here two pieces of  
13 paper, in which there appears to be writing, Mr. Goodwin.

14 Would you read those pages over and tell me  
15 whether you think that someone who wrote those -- wrote  
16 what is on those two pages would pass the test?

17 MR. STOVITZ: Your Honor, in order to save time I  
18 think that that question calls for speculation.

19 Your Honor, if counsel has no objection to the  
20 Court seeing the piece of paper, your Honor could rule  
21 intelligently on the objection.

22 MR. KANAREK: I have no objection to counsel making  
23 objections, your Honor.

24 THE COURT: Well, I don't understand --

25 MR. KANAREK: The foundation is, your Honor, the  
26



1 representation is that that was written by Mr. Manson.

2 Mr. Manson is entitled to equal protection of  
3 the law.

4 He is entitled that people on that jury panel  
5 have -- that there be some representation on the jury panel  
6 of people in his walk of life, and that is our position,  
7 and these papers, I represent to you, were written by  
8 Mr. Manson, these are the types of questions that  
9 Mr. Manson himself has importuned the Court that he would  
10 like to ask the jury.

11 These are in his own handwriting, and it lays  
12 the foundation as to whether we have equal protection and  
13 due process as far as Mr. Manson is concerned.

14 THE COURT: The objection will be sustained.

15 Do you wish these marked for identification?

16 MR. KANAREK: Yes.

17 THE COURT: Defendant Manson's Exhibit B for  
18 the purpose of this challenge, two pages.

19 MR. KANAREK: Since there is no jury present, may I  
20 offer a stipulation to the Court.

21 THE COURT: A stipulation?

22 MR. KANAREK: Yes.

23 THE COURT: You offer to stipulate, you mean?

24 MR. KANAREK: Yes, so I don't have to lay the foundation.

25 THE COURT: Very well.

26 MR. KANAREK: Will counsel --

1 his handwriting.

2 THE COURT: People are prepared to accept the  
3 stipulation so it won't be necessary.

4 MR. KANAREK: Will all counsel so stipulate?

5 MR. FITZGERALD: So stipulated.

6 MR. REINER: So stipulated.

7 MR. SHINN: So stipulated.

8 MR. STOVITZ: So stipulated.

9 MR. KANAREK: Thank you, your Honor. Then so  
10 stipulated.

(Interruption by air-raid siren.)

Yes, your Honor, since your Honor has indicated I may offer the stipulation:

I ask all counsel to stipulate as to the foundation that these two papers were in fact written by Mr. Manson personally.

MR. STOVITZ: Mr. Kanarek, if you represent that to the Court --

THE COURT: You are talking about Exhibit B, special Exhibit B?

MR. KANAREK: Yes, your Honor.

THE COURT: Are you prepared to stipulate?

MR. STOVITZ: I just have one qualification.

Mr. Kanarek, do you represent that to the Court, that this is Mr. Charles Manson's handwriting?

MR. KANAREK: I so represent.

MR. FITZGERALD: I am familiar with Mr. Manson's handwriting, I have seen it, and I will represent that is Mr. Manson's handwriting.

MR. STOVITZ: I accept the stipulation that Exhibit B, a penciled two-page writing, does in fact contain Mr. Manson's handwriting.

THE COURT: Was it written in your presence, Mr. Kanarek?

MR. KANAREK: Not completely, but I would be willing to call Mr. Manson. I will represent to the Court this is

5-b.

1 MR. KANAREK: Your Honor, - perhaps we can -- perhaps  
2 we could accomplish this very briefly, if Mr. Goodwin...  
3 could return to the witness stand for a few moments, and  
4 I can call Mr. Manson and just ask him a few questions to  
5 lay the foundation as to his background, and then see if  
6 the Jury Commissioner would have an opinion as to whether  
7 or not Mr. Manson could pass this test?

8 MR. STOVITZ: I will object to that, your Honor.

9 This hearing was called specially because  
10 Mr. Kanarek stated that although he would not make an  
11 offer of proof, that he had a feeling that the jury panel  
12 was being handpicked for this case, and this proceeding  
13 was specially called for that purpose.

14 I cannot see any reason for tying up the  
15 Court's time, the jury's time in this manner.

16 Defense counsel and I are attempting to  
17 arrange a stipulation as to the facts as to how jurors  
18 are picked. The issues are very, very simple:

19 Are jurors being selected by the Jury  
20 Commissioner from a small, select group, or are they  
21 being picked from a wide group of citizens in this County.  
22 I submit calling Mr. Manson and letting him testify --

23 THE COURT: Let's take up one thing at a time.

24 Do you have any more questions of Mr. Goodwin,  
25 Mr. Kanarek?

26 MR. KANAREK: If your Honor -- I do, if you --

5b2.

1 THE COURT: Let's proceed. This is in the nature  
2 of redirect examination.

3 MR. KANAREK: Well, I would ask to reopen  
4 briefly. I will make it very brief.

5 Counsel went outside of my scope.

6 THE COURT: Let's proceed.

7  
8 REDIRECT EXAMINATION (resumed)

9 BY MR. KANAREK:

10 Q Mr. Goodwin, if we have a person, let's  
11 say, 35 years of age, who has been in custody, let us  
12 say, some 22 years, approximately 20 years of those 35  
13 years, has had an equivalent of, let's say, in the  
14 neighborhood of a 5th grade education; a person who has  
15 difficulty, let us say, in reading and writing English,  
16 would you say that that person would pass -- would pass  
17 this examination?

18 First, let's talk about the examination as  
19 it existed, as it was given prior to --

20 What was that date, November 3, 1969?

21 A '69, right.

22 Q Would you say that person could pass that  
23 examination?

24 A Well, you would have to be a registered  
25 voter to start with.

26 If he had been convicted of a felony, he is

25b3.

1 disqualified, so he would not be taking the test.

2 Q Well, I will ask that ingredient, that he is  
3 not a registered voter and, let's say, that purportedly  
4 he had been convicted of a felony -- he would not be  
5 taking the test at all, right?

6 A Can you tell other qualifications otherwise?

7 Q Well, let's say, argue just for the sake  
8 of argument that he was not -- had not ever been convicted  
9 purportedly of a felony and he had not --

10 And he had registered to vote.

11 Would that person pass the test, assuming the  
12 other matters that I have indicated to you?

13 A I would not know whether he would pass the  
14 test or not.

15 Q There is no way that you would know?

16 A Not until I gave him the test.

17 Q You have no opinion as to whether a person  
18 with that background I have indicated, the academic  
19 background and the difficulty in reading and writing --

20 A I believe the test is ordinary intelligence,  
21 and if he speaks the language and understands it.

22 Q So you have no opinion though, as to my  
23 specific question?

24 A No, I have not.

25 MR. KANAREK: Thank you.

26 MR. STOVITZ: Nothing further, your Honor.

b4.

1 THE COURT: You may step down, Mr. Goodwin.

2 MR. KANAREK: Thank you.

3 THE COURT: Anything further at this time?

4 MR. KANAREK: Not at this time, your Honor.

5 THE COURT: All right.

6 MR. KANAREK: I want to thank Mr. Goodwin for coming  
7 over.

8 THE COURT: Very well then.

9 Have the prospective jurors arrived, Mr.  
10 Murray?

11 THE BAILIFF: No, your Honor.

12 THE COURT: How long will that take?

13 THE BAILIFF: They are here, your Honor.

14 THE COURT: All right, we will take a five-minute  
15 recess and resume with the jury examination.

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16 (Recess.)

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1 (The following proceedings occurred in open  
2 court, the Deputy District Attorneys, all defendants and  
3 defense counsel being present, save and except Mr. Kanarek.)

4 THE COURT: All parties and counsel are present, all  
5 of the prospective jurors are in the jury box.

6 You may proceed, Mr. Reiner.

7 MR. REINER: Thank you, your Honor, if the Court  
8 please.

9 Mr. McBride -- do we have the hand mike that  
10 may be passed to the jurors?

11 THE COURT: Just one moment, Mr. Reiner. Mr. Kanarek  
12 has stepped out for a moment. I thought he was present.

13 (Pause.)

14 THE COURT: All right, Mr. Reiner, Mr. Kanarek is now  
15 present. You may proceed.

16  
17 VOIR DIRE EXAMINATION OF WILLIAM T. McBRIDE,,II  
18 BY MR. REINER:

19 Q Mr. McBride, you will be instructed to presume  
20 that Leslie Van Houten is innocent. Now, will you presume  
21 the Leslie Van Houten is innocent before you hear the  
22 evidence?

23 A Yes, I will.

24 Q Now, there are, as you can obviously see and  
25 obviously you listened to me yesterday, there are four  
26 defendants in this case. You appreciate that?



1 A Yes, I do.

2 Q And do you fully appreciate that where there  
3 are four defendants, that means that you have four separate  
4 decisions to make with respect to each of these defendants?

5 A Yes, I understand.

6 Q You will not allow your judgment with respect  
7 to one defendant to affect your judgment with respect to  
8 any other defendant or defendants, will you, Mr. McBride?

9 A No.

10 Q Irrespective of your verdicts with regards to any  
11 or all of the other three defendants, Mr. McBride, if the  
12 evidence with respect to Leslie Van Houten is insufficient  
13 to persuade you beyond all reasonable doubt, you will  
14 acquit Leslie Van Houten, would you not?

15 A I will.

16 Q Can you do this -- can you, in good conscience,  
17 say you will do this notwithstanding all the publicity  
18 that has been given to this case, sir?

19 A Yes.

20 Q And you, yourself, have been exposed to some  
21 measure of that publicity, have you not?

22 A Yes.

23 Q You are not merely giving lipservice to the  
24 idea of the presumption of innocence?

25 A No.

26 Q Do you feel that you would be subject to

1 criticism from your family or friends or your acquaintances  
2 if at the conclusion of this case you should have voted  
3 for the acquittal of even a single defendant, sir?

4 A Well, there is a possibility that I may be  
5 subject to it.

6 Q Would that affect your judgment in any way at  
7 all, Mr. McBride?

8 A No, I don't think so.

9 Q If, at the conclusion of this case, it was  
10 your judgment that the evidence presented against Leslie  
11 Van Houten had raised only a suspicion in your mind but  
12 had not persuaded you beyond all reasonable doubt, you  
13 would then be willing to acquit her and face any possible  
14 criticism that may come to you; is that correct?

15 A Yes, I will.

16 Q And if there are any subconscious inclinations  
17 that you might have during your deliberations or during  
18 the time that you would be listening to the testimony,  
19 would you make a conscious attempt to overcome that?

20 A Yes.

21 Q You would not, then, allow, in any way at  
22 all, either directly or indirectly, your emotions to  
23 overwhelm your judgment?

24 A No.

25 Q In addition to there being four separate  
26 defendants, you appreciate that there are four separate

1 attorneys, do you not?

2 A Yes.

3 Q And that each of us are trying four separate  
4 individual lawsuits?

5 A Yes.

6 Q And that it may occur from time to time that  
7 two of us, three of us, or all four of us, might agree on  
8 any given point, but that we are, nonetheless, acting  
9 independently on behalf of our separate clients.

10 A Yes.

11 Q And that if, from time to time, the four  
12 attorneys take four separate positions, you will understand  
13 that that is because they are representing four individual  
14 defendants?

15 A Yes, sir.

16 Q And you would not allow your attitudes, such as  
17 they may be or such as they may develop from time to time  
18 during the case, toward one of the attorneys to affect your  
19 judgment with respect to any other attorney in this case?

20 A No.

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Q A number of charts were placed up here yesterday. I see they are no longer here.

You did observe them yesterday, did you not?

A Yes, I did.

Q With respect to the prospective witnesses to be called by the prosecution.

A Yes, I did.

Q Did you notice that there were some 88 names listed?

A Yes, sir.

Q And in addition to those 88 names, Mr. McBride, we are informed by the prosecution that they may perhaps call some additional witnesses.

A Yes.

Q So that perhaps there may be somewhat in excess of a hundred witnesses called by the prosecution.

A Yes.

Q Now, are you, simply because -- strike that --

The very number of witnesses, the massive number of witnesses, standing by itself without reference to the testimony of any given witness, does that impress you at all?

A No, it doesn't.

Q Do you appreciate that it is the substance of the testimony, not the number of the witnesses that are brought to court, that is significant, sir?

6a2.

1 A Yes, I do.

2 Q And you would not -- obviously you would  
3 not consciously do this, but do you feel that you might  
4 subconsciously feel at the conclusion of the case that  
5 because the prosecution had presented one hundred  
6 witnesses, which was perhaps tenfold more than the  
7 defense had presented, that obviously they had a great  
8 deal more to say?

9 A No, I wouldn't feel that way.

10 Q You do appreciate that the number of  
11 witnesses that are called by the prosecution is a matter  
12 almost solely within their discretion; that the defense  
13 has no means or no power and no authority to in any way  
14 limit or inhibit the number of witnesses that they call?

15 A Yes.

16 Q Now, if it should appear to you, for any  
17 reason at all, that Leslie Van Houten, irrespective of  
18 her innocence, wishes to be convicted, would you,  
19 nonetheless, acquit her if the evidence is insufficient?

20 A Yes, I would.

21 Q You would not, then, try to crawl inside  
22 her mind, so to speak, and try to ascertain whether  
23 she wants to be convicted, and if you believed that she  
24 does want to be convicted, go ahead and convict her,  
25 even though you did not believe there was sufficient  
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6a3.

1 evidence?

2 A No.

3 Q Now, it may come to pass that -- I will state  
4 this as carefully as I can -- that a witness will be  
5 called to testify by the name of Linda Kasabian, and it  
6 may develop that Linda Kasabian may have been an accomplice  
7 in these killings.

8 Now, if it should be determined that, in  
9 fact, she was an accomplice and an admitted accomplice in  
10 these killings, would you then follow the Court's  
11 instructions with regard to the weight and value that  
12 you are required by law to give to the testimony of  
13 an accomplice?

14 A Yes, I would.

15 Q If the Court were to instruct you, Mr. McBride,  
16 that you may not, as a matter of law, convict any person  
17 of any crime upon the uncorroborated testimony of an  
18 accomplice, would you follow that instruction?

19 A I would.

20 Q Would you have any reluctance to follow such  
21 instruction?

22 A No, I wouldn't.

23 Q Do you understand, sir, that it is really  
24 a very strict and severe law that forbids you to convict,  
25 irrespective of whether you believe or disbelieve the  
26 testimony of the accomplice, if there is no independent

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1 credible corroborating evidence?

2 A I understand that now.

3 Q And nonetheless, you would still follow  
4 that strict law?

5 A Yes, sir.

6 Q And you appreciate that if you should become  
7 a juror in this case, that you have some very monumental  
8 responsibilities, not the least of which is to follow  
9 the law whether it is a law that you like or dislike?

10 A Yes, I realize that.

11 Q When we speak of corroborating evidence,  
12 that is, evidence that would tend to corroborate the  
13 testimony of an accomplice, you understand that I am  
14 talking at this point solely of evidence that would tend  
15 to corroborate Leslie Van Houten as opposed to any other  
16 defendant?

17 A Yes.

18 Q So that even if the testimony of an  
19 accomplice should be corroborated as to any other  
20 defendant, you would not convict Leslie Van Houten unless  
21 it was also corroborated by independent evidence with  
22 respect to her?

23 A Yes.

24 Q And you appreciate that this evidence which  
25 must corroborate the testimony of the accomplice not  
26 only must be totally independent of the testimony of the

6a5.

1 accomplice, but also must be credible in your judgment?

2 A Yes.

3 Q And if you find that such corroborating  
4 evidence was not independent of the testimony of the  
5 accomplice or was not credible, then you would acquit?

6 A Yes.

7 MR. REINER: Thank you very much.

8 Would you pass the microphone to Mr. Dominguez,  
9 please?

10

11 VOIR DIRE EXAMINATION OF PEDRO R. DOMINGUEZ

12 BY MR. REINER:

13 Q Mr. Dominguez, you did hear and listen to  
14 the questions that I just put to Mr. McBride?

15 A Yes, sir.

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6B-1

1 Q As well as the questions that I put to the  
2 other prospective jurors yesterday?

3 A Yes, I did.

4 Q Are you willing to follow the Court's  
5 instructions and presume, as you sit here now and before  
6 you have heard any evidence, that Leslie Van Houten is  
7 innocent?

8 A Yes, I do.

9 Q And will you carry that presumption with you  
10 until and unless sufficient evidence is offered by the  
11 prosecution to prove her guilt beyond all reasonable doubt?

12 A Yes.

13 Q And if the prosecution is able to produce  
14 evidence that creates a suspicion in your mind that perhaps  
15 she might be guilty but they do not present sufficient  
16 evidence to convince you beyond all reasonable doubt, would  
17 you then acquit her, sir?

18 A Yes.

19 Q You would do that, Mr. Dominguez, even though  
20 there was a suspicion in your mind that perhaps she was  
21 guilty?

22 A Yes, I will.

23 Q You will not convict Leslie Van Houten on  
24 suspicion?

25 A No.

26 Q Now, Leslie Van Houten stood up yesterday and

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1 indicated to the Court that she did not wish to have me  
2 ask any questions of any prospective jurors.

3 You did hear her, did you not?

4 A Yes, I did.

5 Q And you observed her?

6 A Yes.

7 Q I will not ask you at this time for your  
8 interpretation of what she was doing and why she was doing  
9 what she felt that she had to do, but would you allow her  
10 conduct, such as it was or such as it may be from day to  
11 day, to affect your judgment as to the weight and value of  
12 the evidence that is presented against her?

13 A No.

14 Q So that even if -- strike that.

15 Well, then, let us assume, then, for the sake  
16 of argument that the evidence presented against her is  
17 insufficient in your judgment to convince you or any other  
18 person beyond all reasonable doubt of her guilt.

19 Would you then go ahead and convict her any  
20 way if you suspected in your own mind that she wanted to  
21 be convicted, irrespective of her innocence?

22 A No, I will not.

23 Q So that you will convict or you will acquit  
24 based upon the evidence; is that correct?

25 A I will --

26 Q Go ahead.

6b3 1 A The way you presented the question, I would  
2 acquit her.

3 Q You would not allow yourself to be influenced,  
4 subconsciously or otherwise, if you could prevent it, by  
5 Leslie Van Houten's conduct?

6 A No.

7 Q Yesterday or at any other time that may occur  
8 during the course of this trial; is that right?

9 A That's right.

10 Q Your entire decision would be based solely upon  
11 what comes from the witness stand, any documents or other  
12 physical items of evidence that are presented to you or  
13 for your inspection; is that right?

14 A Yes.

15 Q You will not allow your emotions to overwhelm  
16 your judgment in this case, will you?

17 A I hope not.

18 Q Six people -- seven people -- seven people are  
19 dead. The killings were grotesque.

20 Will you allow the very grotesqueness of these  
21 killings to affect your judgment?

22 A No.

23 Q As to the guilt of any particular defendant?

24 A No.

25 Q Would it be possible for you, at the conclusion  
26 of this case, to reach a judgment that perhaps one

1 defendant, two defendants, or three defendants may be guilty  
2 but that one may not be guilty, and then return a verdict  
3 of acquittal for that defendant whom you think may not be  
4 guilty?

5 A It is possible, yes.

6 Q So that if there is even a single reasonable  
7 doubt in your mind with respect to a single defendant,  
8 Mr. Dominguez, then you will not convict that defendant,  
9 you will acquit that defendant?

10 A I will acquit her.

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Q Now, you also observed, I assume the very large list of witnesses presented here the last couple of days?

A Yes, sir.

Q You will not allow your judgment to be swayed just on the fact of the massive number of witnesses that will be brought to court by the prosecution?

A No, not at all.

Q And will you carefully discipline yourself as you listen to the evidence if it should happen that you are a juror in this case, to distinguish between those witnesses who were brought to court merely to prove, say, what might be obvious, that seven people were dead, and those witnesses who were brought to court to prove the guilt of any given defendants?

A Yes, sir.

Q So that if witness after witness after witness is paraded into court simply to prove that seven people are dead, but without regard to Leslie Van Houten, you will not then apply that evidence towards Leslie Van Houten?

A No.

Q As I indicated to all of the other prospective jurors, it may be that a person who is an admitted accomplice to these killings will testify for the prosecution.