

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. 1006

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 Q And I don't want you to answer the question  
2 one way or the other if you have some qualification to  
3 your answer.

4 In other words, if you can't answer the  
5 question yes or no because there is something else in  
6 your mind that is a qualification or condition to that  
7 answer, I want you to tell me about that.

8 Will you do that?

9 A Yes, sir.

10 Q You understand that I am not trying to put  
11 words in your mouth, I simply want to know that whatever  
12 you answer I understand. So I will ask you the same  
13 question again.

14 Do you entertain such conscientious objec-  
15 tions regarding the death penalty that you would auto-  
16 matically refuse to impose it regardless of the evidence  
17 developed during the trial?

18 Now, before you answer that, if you have  
19 any hesitation, any conditions, any mental reservations  
20 of any kind, you may, of course, include those in your  
21 answer.

22 A Well, you certainly put me on the spot as  
23 far as the answer when I say --

24 Q That is what I intend to do.

25 A I honestly don't approve of the death  
26 penalty. I would think that that would be very plain

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1 and simple in my answer.

2 As I say, I don't think that if 11 other  
3 people would believe in it that is no reason why I should  
4 automatically go running along and follow their viewpoint  
5 if I feel honestly in my heart that I am opposed to it.

6 I think that life imprisonment and a lot  
7 of other reservations can take the place of the death  
8 penalty regardless of guilt.

9 Q Well, you haven't answered the question, sir.

10 MR. STOVITZ: With the permission of the Court,  
11 may I ask the Court to ask the juror if he understands  
12 the question? Many times jurors don't understand the  
13 question.

14 BY THE COURT:

15 Q Do you feel that you understand the ques-  
16 tion, Mr. Fletcher?

17 A Well, I probably don't if you are not satis-  
18 fied with my answer.

19 Q Well, you seem to be talking about your  
20 opposition to the death penalty in a philosophical sense,  
21 but my question is not directed precisely to that point  
22 but it is directed to the question of whether you would  
23 automatically refuse to impose it without regard to the  
24 evidence in the case.

25 A Well, I don't understand your question in  
26 that sense.

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1 Even in a sense of guilt, the question is  
2 would I still vote for the death penalty if the evidence  
3 proved guilt? Is that the question that you are asking  
4 me?

5 Q No. My question presupposes that there has  
6 been a finding of guilty of murder in the first degree  
7 as to one or more defendants.

8 A Yes, sir.

9 Q And you are now in the penalty phase of the  
10 trial and you have to make a determination as to which  
11 penalty, life imprisonment or death, and my question  
12 simply is: Have you already made up your mind? Would you  
13 be willing to listen to the evidence or would you auto-  
14 matically refuse to impose the death penalty regardless of  
15 the evidence?

16 A Well, I would refuse to vote for the death  
17 penalty.

18 Q Regardless of the evidence developed?

19 A Yes.

20 MR. STOVITZ: Renew our challenge, your Honor.

21 THE COURT: Very well. You are excused, Mr. Fletcher.  
22 Thank you, sir.

23 MR. FITZGERALD: Will the record indicate that our  
24 objection is renewed?

25 THE COURT: Very well.

26 MR. KANAREK: Join, your Honor.



1 MR. SHINN: All defendants join.

2 THE CLERK: Mrs. Helen S. Fields; H-e-l-e-n,  
3 F-i-e-l-d-s.

4 (Whereupon, Mrs. Helen S. Fields came  
5 forward and was seated in jury box No. 2.)  
6

7 VOIR DIRE EXAMINATION OF MRS. HELEN S. FIELDS  
8 BY THE COURT:

9 Q Mrs. Fields, have you heard and understood  
10 everything that has been said in court since you came  
11 into this case?

12 A Yes, I think I have.

13 Q If you were selected as a juror in this  
14 case would you be able to serve?

4b fls. 15 A I think I could.  
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1 Q Now, I am going to ask you the same two  
2 questions that I have been asking the other prospective  
3 jurors, and again let me explain that the first question  
4 is directed toward the first phase of the trial, the so-  
5 called guilt phase of the trial, and the second question is  
6 directed toward the so-called penalty phase of the trial.

7 The questions are these: First, do you enter-  
8 tain such conscientious objections regarding the death  
9 penalty that you would be unable to make an impartial  
10 decision as to any defendant's guilt regardless of the  
11 evidence developed during the trial?

12 A No, I don't have objection to the death  
13 penalty if the evidence showed guilt.

14 Q Your opinions, if any, regarding the death  
15 penalty would not affect your ability to make an impartial  
16 decision as to guilt; is that right?

17 A No, I don't think they would affect my  
18 decision.

19 Q Do you entertain such conscientious opinions  
20 regarding the death penalty that you would automatically  
21 refuse to impose it without regard to the evidence  
22 developed during the trial?

23 A No, sir.

24 THE COURT: At this time, then, Mrs. Fields --

25 MR. STOVITZ: Are we going in chambers, your Honor?

26 THE COURT: Yes.

4B2 1 MR. STOVITZ: May I confer with counsel concerning  
2 one other matter and perhaps we can take care of two  
3 matters in chambers, your Honor?

4 THE COURT: All right.

5 (All counsel confer.)

6 MR. STOVITZ: No decision has been reached, your  
7 Honor.

8 THE COURT: All right. We are going into chambers at  
9 this time, Mrs. Fields, and I will ask the bailiff to have  
10 you come in in a few minutes after the parties and their  
11 attorneys have come in.

12 (The following proceedings occur in chambers,  
13 the defendants and all counsel being present:)

14 THE COURT: One moment before we bring in Mrs. Fields.

15 All defendants and their counsel are present,  
16 the prosecutors are present.

17 Now, the purpose of the proceedings here in  
18 chambers, gentlemen, as you know, is to conduct that portion  
19 of the voir dire examination regarding pre-trial publicity  
20 out of the presence of the other prospective jurors.

21 This is being done pursuant to the request of  
22 counsel for the defendants; is that correct, Mr. Fitzgerald?

23 MR. FITZGERALD: That is correct.

24 THE COURT: Do you join, Mr. Reiner?

25 MR. REINER: That is correct on behalf of defendant  
26 Leslie Van Houten.

1 THE COURT: You join, Mr. Shinn?

2 MR. SHINN: We join.

3 THE COURT: Mr. Kanarek?

4 MR. KANAREK: Yes.

5 THE COURT: Mr. Manson, you have heard what has been  
6 going on this morning. Is it your desire that this portion  
7 of the proceedings be conducted in chambers?

8 Did you hear what I said?

9 DEFENDANT MANSON: I only have one desire, and that is  
10 to be my own attorney.

11 THE COURT: Do you want this portion of the  
12 examination of the prospective jurors conducted in chambers?

13 DEFENDANT MANSON: I don't have anything else to say  
14 about it.

15 THE COURT: Do you have any objection to it?

16 DEFENDANT MANSON: I have objection to the whole  
17 proceedings. I object to the whole thing.

18 THE COURT: Do you want this portion of the  
19 proceedings to be conducted out in open court so that all  
20 these prospective jurors will hear it?

21 We are going to inquire into what exposure, if  
22 any, the various prospective jurors have had to any pre-  
23 trial publicity by way of newspaper, radio, TV, whatever;  
24 and we are also going to inquire into what opinions, if  
25 any, they may have formed regarding the trial or any of the  
26 defendants.

1 I believe it is to your advantage and for your  
2 benefit and the benefit of all the defendants that these  
3 proceedings regarding this pretrial publicity be conducted  
4 in chambers so that all the prospective jurors don't hear  
5 successively everything that is said by all those that go  
6 before them.

7 I am asking you if you are agreeable with this  
8 procedure.

9 Your attorney has indicated that he wants this  
10 portion of the proceedings conducted in chambers, and so  
11 have the other attorneys.

12 Now, I am asking you, Mr. Manson.

13 DEFENDANT MANSON: Why would you ask me; you haven't  
14 asked me anything before.

15 THE COURT: Well, I am asking you.

16 DEFENDANT MANSON: I think the questions imply, and  
17 with your questions, if they haven't heard what you ask,  
18 when you ask the questions, then they have heard it. All  
19 you are doing is doubling, lapping, you are overlapping.  
20 It is already in their subconscious mind to the point that  
21 they could never forget it and they will always be  
22 affected by it. No matter what you do, you are affected by  
23 everything that happens to you in the past. There is no  
24 way that you can erase anything from your mind.

25 We all know this, and yet we sit here and ask  
26 these little questions to them and half of them say they

1 forgot what they heard. But it doesn't make any difference  
2 whether they forgot it, their opinions are still formulated,  
3 and you can't change it. It is there.

4 The prosecutor knows it. That is why they put  
5 it there. And you know it, and we all know it.

6 We are just going through motions, and it makes  
7 no difference whether we go through the motions here or  
8 out there. I am not a part of it. You won't let me be a  
9 part of it.

10 THE COURT: I take it from what you say that you have  
11 no objection to this portion of the proceedings in chambers?

12 DEFENDANT MANSON: I don't wish to be disrespectful.  
13 I objected to when the Judge took away my status, took my  
14 voice away, and I have objected to everything, and I am  
15 still objecting, and I objecting if you do it here and I  
16 object if you do it out there. I object if you do it at  
17 all. I don't agree with any of it.

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2 THE COURT: Would you prefer that I do it out in  
open court?

3 DEFENDANT MANSON: I would prefer that you have a  
4 good day and notice the sun was shining, and past that  
5 you can do anything you wish.

6 THE COURT: What about you, Miss Van Houten? Do  
7 you have any objection to this portion of the examination  
8 being conducted in chambers?

9 DEFENDANT VAN HOUTEN: Like I object to everything.

10 THE COURT: I can't hear you?

11 DEFENDANT VAN HOUTEN: I will object to everything.

12 THE COURT: You object to this?

13 DEFENDANT VAN HOUTEN: Everyone has got their  
14 minds made up. Like you have already put everything in  
15 there.

16 THE COURT: You understand that your attorney is  
17 now requesting that this portion of the examination be  
18 conducted in chambers?

19 DEFENDANT VAN HOUTEN: They can request whatever  
20 they want. They are fighting the case.

21 THE COURT: I am asking you. Do you consent to  
22 that?

23 DEFENDANT VAN HOUTEN: No, I don't consent to  
24 anything.

25 THE COURT: Do you object to having this portion --

26 DEFENDANT VAN HOUTEN: You know, you guys do  
whatever you do.

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You have already done what you have done to me.

THE COURT: Do you object to having this portion of the examination conducted in chambers?

DEFENDANT VAN HOUTEN: Yes.

THE COURT: What about you, Miss Krenwinkel?

DEFENDANT KRENWINKEL: I don't care, either way you do it, because I object to the entire proceedings as is. The same way. There is no way you can possibly change these people's minds and everything. All you do is bring conversation out in open court, programming it the way you do.

THE COURT: Do you object to this portion of the proceedings in chambers?

DEFENDANT KRENWINKEL: I don't care where it is held. I can move this book and I can move me wherever you want me to move. I am not a part of this.

DEFENDANT MANSON: You have got four bodies.

THE COURT: What about you, Miss Atkins? Do you object to this portion of the proceedings in chambers?

DEFENDANT ATKINS: Like you bring us back here to hide from the press what you don't want the press to know, and yet you go out and tell the press we are having secret chamber meetings, and everybody puts it on us when the DA is the one that calls us back here.

I object to the whole thing. I don't want any part of it. Why don't you just send me back to



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1 SBI. When you get a decision made, send me a letter and  
2 let me know what you want to do.

3 THE COURT: In view of the defendants' response,  
4 I think we will conduct all of the voir dire in open  
5 court.

6 MR. SHINN: Your Honor, why can't we have a  
7 conference with our clients for about two minutes.

8 THE COURT: Very well.

9 MR. STOVITZ: Shall counsel leave?

10 THE COURT: Can this be done in the holding room?

11 MR. STOVITZ: I'd be willing to just step outside.

12 THE COURT: Well, I am not willing to step outside.

13 Do you want all the defendants together or  
14 do you want to interview them separately?

15 MR. REIMER: Together.

16 THE COURT: Gentlemen, we are not through.

17 Do you want all the defendants together?

18 MR. SHINN: Yes.

19 MR. FITZGERALD: Yes. It is easier. It just  
20 facilitates matters.

21 MR. STOVITZ: Are we in recess, your Honor?

22 THE COURT: For a few minutes.

23 (Recess.)  
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1 (The following proceedings were had in the  
2 chambers of the Court, all counsel and all defendants  
3 being present with the exception of Mr. Bugliosi:)

4 THE COURT: All defendants and their counsel are  
5 present. Mr. Stovitz is present.

6 MR. FITZGERALD: I might indicate to the Court  
7 that there is no change in the position taken by the  
8 individual defendants.

9 If your Honor cares to inquire, feel free  
10 to do so.

11 (Mr. Bugliosi enters the courtroom.)

12 THE COURT: I am not trying to elicit any answers.  
13 All I want to know is they want this portion of the  
14 proceedings held in chambers or not; it is just that  
15 simple.

16 What is the answer, Mr. Fitzgerald?

17 MR. FITZGERALD: They have indicated they would  
18 object to the proceedings being held in chambers, your  
19 Honor.

20 THE COURT: All right.

21 MR. REINER: Your Honor, may I indicate my  
22 position on behalf of Miss Van Houten.

23 I would object to these proceedings being  
24 held in open court.

25 THE COURT: I am now trying to find out what the  
26 defendants' positions are.

1 MR. REINER: With respect to Miss Van Houten,  
2 my position is that --

3 THE COURT: You have already expressed your  
4 position, Mr. Reiner, what I wanted to know is what  
5 is Miss Van Houten's desire at this time.

6 Does she consent to having the matter in  
7 chambers?

8 MR. REINER: Miss Van Houten's opinion, as well  
9 as I can understand it, her position as well as I can  
10 understand it is this:

11 She says she objects to all of the proceed-  
12 ings; she objects to the proceedings in chambers as well  
13 as in open court.

14 It does not appear to me she has a  
15 preference. She simply objects to all of the proceedings.

16 And I might indicate to the Court, if I am  
17 required to have this type of examination in open court  
18 I will obviously be inhibited.

19 The Court will recall when I examined the  
20 prospective jurors here this morning I asked them what  
21 perhaps might be described as very searching questions,  
22 and went into some detail as to the facts.

23 I could not and would not risk such a voir  
24 dire examination in open court.

25 THE COURT: You cannot have it both ways, Mr.  
26 Reiner. If the defendants object, it will be in open

1 court.

2 MR. REINER: I think that is with counsel, your  
3 Honor, not with the individual defendant.

4 THE COURT: I disagree with you.

5 MR. KANAREK: Then I suggest this, your Honor,  
6 it might be a little mechanically difficult, but could  
7 we ask the other jurors to leave, and just have one  
8 juror present, the one we are talking to?

9 I say it might be mechanically difficult,  
10 but I think we might get less of the transmittal of --

11 THE COURT: You are being offered that opportunity  
12 now, to have that examination in chambers.

13 MR. KANAREK: I understand, but Mr. Manson --

14 THE COURT: The room is not the point. It is not  
15 which room it is being conducted in.

16 It is a question of whether it is to be  
17 done in open court or in chambers, that is all.

18 Well, all right, then we will go back into  
19 open court, gentlemen.

20 I understood from asking the defendants  
21 myself that they objected to this procedure, and I  
22 understand from what you say there has been no change,  
23 so we will go back into open court.

24 MR. REINER: Your Honor, do I correctly under-  
25 stand the Court's position that it is the defendants'  
26 wishes rather than the wishes of counsel that is

1 controlling?

2 THE COURT: In this case it is going to be both.

3 MR. REINER: It is not both, your Honor, because I  
4 do object.

5 THE COURT: I said it will take the consent of both.

6 MR. REINER: Is the Court saying in the absence of  
7 the defendants agreeing to the judgment of counsel in this  
8 matter, it is the defendants' wishes that we follow rather  
9 than counsel's?

10 I must indicate there is a clear division  
11 between the opinion and position of Miss Van Houten and the  
12 opinion and position of counsel.

13 THE COURT: Apparently so.

14 MR. REINER: Well, then, the Court --

15 THE COURT: If the defendants are not willing to  
16 waive any objection to this procedure, and consent to it, I  
17 am going to have it in open court.

18 MR. REINER: I understand the law in this area, your  
19 Honor, even if counsel wanted it in open court your Honor  
20 would have an obligation to require it in chambers.

21 THE COURT: What law is that?

22 MR. REINER: It is a matter of due process, your  
23 Honor, the Court has its own individual responsibility --

24 THE COURT: Do you have any authority for this?

25 MR. REINER: If I may state the proposition, your  
26 Honor:

1           The proposition is that the Court has its own  
2 individual responsibility to see that the defendants are  
3 accorded due process.

4           It is clear, I don't believe any of us argue  
5 that.

6           THE COURT: Do you have any authority other than  
7 this, your proposition? I understand what you are saying.

8           MR. REINER: If the Court is saying am I able to  
9 cite a case off the top of my head, I am unable to do so  
10 at this moment.

11           I think it is quite clear if the Court feels  
12 there will be great prejudice to the defendants to proceed  
13 in open court, it is the Court's obligation even without  
14 request from counsel to bring the matter into chambers.

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1 THE COURT: There is no such obligation, Mr. Reiner.

2 The defendants are entitled to a public trial.  
3 The proceedings in chambers were done only by stipulation of  
4 all counsel, and I have decided now in view of various  
5 objections that have come up, unless the defendants are  
6 willing to waive those objections I am not going to do it.

7 It is just that simple.

8 MR. FITZGERALD: I have a request to make in regard  
9 to your Honor's questioning the prospective jurors, with  
10 regard to publicity in open court.

11 I wonder if your Honor would consider not  
12 asking the prospective jurors what they have seen, heard  
13 or read in connection with this case, so that they might not  
14 infect the other members of the jury panel who have not  
15 read, seen or heard what that particular prospective juror  
16 did.

17 THE COURT: For the time being, Mr. Fitzgerald,  
18 I would not ask any questions since we are going back into  
19 open court, and you can conduct your own voir dire on this  
20 issue.

21 MR. FITZGERALD: Thank you.

22 THE COURT: As long as it is within reasonable  
23 bounds, why, you can ask the questions you like.

24 MR. FITZGERALD: Thank you.

25 MR. STOVITZ: Before we do go out --

26 THE COURT: Well, it is time for a recess now.

42  
1 MR. STOVITZ: Before we have the recess, your Honor,  
2 I was handed this declaration initiating contempt proceedings,  
3 this morning.

4 I guess your Honor, through the clerk, was  
5 also handed this document.

6 THE COURT: By Mr. Reiner?

7 MR. STOVITZ: The declaration is by Mr. Reiner.  
8 I notice all three attorneys' names appear on top of the  
9 document.

10 MR. FITZGERALD: Four.

11 MR. STOVITZ: It is my feeling, your Honor, merely  
12 filing a paper with the clerk of the Court does not make the  
13 paper a matter of public record, so that comments can be  
14 made to the news media or anybody else concerning the  
15 contents of this three-page document.

16 Now --

17 THE COURT: Isn't that a little inconsistent with the  
18 position you have been taking?

19 MR. STOVITZ: No, it is not inconsistent at all.

20 THE COURT: You take the position that a transcript  
21 of confidential proceedings in chambers, which are designed  
22 to insulate the prospective jurors from hearing matters  
23 regarding pretrial publicity, for example, are matters of  
24 public record.

25 But, as I understand your position now, you  
26 are taking the position that documents filed which have



1 nothing to do with prospective jurors should not be  
2 matters of public record.

3 Is that it?

4 MR. STOVITZ: I merely bring this to your Honor's  
5 attention, if your Honor is to allow public comment about  
6 this, this will re-emphasize a book that has very little  
7 notoriety.

8 In fact, very few people have ever indicated  
9 they ever read this book, aside from high school and  
10 possibly college students, I found no one that has ever read  
11 this book.

12 MR. REINER: I object to any further proceedings in  
13 chambers on this matter, your Honor.

14 MR. STOVITZ: Your Honor can have this matter in  
15 open court if you want to.

16 I just want to call your Honor's attention to  
17 the fact that the mere filing of this document -- there  
18 are cases on it -- that does not allow attorneys to  
19 comment on the contents of the document and make such  
20 comment as they want.

21 This document alleges to be a declaration under  
22 penalty of perjury; then it goes on and says "on  
23 information and belief."

24 There are many falacious statements in this  
25 document --

26 MR. REINER: May I object to any further comments on

4  
1 this point in chambers?

2 THE COURT: Well, for the time being it will not be  
3 disclosed.

4 I think the contents of this purported declara-  
5 tion would clearly come within the publicity order, and I  
6 have not had a chance yet to consider whether the purported  
7 declaration states facts which would be sufficient to  
8 constitute any basis for a contempt proceeding as  
9 apparently the defendants wish the Court to do.

10 MR. REINER: Your Honor, the Court just indicated that  
11 the contents of the declaration would fall within the  
12 Court's publicity order.

13 I carefully examined the publicity order this  
14 morning.

15 THE COURT: That is my opinion, Mr. Reiner, I  
16 don't want to get in an argument about it now.

17 MR. REINER: May I inquire of the Court how the Court  
18 feels that --

19 THE COURT: I just told you I don't want to go into  
20 the matter now, but that is my present feeling now, I don't  
21 know whether any action will be taken on the basis of this  
22 declaration or not.

23 MR. REINER: I must inform the Court I already  
24 indicated this to reporters, that I filed it.

25 THE COURT: That is your problem, Mr. Reiner.

26 All right, we will take a recess at this time,

1 15 minutes.

2 THE BAILIFF: Shall we come back in open court or  
3 will it be here, Judge?

4 THE COURT: It will be in open court.

5 (Recess.)  
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1 (The following proceedings occurred in open  
2 court within the presence and hearing of the prospective  
3 jurors; all defendants and counsel being present:)

4 THE COURT: All parties and counsel are present, the  
5 prospective jurors are in the jury box.

6 We are going to continue the examination in court,  
7 Mrs. Fields.

8 Mr. Fitzgerald, you may inquire.

9  
10 VOIR DIRE EXAMINATION OF MRS. FIELDS  
11 BY MR. FITZGERALD:

12 Q Mrs. Fields, from your seat in the audience  
13 were you able to hear the questions that I asked the  
14 other prospective jurors?

15 A Pretty well. Not all the time, because I  
16 wasn't as close to the front some days.

17 Q In respect to any of those questions that I  
18 asked the other prospective jurors that you were able to  
19 hear, do you have any question about or any problem with  
20 or would you like to address yourself to any of those  
21 questions in any respect whatsoever?

22 A No, sir.

23 Q Is there anything you would like to bring to  
24 our attention, that is, as defense attorneys or as defen-  
25 dants, that is relevant insofar as your state of mind is  
26 concerned as a juror in this case?

1 A I think not.

2 Q Do you think you can be absolutely fair to the  
3 defendants?

4 A Well, I have spent a lifetime teaching and  
5 advising and counselling young people, for 25 years, and  
6 I feel right at home.

7 Q You don't feel that you are the victim of any  
8 generation gap or anything; right?

9 A No, sir.

10 Q Do you feel you could be just as fair and  
11 impartial, I take it, in dealing with young people as you  
12 could with contemporary peers of your own?

13 A Yes.

14 Q What is your business or occupation?

15 A Well, I have been a teacher for the past 25  
16 years in the public schools.

17 Q Did you teach in elementary school or did you  
18 teach in high school?

19 A Well, mostly high school.

20 Q What sort of subjects did you regularly teach?

21 A English.

22 Q I had better watch my grammar. I will try to  
23 get the verbs in the right place.

24 A Public speaking; and I had a fifty-piece band.  
25 I teach 13 different instruments.

26 Q You personally possess some degree of expertise

1 in 13 different -- with 13 different musical instruments?

2 A That is what they say.

3 Q Is the guitar one of them?

4 A No. Band.

5 Q Oh, band instruments?

6 A Yes.

7 Q I see.

8 Percussion instruments?

9 A Brass.

10 Q Do you reside in the County -- I am sure you  
11 do.

12 Where in the County do you reside?

13 A For the last three years I have resided in  
14 Rolling Heights, between Pomona and Whittier.

15 Q Over near Hacienda Heights?

16 A Yes.

17 Q Have you ever served as a juror before?

18 A No, sir.

19 Q That is, neither in civil or criminal cases;  
20 is that right?

21 A Oh, for the last two weeks, down here at the  
22 courthouse, I served on a civil case.

23 Q Is there anything about that experience that  
24 is going to influence you in this case?

25 A No. But it opens my mind to what went on in  
26 a courtroom, and I am fascinated by it.

1 Q You won't have any problem, then, in giving us  
2 your undivided attention, Mrs. Fields?

3 A No.

4 Q Now, I take it that you obviously heard things  
5 on the radio in connection with this case or seen things on  
6 television or read the news in the newspapers; is that  
7 correct?

8 A Well, not too much. I have been a very devoted  
9 school teacher and my work outside of the classroom has  
10 kept me busy many evenings until 10:00 and 12:00 o'clock and  
11 I have not been keeping up with this.

1 Q In your capacity as a school teacher,  
2 obviously, you are interested in current events?

3 A Yes, of course.

4 Q This is a current event, I guess, right?

5 A Yes.

6 Q Would you be willing to give all of the  
7 defendants in this case a promise that you won't decide  
8 this case based on something you read in the newspaper or  
9 something you have seen on television or something you  
10 have heard on the radio?

11 A I promise that.

12 Q Do you understand that frequently there are  
13 facts and legal inaccuracies in newspaper accounts?

14 A Yes.

15 Q And that even if you were allowed to, you  
16 could probably arrive at a number of erroneous decisions  
17 by deciding something from what you see in the paper?

18 A Yes.

19 MR. FITZGERALD: I will pass the juror for cause,  
20 your Honor.

21 THE COURT: Mr. Reiner.

22 MR. REINER: Thank you, your Honor.

23  
24 VOIR DIRE EXAMINATION OF MRS. FIELDS

25 BY MR. REINER:

26 Q Mrs. Fields, you will be instructed by the



1 Court to presume that the defendants are innocent.

2 Now, you do appreciate that I represent  
3 Leslie Van Houten and no other defendant, is that true?

4 A Yes, sir.

5 Q Now, will you presume that Leslie Van Houten  
6 is innocent?

7 A Yes, I will presume that.

8 Q And until the contrary if ever is proven do  
9 you presume that she is innocent?

10 A Yes, I do presume that.

11 Q Can you say that in good conscience?

12 A Yes, sir.

13 Q And you feel that perhaps if you were to return  
14 a verdict of acquittal with respect to even a single  
15 defendant in this case, that you might be subject to  
16 criticism from your friends or family or acquaintances?

17 A Well, I am so far away from any of my relatives  
18 or former friends that I don't have any close contact here  
19 in this County.

20 Q But you do, of course, have acquaintances?

21 A What do you mean, parents of children?

22 Q Whoever those acquaintances may be, do you feel  
23 that you might be criticized by people with whom you associ-  
24 ate if you were to return a verdict of acquittal with  
25 regard to any defendant?

26 A Well, that would not make any difference to me.

1 Q So that if you were to return a verdict of  
2 acquittal for one of the defendants you would not be  
3 concerned with, during the course of your deliberations,  
4 with any possible criticism that you might receive from  
5 some of your acquaintances?

6 A No, sir.

7 Q Do you feel that perhaps there may be some  
8 subconscious inclinations that exist within you to convict  
9 these defendants because of the mass of pretrial publicity  
10 that has been accorded this case?

11 A No.

12 Q In the event that perhaps there may be some  
13 subconscious inclination, would you make every conscious  
14 attempt to discipline yourself and decide the case based  
15 upon the evidence that was presented, and to resist any  
16 attempt to follow any subconscious inclinations to  
17 perhaps decide the case based upon something that you  
18 may have heard or read long before you came to court?

19 A Yes, I would resist that.

20 Q And you will not allow your emotions to over-  
21 whelm your judgment, will you?

22 A No.

23 Q Now, do you appreciate that mere suspicion in  
24 a criminal case is nowhere near even enough to convict,  
25 that you must be persuaded beyond all reasonable doubt?

26 A Yes, I believe that.

1           Q     Do you have any reservations to applying that  
2 very strict principle to a criminal case, that you must be  
3 convinced beyond all reasonable doubt before you can ever  
4 convict?

5           A     No reservations.

6           Q     So if there is even a single reasonable doubt  
7 in your mind after you heard the evidence, and after you  
8 have deliberated, you will return a verdict of acquittal  
9 for Leslie Van Houten?

10          A     Yes, sir.

11          Q     You do appreciate that as I stand here now and  
12 speak, and any time during the course of this trial that I  
13 speak, that I speak only for Leslie Van Houten and for no  
14 other defendant in this case?

15          A     All right.

16

17

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7a-1

1 Q You appreciate, I assume, that there are four  
2 attorneys in this case, and each attorney speaks only for  
3 his client.

4 Do you appreciate that?

5 A Yes, sir.

6 Q Now, any attitudes that you may form from  
7 time to time with regard to one of the attorneys, will you  
8 make every conscious attempt to discipline yourself not to  
9 allow that attitude toward any particular attorney to  
10 affect your judgment with respect to any other attorney?

11 A I will.

12 Q Now, it may occur that there will be a witness  
13 in this case by the name of Linda Kasabian, called by the  
14 prosecution, and it may be that this witness will be a  
15 confessed accomplice to these killings.

16 Now, in the event that a person testifies who  
17 is an accomplice, you will receive instructions of law at  
18 the end of the case with regard to the weight and value to  
19 be placed upon the testimony of an accomplice.

20 Will you follow that instruction by the Court?

21 MR. BUGLIOSI: Your Honor, I don't believe the Court  
22 is going to instruct the jury on the weight to be given to  
23 the testimony of an accomplice.

24 I will object to that question.

25 THE COURT: The objection is sustained.  
26

7a-2

1 BY MR. REINER:

2 Q Mrs. Fields, you will be given an instruction  
3 at the end of the case as to the manner in which, and  
4 whether you may consider at all, the testimony of an  
5 accomplice.

6 Will you follow that instruction --

7 MR. BUGLIOSI: Object to that question.

8 I don't believe there is any such instruction  
9 to that effect, your Honor.

10 I don't believe there is any instruction by  
11 which the Court would conceivably tell a juror that they  
12 have to disregard and ignore the testimony of an accomplice.

13 And this is what Mr. Reiner's question implies,  
14 your Honor.

15 MR. REINER: Your Honor, if I may be heard.

16 THE COURT: I don't want to hear the argument, sir,  
17 but I think it can be rephrased in a less ambiguous form.

18 MR. REINER: Yes, your Honor.

19 Q Miss Fields, if at the conclusion of this case  
20 the Court instructs you that a particular witness may be an  
21 accomplice, and that if you decide that that witness is an  
22 accomplice to these particular killings, that you may not  
23 convict any defendant of any crime in the absence of  
24 independent corroboration.

25 Will you follow that instruction?

26 A Yes, I will.

7a-3

1 Q When I speak of totally independent corrobora-  
2 tion, do you appreciate and understand that I am referring  
3 solely to Leslie Van Houten?

4 A Yes.

5 Q So that if the testimony of the accomplice is  
6 not corroborated as to Leslie Van Houten, you will acquit  
7 Leslie Van Houten irrespective of whether it is corroborated  
8 as to any other defendant?

9 A Yes, sir.

10 Q Now, that obviously is a very stern and  
11 strict rule of law.

12 But if that rule of law is given to you at  
13 the conclusion of this case, will you give us your assurance  
14 at this time that you will follow that rule of law?

15 A I will follow the rule of law.

16 Q Do you have any reluctance to follow that rule  
17 of law?

18 A No, sir.

19 Q Earlier the People placed a number of charts  
20 up against the wall here with a list of witnesses, 88 in  
21 number, and I believe they also indicated that perhaps they  
22 might call additional witnesses, perhaps somewhere in the  
23 neighborhood of 100 witnesses.

24 Now, with the very massive number of  
25 witnesses standing by itself, would that in any way  
26 impress you as to the validity of their case?

7a-4

1           A       Well, I was impressed by the length of the  
2 list.

3           Q       Well, now, do you feel that if one side  
4 brings 100 witnesses that perhaps the other side should  
5 make some attempt to match the very number of witnesses,  
6 or do you feel perhaps that it is the substance of the  
7 testimony that is more significant than the number of  
8 witnesses?

9           A       Well, I expect the substance would be more  
10 weighty.

11          Q       If during the course of the trial, witness  
12 after witness after witness were brought to court by the  
13 prosecution to prove facts that would appear to you to be  
14 obvious, such as seven people have died, would you none-  
15 theless discipline your thinking in this case so that  
16 you would ascribe and assign only that evidence which tends  
17 to suggest that Leslie Van Houten had anything to do  
18 with these killings, rather than simply being overly  
19 impressed by the massive number of witnesses?

20          A       Well, I will try my best to keep the thinking  
21 very straight.

22          Q       As the evidence begins to come in from time  
23 to time during the trial, will you consciously make and  
24 attempt to ascertain whether the particular testimony that  
25 you are listening to at any given moment relates to Leslie  
26 Van Houten or whether it relates to one or more of the

/a-5

1 other defendants?

2 A Yes, sir.

3 Q All right, now, if the testimony that you  
4 hear does not relate at any given time to Leslie Van Houten,  
5 will you make a mental note of the fact that this evidence  
6 does not relate to Leslie Van Houten, and not allow yourself  
7 inadvertently, perhaps, later on after the conclusion of a  
8 very long trial, to go into the jury room and recall that  
9 there was a great deal of testimony establishing that some-  
10 one had committed these crimes, and then somewhere along  
11 the line, you cannot recall exactly where, you may have  
12 heard Leslie Van Houten's name, and then mixed it together.

13 Would you discipline yourself to do that?

14 A Yes, sir, I would. Would I be allowed to take  
15 notes as I go along?

8 fls.



8-1

1 Q The taking of notes is a matter that is  
2 solely within the discretion of his Honor. His Honor  
3 will indicate to you whether you can or not.

4 THE COURT: You will be allowed to take notes.

5 MR. REINER: The answer, Mrs. Fields, then, is  
6 yes.

7 Q Mrs. Fields, did you, by any chance, happen  
8 to hear Mr. Bugliosi this morning on the radio saying that  
9 he was looking for 12 jurors who would have the courage to  
10 give the death penalty to the defendants?

11 A No, I didn't hear him.

12 I leave out there very early because my  
13 driver has to come early to his work.

14 Q Then you left too early to hear Mr. Bugliosi's  
15 radio comments this morning?

16 A Right.

17 MR. REINER: Very well. I am delighted.

18 Thank you very much, Mrs. Fields.

19 We will pass for cause.

20 THE COURT: Mr. Shinn, do you have any questions?

21 MR. SHINN: Pass for cause.

22 THE COURT: Mr. Kanarek?

23 MR. KANAREK: We accept the jury, your Honor.

24 MR. STOVITZ: Your Honor, is it your Honor's  
25 intention to have our questions limited solely to  
26 pretrial publicity, or shall we conduct a general

8-2

1 examination for cause?

2 THE COURT: A general voir dire.

3 MR. STOVITZ: Thank you very much.

4 Mr. Bugliosi?

5  
6 VOIR DIRE EXAMINATION OF MRS. FIELDS

7 BY MR. BUGLIOSI:

8 Q Mrs. Fields, are you married, ma'am?

9 A I am a widow, 18 years.

10 Q Do you have any children?

11 A No.

12 Q Mrs. Fields, I take it that you are not  
13 opposed to the death penalty; is that correct?

14 A I am not opposed.

15 Q If after hearing all the evidence in this  
16 case, Mrs. Fields, and considering all of the circumstances,  
17 you personally felt that this was a proper case for  
18 the imposition of the death penalty, would you have the  
19 courage and would you be willing to return into this  
20 courtroom with a verdict of death?

21 A Yes.

22 Q You will notice, Mrs. Fields, that three of  
23 the defendants in this case are women. Are you of such  
24 a frame of mind that you could not under any circumstances  
25 vote for the death penalty for a female defendant?

26 A I am not impressed by that.

1 Q It wouldn't make any difference?

2 A No.

3 Q Are you of such a frame of mind that you  
4 could not under any circumstances vote for the death  
5 penalty for these three female defendants solely because  
6 of their age?

7 A No.

8 Q Are you of such frame of mind, Mrs. Fields,  
9 that you would not, under any circumstances, vote for  
10 the death penalty for a particular defendant unless the  
11 evidence at the trial showed that this particular  
12 defendant was the actual killer?

13 A Would you repeat the first part?

14 Q Okay. Maybe I had better rephrase it a  
15 little bit.

16 Can you conceive of any circumstances, Mrs.  
17 Fields, in which you would be willing to vote for a  
18 verdict of death against a particular defendant even  
19 though the evidence at the trial showed that this  
20 particular defendant did not himself personally kill a  
21 fellow human being?

22 MR. SHINN: Your Honor, I am going to object to  
23 that question. It is prejudging the evidence, your Honor.

24 THE COURT: Overruled.

25 Do you understand the question, Mrs. Fields?

26 MR. BUGLIOSI: Shall I rephrase it again, ma'am?

1 MRS. FIELDS: I believe so. I am sorry.

2 MR. BUGLIOSI: Okay.

3 Q This is where a good background in English,  
4 I guess, would help.

5 Are you of such a frame of mind, Mrs.  
6 Fields, that before you would ever return with a verdict  
7 of death against a particular defendant, the evidence  
8 would have to show that that defendant killed someone?

9 A Yes.

10 Q If the evidence showed, ma'am, that this  
11 particular defendant did not himself kill any of the  
12 victims in the case, you would be unwilling then to  
13 return with a verdict of death against that particular  
14 defendant?

15 A No, I would not be unwilling.

16 Q You would not be unwilling?

17 A No.

18 Q Then I take it, Mrs. Fields, that you can  
19 conceive of circumstances wherein you would be willing  
20 to vote for a verdict of death against a defendant even  
21 though he himself did not kill a fellow human being?

22 A That's right.

8a fls.

8a-1

1 Q Do you recall my saying, Mrs. Fields, that under  
2 the law of conspiracy each member of a conspiracy is  
3 criminally responsible and equally guilty of the crime  
4 committed by his co-conspirators?

5 A Yes, I heard that.

6 Q Do you recall the robbery example I gave of  
7 parties A, B, and C conspiring to commit a robbery but  
8 only B and C actually committing the robbery, A being a  
9 co-conspirator, even though he didn't commit the robbery  
10 himself, would be equally guilty of that robbery.

11 Do you recall that example I gave, Mrs. Fields?

12 A Yes, I heard that example.

13 Q And do you understand this rule of law?

14 A Yes, I have heard that rule of law before.

15 Q And you understand it?

16 A Yes.

17 Q Do you disagree with it at all? Do you have  
18 any prejudice against it, Mrs. Fields?

19 A No, I don't disagree with it.

20 Q Would you be willing to follow the Court's  
21 instructions on that rule of law if you found it applicable  
22 to the facts in this case, ma'am?

23 A Yes, sir.

24 Q You realize, Mrs. Fields, that the prosecution  
25 in a criminal trial only has the burden of proving a  
26 defendant's guilt beyond a reasonable doubt, not beyond

a2 1 all doubt? Do you understand that, ma'am?

2 A Yes, I have heard that said many times here.

3 Q Would you follow this rule of law if you are  
4 selected as a juror on this case?

5 A Yes.

6 Q Do you recall my discussion about circumstantial  
7 evidence?

8 A Yes.

9 Q Do you have any objection whatsoever to sitting  
10 as a juror on a case where the people rely in part on  
11 circumstantial evidence?

12 A No.

13 Q Do you recall, ma'am, that I asked the other  
14 jurors several other questions that I haven't asked you?  
15 They were questions about the accomplice and motive and  
16 religion and other questions like that.

17 Do you recall that, ma'am?

18 A Yes.

19 Q Now, when you were seated out in the  
20 spectator's section of the courtroom and I was asking these  
21 questions, were you mentally asking yourself the same  
22 questions, ma'am?

23 A Yes, I was.

24 Q Was there any question I asked, ma'am, to  
25 which you recall saying to yourself that your answer would  
26 have been different from the answers being given by the

majority of the jurors seated in the box?

A No.

Q I take it, then, that if I were to ask you the same questions, these other questions, your answers would be the same?

A Yes, they would.

Q Do you feel that you can give the People of the State of California a fair trial, ma'am?

A Yes, sir.

Q Is there any doubt in your mind about that?

A No doubt.

Q Can you think of any reason whatsoever why you feel you should not or would rather not sit as a juror in this case?

A No. I am very interested being here.

MR. BUGLIOSI: Thank you, ma'am.

MR. STOVITZ: Pass for cause, your Honor.

THE COURT: It is the People's first peremptory challenge.

MR. FITZGERALD: I believe it is the defendant's.

MR. STOVITZ: I believe it is the people's. It has always been the People's.

May we announce our decision, your Honor?

THE COURT: Yes.

MR. STOVITZ: The People thank and excuse, your Honor, Mrs. Sonia Gordon.

3a4  
1 THE COURT: Thank you, Mrs. Gordon. You are  
2 excused.

3 THE CLERK: Clarence Ellman; C-l-a-r-e-n-c-e,  
4 E-l-l-m-a-n.

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

6 THE COURT: Very well.

7 (Whereupon, all counsel approach the bench and  
8 the following proceedings occur at the bench outside of  
9 the hearing of the prospective jurors:)

10 MR. KANAREK: Your Honor, I just wanted to --

11 THE COURT: Just one minute.

12 MR. KANAREK: Yes.

13 THE COURT: All right.

14 MR. KANAREK: Your Honor wouldn't allow me to  
15 approach the bench previously in connection with Mr. Fields.

16 THE COURT: Mrs. Fields.

17 MR. KANAREK: I am sorry. Mr. Fletcher.

18 I just wanted the record to reflect, your  
19 Honor, that on behalf of Mr. Manson, because of the fact  
20 that he said he could judge the guilt or innocence phase  
21 completely all right, that it was just the penalty phase  
22 that your Honor conceived the problem, it is our position  
23 that excusing this juror is a denial of due process and a  
24 fair trial to Mr. Manson.

25 MR. STOVITZ: Submit it, your Honor.  
26



8B-1

1 THE COURT: Very well. I am sorry. I misunderstood  
2 what you were requesting before, Mr. Kanarek. I thought  
3 you wanted to raise a collateral point that had nothing to  
4 do with the challenge for cause that had been made with  
5 respect to Mr. Fletcher, but the record will indicate your  
6 objection.

7 MR. KANAREK: May it stand before the excusal? May it  
8 be deemed to stand before his excusal, your Honor?

9 THE COURT: Yes.

10 MR. REINER: We would join.

11 THE COURT: Very well.

12 MR. FITZGERALD: Join.

13 MR. SHINN: Join.

14 (Whereupon, all counsel return to their  
15 respective places at counsel table and the following  
16 proceedings occurred in open court within the presence and  
17 hearing of the prospective jurors.)

18  
19 VOIR DIRE EXAMINATION OF MR. ELLMAN

20 BY THE COURT:

21 Q Mr. Ellman, have you heard and understood  
22 everything that has been said in court since you came into  
23 the case, sir?

24 A I think so, your Honor.

25 Q If you were selected as a juror in this case,  
26 Mr. Ellman, would you be able to serve?

b2  
1 A I think so, yes.

2 Q I am going to ask you the same questions  
3 regarding the death penalty that I put to the other  
4 prospective jurors.

5 Have you had an opportunity to think about  
6 these questions and consider your answers?

7 A Yes, sir.

8 Q The first one is: Do you entertain such  
9 conscientious opinions regarding the death penalty that  
10 you would be unable to make an impartial decision as  
11 to any defendant's guilt regardless of the evidence  
12 developed during the trial?

13 A No, sir.

14 Q Do you entertain such conscientious opinions  
15 regarding the death penalty that you would automatically  
16 refuse to impose it without regard to the evidence  
17 developed during the trial?

18 A No, sir.

19 THE COURT: Mr. Fitzgerald, you may inquire.  
20

21 VOIR DIRE EXAMINATION OF MR. ELLMAN

22 BY MR. FITZGERALD:

23 Q Mr. Ellman, what is your business or occupation?

24 A I work for REA Express Company as a router and  
25 sorter.

26 Q I take it that you work inside at some

8b3

1        dispatching desk or office?

2            A        It is kind of like an assembly line in a way.  
3        It is a roller system where the packages come down a  
4        roller and I sort them, route them.

5            Q        Excuse me. Are you finished?

6            A        Yes.

7            Q        In that capacity, Mr. Ellman, do you have men  
8        under you?

9            A        No, sir.

10          Q        Are you married?

11          A        Yes, sir.

12          Q        Is your wife employed outside the home?

13          A        At present, no. She is a housewife. She is  
14        retired.

15          Q        What did she do?

16          A        She worked for the Title Insurance Company at  
17        5th and Spring.

18          Q        What did she do for TI?

19          A        I think she was a file clerk in closed files.

20          Q        Do you have any children?

21          A        I haven't. I have two step-children.

22          Q        Are they grown?

23          A        They are grown and married.

24          Q        Where in Los Angeles County do you reside?

25          A        I reside in the City of Rosemead now.

26          Q        Mr. Ellman, from your seat in the audience over

04  
1 the past few days, have you been able to hear the  
2 questions that I asked the other prospective jurors who  
3 sat in the box?

4 A I am quite sure I got most of them.  
5 Most of the time I was in a pretty good spot.

6 Q If I were to ask you each one of those  
7 questions, Mr. Ellman, would your answers be about the same?

8 A I believe so.

9 Q Is there anything you would like to call to  
10 our attention?

11 For example, are you familiar with any of the  
12 locations we have previously mentioned, or any of the  
13 witnesses we have previously mentioned, or are you  
14 connected with the District Attorney's Office, or do you  
15 have any friends or relatives that are police officers,  
16 do you know anybody in the District Attorney's Office,  
17 et cetera?

18 A No, I don't think so.

19 Q Now, you heard, I am sure, Mr. Ellman, from  
20 your seat in the audience Mr. Bugliosi's comments in  
21 respect to circumstantial evidence?

22 A Yes.

23 Q Do you recall Mr. Bugliosi saying or illus-  
24 trating circumstantial evidence, something to the effect  
25 about some boy by the name of Jones being in the living  
26 room with some oatmeal cookies?

1 A Yes, sir.

2 Q Do you remember that story?

3 A Yes.

4 Q And he was trying to illustrate to you, I  
5 take it, he was trying to illustrate what circumstantial  
6 evidence was.

7 Was that your understanding of his remarks in  
8 that regard?

9 A Well, if I recall. I don't recall just exactly  
10 what he did say now.

11 Q You just remember the story about the cookies?

12 A Yes.

13 Q Would you carefully examine any circumstantial  
14 evidence that might arise in this case in arriving at your  
15 verdict?

16 A I would try my best, yes, sir.

17 Q You understand the fact that Johnnie Jones,  
18 or whoever it was, had an oatmeal cooky in his hand may  
19 well be evidence that he took the cooky out of the forbidden  
20 cooky jar; correct?

21 A Correct.

22 Q But do you understand that it is not necessarily  
23 evidence that he took the cooky out of the cooky jar?

24 A That's right.

25 Q It is entirely possible, isn't it, that his  
26 younger brother took it out of the cooky jar and handed it

1 to him sometime before his mother saw him in the living  
2 room with it?

3 A Very possible.  
4  
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9-1

1 Q So you cannot tell, can you, by the mere  
2 fact that Johnny Jones had an oatmeal cookie in his hand,  
3 whether he took that cookie or not?

4 A Right.

5 Q Now, if during the trial some circumstantial  
6 evidence comes up that could point one way, just like the  
7 cookie did, or it could point another way; it could point  
8 to innocence or it could point to guilt, would you  
9 adopt that theory of circumstantial evidence that pointed  
10 to innocence, if you were so instructed by the Court?

11 A Yes, sir.

12 MR. FITZGERALD: I have nothing further. Pass  
13 the juror for cause.

14 Oh, excuse me, I do have one more question.

15 Q Did you hear the prosecution indicate that  
16 they were asking for the death penalty in this case from  
17 your seat in the audience, did you hear that?

18 A I don't exactly recall that.

19 MR. FITZGERALD: Okay, thank you.

20 We will pass this juror for cause.

21 THE COURT: Mr. Reiner.

22 MR. REINER: Thank you, your Honor.

23  
24 VOIR DIRE EXAMINATION OF MR. ELLMAN

25 BY MR. REINER:

26 Q Mr. Ellman, you will be instructed that

9-2

1 you must presume that each of these defendants are guilty.

2 I am here at this time --

3 MR. STOVITZ: You made a misstatement, Counsel.

4 MR. REINER: You will be instructed hopefully that  
5 you are to presume these defendants are innocent, not  
6 guilty.

7 Q You appreciate that?

8 A Yes, sir.

9 Q Now, you, with all the mass of pretrial  
10 publicity -- we even have counsel using words such as that--  
11 you will not take the position --

12 THE COURT: Just a moment, sir.

13 MR. REINER: Yes, your Honor.

14 THE COURT: Let's not have any more comments like  
15 that, Mr. Reiner.

16 MR. REINER: Yes, your Honor.

17 BY MR. REINER:

18 Q Now, sir, you did hear the comments of Mr.  
19 Reynolds, the juror who was excused earlier?

20 A Yes, sir.

21 Q And you did hear him say that just simply  
22 because a defendant had been charged with a crime,  
23 irrespective of who the defendant was, and irrespective  
24 as to what the crime may be, that he entertained in his  
25 mind the suspicion that the person might be guilty or  
26 probably would be guilty?



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Do you feel that way?

A No, sir.

Q You then absolutely disagree with Mr. Reynolds' position that merely to be charged with a crime in and of itself is some evidence that you might be guilty?

A Yes, I disagree with it.

Q Will you then presume that Leslie Van Houten is innocent?

A Yes, sir.

Q Do you actually in fact at this moment presume that Leslie Van Houten is innocent?

A Yes, sir, I would have to.

Q And you would have to because at this point there is no evidence in the case, true?

A True.

Q And until and unless there is evidence in the case you will continue to presume that Leslie Van Houten is innocent?

A Yes, sir.

Q And even after evidence comes into the case, even evidence that relates to Leslie Van Houten, until and unless that evidence is so strong that it convinces you beyond all reasonable doubt, you will continue to presume that she is innocent, will you not?

A Yes, sir.

Q Can you do that in good conscience?

1 A Yes, sir.

2 Q And can you do that in good conscience  
3 irrespective of anything that you may have seen or heard  
4 from the media in the months that have preceded this case  
5 about the defendants generally?

6 A Yes, sir.

7 Q You have of course heard of the case before  
8 coming to court?

9 A Some, yes.

10 Q Do you feel that perhaps you might be  
11 subject to some criticism or pressure from your friends or  
12 family or acquaintances if you were to acquit even a  
13 single one of these defendants?

14 A It is possible.

15 Q Would it affect your judgment in any way?

16 A I don't think so, no, sir.

17 Q Very well, then, if at the end of this case,  
18 while you were deliberating, in your opinion that at least  
19 as to one defendant there was insufficient evidence to  
20 persuade you that she was guilty, would you then acquit  
21 that defendant?

22 A Yes, sir.

23 Q And that is irrespective of any thoughts that  
24 you might have as to any comments or criticism that you  
25 may receive from your friends, family and acquaintances?

26 A Yes, sir.

1 Q If during the course of your deliberations  
2 you have certain inclinations, whether they be subconscious  
3 or otherwise, to convict all persons, if there is evidence  
4 that anyone is involved, will you make a conscious attempt  
5 to discipline yourself to overcome such inclinations?

6 A Yes, sir.

7 Q You have no reservations whatsoever with  
8 respect to what you say?

9 A No, sir.

10 Q Now, in the event that a young girl by the  
11 name of Linda Kasabian testifies for the prosecution, as  
12 the prosecution has indicated she will testify, in the  
13 event in your opinion she is an accomplice to these  
14 killings, and the Court will instruct you as to what an  
15 accomplice is, when after listening to his Honor's  
16 instructions as to what an accomplice is, if you conclude  
17 that Linda Kasabian is an accomplice, will you then follow  
18 the Court's instruction with respect to how you are to  
19 consider or not consider her testimony?

20 A Yes, sir.

21 Q And if the Court instructs you that in the  
22 event you do conclude that Linda Kasabian is an accomplice,  
23 that you may not consider her testimony at all unless  
24 there is totally independent credible corroborating  
25 evidence?

26 Will you do that?

1 MR. BUGLIOSI: Your Honor, I object.

2 I don't believe the instruction will be to  
3 that effect.

4 THE COURT: Well, whatever the instructions are,  
5 Mr. Ellman, will you follow the Court's instructions?

6 MR. ELLMAN: To the best of my ability.

7 THE COURT: Even though they might not coincide  
8 with your personal views as to what the law is or should  
9 be, will you still follow them?

10 MR. ELLMAN: Yes, sir.

11 THE COURT: You have no mental reservations about  
12 that?

13 MR. ELLMAN: None at all, sir.

14 THE COURT: The objection is overruled.

15 BY MR. REINER:

16 Q Sir, do you appreciate that you have, as  
17 one of the possible 12 judges of the facts in this case,  
18 a monumental responsibility to follow the instructions  
19 of the law as they are given to you from the Court?

9a fls.

20 A Yes, sir.  
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1 Q So that although you are the sole judges of  
2 the facts, that is, what happened, that you are required to  
3 apply the law of the case to those facts and the law of the  
4 case is the law as stated to you by the Judge, not the law  
5 that will be stated to you by one attorney or another.

6 Do you appreciate that?

7 A Yes, sir.

8 Q And whether you are in sympathy with a  
9 particular rule of law that will be stated to you by the  
10 Judge, you will apply that law strictly to the facts as  
11 you see the facts?

12 A Yes, sir.

13 Q There are four defendants in this case.  
14 Will you treat each of the defendants  
15 separately, as you hear the evidence?

16 A Yes, sir.

17 Q So that if evidence should come in during the  
18 course of the trial that one, two, or three defendants are  
19 involved in some particular activity, you would not  
20 inadvertently apply such evidence toward the fourth, un-  
21 named defendant, would you?

22 A No, sir.

23 Q With respect to the attorneys, there are, as  
24 you have noticed, four attorneys.

25 Will you not allow yourself -- strike that.

26 If during the course of the trial you should

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1 develop certain attitudes with respect to one or more of the  
2 attorneys, will you discipline yourself not to allow  
3 yourself to permit that attitude to spill over toward any  
4 other attorney in this case?

5 A Yes, sir.

6 Q Then you fully appreciate there are four  
7 defendants and there are four lawyers?

8 A Yes, sir.

9 Q And that whenever I speak I speak only for  
10 Leslie Van Houten?

11 A That's right.

12 Q And that when any other attorney speaks he  
13 in turn speaks only for his respective client and at no  
14 time speaks for Leslie Van Houten.

15 A Yes, sir.

16 Q Now, sir, I am unaware, of course, at this time  
17 as to the nature and extent of the publicity that you have  
18 been exposed to before this trial began.

19 But will you assure us, irrespective of what  
20 the publicity was, irrespective of the extent or nature,  
21 that you will make every conceivable attempt to the  
22 extent it is humanly possible, to put that aside and decide  
23 this case solely on the evidence presented here at this  
24 trial.

25 A Yes, sir.

26 MR. REINER: Thank you very much.

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1 We pass for cause, your Honor.

2 THE COURT: Any questions, Mr. Shinn?

3 MR. SHINN: Pass for cause, your Honor.

4 THE COURT: Any questions, Mr. Kanarek?

5 MR. KANAREK: No, your Honor.

6 THE COURT: You pass for cause?

7 MR. KANAREK: Yes, your Honor.

8 May we approach the bench?

9 THE COURT: Very well.

10 (The following proceedings were had at the  
11 bench out of the hearing of the prospective jurors, all  
12 counsel being at the bench.)

13 MR. KANAREK: Your Honor, because this is an open  
14 session, our view is somewhat necessarily guided by that.

15 I would like the record to reveal that as to  
16 each and every juror, because of the all-pervasive publicity,  
17 and other matters which have taken place, it is our  
18 position that each and every one is challenged for cause  
19 as far as Mr. Manson is concerned, because of the publicity  
20 aspect, and also because of the direct personal attack upon  
21 me.

22 I just did not want to enunciate that in the  
23 presence of the jury.

24 THE COURT: No, I am not going to permit you to make a  
25 general challenge to all prospective jurors.

26 If you want to challenge a juror you will have

9a4  
1 to state the challenge and the grounds for it.

2 MR. KANAREK: Well, we would prefer, your Honor -- I  
3 don't think it is helpful for a litigant to state in court,  
4 that is, enunciate, that is, in the presence --

5 THE COURT: I am not suggesting that you do it in  
6 the presence of the prospective jurors. You may approach  
7 the bench as you are doing now; if you have a challenge,  
8 state it and the ground.

9 MR. KANAREK: Our position is that this juror  
10 should be challenged for cause, and we do challenge the  
11 juror for cause, because of the publicity aspects we have  
12 gone into, plus the aspects of the personal attack upon me.

13 The conduct of the District Attorney's office  
14 interferes with effective counsel.

15 THE COURT: Anything else, gentlemen?

16 MR. REINER: Yes, your Honor, with respect to this  
17 prospective juror that I just examined, I would object.

18 THE COURT: You have already passed for cause. Now  
19 you are changing your mind?

20 MR. REINER: Yes, with respect to the publicity issue,  
21 I would raise an objection for cause, for actual cause.

22 THE COURT: Under what section of the code?

23 MR. REINER: 1073.2, I believe.

24 But it is the grounds previously stated over and  
25 over and over in chambers, and it is essentially the same  
26 argument with one condition:



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1 That is, because this examination is taking  
2 place in open court over the objection of counsel, we  
3 are inhibited from entering into a thorough examination to  
4 determine the nature and extent of the pretrial publicity  
5 with respect to this particular juror.

6 Nonetheless, we would make the same objection  
7 that we have raised previously with regard to other  
8 prospective jurors.

9 We incorporate the same arguments.

10 MR. FITZGERALD: With leave of the Court, may I join  
11 in on behalf of Miss Krenwinkel, in Mr. Reiner's remarks?

12 THE COURT: Do you wish to be heard?

13 MR. STOVITZ: Submit it, your Honor.

14 MR. KANAREK: Not only that point, but I have one  
15 other point.

16 THE COURT: Wait a minute, one point at a time,  
17 Mr. Kanarek.

18 MR. KANAREK: I'm sorry.

19 THE COURT: The challenge will be disallowed.

20 MR. KANAREK: We wish to enunciate a challenge to  
21 Mrs. Fields for cause.

22 THE COURT: I thought that was what you were just  
23 doing.

24 MR. KANAREK: I don't believe it was Mrs. Fields. I  
25 think it was Mr. Ellman who was before the Court.

26 MR. FITZGERALD: Could our objections relate to both

1 Mrs. Fields and Mr. Ellman?

2 I would apologize to the Court, we did pass  
3 for cause and it was our intention --

4 THE COURT: Same objection, same challenge.

5 MR. KANAREK: As to Mrs. Fields, yes.

6 THE COURT: The challenge will be disallowed as to  
7 Mrs. Fields.

8 MR. KANAREK: We join with Miss Van Houten.

9 THE COURT: We will recess at this point --

10 MR. REINER: May we discuss the Court's publicity  
11 order as relates to the document I filed this morning?

12 THE COURT: I don't want to discuss it any further.

13 MR. REINER: We must have information from the Court  
14 as to what constitutes a violation.

15 The Court is ambiguous.

16 THE COURT: Read the order.

17 MR. REINER: I read the order. It does not apply,  
18 and your Honor refuses to indicate how it applies.

19 THE COURT: We are going to recess, Mr. Reiner.

20 MR. REINER: This Court refuses to indicate to counsel  
21 how it applies.

22 (The following proceedings were had in open  
23 court in the presence and hearing of all the prospective  
24 jurors, all defendants and all counsel being present:)

25 THE COURT: We are going to recess at this time,  
26 ladies and gentlemen, until 2:00 p.m.

1 Do not converse among yourselves or with any-  
2 one else on any subject relating to this case, nor form or  
3 express an opinion regarding the case until it is finally  
4 submitted to those of you who are selected as trial jurors.

5 2:00 p.m.

6 (Whereupon, a recess was taken to reconvene at  
7 2:00 p.m., same day.)  
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1 LOS ANGELES, CALIFORNIA, TUESDAY, JUNE 30, 1970 2:07 PM  
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4 (The following proceedings occur in chambers,  
5 all counsel being present but not the defendants:)

6 THE COURT: All counsel are present.

7 We have received some notes from some of  
8 the jurors that I wanted to bring to your attention.

9 Here is one from Mr. Stokes, Juror No. 6 --  
10 or one -- who says:

11 "Your Honor, my mother-in-law has  
12 decided to return to her hometown, New Orleans,  
13 this summer. To continue in this lengthy trial  
14 will be an undue hardship without her assistance.  
15 I wish to be excused as a prospective juror for  
16 this case. Thank you. Herman R. Stokes."

17 Does anybody want to stipulate to Mr.  
18 Stokes or not?

19 MR. FITZGERALD: No, your Honor.

20 We discussed the matter thoroughly at the  
21 recess and at the noon hour and we are not of a mind to  
22 stipulate any further to hardship cases.

23 THE COURT: Very well.

24 Now, the second one is from Mrs. Evelyn  
25 Smith, who is not yet in the jury box but is in the  
26 panel out in the courtroom. She says:

1 "To whom it may concern:

2 "I, Evelen Smith, need to be excused  
3 from this prospective jury for a scheduled surgery  
4 on 7/1/70" -- that is tomorrow -- "at 9:00 a.m.  
5 at UCLA Dental Department. Also for replacement  
6 of dentures that are waiting and ready for me.  
7 Very truly yours, Evelen Smith."

8 MR. FITZGERALD: We will offer to stipulate that she  
9 may be removed from the panel permanently.

10 THE COURT: So stipulated?

11 MR. REINER: So stipulated.

12 MR. SHINN: So stipulated.

13 MR. STOVITZ: So stipulated.

14 MR. KANAREK: Stipulate.

15 THE COURT: Mrs. Evelen Smith will be excused from  
16 the panel.

11 fls. 16

1 THE COURT: Then I have a letter, or a note, from  
2 Mr. Black, who is No. 11, Elzie K. Black.

3 "Dear Sir, I would like to be excused  
4 7/1/70 in the afternoon for appointment with  
5 doctor. Thank you, Elzie K. Black."

6 As you may recall, Mr. Black mentioned he would  
7 be willing to serve except he had to be excused every  
8 three or four weeks to keep a doctor's appointment.

9 MR. BUGLIOSI: We stipulate.

10 THE COURT: All he is asking for is to be excused  
11 tomorrow afternoon.

12 MR. REINER: No objection.

13 MR. STOVITZ: I don't think he could be excused for  
14 part of it. He would have to be excused totally.

15 This was the gentleman that we were going to let  
16 have the special visits to the doctor.

17 Something may happen tomorrow that is important  
18 for him to know.

19 THE COURT: That what?

20 MR. STOVITZ: Something may happen tomorrow that is  
21 important for him to know.

22 It seems to me we'd have to take a recess for  
23 the whole afternoon.

24 THE COURT: Perhaps we can get -- perhaps Mr. Black  
25 can rearrange his appointment for a time when the Court is  
26 not in session.

1 perhaps he can make his appointment later in  
2 the day.

3 MR. STOVITZ: Maybe we can inquire out there.

4 MR. BUGLIOSI: We would be willing to stipulate that  
5 he be permanently excused.

6 THE COURT: I don't think he should be excused  
7 permanently.

8 MR. FITZGERALD: No.

9 THE COURT: He's not asking to be excused permanently  
10 in the first place, all he requires is a little adjustment  
11 in time, one way or the other.

12 All right, I will inquire of Mr. Black.

13 MR. REINER: Excuse me, your Honor, while we are  
14 still here in chambers there is a matter we should discuss  
15 with the Court.

16 I informed the clerk of the matter that I was  
17 referring to.

18 That is in connection with the document that I  
19 filed with the Court this morning.

20 The Court has indicated when we were in  
21 chambers that it believed the contents of that document  
22 fell within the publicity order.

23 THE COURT: What I meant, Mr. Reiner, I don't recall  
24 my exact words, and I read it very quickly this morning  
25 when it was brought in, that it appears to me that there  
26 are matters referred to in there which would come within

1 the publicity order.

2 Now, in what context or how, I'm not going to  
3 catalog for you all of the ways in which the publicity order  
4 might be violated.

5 It might be violated in many, many ways.

6 You will simply have to determine that for  
7 yourself. I simply want to bring it to your attention that  
8 it appears to me that some of the matters referred to in  
9 there are matters which might come within the publicity  
10 order.

11 I am not accusing you of having violated the  
12 order or anything like that. I am simply calling it to  
13 your attention.

14 MR. REINER: The only matter I can conceive of --

15 THE COURT: I am not interested in getting into a  
16 discussion about it.

17 MR. REINER: Your Honor, we must.

18 THE COURT: No, we must not. We are not going to.

19 MR. REINER: I truly do not understand the Court's  
20 attitude in refusing to answer reasonable questions of  
21 counsel --

22 THE COURT: I am not going to give you an advisory  
23 opinion about the publicity order.

24 MR. REINER: I think the Court is obliged to give  
25 advisory opinions --

26 THE COURT: I told you I am not going to do it.



1 MR. REINER: Does the Court refuse --

2 THE COURT: You understand the language, Mr. Reiner,  
3 I am simply not going to give you an advisory opinion.  
4 That is what I mean.

5 I cannot put it more plainly.

6 MR. REINER: May I inquire as to why?

7 THE COURT: You may inquire, but we are going back  
8 into court.

9 Anything else before you retire from the  
10 courtroom, gentlemen?

11 MR. REINER: May I indicate to the Court I feel the  
12 Court is being manifestly unfair to counsel by telling  
13 counsel they must proceed at their own jeopardy, and the  
14 Court will not inform counsel as to what is proper or  
15 improper when counsel in advance asks the Court to be safe  
16 and correct, and informs the Court what it proposes to do,  
17 and if the Court has objection to it.

18 I think for the Court to turn counsel down is  
19 actually unheard of. I am trying to go as far as I can,  
20 that extra mile, to indicate to the Court problems I think  
21 may arise so I may receive advice of the Court so I won't  
22 inadvertently violate the Court's order.

23 Now the Court tells me to go on my own jeopardy  
24 and do what I do.

25 And if I am in violation the Court will inform  
26 me subsequently as to that. That is quite wrong.

1 THE COURT: The order is clear. You can read it;  
2 You can understand it.

3 MR. REINER: I agree it is clear, but the Court's  
4 interpretation of it is wholly ambiguous.

5 THE COURT: Let's proceed, gentlemen.

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1 (The following proceedings occurred in open  
2 court, all counsel and defendants present, the prospective  
3 jurors seated in the box;)

4 THE COURT: All parties and counsel are present,  
5 the prospective jurors are in the jury box.

6 Had you completed your voir dire examination,  
7 Mr. Stovitz?

8 MR. STOVITZ: No. We had just begun on this last  
9 juror.

10 THE COURT: All right, you may proceed.

11  
12 VOIR DIRE EXAMINATION OF MR. ELLMAN

13 BY MR. STOVITZ:

14 Q Do you pronounce your name Ellman?

15 A Yes, sir.

16 Q How long have you worked for this particular  
17 company, sir?

18 A I started in August of 1939.

19 Q Did you take time out for the Service?

20 A Yes, sir.

21 Q How long have you lived in the general area  
22 where you live now, sir?

23 A I'd say approximately ten years.

24 Q Now, you understand that the purpose of  
25 these questions is to ascertain if we can achieve 12 --  
26 seat 12 -- impartial jurors that are going to try this

12-2

1 case on the evidence and solely on the evidence.

2 You understand that, do you not, Mr.  
3 Eilman?

4 A Yes, sir.

5 Q And if anyone has any prejudices -- that  
6 means prejudgments -- we would like to know about them  
7 ahead of time.

8 Do you understand that, sir?

9 A Yes, sir..

10 Q Now, you have indicated to the Court that  
11 you do not oppose the imposition of the death penalty  
12 if the facts warrant it; is that correct, sir?

13 A Yes, sir.

14 Q Now, sir, suppose, after you retired to the  
15 jury room and you are selected as foreman of this jury,  
16 the jury comes in with a verdict of first degree murder,  
17 then you hear the evidence as to whether or not the  
18 penalty should be life or death, and you go back to the  
19 jury room, retire, and all of the jurors are in accord  
20 to vote for the death penalty as to one or all of the  
21 defendants.

22 Do you have that set of facts in mind?

23 A Yes, sir.

12a fls.

12a-1

Q All right.

And it comes down for you to sign that verdict. Would you be willing to sign that verdict?

MR. SHINN: I am going to object to the question, your Honor, as asking the juror to prejudge the evidence.

THE COURT: Sustained.

MR. STOVITZ: Q Would you hesitate in signing the verdict, sir?

A No, sir.

Q Now, sir, with respect to the penalty, sometimes there is a statement "Let George do it." In other words, they would let somebody else do it but they wouldn't want to participate in the death verdict itself.

I take it from your answers, Mr. Ellman, you would be actually willing to participate yourself in a verdict of death if that is what your conscience told you to do?

A Yes, sir.

Q Now, assume for the moment that you are considering the facts and you found the facts to be first degree murder based upon, say, the conspiracy theory that Mr. Bugliosi alluded to; and under this conspiracy theory, you understand, the actual perpetrator of the murder can be found guilty of first degree murder even though -- I am sorry -- a person can be found guilty of first degree murder even though he isn't the actual perpetrator of the

12a-2

1 murder.

2 Do you understand that?

3 A Yes, sir.

4 Q In other words, he might be sitting in a  
5 jury box some place and still be guilty of a crime that  
6 occurred across the street at the Federal Building.

7 Do you understand that?

8 A Yes, sir.

9 Q Now, let's assume that you have based your  
10 finding of first degree murder as to one or more of the  
11 defendants on that theory of conspiracy.

12 Now, it comes up to a decision as to whether  
13 or not you would impose a death penalty upon a person who  
14 was not the actual killer.

15 Do you picture in your mind that you could  
16 do that, sir?

17 A I think so, sir.

18 Q All right.

19 Now, let's assume, sir, that in your determina-  
20 tion of the facts in this case and in your finding of first  
21 degree murder you have used circumstantial evidence in  
22 arriving at that verdict.

23 Do you understand that circumstantial  
24 evidence need not just be cookies in a child's  
25 hands. That is merely a simple illustration; you  
26 understand that?

1 A Yes, sir.

2 Q Let's say in arriving at your verdict  
3 of first degree murder you have used circumstantial  
4 evidence to arrive at that verdict. You are convinced  
5 beyond any reasonable doubt that a particular defendant  
6 is guilty of first degree murder based upon circumstantial  
7 evidence.

8 Do you understand that, sir?

9 A Yes, sir.

10 Q Can you also envision that you could vote  
11 for the death penalty for that particular individual?

12 A Yes, sir.

13 Q Then you do not hesitate in voting for the  
14 death penalty in a case where part of the evidence is  
15 circumstantial; is that right?

16 A That's right.

17 Q All right.

18 Now, the fact that one or more of the  
19 defendants -- in fact, it looks like three of the  
20 defendants -- are young ladies. Would that in any way  
21 deter you from voting for the death penalty for a young  
22 lady if you felt the facts warranted it?

23 A No, sir.

24 Q Now, sir, it comes to pass sometimes in the  
25 course of a trial that some of the jurors think one way  
26 and one or two of the jurors think another way. And

1 let's say that you are in the minority.

2 Are you of the frame of mind that you would  
3 be willing to openly discuss your differences with the other  
4 jurors, or are you the type of person who would sit in the  
5 corner and say, "I am from Missouri; that is not proof  
6 to me; I am not going to listen to the facts; my mind is  
7 all made up"?

8 MR. SHINN: Your Honor, I will object to the question.

9 A question that asks how the juror is going  
10 to act in the jury room is improper voir dire, your Honor.

11 THE COURT: I think the question is properly directed  
12 to a state of mind. Overruled.

13 MR. STOVITZ: Do you understand the question, sir?

14 MR. ELLMAN: Please repeat it.

15 MR. STOVITZ: All right.

16 Q Are you of the frame of mind, sir, that  
17 assume you are discussing the evidence or the penalty to  
18 be imposed and you determine that you are in the minority  
19 as far as the way the other jurors feel. Are you of a  
20 frame of mind that you are going to just sit in a corner  
21 and not discuss the evidence?

22 A No. I think it would be best to discuss it.

23 Q It would be best to discuss it, yes.

24 And if at first you find you were wrong,  
25 you wouldn't be so inclined that you wouldn't be man  
26 enough to change your opinion and vote according to the way



1 you now see the evidence; is that right, Mr. Ellman?

2 A I don't think so, sir.

3 Q Now, we can be up here for three hours and  
4 asking you all kinds of questions. The most important  
5 question is whether or not you are of the frame of mind  
6 to give both the People and the defendant a fair and  
7 impartial trial.

8 Do you understand that, sir?

9 A Yes.

10 Q Now, counsel before us stated that there  
11 were four attorneys in this case. You heard him say that?

12 A Yes, sir.

13 Q Do you see four attorneys in this case?

14 A I see about six.

15 Q That's right. So you now know that everything  
16 that counsel says is not evidence in this case; is that  
17 right?

18 A That's right.

19 Q You arrive at the evidence from what the  
20 witnesses say, because counsel are not sworn to testify  
21 as witnesses are sworn to testify.

22 Do you understand that?

23 A Yes, sir.

24 Q And so, too, you heard counsel say that a  
25 defendant is presumed to be guilty; and of course he made  
26 a mistake. But you are not to take the law from counsel.

1 You understand that? That you are not to take it from  
2 counsel but you are to take it from the Court?

3 A Yes, sir.

4 Q And in taking that law, the Court will tell  
5 you that sometimes the law only applies to a particular  
6 set of facts, and if you do not find those facts to  
7 exist, you are to disregard that proposition of law.

8 Do you think you could follow that instruc-  
9 tion?

10 A I would try my best, sir.

11 Q Now, you have heard counsel's explanation  
12 about the principles of conspiracy and how they may  
13 apply in this case, did you not?

14 A Yes, sir.

15 Q Now, when I say "fully understand," I will  
16 change that.

17 Do you understand that one person may be  
18 guilty of a crime, of the actual crime that another person  
19 commits and that first person has joined a conspiracy  
20 with that second person?

21 A Yes, sir.

22 Q An illustration that I use that counsel  
23 doesn't use, the man that sits in the car acting as a  
24 lookout, so to speak, can be guilty of robbery that  
25 occurs in a bank.

26 Do you understand that?

A Yes, sir.

13-1

1 Q And the man who was staying back at the hotel  
2 room that set up the robbery can be guilty of the crime  
3 they all commit if he is a conspirator, you understand  
4 that?

5 A Yes, sir.

6 Q And you have no prejudices against following  
7 that?

8 A No, sir, I have none.

9 Q If you were in the position of Mr. Bugliosi  
10 and myself, prosecutors in this case, and you knew every-  
11 thing there was to know about your own background, your own  
12 personal life, and all you wanted were 12 fair-minded,  
13 impartial jurors to sit on this jury, would you choose  
14 somebody in your frame of mind?

15 A I think so, sir.

16 MR. STOVITZ: Thank you, very kindly.

17 People pass for cause, your Honor.

18 THE COURT: The defendants may exercise their first  
19 joint challenge.

20 MR. FITZGERALD: We will accept the jury as it is  
21 now constituted.

22 THE COURT: Are you speaking now for all defendants?

23 MR. FITZGERALD: I am speaking in regard to the  
24 exercise of joint peremptories.

25 In respect to exercise of individual  
26 peremptories, defendant Patricia Krenwinkel will accept the

13-2  
1 jury as now constituted.

2 MR. SHINN: The defendant Susan Atkins will accept the  
3 jury as now constituted.

4 MR. KANAREK: Mr. Manson accepts the jury as now  
5 constituted, your Honor.

6 MR. REINER: On behalf of Defendant Leslie Van Houten  
7 we will thank and excuse Juror No. 7.

8 THE COURT: State the name, sir.

9 MR. REINER: I believe it's Mr. Rios, I don't have  
10 any notes with me.

11 THE COURT: Do you wish to confer with your client,  
12 Mr. Reiner?

13 MR. REINER: I have conferred with my client. I  
14 believe Miss Van Houten would like to address the Court.

15 THE COURT: Yes, Miss Van Houten?

16 DEFENDANT VAN HOUTEN: Your Honor, I asked a few  
17 days ago -- Mr. Reiner and I aren't working together.

18 THE COURT: You have a request to make, Miss Van  
19 Houten?

20 DEFENDANT VAN HOUTEN: I wish to dismiss Mr. Reiner.

21 THE COURT: What is the basis of that request?

22 DEFENDANT VAN HOUTEN: Mr. Reiner is fighting a case  
23 the way Mr. Reiner wants to fight it.

24 I have my opinion the way that I see it should  
25 be done and, you know, we have discussed it many, many  
26 times, and like in private chambers, even there there was a

3-3  
1 disagreement.

2 THE COURT: Is this something Mr. Reiner told you to  
3 say?

4 DEFENDANT VAN HOUTEN: Mr. Reiner! What? No,  
5 Mr. Reiner didn't tell me to say anything.

6 I say what Leslie says, I say what I say.

7 THE COURT: All right, anything else?

8 DEFENDANT VAN HOUTEN: Mr. Reiner is saying what he  
9 says, and this is my case, right? This is my life.

10 It is not Mr. Reiner's life.

11 THE COURT: Anything further?

12 DEFENDANT VAN HOUTEN: That I just wish to dismiss  
13 him.

14 THE COURT: Is that all?

15 DEFENDANT VAN HOUTEN: What else can I say?

16 THE COURT: Very well. Your motion is denied.

17 DEFENDANT VAN HOUTEN: Well, your Honor, may I ask  
18 you where do I go from here? Again I ask.

19 THE COURT: Sit down, Miss Van Houten.

20 Let's proceed.

21 Do you wish to exercise a challenge, Mr. Reiner?

22 MR. REINER: Yes, your Honor, prior to exercising  
23 that challenge I would assign your Honor's remarks to  
24 Miss Van Houten as misconduct, the suggestion that --

25 MR. STOVITZ: All assignments for misconduct are  
26 traditionally handled outside the presence of the jury.

4  
1 MR. REINER: Very well, may we approach the bench?

2 THE COURT: You may.

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

5 MR. REINER: Your Honor, I would assign the comments  
6 of this Court to the defendant in the presence of the  
7 prospective jury as misconduct.

8 I am personally offended by the intimation by  
9 this Court that I have just had Miss Van Houten stand up and  
10 make these remarks.

11 I think it should be abundantly clear to every-  
12 body in this courtroom; it is abundantly clear to the  
13 prosecution as it is to all the defense counsel that we  
14 have difficulty with these clients.

15 They are in fact trying to dismiss us.

16 I have indicated to the Court in the past and  
17 I am absolutely appalled at what I believe to be the  
18 irresponsibility of this Court to indicate in open court  
19 that it entertains a suspicion in its mind, it is simply a  
20 ploy on our part.

21 I am insulted by this.

22 I am offended by this.

23 I have done absolutely nothing in this trial to  
24 warrant any such suspicion.

25 I have done every conceivable thing that any-  
26 body can possibly do to avoid every one of these problems.

1 The only thing I have not done is accept the instruction  
2 of my client that I am to remain mute in the course of  
3 this voir dire examination.

4 For that the client decided she wanted to  
5 dismiss me. It is her desire that I remain mute during  
6 the entire trial.

7 Because I refuse to do that, I don't feel any  
8 attorney can ethically do that, then I am insulted in open  
9 court by your Honor.

10 And there is absolutely no basis for it.

11 And I am just appalled by the conduct of the  
12 Court, and I think the defendant has been severely  
13 prejudiced by the Court's attitude towards counsel.  
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1 THE COURT: Well, there has been no intimation  
2 that you have done anything improper, Mr. Reiner.

3 It is perfectly apparent to the Court that  
4 Miss Van Houten is attempting to use some kind of dilatory  
5 tactic to delay this trial.

6 It is also apparent that she is parroting  
7 somebody's remarks, and I don't know who, and when she  
8 stands up and makes a request to dismiss her counsel,  
9 I'm going to inquire into it.

10 I want to know whether she is speaking her  
11 own words or someone else's words. That is all there is  
12 to that.

13 I want to know where she gets these ideas  
14 and what the basis is for them.

15 It is perfectly plain from her answers she  
16 has no basis whatever, simply an attempt to delay the  
17 trial.

18 You have made your record.

19 MR. REINER: It is simply not a record.

20 I am concerned with the conduct of the Court  
21 throughout this trial.

22 THE COURT: Don't be concerned as to what goes on  
23 from here, Mr. Reiner, just make your record.

24 MR. STOVITZ: Speaking objectively, the defendant  
25 answered the Court's inquiry, and completely told the  
26 Court it is her own idea, and any kind of inferences made



13a-2 1

are only made in counsel's mind.

2

I did not get the inference that the Court was assigning any kind of suggestion toward you.

3

4

I was wondering whether she got it from Manson or one of the other girls or what.

5

6

MR. REINER: I must also object to the tenor of your Honor's remarks a moment ago where your Honor said "Go ahead and make your record," as though I am not speaking words of any substance.

7

8

9

10

THE COURT: I am concerned in listening to what you have to say, but I think your feigned outrage of this rather innocent question that the Court put to your client is for the record.

11

12

13

14

MR. REINER: It is not feigned.

15

THE COURT: It appears to me to be.

16

MR. REINER: I cannot indicate what I appear --

17

THE COURT: Let's proceed, gentlemen.

18

19

MR. STOVITZ: Is the motion of assignment for misconduct disallowed, your Honor?

20

THE COURT: It is disallowed.

21

22

23

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

24

25

THE COURT: Do you wish to exercise a challenge, Mr. Reiner?

26

MR. REINER: Yes, I do, your Honor. I wish to

1 exercise a peremptory challenge with respect to Juror  
2 No. 7.

3 THE COURT: State the name.

4 MR. REINER: Mr. Rios.

5 THE COURT: This is an individual peremptory  
6 challenge on behalf of Defendant Leslie Van Houten.

7 You are excused, Mr. Rios. ✓

8 DEFENDANT VAN HOUTEN: On behalf of Defendant  
9 Mr. Reiner.

10 THE COURT: Sit down, Miss Van Houten.

11 DEFENDANT VAN HOUTEN: Okay.

12 (Mr. Rios, Juror No. 7, is excused and  
13 leaves the jury box.)

14 THE CLERK: Should I call a name, your Honor?

15 THE COURT: Yes.

16 THE CLERK: William S. Atwood, W-i-l-l-i-a-m;  
17 A-t-w-o-o-d.

18 (Whereupon, William S. Atwood came forward  
19 and was seated in seat No. 7 of the jury box.)

20  
21 VOIR DIRE EXAMINATION OF MR. WILLIAM S. ATWOOD  
22 BY THE COURT:

23 Q Mr. Atwood, have you heard and understood  
24 everything that has been said in court since you came  
25 into this case?

26 A Most of it.

1 Q If you were selected as a trial juror in  
2 this case would you be able to serve?

3 A No, I would not.

4 Q What is your situation, sir?

5 A Well, financially.

6 Q Will you hold the microphone closer?

7 A Financially mainly.

8 Q Would you explain what you mean by that?

9 A I don't believe my company would pay me  
10 while I am off.

11 Q By whom are you employed?

12 A Southern Pacific Company.

13 Q Southern Pacific Railroad?

14 A Yes, sir.

15 Q Have you discussed this matter with them  
16 concerning your compensation while you are serving as  
17 a juror?

18 A Only for the original 30 days.

19 Q So at this moment you don't know one way  
20 or the other whether or not they will continue your  
21 compensation?

22 A No, I don't, it would also create a hardship.

23 Well, I would just rather not spend that much  
24 time being sequestered.

25 Q You will have to keep your voice up,  
26 Mr. Atwood, so everyone can hear.

1 Now, I'm going to ask you the same questions  
2 concerning the death penalty that I put to the other  
3 jurors.

4 Do you entertain such conscientious  
5 opinions regarding the death penalty that you will be  
6 unable to make impartial decision as to any defendant's  
7 guilt, regardless of the evidence developed during the  
8 trial?

9 A No.

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

14 A No.

15 THE COURT: Mr. Fitzgerald, do you wish to inquire?

16 MR. FITZGERALD: We will pass this juror for  
17 cause.

18 THE COURT: Mr. Reiner?

19 MR. REINER: Thank you, your Honor.

20  
21 VOIR DIRE EXAMINATION OF MR. ATWOOD  
22 BY MR. REINER:

23 Q Sir, you will be instructed, should it  
24 occur that you will be a juror in this case, that you  
25 are required to presume the defendants are innocent?

26 Now, will you accept that instruction?

1 A As a legal reason, yes.

2 Q I am not sure I understood your response  
3 when you said "as a legal reason."

4 In what were were you attempting to  
5 qualify your answer?

6 A According to the law, as I understand,  
7 we are supposed to assume they are innocent, right?

8 Q Yes.

9 A I feel somewhat as the other gentleman  
10 did that was excused earlier.

11 Q Would it be a fair statement of your point  
12 of view that where a defendant is charged with a crime,  
13 irrespective of what the crime is, irrespective who the  
14 defendant is, that there exists in your mind a belief  
15 in the probability of the guilt of the defendant, if  
16 not the certainty, at least the probability?

17 A I don't understand that question.

18 Q You were referring, were you not, <sup>to</sup> the view  
19 expressed earlier by Mr. Reynolds?

20 A Yes.

13b fls.

13-A-1

1 Q That was a juror who was previously excused for  
2 cause?

3 A Yes.

4 Q Now, did you understand Mr. Reynolds to have  
5 said that in a criminal case where a defendant has been  
6 charged with a crime, that irrespective of who the defendant  
7 is, and irrespective of what his crime is, that he may be  
8 charged with, that the mere fact that he is charged with a  
9 crime raises a suspicion in your mind that he may probably  
10 be guilty.

11 Would that be a fair statement of your  
12 reasoning, of Mr. Reynolds' position?

13 A Yes.

14 Q All right, is that also your position?

15 A Well, in this case, yes.

16 Q In this case, or in all cases generally?

17 A In this particular case.

18 Q All right. So in this particular case there  
19 exists in your mind the suspicion that the defendants,  
20 some of them or all of them, are probably guilty, is that  
21 correct?

22 A Yes.

23 Q And is that based upon information that has  
24 come to you over the months through the media?

25 A Yes.

26 Q That would be including newspapers, radios,

1 television, and the like?

2 A Yes.

3 Q And would that also be based upon information  
4 that has come to you in a perhaps more informal way than  
5 discussions and conversations that you had or overheard  
6 with friends, acquaintances and relatives within the  
7 community?

8 A Merely through the newspapers and television.

9 Q All right. And it is through the newspapers  
10 and television that you have acquired your belief in the  
11 guilt of the defendants, is that correct?

12 A That there might be guilt.

13 MR. REINER: All right. Thank you. I have no  
14 further questions.

15 THE COURT: Mr. Shinn?

16 MR. SHINN: Pass for cause.

17 THE COURT: Mr. Kanarek?

18 MR. KANAREK: May we approach the bench, your Honor?

19 THE COURT: Very well.

20 (The following proceedings were had at the  
21 bench outside the hearing of the prospective jurors.)

22 MR. FITZGERALD: On behalf of the defendant Patricia  
23 Krenwinkel we would ask leave of Court to withdraw our  
24 passing this juror for cause, in light of what Mr. Reiner's  
25 examination has presented.

26 We would at this time interpose an objection

1 for cause. That is to say, we challenge this juror for  
2 actual bias on the ground he has a preconceived opinion  
3 as to the guilt of the defendants.

4 MR. REINER: We join on behalf of Leslie Van Houten.

5 MR. KANAREK: Join, your Honor.

6 MR. SHINN: I challenge for cause.

7 MR. STOVITZ: Submit the matter with no argument,  
8 your Honor.

9 THE COURT: All right.

10 Mr. Atwood will be excused for cause.

11 The challenge is allowed.

12 MR. REINER: Thank you, your Honor.

13 Mr. Fitzgerald a few moments ago actually mis-  
14 spoke himself. He earlier indicated that he would pass  
15 the peremptory challenge.

16 What I think he meant to say was we had not  
17 reached the necessary unanimity of opinion to exercise a  
18 joint challenge.

19 Is that correct, Mr. Fitzgerald?

20 MR. FITZGERALD: I will follow any procedure  
21 suggested by the Court.

22 THE COURT: Well, as we discussed in our pretrial  
23 conference, you were going to announce if there was a joint  
24 challenge, what it was.

25 If course if you cannot agree on a joint  
26 challenge, then there is no joint challenge.



1 MR. FITZGERALD: It is likely we will be unable to  
2 agree.

3 In the event that we are unable to agree, how  
4 would you like me to state it to the Court?

5 I think that is the problem.

6 THE COURT: You can simply say there is no joint  
7 challenge, and I will ask each of you if you care to  
8 exercise an individual peremptory.

9 MR. FITZGERALD: Is that agreeable, Mr. Reiner?

10 MR. REINER: That would be agreeable except I don't  
11 think that will reveal the correct situation on some  
12 occasions.

13 It may occur that all of us feel we want the  
14 jury, and therefore not exercise remaining joint challenges.

15 On the other hand some of us would not want  
16 to accept the jury, but perhaps one or more of us would  
17 disagree.

18 I think there would have to be a distinction  
19 between acquiescence on the part of all counsel not to make  
20 a joint challenge, and a situation that occurs where there  
21 is not a unanimity of opinion to exercise a joint challenge,  
22 I think a distinction must be made.

23 THE COURT: I don't understand what you're talking  
24 about.

25 MR. FITZGERALD: I will follow any procedure suggested  
26 by the Court.

1 THE COURT: If you can agree on a joint challenge,  
2 exercise it; otherwise I will ask each of you if you wish to  
3 exercise an individual challenge.

4 MR. FITZGERALD: That is agreeable.

5 MR. REINER: Very well.  
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1 (Whereupon, all counsel return to their  
2 respective places at the counsel table and the following  
3 proceedings occurred in open court within the presence and  
4 hearing of the prospective jurors:)

5 THE COURT: Mr. Atwood, you will be excused.  
6 Thank you, sir.

7 THE CLERK: Martin S. Freeman; M-a-r-t-i-n,  
8 F-r-e-e-m-a-n.

9  
10 VOIR DIRE EXAMINATION OF MARTIN S. FREEMAN  
11 BY THE COURT:

12 Q Mr. Freeman, have you heard and understood  
13 everything that has been said in court since you came into  
14 the case?

15 A Yes, I have.

16 Q If you were selected as a juror in this case,  
17 would you be able to serve?

18 A Yes.

19 Q I am going to put the same two questions to  
20 you, Mr. Freeman, regarding the death penalty.

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

25 A No.

26 Q Do you entertain such conscientious

14-2  
1 opinions regarding the death penalty that you would  
2 automatically refuse to impose it without regard to the  
3 evidence developed during the trial?

4 A Yes, I would.

5 Q Can you conceive of any type of case where you  
6 would be willing to impose the death penalty?

7 A No, I cannot.

8 Q Do you feel that your mind is unalterably  
9 made up at this time on that question, Mr. Freeman?

10 A Yes, it is.

11 Q And under no circumstances could you ever vote  
12 for the death penalty?

13 A I cannot see any.

14 Q I am sorry. I didn't hear your last answer?

15 A I said I cannot see any.

16 THE COURT: Do counsel wish to inquire?

17 MR. FITZGERALD: No, your Honor.

18 MR. REINER: No.

19 MR. SHINN: No questions.

20 MR. KANAREK: Yes, sir, your Honor, but I would like  
21 to approach the bench in view of the juror's previous  
22 answer.

23 THE COURT: Do the People wish to inquire?

24 MR. STOVITZ: No, your Honor.

25 We would ask your Honor to excuse the juror for  
26 cause.

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1 MR. REINER: Join.

2 MR. KANAREK: Except for the --

3 THE COURT: Are you opposing the challenge? Is that  
4 what you are doing, Mr. Kanarek?

5 MR. KANAREK: I would articulate it at the bench if  
6 I might, your Honor.

7 MR. FITZGERALD: We would oppose the challenge on  
8 due process and equal protection grounds. I think that  
9 adequately states the objections.

10 THE COURT: Do you join in that?

11 MR. KANAREK: I join in that, yes, your Honor.

12 MR. REINER: Your Honor, I will join with  
13 Mr. Fitzgerald.

14 MR. SHINN: Join, too, your Honor.

15 THE COURT: Very well.

16 You will be excused, then, Mr. Freeman. Thank  
17 you very much.

18 THE CLERK: Mrs. Ruth Hollander; R-u-t-h,  
19 H-o-l-l-a-n-d-e-r.

20  
21 VOIR DIRE EXAMINATION OF MRS. RUTH HOLLANDER  
22 BY THE COURT:

23 Q Mrs. Hollander, have you heard and understood  
24 everything that has been said in court since you came into  
25 the case?

26 A I think I have, sir.

4-4  
1 Q If you were selected as a trial juror in this  
2 case, would you be able to serve?

3 A It would work a hardship on me because I have a  
4 husband and I have a mother-in-law who will be 91 in  
5 September and she lives with us and I have to do quite a  
6 little bit of taking care of her. So, it would be a hard-  
7 ship for me.

8 Q I see.

9 I am going to ask you the questions regarding  
10 the death penalty that I put to the other jurors.

11 Do you entertain such conscientious opinions  
12 regarding the death penalty that you would be unable to  
13 reach an impartial decision as to any defendant's guilt  
14 regardless of the evidence developed during the trial?

15 A Yes, I do.

16 Q What is your opinion on that?

17 A I don't believe in the death penalty under any  
18 circumstances.

19 Q Well, that does not necessarily answer the  
20 question that you were asked.

21 My question is directed to the so-called  
22 first phase of the murder trial, Mrs. Hollander. I am  
23 not asking you now whether you would be willing to impose  
24 it. What I am asking you is whether your opinions would  
25 affect your ability to make an impartial decision as to  
26 guilt.

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A Yes, I think they would.

Q Well, would you explain what you mean by that?

A Well, as I said before, I don't believe in the death penalty under any circumstances. I am opposed to it.

4A

14a-1

1 Q Well, what effect would that have on your  
2 ability to determine the question of guilt?

3 A Well, I wouldn't be able to impose the  
4 death penalty on anybody.

5 Q You see, I am not asking you that question,  
6 Mrs. Hollander. I am asking you now whether your opinions  
7 would affect your ability to find someone guilty or not  
8 guilty impartially.

9 A Well, yes, I think they would.

10 Q In what way?

11 A Well, because I wouldn't want them put  
12 to death, so I would feel that way about it right from  
13 the start.

14 Q Do you think you might be more inclined  
15 to acquit them because of your views regarding the death  
16 penalty than, say, in some other case where there is no  
17 possible death penalty involved?

18 A Yes.

19 THE COURT: Does counsel wish to inquire?

20 MR. FITZGERALD: No, your Honor.

21 MR. REINER: No, your Honor.

22 MR. SHINN: No questions.

23 MR. KANAREK: No questions.

24 MR. STOVITZ: We will ask that this juror be  
25 excused for actual cause.

26 MR. FITZGERALD: We will object. We don't think



14a-2

1 her responses can be categorized as unambiguous. I am  
2 speaking of Witherspoon vs. Illinois.

3 MR. REINER: We will object on the same ground.

4 MR. SHINN: Join in the objection on the same  
5 grounds.

6 MR. KANAREK: Join, your Honor.

7  
8 VOIR DIRE EXAMINATION OF MRS. HOLLANDER  
9 BY THE COURT:

10 Q Mrs. Hollander, do you entertain such  
11 conscientious opinions regarding the death penalty that  
12 you would automatically refuse to impose it regardless of  
13 the evidence developed during the trial?

14 A Yes, I do.

15 Q Can you conceive of any case or type of  
16 case where you would be willing to listen to the evidence  
17 before you made up your mind on the question of penalty?

18 A No, I can't.

19 MR. FITZGERALD: We will object on the additional  
20 grounds of due process and a violation of equal protection.

21 THE COURT: You will be excused, Mrs. Hollander.  
22 Thank you.

23 THE CLERK: Mrs. Gussie E. Willis; G-u-s-s-i-e,  
24 W-i-l-l-i-s.

25 (Whereupon, Mrs. Gussie E. Willis came  
26 forward and was seated in jury box No. 7 of the jury box.)

## VOIR DIRE EXAMINATION OF GUSSIE E. WILLIS

BY THE COURT:

Q Mrs. Willis, have you heard and understood everything that has been said in court since you came into this case?

A Yes, sir.

Q If you were selected as a trial juror would you be willing and able to serve?

A I believe so, yes.

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

A No.

Q Do you entertain such conscientious opinions regarding the death penalty that you would automatically refuse to impose it without regard to the evidence developed during the trial?

A No, sir.

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

MR. FITZGERALD: No, your Honor.

THE COURT: Pass for cause?

MR. FITZGERALD: Yes.

THE COURT: Mr. Reiner?

MR. REINER: Thank you, your Honor.

14a-4

## 1 VOIR DIRE EXAMINATION OF MRS. WILLIS

2 BY MR. REINER:

3 Q Mrs. Willis?

4 A Yes.

5 Q You will be instructed that you must presume  
6 the defendants and each of them to be innocent.

7 Will you follow that instruction?

8 A Yes, sir.

9 Q Do you, in fact, believe that the defendants  
10 have a presumption of innocence? and are entitled to a  
11 presumption of innocence?

12 A Entitled to it, yes, sir.

13 Q You do not follow the view of the man who  
14 was in that seat just a moment ago and Mr. Reynolds a  
15 little earlier that merely because a person is charged  
16 with a crime creates in your mind a suspicion that they  
17 are perhaps guilty of that crime?

18 A That's right.

19 Q You do not follow their views?

20 A That's right.

21 Q And can you, in good conscience, give the  
22 presumption of innocence to a defendant charged with a  
23 crime, even one as notorious as this one?

24 A I am sure I could.

25 Q And notwithstanding all of the publicity  
26 that has surrounded this case since last August --

14a-5 1 A That's right.  
2 Q -- and most especially the publicity that  
3 has surrounded the case since last December when there  
4 were certain arrests in the case?

14b fls. 5 A Right.  
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14b-1

1 Q Do you feel that perhaps you would be  
2 subject to criticism from friends or acquaintances if  
3 it should happen that at the conclusion of this case you  
4 were to acquit even a single defendant?

5 A It would have no bearing.

6 Q And you would not consider the judgments  
7 that your friends would make of you?

8 A No.

9 Q If you were to fail to convict all persons;  
10 is that true?

11 A True.

12 Q Do you think that perhaps there might be  
13 some subconscious inclination that you might have that  
14 has built up over the last few months because of the  
15 publicity that this case has received to convict whoever  
16 was charged with a crime, most especially these particular  
17 defendants?

18 A I'm sorry. My mind wavered a little. Would  
19 you repeat that?

20 Q Surely.

21 You have heard of this case before you were  
22 called as a prospective juror; is that right?

23 A Yes, sir.

24 Q And the names of the defendants or at least  
25 some of them are familiar to you, are they not?

26 A Yes, they are.

1 Q Do you feel that perhaps, having read about  
2 this case for some months, having observed portions of  
3 the proceedings or comings and goings of various persons  
4 involved in these proceedings on television, that there  
5 may be some subconscious inclination on your part to  
6 convict any person, particularly these defendants who are  
7 charged with the crime?

8 A I would have to have proof.

9 Q Well, if, in the event there are some  
10 subconscious inclinations on your part, at the time that  
11 you were deliberating in the jury room, would you make  
12 every conscious attempt to discipline yourself to decide  
13 the case based solely upon the evidence and not to allow  
14 any other matters that may have crept into your subconscious  
15 mind from some other source to affect your judgment?

16 A By all means.

17 Q The crime is a terrible one, it is a grotesque  
18 one. Would you allow your emotions to overwhelm your  
19 judgment in this case?

20 A No.

21 Q So, you would not be so outraged at the very  
22 fact of the crime that you would convict all persons  
23 charged with the crime rather than being selective as  
24 to who was guilty and who was not guilty?

25 A Right.

26 Q So that even in light of the absolutely

1 grotesqueness of the crime, if there was no evidence  
2 presented to persuade you beyond all reasonable doubt that  
3 Leslie Van Houten was guilty, you would acquit her?

4 A If she was not guilty, I would acquit her.

5 Q If the evidence presented that relates to  
6 Leslie Van Houten is only enough to create a suspicion  
7 in your mind and not enough to convince you beyond all  
8 reasonable doubt, would you acquit her?

9 A Only on suspicion, I am afraid I would.

10 Q Why would you acquit her if there was only  
11 a suspicion in your mind?

12 A I don't think I would want it on my conscience  
13 that I made a finding over her or her life, or whatever  
14 her future is.

15 Q So, only if the evidence is so strong that  
16 you are convinced beyond all reasonable doubt would you  
17 consider convicting?

18 A That's right.

19 Q And you have no reservations about any of  
20 these things that you have said?

21 A None.

22 Q Now, you did observe Leslie Van Houten  
23 a moment ago stand up and address herself to the Court,  
24 did you not?

25 A That's right.

26 Q Were you able to hear what she said?

1 A Yes, clearly.

2 Q And you did hear the colloquy that occurred  
3 between the Court and myself before we approached the  
4 bench?

5 A Yes.

6 Q Irrespective of your opinion or irrespective  
7 of your interpretation of this particular incident that  
8 occurred, would you allow any incident that occurred  
9 today, before today, or at any time during the course of  
10 this trial, out here in the courtroom as opposed to what  
11 is presented in evidence, to affect your judgment in this  
12 case?

13 MR. BUGLIOSI: Your Honor, I don't think that is a  
14 proper question.

15 May we approach the bench on that?

16 I think certain things can occur outside  
17 that witness stand, as long as they occur here in court,  
18 which a juror can take in consideration.

19 I would request the Court to indicate what  
20 those matters are, your Honor, at the bench.

21 THE COURT: Very well.

22 (Whereupon all counsel approach the bench  
23 and the following proceedings occurred at the bench outside  
24 of the hearing of the prospective jurors:)

25 MR. BUGLIOSI: This creates a very interesting  
26 question of whether or not the jury can take into



1 consideration just observing a defendant at a counsel  
2 table and their demeanor.

3 I think they can, your Honor. I might be  
4 mistaken on that and I haven't researched the area,  
5 but I can say this: I think it is very clear that if  
6 a particular defendant got up, your Honor, at counsel table,  
7 and not on the witness stand, and says "I am guilty,"  
8 I think, certainly, the jury can take that into  
9 consideration.

10 I don't think / <sup>that</sup> they are solely restricted  
11 by what comes from the witness stand under oath.

12 I think if the defendants are in front of  
13 them and if their conduct, in the jury's mind, is not  
14 consistent with innocence, it seems to me they can take  
15 that into consideration.

16 I may be wrong on that. I know that if they  
14c fls. 17 confess in open court, --

14-C-1 1 THE COURT: Well, of course, we have no such  
2 problem involved here.

3 I think the question is a proper one, and  
4 certainly as to anything that is said between Court and  
5 counsel, or between Court and the defendants, the jurors  
6 are not to take that into account.

7 MR. BUGLIOSI: I agree with the Court on that.

8 THE COURT: That would be a proper subject of inquiry.  
9 And I think also as to matters such as the statement made  
10 by Miss Van Houten during the course of jury selection,  
11 that the jury should not consider any of that.

12 MR. BUGLIOSI: I agree with the Court on that.

13 MR. REINER: If I may respond?

14 It is my understanding that the jury may  
15 consider anything in evidence, not anything that occurs  
16 within their view if the matter is not in evidence.

17 THE COURT: Of course, the demeanor of a witness  
18 while testifying may be considered.

19 MR. REINER: True. The demeanor is something in  
20 evidence.

21 THE COURT: No, it is not in evidence. It is only in  
22 their view, the demeanor.

23 MR. REINER: That is of a witness as opposed to a  
24 person sitting at counsel table.

25 THE COURT: I overrule the objection. You may  
26 inquire..

L4C2

1 MR. BUGLIOSI: It is a very interesting question.

2 (Whereupon, all counsel return to their  
3 respective places at counsel table and the following  
4 proceedings occurred in open court within the presence  
5 and hearing of the jury:)

6 MR. REINER: Your Honor, may the reporter read the  
7 question to the witness -- I am sorry, to the prospective  
8 juror?

9 THE COURT: Read the last question.

10 (The record was read by the reporter.)

11 MRS. WILLIS: No.

12 MR. REINER: Q Now, if it should be your inter-  
13 pretation that Leslie Van Houten has attempted or may  
14 attempt to try to be convicted, even in the absence of any  
15 evidence of her guilt, would you nonetheless acquit her?

16 A Yes.

17 Q So that you would acquit Leslie Van Houten if  
18 there was not sufficient evidence to persuade you beyond  
19 all reasonable doubt even if you believed that she wanted  
20 to be acquitted -- or she wanted to be convicted -- if  
21 any other member of her Family was convicted?

22 A Yes.

23 Q You would not, then, follow her wishes in the  
24 matter, you would follow the evidence in the case?

25 A Right. Absolutely right.

26 Q You appreciate, do you not, that there are four

1 attorneys for the defense in this case?

2 A I am aware of it.

3 Q A moment ago Mr. Stovitz of the prosecution  
4 indicated that there were six lawyers, but you do under-  
5 stand my earlier question?

6 A Perfectly.

7 Q To earlier prospective jurors, that I was  
8 referring to the attorneys on this side of the table?

9 A Right.

10 Q Very well.

11 Now, when I refer to four attorneys, you under-  
12 stand that we are four separate lawyers representing four  
13 separate defendants?

14 A Right.

15-1

1 Q And when I speak, I speak only for Leslie  
2 Van Houten, and I never propose to speak for any other  
3 defendants.

4 A I understand that.

5 Q And when any other attorney in this case  
6 speaks, he speaks only for his respective defendant, and  
7 does not at any time propose to speak for Leslie Van Houten.

8 A I understand that.

9 Q Any attitude that you may have toward me or  
10 toward any other lawyer, you would not confuse those  
11 attitudes and apply it to one or the other?

12 A That's right.

13 Q You appreciate that in addition to there being  
14 four attorneys there are, of course, four defendants.

15 A Yes.

16 Q Now, there will be evidence presented in this  
17 trial from time to time that will apply to one defendant or  
18 another, perhaps two defendants or three defendants, but  
19 you will not assign any of the evidence that you hear to  
20 Leslie Van Houten unless in your judgment it does in fact  
21 apply to Leslie Van Houten.

22 Will you?

23 A Yes, I understand.

24 Q So if at the conclusion of the case you feel  
25 that there is a certain quantum of evidence with regard to  
26 one defendant or another that is sufficient to persuade

1 you that they may be guilty beyond a reasonable doubt,  
2 but there is not that sufficient amount of evidence with  
3 respect to Leslie Van Houten, you would then acquit  
4 Leslie Van Houten irrespective of what your judgment would  
5 be with regard to the other defendants?

6 A Absolutely.

7 Q In this case, a witness by the name of  
8 Linda Kasabian will be called by the prosecution.

9 We have been informed by the prosecution that  
10 this witness will be called.

11 It may be that in your judgment she is an  
12 accomplice to these particular killings.

13 The Court will instruct you as to what an  
14 accomplice is.

15 Will you apply the Court's definition of what  
16 an accomplice is when you decide whether or not Linda  
17 Kasabian is an accomplice?

18 A Yes.

19 Q Now, if after hearing the Court's definition you  
20 decide that Linda Kasabian is in fact an accomplice to these  
21 killings, will you then follow the Court's instruction as  
22 to the consideration that you are to give to her testimony?

23 A I will follow the Court's instructions.

24 Q And if the Court should instruct you that in  
25 the event you conclude that Linda Kasabian is an accomplice,  
26 unless her testimony is corroborated by independent evidence

15-3

1 that you may not consider her testimony at all, would you  
2 follow that instruction if it was given to you?

3 A Would you make that just a little clearer?

4 Q Surely.

5 In the event that -- strike that.

6 The Court will give you an instruction which  
7 will define what an accomplice is, and you said you would  
8 follow that instruction.

9 A Yes, right.

10 Q In the event that you decide in your own mind  
11 that Linda Kasabian is in fact an accomplice, will you then  
12 follow the Court's next instruction as to the consideration  
13 that you are required to give to her testimony because she  
14 is an accomplice?

15 A I understand that now, and yes.

16 Q Now, if the Court were to instruct you that  
17 you may not even consider her testimony unless it is  
18 corroborated by some independent evidence, would you  
19 follow that instruction?

20 A Yes.

21 Q Now, do you have any reluctance to follow that  
22 instruction?

23 A No, no.

24 Q Do you appreciate or do you feel that perhaps  
25 that is a very strict rule of law that requires you to  
26 totally disregard the testimony of an accomplice if it is

15-4  
1 not corroborated?

2 Do you feel that that is a rather strict  
3 rule of law?

4 A If it is the law I will go along with it.

5 Q So irrespective of whether it is strict or not  
6 strict you will follow that rule of law?

7 A Right.

8 Q And when we speak of corroboration, that is  
9 totally independent corroboration, do you understand that  
10 I am referring only to Leslie Van Houten?

11 A Yes, I understand that.

12 Q So that even if the testimony of the  
13 accomplice is corroborated with respect to some other defen-  
14 dant or defendants, unless it is corroborated with respect  
15 to Leslie Van Houten, then it is your obligation then to  
16 follow the Court's instruction in that matter, and acquit  
17 Leslie Van Houten.

18 A That's right.

19 Q You have no reluctance to do that?

20 A No reluctance.

21 Q And you do appreciate that as a judge of the  
22 facts in this case, as opposed to his Honor who is the  
23 judge of the law in this case, that you would have a  
24 massive responsibility to apply the law that is given to  
25 you by the Court at the end of this case?

26 A I understand that.



15-5

1 MR. REINER: Thank you very much.

2 THE COURT: Pass for cause?

3 MR. REINER: Pass for cause, your Honor.

4 THE COURT: Ladies and gentlemen, from time to time  
5 one or more of the defendants have addressed remarks to  
6 the Court.

7 The Court, in turn, has addressed certain  
8 remarks to the defendants and to their counsel.

9 I admonish you that you are not to consider these  
10 statements as evidence in the case and you are not to allow  
11 these statements to influence your decision on any of the  
12 issues involved in the case.

13 These are simply matters which come up during  
14 the course of the proceedings, but they are not evidence,  
15 and have no bearing whatever on the question of guilt or  
16 the ultimate question of penalty if that becomes necessary.

17 Mr. Shinn, do you have any questions?

18 MR. SHINN: Pass for cause, your Honor.

19 THE COURT: All right. We will take our afternoon  
20 recess at this time for 15 minutes.

21 Do not converse among yourselves or with any-  
22 one else on any subject relating to the case, nor form or  
23 express any opinion regarding the case until it is finally  
24 submitted to those of you who are selected as jurors.

25 15 minutes.  
26

15a-1

1 THE COURT: All parties and counsel are present.

2 All of the prospective jurors are in the  
3 jury box.

4 You may proceed, gentlemen.

5  
6 VOIR DIRE EXAMINATION OF MRS. WILLIS

7 BY MR. BUGLIOSI:

8 Q Mrs. Willis, are you married, ma'am?

9 A I am a widow.

10 Q Are you currently employed?

11 A I am retired.

12 Q What type of work do you do, ma'am?

13 A Well, for 22 years I was in the auction  
14 business, I mean working with auctioneers.

15 Q Here in Los Angeles?

16 A Yes, Beverly Hills.

17 Q Do you have any children?

18 A I have one son.

19 Q How old is he?

20 A 46.

21 Q He is married?

22 A Yes.

23 Q Lives in Los Angeles area?

24 A In the Valley.

25 Q Now, I understand, Mrs. Willis, you are  
26 not opposed to the death penalty, is that correct?

15a-2

1 A That is right.

2 Q After hearing all of the evidence in this  
3 case, Mrs. Willis, and considering all of the circumstances,  
4 if you felt this was a proper case for the imposition of  
5 the death penalty would you personally have the courage,  
6 would you personally be willing to come back into this  
7 courtroom and in effect by your verdict tell these defendants  
8 that they must die?

9 A If they were found absolutely guilty in my  
10 opinion, I mean after the facts --

11 Q Is there any doubt in your mind about that?  
12 Take a few moments to think about it if you  
13 like, it is a hard question.

14 A Yes, it is, yes, it is.

15 Q What I am trying to do, Mrs. Willis, is  
16 transform you, as it were, four or five months from now  
17 back in the jury room, all the chips were on the line,  
18 as it were, you are going to have to decide, assuming  
19 that these defendants are found guilty of first degree  
20 murder whether they should receive life imprisonment or  
21 the death penalty?

22 It is a hard decision. Would you like to  
23 think about it for a while?

24 MR. FITZGERALD: Could I at this convenient time  
25 interpose an objection.

26 I think the vice of the question is, it

1. obviates any penalty phase that might follow.

2. The juror must not make a determination  
3. based solely on a determination of guilt, but on any  
4. evidence that might be produced at the penalty phase of  
5. the trial.

6. THE COURT: Perhaps you can clarify that point,  
7. Mr. Bugliosi.

8. BY MR. BUGLIOSI:

9. Q Assuming, Mrs. Willis, that these defendants  
10. are found guilty of first degree murder, you understand  
11. there will be a penalty trial?

12. A That's right.

13. Q During this penalty trial there might be  
14. additional evidence offered for and against particular  
15. defendants.

16. Do you understand that?

17. A Yes.

18. Q And you understand you can take into con-  
19. sideration all of this evidence in determining whether or  
20. not you are going to vote for a verdict of death?

21. You understand that?

22. A Yes.

23. Q My question is, assuming that after you  
24. consider all of the circumstances, all of the evidence,  
25. and you felt this was a proper case for the imposition  
26. of the death penalty, do you think that you would have

1 the courage to vote for a verdict of death?

2 A I'm afraid yes.

3 MR. SHINN: I will object to the words "proper  
4 case" without a definition as to what a proper case is,  
5 your Honor.

6 THE COURT: The jurors have been instructed  
7 previously on a number of occasions that if the case gets  
8 to a penalty phase, the law provides that each juror in  
9 his absolute discretion and without any objective standard  
10 to be guided by must decide for himself whether or not  
11 life imprisonment or death is the proper penalty.

12 Do you understand that?

13 MRS. WILLIS: I understand that.

14 THE COURT: So, when the term "proper case" is  
15 used, although that term is a misnomer, what Mr. Bugliosi  
16 is referring to is, in your opinion if it is a case in  
17 which you believe the death penalty should be imposed,  
18 do you understand the question as meaning that?

19 A Yes. Could I do it? Is that right?

20 THE COURT: That's right.

21 A Yes, I could.

22 BY MR. BUGLIOSI:

23 Q Do you want any more time to think about it?

24 A No, because -- no.

25 Q You are confident that you could?

26 A I could.

1 Q You will notice, Mrs. Willis, that three  
2 defendants in this case are women, Susan Atkins, Patricia  
3 Krenwinkel, and Leslie Van Houten.

4 Are you of such a frame of mind that you  
5 could not under any circumstances vote for the death  
6 penalty for a female defendant?

7 A That would not make any difference.

8 Q You can conceive of circumstances where you  
9 would be willing to vote for a verdict of death for a  
10 female defendant, is that correct?

11 A Would you repeat that now?

12 Q You can conceive of circumstances wherein  
13 you would be willing to vote for a verdict of death for  
14 a female defendant?

15 A Yes, yes.

16 Q You will notice, Mrs. Willis, that the same  
17 three defendants, three females, are adults, of course,  
18 but are young adults?

19 A That's right.

20 Q Are you of such a frame of mind that you  
21 could not under any circumstances vote for the death  
22 penalty for them solely because of their age?

23 A Yes.

24 Q You could?

25 A I could.

26 Q Are you of such a frame of mind, Mrs. Willis,

1 that you would not, under any circumstances, vote for  
2 the death penalty for a particular defendant unless the  
3 evidence of the trial showed that this particular  
4 defendant was an actual killer or one of the actual  
5 killers?

6 A You mean like an accomplice?

7 Q Well, accomplice is a legal term which I  
8 will not go into right now.

9 A I see, okay.

10 Q Did you understand my question?

11 A Try it again.

12 Q Okay, can you conceive of any circumstances,  
13 Mrs. Willis, in which you would be willing to vote for a  
14 verdict of death against a particular defendant, even  
15 though the evidence at the trial showed that this particu-  
16 lar defendant was not one of the actual killers?

17 Would you be willing to vote for a verdict  
18 of death?

19 A Yes, yes.

20 Q You understand my question?

21 A Yes, I do now.

22 Q And, Mrs. Willis, do you understand the  
23 rule of conspiracy which makes a conspirator criminally  
24 responsible or equally guilty of crimes committed by  
25 his co-conspirators?

26 A Yes.

1 Q Even though he did not commit the crimes  
2 himself?

3 A Yes.

4 Q You heard us discuss that rule, have you  
5 not?

6 A Yes.

7 Q Have you done any thinking about it since  
8 you heard it discussed?

9 A Yes, at great length.

10 Q Do you disagree with that rule of law?  
11 Do you have any prejudice against it?

12 A No.

13 Q Will you unhesitatingly follow the Court's  
14 instruction on that rule of law if you find it applicable  
15 to the facts of this case?

16 A Yes..

15b fls



1 Q Assuming, Mrs. Willis, that a witness for the  
2 prosecution is deemed to be an accomplice, and I am not  
3 stipulating for a moment that any witness for the  
4 prosecution will be deemed to be an accomplice.

5 Let us just assume, arguendo, as the attorneys  
6 say, for the sake of argument, that a particular person  
7 testifying for the prosecution would be deemed to be an  
8 accomplice.

9 If the Court instructs you that only slight  
10 evidence is necessary to corroborate the testimony of the  
11 accomplice, will you follow the Court's instruction on that  
12 rule of law?

13 A Yes, if it is the law of the Court.

14 Q And if the Court instructs you further that  
15 that slight evidence may be circumstantial evidence, will  
16 you follow the Court's instruction on that rule of law?

17 A Yes, sir.

18 Q You realize, Mrs. Willis, that the prosecution  
19 in a criminal case only has the burden of proving a  
20 defendant guilty beyond a reasonable doubt, not beyond all  
21 doubt.

22 Do you understand that?

23 A Yes.

24 Q Are you of such a frame of mind, Mrs. Willis,  
25 that before you would return a verdict of guilty of first  
26 degree murder you would require of the prosecution that they

15C2  
1 remove from your mind not only reasonable doubt of the  
2 guilt of these defendants, but all conceivable doubt.

3 Are you of that frame of mind?

4 A Yes.

5 Q I am not sure you quite understood my  
6 question.

7 Are you saying that you would require that we  
8 remove from your mind all possible doubt before you would  
9 return a verdict of first-degree murder, or would you  
10 require that we remove reasonable doubt from your mind?

11 A Maybe I did not understand it then.

12 Q All right. Let me start all over again.

13 The prosecution only has the burden of proving  
14 guilt of these defendants beyond a reasonable doubt, not  
15 beyond all doubt.

16 Do you understand that?

17 A Yes.

18 Q Are you of such a frame of mind that before  
19 you would be willing to vote for a verdict of first-degree  
20 murder against these defendants --

21 A Yes.

22 Q -- you would require of the prosecution that  
23 we not only remove reasonable doubt from your mind, but  
24 that you would require that we remove all possible,  
25 conceivable, imaginary doubt?

26 A I am afraid they would have to remove all

5C3  
1 doubt.

2 Q Before you would be willing to vote for a  
3 verdict of first-degree murder against these defendants you  
4 must be satisfied beyond all doubt of their guilt; is that  
5 correct?

6 A I am afraid so.

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

9 THE COURT: I want to ask Mrs. Willis a few questions.

10 Mrs. Willis, I am not clear in my own mind from  
11 your answers to the questions whether or not you fully  
12 understand the questions.

13 You will be instructed, as I have mentioned at  
14 the outset, that every defendant is presumed to be innocent  
15 until the contrary is proved.

16 This presumption of evidence places the  
17 burden on the State to prove his guilt beyond a reasonable  
18 doubt.

19 The burden of the State is to prove guilt beyond  
20 a reasonable doubt, not beyond all possible doubt.

21 Do you understand that?

22 A Yes.

23 THE COURT: Now, Mr. Bugliosi was asking you if you  
24 in effect were willing to follow that instruction.

25 MRS. WILLIS: Yes, I am, it did not appear that I  
26 answered that way.

5C4  
1 THE COURT: No, it appeared -- you appeared to be  
2 saying that you would require the State to prove guilt  
3 beyond all possible doubt.

4 A No, I see.

5 THE COURT: You see the distinction, do you now,  
6 between reasonable doubt and all possible doubt?

7 A Yes, it is reasonable doubt.

8 THE COURT: And are you willing to follow the Court's  
9 instruction that it is the burden of the State to prove  
10 guilt beyond a reasonable doubt?

11 Are you willing to follow that instruction?

12 A Yes.

13 THE COURT: Do you have any mental reservation of  
14 any kind about that?

15 A No, no.

16 THE COURT: All right.

17 Q BY MR. BUGLIOSI: Mrs. Willis, let us assume  
18 you are back in the jury room now three or four months from  
19 now, looking over all of the evidence, considering the  
20 exhibits, reviewing the testimony of the witnesses.

21 There is some small doubt in your mind of the  
22 guilt of these defendants, but in your own mind you  
23 realize that it is not a reasonable doubt.

24 There is just a small doubt, but in your own  
25 mind you say, "This is not a reasonable doubt; I realize  
26 that."

15C5  
1 Would you be willing to come back in this  
2 courtroom with a verdict of guilty?

3 THE COURT: Do you understand the question?

4 MRS. WILLIS: Not too clearly.

5 MR. KANAREK: May I make the motion, your Honor,  
6 because of the importance of this question, that your  
7 Honor read to the jurors the doctrine of reasonable doubt  
8 instruction?

9 I don't think there would be any harm,  
10 rather than have him editorializing about it.

11 I would make that request of the Court.

12 MR. STOVITZ: We have no objection, your Honor.

13 THE COURT: Well, you will be instructed by the Court  
14 and I will give you the definition now of reasonable  
15 doubt.

16 Mr. Bugliosi --

17 MR. BUGLIOSI: Yes, your Honor.

18 THE COURT: Would you care to give this instruction?

19 MR. BUGLIOSI: I don't have it with me.

20 THE COURT: I don't have the entire instruction before  
21 me.

22 I would prefer to give you the instruction  
23 verbatim rather than to paraphrase it myself at this time.

24 But we will give it to you.

25 MR. BUGLIOSI: May I move on then to another question  
26 in the interim, your Honor?

15C-6

1 THE COURT: Yes.

2 Q BY MR. BUGLIOSI: Mrs. Willis, do you recall my  
3 discussion about circumstantial evidence?

4 A Yes.

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15C-1

1 Q Do you recall the distinction between direct  
2 evidence and circumstantial evidence as exemplified by that  
3 cooky jar example?

4 A Yes.

5 Q Incidentally, Johnnie was the only child of  
6 Mrs. Jones.

7 A Then I understand.

8 Q Remember that.

9 Do you have any objection whatsoever,  
10 Mrs. Willis, to sitting as a juror on a case where the  
11 People rely in part on circumstantial evidence?

12 A No.

13 Q Do you recall the other questions I asked the  
14 other jurors yesterday and Friday, ma'am? I was a little  
15 more gabby than I am with you right now.

16 You remember there were numerous other questions  
17 I asked that I am not asking you now?

18 A Yes.

19 Q When I was asking you those questions you were  
20 seated, you remember, in the spectators' section of the  
21 courtroom.

22 A Yes.

23 Q When I was asking those questions were you  
24 mentally asking yourself those questions?

25 A Yes, for the most part.

26 Q Was there any question I asked that you recall

1 saying to yourself that your answer would be different from  
2 the answer given by the majority of jurors seated in the  
3 jury box?

4 A No.

5 Q If I were to ask you the same questions, your  
6 answers would be the same?

7 A That's right.

8 Q Essentially the same?

9 A Essentially, basically the same.

10 Q Do you think you can give the People of the  
11 State of California a fair trial, ma'am?

12 A Could I give --

13 Q -- the People of the State of California, the  
14 plaintiff in this action, do you think you can give them a  
15 fair trial?

16 A To the best of my ability.

17 Q Do you have any doubt about that?

18 A No doubt about that.

19 Q Can you think of any reason not already touched  
20 upon why you feel you should not or would rather not sit as  
21 a juror in this case?

22 A No.

23 MR. BUGLIOSI: Thank you.

24 Pass for cause, your Honor.

25 THE COURT: It is the People's next peremptory  
26 challenge.



1 MR. BUGLIOSI: People will thank and excuse --

2 MR. STOVITZ: Would your Honor have in mind two  
3 cases of possible hardship that exist on the jury, and  
4 be inclined to exercise your Honor's discretion to excuse  
5 them for hardship?

6 THE COURT: This is something I will take up with  
7 you outside of the presence of the jury, Mr. Stovitz.

8 The only thing before you now is the next  
9 peremptory challenge.

10 MR. BUGLIOSI: The People will thank and excuse  
11 Mr. Nelson, your Honor.

12 THE COURT: Thank you, Mr. Nelson, you are excused.

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

14 THE COURT: Very well.

15 (The following proceedings were had at the  
16 bench out of the hearing of the prospective jurors, all  
17 counsel being present:)

18 MR. KANAREK: Your Honor, may the record reveal that  
19 Mr. Nelson --

20 MR. STOVITZ: I cannot hear that. Let me get over  
21 to that side.

22 MR. KANAREK: May the record reveal, your Honor, that  
23 Mr. Nelson is of the black Negro race, and it is our position  
24 that the People cannot, even though they have the right to  
25 exercise peremptories, it is our position they cannot just  
26 wipe out all black people from the jury.

1 To do so is a violation of the equal protection  
2 -- I just want to make that point for the record.

3 THE COURT: I haven't the faintest idea what you are  
4 talking about in the context of this case.

5 There are no black defendants.

6 What are you talking about?

7 MR. KANAREK: I understand, your Honor, that  
8 Mr. Manson is entitled to have a fair cross-section of the  
9 community, and it is our position that to wipe out a series  
10 of people because they are of a particular race is a  
11 violation of the equal protection.

12 THE COURT: A series, what series?

13 MR. KANAREK: It is our position, and I predict --  
14 hopefully maybe I am wrong -- that the prosecution will  
15 eliminate from this jury any and all black people, and for  
16 the record it is my position this is a violation of  
17 equal protection.

18 THE COURT: All right.

19 MR. STOVITZ: Is your Honor going to take up the  
20 matter of Mr. Stokes and Mr. Black?

21 THE COURT: I am going to ask Mr. Black if he is  
22 able to rearrange his medical appointment.

23 I don't intend to do anything about Mr. Stokes.

24 MR. STOVITZ: Then we will use our peremptory on  
25 Mr. Stokes' personal hardship, and we will see what Mr.  
26 Black's responses are to your questions.

1 THE COURT: You have already exercised your  
2 peremptory.

3 MR. BUGLIOSI: Has the Court ruled on Mr. Stokes'  
4 hardship?

5 Then the Court will not rule on  
6 Mr. Stokes?

7 THE COURT: There is nothing before me to rule on.

8 MR. STOVITZ: In other words, your Honor is not going  
9 to exercise its discretion?

10 THE COURT: If you gentlemen are unwilling to  
11 stipulate, I am not going to excuse him.

12 MR. BUGLIOSI: The Court has the power --

13 MR. KANAREK: May the record reveal that Mr. Stokes  
14 is of the black and Negro race?

15 MR. STOVITZ: And Mr. Black is of the black and Negro  
16 race; and the defendants are not of the black or Negro  
17 race, as far as the People are concerned, your Honor.

18 THE COURT: All right.

16-1

(Whereupon all counsel return to their respective places at counsel table and the following proceedings occur in open court within the presence and hearing of the prospective jurors:)

THE COURT: Call the next juror.

THE CLERK: Mrs. H. Joan Voight; J-o-a-n, V-o-i-g-h-t.

(Whereupon Mrs. H. Joan Voight came forward and was seated in the jury box:)

VOIR DIRE EXAMINATION OF MRS. H. JOAN VOIGHT  
BY THE COURT:

Q Have you heard and understood everything that has been said in court since you came into the case, Mrs. Voight?

A Yes, I have.

Q If you were selected as a trial juror in this case, would you be able to serve?

A No, sir. I am divorced and I have two teenage boys.

Q You have two teenage boys?

A Right.

Q Living at home with you?

A Yes.

Q Are they in school?

A One is in school and one is working.

16-2

1 Q How old are they?

2 A 16 and 18.

3 Q I am going to ask you the same questions  
4 regarding the death penalty that I put to the other  
5 prospective jurors.

6 Do you entertain such conscientious opinions  
7 regarding the death penalty that you would be unable to  
8 make an impartial decision as to any defendant's guilt  
9 regardless of the evidence developed during the trial?

10 A No, sir.

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

15 A Yes, sir.

16 Q That is your opinion?

17 A Yes, it is.

18 Q Would you say that you have made up your  
19 mind at this point that under no circumstances could  
20 you ever vote for the death penalty?

21 A The only circumstance being that if I felt  
22 they were guilty and it meant that they would go free  
23 because I did not vote for it, I would vote for it;  
24 but I am morally opposed to it. I don't want it on my  
25 conscience, no matter whether they are guilty or not;  
26 but I would do it if it meant -- I don't know if there is

16-3

1 such a rule as a hung jury or something like that.

2 Q I don't think that you understand, from  
3 what I understand you to say now, Mrs. Voight, what the  
4 procedure is.

5 The first part of a trial is devoted to  
6 the question of determining whether or not any of the  
7 defendants are guilty or not guilty.

8 Do you understand?

9 A Yes.

10 Q Now, if there is a verdict of murder in the  
11 first degree as to any defendant, only then would there  
12 be a second phase to the trial, the penalty phase, during  
13 which phase you would have to determine at the close of  
14 the evidence the penalty, you would have to determine  
15 which of the two alternatives, life imprisonment or  
16 death, would be the appropriate penalty in your opinion.

17 Do you understand that?

18 A Yes. Life imprisonment.

19 Q Are you saying now that you automatically--  
20 that you have made up your mind you would automatically  
21 refuse to impose the death penalty regardless of what the  
22 evidence shows?

23 A Yes, sir.

24 Q And you have no question about that?

25 A No, sir.

26 Q Can you conceive of any case or any type of

16-4

1 case in which you would consider the evidence and not  
2 automatically refuse to impose the death penalty?

3 A No, sir.

4 THE COURT: Do counsel wish to inquire?

5 MR. FITZGERALD: No, your Honor.

6 MR. REINER: No, your Honor.

7 MR. SHINN: No questions.

8 MR. KANAREK: No.

9 MR. STOVITZ: No, your Honor.

10 The People respectfully request that the  
11 juror be excused for cause.

12 MR. FITZGERALD: The Defendants would oppose the  
13 removal for cause on the grounds of equal protection  
14 and due process.

15 We also think that in the totality of her  
16 remarks she indicates -- well, her remarks, taken as a  
17 whole, lend themselves to an inference of ambiguity,  
18 your Honor.

19 THE COURT: In what respect?

20 MR. FITZGERALD: Well, her earlier remarks would  
21 seem to indicate that it would not influence her decision  
22 on guilt. Her earlier remarks seem to indicate that she  
23 could be fair and impartial in her determination of  
24 penalty. It was only her latter remarks where she  
25 indicated to the Court that she might be unalterably  
26 opposed to the imposition of the death penalty.

16-5

1 MR. REINER: Join on behalf of Defendant Leslie  
2 Van Houten.

3 MR. SHINN: Join, your Honor.

4 MR. STOVITZ: We renew our objection, your Honor.

5 THE COURT: All right. You will be excused, Mrs.  
6 Voight. Thank you.

16a fls.

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1 THE CLERK: Elmer Nordland; E-l-m-e-r, N-o-r-d-  
2 l-a-n-d.

3 (Whereupon, Mr. Elmer Nordland came forward  
4 and was seated in the jury box.)

5  
6 VOIR DIRE EXAMINATION OF MR. ELMER NORDLAND  
7 BY THE COURT:

8 Q Mr. Nordland, have you heard and understood  
9 everything that has been said in court since you came into  
10 the case?

11 A Yes, I have.

12 Q If you were selected as a juror in this  
13 case, would you be able to serve?

14 A I believe I would.

15 Q I am going to put the same two questions  
16 to you, Mr. Nordland, regarding the death penalty that  
17 I put to the other jurors.

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

22 A Would you give that to me again, please?

23 Q All right.

24 Do you entertain such conscientious  
25 opinions regarding the death penalty that you would be  
26 unable to make an impartial decision as to any defendant's

1 guilt regardless of the evidence developed during the  
2 trial?

3 A I do not.

4 Q Do you entertain such conscientious  
5 opinions regarding the death penalty that you would  
6 automatically refuse to impose it regardless of the  
7 evidence developed during the trial?

8 A I do not.

9 THE COURT: Mr. Fitzgerald, you may inquire.

10  
11 VOIR DIRE EXAMINATION OF MR. NORDLAND  
12 BY MR. FITZGERALD:

13 Q What is your business or occupation, sir?

14 A I am a painter foreman for the L. A. Board  
15 of Education.

16 Q Do you work out of a particular facility?

17 A Yes, I do.

18 Q Where is that facility located?

19 A Near Florence and Crenshaw.

20 Q Are you married, sir?

21 A Yes, sir.

22 Q Do you have any children?

23 A I have a grown daughter.

24 Q Is your wife employed outside the home?

25 A No, sir.

26 Q Have you ever served as a juror before?

1 A Yes, I have.

2 Q Was that in a criminal case or in a civil  
3 case?

4 A A civil case.

5 Q Was that on your current tour of duty?

6 A No. Four years ago.

7 Q Was there anything about that experience that  
8 is going to influence you in arriving at a verdict here?

9 A No. But I might as well bring something up  
10 to you.

11 Q Something that you would like to say?

12 A About three questions that have been brought  
13 up.

14 Q Yes?

15 A One is that 25 years ago I had experience  
16 as a law enforcement officer with the United States  
17 Customs. 1942 to 1947.

18 Q No. 2?

19 A No. 2 was the fact that was brought up,  
20 something about you or any of your family, something  
21 brought up in line with murder or assault.

22 Well, I was mugged about 15 months ago, and  
23 my wife was mugged about three or four months ago.

24 And the other thing that has been brought  
25 up in here is about supervising or evaluating people,  
26 which I have.

Q You have?

A Yes.

That is about it.

Q Let's take the third and last one.

Is there anything about your experience in judging the behavior of other human beings that makes you feel you couldn't be fair and impartial to the defendants in this case?

A No, sir.

Q Is there anything about that experience in judging or evaluating the conduct of other people that makes you feel you are going to have difficulty in any respect whatsoever?

A I would think that it would be all the better.

Q Now, let me ask you something about this unfortunate experience of being mugged.

You mean that you were physically assaulted by someone?

A Yes, sir.

Q Was that in connection with the theft of some of your personal property?

A Yes.

Q Sort of a strong-armed robbery?

A Yes.

Q It took place on a public street?

A In the daytime, 10:30 in the morning.

1 Q Are you a little bitter about that experience?

2 A Oh, no.

3 Q Just one of those things?

4 A Part of our life.

5 Q That happens in a big city?

6 A Yes. That is life these days, I mean.

7 Q Okay.

8 Now, your wife, unfortunately, suffered  
9 the same experience?

10 A Yes. In front of the house.

11 Q Was she injured?

12 A No. I was the one that was injured.

13 These were separate occasions, you know.

14 Q What was the nature and extent of your  
15 injuries?

16 A My jaw was fractured.

17 Q And your wife was not injured?

18 A No. She was knocked down but she wasn't  
19 injured.

20 Q Was this a purse snatch situation?

21 A Yes. You might say it was in both instances.

16b fls 22 In mine they grabbed my wristwatch and my billfold.

23

24

25

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16-B-1

1 Q Without telling me your address, in what area  
2 of the County do you reside?

3 A I live about five miles west of here, around  
4 1st and --

5 Q Alvarado?

6 A No.

7 Q A little further west?

8 A Western and Beverly. Near Western and Beverly.

9 Q Were the persons or person responsible for your  
10 injuries or the theft of your wife's property ever  
11 apprehended?

12 A In my case, yes.

13 Q Did you testify in connection with some legal  
14 or judicial or juvenile proceeding in connection with that?

15 A One of the fellows that was caught was a  
16 juvenile and the other one -- well, they were 17 and 19.

17 The juvenile, I guess, was probably let free,  
18 and the 19-year-old, I was a witness at the preliminary  
19 hearing but not at the time the case was heard.

20 Q You were actually a witness for the prosecution?  
21 You were called by the District Attorney and you were  
22 asked some questions by the District Attorney?

23 A Yes.

24 Q Is there anything about that experience that  
25 you think is going to influence you in arriving at a verdict  
26 in this case?

16B2

1 A No.

2 Q You must be a little bitter about that  
3 experience?

4 A No, I am not that bitter.

5 Q Did you have any residual injuries to your  
6 jaw or anything like that?

7 A Yes. It was fractured, but I got over that.  
8 I had to have it wired for a few weeks.

9 Q What about your wife? Do you think that  
10 because of what happened to your wife you might be  
11 influenced in some way in arriving at a verdict in this  
12 case?

13 A I don't believe so.

14 Q Now, let's go on to No. 1.

15 Were you a United States Customs officer?

16 A Yes, sir. At that time we were called guards,  
17 but it was changed while we were down there. The title  
18 was changed to Border Patrol.

19 In fact, I don't think they have that category  
20 of assignment any more.

21 Q Did you wear a uniform and carry a gun?

22 A Yes, sir.

23 Q And was the nature of your duties connected with  
24 law enforcement, smuggling, that kind of thing, the  
25 importation of aliens, that sort of thing?

26 A Well, aliens are more or less handled by  
Immigration, but it was more or less smuggling; and of

1 course, during the war years, there was very little --  
2 this was during the war -- there was very little trade  
3 between countries at that time.

4 Q Very little legitimate or illegitimate?

5 A Either one. It was just war.

6 Q In connection with your service in the United  
7 States Customs or Border Patrol, did you ever have occasion  
8 to testify in a court of law?

9 A Only once.

10 Q If a police officer should testify in this case,  
11 do you think you would have a tendency to give the police  
12 officer's testimony greater weight because he or she is a  
13 police officer?

14 A No, I would not.

15 Q Don't you think you would have somewhat of a  
16 tendency to identify with a police officer that might  
17 testify and that it might be very difficult for you to  
18 critically analyze his testimony if it was necessary?

19 A I think that is overrated.

20 Q In what respect?

21 A Well, it seems like the defense lawyers always  
22 think that people that have anything to do with policemen  
23 have that feeling, but they are human just like anybody  
24 else.

25 Q All right.

26 So, you don't think you are going to be



1 influenced in any way because of your past employment or  
2 experience?

3 A No, I don't believe so.

4 Q Now, do you feel that because of the fact that  
5 you were the unfortunate victim of a criminal assault and  
6 your wife was an unfortunate victim, and the fact that you  
7 have been associated with some kind of law enforcement,  
8 do you feel that you would rather not sit in a case like  
9 this?

10 A Well, as a rule, defense counsel don't like to  
11 have me on a case.

12 Q You have been excluded before?

13 A Well, in fact, when I was here four years ago  
14 I asked to be taken off of criminal cases.

15 Q Because you just couldn't get on a jury?

16 A Well, I had been kicked off of several. In  
17 those cases there was only one defendant. Here we have four  
18 counsel.

19 Q The odds are maximized; is that it?

20 A That's right.

16-C-7

1 Q From your seat in the audience, Mr. Nordland,  
2 were you able to hear the questions that I asked the other  
3 prospective jurors?

4 A Yes.

5 Q Do you have any quarrel with the proposition  
6 that a defendant in a criminal case is presumed to be  
7 innocent, sir?

8 A No, I do not. Until he is proven guilty.

9 Q Would you prefer, for example, that the standard  
10 be other than presumption of innocence? Would you prefer,  
11 for example, that a defendant in a criminal case be  
12 presumed guilty?

13 A No. I believe this is the best.

14 Q Do you have any quarrel with the proposition of  
15 law that a defendant in a criminal case is presumed  
16 innocent and his guilt must be shown by the prosecution  
17 beyond any reasonable doubt?

18 A I think that is good.

19 Q You wouldn't require these defendants to prove  
20 their innocence, would you, sir?

21 A Well, it has to go one way or the other, and  
22 the way that American law is, it is up to the prosecution.

23 I do believe in England it is the other way,  
24 that the defendant is presumed guilty until he proves him-  
25 self innocent.

26 Q Yes, that is the law in the United States. It

1 is the law in California.

2 But do you think you would have any problem  
3 applying that aspect of the law? Do you think that you  
4 might say to yourself, "Well, that is the law, but" --

5 A I'd have to go by the law.

6 Q And you wouldn't require that these defendants  
7 prove their innocence? As a matter of fact, you would  
8 require that the prosecution prove their guilt and prove it  
9 beyond any reasonable doubt?

10 A I would.

11 Q Do you think that you have the courage to  
12 acquit some one or more -- two or three people -- that are  
13 charged with multiple counts of murder?

14 A I would.

15 Q Do you think you have the courage to act  
16 contrary to what some representative of the People of the  
17 State of California is going to ask you to do?

18 A I would.

19 Q From your seat in the audience, Mr. Nordland,  
20 were you able to hear the prosecutors indicate that they  
21 were going to ask for the death penalty in this case?

22 A I was.

23 Q Do you attach any particular significance to  
24 the fact that they are going to ask for the death penalty  
25 in this case?

26 A I do not.

1 Q You understand that they may be asking for the  
2 death penalty in this case for any one of a number of  
3 reasons?

4 A Yes.

5 Q For example, they may be asking for the death  
6 penalty because they think it is an appropriate penalty  
7 in a case like this once the defendants are convicted of  
8 first-degree murder; correct?

9 A Yes.

10 Q On the other hand, they might be asking for  
11 the death penalty because they have been instructed to do  
12 so by their superior.

13 MR. BUGLIOSI: Your Honor, this is an objectionable  
14 question. It is improper voir dire.

15 It implies that the prosecutors don't believe  
16 in their own case, and that is absurd.

17 THE COURT: Mr. Bugliosi, when the People make the  
18 statement that they are asking for the death penalty, I  
19 think the jurors are entitled to know that that adds nothing  
20 whatever to the case.

21 If this case gets to the point where there is a  
22 penalty phase, the issue will have to be determined by the  
23 jurors, and the fact that the People may have asked for  
24 the death penalty adds nothing whatever to the case.

25 MR. BUGLIOSI: It was the last question, your Honor,  
26 not the previous question. It was the last question that

1 I objected to about following the instructions of our  
2 superiors and that perhaps we don't believe in our case.  
3 I object to that as being incorrect.

4 THE COURT: All right. Let's proceed, gentlemen.

5 MR. FITZGERALD: Q I take it that you understand  
6 that it is entirely up to you as an individual to decide  
7 whether these defendants are guilty or innocent, and any-  
8 thing in connection with penalty?

9 A I do.

10 Q All right.

11 I take it that you don't belong to any  
12 organization that has as one of its tenets the increase in  
13 the number of crimes punishable by death in California?

14 A No, I don't.

15 Q You are not actively engaged in politicking for  
16 the retention of the death penalty in California, are you?

17 A I am not.

18 Q If I were to ask you each and every question  
19 that I have asked the other prospective jurors, would your  
20 answers be about the same?

21 A I brought up the three that I thought I should  
22 make a special effort to answer.

23 MR. FITZGERALD: Thank you very much.

24 Pass this juror for cause.

25 THE COURT: Mr. Reiner?

26 MR. REINER: Thank you, your Honor.

16d-1

1 THE COURT: Well, this might be an appropriate time  
2 for me to read the reasonable doubt instruction since  
3 there has been so much reference to it.

4 I will read it to you exactly as it will be  
5 given to you at the close of the trial.

6 "A defendant in a criminal action  
7 is presumed to be innocent until the contrary is  
8 proved, and in case of a reasonable doubt whether  
9 his guilt is satisfactorily shown, he is entitled  
10 to an acquittal. This presumption places upon  
11 the State the burden of proving him guilty beyond  
12 a reasonable doubt.

13 "Reasonable doubt is defined as  
14 follows: It is not a mere possible doubt because  
15 everything relating to human affairs and depending  
16 on moral evidence is open to some possible or  
17 imaginary doubt. It is that state of the case  
18 which after the entire comparison and consideration  
19 of all the evidence leaves the mind of the jurors  
20 in that condition that they cannot say they feel  
21 an abiding conviction to a moral certainty of  
22 the truth of the charge."

23 Go ahead, Mr. Reiner.

24 MR. REINER: Thank you, your Honor.  
25  
26

16d-2

## VOIR DIRE EXAMINATION OF MR. NORDLAND

BY MR. REINER:

Q Mr. Nordland, it was my impression that you would not allow the very grotesqueness of these crimes to cause your emotions to overwhelm your judgment; is that correct, sir?

A No, sir. The grotesqueness would have nothing to do with it unless the proof was there.

Q So that notwithstanding that these crimes are grotesque, you are going to concern yourself with whether the evidence indicates whether a particular defendant was guilty of that crime; is that true?

A Yes.

Q Now, you understand that there are four defendants, and that at the moment -- and at any time during this trial -- I am speaking on behalf of only one defendant, Leslie Van Houten?

A I do.

Q Now, if after the evidence comes in, and you are a juror on this case, it is your belief that one or more defendants are guilty, but as to at least perhaps one defendant there is some question in your mind, some reasonable doubt, would you be reluctant to acquit that one person?

A No.

Q Even if you suspected that there was a

16d-3

1 possibility that that person might be guilty, would you  
2 acquit that person anyway?

3 A (Pause.)

4 Q Do you understand the question? Perhaps I  
5 should restate it?

6 A You say the person may not be guilty?

7 Q Let's say that after you have heard all the  
8 evidence it is your conviction or your belief that at least  
9 as to one defendant there is a suspicion that that  
10 defendant might be guilty but the evidence simply was  
11 insufficient to establish that fact beyond all reasonable  
12 doubt.

13 Now, notwithstanding your suspicions, would  
14 you nonetheless acquit that defendant?

15 A It all depends on the degree, I believe, that  
16 would be coming out in the trial, or the sentence trial.  
17 In other words, it would be a degree of guilt. If I  
18 didn't think it was, one defendant merited the death  
19 penalty.

20 Q Perhaps I didn't make myself clear. I was  
21 not referring to the guilt phase of the trial but to the  
22 penalty -- rather than the penalty phase, I was referring  
23 to the guilt phase.

24 Let's say that you have heard the evidence  
25 in the guilt phase of the trial and that it is your firm  
26 conviction that at least as to one defendant, or perhaps



16d-4

1 more than one defendant, the People had proved their case  
2 beyond all reasonable doubt. You would then, of course,  
3 convict as to those particular defendants.

4 But let's say at the conclusion of the case  
5 there remained in your mind at least a reasonable doubt  
6 with respect to at least one defendant. Would you then  
7 acquit that particular defendant?

8 A I would.

9 Q All right.

10 Now, although there was a reasonable doubt  
11 in your mind as to the guilt of that defendant, there was  
12 also in your mind at that same time a suspicion that  
13 perhaps that defendant was guilty.

14 Would you convict on that frame of mind, that  
15 is, a suspicion that perhaps the defendant was guilty?

16 A Not on suspicion alone.

17 Q All right.

18 You would then have to be persuaded beyond all  
19 reasonable doubt before you would convict them?

20 A I would.

21 Q And I hope I am not being presumptuous and  
22 saying that I presume from the manner in which you have  
23 given your answers that you would not concern yourself with  
24 any pressures from family, friends or acquaintances to  
25 convict all of the defendants simply because this is an  
26 extremely notorious trial?

1           A       I think that anyone that comes out of here,  
2 as far as the jurors are concerned, will always be  
3 questioned about how they voted, one way or the other.

4           Q       Well, then, in that respect, you would not  
5 feel that there would be any pressure upon you, that is,  
6 any great pressure from one side or the other to vote one  
7 way or the other; is that true?

8           A       I don't think so.

9           Q       And in any event, if it should occur to you  
10 that perhaps there was greater pressure to convict as  
11 opposed to acquit, even a single defendant, you would  
12 not permit that pressure to in any way influence your  
13 judgment or your decision in this case?

14          A       I would not.

17 fls.

17-1

1 Q Now, if during the course of the trial or,  
2 for that matter, what you observed here today, or on any  
3 prior day, it should occur to you that perhaps Leslie  
4 Van Houten wishes to be convicted if any member of the  
5 Family is convicted, would you nonetheless acquit her even  
6 against her wishes if the evidence was insufficient?

7 A I would acquit.

8 Q You would then not follow her wishes in the  
9 matter; you would base your judgment solely upon the evi-  
10 dence that is presented in this case?

11 A I would.

12 Q As indicated earlier, there will be the testimony  
13 of a girl by the name of Linda Kasabian.

14 There will be facts raised suggesting that  
15 perhaps she is an accomplice, and the Court will define  
16 what an accomplice is.

17 Now, perhaps from your previous law enforcement  
18 experience you feel you have in your own mind some idea of  
19 what an accomplice is.

20 Do you, without expressing that idea, have  
21 some idea in your own mind as to what an accomplice is?

22 A Definitely.

23 Q Now, I don't want to go into any great detail  
24 or any detail at all in finding out just what your point of  
25 view is as to what constitutes an accomplice.

26 But will you follow the Court's definition of an

17-2  
1 accomplice if it should in any way differ from your view of  
2 an accomplice?

3 A I will.

4 Q All right, so that after the Court gives you  
5 certain instructions that -- well, strike that.

6 If the Court says that under certain circum-  
7 stances you must find that Leslie -- that Linda Kasabian  
8 was an accomplice, and if from your recollection, from your  
9 experience that that definition of accomplice is wrong,  
10 you would nonetheless ignore your previous conception and  
11 you would follow the Court's instruction?

12 A I would.

13 Q All right, now, if you decide in your own  
14 judgment, after you follow the instruction of the Court  
15 and use the definition that the Court has given you that  
16 Linda Kasabian was in fact an accomplice to these killings,  
17 you will then be given an instruction as to what consider-  
18 ation you may give her testimony.

19 Will you follow that instruction?

20 A I will.

21 Q Now, if the Court should instruct you that in  
22 the event you conclude that Linda Kasabian is actually an  
23 accomplice, that you may not even consider for any purpose  
24 her testimony unless it is corroborated by some independent  
25 evidence, would you follow that instruction?

26 A Yes.

1 Q Well, do you feel that that instruction as  
2 strict as it sounds would go against the grain of yourself  
3 with prior law enforcement experience?

4 A My law enforcement experience was kind of  
5 sketchy, even though I put in almost five years at it.

6 Q Then you would have no reluctance whatsoever to  
7 follow the Court's instruction that you must disregard the  
8 testimony of an accomplice if there is no independent  
9 corroborating evidence?

10 A Yes.

11 Q You understand that when I speak of independent  
12 corroborating evidence I mean evidence that corroborates  
13 the participation of Leslie Van Houten.

14 I am not talking about corroboration that would  
15 relate to any of the other defendants.

16 A Yes, I understand.

17 MR. REINER: Thank you very much, sir.

18 THE COURT: Pass for cause?

19 MR. REINER: Pass for cause, your Honor.

20 THE COURT: Mr. Shinn.

21 MR. SHINN: Pass for cause, your Honor.

22 THE COURT: Mr. Kanarek.

23 MR. KANAREK: Yes, your Honor. May I approach the  
24 bench?

25 I wish to approach the bench if I may, your  
26 Honor.

1 Your Honor is asking a question which I don't  
2 feel I should answer in the presence of the jury.

3 THE COURT: All right, you may.

4 (The following proceedings were had at the  
5 bench out of the hearing of the prospective jurors, all  
6 counsel being present.)

7 MR. KANAREK: Your Honor, I wish not to ask any  
8 questions, but I challenge the juror for cause.

9 THE COURT: What is the ground of the challenge?

10 MR. KANAREK: The ground of the challenge is, your  
11 Honor, the overwhelming publicity that has permeated the  
12 community in connection with this.

13 This man has alluded, without going into  
14 detail, he has alluded to the very fact of this case.

15 He stated no matter what you do in this case he  
16 is going to be interrogated, in fact the rest of his life,  
17 as to why he voted one way or the other.

18 Certainly I say his mind has been permeated  
19 with publicity.

20 MR. STOVITZ: Submit it, your Honor.

21 THE COURT: The challenge will be disallowed.

22 MR. STOVITZ: Shall we commence our questioning?  
23 Does your Honor want to question Mr. Black?

24 THE COURT: Yes, I do want to ask Mr. Black, and then  
25 I think we will adjourn for today.  
26

17a-1

1 MR. FITZGERALD: Your Honor, there is a matter  
2 of a tape recorder; there was a matter in regard to  
3 a motion in regard to tape recorders in the jail.

4 Your Honor indicated yesterday you were  
5 going to talk to Inspector Welch.

6 THE COURT: Yes, I did talk to Inspector Welch  
7 this morning. As a result of my talking with the  
8 Inspector, and my review of the file, and so forth, I  
9 have decided that I am going to deny the motion for the  
10 use of tape recorders.

11 In lieu of tape recorders, however, you can  
12 have them record, I mean by stenographic means, a statement  
13 of the defendant in the jail.

14 I don't mean to take up this whole argument  
15 here at the bench. If you want to discuss it further  
16 I will do it in chambers with you.

17 (The following proceedings were had in open  
18 court in the presence and hearing of the prospective  
19 jurors.)

20 THE COURT: Mr. Black, you have indicated in a  
21 note that you wish to be excused tomorrow afternoon for  
22 a doctor's appointment.

23 I wonder, sir, if it would be possible  
24 for you to change that appointment so it could be  
25 kept at some time after the court hours.

26 Is that possible?

17a-2

1 MR. BLACK: I don't know whether they are open  
2 on Saturdays or not.

3 I know they are not open after 5:00 o'clock.

4 THE COURT: Well, if we were to adjourn, say, at  
5 4:00 o'clock tomorrow, would you be able to keep your  
6 appointment by moving it back, say, to somewhere around  
7 5:00 o'clock?

8 MR. BLACK: Yes.

9 THE COURT: All right. The reason, sir, is because  
10 maybe things that are said and questions asked and answers  
11 given while you are gone that you should be hearing. Do  
12 you understand?

13 MR. BLACK: I understand.

14 THE COURT: All right, then will you try to rearrange  
15 your appointment, and you can let the Clerk know in the  
16 morning, if necessary we can adjourn a few minutes early.

17 MR. BLACK: All right.

18 THE COURT: All right, we will adjourn at this time,  
19 ladies and gentlemen, until 9:45 tomorrow morning.

20 Do not converse among yourselves or with  
21 anyone else on any subject relating to the case; nor form  
22 or express any opinions regarding the case until it is  
23 finally submitted to those of you who are selected.

24 MR. FITZGERALD: May we see your Honor in chambers  
25 with regard to the matter we mentioned at the bench?

26 THE COURT: Very well.



1 (Whereupon at 4:15 o'clock p.m. the follow-  
2 ing proceedings were had in the chambers of the Court out  
3 of the hearing of the prospective jurors, all the defendants  
4 and their counsel, including Mr. Bugliosi being present.)

5 THE COURT: The record will show that all parties  
6 and counsel except Mr. Stovitz are present.

7 Mr. Bugliosi is here.

8 Did you have something you wanted to say,  
9 Mr. Fitzgerald?

10 MR. FITZGERALD: Yes, your Honor, I believe earlier  
11 in the case we made a motion to be allowed to carry into  
12 the Los Angeles County Jail for the purposes of interviewing  
13 our clients a tape recorder.

14 Your Honor initially indicated that that  
15 motion would be granted, but subsequently pointed out to  
16 counsel in the case that there was some problem in connec-  
17 tion with an order to that effect.

18 Your Honor indicated to us that you were  
19 going to have a discussion with one or more inspectors of  
20 the Los Angeles County Sheriff's Office.

21 THE COURT: Yes.

22 MR. FITZGERALD: We would just like to inquire as  
23 to the status of the motion.

24 THE COURT: Well, as I indicated to you at the  
25 bench, I intend to revoke the previous order granting  
26 permission to use the tape recorders in jail, and that

1 order is revoked.

2 MR. SHINN: Your Honor, may we inquire on what  
3 basis?

4 THE COURT: Well, I don't have to explain all of  
5 my orders.

6 MR. SHINN: Maybe there is a misunderstanding as to  
7 what we were going to do with the tape recorder.

8 THE COURT: Well, you had an opportunity to say  
9 something before I ruled. Now I have ruled.

10 MR. FITZGERALD: Well, it is just that we have the  
11 feeling that evidence was taken outside of the presence  
12 that we as attorneys --

13 THE COURT: Evidence, what evidence?

14 MR. FITZGERALD: I don't know what the nature of  
15 your discussion with the Sheriffs was. But in the event  
16 anything was said --

17 THE COURT: Any time I want to talk to the Sheriff  
18 about security or other problems, Mr. Fitzgerald, I will  
19 do so. It had nothing to do with any issue relating to  
20 this case.

21 MR. KANAREK: Your Honor, if I may make the point  
22 on behalf of Mr. Manson.

23 In this connection it is most important,  
24 most important that, as your Honor knows, our time in that  
25 jail is limited.

26 We are in court all day. We then -- the

1 jail closes at 9:00 o'clock. It opens at 8:00, I believe,  
2 in the morning.

3 It is most important -- most important --  
4 to be able to have colloquy and to be able to not have to  
5 go through stenographic notes and not have to go through--

6 THE COURT: Are you renewing the motion now,  
7 Mr. Kanarek?

8 MR. KANAREK: I am not really renewing it, your  
9 Honor has not rescinded it yet.

17b fls.

L7-B-1

1 THE COURT: Yes, I have, I listened to Mr. Fitzgerald  
2 and no one said anything, and I revoked the order as I  
3 indicated.

4 MR. KANAREK: Perhaps I was conferring with  
5 Mr. Manson.

6 But the point is, your Honor, they inspect  
7 typewriters.

8 We make it a point to be -- when we interview --  
9 when we are with Mr. Manson --

10 Your Honor, may I make a point, I don't know if  
11 the Sheriff told you this or not, but Mr. Manson, when we  
12 are talking to Mr. Manson we are under the scrutiny of at  
13 least five Deputy Sheriffs.

14 THE COURT: I understand what the procedure is.

15 MR. KANAREK: And if these are brought in, your  
16 Honor can make the order that the tape recorder shall never  
17 leave the physical custody of the lawyer.

18 I would be more than willing to do that.  
19 Now, nothing could possibly happen if it is only on the  
20 possession of the lawyer, unless the lawyers are not to be  
21 trusted.

22 Because this is most important. It is a  
23 fundamental due process point in connection with the defense  
24 of Mr. Manson.

25 Mr. Manson has candidly told the Court that his  
26 writing and his reading capacity is not as good as perhaps

17B2 1 some of us who may be more fortunate in that regard.

2 So it is most imperative, it goes to the heart  
3 of being able to have colloquy and be able to do something  
4 that is constructive, your Honor, and I might say that the  
5 Sheriff, the people that are in the Sheriff's Department,  
6 we would like to have a small, maybe a mini-evidentiary  
7 hearing, if I may put it that way, with whoever is telling  
8 your Honor that there is any danger with the tape recorder.

9 Because if the lawyers have them from the time  
10 we come in to the time we leave, and we have a microphone  
11 that is in complete observation of the five people.

12 When I talk to Mr. Manson --

13 THE COURT: Mr. Kanarek, we have gone over this now  
14 many times. Everyone has now had an opportunity to speak  
15 on the subject.

16 We went over it at the time the motion was  
17 made.

18 We covered it later when I found out there had  
19 been previous orders made.

20 Mr. Fitzgerald has gone over it again today.

21 Mr. Reiner has said something; you have said  
22 something now.

23 I don't see any point in continually rehashing  
24 the matter.

25 As I indicated to you at the bench, if you feel  
26 that these statements have to be somehow written down and

1 you are unable to do that yourself, I don't see why, but  
2 if you think you are unable to do it, or it has to be  
3 faster, you may take a stenographer in there or a reporter  
4 of some kind and have it taken down stenographically.

5 MR. KANAREK: Yes, your Honor, Mr. Manson informs  
6 me that he cannot even have a pencil or piece of paper.

7 May he be sworn? I will offer to swear him.

8 DEFENDANT MANSON: I don't lie. It is true.

9 THE COURT: It is not true, sir.

10 MR. MANSON: Okay.

11 THE COURT: He will be permitted to have paper and  
12 pencil at any time that he requests it. Some of his  
13 privileges have been taken away from him in the jail for  
14 misconduct, and his personal possessions, some of them have  
15 been taken away from him during his disciplinary action.

16 MR. MANSON: Including pencil and paper.

17 THE COURT: What I am saying is any time you need  
18 pencil and paper for writing down anything you want to in  
19 connection with this case, all you need do is make the  
20 request.

21 MR. MANSON: I have. Three days in a row I made the  
22 request.

23 THE COURT: We will adjourn until 9:45 tomorrow  
24 morning.

25 (Whereupon, at 4:25 an adjournment was taken to  
26 reconvene Wednesday, July 1, 1970, at 9:45 a.m.)

1 LOS ANGELES, CALIFORNIA, WEDNESDAY, JULY 1, 1970 10:05 AM

2 - - -

3  
4 (The following proceedings were had in the  
5 chambers of the Court out of the hearing of the prospective  
6 jurors, all counsel being present:)

7 THE COURT: The record will show all of counsel are  
8 present in chambers.

9 We have a note here from a prospective juror,  
10 apparently one Mayor Smith, which reads as follows:

11 "Would you please excuse me from  
12 this case as I am 78 years young and if I get  
13 excited I have to use nitroglycerine on my  
14 doctor's orders, and I have a bad heart."

15 Signed Mayor Smith.

16 Do counsel wish to stipulate?

17 MR. FITZGERALD: We will stipulate.

18 MR. SHINN: So stipulated.

19 MR. REINER: So stipulated.

20 MR. KANAREK: So stipulated.

21 MR. STOVITZ: On behalf of the prosecution we so  
22 stipulate.

23 THE COURT: Mr. Darrow, would you inform Mr. Smith  
24 he is excused?

25 MR. KANAREK: May I address the Court your Honor?

26 THE COURT: Yes, Mr. Kanarek.

1 MR. KANAREK: I would like to explain why I am  
2 late, your Honor.

3 I had two matters which were set at 9:00  
4 o'clock, both of them in the Brunswick Building, and I was  
5 in the Brunswick Building at a quarter to 9:00.

6 However, in neither case did the court  
7 convene at 9:00 o'clock, and I asked for priority in each  
8 case, your Honor.

9 THE COURT: All right. I notice that in the Times  
10 this morning there is an article regarding this case,  
11 in which a question regarding the allegations made by  
12 Mr. Reiner as to the attempt to initiate contempt proceed-  
13 ings were discussed.

2 fls.



2-1  
1 Mr. Darrow, you did not release this to the  
2 newspapers, did you?

3 THE CLERK: No, your Honor.

4 THE COURT: I am referring now to the papers filed  
5 by Mr. Reiner yesterday.

6 THE CLERK: No. They did not see any papers from me.

7 They did come in and question me on it but I  
8 told them there was nothing I could tell them about it.

9 THE COURT: Well, the papers have been on my desk  
10 continuously since they were brought in by the Clerk  
11 yesterday morning.

12 There was also mention in the article of the  
13 fact that the book which was the subject of Mr. Reiner's  
14 declaration, entitled "The Killing of Sharon Tate" --

15 MR. SHINN: Your Honor, I don't want to interrupt,  
16 but don't you think we should have the defendants' present,  
17 your Honor?

18 I believe this concerns Susan Atkins, my client,  
19 and I believe she should be present.

20 THE COURT: No, I don't think that is necessary,  
21 Mr. Shinn.

22 MR. FITZGERALD: For the record, I am going to object  
23 to any proceedings in chambers in regard to this matter.

24 MR. REINER: Your Honor, I will also object.

25 THE COURT: Your objections are noted.

26 MR. SHINN: I am objecting to it.

1 MR. FITZGERALD: Could we be ordered here in chambers?

2 THE COURT: Could you be what?

3 MR. FITZGERALD: Could I be ordered to be here in  
4 chambers?

5 THE COURT: Nothing has occurred yet. I am just in  
6 the process of commenting on the article that I have read  
7 in the newspaper.

8 MR. FITZGERALD: May I return, then, to open court?

9 THE COURT: If you like.

10 MR. REINER: Does that apply to all counsel?

11 THE COURT: It does not apply to you.

12 MR. SHINN: Does it apply to me?

13 THE COURT: I don't really care whether the rest of  
14 you stay or not. I wanted to ask Mr. Reiner a question.

15 (Mr. Fitzgerald leaves the chambers.)

16 THE COURT: As I started to say, the article refers  
17 to the book entitled "The Killing of Sharon Tate," which is  
18 the subject of Mr. Reiner's declaration which he filed in  
19 this court yesterday; and the article further goes on to  
20 say that the book contains a purported confession of  
21 Susan Atkins regarding the crimes alleged to have been  
22 committed, which is the subject of this case.

23 I would suppose, but I have no way of knowing,  
24 that Mr. Reiner furnished that information to the Times,  
25 and I simply wanted to comment that if he did so, it would  
26 seem to be highly inconsistent with his professed concern

1 for the publicity in this case, since it simply renews and  
2 calls to the attention of the readers a purported confession  
3 of Susan Atkins.

4 Why this has to be furnished to the newspapers  
5 is something I am unable to comprehend.

6 You may respond if you like, Mr. Reiner, or not,  
7 I really don't care, but I simply wanted to mention the  
8 fact that this was in the newspapers this morning and I can  
9 only assume that the source was you.

2a-1

1 MR. REINER: Your Honor, I have not seen this  
2 morning's Times article. I can indicate to the Court  
3 exactly what I said, as well as I can recall what I said,  
4 and I think I have an accurate recollection of it.

5 After filing that particular document with  
6 the Court, I did inform certain reporters -- and I am sure  
7 it did include the Times reporter; I don't specifically  
8 recollect, but I assume he must have been there -- that  
9 I filed a specific document, and I described it by the  
10 title placed on the caption, and that it referred to the  
11 book "The Killing of Sharon Tate." I did not refer  
12 to the purported confession in the book.

13 However, your Honor, I assume that it is a  
14 matter of common knowledge. Certainly it is a matter  
15 of common knowledge to the Times -- since they printed  
16 the purported confession of Susan Atkins even prior to  
17 the publication of the book -- that this book contains  
18 her purported confession.

19 I did not characterize her statement as a  
20 confession or purported confession. I simply referred to  
21 the book "The Killing of Sharon Tate."

22 Now, the document I filed refers to the  
23 statement as a purported confession, but the comment that  
24 I made to the media just simply referred to a statement  
25 of Susan Atkins in the book "The Killing of Sharon Tate,"  
26 and that the purport of the document was the alleged

2a-2

1 contempt of Mr. Younger in violating the Court's order,  
2 which I felt was not prejudicial to any defendant. If  
3 anything, it is, perhaps, somewhat prejudicial to the  
4 prosecution, for what I feel to be improper conduct in  
5 the case.

6 THE COURT: Well, it is apparent that you were  
7 aware that the newspapers were very likely going to carry  
8 an article concerning your statements and the content of  
9 your declaration, including the fact that the book,  
10 apparently -- I have never read the book -- but apparently  
11 it contains the purported confession of Susan Atkins.

12 What I am curious about is why you thought  
13 it necessary to tell the news media regarding a matter  
14 pending in this court.

15 MR. REINER: My understanding of the court order is  
16 that if a document is filed we may indicate that it was  
17 filed and not go beyond that.

18 I didn't go beyond that, your Honor. I  
19 did not indicate there was a purported confession involved.

20 I did not understand -- and I do not think  
21 the prosecution or the defense side understood -- the  
22 court's order to include a restriction on commenting on  
23 the very fact that a document has been filed.

2b fls. 23

24

25

26

B-1

1 THE COURT: I am not now concerned with the publicity  
2 order at the moment. What I am concerned about is your  
3 apparent disregard of the extremely strong likelihood, if  
4 not certainty, that the newspaper was going to publish  
5 some publicity which referred to the purported confession of  
6 Susan Atkins. It seems to me to be utterly inconsistent  
7 with your professed concern with publicity about the case.

8 MR. REINER: Your Honor, actually, we have to be  
9 somewhat practical about it, and I do not believe it is  
10 inconsistent.

11 To put it in its proper context, we must  
12 understand that the day before I filed this document with  
13 the Court, Evelle Younger issued an announcement that he  
14 was going to call a press conference, and the subject of  
15 the press conference was so incredibly absurd, he was going  
16 to indicate to the public that he thought one of the  
17 attorneys in the case was grossly incompetent.

18 Irrespective of the views of whether that  
19 judgment of Evelle Younger was right or wrong, the calling  
20 of the press conference for that purpose is unbelievable.  
21 I don't know of a word that I can use that would properly  
22 describe his conduct.

23 For that reason, I decided that I must, at this  
24 point -- up to this time I had withheld doing it -- seek a  
25 contempt hearing on the part of Mr. Younger, because there  
26 is no question but that all counsel in this case -- and by

1 that I mean all defendants in this case -- have been  
2 seriously and adversely affected by that press conference.

3 The general public is not as careful in  
4 deciding what was said. The general public --

5 THE COURT: The subject I raised has nothing to do  
6 with Mr. Younger's press conference.

7 MR. REINER: It does, your Honor.

8 THE COURT: I have other views on that.

9 I simply wanted to call your attention to the  
10 fact that I read the article and it seems to me to be  
11 highly -- I will put it another way -- totally inconsistent  
12 with any regard for adverse publicity as to your client.

13 That is really the only purpose that I brought  
14 it up.

15 MR. REINER: I understand that, but in response to  
16 your Honor's question as to why I did it and whether I  
17 felt that my position was totally inconsistent, no, I do  
18 not feel it was inconsistent for the reason that after  
19 Mr. Younger's press conference -- and this was predictable  
20 in advance -- the general public's attitude is now that  
21 the attorneys in this case are being obstructive, that the  
22 attorneys in this case are incompetent.

23 The public is not that careful, your Honor,  
24 in --

25 THE COURT: I hardly think you have had an opportunity  
26 to take the public's pulse in the short period that has

1 ensued since the press conference but, in any event, that  
2 is another matter. My feelings are very much the same in  
3 regard to the District Attorney's press conference, I  
4 might say.

5 MR. REINER: And I might indicate also --

6 THE COURT: Why Mr. Younger feels it necessary to  
7 call a press conference to announce that he is going to  
8 take the next procedural step regarding a pending matter  
9 before this Court and other courts of the State in this  
10 case is a matter that is also incomprehensible to me, and  
11 I think irresponsible, but it was no violation of the  
12 publicity order, it was simply a violation of good sense,  
13 in my opinion.

14 All right. Let's get back to the matters at  
15 hand.



3-1

1 (The following proceedings were had in open  
2 court, all defendants and their counsel being present:)

3 THE COURT: All parties and counsel are present.

4 All of the prospective jurors are in the  
5 jury box.

6 I believe the defendants had completed their  
7 voir dire examination of Mr. Nordland.

8 Do you care to proceed, Mr. Stovitz.

9 MR. REINER: Excuse me, your Honor. I think the  
10 peremptory lies with the defense.

11 MR. STOVITZ: We have not asked --

12 THE COURT: The People have not had their examina-  
13 tion yet.

14  
15 VOIR DIRE EXAMINATION OF MR. NORDLAND

16 BY MR. STOVITZ:

17 Q Mr. Nordland, sir, how long have you worked  
18 as a painting contractor for the Board of Education?

19 A Painter foreman.

20 Q Painter foreman?

21 A Yes, sir, 22 years.

22 Q And that means that you are actually  
23 employed by the Board of Education rather than coming  
24 in to some contracting work for them, is that right?

25 A That's right.

26 Q Did you ever meet a man by the name of

3-2

1 Wein in your work with the Board of Education?

2 A Dave Wein?

3 Q Yes, Dave Wein.

4 A Yes, years ago.

5 Q You know nothing of his difficulties or  
6 anything like that?

7 A Well, I knew about his son, if you are  
8 referring to that.

9 Q That would in no way influence you in this  
10 case?

11 A No, sir.

12 Q Now, sir, do you have any children that are  
13 living at home with you?

14 A No, sir.

15 Q How old are your children?

16 A I have a daughter 30 years old.

17 Q And do you think in this particular case,  
18 undoubtedly your daughter had to live through the ages  
19 of these young ladies on trial here, that you would have  
20 difficulty in not associating the defendants' guilt or  
21 innocence with what your daughter had to live through?

22 A No, sir.

23 Q Now, you told us in your own fashion that you  
24 are not opposed to voting for the death penalty, if that  
25 was a proper vote under the facts of the case, is that  
26 right?

3-3

1           A        I did.

2           MR. SHINN: Your Honor, I object to the use of the  
3 words "proper case" without defining what a proper case is.

4           MR. STOVITZ: I did not say "a proper case."

5                    I said "proper vote under the facts of the  
6 case."

7           MR. FITZGERALD: I object to the term, "as it  
8 applies to this case," I think the law is clear; the  
9 law refers to a proper case in the abstract.

10          MR. KANAREK: Join in the objection.

11          MR. REINER: Join.

12          MR. STOVITZ: Perhaps I will reword the question.

13          THE COURT: Rephrase the question, Mr. Stovitz.

14   BY MR. STOVITZ:

15           Q        You told us that after considering all of  
16 the circumstances, that is, the circumstances of the guilt  
17 as well as the backgrounds of the defendants, as well as  
18 any other circumstances that are introduced in the penalty  
19 phase of the trial, if you felt that in your opinion  
20 you should vote for the death penalty, you would do that,  
21 is that right?

22           A        Yes, I did.

3a fls. 22

23

24

25

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(a-1)

1 Q Now, as a matter of personal philosophy, sir,  
2 do you belong to any organization that has as one of its  
3 tenets the suppression of the death penalty?

4 A I do not.

5 Q Any religious affiliations that you know of?

6 A None at all.

7 Q Now then, with respect to your own personal  
8 preference, you understand that the law does not make any  
9 personal preference. Do you understand that?

10 In other words, if you find the defendants  
11 guilty of first-degree murder, that the law will tell you  
12 that one penalty is not favored over the other one. Do  
13 you understand that?

14 A Yes.

15 Q And in fact the People, once the guilt of the  
16 defendants has been proven beyond a reasonable doubt, need  
17 not prove to you that you should vote for the death  
18 penalty versus voting for life imprisonment.

19 Do you understand that?

20 A Yes, I do.

21 Q You understand that neither party has the burden  
22 of proof as to what penalty should be applied?

23 A I do.

24 Q Now, we are trying to find out whether you have  
25 any personal --

26 MR. KANAREK: May we approach the bench on this last

1 statement? I do not believe that is a fair statement of  
2 the law.

3 I do not believe that is a fair statement of the  
4 synopsis of the law.

5 THE COURT: All right, you may approach the bench.

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

8 MR. KANAREK: Your Honor, it is just not a debating  
9 matter.

10 The People have a position that they want to  
11 prevail on, and they must carry the burden.

12 Now, I don't know which way we want to  
13 denominate it, but they are advocating the death penalty.  
14 They are asking for the death penalty, and he says they  
15 don't have to carry some kind of a burden, addressing a jury  
16 of lay people, that it is just not true.

17 MR. STOVITZ: Submit it on the cases in California,  
18 your Honor.

19 THE COURT: The objection is overruled. Let's  
20 proceed, gentlemen.

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

23 Q BY MR. STOVITZ: Now, sir, the purpose of our  
24 examination here is to find out if any persons have any  
25 prejudices or prejudgments in this respect.

26 Now, assuming now that the People have proven

1 the defendants' guilt beyond a reasonable doubt, do you  
2 have any obstacles in your mind that the People would have  
3 to overcome before you would vote for the death penalty  
4 if you felt the facts in this case warranted the imposition  
5 of the death penalty?

6 MR. KANAREK: Improper voir dire, your Honor.

7 MR. REINER: Join.

8 THE COURT: The objection is sustained.

9 Q BY MR. STOVITZ: Sir, you understand that in  
10 proving the defendants' guilt in this case, that the People  
11 are not required to produce even one eye witness, much less  
12 two eye witnesses. You understand that.

13 Do you understand that, sir?

14 A Yes.

15 Q In other words, you do not have any type of  
16 philosophical or religious belief that at least two eye  
17 witnesses must be present before you would vote for a  
18 verdict of guilty in a homicide case?

19 A No, sir.

20 Q You understand the law does not require that.  
21 You understand that?

22 THE COURT: He may or may not understand it, Mr.  
23 Stovitz. Until he has been instructed by the Court it is  
24 highly unlikely that he would understand it.

25 MR. STOVITZ: All right.

26 THE COURT: Rephrase the question in another form.

1 Q BY MR. STOVITZ: Now, you do not hold any  
2 prejudgments in that regard, that you would require that a  
3 confession be introduced before you would convict a defen-  
4 dant?

5 A No.

6 MR. SHINN: I object to that question as prejudging  
7 the evidence, your Honor.

8 THE COURT: Read the last question.

9 (Whereupon, the reporter reads the record as  
10 follows:

11 "Q BY MR. STOVITZ: Now, you do not  
12 hold any prejudgments in that regard, that you  
13 would require that a confession be introduced  
14 before you would convict a defendant?")

15 THE COURT: Overruled.

16 Q BY MR. STOVITZ: Do you have any feeling that  
17 there must be proof of a motive before you convict the  
18 defendant of the murder?

19 A No, sir.

20 Q All right, now; then, we assume for the purpose  
21 of our next discussion that you have come in with a verdict  
22 of first-degree murder as to one or all of the defendants.

23 Do you understand the presumption?

24 A Yes.

25 Q Do you have in your mind now before you would  
26 vote for the death penalty of one of the defendants who has

1 been convicted of first-degree murder that that person must  
2 be the actual killer, must be the person who actually, say,  
3 pulled the trigger of the gun, if a gun was used.

4 MR. KANAREK: Improper voir dire, your Honor. I think  
5 it is up to the absolute discretion of the jurors.

6 May we approach the bench?

7 THE COURT: If that is your ground, sir, the objection  
8 is overruled.

9 MR. KANAREK: I would like to elaborate at the bench,  
10 if I may.

11 THE COURT: I don't think it is necessary. The  
12 objection is overruled.

13 Q BY MR. STOVITZ: Do you understand my question,  
14 sir? Do you feel the person must be the actual perpetrator  
15 of the actual death of that individual?

16 A No, sir.



3b-1

1 Q Now, in respect to the fact that some of  
2 these defendants appear to be young women, would that  
3 fact in and of itself preclude you from voting for a  
4 verdict of death?

5 A No, sir.

6 Q All right, now, did you hear our little  
7 discussion the other day concerning what constitutes a  
8 criminal conspiracy, and the fact that a member of a  
9 criminal conspiracy, although he does not commit a  
10 particular crime himself, but he is a member of the criminal  
11 conspiracy, is equally guilty with all other conspirators?

12 MR. SHINN: Object, your Honor --

13 THE COURT: Overruled. You may answer.

14 BY MR. STOVITZ:

15 Q Did you hear that, sir?

16 A Yes, sir.

17 Q Do you have any prejudices against following  
18 that rule of law if that is given to you?

19 A I do not.

20 Q Then I take it you understand that a person  
21 sitting far away from a location of a crime could be  
22 equally guilty with the actual perpetrators of that crime  
23 if they are all co-conspirators?

24 A I do.

25 Q Now, sir, do you read murder mystery books?

26 A Yes, I do.

3b-2

1 Q Many times people who read murder mystery  
2 books come up with the statement, "I would never convict  
3 someone unless their guilt was proved beyond a shadow of  
4 a doubt."

5 You have heard that expression?

6 MR. SHINN: Objection, improper voir dire examina-  
7 tion.

8 THE COURT: Overruled.

9 BY MR. STOVITZ:

10 Q Have you heard that expression?

11 A Yes.

12 Q You understand the People are not required  
13 to prove guilt beyond the shadow of a doubt?

14 A I do.

15 Q In fact, his Honor told you yesterday we  
16 need not prove guilt beyond all possible doubt?

17 A Yes, I do.

18 Q Everything relating to human affairs is open  
19 to some possible or imaginary doubt.

20 A Yes, I do.

21 Q All right now, in the proving of guilt or  
22 innocence, both the People and the defendants are entitled  
23 to use circumstantial evidence.

24 You understand that?

25 A Yes.

26 Q Do you have any prejudices against the use

3b-3

1 of circumstantial evidence if circumstantial evidence is  
2 introduced to prove guilt?

3 A I do not.

4 Q Counsel used the illustration of the cookies.  
5 I use the illustration of the footprint in  
6 the sand and Robinson Crusoe, do you remember the story of  
7 Robinson Crusoe? You remember his noticing the footprints  
8 in the sand. He said, "Oh, there must be someone else  
9 here besides me."

10 That is pretty good evidence?

11 A Yes, sir.

12 Q You remember the illustration in Robinson  
13 Crusoe, or at least you heard about it?

14 A Yes.

15 Q Unless Mr. Crusoe actually saw his man  
16 Friday, he would not know he was there; but if he saw a  
17 footprint in the sand he would know someone else was there  
18 besides himself.

19 You understand that?

20 A You.

21 Q You have no prejudice against that type of  
22 evidence?

23 A No, sir.

24 Q All right, now, bearing in mind all that you  
25 know about yourself from the beginning of time to the  
26 present, everything you might have read or heard or seen

3b-4

1 about the case, do you think that you could be fair to  
2 both sides?

3 A I do.

4 Q If you were in my position as a Deputy  
5 District Attorney and you knew everything about your own  
6 background, is there anything that you would want to tell  
7 us before we make that final selection as to whether or not  
8 you will be one of the 12 best jurors we can find?

3c fls.

9 A No, sir.  
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3C-1

1 MR. STOVITZ: Thank you, sir, for your honesty  
2 yesterday in telling us about those three points, because we  
3 could ask questions all day long and not know about those  
4 unless you had come up and told us about those.

5 Mr. Nordland, if you are selected as a juror in  
6 this case and if the Court instructs you not to read about  
7 the case, not to see anything on television about the case,  
8 and if you hear anything on your radio to immediately turn  
9 it off, not to discuss it with anyone else, would you be  
10 able to follow that instruction meticulously?

11 A I believe I would.

12 Q No matter how curious your wife gets, no matter  
13 how many questions she might ask, is that right?

14 A Yes, sir.

15 MR. STOVITZ: Thank you very much.

16 People pass for cause.

17 THE COURT: The defendants may exercise a joint  
18 peremptory challenge.

19 MR. FITZGERALD: There will be no exercise of a joint  
20 peremptory challenge at this time.

21 THE COURT: Very well.

22 Do you care to exercise an individual  
23 peremptory challenge, Mr. Fitzgerald?

24 MR. FITZGERALD: The defendant Patricia Krenwinkel  
25 will accept the jury as now constituted.

26 THE COURT: Mr. Reiner?

1 MR. REINER: One moment, your Honor.

2 MR. FITZGERALD: Mr. Reiner would like to have the  
3 record reflect in my behalf that the reason a joint  
4 peremptory was not exercised is because there is no  
5 unanimity of opinion.

6 MR. REINER: On behalf of the defendant Leslie  
7 Van Houten, we would thank and excuse Juror No. 2,  
8 Mrs. Fields.

9 THE COURT: Thank you, Mrs. Fields, you are excused.

10 DEFENDANT VAN HOUTEN: Your Honor --

11 THE COURT: Yes, Miss Van Houten.

12 DEFENDANT VAN HOUTEN: May I please have it on the  
13 record, I liked the jury the way it was as it was before.

14 THE COURT: Very well.

15 DEFENDANT VAN HOUTEN: And Mr. Reiner's decisions are  
16 Mr. Reiner's, and I do want it the way it was.

17 THE COURT: Call the next name.

18 THE CLERK: George W. Rollins, G-e-o-r-g-e,  
19 R-o-l-l-i-n-s.

20 (Whereupon, George W. Rollins was seated in  
21 seat No. 2 in the jury box.)

22  
23 VOIR DIRE EXAMINATION OF GEORGE W. ROLLINS  
24 BY THE COURT:

25 Q Mr. Rollins, have you heard and understood  
26 everything that has been stated in court since you came into

1 this case, sir?

2 A Well, I try.

3 Q If you were selected as a trial juror would you  
4 be able to serve?

5 A Yes, I would.

6 Q I am going to put the same two questions  
7 regarding the death penalty to you, Mr. Rollins.

8 The first one relates to the so-called guilt  
9 phase and is this:

10 Do you entertain such conscientious opinions  
11 regarding the death penalty that you would be unable to  
12 make an impartial decision as to any defendant's guilt  
13 regardless of the evidence developed during the trial?

14 A No, sir.

15 Q And the second question relates to the so-called  
16 penalty phase.

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

21 A No, sir.

22 THE COURT: Mr. Fitzgerald, do you care to inquire?

23 MR. FITZGERALD: No, your Honor.

24 THE COURT: Mr. Reiner.

25 MR. REINER: Thank you, your Honor.

26 May we approach the bench before we begin voir

1 dire examination of this prospective juror?

2 THE COURT: Very well.

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

5 MR. REINER: Your Honor, I am doing this belatedly.  
6 I should have done this before we began, so I would do it  
7 at this time, so we may have the benefit of it from this  
8 point forward.

9 It is a matter I know of common knowledge among  
10 those of us who practice in the criminal courts that the  
11 District Attorney's office has access to information not  
12 available to defense counsel in selecting peremptory  
13 challenges.

14 I am referring specifically to two things:

15 1. They have what is called a bounce sheet  
16 in the District Attorney's office, indicating the entire  
17 voting record of all prospective jurors in all prior cases  
18 in which they have sat.

19 This information is available to counsel in  
20 civil cases generally but is not available to defense counsel  
21 in criminal cases.

22 I would ask the Court order the District  
23 Attorney's office to make such information available to us.

24 The second part of this motion would be that it  
25 is also a matter of common knowledge to those of us who  
26 practice in criminal courts that it is the practice of the



1 District Attorney's office to run a make on each prospective  
2 juror to determine whether they have a criminal record, and  
3 they exercise this and use this in determining whether they  
4 shall or shall not exercise a peremptory challenge.

5 I think, checking the criminal records, not  
6 from the District Attorney's office, but employing the  
7 services of the Los Angeles Police Department to make such  
8 checks, is improper.

9 I object to its use.

10 If the Court feels it is not improper and does  
11 not wish to order the District Attorney to cease and desist  
12 from doing this, then I would say that we should be  
13 entitled to the same information that the District Attorney's  
14 office has acquired.

15 In other words, I would indicate to the Court  
16 that it is my belief that the District Attorney's office  
17 has checked the criminal record, if there be any, of each  
18 of the prospective jurors.

19 MR. STOVITZ: In answer to counsel's first inquiry,  
20 we do not keep a list of all of the jurors and how they  
21 voted on previous cases. We do have a list of odd-ball jurors  
22 who have hung up juries 11-to-1 or 10-to-2. These come out,  
23 oh, whenever a deputy has such a case.

24 If counsel wants to see our list, going back for  
25 six months, I will be glad to show counsel that list of  
26 odd-ball jurors.

1 When we have an acquittal of 12 jurors we  
2 don't even make up a list of those 12 jurors because we  
3 feel the case should have been lost.

4 But if we have a case that is hung up, say,  
5 9 to 3, or during the time of voir dire a juror comes out  
6 and says that her son is on trial, we put her on the list.

7 We don't have a list as they do in civil juries.  
8 If counsel wants to see our six-month list, I will be glad  
9 to let him see it.

SD-1  
1 MR. REINER: I am referring to jurors, of course,  
2 who have not previously served, but those on the present  
3 jury panel of which the District Attorney has information.

4 Does your offer include all prospective jurors?

5 MR. STOVITZ: The offer is that if we become aware of  
6 any criminal record of any of the jurors and if your Honor  
7 feels this is information that should be turned over to  
8 the defense, we have no objection to turning over that  
9 information to the defense.

?  
10 MR. REINER: The first part of the request was that  
11 the Court order the District Attorney's office not to  
12 request the Los Angeles Police Department to check the  
13 criminal records of prospective jurors.

14 THE COURT: That part of the motion is denied.

15 MR. REINER: Do I understand the offer by the People  
16 that they will make available to the defense all of the  
17 information that they receive relative to criminal records  
18 of any prospective juror?

19 MR. STOVITZ: If the Court orders us to do so we  
20 will make that information available.

21 THE COURT: I thought you were agreeing to make it  
22 available.

23 MR. STOVITZ: I said if the Court orders us to  
24 do it and if we have that information we will be glad to  
25 turn it over.  
26

I assure your Honor that if it is kept

1 confidential I will put it in the record here; I will be  
2 glad to turn it over to the individual counsel.

3 I don't think the matters of jurors' prior  
4 arrests for drunk driving or petty theft or perhaps book-  
5 making or whatever else they have been arrested for should  
6 be in the record here because this record may be someday  
7 available to the public, and that is what my concern is.

8 So, if as a matter of your Honor's discretion  
9 you feel that this information should be turned over to  
10 the defendants so they can have equal exercise of their  
11 peremptories --

12 THE COURT: I understood you to say you would let  
13 Mr. Reiner --

14 MR. STOVITZ: That was our list of so-called odd-ball  
15 jurors which I will be glad to turn that over without any  
16 court order.

17 THE COURT: Do you have any objection to their  
18 reviewing the arrest records?

19 MR. STOVITZ: The only point I have there, your Honor,  
20 assume for a moment that our officer is negligent in  
21 checking --

22 THE COURT: I am talking about whatever you have.

23 MR. STOVITZ: Whatever I have, your Honor, I do not  
24 want to go into the record, but I will be glad to tell  
25 counsel at the first opportunity we have.

26 MR. REINER: I must say defense counsel, at least

1 speaking for myself, is no more interested in alienating  
2 prospective jurors than the prosecution.

3 THE COURT: You have an offer; take it from there.

4 MR. KANAREK: May the record reflect I join on behalf  
5 of Mr. Manson with all of the words uttered by Mr. Reiner,  
6 and they may be deemed to be on behalf of Mr. Manson.

7 That we have the further request, your Honor,  
8 we would like to enunciate further that it is our position,  
9 your Honor, that this practice which the District Attorney  
10 engages in is a denial of a fair trial.

11 The practice of running a make on every juror  
12 which I gather is being done --

13 THE COURT: If a juror has been convicted of a felony  
14 it is a basis for a challenge for cause.

15 How are they going to know unless they check?

16 MR. KANAREK: I agree as far as felony records go,  
17 but the point is, there is a difference, your Honor,  
18 between a conviction of a felony --

19 THE COURT: Just state your objection.

20 MR. KANAREK: The objection is denial of due process  
21 and equal protection of the law, in that Mr. Manson does not  
22 have the capacity to conduct such a search.

23 We do accept and will take all of the information,  
24 in view of the fact it has already been done, and the  
25 District Attorney's office knows about it.

26 THE COURT: All right, you have your offer, then, you

1 can proceed.

2 MR. SHINN: Susan Atkins joins, too.

3 MR. REINER: Does the Court wish to call the recess  
4 before or after the examination?

5 THE COURT: We will take it up at 11:00 o'clock.  
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1 (Whereupon all counsel returned to their  
2 respective places at counsel table and the following  
3 proceedings occurred in open court within the presence and  
4 hearing of the prospective jurors:)

5 THE COURT: You may proceed, Mr. Reiner.

6 MR. REINER: Thank you, your Honor.

7  
8 VOIR DIRE EXAMINATION OF GEORGE W. ROLLINS

9 BY MR. REINER:

10 Q Mr. Rollins, you will be instructed that you  
11 must presume that the defendant, Leslie Van Houten, is  
12 innocent.

13 Will you make such a presumption, sir?

14 A Yes, sir.

15 Q Do you, in fact, as you sit here now, Mr.  
16 Rollins, presume that Leslie Van Houten is innocent?

17 A Yes, sir.

18 Q Do you know which defendant is Leslie Van  
19 Houten?

20 A Yes.

21 Q Would you indicate, please?

22 A The one on this end.

23 Q Referring to the girl in the blue and white  
24 striped dress?

25 A Yes.

26 Q You appreciate that I am speaking on behalf

4-2

1 of Leslie Van Houten and not on behalf of any other  
2 defendant?

3 A Yes.

4 Q That any other attorney who speaks on  
5 behalf of his respective client does not speak for or on  
6 behalf of Leslie Van Houten?

7 A Yes, sir.

8 Q Can you, Mr. Rollins, in good conscience,  
9 notwithstanding anything you may have read or heard prior  
10 to coming to court, presume that Leslie Van Houten is  
11 innocent until and unless there is some evidence that is  
12 offered to the contrary?

13 A Yes.

14 Q And will you continue to presume that she is  
15 innocent until that evidence is so overwhelming that it  
16 persuades you beyond all reasonable doubt?

17 A Yes, sir.

18 Q If the evidence that is presented against  
19 Leslie Van Houten is not so overwhelming, if it only  
20 causes you to suspect that she might be guilty, will you  
21 then, nonetheless, acquit her?

22 A Yes, sir.

23 Q And will you, Mr. Rollins, if it should happen  
24 during the course of your deliberations that you should have  
25 some subconscious inclination to convict all defendants if  
26 any of them are shown to be guilty, would you conscientiously



4-3

1 discipline yourself, your thinking, so that you will not  
2 convict all the defendants if there is only evidence  
3 that some or one of the defendants may be guilty?

4 A Yes.

5 Q You will not permit your emotions to over-  
6 whelm your judgment, sir?

7 A No.

8 Q And if it appears to you that perhaps your  
9 emotions are beginning to overwhelm your judgment, would you  
10 make a conscientious attempt to not let this occur?

11 A Yes, sir.

12 Q You do recognize that all of us as human beings  
13 sometimes we are unable to let -- or unable to exercise our  
14 judgment without allowing our emotions to overcome that  
15 judgment; you understand that?

16 A Yes.

17 Q And recognizing that frailty in all human  
18 beings, you will make every possible attempt, every conscious  
19 attempt, not to allow this to occur with yourself; is that  
20 right?

21 A Yes, sir.

22 Q Do you have any reservations whatsoever about  
23 any of these things that you have said just now, Mr. Rollins?

24 A No, sir.

25 Q Sir, I will not inquire at this time as to  
26 your interpretation of the conduct of Leslie Van Houten

4-4

1 today nor her conduct yesterday, and perhaps at some prior  
2 time during the course of these proceedings, but if it  
3 should appear to you that she wishes to be convicted,  
4 would you, nonetheless, ignore that and decide this case  
5 based upon the evidence and not based upon her wishes?

6 A Yes, sir.

7 Q So that if it appeared to you that Miss Van  
8 Houten wishes to be convicted if any defendant in this case  
9 is convicted, you will, nonetheless, acquit her unless there  
10 is evidence that convinces you beyond all reasonable doubt  
11 that she is, in fact, guilty; is that correct?

12 A Yes, sir.

13 Q So that it is the evidence in the case and  
14 not Miss Van Houten's wishes in this matter that will  
15 decide whether she is to be convicted or acquitted; is that  
16 true?

17 A That's right.

18 Q A witness by the name of Linda Kasabian will  
19 be called by the prosecution to testify and there will, of  
20 course, be a question as to whether she is or is not an  
21 accomplice.

22 Now, the Court will give you a definition,  
23 a legal definition, of what an accomplice is. Will you  
24 follow that definition?

25 A Yes, sir.

26 Q Now, after hearing the Court's definition as

4-5

1 to what an accomplice is, if, in applying that definition,  
2 in your judgment she is an accomplice, you will then treat  
3 her testimony in a manner consistent with the Court's  
4 next instruction as to how you should consider the  
5 testimony of an accomplice, would you not?

6 A That's right.

7 Q Now, the Court will instruct you, in sum  
8 and substance, that if in your mind you conclude that a  
9 witness is an accomplice, you may not consider the  
10 testimony of that accomplice for any purpose whatsoever  
11 in the absence of totally independent corroborating evidence.

12 Now, if you were so instructed, will you  
13 follow that instruction?

14 A Yes, I will.

4a fls.

4a-1

1 Q When we speak of totally independent corro-  
2 borating evidence, we are referring to evidence that relates  
3 solely to Leslie Van Houten.

4 Do you understand that?

5 A Yes, sir.

6 Q So that even if Linda Kasabian is corroborated  
7 as to one or more defendants, if you believe that she is  
8 an accomplice to these killings, you will not convict Leslie  
9 Van Houten until and unless her testimony is corroborated  
10 with respect to Leslie Van Houten; is that true?

11 A That's right.

12 Q And this corroborating evidence must be, to  
13 your mind, credible; is that true?

14 A That is correct.

15 Q Mr. Rollins, do you have any reluctance  
16 whatsoever to follow this very strict rule that will be  
17 given to you by the Court?

18 A No, I don't.

19 MR. REINER: Thank you very much.

20 We pass, for cause, your Honor.

21 THE COURT: Mr. Shinn?

22 MR. SHINN: Yes, your Honor.

23 VOIR DIRE EXAMINATION OF MR. ROLLINS

24 BY MR. SHINN:

25 Q Mr. Rollins, what is your business or  
26

4a-2

1 occupation?

2 A I a heavy duty truck driver for the Depart-  
3 ment of Public Works, City of Los Angeles.

4 Q In what general area do you live in Los  
5 Angeles, without telling me your address?

6 A Highland Park.

7 Q Highland Park?

8 A Yes.

9 Q Are you married?

10 A Yes, sir.

11 Q Is your wife a housewife or does she work?

12 A She is a housewife.

13 Q Have you any children?

14 A Four.

15 Q Have you ever been a police officer or a  
16 peace officer?

17 A No, sir.

18 Q Have any of your close relatives?

19 A No relatives, no.

20 Q You have had no relation to the Police  
21 Department or the District Attorney's Office?

22 A No.

23 Q Have you ever studied law?

24 A No, sir.

25 Q Have you ever served as a juror before?

26 A On a civil case, on this, you know, this term

4a-3

1 when I was called for jury duty.

2 Q Was that recently?

3 Can you hear me?

4 A Just barely, yes.

5 THE COURT: I think the jurors in the courtroom are  
6 having trouble hearing you. Will you speak a little  
7 louder?

8 Is the mike turned up on the microphone?

9 MR. SHINN: I am sorry.

10 Q My last question was: Was this recent jury  
11 duty, this civil jury duty?

12 A This one that I am on now, this call.

13 Q And you had no prior duty -- I mean, jury  
14 duty -- in a criminal case?

15 A No, sir.

16 Q And you understand that in a criminal case  
17 that the evidence to prove a defendant guilty is different  
18 from a civil case?

19 A Yes.

20 Q In a civil case it is the preponderance of  
21 the evidence.

22 A Yes, the preponderance of the evidence.

23 Q And in a criminal case it is beyond a  
24 reasonable doubt.

25 Do you know that?

26 A Yes, sir.

4a-4

1 Q Do you have any idea about this case or did  
2 you read about this case?

3 A Well, I am not much of a reader. I have  
4 listened a lot to talk about it. I haven't read much.

5 Q Do you have a TV at home?

6 A Yes. But I am not much of a news watcher,  
7 I am more of a serial watcher.

8 I have heard, you know, talk about the case,  
9 though; yes, I have.

10 Q Do you have a radio, Mr. Rollins?

11 A No. Well, I never listen to the radio.

12 Q Do you take the newspapers, sir?

13 A I just started about a week ago.

14 Q Do you read any magazines?

15 A No, sir. I am not much of a reader.

16 Q In other words, Mr. Rollins, you are telling  
17 me that you don't know very much about this case?

18 A Well, I mean, I have heard, you know, there  
19 has been a lot of talk about it is all; and since I have  
20 been on jury duty I have been reading the papers.

21 Q Without mentioning any names, do you recall  
22 any names of any of the people in this case?

23 A You mean the defendants or the lawyers?

24 Q The defendants.

25 A Yes, I recall the names.

26 Q How many names do you remember, without

1 mentioning the names? How many names do you remember,  
2 Mr. Rollins?

3 A About five or six.

4 Q Five or six?

5 A Yes.

6 Q Are these all defendants or people involved  
7 in this case?

8 A They are all defendants.

9 I mean, as far as I know, they are in this  
10 case.

11 Q From what you heard and what you have read,  
12 Mr. Rollins, have you formed any opinion as to the guilt  
13 or innocence of the defendants in this case?

14 A Well, I believe that a man is innocent until  
15 proven guilty, no matter who it is.

4b fls.



4B-1

1 Q In other words, you believe in the proposition  
2 of law that the presumption of innocence protects the  
3 defendants; is that right?

4 A That's right.

5 Q Until evidence is presented to you beyond a  
6 reasonable doubt?

7 A To prove differently, yes.

8 Q Is that correct?

9 A That is correct.

10 Q This reasonable doubt, sir, you heard the other  
11 attorneys talk about reasonable doubt, did you not?

12 A Right. I heard them.

13 Q Were you present in court when reasonable  
14 doubt was discussed by the District Attorney and by  
15 defense counsel?

16 A I misunderstood you. I can't hear you very  
17 well.

18 Q I said, you were present in court when the  
19 District Attorney and defense counsel talked about  
20 reasonable doubt, were you?

21 A Right.

22 Q In other words, if there is any reasonable  
23 doubt as to the facts of the case, the issues or any of the  
24 elements of the crime, what would your verdict be?

25 A Well, if there was a reasonable doubt, I would  
26 have to acquit them.

1 Q In other words --

2 A Until they are proven guilty.

3 Q If there is any reasonable doubt in any area  
4 of the facts, the elements of the crime, you would bring in  
5 a verdict of not guilty; is that correct?

6 MR. STOVITZ: I object to the question as compound,  
7 your Honor.

8 Counsel says "any reasonable doubt as to the  
9 facts" and then he says "element of the crime."

10 If there are reasonable doubts as to the  
11 elements of the crime, that is one thing, but the facts  
12 are something else.

13 THE COURT: The objection is sustained.

14 MR. SHINN: Q Would you ask yourself whether or  
15 not there is reasonable doubt as to a witness' testimony  
16 each time he gets off the stand?

17 A Could you say that again?

18 Q A witness testifies on the stand. When he  
19 gets through testifying, will you ask yourself whether or  
20 not there is reasonable doubt as to his testimony?

21 A As to the witness, yes.

22 MR. STOVITZ: That is objected to, your Honor. That  
23 is improper voir dire examination.

24 THE COURT: objection sustained.

25 MR. SHINN: I have nothing further, your Honor.

26 I will pass for cause.

1 THE COURT: Mr. Kanarek?

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

3 THE COURT: Do you wish to examine?

4 MR. KANAREK: No, your Honor, not at this time.

5 THE COURT: All right. Yes, you may approach the  
6 bench.

7 (Whereupon, all counsel approach the bench and  
8 the following proceedings occurred at the bench outside of  
9 the hearing of the prospective jurors:)

10 MR. KANAREK: Your Honor, this poses quite a problem  
11 because of the District Attorney's press conference  
12 yesterday.

13 THE COURT: State what it is, what relief you are  
14 seeking, Mr. Kanarek, so I can be oriented.

15 MR. KANAREK: Well, the relief, the ultimate relief  
16 I am seeking would be the dismissal of this case.

17 THE COURT: Are you making a motion now or a challenge,  
18 or what?

19 MR. KANAREK: At this point, your Honor, I want to  
20 preserve the right -- in fact, my motion is to challenge --  
21 not challenge, but to inquire as to all of the jurors, all  
22 of the prospective jurors, in view of the all-pervasive  
23 publicity given yesterday and this morning by District  
24 Attorney Younger's press conference and the George Putnam  
25 show last night --

26 THE COURT: Are you making a motion?

MR. KANAREK: Yes.

THE COURT: If you are, state what it is so that I will know what you are talking about.

MR. KANAREK: My motion is to inquire of all the people in the box as to the effect of that upon their state of mind.

4c-1

1 THE COURT: You just told me you don't want to  
2 examine this juror.

3 MR. KANAREK: I don't want to examine him in the  
4 presence of all the other jurors because all it does is  
5 make the publicity even more intense.

6 THE COURT: I told you that we are not going to  
7 do it in chambers unless all counsel and the defendants  
8 personally waive .. objection to that procedure.

9 MR. KANAREK: Your Honor has the power to empty  
10 the courtroom of all jurors except one.

11 THE COURT: I am not going to do so.

12 MR. KANAREK: You see, if I ask questions, then  
13 those who, by some happenstance, haven't heard about it  
14 will know what it is.

15 THE COURT: Heard about what?

16 MR. KANAREK: About the subject matter that I am  
17 going into, what the District Attorney stated.

18 So, your Honor, I am on the horns of a  
19 dilemma.

20 THE COURT: What is your motion?

21 MR. KANAREK: My motion is to inquire of each  
22 juror separately as to their state of mind in view of  
23 what District Attorney Younger said yesterday.

24 THE COURT: On your voir dire you may inquire into  
25 these matters as to state of mind.

26 MR. KANAREK: What I am saying is that I wish to

1 inquire as to each juror separately because otherwise it  
2 is going to infect the other jurors.

3 THE COURT: You may inquire separately but we are  
4 not going to do it in chambers unless there is a waiver  
5 by all counsel and the defendants personally.

6 Let us proceed then.

7 MR. KANAREK: Then I must challenge this juror for  
8 cause. I have no alternative.

9 THE COURT: On what specific grounds?

10 MR. KANAREK: On the specific ground, your Honor,  
11 of the publicity aspect, of actual bias.

12 As I say, your Honor, I have to go through  
13 some kind of --

14 THE COURT: State the challenge.

15 MR. KANAREK: The challenge is for actual bias  
16 because of the publicity.

17 I want to interrogate, but I have the problem--

18 THE COURT: Do the People oppose the challenge?

19 MR. BUGLIOSI: Yes, sir.

20 THE COURT: The challenge is disallowed.

21 Let's proceed.

22 MR. REINER: May we inquire as to all 12 jurors,  
23 as opposed to this juror, on new matter that we have  
24 previously passed for cause?

25 THE COURT: What new matter?

26 MR. REINER: The District Attorney's new matter.

1                   When we passed for cause, your Honor, we had  
2 examined the jurors, but since that time something has  
3 developed, the District Attorney's press conference, so  
4 may we go back and inquire of the other jurors that we have  
5 passed for cause?

6                   THE COURT: Very well.

7                   (Whereupon all counsel returned to their  
8 respective places at counsel table and the following  
9 proceedings occurred in open court within the presence and  
10 hearing of the prospective jurors:)

11                  THE COURT: We will take our morning recess at  
12 this time, ladies and gentlemen, for 15 minutes.

13                  Do not converse among yourselves nor with  
14 anyone else on any subject relating to the case nor form  
15 or express any opinion regarding the case until it is  
16 finally submitted to you, to those of you who are selected  
17 as jurors.

18                  (Recess.)

19                  (The following proceedings occur in open  
20 court, all parties and counsel and prospective jurors  
21 present:)

22                  THE COURT: All parties and counsel are present,  
23 all of the prospective jurors are in the jury box.

24                  Do you have some additional questions, Mr.  
25 Reiner?

26                  MR. REINER: Excuse me, your Honor. No, I do not,

1 but may we approach the bench?

2 THE COURT: Very well.

3 4d fls.

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1 (Whereupon all counsel approach the bench  
2 and the following proceedings occurred at the bench outside  
3 of the hearing of the prospective jury:)

4 MR. REINER: Your Honor, I would object most  
5 strenuously to something that I saw in the hallway during  
6 the recess.

7 I see in the hall that there is an order  
8 from this Court, an order some two weeks old, that was  
9 just posted -- I assume it was posted today because I had  
10 not seen it prior to this recess -- on the wall in the  
11 hallway where the press and the media people congregate.

12 Most of that order, your Honor, relates to  
13 matters as to whether one may or may not bring in cameras  
14 to the courtroom and such as that, but the last item is  
15 that the Court ordered the Sheriff's Department to provide  
16 him with a 24-hour a day security. That attracted most,  
17 if not all, of the media people in the hallway. They are  
18 all taking notes and they are commenting, and I expect now  
19 that we will find tonight and tomorrow morning that the  
20 news media states that the Court fears for its life  
21 because of the conduct, presumably, of the defendants.

22 It is proper that the Court take steps to  
23 protect itself, but I think it is grossly improper to  
24 make a public announcement and post it in a public place.

25 THE COURT: I know nothing about it, Mr. Reiner.

26 MR. REINER: It is posted on the wall about six

1 feet from this courtroom entrance where everybody from the  
2 media congregates.

3 THE COURT: Ask Mr. Darrow to step over here, please.

4 (The Clerk approaches the bench.)

5 THE COURT: Mr. Reiner said that there is some  
6 security order that is posted on the wall out in the hall.  
7 Are you familiar with that?

8 THE CLERK: The Sheriff asked for two copies of  
9 the security order. I gave it to them. What they did with  
10 them, I am not sure. Maybe they did post it.

11 THE COURT: Call the Captain and tell him to take it  
12 down. I don't want it posted out there.

13 Anything further?

14 MR. REINER: I don't know how this damage can be  
15 repaired. It will be in the newspapers this evening.

16 THE COURT: I don't think there is any damage.  
17 I don't know what damage has been done.

18 MR. REINER: These prospective jurors in the court-  
19 room are reading the papers, your Honor.

20 THE COURT: They aren't going out in the hall,  
21 and nothing has been mentioned about it yet. They are  
22 being taken up through the ninth floor. They do not go  
23 out into that hall at all. They haven't seen it.

24 MR. REINER: But they do read the newspapers, your  
25 Honor.

26 THE COURT: There has been nothing in the newspapers

1 yet.

2 MR. REINER: It was only posted a few moments ago.

3 THE COURT: Why don't you wait until something  
4 happens and then if you want to make an objection for the  
5 record, you may do so.

6 Let's proceed.

7 (Whereupon all counsel return to their  
8 respective places at counsel table and the following  
9 proceedings occurred in open court within the presence  
10 and hearing of the prospective jury:)

11 THE COURT: You may proceed with your voir dire, Mr.  
12 Bugliosi.

4e fls. 12

4e fls. 13

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## VOIR DIRE EXAMINATION OF MR. ROLLINS

BY MR. BUGLIOSI:

Q Mr. Rollins, I believe you said that you have four children; is that correct, sir?

A Yes, sir.

Q Can you give us the age of the children, whether they are married or single, and where they work, sir?

A Well, I have one 17, he is a senior in high school. I have one 19 that is married.

Q Where does he work?

A These are girls.

Q Girls?

A Yes.

Q I am sorry.

A She works at the Automobile Club of Southern California, the Southern California Automobile Club.

And I have another one 20 that is married. She is a housewife. And I have a son 22.

Q What does your son do, sir?

A He works for Ralph Atkins & Company.

Q What type of work does he do?

A He is in charge of shipping and receiving.

Q I understand, Mr. Rollins, that you are not opposed to the death penalty; is that correct, sir?

A No, sir.

1           Q       I am going to ask you a question, Mr. Rollins,  
2 and it is going to be a tough question. Take your time,  
3 if you need some time, to answer. It probably requires a  
4 little soul searching.

5                   Let's assume, sir -- I am going to transport  
6 you mentally four or five months from now back to the jury  
7 room.

8                   Let's assume that these defendants have been  
9 found guilty of first-degree murder. If you are satisfied,  
10 from all of the evidence and all of the circumstances, that  
11 this is a proper case in your mind for the imposition of  
12 the death penalty, do you think you could come back into  
13 this courtroom and tell these defendants, in effect, by  
14 your verdict, that they must die?

15           MR. KANAREK: I object to the form of the question,  
16 your Honor.

17           THE COURT: Overruled. You may answer.

18           MR. ROLLINS: Yes, sir, I think so.

19           MR. BUGLIOSI: Q       Do you feel you will have the  
20 courage to do that?

21           A       Yes, sir.

22           Q       You will notice, sir, that three of the  
23 defendants are females; Susan Atkins, Patricia Krenwinkel  
24 and Leslie Van Houten.

25                   Could you vote for the death penalty for a  
26 female?

1 A Yes, sir.

2 Q You will notice that these three same  
3 defendants are young adults.

4 A Yes.

5 Q Are you of such a frame of mind that you could  
6 not, under any circumstances, vote for the death penalty  
7 for them solely because of their age, sir?

8 A No, sir.

9 Q You could?

10 A Yes, sir.

11 Q Can you conceive of any circumstances, sir,  
12 under which you would be willing to vote for a verdict  
13 of death for a particular defendant even though the  
14 evidence at the trial showed that he was not one of the  
15 actual killers?

16 MR. KANAREK: I object, your Honor, on the grounds  
17 that it is improper voir dire on this subject.

18 THE COURT: Overruled.

19 You may answer.

20 THE WITNESS: Could I have that again?

21 MR. BUGLIOSI: Yes.

22 Q Can you conceive of any circumstances,  
23 Mr. Rollins, wherein you would be willing -- you would be  
24 willing -- to vote for a verdict of death against a  
25 particular defendant even though the evidence at the trial  
26 showed that this particular defendant did not himself kill a

1 fellow human being?

2 A Well, I don't know how to answer that.

3 If the evidence is there, I would have to convict  
4 him, but if there is no evidence to show --

5 Q I am not talking, sir, about a conviction now.

6 Let's assume that a particular defendant has  
7 been convicted of first-degree murder. Let's just assume  
8 that.

9 A All right.

10 Q You are back in the jury room. My question is  
11 this: On the issue of the death penalty as opposed to  
12 life imprisonment, can you conceive of any circumstances  
13 where you would be willing to vote for a verdict of death  
14 against a particular defendant even though you realized  
15 from the evidence that this defendant did not kill anyone  
16 himself?

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

2 THE COURT: Are you objecting to the question,

3 Mr. Kanarek?

4 MR. KANAREK: Yes, your Honor.

5 THE COURT: The objection is sustained.

6 MR. BUGLIOSI: I believe it is essentially the same  
7 question I asked before.

8 THE COURT: The objection is sustained, Mr.  
9 Bugliosi, please proceed.

10 MR. BUGLIOSI: Does the Court wish to have me rephrase  
11 it?

12 THE COURT: That is up to you.

13 Q BY MR. BUGLIOSI: Do you understand my question,  
14 sir?

15 A Well, it's not real clear, but I think I might  
16 understand it.

17 Q Well, would you require, sir, that before you  
18 would vote for a verdict of death against any defendant,  
19 that he be one of the killers?

20 MR. KANAREK: I object, your Honor. It is  
21 improper voir dire examination, the subject matter.

22 THE COURT: Do you understand the question, Mr.  
23 Rollins?

24 MR. ROLLINS: Well, I think so, your Honor, I think  
25 he's already been convicted; would I come back with the death  
26 penalty.



5-2

1 THE COURT: No, that is not the question.

2 The objection is sustained.

3 Q BY MR. BUGLIOSI: You understand, sir, that a  
4 person can be convicted of first-degree murder even though  
5 he was not the one, for instance, who did the stabbing or  
6 pulled the trigger on the gun.

7 You understand that?

8 A Yes, sir.

9 Q Now, let's take that particular type of a  
10 defendant. He is not the one who did any stabbing, pulled  
11 the trigger on any gun, nothing like that.

12 He is not one of the killers.

13 But you have convicted him of first-degree  
14 murder.

15 Now we are back in the jury room during the  
16 penalty phase and you are to decide whether this particular  
17 defendant receives death or life.

18 Do you understand that?

19 A Yes, sir, I think so.

20 Q Could you vote for a verdict of death for that  
21 type of a defendant?

22 MR. KANAREK: I object, your Honor, may we approach  
23 the bench?

24 THE COURT: Very well.

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

5-3 1 MR. KANAREK: Your Honor, Mr. Bugliosi is death-  
2 orienting this jury.

3 THE COURT: Do you have an objection?

4 MR. KANAREK: Yes.

5 THE COURT: What is the objection?

6 MR. KANAREK: The objection is, your Honor, that it  
7 is improper voir dire because, as your Honor has told the  
8 jurors --

9 THE COURT: I am going to sustain the objection to  
10 that question.

11 I think you are getting beyond the legitimate  
12 bounds now, Mr. Bugliosi.

13 The questions are getting involved; they are  
14 complicated; they are ambiguous; they are ponderous.

15 I determined from the juror's responses that  
16 he does not understand the question.

17 They have a flavor of attempting to get the  
18 witness to prejudge --

19 MR. BUGLIOSI: May I be heard, your Honor?

20 THE COURT: Yes.

21 MR. BUGLIOSI: I have been asking this question of all  
22 of the other jurors, and the Court has approved of it.

23 THE COURT: Well, I don't know if it had been put in  
24 that precise form or not. My recollection is it has not  
25 been asked exactly that way.

26 MR. BUGLIOSI: The reason I am changing the language  
for this juror is because he has a difficult time

5-4  
1 understanding the question.

2 But the Court knows, I believe, that the  
3 question I am asking now is identical in import to the one  
4 the Court has previously approved of. It is just that this  
5 particular prospective juror does not comprehend it.

6 But the import is identical to what I have been  
7 asking for three or four days.

8 THE COURT: I am just going to sustain the objection.  
9 I don't see any necessity for it.

10 The question is ambiguous.

11 MR. BUGLIOSI: For this particular juror, he does not  
12 understand.

13 THE COURT: That is the question I am sustaining the  
14 objection to.

15 MR. BUGLIOSI: You mean for this particular juror?

16 THE COURT: That is all I am doing at the moment.

17 MR. KANAREK: May I say this to the Court, since the  
18 Court has told them it is absolutely within their  
19 discretion, it is manifestly an unfair question and the  
20 denial of a fair trial and equal protection for Mr. Bugliosi  
21 to pick out isolated facts such as the age of the defen-  
22 dants.

23 I tried to restrain myself because I don't want  
24 to pinpoint Mr. Bugliosi's point, but I know what he is  
25 doing here. He is death-orienting this jury.

26 It is improper.

5  
1 They have absolute discretion. He has no right  
2 to ask questions about "What would you do if this or that,"  
3 after the juror has candidly said he does not oppose the  
4 death penalty.

5 So what is he doing? He goes hammering a dead  
6 horse, and the reason he is doing it is to death-orient  
7 this jury.

8 I object to it as a denial of a fair trial to  
9 Mr. Manson.

10 MR. BUGLIOSI: I would like to be further heard.  
11 I think clearly under Witherspoon, it is a proper question.

12 I think I can show the Court language in  
13 Witherspoon which would support the question now, assuming,  
14 arguendo, it is a proper question.

15 THE COURT: I have permitted you to ask questions  
16 about their age and sex, but now we are getting into other  
17 matters, matters of pure speculation, which it is even  
18 difficult for me to understand the question, what you are  
19 getting at, and I think it could be easily misunderstood by  
20 a prospective juror.

21 MR. BUGLIOSI: This is the only one so far, your  
22 Honor.

23 The question is this, let's assume the Court  
24 forces the prosecution to accept Mr. Rollins on that issue.

25 Four months from now after a long trial --

26 THE COURT: I know what the problem is .

5-6

1 MR. BUGLIOSI: -- Mr. Rollins hangs up the jury because  
2 he says that under no circumstances would he ever vote for  
3 the death penalty unless the particular defendant killed  
4 someone.

5 Now, is the County of Los Angeles supposed to  
6 try a case all over again because the Court doesn't permit --

7 THE COURT: I have ruled, Mr. Bugliosi. Now, let's  
8 proceed with the voir dire.

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

BY MR. BUGLIOSI:

Q Mr. Rollins, you understand the rule of conspiracy, sir, which makes one conspirator criminally responsible for and equally guilty of the crimes committed by a co-conspirator?

A Yes, sir.

Q You heard Mr. Stovitz and I the last few days talk about this rule of law?

A Yes, sir.

Q Have you done any thinking about it, sir?

A Yes, sir, a little bit.

Q Are you prejudiced against that rule of law in any fashion?

A No, sir.

Q You don't disagree with it?

A No, sir.

Q Do you promise, sir, to unhesitatingly follow the Court's instruction on that rule of law if you find it applicable to the facts in this case?

A Yes, sir.

Q Do you recall Mr. Reiner saying, sir, that you cannot convict a defendant on the uncorroborated testimony of an accomplice?

A Yes, sir.

5a-2

1 Q If the Court instructs you that only slight  
2 evidence is necessary to corroborate testimony of an  
3 accomplice, will you follow the Court's instruction on that?

4 A Yes, sir.

5 Q If the Court further instructs you that the  
6 slight evidence may be circumstantial evidence, will you  
7 follow the Court's instruction on that?

8 A Yes, sir.

9 Q Do you realize, Mr. Rollins, that the prosecu-  
10 tion in any criminal case has only the burden of proving a  
11 defendant's guilt beyond a reasonable doubt, and not beyond  
12 all doubt?

13 Do you understand that?

14 A Yes, sir.

15 Q Will you follow the Court's instruction on  
16 that rule of law?

17 A Yes, sir.

18 Q Do you recall my discussion about circumstantial  
19 evidence?

20 A Yes, sir.

21 Q Are you opposed in any fashion to sitting as  
22 a juror on a case where the People rely in part on circum-  
23 stantial evidence?

24 A No, sir.

25 Q Do you recall the other questions I asked  
26 the first 12 jurors last Friday?

5a-3

1 A I think so.

2 Q Do you remember there were numerous questions  
3 I asked that I am not asking you now?

4 A Yes, sir.

5 Q For instance, to give you an example, I asked  
6 the jurors whether they felt the religious doctrines of any  
7 church they belonged to would prevent them from voting the  
8 death penalty?

9 A Yes, sir.

10 Q That is just an example.

11 A Yes, sir.

12 Q Now, when I was asking those other questions,  
13 sir, were you mentally asking yourself the same questions?

14 A Yes, sir.

15 Q Was there any question which I asked to  
16 which you said to yourself that your answer would be  
17 different from the answer being given by the majority of  
18 jurors in the box?

19 A No, sir.

20 Q If I were to ask you those same questions,  
21 your answers would be essentially the same, is that correct?

22 A Yes, sir.

23 Q Do you recall each defense counsel asking you  
24 whether you would give their client a fair and impartial  
25 trial, do you recall that?

26 A Yes, sir.



5a-4

1 Q You realize, Mr. Rollins, that the prosecution,  
2 that is, the People of the State of California, are also  
3 entitled to a fair and impartial trial?

4 A Yes, sir.

5 Q Can you do that, sir?

6 A Yes, sir.

7 Q Is there any doubt in your mind about that?

8 A No, sir.

9 Q Can you think of any reason not already  
10 touched upon that you would rather not sit, or you should  
11 not sit as a juror in this case?

12 A No, sir.

13 MR. BUGLIOSI: Pass for cause.

14 THE COURT: It is the People's next peremptory  
15 challenge.

16 MR. STOVITZ: People will thank and excuse Mr. Stokes,  
17 Juror No. 1, your Honor.

18 THE COURT: Thank you, Mr. Stokes, you are excused.

19 THE CLERK: Mrs. Thelma S. McKenzie, T-h-e-l-m-a;  
20 M-c-K-e-n-z-i-e.

21 (Whereupon Mrs. Thelma S. McKenzie came  
22 forward and was seated in jury seat No. 1.)

23  
24 VOIR DIRE EXAMINATION OF MRS. THELMA S. MC KENZIE  
25 BY THE COURT:

26 Q Mrs. McKenzie, have you heard and understood

5a-5

1 everything that has been said in court since you came into  
2 this case?

3 A Yes, I have.

4 Q If you were selected as a trial juror in the  
5 case would you be able to serve?

6 A Yes.

7 Q I am going to put the same questions regarding  
8 the death penalty to you as I have asked the other prospec-  
9 tive jurors.

10 First, do you entertain such conscientious  
11 opinions regarding the death penalty that you will be  
12 unable to make an impartial decision as to any defendant's  
13 guilt, regardless of the evidence developed during the  
14 trial?

15 A No.

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

20 A No.

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

22 MR. FITZGERALD: Yes, thank you.

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## VOIR DIRE EXAMINATION OF MRS. MC KENZIE

BY MR. FITZGERALD:

Q Are you employed, ma'am?

A Yes, I am.

Q What is your business or occupation?

A I am a clerical supervisor for the County  
Department of Social Services.

Q What do you do for DPSS?

A I supervise the transcribing unit.

Q Are you married, ma'am?

A Yes, I am.

Q Is your husband employed?

A Not at the moment.

Q What is his business or occupation?

A Aircraft mechanic.

Q Was he employed by one particular employer  
for some period of time?

A Yes, General Dynamics.

THE COURT: Mr. Fitzgerald, can you increase the  
volume of that microphone, please?

MR. FITZGERALD: Certainly.

Q Can you hear me a little better?

A Yes.

Q Is that better?

A Yes.

Q Do you have any children, ma'am?

1 A No.

2 Q Where in the County do you reside?

3 A Commerce.

4 Q In the City of Commerce?

5 A City of Commerce.

6 Q Have you ever served as a juror before?

7 A Just this current --

8 Q Did you serve on a criminal case or on a

9 civil case?

10 A One each.

11 Q Did the criminal case involve a charge similar

12 to the one here or the ones here?

13 A No.

14 Q What was the charge in that case?

15 A Suspicion of possession of narcotics.

16 Q The charge was suspicion of possession of

17 narcotics?

18 A Yes.

19 Q Was there anything about that experience that

20 would influence you in arriving at a verdict in this case?

21 A No.

22 Q Is there anything about your experience

23 serving on a civil jury that would influence you one way

24 or the other in arriving at a verdict?

25 A No.

26 Q From your seat in the audience were you able

1 to hear the questions I addressed to other prospective  
2 jurors?

3 A Yes, I was.

4 Q If I were to ask those same questions,  
5 would your answers be about the same?

6 A Yes, they would.

7 Q Is there any particular question you would  
8 answer any differently?

9 A No.

10 Q Is there any question that you feel I should  
11 ask you in regard to your mental attitude as a juror in  
12 this case?

13 A No.

14 Q Are you familiar with any of the locations or  
15 any of the persons mentioned or any of the witnesses or  
16 anything like that -- do you know any of the Deputy  
17 District Attorneys or any of the lawyers or anything like  
18 that?

19 A No.

20 Q Then I take it you don't have any quarrel  
21 with the presumption of innocence, reasonable doubt,  
22 circumstantial evidence?

23 A No.

24 Q Would you carefully and critically analyze  
25 any circumstantial evidence that was introduced in this  
26 case?

1 A Yes, I would.

2 Q Mrs. McKenzie, I certainly don't want to be  
3 insulting, but I take it that you can read?

4 A Yes.

5 Q And do you read the newspapers?

6 A Some.

7 Q Do you regularly subscribe to the Los Angeles  
8 Times?

9 A No, I don't.

10 Q Do you regularly subscribe to the Herald?

11 A No.

12 Q Do you regularly subscribe to any newspaper  
13 or periodical?

14 A Only one.

15 Q What is that?

16 A Hobbies Magazine.

17 Q Even though you do not regularly subscribe  
18 to a newspaper, do you regularly read a newspaper?

19 A No.

20 Q You do not regularly read the Los Angeles  
21 Times, is that correct?

22 A That is correct.

23 Q Have you ever in the past read the Los  
24 Angeles Times?

25 A Yes.

26 Q You do not regularly read the Herald-Examiner,

1 do you?

2 A No -- no, I'm sorry. I do each Sunday.

3 Q Other than the Sunday Edition of the  
4 Herald-Examiner do you regularly read the Herald?

5 A No.

6 Q The evening paper?

7 A No.

8 Q Do you own a television set?

9 A Yes, I do.

10 Q Is that television set located in your  
11 home?

12 A Yes.

13 Q Do you also have radios in your home?

14 A Yes.

15 Q And in the automobile you drive or operate  
16 you have a radio in that car?

17 A Yes.

18 Q Do you listen to that radio?

19 A Yes, I do.

20 Q I take it you have seen things on television,  
21 heard things on the radio and occasionally read things in  
22 the newspaper in connection with this case, have you not?

23 A I have heard two programs on the radio,  
24 very short ones.

25 And I saw a portion of one program on  
26 television.

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I read one article in the newspaper.

Q Have you resided in Los Angeles County since August of 1969?

A Yes, I have.

Q I take it you were familiar with some early publicity in regard to this case and the unfortunate death of the victims in this case, were you not?

A I read the first article in the paper, yes.

Q And that, I take it, was sometime in early August of 1969?

A I think so, yes.

Q And you have not read anything since?

A No.

5c fls. 13



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1 Q Is there any reason for that?

2 A I just didn't read it. I read other articles;  
3 I just did not read this.

4 Q Have you read anything in the newspaper or heard  
5 anything on the radio or seen anything on television in  
6 regard to these particular defendants, Charles Manson,  
7 Patricia Krenwinkel, Leslie Van Houten, Susan Atkins?

8 A I saw a portion of one television program,  
9 and heard two radio broadcasts.

10 Q When was the television program, the second  
11 television program?

12 You said you watched two, right?

13 A No, one.

14 Q Just one. When was that, do you recall?

15 A I think the last week or two.

16 Q Since August of 1969 until approximately a week  
17 or two ago you have only seen one item on your television  
18 set with regard to this case, is that correct?

19 A That is correct.

20 Q Do you regularly watch television?

21 A Yes.

22 Q I take it you watch news broadcasts from time to  
23 time, do you not?

24 A As a rule, not.

25 Q Is there some reason for that?

26 A Yes, usually I am not home when the first one

5C2

1 comes on, and I am usually retired by the time the second  
2 one comes on.

3 Q You don't get home until about 7:00 and you get  
4 to bed by 9:00?

5 A No, I was thinking of the second one as being  
6 the 11:00 o'clock news.

7 Usually at 9:00 I am watching something else or  
8 involved in something else.

9 Q I take it since you have been on this particular  
10 jury panel, sitting in this courtroom, that that fact  
11 has aroused some interest in this case, has it not?

12 A Yes.

13 Q Pardon me?

14 A Yes.

15 Q And I take it you watched television last  
16 night with regard to this case, did you not?

17 A No, I did not. I was not home last night.

18 Q The night before last?

19 A No, no.

20 Q Have you heard anything on the radio in the  
21 last one or two days in connection with this case?

22 A No.

23 Q Have you heard anything about an attorney,  
24 Irving Kanarek, representing Charles Manson?

25 A I think I did hear something this morning.

26 Q Was that on the radio?

5C3 1 A No. I just overheard a statement, some people  
2 talking.

3 Q Were those other prospective jurors?

4 A Yes.

5 Q What did you hear? Even though it might be  
6 embarrassing to somebody, we would appreciate that you be  
7 very honest with us.

8 I will remind you you are under oath.

9 A I don't recall the exact words, something to  
10 the effect that there was a possibility of a change of  
11 attorneys for Mr. Manson.

12 Q What did you take that to mean?

13 A Just that.

14 Q Was your state of mind such that you thought  
15 Mr. Manson was perhaps going to change his attorney, or  
16 Mr. Manson's attorney had become ill?

17 What did you think when you heard that state-  
18 ment?

19 A Well, really nothing more than just that, and then  
20 they did not go into any other detail.

21 They changed the subject.

22 I believe, if I recall, they said they had seen  
23 it in the paper, but I'm not sure.

24 Q Was that the first time you had ever heard  
25 anything publicly in respect to Mr. Irving Kanarek, the  
26 attorney for Charles Manson?

5C4 1 A Yes.

2 Q Can you think of any reason at all why you cannot  
3 be fair and impartial to both sides in this case?

4 A No, I cannot.

5 MR. FITZGERALD: I wonder, your Honor, at this time,  
6 if I might on behalf of Mr. Kanarek, reopen and ask more  
7 questions of other prospective jurors who are currently  
8 seated in the jury box, if that procedure is agreeable to  
9 the Court.

10 THE COURT: On behalf of what?

11 MR. FITZGERALD: On behalf of Mr. Kanarek.

12 I would like to ask some jurors questions in  
13 regard to Mr. Kanarek's representation of Mr. Manson, if  
14 I might.

15 Would you hand the microphone over to  
16 Mr. Rollins.

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## VOIR DIRE EXAMINATION OF MR. ROLLINS

BY MR. FITZGERALD:

Q Mr. Rollins, let me ask you some questions about what you have read, seen or heard in the media with regard to Mr. Kanarek.

You know who Mr. Kanarek is, obviously?

A Yes, sir.

Q Have you watched television in the last two days, or read newspapers in the last two days, or heard anything on the radio in the last two or three days in connection with Mr. Kanarek?

A Well, I seen television last night, and I think it was the District Attorney that was going to try to replace him for some reason or other.

Q You watched television last night, is that correct? That would be Tuesday, June 30th, is that right?

A 6:00 o'clock news, I think it was.

Q Yesterday, June 30th?

A Yes, I think it was.

Q Was that the 6:00 o'clock news?

A Yes, I think so.

Q Was that on Channel 2?

A I don't remember what channel.

Q Was it the Jerry Dunphy News?

A I'm not sure. It might have been.

Q Do you regularly watch somebody, George Putnam --

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1 A No, I don't regularly watch the news. I have  
2 just been watching it since I have been on this.

3 Q And your understanding was -- would you repeat  
4 that again?

5 A That the District Attorney of the City of  
6 Los Angeles was going to send somebody to the State Capitol  
7 to see if they can oust Mr. Kanarek or something.

8 Q Was it one of the District Attorneys in this  
9 case, or are you referring to The District Attorney?

10 A No, The District Attorney.

11 Q Is that Evelle Younger?

12 A Yes, sir.

13 Q Did you know who Mr. Younger was talking about?

14 A Mr. Kanarek.

15 Q And was it clear to you that Mr. Kanarek was the  
16 attorney for Charles Manson?

17 A Yes, sir.

18 Q To your knowledge did Mr. Younger or the  
19 television newscaster give any reasons why Mr. Younger was  
20 seeking to oust Mr. Kanarek as Mr. Manson's attorney?

21 A I cannot remember now. I read some more  
22 about it in this morning's paper, I mean I glanced at it  
23 in this morning's paper but --

24 No, I wouldn't say. I don't really remember.

25 Q Did you read a newspaper this morning?

26 A I glanced at one, yes.

5E-3

1 Q Was it the Los Angeles Times?

2 A Yes, sir.

3 Q Did that have some material containing some  
4 statements by the District Attorney in regard to  
5 Mr. Kanarek?

6 A Yes, sir.

7 Q Did you learn either from the newspaper or  
8 watching television last night as to any reasons why the  
9 District Attorney was seeking to remove Mr. Kanarek?

10 A I think they said that he was incompetent.

11 Q Was there any other reason, if you know?

12 A No, I am not sure.

13 Q That seemed to be the extent of it?

14 A That is correct, as far as I know.

15 Q Now, at the time you heard that, I take it you  
16 thought something about it, didn't you?

17 A Well, there's just some more, you know, some  
18 more news on this thing, this trial I never, you know --

19 Q Did you think it was true?

20 A Well, I'm not very much on the law, so I didn't  
21 even consider it one way or the other.

22 I am a truck driver by occupation, not a lawyer.

23 Q Well, did you form any opinion at all?

24 A No, I mean it was just something to read, that  
25 was all.

26 I did not form an opinion one way or

5E4  
1 the other.

2 Q Was the defendant Charles Manson mentioned in  
3 any of those broadcasts?

4 A The name Manson was mentioned, I think, in the  
5 paper, but I, you know, like I say, I did not really pay  
6 much attention to it. I skipped through the paper this  
7 morning.

8 Q In  
9 /the article in the newspaper or on television  
10 last night was there anything mentioned about Mr. Manson's  
11 relationship with Mr. Kanarek?

12 A I could not tell you. I did not pay that much  
13 attention to it.  
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1 MR. FITZGERALD: Thank you, Mr. Rollins.

2 Would you pass the microphone along to  
3 Mr. McBride?

4  
5 VOIR DIRE EXAMINATION OF MR. McBRIDE, II  
6 BY MR. FITZGERALD:

7 Q Mr. McBride, I am going to ask you substantially  
8 the same questions that I asked Mr. Rollins. Particularly,  
9 in the area of your exposure to publicity of any kind  
10 with respect to Mr. Kanarek.

11 Without me repeating all those questions,  
12 would you tell me the source of your information and what  
13 you have heard or seen?

14 A Yes. I saw a newscast that said that they  
15 were trying to get a hearing to look into his competence,  
16 trying to arrange a hearing of some sort. The District  
17 Attorney was trying to do this.

18 Q And did the District Attorney give any reasons,  
19 Mr. McBride?

20 A Incompetence.

21 Q Did you think that that statement was true or  
22 false?

23 A Well, I don't know if I thought it was true or  
24 false.

25 THE COURT: Which statement are you referring to,  
26 Mr. Fitzgerald?

1 MR. FITZGERALD: Q Did it appear to you that  
2 Mr. Younger was making a statement relative to Mr. Kanarek's  
3 competence?

4 A Yes, it did.

5 Q Did it appear to you to be -- did you form an  
6 opinion as to whether the statements of Mr. Younger were  
7 true or false?

8 THE COURT: Which statements are you referring to,  
9 Mr. Fitzgerald?

10 MR. FITZGERALD: The statements that he was incompe-  
11 tent.

12 THE COURT: That he said it or that he is, in fact,  
13 incompetent?

14 MR. FITZGERALD: Q Did you directly hear or see on  
15 television Mr. Younger make a statement in regard to  
16 Mr. Kanarek's competence?

17 A Yes, I did.

18 Q All right.

19 What did you hear or see Mr. Younger say?

20 A Well, I don't remember everything that he said  
21 other than --

22 Q In substance?

23 A Other than they were trying to form some sort of  
24 a hearing to look into his background or to decide whether  
25 or not he was competent enough to be Mr. Manson's attorney.

26 Q And did Mr. Younger express an opinion as to

1 Mr. Kanarek's competence?

2 A Yes, I think he did.

3 Q Did you agree with that opinion?

4 A No, I didn't.

5 Q Did you not agree with that opinion?

6 A I don't understand.

7 Q All right.

8 Mr. Younger said, I take it, according to you,  
9 that Mr. Kanarek was incompetent?

10 A Yes.

11 Q Did you agree with Mr. Younger's assessment of  
12 Mr. Kanarek's competency?

13 A No, I didn't agree with it. He appears  
14 competent to me.

15 Q Did you also read anything in the newspaper,  
16 either today or yesterday, in regard to some motion by the  
17 District Attorney in connection with Mr. Kanarek?

18 A No, I didn't.

19 MR. FITZGERALD: Thank you, Mr. McBride.

20 Would you pass the microphone along?

21  
22 VOIR DIRE EXAMINATION OF ROSE PAHN

23 BY MR. FITZGERALD:

24 Q Miss Pahn, I am going to ask you essentially the  
25 same questions.

26 Can you tell us the source of your information

1 and what you have heard, if anything?

2 A This morning --

3 Q I can't hear you.

4 A This morning. I didn't hear anything last  
5 night.

6 This morning I turned on NBC -- that is Today's  
7 program -- when I got up. I had gotten up late, so I  
8 turned it on, but I only heard, because the television was  
9 in the next room, with half an ear.

10 I did hear something. I heard Younger's name  
11 and I heard Mr. Kanarek's name and something about a  
12 hearing.

13 Q Had you heard or seen or read anything about  
14 Mr. Kanarek's competency or alleged incompetency at any  
15 time in the past not restricted to the last two days?

16 A No.

17 I was curious why the hearing, but I didn't  
18 hear that. I was hurrying because I didn't get up until  
19 7:20 today.

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Q And you are still curious, I take it,  
ma'am?

A Yes.

Q Did you see anything in the newspaper in  
connection with this at all?

A I haven't read the paper.

MR. FITZGERALD: Thank you.

Would you pass the microphone along to Mr.  
Dominguez?

VOIR DIRE EXAMINATION OF PEDRO R. DOMINGUEZ  
BY MR. FITZGERALD:

Q Mr. Dominguez, can you give us the source  
of any of your information and what you heard, read or saw,  
if anything?

A I saw the newscast last night about the same  
time.

Q Do you remember what particular newscast you  
watched?

A I think it was Cronkite, Channel 2.

Q Walter Cronkite is a national newscaster,  
with the newscast originating in New York?

A Yes, I think it is.

Q What did you see or hear?

A Well, almost the same thing that you asked  
Mr. McBride, about trying to get Mr. Kanarek off the

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1 case.

2 Q Who was trying to get Mr. Kanarek off the  
3 case, Mr. Dominguez?

4 A Evelle Younger.

5 Q And did Mr. Younger state a reason, sir?

6 A Well, one very definite reason. Incompetence  
7 is one statement he made.

8 Q You said one definite statement he made?

9 A Yes. That was one of the reasons, one of  
10 the questions he was asked.

11 Q Did it appear to you that that was a clear  
12 and forceful statement?

13 A Forceful?

14 Q Forceful.

15 A It was definite. I can't say that it was  
16 forceful, no.

17 Q Were there any other reasons given?

18 A No. That is the only one that I can recall  
19 right off.

20 Q Was there any discussion by Mr. Cronkite  
21 or Mr. Younger or anyone else on that television show  
22 in regard to Mr. Manson?

23 A Well, it wasn't really Mr. Cronkite, it  
24 was another newscaster talking to him.

25 Q Another newscaster talking to Mr. Younger?

26 A Right.

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Q And did it appear that newscaster was reporting portions of a news conference held yesterday by the District Attorney?

A Yes.

Q What did you think when you heard that, Mr. Dominguez?

A What did I really think?

Q I mean, just in your honest opinion?

A Well, let me see. There are not many things that I can think of at the moment.

I can think of the election coming up and that there might be some relation to these statements he made.

It is only speculation on my part, I suppose.

Q I didn't hear the last portion of the last sentence, Mr. Dominguez?

A It is just speculation on my part. Anything can come up in my mind. I don't know the reasons for the actions on TV.

Q You don't have to apologize, Mr. Dominguez. We are just interested in what you thought when you heard or saw this information.

A From what I heard, I can't make a definite statement of my opinion as to their behavior and their statements on TV. I don't know why there was such action. I am in no position to judge anyone's conduct or competence

Ja-4

1 in court as to the statements he made.

2 Q Did you hear anything, when you heard or  
3 saw that, about Mr. Manson, the defendant in this case,  
4 or one of the defendants in this case?

5 A Mr. Manson's name was mentioned, of course,  
6 that he was being represented by Mr. Kanarek. That is  
7 about all.

8 Q Did you talk to anybody about what you saw  
9 on television?

10 A No. Not on TV, no.

11 Q You probably said something to your wife,  
12 didn't you, sir?

13 A No. Usually by 11:00 o'clock she is  
14 usually snoring already.

15 Q You didn't, for example, say "That is the  
16 lawyer in the case," or anything like that; right?

17 A No, I didn't.

18 MR. FITZGERALD: All right.

19 Can you pass the microphone along, Mr.  
20 Dominguez?

6b fls. 21 MR. DOMINGUEZ: Certainly.



6b-1

## VOIR DIRE EXAMINATION OF ELMER NORDLAND

BY MR. FITZGERALD:

Q Mr. Nordland?

A Yes.

Q Do you want to take it from there?

A Yes.

I am an avid reader and I watch television.

I saw both programs, KNXT and CBS.

As far as that deal is concerned, Mr. Younger was trying to get Mr. Kanarek off the case, and his reason for it is that on several cases in the last few years, the People or the defense is looking into more or less, in other words, acting out a case where the lawyer may be incompetent to have the case thrown out of court.

But as far as believing what Mr. Younger had to say, I haven't seen anything so far up to this point -- one week here -- that has shown that Mr. Kanarek is incompetent.

If he has anything on Mr. Kanarek's incompetency, it must be from previous dealings.

There has been a lot of talk about this, but as far as courtroom procedure such as has been for the last week, there has been nothing to show that he is incompetent or that he is, like some people have said that I have read in the paper, that he will, maybe,

1 act up.

2 There may be some acts that we don't know  
3 about but --

4 Q All right.

5 Let me go back over just a few of the things  
6 that you said.

7 You indicated you watched KNXT. What  
8 channel is that?

9 A KNXT is Channel 4. CBS is 2.

10 Q So you watched two particular newscasts on  
11 two different channels in regard to this?

12 A You know, they go on for an hour and a half.  
13 KNXT goes on from 5:00 to -- two hours and a half -- to  
14 7:30.

15 Q That is Channel 11, isn't it?

16 A No. Channel 4.

17 Q Who is the newscaster?

18 A Well, he had Tom Brokaw on last night, but  
19 Tom Brokaw didn't have anything to say about it.

20 Q Jeff Marlowe? Robert Abernathy?

21 A Abernathy.

22 Q And you watched -- now, that was one  
23 channel; right?

24 A Yes. That is Channel 2.

25 Q All right.

26 A Jerry Dunphy on the other one, I believe.

1 Q All right.

2 You also read the Los Angeles Times?

3 A No. I read mostly the Examiner.

4 Q Did you read the Examiner yesterday?

5 A Yes.

6 Q Did you read an article in regard to  
7 this case? Or did you read about Mr. Kanarek or Mr.  
8 Younger in yesterday's Herald-Examiner?

9 A No. It was on the TV. There was a spot  
10 on TV between Mr. Younger and the press. I believe it was  
11 a press conference here in this building.

12 Q Did you form any opinion when you heard it?

13 A I already told you that I had not.

14 Q Did you form any opinion as to Mr. Younger's  
15 motives, if any, in making the statements you heard him  
16 make?

17 A No, I did not.

18 Q Did you discuss it with anybody?

19 A No.

20 Q Did you read any other newspaper in connec-  
21 tion with Mr. Kanarek and Mr. Younger other than the  
22 Herald-Examiner?

23 A Not since yesterday, no..

24 Q Was yesterday the first time that you heard,  
25 read or saw anything in connection with Younger versus  
26 Kanarek?

1           A       For about a week or ten days I have been  
2 reading about it.

3           Q       And you have been reading about it in the  
4 newspaper?

5           A       Yes.

6           Q       And that is the Herald-Examiner, by and  
7 large?

8           A       Yes.

9           Q       Is it also occasionally the Los Angeles  
10 Times?

11          A       Occasionally.

12          Q       Have you formed any opinion at all because  
13 of that ten-day exposure or as a result of that ten-day  
14 exposure or during that ten-day exposure?

15          A       I have an open mind on it.

16          MR. FITZGERALD: Okay. Thank you.

17          THE COURT: We will take the noon recess at this  
18 time.

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

24                   2:00 o'clock, please.

25                   (Whereupon, at 12:01 o'clock p.m. the court  
26 stood in recess.)

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LOS ANGELES, CALIFORNIA, WEDNESDAY, JULY 1, 1970 2:00 P.M.

THE COURT: All the parties and counsel are present;  
all of the prospective jurors are in the jury box.

You may proceed, Mr. Fitzgerald.

MR. FITZGERALD: Thank you.

VOIR DIRE EXAMINATION OF MRS. WILLIS

BY MR. FITZGERALD:

Q What do you know about what we have been  
talking about, Mrs. Willis?

A Well, I watched the news on TV and I caught  
it last night; it was George Putnam, and I read the news-  
paper article too.

Q Was that the Los Angeles Times article in  
today's paper?

A The Times, yes.

Q Did you also read an article in the Herald-  
Examiner?

A No.

Q Just in the Times?

A Right.

Q And can you give us a brief synopsis of what  
you read or saw?

A Well, that Mr. Younger was going to call a

1 meeting, or whatever, in Sacramento, I think it was, to  
2 dismiss Mr. Kanarek for -- what did he call it --  
3 objectionable -- no, professional --

4 Q -- obstructionism?

5 A -- obstructionism, and incompetency.

6 Q Was that about the extent of it?

7 A Yes, I mean, that is the only thing that  
8 hit me.

9 The rest of it I just skimmed over.

10 Q Can you tell us what you thought as a  
11 result of reading that, or anything?

12 A To be truthful with you, you know, I heard  
13 so many other things, you know, that / <sup>I'm</sup> beginning not to  
14 get excited about anything any more, so that was just  
15 another thing that I read and passed it on.

16 Q Did you speculate perhaps in your own mind  
17 as to whether or not Mr. Kanarek was any of those things,  
18 or did you speculate as to the rightness or wrongness of  
19 Mr. Younger's position, or anything like that?

20 A Well, I don't know enough about law, but I  
21 only heard Mr. Kanarek for just a few minutes since I'm  
22 here, and I have formed no opinion about him --  
23 personally, I mean.

8 fls.

Q I appreciate that, Mrs. Willis.

What I was asking you, though, was whether, as a result of what you saw on television or read in the newspaper, you thought anything. Maybe it is not to the status of actually forming an opinion.

A No, not really.

MR. FITZGERALD: Thank you.

VOIR DIRE EXAMINATION OF MARIE M. MESMER

BY MR. FITZGERALD:

Q Miss Mesmer?

A Yes, sir.

Q Can you tell us what you know?

A I did not tune in on TV last night. I did skim through the story. I know its contents. That is, I read it in the newspaper.

Q Was that this morning?

A No. That was last night. Well, it was the Herald Examiner. I picked it up on the way home.

I noticed they had a banner, so to speak, headline, and it aroused my curiosity. I bought the paper and I skimmed through the story to be, well, really, sort of informed, in a sense, about what was going on.

Q Was the banner headline "D.A. Seeks To Oust Manson Lawyer"?

A Yes, I believe that was it, yes, sir.

1 Q Did you also read the Los Angeles Times preview  
2 edition?

3 A No, I didn't get to the preview edition.

4 Q Did you read the home-delivered edition this  
5 morning?

6 A No, not today I did not.

7 Q When you read the Herald Examiner yesterday,  
8 was that the first time you had read anything in connection  
9 with Mr. Kanarek or Mr. Younger in regard to obstructionism  
10 or incompetence?

11 A Yes. Frankly, yes.

12 Q You hadn't heard about them before that date?

13 A Not to my knowledge, no.

14 I have not been following the newspaper carefully  
15 regarding this case.

16 Q And did the newspaper article you read purport  
17 to quote Mr. Younger or --

18 A I don't recall it. I didn't read the story  
19 that carefully. I don't recall any quote.

20 MR. FITZGERALD: Thank you.

21  
22 VOIR DIRE EXAMINATION OF CLARENCE ELLMAN  
23 BY MR. FITZGERALD:

24 Q I believe it is Mr. Ellman?

25 A Yes.

26 Q What about you? Did you read the newspapers



1 yesterday or today?

2 A I have the paper but I haven't read the article  
3 thoroughly. I did notice the headline, something about a  
4 writ to have some sort of a hearing in regards to  
5 Mr. Kanarek.

6 Q Did you understand what a writ was?

7 A Not exactly. Maybe some sort of a hearing or  
8 something like that.

9 Q It was a legal term anyway?

10 A Yes, sir.

11 Q What paper was it that you read, Mr. Ellman?

12 A I didn't read it thoroughly, like I said.  
13 I have the paper right here. It is the  
14 morning Times.

15 Q Did you read that today?

16 A Yes. Just the headline. I went through it.

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1 Q Yesterday did you read any paper in connec-  
2 tion with Mr. Kanarek?

3 A No. I bought the paper but I didn't read  
4 it.

5 Q Did you watch the television yesterday?

6 A Yes. I think it was Channel 5.

7 Q Channel 5?

8 A Yes.

9 Q You saw it on television last night? It  
10 was on a news program?

11 A Yes. It appeared to be a courtroom, a  
12 hearing room of some sort.

13 Q And what was on television? Just give us  
14 a brief account, Mr. Ellman.

15 A Well, there was Evelle Younger and he was  
16 talking in regard to Mr. Kanarek and some sort of hearing,  
17 and I think that Sacramento was mentioned.

18 Q Do you recall what Mr. Younger said about  
19 Mr. Kanarek, sir?

20 A Not in words, no, sir.

21 Q Can you give us the substance of it or can  
22 you paraphrase it, Mr. Ellman?

23 A About attorney Kanarek being incompetent,  
24 I think. That is about it.

25 Q Was there any mention in the television  
26 news broadcast that you saw about Mr. Manson himself,

8a-2

1 sir?

2 A Well, that Mr. Kanarek was representing Mr.  
3 Manson.

4 Q But did anybody mention Mr. Manson or  
5 quote Mr. Manson or anything like that?

6 A I don't recall now.

7 Q Was last night the first time you were made  
8 aware of this Kanarek-Younger matter?

9 A I don't think so. It seems to me like a  
10 few days ago or so I heard something somewhere along that  
11 line.

12 I watch the news just about every night.

13 Q Do you regularly watch a particular channel?

14 A As a rule, it is 2. I usually have dinner  
15 about that time.

16 MR. FITZGERALD: I have nothing further.

17  
18 VOIR DIRE EXAMINATION OF VICTOR L. FRONDORF

19 BY MR. FITZGERALD:

20 Q Mr. Frondorf, what about you?

21 A I got the newspaper this morning but I  
22 haven't read anything about that.

23 Also, last night about 11:15, I think it was  
24 on Channel 7, just before I got ready to go to bed, I  
25 happened to cut in, because we had guests in to play  
26 bridge and they left at 11:00 o'clock, and I cut the TV in

1 about 11:15. I was getting ready for bed.

2 All I saw was Mr. Evelle Younger, and what  
3 the conversation was I have no knowledge.

4 Q Were you aware of any action or purported  
5 action on behalf of Mr. Younger to remove Mr. Kanarek from  
6 this case, sir?

7 A Other than what happened here in the court  
8 the other day, the other morning, just before court  
9 convened, when there seemed to be a little bit of argument  
10 about something. That is the only knowledge I have.

11 Q I am not familiar with that.

12 A Here in court the other morning. Mr. Kanarek  
13 jumped up and had a paper in his hands and was taking off  
14 about it, and Judge Older said to wait until they went  
15 into his chambers.

16 That is the only knowledge I have of it.

17 Q I see. And you were sitting in the jury box  
18 at the time, Mr. Frondorf?

19 A Yes.

20 Q Or were you out in the audience?

21 A No, I was here in the jury box.

22 Q And you surmised that that was because there  
23 was some matter contained in the newspaper about Mr.  
24 Kanarek?

25 A I don't know. I have no knowledge about  
26 the newspaper other than he had a paper in his hands and

1 he started to read, and the Judge quieted him down.

2 Q And you didn't read anything about it in the  
3 paper yesterday?

4 A No. I have a paper this morning but I  
5 haven't read anything in this morning's paper.

9 fls.

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1 MR. FITZGERALD: okay, thank you.

2  
3 VOIR DIRE EXAMINATION OF MR. BLACK

4 BY MR. FITZGERALD:

5 Q Mr. Black, can you tell us what you know about  
6 this matter?

7 A Just what I read in the paper this morning.

8 Q Was that the Los Angeles Times?

9 A Right.

10 Q Can you give us a brief synopsis of what you  
11 read?

12 A I mean the only thing that I could repeat about  
13 what I read is about getting rid of Mr. Kanarek upon  
14 incompetence.

15 That is about all.

16 Q Did you form an opinion when you read that?

17 A No.

18 Q Did you think that was true or false?

19 A No, I formed no opinion at all.

20 Q Did you hear anything on radio or see anything  
21 on television?

22 A No.

23 Q Had you heard anything about Mr. Younger and  
24 Mr. Kanarek vis-a-vis one another before today?

25 A No.  
26

9-2

## VOIR DIRE EXAMINATION OF MR. TUBICK

BY MR. FITZGERALD:

Q Mr. Tubick?

A Yes, sir.

Q Can you help us out?

A No, sir, just what I heard this morning and this afternoon, what is going on.

Q Did you see anything on television yesterday?

A No, sir.

Q Did you watch television last night?

A No, sir. From my understanding here when I first was in the chambers, there, it was given me to understand, at least I got the understanding, to stay away from radio and TV and to refrain from it as much as possible, which I have done.

Q Did you inadvertently hear anything on the radio in regard to Kanarek or Younger?

A No, sir.

Q And you have not read the paper, is that correct?

A That's right, sir.

Q Have you heard anything about it from people who have told you they read it in the newspaper or heard it on the radio or saw it on television?

A No, sir.

Q No one has mentioned the matter to you

1 informally today?

2 A No, sir.

3 Q Had anyone ever mentioned it to you informally  
4 before today?

5 A No, sir. The only thing it is like the other  
6 morning, Mr. Kanarek mentioned something about objecting  
7 about, oh, the District Attorney having him taken off  
8 the case.

9 That was in the courtroom.

10 MR. FITZGERALD: Okay, thank you.

11 This concludes my questioning on the issue,  
12 your Honor.

13 THE COURT: Very well.

14 MR. REINER: Yes, your Honor.

15 THE COURT: Just a moment, Mr. Reiner, what subject do  
16 you intend to question about, the same subject?

17 MR. REINER: Yes.

18 THE COURT: I don't want a repetition, if it has  
19 already been asked.

20 MR. REINER: I appreciate that. I do not intend to  
21 be repetitious.

22

23 VOIR DIRE EXAMINATION OF MRS. MCKENZIE

24 BY MR. REINER:

25 Q Mrs. McKenzie, perhaps I might turn the volume  
26 down just a bit. Can you still hear me?



1 A Yes.

2 Q Can all the prospective jurors in the audience  
3 hear me?

4 Mrs. McKenzie, irrespective of just what you  
5 did see on television last night, or read in the newspaper  
6 today, was your information as thorough as the information  
7 that Mr. Nordland had?

8 Do you recall Mr. Nordland's responses to  
9 Mr. Fitzgerald's questions?

10 THE COURT: I don't see how anybody can answer a  
11 question like that, sir. That calls for sheer speculation.

12 Q BY MR. REINER: Mrs. McKenzie, do you recall  
13 hearing Mr. Nordland indicate that he was an avid reader  
14 of the newspapers?

15 A Yes.

16 Q Do you recall Mr. Nordland in response to  
17 Mr. Fitzgerald's questions indicate the basis, as he under-  
18 stood it, from Mr. Younger's remarks, of Mr. Younger's  
19 complaint with respect to the competency of Mr. Kanarek?

20 A Yes.

21 Q Do you recall Mr. Nordland saying that he  
22 understood Mr. Younger's remarks to mean that Mr. Younger  
23 was concerned not with Mr. Kanarek's conduct in this case,  
24 with  
24 but/Mr. Kanarek's conduct in some prior case or cases.

25 Do you recall Mr. Nordland saying that?

26 A Some words to that effect.

1 Q Apart from having heard Mr. Nordland relate  
2 that, did you also hear that on television, or did that  
3 go beyond what you actually heard on television?

4 A I did not hear television last night, and I did  
5 not read the paper today.

6 If I may, though, I would like to clarify my  
7 earlier statement.

8 Q Surely.

9 A When I was asked if I regularly read newspapers  
10 and I said on Sundays.

11 I do read some articles of other papers during  
12 the week when I can, but I have carefully refrained from  
13 following any of the current trials since I knew that I  
14 might possibly be on jury duty, because I wanted to main-  
15 tain an open mind.

16 As a matter of fact I looked through a paper in  
17 court yesterday and through one section today. That was the  
18 extent of it.

19 Q Then prior to coming to court today you were  
20 uninformed as to the basis of District Attorney Younger's  
21 complaint against Mr. Kanarek, is that correct?

22 A That is correct.

9a-1

1 Q And you were informed, or you heard rather,  
2 rather than say informed, you heard of the basis of Mr.  
3 Younger's complaint against Mr. Kanarek from the answers  
4 given by the other jurors during the examination before  
5 lunch and just recently by Mr. Fitzgerald, is that  
6 correct?

7 A Yes, and one statement prior to that.

8 Q What statement?

9 A Just casually, as I said, the casual state-  
10 ment of the jurors.

11 Q This was a conversation you had with some  
12 other prospective juror?

13 A Yes, the conversation I overheard, and any  
14 of the details I have heard as Mr. Fitzgerald questioned  
15 the jurors.

16 MR. REINER: Thank you very much. Would you pass  
17 the microphone to Mr. Rollins, please.

18  
19 VOIR DIRE EXAMINATION OF MR. ROLLINS

20 BY MR. REINER:

21 Q Mr. Rollins, you indicated in response to  
22 Mr. Fitzgerald's question that you have been watching  
23 the television news and reading the newspapers since  
24 you were a prospective juror in this case, is that correct?

25 A I have seen the news, and I have read some  
26 newspapers since I have been a prospective juror.

9a-2

1 Q Have you read these items carefully or have  
2 you simply skimmed through them?

3 A No, I just skimmed through.

4 Q Were you aware, as Mr. Nordland was aware,  
5 that the basis of District Attorney Younger's complaint  
6 against Mr. Kanarek was not his conduct in this case but  
7 an alleged conduct in other cases?

8 A No. What I say was, I just read it was  
9 incompetence. I just skimmed through the paper, like I  
10 say.

11 Q It was not until Mr. Nordland indicated his  
12 understanding of Mr. Younger's complaint against Mr.  
13 Kanarek that you were informed of that for the first time?

14 A That is the first I heard of it.

15 Q Okay. Would you pass the microphone please  
16 to Mr. McBride.

17  
18 VOIR DIRE EXAMINATION OF MR. MC BRIDE  
19 BY MR. REINER:

20 Q Mr. McBride, did you hear this on television  
21 or did you read about this in the newspaper?

22 A On television.

23 Q Did you listen to it carefully?

24 A Yes, sir.

25 Q After listening to this story on the  
26 news carefully were you aware of the underlying basis

9a-3

1 for Mr. Younger's complaint against Mr. Kanarek, that is,  
2 his alleged incompetency not in this case but in other,  
3 prior cases?

4 A Well, that refreshes my memory, but until  
5 you just did, I did not know what he based his complaint  
6 on.

7 Q Well, now, do you recall Mr. Nordland's  
8 responses to Mr. Fitzgerald's questions?

9 A Yes, sir.

10 Q Prior to the time Mr. Nordland indicated  
11 that based upon what he had read and heard and seen  
12 that that was his understanding of Mr. Younger's basis  
13 for his complaint against Mr. Kanarek, were you aware  
14 at that time that that was the basis for the complaint?

15 A No.

16 Q You were not. And so you learned about it  
17 for the first time when you heard Mr. Nordland's responses  
18 to Mr. Fitzgerald's questions?

19 A Yes.

20 MR. REINER: Thank you. Pass the microphone,  
21 please to Miss Pahn.

22  
23 VOIR DIRE EXAMINATION OF MISS ROSE PAHN

24 BY MR. REINER:

25 Q Miss Pahn, as I recall you did indicate  
26 you heard something of this on television news this

1 morning, but that you did not pay any particular  
2 close attention to it, is that correct?

3 A No -- that is correct, I mean.

4 Q When you came to court this morning you were  
5 aware, were you not, of the underlying basis of District  
6 Attorney Younger's complaint against Mr. Kanarek?

7 A Yes, I just heard there was to be a hearing.

8 Q And it was then not until you heard the  
9 answers to the questions put to the prospective jurors  
10 by Mr. Fitzgerald that you learned for the first time  
11 of the underlying basis of Mr. Younger's complaint  
12 against Mr. Kanarek?

13 A Correct, I heard the remarks.

14 MR. REINER: Would you please pass the microphone  
15 to Mr. Dominguez.

16  
17 VOIR DIRE EXAMINATION OF MR. DOMINGUEZ

18 BY MR. REINER:

19 Q Mr. Dominguez, you indicated that you  
20 watched the newscast yesterday, is that correct?

21 A Yes, I did.

22 Q On the newscast you saw something of the  
23 matter which we are presently discussing?

24 A Yes.

25 Q Did you pay particularly close attention  
26 to it?

1 A No, not that close.

2 Q Then you were unaware until you came to  
3 court this morning and heard the answers to Mr. Fitz-  
4 gerald's questions, most specially the answers given  
5 by Mr. Nordland, of the underlying basis of Mr. Younger's  
6 complaint against Mr. Kanarek, that is, that he was  
7 not complaining about Mr. Kanarek's conduct in this case,  
8 but he was complaining about Mr. Kanarek's alleged  
9 conduct in prior cases?

10 A I was not aware of that.

11 Q You have heard that the first time in  
12 this courtroom when you heard the answers given to the  
13 questions by Mr. Fitzgerald?

14 A Yes.

9b fls.

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1 MR. REINER: Thank you very much.

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3 VOIR DIRE EXAMINATION OF MR. NORDLAND

4 BY MR. REINER:

5 Q Mr. Nordland, you are an avid reader. By that  
6 you mean you read more than one newspaper, or you read one  
7 newspaper thoroughly?

8 A No, I just read one newspaper thoroughly.

9 Q Which one is that, sir?

10 A The Examiner.

11 Q The Examiner, and you watch the evening news,  
12 is that correct?

13 A Yes, sir.

14 Q The evening news runs for two and a half hours.  
15 Do you watch any substantial portion of that time on the  
16 news?

17 A Yes.

18 Q About how much, generally speaking?

19 A Well, as a rule we have it on from 5:00 until  
20 7:30.

21 Q I see, and last night did you have occasion to  
22 also see Mr. Younger's press conference?

23 A I did.

24 Q And did you pay close attention to what he said?

25 A Fairly close.

26 Q It was based upon Mr. Younger's comments as



9B2  
1 revealed in the television press conference, and the story  
2 that appeared in the Herald Examiner that you concluded  
3 the basis of Mr. Younger's complaint against Mr. Kanarek  
4 is not his conduct in this trial but his alleged misconduct  
5 in other trials.

6 Is that correct?

7 A Yes, sir.

8 MR. REINER: Thank you very much. Would you please  
9 pass the microphone to Juror No. 7, Mrs. Willis.

10  
11 VOIR DIRE EXAMINATION OF MRS. WILLIS

12 BY MR. REINER:

13 Q Mrs. Willis, you indicated in response to  
14 Mr. Fitzgerald's question that you have heard "so much,"  
15 with emphasis, about this because at this point you have  
16 become perhaps satiated and you don't pay all that much  
17 attention to what you see and hear in the news and in the  
18 paper.

19 A Basically I mean I did not emphasize it that  
20 way, but basically.

21 Q That would be a fairly correct statement when  
22 you say you heard so much you are referring to the news as  
23 it appeared on television and the newspapers over the last  
24 few months, is that correct?

25 A That is right.

26 Q And prior to coming to court today were you

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1 aware from either watching television or reading the news-  
2 paper of the underlying basis for Mr. Younger's complaint  
3 against Mr. Kanarek, that is, he was not complaining of  
4 Mr. Kanarek's conduct or incompetence in this case, but his  
5 alleged misconduct or incompetence in other cases?

6 A That's right.

7 Q Were you aware of that before you came to  
8 court?

9 A That is what I read, yes.

10 Q You did not learn of that the first time when  
11 you came to court and heard the answers to the questions  
12 put to the jurors by Mr. Fitzgerald?

13 A Yes, I read that and understood that.

14 MR. REINER: Thank you very much. Would you pass the  
15 microphone over to Miss Mesmer.

16  
17 VOIR DIRE EXAMINATION OF MISS MARIE M. MESMER  
18 BY MR. REINER:

19 Q Miss Mesmer, I believe you did indicate in  
20 response to a question put to you by Mr. Fitzgerald that  
21 you had been reading the Herald Examiner about this  
22 particular case in order to keep informed about these  
23 proceedings.

24 A Oh, no, I did not say that. I did not say I  
25 would be reading the Herald Examiner to keep informed.

26 In answer to Mr. Fitzgerald's question, he

1 asked me if I read the Herald Examiner, if I saw this  
2 particular story.

3 I said yes, I had seen it last night.

4 I don't remember if I said that, I mean --  
5 what I mean is to say, are you misinformed or am I misin-  
6 formed?

7 Q I don't know. I am referring to my notes.

8 A I mean, you confuse me by your approach because  
9 I had not said to my knowledge -- if the court reporter  
10 would care to read back my statement, it's all right with  
11 me.

12 But I don't recall making that statement that I  
13 was reading the Herald Examiner to keep up with the case.

14 I said I read the Herald Examiner last night  
15 because I wanted to be informed, out of curiosity to know  
16 what was going on. That is what I said.

17 Q All right, well, either I misunderstood you or  
18 perhaps you had inadvertently misspoke yourself.

19 A Well, I don't think I misspoke, but perhaps.

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1 Q In any event, you did read about the case?

2 A Yes.

3 Q When I say "about the case," Miss Mesmer,  
4 I am referring to the matter that we are discussing now.

5 A Yes. That is precisely what we are  
6 discussing.

7 Q Now, did you read the article carefully  
8 or casually?

9 A Casually.

10 Q Prior to coming into court today and  
11 hearing the answers put to the questions by Mr. Fitz-  
12 gerald, were you aware of the underlying basis of Mr.  
13 Younger's complaint against Mr. Kanarek; specifically,  
14 that he was not complaining of any obstructionism or  
15 misconduct or incompetency in this case but such  
16 conduct in prior cases?

17 A I was not aware of that information until  
18 today.

19 MR. REINER: Thank you very much.

20 Would you pass the microphone to Mr.  
21 Ellman, please?

22  
23 VOIR DIRE EXAMINATION OF CLARENCE ELLMAN  
24 BY MR. REINER:

25 Q Mr. Ellman, you did see the televised  
26 newscast of the press conference called by District

1 Attorney Younger; is that true?

2 A Yes, sir.

3 Q Now, did you indicate, in response to Mr.  
4 Fitzgerald's question, that it appeared to you that Mr.  
5 Younger's statements were made during a court proceed-  
6 ing? Was that your understanding?

7 A Some sort of a hearing room it appeared to  
8 be, yes.

9 Q I see.

10 Then it was your impression that these  
11 statements as related on the televised news conference  
12 occurred during some sort of court proceeding in some  
13 sort of hearing room?

14 A That is what it appeared to me.

15 Q You did not understand it to be merely a  
16 press conference called by an individual in his own  
17 office?

18 A I don't think so.

19 Q All right.

20 Then, prior to coming to court today,  
21 you were not aware, were you, of the underlying basis  
22 of Mr. Younger's complaint against Mr. Kanarek, that is,  
23 his conduct in prior cases?

24 A Well, like I said, I think, you know, the  
25 last few days or so there has been something, I either  
26 saw it on the news or read it in the paper, pertaining

1 to it.

2 Q Well, sir, when you say "something,"  
3 specifically what I am referring to is this: Prior to  
4 hearing the answers to the questions put by Mr. Fitz-  
5 gerald to the other prospective jurors, were you aware,  
6 before coming to court today, of the underlying basis  
7 of Mr. Younger's complaint against Mr. Kanarek, that is,  
8 not that Mr. Kanarek was incompetent in this case but  
9 Mr. Kanarek, in the judgment of Mr. Younger, had been  
10 incompetent in prior cases?

11 Did you learn of that here in court for  
12 the first time or did you learn of that from watching  
13 television last night?

14 A I am sure, I am pretty sure it happened  
15 last night when I heard all about it.

16 Q When you came to court this morning, then,  
17 Mr. Ellman, you already knew and you did remember and  
18 recall that the basis for Mr. Younger's complaint dealt  
19 with Mr. Kanarek's past conduct as opposed to his  
20 present conduct?

21 A That is probably it, yes, sir.

22 MR. REINER: Okay. Would you pass the microphone  
23 on, please, to Mr. Frondorf.  
24  
25  
26

## VOIR DIRE EXAMINATION OF VICTOR L. FRONDORF

BY MR. REINER:

Q Mr. Frondorf, did you indicate to Mr. Fitzgerald that you saw the television news but that you were not paying attention to it and you were not aware of the substance of Mr. Younger's remarks?

A No. I saw Evelle Younger on the television. What the conversation was I have no knowledge.

Q I see.

And you were not, apparently, then aware of the underlying basis of Mr. Younger's complaint against Mr. Kanarek; is that true?

A No, I was not.

Q And you learned of it for the first time here in court today from the answers given to questions put to prospective jurors by Mr. Fitzgerald; is that true?

A That is true.

MR. REINER: Thank you very much.

Would you pass the microphone to Mr. Black?

## VOIR DIRE EXAMINATION OF MR. ELZIE K. BLACK

BY MR. REINER:

Q Mr. Black, you read of this matter in the newspaper, did you not?

A This morning.

1 Q And in reading the newspaper, Mr. Black,  
2 you determined that there was some complaint by Mr.  
3 Younger with respect to the competency of Mr. Kanarek;  
4 is that true?

10a fls. 5 A Right.  
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1 Q Did you read the article carefully or did you  
2 read the article casually, sir?

3 A Casually.

4 Q Mr. Black, before coming to court today, were  
5 you aware of the underlying basis of Mr. Younger's  
6 complaint against Mr. Kanarek?

7 A I was not.

8 Q You were not?

9 A No.

10 Q You learned of it, then, for the first time in  
11 hearing the answers to the questions put to the prospective  
12 jurors by Mr. Fitzgerald?

13 A That's right.

14 MR. REINER: Thank you very much, Mr. Black.

15 Would you pass the microphone to Mr. Tubick,  
16 please?

17  
18 VOIR DIRE EXAMINATION OF HERMAN C. TUBICK  
19 BY MR. REINER:

20 Q Mr. Tubick, you learned of this entire matter  
21 here in court for the first time; is that correct?

22 A Yes, sir.

23 Q And prior to coming to court today, you had  
24 disciplined yourself not to read the newspapers, not to  
25 listen to the radio, and not to watch television with  
26 respect to any matters connected with this case; is that

0a2  
1 true, sir?

2 A Yes, sir.

3 MR. REINER: Thank you very much.

4 I have no further questions, your Honor, on  
5 this particular point.

6 Would the Court wish to hear from counsel on  
7 this matter at the bench or should I continue on with the  
8 voir dire examination of Miss McKenzie?

9 We do have some matters we would wish to  
10 discuss with the Court directly relating to the voir dire  
11 at this time.

12 MR. STOVITZ: Before we do, may counsel for the  
13 People inquire on this particular subject matter as this  
14 has been reopened, so to speak.

15 MR. REINER: Yes, your Honor.

16 If the Court wishes to hear argument before we  
17 go on to the regular voir dire, of course, the People  
18 should be, of course, heard first with respect to their  
19 examination of the jurors.

20 THE COURT: Well, it is my understanding that the  
21 voir dire had concluded so far as the defendants are  
22 concerned as to this witness.

23 MR. STOVITZ: As to this juror.

24 THE COURT: As to this juror. And I permitted it to  
25 be reopened for this limited purpose.

26 MR. REINER: Very well.

0a3 1 THE COURT: Do you intend to go into this subject  
2 just raised?

3 MR. STOVITZ: Just this subject, and I intend to  
4 cover it just with one or two jurors, not individually.

5 THE COURT: All right.

6 MR. STOVITZ: Thank you.

7  
8 VOIR DIRE EXAMINATION OF MISS MCKENZIE

9 BY MR. STOVITZ:

10 Q Mrs. McKenzie, can you hear me?

11 A Yes.

12 Q Do you understand from the questions that have  
13 been asked of you by Mr. Fitzgerald and Mr. Reiner that  
14 this subject matter has nothing to do with the guilt or  
15 innocence of the defendants?

16 A Yes, I do.

17 Q And that there will not be any evidence  
18 presented in the trial concerning this matter.

19 Do you understand that, Miss McKenzie?

20 A Yes.

21 Q All right.

22 Now, in conjunction with anything that you  
23 might have seen on television about Mr. Younger's statement,  
24 did you see anything about Mr. Kanarek's statement in  
25 rebuttal to Mr. Younger's statement?

26 A I saw neither.

.0a4

1 Q All right.

2 Now, if in the course of the trial counsel for  
3 the defendants and counsel for the People approach the  
4 bench ten times on one day, 20 times on another day, are  
5 you going to concern yourself with how many times we  
6 approach the bench?

7 A No.

8 Q You know that it has nothing to do with the  
9 evidence; isn't that right, ma'am?

10 A Yes.

11 Q So, too, you understand that this questioning  
12 here has nothing to do with any evidence that we purport  
13 to introduce?

14 A Yes, I understand.

15 Q And you understood from Mr. Reiner's questioning  
16 yesterday from where you sat in your position in the jury  
17 room, Miss McKenzie, that the conduct of any attorney,  
18 Mr. Bugliosi, myself, or any of the attorneys, should not  
19 reflect upon your view of the evidence? You understand  
20 that, do you not?

21 A Yes.

22 Q In other words, let's say that one of the  
23 attorneys wore an atrocious tie to court or a suit that  
24 didn't match, or something of that type. You wouldn't  
25 consider that as far as the guilt or innocence of the  
26 defendant, would you?

1 A No.

2 Q - So, too, if one of the attorneys addressed the  
3 Court in a manner that was not to your liking, or addressed  
4 one of the jurors that was not to your liking,, you wouldn't  
5 consider that concerning yourself with the guilt or  
6 innocence of the defendant; is that right?

7 A Right.

1 Q Do you think you could put aside, completely  
2 put aside, everything that you might have read about this  
3 incident concerning Mr. Kanarek's representation of his  
4 client and just consider the evidence as to the guilt or  
5 innocence of Mr. Manson and the other defendants?

6 A Yes, I do.

7 MR. STOVITZ: Thank you.

8 Mrs. Willis --

9 MRS. WILLIS: Yes.

10 MR. STOVITZ: If I asked you those questions,  
11 would your answers be substantially the same?

12 MRS. WILLIS: Substantially, yes.

13  
14 VOIR DIRE EXAMINATION OF CLARENCE ELLMAN

15 BY MR. STOVITZ:

16 Q Now, Mr. Ellman, you stated that you actually  
17 saw the TV interview; is that true?

18 A I saw it, yes. I was watching the TV and I  
19 saw Mr. Younger, yes, sir.

20 Q Did you see any rebuttal by Mr. Kanarek?

21 A I can't recall, really.

22 MR. STOVITZ: May I ask the jurors at large, is there  
23 anybody on the jury that saw the rebuttal by Mr. Kanarek on  
24 TV?

25 Mr. Nordland?

26 MR. NORDLAND: Yes.

## VOIR DIRE EXAMINATION OF ELMER NORDLAND

BY MR. STOVITZ:

Q Forgetting for a moment what remarks Mr. Kanarek made in rebuttal, you did hear him make certain remarks, Mr. Nordland?

A I didn't follow him that closely.

Q You understand that whatever remarks he made is not evidence in this case? You understand that?

A I do.

Q You understand that whatever remarks Mr. Younger made are not evidence in this case?

A I do.

Q You understand that if either Mr. Younger -- rather, until Mr. Younger or Mr. Kanarek take that witness stand and are sworn to testify under oath, as any other witness is, that their statements are not evidence in this case? You understand that?

A I do.

Q Would you be able to follow that instruction if the Court gave you such an instruction?

A I will.

Q If the Court were to tell you that you are to be governed solely by the evidence in this case and nothing else, Mr. Nordland, would you follow that instruction as well?

A I would.

1 Q Do you feel in any way, shape or form, in any  
2 manner, Mr. Nordland, that what you have read or seen of  
3 this latest episode concerning Mr. Kanarek, that that would  
4 in any way influence your verdict in this case?

5 A No.

6 MR. STOVITZ: Would any of the jurors, if I asked  
7 you those questions individually, answer those questions  
8 any differently than Mrs. McKenzie, Mrs. Willis or  
9 Mr. Nordland?

10 I see no response, so I take it that you all  
11 are shaking your heads in the negative, as Mrs. Mesmer is.

12 Thank you very kindly.

13 THE COURT: Ladies and gentlemen, I admonish you that  
14 any publicity to which you might have been exposed  
15 pertaining to this case, any of the parties, any of the  
16 attorneys, any possible witnesses, or anything else  
17 relating to the case, is not evidence and must not be  
18 considered by you for any purpose.

19 Any legal problems that come up which are  
20 matters between the Court and counsel are not to be  
21 speculated on by the prospective jurors or the jury after  
22 the jury is selected.

23 There will be many matters during the course  
24 of the trial that have to be discussed out of the presence  
25 of the jury involving purely legal questions, and the  
26 function of the jury is not to be concerned with those but



1 to determine what the facts are from the evidence and to  
2 make your determination on the issues in the trial based  
3 on the Court's instructions.

4 Mr. Kanarek is to be considered like any other  
5 attorney. He is like any other attorney in this case.  
6 The act of the District Attorney in calling a press  
7 conference yesterday while this jury was being selected was  
8 an irresponsible act. But I admonish you that you are not  
9 to consider that act or any statements coming out of that  
10 conference as having any bearing whatever on any of the  
11 issues in this case.

12 Now, is there any one of you who believes that  
13 for any reason you could not put aside anything that you  
14 have heard, read or seen concerning this case, through  
15 television, the press, or any other media or source, and  
16 determine the issues in this case solely from the evidence  
17 which will come out during the trial?

18 If there is any one of you who believes he  
19 could not base his decision solely on the evidence at the  
20 trial, please indicate to me at this time by raising your  
21 hand. And let me add that the evidence will consist of  
22 the testimony of witnesses who testify under oath from  
23 this witness stand and from exhibits which may be  
24 received in evidence during the course of the trial, and  
25 your decision must be based solely on that and nothing  
26 else, and in conformity with the Court's instructions to