

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. 1009

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 or Mr. Stovitz or I asked a question which should have
2 prompted you to raise your hand or speak out freely.

3 Do you understand that, wa'ant?

4 A Yes, sir.

5 Q And, of course, it would also be a violation
6 of your oath not to speak out freely at the present time.
7 So, when I ask you questions about the death penalty or
8 any other subject, please don't hesitate to speak out
9 because now is the time to do it, not later on in the
10 jury room.

11 Do you understand that?

12 A Yes, sir.

13 Q And if some of my questions lend themselves
14 very easily, Mrs. Rusland, to a yes or no answer, don't
15 feel that restricted.

16 I would very much welcome, in fact, I will
17 encourage, you to elaborate on or qualify any given yes or
18 no answer.

19 You understand that?

20 A Yes, sir.

17 file.

7-1
1 Q His Honor clearly went over this area,
2 Mrs. Roseland, but because of its importance, and I take it
3 you are not a lawyer, I am going to go over the area again
4 for emphasis and to clarify any point or problems that may
5 for some reasons still exist in your mind.

6 Do you realize if one or more of these
7 defendants are convicted of first-degree murder there will
8 follow a second trial called the penalty trial and during
9 that penalty trial you also will sit as a jury, do you
10 understand that?

11 A Yes, sir.

12 Q You realize only during the penalty trial will
13 you and your co-jurors be permitted to pass on the
14 question of life imprisonment as opposed to the death
15 penalty?

16 A Yes, sir.

17 Q You understand further that if during the first
18 trial these defendants are found to be not guilty, of first-
19 degree murder, or if they are found to be guilty of some
20 degree of criminal homicide lesser than first-degree murder,
21 such as second-degree murder, the question of the death
22 penalty will never arise.

23 Do you understand that?

24 A Yes, sir.

25 Q You understand further that during the first
26 trial, that is the trial during which you are to determine

1 the guilt or innocence of these defendants, you are not
2 permitted to discuss or consider the question of the death
3 penalty?

4 A Correct.

5 Q Would you promise to do that during the first
6 trial, during your deliberations, not let the question of
7 the death penalty enter into your deliberations?

8 A Yes, sir.

9 Q Mrs. Roseland, neither his Honor nor defense
10 counsel nor I can tell you what is or what is not a proper
11 cause for the imposition of the death penalty, for the
12 simple reason that there is no legal definition --

13 MR. KANAREK: Your Honor, I will object to this. It
14 is a speech, your Honor.

15 This is clearly some kind of an oration.

16 MR. BUGLIOSI: It is a speech required by the
17 California Supreme Court, your Honor.

18 THE COURT: The objection is overruled.

19 Q BY MR. BUGLIOSI: Going back just a few
20 clauses, Mrs. Roseland:

21 Neither his Honor nor any of the defense
22 counsel nor Mr. Stovitz or I can tell you or any of the
23 co-jurors what is or what is not a proper case for the
24 imposition of the death penalty for the simple reason that
25 there is just no legal definition of what is or what is not
26 a proper case.

1 The law leaves it up to the absolute discretion
2 of the jury to decide what is or what is not a proper case.

3 There are simply no guidelines or standards for
4 you to follow.

5 Do you understand that?

6 A Yes, sir.

7 Q The state of the law as it presently exists
8 leaves it up to each juror's individual decision whether or
9 not he feels the circumstances are sufficiently aggravated
10 to warrant imposition of the death penalty.

11 Do you understand that?

12 A Yes, sir.

13 Q I want to make it abundantly clear, Mrs. Roseland,
14 that the law shows no preference for the death penalty
15 over life imprisonment, or, for that matter, life imprison-
16 ment over the death penalty.

17 Do you understand that?

18 A Yes, sir.

19 Q Mrs. Roseland, do you belong to or contribute
20 to or support in any fashion whatsoever any organization
21 that has as its objective or one of its objectives the
22 abolition or suspension of the death penalty in the State of
23 California?

24 A No, sir.

25 Q Do you feel that the religious doctrines of any
26 church that you may belong to would prevent you from voting

1 for a verdict of death?

2 A No, sir.

3 Q I understand you are not opposed to the death
4 penalty, is that correct?

5 A Correct.

6 Q Some people, Mrs. Roseland, have no objection to
7 the death penalty, no opposition to it, but they simply do
8 not want to sit as a juror on any case where the death
9 penalty is involved, and vote for a verdict of death.

10 In other words, they want to let someone else
11 do it.

12 Certainly no one can criticize them for that.
13 It is not an enjoyable task. It is not easy for any juror
14 to come back into this courtroom and in effect by their
15 verdict tell a defendant that he or she must die.

16 You understand that?

17 A Yes, sir.

18 Q Now, with that thought in mind, Mrs. Roseland,
19 I would like to mentally transport you, as it were, three
20 or four months from now back in the jury room.

21 Let us assume that these defendants have been
22 found guilty of first-degree murder, and you are going to
23 decide whether they should receive life imprisonment or
24 death, all the chips are on the line.

25 Now, if after hearing all of the evidence and
26 considering all of the circumstances you felt that this was a

1 proper case for the imposition of the death penalty, would
2 you personally have the courage and would you personally
3 be willing to come back into this courtroom with a verdict
4 of death?

5 MR. KANASK: I object, your honor, improper voir
6 dire examination.

7 It's up to the absolute discretion of the jury.
8 That question is improper.

9 THE COURT: The jury has been informed several
10 times, first this morning by me and then again by Mr.
11 Fitzgerald, that there is no such thing as a proper case,
12 if by that is meant any objective standard by which to
13 determine which penalty is to be imposed, assuming, of course,
14 the trial gets to the penalty phase.

15 Do you understand that, Mrs. Roseland?

16 MRS. ROSELAND: Yes, sir.

17 THE COURT: Mr. Fitzgerald used the term "proper"
18 then, he meant in your sole --

19 MR. BUGLIOSI: I think you are misspeaking, I think
20 it was I who spoke about a proper case.

21 THE COURT: I meant Mr. Bugliosi. Mr. Bugliosi just
22 used that term.

23 Did you understand that he meant in your sole
24 discretion?

25 MRS. ROSELAND: Yes, sir.

26 THE COURT: All right. The objection is overruled.

1 Q BY MR. BUGLIOSI: Do you recall the question?

2 A I'm sorry, I don't.

3 MR. BUGLIOSI: Your Honor, could you have the court
4 reporter read the question.

5 THE COURT: Read the question, please.

6 (Whereupon, the reporter reads the pending
7 question as follows:

8 "Q Now, with that thought in mind,
9 Mrs. Roseland, I would like to mentally transport
10 you, as it were, three or four months from now
11 back in the jury room.

12 "Let us assume that these defendants have
13 been found guilty of first-degree murder, and
14 you are going to decide whether they should
15 receive life imprisonment or death, all the
16 chips are on the line.

17 "Now, if after hearing all of the
18 evidence and considering all of the circumstances
19 you felt that this was a proper case for the
20 imposition of the death penalty, would you
21 personally have the courage and would you
22 personally be willing to come back into this
23 courtroom with a verdict of death?"

24 MRS. ROSELAND: Yes, sir.
25
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17a-1

1 BY MR. BUGLIOSI:

2 Q You will notice, Mrs. Roseland, three of
3 the defendants are women, Susan Atkins, Patricia Krenwinkel
4 and Leslie Van Houten.

5 Now and then a juror will say "under no
6 circumstances would I vote for a death penalty for a female."

7 Are you of that frame of mind?

8 A No, sir.

9 MR. KANAREK: I object, your Honor, improper voir
10 dire.

11 There are no objective standards.

12 THE COURT: The answer is in. The objection is
13 overruled.

14 BY MR. BUGLIOSI:

15 Q You will note, Mrs. Roseland, that the same
16 three female defendants, although they are adults -- make
17 no mistake about that -- they are young adults.

18 Are you of such a frame of mind that you
19 would not under any circumstances vote for the death
20 penalty for these three defendants solely because of their
21 age?

22 MR. KANAREK: I object on the ground it is improper
23 voir dire examination.

24 THE COURT: Overruled, you may answer.

25 MRS. ROSELAND: Their age would make no difference.
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17a-2

1 BY MR. BUGLIOSI:

2 Q I guess you will have to pause after each
3 one of my questions to wait for the objection, Mrs. Rose-
4 land.

5 Mrs. Roseland, are you of such a frame of
6 mind that you would under no circumstances vote for a
7 death penalty against a particular defendant unless the
8 evidence at the trial showed that this particular defendant
9 personally killed a human being?

10 MR. KANAREK: I object on the grounds of improper
11 voir dire, your Honor.

12 THE COURT: Overruled, you may answer.

13 MRS. ROSELAND: I'm sorry, I don't quite understand
14 that.

15 MR. BUGLIOSI: Let me rephrase the question.

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

21 A I'm sorry, I still don't understand.

22 MR. SHINN: We object to the question, your Honor,
23 as ambiguous.

24 THE COURT: Do you understand the question, Mrs.
25 Roseland?

26 MRS. ROSELAND: No, I don't.

17a-3

1 THE COURT: The objection is sustained.

2 BY MR. BUGLIOSI:

3 Q I will see if I can rephrase it again.

4 You realize, ma'am, that a person can be
5 convicted of first degree murder even though he was not
6 the one who did the actual killing?

7 A Yes, sir.

8 Q Now, let's assume that that type of a person
9 who did not do the actual killing has been convicted of
10 first degree murder and now you are going to decide whether
11 he or she should receive the death penalty?

12 You understand what I'm talking about thus
13 far?

14 A Yes, sir.

15 Q Are you of such a frame of mind that you
16 could never vote for the death penalty for this particular
17 defendant because he never killed someone?

18 MR. SHINN: I object on the grounds of prejudging
19 a set of facts, your Honor.

20 THE COURT: Do you understand the question?

21 MRS. ROSELAND: Yes.

22 THE COURT: The objection is overruled. You may
23 answer.

24 MRS. ROSELAND: I could vote for the death penalty.

25 BY MR. BUGLIOSI:

26 Q Even though the particular defendant did not

17a-4

1 himself do the actual killing?

2 A Yes.

3 MR. BUGLIOSI: Finally made it, Mrs. Roseland.

4 Does the Court wish to adjourn for the day,
5 your Honor.

6 THE COURT: Just a moment, Mr. Bugliosi.

7 First of all, I want to advise that there
8 will be a change in the hours of the court sessions during
9 the balance of the jury selection phase.

10 We will commence at 9:00 each morning,
11 recess at noon until 1:45 and continue until 4:15 in the
12 afternoon.

13 I will admonish you now, ladies and gentle-
14 men, and at each of the recesses, that you are not to
15 converse among yourselves or with anyone else on any
16 subject relating to this case, nor are you to form or
17 express any opinion regarding the case until such time as
18 the case is finally submitted to those of you who are
19 selected as the jurors.

20 And I further admonish you that you should
21 not read, listen to or watch any news program concerning
22 this case while you are prospective jurors, or jurors in
23 the case.

24 We will adjourn at this time until 9:00 a.m.
25 tomorrow morning.

26 (Whereupon an adjournment was taken until
9:00 o'clock a.m. of the following day, Tuesday, July 7,
1970.)

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LOS ANGELES, CALIFORNIA, TUESDAY, JULY 7, 1970 9:12 A.M.

THE COURT: All parties and counsel are present.

The prospective jurors are in the jury box.

You may proceed, Mr. Bugliosi.

VOIR DIRE EXAMINATION OF MRS. ROSELAND (Continued)

BY MR. BUGLIOSI:

Q Good morning, Mrs. Roseland.

Mrs. Roseland, Count No. 8 of the Grand Jury indictment charges these defendants with the crime of conspiracy to commit murder.

The first seven counts of the indictment are murder counts. The eighth count is a conspiracy count, conspiracy to commit murder.

Now, at the conclusion of the evidence in this case but before you deliberate there in the jury room, his Honor will instruct you as to the law applicable to this case.

Among other things he will instruct you to the effect, and I am not quoting him exactly, to the effect that a conspiracy is an agreement between two or more persons to commit a crime, followed by an overt act to carry out the object of the conspiracy.

His Honor will further instruct you to the

1 effect that once a conspiracy is formed, each conspirator
2 is criminally responsible for the crimes committed by
3 his co-conspirators, if these crimes were committed to
4 further the object of a conspiracy.

5 Let me give you an example.

6 MR. KANAREK: Object, your Honor, on the ground it
7 is an attempt to preinstruct the jury, this paraphrasing
8 of the instructions, your Honor.

9 THE COURT: Well, I have permitted this by all
10 counsel to a limited extent for the purpose of illustra-
11 tion, and as introductory to what is a legitimate
12 voir dire examination, Mr. Kanarek, and that is what this
13 is.

14 The objection is overruled.

15 2 fls.
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2-1 1 Q For example, Mrs. Roseland, let's assume that
2 parties A, B and C conspire to rob a bank but only B and C
3 actually rob the bank. A, being a co-conspirator, is
4 equally guilty of that bank robbery even though he, himself,
5 did not commit the robbery and even though he wasn't even
6 present at the scene of the bank robbery.

7 Now, with that thought in mind, Mrs. Roseland,
8 let me ask you this question: Do you understand this rule
9 of conspiracy which makes one conspirator criminally
10 responsible for the crimes of his co-conspirators?

11 MR. KANAREK: Improper voir dire examination, your
12 Honor. This is not the time for that. The purpose of this
13 examination is to determine the state of mind of the jurors,
14 not whether the jurors understand a particular instruction
15 or not. It is to see whether the juror is fair and
16 impartial. That is the purpose of voir dire examination,
17 and I object on the ground that it is improper voir dire and
18 an attempt to preinstruct the jury.

19 THE COURT: Overruled. It is a legitimate question
20 going to the state of mind of the juror and the ability to
21 follow the Court's instructions.

22 MRS. ROSELAND: I understand.

23 MR. BUGLIOSI: Q Don't be embarrassed now if you
24 don't understand. I teach criminal law in a local law
25 school and even a first-year law student now and then
26 doesn't understand this rule of law when he is first

1 exposed to it.

2 So, if you don't understand it, Mrs. Roseland,
3 don't feel that you are in the minority.

4 You do understand it?

5 A Yes.

6 Q Do you disagree with this rule of law?

7 A No.

8 Q Do you have any prejudices against it,
9 Mrs. Roseland?

10 A No.

11 Q Can you promise that you will unhesitatingly
12 and without reservation whatsoever follow the Court's
13 instruction on this rule of law if you find it applicable
14 to the facts of this case?

15 A Yes, I will.

16 Q You heard his Honor and defense counsel tell
17 you that the prosecution has the burden of proving the
18 guilt of these defendants beyond a reasonable doubt.

19 Do you recall that?

20 A Yes, sir.

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1 Q Would you require any burden of the prosecu-
2 tion over and above that which the law requires, Mrs.
3 Roseland?

4 A I don't quite understand that.

5 Q We only have the burden of proving a
6 defendant guilty beyond a reasonable doubt; we don't
7 have the burden of proving their guilt beyond all doubt;
8 only a reasonable doubt.

9 Would you require that we prove their
10 guilt beyond all doubt or just beyond a reasonable doubt?

11 A (Pause.)

12 Q You still don't understand? Don't be
13 afraid to say that you don't understand. You are not a
14 lawyer and you just can't pick these things up as quickly.

15 Do you understand what I am saying?

16 A Not exactly.

17 Q Okay. Let me rephrase it.

18 The prosecution, in all criminal trials, has
19 the burden of removing all reasonable doubt of the
20 defendant's guilt from the mind of the jury. If, after
21 the prospective -- I take that back -- if, after the
22 jury hears all the evidence they still have a reasonable
23 doubt in their mind of the guilt of the defendant, they
24 should acquit the defendant. If they do not have any
25 reasonable doubt of the defendant's guilt, then they
26 should convict.

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Do you understand that?

A Yes, sir.

Q In other words, we have the burden, the prosecution has the burden, of removing from the jury's mind reasonable doubt of the guilt of the defendant; we do not have the burden of removing all possible conceivable doubt.

Do you understand that, Mrs. Roseland?

A Yes, sir.

Q Now, before you would convict these defendants, would you require that we remove all possible conceivable doubt from your mind of their guilt, or would you only require that we remove reasonable doubt, ma'am?

A I would prefer all possible doubt.

Q I appreciate your candor on this.

Although you would prefer this, if his Honor told you, however, Mrs. Roseland, that we only have the burden of proving a defendant guilty beyond a reasonable doubt, would you follow the Court's instruction on that?

A Yes, sir.

Q You understand, Mrs. Roseland, that in all criminal trials, whether we are prosecuting the defendant for murder, as in the case here, or drunk driving, assault and battery, burglary, petty theft, what have you,

1 we have the same burden of proof, to prove the defendant's
2 guilt beyond a reasonable doubt. It is no greater in a
3 murder case than it is in a petty theft case.

4 Do you understand that?

3 fls.

5 A Yes, sir.
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1 Q Would you say to yourself, Mrs. Roseland,
2 "Gee, whiz, murder is a thousand times more serious than
3 petty theft; therefore the prosecution have a much, much
4 greater burden of proof in a murder case than, for instance,
5 in a petty theft case.

6 Would you say that to yourself?

7 A No.

8 Q Do you realize, Mrs. Roseland, that although at
9 the start of a criminal trial a defendant is presumed to
10 be innocent, if his guilt is proven beyond a reasonable
11 doubt this presumption of innocence has thereby been
12 rebutted, and therefore it no longer exists.

13 Do you understand that?

14 A Yes, sir.

15 Q Without asking you to prejudge the evidence in
16 this case, Mrs. Roseland, the People intend to rely, in
17 this case, upon circumstantial evidence as well as direct
18 evidence.

19 We intend to rely on both types of evidence.

20 Circumstantial evidence is all evidence other
21 than eye witness testimony. Eye witness testimony would be
22 direct evidence.

23 Now, if his Honor instructs you that crimes of
24 murder and conspiracy to commit murder may be proven by
25 circumstantial evidence, will you follow the Court's
26 instructions on that?

1 A Yes, sir.

2 Q And if his Honor further instructs you that the
3 law shows no preference for direct evidence over circum-
4 stantial evidence as a means of proof, would you follow the
5 Court's instruction on that?

6 A Yes, sir.

7 Q Before asking you whether you are opposed in any
8 manner whatsoever to sitting as a juror on a case where the
9 People rely in part on circumstantial evidence, may I
10 briefly indicate to you the difference between these two
11 types of evidence, that you will be better equipped to
12 answer my question.

13 Direct evidence is evidence, Mrs. Roseland,
14 that proves a fact in issue without the necessity of drawing
15 any inferences whatsoever, whereas circumstantial evidence
16 on the other hand is evidence that tends to prove a fact in
17 issue by proving another fact.

18 Let me give you a brief example to illustrate
19 the distinction between these two types of evidence.

20 Let us assume, Mrs. Roseland, that a TV repair
21 shop has been burglarized in the middle of the night and one
22 television set has been stolen.

23 Approximately an hour later the police stop
24 Emil Weisner in his car on a traffic violation, and they
25 find the stolen TV set in his car.

26 Now, the police finding the TV set in Emil

1 Weisner's car is a fact in and of itself, you understand
2 that?

3 A Yes, sir.

4 Q But it is circumstantial evidence of the
5 ultimate fact that it may have been Mr. Weisner who stole
6 the TV set.

7 You understand that?

8 A Yes, sir.

9 Q Now, if the police or some third party witness
10 had actually observed Mr. Weisner -- that is quite a name
11 I dredged up -- had actually observed Mr. Weisner go into
12 the TV repair shop and remove the TV set, they would
13 actually have seen him do this, this would be direct
14 evidence. You understand that?

15 A Yes, sir.

16 Q With that very brief legal background in mind,
17 do you have any objection at all to sitting as a juror in
18 a case where the people rely in part on circumstantial
19 evidence?

20 A No, sir.

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1 Q In a trial of these defendants, Mrs.
2 Roseland, the prosecution will offer eyewitness testi-
3 mony to some but not all of the seven murders.

4 Are you of such a frame of mind that you
5 would never convict any defendant of murder in any case
6 unless the prosecution offered eyewitnesses to the murder.

7 Are you of that frame of mind?

8 MR. KANAREK: May we approach the bench?

9 THE COURT: Are you objecting to the question,
10 Mr. Kanarek?

11 MR. KANAREK: Yes, your Honor.

12 THE COURT: Well, I don't think any discussion is
13 necessary on this question.

14 Overruled.

15 MRS. ROSELAND: I would follow the Court's
16 instructions.

17 BY MR. BUGLIOSI:

18 Q Well, I don't think the Court necessarily
19 is going to instruct you directly on that point. What
20 I am trying to ascertain now is your state of mind with
21 respect to this type of hypothetical situation.

22 Let me repeat the question:

23 Would you require, in order for you to
24 convict any defendant of murder, would you require of
25 the prosecution that they produce eyewitnesses to the
26 murder?

3a-2

1 A I would prefer it, but I could convict
2 them.

3 Q Very good. May I compliment you, as we
4 go along, on the fact that you are elaborating and
5 qualifying the answers you are giving.

6 This is exactly, I think, what we are
7 all seeking here, to find out your state of mind.

8 Are you of such a frame of mind, Mrs.
9 Roseland, that before you would convict any defendant of
10 murder you would require of the prosecution that they
11 produce a certain type of evidence against that defendant,
12 for instance, fingerprints or confessions?

13 A No, sir.

14 Q At the end of the case, but before you
15 deliberate, his Honor will instruct you on the law
16 applicable to this case. If the law given to you by
17 his Honor -- and when I say "his Honor" or "the Court"
18 or "the Judge," I am referring to the same person, that
19 man up there on the bench, Judge Older. He is referred
20 to as the Court, his Honor and the Judge, three terms.

21 If the law given to you by the Court is
22 different from what you thought the law was, or if it
23 is different from what you think the law should be, I
24 trust that you will follow your oath, set aside your
25 personal beliefs, and follow the instructions given to
26 you by the Court?

1 A Yes, sir.

2 Q You understand, Mrs. Roseland, that as a
3 juror you and your co-jurors are going to be the sole
4 and exclusive judges of the credibility of the witnesses
5 in this case, that is whether they are telling the truth
6 or not?

7 A Yes, sir.

8 Q No one is going to be able to help you on
9 that. You are going to have to make up your mind
10 whether a particular witness is telling the truth.

11 You understand that?

12 A Yes, sir.

13 Q You understand further that in determining
14 credibility you may take into consideration such factors,
15 such considerations as a witness's manner of testifying,
16 a witness's demeanor on the witness stand, a witness's
17 interest in the outcome of the case, a witness's bias
18 or prejudice for or against the prosecution or the
19 defense?

20 Do you understand that?

3 b fls. 21 A Yes, sir.

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1 Q You realize, Mrs. Roseland, that after you
2 have listened to a witness testify and observe his
3 demeanor, et cetera, it is perfectly permissible and
4 in fact normal, to be expected, that sometimes you will
5 give more weight to the testimony of one witness than to
6 an opposing witness on the same point?

7 A Yes, sir.

8 Q Do you recall Mr. Reiner stating that the
9 Court will instruct you to the effect that you cannot
10 convict any defendant on the uncorroborated testimony of
11 an accomplice, do you recall that?

12 A Yes, sir.

13 Q Now, a girl named Linda Kasabian will testify
14 for the prosecution in this case, ma'am.

15 Linda Kasabian is presently charged with the
16 same seven murders and conspiracy to commit murder as these
17 defendants are, although she is not being tried at the
18 same time.

19 You understand that?

20 MR. KANAREK: Object, your Honor, and may we approach
21 the bench?

22 THE COURT: Very well.

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

25 THE COURT: What is the objection, Mr. Kanarek?

26 MR. KANAREK: Yes, your Honor. Your Honor, I object

12
1 to counsel's statement, and I will ask that the jury be
2 admonished not to consider this last statement of counsel's
3 for any purpose, and a mere admonition not sufficing, I
4 ask for a mistrial on the grounds of prejudice.

5 THE COURT: What prejudice?

6 M^R. KANAREK: The prejudice is that he has alluded
7 to her being a defendant in this case.

8 THE COURT: She is.

9 MR. KANAREK: But -- that may be, your Honor, but the
10 jury has not been so informed in connection with this
11 trial.

12 The first time, to my knowledge, that the jury has
13 been informed of Miss Kasabian being a defendant -- I may
14 be incorrect, but I believe it is true -- it is
15 prejudicial.

16 THE COURT: Why?

17 MR. KANAREK: Because of the fact that the jury is
18 only being given piecemeal the true state of affairs.

19 If she is to be a witness, then the Court
20 should inform the jury that she is being granted
21 immunity, and all of that that goes with it at this point
22 in the proceedings.

23 Otherwise the jurors' minds -- the minds of the
24 jurors are being misled during this voir dire.

25 And I furthermore make the motion, your Honor,
26 that the People at this time, since evidently they have

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1 made their election, we ask that the formal immunity be
2 either offered to the Court or else that the representation
3 that she be a witness be withdrawn and the District Attorney
4 be ordered not to use her as a witness.

5 THE COURT: You have made this objection before,
6 Mr. Kanarek.

7 MR. KANAREK: I know --

8 THE COURT: I don't think it is necessary to make it
9 again. The record will reflect that you made it before.

10 MR. KANAREK: But at this stage of the proceedings we
11 are dealing with a jury of many people --

12 THE COURT: Well, I don't need to hear any more.
13 The motion is denied. Let's proceed.
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(Whereupon all counsel return to their respective places at counsel table and the following proceedings occurred in open court within the presence and hearing of the prospective jurors:)

MR. BUGLIOSI: Q Mrs. Roseland, this Linda Kasabian about whom I was referring, she is charged in an indictment with the same crime that these defendants have been charged with. You realize that the mere fact that Linda Kasabian has been indicted for these murders does not make her an accomplice.

Do you understand that?

MR. KANAREK: I object, your Honor. This is an attempt to preinstruct the juror. This is a legal question, your Honor.

THE COURT: I think your question is rather pointless, Mr. Bugliosi. I don't see how any lay person can understand it.

MR. BUGLIOSI: Let me rephrase it.

Q If the Court instructs you, Mrs. Roseland, that the mere fact that Linda Kasabian has been indicted for these seven murders does not, in and of itself, make her an accomplice, will you follow the Court's instructions on that?

A Yes.

MR. KANAREK: I object, your Honor, on the grounds that this is an attempt to preinstruct.

1 The Court has not given an instruction on
2 what an accomplice is.

3 THE COURT: Overruled.

4 MR. FITZGERALD: I think it is also a misstatement
5 of the law.

6 THE COURT: The thrust of the question is to
7 determine whether or not the prospective juror will, in
8 fact, follow the instructions of the Court regardless of
9 what they are.

10 Do you understand the question to ask that,
11 Mrs. Roseland?

12 MRS. ROSELAND: Yes, sir.

13 THE COURT: And will you follow the Court's
14 instructions?

15 MRS. ROSELAND: Yes, sir.

16 THE COURT: It is not necessary that you now
17 understand all of the legal points involved in the
18 instructions. The purpose of the voir dire examination,
19 among other things, is to find out if you will follow
20 those instructions.

21 The questions are designed merely to
22 illustrate various points which may come up as a result
23 of the evidence that comes out in the trial and the
24 instructions the Court will give you based upon the
25 evidence.

26 Do you understand that?

1 MRS. ROSELAND: Yes, I do.

2 MR. BUGLIOSI: Your Honor, I realize that the
3 path up to the bench is rather well worn, but I would
4 appreciate discussing this issue further at the bench on
5 one single point. I think it is rather important.

6 THE COURT: All right.

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

10 MR. BUGLIOSI: I don't want the jury to go through
11 the entire trial, your Honor, thinking automatically that
12 Linda Kasabian is an accomplice merely because she has
13 been charged with these crimes.

14 Now, Mr. Kanarek objected, and then Mr.
15 Fitzgerald stated that that was not the law. I think in
16 the jurors' minds, at this point, they might well think
17 that just because she has been indicted she is an
18 accomplice.

19 This is so extremely important to the People's
20 case, I can tell the Court in advance that we are not
21 going to concede that she is an accomplice. She might
22 very well be deemed to be an accomplice, but the People
23 intend to argue that point.

24 I think that my statement is correct, your
25 Honor. The mere fact that she has been indicted does
26 not automatically make her an accomplice, and I believe

1 the Court would instruct to that effect.

2 THE COURT: That is a matter of instruction. That
3 is not a proper part of the voir dire examination.

4 I don't know what the evidence in the case
5 is going to show. The instruction may or may not become
6 necessary. That is not the important thing. The
7 question is whether or not the juror will follow the
8 instructions, no matter what they are.

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

2 My point is that I think the jurors --

3 THE COURT: I can't permit you to stand up there and
4 instruct the juror that she is not going to be an accom-
5 plice.

6 I will not permit any counsel to instruct the
7 jurors.

8 MR. BUGLIOSI: I agree with your point on that, your
9 Honor.

10 The mere fact that she has been indicted, in
11 and of itself, however, does not make her an accomplice.
12 You have to follow the Court's instructions, but the mere
13 fact that she has been indicted, does not make her an
14 accomplice in and of itself.

15 If we don't clear this up, she will go through
16 the whole trial and think that she is an accomplice.

17 THE COURT: They don't know what an accomplice is at
18 this point. I don't follow your argument at all.

19 MR. BUGLIOSI: All right. okay. Thank you.

20 THE COURT: I see no objection to your going into
21 these matters only for the purpose of orienting the juror's
22 mind to a certain degree, but it is obvious that you can't
23 instruct the jurors so that they understand the technical
24 points of law.

25 For example, the question, "Do you understand,"
26 et cetera, et cetera, "that she may or may not be an

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1 accomplice," well, no lay person can really understand that
2 without having an education or legal background. They can
3 simply say, "Yes," which is obviously the answer you want,
4 or "No," whatever it happens to be. They can't understand
5 it.

6 It really isn't important that they understand
7 it anyway at this point. All you want to know is whether
8 or not they are willing to accept whatever the instruction
9 is and to follow it.

10 We don't know at this point what instructions
11 are going to be given. I don't know whether the accomplice
12 instructions will be given. Apparently they will, but who
13 knows. I don't know what the evidence is going to be.

14 MR. BUGLIOSI: I wanted to go into it because
15 Mr. Reiner went into it, and properly so.

16 THE COURT: That's right. I let him go into it for
17 the same reason, because these are unusual concepts to
18 many people and it may spark off something which turns out
19 to be a bias or a prejudice against it.

20 MR. BUGLIOSI: Very well, your Honor. Thank you.

21 MR. FITZGERALD: I object to Mr. Bugliosi's
22 statement that the law is such that the fact that somebody
23 is indicted does not necessarily reflect that they are an
24 accomplice.

25 The definition of an accomplice is one who is
26 subject and liable to prosecution for the same offense.

1 In this case, your Honor, the Grand Jury has
2 returned an indictment against her at the request of the
3 prosecution. So, she is ipso facto an accomplice.

4 THE COURT: I don't think the question should be put
5 in that form.

6 I would say that almost without exception when
7 an attorney starts out a voir dire question and says,
8 "Do you understand this," almost without exception the
9 question is going to be bad because that is a form of
10 instruction or indoctrination.

11 If the question is put in the form of "If the
12 Court should instruct you so-and-so, would you follow it,"
13 then at least have the juror oriented in thinking, you
14 know. If this is a concept foreign to him, he can say so.
15 If it stimulates some kind of bias or prejudice, fine.

16 But if you start out saying, "Do you understand,"
17 you are going to get a "yes" answer that doesn't mean
18 anything.

4b-1

1 MR. BUGLIOSI: This may all be premature, but in
2 answer to Mr. Fitzgerald's statement, I would agree that
3 the first paragraph would seem to say that someone
4 indicted is automatically an accomplice, but the second
5 paragraph is different. The second paragraph is totally
6 inconsistent with the first paragraph, and it is the
7 second paragraph that makes sense.

8 THE COURT: We are not here to resolve inconsisten-
9 cies at this time.

10 MR. BUGLIOSI: No.

11 MR. REINER: Perhaps, while we are at the bench,
12 your Honor, perhaps we might resolve one other matter
13 dealing with this same subject.

14 Yesterday I asked a question that I had
15 previously asked every other prospective juror and it was
16 objected to for the first time by Mr. Stovitz.

17 As I recall, it was that the Court will
18 instruct the jury to disregard the testimony of an
19 accomplice if it is not corroborated by totally
20 independent evidence with respect to the defendant Leslie
21 Van Houten, and the objection raised by Mr. Stovitz was
22 that this doesn't take into account the possibility --
23 no, I directed the question toward acquittal, and Mr.
24 Stovitz said that this doesn't take into account the
25 possibility that there would be other evidence sufficient,
26 in and of itself, absent the testimony of the accomplice,

1 that could support a conviction. Therefore, even though
2 they might disregard the testimony of the accomplice,
3 they wouldn't have to acquit her.

4 Of course, that is self-contradictory,
5 because if there is any such evidence standing by itself
6 to support a conviction, then by definition it would be
7 corroborating the testimony of the accomplice, because
8 the corroboration we are speaking of here is identity of
9 the perpetrator.

10 THE COURT: I didn't understand it that way. I
11 understood it to mean just as happens in any other case
12 where there is no accomplice where the defendant is
13 convicted.

14 MR. REINER: I prefaced it by saying, "If you
15 determine in your own minds that Linda Kasabian is
16 an accomplice."

17 THE COURT: I must have misunderstood. I was
18 thinking of the type of situation such as I mentioned.

19 It is possible that I misheard it or
20 misunderstood it.

21 MR. BUGLIOSI: The question was proper the way
22 you finally phrased it.

23 THE COURT: You did restate it and there was no
24 objection.

25 MR. REINER: I changed some of the language.
26 I didn't know that I had changed it in substance. But

1 no one raised any objection the next time around so I went
2 ahead.

3 THE COURT: All right.

4 (Whereupon all counsel returned to their
5 respective places at counsel table and the following
6 proceedings occurred in open court within the presence
7 and hearing of the prospective jurors:)

8 MR. BUGLIOSI: Q Mrs. Roseland, if the Court
9 instructs you that for one to be an accomplice one must
10 knowingly and with criminal intent aid, by act or advice,
11 in the commission of a crime, will you follow the Court's
12 instructions on that?

13 A Yes, sir.

14 Q Assuming that Linda Kasabian is deemed to be
15 an accomplice in this case -- and I am not stipulating
16 to that for one single moment, but let's assume that she
17 is being deemed to be an accomplice -- if the Court
18 instructs you that to constitute corroboration it is not
19 necessary that the evidence corroborate each fact to which
20 the accomplice testifies, will you follow the Court's
21 instructions?

22 A Yes.

23 MR. KANAREK: I object on the ground that it is
24 an attempt to preinstruct the jury, your Honor.

25 THE COURT: Overruled.
26

1 BY MR. BUGLIOSI:

2 Q Your answer was yes?

3 A Yes.

4 Q And if the Court further instructs you that
5 this evidence and corroboration may be circumstantial
6 evidence, will you follow the Court's instructions on
7 that, Mrs. Roseland?

8 A Yes, sir.

9 Q Have you, Mrs. Roseland -- and I am sure
10 your answer to this question as to you anyway is going
11 to be no, but I have to ask it, please understand -- have
12 you or anyone in your family or any close friend or
13 relative ever been charged or accused in any fashion
14 whatsoever with the crimes of murder or conspiracy to
15 commit murder?

16 A No, sir.

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1 Q Have you or anyone in your family or any
2 relative ever worked for the Public Defender's office or
3 any criminal defense attorney?

4 A No, sir.

5 Q Do you have any relative or member of your
6 family, Mrs. Roseland, who is or has been a criminal
7 defense attorney?

8 A No, sir.

9 Q Mrs. Roseland, have you ever met or spoken to
10 or been represented by or associated in any fashion whatso-
11 ever with the following attorneys: Charles Holopater,
12 Richard Walton, Marvin Part, Ronald Hughes, Carl Ransom,
13 Leon Salter, Donald Barnett, Richard Caballero, Luke
14 McKissack, Alan Steinberg, Gary Fleishman, or Ronald
15 Goldman?

16 Do any of those names ring a bell, Mrs. Roseland?

17 A No, sir.

18 Q The prosecution, as well as the defense, may
19 offer psychiatric testimony in this case, Mrs. Roseland.

20 Do you feel that the study of psychiatry is an
21 exact science or do you feel that it is more in the nature
22 of an art?

23 MR. KANAREK: Immaterial, your Honor, to any voir
24 dire examination, any legitimate voir dire examination.

25 THE COURT: I think the question is objectionable,
26 Mr. Bugliosi. Sustained.

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1 Q BY MR. BUGLIOSI: Do you feel that the
2 testimony of a psychiatrist, Mrs. Roseland, is automatically
3 the gospel truth?

4 A No, sir.

5 Q You realize that psychiatrists can make errors
6 like anyone else? Do you understand that, ma'am?

7 A Yes, sir.

8 Q Do you realize that the purpose of psychiatric
9 testimony, whether offered by the prosecution or the
10 defense, is merely to assist the jury during their
11 deliberations? Do you understand that?

12 A Yes, sir.

13 Q You realize, do you not, that the jury in this
14 case is going to be the ultimate trier of the fact, not any
15 psychiatrist who testifies for the prosecution or the
16 defense?

17 Do you understand that?

18 A Yes, sir.

19 Q If the prosecution or the defense does offer
20 psychiatric testimony, will you promise to consider that
21 testimony in light of all the other evidence in this case
22 and only give it that weight which under the circumstances
23 you feel it is entitled to?

24 A Yes, sir.

25 Q Do you understand, Mrs. Roseland, that you and
26 your co-jurors have the right to accept or, on the other

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1 hand you can reject the entire testimony given by a
2 psychiatrist?

3 MR. KANAREK: Or anyone else, your Honor.

4 MRS. ROSELAND: Yes, sir.

5 MR. KANAREK: I object to the question on the grounds
6 that it is improper voir dire examination.

7 MR. BUGLIOSI: If Mr. Kanarek will permit me an
8 opportunity, I was going to talk about other witnesses also.

9 THE COURT: Overruled.

10 MR. BUGLIOSI: Q Did you hear my question,
11 Mrs. Roseland?

12 A Yes.

13 Q And you have the right to reject or accept the
14 testimony of a psychiatrist because once a psychiatrist
15 takes the witness stand he becomes a witness and you have
16 the right to accept or reject the testimony of any witness.

17 Do you understand that, ma'am?

18 A Yes, sir.

19 Q There may be evidence at this trial,
20 Mrs. Roseland, that another party other than Linda Kasabian
21 and Charles Watson, another party was with these defendants
22 during the alleged commission of some of the murders.

23 Now, if the evidence at the trial shows this,
24 Mrs. Roseland, do you realize that the reason why this
25 other party is not presently standing trial with these
26 defendants should be of no concern to you during your

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1 deliberations?

2 A Yes, sir.

3 Q That there might be a multitude of reasons for
4 this, none of which concern you?

5 Do you understand that, ma'am?

6 A Yes, sir, I do.

7 Q If the Court instructs you, Mrs. Roseland, that
8 the prosecution does not have the burden of offering
9 evidence as to why, that is, the motive of these defendants,
10 in committing these murders, will you follow the Court's
11 instruction on that, Mrs. Roseland?

12 A Yes, I will.

13 Q Do you realize that we only have the burden of
14 proving that they did, in fact, commit the murders; the
15 reason, the why, the motive, we do not have the burden of
16 proving that.

17 Do you understand that, ma'am?

18 A Yes, sir.

19 Q However, if the Court further instructs you,
20 Mrs. Roseland, that the prosecution has a right to offer
21 evidence of motive, and that if we do offer evidence of
22 motive, that you may consider this evidence of motive as
23 circumstantial evidence of the guilt of these defendants,
24 will you follow the Court's instruction on that?

25 A Yes, sir.

26 Q Let's assume, Mrs. Roseland -- forgive me for

1 coughing; I am just getting over a cold -- let's assume,
2 Mrs. Roseland, that you are selected as a juror on this
3 case, and that three or four months from now you are back
4 in the jury room deliberating with your co-jurors, and you
5 find that your view is a minority view, that most of the
6 other jurors are entertaining views different from yours on
7 the issue of guilt or innocence, or the death penalty
8 vis-a-vis life imprisonment.

9 Now, I take it, Mrs. Roseland, that you will
10 not be, shall we say, inflexible, but rather you would
11 listen very carefully to the views expressed by your co-
12 jurors, and if you found these views to be reasonable and
13 persuasive, you would at least reconsider your position?

14 Am I correct in assuming that, Mrs. Roseland?

15 A Correct.

16 Q Do you understand, Mrs. Roseland, that each
17 time the defense attorneys ask, you whether you would be
18 willing to give their clients a fair and impartial trial,
19 that the prosecution -- that is, the people of the State of
20 California -- are also entitled to a fair and impartial
21 trial? Do you understand that?

22 A Yes, sir.

23 Q If you are selected as a juror in this case,
24 Mrs. Roseland, do you feel that you can give the People of
25 the State of California ^a fair trial?

26 A Yes, I do.

1 Q Is there any doubt about that in your mind?

2 A No doubt.

3 Q Can you think of any reason whatsoever why you
4 would not be able to give the People of the State of
5 California a fair trial?

6 A No reason.

7 Q Can you think of any reason whatsoever not
8 already touched upon by his Honor, defense counsel or myself,
9 why you would rather not sit as a juror on this case or
10 why you think you should not sit as a juror on this case?

11 A No reason.

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1 Q Again, now is the time to speak out if you
2 have anything in your mind with respect to that question.
3 You understand?

4 A Yes, sir.

5 Q You cannot think of any reason whatsoever?

6 A No, sir.

7 Q Apart from the inevitable hardship of
8 serving as a juror on a case that might last a couple of
9 months, we can only apologize to you for that, is there
10 anything else at all about the nature of this case or
11 the parties involved that makes you hesitant about sitting
12 as a juror on this case?

13 A No, sir.

14 MR. BUGLIOSI: Thank you very much. Pass for cause.

15 THE COURT: The defendants may exercise a joint
16 peremptory challenge.

17 MR. FITZGERALD: There is no unanimity of opinion;
18 there will not be a joint peremptory exercised.

19 Separately, Patricia Krenwinkel will thank
20 and excuse Juror No. 10, Mr. Frondorf.

21 THE COURT: Thank you, Mr. Frondorf, you are excused.

22 THE CLERK: Dorothy H. Agee. D-o-r-o-t-h-y;

23 A-g-e-e.

24 MRS. AGEE: That is pronounced Agee.

25 THE CLERK: Thank you.

26 (Whereupon, Mrs. Dorothy H. Agee came

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forward and was seated in Seat No. 10 in the jury box.)

VOIR DIRE EXAMINATION OF MRS. DOROTHY H. AGEE
BY THE COURT:

Q Is that Mrs. Agee?

A Pardon?

Q Mrs. Agee?

A Yes.

Q Mrs. Agee, 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 juror in this case would you be able to serve?

A I don't really think so, your Honor.

Q What is your situation?

A Well, I did not realize until this morning that I could not go for the death penalty. I really couldn't.

Q Well, I'm going to get to that matter in a moment.

But now I am asking you if there is any other reason?

A No, sir, that is the only one.

Q All right --

MR. KANAREK: Your Honor, she said she could not

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1 go through -- I did not hear what word came after that.

2 THE COURT: Are you talking about the last
3 answer?

4 MR. KANAREK: The answer before the last one.

5 THE COURT: All right, would you go back and
6 read the last two questions and answers.

7 (Whereupon the reporter reads the record
8 as follows:

9 "Q What is your situation?

10 "A Well, I did not realize until
11 this morning that I could not go for the death
12 penalty. I really couldn't.

13 "Q Well, I'm going to get to that matter
14 in a moment.

15 "But now I am asking you if there
16 is any other reason?

17 "A No, sir, that is the only one."

18 MR. KANAREK: Thank you.

19 BY THE COURT:

20 Q Mrs. Agee, I will now put to you the
21 questions regarding the death penalty that I put to the
22 other prospective jurors.

23 First, do you entertain such conscientious
24 opinions regarding the death penalty that you would be
25 unable to make an impartial decision as to any defendant's
26 guilt regardless of the evidence developed during the

1 trial?

2 A Well, I don't think I could, your Honor.
3 I don't think I could make a just decision.

4 MR. KANAREK: Your Honor, if I may, I don't
5 believe the prospective juror understands the question.

6 THE COURT: If you will just give me a chance,
7 Mr. Kanarek --

8 MR. KANAREK: Yes, sir.

9 THE COURT: -- perhaps we will bring that all
10 out.

11 BY THE COURT:

12 Q Do you understand, Mrs. Agee, that that
13 question is directed to the so-called guilt phase of
14 the trial. It has nothing to do with the selection of
15 the penalty itself.

16 The question seeks to elicit from you
17 whether you would be able to make an impartial decision
18 as to guilt.

19 A Oh, Yes, sir, I could do that.

20 Q Notwithstanding your conscientious
21 opinions regarding the death penalty?

22 A Yes, sir.

23 Q Now, the second question is directed to
24 the second phase or so-called penalty phase of the
25 trial, and of course the case may never get to a penalty
26 phase. It will only get to a penalty phase if there is

1 a conviction of murder in the first degree.

2 Do you understand that?

3 A Yes, sir.

4 Q The question is this:

5 Do you entertain such conscientious
6 opinions regarding the death penalty that you would
7 automatically refuse to impose it without regard to
8 the evidence in the case?

9 A I am afraid I would.

10 Q Well, do you have any doubt about that?

11 A No, sir, no doubt.

12 Q Is this a belief that you have held for
13 some time?

14 A No, sir.

15 Q Is this something that you have concluded
16 since you came into this case?

17 A Yes, sir.

18 Q Have you served on any other juries
19 besides this one?

20 A Yes, sir.

21 Q Have you served in a criminal case?

22 A Yes, sir.

23 Q Was it a death penalty case?

24 A No, sir.

25 Q Are you telling me that you have now
26 made up your mind that you would automatically refuse

1 to impose the death penalty without regard to what
2 evidence came in?

3 A I'm afraid I would, sir.

4 THE COURT: Well, is that a positive answer?

5 A Yes, sir.

6 Q You say you are afraid. That indicates
7 that you may have some doubt.

8 Do you have any doubt?

9 A Yes, sir, I have doubts.

10 Q You did not understand my question.

11 A Oh!

12 Q I want to know whether you have unalterably
13 made up your mind at this point or whether you would be
14 willing to listen to the evidence before you made up your
15 mind on the question of penalty?

16 A I have already made up my mind.

17 Q You are sure of that?

18 A I am positive, sir.

19 THE COURT: All right, do counsel wish to inquire?

20 MR. FITZGERALD: No, your Honor.

21 MR. REINER: No, your Honor.

22 MR. SHINN: No, your Honor.

23 MR. KANAREK: No questions, your Honor.

24 MR. STOVITZ: No questions, your Honor, we will
25 ask the juror be excused for cause.

26 MR. FITZGERALD: We object on due process and equal

1 protection grounds, your Honor.

2 MR. REINER: We join, your Honor.

3 MR. SHINN: We join, your Honor.

4 MR. KANAREK: We will join, your Honor.

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THE COURT: You are excused, Mrs. Agee, thank you.

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1 THE CLERK: Robert Thompson, R-o-b-a-r-t,
2 T-h-o-m-p-s-o-n.

3 (Whereupon, Robert Thompson was seated in
4 seat No. 10 in the jury box.)

5
6 VOIR DIRE EXAMINATION OF ROBERT THOMPSON
7 BY THE COURT:

8 Q Mr. Thompson, have you heard and understood
9 everything that has been said in court since you came into
10 the case, sir?

11 A Yes, sir.

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

14 A No, sir.

15 Q What is your situation?

16 A I cannot condone the looks of these people.

17 Q I'm not now concerned about your moral beliefs
18 or your mental reservations about impartiality and so forth.

19 I am simply trying to find out if it would be an
20 undue hardship to serve as a juror in this case.

21 A Yes, sir.

22 Q For what reason?

23 A I have a business up on the desert, in Inyo,
24 also I work for the Division of Highways down here.

25 Q Are you a full-time salaried employee of the
26 Division of Highways?

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1 A Yes, sir.

2 Q And what about this business on the desert?

3 A I have a service station up there. I have a
4 young son that is running it.

5 I spend the weekends up there.

6 Q I see.

7 I am going to ask you the questions I put to
8 the other jurors regarding the death penalty.

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

14 A I would be impartial.

15 Q You would be impartial?

16 A I could make a decision on that.

17 Q You could make an impartial decision as to
18 guilt?

19 A Yes, sir.

20 Q Notwithstanding any opinions you might hold.

21 A Yes, sir.

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

26 A I believe in capital punishment. I could

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1 impose the death penalty.

2 Q You would not automatically refuse to impose
3 it?

4 A No.

5 Q Now, you started to say something about your
6 beliefs or opinions regarding the defendants, I believe,
7 is that right?

8 A Yes, sir.

9 Q And what was that, sir?

10 A I cannot condone their mode of dress or way of
11 living.

12 Q Well, we may disagree with many things and
13 still be able to make an impartial decision as to guilt,
14 which you have indicated that you could do.

15 Are you now changing your mind?

16 A I suppose I could be a little biased on that.

17 Q Are you telling me now that you would not be
18 impartial on the question of whether or not these defendants
19 are guilty or not guilty?

20 A I suppose so, sir.

21 Q This is because of their appearance and their
22 mode of life?

23 A Yes, sir.

24 Q Is this something that you have thought about
25 for some time?

26 A Yes, sir.

5a4 1 Q Do you believe that it would affect your
2 ability to be fair and impartial?

3 A Yes, sir, I think it would, in consideration of
4 what I said before.

5 Q You may recall yesterday that I told the pros-
6 pective jurors that in a criminal case every defendant is
7 entitled to the presumption of innocence.

8 Do you recall that?

9 A Yes, sir.

10 Q Do you think that you would be able to give
11 these defendants the presumption of innocence?

12 A No, sir, I don't think I could.

13 THE COURT: Do counsel wish to inquire?

14 MR. FITZGERALD: No, your Honor.

15 MR. REIMER: No questions, your Honor.

16 MR. STOVITZ: Submit the matter, your Honor.

17 MR. SHINN: No questions.

18 MR. KANAREK: No questions.

19 MR. FITZGERALD: Challenge the juror under Section
20 1073, Subdivision 2.

21 MR. REIMER: Join.

22 MR. SHINN: Join.

23 MR. KANAREK: Join.

24 THE COURT: You will be excused, Mr. Thompson, thank
25 you.

26 THE CLERK: Mary E. Terracciano.

1 Is that Miss or Mrs.?

2 MRS. TERRACCIANO: Mrs.

3 THE CLERK: M-a-r-y, T-e-r-r-a-c-c-i-a-n-o.

4
5 VOIR DIRE EXAMINATION OF MRS. MARY TERRACCIANO

6 BY THE COURT:

7 Q Is that Mrs. Terracciano?

8 A That's right.

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

12 A Yes, sir.

13 Q Would you hold the microphone up a little
14 closer to your mouth, please.

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

17 A No, sir.

18 Q Why is that?

19 A Because of my employment.

20 Q Where are you employed?

21 A I work for Food Giant Markets, self-supporting.

22 Q Do you know whether or not they will continue
23 your compensation while you are on jury service?

24 A Only for the calendar month.

25 Q Is that switch on the microphone on?

26 A Only for the calendar month.

1 Q Have you discussed this with --

2 A I called last night just in case.

3 I called the union stewardess to find out, and
4 I could not reach her.

5 I asked one of the girls at work then, and I
6 told them I would call at noon and find out.

7 But I was instructed when I left that they
8 would do it for 30 days, in fact they were not --

9 Q Of course you did not know you were going to be
10 called into this case?

11 A No.

12 Q Is that something you can inquire about today
13 and let us know?

14 A Yes.

15 Q Is there anything else other than that?

16 A No, I don't believe so.

17 Q I am going to put the same questions to you
18 regarding the death penalty that I put to the other jurors.

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

23 A No, I don't believe so, no, sir.

24 Q Do you entertain such conscientious opinions
25 regarding the death penalty that you would automatically
26 refuse to impose it without regard to the evidence in the

1 case?

2 A No.

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

4 MR. STOVITZ: Does your Honor want counsel to inquire
5 concerning the pre-knowledge publicity here?

6 THE COURT: I think we'd better go into chambers on
7 that question.

8 All right, I am going to ask the parties and
9 counsel to come into chambers, Mrs. Terracciano, and then
10 I will ask the bailiff to bring you in so we can ask you
11 some questions.

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(The following proceedings were had in the chambers of the Court out of the hearing of the prospective jurors, all the parties and counsel being present, Mrs. Mary Terracciano being brought into the chambers of the Court for further questioning:)

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

B Y THE COURT:

Q Mrs. Terracciano, we asked you to come in here so we can find out what you may have learned about this case from reading, listening to the radio, or from any other source, watching TV, and so on, and whether or not you may have formed any opinions regarding the case or any of the defendants.

Have you lived in the Los Angeles area continuously since last summer?

A Native daughter, born and raised here.

Q You were here --

A Yes.

Q Will you keep your voice up, please, so everything in the courtroom can hear you.

When did you first learn about the case?

A When it happened I read the whole thing in the newspaper and after that I did not read much.

I read Kasabian's -- that part in the newspaper. After that I did not keep up with it.

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Q What do you mean by "that part"?

A Well -- did she give evidence -- I don't know how to put it.

Q You are talking about Miss Kasabian?

A Yes, that part in the paper.

Q When was that, do you remember?

A No, I don't.

Q What paper was this?

A The Times. I would not say positively what paper.

Can I say I work, and my reading is at break time, and that is about it.

Q Do you watch television?

A Not too often.

Q Have you seen any television news program where this case was mentioned?

A No, sir.

MR. REINER: I'm sorry, I did not hear the answer.

MRS. TERRACCIANO: No, sir.

BY THE COURT:

Q Have you discussed the case with your friends?

A At the time back in August when it happened; it was quite gruesome; it turned me inside out.

After that I never even discussed it.

Q Have you formed any opinions regarding the

5b-3

1 guilt or innocence of any of the defendants?

2 A Not knowing them, I guess I had at the
3 time, reading it.

4 But when you get into a courtroom like
5 this you kind of change your ideas, but at that time I
6 would say I thought they were guilty and had formed an
7 opinion.

8 Q At what time are you talking about?

9 A At the time when it happened in August,
10 when I read the paper.

11 Q Of course you understand they were not
12 arrested for some time after the killings occurred?

13 A Well, whenever it was in the paper.

14 Q And do you remember now why you formed an
15 opinion at that time regarding the defendants?

16 Was it because of the fact that they had
17 been arrested?

18 A That they had been arrested, and I cannot
19 accept the mode of life that they had.

20 In all, to me, I have formed an opinion that
21 they might be guilty.

22 Q That they might be guilty?

23 A Uh-huh.

24 Q What is your opinion now?

25 A I don't really have an opinion at the
26 moment.

5b-4

1 Q Would you say that you tend to lean more
2 toward the prosecution?

3 A Yes, sir.

4 Q Rather than being strictly impartial?

5 A That's right.

6 Q And is that because of the fact that they
7 have been arrested and charged with offenses and are
8 here before the Court to stand trial?

9 A Yes, sir.

10 Q Would you feel that way about any criminal
11 defendant who was brought to trial?

12 A No, sir.

13 Q Then why these particular defendants?

14 A I cannot answer. I just don't know.

15 Q Well, is it because of their appearance?

16 A I imagine that has something to do with it.

17 Q Or their life style?

18 A Their life style, that's right.

19 Q Anything else that you can think of why
20 you might now have that opinion?

21 A No, sir.

22 Q Is it your present belief that you could
23 not be impartial on the question of guilt?

24 A Well, I have my thoughts that I could be
25 impartial.

26 Q Well, let me put it another way.

1 Suppose you were on trial for something,
2 would you want a juror on the jury in your present
3 frame of mind?

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A No, sir, no, sir.

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1 MR. FITZGERALD: I have no questions.

2 MR. REINER: No questions.

3 MR. SHINN: No questions.

4 MR. KANAREK: No questions.

5 MR. STOVITZ: Submit it, your Honor.

6 THE COURT: Does anybody wish to challenge?

7 MR. FITZGERALD: Yes, we will challenge the juror for
8 cause.

9 MR. REINER: Join.

10 MR. SHINN: Join.

11 MR. KANAREK: Join.

12 THE COURT: All right. Thank you, you will be
13 excused.

14 THE PROSPECTIVE JUROR: All right.

15 THE COURT: Please do not discuss anything that has
16 been said here in chambers with anyone else, will you?

17 THE PROSPECTIVE JUROR: No, sir.

18 THE COURT: All right.

19 MR. KANAREK: Thank you.

20 THE COURT: The Court received a letter from
21 Mrs. Thelma Thompson, Juror No. 4, this morning, attached
22 to which -- she is the one from Monrovia Unified School
23 District, attached to which is a letter from Dr. William E.
24 Lacy, District Superintendent, which I will make available
25 to all of you to read whenever you want.

26 perhaps you may not want to do it right now

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1 because we will have another juror coming in here in a
2 minute, but it will be available at any time.

3 I will give it back to the clerk, and you can
4 read it whenever you want.

5 MR. FITZGERALD: What is the point of the letter?

6 THE COURT: The point is the District Superintendent
7 is making a plea based on a hardship, and Mrs. Thompson is
8 also requesting to be excused on the basis of the matters
9 contained in the Superintendent's letter.

10 (Prospective juror enters the chambers.)

11 THE CLERK: The prospective juror's name is
12 Mrs. Frances B. Jagielski; F-r-a-n-c-e-s, J-a-g-i-e-l-s-k-i.

13 THE COURT: How do you pronounce that?

14 MRS. JAGIELSKI: Jagielski.
15

16 VOIR DIRE EXAMINATION OF MRS. FRANCES B. JAGIELSKI
17 BY THE COURT:

18 Q Mrs. Jagielski, I believe you were one of those
19 persons who stood up yesterday morning, were you not?

20 A Yes.

21 Q Now, the reason that we asked you to come in
22 here is to find out what you have learned about this case
23 from whatever source, and whether or not you now hold any
24 opinions regarding the case or any of the defendants.

25 Would you tell us what you have learned about
26 the case.

1 A Nothing, because I am not interested in it,
2 and that was that.

3 MR. KANAREK: Your Honor, I could not hear.

4 THE COURT: You will have to keep your voice up,
5 please.

6 THE PROSPECTIVE JUROR: Well, I read nothing other
7 than at the beginning of the case. I mean, when it was
8 first started when they were picked up, and so on.

9 That was it. To me it was too disgusting to
10 read. I was not interested.

11 Q Well, what opinions have you formed?

12 A I just felt they were guilty; their mode of
13 living, life, and so on -- that is the way I feel.

14 Q Would you convict a defendant because you did
15 not like his mode of life?

16 A What do you mean by "convict" him?

17 Q I beg your pardon?

18 A What do you mean by convict him?

19 Q Return a verdict of guilt.

20 A Well, I probably would, I don't know.

21 Q Regardless --

22 A Well, no, I mean, it is just the way they live,
23 and I was just brought up so strict and morally in life,
24 and everything, and the way they live --

25 Q They are not on trial for moral beliefs, you
26 understand that, do you; they are on trial for murder.

1 A Right.

2 Q Would you convict them of murder because you
3 did not like their life style?

4 A Oh, no, I don't think so.

5 It's only I would not convict them of their
6 own way of life.

7 Q You will have to speak louder, please, we cannot
8 hear you and everybody in the room has to hear you.

9 A Well, I don't talk very loud.

10 Q I think you can talk a little louder than that.
11 Now, what we are trying to find out is your
12 state of mind.

13 Can you be a fair and impartial juror? That is
14 the question.

15 Do you believe you can be a fair and impartial
16 juror?

17 A I guess so, I don't know. I really don't.

18 Q Well, do you now believe that the defendants are
19 more likely to be guilty than innocent?

20 A Right.

21 Q Now, you heard me tell the prospective jurors
22 that every defendant is entitled to the presumption of
23 innocence?

24 A Right.

25 Q Do you think that you will be able to give to
26 each defendant that presumption of innocence?

1 A I guess so.

2 Q Well, it is a very important question.

3 A I know.

4 Q I want to know the answer.

5 A Well, I don't know.

6 Q Do you have a question about it?

7 A Why, I just don't know. I mean, I really
8 could not say.

9 Q Do you think you now tend to lean more towards
10 the prosecution than being strictly neutral?

11 A What is the prosecution?

12 Q Well, the State. Do you lean more towards
13 conviction at the moment?

14 A Right, yes.

15 Q Is there any question about that in your mind?

16 A No.

17 Q If you were being tried for an offense would
18 you want a juror on your jury in the same frame of mind
19 that you are now?

20 A I am afraid not, no.

21 THE COURT: Any questions?

22 MR. REINER: No questions.

23 MR. FITZGERALD: No questions.

24 MR. SHINN: No questions.

25 MR. KANAREK: No questions.

26 MR. STOVITZ: Submit the matter.

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1 MR. FITZGERALD: I interpose a challenge for cause
2 under Section 1073, Subdivision 2 of the Penal Code.

3 MR. SHINN: Join.

4 MR. REINER: Join.

5 MR. KANAREK: Join.

6 THE COURT: You may go back into the courtroom, and
7 will you refrain from discussing what went on in here with
8 anyone.

9 MRS. JAGIELSKI: Yes, because --

10 THE COURT: Because I am telling you now to.

11 MRS. JAGIELSKI: Yes, because you told me not to.
12 What about saying something to my husband?

13 THE COURT: I am instructing you not to. Do you
14 understand what I'm saying?

15 MRS. JAGIELSKI: All right, I will say nothing to
16 him. I won't even tell my husband, all right.

17 MR. KANAREK: Thank you.
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1 THE COURT: Mrs. Gagielski will be excused for
2 cause.

3 (Whereupon the prospective juror leaves
4 chambers.)

5 MR. KANAREK: Your Honor, has another juror been
6 summoned?

7 THE COURT: Yes.

8 MR. KANAREK: It is becoming more and more apparent,
9 your Honor, that we cannot obtain a fair jury in this case.

10 The only difference between the jurors that
11 are in the box now and this lady --

12 THE COURT: Are you making a motion or an objection,
13 or what, Mr. Kanarek?

14 I am not interested in just hearing conver-
15 sation.

16 MR. KANAREK: I understand.

17 My motion is for your Honor to reconsider
18 the motion to dismiss in light, the continuing light, of
19 the evidence here.

20 As I say, on behalf of that motion, it is
21 our position that the only difference between these last
22 two ladies and those people in the box is that there are
23 some of those people in there that are dedicated to
24 getting on this jury, come what may, and in that regard
25 I have received a letter, an anonymous letter, which I
26 would like to introduce into evidence to show the hate in

6-2

1 this community toward the position of Mr. Manson, your
2 Honor.

3 THE COURT: Well, I don't think this is the
4 appropriate moment, Mr. Kanarek.

5 In the first place, the letter wouldn't
6 show hate on the part of the community. It would only
7 show hate on the part of one person, if it showed that.

8 MR. KANAREK: I don't think that a defendant has
9 to poll each and every member of the County, that is, each
10 and every resident of the County of Los Angeles, your Honor,
11 to prove the climate in this community as far as Mr. Manson
12 is concerned.

13 I think the index of it is apparent in this
14 record. We are not, I don't believe, fostering either
15 the legitimate administration of justice or, specifically,
16 a fair trial on behalf of Mr. Manson by going ahead just
17 to get 12 people in the jury box.

18 THE COURT: Your motion is denied.

19 Call in the next prospective juror, please.

20 (A prospective juror enters chambers.)

21 THE COURT: Good morning, sir.

22 THE CLERK: The prospective juror's name is
23 Robert L. Stringer; R-o-b-e-r-t, S-t-r-i-n-g-e-r.

24 THE COURT: That is S-t, Stringer?

25 MR. STRINGER: Yes, sir.

26 THE CLERK: Yes, sir.

6-3

VOIR DIRE EXAMINATION OF MR. STRINGER

BY THE COURT:

Q Mr. Stringer, we have asked you to come in here so that the attorneys and the Court could ask you questions regarding what you may have learned about this case from whatever source and whether or not you may have formed any opinions about the case or any of the defendants.

A Yes, sir.

Q Have you lived in Los Angeles continuously since last August, Mr. Stringer?

A Yes.

Q And when did you first find out about the fact that there had been some killings? Was it about the time that it happened?

A Yes.

Q Was that from reading the newspaper or listening to television, or what?

A Mostly on television.

Q Do you subscribe to a daily newspaper?

A No, sir.

Q Do you read a daily newspaper on a regular basis?

A No, sir.

Q Do you watch television on a regular basis?

A Yes, sir.

6-4

1 Q Do you watch the television news reports
2 on a regular basis?

3 A Not every day.

4 Q Several times a week, would you say?

5 A Yes.

6 Q Have you attempted in any way to follow this
7 case?

8 A No, sir.

9 Q That is, do you seek out the news reports
10 for the purpose of listening to this case, the reports
11 of this case?

12 A No, sir.

13 Q Do you remember having read anything about
14 the case in any newspaper or magazine or anything else,
15 Mr. Stringer?

16 A I may have read something but it was so long
17 ago that I don't remember. I was not that interested in
18 it.

19 Q Have you formed any opinion regarding the
20 guilt or innocence of any of the defendants in this case?

21 A No, sir.

22 Q If you were selected as a juror, Mr.
23 Stringer, would you be able to serve?

24 A Yes, sir, and no, sir. It would probably
25 depend on my wife. She is expecting in October.

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

6A-1
1 MR. FITZGERALD: Yes, your Honor.

2 MR. STOVITZ: May we, Your Honor, before going into
3 this point -- will your Honor ask the questions on capital
4 punishment? It might save some time.

5 THE COURT: I wasn't sure whether counsel wanted me
6 to go into that. I have no objection to it.

7 MR. KANAREK: Yes, your Honor. We would prefer that it
8 be done here.

9 THE COURT: What about the rest of you?

10 MR. FITZGERALD: No objection.

11 MR. REINER: No objection.

12 MR. SHINN: No objections.

13 THE COURT: Then I will ask you the death penalty
14 questions that I have put to the other prospective jurors.

15 Q Have you had an opportunity to think about
16 these questions and your answers to them since I raised
17 them yesterday, Mr. Stringer?

18 A Yes, sir.

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

23 A No, sir.

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

1 A No, sir.

2 THE COURT: All right, Mr. Fitzgerald.

3 MR. FITZGERALD: Thank you.

4
5 VOIR DIRE EXAMINATION OF MR. STRINGER

6 BY MR. FITZGERALD:

7 Q Do you regularly subscribe to a newspaper,
8 Mr. Stringer?

9 A No, sir.

10 Q Have you read accounts of this case in the
11 newspaper even though you don't regularly subscribe, sir?

12 A Not entirely. Maybe just a couple of sentences
13 that someone would show me at work.

14 Q Where do you work?

15 A Department of Water & Power.

16 Q And do you read a newspaper during your coffee
17 break, or something like that, or lunch time?

18 A No, sir.

19 Q You do have a television set in your home; is
20 that correct?

21 A Yes.

22 Q Do you also have a radio in your home,
23 Mr. Stringer?

24 A Yes.

25 Q Do you have a radio in your car, sir?

26 A Yes.

1 Q Have you listened to the radio about this case?
2 Have you heard things about this case on the radio?

3 A Only because it was in the news.

4 I listen to the news on the way to work every
5 morning.

6 Q We are not criticizing you for everything. It
7 is perfectly natural.

8 A Yes.

9 Q Have you seen anything on television in regard
10 to this case?

11 A Yes, I have.

12 Q Did you see anything about the particular
13 defendant?

14 A Yes, sir.

15 Q So you know the name Charles Manson, do you not?

16 A Yes.

17 Q Did you know the names of any of the female
18 defendants before you came to court and heard the Judge
19 read their names?

20 A One of the names was familiar to me, I don't
21 even recall which one, but there is one name that is
22 familiar.

23 Q Was it Van Houten, Krenwinkel, or Atkins?

24 A I think Van Houten.

25 Q When you heard or saw information in connection
26 with Manson and the other defendants, what was it in

1 connection with, if anything, Mr. Stringer?

2 A Would you repeat that, please?

3 Q It is my fault. It is a bad question.

4 When you heard the name Manson or the name of
5 any other of the female defendants, was it associated with
6 this case or the killing of Sharon Tate?

7 A Yes, sir.

8 I think it was mostly Manson's name mostly that
9 was associated with the troubles that they were having in
10 court, the outbursts, and things like that, that drew my
11 attention to him.

12 Q Did you read anything about the arrests of any
13 of these defendants?

14 A No, sir.

15 Q The first time you became aware of Mr. Manson
16 or any of the female defendants was after the court
17 proceedings had started; is that right?

18 A Yes, sir.

19 Q You didn't know who they were before that;
20 is that right, sir?

21 A No, sir.

22 MR. FITZGERALD: I have nothing further.

23 Excuse me.

24 Q Have you heard anything about Mr. Kanarek?

25 A No, sir.

26 Q Do you know who Mr. Kanarek is, Mr. Stringer?

1 A No, sir.

2 MR. FITZGERALD: Nothing further.

3 THE COURT: Mr. Reiner?

4 MR. REINER: Thank you.

5
6 VOIR DIRE EXAMINATION OF MR. STRINGER

7 BY MR. REINER:

8 Q Mr. Stringer, please understand that this is not
9 in any way an attempt to be critical, but we are just
10 inquiring as to what news programs you watch and the like.

11 A Yes.

12 Q You watch the television news several times a
13 week, is that correct?

14 A Yes.

15 Q Which particular show is it that you generally
16 view, sir?

17 A Channel 11, George Putnam.

18 Q That is the late evening news or the early
19 evening news?

20 A Mostly the late, 10:00 o'clock.

21 Q The 10:00 o'clock news?

22 A Yes.

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1 Q Now, in watching the late evening news
2 several times a week, Mr. Stringer, you have, of course,
3 since last August, viewed newscasts or portions thereof
4 that related to this case, to the killings that
5 occurred, to the defendants that are involved here;
6 is that true, sir?

7 A Yes, that is true.

8 Q You do recall last August when these
9 killings occurred, do you not, sir?

10 A Vaguely, yes.

11 Q And then you recall sometime later,
12 some few months later, that there were certain arrests
13 made in connection with this case and certain persons
14 were charged with those killings; is that correct?

15 A Vaguely, yes.

16 Q And you recall that Mr. Manson was one
17 of the persons that was charged with these particular
18 crimes?

19 A Yes.

20 Q And that there were other defendants,
21 girls, that were charged as well?

22 A Yes.

23 Q These three defendants here?

24 A Yes.

25 I knew there were others involved, girls,
26 yes.

6b-2

1 Q But you do not recall noticing at that time
2 what their names were; would that be true?

3 A No, sir.

4 Q Except for one name, Van Houten; that is the
5 one name that you do recall?

6 A I remember that name.

7 Q In what connection do you remember the name?

8 A It is hard to say, really. It was just a
9 name that I seem to remember, that is all.

10 Q About how long do you recall having heard it
11 for the first time?

12 A That is hard to pinpoint because, actually,
13 it may be just the name itself, it may be that there is
14 someone I know that has a name like that that makes it
15 stick with me.

16 Q Was it some months ago that you heard the
17 name for the first time?

18 A Yes. I would say yes.

19 If I hadn't heard it today -- yesterday --
20 I probably wouldn't even remember it now. I couldn't
21 recall it.

22 Q In addition to the television news, you
23 listen to the radio news on a daily basis; is that correct,
24 Mr. Stringer?

25 A Yes, sir.

26 Q So, would it be a reasonably fair statement

6b-3

1 to say that at least five days a week, Monday through
2 Friday -- you work five days a week, Monday through Friday
3 for the Department of Water and Power; is that true?

4 A Yes.

5 Q It would be a fair statement, Mr. Stringer,
6 would it not, that since last August when these killings
7 occurred, up to the present when you were called for jury
8 duty, you have listened to radio news accounts five days a
9 week?

10 A Yes.

11 Q And these radio news accounts very, very
12 frequently covered matters pertaining to this trial; is
13 that true?

14 A I don't think so.

15 Q What particular station do you listen to?

16 A (Pause.)

17 Q Is it one of the all news radio stations?

18 A Yes, it is.

19 Q Perhaps it would be KFVB?

20 A KFVB?

21 Q Or KNX?

22 A Probably KNX. It is around 800 or 8 something
23 on the radio dial.

24 Q Perhaps it would be ABC?

25 A I suppose -- (pause).

26 Q In any event, whatever radio station it is,

1 Mr. Stringer, it is one of the few so-called all news
2 radio stations that we have in Los Angeles?

3 A Yes.

4 Q That is a radio station that other than for
5 commercial breaks does nothing but relate the news of the day;
6 is that correct?

7 A I believe so.

8 Q Well, now, perhaps you might be able to
9 explain this, Mr. Stringer, but -- strike that.

10 What period of time do you listen to the radio
11 news on the way to work?

12 A From around ten minutes to 7:00 to about 7:20.

13 Q About 30 minutes in the morning?

14 A Yes.

15 Q Do you listen to the radio news when you
16 return home?

17 A Very seldom now.

18 Q So, it would be a fair statement to say, Mr.
19 Stringer, that your exposure to the news of this community
20 involves 30 minutes a day of listening to an all news
21 radio station plus watching the George Putnam Evening News
22 several times a week; is that correct?

23 A Yes, sir.

6c fls.

1 Q You do not recall this all-news radio station
2 frequently over these last months talking about the crimes,
3 the persons involved, the defendants, or any other aspect of
4 this trial?

5 A No, sir. I don't follow anything that close.

6 Q You did hear such matters being discussed on
7 the radio, did you not?

8 A If I did it passed right by.

9 I only listen to the radio for several items.
10 Until I hear that item, I don't pay any attention.

11 Q At the time that these arrests occurred, Mr.
12 Stringer, involving these defendants, and at the time these
13 persons were charged with these particular crimes, you did
14 not anticipate that you would, perhaps, some day be called
15 as a prospective juror in this case, did you?

16 A No, sir.

17 Q So at that time, Mr. Stringer, you had no
18 reason to try to discipline your mind to reject any
19 suggestions that might come to you from the media
20 pertaining to their guilt?

21 A No, sir.

22 Q Would that be true?

23 A Yes.

24 Q And in fact, Mr. Stringer, you did not
25 discipline your mind to reject any suggestions that would
26 come to you from the media relating to the guilt of the

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1 defendant; isn't that true?

2 A No, sir.

3 Q So, based upon -- well, all that you read in the
4 newspapers, such as it was, and all you heard on the radio,
5 such as it was, and all you saw on the television news,
6 such as it was, did point toward the guilt of the
7 defendants, didn't it?

8 A In my mind, maybe yes, maybe no.

9 Like I say, I don't follow anything like this
10 that closely.

11 Q Well, now, you understand, Mr. Stringer, we
12 are not referring, at this moment, to your frame of mind.

13 A Yes.

14 Q But simply your interpretation of what the
15 newspapers were trying to convey, what the telecasters and
16 the newscasters were trying to convey.

17 Wasn't it your impression that the totality of
18 the impressions that the news media were trying to convey
19 was to the effect that the defendants or some of them were
20 guilty of the crimes?

21 MR. STOVITZ: I object to the question.

22 At one moment he says that he is not interested
23 in the juror's frame of mind and in the second moment he
24 says he is interested in the juror's frame of mind as to
25 what the newspapers and other media's frame of mind is.
26 So, I think it is ambiguous.

1 MR. REINER: No, I wasn't asking that.

2 THE COURT: Let me say this, Mr. Stringer. What we
3 want to find out is what your frame of mind is now with
4 respect to these various matters.

5 Now, don't answer a question because you think
6 that is the answer that an attorney wants. Answer it
7 according to your actual belief.

8 If you don't know the answer, you can say you
9 don't know the answer. If you can't remember what he asks
10 you, you can say you don't remember. But what we want is
11 what you think, not what you think perhaps someone wants
12 to hear.

13 Do you understand that?

14 A Yes.

15 THE COURT: And if you don't understand the answer,
16 just say so, Mr. Stringer.

17 MR. STRINGER: Yes, sir.

18 THE COURT: Do you want to ask the question again,
19 Mr. Reiner?

20 MR. REINER: Yes, your Honor. Thank you.

21 Q Mr. Stringer, at this particular time, and
22 with reference to this particular question, I am not
23 inquiring as to the state of your mind with respect to
24 whether you believe the defendants are guilty or innocent.
25 What I am asking of you now is based upon your exposure to
26 the media -- and by media, I mean newspapers, radio, and

1 television -- is it your impression that the media was
2 trying to convey the impression that the defendants or some
3 of them were guilty?

4 A Yes.

5 Q All right.

6 And this was the -- strike that -- this
7 impression that we spoke of that they were trying to
8 convey existed in the newspapers, it existed on the radio
9 broadcasts, and it existed on the television newscasts?

10 MR. STOVITZ: That is objected to, your Honor. The
11 juror said he didn't read the newspapers.

12 THE COURT: He can answer the question.

13 MR. REINER: Q To the extent that you did from time
14 to time read the newspapers, this was the impression that
15 you received from the newspapers as well?

16 A Not from the newspapers, no.

17 Q You say that because you did not read the
18 newspaper; is that right?

19 A Yes.

20 Q All right.

21 So, your answer would be limited solely to
22 newscasts on radio and newscasts on television; is that
23 right?

24 A Yes.

25 Q You indicated earlier, did you not, Mr.
26 Stringer, that some months ago when all of this first

1 broke, when the defendants were charged with the crime,
2 you did not anticipate that you would be a prospective juror
3 in the case; is that right?

4 A No, I didn't.

5 Q And as such, sir, you did not discipline your-
6 self to reject any suggestions that might come to you from
7 the media, that is, radio and television; is that correct?

8 A No, I didn't.

9 THE COURT: Excuse me, Mr. Reiner. I think we are
10 going to take a recess at this time.

11 MR. REINER: Very well.

12 THE COURT: Mr. Stringer, do not discuss with anyone
13 else any of the matters that we take up here in chambers.

14 MR. STRINGER: Yes, sir.

15 THE COURT: We will take our recess and then we will
16 resume again.

17 (Recess.)
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7-1

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

4 THE COURT: Bring Mr. Stringer into the room.

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

7 MR. KANAREK: Before any prospective juror is brought
8 in, your Honor, I must again make a motion that the Court
9 conduct an evidentiary hearing in connection with Mr.
10 Manson's custody.

11 I gave Mr. Manson certain papers yesterday and
12 they were taken away from him by the Deputies in the jail.

13 Now, your Honor, this is interfering most --
14 I mean, if your Honor were sitting where I am sitting and
15 was practicing law in this situation, I am sure your Honor
16 would feel more intensely perhaps than in the judicial
17 capacity that your Honor is in.

18 Mr. Manson is on trial for his life, and those
19 people up there in the jail, your Honor, are playing games.

20 They took the paper -- I will swear Mr. Manson
21 and offer him to be sworn.

22 THE COURT: I will investigate the matter, Mr. Kanarek,
23 and find out what happened.

24 MR. KANAREK: Yes, your Honor, the vice of that, and
25 I say this most respectfully, is that those people up there
26 have certain attitudes towards this case which, namely --

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1 THE COURT: Now, you don't know that. You are just
2 surmising.

3 Now, if you want me to investigate it I will.

4 MR. KANAREK: Yes, your Honor.

5 THE COURT: Give me the facts as you know them.

6 MR. KANAREK: The facts as I know them are that
7 yesterday in the evening, sometime between 8:00 and 9:00
8 p.m. I gave certain papers to Mr. Manson.

9 Mr. Manson left.

10 I left Mr. Manson's presence at the time
11 at the jail that attorneys leave, that is, 9:00 o'clock.

12 Mr. Manson informs me that those people then
13 took away from him the papers I had just given him.

14 THE COURT: For how long?

15 MR. KANAREK: They still have them, and this is the
16 third time they have done it.

17 THE COURT: Why were they taken away?

18 MR. KANAREK: He says they have a right to look at
19 everything that comes in the jail.

20 Now, papers, I mean, papers can not have
21 contraband. We shake the papers. We shook them, and
22 before they were transmitted over the attorney room, over
23 the desk to Mr. Manson, so it's done only for the purposes
24 of harassment, your Honor.

25 THE COURT: All right, I will look into that.

26 Would you get an answer to that, Mr. Murray,
and then let me know.

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1 All right, let's proceed.

2 Bring in Mr. Stringer.

3 (Mr. Stringer is once again brought into
4 chambers.)

5 THE COURT: Mr. Reiner, you may go ahead.

6 MR. REINER: May I proceed, your Honor?

7 Thank you.

8
9 VOIR DIRE EXAMINATION OF MR. STRINGER

10 BY MR. REINER:

11 Q Mr. Stringer, I only have just a couple of
12 other questions before I finish.

13 You appreciate that here in court your
14 decision, if you are a member of this jury, must be based
15 solely on the evidence that you hear in court, and not
16 based upon anything that you have heard outside of the court?

17 A Yes.

18 Q And if you should hear anything outside of
19 the court, you would not allow that to influence your
20 opinion, is that true?

21 A That is true.

22 Q All right, now; however, before you were
23 called as a prospective juror and before you even anticipated
24 the possibility of being called as a prospective juror,
25 when you listened to the radio news and you watched the TV
26 news, you did of course from time to time allow the news

1 programs to influence your opinions on various issues
2 of the day?

3 Is that true?

4 A I would say so, yes.

5 Q Now, with respect to Mr. Manson and these
6 other defendants and their possible guilt or innocence,
7 you did at that time, not suspecting that you might
8 possibly later become a juror, allow the newscasts on
9 radio and television to influence your opinion with respect
10 to their guilt or innocence?

11 A You will have to repeat that.

12 Q All right. As in other matters, as in other
13 issues of the day you did allow the radio and television
14 newscasts to influence your opinion at that time, prior
15 to the time that you had anticipated you would be a juror
16 in this case, you did allow the newscasts to influence your
17 opinion at that time?

18 A Yes.

19 Q So that your opinion at that time --

20 THE COURT: Just a moment.

21 Do you understand the question? Are you
22 talking about this case?

23 MR. REINER: Yes, I'm referring to this case.

24 THE COURT: Do you understand he is talking about
25 this case?

26 MR. STRINGER: Yes.

1 THE COURT: All right.

2 BY MR. REINER:

3 Q Presumably your opinion being influenced
4 by the newscasts was substantially the same as the
5 suggestions that were contained in the newscasts, that
6 is, that the defendants or some of them were probably
7 guilty?

8 A Yes.

9 MR. STOVITZ: That is objected to as calling for
10 speculation, your Honor.

11 MR. REINER: I will reword the question.

12 BY MR. REINER:

13 Q Then, in your opinion as you indicated a
14 moment ago that you had, prior to ever being called as
15 a prospective juror, your opinion/^{then}was that the defendants
16 or some of them were guilty?

17 A Yes.

7a fls.

7A-1
1 Q And nothing has occurred since that time upon
2 which you can base a change of opinion?

3 A No, sir.

4 MR. REINER: Thank you, I have no further questions.

5 THE COURT: Mr. Stringer, I asked you whether you had
6 formed any opinion regarding guilt or innocence of any of
7 the defendants. Are you now changing your answer?

8 MR. STRINGER: No, sir, from what he just said, I
9 take it for granted that he meant when I first heard about
10 the case.

11
12 VOIR DIRE EXAMINATION OF MR. STRINGER (RESUMED)
13 BY THE COURT:

14 Q I don't want you to take anything for granted.
15 If you don't understand a question we will have it rephrased
16 so you do.

17 A It seems as though he phrased it that way.

18 Q What we are interested in is what you believe
19 and what you think, you understand?

20 A It seemed like he was going at two different
21 times, the prior and the now.

22 If he means the now, the answer would be no.

23 Q Well, you have no opinion now one way or the
24 other as to the guilt or innocence of the defendants, is
25 that right?

26 A That's right.

Q And I take it from your answer, then, at some time you did have an opinion.

A At some time I would say yes, in the beginning, yes.

Q Do you recall why you formed that opinion? Was it because the defendants had been arrested and charged with the offense or was it for some other reason?

A No, sir, probably just because of office talks that you get involved in.

Q Well, what sort of talk?

A You talk about -- some of them may say they are guilty.

They might say, "Well, do you agree?"

I might say, "Yes, maybe they are."

A definite opinion I would not be able to state; I would not be able to state that I formed any definite opinion at any time.

I have been involved maybe in talk about it.

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

MR. SHINN: I have no questions, your Honor.

THE COURT: Mr. Kanarek?

MR. KANAREK: No questions, your Honor.

THE COURT: Mr. Stovitz?

MR. STOVITZ: None, your Honor.

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1 MR. REINER: May I ask just another question or two
2 of Mr. Stringer?

3 THE COURT: All right.

4 VOIR DIRE EXAMINATION OF MR. STRINGER: (REOPENED)

5 BY MR. REINER:

6 Q Mr. Stringer, you were informed by the Court,
7 I believe, that if you are a juror in this case,
8 irrespective of any opinions that you have you would be
9 required to put them aside and base your judgment in this
10 case solely on the evidence and not upon any pre-held
11 opinions, is that correct?

12 A Yes.

13 Q And if you were a juror in this case you would
14 attempt to do so?

15 A Yes.

16 Q But that does not mean to say that you have
17 changed your mind, whatever it was, the opinion that you
18 held prior to coming to court, nothing has happened here in
19 court to cause you to change that opinion, or are you
20 simply stating that you would agree to put it aside and
21 base your decision solely upon the evidence?

22 A Yes.

23 MR. REINER: Very well. I see; I have no further
24 questions.

25 THE COURT: Now, just a moment, Mr. Stringer, I want
26

7a4
1 to be sure that you understand these questions, and when you
2 answer to them I don't want you just to follow anybody's,
3 including my questions, to you, and give the answer that
4 you think we want, or to give an easy answer if you don't
5 understand the question.

6 VOIR DIRE EXAMINATION OF MR. STRINGER (REOPENED)

7 BY THE COURT:

8 Q You told us a few moments ago that you now
9 have no opinion one way or the other as to the guilt or
10 innocence of any of the defendants, is that right?

11 A That is correct.

12 Q You said that at one time you had some kind of
13 an opinion, is that right, based upon your conversation and
14 what you read and heard?

15 A That is correct.

16 Q I believe you stated that you wondered about
17 the guilt.

18 A Yes.

19 Q Would you say that at that time you formed a
20 firm opinion as to the guilt of any of the defendants?

21 A No, sir, I would not.

22 Q I ask you again, at this time do you have any
23 opinion as to the guilt or innocence as to any one of the
24 defendants?

25 A No, sir.

26 Q Do you think you would be able to put aside

1 whatever you have learned about this case from whatever
2 source, and decide the case solely on the evidence intro-
3 duced during the trial?

4 A Yes, sir, because I know very little about it.

5 Q Well, regardless of how much you know about it,
6 do you think you can do that?

7 A Yes, sir.

8 Q Do you think that you are able to give the
9 defendants, each of them, the benefit of the presumption of
10 innocence?

11 A Yes.

12 Q You understand that that presumption of innocence
13 remains until such time as the People are able to prove,
14 if they are able to, the guilt of the defendants beyond a
15 reasonable doubt?

16 A Yes, sir.

7B-1

1 Q And if the People are unable to prove that
2 guilt beyond a reasonable doubt, the defendant is entitled
3 to an acquittal. Do you understand that?

4 A Yes.

5 Q Even though he may have put on no evidence
6 whatever, he may have sat there and said nothing during
7 the whole trial, he may have put on no witnesses, he may
8 have introduced no evidence and put on nothing, you under-
9 stand that?

10 A Yes.

11 Q Even in spite of all that he is still entitled
12 to have the People prove his guilt beyond a reasonable
13 doubt.

14 Are you willing to follow that?

15 A Yes, sir.

16 THE COURT: Anything further?

17 MR. FITZGERALD: Can I ask one question?

18 THE COURT: All right.

19
20 VOIR DIRE EXAMINATION OF MR. STRINGER

21 BY MR. FITZGERALD:

22 Q Mr. Stringer, if you were on trial instead of
23 Mr. Manson or any one of the other defendants would you be
24 satisfied to have a juror thinking the same way that you
25 think?

26 A Yes, sir.

1 THE COURT: All right, you may go back out into the
2 courtroom, Mr. Stringer. Thank you very much, and will
3 you refrain from discussing with anybody any of the matters
4 we have taken up in here.

5 MR. STRINGER: Yes.

6 THE COURT: Thank you.

7 (Mr. Stringer leaves the chambers of the
8 court.)

9 MR. FITZGERALD: We will challenge this juror for
10 cause, your Honor, on the grounds of his exposure to
11 prejudicial pretrial publicity and his equivocal and
12 ambiguous frame of mind.

13 MR. REINER: We join on the same ground, and I would
14 also add it is my belief and understanding, in the
15 construction of his answers he has formed an opinion.

16 MR. KANAREK: Your Honor, I join the challenge and
17 suggest to the Court the language in Bruton vs. United
18 States, wherein he has -- no matter how much he tries he
19 has already previously been subjected to the publicity, and
20 in fact on previous times, at least, has made up his mind
21 in connection with this case.

22 I also would like to have the record reveal it
23 is our position it is a violation of equal protection of the
24 law as well as due process as far as Mr. Manson is concerned.

25 THE COURT: What is?

26 MR. KANAREK: This trial going ahead with these jurors,

1 because of the publicity which has occurred in that --

2 And I point out to the Court for the Court's
3 consideration this fact:

4 But for this publicity -- but for this
5 publicity -- our bench mark, our norms, would be what they
6 usually are, namely, that anybody who has heard anything
7 about this case, he is eliminated; he or she are eliminated
8 from jury consideration.

9 THE COURT: Where did you ever hear that rule?

10 MR. KANAREK: Well, it has been my observation that
11 anyone who had been submitted to the type of publicity that
12 this prospective juror had been submitted to, in any other
13 case would be eliminated from consideration as a prospective
14 juror without any hesitation.

15 Because of the wealth of jurors, perhaps --

16 THE COURT: Are you talking about being eliminated
17 for cause or peremptorily?

18 MR. KANAREK: Eliminated for cause, your Honor.

19 THE COURT: Well, I disagree.

20 MR. KANAREK: What we are doing is, we are focusing
21 our attention upon a set of circumstances over which
22 Mr. Manson had no control whatsoever, and that set of
23 circumstances produces these jurors, and he is denied
24 equal protection of the laws in that there are many criminal
25 courts going on in this County right now wherein people --
26 the defendant is not forced to go to trial with jurors that

1 have this kind of publicity, so in that very real sense of
2 the word he is being denied equal protection.

3 He is being denied the impartiality he is
4 entitled to by the 12 jurors.

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1 MR. STOVITZ: In answer to Mr. Kanarek, we will
2 submit the matter.

3 In answer to Mr. Fitzgerald' and Mr. Reiner,
4 we will oppose the challenge for cause.

5 MR. KANAREK: I join in the challenge for actual
6 bias, your Honor.

7 THE COURT: Mr. Fitzgerald's motion or objection,
8 whatever it is, is denied. The challenge will be
9 disallowed.

10 MR. SHINN: Your Honor, may I be heard, your
11 Honor?

12 THE COURT: Yes.

13 MR. SHINN: This is concerning Mr. Bugliosi's
14 questions of the jurors about the death penalty.

15 I didn't want to discuss it out in open
16 court but I think some of the questions that he asked,
17 your Honor, after he qualified a juror and the juror
18 states that he will vote for the death penalty, I think
19 Mr. Bugliosi goes further, and after he qualified a
20 certain juror saying that in a proper case he would
21 impose the death penalty, I think Mr. Bugliosi has been
22 going one step further now and is asking whether or not
23 age or sex makes a difference.

24 Now, the juror has already committed
25 himself that he would invoke the death penalty in a
26 proper case, and I think these questions that Mr. Bugliosi

8-2

1 asks is going into what a proper case for a certain
2 juror is, and that is improper, your Honor, because then
3 he can get some more informations to whether or not
4 this juror will invoke the death penalty against an
5 inactive defendant, say a person that didn't participate
6 in an actual killing. With this information, knowing
7 what a proper case for this particular juror is, he can
8 use that information for a later peremptory challenge.

9 I think, your Honor, what he is doing
10 right now -- and that is the feeling that I have got
11 sitting in the court and listening to his questions --
12 I think he is death-orienting the jury, your Honor, and
13 I think that is highly improper.

14 I discussed this matter with Mr. Bugliosi.
15 Then he goes on and says: Would the fact of the ages of
16 the defendants, would you oppose the death penalty in
17 regard to someone of their age.

18 Then he says: What if they are female?
19 Young adults? Would you oppose the death penalty?

20 This is constant repetition.

21 MR. STOVITZ: You are misquoting the record, Mr.
22 Shinn.

23 THE COURT: That wasn't the form of the question.

24 MR. SHINN: I think the jury, as a panel, right
25 now, sitting there, I think they get the impression
26 that this is the proper type of case for the death penalty.

8-3

1 your Honor.

2 THE COURT: I disagree with you. They have been
3 instructed several times on this.

4 MR. SHINN: I understand, your Honor, but it is
5 constant, constant death penalty, and pushing, asking,
6 your Honor; he is actually, I think, indirectly death-
7 orienting the whole jury, your Honor.

8 THE COURT: They have been instructed many, many
9 times.

10 MR. SHINN: I understand that they have been
11 instructed, your Honor.

12 THE COURT: They have been instructed that it is up
13 to their sole discretion to make that determination if,
14 as and when the case ever gets to that stage.

15 MR. SHINN: But why should he be allowed to keep
16 asking in that form?

17 THE COURT: For the same reason that you and the
18 other attorneys are allowed to go beyond the bare answer
19 to the question and probe a little bit to see if that is
20 actually the state of mind of the juror.

21 MR. SHINN: Where is the limitation?

22 THE COURT: That is a good question, and that is a
23 question that I continually have in mind.

24 MR. SHINN: Your Honor, could he then go on and say:
25 If, in fact, the defendant had committed a crime as a redhead,
26 would you invoke the death penalty? He can go a long, long

8-4

way.

THE COURT: It hasn't gotten to that stage.

We do have multiple defendants in this case
and we do have a male and females, and we do have some
defendants who are obviously quite young.

8a fls.

8a-1

1 MR. SHINN: They can see that they are young
2 adults, your Honor.

3 MR. FITZGERALD: I think that the point that Mr.
4 Shinn is making is a very good point, your Honor, and I
5 object to it too.

6 These jurors may give these defendants life
7 solely because of their age or solely because of the
8 color of their hair or solely because of their sex.

9 Mr. Bugliosi is implying to the jury that
10 it would be improper to spare their lives simply because
11 of their age and sex.

12 THE COURT: I disagree with you there.

13 If any such implication does arise in any of
14 his questions, I will stop him, but he is simply asking
15 "could you," "could you."

16 MR. FITZGERALD: But then he is going to peremptory
17 challenges. Then it is no longer an inquiry for cause.

18 THE COURT: No, that is not true.

19 MR. REINER: Excuse me, your Honor --

20 THE COURT: If they are precluded from doing it by
21 reason of some bias based on age, sex, or some other
22 reason, the Court is entitled to know that and counsel
23 is entitled to know that. As long as the inquiry does
24 not go beyond that bias and become indoctrination, then
25 it is a legitimate inquiry.

26 MR. REINER: If a prospective juror would make a

1 statement as follows: I generally don't favor the death
2 penalty but I would not automatically refuse to impose it,
3 and that there are some cases where I concede that I
4 would impose it; however, I would never impose the death
5 penalty on a young girl or never on a person who did not
6 wield the death weapon, that person could not be excused
7 for cause on Witherspoon. That person would obviously
8 be excused by a peremptory challenge from the People.

9 Therefore, your Honor, when the People
10 inquire whether a prospective juror would automatically
11 refuse to --

12 THE COURT: I am not so sure at all that they
13 wouldn't be excused under Witherspoon.

14 MR. FITZGERALD: That is our position.

15 THE COURT: That he could not?

16 MR. REINER: Absolutely could not.

17 MR. FITZGERALD: That he could not.

18 THE COURT: I am not convinced of that by any means,
19 although the Witherspoon question is a general one. If,
20 for any reason he would automatically refuse to impose,
21 and particularly for a reason that is obvious in the case,
22 that happens to be a physical condition of a defendant
23 in the case, I don't think that the Witherspoon question
24 would apply.

25 In any event, that question hasn't arisen
26 so we don't have to meet it.

1 MR. REINER: It has arisen because the question is
2 being asked on voir dire examination ostensibly for cause.

3 MR. SHINN: Your Honor, then each time that Mr.
4 Bugliosi asks this type of question, could I object,
5 and instead of coming to the bench, could I say that my
6 argument in chambers would apply?

7 THE COURT: Very well.

8 We have one prospective juror, Mr. Ernest
9 Farkas who says he has just been laid off his job and
10 he has to look for a job and he couldn't possibly serve.
11 In substance, that is what he says, I have the letter
12 here if you wish to look at it.

13 MR. FITZGERALD: Is he out in the panel, out in
14 the audience?

15 THE COURT: Yes.

16 MR. STOVITZ: Stipulate.

17 MR. FITZGERALD: His problem is that he has to be
18 excused from jury duty.

19 I don't know if your Honor has the power
20 to do that?

21 THE COURT: I don't know whether I do either.

22 MR. STOVITZ: Why don't you send him back to
23 the Jury Commissioner and tell him to take his problem
24 to the chaplain.

25 THE COURT: Do you all agree that he may be excused?

26 MR. KANAREK: So stipulate.

1 MR. STOVITZ: Yes.

2 MR. REINER: Yes.

3 MR. SHINN: Stipulate.

4 MR. FITZGERALD: So stipulated.

5 THE COURT: Mr. Ernest Farkas will be excused then
6 for hardship reasons, and I will so inform the Clerk.

7 Anything further, gentlemen, before we go
8 back out into open court?

9 All right. Then we will return to the
10 courtroom.

8b fls.

8B-1

1 (The following proceedings were had in open
2 court, all defendants, counsel, and the prospective jurors
3 being present:)

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

6 Do you wish to inquire further, Mr. Fitzgerald?

7 MR. FITZGERALD: May I?

8
9 VOIR DIRE EXAMINATION OF MR. STRINGER

10 BY MR. FITZGERALD:

11 Q Good morning, Mr. Stringer.

12 A Good morning.

13 Q What is your business or occupation, sir?

14 A I am a draftsman for the Department of Water &
15 Power.

16 Q Do you work out of the building down here in
17 the Civic Center?

18 A Yes.

19 Q Where in the County do you reside, Mr. Stringer?

20 A Compton.

21 Q Are you married, sir?

22 A Yes.

23 Q Do you have any children?

24 A Yes.

25 Q How many?

26 A Four.

8B2

1 Q Have you ever served as a juror before?

2 A No.

3 Q Do you have any friends or relatives that are
4 police officers or who are otherwise engaged in law
5 enforcement?

6 A I know of about three people. They are not
7 exactly friends. I just know them.

8 Q Are they acquaintances?

9 A No. I just know them. They attend the same
10 faith in church. Not the same church.

11 Q I take it that their occupation or the fact that
12 you see them frequently is not going to influence you in
13 arriving at a verdict?

14 A No. I very, very seldom see them.

15 Q From your seat in the audience yesterday,
16 Mr. Stringer, were you able to hear the questions that were
17 addressed to the other prospective jurors in the jury box?

18 A Yes.

19 Q If I were to ask each one of those questions of
20 you, would your answers be the same?

21 A Yes.

22 Q Is there any question you would answer any
23 differently?

24 A It is possible. I don't remember the exact
25 question that you asked concerning religious beliefs.

26 Q Yes. Is there something about your religious

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1 beliefs that might influence you in arriving at a verdict
2 in this case, Mr. Stringer? If so, why don't you tell us
3 what they are.

4 A No, I don't think so.

5 Q But you would answer it a little differently
6 than I believe Mrs. Roseland did; is that correct?

7 A I don't know the exact questions. I might.
8 I don't know.

9 Q If it should come to light during the course of
10 this case that one of the defendants is considered to be
11 Jesus Christ, would that fact so influence you that you
12 would be unable to fairly analyze the evidence?

13 A No, sir.

14 Q That was the question. Did you think that the
15 question was a little different than it was?

16 A No. I just thought there were more questions
17 involved.

18 Q You thought perhaps there were more defendants --

19 A No, more questions concerning religious
20 beliefs.

21 Q Now, as an attorney, Mr. Stringer, I can stand
22 here and ask you hundreds of questions that can either be
23 answered yes, no, maybe, or something, but all the
24 attorneys on both sides are interested in is your feelings
25 and your frame of mind in regard to this case.

26 Do you have any feelings about this case or any

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1 emotions in connection with this case, Mr. Stringer, that
2 may influence you as a juror?

3 A No, sir.

4 Q Do you think you can be entirely fair and
5 impartial in this case?

6 A Yes, sir.

7 Q If the evidence so indicated and if you had
8 a reasonable doubt, could you acquit these defendants?

9 A Yes, sir.

10 MR. FITZGERALD: Fine. Thank you, sir.

11 THE COURT: Mr. Reiner?

12 MR. REINER: Thank you, your Honor.

13
14 VOIR DIRE EXAMINATION OF MR. STRINGER
15 BY MR. REINER:

16 Q Mr. Stringer, you will be informed by the
17 Court, you will be instructed by the Court, that you must
18 presume that each of these defendants are innocent.

19 Now, will you follow that instruction and, in
20 fact, presume that the defendants are innocent, sir?

21 A Yes, sir.

22 Q Now, do you appreciate that each defendant is
23 represented separately by counsel?

24 A Yes.

25 Q And that there are four attorneys representing
26 the four separate defendants?

1 A Yes.

2 Q Now, I speak on behalf of Leslie Van Houten
3 and on behalf of no other defendant. Do you fully
4 appreciate that, sir?

5 A Yes.

6 Q Do you know which of the defendants is
7 Leslie Van Houten, Mr. Stringer?

8 A No.

9 Q This defendant here. (Indicating)

10 Now, I have just indicated Miss Van Houten.
11 You do now know which defendant is Leslie Van Houten; is that
12 right?

13 A Yes.

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1 Q Now, as I said a moment ago, Mr. Stringer,
2 I speak only on behalf of Leslie Van Houten; and, of
3 course, the corollary is true as well, that no other
4 lawyer speaks on behalf of Leslie Van Houten.

5 Do you appreciate that?

6 A Yes.

7 Q So, when any other attorney in this case
8 speaks, he is speaking on behalf of his respective
9 client; do you understand?

10 A Yes.

11 Q Whenever I speak, I am always speaking on
12 behalf of Leslie Van Houten and never on behalf of any
13 other defendant.

14 Do you so understand?

15 A Yes.

16 Q You appreciate that?

17 A Yes.

18 Q Now, you have been in court for two days;
19 is that correct, Mr. Stringer?

20 A Yes.

21 Q Perhaps through the radio or television or
22 newspapers, you may have read or heard or seen of matters
23 involving prior proceedings in this case.

24 Now, without reference for the moment to
25 your interpretation of such proceedings or such activities
26 of the part of these defendants, Mr. Stringer, if it

1 should appear to you at any time during the course of
2 this trial that Leslie Van Houten wishes to be convicted
3 if any of the defendants are convicted, will you, none-
4 theless, base your judgment solely upon the evidence?

5 A Yes, I will.

6 Q So, you will not permit her wishes in this
7 matter to control; you will let the evidence in this case
8 control; is that right?

9 A Yes.

10 Q You said that you will give the defendants
11 -- at this moment we are speaking only of Leslie Van
12 Houten -- the presumption of innocence. Do you feel
13 that you could do so in good conscience?

14 A Yes.

15 Q So, as they sit here, Mr. Stringer, you can
16 say that you do presume as a fact that they are innocent?

17 A Yes, sir.

18 Q And until and unless evidence is presented
19 in this case that indicates that they are guilty beyond
20 all reasonable doubt, Mr. Stringer, you will not change
21 that presumption?

22 A That is true.

23 Q Now, if evidence is offered in this case
24 that suggests the guilt of any defendant, any of the
25 other defendants, one or more of them, beyond all
26 reasonable doubt, sir, but is insufficient with respect

1 to Leslie Van Houten, will you then acquit Leslie Van
2 Houten irrespective of what your verdict is in regard
3 to the other defendants?

4 A Yes.

5 Q Do you feel that because of the notoriety
6 of this case that you would be subject to criticism from
7 friends and acquaintances and co-workers if you were to
8 acquit even a single defendant in this case?

9 A Yes.

10 Q You do feel that you would be subject to
11 some criticism on that point, Mr. Stringer?

12 A Yes.

13 Q Do you feel that that criticism would in
14 any way influence your judgment during the deliberations?

15 A No, sir.

16 Q No?

17 A No.

18 Q So that you feel that notwithstanding any
19 criticism that may come to you for acquitting even a single
20 defendant, if the evidence that was presented in this
21 court, and not anything that you may have heard on television
22 or read in the newspaper, if the evidence in this court
23 is insufficient, Mr. Stringer, to persuade you beyond a
24 reasonable doubt as to the guilt of Leslie Van Houten,
25 beyond all reasonable doubt, you will acquit her?

26 A Yes, sir.

1 Q The particular crimes involved here are
2 exceptionally grotesque. Would you discipline yourself
3 so that you do not permit your emotions to overwhelm
4 your judgment in this case? Will you do that?

5 A Yes, sir.

6 Q So, notwithstanding the grotesqueness of
7 the crimes, if the evidence in this case as it relates
8 to Leslie Van Houten is insufficient and inadequate to
9 persuade you beyond all reasonable doubt, Mr. Stringer,
10 you will, of course, acquit her; is that correct?

11 A Yes, sir.

12 Q And you have no reservations with respect
13 to that position?

14 A No, sir.

15 Q Now, a witness by the name of Linda Kasa-
16 bian will testify for the prosecution in this case.

17 There will be a question as to whether or
18 not she is or is not an accomplice to these killings.

19 The Judge will instruct you as to what
20 constitutes an accomplice.

21 Will you accept, without question, Mr.
22 Stringer, his Honor's definition of what constitutes an
23 accomplice?

24 A Yes.

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Q And will you follow that instruction, sir?

A Yes, sir.

Q Now, if, based upon that instruction, you determine in your own mind that Linda Kasabian is an accomplice, Mr. Stringer, will you then follow the Court's next instruction as to how you are to consider the testimony of an accomplice?

A Yes, sir.

Q And if the Court indicates to you in its instructions that if you believe that a witness is an accomplice, that you must disregard the entire testimony of the accomplice unless there is totally independent corroborating evidence, will you do so, sir?

A Yes, sir.

Q Now, do you feel that that is a particularly strict rule of law?

A I wouldn't know, sir.

Q Then may I take your answer to mean that whether it is strict or not is a matter of no concern to you, that if that is the law, if that is the law that is given to you by the Judge, you will apply it; is that right?

A Yes, sir.

Q Now, when I speak of corroborating evidence, Mr. Stringer, once again you do appreciate that I am referring only to Leslie Van Houten, do you not?

A Yes, sir.

Q So that if there is any corroborating evidence relative to any other defendant in this case, sir, but not relating to Leslie Van Houten, you will then acquit Leslie Van Houten?

A Yes, sir.

Q And that is irrespective of what you do or what your judgment is with regard to any other defendants in this case; is that right?

A Yes, sir.

MR. REINER: Thank you very much. No further questions.

THE COURT: Any questions, Mr. Shinn?

MR. SHINN: I have no questions, your Honor.

THE COURT: Mr. Kanarek?

MR. KANAREK: No questions, your Honor.

THE COURT: Mr. Stovitz?

MR. STOVITZ: Thank you.

VOIR DIRE EXAMINATION OF MR. STRINGER

BY MR. STOVITZ:

Q Mr. Stringer, how long have you lived in Compton, sir?

A Eight years.

Q Eight years?

A Yes.

Q How long have you worked for the Department of

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1 Water & Power?

2 A Eight years and a few months.

3 Q And your four children are what ages, sir?

4 A That is a hard one. 12, 10, 9 and 7.

5 Q All right.

6 All boys or all girls, or some of each,

7 Mr. Stringer?

8 A Two each.

9 Q I take it that the older ones are what, boys or
10 girls?

11 A The older one is -- girl, boy, girl, boy.

12 Q All right.

13 Now, the baby that is expected in October,
14 is that going to be the early part of October or the latter
15 part of October, sir?

16 A I think the latter part.

17 Q Now, you understand, sir, that this case may,
18 after we get the jury selected, may take 20 days of actual
19 court time, may take 30 days, it may take 40 days of
20 actual court time. You understand that we don't know how
21 long it is going to take.

22 Do you understand that, Mr. Stringer?

23 A Yes.

24 Q It is not like a baby that you expect in nine
25 months and if it is not here by the tenth month, you go to
26 see the doctor and have things fixed up.

8D4 1 We don't know how long the case is going to
2 take, right?

3 A Yes.

4 Q Now, assume for the moment that the trial is
5 in the middle of October here and you are thinking about
6 your wife home with those four children. Is that going to
7 disturb you and take your concentration off this case, sir?

8 A It is possible.

9 Q Is there anyone to stay with your wife to take
10 care of those other four children once, say, school starts?

11 A Not at the present time.

12 Q Do you know what the term sequester the jury
13 means, Mr. Stringer?

14 A No, sir.

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1 Q It means that the jury will be locked in a hotel
2 every night once the evidence starts, that they will all
3 eat together, they will sleep in individual rooms, and on
4 weekends you will be able to have visits from your wife
5 and children.

6 Do you understand that, sir?

7 A Yes, sir.

8 Q Somewhat like Army life, I guess.

9 Now, you understand the reasons for this are
10 immaterial right now, but if that is the plan, Mr.

11 Stringer, will you be able to concentrate on this case and
12 not concern yourself with who is taking care of your house
13 or how your children are getting along and things like
14 that?

15 A Only if prearrangement has been made.

16 Q All right.

17 Do you know whether or not you can make pre-
18 arrangements now?

19 A No, sir.

20 Q Will you be able to find out between 12:00 and
21 1:45 this afternoon?

22 A No, sir.

23 Q Now, what about this fact, Mr. Stringer? That
24 if you are selected as a juror in this case you will have
25 to concentrate on this case and leave these other matters
26 aside. It won't be like an actual divorce from your wife

1 and kids, but it will be somewhat like a temporary
2 separation.

3 Do you think you will be able to get along and
4 just concentrate on the evidence?

5 A Yes, sir.

6 Q I take it that your employer will continue to
7 compensate you as long as the case lasts; is that correct?

8 A I believe so.

9 Q Did you go to college here locally, sir?

10 A Yes, sir.

11 Q And in college did you ever take a course in
12 psychology?

13 A No, sir.

14 Q Do you have any friends or relatives that are
15 in the field of psychiatry?

16 A No, sir.

17 Q Does the name Dr. Tweed, does that name mean
18 anything to you, Mr. Stringer?

19 A No, sir.

20 Q Do you have any feeling now of prejudices
21 or biases in favor of or against psychiatric testimony?

22 A No, sir.

23 Q In other words, if a psychiatrist testifies,
24 Mr. Stringer, you will be able to judge his credibility as
25 you would any other expert witness, or any other witness,
26 for that matter; is that right, sir?

A Yes, sir.

1 Q Now, with respect to the trial, we are going
2 to, of course, try to prove the defendants guilty in the
3 first portion of the trial, and as the trial progresses you
4 will notice that some of the evidence will be direct
5 evidence, that is, what people see, hear or touch -- that
6 is direct evidence -- and then there will be some evidence
7 that will be circumstantial evidence.

8 Do you know what circumstantial evidence is as
9 you sit there now?

10 A I believe so.

11 Q You believe so?

12 A Yes.

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1 Q All right, and unlike Dick Tracy, where the
2 only circumstantial evidence is fingerprints or foot-
3 prints, I think Dick Tracy uses both fingerprints and
4 footprints, circumstantial evidence can be other types
5 of evidence such as the example Mr. Bugliosi showed you,
6 possession of stolen property, as circumstantial evidence
7 of the person who stole it.

8 Do you understand that?

9 A Yes, sir.

10 Q Do you have any prejudice against circum-
11 stantial evidence as you sit there now?

12 A No, sir.

13 Q And would you require that the People prove
14 the defendants' guilt by, say, having one eyewitness
15 testify to the crime?

16 A No, sir.

17 Q You understand that some crimes are committed
18 so that there are no eyewitnesses; you understand that?

19 A Yes, sir.

20 Q All right, now, sometimes we find jurors
21 that have a predetermination in their mind that they
22 would never find someone guilty unless there was a
23 confession of the party involved.

24 Do you have that feeling in your mind?

25 A No, sir.

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1 Q All right, now, let us assume that you look
2 at the totality of the evidence, all of the evidence that
3 the People introduced, all of the evidence that the defendants
4 introduced, and you considered the Court's instructions.

5 Do you think that you will have any biases
6 or prejudices against finding, say, this young lady here,
7 Leslie Van Houten, guilty of first degree murder?

8 A No, sir.

9 Q Do you know how many murders she is charged
10 with?

11 A No, sir.

12 Q Two. The Court told you that yesterday.
13 She is charged with committing two murders.

14 And you would have no hesitation against
15 finding a young lady guilty of first degree murder?

16 A That's right.

17 Q What about the next young lady in the blue
18 slacks suit, Susan Atkins. Do you know how many murders
19 she is charged with?

20 A No, sir.

21 Q Seven. Would you have any prejudice to
22 finding her guilty of seven counts of first degree murder
23 if the evidence convinced you beyond a reasonable doubt
24 of her guilt?

25 A No.

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

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1 THE COURT: Very well.

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

4 MR. KANAREK: Your Honor, I object on the grounds
5 this is improper voir dire.

6 The defendant need not incriminate himself,
7 and the defendant cannot even be called to the witness
8 stand by the prosecution. It is reversible error for the
9 prosecution even to call a defendant to the witness stand.

10 THE COURT: What are you talking about?

11 MR. KANAREK: I am talking about Mr. Stovitz going
12 down the line and pointing at these defendants and asking
13 how many murders they are charged with. This is improper
14 voir dire.

15 It is prejudicial. I would move the Court
16 to admonish the jury not to consider it for any purpose,
17 and, mere admonishment not being sufficient, I ask for
18 a mistrial.

19 It is absolutely improper.

20 THE COURT: What is improper about it?

21 MR. KANAREK: Because, your Honor, as far as the
22 jury is concerned this is an accusation wherein, in their
23 view, the prosecutor is pinpointing the defendant in
24 connection with the murders, right before them, their
25 very eyes.

26 And that is not that they are not sworn --

1 MR. STOVITZ: Submit it.

2 MR. KANAREK: -- it is improper voir dire for him
3 to do that and pinpoint the defendants before the jury
4 in this manner.

5 THE COURT: I don't think so, Mr. Kanarek.
6 As a matter of fact this man said he was not acquainted--
7 he could not tell one from the other and did not even
8 know, for example, what Leslie Van Houten was charged
9 with.

10 MR. KANAREK: That is part of the evidence, your
11 Honor. We are interested in their state of mind, not
12 in pinpointing --

13 THE COURT: There is no objection to orienting
14 a prospective jury with respect to who the defendants
15 are and what the charges are, so as to ascertain what
16 his state of mind is with regard to doing his duty in
17 the case.

18 MR. KANAREK: Your Honor, that is synthetic on
19 the part of Mr. Stovitz --

20 MR. STOVITZ: It is not synthetic. I wish you
21 would not read my mind. I submit that counsel's objection
22 is frivolous.

23 THE COURT: It is not frivolous, but it will be
24 overruled.

25 MR. KANAREK: I object right now. I want the record
26 to reveal that if he pinpoints Mr. Manson -- Mr. Manson

1 is the only male present -- if he pinpoints Mr. Manson and
2 asks how many murders he is charged with, it is my position--
3 I am watching him now, your Honor -- that is improper.
4 It is our position that mere admonishment would not suffice,
5 and we ask for a mistrial if he does that.

6 THE COURT: They have already been informed by the
7 Court, and before any evidence is taken the Clerk is going
8 to read the indictment.

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1 MR. KANAREK: I understand that, but it is a far
2 cry -- it does not serve any useful purpose on voir dire.

3 THE COURT: I think it does, Mr. Kanarek, and I see
4 nothing harmful about it.

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

8 Q BY MR. STOVITZ: Mr. Stringer, I take it from
9 your last answer that if the evidence pointed to the guilt
10 of Susan Atkins, although she appears to be a young lady,
11 you would nevertheless come in and be willing to say to her,
12 "Yes, I do find you guilty of seven counts of murder,"
13 if that is what the evidence convinces you of.

14 Is that right?

15 A Yes.

16 Q And the age or the youth or the fact that they
17 are females would in no way influence your verdict, if that
18 is what the evidence shows, is that right?

19 A Yes.

20 Q What about the other young lady, Patricia
21 Krenwinkel, do you know how many charges there are
22 against her?

23 A No, sir.

24 Q The Court informed you yesterday there were
25 seven charges of murder and one count of conspiracy to
26 commit murder charged against Patricia Krenwinkel as well.

1 If the evidence convinces you of her guilt
2 beyond a reasonable doubt would you come into this courtroom
3 and find accordingly?

4 A Yes, sir.

5 Q All right, now, sir, the fact that the
6 defendants are charged with the crimes, you understand, is
7 no evidence of their guilt.

8 Do you understand that?

9 A Yes, sir.

10 Q The fact that they were arrested for the
11 charges is no evidence of their guilt. You understand that?

12 A Yes, sir.

13 Q Would you apply that same rule of law as to,
14 say, Linda Kasabian who is also charged with the same crimes?

15 Do you know who Linda Kasabian is, sir?

16 A No, sir.

17 Q She is not here before you. Have you ever
18 heard the name before?

19 A Maybe in the courthouse.

20 Q All right, now, there may be evidence introduced
21 that there was another young lady with some of these
22 defendants at the time in question, and that young lady's
23 name is Linda Kasabian and she may testify as a witness.

24 If she does testify as a witness would you
25 require the same rule of law, that the mere fact that she
26 is charged and arrested for these crimes is in noway

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1 evidence of her guilt?

2 A Yes, sir.

3 Q Now --

4 MR. KANAREK: Your Honor, I must ask the Court, your
5 Honor, may I approach the bench?

6 This last statement of counsel, is he
7 representing that Linda Kasabian is going to be here on
8 trial, your Honor?

9 THE COURT: You may approach the bench and I will
10 hear you, Mr. Kanarek.

11 MR. KANAREK: Very well.

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

14 THE COURT: I have a question about that, Mr. Stovitz.

15 MR. STOVITZ: What is that, your Honor?

16 THE COURT: About your question, also, Mr. Stovitz.

17 Your question was in substance if Linda Kasabian
18 testifies would you give her the benefit of the same
19 instruction, the fact of her arrest and her being charged
20 with a crime is no evidence of her guilt.

21 Of course she is going to be obviously in a
22 different position, and her guilt is not going to be
23 determined in this proceeding.

24 MR. STOVITZ: It will be determined in this respect,
25 that if her participation in this crime is shown to be that
26 of an accomplice, then the Court will have to instruct the

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1 jurors that there will be the necessity for corroboration.

2 I felt that seeing as some of the jurors have
3 stated in their selection that the mere fact of an indict-
4 ment being filed against -- that the mere fact of an arrest
5 being made would give them a presumption that the party is
6 probably guilty, it might work to the disadvantage of the
7 jury in determining the issue as to whether or not
8 Linda Kasabian was an accomplice.

9 In other words, I feel that although she was
10 indicted by the Grand Jury, and she was subsequently
11 arrested and waived extradition, she came out here to
12 California, should not be considered by the jury in
13 determining whether or not she is or is not an accomplice.

14 That is the same rule of law that will be
15 applicable to these defendants when their guilt is submitted
16 to the jury.

17 MR. FITZGERALD: That position is hypocritical.
18 I don't mean this as an attack on Mr. Stovitz.

19 The prosecution has indicted Linda Kasabian.

20 Furthermore, the prosecution intends to put her
21 on the witness stand and will admit her participation in
22 these offenses --

23 THE COURT: We are getting into an area that can
24 only lead to confusion, Mr. Stovitz. I suggest you drop
25 it right here.

26 MR. STOVITZ: All right.

1 THE COURT: Because almost anything you say is going
2 to be confusing to somebody in that regard.

3 MR. STOVITZ: All right.

4 THE COURT: She is obviously in an equivocal position
5 in the case.

6 She is a defendant who also is going to testify
7 as a witness.

8 She is not going to be tried for guilt or
9 innocence in this case.

10 MR. STOVITZ: Yes, your Honor.

11 THE COURT: Better just drop it before we get hops-
12 lessly entangled.

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MR. KANAREK: We make a motion that your Honor ask the jury not to consider that question, that last question, for any purpose.

THE COURT: There is no answer to the question. I am going to sustain the objection to the question. No harm has been done.

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

BY MR. STOVITZ:

Q Now, Mr. Stringer, assume that the trial has gone on for a month or two, and the verdict of the jury is that of first degree murder as to one or more of the defendants.

You understand there will be a second phase of trial known as the penalty phase. You understand that?

A Yes, sir.

Q And the People will endeavor to introduce evidence and we may or may not introduce additional evidence during that penalty trial.

Do you understand that?

A Yes.

Q The Court will instruct you that although there are no standards to judge whether or not you will give the defendants life or death, that you are to consider the circumstances of the crime, the background of the defendants and any evidence whatsoever that is introduced

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1 in aggravation or mitigation of the punishment.

2 Do you understand that?

3 A Yes, sir.

4 Q That there are no standards to apply.

5 You might decide that you would like to find
6 a verdict of death because you just feel that the crimes were
7 that terrible that they participated in.

8 Do you understand that?

9 A Yes, sir.

10 MR. KANAREK: It is improper voir dire examination,
11 your Honor.

12 THE COURT: I think it is getting to that point,
13 Mr. Stovitz.

14 MR. STOVITZ: I will try to pinpoint it. It was just
15 introductory.

16 THE COURT: The objection is sustained.

17 BY MR. STOVITZ:

18 Q On the other hand, Mr. Stringer, we would like
19 to find out whether or not you have any prejudices, or
20 biases, or hurdles that the prosecution has to overcome in
21 your mind, dealing with the death penalty?

22 Do you understand that?

23 MR. KANAREK: Object on the ground of improper voir
24 dire.

25 THE COURT: I am going to sustain the objection, Mr.
26 Stovitz.

1 I think the question is ambiguous. I think
2 we are getting into areas which I have indicated I don't
3 want you to get into.

4 MR. STOVITZ: All right.

5 BY MR. STOVITZ:

6 Q Mr. Stringer, sir, before coming into court
7 yesterday had you ever considered the issue of whether or
8 not you would vote for the death penalty for any particular
9 defendant?

10 A No, sir.

11 Q Before coming into court yesterday had you
12 ever debated on the issue of the death penalty with any
13 particular person, college, high school or otherwise?

14 A Yes, sir.

15 Q All right, and in those debates did you favor
16 capital punishment or were you opposed to it?

17 MR. KANAREK: I object, your Honor, improper voir
18 dire examination.

19 THE COURT: Objection sustained.

20 BY MR. STOVITZ:

21 Q All right, before coming into court yesterday,
22 sir, did you have an opinion in your mind as to whether you
23 were opposed to or in favor of capital punishment?

24 A Repeat that, please.

25 Q Before coming into court yesterday did you
26 have an opinion in your mind as to whether you were

1 opposed to or in favor of capital punishment?

2 A Yes, sir.

3 Q And was this opinion such that you had had
4 it for some long standing?

5 THE COURT: The question is ambiguous. It is an
6 either or question, and those are not the only alternatives.
7 He may have had no opinion whatever.

8 Let's get on to something else, Mr. Stovitz.

9 BY MR. STOVITZ:

10 Q Mr. Stringer, sir, had you belonged to any
11 organization that has as one of its principles the suppression
12 of the death penalty in California?

13 A No, sir.

14 Q Do you belong to any religious affiliations
15 that has as one of its objectives the suppression of the
16 death penalty?

17 A I am not sure about that at the present time.

18 Q Do you believe that part of the teachings
19 of your particular faith may be to suppress the death
20 penalty?

21 A It might be. I would have to find out.

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1 Q Do you recall any particular sermons or
lectures along that line?

2 A No, sir.

3 Q All right, now, with respect to you individually
4 now, your own personal view, you stated you could conceive
5 of a case in which you would vote for the death penalty,
6 is that right?

7 A Yes, sir.

8 Q Is your frame of mind such that you are un-
9 alterably opposed, which means you would never vote for the
10 death penalty in a case where the defendant that was found
11 guilty of first-degree murder was a woman?

12 MR. SHINN: I object to that question, your Honor.
13 The argument I had in chambers.

14 MR. FITZGERALD: Join.

15 THE COURT: Overruled. You may answer.

16 Q BY MR. STOVITZ: Your answer was no, is that
17 right?

18 A Yes.

19 Q Now, is your frame of mind such that you would
20 never vote for the death penalty in a case of a person that
21 was found guilty of first-degree murder where that person
22 was a young woman?

23 MR. SHINN: Your Honor, same objection.

24 THE COURT: Overruled.

25 MR. STRINGER: No, sir.
26

Q BY MR. STOVITZ: All right, now, you understand from Mr. Bugliosi's illustration on conspiracy that a person might be found guilty of first-degree murder even though he did not personally kill another individual, do you understand that?

A Yes, sir.

Q Are you prejudiced against that rule of law?

A No, sir.

Q All right, now, assuming for the moment that that particular person was found guilty of first-degree murder, that is, a person who he, himself, did not kill another human being. Are you of a frame of mind that you would never vote for the death penalty on that type of evidence?

MR. KANAREK: I object, improper voir dire.

MR. SHINN: Same objection.

MR. FITZGERALD: Join.

THE COURT: Overruled, you may answer.

Q BY MR. STOVITZ: Do you understand my question, sir?

A Yes, sir.

Q What is your answer, sir?

A Repeat the question.

Q Are you of the frame of mind, sir, that you would never vote for the death penalty of an individual who was convicted of first-degree murder, who he, himself, did not strike the fatal blow?

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1 A No, sir.

2 Q Now, Mr. Stringer, counsel, I believe it was
3 Mr. Fitzgerald, stated we could be up here asking you
4 questions from morning until night, and the more questions
5 we ask the more questions we think of, and so forth.

6 We want you to delve into your own mind, your
7 own background, think of all of the things that have
8 happened to you in your life span, for instance, I give
9 this illustration, do you have any outstanding traffic
10 tickets?

11 A No, sir.

12 Q Usually people with outstanding traffic
13 tickets, they have a great deal of animosity towards the
14 prosecution until they get up and pay it or get over with
15 that incident.

16 Did anything ever happen to you in traffic
17 court that would make you think that the City prosecutor
18 was an evil man?

19 A No, sir.

20 Q All right, so these are the types of things
21 I am thinking about.

22 Go back in your background. Did you serve in
23 the military service?

24 A Yes, sir.

25 Q Go back to your military life. Think of the
26 fact that there are three young ladies and one young man on

9c4
1 trial for murder.

2 You know a little bit about how these murders
3 occurred from what you told us you read about.

4 Think about all of the factors that might
5 influence your vote and say to yourself, if you were in the
6 shoes of the prosecutor would you want somebody in your
7 frame of mind?

8 Have you thought about that question?

9 A Yes, sir.

10 Q What is the answer, sir?

11 A The answer is yes.

12 Q You would take somebody in your frame of mind,
13 is that right?

14 A Yes.

15 Q All right, now, asking the question another
16 way, is there any reason that you can think of, any reason
17 at all, whether we touched upon it or not, why you could not
18 be fair to both sides?

19 A No, sir.

20 Q Now, in trying to be fair to both sides, this
21 question was touched upon with another juror and that other
22 juror was a little bit doubtful about the answer, but
23 finally did answer the Court's question.

24 Would you require because this is a charge of
25 murder, would you require that the People prove their case
26 to an absolute certainty?

1 A No, sir.

2 MR. STOVITZ: Thank you very kindly.

3 People pass for cause, your Honor.

4 THE COURT: It is the People's next peremptory
5 challenge.

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1 MR. BUGLIOSI: The People thank and excuse Mr.
2 Elzie Black.

3 THE COURT: Thank you, Mr. Black, you are excused.

4 THE CLERK: Rita B. Beimford; R-i-t-a, B-e-i-m-f-o-r-d.

5 Is that Miss or Mrs.?

6 MISS BEIMFORD: Miss.

7
8 VOIR DIRE EXAMINATION OF RITA B. BEIMFORD

9 BY THE COURT:

10 Q Is that Beimford?

11 A Beimford.

12 Q Miss Beimford, have you heard and understood
13 everything that has been said in court since you came into
14 this case?

15 A Yes, I have.

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

18 A No, sir.

19 Q Why not?

20 A Hardship.

21 Q Well, tell me about it.

22 A I work for a credit office and I don't believe
23 that I could be excused from my job for six months.

24 Q What is the name of your employer?

25 A Broadway Department Stores.

26 Q It is highly unlikely that this trial will

1 last six months, in my opinion, although nobody knows for
2 sure.

3 Have you consulted with your employer to find
4 out whether or not your compensation would be continued
5 during your jury service?

6 A No, sir.

7 I know it would be for the 30 days, but
8 farther than that, I don't know.

9 Q Could you do that during the noon hour?

10 A Yes, I will.

11 Q And let us know at 1:45?

12 A Yes.

13 Q In the meantime, I will ask you the questions
14 regarding the death penalty that I put to the other pros-
15 pective jurors.

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

20 A No, sir. I am in favor of capital punishment.

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

25 A No, sir.

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

1 MR. FITZGERALD: In what area was the Court
2 anticipating questions by counsel?

3 THE COURT: Well, I am sorry. I neglected to go
4 into the hardship or, rather, the publicity aspects which
5 we were going to do in chambers.

6 In view of the hour, I think we will adjourn
7 at this time, then, until 1:45, ladies and gentlemen.

8 Do not converse among yourselves nor with
9 anyone else on any subject relating to the case nor form
10 or express any opinion regarding the case until it is
11 finally submitted to those of you who are selected as
12 trial jurors.

13 1:45.

14 (Whereupon at 11:57 o'clock a.m. the
15 court stood in adjournment.)
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11-1
1 LOS ANGELES, CALIFORNIA, TUESDAY, JULY 7, 1970

2 2:00 P.M.

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4 (The following proceedings were had in the
5 chambers of the court out of the presence and hearing of
6 the prospective jurors, all defendants and all counsel
7 being present.)

8 THE COURT: All parties and counsel are present.
9 Before we call in the next juror I want to take up a
10 couple of matters.

11 First I have two letters from prospective
12 jurors, one is from June Ruppert, who says in substance --
13 I won't bother to read the entire letter to you, you can
14 read it yourselves, if you like, that she has been treated
15 for the past four or five months for a kidney stone and
16 she is presently undergoing medical treatment which con-
17 sists of an intravenous pyelogram X-ray periodically.

18 She says the situation will require surgery but
19 there is no way of telling when it may occur.

20 If it does occur she would have to be
21 hospitalized for from seven to ten days and recuperate for
22 probably three weeks.

23 MR. STOVITZ: She is not in the box; she is one of
24 the prospective jurors?

25 MR. KANAREK: No, she is not in the box, your Honor.

26 THE COURT: She is not in the box.

1 MR. STOVITZ: We will stipulate that her name may be
2 removed and that she not be called.

3 MR. FITZGERALD: That's agreeable.

4 MR. REINER: So stipulate.

5 MR. SHINN: So stipulate.

6 MR. KANAREK: So stipulated.

7 THE COURT: Does anybody want to look at the letter?

8 MR. KANAREK: May I just take a brief look at it.

9 THE COURT: Fine.

10 MR. KANAREK: Thank you.

12-1

1 THE COURT: Now, I have another letter from another
2 prospective juror also not in the box, Murray J. Leaf,
3 L-e-a-f, who is an assistant professor, Department of
4 Anthropology, UCLA.

5 He is one of those who indicated yesterday that
6 he could not be fair and impartial. I will read this letter
7 to you. It is addressed to me.

8 "Sir:

9 "I have a moderately important obligation
10 on Thursday afternoon, 9 July, to attend a
11 meeting of the Council on Educational Develop-
12 ment, a committee of the Academic Senate,
13 UCLA, which I chair. I have, in addition, a
14 most urgent and pressing luncheon appointment
15 with a publisher's agent on Friday, 10 July,
16 in regard to a new book, my first, that I have
17 just completed.

18 "For these reasons, I would greatly
19 appreciate being excused from jury selection
20 in the case of California vs. Manson, et al.,
21 for or by Thursday, if convenient, and Friday,
22 if at all possible.

23 "Although I appreciate your reasons for
24 strict procedural simplicity, I can personally
25 find little justification for my retention on
26 the panel since formal teaching obligations at

1 "UCLA in the Fall, besides less formal
2 obligations in teaching, research and
3 administration at present would make it
4 relatively improper to serve on this
5 particular jury where I can be easily
6 replaced.

7 "Respectfully,

8 "Murray J. Leaf, Assistant Professor."

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MR. STOVITZ: We will stipulate, your Honor.

MR. FITZGERALD: That he be removed completely.

THE COURT: Yes. That is what he is asking.

MR. STOVITZ: Stipulate that he be withdrawn from the box; is that agreeable?

MR. FITZGERALD: Agreeable.

MR. REINER: Agreeable.

MR. KANAREK: Agreeable.

MR. SHINN: Yes.

THE COURT: Then both Miss Ruppert -- or Mrs., whatever it is -- June Ruppert and Murray J. Leaf will be excused by stipulation of all counsel.

The other matter that I wanted to take up, Mr. Kanarek was in connection with your statement this morning regarding the removal of papers from Mr. Manson in the County Jail.

I have checked into that and the information that I have is this:

Apparently you brought in with you last night someone who was described as a material witness -- that is, into jail -- and this person, whoever it was, was observed passing a stack of papers to you. Then you, in turn, gave them to Mr. Manson.

The papers were later found to be letters from various people to Mr. Manson.

Now, this is contrary to the jail rules

1 which require censorship and inspection of letters
2 coming into prisoners.

3 I was informed that the letters will be
4 returned to Mr. Manson probably this evening.

5 MR. KANAREK: Well, your Honor, I must state that
6 what goes on between attorney and client in connection
7 with the preparation of a case, as long as there is no
8 contraband involved, is up to the attorney.

9 THE COURT: What does this have to do with that?

10 MR. KANAREK: Well, it has to do, your Honor,
11 with a very vital matter, and that is the attorney-client
12 relationship.

13 THE COURT: Apparently you were acting as a
14 messenger bringing in letters to the defendant, which is
15 contrary to the jail rules, unless they are inspected
16 and censored.

17 MR. KANAREK: If the jail would have the rules
18 the way they wanted them, no one would have any right
19 to see --

20 THE COURT: We are talking about this instance.

21 I explained to you what I have been informed.
22 I see nothing improper about what has been done.

23 MR. KANAREK: There is no way that they would know
24 what those were without looking at them.

25 THE COURT: Of course they looked at them. They
26 have a duty to look at them.

1 MR. KANAREK: I ask that we have an evidentiary
2 hearing. I move for an evidentiary hearing.

3 This is not the first time that it has
4 happened to Mr. Manson, your Honor.

5 THE COURT: It probably won't be the last, if it
12b fls. 6 happens again.

2B-1
1 MR. KANAREK: Your Honor, the point of the matter is,
2 your Honor, as to whether these are letters or whether they
3 have -- what utility they have in the preparation of
4 Mr. Manson's case --

5 THE COURT: They were letters. I have seen
6 them. Lieutenant Gustafson, I think his name is, brought
7 the pile in to show me in response to my inquiry, with a
8 memo from somebody in the County Jail as to what happened.

9 Now, the problem can easily be obviated by the
10 simple procedure of having these people mail their letters
11 in like everyone else. Then they will be subject to the
12 usual jail censorship and we won't have any problem.

13 It is when they are brought in in this manner
14 or some other manner contrary to the rules that the
15 problem arises.

16 MR. KANAREK: Your Honor --

17 THE COURT: I don't want to argue with you. That is
18 what happened.

19 MR. KANAREK: Your Honor, we haven't had a hearing.
20 You are taking hearsay.

21 THE COURT: You are not going to get a hearing either,
22 Mr. Kanarek.

23 MR. KANAREK: Very well.

24 May I make this point to the Court? It is
25 my assertion that what happened last night was a violation
26 of Mr. Manson's right to counsel, right to effective counsel.

12B-2

1 THE COURT: It has nothing to do with counsel.

2 MR. KANAREK: Yes, it does, your Honor.

3 I cannot divulge to the Court any of the
4 matters that I take up with Mr. Manson.

5 THE COURT: I am not asking you to.

6 MR. KANAREK: But, your Honor, what I am saying is,
7 if I may, the papers that are transmitted to Mr. Manson by
8 me --

9 THE COURT: Were letters from people whose identity
10 is unknown.

11 I have seen them, Mr. Kanarek, so you don't
12 have to tell me what they were.

13 MR. KANAREK: May I say, your Honor, the only way we
14 can really determine the matter is by an evidentiary
15 hearing, and that is the motion I am making.

16 THE COURT: I might add that some of them could have
17 been in code or cryptograms, or whatever.

18 MR. KANAREK: Your Honor, what I am saying is this:
19 I certainly appreciate your Honor's judicial power that
20 your Honor has but, on the other hand, the Sixth Amendment
21 gives Mr. Manson the right to effective counsel.

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1 THE COURT: Well --

2 MR. KANAREK: And your Honor, if I may --

3 THE COURT: You have made your objection, Mr.
4 Kanarek. I don't want to cut you off, but you appear
5 to be talking about something wholly unrelated to what
6 we are talking about.

7 MR. KANAREK: It is most related because those
8 letters do involve his defense.

9 THE COURT: State your objection and the grounds
10 for it and we will go to something else.

11 MR. KANAREK: That as a result of State action,
12 namely the Sheriff, Mr. Manson, is deprived of critical
13 material in connection with preparing his defense to
14 this case.

15 And, your Honor, as I say, we can have those
16 papers -- we are asking the Court to order those papers
17 returned to us.

18 THE COURT: I already told you they would be
19 returned to him.

20 MR. KANAREK: Well, then, may I state this:

21 We would want to question --

22 THE COURT: The only reason they were taken from
23 him was to examine them and in accordance with the jail
24 rules.

25 MR. KANAREK: How can they tell whether they have
26 legal necessity or not?

1 THE COURT: They cannot.

2 MR. KANAREK: They are not lawyers.

3 MR. FITZGERALD: We have had some problems in
4 regard to the young ladies, and these were matters
5 dealing with strictly legal material.

6 For example, I gave to my client, and asked
7 her to read, at leisure, the Court publicity order.

8 THE COURT: If you are making a formal charge
9 or complaint of some kind, Mr. Fitzgerald, that is one
10 thing. We have to get on with this matter now. I don't
11 want to just have a Round-Robin with a lot of conversa-
12 tion.

13 I don't think that is appropriate. If you
14 want to register some kind of a formal complaint,
15 objection, motion or something, you may do so.

16 State the grounds and I will have it
17 investigated just as I have had this complaint investi-
18 gated.

19 If there is something that appears to me
20 to be irregular or if any defendant is being deprived
21 of any rights I will certainly do something about it.

22 MR. KANAREK: Your Honor, if I may -- what I'm
23 saying is this, your Honor:

24 What I think the mistake that is being
25 imposed on these proceedings, is accepting the word of
26 the Sheriff. Those people --

1 THE COURT: All right, now, we are going to go ahead.

2 MR. KANAREK: At least one of those letters has a
3 Linda Kasabian approach to it.

4 Now, your Honor is forcing me to say this on
5 the record --

6 THE COURT: I am not forcing you to do anything. I
7 am telling you why it was done.

8 MR. KANAREK: Well, your Honor, the point of the
9 matter is, this is very vital to the defense of Mr. Manson,
10 and your Honor is forcing me to inform the District Attorney
11 of this.

12 THE COURT: I am not forcing you to do one thing.

13 MR. KANAREK: The Sheriff has seen these letters.
14 We have reason to believe they have photographed them;
15 that they are given to the Sheriff; that they are assisting
16 the District Attorney in connection with this case.

17 They photograph every person that comes in.

18 We have reason to believe that the District
19 Attorney's Office is running a dossier on each person that
20 comes into that jail that wants to visit Mr. Manson in
21 connection -- not for social purposes, your Honor --
22 but for his defense.

23 And part of this has to do with Linda
24 Kasabian. She is being held incommunicado from us, and
25 these letters are very essential for Mr. Manson's defense.

26 We have reason to believe that right now,

1 right now as a result of what has occurred, the prosecu-
2 tion has knowledge of what we are doing in connection with
3 this defense.

4 THE COURT: I would suggest that you acquaint
5 yourself with the jail rules, Mr. Kanarek, and avoid
6 this kind of problem in the future.

7 DEFENDANT ATKINS: Your Honor, may I speak?

8 THE COURT: No, you may not speak. You speak
9 through your counsel.

10 MR. KANAREK: May I ask this relief of the Court?

11 THE COURT: No, you may not. We are going to do
12 something else. The letters will be returned.

13 Acquaint yourself with the jail rules and
14 do not violate them.

15 Bring in the next prospective juror, Mrs.
16 Beimford.

13a Fls. 16

13-1
1 MR. KANAREK: Your Honor, may I make one more point
2 before the juror gets here?

3 THE COURT: All right, go ahead.

4 MR. KANAREK: Your Honor, my request is this:

5 I would ask your Honor to inquire of the
6 District Attorney as to whether or not those letters of last
7 night have been photostated.

8 I believe that they have been -- pictures have
9 been taken of them and we -- it is very vital, your Honor,
10 that we know this, because of the delicacy of this particu-
11 lar matter.

12 THE COURT: You may ask Mr. Stovitz, if you care to.

13 MR. STOVITZ: Under the declaration of penalty of
14 perjury I will answer the question.

15 (Prospective juror enters the room.)

16 THE COURT: Mrs. Beimford.

17 MRS. BEIMFORD: Yes.

18
19 VOIR DIRE EXAMINATION OF MRS. RITA B. BEIMFORD
20 BY THE COURT:

21 Q We have asked you to come in here so that we
22 could ask you questions concerning what you may have
23 learned about this case, and any opinions you may have
24 formed as a result of anything that you have heard about
25 it.

26 Have you lived in Los Angeles continuously

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1 since last August?

2 A Yes.

3 Q Do you read the newspaper on a regular basis?

4 A Yes.

5 Q What paper is that?

6 A Los Angeles Times.

7 Q And have you made any effort to follow this
8 case particularly?

9 A No, I have not. I know the circumstances but I
10 have not read much about it.

11 Q You know the circumstances from having read the
12 newspapers?

13 A Yes.

14 Q Do you watch television?

15 A Very little, but some.

16 I watch the tv news with my husband, yes.

17 Q Have you seen anything about the case on the
18 television news?

19 A Not in the last two weeks. We have been in
20 Newport on vacation.

21 Q Well, what about before that?

22 A Other than the fact --

23 Q I'm talking about since last August.

24 A I have seen some, yes.

25 Q Do you listen to the radio?

26 A Very little.

3a3
1 Q Now, have you heard anything about the case
2 on the radio?

3 A No, not other than news reports and progress of
4 the selection of the jury, of the jurors.

5 Q That is what I mean.

6 A Yes.

7 Q You have heard something on the radio?

8 A Yes.

9 Q Is that only about the selection of the jurors?
10 or prior to that did you hear anything?

11 A Actually last August when the case -- when the
12 circumstances were told, I believe I did hear at that time
13 on the radio, yes, some of the circumstances surrounding
14 it.

3B-1

1 Q On your car radio?

2 A Right, and in my kitchen at home.

3 Q Now, as a result of what you have learned about
4 the case have you formed any opinion as to the guilt or
5 innocence of any of the defendants?

6 A No, I believe that until a person is proven
7 guilty they cannot be charged --

8 MR. KANAREK: Your Honor, may the record reflect
9 that before the prospective juror answered she hesitated,
10 I would say perhaps three or four seconds, and cast her
11 eyes toward the ceiling.

12 MR. STOVITZ: So stipulated, your Honor.

13 MRS. BEIMFORD: I wanted to phrase it correctly, if
14 I may say that.

15 THE COURT: You do not have to respond to that,
16 Mrs. Beimford.

17 Q I certainly hope that you will reflect on the
18 questions before you answer and not just answer offhand
19 without thinking about them.

20 What you say is true, of course. There is a
21 presumption of innocence which is applicable to every
22 defendant in every criminal case.

23 That does not, however, precisely answer the
24 question I asked you.

25 Have you formed any opinion regarding the
26 defendants?

13B2

1 A Other than sorrow because they are so young; I
2 have children of approximately the ages of them.

3 MR. KANAREK: May that answer be read back, your
4 Honor? I did not get that second word after "I'm."

5 THE COURT: After what?

6 MR. KANAREK: After "I'm".

7 THE COURT: Read the answer.

8 (Whereupon the reporter reads the answer as
9 follows:)

10 "A Other than sorrow because they are
11 so young; I have children of approximately the
12 ages of them."

13 MR. KANAREK: Thank you, your Honor.

14 Q BY THE COURT: Well, would you explain what
15 you mean? Why does the sorrow result? Why is it that you
16 feel sorry for them?

17 A Perhaps that they were in circumstances that
18 this sort of thing could happen.

19 I don't know how to phrase it.

20 Q Do you feel sorry for them because you believe
21 they may be guilty or because they have been arrested and
22 charged with the offenses?

23 A No, because they may be guilty.

24 Q Because they may be guilty?

25 A Yes.

26 Q Does that mean that you have formed an opinion

1 as to whether or not they are guilty?

2 A I don't know. I don't know if they are guilty
3 or not.

4 Q I beg your pardon?

5 A I don't know whether they are guilty or not.
6 I haven't actually thought or pondered the matter at all.

7 In fact I have stayed away from doing that
8 because I don't want to be involved.

9 MR. KANAREK: I could not hear those last several
10 words, your Honor.

11 THE COURT: Read them.

12 (Whereupon, the reporter reads the answer as
13 follows:

14 "A I don't know whether they are
15 guilty or not. I haven't actually thought
16 or pondered the matter at all.")

17 THE COURT: Try to keep your voice up as much as
18 possible. It is hard to hear.

19 THE PROSPECTIVE JUROR: Yes, sir.

20 Q BY THE COURT: Would you say that you are
21 impartial at this moment; that you don't tend to lean one
22 way or the other towards guilt or innocence? Can you
23 make that statement honestly and sincerely?

24 A No, I cannot.
25
26

13c-1

1 Q Well, then, would you decide what your
2 present state of mind is.

3 A Well, from what I have read, from circum-
4 stances I feel that there is a good case against the
5 defendants in the State Court of California.

6 MR. KANAREK: What were those last three words,
7 your Honor?

8 THE COURT: State of California.

9 MR. KANAREK: I see, thank you.

10 BY THE COURT:

11 Q I'm not sure I understand exactly -- I
12 think I know what you mean and I am not sure from your
13 words that I understand.

14 Would you describe what you mean?

15 A I feel when a case reaches a point where
16 the defendants are arrested, they are not necessarily
17 guilty but there is every indication and implication that
18 they could be guilty.

19 Q Well, of course, you know many people that
20 are arrested and tried are acquitted?

21 A Yes.

22 Q So we know that everyone arrested is not
23 guilty, isn't that right?

24 A True.

25 Q Now, is that what you mean in this case or
26 do you mean something more than that?

13c-2

1 A No, I mean that.

2 Q Do you feel any different about these
3 defendants in this criminal case than, say, you would
4 feel about any defendant in any other criminal case
5 with respect to the question of guilt?

6 A No.

7 Q Well, then, is it correct -- and don't let
8 me put words in your mouth, I am just trying to draw you
9 out so we can find out what your real thoughts are, so
10 correct me if this is not correct --

11 Is it correct, then, that your belief stems
12 from the fact that they have been arrested and indicted
13 for these offenses, and are before the Court for trial?

14 Is that what you mean?

15 A Let me say I think so.

16 Can I be perfectly honest and say that I
17 really don't want to serve on this trial?

18 Q Certainly. We want you to be perfectly
19 honest.

20 A I mean I want to perform my civic duty.

21 Q Why don't you want to serve on this trial?

22 A Well, from the standpoint I mentioned
23 hardship of my job. That is not true. I got a call from
24 my office saying that my company would pay me for as long
25 as I have to stay on.

26 I have a 16-year-old son at home.

1 Q What company did you say you worked for?

2 A The Broadway Department Store. I am in
3 the credit office.

4 And I have a husband who was very ill two
5 months ago. He has recovered now and is back at his job.

6 And I would not want to be away from them
7 if I can help it.

8 Q Well, I can appreciate it would be inconveni-
9 ent for anybody who has to serve. There is no question
10 about that.

11 Now, to get back to your thoughts about these
12 defendants, is there something special about these defendants
13 or this case that you feel which you would not feel with
14 respect to any criminal case; that you have felt with
15 respect to any criminal case, say, that has been mentioned
16 in the newspaper, or whatever. Is there something special
17 about this?

18 A No, other than the youth, as I mentioned
19 before, and because I have children this age it affects
20 me.

14 fls.

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14-1

1 Q Do you think that you could give the defen-
2 dants the benefit of the presumption of innocence?

3 A Yes.

4 Q Do you understand that rule?

5 A Yes, I do.

6 Q They start out with a presumption of innocence.

7 A Right. Right.

8 Q And that presumption continues --

9 A Right.

10 Q -- until such time as the prosecution, if they
11 do -- and sometimes they don't -- is able to prove guilt
12 beyond a reasonable doubt.

13 A Yes.

14 Q Do you understand that?

15 A Yes.

16 Q Do you understand that the defendants have no
17 burden?

18 A Right.

19 Q They don't have to prove anything.

20 A I know.

21 Q They can just sit there mute and still be
22 acquitted?

23 A Yes.

24 Q Do you agree with that principle, Mrs. Beinford?

25 A Yes.

26 Q Could you give them the benefit of that

1 presumption?

2 A Yes.

3 Q Could you acquit them if the People failed to
4 sustain their burden of proving them guilty beyond a
5 reasonable doubt?

6 A Yes.

7 Q Could you go home and face your son --

8 A Yes.

9 Q And your husband --

10 A Yes.

11 Q -- and your neighbors, because they all know
12 you were on the jury in this case?

13 A Yes.

14 Q Do you think that you could go home and face
15 them if you acquitted one or more of these defendants?

16 A Yes. I feel I could, if I followed my own
17 moral judgment.

18 Q Well, would you?

19 A I would.

20 THE COURT: Any questions, Mr. Fitzgerald?

21 MR. FITZGERALD: Yes.

22
23 VOIR DIRE EXAMINATION OF MRS. BEIMFORD

24 BY MR. FITZGERALD:

25 Q In the credit business, Mrs. Beimford, I take
26 it that you are in the habit of making judgments about

1 people?

2 A Although I work in a credit office, we are a
3 combination of what they call cashiering and credit. I am
4 in the portion that works more or less with the deposit for
5 the day for the company, getting things ready for the bank.

6 Once in a while I make credit judgments but I
7 am not a credit interviewer.

8 Q You haven't made any judgment about these
9 defendants --

10 A No.

11 Q -- in this case; is that right?

12 A Right.

13 Q You have an open mind; is that correct,
14 Mrs. Bainford?

15 A Right.

16 Q In regard to their guilt?

17 A Right.

18 Q You don't think they killed Sharon Tate or any-
19 body else?

20 A I don't know that they did. I haven't dwelt
21 on it at all.

22 Q Was there some reason that you deferred making
23 an opinion about it?

24 A Other than what I said to the Judge, I would
25 prefer, because of hardship, not to serve. Oh, you are
26 asking me why didn't I make up my mind whether they are

1 guilty or innocent?

2 I am not in the habit of reading the paper,
3 notorious things. I do read a headline and skim over
4 something like that, but I don't, as a matter of
5 principle, continue to read page after page of anything as
6 it is in the newspaper.

7 Do you understand what I am saying, Judge?
8 That if something appears in the morning paper of the nature
9 that is notorious or excitable, I read it, perhaps, the
10 first day. I do, yes. But I don't continue to follow it
11 with avid interest is what I am saying.

12 Q Do you know anybody that knows Mr. Manson --

13 A No.

14 Q -- or any of the other defendants in this case?

15 A No, I do not.

16 Q Your information concerning Mr. Manson and the
17 other defendants in the case came from the newspaper, radio
18 or television; is that a fair statement, Mrs. Beinford?

19 A Yes. But very little, because I didn't
20 follow it.

21 Q But what you know came from those sources; is
22 that correct?

23 A Yes. Right.

24 Q What do you know about Mr. Manson from those
25 sources?

26 A Not a thing, other than that I do live in the

1 Valley, I read in the paper at the time that the Family
2 lived at the Spahn Ranch. I don't know where the Spahn
3 Ranch is other than that they say it is in Chatsworth.

4 I have only lived in the Valley the last five
5 years.

6 Q What is the Family?

7 A This is what it was referred to in the paper
8 when it was saying that there was a group of young people
9 living together as a family at the Spahn Ranch.

10 That is the only thing I know about Mr. Manson.

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2 Q Would you consider yourself efficient in
reading comprehension?

3 A No, I do not.

4 Q So, from whenever you started reading
5 material in connection with the case, you have learned
6 only those two items; is that correct?

7 A No. I read but I didn't retain, and I don't
8 make it a practice to retain things that have no interest
9 in my day's norm.

10 I have no interest in things, I read them,
11 and I don't retain them.

12 Q You indicated that you were sorry for them
13 because they are so young?

14 A Right.

15 Q Were you referring to the defendants in
16 this case?

17 A Right.

18 Q Do you feel sorry for all young defendants
19 in cases, or do you feel particularly sorry for these
20 young defendants?

21 A No. I feel sorry for youth as a whole.

22 I believe that this is something that
23 possibly stems from being a parent and from not having
24 parents as I grew up myself.

25 Q But what is the basis of your sorrow? I
26 mean, why do you feel sorry for defendants in criminal

14a-2

1 cases, Mrs. Beimford?

2 A Because I feel that if some place during
3 their growing years if they had the proper guidance,
4 if there was enough love and enough closeness in a family
5 unit, things would not happen to young people.

6 Q That assumes, doesn't it, that these
7 defendants are guilty?

8 A If it does, I am sorry. I did not know
9 that.

10 Q I am asking you. Doesn't your analysis
11 assume that these defendants are guilty of something
12 otherwise you wouldn't have any need to feel sorry for
13 them because they would not have gone astray; is that
14 right?

15 A No. I feel that you can feel sorry for
16 people who are accused of things because they are put
17 into a circumstance where their normal life is altered.

18 Q You feel sorry, then, for all defendants
19 who happen to be in court standing trial for charges?

20 A No.

21 Q All young people?

22 What we are trying to get at is: Is there
23 any difference between these defendants and any other
24 defendant, and, if so, what, in your mind?

25 A I don't really know.

26 Q All right.

14a-3

1 You read that these defendants lived in
2 a Family; is that right?

3 A Right.

4 Q And was it an ordinary family?

5 A No.

6 Q Like your family?

7 A No.

8 Q It was a radically different family, wasn't
9 it?

10 A Right. True.

11 Q And you assumed, then, that what you read
12 about the Family, their Family, was true; right?

13 A I didn't make any decision about the truth
14 or not. I just read the article at the time that it was
15 printed. I came to no conclusions about it other than
16 reading it.

17 Q As the mother of a 16-year-old son, Mrs.
18 Beimford, you did not come to a conclusion based on your
19 relationship with your son about young people in a family
20 like what you read about in the newspaper?

21 MR. STOVITZ: I object to the question as argumenta-
22 tive and compound, your Honor.

23 THE COURT: I think it is argumentative. Sustained.

24 BY MR. FITZGERALD:

25 Q You have got a 16-year-old son; right?

26 A Yes.

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Q And I take it that you love your son?

A Yes.

Q And as a normal mother, you are worried about your son from time to time?

A Yes.

Q And you want your son to grow up and be a responsible citizen and member of the community, do you not?

A True.

Q Is there any fear in your mind that your son will become a hippy or join a commune or a family, or anything like that?

A No. I don't say it couldn't happen but I don't believe it could.

14b fls.

14B-1

1 Q When you read this information, Mrs. Beinford,
2 did you pay particular attention to it because you have a
3 son that is young?

4 A Being honest, no, I did not.

5 Q Did you read, or what you remember from what
6 you read, do you remember reading anything about Mr. Manson's
7 good character?

8 A I remember that they said he was very likable,
9 gentle.

10 Q Did you read anything about Mr. Manson's
11 bad character?

12 A I can't really remember. It has been a long
13 time since I have read anything about the case at all.

14 Q Do you recall reading anything about the good
15 character of any of the female defendants in the case?

16 A No.

17 Q Can you recall reading anything about their bad
18 character?

19 A Well, in a sense, as you say, bad character,
20 other than the things that they were indicted for, the
21 fact that they lived differently, yes, that I considered the
22 norm, I did read that, yes.

23 MR. FITZGERALD: I have nothing further.

24 THE COURT: Mr. Reiner?

25 MR. REINER: Thank you, your Honor.
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VOIR DIRE EXAMINATION OF MRS. BEIMFORD

BY MR. REINER:

Q Mrs. Beimford, please understand the context within which we ask these questions. We are not challenging you, or I certainly don't challenge you, or anything, but we are concerned about two things: one, your particular state of mind, that is, any opinion that you might hold at the moment; and also, in addition to that, the material that you have been exposed to, whether it has affected you or not.

A Yes.

Q It is with reference to that first that I ask.

You do read the Los Angeles Times on a regular basis, do you not?

A Yes.

Q And you have done so since last August, is that right?

A Right.

Q And you watch the evening news, correct?

A Yes.

Q With your husband?

A Right.

Q And you do that on a regular basis, do you not?

A No. Normally I am in the kitchen finishing dinner. We both work and we have a late dinner, so I am in

1 the kitchen loading the dishwasher.

2 I hear it. If there is something of particular
3 interest, I may come out and sit with my husband and watch
4 it. That is it.

5 Q Your primary exposure to the news of the day
6 would be through the Los Angeles Times; is that right?

7 A Yes, Right.

8 Q Which you read on a daily basis; is that
9 correct?

10 A Right.

11 Q And that would include the Sunday Times?

12 A Yes.

13 Q Now, you indicated that your attention is
14 drawn to notorious events only when they are fresh but
15 that you do not continue to follow them on a regular basis;
16 is that right?

17 A Right.

18 Q As they begin to unfold over the months,
19 Mrs. Beimford; would that be a fair statement?

20 A Yes, it is.

21 Q Now, these events reached a crescendo perhaps
22 last August when the killings occurred.

23 At or about the time of the killings, Mrs.
24 Beimford, did you read the newspaper articles with any care?

25 A Not with any care. I read the Los Angeles
26 Times when I am having my breakfast in the morning.

1 I have to be to work at 9:00 o'clock, so I read it
2 skimmingly, I do not read it page for page or read every
3 column.

4 Q You are aware of the items in the newspaper
5 that are on the front page in any event; is that correct?

6 A Yes. I check the headlines and I read the
7 editorial page, and that sort of thing.

8 Q At the time of these killings last August,
9 you do specifically recall that it involved an actress by
10 the name of Sharon Tate?

11 A Yes.

12 Q And some other persons; is that correct?

13 A Yes.

14 Q And you do recall, I assume, Mrs. Beinford,
15 that the following evening there were two other killings
16 that were somewhat similar involving a couple by the name
17 of La Bianca?

18 A Yes, I remember seeing that.

19 Q Now, then, do you recall that some months
20 later, in December, there were certain arrests made in
21 connection with this case that, in effect, the case had
22 allegedly been solved?

23 Do you remember that news that came out?

24 A Yes.

25 Q And this, was, of course, the first time that
26 you had heard of Charles Manson or the Family?

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A Yes.

Q or any of the girls?

A Right.

14c-1

1 Q And for at least the first few days,
2 when this story broke, you did read about it in the
3 newspaper, and whatever familiarity you have with the
4 name "Spahn Ranch" with the name "Manson," or any of
5 the other defendants, was acquired at or around this
6 time?

7 A Right.

8 Q Now, at the time do you recall reading
9 a statement allegedly authored by Susan Atkins that
10 appeared on the front page of the Sunday Times relating
11 the events -- purported to relate the events -- that
12 occurred?

13 A I know the name Susan Atkins but I can't
14 honestly say that I can recall reading an article
15 relating to the events that occurred at that time.

16 I did read, at some time, the events as
17 they were, but I don't recall whether it was when it
18 was headlined in the Sunday newspaper, no.

19 Q When you say you did read it at some time
20 -- it isn't important for the moment exactly when --
21 but you did read at sometime about the events that
22 occurred? By the events, do you mean the details, so
23 to speak, of the killings? Are those the events that
24 you are referring to?

25 A I guess so.

26 Q And you read that in a newspaper?

14c-2

1 A Right.

2 Q It would be, then, the Los Angeles Times?

3 A Right.

4 Q Did this somehow purport to be a first
5 person account, a description by someone who allegedly
6 was there as to what occurred?

7 A I don't recall.

8 Q Now, at that time, of course, it didn't
9 occur to you in your wildest imagination that some day
10 you would possibly be a juror in the case involving
11 these defendants?

12 A No.

13 Q And would it be a reasonably fair statement
14 to say that at that time there was no reason why you had
15 to discipline yourself to ignore any suggestions that
16 might appear in any stories which would suggest the
17 guilt of any of the defendants?

18 A No.

19 Q So you read these stories, presumably, as
20 you would read most news stories?

21 A Right.

22 Q And if the stories seemed reasonable to
23 you on its face, you would draw, if not firm opinions,
24 at least tentative opinions as to the accuracy?

25 Would that be a fair statement, Mrs. Beimford?

26 A I read just what was in the paper. I don't

14c-3

1 recall that I made up my mind one way or the other. I
2 just read it.

3 Q Well, based on what you read in the paper,
4 Mrs. Beinford, do you believe that the tenor of most of
5 the material that appeared in the paper tended to suggest
6 that the defendants or some of them were guilty?

7 A No. I thought that they did a very fair
8 job of just reporting facts.

9 Q And you did not discern, in reading the paper,
10 any suggestion in the newspaper, in the Los Angeles Times,
11 that perhaps the defendants or any of them were guilty?
12 There was a rather even-handed account of the events that
13 occurred; is that right?

14 A I thought it was just reported as a police
15 story might be reported, the facts that were given at the
16 time to the press from the --

17 Q Now, in searching your memory, you cannot
18 recall who authored this particular article that you read
19 that purported to relate the details of the killings and
20 how they transpired one by one?

21 A No, I don't.

22 Q But you do recall at some time reading such
23 an article in the Los Angeles Times?

24 A I read it as a newspaper event, yes.

25 MR.REINER: I have no further questions.

26 THE COURT: Mr. Shinn?

1 MR. SHINN: Yes.

2
3 VOIR DIRE EXAMINATION OF MRS. BEIMFORD

4 BY MR. SHINN:

5 Q Mrs. Beimford, did you hear or read about
6 a famous attorney named Mr. Kanarek?

7 A The name rings a bell. I can't recall that
8 I knew who he represented or anything about him.

9 Q Where did you hear this from?

10 A I am sure I had to hear it, just the name
11 itself, perhaps on the evening news.

12 I don't think that I would know the correct
13 pronunciation if I hadn't heard it rather than read it.

14 Q Do you recall what was said about Mr. Kanarek?

15 A No, I do not.

16 Q Did you hear this in the last couple of days?

17 A I don't know. It is very vague. I just know
18 that the name is connected in some way with the case, but
19 that is all.

20 MR. SHINN: I have nothing further.

21 THE COURT: Mr. Kanarek, any voir dire examination?

22 MR. KANAREK: No questions.

23 THE COURT: Mr. Stovitz?

24 MR. STOVITZ: Yes.

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26
14d fls.

4-D-1

VOIR DIRE EXAMINATION

BY MR. STOVITZ:

Q What part of the San Fernando Valley do you live in, Mrs. Beinford, east, north, west or south?

A West.

Q Canoga Park or Reseda?

A Woodland Hills.

Q Is your son musically inclined?

A Yes.

Q Does he play a guitar, anything like that?

A Yes.

Q Do you know which of the defendants, if any, are supposedly musically inclined?

A No, I do not.

Q Does your son have any pictures of any of the defendants in his room?

A No.

Q Hung up, you know, like he would hang up Elvis Presley, anything like that?

A No.

Q Do you have fights with your son about getting haircuts? Does he want to wear his hair long?

A No. My son goes to a private school and he has to keep his hair cut short. The dean of men sees to it.

Q Mrs. Beinford, you have been very, very honest with us, and none of counsel here have any quarrel with any

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1 of your answers.

2 You really do not want to sit on this jury; is
3 that right?

4 A No.

5 Q But in spite of that, Mrs. Beimford, if you
6 are selected to sit as a juror on this case, although it
7 would be a hardship and everything like that, would you
8 be able to give full benefit of the presumption of innocence
9 to the defendants if you were selected as a juror?

10 A Yes.

11 Q You would not hesitate acquitting them if the
12 evidence was insufficient; is that correct?

13 A That's right.

14 Q And you would not base your verdict in any part
15 upon what you might have read or what you might have seen
16 or public sentiment; is that right?

17 A Right.

18 MR. STOVITZ: I have no further questions.

19 THE COURT: Thank you very much, Mrs. Beimford.
20 You may go back into the jury room.

21 Would you please refrain from discussing what
22 went on here with anybody, including your family?

23 MRS. BEIMFORD: Yes.

24 THE COURT: Thank you.

25 MR. KANAREK: Thank you.

26 (Mrs. Beimford leaves the chambers.)

14D3

1 MR. FITZGERALD: We will challenge the juror for cause
2 based on her exposure to pretrial publicity, your Honor.

3 MR. SHINN: Join.

4 MR. KANAREK: Join, your Honor.

5 MR. REINER: Join, your Honor, with specific reference
6 to her indication that she read an account of the killings
7 in the Los Angeles Times, which clearly must refer to the
8 first person account which appeared in the Los Angeles
9 Times, which is the only account to appear in the Los Angeles
10 Times which purported to relate the details of the killings.

11 THE COURT: That is not what she testified to.

12 MR. REINER: She testified that she read the account --

13 THE COURT: I know what she testified to.

14 MR. REINER: -- of the details of the killings.

15 This account appeared in the Times under the
16 by-line of Lawrence Schiller and Susan Atkins, but in no
17 other form.

18 THE COURT: Since she doesn't know what she read,
19 Mr. Reiner, you couldn't possibly know either. It is an
20 unknown.

21 MR. REINER: Whether she did or not, it appears that
22 there is a substantial possibility that she has, since we
23 know the confession appeared in the Los Angeles Times.

24 We have an equivocal situation where the
25 prospective juror has been exposed to an alleged
26 confession by one of the defendants, and that should be, in

1 and of itself, a sufficient basis for an excuse for cause,
2 and since there is a substantial question that she might
3 have been exposed to it, indicating that she probably was
4 exposed to it, I think that a challenge should be allowed.

5 THE COURT: Before we get to the challenge, does any-
6 body want to stipulate to excusing her for the simple
7 reason that she obviously doesn't want to serve?

8 MR. STOVITZ: On behalf of the People, your Honor,
9 we will offer to stipulate.

10 I think the juror has been very, very honest
11 with us.

12 She has told us about the hardship of her
13 husband; and of course, although her son is in a private
14 school, it still creates a hardship being away from the
15 son. Sometimes people who only have one son attach a
16 particular significance to their relationship in that way.

17 So, I think the juror's private feelings of
18 hardship should be honored and she should be excused, and
19 we will so stipulate.

20 MR. FITZGERALD: My colleagues will stipulate but I
21 won't.

22 MR. KANAREK: No, I don't want the record to reflect
23 that we are stipulating. We are not stipulating.

24 MR. SHINN: No.

25 MR. KANAREK: My esteemed colleague, Mr. Fitzgerald --
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THE COURT: Do you want to be heard on the challenge for cause?

MR. STOVITZ: We will submit the matter on the challenge for cause.

We feel that the juror's answers were equivocal, your Honor.

THE COURT: All right. There is a possibility of course from what she said that she may have read the purported confession of Susan Atkins.

I will allow the challenge.

MR. KANAREK: Does your Honor wish at this time to take up Miss Thompson's request, your Honor?

THE COURT: Yes, we can take it up now if you like.

MR. KANAREK: That is the lady from Monrovia.

THE COURT: Mrs. Thompson is the teacher from the Unified School District.

MR. KANAREK: Yes, sir.

THE COURT: Did any of you read the letter?

MR. KANAREK: I read it, yes, your Honor.

MR. STOVITZ: I will submit that Miss Thompson, in addition to the letter from her employer, has personally asked to be excused because of this.

If that is so, we would submit that she should be excused, your Honor.

MR. SHINN: I will stipulate to that, your Honor.

MR. REINER: Join.

15-2

1 MR. FITZGERALD: I will stipulate to it, although
2 I certainly am not going to get an A in consistency.

3 But I freely and voluntarily stipulate that
4 she may be removed.

5 THE COURT: Who was it that said consistency is
6 the hobgoblin of mediocre minds?

7 All right, then, you all are willing to
8 stipulate and are stipulating that she may be excused for
9 hardship reasons.

10 MR. STOVITZ: So stipulated.

11 MR. KANAREK: I don't think that it comes under --
12 I will stipulate. She can be excused.

13 THE COURT: If you are stipulating it really doesn't
14 make any difference what the reason is.

15 MR. KANAREK: I agree.

16 THE COURT: Are you stipulating, Mr. Kanarek?

17 MR. KANAREK: That is correct, I stipulate that she
18 may be excused.

19 THE COURT: Then on stipulation of all counsel Mrs.
20 Thompson will be excused.

21 MR. KANAREK: Your Honor, while they are coming in,
22 would your Honor please inform me how are we going to get
23 back those documents that the Sheriff seized yesterday?

24 THE COURT: They will be given back to Mr. Manson.
25 You don't have to do anything about it.

26 MR. KANAREK: They are going to be given to him in

1 the jail?

2 THE COURT: Yes.

3 MR. KANAREK: Oh, thank you, your Honor.

4 In other words, they are up there now to be
5 given back to him.

6 THE COURT: I have no idea where their physical
7 presence is at this point in time, but they will be given
8 back to him.

9 MR. KANAREK: In other words, after your Honor
10 read them they were given back?

11 THE COURT: Oh, yes, Lieutenant -- I think it's
12 Gustafson, I have forgotten his name -- of the Sheriff's
13 Department took them back with him.

14 MR. KANAREK: Thank you.

15 THE COURT: Seats 4 and 11 are vacant. We will
16 bring in first No. 4, whoever that turns out to be.

17 (Prospective juror in Seat No. 4 enters
18 the room.)

19 THE COURT: Good afternoon.

20 THE CLERK: This would be Seat No. 4, your Honor.

21 THE COURT: Yes.

22 THE CLERK: The prospective juror's name is Mrs.
23 Madeline F. Dorn. M-a-d-e-l-i-n-e; D-o-r-n.

24 (Whereupon Mrs. Madeline F. Dorn came forward
25 to be examined.)
26

VOIR DIRE EXAMINATION OF MRS. DORN

BY THE COURT:

Q Mrs. Dorn, we have asked you to come in here so that I and counsel could find out from asking you questions what you may have learned about this case over the past months, and whether or not you have formed any opinions about the case or about any of the defendants?

Have you lived continuously in Los Angeles or the Los Angeles area since last August?

A I am a native.

Q You have been here during that period?

A Yes.

Q Do you read any newspapers on a regular basis?

A Yes.

Q Which ones?

A Pasadena Star-News.

Q Keep your voice up. Everyone in the room has to hear you, so please keep your voice up.

A Maybe we could save some time if I told you that it would be an extreme hardship for me.

Q For what reason?

A My husband and I own and operate our own business, and it is very difficult for me to be gone.

Q What kind of business is it?

A We have a jewelry store.

Q Talk as though you are talking to the person

1 down the hall about 50 feet.

2 A I do all of the ordering and bookkeeping
3 and salaries.

4 We have part-time help, and no one --

5 Q Is there anyone who can take your place
6 while you are gone?

7 A No, sir. We don't even take vacations.

8 I go home at this particular time and do his
9 work at night.

10 Q Suppose you were selected on this jury, what
11 do you think your husband would do about that?

12 A I don't think he would like the idea. He
13 does manufacturing and custom work, so I have to take care
14 of the customers, and all the book work so he can do his
15 work.

16 MR. SHINN: I will stipulate.

17 MR. STOVITZ: So stipulated.

18 MR. REINER: So stipulated.

19 MR. FITZGERALD: So stipulated.

20 MR. KANAREK: So stipulated.

21 THE COURT: All right, then, you may go back into
22 the courtroom, Mrs. Dorn, and will you refrain from
23 discussing with anybody, including your husband, what has
24 gone on here today?

25 MRS. DORN: Yes.

26 THE COURT: Thank you.

1 MRS. DORN: Thank you.

2 THE COURT: By stipulation of counsel Mrs. Dorn
3 will be excused.

4 We will take our recess now.

5 (Recess.)

15a fls.

5A-1
1 (The following proceedings were had in the
2 chambers of the court, out of the presence of the
3 prospective jurors, all defendants and their counsel being
4 present; both deputies district attorney were present.)

5 THE COURT: All defendants and counsel are present.

6 Bring in prospective juror No. 4.

7 (Prospective Juror No. 4 enters the room.)

8 THE COURT: Good afternoon. Sit down, please.

9 THE CLERK: The prospective juror's name is
10 Mrs. Marjorie Lee; M-a-r-j-o-r-i-e, L-e-e.

11
12 VOIR DIRE EXAMINATION OF MRS. MARJORIE LEE
13 BY THE COURT:

14 Q Mrs. Lee, have you lived in Los Angeles
15 continuously since last August?

16 A Yes, I have.

17 Q Do you read any newspaper regularly?

18 A I receive a newspaper regularly.

19 Q Which one?

20 A Los Angeles Times.

21 Q Do you read it on any regular basis?

22 A I look at it every day, but I cannot really
23 answer the question and say I read it every day.

24 Q You glance through it?

25 A Yes.

26 Q Have you read anything about this case in the

1 Times?

2 A Not in any great detail. I know of the
3 incident. I know it has made the headlines.

4 I could not help but see it in the newspaper.

5 Q Did you first learn about it last year some-
6 time?

7 A Yes.

8 Q At about the time that the killings were
9 discovered?

10 A Right.

11 Q Have you made any conscious effort to follow
12 the case in the newspapers?

13 A No.

14 Q Well, have you followed the case in the news-
15 papers?

16 A I have not.

17 Q Do you watch television?

18 A I am afraid not very much.

19 Q Have you seen anything about the case on
20 television news reports?

21 A I have seen spot announcements about it but I
22 don't have an opportunity to watch television on a regular
23 basis.

24 Q Do you listen to the radio regularly?

25 A To and from work.

26 Q Have you heard anything about the case on the

15a3
1 radio?

2 A Yes.

3 Q Was that before you became a juror on this
4 panel?

5 A Yes, yes.

6 Q Over the months since last August?

7 A Yes.

8 Q As a result of what you have learned about the
9 case, from whatever source, have you formed any opinion as
10 to the guilt or innocence of any of the defendants?

11 A No, I have not. Actually I am not aware of
12 the facts in the case.

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

15 A No.

16 Q Why is that?

17 A Well, I have two children that require my
18 attention.

19 Q How old are they?

20 A 14 yesterday for one, and one is 12.

21 Q Is there anyone else who could look after them
22 if you were away?

23 A Their father is there, but he, too, has
24 obligations.

25 Of course I cannot speak for my business.
26 I do work.

15a4

1 I don't know what my employer's policy is for
2 extended time. There probably would be some provision
3 for that. I am a Federal employee. I am presently serving
4 in a labor organization for all federal employees in
5 Los Angeles County and I do have responsibilities there.

6 As a matter of fact I am scheduled for a visit
7 next month to represent them.

8 Q Did I ask you if you had formed any opinions
9 regarding the guilt of any of the defendants?

10 A You did.

11 Q Your answer was what?

12 A I have not.

13 Q Did you recognize any of the defendants?

14 A Yes, the one, the man.

15 Q By picture?

16 A Mr. Manson?

17 Q Mr. Manson.

18 A Yes.

19 Q What about the others?

20 A No.

21 Q Did you know the names of the defendants before
22 you came into this court?

23 A I knew the first name for one and the full name
24 of one.

25 Q What about the others.

26 A I knew the name Susan Atkins, and Atkins, and

3a5
1 I'm not sure about the last name, and Leslie Van Houten.

2 Q Did you know Mr. Manson's name?

3 A Oh, yes, I knew the name and the picture because
4 I have seen that before.

5 Q And what about Patricia Krenwinkel, did you know
6 that name?

7 A No.

8 Q Now, you say you knew Susan Atkins' name.

9 How did you know that?

10 A I'm sure I must have heard it on the news or
11 read it in the paper.

12 I really don't know where, but it was not
13 unfamiliar.

14 Q Have you ever read anything which purported to
15 be a statement of any of the defendants about the killings?

16 A Not to my recollection.
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15B-1

1 Q Have you ever read anything which described in
2 any detail the manner in which the victims were killed?

3 A No, but I did hear it in the news.

4 Q What did you hear?

5 A The bodies were horribly mutilated and one body
6 had been ripped open, or words to that effect.

7 Q Do you remember when you heard that?

8 A I am sure it was shortly after the incident.

9 Q Do you remember whether that was before or
10 after the defendants had been arrested?

11 A I am really not sure.

12 Q To refresh your recollection, the defendants
13 were not arrested until -- does anybody have the date?

14 MR. REINER: The story broke on December 1st and the
15 arrests followed.

16 Q BY THE COURT: December 1st. Do you remember
17 whether you heard about the victims before December 1st?

18 A I really don't remember.

19 Q Let me ask you one or two other questions:

20 If you were selected as a juror in this case,
21 Mrs. Lee, do you think that you could put aside in your
22 mind whatever you learned about the case, and decide the
23 case solely on the basis of the evidence that will come out
24 during the trial?

25 A Yes, sir.

26 Q You heard me tell all of the prospective

15B2

1 jurors that in every criminal case the defendant is
2 entitled to the presumption of innocence.

3 Did you understand what I meant by that?

4 A Yes, I did.

5 Q Do you understand that presumption continues
6 until such time as the people prove the guilt of a defendant
7 beyond a reasonable doubt?

8 A Yes.

9 Q If they fail to do that, he is entitled to an
10 acquittal.

11 A Yes.

12 Q Do you know of any reason why you would not be
13 a fair and impartial juror?

14 A No, I do not.

15 THE COURT: Mr. Fitzgerald.

16
17 VOIR DIRE EXAMINATION

18 BY MR. FITZGERALD:

19 Q Have you read anything in the newspaper, heard
20 anything on the radio or seen anything on television in
21 regard to an attorney by the name of Kanarek?

22 A Yes, I did hear something on the news about
23 Mr. Kanarek.

24 This had to do -- shall I elaborate?

25 Q Please.

26 A This had to do with a request by the District

1 Attorney on some legal procedures, as I recall.

2 MR. FITZGERALD: Nothing further.

3 THE COURT: Would anything that you heard about
4 Mr. Kanarek affect your ability to be fair and impartial
5 if you were selected as a juror?

6 MRS. LEE: No, it would not.

7 THE COURT: I beg your pardon?

8 MRS. LEE: No, it would not.

9 THE COURT: All right. Mr. Reiner.

10
11 VOIR DIRE EXAMINATION OF MRS. LEE

12 BY MR. REINER:

13 Q Mrs. Lee, did I understand you to say that you
14 have certain obligations with respect to the membership
15 of an organization that you had as president?

16 A Yes.

17 Q What sort of organization is that?

18 A It's a labor organization.

19 Q And you are president of the organization?

20 A Yes.

16-1

1 Q Are you entering into any period of
2 negotiations at this present time wherein your services
3 will be required, ma'am?

4 A Well, not negotiations as such. However,
5 we are seeking exclusive recognition for several branch
6 offices under the new executive order and it is a brand
7 new procedure, the mechanics are not quite known because
8 they are totally different from the old executive order.
9 So we are trying it out.

10 It is being handled by another agency,
11 by the Labor Department, and we are not quite sure of
12 the guidelines.

13 Q Apparently, then, service on this particular
14 jury being sequestered for perhaps as long as six months--
15 and three to five months seems to be our best estimate --
16 would that substantially interfere with your duties?

17 A It would.

18 Q Would it interfere with your duties to
19 the extent that you would not be able to continue in
20 your position as president of this organization during
21 that period of time?

22 A Well, I am sure that it just wouldn't be
23 feasible to do so.

24 Q Now, I was taking notes on another matter
25 and I didn't hear your answer earlier.

26 You have a son?

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1 A Two sons.

2 Q Two sons?

3 A Yes.

4 Q And what are their ages?

5 A 12 and 14.

6 Q Are you raising these two boys? Are you
7 married at this time?

8 A Yes, sir, I am.

9 Q And your husband works?

10 A Yes, he does.

11 Q To what extent would it create a hardship
12 if you were not present in the home to assist him in
13 raising your sons during the next six months?

14 A I would like to say that I am very much
15 needed there.

16 Q Well, of course; but would it create an
17 impossible situation or merely a difficult situation that
18 makes you make that statement?

19 A I think it would border on the impossible.
20 I have only had the experience of being
21 away from home for a period of seven and a half weeks
22 for a training period once before and it worked a severe
23 hardship. I commuted weekends. So, I don't know how
24 a longer period would be.

25 Q Being away from your responsibilities in
26 connection with this labor organization and with your

1 family, do you think that this would divert your
2 attention during the course of the trial and perhaps
3 make you impatient with the trial to move on and come to
4 a conclusion so that you could return to your duties
5 and your home?

6 A I think so. Certainly with regard to my
7 family.

8 MR. REINER: Thank you. I have no further
9 questions.

10 MR. SHINN: I have no questions, your Honor.

11 THE COURT: Mr. Kanarek?

12 MR. KANAREK: No questions, your Honor.

13 THE COURT: Mr. Stovitz?

14 MR. STOVITZ: Yes, sir.

15
16 VOIR DIRE EXAMINATION OF MRS. LEE

17 BY MR. STOVITZ:

18 Q Mrs. Lee, are you asking to be excused?

19 A I am.

20 MR. STOVITZ: We have no further questions, your
21 Honor.

22 THE COURT: Is there any stipulation?

23 MR. FITZGERALD: No, your Honor.

24 THE COURT: All right.

25 Then you may return to the courtroom,
26 Mrs. Lee. Thank you very much.

1 MRS. LEE: Thank you.

2 THE COURT: Mrs. Lee, would you come back. I want
3 to ask you some additional questions that I forgot.

4 MRS. LEE: Yes, sir.

5
6 VOIR DIRE EXAMINATION OF MRS. LEE

7 BY THE COURT:

8 Q I wanted to ask you the same questions
9 regarding the death penalty that I put to the other
10 prospective jurors.

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

15 A I do not.

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 the evidence in the
19 case?

20 A I do not.

21 THE COURT: Fine. Thank you very much.

22 You may go back out into the courtroom.

23 (Whereupon Mrs. Lee leaves the chambers.)

24 MR. KANAREK: Your Honor, may the record reflect
25 that Mr. Black, who was excused by a peremptory challenge
26 of the prosecution, is of the black or Negro race.

1 I just want the record to reflect that,
2 which I think is a fair statement.

3 Is that correct, your Honor?

4 It is our position, your Honor, that equal
5 protection of the law does not allow the prosecution, even
6 though they have a right to exercise peremptories, it is
7 our position that the District Attorney cannot exercise
8 peremptories against black people just because they are
9 black.

10 I notice a quizzical look on your Honor's
11 face, but it is our position that --

12 THE COURT: I hope it was quizzical because I felt
13 quizzical.

14 I don't understand what the basis is of
15 what you are saying.

16a fls.

46-A-1

1 MR. KANAREK: I believe there is a school of thought
2 that the prosecution does not have the power to exercise
3 peremptory challenges against black people just because
4 they are black, that it cannot be done because the person
5 is black, and it is our position that the only reason that
6 the prosecution is eliminating black people from these
7 juries -- from this jury -- is because they are black, and
8 for no other reason, and we would --

9 THE COURT: Notwithstanding the fact that there are
10 no black defendants?

11 MR. KANAREK: Yes, your Honor.

12 I think that the case law states that we are
13 entitled to a cross-section, in the panel itself certainly,
14 before we get them into the box, and certainly we are
15 entitled to a cross-section of the community, but it is
16 our position that the defendant is entitled -- that the
17 equal protection clause, the protection of the equal
18 protection clause of the Fourteenth Amendment applies, and
19 that it is a violation of equal protection as a result of
20 state action.

21 Now, the prosecution, exercising a peremptory,
22 is state action, and that state action in getting rid of
23 black people because they are black is a violation of equal
24 protection of the law.

25 That is our position.

26 THE COURT: Well, upon what do you base your

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1 contention that they were excused because they were black?

2 MR. KANAREK: Well, your Honor, may I state this?
3 I would make a motion for an evidentiary hearing in which
4 I would call the prosecutor to the witness stand and ask
5 them under oath whether or not these black people were
6 removed because they were black.

7 Just per se, as I say, I can't make the offer
8 of proof in the classical sense that you know exactly
9 what someone is going to say, but it is my belief that if
10 the prosecution testified truthfully, that they would
11 testify that they are eliminating these people because they
12 are black.

13 That is my belief.

14 THE COURT: Can you think of any conceivable reason
15 why they would do that?

16 MR. KANAREK: Yes. Because black people, having
17 suffered, having a certain amount of burdens to bear as
18 they go through life, that the prosecution doesn't want to
19 take any chance that someone with that kind of background
20 be on this jury, they want people who are the types of
21 people that are predominantly in that box at the present
22 time. They want people that have already made up their
23 mind, your Honor.

24 People that want to be on this jury have some
25 kind of a feeling of predestination. It is my belief that
26 they want people of the type that are, as I say,

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1 predominantly in the box right now.

2 I believe that by calling an evidentiary
3 hearing --

4 THE COURT: What about Mexican-Americans?

5 MR. KANAREK: I think that generally the same would
6 apply, but it is not as crystal-clear as it is in the case
7 of the black people, your Honor.

8 That is my position.

9 THE COURT: It is crystal-clear to you, is it?

10 MR. KANAREK: As far as the black people are concerned,
11 that the prosecution is eliminating them because they are
12 black.

13 That is my belief, your Honor.

14 THE COURT: All right.

15 MR. STOVITZ: Is counsel's motion for an evidentiary
16 hearing denied, your Honor?

17 THE COURT: Yes. His request for an evidentiary
18 hearing is denied.

19 (Whereupon, another prospective juror enters
20 chambers.)

21 THE COURT: Good afternoon.

22 THE CLERK: The prospective juror's name is
23 Mrs. Anetta D. Yancey; A-n-e-t-t-e, Y-a-n-c-e-y.
24
25
26

1 VOIR DIRE EXAMINATION OF MRS. ANETTE D. YANCEY
2 BY THE COURT:

3 Q Mrs. Yancey, we have asked you to come in here
4 so that we could find out what, if anything, you might have
5 learned about this case from television, the newspapers,
6 or from whatever source, and whether or not you formed
7 any opinions from what you have learned regarding any of
8 the defendants.

9 A Yes.

10 Q Have you lived in Los Angeles continuously
11 since last August?

12 A Yes. Correct.

13 Q Have you been here?

14 A Yes, sir.

15 Q Do you subscribe to any newspaper on a regular
16 basis?

17 A Yes, sir.

18 Q What paper is that?

19 A The Los Angeles Times.

20 16B
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16-B-1

1 Q I think I will change the order of questions
2 that I am going to ask you and go on to another subject
3 temporarily.

4 If you were selected in this case, Mrs. Yancey,
5 would you be able to serve?

6 A It would be very difficult.

7 Q Well, of course, I can understand how it would
8 be inconvenient for anyone.

9 A Yes.

10 Q Is there some special reason why it would be a
11 hardship as to you?

12 A I am a married woman and I have a husband at
13 home each evening, and I feel that I should be with him.
14 He might find it too easy to get along without me.

15 Q That is what one of the other prospective
16 jurors said earlier in the trial. She was afraid that he
17 might find out that he could get along without her, which I
18 think is a very valid reason.

19 Is there anything else other than the fact that
20 you are married that would make it an undue burden for you
21 to serve?

22 A Not a burden, but I have two commitments that
23 I do not think I would ^{not} be chosen for.

24 One of them is that I noticed the question
25 quite frequently about is there a psychiatrist in the
26 family. There is in my family. My nephew is a psychiatrist.

1 So, I imagine on that basis one side or the
2 other would not wish to have me.

3 Q Not necessarily, but I am sure the attorneys
4 will want to ask you questions about that. But that is not
5 necessarily disqualifying.

6 Well, let me go ahead.

7 I want to ask you the questions regarding the
8 death penalty that I put to the other prospective jurors.

9 First, do you entertain such conscientious
10 opinions regarding the death penalty that you would be
11 unable to make an impartial decision as to any defendant's
12 guilt regardless of the evidence in the case?

13 A That is true.

14 Q You do?

15 A That is true.

16 Q Now, I want to be sure that I understand
17 exactly what you mean.

18 You will notice that my question is directed
19 to the first part of the trial, the so-called guilt phase.
20 I am not asking you now whether or not you would vote for
21 the death penalty but whether because of your beliefs
22 about it you could not be impartial on the question of guilt.

23 Do you understand that?

24 A Yes, but I am afraid I could not.

25 Q Well, by that do you mean that you would
26 automatically find the defendant not guilty in any death

1 penalty case simply because of your beliefs about the
2 death penalty?

3 A No, I would not be able to render a decision
4 fairly on the penalty. I am against capital punishment.

5 Q You see, I am not asking you about penalty now.

6 A Yes.

7 Q I am asking you whether on the question of
8 guilt -- you see, in the first part of the trial, it will
9 be the sole function of the jury to determine whether the
10 defendants are guilty or not guilty.

11 A Yes.

12 Q During this phase of the trial there is no
13 question of penalty involved.

14 Do you understand that?

15 A Yes, sir.

16 Q All we want to know now is whether, because of
17 your beliefs, you would be unable to be impartial on the
18 question of guilt.

19 A Perhaps not, but I would --

20 Q We will get to the other question in a minute.
21 Give me an answer to that first.

22 A Well, that is always in the back of your head.

23 I'd say that I'd try to be impartial but when
24 it came to the other, I would find it very difficult.

25 Q But you think you could be impartial on the
26 question of guilt?

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A I will try.

Q Do you have any reason to doubt that you could be?

A No.

Q Then let me ask you the second question which now pertains to the penalty phase, if there is one.

You understand that it may never get that far, do you not?

A Yes.

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1 Q But if one or more of the defendants are
2 convicted of murder in the first degree, then there will
3 be a penalty phase at which time the jury must determine
4 which of the two penalties, life imprisonment or death
5 is the appropriate penalty in the sole discretion of the
6 jurors.

7 This question is directed to that question.

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

12 A Yes.

13 Q Is this something that you have thought
14 about for some time?

15 A Yes.

16 Q Before you came into this case?

17 A Yes, it is a religious conviction.

18 Q A religious conviction?

19 A Yes.

20 Q And have you made up your mind now that
21 regardless of the evidence, regardless of what it is,
22 you would automatically refuse to impose the death penalty?

23 A Yes.

24 Q You would not be willing to listen to the
25 evidence and then make up your mind?

26 A Well, I had always been afraid that that

17-2

1 would be ultimate.

2 Q I'm just putting the question to you in
3 another form.

4 You have made up your mind now that you
5 would never vote for the death penalty?

6 A Yes, sir.

7 Q Regardless of the evidence in the case?

8 A Yes, sir.

9 Q Do you think there is anything that could
10 get you to change your mind?

11 A I don't know what it would be.

12 Q Is this a religious conviction that you have
13 held for sometime?

14 A Yes, sir.

15 Q You say you don't know what it could be that
16 might change your mind.

17 Do you think there might be something that
18 could change your mind?

19 A I really do not know what it could be.

20 Q I don't know what it would be either,
21 but I am trying to determine your state of mind as to
22 whether or not you had made up your mind without question,
23 or whether or not there is a possibility that you would
24 still be able to listen to the evidence and then make
25 up your mind on the question of whether or not to vote
26 for the death penalty.

17-3

1 A I do not think I would be able to.

2 Q Is there some question in your mind as to
3 whether or not you would be able to?

4 A No.

5 Q Well, it would seem then if there was no
6 question in your mind, that your answer would not be
7 that you don't think that you would be able to, but that
8 you know you are not able to, is that correct?

9 A Yes, sir.

10 Q I don't want to put words in your mouth,
11 but I have to have an unequivocal answer, if you are
12 able to give one, or if there is any doubt in your mind
13 I have to know that.

14 You see?

15 A Well, I am unable --

16 Q Is there any doubt in your mind about that?

17 A No, sir.

18 Q None whatever?

19 A No, sir.

20 MR. FITZGERALD: May I inquire of the juror?

21 THE COURT: Yes.

22
23 VOIR DIRE EXAMINATION

24 BY MR. FITZGERALD:

25 Q You consider yourself as having an
26 open mind?

17-4

1 A I try to.

2 Q Do you think that you could listen to the
3 evidence that is produced at the guilt phase of this
4 trial, just listen to it?

5 A I probably could listen.

6 Q Could you discuss that evidence with your
7 fellow jurors in the jury room?

8 A Yes.

9 Q Could you reach a decision as to whether
10 these defendants are guilty or innocent?

11 A Probably.

12 Q Now, let's say we got beyond that into the
13 second phase of the trial, the penalty phase of the trial,
14 or of any trial, could you listen to any evidence that the
15 prosecution might put on?

16 A Yes.

17 Q Could you listen to evidence that the defense
18 put on?

19 A Yes.

20 Q You have certain ideas about the death
21 penalty, but could you listen in the jury room to the
22 point of view of your fellow jurors?

23 A Certainly.

24 Q And it is possible, is it not, that after
25 looking into what your other fellow jurors had to say
26 you could change your mind?

17-5

1 A It is possible but not probable.

2 Q What you are saying is then that it is
3 unlikely?

4 A Very unlikely.

5 MR. FITZGERALD: I have nothing further.

6 THE COURT: Mr. Reiner?

7 MR. REINER: No questions.

8 THE COURT: Mr. Shinn?

9 MR. SHINN: No questions.

10 THE COURT: Mr. Kanarek?

11 MR. KANAREK: No questions, your Honor.

12 THE COURT: Mr. Stovitz?

13
14 VOIR DIRE EXAMINATION OF MRS. YANCEY

15 BY MR. STOVITZ:

16 Q Mrs. Yancey, this religion that you belong
17 to, we are not interested in the particular name of the
18 religion, but as part of this religion does it have as
19 one of its beliefs the suppression of capital punishment?

20 A I believe so.

21 Q Now, you have stated that you belonged to
22 this religion for a great number of years?

23 A Yes.

24 Q How many years?

25 A All of my life.

26 Q And you feel that it would be against your

17-6

1 religious principles to vote for the death penalty no
2 matter what the evidence was?

3 A Yes, sir.

4 Q Now, could you if you were selected as a
5 juror in this case put aside your religious beliefs and
6 as a matter of personal choice, personal philosophy,
7 vote for the death penalty if you found the facts to be
8 sufficiently aggravated?

9 MR. REINER: I object to phrasing the terms
10 "in aggravation." Aggravation is not the standard to
11 determine --

12 MR. STOVITZ: I will reframe the question.

13 BY MR. STOVITZ:

14 Q Could you put aside your religious beliefs
15 and as a matter of personal philosophy vote for the death
16 penalty if you found the facts warranted your voting for
17 the death penalty?

18 MR. KANAREK: I object to the ambiguity, the word
19 "philosophy."

20 THE COURT: Overruled.

21 MRS. YANCEY: No.

22 BY MR. STOVITZ:

23 Q Your answer is no?

24 A No.

25 THE COURT: Let's go back and read the question.

26 (Whereupon the report reads the record as

17-7

1 follows:

2 "MR. STOVITZ: I will reframe the question.

3 "BY MR. STOVITZ:

4 "Q Could you put aside your religious
5 beliefs and as a matter of personal philosophy
6 vote for the death penalty if you found the facts
7 warranted your voting for the death penalty?"

8 MR. KANAREK: Your Honor, I believe it is an
9 improper question.

10 THE COURT: Well, it is circular. It doesn't mean
11 anything to me.

12 MR. STOVITZ: All right.

13 THE COURT: It assumes the very fact in question.
14

15 17a fls.

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1 Q Could you put aside your religious beliefs and
2 vote for the death penalty?

3 A No, sir.

4 Q As you sit here now, if the defendants were
5 found guilty of first-degree murder, and regardless of
6 what that evidence would be, if you were on this jury
7 would you cause a disagreement in the jury and vote at
8 all times for life imprisonment?

9 MR. KANAREK: I must object to that, your Honor,
10 disagreement, that --

11 THE COURT: The witness is not being instructed. We
12 are trying to elicit an opinion from her.

13 Q BY MR. STOVITZ: If all of the other jurors
14 were going to vote for the death penalty and you heard
15 all of the facts, could you join with the other jurors in
16 voting for the death penalty?

17 MR. KANAREK: Your Honor, that is no criterion.

18 THE COURT: Do you have an objection?

19 MR. KANAREK: Yes, I object that the question is
20 improper voir dire.

21 THE COURT: Overruled.

22 Q BY MR. STOVITZ: Could you join with the other
23 jurors in voting the death penalty?

24 A No, sir.

25 Q Then you would automatically cause a deadlocked
26 jury, no matter what the facts in the case would be?

1 A That's right.

2 MR. KANAREK: I object to that as improper voir
3 dire examination, your Honor.

4 THE COURT: Overruled.

5 Q BY MR. STOVITZ: Are you clear in your mind, or
6 are you speculating at this particular time?

7 A I am clear in my mind.

8 Q Do you have any doubts whatsoever that you
9 would be unalterably opposed to the death penalty under any
10 fact situation possible?

11 A No doubt.

12 MR. STOVITZ: Submit it.

13 MR. BUGLIOSI: May I ask some questions and this is
14 kind of a borderline situation.

15 THE COURT: Yes.

16
17 VOIR DIRE EXAMINATION

18 BY MR. BUGLIOSI:

19 Q Is your opposition to the death penalty,
20 as I am, of such a nature that it would cause you to
21 automatically vote against the death penalty for these
22 defendants irrespective of the evidence in this case?

23 A Yes, sir.

24 Q Let me ask you another question now.

25 This question is concerning the first trial,
26 the guilt or innocence trial, not the issue of penalty.

17a3

1 A Yes, sir.

2 Q Is your opposition to the death penalty of such
3 a nature that it might tend to prevent you from being
4 completely impartial on the separate issue of guilt or
5 innocence because you would realize that if you voted for
6 a verdict of first-degree murder you would be forced, as it
7 were, to then consider the issue of the death penalty.

8 Do you understand the question?

9 A Yes, sir.

10 Q Is there any chance of that happening?

11 A That is part of it, probably.

12 Q Pardon?

13 A Will you restate the question, please, it has
14 been so long since you started it that I forgot what it was.

15 THE COURT: Let the reporter read it back.

16 (Whereupon, the reporter reads the question as
17 follows:

18 "Q Is your opposition to the death
19 penalty of such a nature that it might tend to
20 prevent you from being completely impartial
21 on the separate issue of guilt or innocence
22 because you would realize that if you voted
23 for a verdict of first-degree murder you
24 would be forced, as it were, to then consider
25 the issue of the death penalty?"

26 MRS. YANCEY: Yes.

1 Q BY MR. BUGLIOSI: And your answer to that is
2 your opposition to the death penalty might prevent you
3 from being impartial on the separate issue of guilt or
4 innocence.

5 Is that correct, ma'am?

6 A That's right.

7 MR. BUGLIOSI: No further questions.

8
9 VOIR DIRE EXAMINATION OF MRS. YANCEY (REOPENED)

10 BY THE COURT:

11 Q You say it might prevent you from being
12 impartial on the question of guilt, but I understood you
13 before -- now you correct me if I am wrong -- that as to
14 the second question your beliefs would cause you to
15 automatically vote against the death penalty in every case,
16 is that right?

17 A Well, that fear would automatically be there.

18 Q What fear?

19 A The fear of having to render that decision of
20 the death penalty.

21 Q I am talking about the penalty phase now.

22 Assuming that the case gets to the penalty
23 phase where the jury is faced with making a decision as to
24 which penalty, life imprisonment or death, must be
25 selected.

26 Do you understand?

1 A Yes.

2 Q Now, are your conscientious opinions such that
3 you would automatically refuse to impose the death penalty?

4 A Right.

5 Q Regardless of what the evidence was in the
6 case?

7 A Yes.

8 Q This would be true in any case, this case or
9 any other case, is that right?

10 A Yes, sir.

11 Q Is there any question at all in your mind
12 regarding that?

13 A No, sir.

14 THE COURT: Anything else?

15 MR. FITZGERALD: Nothing further.

16 THE COURT: All right, thank you, Mrs. Yancey, you
17 may go back in the courtroom.

18

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17B

17b-1

1 MR. REINER: Excuse me, your Honor --

2 MR. STOVITZ: We are going to move to excuse this
3 juror for cause, your Honor.

4 MR. BUGLIOSI: On two grounds, your Honor, move
5 to excuse her on actual bias, 1073 Subdivision 2 of the
6 Penal Code, that is actual bias and also 1074 Subdivision
7 8 of the Penal Code, implied bias, on both grounds.

8 THE COURT: What is the implied bias?

9 MR. BUGLIOSI: The implied bias, your Honor, is
10 the opposition to the death penalty.

11 That according to the cases is implied
12 bias.

13 It seems that it would be actual, but the
14 cases say unalterable opposition to the death penalty
15 is implied bias under 1074 Subdivision 8.

16 THE COURT: Yes, I remember.

17 MR. STOVITZ: It is also a challenge for actual
18 bias because you could not render a fair decision.

19 MR. FITZGERALD: We will oppose the challenge
20 under the due process and equal protection grounds, as
21 well as stating this does not fall within the purview
22 of Witherspoon in that her remarks are not unmistakably
23 clear.

24 MR. REINER: Might I inquire of the People, so
25 I may properly address my arguments, are they indicating
26 in the light of Mrs. Yancey's response because she said

17b-2

1 she ^{might}/be influenced in her judgment in the guilt phase by
2 reason of her opposition to the death penalty, that
3 they feel the challenge for cause would lie?

4 MR. BUGLIOSI: The answer to that would be yes.

5 I don't think it has to be unequivocal
6 as to actual bias.

7 I think as to implied bias, in view of
8 Witherspoon, it 'does' have to be unequivocal.

9 In terms of actual bias, 1073 Subdivision 2,
10 particular causes of challenge for cause are of two kinds.

11 Subdivision 2 for the existence of a state
12 of mind on the part of a juror with reference to the case
13 or to either of the parties which would prevent him from
14 acting with entire impartiality and without prejudice
15 to the substantial rights of either party, which is known
16 in this Code as actual bias.

17 I submit if a juror tells the attorneys and
18 the Court in advance that they might be biased against
19 the verdict of guilty, they are not capable of acting with
20 entire impartiality.

21 MR. REINER: I would oppose then the People's motion
22 on both grounds, indicating that her answer with regard
23 to the second matter of Witherspoon was equivocal.

24 MR. SHINN: I join in the motion.

25 THE COURT: It is unmistakably clear to me that
26 this witness is unalterably opposed to the death penalty

1 and that she would automatically refuse to impose it,
2 regardless of the evidence in the case.

3 I think also that the challenge is good as
4 to actual bias,

5 MR. KANAREK: May the record reflect I join with
6 Mr. Fitzgerald and Mr. Shimm and Mr. Reiner.

7 THE COURT: Yes.

8 Mrs. Yancey will be excused.

9 The challenge is allowed.

10 (A prospective juror enters the chambers.)

11 THE COURT: Sit down, please.

12 THE CLERK: The prospective juror's name is
13 Mrs. Genevieve Kerns. G-e-n-e-v-i-e-v-e; K-e-r-n-s.

14
15 VOIR DIRE EXAMINATION OF MRS. GENEVIEVE KERNS
16 BY THE COURT:

17 Q Mrs. Kerns, if you were selected as a juror
18 in this case would you be able to serve?

19 A Yes, your Honor.

20 Q I'm going to ask you the same two questions
21 regarding the death penalty that I have put to the other
22 prospective jurors out in the court.

23 Did you hear those questions?

24 A I could not hear you. I was way in the
25 back.

26 Q All right, did you hear my remarks to the

1 prospective jurors, the new panel yesterday?

2 A Yes, sir.

3 Q And have you heard everything that counsel
4 has said to the prospective jurors in the courtroom?

5 A Most of it.

6 Q All right. The first question is this:
7 Do you entertain such conscientious
8 opinions regarding the death penalty that you will be
9 unable to make an impartial decision as to any defendant's
10 guilt regardless of the evidence developed during the trial?

11 A No, I do not.

12 Q If you will keep your voice up, it is
13 difficult to hear in here and everybody has to hear you,
14 and the reporter has to take it down.

15 A I'm sorry.

16 Q Do you entertain such conscientious opinion
17 regarding the death penalty that you will automatically
18 refuse to impose it without regard to the evidence
19 developed during the trial?

20 A No.

21 Q Now, Mrs. Kerns, have you been a resident
22 of Los Angeles County continuously since last August,
23 actually been physically present here?

24 A Yes, sir.

25 Q Do you subscribe to any newspaper on a
26 regular basis?

1 A Yes.

2 Q What paper is that?

3 A Times.

4 Q Have you read about this case in the Times?

5 A I have read some of it, yes.

6 Q Do you remember when you first started
7 reading about this case, when was it?

8 A Well, it was not immediately afterward
9 because I was ill.

10 It was probably in September sometime,
11 I think, the first time I read it it was in a magazine.

12 Q Do you remember what magazine?

13 A Yes, it was Life magazine.

14 Q Do you watch television?

15 A Seldom.

18 fls.

18-1
1 Q Have you seen anything about this case on
2 television?

3 A Only if I had the news on and if there had
4 been a word or two, that is all. I do not watch TV.

5 Q Do you listen to the radio?

6 A Sometimes. Music, yes.

7 Q Have you heard anything about the case on the
8 radio?

9 A No, not on radio.

10 Q Now, since you first learned about the case
11 last September, or whenever it was, have you made any
12 conscious effort to follow it in the newspapers?

13 A No, sir, not to actually read it thoroughly
14 and think about it.

15 Q Do you remember ever having read anything
16 in the newspaper that purported to be a statement made by
17 any of the defendants about the killings?

18 A A statement?

19 Q Yes.

20 A That one of the defendants made?

21 Q Yes.

22 A No, sir.

23 Q You have no recollection of reading anything?

24 A Not a definite statement. I could not repeat
25 one that I read that they are supposed to have said.

26 Is that what you mean?

18-2

1 Q I am just asking you.

2 A No, I can't remember a direct statement, a
3 definite statement. I have a poor memory, I guess.

4 Q Well, any statement.

5 A No.

6 Q As a result of what you have learned about the
7 case -- well, let me ask you another question first.

8 Before you came into court on this panel, did
9 you know the names of the defendants in this case?

10 A I perhaps could repeat three names.

11 Q Which three?

12 A One was Krenwinkel, the other was Manson, and
13 Atkins, I believe.

14 Q Did you know their first names?

15 A Charles Manson. (Pause.) No, I can't say the
16 first names.

17 Q As a result of what you have learned about the
18 case, have you formed any opinion as to the guilt or
19 innocence of the defendants?

20 A No, I can't by just reading about it, I
21 couldn't have formed any definite opinion. After all,

22 Q Have you formed any indefinite opinion?

23 A No. No opinion whatever.

24 I didn't read enough about it. It just seemed
25 like such a terrible crime that I didn't read -- go into it
26 to any depth, to follow through on it.

18-3

1 Q Do you have any feeling about these defendants
2 because of the fact that they have been arrested and
3 charged with the offenses and brought before the court to
4 stand trial?

5 A No more so than anyone else that is accused of
6 a similar crime.

7 Q Do you feel that because of the fact that they
8 have been charged with the offenses and brought before the
9 court to stand trial that you might tend to lean more
10 toward the prosecution rather than being strictly neutral?

11 A No. I would have to have evidence. I would
12 have to know more than I know now before I could form an
13 opinion. I know too little about it.

14 Q Do you believe that at this moment you are
15 entirely neutral insofar as the question of guilt or
16 innocence is concerned?

17 A You mean, have I already formed an opinion as
18 to their guilt or innocence?

19 Q Yes.

20 A No, sir.

21 Q Did you hear me yesterday when I told all of
22 the panel that in every criminal case the defendant is
23 entitled to the presumption of innocence?

24 A That I heard.

25 Q And that presumption lasts until the state
26 proves guilt -- if it does -- beyond a reasonable doubt?

18-4

1 A That I did hear.

2 Q Do you think that you can give each of the
3 defendants in this case the presumption of innocence?

4 A Yes, sir.

5 Q And require the State to prove their guilt
6 beyond any reasonable doubt?

7 A I do.

8 MR. KANAREK: I didn't hear that.

9 MRS. KERNS: I do. I am sorry.

10A THE COURT: Do you know of any reason why you could
11 not be a fair and impartial juror in this case?

12 A No, sir.

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

14 MR. FITZGERALD: Thank you, your Honor.

15
16 VOIR DIRE EXAMINATION OF MRS. KERNS

17 BY MR. FITZGERALD:

18 Q Was that the December 19th issue of Life
19 magazine that you happened to read?

20 A I do not remember.

21 Q Did it have a wild-eyed picture on the cover?

22 A I do not even remember the cover. That is, I
23 don't know what the picture was, but there were pictures of
24 the home and the door and a few things like that that I
25 remember.

26 Q Was there a picture on the cover of

18-5
1 Mr. Manson, do you recall?

2 A I cannot remember.

3 I don't know if it was more than one issue of
4 Life, but it was in one issue of Life magazine and I did
5 read it.

6 Q Would it be fair to say that from what you
7 have read and heard about this case, that you consider it
8 to be a notorious case?

9 A Yes, sir.

10 Q And it has received, in your opinion, has it
11 not, a good deal of publicity?

12 A Yes, it has.

13 I have not read all of it, but I know that
14 there has been publicity about it.

15 Q Do you think that publicity is going to
16 influence you in any way, Mrs. Karns?

17 A No.

18 Q Things in the newspaper and on radio and on
19 television do influence us as readers, do they not, ma'am?

20 A Yes, they can.

21 Q Do you feel that you could be as fair and
22 impartial in this case as you could in a case where you
23 didn't know anything about the facts or anything about
24 the defendants?

25 A Yes, sir.

26 Q From a juror's point of view, let me ask you

1 this question: Would you prefer to sit on a jury where
2 you didn't know anything in advance about the crime or the
3 defendants?

4 A I don't think it should make any difference.
5 To me it would not make any difference.

6 Is that what you mean?

7 Q We are just interested in what you think and
8 what you feel. I am not interested in putting words in
9 your mouth, ma'am.

10 A But you want to know if I would be influenced
11 by what I had read in the newspaper?

12 Q Yes.

13 A Or seen on TV?

14 Q Yes. Would you?

15 A No, sir.

16 Q Have you heard anything about Mr. Kanarek or
17 read anything about Mr. Kanarek?

18 A No.

19 Q Or seen anything on television about
20 Mr. Kanarek?

21 A No.

22 Q A lawyer in this case?

23 A No.

24 I told you I haven't been doing much reading,
25 and I have not.

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

1 THE COURT: Mr. Reiner?

2 MR. REINER: Thank you, your Honor.

3
4 VOIR DIRE EXAMINATION OF MRS. KERNS

5 BY MR. REINER:

6 Q Mrs. Kerns, the Life article that you referred
7 to, did that mention Mr. Manson and/or any of these
8 defendants?

9 A There were pictures which I looked at, and I
10 believe it was the husband of Sharon Tate that is supposed
11 to have taken one of the men from Life magazine through on
12 some exclusive, you know, tour of the home, but I don't
13 remember of reading actually much that was written in the
14 text.

15 Q I see.

16 Do you recall seeing photographs in this
17 particular article of some desert ranch where Mr. Manson
18 and the other defendants allegedly lived?

19 A In this same magazine?

20 Q Yes.

21 A I don't remember that.

22 Q Then this, perhaps, was an article that
23 appeared in Life magazine prior to the time that the
24 arrests occurred involving Mr. Manson and the other
25 defendants while the case was still supposedly unsolved?

26 A Yes. It was a new issue of Life. However, to

1 me it was the first I had read of it, some time later.

2 Q At the time that you read that particular Life
3 article, had you heard at that point of the name of
4 Charles Manson, or was this before Mr. Manson's name was a
5 matter of public knowledge?

6 A I do not believe -- I do not remember of his
7 name being in that article that I read.

18B

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18b-1

1 Q Apart from its being in the article,
2 at the time that you were reading the article did you
3 know of the name of Charles Manson, or did the name of
4 Charles Manson come to your attention sometime later?

5 A Later.

6 Q So then, Mrs. Kerns, do you believe, then,
7 or do you recall now that perhaps this article that you
8 read in Life magazine came out sometime before the
9 arrest of Mr. Manson and the other defendants?

10 A Oh, I am sure of that.

11 Q Then this is an article that came out
12 before these killings were allegedly solved?

13 A Yes, sir.

14 Q And this was the first time that you recall
15 reading anything about this particular case, these
16 particular killings?

17 A The first time that I read anything about
18 it, I did hear something on the radio because I did have
19 a radio, and this was on, I believe -- I don't know
20 what day it was.

21 Q Whatever day it was, at the time that
22 the killings occurred and there was so much public
23 attention given to these killings?

24 A I was not able to read. I was not well
25 and I was not reading.

26 Q It was sometime later that you became

18b-2

1 aware of these killings for the first time?

2 A No. I have to correct that. I think I knew
3 about it the day or afterwards through the radio, there was
4 a news bulletin.

5 Q Now, sometime --

6 A I did not, you know --

7 Q Go ahead.

8 A I did know, because I know that I heard it on
9 the radio.

10 Q Well, when you were reading that Life article,
11 did you speculate in your own mind upon who might possibly
12 be responsible for such crimes? Did you wonder in your own
13 mind, ma'am?

14 A Well, I thought it was pretty awful, yes. I
15 wondered.

16 Q And sometime later there was a very large
17 public announcement in the media, the newspaper, radio and
18 television, that this particular crime had supposedly
19 been solved and that it involved Mr. Manson and certain of
20 the defendants.

21 Do you recall that?

22 A No, sir, to be honest with you.

23 Q Mr. Manson's name, of course, was known to
24 you before you came to court?

25 A Yes, sir.

26 Q Along with, perhaps, other defendants?

18b-3

1 A Yes.

2 I didn't memorize their names, you know, or
3 remember them, but that name was familiar.

4 Q The name of Mr. Manson or the names of the
5 other defendants were known to you prior to the time that
6 they were arrested in connection with these charges; is
7 that true?

8 A Yes, sir.

9 Q Now, did you learn of their arrests at or
10 around the time that they occurred, or was this something
11 that you learned of much later?

12 A No, I probably, you know, the normal news
13 coverage I heard at the time it was published.

14 Q You then recall seeing headlines in the
15 newspapers, including the Los Angeles Times, to the effect
16 that Mr. Manson and these other persons had been arrested
17 for these crimes?

18 A Oh, yes. It was in the paper.

19 Q And at that time do you recall watching
20 television newscasts relative to these particular arrests?

21 A As I said, I have seen some news coverage
22 of it on television.

23 Q When you read the Los Angeles Times, do you
24 read the front page of the Times?

25 A Sometimes. I don't often have time to read
26 much more, you know.

1 Q Do you read the Times on Sunday?

2 A Not always.

3 Q But you do subscribe to the Sunday Times?

4 A Yes.

5 Q Do you recall reading in the Sunday Times,
6 just very shortly after the name of Mr. Manson and these
7 other defendants became prominent for the first time that --
8 strike that.

9 Do you recall reading in the newspaper that
10 Susan Atkins testified before the Grand Jury, which led to
11 the indictments?

12 A I could not remember her testimony. That
13 is how thoroughly I read it.

14 Q Certainly not. But you do recall that she
15 did testify?

16 18c fls. A Yes.

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18-C-1

1 Q Before the Grand Jury?

2 A Someone.

3 Q One of the girls did testify before the Grand
4 Jury?

5 A Yes.

6 Q And is it your recollection that she testified --
7 strike that.

8 Is it your recollection of the stories that you
9 read that she admitted participation in the case when she
10 testified before the Grand Jury, her participation in the
11 killings when she testified before the Grand Jury?

12 A Yes, she did. I think so.

13 Q And do you recall shortly thereafter, perhaps
14 within a week or two after, on the front page of the
15 Sunday Los Angeles Times, reading a story supposedly written
16 by or an interview with Susan Atkins at which time certain
17 details of how the crimes occurred were related?

18 A That I did not read.

19 Q Now, as a juror, you would require that
20 evidence be presented before you would reach any firm or
21 definite opinions or conclusions; is that true?

22 A Yes, sir.

23 Q Now, when all of this was happening, when these
24 defendants were being arrested, you did not suppose that
25 one day you might be a juror in the case, did you?

26 A I did not.

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1 THE COURT: Mr. Reiner, we are going to have to
2 adjourn at this time. We can resume again tomorrow
3 morning.

4 MR. REINER: Thank you, your Honor.

5 THE COURT: Mrs. Kerns, will you refrain from dis-
6 cussing anything that has gone on here in chambers with
7 anyone, including your husband?

8 MRS. KERNS: I am divorced, so that eliminates my
9 husband.

10 THE COURT: With anyone else, including the other
11 prospective jurors.

12 MRS. KERNS: I will not discuss it.

13 THE COURT: All right. Then you may go back into
14 the courtroom.

15 Some of the other attorneys, as well as
16 Mr. Reiner, will want to ask you some more questions in
17 the morning.

18 MRS. KERNS: Okay.

19 MR. KANAREK: Thank you.

20 MR. FITZGERALD: Thank you.

21 MRS. KERNS: You are welcome.

22 MR. FITZGERALD: Judge, could we get the defendants
23 all together for about five minutes?

24 THE COURT: After we adjourn.

25 MR. FITZGERALD: Fine.

26 THE COURT: I want to go back in and admonish them.

1 MR. KANAREK: I don't know if the record reveals a
2 challenge for actual cause, actual bias, of Mrs. Lee. I
3 don't know if the record reveals that, your Honor.

4 MR. STOVITZ: There was no statement made by defense
5 counsel or anyone else challenging her for actual cause.

6 THE COURT: Was she excused by stipulation?

7 MR. KANAREK: No, she has not been excused.

8 MR. STOVITZ: She is out there.

9 THE COURT: All right. Oh, I see.

10 MR. STOVITZ: Then we will go outside, your Honor?

11 THE COURT: Yes.

19-1

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

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

Anything further, gentlemen before we adjourn for the day?

MR. REINER: Nothing further.

THE COURT: All right, we will adjourn, ladies and gentlemen, until 9:00 o'clock tomorrow morning.

Do not converse among yourselves nor with anyone else on any subject relating to this case, nor form nor express any opinion regarding the case until it is finally submitted to those of you who are selected as jurors.

And I admonish you further not to read, watch or listen to any news report concerning this trial while you are prospective jurors or after you are selected as a juror.

9:00 o'clock tomorrow.

MR. KANAREK: Your Honor, may I address the Court?

I believe the last lady should be in the box.

THE COURT: Mrs. Kerns is sitting in the back row. I see her now.

9:00 o'clock tomorrow morning.

(Whereupon an adjournment was taken until the following day, Wednesday, July 8, 1970, at 9:00 o'clock a.m.)

1 LOS ANGELES, CALIFORNIA, WEDNESDAY, JULY 8, 1970

2
3
4 (The following proceedings were had in the
5 chambers of the court, outside the hearing of the
6 prospective jurors, all counsel being present:)

7 THE COURT: The record will show all counsel are
8 present.

9 MR. KANAREK, you were late again this morning.

10 MR. KANAREK: Your Honor, I believe I was three
11 minutes late.

12 THE COURT: You were not three minutes late; you
13 were seven minutes late.

14 MR. KANAREK: I believe I have been here a lot
15 longer than four minutes.

16 THE COURT: Well, I noted, Mr. Kanarek. I called
17 the clerk, and he called me when you came in.

18 MR. KANAREK: Your Honor, I had to park on the street
19 and you cannot park on the street until 9:00 o'clock and
20 I parked -- and I have tried my best, your Honor.

21 I cannot get in a parking lot. I don't know if
22 I can invoke the equal protection clause or not.

23 But I certainly have not kept this court
24 waiting but just a matter of minutes at the very most.

25 THE COURT: This is not the first occasion. I have
26 warned you on a number of occasions and I have done nothing

1 about it, and I have told you I am not going to permit
2 any counsel to be late without good cause.

3 We don't have that kind of time that we can
4 waste in this case.

5 MR. HANAROK: I know, your Honor. I tried my very
6 best. It's certainly not wilful. I have tried to -- I
7 have tried my very best to be here on time.

8 I am conscious of it. The parking lots around
9 here are filled.

10 THE COURT: Then maybe you should get up earlier and
11 get down here sooner, Mr. Hanarok. Everyone else seems to
12 be able to handle the problem.

13 MR. HANAROK: Well, I apologize to the Court and to
14 counsel for being late, your Honor, I certainly am
15 conscious of it.

16 But maybe it's the fact that it's 9:00 o'clock
17 now instead of 9:45. It's only been the last couple of
18 days it's 9:00 o'clock and I tried my best to be here on
19 time, your Honor.

20 THE COURT: Well, it has not been good enough.

21 You are not going to be able to use the excuse
22 that you cannot park, Mr. Hanarok.

23 MR. HANAROK: It's not an excuse, your Honor, what
24 I'm saying is, in other words, I heard a newscast that was
25 exactly at 9:00 o'clock as I parked, and from where I
26 parked, certainly, and I was practically running all the

1 way, certainly I feel I could have been here within three
2 minutes.

3 But your Honor says I was later. There can be
4 some divergency in time, I mean in watches and clocks.

2-1

1 THE COURT: Whatever divergence there is, there
2 is no question about the fact that you were late.

3 All right. I don't want to keep bringing
4 this up. I have no desire to make life miserable for
5 any attorney.

6 On the other hand, I expect the hours of
7 the court to be kept by attorneys unless there is some
8 compelling reason why it cannot be done.

9 I simply cannot accept the reason that
10 you have given me. I am going to find you in contempt
11 for being late.

12 I am not going to take up the matter
13 further at this time. I am going to defer it. But
14 in view of the fact that this has come up several times
15 before and I have given you a warning and I have told
16 you what was expected, I can only assume that it is
17 either lack of desire or just plain negligence on your
18 part.

19 The Court previously ordered counsel to
20 be present at 9:00 a.m. You came in this morning at
21 9:07. I find that you had the ability to be present
22 and there was no sufficient excuse or justification
23 for your not being present on time. Accordingly, I
24 find you in contempt of court.

25 As I say, I will take up the matter of
26 punishment at some later time.

1 Anything further before we proceed, gentle-
2 ment

3 MR. REINER: Yes, your Honor.

4 I wish to bring to the Court's attention
5 this morning's edition of the Herald-Examiner, and I
6 particularly direct the Court's attention to a sketch that
7 appears on the front page.

8 May I pass this to the Court?

9 (A newspaper is passed to the Court.)

10 THE COURT: Are you talking about the cartoon, or
11 whatever it is, the drawing?

12 MR. REINER: Yes.

13 May I characterize that for the purpose of
14 the record very briefly?

15 It is a caricature sketch of 12 members of
16 the jury with a caption on there "Of All the Lonely People
17 Judgment," and underneath there is an indication that
18 this is Leslie's dream, and the caption under the sketch
19 indicates that Leslie Van Houten gave this sketch to the
20 reporter for the Herald-Examiner, William Farr.

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2a file.

1 THE COURT: When was she in a position to give it to
2 the reporter?

3 MR. REIMER: I questioned Miss Van Houten this
4 morning and she said that she did not give it to the
5 Herald Examiner or any reporter, and I questioned Mr. Farr
6 this morning when he arrived in court and he said that al-
7 though he would not reveal the source, he said that he is
8 prepared to say two things: One, that Leslie Van Houten did
9 not give that sketch to him, and two, that I did not give
10 that sketch to him.

11 I would request that the Court make a further
12 examination to determine how the Herald Examiner came into
13 possession of this particular sketch because its prejudice
14 is obvious, referring to jurors as lonely people, and
15 might very well inure to the detriment of the defendant,
16 Miss Van Houten, some months from now, if any of the
17 prospective jurors should be seated during their
18 deliberations.

19 THE COURT: If they should be seated?

20 MR. REIMER: If any of the prospective jurors
21 indicated in that sketch be seated in this case and become
22 jurors, some months from now they may take offense, they
23 may presently take offense, at this sketch characterizing
24 them as lonely people.

25 THE COURT: What connotation do you attach to the
26 term "lonely people"?

1 MR. REIMER: Not a very good one. And I am very
2 such distressed that such a sketch should appear in the
3 newspaper while the jury is not sequestered.

4 Perhaps this is the most damaging thing that
5 has appeared in the newspapers respecting the defendants
6 since this trial began some three weeks ago.

7 THE COURT: I don't see anything damaging.

8 MR. REIMER: I am appalled that your Honor sees
9 absolutely nothing wrong with this.

10 THE COURT: Just a moment before you get appalled.

11 MR. REIMER: I am already appalled.

12 MR. STOVINE: The reason I am so close to Mr. Reimer --

13 THE COURT: If you will let me finish my statement.

14 There is nothing in that cartoon that I can
15 see that is harmful in any way to either the defendants,
16 the jurors, or anybody else.

17 I am concerned with the fact that it got into
18 the hands of the newspapers, but it apparently was
19 furnished by Miss Van Houten to somebody.

2b-1

1 MR. REINER: It is absolutely not apparent.

2 I don't know why the Court uses a word like
3 "apparent."

4 THE COURT: How would you say that a sketch by her
5 got into the hands of the reporter?

6 MR. REINER: I would like you to use your office
7 as Judge to find out.

8 THE COURT: I think you should find out. You are
9 the attorney. Why don't you ask her?

10 MR. REINER: I have asked her and she has denied
11 giving it to the reporter. I have asked the reporter and
12 he has said that he cannot tell me.

13 THE COURT: She must know into whose hands it
14 went after it left her. Why don't you ask her those
15 questions?

16 MR. REINER: If I may finish, your Honor.

17 THE COURT: I can't ask her.

18 MR. REINER: Your Honor, if I may finish.

19 I have asked the reporter, Mr. Farr, how he
20 came into possession of this and he said that he cannot
21 tell me how he came into possession of it.

22 THE COURT: He couldn't tell me either. He wouldn't
23 tell me if I asked him.

24 MR. REINER: If your Honor would not be so quick
25 to try to brush this over.

26 Mr. Farr said that he is prepared to talk

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1 to the Court, he is prepared to tell the Court that she
2 did not give this to him, he is prepared to tell the Court
3 that that which is quoted in the newspaper that she handed
4 it to a reporter and said to him "Would you like to have
5 this for your scrapbook," is an inaccurate quote because
6 she never said such a thing. She never did say such a
7 thing to him.

8 He is further prepared to say that I didn't
9 give it to him.

10 Somebody gave it to him, your Honor, and I
11 don't know who, and I would like to have the Court find
12 out.

13 I think the Court's order has been violated.
14 It is not simply my interests that have been harmed. I
15 suggest the Court find out.

16 THE COURT: I would suggest that you are in a
17 perfect position to ascertain.

18 MR. REINER: I certainly am not.

19 THE COURT: By asking your client how this drawing
20 got into someone else's hands. If you are concerned about,
21 that is the least you can do.

3 file.

3-1

1 MR. REIMER: Is your Honor taking the position --

2 THE COURT: I am not taking any position.

3 MR. REIMER: -- that damage to a defendant is of
4 interest only to her attorney, and is of no interest to
5 this Court?

6 Your Honor has become offended by some of the
7 slightest, most supertechnical violations of the publicity
8 order, and here something no less than a gross violation
9 leaves the Court --

10 THE COURT: Don't talk while I am talking.

11 MR. REIMER: I was talking when the Court
12 interrupted me, your Honor, with all due respect.

13 THE COURT: Well, no one interrupts the Court. That
14 goes for you, too, Mr. Reimer.

15 Now, I have suggested to you if you are
16 interested in pursuing this matter further you are in the
17 perfect position to find out how the drawing got from
18 Miss Van Houten into someone else's hands.

19 MR. REIMER: If I may continue on for a moment, if
20 the Court is finished.

21 If I determine in some way or another some
22 person whom I suspect may be involved, and I bring this to
23 the Court's attention, what does the Court propose to do?

24 THE COURT: I don't know.

25 MR. REIMER: At this point I do suspect, though I am
26 not certain, that Mr. Shinn gave this to the Herald

1 **Examiner.**

2 Now, I would wish now for the Court to make
3 further inquiry.

4 **MR. STOVITZ:** On behalf of the prosecution we didn't
5 have any knowledge of the drawing or how it got into the
6 hands of anyone or how it got into the newspapers.

7 Is that right, Mr. Bugliosi?

8 **MR. BUGLIOSI:** Yes. The first time I saw it was this
9 morning in the paper.

10 **THE COURT:** Well, what about it, Mr. Shinn?

11 **MR. SHINN:** Well, your Honor, this drawing was
12 passed to me, and the other attorneys looked at it.

13 And I believed I showed it to somebody in the
14 press, I don't know who.

15 **THE COURT:** You showed it to them or gave it to them?

16 **MR. SHINN:** I handed it to them -- I handed it to
17 them when it was being passed around, looking at the cartoon,
18 your Honor, I didn't see anything offensive about it.

19 **THE COURT:** It isn't important that you see anything
20 offensive to it, Mr. Shinn. That is important is that
21 you comply with the Court's publicity order.

22 **MR. SHINN:** This has nothing to do with the case, your
23 Honor.

24 **THE COURT:** It contains the statement of Miss
25 Van Houten, doesn't it?

26 **MR. SHINN:** There is no statement given.

1 THE COURT: Where did they get the statement then?
2 MR. SHINN: Where -- I don't know where they got
3 the statement, your Honor.

4 Now, if I felt at that time that this was
5 evidence in the case, then naturally I would not pass it
6 around. It was just a cartoon, your Honor.

7 THE COURT: May I see that again?

8 MR. SHINN: It doesn't show anything inflammatory.

9 MR. REINER: Your Honor, the sketch itself includes
10 the statement, "All the lonely people judgment."

11 MR. STOVITZ: Is that in her handwriting?

12 MR. REINER: Yes, it is, and it is part of the sketch,
13 and the sketch is clearly in the hands of the Herald
14 Examiner for the reason it appears in the newspaper.

15 MR. STOVITZ: This goes to the old adage that the pen
16 is mightier than the sword.

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3a-1

1 MR. KANAREK: May I make a comment, your Honor?

2 THE COURT: Yes.

3 MR. KANAREK: I think you will note that the
4 jurors that are mentioned there, are supposedly sketched,
5 are jurors of some days ago, perhaps even a week ago.

6 THE COURT: Well, some are, some are not.

7 MR. KANAREK: But Miss Pahn and Mr. Dominguez are
8 of early vintage.

9 THE COURT: Some are and some are not, that is the
10 answer; some are still in the box.

11 MR. KANAREK: Right. So what I am saying is this
12 must have occurred some days ago.

13 In other words, what it appears to be is
14 that somebody held it and decided in a latter-day sort
15 of way to make use of it because of the fact that we
16 could go through the record, but I think it's obvious
17 that is many many days ago.

18 THE COURT: I don't ^{think} that the cartoon is detrimental
19 to anybody in any possible aspect.

20 But I am concerned with the fact that Mr.
21 Shinn has apparently made it available.

22 I am at a loss to understand why you are
23 dealing with Miss Van Houten. She is not your client.

24 But apparently from that fact --

25 MR. SHINN: That I understand, your Honor, but she
26 passed it around for all of us to look at it.

1 THE COURT: Were you all present at the same time?
2 Who was present when it was passed around?

3 MR. SHINN: All of us, all attorneys.

4 THE COURT: Was Mr. Reiner present?

5 MR. SHINN: I don't know.

6 Did you see that picture before?

7 MR. REINER: When you talk about passing it
8 around, are you talking about passing it around the
9 counsel table or among the reporters?

10 MR. SHINN: The counsel table.

11 MR. REINER: That is an entirely different story.
12 Sure, the girls are sketching sketches of everything in
13 the courtroom including your Honor.

14 That is something at counsel table, that is
15 a matter of private sketches that they keep.

16 I am concerned not that they are drawing
17 pictures of the jury, but it's being handed to the press.

18 THE COURT: You know, Mr. Reiner, the artists from
19 the TV networks are sitting directly behind those
20 defendants in the courtroom, in the first row, and those
21 people are very sharp and have good eyesight.

22 It is perfectly possible for them to make
23 a drawing of the drawing.

24 MR. REINER: Absolutely impossible.

25 THE COURT: It isn't impossible.

26 It isn't impossible at all. These people

1 are talented artists. They are in court every day
2 drawing all aspects of the matter, whether that happened
3 in this case I have no way of knowing, but if there are
4 drawings being made by these defendants, and being
5 passed around, there is the risk that some of these are
6 going to be exposed to somebody else.

7 MR. REINER: Your Honor, there are notes passed
8 around between counsel and defendants, and perhaps there
9 is a risk some attorney would turn over notes as well.

10 The point is, that was not a copy by the
11 artist. I don't suppose the Court supposes that it was.

12 THE COURT: I have no way of knowing.

13 MR. REINER: From looking at it, surely your Honor
14 knows. That picture was given to the Herald-Examiner.
15 The Herald-Examiner made a cut from that original and
16 then Mr. Farr is also prepared to say that someone did
17 give him that sketch; and that someone was not myself
18 nor was it Miss Van Heuten, and that the picture --

3b file.

33-1
1 THE COURT: Were you there when Mr. Shinn gave it to
2 him?

3 MR. REIMER: I didn't see Mr. Shinn give it to him.

4 THE COURT: Mr. Shinn said he showed it to the press.

5 MR. SHINN: Yes, it was passed around. I said,
6 "Look at this drawing."

7 They asked me what I am looking at and I said,
8 "This is a drawing."

9 THE COURT: Did you actually physically give it to
10 somebody?

11 MR. SHINN: I don't recall, your Honor, it was passed
12 around, and I just lost sight of it later.

13 I didn't pay no attention to it, to be honest
14 with you.

15 THE COURT: Who was present at the time?

16 MR. SHINN: They were all around there.

17 THE COURT: Who?

18 MR. SHINN: It was a recess. I don't recall who,
19 but I know some of the people were there.

20 THE COURT: Were all of the defendants there? Where
21 did it occur?

22 MR. SHINN: Just outside of the railing. It was a
23 recess time.

24 All got up and started walking out. I had the
25 picture in my hand; he asked me, "What have you got?" and
26 I showed it to him.

1 I had no intention -- I didn't know they would
2 publish it in the newspaper.

3 THE COURT: I'm really appalled. I am absolutely
4 appalled at the conduct of some of the counsel in this case
5 from time to time.

6 Now that, to me, is just an irresponsible act.
7 It is harmless, I think, clearly in this case, but there
8 may be something at some other time that could very well
9 be harmful, and I think that if counsel know their clients
10 are passing notes around and drawing pictures in close
11 proximity to the media, this is a danger you are going to
12 have to anticipate, that is all.

13 MR. REIMER: Is your Honor suggesting this is one of
14 the normal dangers one encounters at a trial, that some
15 other attorney at the table would pass off confidential
16 matters to reporters? I don't agree with that.

17 THE COURT: You don't agree with what?

18 MR. REIMER: This is just a normal danger that
19 counsel should anticipate.

20 THE COURT: I am saying you are aware of what is
21 happening out there and you should anticipate the obvious
22 is what I am saying.

23 MR. REIMER: I don't consider it obvious that some
24 other attorney may pass confidential matter to a reporter.

25 THE COURT: That isn't what I said. What I said was
26 the passing around, the making of these diagrams and

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1 drawings and the passing around of notes, I can see that
2 from the bench.

3 Now, it must be clear to you that there is a
4 risk that some or all of that material may fall into some-
5 body else's hands.

6 I think you have a responsibility, too,
7 Mr. Reiner, as well as all the other counsel to prevent
8 that.

9 MR. REINER: Well, I think I have accepted such
10 responsibility. Is your Honor suggesting I cannot
11 communicate with my client with notes? That is absurd.

12 THE COURT: Your statement is absurd because that is
13 not my intimation at all, and you know it.

14 MR. REINER: I do not know that, your Honor.

15 And I did believe and I do believe that to be
16 your intimation.

17 THE COURT: That is ridiculous, Mr. Reiner.

18 MR. REINER: Then I cannot find any other possible --

19 THE COURT: I am suggesting if you are irresponsible
20 yourself, you may find that these things find their way
21 into other hands, that is what I am saying.

3a-1

1 MR. REINER: Are you suggesting I have done anything
2 irresponsible?

3 THE COURT: I am suggesting you'd better keep your
4 eyes open or this may happen again.

5 MR. REINER: I know of no way to respond to your
6 Honor's comments.

7 THE COURT: Well, then don't.

8 MR. SHINN: May I be heard for a second, your Honor?

9 THE COURT: Yes.

10 MR. SHINN: First of all, your Honor, this, by
11 looking at it, is not a confidential communication.

12 IF I thought this was a confidential communication
13 between Mr. Reiner and his client, I would never --

14 THE COURT: I think we sufficiently discussed this
15 matter now, Mr. Shinn.

16 MR. STOVITZ: May it be entered as an exhibit, your
17 Honor, because we have spent some 20 minutes on it, so if
18 in the future it is ever raised --

19 THE COURT: Yes, it may be marked.

20 MR. REINER: Leslie Van Houten's next special in
21 order.

22 MR. FITZGERALD: I have an important matter I might
23 bring to the Court's attention in connection with the same
24 issue of the Herald-Examiner on page A-3 of that paper.

25 There is a story in connection with this
26 case.

Van Houten's
next

1 In the story, and I am not suggesting that
2 this information was given to the press by the prosecu-
3 tion or anything else, but in the body of the story there
4 are some very very prejudicial statements made, and I
5 would like to direct your Honor's attention to them.

6 THE COURT: Is this in this sheet here?

7 MR. FITZGERALD: I am referring to --

8 MR. STOVITZ: It's not in that. That is A-1 only.

9 A-3 is not there, Counsel. What happened
10 to the rest of the paper?

11 THE BAILIFF: I will get it.

12 MR. FITZGERALD: Would you, please.

13 In the body of the story it refers to a
14 list of prospective witnesses that are going to be called
15 by the prosecution.

16 For example, Roman Polanski and Garretson,
17 et cetera, et cetera.

18 We are not concerned with those persons.
19 However, there is in the story the proposed testimony of
20 one Ronnie Howard, who is going to testify as to a
21 confession made by Susan Atkins.

22 Now, this prospective panel of jurors has
23 been instructed by your Honor not to read the newspaper.

24 I am worried, however, that in the event we
25 get to a new panel who has not come under the Court's
26 order, we may have some substantial prejudice.

1 THE COURT: Well, that is always possible. That
2 is the reason why we are having the voir dire examination
3 on pretrial publicity.

4 Well, I agree with you, Mr. Fitzgerald, I am
5 concerned about this also, and I think it should be a
6 matter of voir dire inquiry on pretrial publicity.

7 I don't propose to let any juror sit in this
8 case who has heard or read the purported confession of
9 Susan Atkins or anything regarding statements like this
10 statement in a newspaper about one Ronnie Howard who,
11 according to this, is scheduled to tell her version of
12 what Miss Atkins reportedly related about the seven murders.

13 MR. STOVITZ: Your Honor should also read, it says
14 "on the purported narcotic violator."

15 THE COURT: What does that have to do with that?

16 MR. STOVITZ: Well, that throws some doubt upon
17 her credibility or something like that.

18 In other words, I think it is a report by
19 a newspaper reporter, of who this person is.

20 I don't know how Mr. Farr got this information.
21 I think it's merely a collection of all the things that have
22 been in the papers from the beginning of this trial.

23 THE COURT: I don't know how he got it either, but
24 the point is that it is damaging if it comes to the attention
25 of the jurors.

26 MR. STOVITZ: It could be damaging to the People

1 if there is no evidence this Ronnie Howard is a narcotic
2 violator.

3 MR. FITZGERALD: I am not alleging the prosecution
4 did this.

5 THE COURT: I understand there is no evidence that
6 they did, at least at this time.

7 I don't know what has happened in the past,
8 but I am concerned about this article.

9 I think it should be the subject of inquiry
10 on the voir dire examination regarding pretrial publicity.
11 That is one of the reasons we are hearing it.

12 As I indicated I don't intend to let any
13 juror sit who has read or heard of the so-called confession
14 of Susan Atkins. That is disqualifying.

15 In that connection I am going to recall some
16 of the jurors that are in the box now for that specific
17 purpose, to determine if they have at any time in the
18 past been exposed to the purported confession.

19 There are some we already inquired about
20 on that.

21 Now, in reading the transcript as to which
22 were specifically asked and which have not been, I have
23 not completed reading the transcript.

24 With respect to the present 12 in there,
25 there are at least three I know of now I want to recall.
26

4-1
1 MR. FITZGERALD: IF I might suggest something to the
2 Court?

3 THE COURT: Yes.

4 MR. FITZGERALD: Your Honor has asked each
5 prospective juror if he or she is aware of the fact or has
6 read or been exposed to a statement by Susan Atkins, and
7 obviously that is a proper inquiry, and I would prefer
8 that the Court make the inquiry.

9 I wonder, though, if the Court, in addition,
10 might phrase the question somewhat differently.

11 I have no objection to the word "statement"
12 except that I think some prospective jurors get the idea
13 that a statement, the word "statement," connotes some formal
14 written signed statement.

15 I wonder if, for example, your Honor might
16 inquire if they read a purported story or version of
17 events. Something like that.

18 THE COURT: All right.

19 I want to avoid using the word "confession"
20 because I don't want to suggest to someone who hasn't
21 seen or heard about it that there ever was one.

22 I notice in re-reading, in several places,
23 defense counsel have, in fact, used the words "confession
24 of Susan Atkins" or "purported confession of Susan Atkins."

25 MR. SHINN: I think I objected the first time when
26 the word "confession" was used. I think I objected when
one defense counsel brought it out.

1 MR. FITZGERALD: It is an unfortunate term.

2 THE COURT: Well, I can't stop counsel from using it.

3 MR. FITZGERALD: I understand that, but as Mr. Shinn
4 points out, it is prejudicial almost.

5 THE COURT: Anything further before we --

6 MR. KANAREK: May this page A-3 --

7 THE COURT: One moment.

8 I suggest, for your own protection, that you re-
9 read the transcript with respect to the voir dire
10 examination of the 12 in the box, and make this a
11 continuing thing, so that if there is any question at all
12 in your mind about whether or not any of these jurors
13 either have been exposed to a purported confession or if
14 they have not been asked the question, then they should be
15 recalled in here, in case I missed it, they should be
16 recalled, and that specific inquiry should be gone into.

17 I think that is your own responsibility to do
18 that, despite the fact that I am also doing it.

19 MR. KANAREK: Yes, Your Honor.

20 May this page, A-3, of the Los Angeles Herald
21 Examiner for Wednesday, July 8, 1970, be marked as an
22 exhibit?

23 MR. STOVIER: Why don't you mark it as the same
24 exhibit as that other? It is the same paper.

25 THE CLERK: It is all part of the same paper.

26 THE COURT: All right, it will be marked.

4-3

1 Do I have any of your exhibits here?

2 THE CLERK: You have that B.

3 THE COURT: This one here?

4 THE CLERK: Yes.

5 THE COURT: You may have that back.

6 What about this one? Is this an exhibit?

7 MR. STOVINE: No. I just gave it to your Honor so
8 your Honor can see how the other side lives.

9 THE COURT: I will give it back to you.

10 MR. STOVINE: This is the Free Press article of
11 July 3, 1970.

12 THE COURT: Anything further?

13 MR. KAMAREN: Does your Honor wish to give it a
14 separate number?

15 THE COURT: I said it may be marked. Mark it A-4.

16 MR. KAMAREN: I think the page is A-3.

17 THE COURT: Whatever the next number is.

18 THE CLERK: It could be marked D or it could be left
19 as part of C.

20 THE COURT: Just mark it. Let's not dwell on it.

21 THE CLERK: We will mark it D, your Honor.

22 THE COURT: All right.

23 Anything else, gentlemen?

24 Very well. Who is the juror under consider-
25 ation now?

26 THE BAILIFF: Do you wish the defendants brought in

1 Now, your Honor?

2 THE COURT: Yes.

3 THE CLERK: Juror No. 11, did you want her returned,
4 your Honor?

5 THE COURT: Yes, bring in Mrs. Karna.

6 (Whereupon, the defendants enter the court's
7 chambers, there now being present all counsel and all
8 defendants.)

9 (Prospective juror Mrs. Genevieve Karna enters
10 chambers.)

11 THE COURT: Good morning, Mrs. Karna.

12 MRS. KARNA: Good morning, Judge.

13 THE COURT: Mr. Reiner, I believe you were examining
14 Mrs. Karna at the time we adjourned yesterday.

15 Do you have anything further?

16 MR. REINER: No, your Honor, I have no further
17 questions.

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

19 MR. SHINN: No questions.

20 THE COURT: Mr. Kanarek?

21 MR. KANAREK: No questions.

22 THE COURT: The prosecution?

23 MR. STOVITS: Yes, sir.
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1 YOUR DIRECT EXAMINATION OF MRS. GENEVIEVE KERN
2 BY MR. STOVITZ;

3 Q Mrs. Kern, is it?

4 A Yes.

5 Q What part of town do you live in?

6 A Southwest.

7 Q That is in Los Angeles proper then?

8 A Yes, sir.

9 Q Do you think that if you promised this Court
10 that you could put aside everything that you read about
11 this case, everything that you have heard about this case,
12 and just decide this case on the evidence that you hear in
13 court, that you could keep that promise?

14 A I could.

15 Q Do you have any doubt at all about it,
16 Mrs. Kern?

17 A I do not.
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4b-1

1 Q Now, Mrs. Kerna, suppose you are listening
2 to the evidence in court and you hear about one of the
3 victims being poisoned, and you can remember back in the
4 story that you read in the papers and there was never any
5 mention about them being poisoned, that they were
6 strangled to death, let's say.

7 Do you think you can forget about what you
8 read in the paper about being strangled and just go by the
9 evidence that they were poisoned?

10 A Yes. And it would be easier for me because
11 I have read so little about it.

12 Q You understand that by suggesting that they
13 were poisoned, that this is not evidence, that this is
14 just a hypothetical question?

15 Do you understand that?

16 A Yes.

17 Q Do you understand the difference between
18 evidence and rumor?

19 A Yes. Sure.

20 Q Evidence is what you hear in court --

21 A Yes.

22 Q -- and rumor is what somebody else told you.

23 A Right.

24 Q You think you could judge this case just on
25 the evidence, Miss Kerna?

26 A Yes.

4b-2

Q And disregard any type of rumor whatsoever,
ma'am?

A On the evidence only.

MR. STOVITZ: Thank you. I have no further questions.

VOIR DIRE EXAMINATION OF MRS. KERNS

BY THE COURT:

Q Mrs. Kerns, yesterday you were asked concerning whether or not you had read about any of the female defendants having testified before the Grand Jury.

Do you remember that question?

A I'm sorry, I do not. I don't think I remember a thing I was asked yesterday.

Q All right.

Well, let me read the questions and the answers to you and perhaps this will refresh your recollection.

A All right.

Q I am starting on 2647 of the transcript, if anybody wants to follow it.

The question was asked as follows:

"Do you recall reading in the Sunday Times just very shortly after the name of Mr. Hanson and these other defendants became prominent for the first time that -- strike that --

4b-3

1 "do you recall reading in the newspaper that
2 Susan Atkins testified before the Grand Jury
3 which led to the indictments?

4 "A I could not remember her testimony.
5 That is how thoroughly I read it.

6 "Q Certainly not. But you do recall
7 that she did testify?

8 "A Yes.

9 "Q Before the Grand Jury?

10 "A Someone.

11 "Q One of the girls did testify before
12 the Grand Jury?

13 "A Yes.

14 "Q And is it your recollection that she
15 testified -- strike that -- is it your recollection
16 of the stories that you read that she admitted
17 participation in the case when she testified
18 before the Grand Jury, her participation in the
19 killings when she testified before the Grand Jury?

20 "A Yes, she did. I think so."

21 Do you recall that testimony?

22 A I am sorry, I do not.

23 Q Well, is it, in fact, true?

24 A Well, the names -- I would have to say this:
25 It is not true, because I do not know which one testified.

26 Q Do you know that any of them testified?

4b-4

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A I suppose someone did. There was some --

2

I guess there was some -- I didn't read enough about it,

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Judge, to know, to give you an intelligent answer, and

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what I read --

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4C-1

1 Q I am not asking you to identify the person.
2 I am trying to find out if you know from having read some-
3 thing that someone testified before the Grand Jury, or are
4 you just surmising that?

5 A I did not read much in the Times, in the
6 Sunday Times. I do not read it very often. It is a big
7 paper and I don't have time.

8 Q Can you tell me --

9 A You can ask me that again and I probably would
10 have to give you a different answer.

11 Q Do you know from something you read or heard
12 that one or more of the defendants testified before the
13 Grand Jury?

14 A Not to be certain.

15 Q Well, is it your impression that one or more
16 of them did?

17 A I am going to have to be honest and say I do
18 not know.

19 Q Well, do you have some feeling about it?
20 Do you believe that regardless --

21 A Yes, right now I am a blank. I do not know
22 and I have no memory. I would hate to have to say. I
23 just don't remember.

24 Q Well, I don't understand your answers today
25 in light of what your answers were yesterday.

26 A I am sorry.

Q For example, this question on page 264B:

"Is it your recollection of the stories that you read that she admitted participation in the case when she testified before the Grand Jury, her participation in the killings when she testified before the Grand Jury?"

And your answer was: "Yes, she did. I think so."

A Well, someone testified. Now, I cannot say who.

Q When you say "Someone," you mean some one of these defendants?

A Someone connected with this case. Someone.

Q One of the defendants?

A I do not know whether it is the Atkins girl or not.

Q I am not asking you whether it was the Atkins girl, Mrs. Korns. I am asking you whether it was one of the defendants, any one. There are four defendants sitting here now.

A Any one that is here now?

Q There is also Linda Kasabian who is named as a defendant in this case.

A Someone that was supposed to have a participation in the crime.

A It is your recollection that you did read something to that effect?

1 A Yes. That she had a participation in this
2 crime that was committed.

3 Q And that this person was one of the defendants;
4 is that right?

5 A In this room now?

6 Q One of the named defendants in the case.

7 A Yes, sir.

8 Q Either one of the persons in this room --
9 for the record, all defendants are now present --

10 A Yes.

11 Q -- in these chambers.

12 Is it your impression that one of these four
13 defendants now present, or one of the defendants who is
14 not present, testified before the Grand Jury?

15 A I'd have to say I do not know, sir.

16 Someone testified to participation in the
17 crime.

18 Q Who do you believe that someone was?

19 A (Pause.)

20 Q Well, yesterday you were asked if one of the
21 girls did testify before the Grand Jury and you said yes.

22 Did you mean that?

23 A Yes. But I can't say now if it was the Arabian
24 girl or if it was another girl.

25 Q That is not what I am asking you. What I am
26 asking you is if you believe it is one of the defendants.

1 any one of the defendants?

2 A Yes, it was one of the defendants.

3 Q What do you believe the substance of that
4 testimony was?

5 A I cannot tell you about the Grand Jury nor
6 what the testimony was, you know. I didn't read it that
7 thoroughly. But I can remember this: Having read about
8 some one of the girls saying that she helped in this crime,
9 helped to commit the crime.

10 Q You read that?

11 A Yes. Or held a body while someone else
12 committed the crime. And that is the extent that I
13 remember almost.

4d-1

1 THE COURT: Anything further, Counsel?

2 MR. REINER: Nothing further.

3 MR. FITZGERALD: No.

4 MR. SHINN: No.

5 MR. BUGLIOSI: No.

6 THE COURT: All right.

7 You may go back into the courtroom, Mrs.
8 Kerna. Thank you.

9 MRS. KERNA: Into the panel box or to the seat?

10 THE COURT: Well, go into your seat.

11 MR. KANAREK: In the box, though, your Honor?

12 Is that what your Honor is saying?

13 THE COURT: Yes.

14 (Mrs. Kerna leaves the court's chambers.)

15 MR. REINER: There will be a challenge for actual
16 bias, your Honor.

17 MR. SHINN: Join.

18 THE COURT: Any opposition?

19 MR. KANAREK: Join.

20 MR. BUGLIOSI: Submit it.

21 THE COURT: The challenge is allowed. she will be
22 excused for cause.

23 MR. KANAREK: Your Honor, while we have a moment
24 here, I would like to point out to the Court that Mr.
25 Hanson still has not received back the documents that we
26 spoke of yesterday.

4d-2

1 THE COURT: Would you check into that, Mr. Murray.

2 THE BAILIFF: Yes, sir.

3 THE COURT: I will have the bailiff check into it,
4 Mr. Kanarek.

5 MR. KANAREK: Thank you, your Honor.

6 (Whereupon another prospective juror
7 enters the Court's chambers.)

8 THE COURT: Good morning, sir.

9 THE CLERK: The prospective juror's name is
10 Leroy Cato; L-e-r-o-y, C-a-t-o.

11
12 VOIR DIRE EXAMINATION OF MR. LEROY CATO
13 BY THE COURT:

14 Q Mr. Cato, we have asked you to come into
15 chambers here so that we can ask you various questions
16 without the other prospective jurors hearing the answer
17 to those questions and so that you can speak as freely
18 as you can and as frankly as you can in answering these
19 questions.

20 First of all, sir, if you were selected as
21 a juror in this case would you be able to serve?

22 A I think so.

23 Q Do you recall that I put certain death
24 penalty questions to the other prospective jurors
25 yesterday?

26 A Yes, sir.

4d-3

1 Q And have you had an opportunity to think
2 about these questions and what your answers are to them?

3 A Yes, sir.

4 Q All right.

5 I am going to put the same questions to you,
6 then, and the first question is this:

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

11 A No.

12 Q Do you entertain such conscientious opinions
13 regarding the death penalty that you would automatically
14 refuse to impose it without regard to the evidence in the
15 trial?

16 A No.

17 Q Now, I want to ask you, and the other
18 attorneys will want to ask you, some questions about
19 what, if anything, you may have learned about this case
20 over the months since the killings occurred from
21 newspapers, radio, TV, and so forth.

22 Have you lived in Los Angeles County, actually
23 been physically present in the County, continuously since
24 last August?

25 A Yes.

26 Q Do you read a daily newspaper on a regular

1 basis?

2 A I read the sports page.

3 Q Of what paper?

4 A Both of them.

5 Q The Los Angeles Times?

6 A Both major papers, the Times and the Herald.

7 Q Do you subscribe to either one of those?

8 A No.

9 Q Do you read them every day?

10 A Every day.

11 Q Do you read anything other than the sports
12 section?

13 A Once in a while.

14 I very seldom get any chance to read anything
15 but the sports page.

16 Q Will you keep your voice up as much as you can,
17 Mr. Catot? It is hard to hear you?

18 A Yes, sir.

19 Q When did you first learn that there had been
20 some killings which are the subject of this case?

21 A I would imagine about three days after
22 everybody else knew, I would imagine.

23 Q Shortly after it occurred; is that right?

24 A Yes.

25 Q Do you remember how you learned about it?

26 A I don't remember. I don't remember

1 if it was in the paper or if it was on TV, or whatever.

2 I think it was in the paper. I believe it
3 was.

4 Q Do you listen to the radio also?

5 A Yes, I do.

6 Q Do you listen on a regular basis either
7 on TV or the radio to news reports?

8 A No.

9 Q Do you remember reading about the defendants
10 when they were arrested?

11 A I read a little bit about it, just excerpts,
12 nothing in depth, no.

13 Q Do you remember anything about the stories
14 of any of them?

15 A No.

16 Q Do you remember ever hearing or reading
17 anything that any of the defendants said about the alleged
18 crimes?

19 A No.

20 Q Before you came into this court on this jury
21 panel, did you know the names of the defendants?

22 A Yes, I knew the name of maybe one or two.

23 Q Of what?

24 A Maybe one or two.

4c fle.

42-1
1 Q One or two?

2 A Yes, but not all of the defendants, no.

3 Q Before you came into this case, Mr. Cato, did
4 you know the names of any of the victims?

5 A One. Tate.

6 Q Sharon Tate?

7 A That is it.

8 Q Anyone else?

9 A I have heard the names but I can't recall the
10 names.

11 Q Did you make any effort to follow this case on a
12 regular basis in the news?

13 A No.

14 Q Do you know, at this time, Mr. Cato, anything
15 about the details of the killings?

16 A Well, I couldn't say that I knew anything about
17 the details because I don't know anything about the case.

18 From what I had seen in the headlines of the
19 newspaper, and the little box -- the little of what you
20 see -- I don't read in depth.

21 Q You don't read in depth?

22 A I have never read in depth on the case itself.

23 Anytime there is any situation like this, I
24 don't read it. I read the sports page or the entertainment
25 page, or what-have-you, and that is all.

26 Q Now, Mr. Cato, have you formed any opinion

442 1 regarding the guilt or innocence of any of the defendants?

2 A No.

3 Q Do you believe that you could sit as a juror in
4 this case and decide the case solely on the evidence that
5 came to you during the trial?

6 A Yes.

7 Q And put aside anything that you may have heard
8 about the case or any of the defendants?

9 A Yes.

10 Q You heard me tell the prospective jurors
11 yesterday that in a criminal case a defendant is entitled to
12 the presumption of innocence; do you remember that?

13 A Yes, sir.

14 Q Are you willing to give each of these defendants
15 the benefit of the presumption of innocence?

16 A Yes, sir.

17 Q And do you understand that that presumption
18 continues until such time as the People are able -- if they
19 are able -- to prove a defendant's guilt beyond a reason-
20 able doubt?

21 Do you understand that?

22 A Yes, sir.

23 Q And that if the People fail to carry that
24 burden and prove guilt beyond a reasonable doubt, then
25 the defendants must be acquitted.

26 Do you understand that, sir?

1 A Yes.

2 Q Are you willing to follow that?

3 A Yes, sir.

4 Q Do you know of any reason why you couldn't
5 be a fair and impartial juror?

6 A No, sir.

7 THE COURT: Mr. Fitzgerald?

8 MR. FITZGERALD: No questions, your Honor.

9 THE COURT: Mr. Reiner?

10 MR. REINER: Thank you, your Honor.

12 VOIR DIRE EXAMINATION OF MR. CATO

13 BY MR. REINER:

14 Q Mr. Cato — do I pronounce your name correctly —
15 Cato or Cato?

16 A Cato.

17 Q You do recall the great deal of public
18 speculation at or around the time that these killings
19 occurred over who committed these crimes; is that true?

20 A Well, I heard about the crime itself, then about
21 who was supposed to have done it, committed it, yes.

22 Q I am referring just to that particular point in
23 time, within the days immediately following the killings.

24 Do you recall speculation in the news media,
25 including newspapers, radio and television, over who was
26 responsible for these crimes?

1 A When I heard about it, all I heard about it
2 was the crime itself, which was about, I would imagine,
3 two or three days after the crime itself. This is when I
4 first heard about it.

5 Q Didn't you heard about it the next morning?

6 A No, I didn't. I heard about it -- it was at
7 least two days later that I heard about it.

8 Q You don't recall the morning following the
9 Tate killing seeing it in the headlines and every newspaper
10 in the city?

11 A I wasn't even in town at the time.

12 Q What city were you in?

13 A I was in Riverside. I was out in the country
14 at the time.

15 Q Pardon?

16 A I was out in the country at the time.

17 I heard about it when I came back, I think,
18 the next morning when I came back I first learned about it.

5-1

1 Q Then during the following month before
2 any persons were arrested in connection with this crime,
3 do you recall reading or hearing any speculation in the
4 media as to who might possibly be responsible for this
5 particular crime?

6 A Well, the only time I heard about anything
7 like that was when the suspects were arrested.

8 Q I see, that was the next time that you can
9 recollect at this time that those killings were brought
10 to your attention?

11 A Well, other than the regular time -- I
12 imagine -- I did not follow every time it was in the
13 newspaper.

14 Q Then you do recall sometime later, perhaps
15 last December, that there were certain arrests made in
16 connection with this case?

17 A Yes, I do.

18 Q And was that the very first time the name
19 Charles Manson was brought to your attention?

20 A Yes.

21 Q Prior to that time you never heard the
22 name?

23 A No.

24 Q And at or around that time you learned of
25 Mr. Manson and his family, did you?

26 A Yes.

5-2

1 Q And his Family included a large number of
2 girls?

3 A Well, I guess so, I don't know.

4 I have not followed the case itself, as
5 far as the Family, I just heard about the Family, and that
6 is it.

7 I don't know if it's girls or men or what.

8 Q And do you recall whether any of the
9 defendants testified before the Grand Jury?

10 A I don't know.

11 Q Do you recall the Grand Jury returning
12 indictments against Charles Manson and certain other
13 persons?

14 A I don't even recall a Grand Jury.

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

16 MR. SHINN: No questions.

17 THE COURT: Mr. Kanarek?

18 MR. KANAREK: No questions.

19
20 VOIR DIRE EXAMINATION OF MR. CATO

21 BY MR. STOVITZ:

22 Q Mr. Cato, how old are you, sir?

23 A 33.

24 Q And what is your business or occupation?

25 A Electrician helper.

26 Q For whom?

1 A Southern California Edison.

2 Q And would it be any type of hardship for you
3 to serve on this jury?

4 A I don't think so.

5 Q Your affairs at home are in order and you
6 would be able to serve if you had to, is that right?

7 A Yes, sir.

8 Q You understand the ground rules that the
9 Court lays down that you are not to read about this case
10 or look at it on television; you have been able to
11 follow those ground rules?

12 A Yes, sir, I understand that.

13 Q Did you read anything about this case in
14 this morning's Herald-Examiner?

15 A No, sir.

16 Q And if, by any chance, there is something
17 brought to your mind by the evidence in this case that
18 you might have read about, say, several months ago,
19 can you put aside what you read and just decide the case
20 on the evidence? Do you think you can do that?

21 A Yes, sir.

22 Q Do you understand the difference between
23 evidence and rumor?

24 A Yes, sir.

25 Q Do you understand that the defendants are
26 entitled to a fair trial and that means a trial just on the

1 evidence.

2 Do you understand that?

3 A Yes, sir.

4 Q Do you think if you promise the Court you
5 would do that, you could keep your promise?

6 A Yes, sir.

7 Q Do you have any question in your mind that
8 you could do it?

9 A No, sir.

10 MR. STOVITZ: I have no further questions.

11 THE COURT: All right, Mr. Cato, will you refrain
12 from discussing with anyone anything that has occurred
13 here in chambers this morning?

14 MR. CATO: Yes, sir.

15 THE COURT: All right, you may go back into the
16 courtroom and sit in the jury box in Seat No. 11, sir,
17 thank you very much.

18 MR. KAMAREK: Thank you.

19 MR. FITZGERALD: We will challenge this juror for
20 cause on the grounds of pretrial prejudicial exposure.

21 MR. REINER: Join.

22 MR. SHINN: Join.

23 MR. KAMAREK: Join.

24 THE COURT: The challenge will be disallowed.

25 Now, we do have 12 people in the box.
26 However, there are at least three that I want to re-examine

1 on the question of exposure to any pretrial publicity.

2 MR. KANAREK: Just so the record will reflect,
3 I join with co-counsel in that last challenge.

4 THE COURT: Very well.

5 My notes indicate that the following
6 jurors have not been examined specifically on the
7 question of exposure to any purported confession.

8 These are Mrs. Willis, No. 7, Mr. Elinen,
9 No. 9, and Mrs. McKennie, No. 1.

10 And I have not yet reread the voir dire
11 as to those following, so I have a question as to Mr.
12 Stringer, No. 10, Mr. Parrish, No. 2, Mrs. Lee, No. 4, and
13 Mr. Sisko, No. 6.

14 MR. GIOVITZ: I think, your Honor, Parrish and
15 Sisko should be questioned here because they were
16 questioned outside in the presence of the other jurors,
17 and the jurors that were questioned in the presence of
18 the other jurors -- counsel was reluctant to go into
19 that matter with them, I believe. Mr. Fitzgerald is
20 nodding his head in an affirmative manner.

21 MR. REIMER: In addition to reading counsel's
22 mind, I think I said I could not and would not make
23 such inquiries in open court, and that is why the inquiries
24 were not made.

25 THE COURT: Well, Mr. Stringer, I believe, should
26 be recalled also. He was not asked those questions even