

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. 3013

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 If any defendant is acquitted or if he is
2 convicted of a lesser crime than murder in the first
3 degree, then the jury's function ends at that point and
4 the jury will make no determination as to the penalty.

5 On the other hand, if any defendant is
6 convicted of murder in the first degree, then the law
7 requires that there will be a separate penalty trial at
8 which time the jury is required to determine which of the
9 two alternatives, that is, life imprisonment or death,
10 should be imposed.

11 The Legislature of this State has provided
12 no standards and no guides by which the jury is to be
13 guided or by which they are to determine which of these
14 alternatives should be imposed, but leaves it to the
15 absolute discretion of the jury to determine which of the
16 two alternatives, that is, life imprisonment or death,
17 should be imposed in the event that there is a penalty
18 trial.

19 Later I will put to each of you individually
20 some questions regarding the death penalty, but, in the
21 meantime, you may be considering your own personal
22 beliefs as to what your beliefs are on these subjects
23 so that you will have an opportunity to think about it
24 before these questions are put to you individually.

25 The attorneys will have an opportunity to
26 inquire of the prospective alternate jurors to determine

4a-2

1 if there is any legal cause why any of you should not
2 serve as jurors in this case, and also to make sure that
3 both sides have a fair and impartial trial.

4 We are going to conduct a portion of this
5 examination in chambers and I am going to ask the parties
6 and counsel now to join me in chambers and then we will
7 proceed with that portion of the examination.

8 Later on, the examination will be conducted
9 in open court by the attorneys for both sides.

10 (The following proceedings occurred in
11 chambers, all parties and counsel being present:)

12 THE COURT: All parties and counsel are present.

13 Would you bring in -- would you call in the
14 next prospective alternate juror to take Mrs. Gallant's
15 seat.

16 (A prospective juror enters chambers.)

17 THE COURT: Good morning. Just be seated, please.

18 THE CLERK: The prospective alternate juror's name
19 is Mrs. Alice A. Orsini; A-l-i-c-e, O-r-s-i-n-i.

20
21 VOIR DIRE EXAMINATION OF MRS. ALICE A. ORSINI
22 BY THE COURT:

23 Q Mrs. Orsini, we have asked you to come into
24 chambers so that the Court and counsel could ask you various
25 questions.

26 A Yes, sir.

4a-3

1 Q Out of the presence of the other prospective
2 alternate jurors.

3 A Yes, sir.

4 Q If you were selected as an alternate juror
5 in this case, would you be able to serve, Mrs. Orsini?

6 A No.

7 Q What is your situation?

8 A I am divorced and have two minor children.

9 MR. FITZGERALD: I can't hear.

10 MR. KANAREK: I didn't hear the witness.

11 MRS. ORSINI: I am divorced and I have two minor
12 children. I would have to have a sitter.

13 BY THE COURT:

14 Q How old are they?

15 A 12 and 11.

16 Q There is no one else who can care for the
17 children that you can call in?

18 A I don't think so.

19 Q Is there --

20 A You mean my husband, for instance?

21 Q Well, anyone.

22 A I don't know.

23 Q Are they totally dependent on you?

24 A Yes, sir.

25 Well, my husband supports them, you know,
26 pays support.

4a-4

1 Q But you have the custody of the children?

2 A Right.

3 Q Are you employed outside of the home?

4 A Yes. I work for Pacific Telephone.

5 MR. FITZGERALD: There is going to be a stipulation,
6 your Honor.

7 THE COURT: All right.

8 Then by stipulation of all counsel, Mrs.
9 Orsini, you will be excused.

10 MRS. ORSINI: Thank you.

11 THE COURT: And will you refrain from discussing
12 whatever went on, what was said in here this morning?

13 MRS. ORSINI: Yes, sir.

14 THE COURT: All right. Thank you very much.

15 MRS. ORSINI: You are welcome.

16 (Mrs. Orsini leaves the Court's chambers.)

17 MR. STOVITZ: I take it that the record will show
18 that the stipulation was by all counsel.

19 MR. FITZGERALD: Yes.

20 THE COURT: Yes, by all counsel. Mrs. Orsini has
21 been excused by stipulation of all counsel.

4b fls.

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1 (Another prospective juror enters chambers.)

2 THE COURT: Good morning, sir.

3 MR. SCHNEIDER: Good morning, your Honor.

4 THE CLERK: The prospective alternate juror's name is
5 Alex Schneider; A-l-e-x, S-c-h-n-e-i-d-e-r.
6

7 VOIR DIRE EXAMINATION OF ALEX SCHNEIDER

8 BY THE COURT:

9 Q Mr. Schneider, if you were selected as an
10 alternate juror in this case, would you be able to serve?

11 A Yes, sir.

12 Q Now, I mentioned to you a few moments ago in
13 open court that I was going to ask you some questions
14 regarding the death penalty.

15 A Yes, sir.

16 Q Have you had occasion in the past to think about
17 these questions?

18 A Yes, sir.

19 Q I don't mean my specific questions,
20 but I mean your own thoughts with respect to the death
21 penalty generally.

22 A Yes, sir.

23 Q Do you entertain such conscientious opinions
24 regarding the death penalty that you would be unable to
25 make an impartial decision as to any defendant's guilt
26 regardless of the evidence in the case?

4B2

1 A No, sir.

2 Q Do you entertain such conscientious opinions
3 regarding the death penalty that you would automatically
4 refuse to impose it without regard to the evidence in the
5 case?

6 A No, sir.

7 Q On the other hand, would you automatically
8 impose it in every case without regard to the evidence?

9 A No, sir.

10 Q Now, I want to ask you some questions, and
11 the attorneys will also probably want to question you,
12 regarding what you may have learned about this case over
13 the past months from reading about it, listening to the
14 radio, or watching TV, or from whatever source.

15 A Yes, sir.

16 Q Have you been a resident of Los Angeles County
17 continuously since last August?

18 A Yes, sir.

19 Q Do you subscribe to a daily newspaper,
20 Mr. Schneider?

21 A Yes, sir.

22 Q What paper is that, sir?

23 A The San Gabriel Valley Tribune.

24 Q Do you read any newspaper on a regular basis?

25 A I have been reading this newspaper on a regular
26 basis.

4B3 1 Q Do you watch television news reports on a
2 regular basis?

3 A Yes. Mostly national news, not the local news.

4 Q When did you first hear about the killings which
5 are the subject of this particular case?

6 A I believe it was the same day or the following
7 day. I am not sure.

8 Q Was that by means of television or newspaper?

9 A Radio, I believe.

10 Q Radio?

11 A Yes.

12 Q Following that, Mr. Schneider, did you make any
13 conscious effort to follow this case in the media, that is,
14 by television or radio or newspaper?

15 A No, I didn't delve into it.
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1 Q Did you later learn at some time that the
2 defendants in this case were arrested and charged with the
3 offenses?

4 A Yes, I did learn later on that they were
5 arrested and charged.

6 Q Do you remember how you learned that,
7 Mr. Schneider?

8 A I believe it was through my car radio.

9 Q Your car radio?

10 A Yes.

11 Q Now, you know, of course, from what you have
12 learned and what I have told you today here in court that
13 the defendants have been arrested and have been charged by
14 means of an indictment with the commission of these alleged
15 offenses.

16 A Yes.

17 Q Apart from that knowledge, Mr. Schneider, have
18 you learned anything which causes you to believe that
19 there is some connection between the defendants and the
20 alleged offenses?

21 A No, I haven't.

22 Q Have you ever read or heard any statement which
23 you understood to be a statement by an eye witness to any
24 of the killings?

25 A No, sir.

26 Q Have you ever read or heard any statement which

1 you understood to be a statement made by any defendant in
2 this case?

3 A No.

4 Q Do you know of any reason, Mr. Schneider, why
5 you could not be fair and impartial in this case if you
6 were selected?

7 A No, sir.

8 Q Would you say at this moment you are entirely
9 neutral on the question of the guilt or innocence of any
10 of the defendants?

11 A I would say entirely neutral, yes, sir.

12 Q Have you, at any time, formed any opinion as
13 to the guilt or innocence of any of the defendants?

14 A No, sir.

15 THE COURT: Mr. Fitzgerald?

16 MR. FITZGERALD: Thank you, your Honor.

17
18 VOIR DIRE EXAMINATION OF MR. SCHNEIDER

19 BY MR. FITZGERALD:

20 Q Have you heard about any of the backgrounds or
21 histories of any of the defendants on trial here?

22 A No, I haven't.

23 Q Do you know anything about Charles Manson, for
24 example, sir?

25 A Just what I heard on the news; something about
26 them living out at a ranch. That was the only thing.

1 Q Have you heard anything about Mr. Manson's
2 good character or his bad character?

3 A No, sir.

4 Q And what about the individual female defendants?

5 A Even less about them.

6 Q Do you know anything about them?

7 A No.

8 Q Have you heard of Mr. Kanarek, an attorney in
9 this case, through media sources?

10 A I believe so. There was a change of lawyers,
11 or something to that effect, on TV, wasn't there?

12 Q That is your recollection?

13 A That is my recollection, yes, sir.

14 MR. FITZGERALD: I have nothing further.

15 Thank you.

16 THE COURT: Mr. Reiner?

17 MR. REINER: Thank you, your Honor.

18
19 VOIR DIRE EXAMINATION OF MR. SCHNEIDER

20 BY MR. REINER:

21 Q Mr. Schneider, you were called to court this
22 morning, or was it yesterday, as a prospective juror?

23 A This morning.

24 Q This morning?

25 A Yes.

26 Q Now, how long have you been on jury duty?

1 A Since Monday.

2 Q As of Monday, Mr. Schneider, did you begin to
3 suspect that there was at least a possibility that you would
4 be a prospective juror in the Charles Manson case?

5 A No. It was far from my mind.

6 Q Even as of Monday, two days ago, when you were
7 in the jury assembly room it did not occur to you that
8 there was at least the possibility that you would be sent
9 out to this case as opposed to, perhaps, some other case?

10 A No, there wasn't going to be any possibility.
11 I thought I heard something last Friday that they had picked
12 the jury, and I wasn't thinking on the level of this case
13 anyway.

14 Q All right.

15 So you didn't expect you would even be called
16 for this case; is that right?

17 A No, I didn't.

18 Q Now, of course, that you have been called,
19 if you were to read anything in the newspaper or see any-
20 thing on the television news relative to this case, you
21 would discipline yourself, would you not, Mr. Schneider,
22 not to be influenced by any information that would come to
23 you through the media; is that right?

24 A That is true.

25

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4d-1

1 Q And if, perhaps, you should see something
2 in the newspaper, Mr. Schneider, even a headline, that
3 would appear to you to suggest that some of the defendants
4 or all of the defendants are guilty, you would discipline
5 yourself to ignore such a suggestion, would you not, sir?

6 A That is true.

7 Q And is it correct to say that the reason that
8 you would ignore such suggestions is because you appreciate
9 that you are a prospective juror and that you are not
10 supposed to be influenced by anything that you read in the
11 newspaper?

12 A Yes, sir.

13 Q Now, last December when these arrests
14 occurred, Mr. Schneider, you did not, at that time, even
15 remotely anticipate that there was even any possibility
16 that you might be a juror some day in this particular case,
17 did you?

18 A That is quite true.

19 Q At that time, you do recall hearing on the
20 radio, television, or reading in the newspaper about the
21 arrests that occurred in the so-called Sharon Tate killings;
22 is that correct, sir?

23 A That's right.

24 Q And at that time you became aware of the name
25 Manson for the first time in your life; is that right?

26 A Yes, sir.

4d-2

1 Q And you became aware of the life style of
2 Mr. Manson and the other girls for the first time in your
3 life; is that correct?

4 A Yes, sir.

5 Q And did you learn at that time the manner in
6 which they lived, that is, the commune-type living?

7 A Yes, sir.

8 Q And you heard names that you had never heard
9 before, such as Spahn Ranch; is that correct, sir?

10 A Correct.

11 Q And all of this became familiar to you after
12 these arrests occurred; is that correct?

13 A That is correct.

14 Q Now, do you recall some of the headlines
15 that appeared in the newspapers relative to the arrest of
16 these particular defendants?

17 A No.

18 Q You do recall, do you not, Mr. Schneider,
19 that there were headlines?

20 A Yes.

21 Q Relative to this case?

22 A Correct.

23 Q And in watching the television news from
24 time to time in the last seven months since December,
25 you did see -- did you see numerous accounts of this
26 particular trial or the persons involved in the trial, sir?

4d-3

1 A I have seen some, but like I say, I was
2 usually watching the national news more than the local news.

3 Q Would it be a fair statement that, in your
4 opinion, most of the information that you read in the
5 newspaper or saw on television seemed to imply, in your
6 opinion, that the defendants were guilty?

7 A No, sir.

8 Q You did not get that impression from the
9 news that you read?

10 A That is correct.

11 Q Well, let me ask you the converse.

12 Did the news that you were exposed to, Mr.
13 Schneider, whether it be the newspaper, radio or television,
14 seem to imply that they were not guilty?

15 A No. I was just neutral both ways.

16 Q Did you say you were neutral both ways?

17 A I was, yes.

18 Q Sir, perhaps I didn't make my question as
19 clear as I should have.

20 I wasn't at that point inquiring into your
21 state of mind. But you did read about this case and the
22 defendants in it in the newspaper, did you not?

23 A Yes.

24 Q And you did, from time to time, hear
25 news accounts of it on the radio, did you not?

26 A Yes, sir.

4d-4

1 Q And you did, from time to time, view news
2 accounts of the trial and the persons in it on the
3 television news?

4 A Very little.

5 Q All right.

6 Now, from all of those media sources -- and
7 again, irrespective of your own personal opinion -- did it
8 appear to you that the majority of the news accounts
9 implied that the defendants were guilty?

10 A No.

11 MR. STOVITZ: I object to the question as being
12 ambiguous.

13 He is asking for his own personal opinion
14 of the news accounts, and that is not clear from the
15 question.

16 MR. KANAREK: How can counsel know what it means
17 if it is not clear in the question.

18 MR. STOVITZ: Because it is clear to me. I have
19 heard the question several times.

20 MR. REINER: Very well, I will rephrase it.

21 THE COURT: Well, the witness did answer the
22 question, so apparently he understood it.

4e fls.

1 MR. REINER: Q Did you understand the
2 question as it was interpreted by Mr. Stovitz?

3 A Yes.

4 Q So, then, in your view, Mr. Schneider, the
5 news accounts did not seem to suggest or did not appear
6 to you to suggest -- strike that.

7 In your view, Mr. Schneider, the news
8 accounts did not seem to suggest that the defendants were
9 guilty?

10 A That is true. It did not suggest.

11 Q They did not suggest, on the other hand,
12 that they were not guilty -- or did they?

13 A Yes, sir.

14 Q They did not?

15 A Like I say, they didn't form a positive
16 opinion in my mind, or from what I have seen. It was
17 just a neutral opinion coming from the news broadcasts
18 or television.

19 Q I see.

20 In your view, then, all of the reporters
21 that you read that wrote about this case and all the
22 newscasters that you saw or listened to that reported on
23 this case took a neutral position and did not express in
24 any way, shape or form, or imply even, that perhaps the
25 defendants were guilty; is that correct?

26 A Correct.

1 Q And you, yourself, at this point, have no
2 opinion one way or the other?

3 A No opinion one way or the other.

4 Q And if it should happen that you would be an
5 alternate juror in this case, you would base your judgment
6 solely upon the evidence; is that correct?

7 A Correct.

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

9 THE COURT: Any questions?

10 MR. SHINN: I have no questions.

11 THE COURT: Mr. Kanarek?

12 MR. KANAREK: No questions, thank you.

13 THE COURT: Mr. Stovitz?

14 MR. STOVITZ: Yes, sir.

15
16 VOIR DIRE EXAMINATION OF MR. SCHNEIDER
17 BY MR. STOVITZ:

18 Q Mr. Schneider, what is your business or
19 occupation, sir?

20 A I am with the County right now.

21 Q What do you do for the County, Mr. Schneider?

22 A Supervise the printing division of the
23 Public Social Services.

24 Q I take it that you live in the San Gabriel
25 Valley; is that correct?

26 A Correct. In the City of El Monte.

1 Q Now, you, Mr. Schneider, in your own mind,
2 know the difference between fact and rumor; is that
3 correct?

4 A Yes.

5 Q And if you would take an oath to serve on
6 this jury, you understand that that oath would mean that
7 you would have to decide this case on the evidence that
8 you hear in this court and not on any rumors?

9 A Yes, sir.

10 Q And that would be rumors, be they at the time
11 of the killings or rumors at the time of the arrests of
12 the defendants; do you understand that?

13 A Yes, sir.

14 Q Now, after we get out of this room, Mr.
15 Schneider, we are going to go out in open court and
16 each of the attorneys will ask you questions in the
17 presence of the jurors. Before we do that, is there
18 anything about your personal life that you would want to
19 tell us now that we are here in chambers that you would
20 not want to tell us when we are out in front of the others?

21 A None whatever.
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5 fls.

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1 MR. STOVITZ: I have no further questions.

2 THE COURT: All right, I will ask you to go back
3 into court, Mr. Schneider, and sit in the empty chair in
4 the jury box down at the far end.

5 Will you refrain from discussing with anyone
6 what has gone on in chambers here this morning?

7 MR. SCHNEIDER: Yes, sir.

8 THE COURT: All right, thank you.

9 (Mr. Schneider leaves the chambers of the
10 court.)

11 MR. FITZGERALD: We will challenge the juror for
12 cause on the grounds he has been exposed to prejudicial
13 pretrial publicity.

14 MR. REINER: Join, your Honor.

15 MR. SHINN: Join, your Honor.

16 MR. KANAREK: Join, your Honor.

17 MR. STOVITZ: Oppose the challenge, your Honor.

18 THE COURT: The challenge will be disallowed.

19 Will you call in the next --

20 MR. KANAREK: May we take the morning recess at this
21 time?

22 I know we did not start until 9:35, but I
23 anticipated, your Honor, there would be a recess about this
24 time, being an hour and a half, starting at 9:00.

25 Because of that anticipation there is something
26 I wish to do.

5-2
1 THE COURT: All right, we will take one in the next
2 few minutes, in any event, so we can take it now.

3 MR. KANAREK: Thank you, your Honor.

4 THE COURT: We will take a 15-minute recess.

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

4 THE COURT: All parties and counsel are present.

5 Will you ask Mr. Freiden to come in.

6 Now, before you go, let's number these seats for
7 the alternate jurors.

8 MR. FITZGERALD: Linda Broome is in seat No. 1.

9 THE COURT: All right.

10 MR. FITZGERALD: Mr. Alex Schneider in seat No. 2.

11 THE COURT: Very well.

12 Mr. Freiden in seat No. 3.

13 MR. REINER: I believe it is Mrs. Anita Reinfield.

14 THE COURT: All right, I think it would be probably
15 more simple --

16 THE CLERK: Should they be brought in in the order in
17 which I called them?

18 MR. FITZGERALD: I was giving you the order in
19 which they were called.

20 THE COURT: All right, go ahead, then.

21 MR. FITZGERALD: Mrs. Anita Reinfield is No. 3.

22 Number 4 was Mr. Joy W. Freiden.

23 Number 5 is Mr. Arthur E. Ramirez.

24 Number 6 was Miss Donna Melinkoff.

25 THE COURT: All right, then, would you bring in
26 Mrs. Reinfield.

5a@

1 MR. REINER: Excuse me, before we bring in any other
2 jurors there is something I should bring to the Court's
3 attention.

4 Miss Van Houten has indicated she wishes to
5 have me relieved, and I indicated to her I would consent to
6 being relieved in this case.

7 Apparently there is a substantial difference of
8 opinion between myself and Miss Van Houten as to how I
9 should proceed.

10 THE COURT: You say she has indicated this to you?

11 MR. REINER: That's correct, Your Honor. If the
12 Court wishes to inquire of Miss Houten.

13 DEFENDANT VAN HOUTEN: I indicated it to the Court
14 several times also.

15 THE COURT: You made some statements in open court,
16 Miss Van Houten, earlier in the trial.

17 In fact, I believe, during the pretrial
18 proceedings.

19 Now, are you renewing that request?

20 DEFENDANT VAN HOUTEN: Yes. I never stopped wanting
21 to.

22 THE COURT: All right, what is the basis for your
23 request?

24 DEFENDANT VAN HOUTEN: We have no empathy between the
25 two of us at all, and when I say I would like something
26 done it is not done.

1 I feel as though it is almost a complete waste
2 that I am sitting here. He continues to do his wishes with-
3 out listening to what I say.

4 He will listen, but he will just, you know,
5 ignore it.

6 We talked about it many times.

7 MR. STOVITZ: May I state something for the record,
8 your Honor:

9 In Miss Van Houten's case she had an attorney
10 by the name of Barnett.

11 Barnett was employed by her; she then asked to
12 have Mr. Barnett removed. Mr. Barnett was removed and she
13 was given a court-appointed attorney, a Mr. Part, P-a-r-t.

14 Following that, I think about a month, or month
15 and a half went by, and then there was a motion made and
16 Miss Van Houten stated in open court that she personally
17 wanted Mr. Reiner.

18 Mr. Reiner was not court-appointed; Mr. Part
19 was; Mr. Part was relieved and Mr. Reiner has been
20 functioning as her attorney ever since -- whatever the
21 record shows, I cannot remember the date offhand.

22 I merely bring this to the Court's attention
23 because the Court may not realize that there have been two
24 previous changes of attorneys.

25 MR. BUGLIOSI: I think it is obvious from the record,
26 your Honor, that Mr. Reiner is doing an excellent job in

1 representing Miss Van Houten.

2 DEFENDANT VAN HOUTEN: Your Honor, if the District
3 Attorney likes Mr. Reiner, let them hire him.

4 THE COURT: Just a moment.

5 MR. BUGLIOSI: And I think he is playing the complete
6 role of a lawyer in this case. I think that is what
7 Miss Van Houten resents.

8 She does not want Mr. Reiner to play the role
9 of a lawyer. I don't see any basis at all for the motion.

10 DEFENDANT VAN HOUTEN: A lawyer is a lawyer, and
11 Mr. Bugliosi should not care who I have, your Honor.

12 THE COURT: Just a moment, one at a time.

13 MR. BUGLIOSI: I see no basis at all for Miss
14 Van Houten wanting to dismiss Mr. Reiner except for the
15 fact she does not want a lawyer, and Mr. Reiner persists in
16 the attitude of being a lawyer.

17 She does not like this, so I think at this
18 very, very late date to permit her to discharge Mr. Reiner
19 would necessitate postponement of this trial, because any
20 attorney replacing Mr. Reiner, of course, would have to have
21 a couple of weeks or a month to familiarize himself with
22 all of the evidence.

5b-1

1 MR. STOVITZ: If your Honor wanted to hold this
2 motion in abeyance until 3:00 o'clock this afternoon,
3 when this selection of the jury will be in recess, we
4 would consent to not being present here, and your Honor
5 could have an evidentiary hearing with Mr. Reiner and
6 Miss Van Houten, and she could make her objections known.

7 It certainly is not on the grounds of any
8 incompetence of counsel that she wants him relieved.

9 So far it is just her own personal whim,
10 so to speak, that she wants him relieved.

11 I don't think that the Court should cater
12 to the personal whim.

13 Speaking about empathy, I don't think she
14 has any empathy with the co-defendants in this case.

15 DEFENDANT VAN HOUTEN: Your Honor, it seems kind
16 of strange. I want to fire my attorney and the District
17 Attorney does all the talking.

18 THE COURT: Do you have something else to say?

19 DEFENDANT VAN HOUTEN: You know I never wanted an
20 attorney in the first place. It's like a fair trial is
21 a joke, and everybody knows it. ✓

22 THE COURT: Anything further?

23 DEFENDANT VAN HOUTEN: I would just as soon stay
24 in SBI and wait for my time to be sent to me.

25 If Mr. Bugliosi knows what I like so much,
26 he'd better look at himself.

1 THE COURT: Anything further?

2 DEFENDANT VAN HOUTEN: I never had anything to
3 say in the first place.

4 THE COURT: I am asking if you have anything
5 further to say.

6 DEFENDANT VAN HOUTEN: About what?

7 THE COURT: With respect to your request.

8 DEFENDANT VAN HOUTEN: My request? To relieve Mr.
9 Reiner?

10 THE COURT: Yes.

11 DEFENDANT VAN HOUTEN: I want to relieve him.

12 THE COURT: I understand that. I am giving you
13 a chance now to tell me why.

14 DEFENDANT VAN HOUTEN: Because I don't want him.

15 THE COURT: Do you have anything to add to what
16 you already said? I have to rule on your request, Miss
17 Van Houten, that is why I am asking you.

18 I want to give you a full opportunity to
19 state whatever you want to state in support of your
20 request before I rule on it.

21 Do you have anything further to say?

22 DEFENDANT VAN HOUTEN: He is not my voice, that
23 is quite obvious.

24 No man can be my voice, not unless he is
25 a real man, and I don't see but one in this room, and
26 you have shut his voice up real good.

1 That is all I have to say.

2 THE COURT: All right. Well, the motion to relieve
3 Mr. Reiner as attorney for Miss Van Houten is denied. ✓

4 The Court finds no basis whatever --

5 DEFENDANT VAN HOUTEN: Can I take it to a Superior
6 Court or somewhere?

7 THE COURT: I thought you finished talking, Miss
8 Van Houten.

9 DEFENDANT VAN HOUTEN: Well, you deny me and I
10 just sit here.

11 THE COURT: All right, the Court finds no basis
12 whatever for granting the motion, and it appears to the
13 Court that the sole reason for the defendant's making this
14 request at this time is to delay the progress of the trial. ✓

15 All right, let's proceed.

16 DEFENDANT VAN HOUTEN: You must want to delay the
17 progress because you know I wanted to start 30 days ago.

18 THE COURT: Call in Mrs. Reinfeld, please.

19 (Prospective alternate juror Mrs. Reinfeld
20 enters the chambers of the Court.)

21 THE COURT: Good morning, Mrs. Reinfeld.

22 MRS. REINFELD: Good morning.

23
24 VOIR DIRE EXAMINATION OF MRS. REINFELD

25 BY THE COURT:

26 Q Sit down, please.

1 Mrs. Reinfeld, if you were selected as an
2 alternate juror in this case would you be able to serve?

3 A I don't think so.

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1 Q Would you mind turning and facing so all of the
2 attorneys can hear you, please.

3 A Certainly.

4 Q What is your situation?

5 A Actually, there are three things why I really
6 cannot serve at this time.

7 Number one, I know this case very well, living
8 in Beverly Hills. I read every word of it in every paper,
9 in every magazine, because I was interested.

10 Number two -- you are laughing at me.

11 MR. FITZGERALD: We are not laughing at you, ma'am,
12 excuse us.

13 MRS. REINFELD: That's all right.

14 MR. KANAREK: May the record reflect I am not
15 laughing at Mrs. Reinfield.

16 THE COURT: All right, Mr. Kanarek, the record need
17 not reflect whether you are laughing or not laughing.

18 Let's get on with it.

19 MRS. REINFELD: Number two, I had a bout with an
20 inner ear infection, which makes me dizzy occasionally, not
21 now, but sometimes.

22 And I have been taking shots once a week.

23 That is about it.

24 MR. KANAREK: Your Honor, if I may, I think I would
25 thank the juror for her candor and challenge her for cause.

26 MR. FITZGERALD: Perhaps your Honor would ask her her

32
1 opinion based on what she has read.

2 Q BY THE COURT: Well, have you formed any
3 opinion as to the guilt or innocence of any of the defendants?

4 A No, sir, I have not.

5 Q Well, --

6 A I would want to be very fair about it because
7 it is a very important thing, as far as I am concerned.

8 Q Do you think you could be fair if you were
9 selected?

10 A Oh, yes, I would be very fair. There is no
11 doubt about that.

12 But because of some other situations I don't
13 think I could serve.

14 Q Because of what you already mentioned?

15 A Yes, you know.

16 I don't know whether being closed up like that
17 for a long period of time would bring this vertigo on like
18 this, this labyrinthitis, as they call it.

19 Q In other words, you are asking to be
20 excused for physical reasons?

21 A Actually, yes.

22 THE COURT: Do counsel wish to stipulate?

23 MR. FITZGERALD: No.

24 MR. KANAREK: No, your Honor.

25 THE COURT: All right. Then we will continue on with
26 the questioning, Mrs. Reinfeld.

5C3
1 Q I am going to ask you now some questions
2 regarding the death penalty.

3 Have you had an opportunity to think about your
4 own opinions on that subject?

5 A Yes, sir.

6 Q All right. 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 in the case?

11 A No, sir.

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 case?

16 A No, sir.

17 Q On the other hand, would you automatically
18 impose it in every case without regard to the evidence in
19 the case?

20 A No, sir, absolutely not.

21 Q You would be willing to listen to the evidence
22 and then make up your mind, assuming that the case gets
23 to the penalty phase, and you are, of course, called into
24 the box as a juror?

25 A Yes, sir.
26

5C4 1 Q Now, you say that you followed this case
2 closely in the various media, is that right?

3 (Mrs. Reinfeld nods her head in the affirmative.)

4 MR. STOVITZ: You have to answer out loud.

5 MRS. REINFELD: Pardon me?

6 THE COURT: You have to answer audibly so the reporter
7 can take it down.

8 MRS. REINFELD: Oh, yes, sir.

9 Q BY THE COURT: Did you ever learn anything from
10 any source other than the fact that the defendants have
11 obviously been arrested and charged with these offenses?

12 A No, sir.

13 Q Wait a minute, I have not finished the
14 question.

15 Let me start the question again:

16 You know from what you have read and what I
17 have told you here in court that the defendants have been
18 indicted for these offenses.

19 A Yes, sir.

20 Q That is the reason we are having a trial, to
21 determine their guilt or innocence.

22 A Yes, sir.

23 Q Now, apart from those facts have you learned
24 anything which causes you to believe that the defendants
25 may be connected with these offenses?

26 A No, sir, nothing tangible.

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Q Well, I want to know anything.

A No, I really don't.

Q You don't know anything?

A No. I only know what I have read. Nothing more.

Q Well, what did you read?

A Well --

Q Anything in those newspaper or TV accounts--

A Yes.

Q -- or radio accounts that causes you to believe that the defendants were connected with these offenses?

A No more than, I suppose, anybody would know at this point. I don't know anything more than that.

Q Well, of course, that doesn't tell us what you do know.

A I can't tell you what I do know because it is just the events that have been on TV and in the newspaper and in magazines, and so forth, and that is all I know.

Q Well --

A But I have been interested, so I read it.

Q Have you read anything about how the actual killings were done?

A Yes.

1 Q Well, tell us what you know about that?

2 A Well, it is difficult for me to state
3 exactly what I did read at this point because it was
4 a long time ago.

5 Q All right.

6 Did you ever read anything or hear anything
7 which caused you to believe that it was a statement of
8 someone who was actually present at the time of the
9 killings?

10 A I don't quite understand that.

11 Q Well, did you ever read or hear anything
12 which appeared to be a statement or a description by
13 somebody who was actually present at the time of the
14 killings?

15 A Oh, no.

16 Q Or any of them?

17 A No.

18 Q Did you ever read or hear anything which
19 appeared to be a statement or description by one of
20 the defendants --

21 A No, sir.

22 Q -- concerning anything --

23 A No.

24 Q -- about the events?

25 A No.

26 Q Have you been in Los Angeles County

1 continuously since last August?

2 A Yes, sir.

3 Q Did any of this publicity that you have read
4 or heard cause you to think that the defendants are
5 probably more likely to be guilty than innocent?

6 A I can't really answer that. It has never
7 been clear in my mind -- I never really thought about them
8 being guilty or not guilty. It was just a situation that
9 happened. I would have to weigh the evidence back and
10 forth to see if they were or they weren't.

11 I really haven't decided in my mind that they
12 were guilty.

13 Q Well, would you say that at this point you
14 tend to lean toward the prosecution's side of the case,
15 that they are more likely to be guilty than not guilty?

16 A No, I wouldn't really say that. I think
17 that I am a fair person, and I would want to hear both
18 sides of it before I made up my mind.

19 Q Do you think that you are completely neutral
20 on the question of guilt or innocence of any of the
21 defendants?

22 A Yes. At this point I think I would say yes
23 because I sat here day after day and thought about it, and
24 in my own mind I would want to be very, very sure what
25 went on before I came to any decision.

26 Q Suppose that the unlikely circumstance should

arise -- well, strike that. I will rephrase the question.

Just for the sake of this examination now,
assume that you had been charged with a criminal offense.

A Yes.

Q And that you were before the Court to stand
trial.

A Yes.

Q Now, would you be willing to have someone
on the jury such as you are now, in the frame of mind
that you are now?

A Yes. I think I am a very fair person. I
am open-minded about it. I don't want to think one way
or the other at this moment. I'd want to hear what really
had happened before I had made up my mind completely.

Q Well, have you made up your mind incompletely?

A No, not really.

THE COURT: All right. Mr. Fitzgerald?

MR. FITZGERALD: Thank you.

6a fls.

VOIR DIRE EXAMINATION OF MRS. REINFELD

BY MR. FITZGERALD:

Q Did I understand you correctly that you said you had read every single word that had been printed about this case?

A Practically.

Q Have you read newspaper accounts of this case?

A Yes, sir.

Q Magazine accounts of this case?

A Yes, sir.

Q Can you name any of the magazines?

A Well, I found them in the beauty shop.

Q Life magazine?

A No, not Life. Some other stories, you know.

Just kind of stories.

Q Look magazine?

A No.

Q Esquire?

A No.

Q Detective magazines?

A No.

Q Ladies' Home Journal?

A No.

Q McCall's?

A Maybe.

Q Have you also watched television extensively in

A2 1 connection with this case?

2 A Yes, sir.

3 Q Do you also listen to a radio?

4 A Yes, sir.

5 Q Have you heard radio accounts of this case?

6 A Yes, sir.

7 Q Do you subscribe to the Los Angeles Times?

8 A Yes, sir.

9 Q Do you receive the Sunday edition of the
10 Los Angeles Times?

11 A Yes, sir.

12 Q Do you recall reading anything about this case
13 in the Sunday edition of the Los Angeles Times in
14 December about the time that these defendants were
15 arrested?

16 A Probably.

17 Q Does the name Paul Caruso mean anything to you?

18 A I know he is an attorney.

19 Q Does the name Richard Caballero mean anything
20 to you?

21 A He is also an attorney.

22 Q Do you know who those attorneys represented,
23 if anyone?

24 A No, sir.

25 Q Were they in any way connected with this case
26 that you know of?

- a#
- 1 A No, sir. I don't know.
- 2 Q Is the name Susan Atkins familiar to you?
- 3 A It is now.
- 4 Q It is now because you have been in court.
- 5 and heard her name?
- 6 A Yes. Right.
- 7 Q Have you read or heard or seen her name in the
- 8 newspaper, radio or television?
- 9 A Not particularly.
- 10 Q Did you ever read an eye witness account of the
- 11 deaths there on Cielo Drive?
- 12 A I may have.
- 13 Q Could you search your memory for us?
- 14 Have you ever read or heard or seen anything
- 15 about an eye witness account of who died, how they died,
- 16 when they died, et cetera?
- 17 A I don't believe so.
- 18 Q Are you familiar with 10050 Cielo Drive?
- 19 A I know where it is.
- 20 Q Have you been by there?
- 21 A No, sir.
- 22 Q You live in Beverly Hills; is that correct?
- 23 A Yes, sir.
- 24 Q Did you have a certain amount of fear --
- 25 A Yes, sir.
- 26 Q -- at about the time these events occurred?

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1 A Yes, sir.

2 Q Are you still in fear?

3 MR. KANAREK: Your Honor, may the record reflect
4 that she is nodding her head up and down?

5 THE COURT: You will have to answer audibly.

6 MRS. REINFELD: I am sorry.

7 MR. FITZGERALD: Q Do you still have a certain amount of
8 fear?

9 A No, sir.

10 Q Why has that fear stopped?

11 A I don't know.

12 Q Because the defendants have been arrested?

13 A I would say so. I would think so.

14 Q In other words, you think that the arrests
15 of the defendants -- well, strike that.

16 Would it be fair to say that you think that the
17 defendants are the ones that committed the offenses?

18 A No, sir. I am not ready to say they are.

19 Q All right. I don't wish to argue with you.

20 A Yes, sir.

21 Q But why aren't you scared any more, if I might
22 ask?

23 A Well, I don't know. Maybe because time has
24 passed and we have just stopped thinking about it, and it
25 seems that the situation has changed so that nobody is
26 worried about it any more.

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Q Do you know how any of these people died?

A Yes, sir, I do.

Q Could you tell us how?

A I'd rather not say.

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Q Why would you prefer not to say?

A I don't know. I just don't want to think about it.

Q Well, if you were selected as an alternate juror in this case you may have to evaluate all the evidence, and it may be gory and it may be gruesome.

A That's right.

Q You may have to think about it at least a good portion of every day.

A Well, if, at that time, I am selected, probably I could do it.

Q Now, it is important for us --

A Yes, sir.

Q -- in selecting jurors that we know what goes on in your mind as best we can determine from what you tell us, and it would be very helpful if you would tell us how these persons died.

A I think with knives and guns, and so forth.

Q Where did you learn they died from knives or guns?

A I read it in the paper.

Q Would you be afraid, in your own mind, if Mr. Manson or any of these other defendants were released?

A If they were released --

Q Yes. At this point.

1 A -- you mean if they are not --

2 Q Today.

3 A -- proven guilty?

4 Q If they were just released today, if the trial
5 was stopped.

6 A Oh, I don't know. I don't think I would be,
7 no.

8 MR. FITZGERALD: I have nothing further.

9 THE COURT: Mr. Reiner?

10 MR. REINER: I have no questions.

11 THE COURT: Mr. Shinn?

12 MR. SHINN: I have no questions.

13 THE COURT: Mr. Kanarek?

14 MR. KANAREK: No questions, your Honor.

15 THE COURT: Mr. Stovitz?

16 MR. STOVITZ: Thank you.

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18 VOIR DIRE EXAMINATION

19 BY MR. STOVITZ:

20 Q Can you tell us the name of any book
21 that you might have read that concerns itself with the
22 commission of these crimes?

23 A No, sir. I didn't read any books.

24 Q Did you ever read a publication known as
25 the Rolling Stone?

26 A No, sir.

1 Q Where in Beverly Hills do you live?

2 A I live at 148 South Reeves Drive.

3 Q Without giving us the exact address, what
4 cross streets is it near?

5 A It is near Wilshire Boulevard.

6 Q Have you, from time to time, taken Benedict
7 Canyon in crossing over to the Valley?

8 A Yes, sir.

9 Q Was that after the killings took place or
10 before the killings, or both times?

11 A I have never been there since.

12 Q Since the killings, then, you avoided
13 Benedict Canyon; is that right?

14 A Well, there was just no reason, you know,
15 to go there.

16 Q Did you read or see anything about the
17 finding of clothing in the Benedict Canyon area?

18 A Yes, sir.

19 Q Do you know from what you have read or seen
20 whose clothing they were?

21 A Whoever committed the crimes, it was
22 supposed to be their clothing.

23 Q In any of the accounts that you read, did
24 you ever see that that clothing belonged to any of the
25 defendants in this case?

26 A No, sir.

1 Q Do you know what connection, if any,
2 Miss Krenwinkel has with this case?

3 A No, sir.

4 Q Do you know what connection, if any, Miss
5 Susan Atkins has with this case?

6 A No, sir.

7 Q Or Miss Leslie Van Houten?

8 A No, sir.

9 Q Did you ever read any account whatsoever
10 of Mr. Manson actually killing anybody?

11 A No, sir.

12 Q Would you say that you have not read any
13 account of him killing anybody?

14 A No, sir.

15 MR. STOVITZ: I have no further questions.

16 MR. REINER: Your Honor, I have a couple of
17 questions, if I might?

18 THE COURT: Very well.

19 MR. REINER: Thank you.
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VOIR DIRE EXAMINATION

BY MR. REINER:

Q In addition to the Los Angeles Times, is there any other newspaper that you read from time to time or on a regular basis?

A The Herald-Examiner.

Q Do you read the Herald-Examiner on a regular basis?

A Yes, sir.

Q Do you subscribe to it?

A No. We just get it every night.

Q Including the Sunday Edition?

A Yes, sir.

Q Do you read, perhaps, the Citizen-News?

A No, sir.

Q Then it would be a fair statement to say that every day since the arrests occurred in connection with this case, you have sought/^{out}and read each of the articles in the Los Angeles Times and the Herald-Examiner?

A Yes, sir.

Q Now, with respect to the magazines that you read in the beauty shop, would these be magazines that might be characterized as movie magazines?

A Sort of, yes.

Q And from time to time as you visit the beauty shop, do you generally read all of the articles

1 in the various movie magazines that relate to the
2 personalities in this case?

3 A Yes, sir.

4 Q And would it be a fair statement to say
5 that you get a fairly good cross section of all of the
6 movie magazines by visiting the beauty shop?

7 A Not really. I just pick up one once in
8 a while.

9 Q What would be your best estimate as to how
10 many different movie magazines you would read when you
11 do visit the beauty shop?

12 A Oh, maybe one or two at the most.

13 Q And approximately how often do you go to the
14 beauty shop?

15 A Once a week.

16 Q So then you read one or two movie magazines
17 a week relating to this case, generally speaking?
18 Would that be approximately correct?

19 A No, I don't think that is correct because
20 I don't think I read that many.

21 Q Could you give us a rough estimate of how
22 many magazines you read --

23 A I would say that I only read about two or
24 three at the very most.

25 Q Since last December?

26 A Yes, sir.

1 I mean, concerning this case.

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

4 MRS. REINFELD: You are welcome.

5 THE COURT: Anything further?

6 All right. I will ask you to go back into
7 the courtroom, Mrs. Reinfeld, and will you refrain from
8 discussing with anyone what has gone on here in chambers?

9 MRS. REINFELD: Yes, sir.

10 THE COURT: Thank you.

11 MRS. REINFELD: You are welcome.

12 (Mrs. Reinfeld leaves the court's chambers.)

13 MR. FITZGERALD: We will challenge the juror for
14 cause because of her exposure to prejudicial pretrial
15 publicity, your Honor.

16 MR. REINER: Join.

17 MR. SHINN: Join.

18 MR. KANAREK: Join, your Honor.

19 MR. STOVITZ: We will certainly stipulate that
20 this juror was exposed to pretrial publicity. Whether
21 or not that is prejudicial or not is, of course, a
22 question.

23 I don't feel that the publicity was
24 prejudicial. However, as your Honor stated before,
25 out of an abundance of caution, this witness may have
26 read the account of the actual killings that were

1 published in the Los Angeles Times, so that means that we
2 will not object to her being excused, because she may have
3 read that account.

4 The juror was candid and said that she did
5 read everything in the papers about it, and that certainly
6 was in the papers.

7 THE COURT: Of course, her answers seemed to belie
8 the conclusion that she has read everything.

9 MR. KANAREK: Well, your Honor, therein, I think,
10 is the kernel of truth in connection with the jurors that
11 have presently been purportedly chosen, and that is why
12 it is our position that all the jurors --

13 THE COURT: Let's not generalize now. You have
14 had ample opportunity to make your objection to each
15 specific juror.

16 MR. KANAREK: I join in this, as it is our position
17 that all of these jurors have been tainted, your Honor.

6d fls.

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1 THE COURT: A statement by someone that they have
2 read everything about a particular matter, of course, is
3 simply a conclusion.

4 She may have thought -- and I don't doubt
5 that she thought she read everything about it -- but her
6 answers indicate that either she didn't or that she
7 doesn't have a very good memory.

8 MR. KANAREK: Or there is the alternative, your
9 Honor. In reading up in connection with voir dire
10 procedures, I think the authorities, Law Review articles
11 and otherwise, are almost unanimous in the proposition
12 that people, none of us, like to admit we are prejudiced.
13 Maybe we honestly believe we are not but, in fact, we are.

14 And that is the vice, your Honor, of letting
15 the juror be the judge of whether he or she is impartial;
16 and that is the vice, that is why, your Honor, we have
17 presently a jury that has already made up its mind.

18 THE COURT: You keep saying that, Mr. Kanarek, but
19 saying it will not make it true, and in my opinion this
20 is a fair and impartial jury. They have had remarkably
21 little exposure to any publicity concerning this matter.

22 So, no matter how many times you repeat
23 it, Mr. Kanarek, you are not going to change my opinion
24 as to the jury as it is now constituted.

25 We have taken a great deal of pain and a
26 great deal of time to select jurors who have not been

1 exposed nor in any way contaminated by pretrial publicity.

2 MR. KANAREK: I am not intending to impugn your
3 Honor's intent, what I am saying is --

4 THE COURT: I don't consider that you are. I am
5 simply answering what you said,

6 MR. KANAREK: Yes, your Honor.

7 I am saying that there are some things
8 that are impossible, and the philosophy of Aranda and
9 Bruton recognizes it, and when you have an area permeated,
10 as we have said, with --

11 THE COURT: We have gone over this dozens of times,
12 Mr. Kanarek. There is no point in going over it again
13 now.

14 MR. KANAREK: I understand.

15 THE COURT: I am going to allow the challenge,
16 although I think it is highly questionable whether this
17 juror should be excused for cause, but since the challenge
18 has been made and the People apparently have no objection,
19 I will allow it.

20 THE CLERK: Shall I call the next juror?

21 THE COURT: Yes. We will need the next juror
22 to fill seat No. 3, Mrs. Reinfield's seat.

23 THE CLERK: Yes, sir.

24 MR. STOVITZ: While the juror is coming in,
25 your Honor, this juror expressed a physical hardship.
26 She seemed to express a desire not to sit on this jury,

1 and I think that the --

2 THE COURT: That is another thing that made me
3 wonder whether her conclusion that she had read every-
4 thing was really, in fact, true, because she was not
5 anxious to get on the jury, she was asking to get off.

6 MR. STOVITZ: And I think in the motion for a
7 change of venue, your Honor, counsel did not introduce
8 a single movie magazine article.

9 As I recall, from what little I know about
10 movie magazine articles, it just dealt with the initial
11 killings and not with the arrests of any of these
12 defendants.

13 (Whereupon the next juror enters chambers.)

14 THE COURT: Good morning, sir.

15 MR. TARIN: Good morning.

16 THE COURT: You are Nick Tarin?

17 MR. TARIN: Yes, sir.

18 THE CLERK: Shall I put his name into the record,
19 your Honor?

20 THE COURT: Yes.

21 THE CLERK: The prospective alternate juror's name
22 is Nick Tarin, Jr.; N-i-c-k, T-a-r-i-n, Jr.

23
24 VOIR DIRE EXAMINATION OF MR. TARIN

25 BY THE COURT:

26 Q Mr. Tarin, I recognized you because you

1 were one of the prospective jurors who stood up and gave
2 your name earlier in court, were you not?

3 A Yes, sir, that's right.

4 Q Now, apart from your beliefs as to your
5 present opinions and whatever you have read and heard
6 about the case, which we will get into later, if you
7 were selected as an alternate juror, would you otherwise
8 be able to serve?

9 A No, sir, because I have an aged mother
10 and I would have to stay with her, you know.

11 Q She is living with you?

12 A Yes, sir.

13 Q Are you married?

14 A No, sir.

15 Q Just the two of you are living together?

16 A Yes.

17 Q And how old is she?

18 A She is 65.

19 Q Is she physically disabled in any way?

20 A No, sir, but she is alone and she can't
21 go to the store by herself now, you know.

22 Q She is unable to care for herself?

23 A Yes.

24 Q Are you her sole care and support?

25 A No. She gets a pension from my father,
26 Social Security.

1 Q I wasn't thinking necessarily of money
2 but of physical care and support.

3 Are you the one that takes care of that?

4 A Yes. You know, I help her out.

7 fls.

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1 Q In other words, she depends on you?

2 A Yes, sir.

3 Q Suppose you were selected as an alternate juror,
4 do you think she can get along?

5 A I don't know. My sister had been going over
6 there, you know, while I have been at work. I would be
7 at work; she was helping her all she can.

8 Q Is your sister married?

9 A Yes, she is, she has four kids, but, you know,
10 they are not small. They are of school age.

11 MR. BUGLIOSI: The People will stipulate.

12 MR. FITZGERALD: We will stipulate if the record will
13 reflect that he was one of the jurors that indicated to the
14 Court earlier that he could not in any event if he were
15 selected be fair and impartial.

16 THE COURT: Is that true?

17 THE JUROR: Yes, sir.

18 THE COURT: I know you were one of the jurors who
19 so indicated, but is it true that you could not be fair
20 and impartial in this case?

21 THE JUROR: Yes, I think so.

22 THE COURT: You believe that to be true?

23 THE JUROR: All right, then, by stipulation of all
24 counsel, is that correct, gentlemen?

25 MR. FITZGERALD: So stipulated, your Honor.

26 MR. REINER: So stipulated.

1 MR. SHINN: So stipulated.

2 MR. KANAREK: So stipulated.

3 THE COURT: -- you will be excused then, Mr. Tarin.

4 Will you refrain from discussing with anyone
5 what has been said here this morning.

6 MR. TARIN: Yes, sir.

7 THE COURT: All right, you are excused, thank you.

8 (Mr. Tarin leaves the courtroom.)

9 (A prospective alternate juror enters the
10 chambers of the court.)

11 THE COURT: Good morning, sir.

12 THE PROSPECTIVE ALTERNATE JUROR: Good morning.

13 THE CLERK: The prospective alternate juror's name is
14 John W. Anderson, J-o-h-n; A-n-d-e-r-s-o-n.

15
16 VOIR DIRE EXAMINATION OF JOHN W. ANDERSON
17 BY THE COURT:

18 Q Mr. Anderson, you were one of those who stood
19 up and indicated that you would be unable to be fair and
20 impartial in this case?

21 A Yes, sir.

22 Q Now, apart from your mental reservation about
23 that, is there any other reason why you would be unable
24 to serve if you were called as an alternate juror in this
25 case?

26 A Other than my feelings towards the defendants in

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1 this matter, I feel that I am a student on a nighttime
2 basis at California State College.

3 I had my jury duty put off until the summer
4 months so it would not interfere with my regular school
5 work.

6 I was not able to attend college when my family
7 was growing up. Now that I am able, why, I feel this would
8 be an imposition upon me, to be tied up for this length of
9 time, my age being what it is, the chances for promotion
10 with a college degree just slowly going by the wayside.

11 That is the only way I can get ahead enough that
12 I feel I can have reasonable retirement when the time comes.

13 Q Are you presently employed?

14 A I am, sir.

15 Q Where?

16 A The City of Los Angeles Bureau of Maintenance,
17 I am a Methods and Standards technician, work measurements.

18 Q Now, will you tell us what the basis for your
19 belief is that you could not be fair and impartial if you
20 were called as an alternate juror?

21 A The news media, what I heard and what I read
22 and what I discussed with my family and my friends.

23 My feeling, I guess the terminology that has
24 been used in the press, they refer to these people as
25 cultists and have given me the distinct impression that
26 they feel that they have the way of life that is different

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1 from mine.

2 Their standards are different from the stan-
3 dards that I live by, and if their feeling of these
4 standards I have to live by is so bad that they cannot live
5 by them themselves, I don't see where I can in all honesty
6 go along with them in any way, shape or form.

7 I have the distinct impression that they are
8 guilty as charged.

9 Q Is that the impression gained from the fact
10 that they have a certain life style or appearance?

11 A Life style, appearance, general demeanor.

12 What I mean by that is -- appearance, that
13 their minds, however they operate I don't know, other than
14 I have a granddaughter that has been involved in this type
15 of situation and it has been thoroughly distasteful to the
16 entire family, and I made up my mind at this point that
17 I cannot go along with people that want to live this way.

18 If they cannot afford to live by my standards,
19 I cannot consider them to be anything but guilty.

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1 Q Do you believe then entirely apart from what
2 the evidence in the case that your feelings about the
3 defendants, because of their life style and appearance,
4 would prevent you from being impartial on the subject of
5 their guilt or innocence?

6 A Yes, sir. I don't feel I can honestly give them
7 the benefit of any doubt.

8 They would have to prove beyond a shadow of
9 all doubt that they were innocent, not that they were guilty.

10 Q In other words, you would place a burden on the
11 defendants rather than on the People?

12 A That's right, sir.

13 MR. FITZGERALD: No questions. Challenge the juror
14 for cause.

15 MR. REINER: If I may, your Honor:

16 Q Mr. Anderson, I noted --

17 THE COURT: We don't go into this now, we have a
18 challenge pending.

19 MR. REINER: Well --

20 THE COURT: I am going to allow the challenge.

21 Will you refrain, Mr. Anderson, discussing
22 with anyone what has gone on here this morning?

23 MR. ANDERSON: Yes, sir, I will.

24 Am I excused?

25 THE COURT: Yes.

26 (Mr. Anderson leaves the chambers of the

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1 court.)

2 MR. KANAREK: Your Honor, may the record reflect
3 that I join in the challenge, I don't know if I enunciated
4 that.

5 MR. SHINN: I also joined.

6 THE COURT: I thought I heard you all say that.

7 MR. SHINN: Yes, we all joined, your Honor.

8 MR. FITZGERALD: I would like to bring something up,
9 actually that Mr. Reiner brought to my attention, I think
10 his observation is accurate.

11 Yesterday afternoon we had 24 jurors sitting
12 in the advance portion of the courtroom; then, after
13 discussing with the court, the Court ordered over an
14 additional 24.

15 When your Honor this morning asked if there were
16 anyone who had any feelings about being impartial with
17 regard to the defendants, 15 people stood up, with the
18 exception, I believe, of two all of those persons were in
19 the back portion in the new 24 panel that was brought over
20 this morning, and they were all standing contiguous with
21 one another.

22 I wonder if the Court might inquire has there
23 been some discussion between these panel members.

24 All I am trying to do is to point out to the
25 Court that I think there must be more than a coincidence
26 that a whole row stands up and says that.

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1 MR. KANAREK: In fact there were two rows, your
2 Honor.

3 MR. REINER: It was three rows, to be accurate.

4 THE COURT: It was not three complete rows.

5 Now, gentlemen --

6 MR. REINER: With one exception.

7 MR. FITZGERALD: I am trying to be as fair and
8 accurate as I possibly can.

9 THE COURT: That is not correct, Mr. Reiner, there
10 were jurors who stood up in the front, several of them.

11 MR. FITZGERALD: I think three.

12 MR. STOVITZ: I think the general description is
13 accurate.

14 However, if your Honor or counsel were trying
15 to find some motive, it might be that the jurors who were
16 brought over yesterday afternoon were admonished not to
17 read the newspapers or watch anything on television.

18 The jurors that came over this morning did not
19 have that admonition.

20 I think the main story that was carried in the
21 papers today was that the Court has ordered the present
22 panel of the jury to be sequestered, and it has become a
23 more or less established fact that the jurors are going to
24 be sequestered.

25 If there is any particular motive -- it may be
26 a coincidence -- I think that might be the motive.

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1 Now, the jurors realize they may be on the
2 second team, so to speak; that they never will be called into
3 the jury, and yet they will have to suffer the same hardships
4 of the other jurors.

5 So whatever it is worth, I think that is the
6 possible motive.

7 MR. REINER: That certainly is a possible motive.

8 THE COURT: I suggest if you have some questions about
9 it, the next one that comes in here, talk to them about it.

10 I think just in doing that in open court we
11 won't get any response, or whatever response we get is not
12 going to mean very much.

13 Perhaps if you inquire of the individual
14 jurors as they come into chambers about that matter, you may
15 learn something.

16 MR. KANAREK: Yes, your Honor.

17 I think based upon Mr. Fitzgerald's statement
18 and Mr. Stovitz's statement, we do allege a denial of due
19 process and equal protection.

20 And Mr. Stovitz, I think his statement makes it
21 mandatory, your Honor, that the entire panel be dismissed,
22 including those in the box, because it is clear that the
23 prosecution -- the prosecution even concedes that there is
24 motivating forces in connection with the words uttered by
25 these people.

26 It is implicit, if not explicit, in Mr. Stovitz's

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1 last statement that whether these people get on the jury or
2 not they know depends upon what they utter, not upon
3 what their true state of mind is.

4 . . . That means we are going along in a trial which
5 has these ingredients --

6 THE COURT: I don't know what you're talking about.

7 MR. STOVITZ: I disagree.

8 MR. BUGLIOSI: To summarize what he is saying, he is
9 opposed to all jury trials and all court trials.

10 I think he is opposed to the defendants being
11 tried for their alleged crimes.

12 MR. KANAREK: That statement, your Honor, of course
13 I hope it is facetious.

14 MR. BUGLIOSI: No, actual, Mr. Kanarek.

15 MR. KANAREK: The point is, your Honor --

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16 THE COURT: Are you making a motion or something,
17 Mr. Kanarek?

18 MR. KANAREK: Yes.

19 THE COURT: I don't care to hear just conversation;
20 we have too much to do.

21 MR. KANAREK: I make a motion that Mr. Stovitz's
22 last statement be read back to the Court, and I would ask
23 your Honor to consider Mr. Stovitz's --

24 THE COURT: I heard it and I considered it.
25 I don't see there is anything to consider.

26 MR. KANAREK: He is describing motivations and it

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1 shows, your Honor, that the prosecution themselves concede --

2 THE COURT: It would not make any difference to me
3 what Mr. Stovitz conceded.

4 I don't see any such motivation.

5 MR. KANAREK: Very well.

6 THE COURT: Admittedly there may be prospective
7 jurors who may not want to be sequestered. That is not
8 going to surprise anybody.

9 All right, let's call in the next prospective
10 juror.

11 THE CLERK: Is Mr. Anderson excused?

12 THE COURT: Yes, he was excused for cause.

13 (Prospective alternate juror enters the
14 chambers of the Court.)

15 THE COURT: Good morning, sir.

16 PROSPECTIVE ALTERNATE JUROR: Good morning.

17 THE CLERK: The prospective alternate juror's name is
18 Harold F. George, H-a-r-o-l-d; G-e-o-r-g-e.

19
20 VOIR DIRE EXAMINATION OF MR. HAROLD F. GEORGE
21 BY THE COURT:

22 Q There used to be a very distinguished general
23 in the Air Force with that name.

24 A Yes, there was, but he has died since, I believe.

25 Q Has he?

26 A Yes, I read about it in the paper.

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1 Q Are you any relation to him?

2 A No, sir, but I would have admitted it to some
3 people.

4 Q Mr. George, if you were selected as an alter-
5 nate juror in this case would you be able to serve?

6 A I would be able to serve as far as my work is
7 concerned, yes.

8 Q Does that imply there is some other reason?

9 A Well, that implies I do not believe in the death
10 penalty.

11 Q All right, I am going to get to those
12 questions in just a moment.

13 But aside from whatever your beliefs or opinions
14 are on the death penalty, you would be able to serve?

15 A Yes.

16 Q All right. Do you entertain such conscientious
17 opinions regarding the death penalty that you would be
18 unable to make an impartial decision as to any defendant's
19 guilt regardless of the evidence in the case?

20 Now, you understand before you answer that,
21 that that question goes to the first part of the trial.

22 A Yes.

23 Q The so-called guilt phase.

24 A I could go that far, yes.

25 Q You could be impartial on the question of guilt?

26 A Yes, yes.

7a8

1 Q Or innocence.

2 A Yes.

3 Q Now, the second question is directed to the
4 so-called penalty phase and it is this:

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

9 A Yes, I'm afraid I would.

10 MR. KANAREK: What was that exact answer?

11 THE COURT: It was, "I'm afraid I would."

12 MR. KANAREK: Was that what it was?

13 MR. GEORGE: Yes, I would. I will put it positively.

14 THE COURT: Q Do you mean by that, Mr. George,
15 that your mind is entirely made up, and you would not
16 consider any evidence in the case, but you would automati-
17 cally refuse to impose the death penalty, or would you
18 first listen to all of the evidence and then make up your
19 mind on the question of penalty?

20 A I would listen to all of the evidence, yes,
21 but I am afraid I would not send anybody to the death
22 penalty.

23 Q Well, then, why would you be willing to listen
24 to the evidence before you made up your mind if you would
25 not impose the death penalty?

26 Isn't that really inconsistent?

1 A It is, but you asked the question.

2 I just said I had an open mind to the case,
3 that is what I had in mind. I had an open mind to the case.

4 Q I don't intend to argue with you, sir, what
5 we have to do is to find out your exact state of mind.

6 A My state of mind is that I could not vote the
7 death penalty.

8 Q Under any circumstances?

9 A Under any circumstances.

10 Q Is this a belief you have held for some time?

11 A All my life. I have been in church work.

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1 Q Can you conceive of any set of circumstances or
2 any type of case where you would be willing to listen to
3 the evidence before you made up your mind on the question
4 of penalty?

5 A Anything that would have the death penalty in
6 it I would not be interested in, no, if that is what you
7 mean.

8 Q That is what I mean.

9 A Yes.

10 Q In other words, regardless of the type of case,
11 regardless of what the facts showed to be, no matter how
12 horrible the crimes might be or anything else, you would
13 automatically refuse to impose the death penalty?

14 A Yes, sir.

15 Q And the evidence in the case would make no
16 difference to you, is that right?

17 A Yes, sir.

18 MR. STOVITZ: May I ask the Court, did the reporter
19 get the answers to both the last two questions?

20 (The reporter indicates in the affirmative.)

21 THE COURT: You have no mental reservations at all
22 about your answers?

23 In other words, are these positive answers?

24 A My answers are positive, but the fact I have
25 been a Christian all my life -- the man upstairs will take
26 care of them.

THE COURT: I understand, sir, and we certainly

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1 respect your opinion and I don't want you to understand
2 that we are questioning your opinions in any way --

3 MR. GEORGE: Oh, yes.

4 THE COURT: -- as to the correctness of them.

5 It is simply that before we can excuse a juror
6 or accept a juror we have to be certain that he is certain
7 of what his opinions are.

8 That is the reason why I keep probing at you.
9 You understand there is nothing personal about it?

10 A No, I understand that.

11 Q Is there any doubt in your mind concerning any
12 of the answers that you have now given?

13 In other words, are these firm, positive
14 convictions of yours?

15 A These are firm, positive convictions of mine.

16 THE COURT: All right.

17 MR. GEORGE: It was not made up yesterday either.

18 THE COURT: All right.

19 MR. FITZGERALD: May I ask?

20 THE COURT: Yes.

21
22 VOIR DIRE EXAMINATION OF MR. GEORGE

23 BY MR. FITZGERALD:

24 Q Does your religious conviction stem from the
25 statement in the Bible, "Vengeance is mine saith the Lord"?

26 A Yes, sir.

1 Q Is that essentially your position?

2 A Yes, sir.

3 Q Now, you have not heard any of the evidence
4 in this case?

5 A No.

6 Q You really don't know anything about it?

7 A No.

8 Q Can you conceive -- can you think -- can you
9 conjure up in your mind any case in which the death
10 penalty might be an appropriate penalty?

11 A No, I cannot.

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1 Q Let's take the man in history that you
2 think would be the worst, the most evil.

3 Could you give that person the death
4 penalty?

5 A I could not give anybody the death penalty.

6 Q No human being alive or dead that you can
7 think of that --

8 A No, sir.

9 Q -- would you ever impose the death penalty
10 on?

11 A No, sir.

12 MR. FITZGERALD: I have nothing further.

13 MR. REINER: Your Honor, if I might?

14 THE COURT: Yes.

15
16 VOIR DIRE EXAMINATION

17 BY MR. REINER:

18 Q Mr. George, I fully appreciate how
19 totally you are opposed to the death penalty, but if,
20 against your wishes, you were a member of this jury,
21 and if, in the event there were convictions and you were
22 instructed by the Court that you had a duty under the
23 law to at least consider the evidence in deciding what
24 the penalty was to be, would you follow the Court's
25 instructions and follow your duty under the law to
26 consider the evidence before deciding whether you would

8-2

1 vote for the death penalty or vote for life imprisonment,
2 or would you ignore the Court's instructions and simply
3 refuse to even consider the evidence and automatically
4 impose the life sentence?

5 A There are too many ifs.

6 THE COURT: Just a moment, sir.

7 I think that is an improper question because
8 if it ever got to that stage, he would have to take an
9 oath, and you are now asking him if, in effect, he would
10 be willing to violate his oath.

11 That is an improper question. That begs
12 the question.

13 Now is the time that we are interested in,
14 not some later time.

15 MR. REINER: Perhaps I might restate it, if I may.

16 Q Mr. George, you would prefer, obviously,
17 not to sit on a case in which there is the possibility
18 of capital punishment.

19 That is true, isn't it?

20 A That is true.

21 Q However, if you were sitting on a case in
22 which capital punishment was a possible penalty, would
23 you then at least consider the evidence and follow the
24 Court's instructions that you are required to consider
25 the evidence in determining the penalty?

26 A No.

1 Q Or would you go into it deciding that you
2 were going to impose one penalty irrespective of the
3 evidence?

4 THE COURT: That is really the same question.

5 A I still wouldn't --

6 THE COURT: Just a moment, sir.

7 MR. GEORGE: Pardon me, sir.

8 THE COURT: The question is improper and I will not
9 allow it.

10 MR. REINER: Very well.

11 I have no further questions.

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

13 THE COURT: Mr. Kanarek?

14 MR. KANAREK: I have no questions, your Honor.

15 MR. STOVITZ: The People ask that the juror be
16 excused, your Honor, for cause.

17 MR. FITZGERALD: We will object to the challenge
18 for cause on the grounds that it denies all of the
19 defendants due process of law and equal protection of
20 law.

21 MR. SHINN: Join.

22 MR. KANAREK: Yes, on the guilt or innocence
23 phase. Right, your Honor.

24 MR. REINER: Join.

25 THE COURT: Do you wish to inquire on the publicity
26 phase?

1 MR. FITZGERALD: Is your Honor disinclined to
2 grant it?

3 THE COURT: I am not taking any action on the
4 challenge at the moment.

5 MR. FITZGERALD: All right.

6
7 VOIR DIRE EXAMINATION OF MR. GEORGE
8 BY MR. FITZGERALD:

9 Q Do you read the newspaper, Mr. George?

10 A Yes.

11 Q Do you subscribe to a newspaper, sir?

12 A Yes.

13 Q What newspaper do you subscribe to?

14 A The Herald-Examiner.

15 Q The Herald-Examiner?

16 A Yes.

17 Q Do you also read the Los Angeles Times from
18 time to time, sir?

19 A Off and on.

20 Q Have you read materials in the Herald-
21 Examiner and the Los Angeles Times in connection with
22 this case?

23 A Yes.

24 Q Do you have a television set in your home,
25 sir?

26 A Yes.

1 Q Do you watch television?

2 A I watch the evening news.

3 Q The evening news?

4 A Yes.

5 Q Have you watched anything in connection
6 with this case?

7 A I have seen things connected with this case
8 on television.

9 Q Do you have a radio in your home or your
10 car?

11 A Yes, sir.

12 Q Have you listened to the radio in connection
13 with material about this case or the defendants in this
14 case?

15 A I couldn't really give you a definite
16 answer there because my wife listens to the radio at
17 home and I very seldom turn on my car radio.

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1 Q Have you read, seen or heard anything from
2 media sources concerning the defendants' backgrounds and
3 histories?

4 A No.

5 Q Have you read, seen, or heard anything from
6 media sources in connection with their life style or where
7 they lived, how they lived, what they do?

8 A Yes, I have read that.

9 Q Has that influenced you?

10 A How do you mean by influenced me?

11 In regards to the death penalty, no.

12 Q I am not talking about the death penalty.

13 Have you believed what you have read and heard
14 and seen about this case?

15 A No.

16 Q Have you disbelieved what you have read, seen
17 or heard about the case?

18 A I have read the news. Until it is proved to me,
19 then I will believe it; but other than that, it is just
20 what you read in the newspaper.

21 Q That is an opinion you have about criminal
22 cases? Or is that an opinion that you have about the news
23 generally?

24 A The news generally.

25 Q So, in other words, you don't believe that there
26 are troops in Cambodia, for example?

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1 A I believe there are troops in Cambodia, if you
2 can believe what comes on TV showing troops in Cambodia.

3 Q That is what I am trying to get at.

4 A I don't formulate a definite opinion on anything,
5 as a rule. I will watch it.

6 I am more interested in sports and things like
7 that. The other I have on, and I might be reading and
8 listening at the same time.

9 Q Have you formed any tentative opinion about what
10 you have read, seen or heard from media sources about
11 these defendants or this case?

12 A No, sir, I haven't.

13 Q Have you read any first-person accounts of
14 events alleged to have occurred in connection with this
15 case?

16 A No, I have not.

17 Q Have you heard of Mr. Kanarek before?

18 A I have seen Mr. Kanarek on television, on the
19 news. Other than that, I did not know Mr. Kanarek before.

20 Q Did you read, see or hear anything about
21 Mr. Younger, the District Attorney, and Mr. Kanarek?

22 A I heard about Mr. Younger on TV, but other than
23 that, no.

24 MR. FITZGERALD: I have no further questions. Thank
25 you, Mr. George.

26 MR. REINER: No questions.

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1 MR. SHINN: No questions.

2 THE COURT: Mr. Kanarek?

3 MR. KANAREK: No questions, your Honor.

4 Thank you.

5 THE COURT: Mr. Stovitz?

6 MR. STOVITZ: Yes, sir.

7

8 VOIR DIRE EXAMINATION OF MR. GEORGE

9 BY MR. STOVITZ:

10 Q What is your business or occupation, sir?

11 A I am a mail carrier technician.

12 Q For the United States Government?

13 A For the United States Government.

14 Q The reason I ask that is because there is
15 another corporation trying to get into that business.

16 A Yes, I know.

17 Q How long have you lived in Los Angeles,
18 Mr. George?

19 A I do not live in Los Angeles. I live in Pico
20 Rivera.

21 Q Have you heard anything about the defendants'
22 religious affiliations in any of the news media that you
23 have read?

24 A No, sir.

25 Q If you were selected as a juror in this case,
26 Mr. George, aside from your opposition to the death penalty,

1 do you think you can put aside everything you have read in
2 the newspapers and decide the guilt or innocence of these
3 defendants solely on the evidence that you hear in court?

4 A You mean -- let's see -- state that once again,
5 please.

6 MR. STOVITZ: May the record be read, your Honor?

7 THE COURT: Yes.

8 (The question was read by the reporter.)

9 MR. GEORGE: I think so.

10 MR. STOVITZ: Thank you. I have no further questions.

11 THE COURT: All right. I see that it is 12:00 o'clock
12 almost.

13
14 VOIR DIRE EXAMINATION OF MR. GEORGE

15 BY THE COURT:

16 Q I want to go back and ask you the questions
17 again, Mr. George, at the risk of seeming repetitious about
18 these death penalty questions, but I want to make sure
19 that we understand exactly what your beliefs are.

20 A Yes, sir.
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1 Q And you can correct me if I am wrong now.

2 A Yes.

3 Q I understand from what you have said so
4 far that because of your beliefs about the death penalty,
5 you could be impartial on the question of guilt.

6 A (Pause.)

7 Q Let me put it another way.

8 Notwithstanding your beliefs about the
9 death penalty, you could be impartial on the question of
10 whether any of the defendants is guilty or not guilty;
11 is that right?

12 A I would be. Like I say, if I do not have
13 to judge how they are going to be punished.

14 Q Well, of course, you realize that if you
15 voted for a verdict of guilty of murder in the first
16 degree, then you would have to vote on the question of
17 life imprisonment or death?

18 A Yes.

19 Q Because then there would be a penalty
20 trial.

21 Do you understand that?

22 A Yes, I understand that.

23 Q Now, knowing that, Mr. George, would you
24 still be able to be impartial on the subject of guilt,
25 knowing that if you voted guilty you would then have to
26 make a decision between life imprisonment and death?

8b-2

1 A I don't know, sir, truthfully.

2 Q You have a doubt about that?

3 A I have a doubt.

4 Q All right.

5 Now, I understand from your previous testimony
6 -- and you correct me now if I am wrong, because it is very
7 important that we have your beliefs --

8 A Right.

9 Q -- that notwithstanding what kind of a case
10 it was or what the evidence might show, that you have now
11 made up your mind that you would never under any circum-
12 stances vote for the death penalty?

13 A Yes.

14 MR. KANAREK: May I object to the Court's question
15 as leading and suggestive, and a denial of a fair trial,
16 your Honor.

17 THE COURT: The objection is overruled.

18 Q Is that a correct statement?

19 A I would not vote the death penalty regardless.

20 Q In other words, your mind is made up?

21 A My mind is made up.

22 Q And nothing will change it?

23 A No.

24 Q You will have to answer audibly.

25 MR. BUGLIOSI: May the record reflect that when the
26 Court asked "In other words, your mind is made up," that

1 the juror nodded in the negative.

2 THE COURT: If you will just give me a chance.

3 MR. GEORGE: The answer is no.

4 THE COURT: Q Nothing will change it?

5 A Nothing will change it.

6 THE COURT: Thank you, Mr. George.

7 I will ask you to go back into the courtroom
8 then, and will you refrain from discussing with anyone
9 what has been said here this morning?

10 MR. GEORGE: Oh, yes.

11 (Whereupon Mr. George leaves the Court's
12 chambers.)

13 MR. STOVITZ: We renew our challenge for cause, your
14 Honor.

15 THE COURT: On what grounds?

16 MR. STOVITZ: Bias to the imposition of the death
17 penalty.

18 THE COURT: The Witherspoon grounds?

19 MR. BUGLIOSI: Implied bias under 1074 and Witherspoon.

20 MR. KANAREK: Objection, your Honor.

21 MR. SHINN: Object.

22 THE COURT: The challenge will be allowed and Mr.
23 George will be excused for cause.

24 We will recess at this time until 2:00 p.m.
25 this afternoon.

26 MR. STOVITZ: Your Honor said 1:45 earlier.

1 THE COURT: I don't recall having said anything.

2 MR. STOVITZ: No. Two days ago we were coming
3 back at a quarter to 2:00 so that we could get in some
4 extra time.

5 THE COURT: I believe I could be back. I have
6 to go out to the hotel this afternoon and see what the
8c fls. 7 facilities are.

8-C-1
1 MR. KANAREK: May we make it 2:00 o'clock, your Honor?

2 THE COURT: I am going to go back into the courtroom
3 for a minute, though. I want to admonish this new panel.
4 about conversing and so forth.

5 MR. KANAREK: Will it be 2:00 o'clock, your Honor?

6 THE COURT: I will try to make it 1:45.

7 MR. KANAREK: I mean, will the order be that it will
8 be 2:00 o'clock?

9 THE COURT: I will try to make it by 1:45.

10 Do you have something you want to do?

11 MR. KANAREK: It is not anything specific, but in
12 connection with this case there are things that must be
13 done during the working day.

14 THE COURT: I appreciate that.

15 MR. KANAREK: And every moment is precious, and wel-
16 come, Your Honor.

17 MR. STOVITZ: 1:45, then?

18 MR. SHINN: Mr. Stovitz, we understand that your
19 office is downstairs.

20 THE COURT: Since we are going to recess early today,
21 I will make it 1:45.

22 Let's go back into open court now.

23 (Whereupon, the following proceedings occurred
24 in open court, all defendants, counsel, the jury and
25 prospective jurors present:)

26 THE COURT: All parties and counsel are present.

6C2

1 The jury is in the jury box.

2 The clerk will swear the bailiff.

3 THE CLERK: Raise your right hand, please.

4 You do solemnly swear that you will take charge
5 of the jury and keep them together until otherwise ordered
6 by the Court; that you will not speak to them yourself nor
7 allow anyone else to speak to them on any matter connected
8 with the case, so help you God?

9 THE BAILIFF: I do.

10 THE COURT: Ladies and gentlemen, we are going to
11 recess at this time until 1:45 this afternoon.

12 I admonish you that it is your duty not to
13 converse among yourselves or with anyone else on any
14 subject relating to this case, nor to form or express any
15 opinion regarding the case until it is finally submitted to
16 you.

17 And I admonish you further that you are not to
18 read, watch or listen to any news report concerning this case
19 so long as any of you are connected with this case.

20 1:45.

21 (Whereupon, at 12:05 p.m. the Court was in
22 recess.)

9-1 1 LOS ANGELES, CALIFORNIA, WEDNESDAY, JULY 15, 1970 V

2 2:15 P.M.

3 ---O---

4 (The following proceedings were had in the
5 chambers of the court, all defendants and all counsel
6 being present, out of the hearing of the jury and the
7 prospective alternate jurors:)

8 THE COURT: All parties and counsel are present.

9 MR. KANAREK: Your Honor, may the record reflect
10 that it is now 2:15.

11 THE COURT: Any particular reason, Mr. Kanarek?

12 MR. KANAREK: Ardon?

13 THE COURT: I say, any particular reason?

14 MR. KANAREK: Yes, your Honor, I believe that
15 Mr. Manson is being denied a public trial, your Honor.

16 THE COURT: Because it's 2:15?

17 MR. KANAREK: No, because the elevators are locked,
18 the doors are locked in this building. It is not possible
19 for the public to get into the building. V

20 I cite the Court a case, I think it's In re
21 Oliver. It's a United States Supreme Court case which
22 holds that a public trial is a trial which every defendant
23 in the United States of America is entitled to.

24 At this point Mr. Manson is being denied a
25 public trial, and we object to any proceedings while this
26 building is locked.

1 Now, I represent to the Court that such is the
2 case.

3 As I say, the elevators are locked, the doors
4 to the stairway are locked.

5 THE COURT: Well, there apparently is some kind of
6 a sit-in demonstration in the lobby, and temporarily,
7 apparently, the Sheriff has instituted some security
8 measures, but that would not have any effect on our
9 continuing with voir dire in chambers.

10-1

1 MR. KANAREK: Your Honor, the point is that Mr.
2 Manson is entitled to a public trial and entitled to
3 have these doors --

4 THE COURT: He is not entitled to have the public
5 in chambers while the voir dire examination is going on.

6 MR. BUGLIOSI: I would ask the Court to cite Mr.
7 Kanarek for misconduct for such an incredible frivolous
8 motion. This is strictly misconduct.

9 THE COURT: You have made your objection.

10 MR. KANAREK: Yes, your Honor.

11 I also would like to make the point that
12 in connection with, I believe, the case of Powell vs.
13 Alabama, in which there is -- I am not sure of that
14 exact citation, but I think it is correct -- that a trial
15 conducted in an atmosphere of tumult, in an atmosphere
16 of riot, is a trial that is, in fact, no trial.

17 THE COURT: Where is the tumult and riot?

18 MR. KANAREK: The tumult and riot is around this
19 building, your Honor.

20 THE COURT: I came in, Mr. Kanarek. There is no
21 tumult and riot.

22 There appears to be some demonstrators
23 that are sitting down peacefully in the lobby, and the
24 situation appears to be in perfect control.

25 There was a delay in getting up to the
26 8th floor where the courtroom is, and that is the reason

10-2

1 why it is now 2:15 instead of the time I originally set
2 of 1:45.

3 MR. STOVITZ: May the record show, your Honor, that
4 the sit-iners have nothing to do with this case whatsoever. ✓

5 THE COURT: That is true. The demonstration has
6 nothing whatsoever to do with this case.

7 MR. KANAREK: That is not true. I heard people
8 yelling "Free Charles Manson" in the lobby, and I ask to
9 be sworn in that regard. ✓

10 THE COURT: I was there myself, Mr. Manson -- Mr.
11 Kanarek -- and I saw the signs, and I know what is there.

12 MR. KANAREK: May I be sworn and testify under oath,
13 your Honor?

14 THE COURT: That isn't necessary.

15 I have told you what I saw of my own
16 observation.

17 In any event, we are going to proceed now.

18 Call in the next prospective juror, please.

19 (Whereupon the next prospective juror enters
20 the Court's chambers.)

21 THE COURT: Good afternoon.

22 MISS GLAVIANO: Good afternoon.

23 THE CLERK: The prospective juror's name is
24 Miss Elena Glaviano; E-l-e-n-a, G-l-a-v-i-a-n-o.

VOIR DIRE EXAMINATION OF MISS GLAVIANO

BY THE COURT:

Q Miss Glaviano, you were one of the prospective jurors that stood up this morning and gave your name in response to my questions?

A Yes.

Q You have to answer audibly, Miss Glaviano.

A Yes. Excuse me.

Q Would you keep your voice up so that everyone can hear you?

A Yes.

10b fls.

10-B-.

1 Q Now, apart from whatever causes you to believe
2 that you could not be impartial, is there anything else,
3 any other reason why you could not serve as a juror in
4 this case?

5 A The time limit.

6 Q What about that?

7 A Well, three to five months off work.

8 Q Can you tell me what you are thinking about?

9 A Well, I could only be off work for one month.

10 Q Where do you work?

11 A Blue Cross.

12 Q Why could you only be off work one month?

13 A Well, they have to replace me.

14 Q Do you know whether or not your compensation
15 would be continued?

16 A No, I don't know that.

17 Q You haven't checked on that?

18 A No, I haven't.

19 Q All right.

20 Now, what makes you believe that you could not
21 be fair and impartial if you were selected as an alternate
22 juror?

23 A Oh, just from what I have been reading, and my
24 own ideas that I already have.

25 Q Have you formed some opinion regarding the guilt
26 or innocence of any of the defendants?

10B2

1 A Basically, yes.

2 Q Is it your belief that you could not, if you
3 were selected, base your decision solely on the evidence
4 that came into this case?

5 A Not after what I read, I couldn't.

6 Q You don't think you can put that to one side
7 and decide the case solely on the basis of the evidence
8 that came in during the trial?

9 A It would be difficult, yes, sir.

10 Q It might be difficult, but could you do it?

11 A I don't think I could do it, no.

12 Q Are you telling me now that you have made up
13 your mind with respect to the guilt or innocence of any of
14 these defendants?

15 A Well, the only thing --

16 Q Can you answer that question?

17 A Yes.

18 Q You have made up your mind?

19 A Yes. From what I have read.

20 Q Well, from whatever source.

21 A Yes.

22 Q I want to know whether or not you have made up
23 your mind.

24 A Yes, I believe so, yes.

25 Q And what is your opinion with regard to the guilt
26 or innocence of any of the defendants?

10B3

1 A Well, now, if I am not wrong, there was a
2 confession, wasn't there, that is not admissible now?

3 Q Do you believe there was?

4 A I believe I read it, yes.

5 Q Whose confession do you believe you read?

6 A I believe it was Susan Atkins', wasn't it?

7 Q Where did you read this?

8 A In the papers or on TV.

9 Q Do you remember what paper?

10 A No, I don't. I haven't read it lately.

11 Q And as a result of all of this, Miss Glaviano,
12 you believe you have made up your mind?

13 A Yes, sir.

14 Q And that you could not be fair and impartial; is
15 that right?

16 A That's right.

11

11-1

1 MR. FITZGERALD: Challenge for cause under Penal
2 Code Section 1073, Paragraph 2.

3 MR. REINER: Join in the challenge.

4 MR. SHINN: Join.

5 MR. KANAREK: Join.

6 MR. BUGLIOSI: Submit the matter.

7 THE COURT: The challenge is allowed. You are
8 excused, Mrs. Glaviano.

9 (Mrs. Glaviano leaves the chambers of the
10 Court.)

11 MR. KANAREK: I would ask the Court, your Honor,
12 to inquire of the jurors in the box if they have any
13 knowledge, and how it would affect their state of mind,
14 as to what the occurrences are going on in the lobby of
15 this building, whether it would have any effect, whether
16 they heard anything.

17 I will ask the Court to do it.

18 THE COURT: They don't go through the lobby, Mr.
19 Kanarek, they go through the basement, and then into a
20 Sheriff's bus outside the building.

21 MR. KANAREK: I understand that.

22 THE COURT: I am not going to do it because there
23 is no necessity to do it.

24 MR. KANAREK: My motion is that this tumult --

25 THE COURT: There isn't any tumult, Mr. Kanarek.

26 MR. KANAREK: Well, your Honor, what I'm saying is

1 I heard the words "Free Charles Manson" in that lobby.

2 Now, the point I wish your Honor to make
3 is to inquire as to whether or not the jurors have any
4 knowledge of these occurrences.

5 THE COURT: They have no knowledge because they
6 have not been near the lobby nor have they been near
7 anybody else.

8 They have been in the custody of the bailiff
9 since they left this courtroom before lunch.

10 MR. KANAREK: Very well, your Honor. I wish that
11 I had your Honor's faith that they don't know.

12 THE COURT: It isn't faith. I know what happened
13 to them, Mr. Kanarek, I know what route they took, and
14 they were nowhere near the lobby at any time.

15 THE CLERK: Was Miss Glaviano excused, your Honor?

16 THE COURT: Yes, she was excused for cause.

17 MR. KANAREK: Would your Honor so inquire of the
18 prospective jurors, because they took a completely
19 different route, your Honor?

20 THE COURT: How do you know that, Mr. Kanarek?

21 MR. KANAREK: Because I would gather that because
22 when I came into the courtroom the jurors that have been
23 purportedly sworn at this time were not in the box, and
24 the other jurors were in their appropriate place in the
25 courtroom.

26 THE COURT: That's right. They preceded the jury

1 up in the elevator, the same elevator.

2 They were taken into the basement, the same
3 as the jury, brought up through the ninth floor, the
4 jail facility, brought back into the courtroom and at
5 no time were they in the lobby.

6 MR. KANAREK: The mass media were in the lobby,
7 they took television pictures, so therefore I'm sure
8 it is going to be in the headlines or in the newspapers,
9 in any event, and on TV tonight, as to what the occurrences
10 were.

11 As I say, I heard the words "Free Charles
12 Manson" screamed in the lobby of this building.

13 Now, I would ask your Honor to interrogate
14 in connection with these matters which I believe affect
15 the voir dire.

16 THE COURT: I am not going to interrogate, Mr.
17 Kanarek, for the same reason I already mentioned. These
18 people were nowhere near the lobby.

19 MR. KANAREK: What if they see it in the media
20 tonight?

21 THE COURT: You may inquire of them as they come
22 in here in chambers, for voir dire, if you like. You
23 are free to inquire.

24 All right, let's bring in the next
25 prospective juror.
26

11-Q-1 1 (Prospective alternate juror enters the
2 chambers of the Court.)

3 THE COURT: Good afternoon, sir.

4 THE CLERK: The prospective juror's name is
5 Conrad Aparicio, C-o-n-r-a-d, A-p-a-r-i-c-i-o.
6

7 VOIR DIRE EXAMINATION OF CONRAD APARICIO

8 BY THE COURT:

9 Q Mr. Aparicio, is that the correct pronunciation?

10 A Yes, it is.

11 Q If you were selected as an alternate juror in
12 this case would you be able to serve?

13 A Yes.

14 Q All right, sir, I am going to ask you the same
15 questions that I put to the other jurors regarding the
16 death penalty and your opinions, if any, about it.

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

21 Did you understand the question?

22 A Yes, I do. I do not.

23 MR. KANAREK: Your Honor, may the record reveal, I
24 would welcome your Honor's describing the motion of the
25 prospective juror's head.
26

THE COURT: He shook his head and said, "I do not."

11A2

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

5 A No, I don't.

6 THE COURT: Keep your voice up, sir, so everyone can
7 hear.

8 Q BY THE COURT: Let me ask you the reverse of
9 that question:

10 Do you entertain such conscientious opinions
11 regarding the death penalty that you would automatically
12 impose it in every case without regard to the evidence in
13 the case?

14 A No, I do not.

15 Q You would be willing to listen to the evidence
16 and then make your decision, is that right?

17 A I do.

18 Q Now, Mr. Aparicio, have you learned anything
19 about this case over the past months from reading the
20 newspaper or watching the television or listening to the
21 radio or from any other source?

22 A Well, I usually hear news, but I don't follow
23 it through all the time.

24 Q Do you subscribe to a daily newspaper?

25 A No, I don't.

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

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A Yes.

Q What paper is that?

A The Times.

Q The Los Angeles Times?

A Los Angeles Times.

Q Do you watch television news reports regularly?

A Yes, I do.

Q Do you listen to the radio regularly?

A No.

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

A Yes, I do.

Q Do you remember when you first learned about the killings that are the subject of this case?

A I don't remember the exact date.

Q Well, was it somewhere near the time when they happened?

A Yes.

Q And then did you later learn that these defendants had been arrested for these alleged offenses?

A Yes.

Q Did you ever read or hear anything which caused you to believe that it was something that was being said by someone who was actually there at the time any of these people were killed?

A No.

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Q In other words, an eye witness?

A An eye witness? No, sir.

Q Have you ever read or learned anything which you believed to be something that was being said or had been said by any of the defendants about anything?

A I think one of the defendants gave testimony in the case.

Q Before the Grand Jury, is that what you mean?

A Information, information in the case. I cannot remember which one of them.

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Q Was it Mr. Manson?

A No, sir.

Q One of the girls?

A Yes.

Q Do you remember which one?

A I cannot tell you her name -- Hout --

Q Miss Van Houten?

A Yes.

Q Is this something that you read in the newspaper?

A Yes, I think I did.

Q Do you remember what it was that you read -- what was she talking about?

A Something implicating the other defendants.

Q Was there a description of the way the people were killed?

A Yes.

Q And was there a description of who was present at the time?

A I cannot remember that.

Q But you think -- go ahead.

A Because I never followed this case completely in the news.

I read the highlights or something like that and I just go to something else.

Q Well, now, you know what a confession is?

1 A Yes, I do.

2 Q Did you think that what you were reading
3 was a confession?

4 A Well, giving information on the case about
5 the other defendants.

6 Q She was trying to implicate them?

7 A Something about the case, explaining just
8 who was it, and that is how they broke in the case.

9 Q About who it was that did the killing?

10 A Yes.

11 Q And how it was done?

12 A Yes, but I cannot remember every detail.

13 MR. FITZGERALD: No questions.

14 MR. REINER: No questions.

15 MR. SHINN: No questions.

16 MR. KANAREK: No questions, your Honor.

17

18 VOIR DIRE EXAMINATION

19 BY MR. STOVITZ:

20 Q Are you related to the baseball player
21 Louis Aparicio?

22 A No.

23 Q How old are you, Mr. Aparicio?

24 A 64.

25 MR. STOVITZ: I have no further questions.

26 THE COURT: All right, I will ask you to go back

1 into the courtroom then, Mr. Aparicio, and will you
2 refrain from discussing with anybody what has been said
3 here in chambers?

4 MR. APARICIO: I will.

5 THE COURT: Thank you, sir.

6 (Mr. Aparicio leaves the chambers of the
7 Court.)

8 MR. FITZGERALD: We will interpose a challenge for
9 cause based on the juror's exposure to pretrial publicity,
10 and the formation or the state of mind leading to the
11 formation of an opinion as to guilt, and I think the
12 nature of the human memory is such that it is an
13 associative mechanism.

14 While he cannot regurgitate at this moment
15 precisely what he read, if selected as an alternate
16 juror and he listens to the evidence, he may indeed
17 associate previous statements made or alleged to have
18 been made by the defendants that have been published.

19 MR. SHINN: Join.

20 MR. REINER: Join.

21 MR. STOVITZ: Submit it.

22 THE COURT: The challenge is allowed. Mr. Aparicio
23 will be excused for cause.

24 MR. KANAREK: Join.

25 THE COURT: Send in the next prospective juror.
26

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1 (Another prospective alternate juror enters the
2 court's chambers.)

3 THE COURT: Good afternoon, ma'am.

4 THE CLERK: The prospective alternate juror's name is
5 Mrs. Ora F. Wallace; O-r-a, W-a-l-l-a-c-e.

6
7 VOIR DIRE EXAMINATION OF MRS. ORA F. WALLACE
8 BY THE COURT:

9 Q Mrs. Wallace, if you were selected as an alter-
10 nate juror in this case, would you be able to serve?

11 A Yes.

12 Q I am going to ask you, Mrs. Wallace, the same
13 questions I have asked the other jurors and prospective
14 jurors regarding the death penalty.

15 Have you had a chance to think about these
16 matters in your own mind and decide what your opinions are
17 with respect to the death penalty?

18 A Well, according to the evidence --

19 Q I am not asking you now to tell me what your
20 opinions are. I am just asking you if you thought about
21 these questions.

22 A Yes.

23 Q Would you answer audibly, please, so that
24 everyone can hear you?

25 A Yes.

26 Q The court reporter has to take this all down and

13-2

1 he has to hear you before he can take it down.

2 A Yes.

3 Q Do you entertain such conscientious opinions
4 regarding the death penalty that you would be unable to
5 make an impartial decision as to any defendant's guilt
6 regardless of the evidence in the case?

7 A Yes.

8 Q You would be unable to be impartial on the
9 question of guilt?

10 A Oh, no.

11 Q Perhaps you misunderstood the question.

12 A I did.

13 Q All right. I will repeat it for you.

14 Do you entertain such conscientious opinions
15 regarding the death penalty that you would be unable to
16 make an impartial decision as to any defendant's guilt
17 regardless of the evidence in the case?

18 A No, I wouldn't.

19 Q You say no, you wouldn't? Do you mean, no,
20 you would --

21 A I don't exactly understand the question.

22 Q All right. I want you to understand it
23 thoroughly before you answer.

24 A Yes, sir.

25 THE COURT: Would you go back and read it,
26 please?

13-3

1 You will notice, Mrs. Wallace, that this
2 question is directed to the issue of determining the guilt
3 or innocence of the defendants. I am not asking you now
4 about whether or not you could impose the death penalty.
5 That will be another question.

6 This question is directed to whether or not you
7 could be impartial in deciding whether or not a defendant
8 is guilty or not guilty.

9 Do you understand?

10 A I am so nervous.

11 Q Are you nervous?

12 A Yes.

13 I think maybe I'd rather not be on it.

14 Q You think you are too nervous?

15 A Right now I am.

16 Q Do you think you could answer these questions?

17 A I don't know.

18 Q Well, let's try; but I don't want you to answer
19 a question if you don't understand it.

20 So, you tell me, will you, if you don't under-
21 stand it?

22 A Okay.

12A

12A-1

1 Q All right.

2 Now, I will ask you the same question again.

3 Really, all I am asking you -- it's very
4 simple -- we want to know whether or not you can decide the
5 question of whether or not each of the defendants is guilty
6 or not guilty impartially; do you understand? Or whether,
7 because of your beliefs regarding the death penalty, you
8 feel that you would be unable to be impartial?

9 Do you understand what I am saying?

10 A Yes, I do, but -- how am I supposed to answer?
11 Just answer yes or no? You said not to give an opinion.

12 Q Do you feel that you could be impartial in
13 deciding the guilt or innocence of the defendants?

14 A Oh, yes, I know I would be impartial.

15 Q Now, the second question goes to the question of
16 penalty itself.

17 Now, you understand that before any juror will
18 be called upon to decide the question of penalty there
19 must first have been a conviction of murder in the first
20 degree?

21 A Yes.

22 Q If a defendant is acquitted or if a defendant is
23 found guilty of some lesser crime than murder in the first
24 degree, then the jurors will not be called upon to make
25 any decision as to penalty.

26 Do you understand that?

1 A Yes.

2 Q So, now I am asking you the question regarding
3 penalty, and that question assumes that there has been a
4 conviction of murder in the first degree.

5 Do you understand that?

6 A Yes.

7 Q And the question is this: Do you entertain such
8 conscientious opinions regarding the death penalty that you
9 would automatically refuse to impose it without regard to
10 the evidence in the case?

11 A No, I would not refuse.

12 Q Would you be willing to listen to the evidence
13 in case there is a penalty trial, and then decide which of
14 the two alternatives should be imposed, life imprisonment
15 or death?

16 A Yes.

17 Q Would you automatically impose the death penalty
18 in every case without listening to the evidence or without
19 regard to the evidence?

20 A No.

21 Q Again, would you be willing to listen to the
22 evidence and then decide?

23 A Yes.

24 Q Have you lived in Los Angeles continuously
25 since last August?

26 A Yes.

1 Q Do you subscribe to a daily newspaper?

2 A The Herald.

3 Q Do you read that every day?

4 A No.

5 Q Do you watch television news reports regularly?

6 A No.

7 Q Do you remember when it was that you first
8 heard about the killings that are involved in this case?

9 A No, I don't.

10 Q You did hear about them, did you, before you
11 came to court today?

12 A Yes.

13 Q Had you heard about this case? Did you know
14 the names of any of the defendants?

15 A No.

16 Q Before you came to court?

17 A No.

18 I really couldn't tell you now.

19 Q Have you heard Mr. Manson's name?

20 A Oh, yes. Excuse me. I have heard that.

21 MR. KANAREK: What was that last answer?

22 MRS. WALLACE: Manson.

23 THE COURT: Just a moment.

24 He will read the answer.

25 (The answer was read by the reporter.)

26 THE COURT: Q Did you know the names of any of the

1 other defendants?

2 A No.

3 Q Did you know the names of any of the victims?

4 A No.

5 Q Had you ever heard of Sharon Tate?

6 A No.

7 Q Now, sometime before you came to court you
8 learned that the defendants had been arrested for these
9 offenses, did you not?

10 A All I heard was just about the Manson case.

11 Q That is what I am talking about.

12 A No, I never paid too much attention to it.

13 Q But when you heard about the Manson case, did
14 you understand that Mr. Manson and some other people had
15 been arrested and charged with these offenses?

16 A Yes.

17 Q And you know that is why they are here now, they
18 are being tried?

19 A Yes. That is what you told us out here today.

20 Q To determine whether or not they are guilty;
21 do you understand that?

22 A Yes.

23 Q Have you formed any opinion as to the guilt or
24 innocence of any of the defendants?

25 A No.

26 Q Have you read or heard anything which appeared

1 to be a description by somebody of what happened at the
2 time of the killings?

3 A No, I haven't read, but I have heard a lot of
4 sort of hearsay.

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1 Q Well, you tell me what you have heard?

2 A Well, just about what I have heard since
3 I have been here in the back, you know, of the room;
4 things about this one and that one who are up there now,
5 that is all.

6 THE COURT: You will have to keep your voice up.

7 MR. KANAREK: May I have the last answer read back,
8 your Honor?

9 THE COURT: All right.

10 MRS. WALLACE: I just heard about --

11 THE COURT: Just a moment. He will read it.

12 (Whereupon the reporter read the answer.)

13 BY THE COURT:

14 Q What are these things that you heard?

15 A Well, you know, just certain things that
16 they are doing, laughing and all that, you know, the
17 people.

18 Q You will have to keep your voice up.

19 Do you feel all right?

20 A Yes, I feel okay.

21 MR. KANAREK: I couldn't hear the last few words
22 of what she said, your Honor.

12c fls.

12c-1 1

2 MR. STOVITZ: Would your Honor inquire if she
3 wants a drink of water?

4 MRS. WALLACE: I think I better go.

5 MR. STOVITZ: Do you want a drink of water, Mrs.
6 Wallace?

7 MRS. WALLACE: No, I don't need a drink of water.
8 I just would like to get out of here.

9 THE COURT: You would like to get out of here?

10 MR. SHINN: Stipulate, your Honor.

11 MR. FITZGERALD: Perhaps the Court would entertain
12 a motion in the interest of expedition. All counsel
13 would be willing to stipulate.

14 MR. BUGLIOSI: So stipulate.

15 MR. KANAREK: So stipulate, your Honor.

16 MR. REINER: So stipulate.

17 THE COURT: All right, Mrs. Wallace. Then I am
18 going to excuse you after a stipulation by all counsel
19 that you may be excused.

20 MRS. WALLACE: Okay. Thank you.

21 MR. STOVITZ: Does your Honor want to admonish her
22 not to talk about this?

23 THE COURT: Yes.

24 Will you refrain from talking about what
25 has been said here in chambers?

26 MRS. WALLACE: Yes.

THE COURT: All right.

1 MRS. WALLACE: Thank you.

2 (Whereupon Mrs. Wallace leaves the Court's
3 chambers.)

4 (Whereupon another prospective alternate
5 juror enters the Court's chambers.)

6 THE COURT: Good afternoon, sir.

7 MR. SIMPSON: Good afternoon, your Honor.

8 THE CLERK: The prospective alternate juror's
9 name is George J. Simpson; G-e-o-r-g-e, S-i-m-p-s-o-n.
10

11 VOIR DIRE EXAMINATION OF MR. GEORGE J. SIMPSON
12 BY THE COURT:

13 Q Mr. Simpson, if you were selected as an
14 alternate juror in this case, would you be able to serve?

15 A I don't believe so, your Honor. I am
16 irrevocably opposed to capital punishment.

17 Q Well, I will get to those questions in a
18 moment, but is there any other reason why you can't
19 serve?

20 A Yes, I think so.

21 Q What is that?

22 A I am under treatment for skin cancer, which
23 makes it necessary for me to see the dermatologist about
24 once a month.

25 Q Once a month?

26 A Approximately once a month, yes.

1 Q Well, if arrangements were made so that you
2 could meet your medical appointment approximately once
3 a month, would there be any other reason?

4 A No.

5 Q All right, then, I will ask you the ques-
6 tions regarding the death penalty that I put to the
7 other prospective jurors.

8 My first question is this: Do you entertain
9 such conscientious opinions regarding the death penalty
10 that you would be unable to make an impartial decision as
11 to defendant's guilt regardless of the evidence in the
12 case?

13 A Yes, I do.

12d fls. 13

12-D-1

1 Q You understand that that question is not
2 asking you whether or not you would impose the death penalty,
3 it is asking you whether or not you could be impartial on
4 the question of whether a defendant is guilty or not guilty?

5 A I believe I could be impartial as to that, yes.

6 Q Carrying it one step further, Mr. Simpson,
7 you realize that if you voted for a verdict of guilty and
8 the rest of the jury was unanimous, that that would mean
9 that you would then have to ultimately vote on the question
10 of penalty?

11 A Yes.

12 Q And that you would have to choose between the
13 penalty of life imprisonment or death.

14 Do you understand that?

15 A Yes, I do.

16 Q And knowing that, do you think you could still
17 be impartial in deciding the question of whether a defendant
18 is guilty or not guilty?

19 A No, I do not.

20 Q So, then, you are now changing your answer; is
21 that right? In light of what I have said?

22 A I am not changing my answer with respect to
23 whether or not I would be -- if I found them guilty or not
24 guilty.

25 If I found them guilty, I would be opposed to
26 the death sentence, yes.

12D2

1 Am I understanding this question properly?

2 A Yes, I think so; but I am asking you two
3 separate questions.

4 I have only asked you one so far, and that
5 question concerns only the first part of the trial when the
6 sole issue to be determined by the jury is whether or not a
7 defendant is guilty or not guilty. Penalty doesn't
8 even enter into it.

9 Do you understand that?

10 A Yes.

11 Q Now, do you think you could be impartial during
12 that phase?

13 A Yes, I think so.

14 Q All right.

15 Now, assuming for the purpose of my next
16 question that the jury returned a verdict of guilty of
17 murder in the first degree as to one or more defendants.

18 The jury would then have to determine, after a
19 penalty trial, which of the two penalties, life imprisonment
20 or death, should be imposed.

21 Do you understand that?

22 A Yes, I do.

23 Q All right.

24 Now, this question is directed to that phase.

25 Do you entertain such conscientious objection
26 regarding the death penalty that you would automatically

1 refuse to impose it regardless of the evidence in the
2 case?

3 A Yes, I do.

4 Q Now, are you telling me that you have made up
5 your mind and that regardless of the evidence you would
6 automatically refuse to impose the death penalty?

7 A I don't believe in capital punishment.

8 Q Well, I understand what you are saying, but
9 that doesn't answer the question directly.

10 In other words, have you now made up your mind,
11 or would you be willing to listen to the evidence and then
12 make up your mind as to the question of punishment?

13 A I don't think I could be impartial as to that,
14 your Honor. I just don't believe in capital punishment.

15 In other words, I don't believe I am qualified
16 to consider a penalty if the defendants were found guilty
17 in the light that it must be either death or life imprison-
18 ment. I just would be opposed to the death penalty.

13-1

1 Q You understand we are not criticizing your
2 views; they are perfectly legitimate views and we
3 respect them.

4 All we are trying to do is make sure we
5 understand what your state of mind is, that is the only
6 purpose of the questioning.

7 A Yes, sir.

8 Q Now, I don't think the record is clear yet
9 whether you have made up your mind that you would never
10 under any circumstances vote for the death penalty, or
11 whether you would be willing to listen to the evidence
12 and then make up your mind?

13 A I would not be willing to listen to the
14 evidence and then make up my mind because my mind is
15 made up now that I would not impose the death penalty on
16 a defendant.

17 Q Under any circumstances?

18 A Under any circumstances.

19 Q And you have no mental reservations about
20 that belief?

21 A No, sir.

22 MR. FITZGERALD: No questions.

23
24 VOIR DIRE EXAMINATION OF MR. SIMPSON

25 BY MR. REINER:

26 Q Mr. Simpson, why are you opposed to the

1 death penalty?

2 A I don't believe that it is a --

3 THE COURT: I don't think that is a proper
4 inquiry, sir, that is a matter of personal belief.

5 What is important is the belief, not the
6 reason for it.

7 MR. REINER: So that I might further inquire whether
8 it is as irrevocable as it appears, I would like to
9 inquire as to the basis for it.

10 THE COURT: I think that is an unwarranted
11 invasion of his privacy and his right to entertain
12 his own personal beliefs for whatever reasons.

13 MR. REINER: Very well, I have one additional
14 question that I initially posed to a prospective juror,
15 perhaps the Court recalls it, the Court raised its own
16 objection to that question.

17 I wish to repeat that question, however,
18 and if the Court will impose its own objection again
19 I will have no further questions.

20 I indicate this so there would be no need
21 to state the question if the Court has in mind to impose
22 its own objection again.

23 Does the Court recall which question I am
24 referring to?

25 THE COURT: Is that the one you asked this
26 morning?

1 MR. REINER: Yes, that is the one. That is the
2 only question to which the Court imposed its own
3 objection.

4 THE COURT: I am trying to recall the question.

5 MR. FITZGERALD: Well, there is no prejudice
6 here in chambers.

7 THE COURT: Restate it. I just don't recall at
8 the moment what it was.

9 BY MR. REINER:

10 Q Sir, you appreciate that whether you are
11 to be a juror in this case is not entirely your option,
12 you understand, you may become a juror in this or any
13 other case even if you desire not to be a juror?

14 A I understand.

15 Q Notwithstanding the fact that you would
16 rather not become a juror in this case because of the
17 death penalty, if you become a juror in this case you
18 appreciate you will be instructed by the Court that
19 you are obligated to follow the law as it is stated to
20 you by his Honor.

21 Do you appreciate that?

22 A Yes.

23 Q Now, if his Honor instructed you that
24 it is a matter of duty on your part to consider the
25 evidence before deciding what the penalty is, would you
26 follow his Honor's instructions and consider the evidence

1 before rendering any decision as to what the penalty
2 should be?

3 MR. STOVITZ: I object to the question, your Honor,
4 it is immaterial and irrelevant.

5 THE COURT: It is because it relates to a time other
6 than the present, for one thing.

7 And, secondly, it poses a situation which
8 would never exist, namely, that the Court would order
9 anyone who entertains the conscientious beliefs that this
10 man says he entertains to do something contrary to his
11 firmly held beliefs.

12 In other words, it simply begs the question.

13 If he believes, as he has stated, then he
14 cannot serve as a juror and the Court would never place
15 anybody in the position of ordering them to do something
16 which the law says they are not permitted to do.

17 MR. REINER: If the Court wishes to hear a brief
18 argument.

19 THE COURT: All right.

20 MR. REINER: The point of the question is simply
21 this, notwithstanding that a person may be unalterably
22 opposed to the death penalty, that if against their will
23 they are a juror in a case in which the death penalty is
24 an issue, although the overwhelming likelihood is they
25 would vote for life imprisonment as opposed to the death
26 penalty, if they are instructed as a matter of law they

1 are under duty to first consider the evidence, then I
2 think some jurors might then state "Yes," as opposed as they
3 may be to the death penalty they would follow the law
4 and follow the instructions of the Court and follow their
5 duty and consider the evidence first.

6 If a person should make such a response,
13a fls. 7 then he would not come within this exception.

13A-1

1 THE COURT: Well, that is not the law and I will not
2 permit the question.

3 MR. REINER: Very well.

4 THE COURT: Anything further?

5 MR. REINER: Nothing further.

6 THE COURT: Mr. Stovitz?

7 MR. STOVITZ: No questions, your Honor. We exercise
8 a challenge for cause on implied bias, your Honor.

9 MR. FITZGERALD: We will object in that it deprives
10 the defendants of due process and equal protection of the
11 law, in connection with the guilt phase of the trial.

12 MR. REINER: Join.

13 MR. SHINN: Join.

14 MR. KANAREK: Join.

15 THE COURT: You say implied bias, Mr. Stovitz?

16 MR. STOVITZ: Of course, it is actual bias, but
17 unfortunately the code speaks of implied bias.

18 MR. REINER: I would join also on the additional
19 ground that I urge.

20 THE COURT: Very well, the challenge is allowed.
21 Mr. Simpson will be excused.

22 Mr. Simpson, will you refrain from discussing
23 with anyone what has been said in here today?

24 MR. SIMPSON: Yes, sir.

25 THE COURT: Thank you very much, you are excused.

26 (Mr. Simpson leaves the chambers of the court.)

13A2

1 MR. REINER: Your Honor, rather than posing that
2 question to each prospective juror shall we have the rule
3 that I may not pose that question again so there is no
4 question as to the fact that I do wish to ask that
5 question of each prospective juror?

6 THE COURT: Well, I don't want to rule that you cannot
7 ask it.

8 I will indicate that I will sustain my own
9 objection, if you do.

10 MR. REINER: Well, that is what I mean, it would
11 then be pointless on my part, because there are three or
12 four lead-up questions to it that certainly would be un-
13 necessary if the Court will state its own objection.

14 THE COURT: It is now 3:00 o'clock, gentlemen, so
15 in accordance with what I said this morning, the Sheriff's
16 Department has requested that we adjourn early today since
17 this is the first day that the jury is to be sequestered,
18 they need some additional time to help the jury get
19 settled in the hotel and give them some preliminary
20 instructions and advice as to the procedure to be followed
21 during the sequestration.

22 MR. FITZGERALD: I have a matter that will take about
23 30 seconds, and that is, I wonder if the Court has come to
24 a conclusion about the defendants bringing a tape recorder
25 into the courtroom at specified times in order to prepare
26 our defense.

3A3
1 As we mentioned to you earlier, we would like
2 to take some tape-recorded statements of our clients in
3 regard to the existence of some witnesses.

4 It is almost impossible for us to do it
5 stenographically.

6 THE COURT: Why is it impossible?

7 MR. FITZGERALD: It is not impossible.

8 THE COURT: It seems to be a very simple matter.

9 MR. FITZGERALD: It is a tremendous burden for us
10 to retain the services of a stenographer and to come into
11 the jail after court hours where we think we can do it
12 with a minimum of inconvenience to the Court.

13 We certainly would submit our tape recorders, or
14 one tape recorder, if the Court please, to the Sheriffs
15 for inspection.

16 We don't want to subvert any security
17 regulations whatever, and we can faithfully assure the
18 Court that any statements taken from the defendants are
19 absolutely for the use within this case and are not going
20 to be published, or anything like that.

3B-1

1 THE COURT: Of course you can speak for yourself,
2 Mr. Fitzgerald.

3 MR. FITZGERALD: I am willing to go to jail for
4 them all. If I make that representation to the Court --

5 THE COURT: I am not talking about the attorneys;
6 I am talking about the defendants themselves.

7 MR. FITZGERALD: The defendants won't have anything
8 to do with it because the tape recorders and the material
9 contained in the tape recorders remain in the possession of
10 counsel.

11 We have a problem, particularly with Mr. Manson,
12 because of his inability to --

13 Well, perhaps inasmuch as there are other
14 motions pending I should not go into that.

15 But it would really facilitate us in the
16 defense of these defendants and we will submit to any
17 regulations or any procedures the Court would have in mind.

18 THE COURT: Let me say this:

19 I have gone into the matter with the Sheriff's
20 Department.

21 It poses a definite security problem which we
22 are not equipped to handle in the courtroom and which the
23 Sheriff does not wish to handle in the jail because of some
24 unhappy experiences.

25 It is a privilege not accorded to other
26 defendants, and I don't see the reason there should be an

5B2
1 exception in this case.

2 As I have indicated, if for any reason counsel
3 believes that they cannot take down whatever the matters
4 are themselves, they can employ the services of a
5 stenographer to take it down, not a tape recorder.

6 MR. FITZGERALD: Of course we had gone through this
7 before, but I personally do not have the money to do it,
8 and I know the Court in many respects does not believe my
9 representations but, I mean, such happens to be the case.

10 MR. KANAREK: May we do this, your Honor, we can have
11 a microphone and put a wire on it, and have the instrument
12 outside of the lockup and have all the wheels turning out-
13 side.

14 I mean --

15 THE COURT: I made the ruling, Mr. Kanarak.

16 Is there anything else before we adjourn?

17 MR. KANAREK: Your Honor, I would like to say this:

18 Mr. Manson has a desire, your Honor --

19 MR. MANSON: That's enough, that's enough.

20 THE COURT: Very well, we will go back into the
21 courtroom and I will admonish the jurors before we adjourn.

22 THE CLERK: Was the last juror excused?

23 THE COURT: Mr. Simpson was excused for cause.

24 MR. KANAREK: I hate to belabor it, but has your
25 Honor done anything in connection with the most rudimentary
26 aspect, the pencils --

1 THE COURT: Yes, as a matter of fact I have, Mr.
2 Kanarek, I have ascertained from the Sheriff's Department
3 that Mr. Manson had in his possession 18 pencils.

4 That he was again discovered giving cigarettes
5 to juveniles contrary to the jail rules.

6 That some of the papers that he had, had metal
7 fasteners on them which were removed by the Sheriff's
8 personnel for security reasons.

9 That he is presently undergoing five days, I
10 believe, disciplinary, for his violation of the jail rules
11 in regard to juveniles.

14

14-1

1 (The following proceedings occurred in open
2 court, all defendants, counsel, jury and prospective
3 alternate jurors being present:)

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

6 Ladies and gentlemen, the Sheriff's
7 Department has requested some additional time to assist
8 the jury in getting settled this afternoon in the hotel.
9 So, we are going to adjourn at this time rather than our
10 usual time of 4:15.

11 Please remember the admonition. Do not
12 converse among yourselves nor with anyone else on any
13 subject related to this case, nor form or express any
14 opinions regarding the case until it is finally submitted
15 to you.

16 Do not read, watch or listen to any news
17 reports so long as any of you are connected with this
18 case.

19 We will adjourn at this time until 9:00
20 o'clock tomorrow morning.

21 (Whereupon an adjournment was taken until
22 9:00 o'clock a.m. of the following day,
23 Thursday, July 16, 1970.)
24
25
26

1 LOS ANGELES, CALIFORNIA, THURSDAY, JULY 16, 1970 9:12 A.M.

2 - - - -

3
4 (The following proceedings were had in
5 the chambers of the Court out of the hearing of the jury
6 and the prospective alternate jurors, all the defendants
7 being present and all counsel being present:)

8 THE COURT: All parties and counsel are present.

9 Will you bring in the next prospective
10 juror.

11 (Prospective alternate juror enters the
12 chambers.)

13 THE COURT: Good morning, sir.

14 THE CLERK: The prospective alternate juror's
15 name is William A. Ryan; W-i-l-l-i-a-m, R-y-a-n.

16
17 VOIR DIRE EXAMINATION OF MR. WILLIAM A. RYAN
18 BY THE COURT:

19 Q Mr. Ryan, if you were selected as an
20 alternate juror in this case would you be able to serve?

21 A I would have great difficulty. It would
22 be a hardship to me.

23 Q Would you tell us something about this
24 hardship.

25 A I am a father of seven kids; my wife
26 works and I'm afraid she would have to quit her job.

1 I would suffer financially. As it is
2 right now I am losing a certain amount of overtime.

3 THE COURT: Keep your voice up.

4 A I am losing a certain amount of overtime
5 which I would ordinarily be making. To a certain extent
6 I depend on it.

7 BY THE COURT:

8 Q Who is your employer?

9 A Perkin-Elmer Corporation.

10 Q Well, would they continue your compensa-
11 tion?

12 A Yes, my base pay. I would lose the over-
13 time I am getting now which is roughly, oh, at a minimum
14 of about ten hours a week.

15 2 fls.
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2-1 1 Q Is that a substantial portion of your income, the
2 overtime, Mr. Ryan?

3 A It is a dependent portion right now.

4 Q And your wife would have to quit her job if you
5 were selected?

6 A Yes. If I was gone for that length of time,
7 I am sure she would have to quit.

8 Q How old are your children? What is the range
9 of ages?

10 A They run from 12 down to 6.

11 MR. FITZGERALD: There will be a stipulation.

12 MR. BUGLIOSI: There will be?

13 MR. FITZGERALD: Yes. We would offer to stipulate.

14 MR. STOVITZ: So stipulated.

15 MR. KANAREK: On hardship grounds, yes, sir.

16 MR. REINER: Yes.

17 MR. SHINN: Yes.

18 THE COURT: Very well. You will be excused, Mr. Ryan.

19 And will you refrain from discussing what was
20 said in here this morning?

21 MR. RYAN: Yes, I will.

22 THE COURT: Thank you.

23 MR. RYAN: Thank you.

24 (Whereupon, Mr. Ryan leaves the court's
25 chambers.)

26 MR. REINER: Your Honor, while we are waiting for the

4-2 1 next prospective juror to come into chambers --

2 THE COURT: Just a minute, Mr. Reiner.

3 So the record will be clear, Mr. Ryan was
4 excused by stipulation of all counsel.

5 MR. REINER: The Court will recall that I posed
6 two questions to prospective juror, Mr. Simpson. It is my
7 desire to ask those same two questions to all prospective
8 jurors to indicate, initially, that they are opposed to the
9 death penalty.

10 The Court posed its own objection and sustained
11 it.

12 Presumably the Court would continue to state its
13 own objection. So, would it be necessary for me to repeat
14 this question each time, or may I just have an indication
15 that that question will not be allowed, and I will not pose
16 it?

2A

2a-1

1 THE COURT: Well, I think the record should be
2 perfectly clear as to what questions you are talking
3 about now. I believe I know.

4 MR. REINER: Perhaps I could indicate the
5 questions this way, your Honor: The questions that I
6 posed to Mr. Simpson, page 3719 of Volume 21 of the
7 transcript beginning at line 26, and extending through --
8 including the discussion that we had in connection with
9 those questions -- page 3723, line 7.

10 That would include the questions as well
11 as the discussion between Court and counsel.

12 (Pause while the Court reads the
13 transcript.)

14 THE COURT: Yes. I would sustain an objection
15 to those questions.

16 MR. REINER: Very well.

17 MR. KANAREK: Your Honor, I just have one other
18 point.

19 In today's Herald there was a picture
20 of the jurors on the front page. I think it said some-
21 thing like "First picture of Tate jurors." Something
22 like that. Anyway, I don't have the paper in chambers
23 here with me, but I would like to incorporate that as
24 part of this record, along with the report of the
25 Board of Supervisors' meeting wherein one or two, or
26 maybe more, of the Board of Supervisors agree that the

1 jury is unfair as picked because of the people who are
2 left off because of financial hardship.

3 In other words, your Honor, that article
4 I would like to make a permanent part of this record.

5 THE COURT: What do you mean by a permanent part
6 of this record? We are not trying this case by virtue of
7 articles printed in the newspaper.

8 MR. KANAREK: No, your Honor, we are not trying
9 it by virtue of articles in the newspaper, but what I am
10 saying is --

11 THE COURT: I can't understand what you are talking
12 about.

13 MR. KANAREK: I want to offer it as an exhibit,
14 your Honor.

15 THE COURT: An exhibit with respect to what?

16 MR. KANAREK: It has a dual aspect, your Honor.

17 First of all, it has the aspect of
18 publicity --

19 THE COURT: Just answer my question, Mr. Kanarek.

20 An exhibit with respect to what?

21 MR. KANAREK: With respect to what I would like
22 to have as a continuing motion to dismiss, ultimately
23 hoping to convince the Court.

24 THE COURT: There isn't going to be any continuing
25 motion.

26 If you want to make a motion along the

1 lines that you are indicating, Mr. Kanarek, you put it in
2 writing and support it with points and authorities. If
3 you are basing it on some facts, then I want either an
4 affidavit or a declaration setting out those facts.

5 If you want to include some exhibits
6 along with it, you may do so, but we are not just going
7 to incorporate newspaper articles whenever you happen to
8 read a newspaper and want it incorporated.

9 I don't even know what you are talking
10 about.

11 All right. Let's call in the next
12 prospective juror.

13 (Another prospective alternate juror
14 enters the Court's chambers.)

15 THE COURT: Good morning.

16 MRS. MASON: Good morning.

17 THE CLERK: The prospective alternate juror's
18 name is Mrs. Gwendolyn Mason; G-w-e-n-d-o-l-y-n, M-a-s-o-n.

19
20 VOIR DIRE EXAMINATION OF MRS. GWENDOLYN MASON
21 BY THE COURT:

22 Q Mrs. Mason, if you were selected as an
23 alternate juror in this case would you be able to serve?

24 A It would be hard for me.
25
26

3 fls.

JA-1

1 Q What is your situation?

2 A My husband has been transferred to Anaheim and
3 we need to move my family there.

4 MR. STOVITZ: Mrs. Mason, keep your voice up, please.

5 MRS. MASON: Yes. My husband has been moved to
6 Anaheim and we are needing to move there.

7 Q BY THE COURT: Where do you live now?

8 A Canoga Park.

9 Q How soon do you anticipate moving?

10 A We have a son who is finishing high school. We
11 need to get there before school starts.

12 Q Are you employed outside of the home?

13 A I am a substitute teacher.

14 Q Well, I am not quite sure in my own mind why
15 this would be a hardship, because of the details in
16 connection with the move? Is that what you mean?

17 A Yes, that's right.

18 Q Is that something that can be handled by your
19 son and your husband without you?

20 A I suppose it could be.

21 Q As a substitute teacher are you on any regular
22 payroll of the schools?

23 A I am not on contract, if that is what you mean,
24 I am paid by the day as I teach.

25 Q I see. When you don't teach you don't get
26 paid?

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A Right.

Q There is no continuing compensation of any kind?

A That's right.

Q Well, aside from what you have told us if you were selected as an alternate juror would you be willing to serve?

A I have been sitting there realizing I probably should have stood up when you asked the question of prejudice.

Q All right, I will get to that in a minute.
But aside from that --

A I have forgotten your question.

Q Well, I'm trying to find out if there is some undue hardship that would result if you were selected as an alternate juror.

A What you consider hardship and what I consider hardship are two different situations.

Q I want you to tell me what you consider.

A It would be a hardship for me to have my family move and me not involved in the moving.

Q All right, now, you say that you think you should have stood up and given your name when I asked if there was anyone who could not be fair and impartial, is that right?

(Witness nods head in the affirmative.)

1 Q You have to answer audibly.

2 A Yes.

3 THE COURT: The reporter has to take it all down.

4 MRS. MASON: All right.

5 Q BY THE COURT: Have you formed any opinion
6 with respect to the guilt or innocence of any of the
7 defendants?

8 A I have been thinking, yes, I feel at this point,
9 yes, I feel they are guilty.

10 Q Is this as a result of something that you have
11 read or heard?

12 A It is a sort of a growing thing. I did not
13 like the phrasing of prejudice, I think is why I did not
14 stand up.

A-1

1 Q I don't think I used the word "prejudice."

2 A That is what I read into it then.

3 And this bothered me, but now I think it would
4 be easier to convince me that they are guilty than it is
5 to convince me that they are innocent.

6 Q Now, is this because of the fact that they have
7 been arrested and charged with these offenses and are
8 before the Court to stand trial, or is it because of
9 something else that you may have read or heard about the
10 case?

11 In other words, would you feel this way about
12 any defendant in any criminal case, or is there something
13 special about this case?

14 A I think it is this case.

15 Q Why this case?

16 A I've got the feeling more --

17 I feel this more strongly today than I did when
18 I first came into the courtroom.

19 Q Why do you feel it more strongly, do you know?

20 A I suppose it is being in the courtroom and
21 seeing the defendants.

22 Q Is it their appearance that causes you to
23 feel that way?

24 A Not -- no, I don't think so. It is an attitude
25 that bothers me.

26 Q An attitude that you think you see in them?

3A2. 1 A That I resent in them, yes.

2 Q And is your present state of mind such that
3 you would require the defendants to assume some burden
4 in proving their innocence rather than placing all of the
5 burden on the State to prove their guilt?

6 A Yes, that is what I would be doing now.

7 Q Now, you have heard me tell the panel when you
8 came into the court for the first time that in every
9 criminal case a defendant is presumed to be innocent until
10 his guilty is proven beyond a reasonable doubt.

11 Do you remember that?

12 A I remember that.

13 Q Now, are you saying you would be unable to
14 give each of the defendants the benefit of that presumption
15 of innocence because of your beliefs and opinions at this
16 time?

17 A I am afraid I might.

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

19 MR. FITZGERALD: No, your Honor.

20 MR. REINER: No questions.

21 MR. SHINN: No questions.

22 THE COURT: Mr. Kanarek?

23 MR. KANAREK: No questions, your Honor.

24 MR. STOVITZ: No questions.

25 THE COURT: I will ask you to go back into the court-
26 room, Mrs. Mason, and thank you very much.

1 Will you refrain from telling anyone what has
2 been said in here this morning?

3 MRS. MASON: Yes.

4 THE COURT: Thank you.

5 (Mrs. Mason leaves the chambers of the court.)

6 MR. FITZGERALD: There will be a challenge for cause
7 on behalf of the defendants, Penal Code Section 1073,
8 Paragraph 2.

9 MR. REINER: Join.

10 MR. KANAREK: Join.

11 MR. SHINN: Join.

12 THE COURT: The challenge will be allowed. Mrs.
13 Mason will be excused for cause.

14 All right, you may bring in the next prospective
15 juror.

16 THE CLERK: Has this one been excused, your Honor?

17 THE COURT: Yes, for cause.

18 I have just been handed a note by the clerk
19 that Mr. Alan Kennan, one of the prospective jurors who is
20 not in the box, is absent due to car trouble.

21 (Prospective alternate juror enters the chambers
22 of the Court.)

23 THE COURT: Good morning, won't you sit down here,
24 please.

25 THE CLERK: The prospective alternate juror's name is
26 Miss Anne Kegelman. A-n-n-e, K-e-g-e-l-m-a-n.

1 VOIR DIRE EXAMINATION OF MISS ANNE KEGELMAN
2 BY THE COURT:

3 Q Miss Kegelman, you are one of the persons who
4 stood up yesterday and gave your name when I inquired if
5 there was anyone who could not be fair and impartial.

6 A That's right, yes.

7 Q Now, apart from whatever opinions you may hold,
8 if you were selected as an alternate juror, would you be
9 able to serve?

10 A Well, for that length of time, I have just
11 retired and I have been planning a trip in October.

12 I don't think it would be over by that time.

13 Q Well, no one knows for sure. That is three months
14 away.

15 A But this is my first jury and that was the
16 reason why I'm not sure.

17 Q Keep your voice up, please.

18 A I said I was not sure that I could be impartial.
19 I have just never served on a jury before.

20 Q Well, what we have to determine is what your
21 state of mind is at this particular moment. Do you
22 understand?

23 A Yes.

24 Q First of all, I want to ask the questions I
25 put to the other prospective jurors about the death
26 penalty.

1 Have you had a chance to think about those
2 matters?

3 A Yes, I have.

4 Q All right, then, the first question is this:

5 Do you entertain such conscientious opinions
6 regarding the death penalty that you would be unable to make
7 an impartial decision as to any of the defendants' guilt --

8 A No.

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Q I didn't finish the sentence.

A Oh?

Q Let me start it over again.

A Yes.

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

A I don't believe so.

Q You will have to keep your voice up.

A No.

Q The answer is no?

A No.

Q Do you entertain such conscientious opinions regarding the death penalty that you would automatically refuse to impose it without regard to the evidence in the case, Miss Kegelman?

A No.

Q On the other hand, would you automatically vote to impose it in every case without regard to the evidence?

A In every case?

Q Yes.

A No.

Q And I take it from your answers that you

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1 would be willing to listen to the evidence and then make
2 your decision?

3 A That's right.

4 Q Have you lived continuously in Los Angeles
5 County since last August?

6 A Yes.

7 MR. STOVITZ: Does your Honor want me to go
8 outside and ask them to be quiet?

9 THE COURT: Yes. Tell them that the purpose of
10 the Deputy Sheriffs out there is to keep it quiet.

11 (Mr. Stovitz leaves and then returns.)

12 THE COURT: Thank you, Mr. Stovitz.

4a fls.

4a-1

1 BY THE COURT:

2 Q Was your answer that you have been a
3 resident of this County continuously since last August,
4 Miss Kegelman?

5 A Yes.

6 Q Do you subscribe to a daily newspaper?

7 A Yes.

8 Q What paper is that?

9 A The Times.

10 Q The Times?

11 A Yes.

12 Q Do you read it regularly?

13 A I do.

14 Q Do you watch television news reports on
15 a regular basis?

16 A I do.

17 Q Now, have you made any conscious effort
18 to follow this case in the news?

19 A I did at first. The last -- I may read
20 the headlines at this time, but that is about all.

21 Q At what point did you stop following it,
22 Miss Kegelman? Do you remember?

23 A Oh, no, I don't exactly remember when I
24 did.

25 I read what was in there and went into
26 detail for a while, and then I stopped.

4a-2

1 Q Did you ever read or hear anything which
2 appeared to be a description by someone who was actually
3 at the scene when one or more of the killings were
4 taking place?

5 A Anyone at the scene? Yes.

6 Q What was that, do you recall?

7 A Susan Atkins.

8 Q Susan Atkins?

9 A Atkins, yes.

10 Q Was it something that appeared to be a
11 story by her?

12 A That's right. If I remember right.

13 Q Was this in the newspaper?

14 A In the newspapers.

15 Q And you understood that to be a description
16 of who was present and what happened at the time of the
17 killings?

18 A I did.

19 THE COURT: All right.

20 Then I will ask you to go back into the
21 courtroom.

22 Do counsel wish to inquire?

23 MR. FITZGERALD: No, your Honor.

24 MR. REINER: No questions.

25 MR. SHINN: No questions.

26 MR. KANAREK: No.

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1 THE COURT: Will you refrain, Miss Kegelman,
2 from discussing with anyone what has been said in here
3 this morning?

4 MISS KEGELMAN: I will.

5 THE COURT: Thank you.

6 MISS KEGELMAN: Thank you.

7 (Miss Kegelman leaves the Court's
8 chambers.)

9 MR. FITZGERALD: The defendants will challenge
10 the juror for cause, actual bias.

11 MR. REINER: Join.

12 MR. SHINN: Join.

13 MR. KANAREK: Yes.

14 MR. STOVITZ: Submit it, your Honor.

15 THE COURT: All right. Miss Kegelman will be
16 excused for cause. The challenge is allowed.

17 (Another prospective juror enters
18 the Court's chambers.)

19 THE COURT: Good morning, sir.

20 MR. JOHNSON: Good morning, your Honor.

21 THE CLERK: The prospective alternate juror's
22 name is Foster W. Johnson; F-o-s-t-e-r, J-o-h-n-s-o-n.

23
24 VOIR DIRE EXAMINATION OF FOSTER W. JOHNSON

25 BY THE COURT:

26 Q Mr. Johnson, if you were selected as an

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alternate juror in this case, would you be able to
serve?

A Yes, I would.

4b fls.

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1 Q All right, sir.

2 I am going to ask you the questions regarding
3 your opinions on the death penalty that I have put to the
4 other prospective jurors.

5 A Yes, sir.

6 Q Did you understand what I said to the panel
7 with regard to the procedure in a murder case?

8 A Yes.

9 Q That is, that the first part of the trial is
10 devoted to the determination of whether or not a defendant
11 is guilty or not guilty.

12 A Yes.

13 Q Then, and then only, if there is a verdict of
14 murder in the first degree, there is a second or penalty
15 phase of the trial.

16 A Yes.

17 Q Did you understand that?

18 A Yes, I did.

19 Q Now, the first of my questions is directed to
20 the first phase of the so-called guilt phase of the trial,
21 and this is the question:

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

26 A No, I don't.

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1 Q All right.

2 My second question is devoted -- is concerned,
3 rather -- with the second or so-called penalty phase.

4 A Yes.

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

9 A No.

10 Q On the other hand, Mr. Johnson, would you
11 automatically vote for the death penalty in every case
12 regardless of the evidence?

13 A No.

14 Q All right.

15 Then, if I understand what you have said --
16 and you correct me if I am wrong -- you would be willing to
17 listen to the evidence if the case gets to the penalty
18 phase, and then make up your mind which of the two
19 penalties, life imprisonment or death, should be imposed;
20 is that right?

21 A Yes.

22 Q Mr. Johnson, we want to find out next what, if
23 anything, you have learned about this case over the months
24 from reading about it, hearing about it, or from whatever
25 source, and whether or not you have formed any opinions as
26 to the guilt or innocence of any of the defendants.

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1 Have you been a resident of Los Angeles County
2 since last August?

3 A Yes, I have.

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1 Q When the killings were discovered, the news-
2 paper and the television and radio reported that fact; is
3 that what you are talking about?

4 A Well, that was partially it; and then later on
5 I read something that some of the defendants were supposed
6 to have -- I think it was the girl that talked and what you
7 call squealed on the others.

8 Q Do you remember the name of the defendant?

9 A No, I don't now.

10 Q Was it one of the girls?

11 A One of the girls.

12 Q Was it Susan Atkins?

13 A It doesn't seem to me that was the name. I
14 can't remember for sure.

15 Q Linda Kasabian?

16 A That could be the name.

17 Q Was this a newspaper article that you read?

18 A Well, as I say, I don't remember for sure
19 whether it was a newspaper or magazine. It was one or the
20 other.

21 Q All right.

22 Now, what did this appear to be? What was said?
23 Not exactly, of course, but what was the substance of what
24 was being said in the article or the report?

25 A Well, it has been such a long period of time
26 now, I have got this kind of a little confused with the

1 other one, the musician that was murdered.

2 Q Hinman?

3 A Yes, Hinman. And I couldn't really tell you
4 now, it has been so long.

5 Q You are not sure that the reports you are
6 talking about were with respect to this case or another
7 case?

8 A Yes.

9 Q Well, can you recall what generally was said in
10 this report?

11 A Now that I think back on it, it must have been
12 the Hinman case because it told about one of the boys
13 demanding that the girl stab him. I believe that was the
14 case.

15 There are so many things that have happened,
16 you know, in between times that I kind of -- I really
17 couldn't recall.

18 Q Well, do you recall whether the names of the
19 persons present at the time of any killing were mentioned?

20 A Well, the prominent name that I remember most of
21 all is Sharon Tate.

22

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4d-1

1 Q Sharon Tate?

2 A Yes.

3 Q She was a victim.

4 A She was the victim, yes.

5 That is what stands out in my mind. It
6 was more the victims than --

7 Q Was this article that you read or heard
8 in relation to the killing of Sharon Tate?

9 A Yes, and the Folger girl.

10 Q She was another victim.

11 A She was another victim, yes.

12 I don't remember enough of the defendants'
13 part in it at all.

14 Q But this article that you read or heard,
15 did it purport to be a description of what happened when
16 Sharon Tate was killed?

17 A Well, once again, it has been so long
18 ago, I can't recall now.

19 You know, it never made the impression on
20 me that I should try to retain all these facts.

21 Q We are not criticizing you, Mr. Johnson.

22 A I just read it as a new story.

23 Q Mr. Johnson, we are just trying to find
24 out what it was that you did read or hear.

25 Would you say that, at this time, you have
26 formed any opinion as to the guilt or innocence of any of

4d-2

1 the defendants in this case?

2 A Well, from the description given of what
3 I have read, I thought probably they had a pretty good
4 case against them, but as far as going any further than
5 that, I never really came to a conclusion on it.

6 Q Whatever you read indicated to you that
7 they were involved in the killings in this case; is that
8 right, sir?

9 A Yes, that's right.

10 THE COURT: All right, sir.

11 Do counsel wish to interrogate?

12 MR. REINER: No questions.

13 MR. FITZGERALD: No questions.

14 MR. SHINN: No questions.

15 MR. KANAREK: No, sir.

16 THE COURT: Mr. Johnson, I will ask you to go
17 back into the courtroom, and will you refrain from
18 discussing with anyone what has been said in here this
19 morning?

20 MR. JOHNSON: Yes, sir.

21 THE COURT: All right. Thank you.

22 (Whereupon Mr. Johnson leaves the court's
23 chamber.)

24 MR. FITZGERALD: There will be an exercise of a
25 challenge for cause under 1073 Paragraph 2.

26 MR. REINER: Join.

MR. SHINN: Join.

MR. KANAREK: Join.

5 fls.

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1 MR. STOVITZ: We'll submit the matter on the challenge,
2 but I do want the record to indicate that this juror seemed
3 to indicate that he had no objection to serving, and yet
4 was quite candid with us in what he had read and what he
5 retained about the case, to contrast that with Mr. Kanarek's
6 argument about the jurors color their testimony.

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

8 THE COURT: The challenge will be allowed.

9 MR. KANAREK: -- if I may respond to that very
10 briefly?

11 THE COURT: I don't think a response is necessary,
12 Mr. Kanarek. The only thing pending was a challenge, and
13 I have allowed it.

14 Mr. Johnson will be excused for cause.

15 THE CLERK: Shall I call in the next one, your Honor?

16 THE COURT: Yes.

17 (Prospective alternate juror enters the
18 chambers of the Court.)

19 THE COURT: Good morning, sir.

20 THE CLERK: The prospective juror's name is
21 Welcome J. Barhite.

22 THE COURT: What was the first name?

23 THE CLERK: W-e-l-c-o-m-e.

24 MR. BARHITE: Bill for a nickname.

25 THE COURT: --c-o-m-p?

26 THE CLERK: --c-o-m-e just like --

1 MR. BARHITE: Just like on the doormat.

2 THE CLERK: The last name is spelled B-a-r-h-i-t-e.

3
4 VOIR DIRE EXAMINATION OF WELCOME J. BARHITE

5 BY THE COURT:

6 Q Mr. Barhite, if you were selected as an alternate
7 juror in this case would you be able to serve?

8 A I doubt it very much. It would be quite an
9 inconvenience to me. I am in the process of --

10 Q Could you keep your voice up, please, sir.

11 A I am in the process of moving in about a week or
12 two, and I think it would jeopardize my employment. I am
13 the only income we have.

14 Q By whom are you employed?

15 A By Wemac Company, and they are at Santa Ana,
16 3433 West Harvard Boulevard.

17 I am a truck driver.

18 Q Do you know what their policy is with regard
19 to paying compensation if you are selected as a juror?

20 A No, I don't, but I rather think it would be on
21 my own time.

22 I rather think, too, if I am not able to drive
23 they will replace me.

24 Q You said something about a move?

25 A Yes, we are moving from our apartment where I
26 live now; we are going to take the next place in August.

1 Q Are you married?

2 A Yes, sir, just my wife and I.

3 THE COURT: Will there be a stipulation?

4 MR. FITZGERALD: We will stipulate.

5 MR. REINER: So stipulated.

6 MR. SHINN: So stipulated.

7 MR. KANAREK: So stipulated.

8 THE COURT: All right, you will be excused, then,
9 Mr. Barhite, by stipulation of all counsel.

10 Thank you, sir, and will you refrain from
11 discussing with anyone what has been said here this morning?

12 MR. BARHITE: Yes, sir.

13 THE COURT: All right, thank you.

14 MR. BARHITE: Thank you.

15 (Mr. Barhite leaves the chambers of the court.)

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1 MR. KANAREK: Your Honor, may the record reflect
2 that stipulation because of financial hardship?

3 THE COURT: It was by stipulation of all counsel,
4 on the grounds of counsel's various reasons for stipulating,
5 which were not stated.

6 But if that was your reason, the record
7 says so.

8 MR. KANAREK: Thank you.

9 (A prospective alternate juror enters the
10 chambers of the Court.)

11 THE COURT: Good morning.

12 THE CLERK: The prospective alternate juror's
13 name is Henry V. Alonzo, H-e-n-r-y, A-l-o-n-z-o.

14
15 VOIR DIRE EXAMINATION OF MR. HENRY V. ALONZO
16 BY THE COURT:

17 Q Mr. Alonzo, you were one of those persons
18 who stood up yesterday and gave their name when I asked
19 if there was anyone that could not be fair and impartial?

20 A Right.

21 Q Would you keep your voice up, sir, so
22 everyone can hear you.

23 A Yes, I stood up.

24 Q Apart from your opinions about the case,
25 if you were selected as an alternate juror would you be
26 able to serve?

5a-2

1 A What do you mean? I cannot get your
2 question exactly.

3 What do you mean, if I will be able to
4 serve?

5 Q What I am getting at, I am trying to find
6 out if there would be any undue hardship?

7 A Oh, I see. I think so. I think it would
8 be pretty hard on my wife.

9 I have a couple of children and it might
10 be a hardship for them.

11 Q How old are your children?

12 A 7 and 10. They both go to school, and
13 get out at 11:30 and wait for me. With my wife working
14 that makes it pretty hard.

15 Q Your wife is also working?

16 A Yes.

17 Q Now, would you tell us what you meant
18 yesterday when you stood up and gave your name.

19 A Well, everything that I read and what
20 little I read and seen on TV, everything points against
21 them. I have never seen anything contrary to their
22 being guilty. Everything that I have seen points right
23 at them.

24 Q Well, what have you seen that points right
25 at them?

26 A Well, I don't know exactly what, but

1 every time you read a newspaper, everything says, well,
2 they are guilty; they were the criminals, and all that.

3 I really did not pay that much attention,
4 I don't care too much for reading that stuff.

5 Q Are you talking about the fact that they
6 have been arrested and charged with these offenses?

7 A Right, right, exactly.

8 Q Have you ever seen anything that said
9 they were guilty, use those words?

10 A Well, no, not exactly. They don't come
11 right out and say they are guilty, but you more or less
12 assume from what you have read, or from what I have
13 read anyway.

5b fls.

5B-1

1 Q That is what I am trying to find out, what
2 your assumption is based on.

3 Is it based on the fact that they have been
4 arrested and charged with these offenses?

5 A Right.

6 Q Now, do you have that feeling in every criminal
7 case, when it is publicized in the newspaper, that there is
8 a strong likelihood that the defendant is guilty because
9 of the fact that he has been arrested and charged with the
10 offense?

11 A I have the tendency of thinking that way in
12 most cases.

13 Q In other words, what I am trying to find out,
14 sir, is whether there is something different about the way
15 you feel in this case from any other criminal case that
16 happens to get some publicity as far as the defendants are
17 concerned.

18 A Oh, I think I feel about the same way in all
19 the cases.

20 I assume that everytime somebody gets caught
21 like this, as they did in this case, I don't think they
22 go around arresting, you know, innocent people. They
23 might.

24 It has probably happened, but it does not happen
25 too often, I would think.

26 Q In other words, you think because they were

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1 arrested there must have been some involvement?

2 A I think so.

3 Q Does your belief go beyond that?

4 In other words, you know, don't you, that
5 in many cases defendants are acquitted?

6 A Oh, I don't know, I don't keep a record of
7 cases like that.

8 Q Well, do you believe that every defendant in a
9 criminal case is convicted?

10 A I believe the bigger majority of them are.
11 of course I don't keep track of all of the
12 criminal cases that are going on.

13 Q Now, when your panel came into the courtroom, among
14 other things I told them, in a criminal case a defendant is
15 presumed to be innocent until his guilt is proven beyond a
16 reasonable doubt.

17 Do you remember that?

18 A Yes, I do.

19 Q Now, do you think that you could give to the
20 defendants in this case the benefit of that presumption of
21 innocence?

22 A I don't know. I don't think I could. Maybe if
23 I hear or read something contrary to what they have done,
24 you know, if somebody would come up with some answers as
25 to their innocence, maybe I would be able to make some
26 kind of a decision.

1 As it is right now I don't think I could come up
2 with a decision as to them being not guilty.

3 Q Would you require the defendants to prove their
4 innocence rather than requiring the people to prove
5 their guilt?

6 A I think I would require them to prove their
7 innocence.

8 THE COURT: All right, sir.

9 MR. FITZGERALD: I have a question.

10
11 VOIR DIRE EXAMINATION OF MR. ALONZO

12 BY MR. FITZGERALD:

13 Q Mr. Alonzo, did you discuss this case with
14 other people on the panel yesterday, and the day before
15 yesterday?

16 A Oh, not really, just we made a few statements
17 how this guy looks, that is about all, you know, his
18 appearance, long hair.

19 Q While you were sitting in the courtroom, you
20 mean?

21 A No, no, during lunch.

22 Q What was said about the way he looked?

23 A Well, long hair, long beard.

24 Q What did people have to say about that, if
25 anything?

26 A Nothing, just he looks kind of weird with long

1 hair and long beard.

2 Q Weird?

3 A With the long hair and long beard he looks kind
4 of weird.

5 Q Did you have a discussion about him being
6 guilty?

7 A No.

8 Q Was that while you were here on this panel?

9 A No, while we were out on lunch.

10 Q But it was after you had been called over here?

11 A Right.

12 Q Did you discuss the way the girls looked?

13 A No, no.
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1 Q When you were over in the jury assembly
2 room in the new courthouse did you talk with any of
3 the other prospective jurors on the panel about the
4 Manson case, anything like that?

5 A No. You mean when I came in early
6 yesterday?

7 Q Yes.

8 A In fact I did not know I was coming
9 here.

10 Q Yesterday when you stood up there was
11 somebody on your right that stood up and somebody on
12 your left that stood up, isn't that right?

13 A No, just somebody on my left. I was on
14 the far end.

15 Q Did you know the man on your left?

16 A No.

17 Q Did you know why he stood up?

18 A No, I don't know why.

19 MR. FITZGERALD: I have nothing further.

20 MR. REINER: No questions.

21 MR. SHINN: No questions, your Honor.

22 THE COURT: Mr. Kanarek?

23 MR. STOVITZ: May I inquire?
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1 VOIR DIRE EXAMINATION OF MR. ALONZO
2 BY MR. STOVITZ:

3 Q Mr. Alonzo, how old are you, sir?

4 A 35.

5 Q By whom are you employed?

6 A The Post Office.

7 Q The United States Post Office?

8 A Right.

9 MR. STOVITZ: No further questions.

10 THE COURT: All right, Mr. Alonzo, I will ask
11 you to go back into the courtroom.

12 Would you refrain from discussing with
13 anybody what has been said here this morning?

14 MR. ALONZO: I will.

15 THE COURT: All right, thank you, sir.

16 (Mr. Alonzo leaves the chambers of the
17 court.)

18 MR. KANAREK: Your Honor, I make a motion there
19 be an evidentiary hearing in connection with these
20 allegations concerning Mr. Manson or, in the alternative,
21 I ask that these prospective jurors be dismissed.

22 THE COURT: Because they mentioned he had long
23 hair and a beard?

24 MR. KANAREK: Pardon?

25 No, I object to the use of the word
26 "weird."

5c-3

1 THE COURT: That was this man's statement.

2 Is there going to be a challenge?

3 MR. FITZGERALD: Yes, challenge for cause.

4 MR. REINER: Join.

5 MR. SHINN: Join.

6 MR. KANAREK: Join.

7 THE COURT: The challenge is allowed. Mr. Alonzo
8 will be excused.

9 (A prospective alternate juror enters the
10 chambers.)

11 THE CLERK: The prospective alternate juror's
12 name is, the first name is Francis. The last name is
13 Floyd-Jones, first name spelled F-r-a-n-c-i-s; last
14 name spelled F-l-o-y-d hyphen J-o-n-e-s.

15
16 VOIR DIRE EXAMINATION OF MR. FRANCIS FLOYD-JONES
17 BY THE COURT:

18 Q Mr. Floyd-Jones, if you were selected as
19 an alternate juror in this case would you be able to
20 serve?

21 A No, sir.

22 Q Why is that?

23 A Well, my health is not any too good.

24 I am under the doctor's care. He comes
25 around to see me every two weeks.

26 Q You are presently under medical care?

1 A Well, I don't know whether you call it
2 Medicare or not.

3 Q No, no, I say under a doctor's medical
4 care.

5 A He comes around every two weeks. I have
6 him on my payroll.

7 I have a little inclination towards
8 diabetes.

9 Q Now, I believe that you were one of the
10 persons that stood up yesterday when I asked if there
11 were any of the prospective jurors who could not be fair
12 and impartial in this case.

13 Do you remember that?

14 A Well, yes, I stood up. I did not feel
15 that I could be a proper juror.

16 Q And why do you feel that way?

17 A Well, I have read the papers and
18 apparently the confession of one of the participants
19 influenced me.

20 Q Do you remember who that was?

21 A I don't remember her name -- I think her
22 name was Atkins.

5d file.

1 Q Susan Atkins?

2 A Yes, sir.

3 Q And where did you read that?

4 A Well, I read it in the Los Angeles Times and
5 I also read it in the Wall Street Journal.

6 I am certain it was in the Los Angeles Times.

7 Q And how long ago was that?

8 A Well, I would say probably six or seven months
9 ago.

10 THE COURT: Are there any questions?

11
12 VOIR DIRE EXAMINATION OF MR. FLOYD-JONES

13 BY MR. STOVITZ:

14 Q How old are you, Mr. Floyd-Jones?

15 A 80.

16 MR. STOVITZ: Thank you, sir.

17 THE COURT: Any questions?

18 MR. KANAREK: No thank you, your Honor.

19 And I thank Mr. Jones.

20 THE COURT: Mr. Jones, I am going to ask you to go
21 back into the courtroom and would you refrain from dis-
22 cussing with anyone what has occurred in here?

23 MR. FLOYD-JONES: Absolutely.

24 THE COURT: All right, sir, thank you.

25 MR. KANAREK: Thank you, sir.

26 MR. FITZGERALD: Challenge for cause under Section

D2 1 1073 of the Penal Code, Paragraph 2.

2 MR. REINER: Join.

3 MR. SHINN: Join.

4 MR. KANAREK: Join.

5 THE COURT: The challenge is allowed. Mr. Floyd-Jones
6 will be excused for cause.

7 (A prospective alternate juror enters the
8 courtroom.)

9 THE COURT: Good morning, sir.

10 THE CLERK: The prospective alternate juror's name is
11 Howard, H-o-w-a-r-d, Lyon, L-y-o-n.

12
13 VOIR DIRE EXAMINATION OF MR. HOWARD LYON
14 BY THE COURT:

15 Q Mr. Lyon, if you were selected as an alternate
16 juror in this case would you be able to serve?

17 A I could not be away from my employment for
18 that long.

19 Q From your what?

20 A Employment.

21 Q Employment?

22 A Yes, sir.

23 Q By whom are you employed?

24 A I am employed by Bell & Howell in Pasadena.
25 They pay for one month's salary during the time I am on the
26 jury, but I don't think I could afford to be away an

1 additional three months.

2 In addition, in view of the --

3 MR. STOVITZ: Mr. Lyons, could you keep your voice up,
4 sir?

5 MR. LYONS: I will try.

6 In addition, Bell & Howell has had rather
7 strong cutbacks in the last three months, and I would not
8 be assured I would have a job if I were away for a three
9 months or more period.

10 THE COURT: All right, sir.

11 Q Anything else?

12 A I have fixed financial obligations continuing.

13 I contribute to the support of my mother; I
14 have insurance.

15 Q In other words, your compensation would stop at
16 the end of 30 days, is that right?

17 A Yes, sir, it would.

18 Q And you depend upon that compensation to support
19 yourself and to take care of your financial obligations?

20 A Yes, I do.

21 Q So it would be an undue hardship if that
22 compensation was terminated by reason of your service in
23 the case?

24 A If I were to be terminated after^a three months
25 or more period I just cannot go out and get another job.
26 I am 61.

1 THE COURT: Will there be a stipulation?

2 MR. FITZGERALD: Yes.

3 MR. REINER: So stipulated.

4 MR. SHINN: So stipulated.

5 MR. KANAREK: So stipulated.

6 THE COURT: Mr. Lyon, you will be excused.

7 Will you refrain from discussing with anyone
8 what has been said here this morning?

9 MR. LYON: Yes, I will.

10 THE COURT: Thank you, sir.

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1 THE COURT: Let the record show that Mr. Howard
2 Lyon was excused by stipulation of all counsel.

3 (Whereupon the next prospective alternate
4 juror enters the court's chambers.)

5 THE COURT: Good morning, sir.

6 MR. HENLEY: Good morning, your Honor.

7 THE CLERK: The prospective alternate juror's
8 name is Harry L. Henley; H-a-r-r-y, H-e-n-l-e-y.

9
10 VOIR DIRE EXAMINATION OF MR. HARRY L. HENLEY
11 BY THE COURT:

12 Q Mr. Henley, if you were selected as an
13 alternate juror in this case, would you be able to serve?

14 A Well, I have a financial problem. I am
15 an unemployed engineer.

6a fls.

6a-1

1 Q You are what?

2 A An unemployed engineer, and this much
3 time would be pretty hard financially.

4 Q Are you presently seeking employment?

5 A Well, I was delaying for a month.

6 When this came up I was trying for a job,
7 I was talking to a firm. If I serve more than this month,
8 I wouldn't have an opportunity to even talk to them.

9 I am not saying that I would get the job,
10 but I wouldn't even have the opportunity.

11 Q Who was your last employer?

12 A Bunker Ramo Corporation.

13 Q Is this part of the aerospace industry?

14 A Right.

15 If I had some way of financially doing
16 this, your Honor, I would enjoy working on this jury.

17 Q And you rely on your earnings from your
18 compensation as an engineer to support yourself?

19 A At the moment my wife works too. With
20 the two of us we are just barely getting by.

21 THE COURT: Will there be a stipulation?

22 MR. FITZGERALD: Yes.

23 MR. KANAREK: Stipulate, your Honor.

24 MR. SHINN: Yes.

25 MR. REINER: Excuse me. I do have a question.

26 THE COURT: All right.

VOIR DIRE EXAMINATION OF MR. HENLEY

BY MR. REINER:

Q Mr. Henley, have you applied for unemployment compensation?

A Yes.

Q Have they informed you that if you were unavailable for work by reason of the fact that you are sitting on a jury that you will not be eligible for unemployment compensation?

A Right, they have.

MR. REINER: Thank you. No further questions.

THE COURT: Thank you, Mr. Henley. You will be excused.

Will you refrain from discussing with anyone what has been said here this morning?

MR. HENLEY: Yes, I will.

(Mr. Henley leaves the Court's chambers.)

THE COURT: The record will show that Mr. Henley is excused by stipulation of all counsel.

(Whereupon another prospective alternate juror enters the court's chambers.)

THE COURT: Good morning, sir.

MR. BENNETT: Good morning, your Honor.

THE CLERK: The prospective alternate juror's name is Kenneth E. Bennett; K-e-n-n-e-t-h, B-e-n-n-e-t-t.

VOIR DIRE EXAMINATION OF MR. BENNETT

BY THE COURT:

Q Mr. Bennett, if you were selected as an alternate juror in this case, would you be able to serve?

A Due to the time element, your Honor, no.

Q Would you explain what you mean by that?

A Well, my job is such that I can't be gone longer than 30 days.

Q What job do you have?

A I work for Richfield -- Atlantic-Richfield now -- as the senior buyer that we are building in Cherry Point, Washington.

Q What is the significance of the 30 days that you mentioned?

A Well, due to the fact that the staff is small here locally, I just feel that I can't be off any longer than 30 days.

Q Well, you were one of the persons who stood up yesterday, were you not?

A Yes.

Q And gave your name?

A Yes.

Q When I asked if there were any jurors that could not be fair and impartial in the case?

1 A That's right.

2 Q Would you explain what your thoughts are?

3 A Yes, sir.

4 Due to the publicity of the case from
5 the inception, I have already formed a pretty good --
6 an opinion.

7 Q In other words, you have an opinion as
8 to the guilt or innocence of the defendants?

9 A Yes, sir.

10 Q Does that tend toward the guilt side?

11 6b fls. A Yes, sir.

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1 Q Is that based upon the fact that the defendants
2 have been arrested and charged with these offenses or is
3 there something more than that?

4 A Yes, I feel that was my reason for that, yes,
5 sir.

6 Q Well, would you feel the same way in any case
7 involving a defendant in a criminal case where there had
8 been some publicity?

9 A No, not in every case, no, sir.

10 Q What is there special about this case?

11 A Their prior manner of living prior to the
12 suspected crime.

13 Q In other words, the mode of living of the
14 defendants?

15 A Right.

16 Q What do you mean by that? What have you
17 learned that causes you to say that?

18 A The gentleman that is involved in the case,
19 due to what I have read, what he has done prior to this
20 involvement supposedly. I just feel I can't give him a
21 fair trial.

22 Q You are talking about Mr. Manson?

23 A Yes, sir.

24 Q In other words, what you are saying -- you
25 correct me if I am wrong -- because of what you have
26 learned about his way of living --

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A Yes, sir.

Q -- even before the events in this case took place --

A Yes, sir.

Q -- that you would find it difficult or impossible to be fair and impartial --

A Right.

Q -- in deciding his guilt in this case?

A Yes, sir, that's right.

Q Do you think that you might be able to put aside, put to one side in your mind, all of these things that you have learned and decide the case solely on the basis of the evidence that comes forth during the trial?

A No, sir, I do not.

THE COURT: Any questions, Counsel?

MR. FITZGERALD: No.

MR. REINER: No questions.

MR. STOVITZ: No questions, your Honor.

MR. SHINN: No.

MR. KANAREK: No.

THE COURT: I will ask you to go back in the courtroom, Mr. Bennett, and will you refrain from discussing with anyone what has been said here this morning?

MR. BENNETT: Yes, sir.

THE COURT: Thank you.

MR. BENNETT: Thank you.

B2 1 (Whereupon, Mr. Bennett leaves the court's
2 chambers.)

3 MR. FITZGERALD: There will be a challenge for cause,
4 actual bias.

5 MR. REINER: Join.

6 MR. SHINN: Join.

7 MR. KANAREK: Join.

8 MR. STOVITZ: Submit it.

9 THE COURT: The challenge will be allowed. Mr.
10 Bennett will be excused for cause.

11 We will take our recess at this time for 15
12 minutes.

13 (Recess.)

14 MR. STOVITZ: Your Honor, may I be excused for the
15 rest of the morning? Mr. Bugliosi will carry on without
16 me.

17 THE COURT: All right.

18 (Recess.)

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1 (The following proceedings occurred in
2 chambers, all defendants and counsel present, Mr. Stovitz
3 absent.)

4 THE COURT: All parties and counsel are present.

5 Bring in the next prospective juror.

6 (A prospective juror enters the Court's
7 chambers.)

8 THE COURT: Good morning.

9 THE CLERK: The prospective juror's name is
10 Miss Catherine Abbatecola; C-a-t-h-e-r-i-n-e,
11 A-b-b-a-t-e-c-o-l-a.

12
13 VOIR DIRE EXAMINATION OF MISS CATHERINE ABBATECOLA
14 BY THE COURT:

15 Q Abbatecola; is that correct?

16 A Yes.

17 Q Miss Abbatecola, if you are selected as an
18 alternate juror in this case, would you be able to serve?

19 A I think so.

20 Q Now, I am going to ask you the same questions
21 regarding the death penalty that I put to the other
22 prospective jurors.

23 Have you had a chance to think about your
24 opinions regarding the death penalty?

25 A Well, I have thought about them a great deal,
26 but they do keep changing.

1 Q All right.

2 Well, what we are interested in is what your
3 opinions are right now as to these questions I am going to
4 ask you.

5 A Yes, sir.

6 Q Do you entertain such conscientious opinions
7 regarding the death penalty that you would be unable to
8 make an impartial decision as to any defendant's guilt
9 regardless of the evidence in the case?

10 A No, sir.

11 Q Do you entertain such conscientious opinions
12 regarding the death penalty that you would automatically
13 refuse to impose it without regard to the evidence in the
14 case?

15 A I don't believe so.

16 Q On the other hand, would you automatically
17 vote to impose the death penalty in every case without
18 regard to the evidence?

19 A No.

20 Q In other words, if I understand you correctly,
21 Miss Abbatecola, you would be willing to listen to the
22 evidence --

23 A Yes.

24 Q -- and then make your decision as to which
25 penalty should be imposed --

26 A Yes.

1 Q -- if the case should get to that stage?

2 A That is correct.

3 Q Is that right?

4 A Yes.

5 Q Have you lived continuously in Los Angeles
6 County since last August?

7 A Yes.

8 Q Have you made any conscious effort to follow
9 this case in the newspaper on on TV or radio?

10 A I have kept up with it, yes.

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1 Q Through what source, the newspapers?

2 A The news magazines, TV.

3 Q Do you subscribe to a newspaper?

4 A Yes.

5 Q Which one is that?

6 A The Times.

7 Q Have you presently formed any opinion as
8 to the guilt or innocence of any of the defendants?

9 A Not entirely.

10 You mentioned yesterday, you know, concerning
11 all possible evidence. I have not formed an opinion, no,
12 but I have thought about it.

13 MR. KANAREK: May that answer be read back, your
14 Honor?

15 THE COURT: Very well.

16 (Whereupon the reporter reads the record as
17 follows:

18 "A Not entirely.

19 "You mentioned yesterday, you know,
20 concerning all possible evidence. I have not
21 formed an opinion, no. But I have thought about
22 it.")

23 MISS ABBATECOLA: I don't know if that answers your
24 question.

25 My opinion is not formed but -- it is not
26 formed, period.

7-2

1 BY THE COURT:

2 Q You have done some thinking about it but
3 you have not formed any definite opinion, is that right?

4 A That's right.

5 Q Now, apart from the fact that the defendants
6 have been arrested and charged with these offenses, have
7 you learned anything that has caused you to believe that
8 there is some connection between the defendants and the
9 offenses they are charged with?

10 A Somebody, you know, killed the people, and
11 it is, the whole situation I feel is unreal almost.

12 Q In what way?

13 A Well, from what I have read, the brutality,
14 everything concerned with it.

15 Q All right, we know some people died, don't
16 we?

17 A That's right, so somebody killed them. I
18 don't know --

19 Q All I am asking you now is, apart from the
20 fact that these defendants have been arrested and charged
21 with the offenses. --

22 A Uh-huh.

23 Q -- just as a defendant is arrested and
24 charged in every criminal case, but apart from that fact
25 is there anything that causes you to believe that these
26 defendants are guilty?

1 A No, nothing.

2 Q These defendants?

3 A No.

4 Q Have you ever read or heard anything which
5 seemed to you to be a description by someone who was
6 actually present at any of the killings?

7 A No.

8 Q Have you ever read or heard anything which
9 seemed to be a statement made by any of the defendants
10 in the case?

11 A No.

12 Q Do you believe that you can put aside
13 everything that you have heard about the case or the
14 defendants and decide the case solely on the basis of
15 the evidence that comes in during the trial?

16 A I think so, yes.

17 Q Would you say that at this moment you are
18 entirely neutral on the question of guilt or innocence
19 of any of the defendants?

20 A "Entirely neutral"? I don't know how I can
21 say I am entirely neutral.

22 I am without an opinion, and I guess that
23 means I am neutral, but I have read a great deal about
24 it, so I don't know.

25

26

7a Fls.

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1 Q Well, has what you read caused you to believe
2 that the defendants are more likely to be guilty than
3 innocent?

4 A Yes.

5 Q What was it that you read that caused you to
6 believe that, do you remember?

7 A Well, nothing specific.

8 Q Is it the feeling that you would have in any
9 criminal case where there has been some publicity that the
10 defendant was more likely to be guilty than innocent, or
11 is there something special about this case?

12 A Well, I have not thought about other cases in
13 particular. This is more spectacular.

14 Q Do you recall yesterday when the panel came in
15 I told them that in a criminal case, any criminal case, the
16 defendant is presumed to be innocent?

17 A Yes.

18 Q Until such time as the People are able to prove
19 his guilt beyond a reasonable doubt, if they are able to
20 do so, do you remember that?

21 A Right.

22 Q Now, do you think that in this case you could
23 give the defendants, each of them, the benefit of that
24 presumption of innocence?

25 A I think so.

26 Q And if the People were unable to prove guilt

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1 beyond a reasonable doubt, and I mean prove it by evidence
2 in this trial, not by anything you may have read or heard,
3 that they were unable to prove guilt beyond a reasonable
4 doubt, would you be then willing to and would you vote for
5 an acquittal?

6 A Yes.

7 Q On the other hand, if the People were able to
8 prove guilt beyond a reasonable doubt by evidence solely
9 introduced in this trial, would you then be willing and
10 would you vote for a verdict of guilty?

11 A Yes.

12 THE COURT: Mr. Fitzgerald.

13
14 VOIR DIRE EXAMINATION OF MISS ABBATECOLA
15 BY MR. FITZGERALD:

16 Q You said that you read a great deal about this
17 case, is that correct?

18 A Right.

19 Q You read about it in the newspaper?

20 A Yes.

21 Q Was that the Los Angeles Times?

22 A Yes.

23 Q You also read the Herald Examiner?

24 A On occasion.
25
26

8-1

1 Q Have you read about this case in the Herald-
2 Examiner?

3 A Not that I recall.

4 Q Do you watch television, or have you watched
5 television in connection with this case and the defendants?

6 A I don't watch much television, but I do
7 watch the news.

8 Q Have you seen anything on the news about
9 the defendants?

10 A I don't recall --

11 Q Or the case?

12 A -- anything specific. Things about the
13 case.

14 Q Most of your information is what you have
15 read?

16 A Right; and conversation with other people
17 before coming here.

18 Q Do these people purport to know Mr. Manson
19 or any of the other defendants in this case?

20 A No.

21 Q Was it your understanding that they based
22 their knowledge on what they had read, heard or seen from
23 media sources?

24 A Right; and personal opinion.

25 Q Have you read news magazines in connection
26 with this case?

1 A Yes.

2 Q Have you read anything else besides the
3 Los Angeles Times and news magazines about this case?

4 A Yes.

5 Just the stories in various magazines dealing
6 with the cult, or whatever.

7 Q Did you read an article in Ladies Home
8 Journal?

9 A No.

10 Q McCall's?

11 A No.

12 Q Esquire?

13 A Yes.

14 Q Life?

15 A No.

16 Q Have you ever read a first person account
17 or an eyewitness account of the deaths of Sharon Tate,
18 Wajciech Frykowski, Abigail Folger; any of the victims
19 in the case?

20 A A first person account?

21 Q By an eyewitness?

22 A No.

23 Q By somebody who was there when they died.

24 A No.

25 Q Do you know how they died?

26 A Do I know how they died?

1 Q Yes.

2 A From Time magazine, what they reported.

3 Q What did Time magazine say?

4 A That Sharon Tate was killed in her eighth
5 month of pregnancy by stab wounds, I believe.

6 Q Yes?

7 A Another boy was killed in a car,
8 Wajiciech --

9 Q Frykowski?

10 A -- Frykowski, yes, was killed exceptionally
11 brutally in an attempt to leave the scene or to call
12 somebody, as was Abigail Folger.

13 Q Did Time magazine indicate who had stabbed
14 them?

15 A I don't recall, but it was all connected
16 with the defendants here.

17 Q But did Time magazine, or did any other
18 media source, point out who stabbed whom?

19 A As I recall, I don't remember if this was
20 in Time specifically, or whatever magazine, but I read
21 that the other boy in Texas -- what is his name --
22 Watson?

23 Q Yes.

24 A Was involved with this.

25 Well, it didn't say specifically who
26 stabbed who, no. I don't recall if it did.

1 Q Did you read that the defendants were
2 responsible for the deaths?

3 A I think it was qualified with "accused"
4 or "arrested," because isn't it against the law to
5a fls. 5 put who did it without being determined by a trial?

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1 Q Well, unfortunately, I can't answer your
2 question.

3 But when you read these articles in connection
4 with the case, did you think that what you were reading was
5 true?

6 A Well, I believe the deaths were, you know,
7 final.

8 Q Right.

9 A I don't know anything else.

10 Q Right.

11 A I don't believe everything I read.

12 Q Oh, no, certainly not; but you don't disbelieve
13 everything you read either, do you?

14 A No. I judge.

15 Q Your total source of information about national
16 and international events is from what you read, see or hear
17 from media sources; isn't that correct?

18 A Right.

19 Q And you believe that, don't you, most of what
20 you read about national and international affairs?

21 A Just to some degree.

22 Q Have you read anything about Mr. Manson?

23 A Yes.

24 Q Can you give us a synopsis of what you have
25 read about him?

26 A Well, that he is the leader of the group, in

8a2
1 his 30's, spent most of his life in either reform schools
2 or prisons, and then lived with the group on some ranch,
3 and subsequently was arrested for this case.

4 Also, that he holds some power over the people
5 that follow him.

6 Q Now, if you were in -- have you read anything
7 about any of the female defendants in this case?

8 A I don't know them specifically, no.

9 Q Have you read anything about the background
10 and history of any of the girls, even though you don't
11 know their names?

12 A In general. I don't recall the specifics.
13 I know one, I believe, had a child just
14 recently.

15 Q If you were one of the defendants in this case
16 on trial, would you be satisfied with somebody who knows
17 what you do and thinks as you do on your jury?

18 A I think I could render a fair verdict after
19 hearing the evidence, but as of now, with me personally, no,
20 I wouldn't want somebody with my opinions at the moment.

21 MR. FITZGERALD: I have nothing further.

22
23 VOIR DIRE EXAMINATION

24 BY THE COURT:

25 Q What opinions at the moment are you referring to?

26 A Well, I am not entirely neutral.

8A3

1 When you asked if I am neutral, I guess I
2 don't --

3 Q I was asking if you were neutral in the sense
4 that you could give the defendants the benefit of the
5 presumption of innocence.

6 In other words, whether or not you had formed
7 any opinion as to their guilt or innocence.

8 Do you understand that?

9 A Yes. That I could do.

10 Q I know you are not neutral in the sense that
11 you haven't learned anything about the case, because you have
12 told us that you have learned things from reading, but I
13 mean neutral in the sense of opinions with respect to the
14 guilt or innocence.

15 Do you understand?

16 A Yes.

17 Q Did you answer yes? Do you understand?

18 A Yes, I do understand.

19 Q Now, what is your opinion?

20 A He asked if one of the defendants would want --
21 if I was a defendant, would I want a prospective juror like
22 myself.

23 Q That's right.

24 A I don't know. Maybe you could find somebody
25 more fair-minded.

26

8b-1

1 Q You think you are not fair-minded at the
2 moment?

3 A I believe so, but I don't know, you know,
4 what basis anyone else would have to decide fair-mindedness
5 or open-mindedness.

6 MR. FITZGERALD: If I may ask this question, your
7 Honor?

8 THE COURT: Yes.

9
10 VOIR DIRE EXAMINATION

11 BY MR. FITZGERALD:

12 Q If you hadn't read, seen or heard anything
13 about this case, do you feel you would be more neutral
14 or more fair?

15 A Yes. But I would still be overwhelmed by
16 all the deaths and everything else of the case.

17 If I came in here totally without any
18 knowledge of the case, after I heard what the case was
19 about, I would be overwhelmed.

20 Q Well, if you didn't hear anything about this
21 case, presumably you would come in and you would hear that
22 seven people were killed.

23 A Yes.

24 Q But you wouldn't automatically convict the
25 people that were on trial for that, would you?

26 A No.

8v-2

1 Q We don't contest the fact that somebody
2 killed these people; you understand that, don't you?

3 A Yes.

4 Q We are not trying to say they are alive and
5 well in Argentina somewhere.

6 A Yes.

7 Q Now, because of what you know about this
8 case from outside the courtroom, is that going to
9 influence you? That is all we are trying to determine.

10 A I can't make a definite statement. I don't
11 know. I don't think so but I don't know entirely.

12 MR. FITZGERALD: Thank you.

13 THE COURT: Mr. Reiner?

14 MR. REINER: I have no questions.

15 MR. SHINN: No questions.

16 MR. KANAREK: No questions, your Honor.

17 THE COURT: Mr. Bugliosi?

18 MR. BUGLIOSI: Yes, sir.

19
20 VOIR DIRE EXAMINATION

21 BY MR. BUGLIOSI:

22 Q But you are convinced, Miss Abbatecola,
23 that you could base your verdict only on the evidence
24 here incourt if you were selected as a juror?

25 A Yes.

26 Q You are convinced that you can give these

1 defendants a fair trial?

2 A Yes. But I don't particularly want to be
3 an alternate juror in this case.

4 Q You would rather not be a juror in this
5 case?

6 A Right.

7 Q Because of the nature of the case, the
8 fact that there are multiple killings involved?

9 A No. Just by everything connected with the
10 case, being locked up.

11 Q The whole ball of wax?

12 A Yes.

13 MR. BUGLIOSI: Okay. No further questions.
14

15 VOIR DIRE EXAMINATION

16 BY THE COURT:

17 Q Once again, Miss Abbatecola, do you think
18 that you could put aside everything that you have learned
19 about the case and decide the case solely on the evidence
20 that came in during the trial?

21 A I believe so.
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1 Q When you say I believe so, does that imply
2 that you have a question about it, or do you believe
3 sincerely that you can do it?

4 A If I had to, I could do it, but I would rather
5 not.

6 Q You would rather not for the reasons you have
7 already stated?

8 A Yes.

9 Q But not because you don't think you could be
10 fair?

11 A Right.

12 Q Is that right?

13 A Yes.

14 THE COURT: Any further questions?

15 MR. FITZGERALD: No.

16 MR. REINER: No.

17 MR. SHINN: No.

18 MR. KANAREK: No.

19 MR. BUGLIOSI: No.

20 THE COURT: I am going to ask you to go back into the
21 courtroom, Miss Abbatecola, and would you refrain from
22 discussing with anyone what has been said here this morning?

23 MISS ABBATECOLA: Yes, I will.

24 THE COURT: Thank you.

25 (Miss Abbatecola leaves the chambers of the
26 court.)

3-2
1 MR. FITZGERALD: We will challenge the juror for
2 cause, actual bias, 1073, P.C., Paragraph 2.

3 MR. REINER: Join in the challenge.

4 MR. SHINN: Join.

5 MR. KANAREK: Join.

6 MR. BUGLIOSI: Oppose the motion, your Honor.
7 This juror was very candid, very frank; she honestly
8 believes she can give the defendants a fair trial.

9 I don't believe she indicated she believed they
10 were guilty now, or that she is leaning towards the
11 prosecution or that she has read any confession by any
12 defendant.

13 I think she would be a good juror.

14 THE COURT: I don't see any basis for a challenge for
15 cause here.

16 MR. REINER: May I be heard?

17 THE COURT: Very well.

18 MR. REINER: I think a challenge for cause should be
19 allowed.

20 I agree she is a very candid and honest
21 prospective juror. She says that she thinks that she could
22 render a verdict based solely on the evidence, and she
23 says she will certainly try and if we are to have jurors
24 who come into the case with preconceived opinions as to
25 the guilt of the defendants, I would prefer to have a juror
26 of this type, quite frankly, but I think we should go

1 further and try to find jurors without preconceived
2 opinions, if that is possible.

3 Notwithstanding any of her answers at the end
4 of this interrogation where she said she, in effect, did
5 not have an opinion, nonetheless we are faced with the
6 fact that earlier in the examination she did say that in
7 her view it is more likely that the defendants are guilty,
8 and this was based upon what she had read.

9 Later she then, in response to some of the
10 Court's questions, she somewhat qualified that, but there
11 is no getting around it that she has stated she does have
12 opinions about the guilt of the defendants; that she thinks
13 it is more likely than not that they are guilty.

14 I think that is a sufficient basis to disqualify
15 her.

16 THE COURT: I don't think that is a fair summation
17 of her testimony by any means.

18 I find no basis for a challenge for cause.

19 The challenge will be disallowed.

20 (A prospective juror enters the chambers of the
21 court.)

22 THE COURT: Good morning.

23 THE CLERK: The prospective alternate juror's name is
24 Joy W. Freiden, J-o-y, F-r-e-i-d-e-n.

VOIR DIRE EXAMINATION OF MR. JOY W. FREIDEN

1 BY THE COURT:

2 Q Mr. Freiden, if you were selected as an alter-
3 nate juror in this case would you be able to serve?

4 A No, I would not. I work for a newspaper and I
5 have read so constantly on this subject, besides going out
6 and reading other information about LSD and different
7 factors.

8 I have also read articles for my book, for a
9 flower program book in which a case, in reading up, I read
10 up about different drugs and things and how they come from
11 flowers, and so forth and so on, and all the circumstances
12 pertaining to this makes me feel that I should withdraw my-
13 self as a juror according to the juror's creed.

14 The creed here, that says you should acquaint
15 the Court with your feelings so that you should withdraw
16 yourself, to let them know you could not really do a justifi-
17 able job for the Court.

18 Q What newspaper do you work for?

19 A The Los Angeles Times, sir.

20 Q The Times?

21 A Yes, sir. You see, I put the paper away and
22 I keep seeing all these articles as they appear, because I
23 am constantly putting it away. But this one particular case
24 just drew my interest.

25 It is the only one that did.
26

1 Q Did you ever read anything which appeared to be
2 a statement by any of the defendants about the alleged
3 offenses?

4 A No, nothing by the defendants, but by someone
5 who had been with the defendants who proclaimed the type of
6 lives that they were living, who wasn't with them at the
7 time.

8 And different ones that do not want to come
9 back here to get on the case, which makes me feel --

10 THE COURT: You are talking now about something that
11 was written about their mode of living?

12 A Yes.

13 Q Before these offenses --

14 A Yes.

15 Q -- occurred?

16 A Yes.

17 Q Did you ever hear anything which appeared to be
18 a description by someone who was an eye witness to any of
19 the killings?

20 A I think that this one person that said that they
21 were at the killings and -- well, this person was part of
22 it, but later retracted the statement.

23 Now, it has been so long ago I just don't
24 remember who and what and where of it.

25 Q Was it one of these defendants?

26 A I think so.

1 Q Do you remember which one? Was it Mr. Manson?

2 A No, it was one of the girls, I think, and she
3 was the party.

4 Q There are three girls, Patricia Krenwinkel,
5 Leslie Van Houten, and Susan Atkins.

6 A I think it was Susan Atkins. I am not certain.
7 And that later she retracted her statement, but
8 I am not certain about that.

9 Q And do you recall that as being a statement by
10 whoever it was describing the actual killings and who was
11 present?

12 A I think it described the killings, but I don't
13 remember how many people were supposed to have been
14 present and where they were located.

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1 Q What I'm getting at, did it appear to be
2 a statement by someone who was actually there?

3 A Yes.

4 Q At the time of the killing?

5 A Yes. I just think it was that party, I'm
6 not sure.

7 Q It did describe someone else was present
8 at that time?

9 A Yes.

10 Q And gave the names of those who were present?

11 A I don't remember whether they gave all the
12 names or not, it might have been, I just lost --

13 Q Did it give any of the names of any of
14 the persons present?

15 A I don't remember, but I think it did, but
16 I could not remember or swear to it that it did, I read
17 so much.

18 Q Have you formed any opinion as to the guilt
19 or innocence of any of the defendants?

20 A I'm afraid I have, under the circumstances.

21 Q Do you think that you could give the
22 defendants the benefit of the presumption of innocence?

23 A Not under the circumstances.

24 THE COURT: Any questions?

25 MR. FITZGERALD: No.

26 MR. SHINN: No.

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1 MR. REINER: No.

2 MR. KANAREK: No.

3 MR. BUGLIOSI: No.

4 THE COURT: All right. I will ask you to go back
5 into the courtroom, Mr. Freiden.

6 Would you refrain from discussing with any-
7 one what has been said here?

8 MR. FREIDEN: Yes, certainly.

9 THE COURT: Thank you.

10 MR. FREIDEN: Thank you.

11 (Mr. Freiden leaves the chambers of the
12 court.)

13 MR. FITZGERALD: Challenge for cause, 1073 of the
14 Penal Code, Paragraph 2, actual bias.

15 MR. REINER: Join.

16 MR. SHINN: Join.

17 MR. KANAREK: Join.

18 MR. BUGLIOSI: Submit it.

19 THE COURT: The challenge will be allowed. Mr.
20 Freiden will be excused for cause.

21 (A prospective alternate juror enters the
22 chambers of the court.)

23 THE COURT: Good morning.

24 THE CLERK: The prospective/alternate juror's name is Mrs.
25 Jeannie R. Romero. J-e-a-n-n-i-e, R-o-m-e-r-o.
26

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1 VOIR DIRE EXAMINATION OF MRS. JEANNIE R. ROMERO
2 BY THE COURT:

3 Q Mrs. Romero, if you were selected as an
4 alternate juror in this case would you be able to serve?

5 A No, I don't think so.

6 Q Keep your voice up, please.

7 A No, I could not. I have my two daughters
8 and my husband at home.

9 Q How old are your daughters?

10 A One is going to high school and the other one
11 is working and my husband.

12 It would be pretty hard for me to come.

13 Q Are you employed outside of the home?

14 A Yes, I am. I work for the Board of Education.

15 MR. FITZGERALD: I did not hear that.

16 MRS. ROMERO: I work for the Board of Education.

17 BY THE COURT:

18 Q Now, you were one of the persons I believe
19 who stood up yesterday --

20 A That's right.

21 Q -- when I asked if any of the jurors would
22 be unable to be fair and impartial in the case.

23 Do you remember that?

24 A Well, yes, you did ask that.

25 Q And you did stand up?

26 A Yes, I did.

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1 Q And you did stand up?

2 A Yes, I did.

3 Q Would you tell us what your opinion is with
4 regard to the case.

5 Have you formed any opinions as to the case?

6 A I have not formed any opinion at all as far
7 as that is concerned, no, I have not.

8 I have not even followed the case, to tell
9 you the truth.

10 Q Why did you stand up?

11 A I thought I was going to be excused. I did.
12 not want -- when you said it would last between three and
13 five months, right there I made up my mind --

14 Q -- to try to be excused?

15 A -- that I would not serve that length of
16 time.

17 And I did not want to be unfair, so when you
18 were talking three or four or five months, I said "That is
19 it, I cannot do it," you know what I mean.

20 Q But I take it you have not formed any opinion
21 as to the guilt or innocence of any of the defendants?

22 A No, I have not, no, no, no, I have not
23 formed any.

24 Like I said, I have not even read or followed
25 it.

26 When you work -- I am on my vacation, did

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1 you know -- I am on vacation, so I haven't -- I was going
2 to visit my daughter.

3 Q Keep your voice up, please.

4 A I was going to visit my daughter, but this
5 came up so I said "Oh, well" --

6 Q How long have you been with the Board of
7 Education?

8 A Gee, I have been about six years.

9 Q Do you subscribe to a daily newspaper?

10 A Yes, I do, the Valley newspaper, the
11 Tribune.

12 Q Do you watch television news reports?

13 A Well, yes, sometimes when I am not too tired,
14 not always.

15 I don't like to watch news that are
16 disagreeable.

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Q That you disagree with?

A When you work with youngsters in school you don't want to be mean to youngsters, you want to be nice to them, so you don't try to get your mind bitter.

Q Have you made any conscious efforts to follow this case in the newspapers, on television or on the radio?

A No, no.

Q Did you know the names of the defendants when you came into this case?

A No, I did not.

Q You have never heard the name of any defendant in this case?

A The only one I heard was Manson.

The girls I had not heard anything of, no, sir.

Q Keep your voice up.

A I had not heard any of the girls' names. If I have I don't remember who is who.

Q Did you know the names of any of the victims when you came into this case?

A No -- well, now, wait a minute, I heard of one that stuck in my mind, Bianca --

Q La Bianca?

A That is the only one that stuck to my mind.

Q Did you ever hear about someone named Tate?

A Tate -- that is the actress, right?

Q Sharon Tate.

A Uh-huh.

Q You did hear about her?

A Yeah.

Q Any of the others?

A Well, they don't stick to me, I don't know unless you --

Q I am not asking now to name them, I am just asking whether you had heard these names.

A I heard those names, yes.

Q Did you ever read anything about the details of the killings?

A No, I cannot say I have, no.

Q Did you ever read or hear anything which seemed to be a description by somebody who was actually present at the time of any of the killings?

A Do you mean that was in the paper?

Q Paper, television, radio, anywhere.

A Like I say, I don't remember, I don't remember.

Q Well, you heard about the fact that there had been some killings?

A That's right.

Q And did you hear about that fairly shortly after they were discovered?

A No, I think it was -- I heard it right away when they discovered it.

Q All right, and then you read or heard something

1 about the case at that time, is that right?

2 A Yes, that's right.

3 Q Now did you later after that initial publicity
4 about the discovery of the killings, did you later read
5 anything or hear anything which seemed to you to be a
6 description by somebody who was actually there at the time
7 of the killing?

8 A Well, no, I'm a very funny person.

9 I like to read what is happening, and after a
10 period of time I don't want to read any more.

11 You know how they keep on coming in the paper,
12 and then I don't care to follow it any more because I
13 don't care to follow long procedures.

14 Q I understand, but in this case did you ever
15 read or did you hear anything which appeared to be a
16 description by someone who was there?

17 A I don't remember if I have or have not, I don't
18 recall at the present time.

19 Q Did you ever read a statement by any defendant
20 in this case?

21 A No, I don't think I have. I did not follow it.

22 Q Now, you know that the defendants in this case
23 have been arrested and they have been accused of these
24 killings, you know that.

25 A Yes.

26 Q That is why they are here.

1 A Uh-huh.

2 Q Now, apart from those facts do you know -- have
3 you learned from any source any information that causes you
4 to believe that they are more likely to be guilty than
5 innocent?

6 A No. Of course a lot of people say they are
7 guilty without even knowing them.

8 Q When you say "a lot of people," whom do you
9 mean?

10 A People that you talk to, and they say, "Oh,
11 they are guilty."

12 Q People that you talk to?

13 A No, people you talk to, --

14 Q I want to know if they were people that you
15 talked to.

16 A Yes, a lot of people I talk to, that they are
17 guilty.

18 I would say, "Well, I don't know, who am I to
19 condemn anybody?"

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1 Q I didn't hear the last part?

2 A I said who am I to condemn anybody?

3 MR. BUGLIOSI: Excuse me, your Honor. I have been
4 called out in the court here and there is no one to take
5 my place.

6 THE BAILIFF: Mr. Fleischman wanted to talk to
7 either you or Mr. Stovitz.

8 MR. BUGLIOSI: Have him call Mr. Stovitz. He is
9 down in his office.

10 MR. KANAREK: Your Honor, may that be made part
11 of the record, that statement by the Deputy?

12 THE COURT: If you will give me a reason, Mr.
13 Kanarek.

14 MR. KANAREK: Your Honor, it is uttered in open
15 court.

16 THE COURT: Open court? We are now in chambers.

17 MR. KANAREK: I mean, in the sense that we are
18 in chambers.

19 THE COURT: And what sense is that?

20 MR. KANAREK: She stated that Attorney Fleischman
21 wants to see Mr. Stovitz.

22 THE COURT: And you think that should be a part
23 of the record?

24 MR. KANAREK: I say let the chips drop where they
25 may. That is what I say, your Honor. We are dealing
26 with serious matters.

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1 THE COURT: Let's proceed.

2 MR. KANAREK: Very well.

3 THE COURT: Q Have you formed any opinion as
4 to the guilt or innocence of any of the defendants?

5 A Do I have to answer that?

6 Q Yes.

7 A Well, I would say guilty.

8 Q You will have to keep your voice up, Mrs.
9 Romero.

10 A I would say yes, since I have been looking,
11 since I have been in here.

12 Q Just as you have been in chambers here this
13 morning?

14 A Yes. Since yesterday and today.

15 Q Is that based upon your viewing the
16 defendants, your observations of the defendants?

17 A I would say yes.

18 Q Is it based on anything other than that?

19 A No. I don't know them, so I couldn't
20 say that.

21 Q Well, it could be based on something
22 that you may have heard.

23 A No, I didn't hear anything.

24 Q Or read.

25 A Or read anything.

26 It is just by observing them, that is all.

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

2 MR. FITZGERALD: No.

3 THE COURT: Mr. Reiner?

4 MR. REINER: Yes, sir.

5
6 VOIR DIRE EXAMINATION OF MRS. ROMERO

7 BY MR. REINER:

8 Q What was it that you observed here in court
9 yesterday and today that caused you to form an opinion
10 such as you just a moment ago expressed, Mrs. Romero?

11 A Well, they are so nonchalant.

12 Q Are you referring to laughing and giggling
13 and conduct of that sort that you observed in court?

14 A If you want to phrase it that way.

15 Q No. How would you phrase it?

16 A Just like I told you. They just seem
17 nonchalant, very jovial about things.

18 Q Did you say jovial?

19 A Yes.

20 Q What does that suggest to you, Mrs. Romero?

21 A Such a serious case as it is. I just
22 don't know.

23 Q You indicated earlier that people that
24 you talked to and people that you heard talking all
25 seem to assume that the defendants are guilty.

26 Is that a fair statement, ma'am?

1 A Yes.

2 Q So, at the moment without reference to
3 your own point of view or your own opinion, Mrs. Romero,
4 it is your impression that substantially the entire
5 community such as you are exposed to, that is, people
6 with whom you work and associate and the like, are
7 of the opinion that the defendants are guilty?

8 A Not all of them. Some don't care to
9 discuss it, don't care to speak about it.

10 Q Well, as to those persons, you don't know
11 what their opinions are; is that correct?

10a fls. 12 A I don't know.

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1 Q As to those persons, with respect to those
2 persons, Mrs. Romero -- strike that.

3 You are familiar with the opinions of some of
4 the people with whom you associate in business and social
5 matters; true?

6 A Yes.

7 Q And you are aware of their opinions because from
8 time to time you have heard them express their opinions; is
9 that correct?

10 A Yes, that's right.

11 Q And would it be a fair statement with respect to
12 those persons whose opinions you have heard that these people
13 almost unanimously have indicated that they believe that
14 the defendants are guilty?

15 A Yes, they have.

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

17 THE COURT: Any further questions?

18 MR. SHINN: Yes, sir.
19

20 VOIR DIRE EXAMINATION OF MRS. ROMERO

21 BY MR. SHINN:

22 Q From what you have heard and what you have
23 read, Mrs. Romero, do you think right now the defendants are
24 guilty?

25 A I would say yes, according to what the Judge
26 gave there, a little bit on the history of the particular --

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Q I mean, basing it on your own opinion.

A Oh, my own opinion?

Q From what you read and heard.

A Oh, heavens, no, I couldn't give any opinion.
I don't know them and I haven't followed that
closely.

Q Do you think they are more guilty than innocent?

A I would say so.

Q You would say so?

A Yes.

MR. SHINN: I have nothing further.

THE COURT: Any questions?

MR. KANAREK: No.

THE COURT: Mr. Bugliosi?

MR. BUGLIOSI: Yes.

VOIR DIRE EXAMINATION OF MRS. ROMERO

BY MR. BUGLIOSI:

Q Why do you feel that they are more guilty than
innocent, ma'am?

A (Pause.)

Q You indicated that you think they are more
likely to be guilty than innocent. Why do you say that?

A Well, I just think so from viewing, the over-
all case.

Q Because of what people told you?

1 A No. The people that I go around with we don't
2 discuss things like this. We don't talk. We try to avoid
3 things like this.

4 Q You indicated that you heard some people say
5 that the defendants were guilty.

6 Did you indicate that?

7 A Yes.

8 Q Did this influence you at all?

9 A Yes, in a sort of a way it influenced me.

10 Q You don't want to sit on this jury?

11 A No, I really do not.

12 MR. BUGLIOSI: No further questions.

13 THE COURT: All right, Mrs. Romero, I will ask you
14 to go back into the courtroom, please.

15 And would you refrain from discussing with any-
16 one what you have heard here this morning?

17 MRS. ROMERO: Yes.

18 THE COURT: Thank you.

19 (Mrs. Romero leaves the court's chambers.)

20 MR. FITZGERALD: We will challenge this juror for
21 cause under Penal Code Section 1073, Paragraph 2.

22 At the worst she has committed perjury, at the
23 best she treats her oath in a very cavalier fashion; or
24 resolving all doubts in her favor, she appears to be men-
25 tally ill.

26 She stood up in court, under oath, and said that

1 she could not be fair and impartial, and it was obviously a
2 subterfuge, she was trying to escape jury duty; and then she
3 comes in here and admits and tells us she is fair and
4 impartial, and for some unexplained reason reverts and says
5 that she is impartial but believes the defendants are
6 guilty.

7 THE COURT: I must agree with you, Mr. Fitzgerald. It
8 is hard to understand.

9 I get the impression myself that she isn't
10 bright enough to understand what is going on. ✓

11 She may have some personal motives of her own
12 that I am not aware of.

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1 MR. KANAREK: Join in the challenge for cause.

2 MR. REINER: Join.

3 MR. SHINN: Join.

4 MR. BUGLIOSI: The People join.

5 THE COURT: The challenge will be allowed. Mrs.
6 Romero will be excused for cause.

7 MR. KANAREK: You see the vice, your Honor, that
8 we have with the people that are already sworn.

9 They may not be as loquacious as this juror.
10 That is one of the dangers inherent in what the District
11 Attorney has done in fostering the publicity in this
12 community, and the entire world, as a matter of fact.

13 THE COURT: Thank you, Mr. Kanarek.

14 (Whereupon another prospective alternate
15 juror enters the court's chambers.)

16 THE COURT: Good morning.

17 MISS KING: Good morning, your Honor.

18 THE CLERK: The prospective alternate juror's name
19 is Miss Jeannette E. King, J-e-a-n-n-e-t-t-e, K-i-n-g.

20
21 VOIR DIRE EXAMINATION OF MISS KING

22 BY THE COURT:

23 Q Miss King, if you were selected as an alternate
24 juror in this case, would you be able to serve?

25 A Yes.

26 Q All right. I am going to ask you the same

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1 questions regarding the death penalty that I have put to
2 the other prospective jurors.

3 A Yes, sir.

4 Q Have you had a chance to think about these
5 matters?

6 A Well, I have thought about them for some
7 long years.

8 Q All right.

9 Now, the first question is: Do you entertain
10 such conscientious opinions regarding the death penalty
11 that you would be unable to make an impartial decision
12 as to any defendant's guilt regardless of the evidence in
13 the case?

14 A I don't approve of the death penalty.

15 Q But would your disapproval cause you to be
16 impartial in deciding whether a defendant was guilty or
17 not guilty?

18 A I think I could be fair, but I could not
19 give, voice, a death penalty.

20 Q I will get to that in a moment. Now we
21 are talking about just the question of guilty or not
22 guilty.

23 Could you be impartial on that question?

24 A Yes, I think I could.

25 Q All right.

26 Do you entertain such conscientious opinions

1 regarding the death penalty that you would automatically
2 refuse to impose it without regard to the evidence in
3 the case?

4 A Yes, I would.

5 Q Does that mean that you have now made up
6 your mind and that under no circumstances would you
7 listen to the evidence and then decide?

8 A (Pause.)

9 Q Do you understand what I am saying?

10 A Yes, I think so. But I don't think I
11 could ever vote for a death penalty.

12 MR. REINER: Excuse me, your Honor.

13 May I have the question read back? I
14 didn't hear the whole question. So that I can understand
15 the answer.

16 THE COURT: Yes.

17 (Whereupon the record was read by the
18 reporter.)

19 MR. REINER: Thank you.

20 BY THE COURT:

21 Q What we are trying to find out now is whether
22 you have made up your mind unalterably or whether you
23 would be willing to listen to the evidence if the case
24 should get to the penalty stage, and then decide
25 whether you would impose life imprisonment or death.

26 A I would not vote for a death penalty.

1 Q Under any circumstances?

2 A I am afraid so.

3 Q Well, that implies that you have some
4 question as to whether you have really made up your mind.

5 A Well, for many years I was on both sides
6 of the fence in many ways because of the lack of the
7 parole system.

8 Q You don't have to justify your beliefs,
9 Miss King. We are not being critical in any way or arguing
10 with you.

11 A I understand.

12 Q We are simply trying to determine what your
13 state of mind is.

14 A My state of mind is that I could not say that
15 anybody was going to -- was to be given death.

16 Q Under any circumstances?

17 A Well, that is what it has to come out to be.

18 Q Can you conceive of any type of case or
19 any set of circumstances where you would be willing to
20 listen to the evidence before you decided that question?

21 A No. I think I have long since made up my
22 mind that a death penalty is not right. There ought to
23 be some other way -- I don't know what it is -- for penalties
24 to be imposed.

25 Certainly legal minds are not in unity on
26 the death penalty, and I just believe that I could never

1 impose -- give an answer that would impose death on
2 anybody.

3 Q Then am I correct in understanding that
4 you would automatically refuse to impose a death
5 penalty in every case without regard to what the evidence
6 was in the case?

7 Is that a correct statement?

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8 A Yes, it is, and it is hard to make.
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1 Q I don't want to put words in your mouth,
2 Miss King.

3 A You aren't.

4 Q But does that correctly express your view?

5 A Yes, it does.

6 THE COURT: All right.

7 Any questions, Mr. Fitzgerald?

8 MR. FITZGERALD: No, your Honor.

9 THE COURT: Mr. Reiner?

10 MR. REINER: Yes, your Honor.

11
12 VOIR DIRE EXAMINATION OF MISS KING

13 BY MR. REINER:

14 Q Miss King, I understand that for some years
15 the question of whether you favored or disfavored the death
16 penalty was not resolved in your own mind; is that correct?

17 A That's right.

18 Q And during that period of time you tried to
19 consider all of the facts that you thought to be relevant
20 on that particular question so that you could reach a
21 thoughtful and reasoned judgment.

22 Would that be a fair statement?

23 A Yes.

24 Q And after considering the facts, such as you were
25 aware of them, you did reach what you thought to be a
26 thoughtful and reasoned judgment; is that true?

10c2

1 A Yes, that's right.

2 Q And that judgment was that you believed that
3 the death penalty should not be imposed; is that true?

4 A Right.

5 Q And you do feel quite strongly about that; is
6 that correct?

7 A Yes, I do.

8 Q Go ahead.

9 A I wavered for a long time, but I just think
10 that humanity has to find a different way in spite of
11 these terrible things that happen.

12 Q Miss King, you do consider yourself to be a
13 fair, open-minded person, do you not?

14 A I hope so.

15 Q Now, if I were to try to persuade you that
16 the death penalty could be appropriate in a particular case,
17 as opposed to whether it is appropriate in all cases, but
18 that it could be appropriate in a particular case, would you
19 at least listen to my arguments and keep an open mind until
20 I had finished my argument, and then reach your decision
21 either way, or would you close your mind and refuse to
22 listen to what I had to say because you had made up your
23 mind and you were no longer disposed toward hearing any
24 more argument on that point?

25 A If I knew that your argument of the moment was
26 in order to get the death penalty, I don't know that I

1 could be fair, because I wouldn't end up with a decision
2 for a death penalty.

3 Q Perhaps I didn't make myself as clear as I
4 could have.

5 Let's say that I indicated to you in advance
6 that I wanted to offer certain arguments in favor of the
7 proposition that in a particular case that the death penalty
8 would be an appropriate penalty.

9 A Yes.

10 Q I told you that in advance. And in advance
11 you had told me that you were mightily opposed to the death
12 penalty.

13 A Yes.

14 Q Now, would you then close your mind and refuse
15 to even hear my arguments before reaching your decision in
16 that particular instance, or would you say to yourself,
17 notwithstanding that it is extremely unlikely that you are
18 going to persuade me that it is right, I will at least
19 listen to what you have to say, and when you have finished,
20 then I will make up my mind?

21 A Yes. With the idea that it would be extremely
22 unlikely that I would change my mind.

23 Q I see.

24 But you would carefully listen to anything that
25 I would say in favor of my argument before reaching your
26 judgment; is that true?

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A Yes.

MR. REINER: Thank you very much.

I have no further questions.

THE COURT: Anything further?

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

MR. KANAREK: No questions.

MR. BUGLIOSI: I have several questions, your Honor.

THE COURT: Very well.

10d

VOIR DIRE EXAMINATION OF MISS KING

BY MR. BUGLIOSI:

Q Is it Miss King?

A Miss King.

Q Miss King, we are interested in your state of mind at the present time.

A Yes.

Q You are opposed to the death penalty; is that correct?

A Right.

Q Is your opposition to the death penalty of such a nature that it would cause you to automatically vote against the death penalty for these defendants in this case irrespective of the evidence in the trial?

A Yes, it would.

Q In other words, Miss King, you cannot conceive of any circumstances right now under which you would be willing to return a verdict of death against these defendants?

A No, I can't. And it would be -- that would be a difficult decision for me to make. I would make it, but it would be difficult, because I do think that the time has come -- and long since passed -- when humanity should do something about this.

There should be another way, and I certainly don't know what it is.

1 Q But at the present time, Miss King, you are
2 irrevocably committed to voting against the death penalty
3 for these defendants?

4 A That's right.

5 Q And no evidence could change your mind on that?

6 A No.

7 Q Although you indicated you would listen to
8 arguments that Mr. Reiner said hypothetically he might
9 argue --

10 A Yes.

11 Q -- you would listen to those arguments?

12 A Yes, I would, but as I told him, with the idea
13 that I wasn't likely to change my mind.

14 Q Now, I am not talking about argument, I am
15 talking about evidence coming in on the witness stand.

16 A I understand.

17 Q Regardless of what the evidence would be,
18 Miss King, you would automatically vote for life imprison-
19 ment for these defendants; is that correct?

20 A Yes. I could do that.

21 Q Not whether you could do it. What I am trying
22 to find out is what you would do, not whether you could do
23 it.

24 Regardless of what evidence is offered in this
25 case, are you of such a frame of mind that you would
26 automatically vote for life imprisonment as opposed to the

1 death penalty for these defendants here?

2 A Yes.

3 Q There is no doubt in your mind about it?

4 A Well, I can't conceive of anything being given
5 in the evidence that would change that.

6 Q Okay.

7 Now, let me ask you another question, Miss King,
8 that does not directly pertain to the death penalty but it
9 indirectly pertains to the death penalty.

10 A Yes.

11 Q I am talking about the first trial now, the
12 guilt or innocence trial.

13 Do you understand that there might be two trials
14 in this case?

15 A No, I don't think I do.

16 Q All right.

17 If these defendants are convicted of first-
18 degree murder, there will follow a second trial called the
19 penalty trial.

20 A Yes.

21 Q It is only during the penalty trial that the
22 issue of the death penalty will arise.

23 Do you understand that?

24 A Yes.

25 Q During the first trial, the only issue to be
26 determined by the jury is guilty or not guilty.

1 Do you understand that?

2 A Yes.

3 Q And the death penalty does not arise or is not
4 in issue during the first trial.

5 Do you understand that?

6 A Yes.

7 Q Now, is your opposition to the death penalty
8 of such a nature that it might prevent you from being
9 completely impartial on the issue of guilt or innocence
10 because you would realize that if you voted for a verdict
11 of first-degree murder you would, thereafter, be confronted
12 with the issue of the death penalty?

13 Do you understand that question?

14 A Yes.

15 Q Do you think this fear, in other words, of having
16 to pass on the issue of the death penalty would influence
17 you in arriving at a verdict with respect to guilt or
18 innocence?

19 A I don't see how it could help but influence
20 one.

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1 Q Do you think you would be influenced?

2 A Yes, I do.

3 Q Do you think you might not be able to be
4 impartial, then, on the issue of guilt or innocence;
5 is that correct?

6 A Well, I suppose that is what it would boil
7 down to.

8 Q Well, I want these words to come from you,
9 Miss King. I don't want to put words in your mouth.

10 A I realize that.

11 If I thought that I was aiming in the
12 direction of a death penalty, I am sure my opinions would
13 be colored.

14 Q On the issue of guilt or innocence?

15 A Yes. I am afraid they would have to be.

16 MR. BUGLIOSI: No further questions. Thank you,
17 ma'am.

18
19 VOIR DIRE EXAMINATION

20 BY THE COURT:

21 Q Miss King, in a criminal trial the verdict
22 of the jury must be unanimous.

23 Do you understand that?

24 A Yes, that is what I understand.

25 Q In other words, before there can be a verdict
26 of guilty, all 12 jurors must vote for a guilty verdict.

10c-2

1 Do you understand that?

2 A Yes.

3 Q Then, should there be a verdict of guilty
4 of murder in the first degree, then there would be a
5 penalty phase of the trial.

6 A Yes.

7 Q And in order for there to be a verdict
8 during the penalty phase of the trial as to which
9 penalty should be imposed, the jury would also have to
10 be unanimous.

11 Do you understand that?

12 A Yes, I do.

13 Q So, if you were opposed to voting for the
14 death penalty under any circumstances, there could never
15 be a death penalty imposed in that case if you didn't
16 vote for it. Do you understand?

17 A That's right.

18 Q Now, knowing that, Miss King, would that
19 affect your ability to be fair and impartial on the
20 question of whether or not the defendant was guilty
21 or not guilty of the offense, which has nothing to do
22 with the penalty?

23 A Well, I don't think so, because I think
24 the final thing would overshadow the whole, the whole
25 case for me.

26 Q You don't think what?

10e-3

A (Pause.)

Q You said, "I don't think so," but I don't understand what you mean by that.

A Well -- (Pause).

Q You don't think you could be fair and impartial? Is that what you mean?

A I don't believe so, because I think the fact of the possible or probable death penalty coming later would color the whole thing from the beginning for me.

Q Don't you see, Miss King, that if you were a juror in a case there could never be a death penalty imposed unless you voted for it.

A That's right, but I --

Q Let me give you a simple example.

A All right.

Q Suppose -- forget about this case; I am just going to give you a hypothetical case --

A Yes, sir.

Q Suppose that the evidence showed that a man armed himself with a gun and walked into a liquor store, held it up, there was some kind of a scuffle, and he shot the proprietor, killed him, and he was later arrested and charged with the offense.

Now, that is a kind of offense under our law in which there might be a death penalty.

1 A Yes.

2 Q There might be.

3 A Yes.

4 Q Now, would the fact that there might be
5 a death penalty, but only if you voted for it if you
6 were one of the jurors, keep you from finding this man
7 guilty of the offense, that is, of murder?

8 A No. I don't think a case that seemingly
9 uninvolved would have the same effect on me.

10 I mean, you seem to have a clear-cut case
11 there.

12 Q That's right. The way I posed it, that
13 is what the evidence would show.

14 A Yes.

15 Q And there would be evidence of guilt
16 beyond a reasonable doubt.

17 A That's right.

18 Q Now, the burden of the prosecution in
19 every case is exactly the same. They must prove guilt
20 beyond a reasonable doubt.

21 MR. BUGLIOSI: May I briefly be heard?

22 I don't want to object to the Court's
23 question, but the Court said: Would your opposition
24 to the death penalty keep you from voting for a verdict
25 of guilty?

26 I think the language envisioned by Witherspoon

1 is concerned with impartiality as opposed to preclusion.
2 In other words, if a person is not impartial on the issue
3 of guilt or innocence, I think this is what Witherspoon is
4 talking about. Even though they are not unalterably opposed
5 to finding a person guilty, if they have any partiality
6 one way or the other, that is what Witherspoon is concerned
7 with.

11 fls.

VOIR DIRE EXAMINATION OF MISS KING (REOPENED)

BY THE COURT:

Q Miss King, I gather from what you have said that you are not entirely certain in your own mind as to either of those questions that I put to you originally about the death penalty.

Am I right?

(No response.)

You still have some uncertainty about it?

A I don't think that I could be -- if I were leaning toward a death penalty, then I just don't see how I can be impartial, much as I would try not to be.

Q Well, I'm afraid I don't understand.

A Well, I probably don't either, and I probably --

Q Well, let's go to another subject for the time being.

Miss King, have you consciously followed this case that you are now in in the newspapers or on television or by listening to it on the radio?

A Well, I get it on television.

I don't follow it closely in the newspapers. I follow headlines but I don't read any of the murder things.

Q Would you say that at this time you have formed any opinion as to the guilt or innocence of any of the defendants in this case?

A Well, I'm afraid so.

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Q And what is your opinion?

A Well -- any evidence -- anything that I have heard would lead me to believe that they were guilty.

Q Is that because they have been arrested and charged with the offenses or is it something beyond that?

A I would say it is beyond that.

Q What is it?

A The deaths that have been attributed to them.

Q Well, we know there have been some killings.

A Yes.

Q Have you learned from any source any facts or what appear to you to be facts which would connect the defendants with the commission of these killings?

A Not really, I mean the information that we get on news.

Q That is what I am talking about.

A I would assume it is not factual; it could be not factual, and I don't follow it that closely.

Q Well, do you think it is more likely that the defendants are guilty than innocent?

A Yes, I would say so.

Q Would you require the defendants to prove their innocence before you would be willing to acquit them, or would you make the prosecution prove their guilt beyond a reasonable doubt before you would be willing to convict?

1 A I know it is supposed to be the latter, but it
2 seems to me it would almost be the former with me in this
3 case.

4 There seems to be so much that has come up.

5 Q Do you think that you could give the benefit
6 to the defendants of the presumption of innocence?

7 Do you understand what I'm saying?

8 A Yes, I would, and I would try that in any
9 case, I would try to do that in any case, but --

10 Q But you have some doubt about it?

11 A -- I just think I would have a great deal of
12 difficulty.

13 Q Well, let me put the question to you another
14 way then:

15 Suppose that the unlikely situation should be
16 that you'd been charged with a criminal offense and you
17 were now before the Court to stand trial.

18 Would you be willing to have someone on the
19 jury in your present frame of mind?

20 A It would be awfully hard on me, I'm sure. I
21 don't know. I'm no juror, I'm sure.

22 Q I am simply trying to find out whether you now
23 lean one way or another, that is, do you lean towards the
24 prosecution at this time rather than having a strictly
25 neutral position with regard to the question of guilt or
26 innocence?

1 A I doubt that as long as this has gone on that
2 anybody can be very neutral.

3 Q Well, of course, you don't know what other
4 people are thinking. I am asking you about your state of
5 mind.

6 A Well, I am afraid I am not very neutral. I am
7 afraid these people doubtless are guilty.

8 THE COURT: All right. Any questions?

9 MR. FITZGERALD: No.

10 MR. REINER: No.

11 MR. SHINN: No.

12 MR. KANAREK: No.

13 MR. BUGLIOSI: No.

14 THE COURT: Thank you, Miss King, I will ask you to
15 go back in the courtroom.

16 Will you refrain from discussing with anybody
17 what has been said here this morning? Thank you.

18 (Miss King leaves the chambers of the court.)

19 MR. FITZGERALD: There will be a challenge for cause,
20 1073 of the Penal Code, Paragraph 2.

21 MR. REINER: Join.

22 MR. SHINN: Join.

23 MR. KANAREK: Join.

24 MR. BUGLIOSI: The People join.

25 THE COURT: The challenge will be allowed.

26 Miss King will be excused for cause.

11a-1

1 (A prospective alternate juror enters the
2 chambers of the Court.)

3 THE COURT: Good morning.

4 THE PROSPECTIVE ALTERNATE JUROR: Good morning.

5 THE CLERK: The prospective alternate juror's
6 name is Mrs. Oma G. Robinson, O-m-a, R-o-b-i-n-s-o-n.

7
8 VOIR DIRE EXAMINATION OF MRS. ROBINSON

9 BY THE COURT:

10 Q Mrs. Robinson, if you were selected as
11 an alternate juror in this case would you be able to
12 serve?

13 A I am awfully afraid I would not be, if
14 the two or three months or longer, I'm afraid I would not
15 be because of the length of time.

16 Q And why is that, ma'am?

17 A Well, my husband has a special diet and
18 it is very difficult to get help, and I am about the
19 only one that can prepare it.

20 I can be away one night or two nights,
21 but not this length of time.

22 Q Is he employed?

23 A No, he is retired.

24 Q I see, and is he an invalid?

25 A Oh, no, no, he is very active, but he has
26 a heart condition.

11a-2 1

Q Did you say he has a heart condition?

A He has a heart condition that demands certain kinds of food.

I would like to be an alternate very much, but I cannot because of my home situation.

Q Your husband depends on you, is that it?

A He would get a divorce if I would stay away that long.

Oh, you know, I have to have the food, and, I don't know, help is very difficult, and I'm afraid I couldn't get anyone who would go in and prepare the food.

MR. KANAREK: Stipulate, your Honor.

MR. FITZGERALD: So stipulated.

MR. REINER: So stipulated.

MR. SHINN: So stipulated.

MR. BUGLIOSI: So stipulated.

THE COURT: All right, you will be excused, Mrs. Robinson, and will you refrain from discussing with anyone what has been said here this morning?

MRS. ROBINSON: Yes, yes, I will be glad to do that.

THE COURT: Thank you.

MRS. ROBINSON: Thank you very much. I appreciate that more than I can say -- my husband will too.

(Mrs. Robinson leaves the chambers of the court.)

THE COURT: Mrs. Robinson is excused by stipulation

11a-3

1 of all counsel.

2 I don't think we have enough time to get
3 started with another one before lunch, so we will recess
4 at this time until 1:45 this afternoon.

5 MR. BUGLIOSI: In the five minutes we have here
6 may I ask the Court for clarification on one point
7 regarding opening statements?

8 THE COURT: Yes.

9 MR. BUGLIOSI: I want to see if I understood the
10 Court's position with respect to incriminating statements
11 or confessions of Susan Atkins and Leslie Van Houten.

12 I understand the Court's position is that
13 the Court's tentative frame of mind is that certain
14 portions of these statements may be admissible, but I
15 think the Court indicated that the Court might very well
16 change his mind later on.

17 This is the impression that I had.

18 THE COURT: I have read the statements, Mr. Bugliosi.
19 It seems to me that certain of the statements can be
20 excised so as to meet the Bruton and Aranda rules, and
21 that they would therefore be admissible apart from any
22 other objectionsthere might be to their admissibility.

23 But I also indicated to you that this
24 conceivably could change, although I cannot anticipate
25 how because I don't know anything about the evidence.

26 MR. BUGLIOSI: Right.

11a-4

1 THE COURT: It could conceivably change on the
2 basis of evidence that does come in before the statements
3 are offered.

4 MR. BUGLIOSI: The second point then -- I gather
5 my reading on the first point was correct.

6 The second point I understand was that the
7 Court thought that inasmuch as it might change its
8 position with respect to these out-of-court statements,
9 it would be kind of a risk of the prosecution to make
10 any reference to these statements in his opening statement.

11 However, as I understand the Court, the
12 Court was not directing the prosecution not to make any
13 reference to these statements, but merely telling the
14 prosecution that if they mentioned these out-of-court
15 statements in the opening statement, and the Court were
16 to change its mind about the admissibility of these
17 statements later on there is always a possibility of a
18 motion for a mistrial being granted.

19 Is that the Court's position?

20 THE COURT: It just seems to me to be an unwarranted
21 risk.

22 I think the risk would be there even if we
23 had a pretrial hearing on the admissibility of the
24 statements, for the same reason.

25 MR. BUGLIOSI: Am I correct in assuming then the
26 Court has not ordered the prosecution not to make

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reference but merely has told us that it would be risky
for us?

Is that a correct statement of the Court's
frame of mind?

11b fls.

11B-1

1 THE COURT: It is correct that I have made no order.

2 MR. BUGLIOSI: With that in mind --

3 THE COURT: It is also correct that I think it is
4 risky.

5 MR. BUGLIOSI: With that in mind, your Honor,
6 Mr. Stovitz and I have not made a final decision on it,
7 but it may very well be that we will assume that risk and
8 make reference to the statements in our opening statement.

9 We feel that the law is clear that certain
10 portions of the statement will be admissible.

11 We feel that the Court will rule that certain
12 portions of the statement are admissible under Aranda and
13 Bruton, and we feel in an opening statement it is proper to
14 mention your most powerful evidence against certain of the
15 defendants.

16 But in view of the risk we may very well decide
17 not to assume that risk and not make any reference to it.

18 I did want clarification on the point that this
19 is a risk for us to assume, and the Court was not ordering
20 us not to make any reference to it.

21 THE COURT: No, I don't think an order is necessary.

22 It is the same risk that exists in any case.
23 I don't see why a special rule should be made for this
24 case.

25 of course it does not happen too often, that is
26 true, but the risk would be the same in any case.

11B2

1 MR. BUGLIOSI: Right, right.

2 MR. SHINN: To avoid all that risk, your Honor --

3 THE COURT: What I mean, in any case where a state-
4 ment or similar statements as these are going to be offered.

5 MR. BUGLIOSI: Sure.

6 MR. SHINN: To avoid all these problems and this risk,
7 why don't we just have the question as to whether or not
8 it is admissible or not admissible just before the trial.

9 That would avoid the risk.

10 THE COURT: It would not avoid the risk, Mr. Shinn.

11 As I read the statements, some of them in my
12 opinion can clearly be excised out so as to not offend
13 under the Bruton and Aranda rules.

14 MR. SHINN: I have not seen what your Honor has deleted.

15 THE COURT: I have not deleted anything. I have been
16 given the statements with some of the parts marked which
17 apparently the prosecution intends to offer.

18 A pretrial hearing would not solve the problem
19 that could arise by virtue of some unexpected evidence
20 coming into the case before the statements are offered,
21 which conceivably, linked with the offered statements,
22 could tie in the co-defendants.

23 That is what I am saying.

24 To me the risk seems rather slight, but I
25 cannot say that it does not exist.

26 MR. SHINN: It means that although the Court feels

LIB3 1 that certain portions could be deleted, maybe those
2 deletions may prejudice the declarants.

3 I don't think the District Attorney is going to
4 be positive as to what she is going to testify to.

5 There is another risk, she may say something
6 they don't expect, because this is not a confession, it is
7 going to be a statement, an admission by a third party.

8 The risk is much greater than, say, a signed
9 confession.

11c-1 1

2 MR. BUGLIOSI: As I mentioned in my opening
3 statement, I am not going to mention exactly what she
4 said at all.

5 I am just going to make reference to it.
6 I am not going to say "She told her," or anything like
7 that.

8 MR. SHINN: If it is not admissible it is highly
9 prejudicial to my client and the other defendants, we
10 will move for a mistrial.

11 MR. BUGLIOSI: The Court has properly observed this
12 is a risk in every single trial in which there is an
13 opening statement, that the prosecution may make a
14 reference to evidence that thereafter would be deemed
15 to be inadmissible.

16 This is an inherent risk in an opening
17 statement.

18 It not only concerns confessions, it
19 concerns fingerprints, stolen property or any other type
20 of evidence, just one of those things.

21 MR. SHINN: Why not just leave it out then?

22 MR. BUGLIOSI: Well, we might decide to leave it
23 out. On the other hand, since it is so powerful and the
24 purpose of an opening statement is to tell the jury
25 what your evidence is going to be, we might decide to
26 offer it and assume that risk.

MR. REINER: I don't know it is the People's option

1 to assume these risks. It puts the defendants in the
2 position that the evidence would not come in, the position
3 is that the People said the evidence exists, or go through
4 a mistrial, and do the entire trial over again.

5 I don't think the People should have those
6 options. If it is not in the opening statement and not
7 in the evidence, then the trial can proceed on the other
8 evidence.

9 If put in the opening statement the only
10 remedy the defendant has is to waive it, which is out of
11 the question, or ask for a mistrial, which means again
12 we have another 105-day trial.

13 MR. KANAREK: I would like to make this observation,
14 your Honor:

15 Jeopardy is a somewhat fluid concept,
16 and it is our position the prosecution does not have
17 such an absolute option, and if the prosecution assumes
18 this kind of risk, that they are speaking of, our position
19 is that the defendant is in jeopardy right now; that
20 anything the prosecution does -- I think the concept of
21 jeopardy, your Honor, that came down to us from the
22 old common law --

23 THE COURT: I think it is a mistake to cast this
24 in the terms of an option, Mr. Kanarek, I don't view it
25 as an option at all.

26 The People have a right, just as the defendant

1 has a right, to make an opening statement in every case.
2 We are simply talking about a possible risk.

3 MR. REINER: Neither side has a right to an opening
4 statement. It is purely discretionary with the Court.
5 As a practical matter it is usually granted.

6 Because it is discretionary the Court should
7 use its discretion not to allow matters to go into an
8 opening statement that may create the situation where the
9 defendants may move for a mistrial.

10 THE COURT: I have expressed my opinion.

11 We will adjourn until 1:45 this afternoon.

12 THE CLERK: Was the last juror excused?

13 THE COURT: Mrs. Robinson was excused by stipulation
14 of counsel.

15 (Whereupon an adjournment was taken until
16 1:45 o'clock p.m. of the same day.)
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1 LOS ANGELES, CALIFORNIA, THURSDAY, JULY 16, 1970

2 1:56 o'clock p.m.

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4 (The following proceedings occurred in
5 chambers, all counsel and defendants present:)

6 THE COURT: All parties and counsel are present.

7 Is there some reason why we are starting late
8 this afternoon, gentlemen?

9 I understand you were not present, Mr.
10 Fitzgerald.

11 MR. FITZGERALD: I just stopped by the restroom.

12 THE COURT: Would you bring in the next prospective
13 juror, please.

14 MR. FITZGERALD: Your Honor, there is some informa-
15 tion that counsel jointly would like to bring to your
16 attention.

17 THE COURT: All right.

18 MR. REINER: I don't think that is necessary --
19 well, may I indicate that I think there is going to be
20 a story carried on Channel 5 tonight, television, that
21 would be very prejudicial to the defendants, especially to
22 Miss Atkins.

23 I think there is going to be an interview
24 this evening concerning the alleged statement of Miss
25 Atkins before the Grand Jury, and also other alleged
26 statements that may be carried in the newspaper.

1 The reason I bring it up now is that perhaps
2 the story can be killed before it goes out to the
3 prejudice of Miss Atkins, and possibly the defendant as
4 well.

12a fls.

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1 MR. STOVITZ: I think counsel's statement leaves the
2 Court somewhat in the dark.

3 MR. REINER: Yes.

4 MR. STOVITZ: We don't have a television set here.

5 Counsel is telling us that Paul Caruso was
6 subpoenaed as a witness, and he appeared. Mr. Reiner
7 learned that he was interviewed by Dick Hathcock of Channel
8 5.

9 MR. REINER: That is correct.

10 I have heard a tape of the interview. I
11 haven't seen the interview but I have heard a tape of it
12 that was played out in the hallway.

13 Mr. Caruso, at that time, did discuss the
14 matter of representation of Miss Atkins by Dick Caballero
15 and her going before the Grand Jury to testify, and
16 certain other matters relating to the statement of
17 Miss Atkins, and later, in talking to a reporter, went into
18 some detail as to who was allegedly present in the La Bianca
19 home and who was out in the car, and matters of that
20 sort.

21 So, obviously, I am distressed that this
22 should be disseminated publicly, although it has been
23 previously disseminated.

24 Perhaps a phone call from this Court to
25 Channel 5 might be sufficient to kill the story before it
26 goes out.

1 I understand it has been sent out to at least
2 one radio station. It may be running at this moment.
3 But if it is running now, at least it isn't affecting the
4 prospective jurors who do not have radios, at least I
5 presume do not have radios.

13

13-1

1 THE COURT: Mr. Caruso was subpoenaed in what
2 proceedings?

3 MR. STOVITZ: In this proceedings by, I believe,
4 Mr. Shinn.

5 MR. SHINN: I did not subpoena him this time,
6 your Honor, I think Mr. Kanarek may have subpoenaed him
7 last week, your Honor, and he showed up today.

8 I have not served my subpoenas yet, your
9 Honor.

10 THE COURT: What was the occasion of Mr. Caruso's
11 interviewing the media?

12 MR. REINER: I don't know. I did see Mr. Caruso
13 in the courtroom today.

14 Later I was informed upon leaving the
15 courtroom that he was interviewed by radio stations and
16 at least one TV station.

17 MR. SHINN: Mr. Kanarek informs me he did not
18 subpoena Mr. Caruso for today.

19 THE COURT: I seem to recall the time when Mr.
20 Caballero was in here a week or so ago Mr. Caruso was
21 also due but was unable to appear. I agreed to hold
22 the body attachment --

23 MR. KANAREK: -- to July 30th. I think the
24 reason he was here today was he has a case in another
25 courtroom on this floor so he came in just because
26 of his proximity.

1 I believe that that is pretty close to
2 correct.

3 MR. STOVITZ: He was not subpoenaed by the People,
4 your Honor, for today or any day.

5 THE COURT: Now, it is your information that this
6 is going to be on Channel 5?

7 MR. REINER: Yes, your Honor.

8 THE COURT: Tonight?

9 MR. REINER: All I can really represent to the
10 Court is the interview occurred today with Dick Hathcock,
11 Channel 5.

12 MR. STOVITZ: Also some radio stations, your Honor,
13 because it is common for the radio station reporters to
14 have their tape recorders going outside when the television
15 cameras are going.

16 MR. SHINN: Your Honor, maybe your Honor can talk
17 to this reporter, Richard Hathcock, I believe if you talk
18 to him he may not release it for tonight's show, your
19 Honor.

20 THE COURT: Is he out there, do you know?

21 MR. SHINN: I know who he is. Is he out there,
22 Mr. Reiner?

23 MR. STOVITZ: He has gray hair.

24 MR. REINER: I did not see Hathcock in the hallway
25 during the lunch hour or returning from lunch. There are
26 three problems here:

1 One is the radio reporter from CBS, he
2 told me he sent his tape in to CBS and left it up to
3 them whether they want to run it or not. If they decide
4 to run it, they may have already run it.

5 Perhaps we can kill it so it won't continue
6 to run when these jurors leave the courtroom.

7 The reporter from the Long Beach Press-
8 Telegram had an interview with Mr. Caruso where Mr.
9 Caruso discussed the La Bianca case, who allegedly was
10 in the car and went in the house, and became very
11 specific about names, as he understood it.

12 And the interview of course with Dick
13 Hathcock which was not quite so bad.

14 Nevertheless it did refer to the preparation
15 of Miss Atkins at the office of Dick Caballero for her
16 appearance before the Grand Jury.

17 MR. STOVITZ: May we send for another 48 jurors
18 and bring them here and admonish them not to listen to
19 or watch television or see anything concerning this case
20 so we would have a pool of available jurors that would not
21 be exposed to it?

22 None of our jurors here, and we have, say,
23 24 or 30 still left, will be exposed to it.

24 MR. REINER: I think that is a good idea.

25 THE COURT: Is that CBS Television or Radio?

26 MR. REINER: That is CBS Radio.

1 THE COURT: Well, let's take a few minutes recess.
2 If you gentlemen will be back into the courtroom and I
3 will see what I can do about getting those people^{to}/stop
4 this.

5 MR. SHINN: Your Honor, that was one of the reasons
6 I wanted to have this evidentiary hearing regarding this
7 Grand Jury testimony, to resolve all these problems,
8 your Honor.

9 There are a lot of people involved in this.

10 THE COURT: I don't know what you're talking about,
11 Mr. Shinn, what does your evidentiary hearing have to do
12 with what we are talking about?

13 MR. SHINN: I believe if we did have a hearing
14 regarding Susan Atkins' testimony at the Grand Jury,
15 before the Grand Jury, whether or not it was done in a
16 proper way, this would not be news now, your Honor, it
17 would be old news, your Honor.

18 THE COURT: Well, that does not seem to make any
19 sense to me, Mr. Shinn.

20 MR. KANAREK; Your Honor, there are some things,
21 if I may address the Court.

22 THE COURT: I don't want to get in a long discussion
23 now, gentlemen, you have all gone on the record a number
24 of times about these things.

25 Now I want to do something if I can to stop
26 it right now.

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MR. KANAREK: I agree, your Honor.

THE COURT: All right, tell me whatever you want to tell me later.

MR. SHINN: Shall I find him for you, Richard Hathcock?

THE COURT: Yes, if he is available.

(Recess taken.)

14 fls.

14-1 1 (The following proceedings occurred in
2 chambers, all defendants and all counsel present:)

3 THE COURT: All parties and counsel are present.

4 Let's bring in the next prospective juror.

5 (A prospective alternate juror enters the
6 court's chambers.)

7 THE COURT: Good afternoon, sir.

8 MR. HARDY: Good afternoon.

9 THE CLERK: The prospective alternate juror's name is
10 John D. Hardy, J-o-h-n, H-a-r-d-y.

11
12 VOIR DIRE EXAMINATION OF JOHN D. HARDY

13 BY THE COURT:

14 Q Mr. Hardy, if you were selected as an alternate
15 juror in this case, would you be able to serve?

16 A It would be an inconvenience for me to serve.

17 Q Well, it would probably be an inconvenience for
18 everybody.

19 A Yes.

20 Q To serve in this case.

21 But what is your situation?

22 A For my employer. I am employee of the City of
23 Los Angeles in the Office of the City Administrative
24 Officer. I was initially summoned in March and got it
25 deferred until June, and since that time some projects have
26 been scheduled around my pending jury duty.

4-2

1 Also, privately, your Honor, I own a small
2 apartment house and do all of the maintenance and take care
3 of that myself.

4 Q Are you married, sir?

5 A No, I am single.

6 Q Now, I am going to ask you the same questions
7 regarding the death penalty that I have asked other
8 prospective jurors.

9 Have you had an opportunity to think about these
10 questions?

11 A Yes, sir, I have.

12 Q Do you entertain such conscientious opinions
13 regarding the death penalty that you would be unable to
14 make an impartial decision as to any defendant's guilt
15 regardless of the evidence in the case?

16 A Not as to guilt, no.

17 Q Do you entertain such conscientious opinions
18 regarding the death penalty that you would automatically
19 refuse to impose it without regard to the evidence in the
20 case?

21 A No.

22 Q The answer is no?

23 A No.

24 Q Have you lived in Los Angeles County con-
25 tinuously since last August?

26 A Yes, I have.

1 Q Have you read about this case or heard about
2 it or watched it on TV?

3 A Yes.

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1 Q All of those?

2 A Yes, I read the newspaper daily and watch
3 TV.

4 Q What newspaper do you read?

5 A The Times. =

6 Q Have you formed any opinion as to the guilt
7 or innocence of any of the defendants in this case?

8 A No, I haven't.

9 Q Have you ever heard or read anything which
10 appeared to be a description by someone who was actually
11 present at the time that any of these killings took place?

12 A Yes, I read the article in the Times
13 purportedly written by Miss Atkins, or stated by her to
14 someone else.

15 Q Stated by her to someone else?

16 A Yes.

17 THE COURT: Do you care to examine?

18 MR. FITZGERALD: No questions.

19 MR. REINER: No questions.

20 MR. SHINN: No questions.

21 MR. KANAREK: No questions.

22 MR. STOVITZ: No questions.

23 THE COURT: All right, I'm going to ask you to go
24 back into the courtroom, Mr. Hardy, and will you refrain
25 from discussing what has been said here this afternoon
26 with anyone?

1 MR. HARDY: Yes.

2 (Mr. Hardy leaves the chambers of the
3 court.)

4 MR. FITZGERALD: We challenge this juror for cause,
5 actual bias, 1073 Subdivision 2.

6 MR. REINER: Join.

7 MR. SHINN: Join.

8 MR. KANAREK: Join.

9 Your Honor --

10 THE COURT: Just a moment, Mr. Kanarek, unless
11 you want to argue on the challenge.

12 MR. KANAREK: No, your Honor.

13 THE COURT: The challenge will be allowed. Mr.
14 Hardy will be excused for cause.

15 MR. KANAREK: May I inquire of your Honor what
16 your Honor found out about the Hathcock interview?

17 THE COURT: I did not find out anything other
18 than what you people told me here in chambers a few
19 minutes ago.

20 MR. KANAREK: I thought your Honor was able to
21 do something about it.

22 THE COURT: I have someone working on it.

23 MR. KANAREK: I see.

24 THE COURT: I also have another panel of 24 coming
25 over. They will be admonished when they arrive.

26 MR. KANAREK: I see.

1 THE COURT: That is, before they leave the court
2 this afternoon they will be admonished, any time we
3 can continue selecting jurors, and I will give them the
4 introductory remarks perhaps tomorrow.

5 Mr. Hardy was excused for cause.

6 THE CLERK: Yes, your Honor.

7 THE COURT: Let's proceed with the next prospec-
16 fls. 8 tive juror.
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1 (Whereupon, a prospective alternate juror enters
2 the court's chambers.)

3 THE COURT: Good afternoon.

4 MRS. JONES: Good afternoon.

5 THE CLERK: The prospective alternate juror's name is
6 Mrs. Rosemary Jones; R-o-s-e-m-a-r-y, J-o-n-e-s.

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

10 Q Mrs. Jones, if you were selected as an
11 alternate juror in this case, would you be able to serve?

12 A No, I would not.

13 Q Will you keep your voice up, please?

14 A No, I would not.

15 Q What is your situation?

16 A I have two minor children and I am divorced and
17 I live alone.

18 Q What are the ages of your children?

19 A Seven and four.

20 Q Are you employed outside the home?

21 A Yes, I am.

22 Q Who takes care of the children while you are
23 at work?

24 A My mother.

25 Q Who is your employer, Mrs. Jones?

26 A Bank of America.

16-2

1 Q Does your mother live with you?

2 A No, she does not.

3 Q She takes care of them during the daytime?

4 A She takes care of them during the daytime.

5 Q And are your children dependent on you for
6 their care at night?

7 A Yes.

8 MR. FITZGERALD: We will stipulate.

9 MR. KANAREK: So stipulated, your Honor.

10 MR. STOVITZ: So stipulated.

11 MR. REINER: Yes.

12 MR. SHINN: Yes.

13 THE COURT: All right. You will be excused, then,
14 Mrs. Jones.

15 Will you refrain from discussing what has
16 occurred here this afternoon?

17 MRS. JONES: Yes.

18 THE COURT: All right. Thank you.

19 MRS. JONES: Thank you.

16A

16-A-1

(Mrs. Jones leaves the court's chambers.)

THE COURT: Mrs. Jones is excused by stipulation of all counsel.

(Another prospective juror enters the court's chambers.)

THE COURT: Good afternoon.

THE CLERK: The prospective alternate juror's name is Alan B. Porter; A-l-a-n, P-o-r-t-e-r.

VOIR DIRE EXAMINATION OF ALAN B. PORTER

BY THE COURT:

Q Mr. Porter, if you were selected as an alternate juror in this case, would you be able to serve?

A Well, I don't know exactly what you mean.

Q Well, what I mean is would serving on this jury constitute an undue hardship on you?

A Well, I don't know really what would be an undue hardship really.

I would have to say that probably most of the jurors would say that it would be hard for them, but whether it would be a hardship, I don't know.

Q Are you willing to serve?

A Well, I feel it would be hard for me, but, I mean, I always try to do whatever is right.

I feel that it would be a hardship to me.

Q Why do you think it would be a hardship to you?

1 A Well, I have young children at home, my wife is
2 expecting, and it just would be a hardship for me. I
3 feel it would be hard to be away for a length of time.

4 Q Are you employed?

5 A Yes.

6 Q Who is your employer?

7 A KCOP Television.

8 THE COURT: We are going to take a recess for a short
9 period at this time, so I will ask you if you will go back
10 into the courtroom, Mr. Porter, and we will resume the
11 questioning a little bit later.

12 MR. PORTER: All right.

13 Just go now?

14 THE COURT: Yes.

15 (Whereupon, Mr. Porter leaves the Court's
16 chambers.)

17 THE COURT: I just wanted to tell you why we are
18 taking a recess.

19 I am going to have the jurors and the
20 prospective jurors taken out of the courtroom and then I am
21 going to talk to the media out there and see if I can talk
22 them into not going ahead with this.

23 What are you laughing about, Mr. Shinn? Did I
24 say something funny?

25 MR. SHINN: I wasn't laughing about that, your Honor.

26 THE COURT: Mr. Frediani and Mr. Sam Gordon, who is

1 the -- I don't know what his title is -- public relations
2 for the Superior Court, also will be here.

3 So, until we have taken care of that, we will
4 just have the jurors taken out of the courtroom and see if
5 we can get this story stopped.

6 MR. STOVITZ: Very well.

7 THE COURT: Do you want the defendants present?
8 Is there any necessity to have them present?

9 MR. KANAREK: Mr. Manson wishes to be present.

10 No, never mind.

11 THE COURT: Yes, Mr. Kanarek?

12 MR. KANAREK: In answer to the Court, I have no
13 statement to make.

14 MR. STOVITZ: Do you withdraw the statement,
15 Mr. Kanarek, that Mr. Manson wanted to be present?

16 MR. KANAREK: Your Honor, if I may, may I again not
17 have any inter se -- I will be glad to answer any
18 question the Court wishes to ask.

19 MR. STOVITZ: May I ask through the Court?

16B

16b-1

1 THE COURT: I asked you if you desire that the
2 defendants be present?

3 MR. SHINN: Yes. I think Susan Atkins should
4 be present, your Honor.

5 THE COURT: All right.

6 Let's get all the jurors and all the
7 prospective jurors out of the courtroom.

8 I am going to say something to the media
9 representatives.

10 THE CLERK: Yes, sir.

11 THE COURT: Unless there is something else, you
12 can go back into the courtroom.

13 MR. STOVITZ: Will it be about ten minutes?

14 THE COURT: I don't know how long it will be.
15 A few minutes.

17 fls.

(Recess.)

17-1

(The following proceedings were had in open court, all defendants and all counsel being present, no jurors or prospective alternate jurors being present in the court:)

THE COURT: All parties and counsel are present.

The jury and all of the prospective jurors have been removed from the courtroom.

Ladies and gentlemen of the representatives of the media, I have asked for the opportunity to talk to you about something that has just come to my attention within the past half hour, and that is an interview which Attorney Paul Caruso apparently gave to some of the representatives of the media early today.

I have been advised in substance what the content of this interview was, and in my opinion it could be extremely prejudicial to the defendants in this case if that matter were now disseminated.

Apparently, from what I have been able to learn, he rehashed some of the details of the statements allegedly made by Miss Susan Atkins at an earlier date, including, according to the information that I have, details concerning the alleged defenses and other matters which could be highly prejudicial.

One of the reasons why it has taken us as long as it has to obtain a jury in this case is because we have been extremely careful in selecting as jurors

1 those people who have not been exposed to pretrial
2 publicity to an extent that has in any way prejudiced
3 them or caused them to form opinions regarding the
4 guilt or innocence of any of the defendants in this
5 case, and none of the 12 persons on that jury now have
6 ever read or heard of any statement made by any
7 defendant in this case, including the alleged confession
8 of Miss Atkins.

18 fls.

3-1
1 We are having a difficult time obtaining
2 alternate jurors for the same reason, and they are being
3 carefully screened.

4 I believe that if this interview of Mr. Caruso's
5 were now disseminated to the public, that it would make it
6 extremely difficult for us to continue and to obtain
7 alternate jurors with the same qualifications as our
8 present members of the jury.

9 I can't see that the benefit to the media would
10 be sufficient to warrant the risk that this dissemination
11 could jeopardize the trial and conceivably could result in
12 there not being a trial at this time.

13 I therefore have asked for the opportunity to
14 speak to you so that I could ask you to refrain from
15 disseminating the results of this interview with Mr. Caruso
16 to the public.

17 Now, there are, to my knowledge, the represen-
18 tatives of four of the radio or TV stations who are not now
19 present in the courtroom, and assuming that I can have an
20 affirmative response from you gentlemen and ladies, these
21 people would be contacted immediately by representatives of
22 the court to ask of them the same that I am asking of you.

23 I would imagine, perhaps, that some of you are
24 wondering, well, if I refrain from doing anything about it,
25 what about the person who might be sitting next to me or in
26 the row ahead of me or in the row behind me and, for that

1 reason, I am going to ask you if there is any one of you
2 who would be unwilling to refrain from disseminating to the
3 public the results of this interview?

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1 If anyone of you would be unwilling, would
2 you be good enough to so indicate for the benefit of all
3 of the rest of you who are present?

4 Yes, sir?

5 MR. CARL GEORGE: Carl George, KNXT News.

6 The decision has already been made in our
7 office not to use Mr. Caruso's interview. The decision
8 was made because at that time we felt it was not news-
9 worthy.

10 However, it would be my personal feeling
11 that I would not wish to, by my silence, indicate in any
12 fashion that our option to make that decision was not
13 completely open.

18b fls

14 THE COURT: Well, I realize that. I don't think
15 that any court has any power to order you to do or not to
16 do anything, and that certainly is not the tenor of my
17 remarks now.

18 I am pleading with you not to do it because
19 I think it is in the interest of everyone, the public,
20 the defendants, the People, everyone.

21 Yes, sir.

22 MR. VAL CLENARD: Val Clenard, KNPC.

23 Sir, would you be asking us not to dissemi-
24 nate the fact that you have asked us not to use this
25 interview?

26 THE COURT: Well, I suppose that depends on what

1 you say, or what you would say if you said it.

2 If the gist of what you said was that I had
3 asked you not to talk about Susan Atkins' confession, why,
4 obviously, the damage would have been done.

5 MR. CLENARD: I don't quite understand.

6 THE COURT: I can't see what point there would be
7 in commenting upon my request if you couldn't state what
8 the substance of it was; that is, without doing the damage
9 that I am talking about.

10 Yes, sir?

11 MR. GEORGE NORTH: George North, KLAC.

12 Judge Older, I am afraid it is a little late
13 for at least my own purposes because I have already used
14 it.

15 THE COURT: You have used it how, sir?

16 MR. NORTH: In radio reports.

17 THE COURT: That have already been broadcast?

18 MR. NORTH: That's right.

19 THE COURT: That is unfortunate but it isn't
20 necessarily catastrophic.

21 If we can prevent any more, of course, the
22 people that are now sitting over in the jury room of the
23 County Court House have probably not heard it, but if
24 they go home tonight and they are saturated on the networks
25 with it, they very likely will all have heard it by
26 tomorrow.

18c-1

1 MR. NORTH: Are you asking that any reports that
2 I filed during the day that we might use again during
3 prime time, are you asking that they not be used?

4 THE COURT: Absolutely. I am asking that anything
5 be done that can be done not to broadcast it or dissemi-
6 nate it in any way.

7 We can't undo what has been done but it
8 certainly can be prevented from this point on.

9 Yes, sir?

10 MR. GEORGE GOODMAN: George Goodman, KNPC News.

11 Your Honor, while I can speak for myself on
12 saying that I wouldn't use the story again, I cannot speak
13 for the company.

14 They have the tape of the interview and it
15 is their decision to be made by them, and I can't bind
16 the company.

17 THE COURT: I understand that, sir, but if you
18 would communicate with them and relay the Court's thoughts
19 to them with the reasons set forth, perhaps, hopefully,
20 they can see the good sense in it and refrain from using,
21 or using it further if it has been used at all.

22 MR. GOODMAN: Okay.

23 ~~XXXX~~
19 fls.

19-1

1 I will then ask the representatives in the
2 court to contact the four representatives who are not
3 here, and if any of you know I am in error I would
4 appreciate being corrected by you.

5 My understanding is these are KNBC TV,
6 KFI Radio, KHJ and KABC.

7 Did I miss anybody?

8 Well, I appreciate your response and your
9 thoughtful comments and the opportunity to make our
10 position clear.

11 Yes, sir?

12 MR. LANNING: I am Rick Lanning from the Herald-
13 Examiner.

14 Judge Older, I certainly will not use any
15 part of the interview in our newspaper, any statements
16 about Miss Atkins' confession, but as far as what happened
17 in this courtroom I cannot say my newspaper -- possibly
18 they might use the story concerning the Judge's request
19 on the interview without going into detail on the
20 confession.

21 THE COURT: Well, I understand. You are in the
22 business of gathering news and the Court is not
23 interested in depriving you of anything which would not
24 in our opinion interfere with the trial, and that's
25 been the reason for all of the orders from the outset,
26 simply to insure that all parties in the case, the

1 defendants and the People, have a fair trial, and not
2 to deprive the media of any news which could not in any
3 way affect that result.

4 I might say that the interview would appear
5 to the Court to be, and I wish you would not print this
6 or disseminate it, because I have not had a chance to
7 research the matter carefully, but it would appear to
8 be a clear violation of the Court's prior publicity
9 order.

10 If it is appropriate, steps undoubtedly
11 will be taken at some time with respect to that, but
12 again I thank all of you for listening to me and for
13 your response.

14 I can assure you that we are anxious to
15 cooperate to see that the media get all of the news
16 that we can in good conscience provide, and that none
17 of the restrictions are designed to do anything, as
18 I say, except to insure all of the parties to this case
19 a fair trial.

20 Thank you very much.

21 We will take a 15-minute recess and then
22 we will resume in chambers with our voir dire examination.
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20 fls.

20-1

1 (The following proceedings occurred in open
2 court, all defendants, all counsel and all prospective
3 jurors and jury present:)

4 THE COURT: All parties and counsel are present.
5 The jury is in the jury box.

6 The Clerk will please swear the prospective
7 jurors.

8 THE CLERK: To make sure we do not miss anybody,
9 would all prospective jurors in the audience please rise.

10 Would you raise your right hand, please.

11 You and each of you do solemnly swear that
12 you will well and truly answer all such questions as may
13 be asked of you touching on your qualification to act as
14 alternate trial jurors in the cause now pending before
15 this court, so help you God?

16 THE COURT: Ladies and gentlemen, my remarks will
17 be directed primarily to those of you on the panel who
18 have just come into the courtroom on the new panel this
19 afternoon.

20 The title of this case is the People of the
21 State of California vs. Charles Manson, Susan Atkins,
22 Patricia Krenwinkel and Leslie Van Houten.

23 The defendants are charged in an indictment
24 with, as to Mr. Manson, Miss Atkins and Miss Krenwinkel,
25 seven counts of murder and one count of conspiracy to
26 commit murder; and as to Miss Van Houten, with two counts

1 of murder and one count of conspiracy to commit murder.

2 These events are alleged to have occurred
3 on or about August 9th and 10th, 1969.

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1 The alleged victims of these various
2 offenses as charged in the indictment are as follows.

3 Abigail Anne Folger, Wajiciech Frykowski,
4 Steven Earl Parent, Sharon Marie Polanski, Thomas John
5 Sebring, Leno A. La Bianca and Rosemary La Bianca.

6 Are any of you acquainted or were you
7 acquainted with any of the alleged victims?

8 If the answer to any of my questions is yes,
9 would you kindly raise your hand.

10 Mr. Manson, would you please stand up and
11 face the prospective jurors.

12 Do any of you know Mr. Manson?

13 Thank you, you may be seated.

14 Mr. Manson is being represented by Mr. Irving
15 Kanarek. Do any of you know Mr. Kanarek?

16 Miss Atkins, would you stand up, please, and
17 face the prospective jurors.

18 Do any of you know Susan Atkins? Thank you,
19 you may sit down.

20 Miss Atkins is being represented by Mr.
21 Daye Shinn. Mr. Shinn.

22 Do any of you know Mr. Shinn?

23 Miss Patricia Krenwinkel, would you stand,
24 please, and face the prospective jurors.

25 Thank you.

26 Miss Krenwinkel is represented by Mr. Paul

1 Fitzgerald. Do any of you know Mr. Fitzgerald?

2 And Miss Van Houten, Leslie Van Houten,
3 would you stand, please, and face the prospective jurors.
4 Thank you.

5 Miss Van Houten is being represented by Mr.
6 Ira Reiner.

7 Do any of you know Mr. Reiner?

8 The People of the State of California are
9 being represented by the Deputy District Attorneys,
10 Mr. Aaron Stovitz and Mr. Vincent Bugliosi.

11 Do any of you know these gentlemen?

12 To all of the counts charged in the indictment
13 the defendants have entered pleas of not guilty.

14 In a criminal case the defendant is presumed
15 to be innocent until the contrary is proved, and in case
16 of a reasonable doubt as to his guilt, he is entitled to
17 an acquittal.

18 This presumption of innocence places the
19 burden upon the State to prove his guilt beyond a reasonable
20 doubt, and reasonable doubt is defined as follows:

21 It is not a mere possible doubt, because
22 everything relating to human affairs and depending on
23 moral evidence is open to some possible or imaginary
24 doubt.

25 It is that state of the case which, after
26 the entire consideration and comparison of all of the

1 evidence, leaves the minds of the jurors in that
2 condition that they cannot say they feel an abiding
3 conviction to a moral certainty of the truth of the
4 charge.

5 Is there anyone of you who feels that for
6 any reason he would be unable to give to each of these
7 defendants the presumption of innocence to which I have
8 just referred?

9 If there are any of you, would you kindly
10 stand up, please, so that we may have your names.

11 Didn't you stand yesterday, sir, or the day
12 before when you first came in?

13 A PROSPECTIVE JUROR: Yes, right.

14 THE COURT: It won't be necessary for any of those
15 who previously have given your names to do so again.

16 Thank you, sir.

17 Would you state your name, please.

18 MRS. SATIS SAINO: Satis Saino.

19 THE COURT: Would you spell it, please.

20 MRS. SAINO: The first name?

21 THE COURT: Both names.

22 MRS. SAINO: S-a-t-i-s is the first name and
23 S-a-i-n-o is the last name.

24 THE COURT: Thank you.

25 Your name, please?

26 MRS. MITCHUM: Olive C. Mitchum.

1 THE COURT: Olive Mitchum?

2 MRS. MITCHUM: Mitchum.

3 THE COURT: Thank you.

4 And your name, sir?

5 MR..DOUGLAS: Robert Douglas.

6 THE COURT: Thank you.

7 And your name?

8 MR. COVALT: Gene Covalt.

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1 THE COURT: Thank you.

2 Your name, please?

3 MRS. TAVE: Harriet Tave.

4 THE COURT: Thank you.

5 Your name, please?

6 MRS. SHAW: Laura M. Shaw.

7 THE COURT: Laura Shaw?

8 MRS. SHAW: Yes.

9 THE COURT: Thank you.

10 Your name, sir?

11 MR. HALL: Jesse Hall.

12 THE COURT: Thank you.

13 And your name, sir?

14 MR. WHITMAN: Virgil Whitman.

15 THE COURT: Woodman?

16 MR. WHITMAN: Whitman, W-h-i-t-m-a-n.

17 THE COURT: Thank you.

18 And your name?

19 MR. WIERZBICKI: Sigmund Wierzbicki.

20 THE COURT: How do you spell your last name?

21 MR. WIERZBICKI: W-i-e-r-z-b-i-c-k-i.

22 THE COURT: What comes after the z?

23 MR. WIERZBICKI: --b-i-c-k-i.

24 THE COURT: Thank you.

25 The function of the jury is to determine the
26 issues of fact, but the facts must be determined solely

1 from the evidence introduced during the course of the
2 trial.

3 On the other hand, the function of the Court
4 is to instruct the jury as to the law applicable to those
5 facts and it is the duty of the jury to follow the Court's
6 instructions as they are stated to you.

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1 Is there any one of you who believes that
2 for any reason he could not follow the Court's instructions?

3 Is there any one of you who believes that he
4 would be unable to follow those instructions because of his
5 personal beliefs as to what the law is or should be?

6 The attorneys in this case have estimated that
7 the trial of this case, after the jury is selected -- and
8 we have selected the jury, we are now selecting alternate
9 jurors -- will take somewhere between three and five
10 months. I believe the trial will probably be closer to the
11 lower figure rather than the higher.

12 The jury and the alternate jurors will be
13 sequestered, which means that instead of being permitted to
14 go home at night, you will be residing in a hotel and,
15 of course, will have no direct communication with your
16 families or friends except that on the weekends your
17 spouses will be able to visit you at the hotel at their
18 own expense.

19 In a case such as murder, as this case is,
20 where the penalty may be life imprisonment or death, the
21 Court is required to ascertain from the prospective jurors
22 whether any of you entertain such conscientious opinions
23 regarding the death penalty that you would be either unable
24 to make an impartial decision as to any defendant's guilt
25 or whether because of those opinions you would automatically
26 refuse to impose the death penalty.

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1 The law provides that if you do hold such
2 conscientious opinions, you are not permitted nor can you
3 be compelled to serve as a juror in this case.

4 At the outset, the Court has no way of knowing
5 whether the jury will be called upon to decide the issue of
6 penalty because that will depend upon what the verdict is
7 as to the guilt of each of the defendants.

8 In considering the question of guilt, as
9 distinguished from penalty, the jury is forbidden to
10 consider the question of penalty at all as that is a matter
11 which, under our law, would be taken up in a separate
12 proceeding if the verdict on the issue of guilt should
13 warrant the holding of such proceeding.

14 If any defendant is acquitted or if he is
15 convicted of any crime less than murder in the first degree,
16 then as to that defendant there would be no further
17 proceedings on the question of penalty.

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