

DISTRICT ATTORNEY  
SUPREME COURT OF THE STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff-Respondent,

vs.

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

Defendants-Appellants.

NO.

3015

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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Los Angeles, California 90012

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1 THE CLERK: The name of the prospective alternate  
2 juror is Joseph Queen. J-o-s-e-p-h, Q-u-e-e-n.

3  
4 VOIR DIRE EXAMINATION OF MR. JOSEPH QUEEN  
5 BY THE COURT:

6 Q Mr. Queen, if you were selected as an alternate  
7 juror in this case would you be able to serve?

8 A It is almost impossible for me to serve, sir.

9 Q What is your situation?

10 A Well, first, I have a family and my job, and  
11 this is my fourth week on the jury.

12 My job will only pay me for 25 days.

13 Q By whom are you employed?

14 A North American Rockwell.

15 THE COURT: We have had several people from North  
16 American Rockwell.

17 Will there be a stipulation?

18 MR. FITZGERALD: Yes, your Honor.

19 MR. HUGHES: So stipulated.

20 MR. SHINN: So stipulated.

21 MR. KANAREK: Because of hardship, financial  
22 hardship, is that correct?

23 MR. QUEEN: That is correct.

24 THE COURT: Would you refrain from discussing with  
25 anyone what has happened here this morning?

26 MR. QUEEN: I surely will, sir, thank you.

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(Mr. Queen leaves the chambers of the court.)

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(A prospective alternate juror enters the room.)

4

THE COURT: Good morning.

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THE CLERK: The name of the prospective alternate juror is Mrs. Floydie M. Redd, F-l-o-y-d-i-e, R-e-d-d.

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VOIR DIRE EXAMINATION OF MRS. REDD

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BY THE COURT:

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Q Mrs. Redd, if you were selected as an alternate juror would you be able to serve?

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A Well, I live all alone. I would not have anyone to transact my business or anything for me, otherwise you know --

15

MR. STOVITZ: Mrs. Redd, we cannot hear you.

16

THE COURT: Keep your voice up, please.

17

18

MR. STOVITZ: You wouldn't have anyone to transact your business?

19

MRS. REDD: No.

20

MR. STOVITZ: Is that what you said?

21

MRS. REDD: Yes, that's right.

22

BY THE COURT:

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Q Is this something that you could do by telephone? In other words, suppose you were permitted to call out, could you make your arrangements that way?

26

A Well, I work at the Post Office and if they

1 will permit someone to pick up my check, you see, then I  
2 could use my checking account and pay my bills, but other-  
3 wise I cannot.

4 Q Is that something that you could investigate  
5 today and let us know, say, this afternoon?

6 A Yes, I would have to call the Federal Building  
7 and find out.

8 Q That is right over here on Los Angeles Street?

9 A Yes.

10 Q Or you can perhaps walk over there during the  
11 noon hour?

12 A You would let me?

13 Q Oh, yes.

14 A In 45 minutes I can hardly go that far.

15 Q I guess the Sheriff's Department takes you back  
16 and forth to the County Courthouse, is that right?

17 A Yes.

18 Q Perhaps it would be easier to do it by tele-  
19 phone.

20 MR. KANAREK: Your Honor, the bailiff could pick up  
21 the check. I'm sure the Sheriff's Department can pick up  
22 a Federal check, no great problem.

23 THE COURT: Do you have any authority to cite on  
24 that point?

25 MR. STOVITZ: They could mail it to her and she can  
26 mail it to her checking account.



1 THE COURT: That is something that can be worked  
2 out I'm sure. If that problem could be solved would there  
3 be any other reason you could not serve?

4 A No.

5 BY THE COURT:

6 Q All right, I will ask you to check on that so  
7 you can tell us if there is a problem about it.

8 I'm going to ask you the same questions that  
9 I put to the other prospective jurors about the death  
10 penalty.

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

15 A None.

16 Q Do you entertain such conscientious opinions  
17 regarding the death penalty that you would automatically  
18 refuse to impose it without regard to the evidence in the  
19 case?

20 A No.

21 Q On the other hand would you always vote to  
22 impose the death penalty without regard to the evidence in  
23 the case?

24 A No.

25 Q Then if I understand you correctly, and you  
26 tell me if I am not correct, you would be willing to

1 listen to all of the evidence in the case and then make  
2 up your mind on the question of penalty, is that right?

3 A Yes.

4 Q Do you subscribe to any daily newspaper?

5 A The Los Angeles Times.

6 Q Do you read that on a regular basis?

7 A Not since I have been coming here.

8 Q Well, before that?

9 A Yes.

10 Q Have you made any conscious effort to follow  
11 this case in the newspaper or on TV or on the radio?

12 A No.

13 Q Have you formed any opinion as to the guilt  
14 or innocence of any of the defendants?

15 A No, I have not.

16 Q Have you ever read or heard anything which  
17 seemed to be a description by someone who was actually  
18 present at the time any of these people were killed?

19 A No.

20 Q Have you ever read or heard anything said by  
21 any of these defendants on any subject?

22 A No.

23 Q Do you think that you would be able to give  
24 each of these defendants the benefit of the presumption of  
25 innocence?

26 You remember when you came into the court I

1 told the panel that in every criminal case a defendant  
2 is presumed to be innocent, and that presumption continues  
3 until his guilt is proved beyond a reasonable doubt,  
4 if the People are able to do that, do you remember that?

7b fls. 5 A Yes.

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1 Q Would you be able to give each of these  
2 defendants the benefit of that presumption of innocence?

3 A Yes.

4 Q And if the People fail to prove any defendant  
5 guilty beyond a reasonable doubt, you will then vote to  
6 acquit that defendant?

7 A Yes.

8 Q On the other hand if the People were able to  
9 prove the guilt of any defendant beyond a reasonable doubt,  
10 would you then vote a verdict of guilty?

11 A Yes.

12 Q Do you know of any reason why you could not be  
13 fair and impartial in this case?

14 A No.

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

16 MR. FITZGERALD: No, your Honor, no questions.

17 THE COURT: Oh, one other question:

18 Q Did you read any newspaper over the weekend?

19 A No.

20 Q And specifically did you read the Times?

21 A I only read the sports.

22 Q In the Los Angeles Times?

23 A That is all.

24 Q Did you read the Herald Examiner?

25 A No.

26 Q Did you read any part of the Herald Examiner?

7B2  
1 A No, I haven't even seen it.

2 THE COURT: All right, thank you, Mrs. Redd.

3 Any questions, Mr. Fitzgerald?

4 MR. FITZGERALD: No, thank you.

5 MR. SHINN: No questions.

6 MR. KANAREK: No questions.

7 MR. HUGHES: No questions.

8 MR. STOVITZ: With the permission of the Court, and  
9 merely as a time-saving matter may we ask our questions,  
10 our voir dire questions, here just to be very brief, less  
11 than 30 seconds?

12 THE COURT: If it is agreeable with other counsel.

13 MR. KANAREK: Certainly.

14 MR. FITZGERALD: No objection.

15 MR. HUGHES: No objection.

16 MR. KANAREK: No objection.

17  
18 VOIR DIRE EXAMINATION OF MRS. REDD

19 BY MR. STOVITZ:

20 Q Mrs. Redd, how long have you been working for  
21 the Post office?

22 A It will be five years in November.

23 Q What did you do before that?

24 A I was a nurse.

25 Q At what place?

26 A Well, before moving here? I lived in East

7B3

1 Texas and I was a nurse in East Texas Tuberculosis Hospital.

2 Q And do you have any children?

3 A I have a son.

4 Q How old is he?

5 A He is 32.

6 Q What does he do?

7 A He is a probation officer for the County.

8 Q Does he ever discuss his work with you?

9 A No.

10 Q Is he married?

11 A Divorced.

12 Q And I take it you are also divorced or  
13 separated?

14 A Right, uh-huh.

15 MR. STOVITZ: I have no further questions.

16 THE COURT: Any questions?

17 MR. FITZGERALD: No, your Honor.

18 THE COURT: All right, is there some way that  
19 Mrs. Redd can use the telephone?

20 THE BAILIFF: She can use it right here at the desk,  
21 your Honor.

22 THE COURT: At your desk?

23 THE BAILIFF: Yes, your Honor.

24 THE COURT: In that way you can call up your super-  
25 visor or whoever you want to call.

26 MRS. REDD: My supervisor reports to work at 3:30 in

7B4  
1 the afternoon.

2 THE COURT: Is there someone else over there now that  
3 you can talk to that might be able to give you the infor-  
4 mation you need?

5 MRS. REDD: Well, I can call the personnel office at  
6 the Federal Building. That is where the transactions are.

7 THE COURT: The bailiff will let you use the  
8 telephone in the courtroom.

9 MR. STOVITZ: As an alternate, if the counsel wish  
10 to exercise a peremptory now or accept the jury, People are  
11 ready to exercise a peremptory.

12 Again it may be a time-saving factor.

13 MR. KANAREK: We prefer that in open court, your  
14 Honor.

15 THE COURT: In any event you may go back in the  
16 courtroom now, Mrs. Redd.

17 Will you refrain from discussing with anyone  
18 what has been said in here this morning?

19 MRS. REDD: Yes.

20 MR. HUGHES: Are you a Dodger fan, Mrs. Redd?

21 MRS. REDD: Yes, I am. I was so worried yesterday.

22 (Mrs. Redd leaves the chambers of the court.)

23 THE COURT: All right, then we now have six people  
24 sitting in the alternate jurors' seats. Any reason why we  
25 should not go back into open court?

26 MR. BUGLIOSI: The only reason I can think of, it

1 would not be common sense because we will be out there for a  
2 half minute and we will have to come right back here again.

3 We do intend to exercise a peremptory challenge.

4 I think it is within the Court's discretion.

5 The Court should ask the defense at this time if they  
6 accept the jury and if they do we will exercise another  
7 peremptory.

8 MR. KANAREK: We do not waive appearing in open  
9 court in this regard, your Honor.

10 THE COURT: All right, then, we will go back out.

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

5 THE COURT: All parties and counsel are present.  
6 The jury is in the jury box.

7 Do you care to examine further, Mr. Fitzgerald?

8 MR. FITZGERALD: No, your Honor, we will pass this  
9 prospective juror for cause.

10 MR. HUGHES: Pass for cause.

11 MR. SHINN: Pass for cause.

12 MR. KANAREK: Accept the alternates.

13 THE COURT: Very well.

14 Mr. Stovitz?

15 MR. STOVITZ: I believe the next peremptory  
16 challenge is with the defense.

17 THE COURT: The People pass for cause?

18 MR. STOVITZ: Oh, yes, yes.

19 THE COURT: Mr. Fitzgerald, you may exercise a  
20 peremptory challenge.

21 MR. FITZGERALD: Patricia Krenwinkel will accept  
22 the alternate jurors as they are now constituted.

23 MR. HUGHES: Leslie Van Houten accepts the jury  
24 as they are now constituted.

25 MR. SHINN: Susan Atkins accepts the jury as now  
26 constituted.

1 MR. KANAREK: Mr. Manson, your Honor, accepts the  
2 prospective six alternates.

3 MR. BUGLIOSI: The People thank and excuse Mr.  
4 Fricker, your Honor.

5 THE COURT: Thank you, Mr. Fricker, you are excused.

6 I will ask counsel and the parties to join  
7 me again in chambers.

8 (The following proceedings were had in the  
9 chambers of the Court out of the hearing and presence  
10 of the jury and the prospective alternate jurors, all  
11 defendants and all counsel being present:)

12 (A prospective alternate juror enters the  
13 courtroom.)

14 THE CLERK: The name of the prospective alternate  
15 juror is Gerald Schwartz, G-e-r-a-l-d, S-c-h-w-a-r-t-z.

16  
17 VOIR DIRE EXAMINATION OF MR. GERALD SCHWARTZ  
18 BY THE COURT:

19 Q Mr. Schwartz, if you were selected as an  
20 alternate juror in this case would you be able to serve?

21 A Oh, I would be able to. It would be a very  
22 difficult situation, your Honor.

23 Q What is your situation?

24 A I am president of our company and I have a  
25 lot of people dependent on me.

26 Q What company?

1           A       Impact Merchandising, a division of the  
2       Republic Corporation, in fact I have been conducting  
3       business to 8:00 or 9:00 o'clock at night and lunch hours  
4       on the phone.

5           MR. KANAREK: It sounds like the practice of law,  
6       your Honor.

7       BY THE COURT:

8           Q       Are you asking to be excused?

9           A       Yes, your Honor. Again I want to make it  
10      clear not because I have any objections to serving. It  
11      is just because of the difficult situation.

12          Q       I understand.

13                 Do you consider it would be an undue hardship  
14      not only on yourself but on others, is that right?

15          A       Yes, due to the length of time that is expected.

16          MR. FITZGERALD: We will offer to stipulate.

17          THE COURT: Do all join?

18          MR. STOVITZ: Yes, your Honor.

19          MR. KANAREK: Join, your Honor.

20          MR. HUGHES: Join.

21          MR. SHINN: Join.

22          THE COURT: All right, you will be excused, Mr.  
23      Schwartz.

24                 Will you refrain from discussing with anyone  
25      what has been said in here this morning?

26          MR. SCHWARTZ: Yes, sir.

1 THE COURT: Thank you, you are excused.

2 MR. SCHWARTZ: Thank you.

3 (Mr. Schwartz leaves the chambers of the  
4 court.)

5 THE COURT: Before the next person comes in, Counsel,  
6 I propose that the indictment be read to the jurors before  
7 the taking of evidence commences as provided by the Code.

8 Now, that raises one or two questions and I  
9 would like you to be thinking about them so you can make  
10 any suggestions you would care to.

11 MR. FITZGERALD: We would like to ask leave to  
12 waive it.

13 THE COURT: All right, that is one suggestion.

14 One of the problems that arises is the fact  
15 that the various counts include the names of Defendants  
16 Watson and Kasabian, Counts VI through VIII use the name  
17 Leslie Sankston.

18 MR. BUGLIOSI: If it has not been amended at this  
19 time, People so move.

20 MR. HUGHES: I believe it has been amended.

21 THE COURT: If it has, of course there is no  
22 problem.

23 MR. BUGLIOSI: If it has not, we move to amend it  
24 at this time by interlineation.

25 THE COURT: All right, the motion is granted.

26 It will be amended to change Sankston to

1 Van Houten.

2 MR. BUGLIOSI: Yes, in each instance. I believe  
3 there are six references.

4 THE COURT: All right.

5 Anyway, those were the questions I wanted to  
6 raise with you gentlemen, to be thinking about them.

7 MR. STOVITZ: The defendants are willing to waive  
8 the reading of the indictment; then we have no request  
9 that it be read, but that the jury should be reminded  
10 which counts are charged against which defendants, and  
11 that the defendants have entered a plea of not guilty.

8 fls.

8-1

1 THE COURT: I don't think that I would want to waive  
2 the reading of the indictment in its entirety. I think the  
3 jury should again be advised what the various counts are.

4 Now, if you want to shorten it up in some way,  
5 I don't have any objection to that, but I think they should  
6 start out with a clear picture in their mind as to what the  
7 allegations are in general in the various counts so that  
8 they can bear this in mind.

9 MR. BUGLIOSI: Would this be before or after the  
10 opening statement, your Honor?

11 THE COURT: This would be before the opening state-  
12 ment.

13 MR. BUGLIOSI: Yes.

14 THE COURT: You don't have to make any decision about  
15 it now. I just wanted to raise the question so that you  
16 could be thinking about it.

17 MR. STOVITZ: Raising those questions, your Honor,  
18 Mr. Bugliosi and I are thinking, if there is no objection  
19 to it by the defense, we would like to renumber count VIII  
20 to be Count I, and move all the other counts down.

21 Customarily, the conspiracy count is usually  
22 Count I, and then the other charges are Counts II, III,  
23 et cetera, on down the list.

24 However, <sup>if</sup> it would be too confusing at this  
25 point, there will be no objection, we would merely explain  
26 to the jury that they have been given a number; for

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1 instance, Counts I, II, III, IV and V do not necessarily  
2 mean that the People died in that order, it is just that  
3 they are given a number of some kind.

4 THE COURT: All right.

5 Let's bring in the next prospective juror.

6 (A prospective juror enters the Court's  
7 chambers.)

8 THE COURT: Good morning.

9 MR. EHRENSTEIN: Hello.

10 THE CLERK: The name of the prospective alternate  
11 juror is Peter R. Ehrenstein; P-e-t-e-r, E-h-r-e-n-s-t-e-i-n.

12  
13 VOIR DIRE EXAMINATION OF PETER R. EHRENSTEIN

14 BY THE COURT:

15 Q Mr. Ehrenstein, if you were selected as an  
16 alternate juror in this case, would you be able to serve?

17 A I'd rather not because I was just hired by the  
18 State a couple of months ago, and I don't think I could be  
19 out on a case from three to six months.

20 Q I beg your pardon?

21 A I was just hired two months ago by the State.

22 Q By the State of California?

23 A Right.

24 Q What is your position?

25 A Auditor; and I am on probation for six months,  
26 you know.

8-3

1 And I don't know how long my wage continues.  
2 I think it is about a month and that is it.

3 Q Well, I don't think you will find any difficulty  
4 with the State if you are called on jury service,  
5 Mr. Ehrenstein.

6 A This, I don't know.

7 Q Is there any other reason that serving might  
8 constitute an undue hardship?

9 A Well, my wife. You know, she is sort of a child  
10 in many ways, and she just wouldn't be able to stay alone.

11 Q Do you have any children?

12 A No.

13 Q Is she employed outside the home?

14 A Yes.

15 Q So you are talking about the evenings?

16 A Yes.

17 Q Weekends?

18 A Yes.

19 Q All right, sir. We will pass that for the time  
20 being.

21 I am going to ask you the same questions  
22 regarding the death penalty that I put to the other prospec-  
23 tive jurors.

24 A Yes.

25 Q Do you entertain such conscientious opinions  
26 regarding the death penalty that you would be unable to



3-4  
1 make an impartial decision as to any defendant's guilt  
2 regardless of the evidence in the case?

3 A I would have no problem in terms of the guilt,  
4 but under no circumstances could I render a death penalty.  
5 Under no circumstances.

6 Q Well, that is going to be the next question.

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

11 A Like I originally said, I could conceivably  
12 render a guilty verdict, but under no circumstances the  
13 death penalty.

14 Q So you would automatically refuse to impose it  
15 regardless of what the evidence shows?

16 A Absolutely. Absolutely.

8A

1 THE COURT: Any questions, Mr. Fitzgerald?

2 MR. FITZGERALD: No, your Honor.

3 MR. HUGHES: No questions, your Honor.

4 MR. SHINN: No questions.

5 THE COURT: Mr. Kanarek?

6 MR. KANAREK: No questions, your Honor.

7 MR. BUGLIOSI: No questions, your Honor.

8 THE COURT: All right. You may go back out into the  
9 courtroom, then.

10 Mr. Ehrenstein, would you refrain from dis-  
11 cussing with anyone what has been said in here?

12 MR. EHRENSTEIN: Yes.

13 (Mr. Ehrenstein leaves the Court's chambers.)

14 MR. BUGLIOSI: The People move to excuse the juror  
15 on the grounds of implied bias, under Section 1074a of the  
16 Penal Code, and under the United States Supreme Court case  
17 of Witherspoon vs. Illinois.

18 MR. FITZGERALD: The defendants would oppose the  
19 challenge to the juror as to the guilt phase, depriving the  
20 defendants of due process and equal protection of the law  
21 under the Fifth and Fourteenth Amendments of the United  
22 States Constitution, and applicable portions of the  
23 California Constitution.

24 MR. KANAREK: Join in Mr. Fitzgerald's statement, your  
25 Honor.

26 MR. HUGHES: Join in Mr. Fitzgerald's statement.

1 MR. SHINN: Join.

2 THE COURT: The challenge will be allowed.

3 Mr. Ehrenstein is excused for cause.

4 THE CLERK: I called Mrs. Harriet L. Tave. That is  
5 the juror that was missing Friday, your Honor.

6 THE COURT: She is not here?

7 THE CLERK: She is here now, your Honor. She was  
8 missing Friday.

9 THE COURT: Bring her in.

10 (Mrs. Tave enters the court's chambers.)

11 THE COURT: Good morning.

12 MRS. TAVE: Good morning.

13 THE CLERK: The name of the prospective alternate  
14 juror is Mrs. Harriet L. Tave; H-a-r-r-i-e-t, T-a-v-e.

15  
16 VOIR DIRE EXAMINATION OF MRS. HARRIET L. TAVE  
17 BY THE COURT:

18 Q Mrs. Tave, if you were selected as an alternate  
19 juror would you be able to serve?

20 A No.

21 Q What is your situation?

22 A Well, I have two children and I have to be  
23 home.

24 Q Do you work during the daytime --

25 A Yes.

26 Q -- outside the home?

1 A Yes.

2 Q You will have to answer audibly.

3 A I am sorry. Yes.

4 Q Keep your voice up, please, so that everyone  
5 can hear you.

6 A Yes, sir.

7 Q You were one of those persons who stood up  
8 and gave your name the other day when I asked if there were  
9 any prospective jurors who could not be fair and impartial;  
10 is that correct?

11 A Well, I think I have formed an opinion.

12 Q I beg your pardon?

13 A I think I have formed an opinion.

14 Q What is the basis for your opinion? Is it  
15 something you have read --

16 A Yes.

17 Q -- or heard?

18 A Yes. In the paper.

19 Q Have you made any effort to follow this case  
20 in the papers?

21 A No. Not since -- well, like, you know, when  
22 the news came out, like about what happened and all that,  
23 you know, but not since.

24 Q When you say what happened, you mean right  
25 after the bodies were discovered?

26 A No. When the people involved, Mr. Manson, you

1 know, when they gave all those names.

2 Q Did you ever read or hear anything that appeared  
3 to be a statement describing what happened at the time of  
4 the killings by someone who was there?

5 A No. Just, you know, what the reporters said  
6 in the papers.

7 Q Have you ever read or heard something which  
8 seemed to be a statement by one of the defendants about  
9 anything?

10 A No.

8b-1

1 THE COURT: Do counsel wish to stipulate in this  
2 case?

3 MR. FITZGERALD: Yes. I will enter into a  
4 stipulation.

5 MR. STOVITZ: Yes, your Honor.

6 MR. KANAREK: So stipulated, your Honor.

7 MR. HUGHES: So stipulate.

8 MR. KANAREK: Because of financial hardship, your  
9 Honor.

10 MR. FITZGERALD: May I ask one question?

11 THE COURT: Yes.

12  
13 VOIR DIRE EXAMINATION

14 BY MR. FITZGERALD:

15 Q Are you related to a police officer Clay  
16 Tave?

17 A Yes.

18 Q What relation is he to you?

19 A He is my brother-in-law.

20 Well, I am divorced now, but he is my brother-  
21 in-law.

22 MR. FITZGERALD: We will stipulate.

23 MR. HUGHES: Stipulate.

24 MR. KANAREK: Stipulate.

25 THE COURT: Mr. Shinn, do you join?

26 MR. SHINN: Yes.

8b-2

1 THE COURT: Then you will be excused -- is it  
2 Mrs. Tave?

3 MRS. TAVE: Tave, yes.

4 THE COURT: Will you refrain from discussing with  
5 anyone what has been said in here this morning?

6 MRS. TAVE: Yes. Thank you.

7 MR. KANAREK: Thank you.

8 (Mrs. Tave leaves the Court's chambers.)

9 (Another prospective juror enters the court's  
10 chambers.)

11 THE COURT: Good morning.

12 MR. SHEELY: Hello.

13 THE CLERK: The name of the prospective alternate  
14 juror is Harry D. Sheely; H-a-r-r-y, S-h-e-e-l-y.

15  
16 VOIR DIRE EXAMINATION OF MR. SHEELY

17 BY THE COURT:

18 Q Mr. Sheely, if you were selected as an alternate  
19 juror in this case, would you be able to serve?

20 A I don't know for sure. I would have to check  
21 with my company.

22 Q Who is your employer?

23 A Pacific Telephone. To see.

24 Q I believe they have always paid the compensation  
25 of jurors regardless of the length of the service; that  
26 is, where they are held over beyond their normal 30 days.

8b-3

1 Is this something that you check this noon  
2 to make sure?

3 A Yes, I could call and check.

4 Q All right.

5 Will you keep your voice up so that everyone  
6 can hear you?

7 A Yes.

8 Yes, I could check.

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

12 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 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 On the other hand, would you always vote to  
23 impose the death penalty in every case regardless of the  
24 evidence?

25 A In every case?

26 Q Yes.



8b-4

1 A Would you repeat the question?

2 Q Yes.

3 Would you always vote to impose the death  
4 penalty in every case without regard to the evidence?

5 A No.

6 Q In other words, you would be willing to  
7 listen to all of the evidence and then make up your mind  
8 on the question of penalty; is that right?

9 A Yes.

10 Q Have you formed any opinion as to the guilt  
11 or innocence of any of the defendants in this case?

12 A No.

13 Q Have you made any effort to follow this case  
14 in the newspapers or on TV or radio?

15 A No.

16 Q Did you read a daily newspaper on a regular  
17 basis?

18 A Not regularly.

19 Q Have you ever read or heard any description by  
20 anyone who appeared to have been present at the time any  
21 of the people were killed?

22 A No.

23 Q That is the subject of this case?

24 A No.

25 Q Have you ever read or heard any statements of  
26 any of the defendants in this case about anything?

1           A       You mean, such as a news report on  
2 television?

3           Q       Yes.

4           A       Yes.

5           Q       What have you read or heard?

6           MR. STOVITZ: Again, Mr. Sheely, will you keep  
7 your voice up?

8           MR. SHEELY: Okay.

9                   Do you mean specifically, your Honor?

10          THE COURT:   Q     Yes.

11                   As specific as you can recall it.

12          A       Well, they were -- Manson and the three  
13 girls -- supposed to have been there, and I guess there  
14 was Tate and La Bianca, and there was another person,  
15 according to the newspaper, that was supposed to have  
8c fl16. been involved. I think Watson was his name.

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8c-1

1 Q All right.

2 You say they were supposed to have been. What  
3 do you mean?

4 A Or they were supposed to have taken part in  
5 the murders.

6 Q I understand that part of it, but what do you  
7 mean "they were supposed to"?

8 Was someone saying they were there or they had  
9 seen them there?

10 A Well, this was more or less the impression that  
11 I had from the news report.

12 You mean as far as my own opinion?

13 Q First I am trying to find out what you have  
14 actually heard or read, and then you can tell me what  
15 opinions, if any, you have about it.

16 A Yes.

17 Q Do I understand you correctly that you read or  
18 heard something which seemed to be a description by someone  
19 of what happened at the time of any of these killings?

20 A It was more or less the result of -- it was the  
21 end result more than what happened, what had actually  
22 taken place.

23 Q Did it appear to be a statement made by one  
24 of the defendants, or was it a description by somebody  
25 else?

26 A No. By a reporter.

1 Q Now, was he doing anything more than just  
2 saying that these defendants have been arrested and  
3 charged with these offenses? Is that what you are talking  
4 about?

5 A Yes. Right.

6 Q Of course, you know they have been arrested --

7 A Yes, they have been arrested.

8 Q -- and charged --

9 A Yes.

10 Q -- and they are before this court to stand  
11 trial. We all know that.

12 A Right.

13 Q Now, did this go beyond that and purport to  
14 give some facts as to how these defendants were connected  
15 with the alleged offenses?

16 A No.

17 Q In other words, this was just reciting the  
18 fact that they had been arrested and charged with these  
19 murders?

20 A Arrested and charged, right.

21 Q Or these alleged murders?

22 A Yes.

23 Q Now, on the basis of all of this, did you form  
24 any opinion as to the guilt or innocence of any of the  
25 defendants?

26 A No.

1 Q Do you recall Mr. Sheely, when you came into  
2 this case, that I stated to all the prospective jurors  
3 that in every criminal case a defendant is presumed to  
4 be innocent, and that presumption lasts until such time  
5 as the People are able -- if they are able -- to prove  
6 guilt beyond a reasonable doubt.

7 Do you remember that statement, Mr. Sheely?

8 A Yes.

9 Q Would you be willing and able to give each  
10 of these defendants the benefit of that presumption of  
11 innocence?

12 A Yes.

13 Q And if the People were unable to prove guilt  
14 beyond a reasonable doubt as to any defendant, would you  
15 then vote for an acquittal for that defendant?

16 A What is an acquittal?

17 Q An acquittal is a vote of not guilty.

18 A Yes.

19 Q On the other hand, Mr. Sheely, if the People  
20 were able to satisfy you beyond a reasonable doubt that  
21 any defendant was guilty, would you then vote a verdict  
22 of guilty?

23 A Yes.

24 Q Do you know of any reason why you could not  
25 be fair and impartial in this case?

26 A No.

1 THE COURT: Mr. Fitzgerald?

2 MR. FITZGERALD: No questions, your Honor. Thank  
3 you.

4 THE COURT: Mr. Hughes?

5 MR. HUGHES: No questions, your Honor. Thank you.

6 THE COURT: Mr. Shinn?

7 MR. SHINN: Yes.  
8

9 VOIR DIRE EXAMINATION OF MR. SHEELY

10 BY MR. SHINN:

11 Q Do you know Mr. Kanarek?

12 A Who?

13 Q Mr. Kanarek?

14 A No.

15 Q Do you know who he is?

16 A No.

17 Q You never read or heard about Mr. Kanarek?

18 A No, not that I can recall, no.

19 Q Where you in court the other day when the  
20 Judge introduced all the attorneys and the defendants?

21 A Yes.

22 MR. SHINN: I have nothing further.

23 THE COURT: Mr. Kanarek?

24 MR. KANAREK: No questions, your Honor.

25 THE COURT: Mr. Stovitz?

26 MR. STOVITZ: Yes, sir.

8-D

## 1 VOIR DIRE EXAMINATION OF MR. SHEELY

2 BY MR. STOVITZ:

3 Q Mr. Sheely, what do you do for the telephone  
4 company, sir?5 A I work in the central office, maintaining of  
6 equipment.

7 Q How long have you been with them, sir?

8 A About two years.

9 Q Two years?

10 A Yes.

11 Q Do you know anything of your own personal  
12 knowledge as to whether or not any telephone company  
13 employees are going to be witnesses in this case?

14 A Not to my knowledge.

15 Q Assuming that telephone company employees were  
16 witnesses in the case, Mr. Sheely. Do you think that you  
17 could judge their credibility like you would any other  
18 witness?

19 A Yes.

20 Q Now, do you know the difference between rumors  
21 and evidence?

22 A I think so.

23 Q So far, Mr. Sheely, have you heard any evidence  
24 in this case?

25 A No.

26 Q Now, do you recall reading something in the

8D2

1 newspapers about the arrests of the defendants and their  
2 being cited for this charge? You recall that, do you not?

3 A Yes.

4 Q Did you ever read anything in any newspaper,  
5 magazine, or hear it on TV, as to whether or not Mr. Manson  
6 -- this defendant over here -- actually killed somebody  
7 himself?

8 A No, I can't recall.

9 Q Do you know what Miss Krenwinkel's connection  
10 with this case is?

11 A From what I have gathered from the news -- well,  
12 I am not sure who was -- from what I have gathered from  
13 the news about Tate and La Bianca, certain parties weren't  
14 involved in both, but I don't know who or which was which.

15 Q Do you know where Miss Krenwinkel was arrested?

16 A No.

17 Q Now, do you think that if the Court asked you  
18 to promise to decide this case solely on the evidence,  
19 that you could keep that promise?

20 A Yes.

21 Q Are you married, sir?

22 A Yes.

23 Q Do you have any children?

24 A Two boys.

25 Q How old?

26 A Three and four.



SD3 1 Q Now, if you were chosen as an alternate juror  
2 in this case -- you do understand the role of an alter-  
3 nate juror?

4 A Yes.

5 Q You will have to follow the evidence just the  
6 same because you might take over for one of the jurors at  
7 any time.

8 Do you understand that?

9 A Yes.

10 Q And can you say beyond a reasonable doubt that  
11 you would decide this case solely on the evidence and  
12 nothing else?

13 A That I would decide?

14 Q Yes, that you would?

15 A Yes.

16 Q And you would not convict the defendants  
17 because of any type of rumor or any type of report that  
18 may have appeared on TV or radio; is that right?

19 A No.

20 MR. STOVITZ: I have no further questions.

21 THE COURT: Anything further?

22 MR. FITZGERALD: Nothing further.

23 THE COURT: All right.

24 I will ask you, then, Mr. Sheely, to go back  
25 into the courtroom.

26 Will you refrain, sir, from discussing with

1 anyone what has been said in here today?

2 MR. SHEELY: Yes.

3 THE COURT: And I'd also ask you to check with your  
4 employer.

5 It is now 12:00 o'clock. Would you let us  
6 know by this afternoon when we resume, if possible?

7 MR. SHEELY: Yes.

8 THE COURT: About your compensation?

9 MR. SHEELY: Yes.

10 THE COURT: I am sure you will find --

11 MR. SHEELY: I couldn't check until after 1:00  
12 o'clock.

13 THE COURT: All right.

14 I am sure you will find -- it has been my  
15 experience in the past that the Telephone Company has  
16 always paid the compensation of their employee jurors,  
17 but I would like you to satisfy yourself on that.

18 MR. SHEELY: Okay.

19 THE COURT: All right.

20 We will take our noon recess at this time then  
21 until 1:45.

22 THE CLERK: Your Honor, I have been informed that so  
23 far as Mrs. Redd's employment is concerned, there is no  
24 problem.

25 THE COURT: Did she discover that there is no problem?

26 THE CLERK: Right.

05 1 THE COURT: I will come back out to open court and  
2 admonish the jurors again before the recess.

3 You may go back, Mr. Sheely.

4 (Mr. Sheely leaves the court's chambers.)

5 (Whereupon, the following proceedings occurred  
6 in open court, all defendants, counsel, jury and  
7 prospective alternate jurors present.)

8 THE COURT: All parties and counsel are present,  
9 the jury is in the jury box.

10 Ladies and gentlemen, do not converse among  
11 yourselves or with anyone else on any subject related to  
12 this case, nor form or express any opinion regarding the  
13 case until it is finally submitted to you.

14 Additionally, do not read, watch, or listen to  
15 any news reports so long as you have any connection with  
16 this case; that is, reports regarding this case, so long  
17 as you have any connection with the case.

18 We will recess at this time until 1:45 this  
19 afternoon.

20 (Whereupon, at 12:03 p.m. the court was in  
21 recess.)  
22  
23  
24  
25  
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9-1

LOS ANGELES, CALIFORNIA, MONDAY, JULY 20, 1970

1:57 P.M.

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

THE COURT: All parties and counsel are present.

I wanted to ask Mr. Sheely to come back in because he was the gentleman, you may recall, who is sitting as a prospective alternate juror in seat No. 3, and he was going to check with the telephone company to see what his situation was.

So I will ask him to come back in now.

(Mr. Sheely enters the room and takes his seat.)

VOIR DIRE EXAMINATION OF MR. SHEELY

BY THE COURT:

Q Were you able to find out?

A They said they would pay me.

Q They will?

A Yes.

THE COURT: That is my understanding. The phone company, being a public utility, fulfills its civic responsibilities and continues their employees full compensation during the period of jury service.

1 All right, sir, I will ask you then to go back  
2 into the courtroom. I just wanted to make sure before we  
3 proceeded, thank you.

4 (Whereupon, Mr. Sheely leaves the chambers of  
5 the Court.)

6 THE COURT: Anything further, gentlemen, before we  
7 go back into court?

8 Did we complete the voir dire examination with  
9 respect to these six?

10 MR. STOVITZ: Yes.

11 THE COURT: So it is now just the matter of --

12 MR. STOVITZ: We haven't questioned Mr. Sheely yet.

13 THE COURT: He is the only one?

14 MR. STOVITZ: That's right.

15 THE COURT: All right, then, we will go back into  
16 court and continue the examination.

10

1 (The following proceedings occurred in open  
2 court, all defendants, counsel, jury and prospective  
3 alternate jurors present:)

4 THE COURT: All parties and counsel are present. The  
5 jury is in the jury box.

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

7 MR. FITZGERALD: Pass this prospective alternate  
8 juror for cause.

9 THE COURT: Mr. Hughes?

10 MR. HUGHES: Pass this prospective alternate juror  
11 for cause also, your Honor.

12 MR. SHINN: Pass for cause.

13 THE COURT: Mr. Kanarek?

14 MR. KANAREK: Accept the six prospective alternate  
15 jurors.

16 THE COURT: Do you pass for cause?

17 MR. KANAREK: Yes, your Honor.

18 THE COURT: Mr. Bugliosi?

19 MR. BUGLIOSI: Thank you.  
20

21 VOIR DIRE EXAMINATION OF MR. SHEELY

22 BY MR. BUGLIOSI:

23 Q Mr. Sheely, just a few questions, sir.

24 What part of town do you live in, Mr. Sheely?

25 A Paramount.

26 Q Paramount?

1 A Yes.

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

4 A That is correct.

5 Q Let's assume, Mr. Sheely, that you are back in  
6 the jury room three or four months from now. These  
7 defendants have been convicted of first-degree murder. It  
8 is your job -- it is an awesome responsibility, of course --  
9 to vote on the issue of life imprisonment as opposed to the  
10 death penalty.

11 Let's assume further that you feel this is a  
12 proper case for the imposition of the death penalty.

13 Do you think that you would have the courage to  
14 sign a verdict of death?

15 A Yes.

16 Q Do you think you could vote for the death  
17 penalty for a female defendant?

18 A Yes.

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10a-1

1 Q Are you of such a frame of mind that if a  
2 particular defendant did not himself personally kill anyone  
3 you would never, under any circumstances, vote for the  
4 death penalty for that particular defendant?

5 A Would you repeat that?

6 Q Yes.

7 Are you of such a frame of mind that if a  
8 particular defendant was not the actual killer, you would  
9 never, under any circumstances, vote for the death penalty  
10 for that particular defendant?

11 A I don't know.

12 You want to know if I would or would not vote  
13 for the penalty?

14 Q I want to know what your frame of mind is  
15 with respect to that particular type of a defendant,  
16 one who did not actually kill anyone.

17 Would you automatically vote for life imprison-  
18 ment for that type of a defendant?

19 A No.

20 Q In other words, you can conceive of circum-  
21 stances wherein you would be willing to vote for a verdict  
22 of death?

23 A Yes.

24 Q For a defendant, even though the evidence at  
25 the trial showed that he was not the actual killer?

26 A Yes.



10z-2

1 Q Do you recall the conspiracy example I gave  
2 the other six alternate jurors last Friday, A, B and C --

3 A Yes.

4 Q -- conspiring to commit a robbery. B and C  
5 actually committing the robbery --

6 A Yes.

7 Q But A being guilty of the robbery because he is  
8 a co-conspirator.

9 Do you recall that?

10 A Yes.

11 Q Do you feel that you understand the rule of  
12 conspiracy that I set forth in that example?

13 A Yes.

14 Q Do you have any prejudices against that rule  
15 of conspiracy?

16 A No.

17 Q Can you assure me that you will unhesitatingly  
18 and without any reservation follow the Court's instructions  
19 on that rule of law if you find it applicable to the facts  
20 in this case?

21 A Yes.

22 Q You realize that the prosecution only has the  
23 burden of proving the guilt of these defendants beyond  
24 a reasonable doubt, not beyond all doubt?

25 Do you understand that?

26 A Yes.

1           Q       Before you would be willing to vote for a  
2 verdict of guilty for these defendants, Mr. Sheely, would  
3 you require that the prosecution remove all possible  
4 conceivable doubt from your mind, or would you only  
5 require that we remove a reasonable doubt of their guilt  
6 from your mind?

7           A       A reasonable doubt.

8           Q       Do you recall the example I gave on circum-  
9 stantial evidence, the stealing of a television set in  
10 the middle of the night?

11          A       Yes.

12          Q       Do you have any prejudices at all about sitting  
13 as a juror on a case where the People rely in part on  
14 circumstantial evidence?

15          A       No.

16          Q       Do you recall that when you were seated in  
17 the spectator section of the courtroom I asked the six  
18 alternate jurors, prospective alternate jurors, a great  
19 number of questions that I am not asking you now.

20                   Do you recall that?

21          A       Yes.

22          Q       Were you mentally asking yourself those same  
23 questions?

24          A       Yes.

25          Q       Without my going over with you all of those  
26 questions again ad nauseam, was there any question that I

1 asked that you recall saying to yourself that your answer  
2 would have been different from the answer given by the  
3 jurors in the box?

4 A No.

11 fls.

11-1

1 Q If I were to ask the same questions, your  
2 answers would be essentially the same?

3 A Yes.

4 Q You would give the prosecution, that is, the  
5 People of the State of California, a fair trial?

6 A Yes.

7 Q Any doubt in your mind about that?

8 A No.

9 Q Can you think of any reason whatsoever not  
10 already touched upon why you would rather not sit as a  
11 juror in this case?

12 A No.

13 MR. BUGLIOSI: Thank you. Pass for cause.

14 THE COURT: Mr. Fitzgerald, you may exercise a  
15 peremptory challenge if you care to.

16 MR. FITZGERALD: Patricia Krenwinkel will accept the  
17 alternate jurors.

18 THE COURT: Mr. Hughes?

19 MR. HUGHES: Leslie Van Houten will accept the  
20 alternate jurors.

21 THE COURT: Mr. Shinn?

22 MR. SHINN: Miss Atkins will accept the alternate  
23 jurors.

24 THE COURT: Mr. Kanarek?

25 MR. KANAREK: Your Honor, we accept six alternate  
26 jurors.

1 THE COURT: Very well. It is the People's next  
2 peremptory challenge.

3 MR. BUGLIOSI: People thank and excuse Mrs. Redd.

4 THE COURT: Thank you, Mrs. Redd, you are excused.

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

6 THE COURT: We are going to return to chambers,  
7 Mr. Kanarek, and you may take up any matter you care to at  
8 that time.

9 I will ask counsel and the parties to join me in  
10 chambers.

11 MR. KANAREK: Very well, your Honor.

12 (The following proceedings were had in the  
13 chambers of the court out of the hearing of the jury and  
14 the prospective alternate jurors, all defendants and all  
15 counsel being present, with the exception of Mr. Stovitz.)

16 THE COURT: Is Mr. Stovitz coming in?

17 MR. BUGLIOSI: He will be here shortly. We can  
18 start without him.

19 THE COURT: All counsel and the defendants are present.

20 MR. KANAREK: I just wanted to state that this last  
21 lady released by the prosecution is of the black or Negro  
22 race.

23 THE COURT: Very well, the record will so indicate.

24 MR. BUGLIOSI: I think it is proper for me to make a  
25 statement on the record in connection with this, in  
26 connection with Mr. Kanarek's statement as to the state of

1 mind of the prosecution at this time.

2 The prosecution believes that the evidence at  
3 this trial will show that Charles Manson is extremely  
4 anti-Negro.

5 This is our state of mind at the present time  
6 in the selection of this jury.

7 It is somewhat of a rebuttal to Mr. Kanarek's  
8 statement, rather than looking back four months from now,  
9 I want the record to reflect this is our present state of  
10 mind and we believe the evidence will show that.

11 MR. HUGHES: Your Honor, in answer to that I would  
12 be willing to go randomly in the black community and take  
13 six alternates right now, any six.

14 MR. BUGLIOSI: I am referring to the state of mind of  
15 the prosecution.

16 MR. KANAREK: There couldn't be any greater mis-  
17 representation on behalf of the prosecution, I believe and  
18 allege.

19 Mr. Bugliosi, your Honor, is well aware anything  
20 he is alluding to is immaterial; it has no relevancy, and  
21 if the prosecution attempted to put any such matter into  
22 evidence at this trial it would be highly prejudicial and  
23 it would be cause for a mistrial; it would be cause for  
24 misconduct, because this case has nothing to do whatsoever,  
25 your Honor, with any racial questions.

26 MR. BUGLIOSI: It certainly does, your Honor, there

1 will be a very, very severe issue in this case of  
2 Manson's state of mind with respect to Negroes.

3 This will be developed upon in considerable  
4 depth. There will be an issue as to it; there will be  
5 evidence offered by competent witnesses.

6 It certainly will have relevance to the issues  
7 of this case, going toward the motive for these murders.

8 Maybe Mr. Kanarek knows more about the People's  
9 case than the prosecution does, but I can tell the Court  
10 that Mr. Manson's state of mind with respect to Negroes is  
11 going to be a very serious matter in this case.

11A

11a-1

1 MR. KANAREK: May I state this, your Honor, very  
2 briefly:

3 I allege, and I would ask to take sworn  
4 testimony, I allege that the reason the prosecution has  
5 eliminated the black jurors is not because of the self-  
6 serving statement of Mr. Bugliosi, but because he senses  
7 a sense of fairness among these black people who many  
8 times during life have suffered, and Mr. Bugliosi and  
9 Mr. Stovitz don't want fair jurors. They want programmed  
10 jurors, programmed to the viewpoint they have in this  
11 prosecution.

12 I allege Mr. Bugliosi has misrepresented to  
13 the Court the prosecution's reason for taking these black  
14 people off the jury, and I ask for an evidentiary hearing  
15 based upon the equal protection clause of the 14th  
16 Amendment, and I will ask for sworn testimony because he  
17 has stated this not under oath, and he has brought up  
18 this issue, and I ask for sworn testimony.

19 THE COURT: We are not going to have any evidentiary  
20 hearing and I don't see what the point of all this is at  
21 this time anyway, we are not going to try the case in  
22 chambers.

23 MR. KANAREK: Very well.

24 THE COURT: You have peremptory challenges. I  
25 am not aware of any law that prohibits the use of a  
26 peremptory challenge for any cause whatsoever including



1 racial discrimination if that is what you want to use it  
2 for.

3 Now, let's get on with the selection of  
4 alternative jurors. Bring on the next prospective jurors.

5 I am not suggesting that is what it was used  
6 for, I am just saying even if it were, I know of no law  
7 that prohibits it.

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

10 THE CLERK: The name of the prospective alternate  
11 juror is Mrs. Nancy S. Crump, N-a-n-c-y, C-r-u-m-p.

12  
13 VOIR DIRE EXAMINATION OF MRS. CRUMP

14 BY THE COURT:

15 Q Mrs. Crump, if you were selected as an  
16 alternate juror in this case would you be able to serve?

17 A As far as I know I would be able.

18 Q Would you keep your voice up, please, because  
19 all of us, all the people have to hear you.

20 A As far as I know I would be able to.

21 Q You would be able. Are you married?

22 A Yes, I am.

23 Q Are you employed outside of the home?

24 A Yes, I work for the Bank of America.

25 Q And would your compensation continue while  
26 you were on jury service?

1           A     As far as I know it would.

2           Q     Now, I'm going to ask you, Mrs. Crump, the  
3     same question regarding the death penalty that I asked  
4     the other prospective jurors.

5                     Have you had a chance to think about these  
6     matters?

7           A     Yes.

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

13          A     I don't think I would be able to give the  
14    death penalty, if you put it that way.

15          Q     This question is not asking you whether you  
16    would vote for the death penalty, but whether you would  
17    be impartial in deciding the question of guilt.

18                     The first part of the trial, as I explained  
19    to the panel, is devoted to the trial of the issue  
20    of whether the defendants are guilty or not guilty,  
21    and only if there is a verdict as to one or more of  
22    them of murder in the first degree will there be a  
23    penalty trial.

24                     Now, I am asking you could you be impartial  
25    on the question of guilt, notwithstanding whatever  
26    opinions you may have regarding the death penalty?

1 A Yes.

2 Q All right. Now, the second question goes  
3 to the question of penalty itself.

4 Do you entertain such conscientious opinions  
5 regarding the death penalty that you would automatically  
6 refuse to impose it regardless of the evidence in the  
7 case?

8 A I would refuse to impose it.

9 Q Are you saying that your mind is made up  
10 unalterably and you would also refuse to oppose it  
11 regardless of what the evidence showed?

12 A Yes.

13 Q Do you have any question about that?

14 A No.

15 Q Can you think of any case or any set of  
16 facts or circumstances where you would be willing to  
17 listen to all of the evidence and then make up your  
18 mind which of the two penalties should be imposed?

19 A I would listen to all of the evidence.

20 Q Before you decided?

21 A No, I am pretty sure I have decided right  
22 now.

23 Q In other words, I know you would listen to  
24 the evidence because you wouldn't have any choice;  
25 you would have to sit there and you wouldn't get a  
26 chance to vote until you have heard everything.

1 But that is not what I mean, you understand.

2 What I mean is would you listen with an open  
3 mind, or have you already made your decision up on that  
4 question?

5 A I think I have made my decision on that  
6 question.

12 fls.

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12-1 1 Q Well, what I need to know is whether you are  
2 certain now on this point or whether you still have some  
3 doubts in your mind as to whether or not you would, in every  
4 case, automatically refuse to impose the death penalty.

5 A I would refuse.

6 MR. HUGHES: I didn't hear the answer.

7 THE COURT: Read the answer.

8 (Whereupon, the reporter read the answer.)

9 THE COURT: Q In other words, what you are saying  
10 is that you would automatically refuse to impose the death  
11 penalty and it wouldn't make any difference what the evi-  
12 dence showed; is that right?

13 A Yes, sir.

14 Q Don't let me put words in your mouth.

15 A No, you are not.

16 Q Do you have any mental reservations or doubts  
17 about that statement? In other words, are you certain about  
18 what you have just said?

19 A I am positive.

20 Q You are positive?

21 A Yes.

22 THE COURT: All right. Any questions, Mr. Fitzgerald?

23 MR. FITZGERALD: No questions, your Honor.

24 MR. HUGHES: No questions, your Honor.

25 MR. SHINN: No questions.

26 THE COURT: Mr. Kanarek?

12-2

1 MR. KANAREK: No questions.

2 MR. BUGLIOSI: Just one or two, your Honor.

3 THE COURT: Very well.

4  
5 VOIR DIRE EXAMINATION OF MRS. CRUMP

6 BY MR. BUGLIOSI:

7 Q Mrs. Crump, is your opposition to the death  
8 penalty of such a nature that it would cause you to  
9 automatically vote against the death penalty for these  
10 defendants regardless of the evidence?

11 A Yes.

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

13 THE COURT: All right.

14 I will ask you to go back into the courtroom,  
15 then, Mrs. Crump, and will you refrain from discussing with  
16 anyone what has been said here?

17 MRS. CRUMP: Yes.

18 THE COURT: Thank you.

19 (Whereupon, Mrs. Crump leaves the court's  
20 chambers.)

21 MR. BUGLIOSI: The People will --

22 MR. KANAREK: Your Honor, may I get a glass of water?

23 THE COURT: Wait until the challenge.

24 MR. KANAREK: Yes, your Honor.

25 MR. BUGLIOSI: The People move to excuse Mrs. Crump  
26 on the grounds of implied bias under 1074, Subdivision 8,

12-3  
1 and also on the Witherspoon grounds.

2 MR. FITZGERALD: The defendants will object.

3 To deprive the defendants of this juror on the  
4 issue of guilt would deprive us of due process and equal  
5 protection of the law.

6 We also feel that her statements are somewhat  
7 equivocal and ambiguous and don't fall within the purview  
8 of Witherspoon.

9 THE COURT: Is there any statement that you felt was  
10 ambiguous?

11 MR. FITZGERALD: She ends up by saying "I am positive,"  
12 but she earlier said, "I think I have made up my mind."

13 I don't know if one cancels the other or not.

14 THE COURT: I believe that her statements clearly  
15 indicate that she has made up her mind and that she would  
16 automatically refuse to impose the death penalty.  
17 I find no question at all in my mind regarding her meaning.

18 She made it unmistakably clear to me, and I  
19 think the record will reflect that without question.

12A



12A-1

1 MR. HUGHES: I will join Mr. Fitzgerald's objection.

2 MR. SHINN: Join.

3 MR. KANAREK: Join.

4 THE COURT: The challenge will be allowed. Mrs.  
5 Crump will be excused.

6 (Whereupon, another prospective alternate juror  
7 enters the court's chambers.)

8 THE COURT: Good afternoon, sir.

9 MR. BURGER: Good afternoon.

10 THE CLERK: The name of the prospective alternate  
11 juror is Fred Burger; F-r-e-d, B-u-r-g-e-r.

12

13 VOIR DIRE EXAMINATION OF FRED BURGER

14 BY THE COURT:

15 Q Mr. Burger, if you were selected as an  
16 alternate juror in this case, would you be able to serve?

17 A Well, I believe I could, except that I have  
18 interests that I would like to have -- I have interests that  
19 I would rather be out of it.

20 Q You mean opinions that you formed?

21 A No, sir, not opinions.

22 I am real active in the Veterans of Foreign  
23 Wars.

24 Q Oh, you mean outside interests?

25 A Yes.

26 I am a District Officer and I am just starting



1 my Senior Vice Commander year. It is the beginning of the  
2 year, and if I spend two or three months here, it would  
3 make it hard for me to continue on in the chair and next  
4 year become Commander.

5 So, your Honor, I feel it would be a hardship  
6 in that respect.

7 Q The lawyers have estimated that this case could  
8 take from three to five months.

9 A Yes.

10 We are just starting the year and, like I say,  
11 it would make it hard to get back in the swing of things.  
12 Somebody else would have to do it for me this year and,  
13 therefore, next year it would be that much harder for me to  
14 continue on.

15 If somebody does the job well, possibly they  
16 could pass me in something that I have been working for for  
17 some time.

18 Q On the other hand, as an officer in the VFW,  
19 I am sure you recognize the importance of the jury system  
20 to our way of life and the importance of individual  
21 citizens making themselves available for jury service when  
22 they are called.

23 A I understand that. It is a hard situation ever  
24 to be in.

25 I can see both sides of it. However, in that  
26 respect, I think I am a little bit prejudiced toward myself

1 because it is a matter of years going through the chairs,  
2 and I would have to probably -- I would not say I would  
3 have to start over, but I may have to.

4 Q Do you think that if you were selected as an  
5 alternate juror, you might find your ability to concentrate  
6 on matters in the trial was being distracted by your out-  
7 side interests?

8 A I would hope not but I have no way of knowing  
9 for sure.

10 Q Well, I am going to go ahead and ask you -- we  
11 will pass that matter for the time being, Mr. Burger --

12 A Yes, sir.

13 Q -- and I am going to ask you questions regarding  
14 the death penalty that I have put to the other prospective  
15 jurors.

16 A Yes.

17 Q First, do you entertain such conscientious  
18 opinions regarding the death penalty that you would be un-  
19 able to make an impartial decision as to any defendant's  
20 guilt regardless of the evidence in the case?

21 A No, sir.

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

25 A No, sir.

26 Q On the other hand, would you always vote to

1 impose the death penalty in every case without regard to the  
2 evidence?

3 A No, sir.

4 Q In other words, if I understand your thoughts --  
5 and you correct me if I don't state your beliefs the way  
6 they are in fact -- you would be willing to listen to the  
7 evidence and then make up your mind as to which of the two  
8 penalties; and this, of course, assumes the case gets to  
9 the penalty phase; it may not get there; do you understand  
10 that?

11 A Yes, I understand.

12 Q But if it does get there, Mr. Burger, you  
13 would be willing to listen to all of the evidence and then  
14 make up your mind on the question of penalty; is that  
15 right?

16 A Yes, sir.

12b-1

1 Q Have you formed any opinion regarding the  
2 guilt or innocence of any of the defendants in this case,  
3 Mr. Burger?

4 A No, sir.

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

6 A Yes. Every day.

7 Q Which paper?

8 A The Examiner.

9 Q The Herald-Examiner?

10 A Yes.

11 Q Did you read it yesterday?

12 A I looked through it. I did see the article  
13 on this and passed through it. I did not read it.

14 Q You saw that there was an article pertaining  
15 to this case?

16 A Two pages of it.

17 Q Did you do anything more than read the  
18 headline?

19 I don't even know if there was a headline.  
20 Tell me what you read.

21 A I saw your picture and the pictures of the  
22 defendants, and there were pictures of a few other  
23 people, but I didn't read through everything, like I  
24 said.

25 Q Did you read any part of the text?

26 A No, sir.

12b-2

1 Q Would it be fair to say that you identified  
2 the article from the pictures?

3 A As much as anything, but I believe the headline  
4 did say something about the Tate case. I am not positive,  
5 but I believe it did.

6 Q And as soon as you identified it, you turned  
7 to something else?

8 A Yes.

9 Q Did you discuss that article with anyone?

10 A No, sir.

11 I am a bachelor and I have nobody to discuss  
12 it with.

13 Q Have you ever read or heard anything which  
14 caused you to believe it was a description of one or more  
15 of the killings by anyone who was either a participant  
16 or an eyewitness?

17 A I believe some months ago I saw something  
18 about it.

19 Q What was it?

20 A Something about the witness that is going to  
21 testify later.

22 Q Are you speaking about some woman or girl?

23 A Yes, sir.

24 Q Linda Kasabian?

25 A Yes.

26 Q And you think you read something which was a

12b-3

1 statement by her?

2 A Yes, sir.

3 Q Do you remember where you read that?

4 A In the Examiner, I believe, or else on  
5 television. One or the other, I don't recall positively.

6 Q What do you remember about the statement?

7 I don't mean that you have to tell me the  
8 details, but what was she talking about?

9 A I believe at one time she is said to have  
10 given a complete description of the killing, and then I  
11 believe she -- if I remember right -- denied saying it,  
12 or something like that.

13 Q In other words, you understood it to a  
14 statement by her amounting to a confession, shall we say?

12c fls. 15

15 A More or less.  
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12c-1

1 Q In other words, she admitted being there?

2 A I believe that is what I remember.

3 Q And named other persons who were there?

4 A Yes.

5 Q Is that what you understood the article was?

6 A Yes, sir.

7 Q Could that have been one of the other female  
8 defendants other than Miss Kasabian?

9 A (Pause.)

10 Q Do you know the names of the other defendants?

11 A Slightly. Not positively.

12 Q All right.

13 There is Leslie Van Houten.

14 A Yes.

15 Q There is Susan Atkins.

16 A Yes.

17 Q And Patricia Krenwinkel.

18 A Yes.

19 Q Could it have been one of those?

20 A It is possible. I'm not quite positive. It  
21 has been several months ago.

22 THE COURT: All right.

23 Any questions, Mr. Fitzgerald?

24 MR. FITZGERALD: No, your Honor. Thank you.

25 MR. HUGHES: No questions, thank you.

26 MR. SHINN: No questions.

12c-2

1 MR. STOVITZ: Mr. Kanarek, any questions?

2 THE COURT: Any questions, Mr. Kanarek?

3 MR. KANAREK: No questions, your Honor.

4  
5 VOIR DIRE EXAMINATION OF MR. BURGER

6 BY MR. STOVITZ:

7 Q Mr. Burger, what is your business or occupa-  
8 tion?

9 A Postal clerk.

10 Q And are you working now or are you retired?

11 A No, I am working.

12 Q Are you certain that you didn't read an  
13 article in the Los Angeles Times?

14 A I seldom read the Times.

15 Q Did you read any magazine concerning this  
16 case --

17 A No, sir.

18 Q -- such as Life --

19 A No.

20 Q -- Time?

21 A No.

22 Q Do you remember anything concerning the  
23 so-called statement of Linda Kasabian, when it was made,  
24 or how it was made, or whether she testified before the  
25 Grand Jury or whether she didn't testify before the Grand  
26 Jury? Anything like that, Mr. Burger?



1           A     Maybe it was something about the Grand Jury,  
2 but I am not positive about that either. I seem to  
3 remember something about the Grand Jury.

4           Q     And is this a national office that you are  
5 now --

6           A     No, sir. District.

7           Q     A district office? That means the State of  
8 California?

9           A     No. There are 22 districts in California.  
10 It is the Southern Los Angeles County. That is the  
11 district that I am in, the 4th District.

12          Q     You have just been selected as Commander?

13          A     No. Last year I was Junior Vice, and this  
14 year I am Senior, but next year I hope to be Commander.

15          MR. STOVITZ: I see.

16                I have no further questions.

17          THE COURT: All right.

18                I will ask you, Mr. Burger, to go back in the  
19 courtroom, and would you refrain from discussing with  
20 anyone what has been said here?

21          MR. BURGER: Yes. Thank you.

22                (Whereupon Mr. Burger leaves the Court's  
23 chambers.)

24          MR. FITZGERALD: The defendants will challenge  
25 the juror for cause because of his exposure to prejudicial  
26 pretrial publicity.

1 I think the young woman he is referring to is  
2 indeed Susan Atkins and not Linda Kasabian, inasmuch as  
3 she has never recanted or changed her position vis-a-vis  
4 the other defendants.

5 THE COURT: It would appear so.

6 MR. SHINN: Join.

7 MR. HUGHES: Join, your Honor.

8 MR. KANAREK: Join.

9 MR. STOVITZ: Submit it, your Honor.

10 THE COURT: The challenge will be allowed.

12d fls11

Mr. Burger will be excused for cause.

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

3 THE COURT: Good afternoon.

4 MRS. TUCCI: Hello.

5 THE CLERK: The name of the prospective alternate  
6 juror is Mrs. Gladys D. Tucci; G-l-a-d-y-s, T-u-c-c-i.

7  
8 VOIR DIRE EXAMINATION OF MRS. GLADYS D. TUCCI  
9 BY THE COURT:

10 Q Mrs. Tucci, is that the correct pronunciation?

11 A Yes.

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

14 A Well, I tell you, I don't believe I could.

15 I manage an apartment house and the fellow that  
16 owns it, he lives there, he is going to Europe, to Russia,  
17 and I have to be there in the daytime. So, I would have to  
18 watch it.

19 You know, we have young people, around 18 to  
20 35, and we have a swimming pool, and they have to have  
21 people watching them because they bring their guests and  
22 children and everything.

23 Q Is there anyone else who could do that while  
24 you were serving as a juror in this case?

25 A No, I don't think so, unless they got a new  
26 manager, is about all I can think of.

4D2

1 Q In other words, this is your means of  
2 compensation and livelihood, is it?

3 A Well, my husband works, but he is gone during --  
4 he works the swing shift, from 3:00 to 12:00, and that place  
5 almost has to be, you know, sort of watched between 3:00 to  
6 12:00 because young people get kind of out of hand once in  
7 a while.

8 Q I have heard that.

9 A Around the swimming pool.

10 MR. STOVITZ: I wonder if, your Honor, whether this  
11 lady could check with the owner of the building and find  
12 out whether or not he could more or less hire somebody  
13 additional for just the next two or three months.

14 The swimming pool is probably going to be used  
15 only during the summertime, and when it gets along about  
16 fall, we won't have to worry about swimming too much.

17 Do you think that would be possible?

18 THE COURT: Q I take it you live right in the  
19 apartment, do you, Mrs. Tucci?

20 A Yes.

21 Q In one of the apartments?

22 A Yes.

23 THE COURT: Well, I think that would be an imposition.

24 MR. STOVITZ: Whatever your Honor says.

25 You have no young children; right?

26 MRS. TUCCI: No, no young ones.

12D3

1 MR. STOVITZ: Just you and your husband?  
2 MRS. TUCCI: Yes.  
3 MR. STOVITZ: Are you asking to be excused because  
4 of this reason?  
5 MRS. TUCCI: Yes.  
6 MR. STOVITZ: You have to answer out loud, Mrs. Tucci.  
7 MRS. TUCCI: Yes.  
8 MR. STOVITZ: How big an apartment is this? 20 units?  
9 30 units? How big is it?  
10 MRS. TUCCI: No. It is 44 units.  
11 Q 44 units?  
12 A Yes.  
13 Q Here in Hollywood?  
14 A No. Los Angeles.  
15 MR. STOVITZ: Thank you.  
16 THE COURT: Q You are asking to be excused, are  
17 you? Or is this something that you think you can work out?  
18 A I don't know. I just don't hardly see how,  
19 how it could be worked out, because it is one of those  
20 places where there are two of us, and I don't know if he  
21 can get another one in for that time.  
22 THE COURT: Stipulate, gentlemen?  
23 MR. STOVITZ: Mr. Fitzgerald?  
24 MR. FITZGERALD: We agree.  
25 MR. STOVITZ: We will so stipulate, your Honor.  
26 THE COURT: Do you join, Mr. Kanarek?

1 MR. KANAREK: Yes, your Honor.

2 MR. SHINN: Yes.

3 MR. HUGHES: Yes.

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1 THE COURT: You will be excused, Mrs. Tucci.

2 Will you refrain from discussing with anyone  
3 what has been said in here?

4 MRS. TUCCI: Yes, I will.

5 (Mrs. Tucci leaves the chambers of the court.)

6 (A prospective alternate juror enters the  
7 chambers of the court.)

8 THE COURT: Good afternoon, sir.

9 THE CLERK: The name of the prospective alternate  
10 juror is Alan Kennan, A-l-a-n, K-e-n-n-a-n.

11  
12 VOIR DIRE EXAMINATION OF MR. KENNAN

13 BY THE COURT:

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

16 A I don't think I can get free for the length of  
17 time, three to five months.

18 Q Are you employed?

19 A Yes.

20 Q Who is your employer?

21 A Peat, Marwick, Mitchell & Company.

22 Q Accountants and auditors?

23 A Right.

24 Q Are you on a salary basis?

25 A Yes, sir.

26 Q Have you discussed this with your company, that

1 is, the prospect of continuing jury service beyond the  
2 30 days?

3 A I asked them what their reaction would be;  
4 it was very negative.

5 Q The reaction may have been negative, but what  
6 was the decision?

7 A How do you mean, decision?

8 Q Most companies hate to lose a valuable and  
9 trusted employee for any reason, but that does not mean  
10 they are not willing to compensate him if he is called  
11 to jury service.

12 A Oh, I see.

13 Well, we did not make a decision. We sort of  
14 talked about it.

15 They'd be sort of unhappy. I think their  
16 decision would be they would not let me do it, if I asked  
17 them would I be allowed or could I serve on a jury for six  
18 months, I'm fairly certain they would say no.

19 Q Of course they don't have any choice in the  
20 matter whether or not you serve; all they can decide is  
21 whether or not they can continue your compensation.

22 So the question should not be really posed in  
23 that form.

24 What you want to know is "If I'm called would  
25 you continue to pay me?" That is the important thing  
26 as far as you are concerned.



1 All right, let's pass that for the time being,  
2 sir, and I will ask you some other questions. Perhaps you  
3 can place a telephone call this afternoon and talk with  
4 someone.

5 Do you think that is possible, and you can get  
6 an answer?

7 A I do.

8 Q If that problem were taken care of, is there  
9 any other reason you would be unable to serve?

10 A Well, there's been quite a bit of discussion  
11 out there about capital punishment.

12 Q Apart from that. I will get to that in a  
13 minute.

14 I'm talking now of anything on the outside,  
15 any undue hardship which might result other than what you  
16 have already indicated.

17 A No.

18 Q All right, now, I will ask you the questions  
19 about the death penalty:

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

24 I am talking now only about the decision on  
25 guilt.

26 A I hesitate to answer that yes or no. I would

1 just like to say I am against the death penalty and I  
2 cannot see any situation where I would vote for it.

3 Q All right. Well, I'm going to ask you that  
4 question too, in a minute.

5 But right now, you understand the first phase  
6 of the trial will be devoted to the question of whether or  
7 not any of the defendants are guilty or not guilty.

8 Do you understand that?

9 A Yes.

10 Q It is only when there is a verdict of murder  
11 in the first degree, the jury will ever be called upon  
12 to make a decision on penalty.

13 Do you understand that?

14 A Yes.

15 Q Now, sometimes a person's beliefs regarding the  
16 death penalty are so strong, not only would he not impose  
17 the death penalty but he could not be impartial in deciding  
18 whether the defendant is guilty or not guilty, because he  
19 knows that if he finds the defendant guilty of murder in  
20 the first degree then he will have to go one step further  
21 and be faced with the decision of the penalty, you see,  
22 that is what I am trying to find out from you now.

23 A Okay. I would be able to decide guilty or  
24 not guilty.

25 Q Impartially?

26 A Impartially.

1 Q Then we will get to the second question.

2 A All right.

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

6 A Yes, sir.

7 Q Now, that question, if answered in the  
8 affirmative means that you have made up your mind, unalterably,  
9 that regardless of what the evidence in the case would show  
10 you could not vote for the death penalty.

11 Is that what you mean?

12 13a fls. A That is what I mean, yes, sir.

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13A-1 1 Q Do you have any mental reservations or doubts  
2 about your answer?

3 A No.

4 THE COURT: Do you wish to inquire?

5 MR. FITZGERALD: May I ask just one or two questions?  
6

7 VOIR DIRE EXAMINATION OF ALAN KENNAN

8 BY MR. FITZGERALD:

9 Q Can you visualize any case in which the death  
10 penalty might be an appropriate penalty?

11 MR. BUGLIOSI: I object to that question, your  
12 Honor.

13 THE COURT: I think it is ambiguous.

14 What we are concerned with is whether or not he  
15 is willing or capable of making such a vote.

16 He might in the abstract be willing to let  
17 someone else impose it.

18 Q BY MR. FITZGERALD: Is there any case or  
19 situation in which you feel the death penalty is an  
20 appropriate penalty and you could impose it, vote for it  
21 and impose it?

22 A That I can impose it? No.

23 Q No matter how horrendous the situation might be,  
24 in the sort of case you could conjure up in your mind,  
25 you would never be able to vote for the death penalty?

26 A That's correct.

1 MR. FITZGERALD: Nothing further.

2 THE COURT: Mr. Stovitz?

3 MR. STOVITZ: No questions, your Honor.

4 THE COURT: All right, Mr. Kennan, I will ask you  
5 then to go back -- before I ask you to go back I am going  
6 to ask you some other questions.

7  
8 VOIR DIRE EXAMINATION OF ALAN KENNAN (REOPENED)

9 BY THE COURT:

10 Q First of all, have you made any conscious  
11 attempt to follow this case in the newspapers or TV?

12 A Before?

13 Q Yes, before you were a prospective juror on this  
14 case.

15 A No.

16 Q Do you read the Times regularly, for example?

17 A Yes.

18 Q Were you in Los Angeles County last fall?

19 A Yes.

20 Q You undoubtedly heard about the fact that there  
21 had been some killings.

22 A Yes, sir.

23 Q And did you later learn that these defendants  
24 had been arrested and charged with the offenses?

25 A Yes, I did.

26 Q And you know, of course, because I told you,

13a3

1 you undoubtedly heard about it, that they are now in this  
2 court to stand trial for those alleged crimes?

3 A Yes, sir.

4 Q Now, apart from that have you ever learned  
5 anything that causes you to believe that there is some  
6 connection between these defendants and those alleged  
7 crimes?

8 In other words, have you ever heard or read --

9 A Well, I have read newspaper accounts.

10 I have seen pictures in the newspapers, just  
11 casually, but I have never made an attempt to locate every  
12 article possibly written on them, or search out newspaper  
13 accounts or anything like that.

14 Q Did you ever read anything which seemed to be  
15 a description by someone who was either a participant in one  
16 or more of the killings or an eye witness to them?

17 A No, not that I recall.

18 Q Have you ever read anything or heard anything.  
19 which purported to be a statement by any of these defendants  
20 on any subject?

21 A No.

22 Q Do you know anything from what you have read or  
23 heard concerning the connection between these defendants  
24 and the alleged crimes other than the fact that you have  
25 read and heard that they were arrested and charged with these  
26 offenses?

13A4  
1 A Could I ask you to repeat that last question  
2 again?

3 (Whereupon, the reporter reads the pending  
4 question as follows:

5 "Q Do you know anything from what  
6 you have read or heard concerning the connection  
7 between these defendants and the alleged crimes  
8 other than the fact that you have read and heard  
9 that they were arrested and charged with these  
10 offenses?"

11 MR. KENNAN: No.

12 Q BY THE COURT: Have you formed any opinion as to  
13 the guilt or innocence of any of these defendants?

14 A No.

15 THE COURT: Any further questions?

16 MR. FITZGERALD: Nothing, your Honor.

17 MR. HUGHES: No further questions, your Honor.

18 MR. SHINN: Nothing, your Honor.

19 MR. KANAREK: No further questions.

20 MR. STOVITZ: None, your Honor.

21 THE COURT: All right, I will ask you to go back in  
22 the courtroom, Mr. Kennan.

23 Would you refrain from discussing with anyone  
24 what has been said in here?

25 MR. KENNAN: I certainly will, thank you.

26 (Mr. Kennan leaves the chambers of the court.)

1 MR. STOVITZ: We will challenge this juror for cause  
2 on implied bias.

3 MR. FITZGERALD: The defendants object on the grounds  
4 of due process and equal protection.

5 MR. HUGHES: Join.

6 MR. SHINN: Join.

7 MR. KANAREK: Join.

8 THE COURT: The challenge will be allowed.

9 Mr. Kennan made it unmistakably clear he would  
10 automatically refuse to impose the death penalty under any  
11 circumstances.

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13B



13b-1

1 (A prospective alternate juror enters the  
2 chambers of the court.)

3 THE COURT: Good afternoon.

4 THE CLERK: The name of the prospective alternate  
5 juror is Mrs. Laura M. Shaw, Laura, L-a-u-r-a, S-h-a-w.

6  
7 VOIR DIRE EXAMINATION OF MRS. SHAW

8 BY THE COURT:

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

11 A Not very well, I don't think, I have a working  
12 husband and I have old parents, and a mother-in-law that  
13 needs some care.

14 Q Keep your voice up, please.

15 A I'm sorry, I don't know, you know, always when,  
16 is all.

17 Q Do you have a job outside of your home?

18 A No, I don't.

19 Q You stay home and take care of your parents,  
20 do you?

21 A As they need it, yes.

22 Q Do they live with you?

23 A No.

24 Q Is your husband employed?

25 A Yes.

26 Q Do you have any children?

13b-2

1 A No, I don't.

2 Q Now, I believe you were one of the persons  
3 who stood up and gave your name the other day when I  
4 asked if there were any prospective jurors who could not be  
5 fair and impartial in this case.

6 A That's right.

7 Q Can you tell us upon what that statement was  
8 based?

9 A Well, I was last week in a court with the same  
10 type of case where I could have been fair and impartial  
11 because I never heard of the people.

12 While this I feel like I know quite a lot  
13 about it, and I am prejudiced.

14 Q Prejudiced against the defendants?

15 A Right.

16 Q This is based on what you have read or heard  
17 about the case?

18 A I have read not so much newspaper, but maga-  
19 zine articles.

20 Q Do you remember what magazine?

21 A McCall's and the Journal and I am not sure  
22 whether it was the Redbook or Good Housekeeping now.

23 It was pretty well outlined between the  
24 three.

25 Q What was pretty well outlined?

26 A Well, everything I guess, the nature of the

1 wounds, the members, their background more or less, how  
2 they lived, all that type of thing.

3 Q Well, did the article say that these defendants  
4 were responsible for the crimes?

5 A Yes, you know. I mean you could not help but  
6 end up feeling very definitely they were.

7 Q Well, we know of course that they had been  
8 arrested and charged with these offenses just like a  
9 defendant is arrested and charged in every criminal case.

10 A Yes, but after reading it I could not go into  
11 court presuming their innocence.

12 I could not do it.

13 Q You would require the defendants to prove  
14 their innocence, or do you think they would be able to  
15 prove their innocence?

16 A I don't see how they could, frankly.

17 Q You accept whatever this article said and  
18 you are convinced they are guilty, is that right?

19 A Well, it was three different ones, like I  
20 say, plus what has been in the newspapers, television,  
21 radio -- the whole bit I mean --

22 Q Did you ever read anything which appeared to  
23 be a statement by any of these defendants?

24 A Well, as I recall it some of it was quotes  
25 what they had said.

26 Q Quotes about the commission of the offenses?

1 A Uh-huh.

2 Q You have to answer audibly.

3 A Yes.

4 THE COURT: All right, any questions?

5 MR. FITZGERALD: No, your Honor.

6 MR. HUGHES: No, your Honor.

7 MR. SHINN: No, your Honor.

8 MR. KANAREK: No, your Honor.

9 THE COURT: Mr. Stovitz?

10

11

VOIR DIRE EXAMINATION OF MRS. SHAW

12

BY MR. STOVITZ:

13

14

Q Mrs. Shaw, are you related to the former Mayor  
of Los Angeles?

15

A No.

16

Q Or the former Judge?

17

A No.

18

19

THE COURT: All right, I will ask you to go back into  
the courtroom, Mrs. Shaw.

20

21

Would you refrain from discussing with anyone  
what has been said in here?

22

MRS. SHAW: Of course.

23

THE COURT: Thank you.

24

(Mrs. Shaw leaves the courtroom.)

25

26

MR. FITZGERALD: We challenge the juror for  
exposure to prejudicial pretrial publicity and for actual

1 bias.

2 MR. HUGHES: Join.

3 MR. SHINN: Join.

4 MR. KANAREK: Join.

5 MR. STOVITZ: Submit it, your Honor.

6 THE COURT: The challenge is allowed. Mrs. Shaw will  
7 be excused for cause.

13c fls.

13C-1

1 (A prospective alternate juror enters the  
2 chambers of the court.)

3 THE COURT: Good afternoon.

4 THE CLERK: The name of the prospective alternate  
5 juror is Mrs. Freddie M. Smith, F-r-e-d-d-i-e, S-m-i-t-h.

6  
7 VOIR DIRE EXAMINATION OF MRS. FREDDIE M. SMITH  
8 BY THE COURT:

9 Q Mrs. Smith, you were one of those persons who  
10 stood up and gave your name the other day when I asked if  
11 there were any prospective jurors who could not be fair  
12 and impartial in the case.

13 A Yes.

14 Q Would you tell us what your statement was based  
15 on, please?

16 A Well, it was just based on what I read and know  
17 and seen, which made me prejudiced.

18 Q Did you ever read anything which seems to be a  
19 description by someone who was present at the time any of  
20 these killings took place?

21 A Say that again.

22 Q I say, did you ever read or hear anything  
23 which seemed to be a description by someone who was present  
24 at the time any of the killings took place?

25 A No, not exactly.

26 Q Have you ever read anything or heard anything

13C2

1 which appeared to be a statement by any of these defendants?

2 A I wouldn't say, no.

3 Q Do you read a daily newspaper?

4 A I usually look at the TV news.

5 Q You say you usually look at TV?

6 A Yes, the news.

7 Q Keep your voice up, please, so everyone can  
8 hear you.

9 If you were selected as an alternate juror  
10 would you be able to serve?

11 A No.

12 Q What is your situation?

13 A Well, I do have a family --

14 MR. STOVITZ: I cannot hear you.

15 MRS. SMITH: I have a family and I am working.

16 Q BY THE COURT: You have young children?

17 A No, they are teen-agers.

18 Q And do you work outside of the home?

19 A Yes.

20 Q Where do you work?

21 A A nursery school.

22 Q Do you know whether that nursery school would  
23 continue your compensation?

24 A No, they would not; they would not.

25 Q Would that constitute a hardship if your  
26 compensation was cut off?

3C3

1 A yes, it would; yes, it would.

2 MR. FITZGERALD: May I ask a question?

3

4 VOIR DIRE EXAMINATION OF MRS. SMITH

5 BY MR. FITZGERALD:

6 Q Are you inclined at least partially to tell us  
7 that you could not be fair and impartial whether it is  
8 really a matter of an economic hardship for you?

9 A Oh, no, no, that is not the reason.

10 Q If it wasn't for the hardship you could not be  
11 fair and you could not give these defendants a fair trial?

12 A No.

13 Q Do you think you would convict them regardless of  
14 what the evidence was?

15 A I believe I would.

16 MR. FITZGERALD: We will offer to stipulate.

17 THE COURT: All right.

18 MR. KANAREK: On the basis of the hardship and both,  
19 your Honor.

20 MR. STOVITZ: Pretrial publicity and hardship.

21 MR. KANAREK: Accept the stipulation.

22 THE COURT: All I want to know is are you willing to  
23 stipulate or not. You have your own reasons.

24 All right, you will all stipulate.

25 MR. HUGHES: So stipulate.

26 MR. FITZGERALD: So stipulated.



13c4

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MR. SHINN: So stipulate.

MR. KANAREK: So stipulated.

MR. STOVITZ: So stipulated.

THE COURT: You will be excused, Mrs. Smith.

Will you refrain from discussing anything that  
has been said in here?

MRS. SMITH: Definitely.

THE COURT: All right.

(Mrs. Smith leaves the chambers of the court.)

THE COURT: We will take our recess at this time for  
15 minutes.

(Recess.)

14-1

1 (The following proceedings occurred in chambers,  
2 all counsel present, the defendants absent.)

3 THE COURT: All counsel are present.

4 One of the jurors, No. 1, Mrs. McKenzie,  
5 appears to be having some personal problem and she has  
6 asked the bailiff if she could converse with me.

7 Does anybody object to having her talk to me  
8 about her personal problems?

9 MR. FITZGERALD: No,

10 MR. KANAREK: In other words, this involves --

11 THE COURT: Apparently some difficult she is having  
12 with her husband or their apartment or something.  
13 I really don't know.

14 MR. KANAREK: Has she specifically asked that no  
15 attorneys be present?

16 THE COURT: She hasn't specifically asked me any-  
17 thing. She asked the bailiff if she could converse with  
18 me.

19 MR. KANAREK: If it doesn't involve publicity matters  
20 or any legal issue pertaining to that, I would have no  
21 objection to this Court --

22 THE COURT: I wouldn't talk to her about anything  
23 that had to do with the issues.

24 Apparently it is some kind of a personal  
25 problem, and I want to see if I can help her to solve it,  
26 whatever it is.

1           Of course, if we need assistance, I will  
2 let counsel know about it.

3           Perhaps a phone call can do it.

4           MR. STOVITZ: I have no objection to your Honor  
5 talking to the juror on this basis.

6           I imagine something like this may come up  
7 from time to time during the course of the trial, and later  
8 on your Honor can tell us whatever your Honor sees fit.

9           MR. FITZGERALD: I think we should all be aware  
10 that we are in a limbo situation, however. We don't have  
11 any alternates to replace main jurors, and I don't want  
12 to start this all over again.

13          THE COURT: Neither do I. That is why I want to see  
14 if I can help her solve her problems.

15          MR. FITZGERALD: All right.

16          MR. KANAREK: As far as talking to her alone, I have  
17 no objection, but after your Honor has learned what the  
18 matter is, I feel that we should be informed.

19                I would stipulate that the record could be  
20 sealed as far as the County Clerk is concerned, but I do  
21 feel that --

22          THE COURT: What record?

23          MR. KANAREK: The details of it.

24                And after, I would certainly accept your Honor's  
25 representation as to what occurred.

26          THE COURT: I am not going to make any representation

1 to you other than what I have done, Mr. Kanarek.

2 If she tells me she doesn't want anybody  
3 to know what she tells me, then I won't disclose it.

4 MR. KANAREK: Then I wouldn't stipulate.

5 THE COURT: If you don't want to agree to that, well,  
6 don't agree.

7 MR. KANAREK: That I can't agree to.

8 THE COURT: All right.

9 I may do it anyway.

10 MR. KANAREK: I understand.

11 MR. FITZGERALD: If your Honor hears it, we are  
12 in no worse off position than if you didn't hear it.

13 THE COURT: That's right. To me, the question  
14 answers itself, but Mr. Kanarek apparently wants to read  
15 something into it.

16 MR. KANAREK: No.

17 THE COURT: He is free to do that if he wants to.

18 MR. KANAREK: I don't believe the Court has the  
19 power.

20 THE COURT: I have the power to talk to the juror,  
21 and I may very well do it.

22 MR. KANAREK: Outside the presence of counsel,  
23 your Honor?

24 THE COURT: If it involves a personal problem, yes,  
25 not in any way connected with the issues of the case.

26 MR. KANAREK: I must disagree with the Court on

1 that, your Honor. I don't believe that the Court has the  
2 power to speak to a juror outside the presence of counsel  
3 without an agreement being entered into.

4 THE COURT: And you don't want to enter into the  
5 agreement; is that right?

6 You would rather see this juror be unable to  
7 solve her problem, whatever it might be; is that it?

14a fls 8 MR. KANAREK: No.

14A-1

1 THE COURT: What is your objection, Mr. Kanarek? I  
2 am still at a loss to understand your position.

3 MR. KANAREK: I don't believe, your Honor, that I  
4 have the power to do that except --

5 THE COURT: Are you an attorney or aren't you, sir?

6 MR. KANAREK: Yes.

7 THE COURT: Then you have the power to do it.

8 MR. KANAREK: No. I don't believe -- well, I don't  
9 believe that I can give the Court carte blanche.

10 THE COURT: I am not asking for carte blanche.

11 I told you that she had a personal problem  
12 which I want to talk to her about, to see if there was any  
13 way we could solve whatever the problem is.

14 I also told you that I do not intend to talk to  
15 her about anything in connection with this case.

16 MR. KANAREK: I accept the Court's representation on  
17 that, but I am asking that whatever it is, no matter what  
18 it is, that I be told what it is that she told the Court.

19 THE COURT: Well, I can undoubtedly tell you in  
20 general terms, but if she tells me that she wants it in  
21 strict secrecy, then I can't very well do that, can I?

22 MR. KANAREK: Then I can't enter the stipulation,  
23 your Honor.

24 THE COURT: I am going to talk to her anyway,  
25 Mr. Kanarek, whether you like it or not.

26 Please go outside.

14A2

1 Ask Mrs. McKenzie to come in.

2 (Whereupon, all counsel leave chambers.)

3 (Mrs. Selma S. McKenzie, Juror No. 1, enters  
4 the Court's chambers.)

5 THE COURT: Mrs. McKenzie, I understand you have  
6 something you want to talk to me about?

7 Do you have any objection to having this  
8 taken down?

9 MRS. MCKENZIE: I guess not.

10 Where does it go?

11 THE COURT: It doesn't go anywhere. It is simply a  
12 record of the trial. It won't go anywhere except that  
13 every attorney gets a copy of it.

14 It doesn't go to the press, or it will not be  
15 made public. All the proceedings in chambers are  
16 confidential.

17 MRS. MCKENZIE: I didn't expect this, sir.

18 THE COURT: Yes?

19 MRS. MCKENZIE: I am legally married but my husband  
20 and I have been separated for almost three years, that is,  
21 living in separate residences, although not legally  
22 separated.

23 My legal residence is Palmdale, but I live in  
24 Commerce.

25 I had placed winter clothing in a position that  
26 if anyone had to bring me additional things, it would be

14a# 1 easy. I thought I could handle it, but my husband is upset.

2 He has put the telephone in storage, and now he  
3 is disconnecting it. He says he has got to get rid of the  
4 dog or destroy her.

5 Now he wants to vacate my apartment, and I am  
6 concerned, because when I get out of here I must be at work  
7 the next day and I must have a place to live and know  
8 whether I have any clothes and whatever.

9 THE COURT: Did you say that you and your husband are  
10 separated?

11 MRS. MCKENZIE: We are not legally separated but we  
12 just live in separate residences.

13 Quite frankly, we are trying to prevent a  
14 divorce. We were at the point of divorce and we are trying  
15 to prevent it.

16 But due to my work, I can't drive 150 miles a  
17 day, so I rented an apartment close to work, and I am here  
18 at least five days a week, sometimes six.

19 I go to my legal residence in Palmdale on the  
20 weekends.

14B



14B-1

1 THE COURT: Who is your employer?

2 MRS. MCKENZIE: Los Angeles County Department of  
3 Public Social Services.

4 THE COURT: Oh, that's right.

5 MRS. MCKENZIE: And the problem is that I have got to  
6 get some clothes, and I want to be sure that --

7 THE COURT: If you could make some outgoing calls,  
8 would that solve your problem?

9 MRS. MCKENZIE: I am trying to think who I could call  
10 to say don't let him give up my apartment.

11 If I was sure he wouldn't do it next week,  
12 and if he would give me the key to my apartment next week,  
13 that would be one thing, but if he vacates the apartment  
14 this week.

15 THE COURT: Why would he do that?

16 MRS. MCKENZIE: He is unemployed and he is concerned  
17 about the expense.

18 We discussed it last week, and I mentioned I  
19 was thinking of having a girl friend move in temporarily  
20 and I asked his opinion, and he thought it would be better  
21 if I kept the apartment. Too many things could happen,  
22 and I had to have a residence when I got out, which made  
23 sense to him. He didn't think I could save money anyhow.

24 I was perfectly content with this arrangement,  
25 but this weekend I suppose he is more worried and he has  
26 decided the thing to do is vacate.

1 I am very concerned because it took me a year  
2 to find an apartment close to work that I could afford,  
3 and in that length of time the prices have gone up con-  
4 siderably and there are fewer available. I know because  
5 other people have been looking.

6 I must have a place to live.

7 THE COURT: Why would he rent your apartment?

8 MRS. MCKENZIE: Because he thinks that is the thing  
9 to do. He is the head of the family, and that is the way he  
10 does things, and when it is all over he says, "I am sorry,"  
11 but then I am the one that would be in a position -- right  
12 now the main problem is I don't want the apartment vacated.

13 If I called the landlord, he wouldn't know it  
14 is vacated until they go to turn the key in to him, and  
15 it will be too late.

16 And if I call a neighbor, they aren't going to  
17 stop my husband.

18 I told him yesterday that I would much prefer  
19 not to vacate and please just leave things as they were for  
20 now, because it was upsetting and he couldn't do that,  
21 and I think that I should have a choice when I am paying the  
22 bills.

23 THE COURT: Is there anything that we can do to help  
24 you while you are on the jury?

25 I am concerned with having a happy and content  
26 juror.

1 MRS. MCKENZIE: I don't usually go to pieces. I was  
2 so startled. I didn't expect to talk to you at all, much  
3 less this soon, and I didn't want to hold up the case.

4 I asked the deputy. If I was going to be a  
5 problem, to maybe eliminate me now, because I have no  
6 intention of being a problem.

7 THE COURT: Unfortunately, that can't be done. Once  
8 the jury is sworn, that is it.

9 MRS. MCKENZIE: I think maybe if I could talk to my  
10 husband and ask him not to vacate the apartment under any  
11 circumstances, not to vacate the apartment, and to bring  
12 me the key this weekend so that I feel sure that he  
13 can't vacate it; unless I can go out and put a padlock on  
14 it.

15 THE COURT: Do you know where you can reach him?

16 MRS. MCKENZIE: He should be at home in Palmdale.

17 THE COURT: Do you want to do that right now?

18 We will let you make telephone calls outgoing  
19 from the hotel.

20 THE COURT: If he is not here now vacating it. But  
21 he has already disconnected my phone and I can't reach him  
22 at the apartment here.

14B

14c-1

1 THE COURT: Do you want to make a call now or after  
2 court this evening?

3 MRS. MC KENZIE: If I may, I would like to try to call  
4 him in Palmdale now, because if he is here I can't reach  
5 him, he has disconnected the phone in my apartment.

6 And I would like to have some clothes. He  
7 scrambled the clothes up, and I don't know if I can tell  
8 anybody what to do.

9 I want to know if I can go out and get the  
10 clothes with a Deputy with me.

11 I can do beautifully for a week or two weeks.

12 THE COURT: All these things can be worked out. We  
13 have to go ahead with the selection of the alternate jurors  
14 here so that the case can get started, but I will do every-  
15 thing I can to help you solve your problems too.

16 MRS. MC KENZIE: That is what I wanted to know. I  
17 heard someone say that these problems can be worked out,  
18 and similar problems have been mentioned, and I thought I  
19 heard them say that in a case where there was no one to  
20 bring clothing that they will give you a Deputy to go with  
21 you. I am asking if it would be possible in my case.  
22 I don't want to stop the case or --

23 THE COURT: When there is a problem that isn't  
24 solvable, I want to know about it to help you solve it.

25 MRS. MC KENZIE: So, if I can make the phone call,  
26 and if I could later, sometime within a week or so, go and

14c-2

1 get my clothes, then I think I could handle the situation,  
2 or I can even wait until the end of court. I don't want  
3 to hold up the court. Surely it is not going to make that  
4 much difference.

5 THE COURT: Very well. We will recess at 4:15. Is  
6 that all right. And then we will have the bailiff put you  
7 through at that time.

8 MRS. MC KENZIE: Yes. And I do appreciate this,  
9 but I didn't want to be a problem. It is just that they  
10 said it was out of their jurisdiction.

11 THE COURT: We are going to solve the problem one  
12 way or the other.

13 All right. Now, if there is anything more I  
14 can do to help you, and if you have to go out there, we  
15 can send a Deputy along with you if that becomes necessary.

16 MRS. MC KENZIE: I won't have to go to Palmdale,  
17 just to Commerce.

18 THE COURT: I understand.

19 All right.

20 So, at 4:15, he will put you through on the  
21 telephone, and then you decide after that.

22 You won't have to go out there today, will you?

23 MRS. MC KENZIE: No. I can make out beautifully  
24 for a week, and maybe two.

25 THE COURT: All right. Whenever the time comes.

26 MRS. MC KENZIE: But not for three months.

14c-3

1 THE COURT: Oh, no.

2 MRS. MC KENZIE: Or so.

3 THE COURT: Then you can make a telephone call this  
4 afternoon after court.

5 MRS. MC KENZIE: Thank you.

6 THE COURT: We will take care of all the problems.  
7 Don't worry about it.

8 MRS. MC KENZIE: Thank you.

9 (Recess.)

15 fls.

15-1

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

5 THE COURT: All parties and counsel are present.

6 The conversation with Mrs. McKenzie was  
7 reported, so you can read about it tomorrow in today's  
8 transcript.

9 Call the next prospective juror.

10 MR. FITZGERALD: I take it it is not going to impede  
11 her service or anything.

12 THE COURT: Not if I can help it it isn't, it doesn't  
13 appear to be anything that cannot be solved readily.

14 (A prospective juror enters the chambers of  
15 the court.)

16 THE COURT: Good afternoon, sir.

17 THE CLERK: The name of the prospective alternate  
18 juror is Calixto Rubalcava.

19  
20 VOIR DIRE EXAMINATION OF CALIXTO RUBALCAVA  
21 BY THE COURT:

22 Q Mr. Rubalcava?

23 A Yes.

24 Q Mr. Rubalcava, if you were selected as an  
25 alternate juror in this case would you be able to serve?

26 A That depends -- if I'm paid.

1 Q What company do you work for?  
2 A Safeway.  
3 Q Safeway Stores?  
4 A Safeway Stores.  
5 Q And do you know what their policy is?  
6 A I know they pay up to 20 days.  
7 Q Do you know whether they pay if the juror is  
8 held over for longer service?  
9 A I don't know that.  
10 Q Is that something that you can find out between  
11 now and tomorrow morning?  
12 A I guess so, yes.  
13 Q Whom would you talk to to find out?  
14 A Well, the manager of the plant.  
15 Q Do you know his name?  
16 A Mr. Cecil. Ernest Cecil.  
17 Q Is he the personnel manager?  
18 A Yes.  
19 Q Do you know the telephone number there?  
20 A No.  
21 Q Where is that located, what street?  
22 A In Vernon -- Vernon Street, between Soto and  
23 Santa Fe.  
24 Q Is that the main office for Safeway?  
25 A No, their meat processing department.  
26 Q All right, will you try to find out between now



1 and tomorrow?

2 A Yes.

3 Q And let us know then tomorrow morning.

4 A Yes.

5 Q Is there any other reason that you would not  
6 be able to serve?

7 A Well, the only reason is that I have a large  
8 family and it would be hard for my wife.

9 Q How many children do you have?

10 A I have ten.

11 Q Ten?

12 A I have ten.

13 Q What is the range of ages?

14 A 21 down to 9.

15 Q They are all living at home?

16 A One is married and he is in the Service, in  
17 the Armed Forces.

18 Q And your wife, she stays home and takes care  
19 of the children?

20 A She stays home, yes, that is the only problem.  
21 It will be more difficult.

22 MR. BUGLIOSI: We will stipulate.

23 MR. FITZGERALD: We will offer to stipulate.

24 THE COURT: Do all join?

25 MR. HUGHES: Join.

26 MR. SHINN: Join.

1 MR. KANAREK: Join.

2 THE COURT: You will be excused then, Mr. Rubalcava.

3 Will you refrain from discussing with anyone  
4 what has been said here?

5 MR. RUBALCAVA: Yes.

6 THE COURT: Thank you. You are excused.

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

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

11 THE COURT: Good afternoon, sir.

12 THE CLERK: The name of the prospective alternate  
13 juror is Leon E. Blakely, L-e-o-n, B-l-a-k-e-l-y.

14  
15 VOIR DIRE EXAMINATION OF MR. BLAKELY

16 BY THE COURT:

17 Q Mr. Blakely, if you were selected as an  
18 alternate juror in this case would you be able to serve?

19 A Well, I don't think so, sir. I am almost  
20 61 years old now, and I'm having trouble with a little  
21 bit of arthritis; my old ulcer kind of bothers me.

22 I don't believe I can go the distance on it.

23 Q Well, of course you are going to be somewhere  
24 during this period.

25 A Yes, that is true.

26 Q Is there something about this case that would

1 impose some special strains or stresses on you?

2 A Well, I think it would. I am kind of  
3 sympathetic toward people.

4 I work with all races down here at the  
5 Terminal.

6 Q Are you with the Post Office Department?

7 A Yes, sir, and -- I don't know -- it kind of  
8 works on my emotions.

9 Of course we don't have criminals down there,  
10 but we have a little race trouble once in a while. I  
11 don't think I can go the distance on a criminal trial of  
12 this nature, your Honor.

13 Q What do you think would happen?

14 A What?

15 Well --

16 Q When you say you don't think you can go the  
17 distance, what would happen?

18 A Well, I probably would have to ask to be  
19 excused later, and go over to Kaiser and get a little  
20 overhaul, you know.

21 Q Are you presently under medical treatment?

22 A No, I'm not. The fact is I bumped into a  
23 truck and my darned arm hurts me.

24 I keep bumping that elbow. Of course I have  
25 false teeth now, too, so --

26 Q Are you asking to be excused?

1 A Well, I guess --

2 Q You would rather not serve?

3 A I would rather serve on some of these cases  
4 just to my time, you see, I have a letter here from  
5 Uncle Sam (handing letter to the Court).

6 Q That is just a form letter that they send  
7 out to the prospective employee jurors in the Post Office  
8 Department, isn't it?

9 A Well, they kind of give you to understand  
10 that after August 4th I am not to accept any more cases.

15a fls.

AB-1  
1 Q Well, there is no problem with the Post Office  
2 Department about getting paid for jury service. They may  
3 not like it because no employer likes to lose the services  
4 of a valued and trusted employee.

5 A Yes, that is true. Well, I would say that I  
6 was asking to be excused on account of more or less nervous  
7 symptoms, or something of that nature rather than --

8 This letter probably wouldn't hold any water.

9 MR. FITZGERALD: There won't be a stipulation. I  
10 discussed it with counsel, your Honor.

11 THE COURT: All right.

12 MR. BUGLIOSI: We would ask the Court on its own  
13 motion.

14 THE COURT: Well, do you feel that you are physically  
15 unable to stand up to a trial that might last three to  
16 five months?

17 THE PROSPECTIVE JUROR: Well, that's right, at my  
18 age, if I was --

19 Q I'm not really concerned about your age. 61 isn't  
20 very old for some people and it may be old for others.

21 I'm talking about what is your physical  
22 condition, such that you are concerned with your ability to  
23 see this case through to the end.

24 A That's right, that's right.

25 Q And you're asking to be excused because of your  
26 physical condition, is that right?

5a2

1 A Yes, yes, your Honor.

2 THE COURT: All right, then, you will be excused,  
3 Mr. Blakely, and will you refrain from discussing this with  
4 anyone?

5 MR. BLAKELY: I will, sir, I haven't told anybody  
6 outside.

7 THE COURT: All right, fine, thank you.

8 MR. BLAKELY: Yes, sir.

9 THE COURT: You may go back into the court.

10 MR. BLAKELY: Thank you, sir.

11 (Mr. Blakely leaves the chambers of the court.)

12 THE COURT: The record will show that the Court  
13 excused Mr. Blakely on its own motion by reason of his  
14 expressed concern for his physical condition, and the  
15 question of whether or not he was physically able to see  
16 through a trial of this estimated duration.

17 (A prospective alternate juror enters the  
18 chambers of the Court.)

19 THE COURT: Good afternoon.

20 THE CLERK: The name of the prospective alternate  
21 juror is Mrs. Evelyn L. Horn. E-v-e-l-y-n, H-o-r-n.

22  
23 VOIR DIRE EXAMINATION OF MRS. EVELYN L. HORN  
24 BY THE COURT:

25 Q Mrs. Horn, if you were selected as an alternate  
26 juror in this case would you be able to serve?

1 A No, it would be quite a long time away from  
2 my family.

3 Q What does your family consist of?

4 A Well, a 12-year-old daughter --

5 Q Keep your voice up, please.

6 A -- and a son that is 20.

7 Q A daughter of 12 and a son of 20?

8 A Yes.

9 Q They both live at home?

10 A Yes, they do.

11 Q Are you employed outside of the home?

12 A I have been. I took the summer off because I  
13 was picked for jury duty. I had to appear for jury duty.

14 Q You had to what?

15 A I had to appear for jury duty. I took the  
16 summer off.

17 They could get help during the summer but I  
18 planned to go back to work when school opened.

19 Q Where do you work?

20 A At the Hickory Hot Coffee Shop in Pico Rivera.

21 Q Is there anyone else who could take care of your  
22 12-year-old daughter if you were away?

23 A Well, no, the only relatives we have out here  
24 is my married daughter.

25 Q Your husband is employed?

26 A Yes, he is.

THE COURT: Do you care to stipulate, gentlemen?

5a4

1 MR. FITZGERALD: I will offer to stipulate, your  
2 Honor.

3 MR. SHINN: So stipulated, your Honor.

4 MR. HUGHES: So stipulated, your Honor.

5 MR. KANAREK: So stipulated, your Honor.

6 MR. STOVITZ: So stipulated.

7 THE COURT: Then you will be excused, Mrs. Horn.

8 Will you refrain from discussing what has  
9 been said in here with anyone?

10 MRS. HORN: Yes, I will.

11 THE COURT: All right, thank you.

12 MR. FITZGERALD: Do you stipulate, Mr. Kanarek?

13 MR. KANAREK: I am sorry, I did not hear the last  
14 statement.

15 MR. FITZGERALD: I actually asked counsel if he  
16 stipulated.

17 MR. KANAREK: I was speaking with Mr. Manson and I  
18 did not hear the last bit of colloquy.

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

20 MR. STOVITZ: The Court asked if all parties  
21 stipulated.

22 MR. KANAREK: I said yes previously. Is this a  
23 different stipulation or a repeat?

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

25 MR. KANAREK: I already had said yes, your Honor.

26 THE COURT: I wasn't questioning you; it was clear in



1 my mind. I heard you say it.

2 MR. KANAREK: Very well.

3 (A prospective alternate juror enters the room.)

4 THE COURT: Good afternoon, sir.

5 THE CLERK: The name of the prospective alternate  
6 juror is Herschel Watson, H-e-r-s-c-h-e-l, W-a-t-s-o-n.

7  
8 VOIR DIRE EXAMINATION OF MR. HERSCHEL WATSON

9 BY THE COURT:

10 Q That is not Frank S. Watson?

11 A No.

12 Q I guess we have another juror by that name.

13 You were not one of those persons who stood up  
14 and gave your name when I asked if there was anyone who  
15 could not be fair and impartial?

16 A No, I wasn't.

17 Q All right. If you were selected as an  
18 alternate juror, Mr. Watson, would you be able to serve?

19 A I don't see how I could.

20 I have a little business here in Hollywood.  
21 I cannot get away.

22 I have to be there once or twice a week at  
23 least.

24 Q Is this a business that you personally own?

25 A Yes, yes, that's it.

26 Q Is there anyone that runs it for you?

1           A       There is a fellow I have there now, but he cannot  
2 be there on the weekends, you know, and sometimes nearly every  
3 day, it's a one-man operation.

4           Q       You actually replace him on the weekends and  
5 work there?

6           A       Well, it's a garage; he is a mechanic and he  
7 can be there a little while and he has another job at a  
8 filling station. He cannot be there all the time so I have  
9 to check on it.

10          Q       It is something that you could not do by  
11 telephone?

12          A       No, I could not.

13          Q       Are you asking to be excused because of your  
14 business problem?

15          A       Yes. It would cost me quite a bit of money if  
16 I had to hire someone to be there.

17          MR. FITZGERALD: I offer to stipulate.

18          MR. KANAREK: Join.

19          MR. HUGHES: Join.

20          MR. SHINN: Join.

21          MR. STOVITZ: Join, your Honor.

22          THE COURT: You will be excused, Mr. Watson.

23                 Will you refrain from discussing with anyone  
24 what has been said in here?

25          MR. WATSON: Yes.

26          THE COURT: Very well, thank you.

              (Mr. Watson leaves the chambers of the court.)

1 (A prospective alternate juror enters the  
2 chambers of the court:)

3 THE COURT: Good afternoon, sir.

4 THE CLERK: The name of the prospective alternate  
5 juror is Joseph A. Dilibert. J-o-s-e-p-h, D-i-l-i-b-e-r-t.  
6

7 VOIR DIRE EXAMINATION OF JOSEPH A. DILIBERT  
8 BY THE COURT:

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

11 A Well, I am a junior high school counsellor; I  
12 start working the 1st of September, actually, in my school.

13 Q Are you employed by the Los Angeles City Schools?

14 A No, Burbank School District.

15 Q On a salary basis?

16 A Yes, a yearly contract basis, ten months. I  
17 agreed to be on jury duty a year and a half ago, and they  
18 offered me the opportunity to do it during the summer when  
19 I was off.

20 Q Well, the attorneys have estimated this case may  
21 take three to five months to try.

22 A Yes, sir.

23 Q Actually I think it will be closer to three than  
24 five, but no one knows for sure. If you were selected as an  
25 alternate juror your compensation would continue as far as  
26 you know?

1           A       I don't think so.

2           Q       Well, I believe we now have on our jury at  
3       least one person, possibly two, who are with the Los Angeles  
4       Board of Education in various capacities, and there is no  
5       problem as far as they are concerned. Their compensation  
6       continues.

7           A       Well, that may be. I really have no way of  
8       knowing. I don't know of anyone who has been on jury duty.

9           Q       I realize this might work some sort of a hard-  
10      ship on somebody. You undoubtedly would have to be re-  
11      placed, and so on, but that does not necessarily constitute  
12      a ground for being excused.

13                   Is this something you can determine between now  
14      and tomorrow morning?

15          A       I don't really know. Generally speaking the  
16      only way I can do it would be to check with the superinten-  
17      dent's office.

18                   Somewhere around 4:00 o'clock they close up  
19      shop for the evening so I don't know whom I can check with.

20          Q       Perhaps you can place a phone call here from the  
21      court within the next few minutes.

22          A       That is possible.

23          Q       Let me ask you some other questions then:  
24      Apart from that, is there any reason why you would be  
25      unable to serve?

26          A       Well, I have five youngsters ranging from ages

1 13 to 2.

2 I think that would present a hardship to my  
3 wife particularly.

4 Q Is she employed outside of the house?

5 A No.

6 Q She stays home and takes care of the children?

7 A I'm afraid so.

8 Q Do you think you might find yourself worrying  
9 about too many things on the outside rather than concen-  
10 trating on the evidence in the case?

11 A She may want to switch places with me halfway  
12 through.

13 Q Are you asking to be excused?

14 A On the basis of the amount of time, yes, sir,  
15 I feel for that reason primarily, I think it is a hardship.

16 MR. FITZGERALD: There will be no stipulation, your  
17 Honor.

18 Q BY THE COURT: Have you formed any opinion  
19 about this case, Mr. Dilibert, or about the guilt or  
20 innocence of any of the defendants?

21 A No, I don't think so, your Honor.

22 Q Have you followed this case in the newspapers  
23 and on TV, made any conscious effort to follow it?

24 A Not particularly. I have been aware of it  
25 obviously.

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

1 A Yes, the Times.

2 Q Have you ever read or heard anything which  
3 appeared to be a description by someone who was either an  
4 eye witness to or a participant in any of the alleged  
5 killings?

6 A I believe I did when the arrests were first  
7 made.

8 Q Do you think that you at that time read some  
9 statement that was something more than just a reporter's  
10 description of the fact that the defendants had been  
11 arrested and charged with the offenses?

12 A I think it was a rather detailed account by one  
13 of the defendants.

14 Q Which one, do you remember?

15 A No.

16 Q Was it Mr. Manson?

17 A No, no, one of the girls.

18 Q Do you know the names of the girls?

19 There are Leslie Van Houten, Susan Atkins and  
20 Patricia Krenwinkel.

21 A It seems to me as if it was Susan Atkins.

22 Q And is this something you think you read in the  
23 Times?

24 A I think so.

25 Q What is your recollection of what you read? I  
26 know you may not be able to remember the details, but what

1 was it all about, what was she talking about?

2 A It seems to me as though it was an account of  
3 the activities.

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16-1 1

Q What do you mean by the activities?

2

A At the Tate household.

3

Q What is that?

4

A At the Tate home.

5

Q In other words, activities at the time of

6

the alleged killings; is that right?

7

A Yes.

8

Q And did you gather from this account that

9

whoever it was that was relating the account had been

10

there at the time?

11

A Yes.

12

Q And was describing it first hand?

13

A Yes, I think so.

14

Q And also was describing who else was present

15

with her at that time?

16

A Yes.

17

THE COURT: Any questions, Mr. Fitzgerald?

18

MR. FITZGERALD: No, your Honor.

19

THE COURT: Mr. Hughes?

20

MR. HUGHES: No questions.

21

MR. SHINN: No questions.

22

MR. KANAREK: No questions.

23

THE COURT: Mr. Stovitz?

24

MR. STOVITZ: No questions at this time.

25

If the challenge is allowed, we will have

26

no further questions.



16-2

1 THE COURT: I will ask you to go back into the  
2 courtroom, Mr. Dilibert.

3 Will you refrain from discussing with anyone  
4 what has been said in here?

5 MR. DILIBERT: Yes.

6 THE COURT: Thank you.

7 (Whereupon Mr. Dilibert leaves the court's  
8 chambers.)

9 MR. FITZGERALD: There will be a challenge for  
10 cause, exposure to prejudicial pretrial publicity, actual  
11 bias.

12 MR. SHINN: Join.

13 MR. HUGHES: Join in the challenge.

14 MR. KANAREK: Join.

15 MR. STOVITZ: Submit it.

16 THE COURT: The challenge will be allowed. Mr.  
17 Dilibert will be excused for cause.

18 Are you trying to say something, Mr. Kanarek?

19 MR. KANAREK: I am joining in the challenge.

20 I was going to suggest to the Court, your  
21 Honor mentioned something about making a phone call before  
22 4:00, it is now five minutes of 4:00; but it is academic  
23 now.

24 (Whereupon another prospective juror enters  
25 the Court's chambers.)  
26

16-3

1 THE COURT: Good afternoon.

2 MR. DAUT: Good afternoon.

3 THE CLERK: The name of the prospective alternate  
4 juror is Kenneth Daut, Jr.; K-e-n-n-e-t-h, D-a-u-t, Jr.

5  
6 VOIR DIRE EXAMINATION OF MR. DAUT

7 BY THE COURT:

8 Q How you pronounce that, sir?

9 A Daut.

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

12 A Yes.

13 Q All right, sir.

14 I am going to ask you the question regarding  
15 the death penalty that I put to the other prospective  
16 jurors.

17 A Yes, sir.

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

22 A No.

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

16-4

1 A No.

2 Q On the other hand, would you always vote to  
3 impose the death penalty in every case without regard to  
4 the evidence?

5 A Not necessarily.

6 Q Are you saying then, sir, that you would be  
7 willing to listen to all the evidence in the case and  
8 then make up your mind?

9 A Yes.

10 Q As to which penalty would be appropriate in  
11 that case?

12 A Yes. I'd have to hear all of the arguments  
13 before I would make a decision.

14 Q And the answer to my last question was yes?

15 A Yes.

16 Q You will have to speak up so the reporter can  
17 take down what you are saying and all the attorneys and  
18 parties can hear you.

19 A Yes, sir.

20 Q Have you formed any opinion as to the guilt  
21 or innocence of any of the defendants?

22 A No, sir.

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

24 A I have been up until the last week in June  
25 when I went on a vacation, and after vacation I came on  
26 jury duty. I usually take a morning paper at work, and

16-X5

1 I haven't been back to work, so I haven't read a paper.

2 Q What paper do you usually read?

3 A The Times.

4 Q Have you made any conscious effort over  
5 the past months to follow this particular case in the  
6 newspaper?

7 A No.

8 Q Or on TV?

9 A I have seen it in the headlines. You would  
10 have to be blind to say you didn't. But I haven't made  
11 any conscious effort to follow it.

12 Q All right.

13 Now, have you ever read or heard anything  
14 which appeared to be a description by someone who was  
15 either an eyewitness or a participant in any of the  
16 alleged killings?

17 A No, sir.

16a fls.

16a-1

1 Q Have you ever read or heard anything which  
2 appeared to be a statement being made by any of the  
3 defendants about anything?

4 A No, sir.

5 Q Do you know of any reason why you could not  
6 be fair and impartial?

7 A No.

8 Q To both sides?

9 A Yes.

10 I could be fair and impartial to both sides  
11 listening to the evidence presented.

12 Q I told the panel when you came into the  
13 courtroom that in every criminal case a defendant is  
14 presumed to be innocent.

15 A Yes.

16 Q Are you willing to give the defendants the  
17 benefit of that presumption of innocence?

18 A Yes, sir.

19 Q And do you believe sincerely that you can do  
20 so?

21 A Yes, sir.

22 Q If the People are able to prove guilt beyond  
23 a reasonable doubt, are you willing and would you then  
24 vote a verdict of guilty?

25 A Yes. Just on a reasonable doubt. I mean --

26 Q If they prove guilt beyond a reasonable doubt?

16a-2

1 A Right.

2 Q Which is the burden that they have --

3 A Yes.

4 Q -- under the law.

5 A Yes. Then I would be able to make a  
6 decision, yes.

7 Q In other words, if they prove their guilt  
8 as required by law, you would so vote in your verdict;  
9 is that right?

10 A Yes, sir.

11 Q On the other hand, Mr. Daut, if the People  
12 were unable to prove the guilt of any defendant beyond  
13 a reasonable doubt, would you then be willing and would  
14 you vote for an acquittal?

15 A Either that or not guilty, whichever is  
16 correct.

17 Q Those terms are synonymous.

18 Actually, your verdict would be not guilty.

19 A Yes.

20 Q In other words, you don't have any mental  
21 difficulty with either of those concepts?

22 A No, sir.

23 Q Do you think that you could put aside in  
24 your mind everything you may have read or heard about  
25 the case and decide the case solely on the basis of  
26 the evidence that comes in during the trial?

1 A Yes, sir, I think I could.

2 Q Do you have any question about it?

3 A No, sir.

4 THE COURT: Mr. Fitzgerald?

5 MR. FITZGERALD: Thank you.

6

7 VOIR DIRE EXAMINATION OF MR. DAUT

8 BY MR. FITZGERALD:

9 Q As just the man in the street, or a layman,  
10 do you have any opinion as to who killed Sharon Tate  
11 and those other people?

12 A Not really. I mean, I have seen the  
13 headlines, that is about it. But, I mean, this case is  
14 still going to be based on the facts.

15 The way I look at it, the People that are  
16 on trial here are innocent until they are proven  
17 guilty, and that is it.

18 Q Do you think that because they are charged  
19 they are going to have to actually prove to you that  
20 they are innocent, rather than the prosecution having  
21 to prove that they are guilty?

22 A I don't quite follow you.

23 Q Did the headlines you read seem to indicate  
24 to you that these defendants were guilty?

25 A Well, it seemed to indicate that they were  
26 involved in it.

1 Q Would they have to prove to you that they weren't  
2 involved?

3 A No. Because that would be contrary. I mean,  
4 actually, they are innocent until they are proven guilty.  
5 What you are saying is the opposite way around.

6 No, they wouldn't have to prove their innocence.

7 Q Well, sometimes people come into court, and  
8 Judges tell them what the law is, that somebody is presumed  
9 to be innocent, but that is contrary to what a juror believes  
10 in his mind, and I am just asking you what you believe in  
11 your mind.

12 A Well, I don't have any opinion whether they are  
13 innocent or guilty. That is all.

14 I haven't made up my mind, you know. I'd  
15 have to take it straight from the facts as presented whether  
16 they are innocent or believe they are guilty.

17 MR. FITZGERALD: Okay. Thank you.

18 I have nothing further.

19 THE COURT: Mr. Hughes?

20 MR. HUGHES: Yes, your Honor.

21  
22 VOIR DIRE EXAMINATION

23 BY MR. HUGHES:

24 Q Mr. Daut, where do you live? What part of town?

25 A West Los Angeles.

26 Q I see.



1 And what sort of work do you do?

2 You said you were laid off?

3 A No.

4 Q No?

5 You were doing some work and then you came to  
6 jury duty?

16b fls. 7 A I was on vacation.

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16B-1

1 Q What sort of work do you normally do?

2 A I work for the State Division of Highways.

3 Q What sort of job is that?

4 A I am in the Office Engineer's section and  
5 we advertise contracts and open bids for the contracts.

6 MR. HUGHES: I see.

7 Thank you. No further questions.

8 THE COURT: Mr. Shinn, any questions?

9 MR. SHINN: Yes.

10  
11 VOIR DIRE EXAMINATION OF MR. DAUT

12 BY MR. SHINN:

13 Q Mr. Daut, did you read anything about this case  
14 in magazines?

15 A No.

16 Q All the information you gathered was from the  
17 newspapers?

18 A Just the headlines, because I don't even bother  
19 reading the whole thing. I usually don't follow this kind  
20 of thing.

21 I usually like to read the world situation and  
22 the stock market reports and things of that nature.

23 Q How about television, radio?

24 A I haven't watched a TV news thing for so long  
25 I couldn't even figure it, because I figure, really, a lot  
26 of the TV news reporters that are even reporting world

16b2

1 events or local political events are slanted one way or  
2 the other.

3 Q In other words, you don't recall any particular  
4 facts about this case?

5 A No, sir.

6 Q How about the victims? Do you know who the  
7 victims were?

8 A No.

9 Q Do you know how they died?

10 A Well, the paper said that they were murdered.  
11 That is all that I know.

12 Q And you don't know the names of the defendants?

13 A Well, I know that he is Charles Manson; isn't  
14 that it?

15 Q Manson.

16 A Manson. That is my knowledge.

17 Q Do you know the name of any of the girls  
18 involved?

19 A Just from the way they read them off in the  
20 report. One is Van Houten.

21 Q Yes. But before coming to court, did you  
22 know their names?

23 A No.

24 Q Do you know what area these homicides occurred  
25 in?

26 A No.

16b3

1 Q You never discussed this with your family or  
2 your friends or your club members?

3 A No.

4 The only thing I discussed with my wife was if  
5 I was on it would she be able, you know, to run the show at  
6 home while I was on the jury.

7 And she said yes, that wouldn't be any problem.

8 I don't have much to say about how the house is  
9 run anyway, if you want to be truthful about it.

10 THE COURT: You may not have any when you get back.

11 MR. SHINN: Q Did you hear of Mr. Kanarek before  
12 coming to court?

13 A No.

14 Q You never heard the name Mr. Kanarek?

15 A No.

16 MR. SHINN: Thank you. Okay, thank you very much.

17 MR. DAUT: Is that all?

18 THE COURT: Pardon?

19 MR. DAUT: Anything else?

20 THE COURT: Any other questions, gentlemen?

21 MR. STOVITZ: May we just ask a general question?

22 THE COURT: I don't know whether Mr. Shinn is through.

23 MR. SHINN: Yes, I am through.

24 THE COURT: Mr. Kanarek?

25 MR. KANAREK: No questions.

26 THE COURT: All right.

1654

## VOIR DIRE EXAMINATION OF MR. DAUT

BY MR. STOVITZ:

Q Sometimes a juror feels more comfortable telling us things about himself here in chambers rather than out in front where the other jurors and spectators can hear.

If you were in our position as the prosecutor, or defense attorneys in this case, and knowing what you know about your background, is there anything you care to volunteer so that we can make an intelligent choice as to whether or not you would be fair to both sides?

A No, I don't think there is anything.

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Q You have no brothers that are police officers?

A I don't have any brothers or sisters.

Q You don't have brothers or sisters?

A No.

Q How long have you lived in Los Angeles?

A Well, in the area, in the South Bay -- in the Southwest area, 25 years, I guess.

Q And you have no young children at home?

A Yes. Three.

Q Three young children at home?

A Well, they are not young. The oldest one is 18, and he works down in Stanton, California.

Q And you tell us that your wife lets you make the important decisions as to whether we should sell jets to Israel and she runs the house; is that right?

A Yes, that is it.

MR. STOVITZ: We have no further questions.

THE COURT: All right.

I will ask you to go out into the courtroom again, Mr. Daut, and would you refrain from discussing with anyone what has been said in here?

MR. DAUT: All right.

THE COURT: Thank you.

(Whereupon, Mr. Daut leaves the court's chambers.)

THE COURT: Anything, gentlemen, before we go back out

1 again and resume the voir dire in court?

2 MR. FITZGERALD: No.

3 MR. STOVITZ: No.

4 THE COURT: All right.

5 (Whereupon, the following proceedings occurred  
6 in open court, all defendants, counsel, jury and prospective  
7 alternate jurors being present:)

8 THE COURT: All parties and counsel are present.  
9 All the jurors are in the jury box.

10 Any further examination, Mr. Fitzgerald?

11 MR. FITZGERALD: We will pass this prospective  
12 alternate juror for cause.

13 THE COURT: Very well.

14 Mr. Hughes?

15 MR. HUGHES: I would also pass this prospective  
16 alternate juror for cause, your Honor.

17 THE COURT: Mr. Shinn?

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

19 THE COURT: Mr. Kanarek?

20 MR. KANAREK: We accept the six prospective alternates,  
21 your Honor.

22 THE COURT: All right. Mr. Stovitz?

23 MR. STOVITZ: Thank you.  
24  
25  
26

## VOIR DIRE EXAMINATION OF MR. DAUT

1 BY MR. STOVITZ:

2 Q Mr. Daut, if you continue to occupy that seat  
3 in this jury, sir, you understand that even though you are  
4 an alternate you will be one of the most important jurors  
5 we have.

6 The reason for that is that you will be the  
7 furthest away from the witness that testifies, and if you  
8 can't hear, you raise your hand, and you will be helping  
9 the other jurors.

10 Will you do that for us?

11 A Yes.

12 Q Now, our apologies to some of the jurors that  
13 have been here three or four weeks, but we still have a few  
14 questions to ask you.

15 Did you hear all the questions that we asked  
16 the other jurors two days ago when you first came into this  
17 courtroom?

18 A I think I did.

19 Q If each and every one of those questions were  
20 asked of you, would your answers be the same?

21 A Yes, sir.

22 Q Do you belong to any organization whatsoever  
23 that has as one of its purposes the suppression of the  
24 death penalty?

25 A No, sir.  
26



1 Q Can you envision a situation where, if the  
2 facts warranted it and if a female defendant was found  
3 guilty of first-degree murder, you could vote for the  
4 death penalty?

5 A Yes, sir.

6 Q Can you envision a situation, if the facts  
7 warranted it and the defendant was convicted of first-  
8 degree murder on a conspiracy theory, even though he did  
9 not himself kill a human being, that you could vote for the  
10 death penalty for that type of individual?

11 A Yes, sir.

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1 Q All right.

2 Now, do you understand the illustration on  
3 circumstantial evidence, do you not?

4 A Yes.

5 Q Would you require the prosecution to prove  
6 its case by direct evidence only?

7 A No.

8 Q And in the event that the prosecution produces  
9 direct and circumstantial evidence, do you have a frame of  
10 mind that you must have at least one eyewitness to a fact  
11 before you are convinced of that fact?

12 A No, sir.

13 Q Now, sir, again thinking about all those  
14 questions we asked the other jurors, asking yourself those  
15 questions, if you were in our position and all you wanted  
16 were 12 fair-minded jurors, would you choose somebody in  
17 your frame of mind?

18 A Yes, sir.

19 MR. STOVITZ: Thank you very much.

20 People pass for cause, your Honor.

21 THE COURT: Mr. Fitzgerald, you may exercise a  
22 peremptory challenge if you care to.

23 MR. FITZGERALD: Patricia Krenwinkel will accept  
24 the alternates.

25 MR. HUGHES: Leslie Van Houten will accept the  
26 alternates.

1 MR. SHINN: Miss Atkins accepts the alternates, your  
2 Honor.

3 MR. KANAREK: We accept the alternates, your Honor.

4 MR. BUGLIOSI: The People thank and excuse Miss  
5 Broome, your Honor.

6 THE COURT: Thank you, Miss Broome. You are excused.

7 We will adjourn, ladies and gentlemen, at  
8 this time, until tomorrow morning at 9:00 o'clock.

9 Do not converse among yourselves or with  
10 anyone else on any subject relating to this case, nor  
11 form or express any opinions regarding the case until it  
12 is finally submitted to you.

13 Do not read, watch or listen to any news  
14 reports regarding the case so long as you are connected  
15 with the case.

16 9:00 o'clock tomorrow morning.

17 (Whereupon at 4:13 o'clock p.m. the court  
18 was in recess.)  
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I N D E X

## VOIR DIRE EXAMINATION

PROSPECTIVE JURORS: COURT FITZGERALD HUGHES SHINN PEOPLE

SCHNEIDER, Alex	4344				4346
	4347				
DOUGLASS, Robert R.	4356	4364	4369	4367	4369 4393
BROWN, Mary Jane	4374				
ELLIS, John N.	4377 4390	4382	4384		4385 4389 4397

1 LOS ANGELES, CALIFORNIA, TUESDAY, JULY 21, 1970

2 9:07 o'clock a.m.

3 - - - -

4 (The following proceedings occurred in  
5 chambers, all defendants and counsel present:)

6 THE COURT: All parties and counsel are present.

7 We have a note from Mr. Alex Schneider,  
8 who is sitting in seat No. 2 as a prospective alternate  
9 juror which reads as follows:

10 "To the Court: I would like to  
11 be called back into chambers or challenged by  
12 prosecutor on the death penalty for the three  
13 young ladies. Signed, Alex Schneider."

14 And we also have an empty seat No. 1, Miss  
15 Broome having been challenged yesterday, or excused on  
16 a peremptory.

17 Do you wish to call in Mr. Schneider?

18 MR. STOVITZ: Yes, your Honor.

19 THE COURT: All right, let's call in Mr. Schneider.

20 (Mr. Alex Schneider enters the court's  
21 chambers.)

22 THE COURT: Good morning, Mr. Schneider.

23 MR. SCHNEIDER: Good morning.  
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25  
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## VOIR DIRE EXAMINATION OF MR. ALEX SCHNEIDER

BY THE COURT:

Q I have your note, Mr. Schneider. Would you care --

A Do you want me to elaborate on it?

Q Yes.

A It is about the girls.

As I said, I was against the death penalty, and since this weekend, my sons were over, my two daughter-in-laws, plus my prospective one, and it has sort of leaned on me pretty heavy about the death penalty on the girls or life imprisonment.

Q Well, have you changed your opinions; is that what you are saying?

A Yes.

Q Changed it how?

A Well, I was asked if I could go along, as a group, when Miss Abbatecola and the other one was sitting there, the three of us, and we mentioned that we were against the death penalty; and also the question was brought up whether we would, if in this case we could go ahead and come in with a guilty verdict on the girls, and I shook my head, "Yes."

And I have changed my mind since.

1 fls.

1 Q Well, which opinion have you changed? Will  
2 you still be able to be impartial on the question of  
3 guilt?

4 A I would not be impartial.

5 Q Are you saying that your views and opinions  
6 regarding the death penalty would affect your ability to  
7 be impartial in determining the question of guilt?

8 A Yes, sir.

9 Q Have you also changed your opinion with  
10 respect to imposing the death penalty if you should be  
11 called upon to decide the question of penalty with  
12 respect to the female defendants?

13 A Yes.

14 Q Are you saying now -- I don't want to put  
15 words in your mouth, you tell me -- but are you in effect  
16 saying that you would automatically refuse to impose the  
17 death penalty on any woman?

18 A Yes.

19 Q Regardless of the evidence in the case?

20 A Yes.

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

22 MR. FITZGERALD: No, your Honor.

23 THE COURT: Mr. Hughes?

24 MR. HUGHES: No questions.

25 MR. SHINN: No questions.

26 THE COURT: Mr. Kanarek?

1 MR. KANAREK: No questions, your Honor.

2 THE COURT: Mr. Bugliosi?

3 MR. BUGLIOSI: I have a few questions.

4 THE COURT: All right.

5  
6 VOIR DIRE EXAMINATION OF MR. SCHNEIDER

7 BY MR. BUGLIOSI:

8 Q Mr. Schneider, your opposition to the death  
9 penalty, I take it, is of such a nature that you would  
10 automatically refuse to impose the death penalty for  
11 these three girls, is that correct?

12 A Yes, sir.

13 Q Do you think that your opposition to the  
14 death penalty is of such a nature that it might cause  
15 you to -- strike that -- it might tend to prevent you  
16 from being completely impartial on the separate issue of  
17 guilt or innocence as to these three defendants?

18 A I am so much against the death penalty, and  
19 especially in this case, I would be against it.

20 Q Now, I am talking about the separate issue  
21 now, guilt as opposed to innocence. I am not talking  
22 about the death penalty except indirectly I am, of  
23 course.

24 What I want to know is, because you are  
25 opposed to the death penalty do you think this would  
26 prevent you from being totally impartial?



1 A Yes.

2 Q Totally fair on the issue of guilt and  
3 innocence as to these defendants?

4 A Yes, sir.

5 Q You don't think you could be fair and  
6 impartial?

7 A I don't think so.

8 Q On the issue of guilt or innocence?

9 A No.

10 MR. BUGLIOSI: No further questions.

11 THE COURT: All right, just so the record will be  
12 absolutely clear, Mr. Schneider, I'm going to put the  
13 same two questions to you that I put to you previously  
14 regarding the death penalty.

15  
16 VOIR DIRE EXAMINATION OF MR. SCHNEIDER (Resumed)

17 BY THE COURT:

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

22 A Yes.

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

1 A Yes.

2 Q Do you have any doubt in your mind about  
3 your answers to those questions?

4 A No, sir.

5 Q In other words, you have made up your mind  
6 on that?

7 A Yes, sir.

8 Q As to those questions?

9 A Correct.

10 THE COURT: Any further questions?

11 MR. FITZGERALD: No.

12 MR. SHINN: No.

13 MR. HUGHES: No.

14 MR. KANAREK: No.

15 MR. BUGLIOSI: No.

16 THE COURT: All right, sir, thank you very much  
17 for letting us know what your views are and I will ask  
18 you to go back out into the courtroom.

19 MR. SCHNEIDER: Thank you.

20 (Mr. Schneider leaves the chambers of the  
21 court.)

22 MR. BUGLIOSI: Your Honor, the People move to  
23 excuse Mr. Schneider on dual grounds, both for cause,  
24 implied bias and also Witherspoon.

25 Also actual bias under Section 1073,  
26 second paragraph of the Penal Code.

1 MR. KANAREK: Object, your Honor, on the grounds  
2 that this is a subterfuge.

3 This is a way the juror has got the message  
4 as to how to get out of jury service.

5 The statements that prefaced his turnabout  
6 are indicative, as I say, they are circumstantial  
7 evidence of what is really going on here and why there  
8 can never be a fair trial in this case.

9 The juror is judge and jury of whether he is  
10 on the jury at all.

11 He is deliberately making these statements  
12 to the Court and we are being deprived of a fair jury  
13 by this technique.

14 It is obvious --

15 THE COURT: It may be obvious to you, Mr. Kanarek,  
16 but it is not obvious to me.

17 MR. KANAREK: What I am saying, looking at his  
18 previous answers --

19 THE COURT: It looked to me that he meant exactly  
20 what he said.

21 He had a chance to reflect further and these  
22 are his present views.

23 MR. KANAREK: I believe differently, your Honor,  
24 and I believe it is a denial of due process.

25 MR. HUGHES: I would join with Mr. Kanarek's  
26 objection.

1 MR. FITZGERALD: We object on the grounds to  
2 exclude this juror would deprive the defendants of due  
3 process of the law and equal protection of the law.

4 THE COURT: In what respect?

5 MR. FITZGERALD: In respect to I don't feel the  
6 prosecution is entitled to challenge a juror simply  
7 because he will not impose the death penalty on young  
8 women.

9 I think actually under existing California  
10 law that is one of the considerations this juror may take  
11 into consideration in not exercising the death penalty.

12 I think it is soon going to be the law in  
13 this country that to exclude a juror from jury service  
14 because he won't impose the death penalty on young  
15 women is an absurdity that the courts are not going to  
16 tolerate much longer.

17 I just want this record to be clear that we  
2 fls. 18 are objecting on those grounds.

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1 I agree with Mr. Kanarek that when the juror  
2 says he can't be fair and impartial on guilt or innocence,  
3 I think, indeed, that is a subterfuge. I will give the  
4 juror the benefit of the doubt on the issue of the death  
5 penalty. He may have genuinely and conscientiously had  
6 some soul searching over the weekend in regard to this matter.  
7 But I am not willing to accept the juror's representation  
8 that he couldn't be fair on the guilt or innocence.

9 MR. BUGLIOSI: For the record, your Honor, I would  
10 like to make one statement quoting from the Witherspoon  
11 case, since the defense has raised this issue, if I can  
12 find it.

13 (Pause.)

14 MR. HUGHES: In the meantime, I would join with  
15 Mr. Fitzgerald's objection.

16 MR. SHINN: Join, too.

17 MR. BUGLIOSI: Quoting from Witherspoon vs. Illinois,  
18 36 LW 4504 -- Law Week, 4504, page 4507.

19 The Court in the footnote says this:

20 "The most that can be considered of a venire-  
21 man in this regard is that he be willing to  
22 consider all of the penalties provided by  
23 State law and that he not be irrevocably  
24 committed before the trial has begun to vote  
25 against the penalty of death regardless of  
26 the facts and circumstances that might emerge

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1 "in the course of the proceedings.

2 "If a prospective juror tells the  
3 court in advance that he would never vote for  
4 the death penalty for a particular defendant,  
5 he is not willing to consider all of the  
6 penalties provided by State law."

7 He is telling the court in advance that he will  
8 not consider both penalties, that he has already made up  
9 his mind. And if this type of juror were permitted to sit,  
10 this would be stipulating to a minimum of a hung jury;  
11 there could never be anything more so far as the  
12 prosecution is concerned than a hung jury.

13 I think this language in Witherspoon  
14 clearly indicates that excusing this juror for cause on the  
15 ground that he would never vote a death penalty against a  
16 female defendant is proper, citing that language.<sup>N</sup>

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1 THE COURT: Of course, his answers to my last  
2 questions were not limited.

3 MR. BUGLIOSI: Yes, that's right. The Court went  
4 beyond that.

5 THE COURT: That is why I asked him again.

6 MR. BUGLIOSI: Yes.

7 THE COURT: The challenge will be allowed.  
8 Mr. Schneider will be excused for cause.

9 MR. KANAREK: Your Honor, before the next juror comes  
10 in, I have a problem in connection with Mr. Manson in the  
11 jail, your Honor.

12 Your Honor, I believe, was going to do some-  
13 thing in connection with the mail. Your Honor was going  
14 to look into that, I believe, the fact that they were holding  
15 Mr. Manson's mail.

16 THE COURT: Did you find out anything, Mr. Murray?

17 THE BAILIFF: As of Friday he had received no mail.

18 Any mail that he had received was turned over  
19 to him as of Friday.

20 MR. KANAREK: Your Honor, I move for an evidentiary  
21 hearing in connection with Mr. Manson's custody in the jail.

22 I was up there last night speaking with him,  
23 and the statements about what is contraband, Mr. Manson's  
24 writings and the scrutiny that the jail gives to these is  
25 clearly violating his right to a fair trial.

26 THE COURT: As I indicated to you earlier, Mr. Kanarek,

1 if you wish to raise some collateral matter such as this,  
2 you will have to file a written motion supported with an  
3 affidavit or a declaration alleging what the facts are,  
4 citing some authority in support of it, and any exhibit  
5 that you care to, and then it will be taken up in the  
6 regular course.

7 THE CLERK: How many do you wish me to order in the  
8 next panel, your Honor?

9 THE COURT: Do you have any feeling on that? We  
10 have seven left.

11 MR. STOVITZ: There are seven left, yes, but I think  
12 two of the seven raised their hands to say they had a frame  
13 of mind that they couldn't sit. Now, that means that  
14 there is actually five left.

15 I would just bring over 24, your Honor. I  
16 think we could do well with 24.

17 MR. BUGLIOSI: There is an outside chance that we  
18 might make it with this panel, your Honor, but I would  
19 assume that we are going to go beyond this panel.

20 THE COURT: Let's bring over 30.

21 THE CLERK: Yes, sir.

22 MR. KANAREK: Your Honor, I have one other point.

23 I would like this record to reveal that the  
24 Sheriff's personnel make the outstanding statement that  
25 Mr. Manson's own words are contraband in connection with  
26 this --



1 THE COURT: You can put this in your motion papers,  
2 Mr. Kanarek, along with everything else.

3 MR. KANAREK: They said they were holding his mail,  
4 your Honor.

5 THE COURT: You just heard Mr. Murray indicate that  
6 he has received everything that has come in for him.

7 All right, let's proceed.  
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1 (Whereupon a prospective alternate juror  
2 entered the court's chambers.)

3 THE COURT: Good morning, sir.

4 MR. DOUGLASS: Good morning, sir.

5 THE CLERK: The name of the prospective alternate  
6 juror is Robert R. Douglass; R-o-b-e-r-t, D-o-u-g-l-a-s-s.

7 Is this seat No. 1 or 2, your Honor?

8 THE COURT: 1.

9  
10 VOIR DIRE EXAMINATION OF MR. DOUGLASS

11 BY THE COURT:

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

14 A I feel no as far as my work goes.

15 Q For whom are you employed?

16 A I am employed with the Government, the Army  
17 Corps of Engineers, but I feel that a long stay or a  
18 stay of a long duration would be something that I would  
19 not be able to take.

20 It is not a financial hardship, but I do  
21 know that my employer would not like to have me gone  
22 for three to six months.

23 Q Well, that is probably true of everyone.

24 A Yes, sir.

25 Q But I don't see how it could be a hardship  
26 in this case.

2b-2

1 A Well, it is not a financial hardship, I agree  
2 to that.

3 I think that they don't want me to be on. There  
4 was some question as to whether I should even serve the  
5 month's time.

6 I have some projects in process.

7 Q Well, they don't make the determination on  
8 that, sir.

9 All right.

10 Anything else? Any other reason why you  
11 cannot serve, Mr. Douglass?

12 A Well, I don't particularly want to serve and  
13 be tied up for three to six months as far as being a  
14 family man, although I would like to be a good upstanding  
15 citizen.

16 If I have to do it, I will do it, but on that  
17 basis.

18 Q Well, that is the only basis upon which you  
19 have been called.

20 A Yes, sir.

21 Q I am going to ask you the same questions  
22 regarding the death penalty that I put to the other  
23 prospective jurors, Mr. Douglass.

24 A All right.

25 Q Do you entertain such conscientious opinions  
26 regarding the death penalty that you would be unable to

1 make an impartial decision as to any defendant's guilt  
2 regardless of the evidence in the case?

3 A I don't believe so.

4 Q The answer is no?

5 A I think I can be fair, yes, make an impartial  
6 decision.

7 Q Would you keep your voice up, please, Mr.  
8 Douglass, so that everyone can hear you?

9 A Yes, sir.

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

14 A No, sir.

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

18 A No, sir.

19 Q In other words, you would be willing to listen  
20 to the evidence and then make your decision with respect  
21 to the penalty, in case you get to the penalty phase; is  
22 that right?

23 A Yes.

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

26 A Yes, sir.

1 Q Have you made any conscious effort to follow  
2 this case in the newspapers or on TV or radio?

3 A No, not to follow this case.  
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3 fls.

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1 Q Do you read any daily newspaper on a regular  
2 basis?

3 A The Pasadena Star News.

4 Q Have you formed any opinion as to the guilt or  
5 innocence of any of the defendants?

6 A No, I cannot say that I formed an opinion, but  
7 to be honest with myself, although I did stand up when you  
8 asked the question about maybe being biased, of course I  
9 had a little time to think out in the courtroom, and I think  
10 I could probably put myself in the right frame of rationale  
11 to make a fair decision in any event, whatever the outcome  
12 is.

13 Q Why did you stand up when I raised the question  
14 in the courtroom as to whether or not any of the jurors felt  
15 they could not be impartial?

16 A I tried to be honest with myself and I probably  
17 do have some prejudice against long hair and the hippie  
18 cult type, things that I admit to myself and notice, I  
19 am aware that I probably have these tendencies.

20 I don't particularly <sup>like</sup> having them.

21 Q Well, of course my question was not directed to  
22 whether or not you like hippies or long hair, but whether or  
23 not you could be impartial in determining the guilt or  
24 innocence of these defendants.

25 A Well, my first thought was I probably could not,  
26 but like I say I have been sitting here for quite a while

-2  
1 and I have had a lot of time to think.

2 Q Do you now believe that you can be impartial?

3 A Yes, I think I could.

4 Q Was your initial opinion based on anything  
5 other than the appearance or, say, the mode of living of  
6 the defendants?

7 A Well, I have read the papers when this  
8 actually had been going through the papers when it had  
9 happened.

10 Of course there is so much of it that goes on,  
11 you tend to get all the different things you read in the  
12 papers kind of mixed up together.

13 Q So much of what that goes on?

14 A Oh, murders and different --

15 Q You mean crime, generally?

16 A Yes, crime in general.

17 This case was so long ago that pertinent  
18 factors that I read to this one are probably intermixed with  
19 others, reading of other crimes.

20 Q Was there anything in particular that you read  
21 concerning this crime that contributed to your initial  
22 feeling that you might not be able to be impartial?

23 A Not that I can state at the moment.

24 Q All right, you know that the defendants have  
25 been arrested and charged with the alleged offenses in  
26 this case?

4002  
A Yes, sir.

Q That is why they are here to be tried.

Apart from those facts have you ever read or heard anything which causes you to believe that there is some connection between these defendants and the alleged offenses other than the fact that they have been arrested and charged with them?

A No.

Q Have you ever read or heard any statement or description which appeared to be by someone who was an eye witness or participant in any of the alleged killings?

A No.



3A-1

1 Q Have you ever read or heard any statement by  
2 any of these defendants on any subject?

3 A Not that I recall, not specifically.

4 Q If you were selected as a juror in this case do  
5 you believe that you would be able to give each of the  
6 defendants the benefit of the presumption of innocence?

7 A Yes.

8 Q And if the People failed to prove guilt beyond a  
9 reasonable doubt as to any defendant, would you be willing  
10 to and would you vote for an acquittal as to that defendant?

11 A Yes, sir.

12 Q On the other hand, if the People were able to  
13 prove guilt beyond a reasonable doubt as to any defendant  
14 would you then be willing to and would you vote a verdict  
15 of guilty in that event?

16 A Yes.

17 Q Do you think that you could put aside whatever  
18 you may have heard or learned about this case and decide  
19 the case solely on the basis of the evidence that comes in  
20 during the trial?

21 A Yes.

22 THE COURT: Mr. Fitzgerald.

23 MR. FITZGERALD: Yes.  
24  
25  
26

1 VOIR DIRE EXAMINATION OF MR. DOUGLAS  
2 BY MR. FITZGERALD:

3 Q Your first impression when you came into court  
4 and you heard the name of the case, was that you could not  
5 be fair and impartial; is that correct?

6 A Well, it was not a firm thing. I just had the  
7 feeling that I might not be able to; there was some doubt as  
8 to whether I should stand up or not, and I finally decided  
9 that I would stand up.

10 Q What was that opinion that you held at that time  
11 based on?

12 A Well, I don't know if I can give you any firm  
13 answer on that.

14 It is the complete background. I cannot  
15 particularly pick out specific thing to say it was based on  
16 this particular opinion.

17 Q Well, it was a result of what you had read,  
18 heard and seen from media sources about this case and the  
19 defendants, isn't that correct?

20 A Yes.

21 Q Was it anything in particular, any background  
22 or history of any of the defendants?

23 A No, no.

24 Q It was their way of living?

25 A Well, I don't know if it is so much that.

26 I don't have a good rationale for laying out to

1 say why I made that decision, but at the time that is the  
2 way I felt.

3 Q Was it an emotional reaction?

4 A Yes, you might say that.

5 Q And what sort of emotional reaction was it?

6 Was it anger or fear?

7 Are you afraid of these defendants or Mr. Manson  
8 or the girls?

9 A No.

10 Q Did you feel threatened by them?

11 A No, sir.

12 Q Was it disgust or distaste?

13 A Well, probably more along that line, yes.

14 Q Do you recall anything in particular -- did you  
15 have any general impression of what you read, saw or heard  
16 that gave you that feeling?

17 A Not that I can pin down.

18 Q I take it that you probably would not feel that  
19 way about every defendant who was charged with a criminal  
20 offense, would you?

21 A No, probably not.

22 Q It is these defendants, isn't it?

23 A Well, the whole case, and so on and, reading  
24 in the past, being dragged into this -- not being dragged  
25 in, but asked to do the duty on this thing, you know, I  
26 feel it is not something that I like to do.

1 I realize it has to be done and citizens have  
2 to do it.

3 Q Well, if you were Mr. Manson or one of these  
4 girls on trial, would you be satisfied to be tried by  
5 somebody with your frame of mind?

6 A Yes, I think I would.

7 Like I say, I have been going through this, and  
8 I think that I could assume the correct rationale and make a  
9 fair and impartial decision based on what is presented.

10 Q And if the evidence indicated, could you vote to  
11 acquit these defendants?

12 A Yes.

13 Q If the prosecution did not prove their guilt to  
14 you beyond a reasonable doubt, would you be able to acquit  
15 them?

16 A Yes, I think so.

17 Q Would you have any problem with that?

18 A Well, not any more than the problem of making a  
19 decision in any case, and weighing the evidence.

20 Q Do you feel that there is some kind of pressure  
21 on you as an individual to arrive at a verdict of guilty in  
22 this case?

23 A No, sir.

24 Q Now, in connection with what you have read,  
25 seen or heard about this case, has there been any reference  
26 that you know in the media to Mr. Kanarek, an attorney in

1 this case?

2 A No.

3 MR. FITZGERALD: I have nothing further.

4 THE COURT: Mr. Hughes?

5 MR. HUGHES: No questions.

6 THE COURT: Mr. Shinn.

7  
8 VOIR DIRE EXAMINATION OF MR. DOUGLAS

9 BY MR. SHINN:

10 Q Mr. Douglas, you read about this case in a  
11 magazine or newspapers?

12 A Just newspaper, that is all.

13 Q How about a book?

14 A No books.

15 Q Paperback book?

16 A No books.

17 Q Do you recall any names of the defendants before  
18 coming to court?

19 A Well, Mr. Manson.

20 Q How about the rest of the defendants?

21 A No, really the only name that I have heard was  
22 Mr. Manson.

23 Q You cannot recall either the first or last names  
24 of the other defendants?

25 A Before I came here?

26 Q Yes.

1 A No, I could not.

2 Q Do you know the name of the victims?

3 A No, sir.

4 Q Do you know the locality of where these homicides  
5 took place?

6 A Not any more than I think it was over towards  
7 Hollywood, that area.

8 Q Do you know how many victims there were?

9 A No.

10 Q Do you have any children?

11 A Yes.

12 Q And do you feel that because of the fact that  
13 these people live in a different type of environment than  
14 yourself, do you feel because of that you may be prejudiced?

15 A Well, I probably have some prejudices, if they  
16 are recognized, you know, they would not enter into making  
17 the decision.

18 Q In other words, you feel that your subconscious  
19 mind may affect your position when it comes right down to  
20 whether they are guilty or innocent?

21 A No, I think I can make a fair decision.

22 Q Do you think there might be a chance of a little  
23 prejudice?

24 A I don't know -- all right, there could be.

25 Q I mean your subconscious mind may play tricks on  
26 you.

1 A I admit there may be.

2 MR. SHINN: Nothing further.

3 THE COURT: Mr. Kanarek.

4 MR. KANAREK: No questions.

5 MR. HUGHES: I do have a question.

6

7 VOIR DIRE EXAMINATION OF MR. DOUGLAS

8 BY MR. HUGHES:

9 Q Was your state of mind such the other day,  
10 sir, when you stood up, that at that time you would have  
11 required the defendants to prove their innocence rather than  
12 to -- you know --

13 Would you have assumed at that point that they  
14 were guilty and required them to prove their innocence?

15 A No, I would follow the fact that they are  
16 innocent until proven guilty.

17 MR. HUGHES: Thank you.

18

19 VOIR DIRE EXAMINATION OF MR. DOUGLAS

20 BY MR. STOVITZ:

21 Q Mr. Douglas, what do you do for the United  
22 States Army?

23 A I am a constructionist.

24 Q Construction?

25 A Yes.

26 Q Do you work usually out in the field?

1 A No, I work mainly in the office.

2 I have traveled quite a bit, a couple of times.  
3 a month, to Arizona and Nevada.

4 Q Do you work with computers?

5 A Not full time. I have experience with a pro-  
6 gram or two.

7 Q Is your background that of engineering or that  
8 of accounting?

9 A Engineering.

10 Q And how many children do you have?

11 A Two.

12 Q Their ages?

13 A 9 and 13.

14 Q What part of town do you live in?

15 A I live in Arcadia.

16 Q And where do you work?

17 A I work at the 300 North Los Angeles Federal  
18 Building downtown.

19 Q And coming downtown here has not been too much  
20 of a chore for you?

21 A It has been rather irritating since I have good  
22 hours and I have good traffic when I work, but when I come  
23 in here it's a mess, and it is aggravating to have to do  
24 that when I know there are better ways to get in.

25 Q Is this your first jury trial?

26 A No.



Q You have been a juror on other cases?

A Well, I was two years ago, two and a half years ago, August of '67 I served jury duty and then I started this tour on the 6th of this month.

Q The 6th of July?

A Yes.

Q Now, about long hair, you are not prejudiced against people with long hair as such, are you?

A No, no, I don't think so.

Q You notice there is one alternate and one regular juror that has his hair a little longer than normal, let's say, if your haircut is normal.

You understand that?

A Yes, I understand.

Q All right, you are not going to be prejudiced against those people and avoid talking to them if selected on the jury, are you?

A No.

Q And style of living, you understand that some people do not have the 8 to 4, and 4 to 8 and 12 to 8 type of routine that you and I might have, you understand?

A Yes.

Q And you are not going to be prejudiced against any of these defendants if they don't have that style that you and I might have?

A No.

1 Q All right, now, you are the sole judge now,  
2 you know yourself better than anyone else, you have been  
3 living with yourself some 40 years now --

4 How old are you?

5 A 34.

6 Q All right, 34.

7 You have been living with yourself since 34 years  
8 now, and you know what influence the papers have had on you;  
9 you know what influence the name of the case has.

10 You tell us if you were chosen as a juror would  
11 you be able to promise and take an oath that you would be  
12 fair and impartial to both sides and judge only the evidence?

13 A Yes, sir.

14 Q You understand you would have to disregard  
15 everything that you ever have heard or seen about this case  
16 before today, would you do that?

17 A I would, yes.

18 Q Do you have any reasonable doubt that you could  
19 not?

20 A No, I don't think I have a reasonable doubt.

21 MR. STOVITZ: I have no further questions.

22 THE COURT: All right, I will ask you to go back into  
23 the courtroom, Mr. Douglas, and will you refrain from dis-  
24 cussing with anyone what has been said in here this morning?

25 MR. DOUGLAS: Yes, sir.

26 THE COURT: Thank you.

(Mr. Douglas leaves the chambers of the court.)

MR. FITZGERALD: Challenge the juror based on his exposure to prejudicial pretrial publicity.

MR. STOVITZ: Oppose the challenge, your Honor.

THE COURT: The challenge will be disallowed.

(A prospective alternate juror enters the chambers.)

THE COURT: Good morning.

THE CLERK: The name of the prospective alternate juror is Mrs. Mary Jane Brown, M-a-r-y, J-a-n-e, B-r-o-w-n.

VOIR DIRE EXAMINATION OF MRS. MARY JANE BROWN  
BY THE COURT:

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

A No, I don't believe I would.

Q What is your situation?

A Well, I don't believe in capital punishment.

Q Well, I will get to that in a moment.

Is there any extraneous reason other than your beliefs?

A Well, I work.

Q Who is your employer?

A Pacific Telephone Company, and my mother is my dependent, who is in her 80's.

4-1

1 Q Does she live with you?

2 A Yes.

3 Q Is there anyone else living there?

4 A My son who attends Long Beach State.

5 Q Your mother and your son are the sole occu-  
6 pants along with you?

7 A Yes.

8 Q Is your mother able to get around all right?

9 A Well, she doesn't drive, of course, and she  
10 depends on me.

11 Q She depends on you for what?

12 A Well, for groceries and taking her places.

13 Q All right.

14 Now, I am going to ask you the same questions  
15 that I have asked the other prospective jurors regarding  
16 the death penalty.

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

21 A No. Not as to their guilt.

22 Q Would you keep your voice up, please, so  
23 everyone can hear you.

24 A Yes, sir.

25 Not as to their guilt.

26 Q Do you entertain such conscientious opinions

4-2

1 regarding the death penalty that you would automatically  
2 refuse to impose it without regard to the evidence?

3 A Yes, I would.

4 Q Are you saying that you have now made up your  
5 mind irrevocably that under no circumstances would you  
6 ever impose the death penalty?

7 A No.

8 Q Regardless of what the evidence shows?

9 A Yes.

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

12 A Yes, it is. It has to do with my religious  
13 background.

14 Q Is it a religious belief?

15 A Yes.

16 THE COURT: Any questions, Mr. Fitzgerald?

17 MR. FITZGERALD: No, your Honor.

18 MR. HUGHES: No questions, your Honor.

19 MR. SHINN: No questions, your Honor.

20 THE COURT: Mr. Kanarek?

21 MR. KANAREK: No questions, your Honor.

22 MR. STOVITZ: Submit it, your Honor.

23 We will ask that the juror be excused for  
24 cause.

25 THE COURT: All right, I will ask you to go back  
26 into the courtroom, Mrs. Brown.

4-3

1 Will you refrain from discussing with anyone  
2 what has been said here this morning?

3 MRS. BROWN: I surely will.

4 THE COURT: Thank you.

5 (Whereupon Mrs. Brown leaves the Court's  
6 chambers.)

7 MR. FITZGERALD: We will oppose the challenge on  
8 due process and equal protection grounds.

9 MR. SHINN: Join.

10 MR. KANAREK: Join.

11 MR. HUGHES: Join.

12 THE COURT: You are making a challenge on what  
13 grounds?

14 MR. STOVITZ: 1074, Subdivision 8, that she is  
15 irrevocably opposed to the death penalty, and under  
16 Witherspoon vs. Illinois this is a proper ground for  
17 challenge.

18 THE COURT: The challenge will be allowed.

19 Mrs. Brown is excused for cause.

20 (Whereupon another prospective juror enters  
21 the Court's chambers.)

22 THE COURT: Good morning.

23 MR. ELLIS: Good morning.

24 THE CLERK: The name of the prospective alternate  
25 juror is John N. Ellis; J-o-h-n, E-l-l-i-s.  
26

## VOIR DIRE EXAMINATION OF MR. ELLIS

BY THE COURT:

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

A Yes, I think so.

Q All right, sir.

I am going to ask you the same questions I put to the other prospective jurors regarding the death penalty.

A Okay.

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

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?

A No.

Q On the other hand, would you always vote to impose the death penalty in every case regardless of the evidence?

A No.

Q I understand from your answers then, Mr. Ellis, that you would be willing to listen to the evidence in

4-5

1 the case and then, if it became necessary for the jury to  
2 decide the question of penalty, you would then make up  
3 your mind; is that right?

4 A Right.

5 I mean, I believe in the death penalty. I  
6 believe in capital punishment.

7 Q But you would not impose it automatically or --

8 A No.

9 Q -- refuse to impose it?

10 A No.

11 Q You would first listen to --

12 A Yes.

13 Q -- all the evidence in the case --

14 A Yes.

15 Q -- and then make up your mind; is that right?

16 A Yes.

17 Q Have you formed any opinion as to the guilt  
18 or innocence of any of the defendants in this case?

19 A No, I haven't.

20 Q What type of work do you do?

21 A Telephone installer for General Telephone.

4a fls. 21

22

23

24

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26



4a-1

1 Q Would you keep your voice up, please,  
2 Mr. Ellis, so everyone can hear you?

3 A Yes.

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

5 A Yes, I read the newspaper generally every day.

6 Q Which paper?

7 A The Times, the Los Angeles Times. Mostly the  
8 sports.

9 Q Have you ever read or heard anything that  
10 appeared to be a description by someone who was personally  
11 present either as an eye witness or as a participant in any  
12 of the alleged killings in this case?

13 A No. I really haven't read too intensively about  
14 this case other than --

15 Q You haven't made any effort to follow the  
16 case?

17 A No.

18 Q In the news?

19 A No.

20 Q Have you ever read or heard of any statement  
21 by any of these defendants about anything?

22 A I probably have read -- I probably have read  
23 about it, but it hasn't really stuck in my mind, I mean.

24 Q When you say you probably have read about it,  
25 what do you mean?

26 My question was whether or not you have ever

1 read anything which appeared to you to be a statement  
2 being made by one or more of the defendants about anything  
3 at all, any subject?

4 A I'd have to say yes, but I can't remember what  
5 statement. But I know I have read about certain things,  
6 you know.

7 Q Well, what? Can you remember?

8 A It hasn't stuck to me, to my mind. It is just  
9 a basic thing that I have read.

10 Q Can you remember what the subject was about?

11 A Well, I remember when the defendants were  
12 arrested. I just read the names, who was arrested, and that  
13 was the extent of it. I mean, I didn't follow into it.

14 Q Well, that is not exactly what I meant. That,  
15 of course, was something written by a reporter --

16 A Right.

17 Q -- or a writer for the newspaper.

18 A Yes.

19 Q What I was asking you was whether or not you  
20 ever read anything or heard anything which appeared to be  
21 something being said by one or more of the defendants  
22 themselves.

23 A I'd have to say no.

24 Q Now, you know, of course, that the defendants  
25 have been arrested and they have been charged with these  
26 offenses and they are before the Court to stand trial, but

1 apart from those facts, do you know or have you heard  
2 anything which causes you to believe that there is some  
3 connection between the defendants and the offenses that  
4 they are charged with?

5 A (Pause.)

6 Q Do you understand what I am saying?

7 A No. Only that -- let's see -- in my mind, no.  
8 I don't know that much about it, you know, myself.

9 Q And you read in the newspaper or you heard on  
10 TV --

11 A That is the only thing that I know.

12 Q -- that they have been accused of these offenses.

13 A Right. That is the only knowledge that I have  
14 is what I have heard on TV and the little bit that I have  
15 read in the newspaper.

16 Q If you were selected as a juror, Mr. Ellis, do  
17 you believe that you would be able to give each of the  
18 defendants the benefit of the presumption of innocence?  
19 That is, would you presume that the defendants are innocent  
20 until their guilt was proved beyond a reasonable doubt?

21 A Yes.

22 Q And if the people failed to prove that guilt  
23 beyond a reasonable doubt as to any defendant, would you  
24 then vote for a verdict of not guilty as to that defendant?

25 A Yes, I would.

26 Q On the other hand, if the People were able to

1 prove guilt beyond a reasonable doubt as to any defendant,  
2 would you vote a verdict of guilty as to that defendant?

3 A Yes, I would.

4 Q Do you know of any reason why you could not be  
5 fair and impartial?

6 A No.

7 THE COURT: Mr. Fitzgerald?

8 MR. FITZGERALD: Thank you.

9  
10 VOIR DIRE EXAMINATION OF MR. ELLIS

11 BY MR. FITZGERALD:

12 Q You said you believed in capital punishment.  
13 What do you mean by that?

14 A I believe this is the way the law is.

15 I don't know exactly. I believe this is what  
16 the law says. I agree with it, until something better can  
17 come.

18 My opinion is sort of what is the opinion of  
19 some of the other people, that I am off and on the death  
20 penalty.

21 In other words, I don't think a person should be  
22 released after serving so many years in prison, and then be  
23 released. I think if they have to go to prison for life,  
24 that should be it. No parole at all.

25 And if it is not that way now, then I am for  
26 the death penalty, until they can --

4b-1

1 Q In other words, if you felt that at some  
2 time during their lives defendants would be released from  
3 prison on parole, you would impose the death penalty?

4 A Yes, I think I would.

5 Q Now, if you were instructed by the judge that  
6 you were not to take into consideration the fact that  
7 they might ultimately be paroled or pardoned or released,  
8 do you think you could do that, or do you think --

9 A Yes, I could.

10 Q You don't think you would have in the back of  
11 your mind that they were going to be released or paroled?

12 A No.

13 If the law is that way, that is the way the  
14 law is. That is the way I feel. Whatever the law says,  
15 I don't question it. I mean, I do what the law says.  
16 This is my own personal opinion.

17 Q Now, there are some people who feel that if  
18 somebody is convicted of murder, that person ought to die  
19 automatically. If you kill somebody, they ought to be  
20 given the death penalty. And then, as you know, probably  
21 there are people who say there are people who should  
22 never receive the death penalty under any circumstances.

23 Now, I take it you don't feel either way?

24 A No, I don't. I feel just about neutral.

25 I don't feel that a person should automatically  
26 die even if they have committed murder. I don't feel

4b-2

1 that way at all either.

2 Q And you think you could acquit these  
3 defendants if you had a reasonable doubt?

4 A If I had a reasonable doubt?

5 Q Yes.

6 A Yes, I could.

7 MR. FITZGERALD: I have nothing further.

8 MR. HUGHES: No questions, your Honor.

9 THE COURT: Mr. Shinn?

10 MR. SHINN: Yes.

11  
12 VOIR DIRE EXAMINATION

13 BY MR. SHINN:

14 Q Sir, you understand that you have the sole  
15 discretion; I mean, when it comes to the penalty phase,  
16 that you have the sole discretion whether it is life  
17 or death.

18 Do you understand that?

19 A Yes.

20 Q I mean, the Court, the Judge, doesn't  
21 instruct you that under certain circumstances you are  
22 supposed to automatically vote for the death penalty,  
23 and under certain circumstances you are supposed to  
24 automatically vote for the life penalty. It is up to you.

25 A Right.

26 Q You understand that?

4b-3

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A Yes.

Q Either life or death.

A Yes.

MR. SHINN: I have nothing further.

THE COURT: Mr. Kanarek?

MR. KANAREK: No questions.

THE COURT: Mr. Stovitz?

MR. STOVITZ: Yes, sir.

VOIR DIRE EXAMINATION OF MR. ELLIS

BY MR. STOVITZ:

Q Mr. Ellis, are you married, sir?

A No, I am not.

Q I take it, then, there are no children that are going to be depending upon you?

A No, not that I know of.

Q Many times in chambers here jurors feel freer to tell us things personal to them that they would be, well, not ashamed of, but they would be reluctant to tell us out in open court.

Is there anything about your personal life that you would want to tell us here in chambers?

A No, I can't think of any.

Q You don't have any outstanding traffic tickets that haven't been paid yet?

A Definitely not.

4b-4

1 Q How long have you been working for the  
2 Telephone Company?

3 A Two and a half years.

4 Q Two and a half years?

5 A Yes.

6 Q Now, you say you work in installation; is  
7 that right?

8 A Yes, sir.

9 Q Do you know the jurors are going to be  
10 sequestered if and when we choose the jury? Do you know  
11 what that means?

12 A That means locked up?

13 Q Yes.

14 A Right.

15 THE COURT: Not literally. It means that instead  
16 of going home at night you will go to a hotel. Your  
17 door will not be padlocked.

18 MR. ELLIS: Just like being in the Army.

19 THE COURT: We like to think it is better than  
20 the Army.

4c fls21

MR. ELLIS: Okay.

22

23

24

25

26



4c-1

1 BY MR. STOVITZ:

2 Q Now, in the event that -- all my questions  
3 that I ask you now will be assuming that you are chosen  
4 on the regular jury, you know, because with a three to  
5 five-month trial facing us, if any of the jurors might  
6 become ill or anything happens to them, you might take  
7 over. Even though you might be the sixth alternate  
8 juror placed here, you might be the first alternate juror  
9 take over into the regular jury.

10 Do you understand that?

11 A Yes, sir.

12 Q Now, my questions then are assuming that you  
13 are a regular juror now.

14 A Yes.

15 Q Now, as a regular juror, you understand that  
16 you are going to have to promise the Court that you are  
17 going to decide this case solely on the evidence and  
18 disregard everything that you have ever read or heard  
19 about the case.

20 Can you do that?

21 A Yes, sir.

22 Q Now, assume for the moment -- I am just  
23 taking a hypothetical thing -- that when the deaths occurred --  
24 do you remember when the deaths occurred?

25 A Yes.

26 Q August of last year.

1 A Yes. Right.

2 Q Assume that when the deaths occurred you  
3 might have read something about that the police suspected  
4 that they were killed by the Mafia, something like that.

5 A Yes?

6 Q And you hear nothing about the Mafia in this  
7 trial.

8 Are you going to wonder whether or not the  
9 Mafia had anything to do with the killings?

10 MR. KANAREK: That is improper voir dire, your  
11 Honor.

12 THE COURT: Well, it is just an example that is  
13 being used to determine Mr. Ellis's state of mind.

14 You understand that he is not literally  
15 referring to the Mafia but that he is illustrating a  
16 point.

17 Do you understand that?

18 MR. ELLIS: Right.

19 THE COURT: Overruled.

20 MR. STOVITZ: Q Do you think you can eliminate  
21 what you might have read about the Mafia and just concen-  
22 trate on the evidence?

23 A Definitely.

24 Q Now, you might have read somewhere along the  
25 line that there were five people arrested and charged  
26 with this crime, or you might have read somewhere along

1 the line that there were six people arrested and charged  
2 with the crime, and you only see four people here.

3 Are you going to worry about the guilt or  
4 innocence of these other one or two people, or are you  
5 going to concentrate on the guilt or innocence of the  
6 people before you?

7 A On the people on trial.

8 Q And if you don't hear any evidence here  
9 about somebody else, are you going to wonder and speculate  
10 about that other person?

11 A No, sir.

12 Q So, I take it now that if you were selected  
13 as a juror, Mr. Ellis, you could concentrate solely on  
14 this trial and disregard all rumors and base your  
15 verdict solely on the evidence that you hear in this  
16 case?

17 A Yes, sir.

18 MR. STOVITZ: No further questions.

19 MR. BUGLIOSI: I have just one or two, your Honor.

20 THE COURT: All right.

21  
22 VOIR DIRE EXAMINATION OF MR. ELLIS

23 BY MR. BUGLIOSI:

24 Q You indicated that because of the possibility  
25 of parole you are inclined to favor the death penalty;  
26 is that correct?

1           A       Yes, sir.

2           Q       But you wouldn't automatically vote for  
3 the death penalty in all murder cases, would you?

4           A       Definitely not. No. This is just my --  
5 I think there should be a changing of the law, principally;  
6 but, no, I wouldn't vote automatically either way.

7           Q       Just because a person is convicted of  
8 first degree murder, you wouldn't automatically vote for  
9 the death penalty?

10          A       No, I wouldn't.

11          MR. BUGLIOSI: No further questions.

12

13                   VOIR DIRE EXAMINATION OF MR. ELLIS

14 BY THE COURT:

15          Q       You think you could follow the Court's  
16 instructions as to the law, Mr. Ellis, even though  
17 those instructions might be different from what you now  
18 think the law is or should be?

19          A       Oh, definitely, your Honor. Yes. This is  
20 the way I feel.

21          Q       You wouldn't have any trouble doing that?

22          A       No. This is the way I principally believe.  
23 I think the thing should be settled outside. I mean,  
24 the law is the law. Then, if it is changed, this should  
25 be done more or less in politics, or, you know, what  
26 the State would believe.

1 But the way the law is, this is the way it  
2 has to be followed until it is changed, regardless of  
3 whether you believe it.

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1 THE COURT: All right, sir. I am going to ask you  
2 to go out into court.

3 Will you refrain from discussing with anyone  
4 what has been said in here?

5 MR. ELLIS: Yes, sir.

6 MR. STOVITZ: How old are you, Mr. Ellis?

7 MR. ELLIS: 25.

8 MR. STOVITZ: Thank you.

9 (Whereupon, Mr. Ellis leaves the court's  
10 chambers.)

11 MR. STOVITZ: Before going into open court, your  
12 Honor, and questioning these last two jurors, I would like  
13 to state for the record that if these jurors are passed for  
14 cause out in open court, it is the intention of the  
15 prosecution probably to accept the alternate jurors as now  
16 constituted.

17 So that the defendants are not placed in a bind  
18 of any kind, I would like them to know that.

19 THE COURT: Did you all hear that?

20 MR. FITZGERALD: Yes.

21 MR. SHINN: Yes.

22 THE COURT: All right, then. If there is nothing  
23 further, we will go out into the courtroom.

24 (Whereupon, the following proceedings were had  
25 in open court, all defendants, counsel, jury and prospec-  
26 tive alternate jurors present.)

THE COURT: All parties and counsel are present.  
The jury is in the jury box.

Do you wish to inquire further, Mr. Fitzgerald?

MR. FITZGERALD: No, your Honor.

I would pass these <sup>two</sup> prospective alternate jurors  
for cause.

MR. HUGHES: I would also pass for cause, your Honor.

MR. SHINN: Pass for cause, your Honor.

MR. KANAREK: I accept the six alternates, your  
Honor, as we have previously done.

THE COURT: Mr. Stovitz?

MR. STOVITZ: Yes, sir.

VOIR DIRE EXAMINATION OF MR. ROBERT R. DOUGLASS  
BY MR. STOVITZ:

Q Mr. Douglass, you have been in this courtroom  
for how many days now?

A Since last Thursday.

Q And I think you have projected yourself and  
said to yourself, well, I might be here for the next three  
months, too. Do the surroundings suit you okay?

A Yes.

Q And you have taken a look at the other prospec-  
tive -- rather, the trial jurors and the prospective alter-  
nate jurors, and you think you can live with these people  
for the next three to six months?

4D3

1 A Yes.

2 Q And if you were asked every one of the  
3 questions that Mr. Bugliosi asked the other jurors,  
4 especially the alternate jurors -- those are the only ones  
5 you heard; right?

6 A Yes.

7 Q Would your answers be in any way different?

8 A No, I don't believe they would.

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1 Q All right, it may very well be, sir, that you  
2 will serve as an alternate juror throughout the entire  
3 trial; you will be like a bridesmaid and never a bride.

4 On the other hand, you may catch the bridal  
5 bouquet at the very end and have to take over for one of  
6 the jurors.

7 You understand that?

8 A Yes.

9 Q So it will be very important if an exhibit is  
10 passed around, it will be very important for you to take a  
11 look at that exhibit, you understand that?

12 A Yes.

13 Q If a witness is lowering his voice and your  
14 eyes are slowly closing because of the heat or the time of  
15 day, it will be important for you to stand up and wake up  
16 and listen to the witness just as if you were a regular  
17 juror.

18 A Yes.

19 Q Now, assuming for the moment, sir, and these  
20 questions I am going to ask you are assuming for the moment  
21 that the jury brought in a verdict of first-degree murder  
22 as to Mr. Manson.

23 Do you think that you could, if you felt that  
24 the evidence, that the aggravation at the end of the case  
25 was sufficient, do you think that you could bring in a  
26 verdict of death in this case?

1           A     Yes.

2           MR. SHINN: Object to the question, your Honor,  
3           prejudging a state of facts, your Honor.

4           THE COURT: Sustained.

5           Q     BY MR. STOVITZ: Assume for the moment, sir,  
6           that the defendants, each and every one of them, were  
7           convicted of murder in the first degree, could you partake  
8           in a deliberation and a decision as to whether or not the  
9           defendant should receive a life sentence or a death sen-  
10          tence?

11          A     Yes.

12          Q     Do you belong to any organization whatsoever,  
13          fraternal, social, religious, any organization at all that  
14          has as one of its objectives the abolition of the death  
15          penalty?

16          A     No.

17          Q     Sir, you told us that you work with the United  
18          States Army Corps of Engineers, and sometimes you use  
19          computers.

20                You understand that in the trial of a lawsuit  
21          we have to depend upon humans to judge the credibility of  
22          witnesses, we do not have computers.

23                You understand that?

24          A     Yes.

25          Q     And in weighing the guilt or innocence of the  
26          defendants, again we do not put the evidence into a machine

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1 and get out a tape recording of some kind that tells us  
2 what should be the verdict, we depend on moral jurors,  
3 human jurors, to decide moral evidence, you understand that?

4 A Yes, sir.

5 Q Do you feel that because this is a murder case  
6 and because it is a case that the people are seeking the  
7 death penalty, if there is a conviction of first-degree  
8 murder that you would require the people to prove their case  
9 to an absolute certainty?

10 A No.

11 Q All right, Mr. Douglas, if you were in the  
12 position of either the defendants or their attorneys, or the  
13 attorneys for the prosecution, and you knew your own  
14 frame of mind, do you feel that you could be fair to both  
15 sides?

16 A Yes, sir.

17  
18 VOIR DIRE EXAMINATION OF MR. ELLIS

19 BY MR. STOVITZ:

20 Q Mr. Ellis, how long have you worked for the  
21 telephone company?

22 A Two and a half years.

23 Q Do you work with computers as well or mostly  
24 mechanical work?

25 A No, I work mechanical work.

26 Q It may very well be in this trial a

5-4 1 representative of the telephone company will testify.

2 You will not give his testimony any greater  
3 weight just because he works for the same company that you  
4 do?

5 A Definitely not. He probably doesn't work for  
6 the same company anyhow.

7 Q Which telephone company do you work for?

8 A General Telephone.

9 Q Oh, General. As a competing telephone company,  
10 you would not give his testimony any less weight?

11 A Definitely not.

12 Q Do you belong to an organization that has as one  
13 of its purposes the abolition of the death penalty?

14 A No, sir.

15 Q In high school or college, anything like that,  
16 did you ever argue against the retention of the death  
17 penalty in California?

18 A No, sir.

19 Q Assuming again that the defendants are  
20 convicted of murder in the first degree, could you partake  
21 in a discussion with the other jurors and render a verdict  
22 of death as to each of the defendants if that is what your  
23 decision was?

24 A Yes, sir.

25 Q You heard the questions of Mr. Bugliosi, that  
26 Mr. Bugliosi asked the other jurors?

A Yes, sir.

5-5

1 Q Did you understand the doctrine of conspiracy  
2 as Mr. Bugliosi outlined it?

3 A Yes, sir.

4 Q If you were instructed along the lines by the  
5 Court, along the lines of conspiracy, would you follow  
6 those instructions?

7 A Yes, sir.

8 Q Do you have any prejudices against convicting a  
9 person for murder in the first degree when he, himself, did  
10 not inflict a fatal blow?

11 A No, sir.

12 Q Do you have any prejudices against voting for  
13 the death penalty against such an individual if the facts  
14 of the case warrant the imposition of the death penalty?

15 A No, sir.

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1 Q All right, sir, Mr. Ellis, knowing your own  
2 background, knowing everything that you went through to  
3 reach your ripe old age, and knowing what little you  
4 know about this case, do you think you could give the  
5 People as well as the defendants a fair and impartial  
6 trial?

7 A Yes, sir.

8 Q Do you have any doubts about that at all?

9 A No, sir.

10 MR. STOVITZ: Thank you very much.

11 The People pass for cause as to these two  
12 alternates, your Honor.

13 THE COURT: Very well.

14 Mr. Fitzgerald, you may exercise a peremptory  
15 challenge if you care to.

16 MR. FITZGERALD: Patricia Krenwinkel will accept  
17 the alternates.

18 THE COURT: Mr. Hughes?

19 MR. HUGHES: Leslie Van Houten will accept the  
20 alternates.

21 THE COURT: Mr. Shinn?

22 MR. SHINN: Miss Atkins will accept the alternates.

23 THE COURT: Mr. Kanarek?

24 MR. KANAREK: Mr. Manson once again accepts the  
25 six alternates.

26 THE COURT: Very well.

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1 Mr. Stovitz?

2 MR. STOVITZ: May the People approach the bench  
3 with counsel?

4 THE COURT: Very well.

5 (The following proceedings were had at the  
6 bench out of the hearing of the jury and the prospective  
7 alternates:)

8 MR. STOVITZ: Your Honor, it is the intention of  
9 the People to accept the jury and pass peremptory  
10 on these six alternates.

11 If that occurs the defendants have already  
12 accepted the alternate jurors.

13 When does your Honor anticipate starting  
14 the actual witnesses?

15 THE COURT: We will take a recess, and after the  
16 recess I would like to confer with all counsel and  
17 parties in chambers regarding further procedural matters,  
18 that is, the commencement of the trial, and also if you  
19 care to take up, for example, the reading of the indict-  
20 ment.

21 I don't think we have to decide that at this  
22 moment.

23 MR. STOVITZ: Well, the reason we ask is that we  
24 thought that your Honor would give these six alternate  
25 jurors at least a half day off to get their affairs in  
26 order.

1 THE COURT: I don't see how I can sequester them  
2 before tomorrow morning, because they haven't had any  
3 real warning, although I'm sure they realize it is  
4 imminent.

5 They probably did not bring their clothes  
6 with them, their suitcases.

7 MR. STOVITZ: So it won't be before tomorrow  
8 morning.

9 THE COURT: For sequestering?

10 MR. STOVITZ: For starting with the first witness.

11 THE COURT: That is what I wanted to confer with  
12 counsel about after the recess.

13 MR. BUGLIOSI: We have a slight problem with some  
14 of our witnesses.

15 THE COURT: At one time one or more of the attorneys  
16 had suggested that there be some one or more days between  
17 the final sequestering of the jury and the actual  
18 commencement of the opening statements, and evidence  
19 taking portions of the trial, which I don't think is  
20 unreasonable.

21 That is why I wanted to talk to you.

22 MR. STOVITZ: We appreciate that. Thank you.

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

26 THE COURT: People may exercise a peremptory



1 challenge.

2 MR. STOVITZ: People pass peremptory, your Honor.

3 THE COURT: All right, before the alternate jurors  
4 are sworn as a group I want to put one question personally  
5 and individually to each of the alternate jurors.

6 Will you listen very carefully and give me  
7 your honest and sincere answer to these questions:

8 Mr. Douglass, do you swear on your oath as  
9 a prospective juror that you can and will act impartially  
10 and fairly upon the matters to be submitted to you, and  
11 that you can and will base your verdict in this case  
12 solely on the evidence received during the trial and in  
13 accordance with the Court's instructions?

14 Do you, Mr. Douglass?

15 MR. DOUGLASS: Yes, sir.

16 THE COURT: And, Mr. Ellis, do you?

17 MR. ELLIS: Yes, sir.

18 THE COURT: And, Mr. Sheely, do you?

19 MR. SHEELY: Yes.

20 THE COURT: Miss Chason, do you?

21 MISS CHASON: Yes, sir.

22 THE COURT: Mrs. Kampman, do you?

23 MRS. KAMPMAN: I do.

24 THE COURT: And Mr. Daut, do you?

25 MR. DAUT: Yes.

26 THE COURT: All right, we are going to take a

1 recess at this time, ladies and gentlemen.

2 For 15 minutes, possibly a little bit longer  
3 before we resume.

4 The trial will not commence today. I am  
5 going to confer with counsel after the recess as to the  
6 exact starting time.

7 It is extremely important that you alternate  
8 jurors bear in mind my admonitions and I'm going to repeat  
9 them now.

10 You will not be sequestered today because I am  
11 sure you have not all made the necessary preparations and  
12 brought your clothes and other belongings.

13 However, you will be sequestered tomorrow  
14 morning, so you should come to court tomorrow with  
15 whatever you need to have with you.

16 Arrangements will be made so that you may  
17 obtain other things as you need them during the course  
18 of the sequestration.

19 But, as I say, it is extremely important that  
20 you do bear in mind these admonishments:

21 First, do not converse among yourselves or  
22 with anyone else on any subject relating to this case,  
23 nor form or express any opinion regarding the case until  
24 it is finally submitted to you.

25 And do not read, watch or listen to any  
26 news report concerning this case so long as you are

1 connected with the case.

2 The Clerk will swear the alternate jurors.

3 THE CLERK: Will the six alternate jurors please  
4 rise?

5 Would you raise your right hands, please.

6 You and each of you do solemnly swear that  
7 you will well and truly try the case now pending before  
8 this court and render a true verdict therein according  
9 to the evidence and the instructions of the court, so  
10 help you God?

11 ALL SIX ALTERNATES: I do.

12 THE COURT: All right, we will recess at this time,  
13 ladies and gentlemen, for approximately 15 minutes.

14 (Recess.)

6 fls.

5-1  
1 (The following proceedings occurred in  
2 chambers, all defendants and counsel present:)

3 THE COURT: Is everyone here?

4 Where is Mr. Fitzgerald?

5 MR. FITZGERALD: Yes. I just moved over here so I  
6 can confer.

7 THE COURT: All right.

8 All parties and counsel are present.

9 MR. HUGHES: Your Honor, at this time, Miss Van Houten  
10 would re-raise the issue of the change of venue, and along  
11 with it introduces evidence of the newspaper article from  
12 the Herald Examiner which was introduced the other day  
13 during the jury voir dire.

14 I believe that it has become evident throughout  
15 the voir dire of the prospective jurors, your Honor, that  
16 we have been so circumscribed in finding potential jurors  
17 that this shows sufficient prejudice against these  
18 defendants that they are being deprived of their right to a  
19 fair trial as incorporated in the Due Process clause, the  
20 Sixth Amendment Due Process clause, and that had your  
21 Honor been willing to grant this motion originally,  
22 had your Honor's feet not been so inextricably cemented into  
23 the idea of trying this case in Los Angeles County, that we  
24 could have avoided this long and tedious process of trying  
25 to get jurors.

26 I believe sincerely, your Honor, that you did

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1 make an effort to pick who you thought were fair jurors.  
2 However, the picking process was so unnecessarily hampered  
3 by the fact that the major brunt of the publicity has come  
4 down in Los Angeles and the major brunt of that publicity  
5 has come down at the hands of the District Attorney.

6 You will recall back a month ago when the  
7 contempt citation was brought up against Mr. Kanarek, that  
8 in the tape recording that was offered as evidence with  
9 Mr. Stovitz, that with that tape recording between  
10 Mr. Stovitz and David Felton, at one point Mr. Ron Einstoss  
11 from the Los Angeles Times came into the room, and that he  
12 was exposed to that publicity, to those things which the  
13 District Attorney was saying about the case.

14 Many of those items, your Honor, are reflected  
15 again in this newspaper article from this past weekend in  
16 the Herald Express.

17 And it is for these basic reasons of this whole  
18 area being tainted with the things that the District  
19 Attorney has put out about this case, many of them not  
20 admissible, that, I, at this time, remake the motion for a  
21 change of venue.

9-1

1 MR. SHINN: Join, your Honor.

2 THE COURT: Do the People wish to be heard?

3 MR. STOVITZ: Mr. Kanarek joining in that motion?

4 THE COURT: I haven't heard anything.

5 MR. FITZGERALD: I will join in that motion.

6 And are you joining?

7 MR. KANAREK: Yes, your Honor, I join.

8 MR. STOVITZ: We will oppose the motion for change of  
9 venue, your Honor.

10 It seems obvious that Los Angeles County, being  
11 as large a county as it is, we were able to select these  
12 18 jurors.

13 Each of them has promised under oath to follow  
14 the evidence.

15 Each of them has testified under oath that they  
16 have not been exposed to any so-called confession or any  
17 story in the newspapers that they could not put out of their  
18 mind, put aside from their mind.

19 I think in no other county in this State could  
20 we secure 18 jurors of this same frame of mind. Wherever  
21 we would go in this State or any other state this case has  
22 been written up.

23 Now, it has not been written up in the District  
24 Attorney's Office, because we are not in the publishing  
25 business. It was written up long before the indictments  
26 were issued.

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1 It was written up because of the defendants'  
2 fashion, so to speak.

3 They gave three interviews when they were up in  
4 Inyo County, and there was no evidence whatsoever that the  
5 District Attorney's Office at any time used their office  
6 to put out anything concerning the evidence in this case.

7 I feel that through the searching examination  
8 of these jurors we have been able to obtain 18 impartial  
9 jurors which we could not obtain in any other county.

10 MR. FITZGERALD: I would like to briefly reply to  
11 what Mr. Stovitz said.

12 I think, first, that it is not the issue  
13 whether or not the prosecution deliberately disseminated  
14 some of the information, but I think if we get into that  
15 issue we can clearly and unequivocally demonstrate that it  
16 was the prosecution and prosecutorial agencies that  
17 released the information to the press.

18 What he is talking about, the People in Inyo  
19 County who released information to the press, those people  
20 are prosecution witnesses, Mr. Poston, Mr. Crockett and  
21 Mr. Watkins are not agents of the defendant, they are in  
22 fact agents of the prosecution.

23 And I think getting on to the greater issue,  
24 the one raised by Mr. Hughes, is this:

25 As intellectually honest people, I don't think  
26 we all can take the position that this jury is a

1 representative sample of the community. The only people  
2 that are sitting on this jury or as alternate jurors in  
3 this case are people that, A, could withstand the hardship  
4 and all that it entails in terms of their family in order  
5 to be sequestered six months as a result of the publicity.

6 B, we only have people on the jury that can  
7 economically survive the paltry sum of money provided to  
8 them by the County of Los Angeles.

9 C. Your Honor, I think, made a conscientious,  
10 diligent effort to secure for the defendants a fair and  
11 impartial trial and you attempted personally, I think,  
12 your Honor, to secure for us the fairest possible jurors  
13 of the jurors available to us.

14 You conscientiously excluded for us the jurors  
15 who were consciously influenced by the prejudicial publicity.  
16 Anybody who indicated to the Court that they were  
17 influenced, your Honor excused those people, allowing us  
18 to preserve our peremptory challenge.

19 On the other hand we have no way of knowing the  
20 jurors that are going to be subconsciously influenced by  
21 this massive publicity.

22 We only see the tip of the iceberg; we only see  
23 those people who are willing to admit and are able to  
24 cognizantly bring up to their present conscious level what  
25 they have seen, read, or heard.

26 Additionally, we systematically excluded from



1 the jury, according to the law of the State of California,  
2 anybody who would not impose the death penalty in an  
3 appropriate case.

4 I think when one looks at the figures, we inter-  
5 viewed well over 225 jurors, ultimately arriving at 18  
6 with only the exercise, I think, of 11 -- 17 -- 26 peremp-  
7 tory challenges on both sides.

8 I think we can recognize how unrepresentative  
9 a sample it is.

10 Had the defendants exercised all their  
11 peremptory challenges and the prosecution exercised all  
12 their peremptory challenges we would likely be here until  
13 this time in 1971.

14 I have taken the intellectual position, I think  
15 it is a proper one and a sound one, that the defendants  
16 would not be allowed a fair trial in Los Angeles County,  
17 and I still maintain that is correct, and I would still  
18 urgently urge this Court at this late date to grant a motion  
19 of change of venue.

20 I think we have the combined experience  
21 listening to all of these jurors, I think in the light of it  
22 it is impossible for the defendants to receive a fair  
23 trial.

24 We will make the best of it; we will try to  
25 do what we can.

26 THE COURT: Well, I believe we have a fair and

1 impartial jury --

2 MR. KANAREK: Before your Honor rules, may I make a  
3 statement?

4 THE COURT: All right.

5 MR. KANAREK: My statement is as follows, your Honor:

6 It is my belief, your Honor, first of all, that  
7 our position is, as far as the challenges for cause go,  
8 it is our position that we challenged each and every one of  
9 the alternates and those people on the jury for cause at  
10 this point because of exposure to pretrial publicity, on  
11 the basis of actual bias and implied bias.

12 Furthermore, it is our position that your  
13 Honor should voir dire the People on the jury in connection  
14 with that Herald Express -- that is, on the regular jury,  
15 in connection with the Herald Express article.

16 It is our position that it is impossible and  
17 there is not a fair and impartial jury in the box, or the  
18 alternates are not fair and impartial and that there is --  
19 it is impossible because of State action by the District  
20 Attorney to obtain in Los Angeles County a fair and  
21 impartial jury.

22 I also, in connection with the exhibit, I must  
23 refer the Court to the exhibits of -- that are in -- I  
24 don't know if they are in evidence, but they are the  
25 exhibits of the District Attorney's memoranda concerning  
26 publicity.

I don't want to belabor it, but we can go

1 through those and I can show your Honor where the District  
2 Attorney has by his conduct, by his actually fostering  
3 publicity in this case violated not only the spirit but the  
4 letter of the law of the land in Shepard vs. Maxwell, the  
5 Billie Sol Estes case, Strobble vs. California, deliberately  
6 and with malice, with the purpose of making sure there is  
7 not a fair trial, and if your Honor wishes --

8 I mean, as I say, I don't want to belabor it,  
9 but I can go through those memoranda and show to the Court  
10 where there is evidence in connection with this case that  
11 has been pointed out to the mass media in those memoranda.

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1 THE COURT: Which memoranda are you referring to?

2 MR. KANAREK: The ones that Mr. Stovitz brought  
3 down, the 26 or 27.

4 THE COURT: Oh, I see. All right.

5 MR. KANAREK: May I do that?

6 THE COURT: It is not necessary. I just wanted  
7 to understand what you were referring to.

8 MR. KANAREK: What I am saying is that if we value  
9 our way of life, your Honor, then we value it. We cannot  
10 allow State action to interfere with a man's fair trial.

11 And that is exactly what happened here.

12 There couldn't be greater State action than  
13 the District Attorney of Los Angeles having a press  
14 agent and distributing to the media these memoranda,  
15 instead of doing just the opposite, doing what they  
16 should do..

17 Then the Court can take judicial notice  
18 that Mr. Younger has thumbed his nose at judicial orders,  
19 and your Honor can see that it is the office policy of  
20 the District Attorney -- I am referring specifically  
21 to the case of Judge Lloyd Davis, where the District  
22 Attorney publicly stated, publicly defied the Court to  
23 find him in contempt, and that was an order in connection  
24 with publicity.

25 MR. SHINN: Your Honor, may I say something?

26 THE COURT: Very well.

8-2

1 MR. SHINN: Your Honor, I don't think that we can  
2 all sit here and in clear conscience say to ourselves that  
3 we have tried every possible means to give the defendants  
4 a fair trial.

5 Now, as I said before, I mentioned that the  
6 Sheppard case warned the State courts that in a case  
7 like this -- now, this is a typical case that I believe  
8 the Sheppard case was talking about -- where there is  
9 massive publicity, they set forth certain guidelines  
10 that the State Court should follow, and I think that we  
11 haven't even followed one of the guidelines set forth by  
12 the Sheppard case, and also recommended by the ABA.

13 Now, we have made various motions which the  
14 Court denied. We made a motion for continuance until  
15 the publicity dies down. We made a motion today again  
16 for a change of venue.

17 Then I believe I made a motion to have jurors  
18 brought in from other counties; and I also suggested  
19 that we bring in another judge from a different county.

20 Now, these are minimum guidelines set forth  
21 in trying to give the defendants a fair trial, and I don't  
22 think we made a minimum effort, your Honor.

23 I feel, as other defense counsel feel, that  
24 I doubt very very much that the defendants will get a  
25 fair trial in this county, in this court.

26 MR. STOVITZ: I suggest, your Honor, if counsel is

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1 really interested in seeing that the defendants get a  
2 fair trial that they look into the mirror of their own  
3 conscience.

4 Mr. Kanarek has made certain accusations which  
5 earlier we said to the Court that when we remain silent  
6 our silence is not any accord.

7 It is purely his own vindictiveness that is  
8 set forth here. If he is really interested in having Mr.  
9 Manson get a fair trial, I suggest that he examine his  
10 own conscience.

8a fls.11

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1 We are sure, your Honor, that if we were to  
2 sit here another 30 days or another 60 days, we could get  
3 jurors that were "less exposed" to the newspapers; but the  
4 jurors that we have, your Honor, although they have read  
5 articles, have told us that they have not read the ones  
6 that your Honor felt were crucial. They have not made up  
7 their mind on this case.

8 Jurors have been examined freely in chambers,  
9 and we have done everything we could to insure that these  
10 jurors would be fair.

11 If the defendants take an attitude of defeat,  
12 it is their own character that is being exposed, not the  
13 fair trial system of California.

14 I think the defendants can receive a fair  
15 trial from these jurors, and if the evidence points to  
16 their guilt, they will be convicted.

17 MR. BUGLIOSI: These press releases by the District  
18 Attorney's Office, as Mr. Kanarek knows, and I accuse him  
19 of every type of conceivable fraud and deceit imaginable,  
20 he knows that the press releases only contained statements  
21 of what had already been in the newspapers and done in  
22 open court.

23 The District Attorney has not taken any  
24 position in this case on any of those press releases,  
25 and Mr. Kanarek knows that.

26 MR. KANAREK: There, your Honor, he has answered it

8-5

1 implicitly if not explicitly, and I would suggest that we  
2 go over the press releases and see.

3 They have been given wider dissemination.  
4 The articles that have the viciousness in them and the  
5 evidence in them, your Honor, the District Attorney's  
6 Office has alluded to and sent to whatever their mailing  
7 list is, so they have expanded the original error by their  
8 own volitional act.

9 We can go through them and show the Court.

10 THE COURT: What is important is not the press  
11 releases, but what, in fact, has been published and what  
12 has been, in fact, disseminated and what, in fact, has  
13 been digested by the people who are going to serve on this  
14 jury.

15 Now, we have spent five weeks in insuring in  
16 every possible way that we have a fair and impartial jury,  
17 and I am convinced that we have such a jury.

18 Many of these people have virtually no  
19 exposure to publicity in this county.

20 Now, this may seem strange in view of the  
21 fact that there obviously has been a good deal of publicity  
22 about the case. It is inconceivable there would not be  
23 publicity about a case in which there are seven killings  
24 involved. From that standpoint, you might say that it  
25 is the crime, or one of the crimes, of the century.

26 It is hardly remarkable that there has been



1 publicity about a case involving seven alleged murders.  
2 But what is even more remarkable, is the fact that there  
3 are many, many people in this County, as we have seen  
4 right here in this chambers and in this courtroom, who  
5 have had remarkably little exposure to any of this  
6 publicity.

7 And that is what we have spent five weeks  
8 in determining, in selecting people who have had  
9 remarkably little exposure to any of this.

10 None of these 18 people have ever read or  
11 heard of any confession in the case.

12 Now, that was one thing that I was concerned  
13 about because, as Mr. Fitzgerald rightly stated, sometimes  
14 a juror may have read something that he might have  
15 forgotten or which might be dredged up in his memory  
16 at some later time. A confession is one of those things  
17 which I think even though he were consciously willing to  
18 admit and sincerely believed would not affect his ability  
19 to be impartial, might somehow, subconsciously, affect  
20 that.

21 But we have no such persons on this jury.  
22 That is why we had to go through 175 people, or whatever  
23 the total number it turns out to have been in finding  
24 18 people who are fair and impartial.

8b fls.

8B-1

1 MR. KANAREK: May the record reveal, your Honor, if  
2 your Honor is purportedly making a finding of fact that  
3 such is the case, may the record reveal that we object to  
4 such a purported finding of fact.

5 THE COURT: I certainly am making such a finding of  
6 fact. That is exactly why we spent five weeks obtaining  
7 these 18 people.

8 MR. KANAREK: Your Honor, I join in the motion for  
9 change of venue, but the record does reveal our position,  
10 your Honor.

11 THE COURT: All right.

12 The motion for change of venue will be denied.

13 Now, what is your thinking on the subject of  
14 when this case should resume?

15 MR. BUGLIOSI: We at least would like to have one day  
16 off. Tomorrow.

17 THE COURT: Today is Tuesday. Do you want to resume  
18 Thursday morning?

19 MR. BUGLIOSI: Thursday would be all right with the  
20 people, your Honor.

21 MR. STOVITZ: Making our opening statement Thursday  
22 morning, your Honor, it will be less than 35 to 40 minutes.  
23 Then we can present our first witness right after that.

24 Is your Honor going to go back to the old time  
25 schedule now that the evidence has started?

26 THE COURT: I plan to, unless there are some other

82 1 thoughts regarding that.

2 I recall that that was 9:45 until 12:00 and  
3 2:00 until 4:15.

4 MR. STOVITZ: Yes.

5 I was thinking about 9:30 instead of 9:45,  
6 and then 1:45 instead of 2:00.

7 MR. BUGLIOSI: I agree with the Court's original  
8 position, your Honor.

9 THE COURT: I don't have any serious feelings one way  
10 or the other about that.

11 It has been my experience that in a jury trial  
12 it is difficult to have a jury concentrate for more than  
13 that amount of time in a day; plus in this case, we have  
14 problems of transportation and moving the jurors around.

15 I would suggest that we start out with those  
16 hours, and if it appears reasonable to change them, we can  
17 always make adjustments.

18 MR. SHINN: Your Honor, may I, at this time, renew my  
19 motion, my pretrial motion to suppress the evidence; I  
20 mean, the admissions and confessions of Susan Atkins at this  
21 time?

22 The document has been filed already, and your  
23 Honor indicated the last time that you would take it at  
24 the time that the admissions or confessions would be  
25 introduced by the District Attorney.

26 THE COURT: Let's take one thing at a time, Mr. Shinn.

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1           You may renew your motion, but let's decide  
2 one thing at a time.

3           Is Thursday morning agreeable with counsel?

4           MR. FITZGERALD: I was just going to say, I have  
5 talked it over with my client and in community with the  
6 other clients, and I had originally talked it over briefly  
7 with Mr. Bugliosi, and the defendants would have no  
8 objection if the matter went over to Friday.

9           We are not necessarily requesting that, your  
10 Honor. If the Court is ready to proceed on Thursday, we  
11 are happy to proceed on Thursday; but we can use the time  
12 to good end.

13          MR. BUGLIOSI: No objection to Friday, your Honor.

14          THE COURT: Is that agreeable with everyone?

15          MR. SHINN: Yes, your Honor. Even Monday is  
16 satisfactory.

17          MR. HUGHES: Yes.

18          MR. KANAREK: Yes.

19          MR. FITZGERALD: Friday would also give the alternate  
20 jurors -- well, maybe I shouldn't get into that.

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

22          THE COURT: I realize that while you gentlemen have  
23 been busily engaged for five weeks in selecting a jury,  
24 you have been unable to spend that time in other pretrial  
25 preparation, and I don't think that a reasonable delay  
26 commencing Friday --

1 MR. STOVITZ: Friday what time, your Honor?

2 THE COURT: Do you have any other comments on the  
3 hours that I have previously indicated?

4 MR. FITZGERALD: No. We agree that we would prefer  
5 9:45 and 2:00 p.m.

6 MR. KANAREK: Right. That is correct, your Honor.

7 MR. SHINN: No objection.

8 MR. HUGHES: No objection.

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1 THE COURT: Then let's resume on Friday at 9:45  
2 until further notice of change. The hours will be 9:45  
3 to 12:00 and 2:00 until 4:15.

4 MR. BUGLIOSI: I would like to discuss the opening  
5 statement briefly, your Honor.

6 MR. FITZGERALD: Before you do, Mr. Bugliosi, in  
7 that connection I am going to ask the Court for an order  
8 directing the prosecution to refrain from mentioning in  
9 their opening statement:

10 (a) Any item of physical evidence the  
11 admissibility of which has not been determined;

12 (b) Any admission or confession the  
13 admissibility of which has not been determined;

14 (c) Any hearsay statement entered into  
15 to show the state of mind of the declarant;

16 And (d) Any evidence relating to the  
17 commission of any other crimes or offenses introduced  
18 for the purposes of establishing common scheme, plan,  
19 intent, modus operandi, motive, or for any other reason.

20 I haven't prepared that formally, but I  
21 typed that out.

22 MR. BUGLIOSI: I think your motion has precluded  
23 opening statement.

24 MR. KANAREK: Join.

25 MR. SHINN: Join.

26 MR. HUGHES: Join.

1 MR. FITZGERALD: I am particularly concerned with  
2 two essential items, your Honor.

3 One is the matter that we have discussed at  
4 length on other occasions, the mention of any admission or  
5 confession in regard to any of these defendants.

6 The second major item which I am concerned  
7 about is the introduction into evidence or the statement  
8 of the introduction into evidence of other offenses.

9 MR. BUGLIOSI: We will not introduce or mention in  
10 the opening statement other offenses. We will not.

11 MR. FITZGERALD: You had indicated to me from time  
12 to time that you intended to introduce into evidence  
13 during your case in chief the so-called Hinman homicide.

14 MR. BUGLIOSI: Yes.

15 We might offer that during the trial for the  
16 Court's consideration.

17 Mr. Stovitz and I still haven't made up our  
18 minds on that.

19 MR. STOVITZ: That will not be mentioned in the  
20 opening statement.

21 MR. BUGLIOSI: That won't be in the opening statement.

22 THE COURT: Do you have any objection to the other  
23 things mentioned by Mr. Fitzgerald?

24 MR. BUGLIOSI: Yes.

25 Everything he says there with the exception of  
26 other offenses.

1 THE COURT: Let's take them one by one.

2 What about any item of physical evidence the  
3 admissibility of which has not been determined?

4 MR. BUGLIOSI: I definitely object to that.  
5 Definitely.

6 THE COURT: Let me remind you that we have not had  
7 a 1538.5 motion with respect to any of this physical  
8 evidence.

9 MR. BUGLIOSI: Right.

10 THE COURT: And that I have told the defendants in  
11 our pretrial matters that I would permit such a motion  
12 to be made during the course of the trial.

13 MR. BUGLIOSI: Right.

14 Now, for the Court's --

15 THE COURT: So the risk is obvious.

16 MR. BUGLIOSI: Right.

17 For the Court's information, your Honor, to  
18 my knowledge, the only items of physical evidence that  
19 I am going to mention are the firearm and the clothing  
20 that the killers allegedly wore.

21 Both of these, I will represent to the Court,  
22 were found by civilian witnesses and turned over to the  
23 police.

24 But I definitely intend to mention that in  
25 my opening statement.

26 Whatever risk is inherent, Mr. Stovitz and I



1 assume that risk.

2 THE COURT: From what you are saying regarding that,  
3 it would appear that there was no search or seizure  
4 involved?

5 MR. BUGLIOSI: No.

6 MR. STOVITZ: We are going to mention, for instance,  
7 the automobile, a '59 Ford automobile that was used.

8 I don't know whether counsel will mention it  
9 as such, but we are going to introduce the fact that a  
10 '59 Ford automobile was used on both nights of the homicides.

11 There may be an indirect reference on August  
12 the 16th, 1969, that an arrest took place, but I don't  
13 think in our opening statement we will characterize it as  
14 an arrest.

15 9 fls.

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1 MR. BUGLIOSI: I won't mention that.

2 MR. STOVITZ: But during the trial it will be  
3 characterized that this '59 Ford automobile was at the  
4 Spahn Ranch; this '59 automobile was thereafter impounded  
5 pursuant to lawful impounding because they had on license  
6 plates that did not fit the car, and they believed it was  
7 a stolen car, and this '59 Ford automobile, photographs of  
8 it will be shown and introduced in evidence as being the  
9 car that was used by the perpetrators of the crime on both  
10 nights.

11 A speck of blood was obtained from the glove  
12 compartment of the Ford automobile, however, that blood  
13 has not been traced as to type or even that it is human  
14 blood.

15 MR. BUGLIOSI: I won't go into that in my opening  
16 statement.

17 THE COURT: We are again talking about content of  
18 the opening statement.

19 Mr. Fitzgerald's second point; "Any admission  
20 or confession, the admissibility of which has not been  
21 determined."

22 Of course, there has been no determination.

23 MR. BUGLIOSI: We do intend to mention in the  
24 opening statement Susan Atkins' statements to co-inmates  
25 at Sybil Brand, and to Leslie Van Houten's statement to  
26 Diane Lake of Death Valley.

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1 We will make reference to that. We will not  
2 go into any details at all. It will be a very general  
3 reference to her statement.

4 MR. SHINN: I think that is highly prejudicial, your  
5 Honor, in the event that it is inadmissible, your Honor.

6 THE COURT: No question about that, Mr. Shinn, that is  
7 the point.

8 MR. SHINN: Mr. Bugliosi is presupposing that the  
9 Court is going to admit the evidence, your Honor.

10 MR. BUGLIOSI: That is true of any opening statement.  
11 The Court never rules in advance that all of the People's  
12 evidence is admissible before the trial.

13 There is always an issue of that.

14 MR. SHINN: Yes, but we have met to determine that  
15 before the trial begins. That is why I request we have a  
16 pretrial motion on the question of whether or not the  
17 confession is admissible or not, your Honor, that is one of  
18 my biggest points.

19 MR. HUGHES: Also, your Honor, I would object to  
20 Miss Van Houten's purported statements to Diane Lake up in  
21 Inyo County being brought out in the opening statement of  
22 the District Attorney.

23 I believe it is too highly prejudicial; it  
24 is unclear at this time whether they will actually introduce  
25 that testimony.

26 I believe it would be so -- it would highly

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1 inflame and excite the jury, that my defendant could not  
2 get a fair trial if that were actually introduced.

3 THE COURT: I don't think that is the problem.

4 The problem is whether or not it is eventually  
5 going to be admissible.

6 MR. SHINN: Your Honor, may I ask your Honor why the  
7 purpose of the Court not wanting to hear these pretrial  
8 motions?

9 THE COURT: One thing at a time, Mr. Shinn. I will  
10 permit you to be heard on that, but let's just take things  
11 up in an orderly fashion.

12 MR. SHINN: I'm sorry.

13 THE COURT: Now we are considering the content of the  
14 opening statement.

15 Well, I am inclined to agree that any  
16 admissions or confessions should not be mentioned in the  
17 opening statement, Mr. Bugliosi, as well as --

18 MR. BUGLIOSI: I don't intend to classify it as an  
19 admission or confession, your Honor.

20 THE COURT: Well, I know that. I cannot see how  
21 this would prejudice the People in any way, and yet it  
22 might very well prejudice the defendants, depending on what  
23 eventually results from the Court's determination as to the  
24 admissibility of the statements.

25 MR. BUGLIOSI: Here is the problem, your Honor:

26 Number one, it's an opening statement and the

9-4  
1 prosecution as far as I know has the right in an opening  
2 statement to tell the jury what evidence they expect to  
3 offer.

4 NOW, we expect to offer this evidence. We are  
5 very confident the Court is going to accept it.

6 The Court has already made a preliminary  
7 tentative ruling that certain portions of it will probably  
8 be admissible.

9 I want to mention this in my opening statement.

10 Furthermore --

11 THE COURT: Let's not characterize what I said as a  
12 tentative ruling.

13 I made that quite clear on the record.

14 MR. BUGLIOSI: Well, the Court's position.

15 THE COURT: Well, it was a mere indication of present  
16 feeling without having heard any of the evidence or the  
17 arguments, pro and con.

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1 MR. BUGLIOSI: Furthermore, your Honor, as to these  
2 defendants, this is the only evidence we have against  
3 them.

4 I feel I should mention that in my opening  
5 statement.

6 If the Court were to rule during the trial  
7 that these statements are not admissible as against Susan  
8 Atkins and Leslie Van Houten, I think as a matter of law  
9 they would be entitled to an acquittal, so I am not  
10 worried about any risk I am assuming, because this is the  
11 only evidence we have against these two girls.

12 MR. STOVITZ: In addition to Linda Kasabian's  
13 testimony,

14 MR. BUGLIOSI: Assuming she is an accomplice, this  
15 is the only evidence I have.

16 If the Court rules during the trial this  
17 evidence is inadmissible, no prejudice will inure to these  
18 two defendants for the simple reason that as a matter of  
19 law I would think that the Court would have to order an  
20 acquittal, assuming Linda Kasabian is an accomplice.

21 This is our only evidence.

22 All I am mentioning is the only evidence we  
23 have.

24 THE COURT: Can it be mentioned without stating  
25 the character of it?

26 That is, can it not be mentioned in the form

1 of a conclusion rather than characterizing it as a  
2 statement of one or more of the defendants?

3 MR. BUGLIOSI: I was not going to classify it as  
4 a statement.

5 I was merely going to mention she had conver-  
6 sations.

7 THE COURT: That is the same thing.

8 Can't you simply say that the evidence will  
9 show that she was present at a certain time or place or  
10 whatever it is, without saying that the evidence consists  
11 of a conversation or a statement?

12 MR. BUGLIOSI: I don't want to sound like a fool or  
13 look like a fool in front of the jury.

14 I intend to tell the jury what evidence the  
15 prosecution is going to offer in this case to convict  
16 these people of seven counts of murder.

17 I do not intend to classify it as a confession.  
18 The Court indicates this might be argumentative. I don't  
19 think it is; I think it is perfectly proper. The Court  
20 indicates it is in the nature of an argument.

21 I won't use the word "confession," but I don't  
22 see why I should be precluded from telling the jury we  
23 intend to offer evidence that Susan Atkins had a conversa-  
24 tion with three people in which she told them of her  
25 involvement with the three murders.

26 I won't mention in this opening statement,

1 which I think I have to, although it is delicate because  
2 certain portions will have to be deleted, I won't  
3 mention what she told these people, "I stabbed Sharon  
4 Tate" -- "I held her hands down."

5 I won't mention anything like that. I think  
6 I am entitled to tell the jury the only evidence we have  
7 against these two defendants, and I don't see any  
8 risk at all because if the Court later on during the  
9 trial says that we cannot introduce any portions of those  
10 statements, in effect the Court will be directing an  
11 acquittal.

12 This is the only evidence we have.

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

14 THE COURT: All right, as long as you recognize  
15 what the risk is.

16 MR. BUGLIOSI: I recognize the problem.

17 THE COURT: I don't want you to come back and say  
18 I have made a determination on the admissibility.

19 I want the record to be perfectly clear I  
20 have made no such determination.

21 MR. BUGLIOSI: That's right, your Honor, we discussed  
22 this a couple of days ago, I think the Court agreed with  
23 my characterization of the Court's position at that time;  
24 your tentative position was that certain portions would  
25 be admissible.

26 THE COURT: It appeared to me from reading the



1 statements that you presented to me with the underlinings  
2 which I understood were those portions you thought could  
3 be excised, that such deletions could be made without  
4 harming the rights of any party.

5 MR. BUGLIOSI: Right. The Court has not made a  
6 ruling.

7 The Court might very well rule no portion of  
8 it is admissible later on.

9 THE COURT: I also made it perfectly clear that that  
10 ruling was based on not having considered in detail the  
11 statements from one end to the other, or not having heard  
12 any of the evidence in the case to which these statements  
13 might relate, and that it was entirely possible that  
14 that tentative appearance or observation might turn out  
15 to be incorrect.

16 MR. BUGLIOSI: I agree, your Honor.

17 THE COURT: All right.

9b fls. 17

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1 MR. STOVITZ: Before we go on to another point, your  
2 Honor, would your Honor excuse the jury now since we have  
3 already made up our minds we are going to resume --

4 THE COURT: They are not going anywhere. They have  
5 to wait here until lunch time anyway.

6 MR. SHINN: May I say something along the same lines  
7 in response to Mr. Bugliosi, your Honor?

8 Now, I have not seen the Court's version of  
9 what will be admissible or what will not be admissible.

10 THE COURT: It is not my version. I don't have any  
11 version, Mr. Shinn.

12 MR. SHINN: If in fact, your Honor, the confession  
13 or admission of Susan Atkins is going to be admissible,  
14 is going to be introduced in evidence, your Honor, then at  
15 this time I would move for a severance, your Honor, because  
16 the deletions may prejudice my client.

17 So right now I don't know what parts the Court  
18 is going to delete, what part the Court is not going to  
19 delete.

20 So it may be a deletion to the prejudice of my  
21 client, and I would move for severance, your Honor.

22 MR. STOVITZ: Your Honor, if counsel moves for  
23 severance and he has the consent, of course, of his  
24 client to delay this trial, it would necessitate a second  
25 trial.

26 MR. SHINN: That is beside the point.

1 MR. STOVITZ: There also would have to be a waiver  
2 of jeopardy which attached when this jury was sworn.

3 MR. SHINN: I took that all under consideration,  
4 but if the deletion is going to prejudice my client,  
5 Miss Atkins, I have no other choice but to move for  
6 severance.

7 MR. BUGLIOSI: Did you talk to your client about it?

8 MR. SHINN: Regardless if I talked to my client.

9 It may be, your Honor, the way the deletions  
10 are going to be it will prejudice Miss Atkins.

11 THE COURT: Well, again, Mr. Shinn, let's wait until  
12 we get rid of these other preliminary matters. Then you  
13 can make any motion you care to.

14 MR. SHINN: Right.

15 THE COURT: Now, what about any evidence relating  
16 to the commission of other crimes or offenses?

17 MR. BUGLIOSI: There will be none of that.

18 THE COURT: There will be none in the opening  
19 statement?

20 MR. FITZGERALD: There were some representations to  
21 me that there might be.

22 MR. BUGLIOSI: Right.

23 MR. FITZGERALD: That is why I included it.

24 THE COURT: Well, then, what about any hearsay  
25 statements introduced to show the state of mind of the declarant?

26 I don't know what Mr. Fitzgerald means, of

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1 course, because I don't know what the evidence is.

2 MR. STOVITZ: There will be no hearsay mentioned in  
3 the opening statement, your Honor.

4 THE COURT: Do you care to be more specific,  
5 Mr. Fitzgerald?

6 MR. FITZGERALD: Yes, I think I can refer briefly to  
7 that area.

8 The evidence they intend to introduce to show  
9 statements they will introduce into evidence, statements  
10 made by Mr. Manson and some of the other defendants which  
11 would in themselves be hearsay, they would in themselves  
12 be immaterial and irrelevant in that they don't apply to  
13 any of the facts or issues in this case, but might be  
14 introduced to show some common scheme, plan, intent and  
15 particularly motive.

16 I have in mind reference to Mr. Manson's  
17 racial attitude, and statements in connection with  
18 racial prejudice, statements in connection with blacks and  
19 the black revolution.

20 MR. BUGLIOSI: That will be discussed in a fair  
21 amount of depth in my opening argument, of course, his  
22 position on blacks, not what he told other people, but I  
23 will state what the evidence will show at this trial from  
24 many witnesses.

25 MR. FITZGERALD: So we shall narrow the issue down a  
26 little bit, I take it you are going to put people on the

1 witness stand who are going to testify that Manson and  
2 perhaps some of the other defendants said those things  
3 which would be hearsay statements to show Mr. Manson's  
4 state of mind, also to show some sort of common scheme  
5 and also to show motive, correct?

6 MR. BUGLIOSI: Motive, yes, not common scheme and  
7 design.

8 We will offer many witnesses to testify to  
9 motive, yes, and motive does have something to do, of  
10 course, with black people, right?

11 I will not quote Mr. Manson or anything like  
12 that, but I will say that witnesses will testify to  
13 Charles Manson's philosophy on life with respect to black  
14 and white people, and tell them what that philosophy is.  
15 as I expect the witnesses to testify.

16 MR. FITZGERALD: Well, during the course of the trial  
17 we all anticipate, when I use the term "we all," I talk  
18 about the defense attorneys anticipate that there will be  
19 objections raised to evidence of this type, so we are in  
20 the position as we are with several of the other items,  
21 that the admissibility of this evidence has not been  
22 determined.

23 Mr. Kanarek intends to object to the intro-  
24 duction of that philosophy evidence by way of hearsay,  
25 and I think it might be prejudicial not only to Mr. Manson,  
26 but to the rest of the defendants to bring it up during an  
opening statement.

9c-1

1 MR. BUGLIOSI: It goes to the very heart of our  
2 case and we will offer many witnesses to testify to it,  
3 so it will be mentioned in the opening statement.

4 THE COURT: Now, had you put this in the form of a  
5 motion?

6 MR. FITZGERALD: Yes, I did when I stated it. It  
7 is a motion.

8 The motion is requesting the Court for an  
9 order directing that the prosecution not mention in their  
10 opening statement certain items.

11 THE COURT: As to item A, any item of physical  
12 evidence, the admissibility of which has not been deter-  
13 mined.

14 I understand there will be no such reference  
15 in the opening statement.

16 MR. BUGLIOSI: Just to the firearms and clothing  
17 found by civilian witnesses.

18 THE COURT: All right. We have already discussed  
19 the admission or confession problem, and the other  
20 matters.

21 In view of our discussion and the People's  
22 response to this motion I am not going to make such an  
23 order.

24 The motion will be denied.

25 Now, another matter that I do want to take up  
26 is the question of reading the indictment.

9c-2

1 MR. BUGLIOSI: Can we return to the opening statement  
2 later, your Honor, because I have several other things I  
3 want to discuss about the opening statement in addition to  
4 that.

5 THE COURT: Let's proceed with the opening statement.

6 MR. BUGLIOSI: My remarks to the Court are necessi-  
7 tated, your Honor, because of the presence of one of the  
8 attorneys in the case.

9 I have no question about Mr. Fitzgerald, Mr.  
10 Shinn or Mr. Hughes. I know their motions will be made  
11 in good faith and their objections will be made in good  
12 faith, so I am making these comments with respect to the  
13 other attorney.

14 In an opening statement you are not permitted  
15 to argue. The question now is, what is argument?

16 I intend to use the English language in my  
17 opening statement, and when you use the English language  
18 you use adjectives.

19 I intend to use many adjectives. This is not  
20 argument.

21 I think an example argument would be something  
22 like this, this is just hypothetically:

23 "If he did this, it is obvious he  
24 must have realized that blah, blah, blah, period."

25 And another example:

26 "If this was his state of mind,

1 "why would he have blah, blah, blah?"

2 This to me is argument. This cannot be in an  
3 opening statement.

4 An opening statement, however, can be spirited;  
5 it can be forceful, and the prosecution not only is limited  
6 to telling the jury what evidence they intend to offer,  
7 but we can tell the jury what we expect to prove by that  
8 evidence.

9 We can draw conclusions.

10 "We expect that the evidence would  
11 prove that blah, blah, blah."

12 Now, I cite to the Court Goldstein on trial  
13 technique, which is frequently used in the seminars  
14 among -- as a basis for/seminary among trial lawyers,  
15 and of course Goldstein properly states that in an opening  
16 statement you cannot argue.

17 However --

18 MR. SHINN: What edition is that?

19 MR. BUGLIOSI: What edition? To show you how good  
20 this book is, it was printed in 1935.

21 As of a couple of years ago there were ten  
22 printings. It is still sold.

23 I think it is the best book I have seen on  
24 trial technique. I don't think much of it, but I think it  
25 is the best of the worst.

26 But it is used among trial lawyers.



1 To give the Court an example of what Goldstein  
2 thinks of proper statements in an opening statement, he  
3 is talking about civil cases and he cites examples proper  
4 in his opinion, proper opening statement, which have been  
5 used in seminars throughout the country, as I say.

6 Here is an example, this is in a civil case  
7 which of course by definition is infinitely more mild  
8 than a criminal case, specially where murder is involved.  
9 Talking about a car:

10 "It was still traveling at a high  
11 rate of speed," as opposed to saying,

12 "It was traveling at 67 miles an  
13 hour."

14 "Mrs. Linn was thrown from her  
15 seat very violently."

16 These are what the author feels to be proper  
17 statements. He is quoting them as classical examples  
18 of opening statements after he said you cannot argue in  
19 an opening statement.

20 Another example:

21 "Mrs. Linn remained in the hospital  
22 for nine weeks, throughout most of this period she  
23 suffered extreme and excruciating pain."

24 Again the attorney giving the opening statement  
25 is using the English language which I am sure one of the  
26 attorneys in this case would prefer I not use, but I intend

to use the English language. I intend to use adjectives.

Another example:

"Mr. Rand's stubborn refusal to stop  
and let Mr. Simmons pass, or lese it was his  
negligent inability to stop his car."

Now there, that goes to the very issue of the  
case in a civil case, the issue of negligence.

Yet this is cited, this is the tenth printing,  
as a proper opening statement, talking about negligent  
inability.

I do not intend to go quite that far, to use  
words like that.

I had another example here:

"As a consequence neither Carl Fugio or  
Charles Warn were exercising that due care and caution for  
their own safety which the law requires. We are terribly  
sorry for what happened to Fugio, but it is not our fault.  
We are blameless. We did everything we could under the  
circumstances."

I just mention this to the Court because I  
am trying to avoid gross discourtesy on the part of one of  
the lawyers in this case, and I can represent to the Court  
that I will not make any statement in my opening statement  
that I do not intend in good faith -- that Mr. Stovitz and  
I do not intend in good faith to offer evidence of at the  
trial.

On appeal the appellate courts are constantly

9D2  
1 when they are looking at the character and content of an  
2 opening statement, they examine the good faith of the  
3 prosecutor.

4 Did they really believe they could prove what  
5 they said?

6 I will make the representation to the Court  
7 that I will make no statement upon which we will not offer  
8 considerable evidence.

9 THE COURT: Of course that is only part of the  
10 problem. Your good faith may not be in question, but the  
11 manner in which it is said might be objectionable.

12 MR. BUGLIOSI: In my characterization of what argu-  
13 ment is, "If he did this, obviously he must have done that,"  
14 that is argument.

15 That is what I am going to avoid in my opening  
16 statement.

17 But I do intend to make a fairly forceful  
18 opening statement. I do intend to use adjectives to  
19 characterize what certain witnesses would testify to.

20 Actually the alternative of not doing that  
21 would be for me to go into detail as to what each witness  
22 would testify word for word. I am not going to do that.

23 I am going to summarize what the witnesses are  
24 going to testify to.

25 I am going to summarize it to save time, and  
26 I have to use my own adjectives to summarize what they are

9D3  
1 going to testify to.

2 I have nothing further to say, your Honor,  
3 but I want to tell the Court this in advance.

4 My statements are directed, as I indicated,  
5 toward a particular attorney who would prefer I not use  
6 the English language, but I do intend to use the English  
7 language; it is the only language I know.

8 I do intend to use adverbs and I do intend to  
9 use descriptive phrases.

10 But I will not argue, using my definition of  
11 what is argument.

12 And I think I have support in Goldstein's  
13 Trial Technique, and also my own experience in opening  
14 statements.

15 I did not have any trouble at all in any case  
16 I ever tried with an opening statement.

17 I deliberately stay away from things which I  
18 think will not be admissible.

19 There is a considerable amount of evidence in  
20 this case, your Honor, and I am not going to touch on hardly  
21 any of it.

22 I am going to go into a fair amount of depth on  
23 motive and Linda Kasabian's testimony. Otherwise I am  
24 going to just skim over almost everything. This is my M.O.  
25 in an opening statement. I don't believe in going into  
26 depth because there is always a possibility one<sup>or</sup>/more things

9D4 1 that the Court will rule were inadmissible that the jury has  
2 heard.

3 It will be a short opening statement.  
4 Our final summation to the jury will not be short, but the  
5 opening statement will probably be 20 to 25 minutes.

6 It is a summary of what the witnesses will  
7 testify to and what I believe the evidence will show.  
8 There will be powerful, colorful, descriptive adjectives.

9 I have nothing further to say, your Honor.

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9-E-1  
1 THE COURT: I don't think any response is called for  
2 by the Court on that.

3 MR. BUGLIOSI: That's right.

4 THE COURT: I expect counsel to be courteous to each  
5 other.

6 I don't expect any counsel to give up any  
7 rights or to forego any rights.

8 On the other hand, there is no reason why the  
9 trial within that framework cannot be conducted so that  
10 all parties are adequately protected and yet there is the  
11 dignity and decorum and respect for each other as professional  
12 men.

13 MR. BUGLIOSI: This is what I was referring to.

14 THE COURT: That should be the hallmark of every  
15 trial.

16 Now, I wanted to talk to you about the question  
17 of this reading of the indictment.

18 The indictment names in addition to these four  
19 defendants both Charles Watson and Linda Kasabian in  
20 certain of the counts.

21 Do you have any feelings about the reading of  
22 the indictment, and the reading of these names in  
23 connection with the indictment?

24 MR. STOVITZ: Unless the defendants object thereto,  
25 I think the indictment should be read as is, your Honor,  
26 with the Court telling the jury that these defendants

9E2

1 here are the only ones on trial.

2 THE COURT: Any comment, gentlemen?

3 MR. FITZGERALD: I personally would like to waive  
4 on behalf of my client the reading of the indictment.

5 I see no useful purpose in reading to the jury  
6 statutory language for seven counts of murder and one count  
7 of conspiracy to commit murder.

8 I agree with Mr. Stovitz that the title of this  
9 case is properly People vs. Manson, Van Houten, Krenwinkel,  
10 Watson, Kasabian and Atkins.

11 THE COURT: Well --

12 MR. FITZGERALD: But I would like to waive the  
13 reading of the indictment.

14 THE COURT: I have no objection to summarizing the  
15 indictment so that all of the statutory language is not  
16 read. I think that is unnecessary.

17 On the other hand, the statute provides for it.

18 But I do not want to forego orienting the jury  
19 and the alternate jurors immediately before the evidence  
20 taking place and the trial begins as to what the defendants  
21 are specifically charged with.

22 MR. STOVITZ: I might say that that is the second  
23 paragraph of Mr. Bugliosi's opening statement. He will be  
24 telling the jury the counts against each respective defen-  
25 dant, your Honor.

26 So if your Honor is concerned in that regard --

1 THE COURT: Do the defendants desire to waive the  
2 reading of the indictment?

3 MR. SHINN: Susan Atkins will waive, your Honor.

4 MR. HUGHES: Leslie Van Houten will waive, your  
5 Honor.

6 THE COURT: If you are all willing to waive the  
7 reading and if the People in their opening statement are  
8 going to refer to the charges so that the jury is oriented  
9 as far as which defendants are charged with which offenses --

10 MR. STOVITZ: Yes, your Honor, we intend to do it.

11 THE COURT: I would not object to not having the  
12 indictment read.

13 Otherwise, I think there should be a statement  
14 before the trial commences because it's now been five weeks  
15 with respect to some of them.

16 MR. BUGLIOSI: I will make a statement, your Honor.

17 MR. STOVITZ: Mr. Hughes, on behalf of your client  
18 you are willing to waive the reading of the indictment?

19 MR. HUGHES: Yes.

20 MR. STOVITZ: Mr. Shinn, you already indicated it's  
21 all right with you?

22 MR. SHINN: That's correct.

23 MR. STOVITZ: Mr. Kanarek?

24 MR. KANAREK: Your Honor, I would prefer that your  
25 Honor do the summarizing.

26 THE COURT: Are you willing to waive the reading of



1 the indictment?

2 MR. KANAREK: I waive the reading, yes, your Honor,  
3 I do waive the reading.

4 THE COURT: And Mr. Fitzgerald?

5 MR. FITZGERALD: Yes, your Honor.

6 MR. STOVITZ: People have no objection to waiving  
7 the reading.

8 THE COURT: All right, now, anything else?

9 MR. STOVITZ: The only other thing, I notice by my  
10 morning Green Sheet that Mr. Fitzgerald subpoenaed a  
11 newspaper reporter for Friday, this Friday.

12 MR. FITZGERALD: Yes, yes, I'm glad you brought this  
13 up.

14 MR. STOVITZ: If we were going to take any type of  
15 evidence on it I would not want to rob the jury of any  
16 time, maybe we can start at 9:15 on Friday so we can get  
17 that evidentiary hearing out of the way.

18 MR. FITZGERALD: I have filed an application for a  
19 subpoena D.T. For the Court's edification I will hand you  
20 a copy.

21 What I have done, I have attempted to subpoena  
22 this witness. This witness has been served. He is a  
23 reporter from a Long Beach newspaper. He has been served  
24 in connection with the identity of a person who gave certain  
25 information as to the -- well, the subpoena speaks for it-  
26 self.

1 I think, however, your Honor, that that  
2 reporter intends to have the legal department, or he intends  
3 to retain counsel of that newspaper to come to court and  
4 assert her privilege under CCP, the privilege concerning  
5 the source of a newsman's information in California.

6 THE COURT: Well, is this something --

7 MR. FITZGERALD: We can set it for any time within  
8 the next few days and I would anticipate that the attorney  
9 for that newspaper would come in with a motion to quash.

10-1

1 THE COURT: Why don't we set it, perhaps, sometime  
2 next week? It doesn't have to be done on Friday.

3 MR. FITZGERALD: No, it doesn't have to be done on  
4 Friday. It is just that I selected an arbitrary date  
5 and the date happened to be Friday.

6 It doesn't make any difference to me when it  
7 is taken up. Any date that is convenient with the Court.

8 Tuesday? Wednesday?

9 THE COURT: I would say any day next week along  
10 toward the middle or latter part of next week. We can set  
11 it at 9:00 or 9:15 in the morning, if you care to.

12 MR. FITZGERALD: What about next Thursday?

13 THE COURT: That would be the 30th. July 30th.

14 MR. FITZGERALD: The 30th at 9:15?

15 THE COURT: Is that agreeable?

16 MR. STOVITZ: Yes.

17 THE COURT: 9:15 on July 30th. Very well.

18 Now, Mr. Shinn, you had some motions that  
19 you wanted to take up at this time?

20 MR. SHINN: Yes, your Honor.

21 THE COURT: All right.

22 MR. SHINN: I wanted to renew my motion to hear  
23 the suppression of Susan Atkins' admissions.

24 THE COURT: Just one moment, Mr. Shinn.

25 Mr. Darrow, did you make a note of this  
26 July 30th?

10-2

1 THE CLERK: Yes.

2 THE COURT: Very well. Remind me of that date and  
3 time.

4 Go ahead, Mr. Shinn.

5 MR. SHINN: And I think we should take it up before  
6 we even start the trial.

7 Mr. Bugliosi agrees with me.

8 I can't understand the Court's position of  
9 not wanting to hear this before trial.

10 I believe the case that I cited to the Court,  
11 I believe last week, indicated that the majority of the  
12 judges and the courts do hear these pretrial motions  
13 before the trial starts, and I believe the case points  
14 out the advantages of it.

15 THE COURT: I would guess that probably the majority  
16 do just the opposite.

17 MR. SHINN: The opposite of what, your Honor?

18 THE COURT: The matters are not heard pretrial but  
19 are heard during the course of the trial, if and when the  
20 matter is offered.

21 MR. SHINN: Your Honor, it is my understanding from  
22 the case that I have read, your Honor, that where there  
23 is a question of whether or not a confession or admission  
24 was made, they are heard at pretrial motions.

25 THE COURT: One of the reasons that I have thought  
26 that your motion was premature in this case is because it

10-3

1 has pertained, as I understood your motion at least as  
2 originally made, to matters which the People have  
3 indicated that they don't intend to offer. So, it would  
4 seem to me to be a waste of time to have a prolonged  
5 hearing on something that isn't going to happen.

6 MR. SHINN: That is one of the purposes of my  
7 motions that I filed to suppress.

8 First of all, your Honor, I wanted to suppress,  
9 if possible, or get an evidentiary hearing, on her testi-  
10 mony at the Grand Jury.

11 THE COURT: That has already been disposed of.

12 MR. SHINN: No, your Honor, it hasn't.

13 We never had an evidentiary hearing to test  
14 whether or not her constitutional rights were violated.

15 THE COURT: At the Grand Jury?

16 MR. SHINN: Yes.

10a fls. 16

10A-1  
1 THE COURT: If you are talking about the  
2 admissibility --

3 MR. SHINN: Plus other confessions.

4 THE COURT: If you are talking about the admissibility  
5 of what she said at the Grand Jury in this case, that is  
6 one matter. If you are now attempting to attack the Grand  
7 Jury indictment, that is something different.

8 MR. SHINN: Her testimony at the Grand Jury.

9 I believe that is why, when I asked the Court,  
10 I believe last week, whether or not you are going to hear  
11 that, and the Court said no, therefore I immediately filed  
12 my habeas corpus.

13 Under habeas corpus, your Honor, a defendant  
14 has a right to an evidentiary hearing where it involves  
15 any violation of a constitutional right.

16 THE COURT: My feeling is still the same. I think it  
17 is premature.

18 MR. SHINN: Premature on the Grand Jury testimony or  
19 premature on the admissions or confessions that are going to  
20 be introduced at the trial?

21 THE COURT: Well, if you are still trying to attack  
22 the Grand Jury indictments --

23 MR. SHINN: Yes, your Honor. The testimony at the  
24 Grand Jury under habeas corpus is possible.

25 MR. BUGLIOSI: This has already been ruled on, your  
26 Honor.

1 THE COURT: Right. It has already been ruled on.

2 MR. STOVITZ: I understand that counsel is now  
3 up at the DCA seeking a writ.

4 MR. SHINN: Yes. And from the DCA it will go to the  
5 State Supreme Court.

6 If the State Supreme Court directs this Court  
7 to give us a hearing under the habeas corpus, you will then  
8 have to stop this trial and give us an evidentiary hearing,  
9 your Honor.

10 THE COURT: There will be no stay unless there is an  
11 order from a higher court.

12 MR. SHINN: Yes, I understand that.

13 THE COURT: Which leaves this Court with the problem  
14 of the admissibility of these statements, if, as, and when  
15 they are offered.

16 MR. SHINN: Yes.

17 THE COURT: As I indicated to you on a number of  
18 different occasions, I will determine that question at that  
19 time.

20 MR. SHINN: You mean at the time that it is introduced?

21 THE COURT: That it is offered. If it or they are  
22 offered.

23 MR. SHINN: Then we may run into the danger, your  
24 Honor, that you may make a certain type of deletion that  
25 would be prejudicial to the declarant and I would have to  
26 move for a severance again.

1 THE COURT: Of course, I am not going to make that  
2 kind of a deletion.

3 MR. SHINN: That is the Court's personal opinion.  
4 make

5 THE COURT: If I ~~/~~ any deletion, it is because I  
6 will have determined that it will not be prejudicial to  
7 either the defendant or the declarant.

8 MR. SHINN: Then, as I stated last week, this is not  
9 a confession. It is going to be an admission. It is going  
10 to be testimony by a third party.

11 Now, the danger there is that we don't know  
12 exactly what she is going to testify to.

13 She may slip and make some statement that may  
14 prejudice the other defendants. Then we would have to move  
15 for a mistrial.

16 Now, Mr. Bugliosi says well, she may testify  
17 to certain statements only; but it is very difficult to  
18 control a witness once she gets on the stand.

19 And then, your Honor, if Mr. Bugliosi has  
20 narrowed this down to a certain point, I may have to cross-  
21 examine her in different areas to protect my client.

22 I doubt if the Court is going to say, "You can  
23 only cross-examine in this limited area," when that limited  
24 area may be highly prejudicial to Miss Atkins.



10b-1 1

2 MR. BUGLIOSI: I can say that the other areas would  
3 be much more prejudicial than the areas that would be  
4 admissible if the Court allows it.

5 MR. SHINN: We don't know yet.

6 MR. BUGLIOSI: I think if you look at the statement,  
7 any other area that you might want to go into would be just  
8 going deeper and deeper into her involvement.

9 MR. SHINN: I may have to go into different areas  
10 to soften the blow to my client.

11 MR. BUGLIOSI: I say that the deeper you go  
12 the harder the blows if you look at that statement.

13 MR. SHINN: I doubt very much if you know right  
14 now, Mr. Bugliosi, what she is going to testify to.

15 MR. BUGLIOSI: It is dependent upon what the Judge  
16 rules.

17 I am saying that if he deletes certain  
18 portions and if you want to go into those portions, it  
19 seems to me that you are just hurting yourself.

20 It is up to you, Mr. Shinn.

21 MR. SHINN: I don't know about that. I don't know  
22 what she is going to testify to yet.

23 MR. BUGLIOSI: It won't be too much, I will tell  
24 you that.

25 THE COURT: I have given you my indication, Mr.  
26 Shinn. Are you making a motion at this time?

MR. SHINN: Yes. I want to renew my motion to

10b-2

1 have this heard by the Court in a pretrial motion.

2 THE COURT: The motion is denied without prejudice.

3 Anything further?

4 MR. SHINN: Nothing further.

5 MR. HUGHES: Your Honor, at this time I make a  
6 motion to associate in Leslie Van Houten as co-counsel  
7 with me.

8 Essentially, she would be a pro per, your  
9 Honor, with associated counsel myself.

10 However, I, as counsel, ask to associate her  
11 in as co-counsel with me.

12 THE COURT: This motion has been made a number of  
13 times before, as I recall. I don't recall now whether  
14 it was in respect to Miss Van Houten or one of the  
15 other defendants.

16 The motion will be denied.

17 Anything else, gentlemen?

18 MR. HUGHES: I believe back in February, when Mr.  
19 Part was Miss Van Houten's attorney, there was a request  
20 for an investigator and a certain amount of money was  
21 allotted, and I would like to find out from the Court if  
22 that investigator is still available or if that money  
23 is still available for Miss Van Houten.

24 THE COURT: I don't know. I wasn't in the case  
25 at that time, Mr. Hughes.

26 I don't know what the status of that motion

1 is or what has been done, if anything.

2 You are free to review the record yourself  
3 and make your own determination.

4 MR. HUGHES: Thank you.

5 MR. KANAREK: Your Honor, I would like to make a  
6 motion on behalf of Mr. Manson, your Honor, also, that  
7 he be his own lawyer in connection with this case,  
8 your Honor.

9 THE COURT: The motion will be denied.

10 MR. KANAREK: And I also make a motion, your  
11 Honor, that Mr. Manson be co-counsel.

12 Mr. Manson is very articulate. He has the  
13 capacity to ask questions, your Honor, He has this  
14 capacity, and the record will reveal it, that he has the  
15 capacity to articulate.

16 MR. BUGLIOSI: We have no objection to that.

17 MR. FITZGERALD: I think, actually, that the  
18 motion is very, very well taken, your Honor, and I am  
19 serious.

20 I vividly recall a very, very respected  
21 member of the Bar, Joseph Ball, representing to Judge  
22 Keene that under the circumstances present in this case  
23 that one of the only ways that he, in his opinion,  
24 Mr. Ball's opinion, that Manson might receive a fair  
25 trial would be if he were allowed to participate in his  
26 own defense, albeit a minimal sort of participation.

10C-1

1 I think Mr. Ball had in mind, obviously, and what we  
2 have in mind, is that Mr. Manson be allowed to ask a few  
3 innocuous questions of various witnesses, certainly not all  
4 witnesses, and participate in some respect where the jury  
5 will be able to view him in open court, will be able to see  
6 his demeanor and his conduct.

7 Ordinarily I wouldn't make such a representation  
8 to the Court, and I wouldn't ask a court to make such a  
9 ruling, but I think in this case, where your Honor is well  
10 aware as a result of the publicity that made Manson out to  
11 be some sort of vicious hypnotic ogre, some hippie cult  
12 leader, that his very demeanor and manner of speaking,  
13 talking and feeling is in issue, and I think that can be  
14 substantially rebutted.

15 I would also be willing to represent to the  
16 Court, and I think all counsel present would be able to  
17 represent to the Court, that we could set out guidelines  
18 under which Mr. Manson could operate; that he would not be  
19 subject to the same pitfalls that the ordinary pro per  
20 defendant is.

21 There are competent counsel here to handle the  
22 legal aspects. He would only be handling certain factual  
23 matters.

24 Additionally, I would like to point out to the  
25 Court that there are many joint aspects to this case.  
26 Everybody wants to emphasize the significance of conflicts

LOC2 1 and the separateness but, basically, this is a joint defense.  
2 We have taken the position that all of the defendants are  
3 innocent, and we are certainly not taking the position that  
4 they didn't know each other before they were indicted for  
5 this offense.

6 As a matter of fact, we would be willing to  
7 represent to the Court that they were intimately associated  
8 with one another.

9 As a result thereof, Manson is in a position  
10 where he is in possession of a good deal of information  
11 concerning various witnesses who will testify for the  
12 prosecution and the defense, and he would be invaluable in  
13 assisting not only in his own defense but assisting in the  
14 defense of others, and we would certainly be happy and  
15 willing and able to undergo any sort of program that the  
16 Court might agree upon in terms of the regulation of  
17 Mr. Manson's behavior.

18 Now, in the past there has been some problem  
19 about Mr. Manson's character and conduct in the jail.  
20 We are not asking, for example, that he be allowed to  
21 go pro per in jail, that he be given pro per facilities.

22 What we are asking is that he be allowed, in this  
23 courtroom, before your Honor, to participate in his own  
24 defense in a very limited fashion.

25 We have talked this over with the prosecution  
26 on a number of occasions. Not only do they feel that he is

1 competent, but they don't feel that he would be an  
2 obstructionist. They don't feel that he would be dilatory.

3 As a matter of fact, your Honor, I think that  
4 Manson's participation in this defense would materially  
5 expedite and facilitate it.

6 MR. KANAREK: That is correct, your Honor.

7 MR. SHINN: We agree with Mr. Fitzgerald.

8 Then we would even go one step further.  
9 We would have an iron-clad waiver signed by Mr. Manson in  
10 the event that there is a reversal.

11 THE COURT: A waiver? What is that?

12 MR. SHINN: I mean, in the event that he later  
13 states that he waived his counsel.

10d-1

1 THE COURT: Let me state one thing, gentlemen.

2 Mr. Ball, to begin with, was associated with  
3 this case a very short time and had very little opportunity  
4 to observe Mr. Manson.

5 At least four judges, to my knowledge, of this  
6 court, have, after observing Mr. Manson, acquainting them-  
7 selves with the transcripts of the various proceedings,  
8 determined that he is not competent to represent himself,  
9 notwithstanding the fact that he may or may not be  
10 articulate.

11 So, I have no reason to change my opinion on  
12 that in that regard.

13 Now, I don't know what you are talking about  
14 in the way of some limited form of representation.

15 MR. KANAREK: Well, your Honor, Mr. Manson has the  
16 capacity to articulate.

17 THE COURT: That doesn't necessarily make him  
18 competent, Mr. Kanarek.

19 MR. KANAREK: No. But what I state is this: Your  
20 Honor has control over these proceedings. Mr. Manson, if  
21 at any time Mr. Manson does not comport himself properly,  
22 your Honor has the control, as your Honor has control  
23 over all of us, and what I am saying is -- what I am  
24 saying is -- I would welcome that your Honor allow Mr.  
25 Manson, in a very limited way, to ask the questions.

26 In other words, in certain areas, just like it

10d-2

1 is our position, the prosecution, Mr. Bugliosi and Mr.  
2 Stovitz, as your Honor knows, when there is more than  
3 one attorney present, an attorney takes a portion of  
4 the case.

5 Now, Mr. Manson has the capacity to ask  
6 questions in a very limited manner, and he could ask  
7 these questions.

8 THE COURT: Well, I see no reason to change any  
9 previous order with respect to this.

10 I might also point out that this has gone  
11 up to the California Supreme Court and been affirmed.

12 MR. KANAREK: May Mr. Manson speak to you, your  
13 Honor?

14 THE COURT: I don't know. On what subject?  
15 This subject we are talking about now?

16 DEFENDANT MANSON: Your Honor, when approaching  
17 something you know nothing about, as I approached the  
18 courtroom --

19 THE COURT: What do you want to talk about?  
20 Tell me what the subject matter is first.

21 DEFENDANT MANSON: The subject matter in your  
22 Honor's mind in regard to the decision that was made  
23 by the other four judges. The information that was in  
24 the transcript that formed the decision that you hold  
25 in your mind.

26 If I could shed some light on that, maybe



1 I could open up a few channels of understanding.

2 THE COURT: It has already been considered. The  
3 ruling has already been made. There is no reason to reopen  
4 it at this time.

5 Anything else, gentlemen?

6 DEFENDANT MANSON: Would you tie your own hands?

7 THE COURT: Let's go back into court and we will then  
8 adjourn until Friday at 9:45.

9 (Whereupon the following proceedings occurred  
10 in open court, all defendants, counsel, the jury and  
11 alternate jurors present:)

12 THE COURT: All parties and counsel are present,  
13 all the jurors are present and in the jury box.

14 The alternate jurors will go to lunch with the  
15 jury today and will then be excused until tomorrow morning  
16 at 9:00 a.m. You should have with you tomorrow your  
17 personal belongings that you care to take with you to the  
18 hotel.

19 This trial is adjourned until next Friday, that  
20 is, July 24th, at 9:45 a.m.

21 I again remind you not to converse among  
22 yourselves or with anyone else on any subject relating  
23 to this case nor to form or express any opinion regarding  
24 the case until it is finally submitted to you.

25 Additionally, do not read, watch or listen to  
26 any news report concerning the case so long as you are

1 connected with it.

2 As far as the regular jury is concerned, that  
3 will be Friday at 9:45; and the alternates, after lunch  
4 today, are excused until 9:00 o'clock tomorrow morning.

5 MR. FITZGERALD: Your Honor, was that just for the  
6 alternate jurors tomorrow morning?

7 THE COURT: Yes.

8 (Whereupon at 12:03 o'clock p.m. the court  
9 was in recess.)  
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1 LOS ANGELES, CALIFORNIA, FRIDAY, JULY 24, 1970

2 9:50 o'clock a.m.

3 - - -

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

6 All parties and counsel and jurors are present.

7 Are the People ready?

8 MR. BUGLIOSI: Yes, your Honor.

9 THE COURT: Are the defendants ready?

10 MR. KANAREK: Yes, your Honor. The defendants are  
11 ready to proceed, your Honor.

12 We would ask your Honor to synopsize the  
13 charges, your Honor.

14 THE COURT: Do the parties waive the reading of the  
15 indictment?

16 MR. KANAREK: Yes, your Honor, we would welcome the  
17 Court to synopsize the charges.

18 THE COURT: I am not going to synopsize the charges.

19 MR. FITZGERALD: The defendants waive a formal  
20 reading of the indictment, your Honor.

21 MR. KANAREK: That is correct, your Honor.

22 THE COURT: Very well. Do the People care to make  
23 an opening statement?

24 MR. BUGLIOSI: Yes, your Honor, yes, your Honor.

25 THE COURT: You may proceed.

26 MR. BUGLIOSI: Your Honor, defense counsel, ladies

1 and gentlemen of the jury.

2 The purpose of my opening statement is to give  
3 you a very brief preview or outline of what evidence the  
4 prosecution intends to introduce at this trial and what we  
5 expect to prove by that evidence so as to assist you in  
6 following the evidence and the testimony as it comes from  
7 the witness stand under oath.

8 After five and one-half weeks of extensive  
9 voir dire, and I know you folks were as tired of it as I  
10 was, it was a necessary process. You probably already  
11 have some rather general idea of what this trial is going  
12 to be all about.

2 fls.

2-1

1 MR. KANAREK: Your Honor, I submit that that is not  
2 a proper opening statement.

3 Your Honor, he is supposed to state what the  
4 People purportedly will prove, and I must object.

5 THE COURT: Overruled. You may proceed. ✓

6 MR. BUGLIOSI: By the time this trial ends, you  
7 folks will probably be as familiar or even more familiar  
8 with the facts and the evidence as we attorneys.

9 Now and then an attorney will give a rather  
10 lengthy opening statement, going into considerable detail  
11 as to what each witness will testify to.

12 My particular style, if you will, is not to  
13 do this. Like most attorneys, I believe in rather brief  
14 opening statements.

15 In the prosecution's final summation to you,  
16 three or four months from now -- let's hope it is not  
17 that long -- you won't be quite so lucky. At that time  
18 we will go into considerable depth with you, reviewing  
19 the testimony of each witness, tying each witness's  
20 testimony in with the testimony of other witnesses.

21 MR. KANAREK: Your Honor, I must object. This is  
22 not a proper opening statement. He is telling what the  
23 argument is going to entail.

24 THE COURT: Overruled. ✓

25 MR. BUGLIOSI: Tying each witness's testimony in  
26 with the testimony of other witnesses, analyzing the

1 testimony, drawing inferences from the evidence, et cetera,  
2 et cetera.

3 In fact, don't be overly surprised if our  
4 final summation takes between two and three full court  
5 days. But today I am merely going to provide you with a  
6 very broad structure of the People's case.

7 The testimony of the witnesses given from that  
8 witness stand under oath will supply all the necessary  
9 bricks, as it were.

2a fls.

A  
1 It is the custom of many lawyers to preface  
2 everything they say in the opening statement with the  
3 repetitious phrase, "The evidence will show." Although I  
4 intend to use that phrase myself frequently, I do not intend  
5 to use it any more than I have to. However, on those  
6 occasions when I do not preface a statement of mine with  
7 the words "The evidence will show," please understand it is  
8 implicit in everything I say.

9 As you know, there are eight counts to this  
10 Grand Jury indictment. The first seven counts are murder  
11 counts, the eighth count charges the crime of conspiracy  
12 to commit murder.

13 The first five counts of the indictment charge  
14 murders allegedly occurring on August the 9th, 1969.

15 MR. KANAREK: Your Honor, I must object. This is not  
16 an opening statement.

17 THE COURT: Overruled. ✓

18 You may proceed, Mr. Bugliosi.

19 MR. BUGLIOSI: These five murders are commonly referred  
20 to as the Tate murders.

21 Counts VI and VII of the indictment charge  
22 murders allegedly occurring on August the 10th, 1969, the  
23 following day. These are the murders of Mr. and Mrs.  
24 Leo La Bianca.

25 Defendants Charles Manson, Susan Atkins and  
26 Patricia Krenwinkel are charged with all seven murders; that  
is, the five Tate murders on August the 9th, 1969, and the

2A2  
1 murders of Mr. and Mrs. Leno La Bianca on August the 10th,  
2 1969.

3 Each of these three defendants are also  
4 charged in the eighth count of the indictment with the  
5 crime of conspiracy to commit murder.

6 The defendant Leslie Van Houten, on the other  
7 hand, is not charged in the first five counts of the  
8 indictment, the five Tate murders. She is only charged in  
9 Count VI and VII of the indictment, the murders of  
10 Mr. and Mrs. Leno La Bianca.

11 So, I would remind you that any evidence at this  
12 trial that pertains solely to the five Tate murders should  
13 not be considered by you against Miss Van Houten for the  
14 simple reason that she is not charged with these murders.



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1 In addition to Miss Van Houten's being  
2 charged in Count VI and VII of the indictment with the  
3 murders of Mr. and Mrs. La Bianca, she is also charged,  
4 along with her three co-defendants, in the eighth count  
5 of the indictment with the crime of conspiracy to commit  
6 murder.

7 So, in summary, then, the Defendants Charles  
8 Manson, Susan Atkins and Patricia Krenwinkel are charged  
9 with all eight counts of the indictment. The Defendant  
10 Leslie Van Houten, on the other hand, is only charged  
11 with Count VI, VII and VIII of the indictment, the last  
12 three counts of the indictment.

13 Mr. Stovitz and I, representing the prosecution,  
14 that is, the People of the State of California,  
15 expect to offer evidence in this trial proving that on or  
16 before August the 8th, 1969, Defendants Charles Manson,  
17 Susan Atkins and Patricia Krenwinkel, together with  
18 Charles Watson, who is not presently being tried with  
19 these defendants, entered into a conspiracy to commit  
20 murder.

21 Whether or not a fifth person, Linda Kasabian,  
22 was a member of that conspiracy would probably be up to  
23 you ladies and gentlemen to decide.

24 MR. KANAREK: Your Honor, I must object. This is  
25 argument, your Honor. This is not an opening statement  
26 when he starts speaking of Linda Kasabian.

1 MR. BUGLIOSI: Your Honor, could we approach the  
2 bench so I can get through this opening statement?

3 THE COURT: Overruled. Let's proceed. ✓

4 MR. BUGLIOSI: Pursuant to the aforementioned con-  
5 spiracy to commit murder, in the early morning hours of  
6 August the 9th, 1969, Susan Atkins, Patricia Krenwinkel  
7 and Charles Watson murdered five human beings at the  
8 Roman Polanski residence, a secluded home at the top of  
9 a long winding driveway located at 10050 Cielo Drive in  
10 the City of Los Angeles.

1 This area of Los Angeles is contiguous to Beverly  
2 Hills and Bel-Air.

3 The five victims who were murdered at the  
4 Roman Polanski residence were Mr. Polanski's wife,  
5 Sharon Marie Polanski whose stage name was Sharon Tate,  
6 Abigail Folger, Wajciech Frykowski, Jay Sebring and  
7 Steven Parent, as I previously indicated, these five  
8 murders are commonly referred to as the Tate murders.  
9 In the interest of brevity I will hereafter refer to them  
10 as such.

11 I will also refer to the Roman Polanski residence  
12 as the Tate residence hereafter.

13 As I indicated, the Tate murders took place in  
14 the early morning hours of August 9, 1969.

15 Later that same day in the late evening of  
16 August 9, 1969 the defendant Leslie Van Houten joined the  
17 continuing conspiracy to commit murder. Pursuant to that  
18 conspiracy in the early morning hours of August 10, 1969  
19 these defendants murdered Leno and Rosemarie La Bianca at  
20 their residence located at 3301 Waverly Drive in the  
21 Los Feliz-Griffith Park area of Los Angeles.

22 A question you ladies and gentlemen will  
23 probably ask yourselves at some point during this trial,  
24 and we expect the evidence to answer that question for you,  
25 is this:

26 What kind of a diabolical mind would contemplate

1 or conceive of these seven murders?

2 what kind of mind would want to have seven  
3 human beings brutally murdered?

4 We expect the evidence at this trial to answer  
5 that question and show that Defendant Charles Manson owned  
6 that diabolical mind.

7 Charles Manson, who the evidence will show at  
8 times has had the infinite humility, as it were, to refer to  
9 himself as Jesus Christ.

10 Evidence at this trial from several witnesses  
11 will show Defendant Manson to be a vagrant wanderer, a  
12 frustrated singer-guitarist, a pseudo philosopher, but most  
13 of all the evidence at this trial will conclusively prove  
14 that Charles Manson is a killer who cleverly masqueraded  
15 behind the common image of a hippie, that of being peace  
16 loving.

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1 The evidence at this trial will show Charles  
2 Manson to be a megalomaniac who coupled his insatiable  
3 thirst for power --

4 MR. KANAREK: I must approach the bench. I must ask  
5 that we approach the bench.

6 THE COURT: Does this pertain to the opening state-  
7 ment?

8 MR. KANAREK: Yes, your Honor.

9 THE COURT: Overruled, you may proceed, Mr. Bugliosi.

10 MR. BUGLIOSI: -- a megalomaniac who coupled his  
11 insatiable thirst for power with an intense obsession for  
12 violent death.

13 The testimony at this trial from several  
14 witnesses will show Charles Manson was the unquestioned  
15 leader and overlord of a nomadic band of vagabonds who  
16 called themselves "The Family."

17 All of these defendants were members of Charles  
18 Manson's Family. At the time of the date of the La Bianca  
19 murders, the Family led a communal type existence at  
20 isolated Spahn Ranch, located in suburban Chatsworth,  
21 California.

22 Although Manson's Family varied in size from  
23 time to time, it invariably consisted mostly of females,  
24 and the evidence will show that this was by Mr. Manson's  
25 design. He felt that to become powerful he needed  
26 men, but he could not attract men to his Family without

3a-2

1 there being women to satisfy every need.

2 We anticipate that Mr. Manson, in his defense,  
3 will claim that neither he nor anyone else was the leader  
4 of the Family and that he never ordered anyone in the  
5 Family to do anything, much less commit these seven murders.

6 MR. KANAREK: Your Honor, he is now making an opening  
7 statement for us.

8 THE COURT: Overruled, you may continue, Mr. Bugliosi.

9 MR. BUGLIOSI: We are going to make it through this  
10 opening statement despite the gross discourtesy of Mr.  
11 Kanarek.

12 We therefore intend to offer evidence at this  
13 trial showing that Charles Manson was in fact the dictatorial  
14 leader of the Family; that everyone in the Family was  
15 slavishly obedient to him, and that he always had other  
16 members of his Family do his bidding for him; eventually  
17 they committed the seven Tate-La Bianca murders at his  
18 command.

19 This evidence of Mr. Manson's total domination  
20 over the Family will be offered as circumstantial evidence;  
21 that on the two nights in question it was he who ordered  
22 these seven murders.

23 We have already discussed ad nauseam what  
24 circumstantial evidence is, and the distinction between  
25 circumstantial and direct evidence, during four or five  
26 weeks of voir dire.

1           Although the evidence will show that Charles  
2 Manson did not himself personally kill any of these seven  
3 Tate-La Bianca victims, we intend to show that since he  
4 was a member of the conspiracy to commit that murder, in  
5 fact the leader of the conspiracy, he is equally responsible  
6 and equally guilty under the laws of conspiracy for the  
3b fls. 7 seven murders committed by his co-conspirators.

3B1 1 The principal witness for the prosecution will be  
2 Linda Kasabian, and you heard her name mentioned innumerable  
3 times thus far.

4 Linda is also charged with the seven Tate-  
5 La Bianca murders, but we intend to petition the Court, that  
6 is, ask the Court to grant her immunity from prosecution.

7 The evidence will show that Mrs. Kasabian was not  
8 a hard core member of the Family, having just come to live  
9 with the Family only one month before the Tate-La Bianca  
10 murders.

11 In very brief outline form, Mrs. Kasabian will  
12 testify that on the evening of August 8th, 1969, at Spahn  
13 Ranch, Charles Manson instructed her to get a knife, a fresh  
14 change of clothing, her driver's license, and to go along  
15 with Charles "Tex" Watson, Susan Atkins and Patricia  
16 Krenwinkel and do everything that Tex told her to do.

17 She will testify that pursuant to those  
18 instructions, but without being specifically told by  
19 Mr. Manson what was going to happen, she accompanied  
20 Charles Watson, Susan Atkins and Patricia Krenwinkel in the  
21 late evening hours of August 8, 1969 and the early morning  
22 hours of August 9, 1969 on to the Tate residence.

23 Although she did not enter the Tate residence,  
24 and the evidence will show this, and the evidence will show  
25 that she did not commit any of the five murders, she will  
26 testify to her observations, including an eye witness to the



1 murder of Steven Parent, by being shot to death by  
2 Charles Watson in the driveway of the Tate residence.

3 She will also testify to observing the murders  
4 of Wajciech Frykowski and Abigail Folger by Charles Watson  
5 and Patricia Krenwinkel on the front lawn of the Tate  
6 residence.

7 The evidence will show that Sharon Tate and  
8 Jay Sebring were murdered inside the Tate residence.

9 Mrs. Kasabian did not actually observe these two  
10 murders; however she will testify, for instance, that she  
11 observed Susan Atkins coming out the front door of the  
12 Tate residence, and to Miss Atkins telling her that she had  
13 lost her knife inside the residence.

14 Mrs. Kasabian will testify that after Tex  
15 Watson, Susan Atkins, Patricia Krenwinkel and she left the  
16 Tate residence, at Tex Watson's instruction she threw the  
17 knives, which had been used to murder the victims, and  
18 the blood-splattered clothing the killers wore, over the side  
19 of the hill in the Benedict Canyon area in Los Angeles.

20 When the group returned to Spahn Ranch after  
21 the five Tate murders, Charles Manson was waiting for them.

22 Tex Watson reported to Charles Manson what had  
23 happened. After this Mr. Manson asked each of them if they  
24 felt any remorse whatsoever for having committed these  
25 murders, to which they all replied they did not.  
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1 Mrs. Kasabian will testify that actually she  
2 was personally filled with remorse over what had  
3 happened, but she was afraid to admit this to Charles  
4 Manson.

5 There will be testimony that after the murders  
6 the word, pig, p-i-g, was found printed in blood, human  
7 blood, on the outside of the front door to the Tate  
8 residence.

9 Among other things we will introduce into  
10 evidence the firearm which was used to shoot Steven  
11 Parent to death, a .22 caliber Long Horn BUNT LINE revolver.

12 We will also introduce into evidence the  
13 actual clothing the killers wore during the commission of  
14 these murders, both the revolver and clothing were found  
15 by civilian witnesses on the side of a hill in the  
16 Benedict Canyon area in Los Angeles.

17 We will also offer evidence that the car the  
18 killers drove during the night of the Tate murders was  
19 a 1959 Ford, California license plate No. GYY 435, a  
20 car that was owned and registered to one John Schwartz,  
21 a ranch hand at Spahn Ranch who was not a member of the  
22 Family.

23 Dr. Thomas Noguchi, the Coroner of Los  
24 Angeles County, will testify that he conducted the  
25 post-mortem examination, that is, the autopsies on the  
26 bodies of the five victims, and that the cause of death of

1 Sharon Tate, Abigail Folger, Wajiciech Frykowski and  
2 Jay Sebring was multiple stab wounds.

3 He will also testify that the fifth victim,  
4 Steven Parent was shot to death.

5 Wajiciech Frykowski and Jay Sebring were also  
6 shot but their gunshot wounds were not fatal.

7 Dr. Noguchi will testify that Mr. Frykowski  
8 and Mr. Sebring died from multiple stab wounds.

9 Dr. Noguchi will also testify there was no  
10 medical evidence of sexual molestation to any of the  
11 victims bodies.

12 The evidence will show that Charles Manson  
13 knew the former occupant of the Tate residence, one  
14 Terry Melchior, a music publisher and record producer  
15 who in a rather subtle and oblique fashion rejected  
16 Charles Manson's efforts to have him record Manson  
17 commercially as a singer-guitarist.

18 Mrs. Kasabian will further testify in the  
19 late evening of August 9, 1969, Charles Manson told  
20 Tex Watson and the others that they had been too messy,  
21 mind you, the night before, and this time he was going to  
22 show them how to do it.

23 She will testify that on the evening of  
24 August 9th, 1969, she accompanied Charles Manson, Tex  
25 Watson, Susan Atkins, Patricia Krenwinkel and Leslie Van  
26 Houten and a man named Steve Grogan in a car to various

1 locations in Los Angeles County. Their mission, ladies  
2 and gentlemen, was murder.

3 Mrs. Kasabian will testify that she did not  
4 want to go along with the others on this night, but when  
5 Mr. Manson instructed her to do so, she felt she had no  
6 other choice and went out of fear of Mr. Manson.

7 Linda Kasabian's testimony will clearly show,  
8 it will clearly demonstrate that on this evening, August  
9 9th, 1969, as contrasted to the previous night when they  
10 drove directly to the Tate residence, in this vast  
11 sprawling metropolis of over seven million people, no one,  
12 be he in a home, apartment or an automobile, was safe from  
13 Manson's lust for death, blood and murder.

14 MR. FITZGERALD: Objection, your Honor, improper  
15 opening statement.

16 THE COURT: Sustained. The jury is admonished to  
17 disregard that remark. ✓

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

19 THE COURT: The objection has been sustained.

20 MR. BUGLIOSI: The testimony will show that at  
21 Manson's direction the killers roamed about initially  
22 looking for their victims, totally at random.

23 Among several other places they even stopped  
24 at a church in Pasadena, but they drove off when Mr.  
25 Manson discovered that the door to the church was locked.

26 Ultimately, however, Manson directed Linda,

1 who was driving the car, to the address, 3267 Waverly  
2 Drive in the Los Feliz-Griffith Park area of Los  
3 Angeles.

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1 A year earlier, Manson had, on several  
2 occasions, visited the former resident at that address, a  
3 man named Harold True.

4 Manson got out of the car alone, walked to the  
5 home next door to Harold True's former residence, the home  
6 next door being the residence of Leno and Rosemarie  
7 La Bianca at 3301 Waverly Drive,

8 When Manson returned to the car several minutes  
9 later, he told Tex Watson, Patricia Krenwinkel and Leslie  
10 Van Houten to get out of the car.

11 He then told them, among other things, that  
12 he had tied the hands of the occupants of the home, and  
13 then instructed them how to murder the victims.

14 He told them not to cause panic and fear in the  
15 victims the way they had the previous night.

16 Dr. Katsayama, of the County Coroner's office,  
17 will testify that he conducted the autopsy on Leno and  
18 Rosemarie La Bianca, and Mr. and Mrs. La Bianca and four out  
19 of the five Tate victims died from multiple stab wounds.

20 Linda Kasabian will also testify that after  
21 Tex Watson, Patricia Krenwinkel and Leslie Van Houten left  
22 the car and Mr. Manson and the others drove off, Charles  
23 Manson gave her Rosemarie La Bianca's wallet and even-  
24 tually instructed her to hide the wallet in the woman's  
25 restroom of a gasoline station in Sylmar, which she did.

26 Later in the night, Manson instructed Linda,

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1 Susan Atkins and Steve Grogan to murder a man in his apart-  
2 ment in Venice, a man whom Linda previously knew.

3 MR. KANAREK: Your Honor, I must approach the bench.  
4 This is in violation of a representation made to this Court,  
5 a direct misrepresentation made to this Court.

6 THE COURT: I don't know what you are referring to.

7 MR. KANAREK: Your Honor, I will enunciate it.

8 THE COURT: Are you objecting to the opening statement?

9 MR. KANAREK: I am objecting because there was a  
10 representation made to the Court. Mr. Bugliosi made a  
11 representation to the Court as a result of colloquy we had  
12 in chambers, and this is misconduct on the part of  
13 Mr. Bugliosi. Misconduct, your Honor.

14 THE COURT: The objection is overruled. Let's proceed. ✓

15 MR. BUGLIOSI: Let me go back just a few lines.

16 Later in the night, after the La Bianca murders,  
17 Charles Manson instructed Linda, Susan Atkins and Steve  
18 Grogan to murder a man in his apartment in Venice off the  
19 ocean, a man whom Linda previously knew, but Linda  
20 prevented the murder by deliberately knocking on the  
21 wrong door.

22 There will be other evidence at this trial  
23 connecting Mr. Manson with both the Tate and La Bianca  
24 murders, which I will not go into at this time.

25 Will the evidence at this trial show the  
26 motive for these seven murders?

4-3

1 As the Court will instruct you at the  
2 conclusion of the evidence, but before you deliberate, the  
3 prosecution does not have the burden of offering one single,  
4 solitary speck of evidence as to the motives these  
5 defendants had for committing these murders. We only have  
6 the burden of proving that they committed these murders.  
7 We do not have the burden of proving the reason why they  
8 committed these murders. Legally, motive is never a  
9 necessary part of the People's case.

10 However, where we have evidence of motive, we  
11 will naturally offer it because if one has a motive for  
12 committing a murder, this is circumstantial evidence that  
13 it was he who committed the murder.

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1 In this trial, we will offer evidence of  
2 Charles Manson's motives for ordering these seven murders.  
3 We believe there to be more than one motive.

4 Besides the motives of Manson's passion for  
5 violent deaths and his extreme anti-establishment state  
6 of mind, the evidence at this trial will show that there  
7 was a further motive for these murders which is perhaps  
8 as bizarre, or perhaps even more bizarre, than the  
9 murders themselves.

10 Briefly, the evidence will show Manson's  
11 fanatical obsession with Helter Skelter, a term he got  
12 from the English musical recording group the Beatles.

13 Manson was an avid follower of the Beatles  
14 and believed that they were speaking to him across the  
15 ocean through the lyrics of their songs. In fact, Manson  
16 told his followers that he found complete support for  
17 his philosophy from the words of the songs by the  
18 Beatles in their songs.

19 To Charles Manson, Helter Skelter, the title  
20 of one of their songs, indicated the black man rising up  
21 against the white establishment and murdering the entire  
22 white race; that is, with the exception of Charles Manson  
23 and his chosen followers, who attempted to escape from  
24 Helter Skelter and living in the Bottomless Pit, a place  
25 that Manson derived from Revelation . 9. Revelation 9  
26 is the last book of the New Testament, from which

1 Mr. Manson told his followers that he found further  
2 support for his philosophies.

3 The evidence from several witnesses will show  
4 that Charles Manson hated black people, but he also hated  
5 the white establishment, whom he called pigs.

6 As I previously indicated, the word "pig" was  
7 found printed in blood on the outside of the front door  
8 to the Tate residence.

9 The evidence at this trial will also show  
10 that the words "death to pigs, Helter Skelter," and  
11 "rise" were found printed in blood inside the La Bianca  
12 residence.

13 The evidence will show that one of Manson's  
14 principal motives for these seven savage murders was to  
15 ignite Helter Skelter; in other words, start the black-  
16 white revolution by making it look like the black man had  
17 murdered these seven victims, thereby causing the white  
18 community to turn against the black man, ultimately  
19 leading to a civil war between blacks and whites, a war  
20 which Manson told his followers would involve blood baths  
21 in the streets of every American city, a war which  
22 Manson predicted and foresaw the black man as winning.

23 There will be some circumstantial evidence  
24 in this trial pointing to Mr. Manson's efforts to make  
25 it appear like the black people had committed these  
26 murders.

1 Although Mr. Manson originally wanted, in  
2 fact, on a day-to-day basis he constantly predicted that  
3 black people themselves would start Helter Skelter,  
4 as spring wore into summer, 1969, he became impatient  
5 with the black man, and his own words he said, "I am  
6 going to have to show 'Blackie' how to do it."

4b fls.

4B-1

1 Manson envisioned that black people, once they  
2 destroyed the entire white race and assumed the reins of  
3 power, would be unable to handle the reins of power because  
4 of inexperience. They would, therefore, have to turn over  
5 the reins to those white people who had escaped from Helter  
6 Skelter; i.e., turn over the reins of power to Mr. Manson  
7 and his Family.

8 In Manson's mind -- in Manson's mind -- his  
9 Family, and particularly he, <sup>the</sup> were the ultimate beneficiaries  
10 of a black-white civil war.

11 When we offer this evidence on Manson's  
12 philosophy on life, please remember that it is not really  
13 necessary to your determination of the guilt or innocence  
14 of these defendants. We are simply offering this evidence  
15 of Manson's philosophy to help you understand how and why  
16 these murders came about, and we are offering this evidence  
17 of Manson's motive for these seven murders as circumstantial  
18 evidence that it was Charles Manson and these defendants  
19 who committed these murders.

20 I want to add one further point. We intend to  
21 offer the testimony of not just one witness but many  
22 witnesses to testify to Manson's philosophy on life.

23 These witnesses will be among the last witnesses.  
24 Most of these witnesses will be among the last witnesses  
25 whom we will call to the witness stand.

26 Among the main witnesses whom the prosecution

4B2

1 intends to call to the witness stand to testify to  
2 Charles Manson's philosophy will be Greg Jacobson, a friend  
3 of Charles Manson who was not a member of the Family, and  
4 Paul Watkins and Brooks Posten, both of whom were members  
5 of the Family, who knew Manson very intimately.

6 We intend to offer the testimony of several  
7 witnesses on Manson's philosophy, because the evidence at this  
8 trial will show that they are so strange and so bizarre that  
9 if you heard them only from the lips of one person you folks  
10 would probably not believe it. So, when we offer the  
11 testimony of several witnesses on Helter Skelter, et cetera,  
12 although it will be somewhat repetitious -- and I apologize  
13 to you for that -- please understand the reason why  
14 Mr. Stovitz and I feel it is necessary to do so.

15 MR. FITZGERALD: I am going to object. That is  
16 improper opening statement. Mr. Bugliosi's motives aren't  
17 in issue here.

18 MR. KANAREK: Join.

19 THE COURT: The statement will be stricken and the  
20 jury is admonished to disregard it. ✓

21 MR. BUGLIOSI: Although this Helter Skelter motive  
22 is admittedly far out, Mr. Stovitz and I intend to ask you  
23 ladies and gentlemen to realize that murders as strange and  
24 bizarre as these murders were are not likely to have the  
25 ~~type of~~ <sup>type of</sup> garden variety motive that one would expect to find  
26 contained within the pages of some conventional text book on

33  
1 police science.

2 What about Charles Manson's followers, the  
3 other defendants in this case, Susan Atkins, Patricia  
4 Krenwinkel and Leslie Van Houten?

5 The evidence will show that they, along with  
6 Tex Watson, were the actual killers of the seven Tate-  
7 LaBianca victims.  
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4c-1

1 We expect the evidence to show that they were  
2 very willing participants in these mass murders. That  
3 by their overkill tactics -- for instance, Wajciech  
4 Frykowski was stabbed 51 times, shot <sup>twice</sup> once and struck  
5 violently over the head 13 times with the butt of a  
6 revolver; Rosemary La Bianca was stabbed 41 times -- by  
7 their overkill tactics, these defendants displayed that  
8 even apart from Charles Manson, murder ran through their  
9 own blood.

10 As I previously indicated, the evidence will  
11 show that the five Tate murders took place in the early  
12 morning hours of August the 9th, 1969. The two La Bianca  
13 murders took place the following night, the early morning  
14 hours of August the 10th, 1969.

15 In addition to Linda Kasabian's testimony  
16 implicating Defendant Susan Atkins with the seven Tate-  
17 La Bianca murders, the evidence will, at this trial, show  
18 that in late October and early November, 1969, approximately  
19 three months after the murders, while Susan Atkins was  
20 incarcerated at Sybil Brand Institute for Women here in  
21 East Los Angeles --

22 MR. SHINN: I object, your Honor. I know what he  
23 is going to say now and I object.

24 We discussed this matter before and we  
25 decided it was improper opening statement, your Honor.

26 THE COURT: Overruled.



1 MR. BUGLIOSI: While she was incarcerated at Sybil  
2 Brand Institute for Women here in East Los Angeles, she  
3 had conversations with three of her co-inmates, Virginia  
4 Graham, Veronica Williams, also known as Roni Howard, and  
5 Rosanne Walker, in which she told them of her involvement  
6 in these murders. And there will be other scientific  
7 evidence, which I will not go into at this time, connecting  
8 Miss Atkins with the five Tate murders.

9 With respect to the defendant Patricia  
10 Krenwinkel, in addition to Linda Kasabian's testimony  
11 implicating her in the seven Tate murders, we will prove  
12 by scientific evidence that her fingerprints were found  
13 on the inside of the back door to the master bedroom of  
14 the Tate residence.

15 We will offer other circumstantial evidence  
16 against Patricia Krenwinkel connecting her with these  
17 seven murders, which I will not go into at this time,  
18 except to say that it will concern conduct of Miss Kren-  
19 winkel, conduct which showed a consciousness of guilt on  
20 her part.

21 With respect to the Defendant Leslie Van Houten-

22 MR. HUGHES: Object, your Honor. I object on the  
23 same grounds as stated by Mr. Shinn. We went into this  
24 in chambers the other day.

25 THE COURT: Overruled.

26 You may proceed.



1 MR. BUGLIOSI: With respect to the Defendant Leslie  
2 Van Houten, as I have indicated, she is only charged with  
3 the two La Bianca murders, not the five Tate murders,  
4 in addition to Linda Kasabian's testimony implicating  
5 Defendant Leslie Van Houten with the La Bianca murders,  
6 we will offer evidence that at Death Valley in late  
7 September, 1969, she had a conversation with Dianne Lake,  
8 another member of the Family, in which she told Miss Lake  
9 of her involvement in the La Bianca murders.

10 Although it will not be your duty to return  
11 any kind of a verdict, guilty or not guilty, against  
12 Charles Watson, since he is not presently being tried with  
13 these defendants, inasmuch as Mr. Watson is named in this  
14 indictment as a co-conspirator with these defendants,  
15 we will offer evidence connecting Mr. Watson with these  
16 seven murders.

4d fls.

1 In addition to Linda Kasabian's testimony  
2 implicating Charles Watson with these seven murders, we  
3 intend to prove that his fingerprints were found on the out-  
4 side of the front door to the Tate residence.

5 The evidence at this trial will show that  
6 Charles Manson started his Family in the Haight-Asbury  
7 district of San Francisco in March of 1967.

8 The Family's demise, as it were, took place in  
9 October of 1969 at Barker Ranch, a desolate, secluded, rock-  
10 strewn hideout from civilization on the shadowy perimeters  
11 of Death Valley in Inyo County, California.

12 Between March, 1967 and October, 1969, seven  
13 human beings and an 8-1/2 month baby boy fetus in the womb  
14 of Sharon Tate met their death at the hands of these  
15 members of the Family.

16 The evidence at the trial will show that these  
17 seven incredible murders were perhaps the most bizarre,  
18 savage, nightmarish murders in the recorded annals of  
19 crime; of course, excluding wartime atrocities.

20 MR. KANAREK: Your Honor --

21 MR. BUGLIOSI: Mr. Stovitz and I intend to prove  
22 not just beyond a reasonable doubt, which is our only  
23 burden, of course, but beyond all doubt that these defen-  
24 dants committed these murders, that these defendants are  
25 guilty of these murders; and in our final arguments to you  
26 at the conclusion of the evidence, we intend to ask you to