

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 104

HON. CHARLES H. OLDER, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

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

Defendants.

40

No. A253156

REPORTERS' DAILY TRANSCRIPT

Tuesday, August 4, 1970

P. M. SESSION

APPEARANCES:

For the People:

AARON H. STOVITZ and
VINCENT T. BUGLIOSI,
DEPUTY DISTRICT ATTORNEYS

For Deft. Manson:

I. A. KANAREK, Esq.

For Deft. Atkins:

DAYE SHINN, Esq.

For Deft. Van Houten:

RONALD HUGHES, Esq.

For Deft. Krenwinkel:

PAUL FITZGERALD, Esq.

For Linda Kasabian:

GARY FLEISCHMAN, Esq.
RONALD L. GOLDMAN, Esq.

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JOSEPH B. HOLLOMBE, CSR.,
MURRAY MEHLMAN, CSR.,
Official Reporters

COPY

I N D E X

WITNESSES

EXAMINATION

SHINN, Daye

6173 (F)

STOVITZ, Aaron H.

6175 (S)

6177 (Court)

6178 (F)

MURRAY, William C.

6179 (Court)

1 LOS ANGELES, CALIFORNIA, TUESDAY, AUGUST 4, 1970

2 2:00 P.M.

3 ---O---

4 THE COURT: All parties, counsel and jurors are
5 present.

6 MR. KANAREK: Yes, your Honor. There are two
7 representatives from the Sheriff's Department --

8 MR. BUGLIOSI: May we approach the bench?

9 MR. KANAREK: Yes, your Honor, that is certainly
10 agreeable.

11 THE COURT: Very well.

12 (The following proceedings were had at the
13 bench out of the hearing of the jury:)

14 MR. KANAREK: Your Honor, there are two representatives
15 from the Sheriff's Department who have responded to our
16 subpoena duces tecum.

17 They tell me they have tried to obey the
18 subpoena. There are some records which they have not yet
19 obtained but which they will obtain for us in the fore-
20 seeable future.

21 I would be willing, if it is agreeable with
22 counsel and your Honor to have those representatives come
23 to the bench, and it is stipulated that they be deemed to
24 have been sworn and testified to what I just told the
25 Court so I can lay the foundation to subpoena those records.

26 It would take a half minute and the jury would

1 not have to be inconvenienced to leave the room or anything
2 like that, if that is agreeable with your Honor.

3 THE COURT: Have them come up here to testify some-
4 thing?

5 MR. KANAREK: Not actually testify. It will be
6 stipulated that they have been deemed sworn and testified
7 to whatever --

8 I just want to make sure I don't say something
9 that isn't true. They will be here and agree this is true
10 and we will have our record.

11 It will just take a couple of minutes.

12 MR. BUGLIOSI: Will you stipulate that they brought
13 over their records in their possession? I will so stipulate.

14 MR. KANAREK: The County Counsel represents the
15 Sheriff, not the District Attorney's Office. If they
16 make this representation and it is agreeable to all counsel
17 I will agree to the stipulation.

18 They are here now. Rather than interrupt the
19 witness and the jury -- I don't think the District Attorney
20 can stipulate for the Sheriff.

21 THE COURT: It is not a question of stipulating for
22 him. The question is are you willing to stipulate?

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1 MR. KANAREK: Yes, I am willing to. If Mr.
2 Carpenter and the female deputy are here, I would be more
3 than glad, when they make their representation, but I
4 can't accept any other representation than theirs.

5 MR. BUGLIOSI: The reason that I made the statement,
6 the Captain made that representation in front of the
7 clerk, and I heard Mr. Kanarek say, "It is agreeable with
8 me."

9 MR. KANAREK: Now, this will be in the presence of
10 the Court.

11 THE COURT: I don't see what the problem is.

12 I take it that you received a portion of what
13 you subpoenaed, and they have agreed to furnish the rest.

14 MR. KANAREK: I haven't seen it.

15 THE COURT: Why don't we wait.

16 Have you agreed on a date for them to bring the
17 rest of the material?

18 MR. KANAREK: Yes.

19 If your Honor will allow them to come to the
20 bench, because they know the detail of what they have, I
21 don't.

22 MR. STOVITZ: Your Honor -- your Honor -- Mr.
23 Manson just held up the Times edition and showed it to the
24 jury.

25 THE COURT: Where did he get it?

26 Who left that on counsel's table?

1 MR. KANAREK: The Sheriff was supposed to sequester
2 it.

3 MR. STOVITZ: It was in Mr. Kanarek's books. They
4 are right with Mr. Kanarek's books.

5 THE COURT: Was it on the counsel table?

6 MR. STOVITZ: It was on the counsel table, right
7 under Mr. Kanarek's library books.

8 THE COURT: Bring it up here. I want to see what it
9 was.

10 MR. BUGLIOSI: It was the L.A. Times.

11 (The newspaper is handed to the Court by
12 Mr. Stovitz.)

13 MR. STOVITZ: The bailiff observed him doing it and
14 he tried to stop him.

15 THE COURT: What did he do with it?

16 MR. STOVITZ: He picked it up from counsel table,
17 the bailiff tried to stop him, and then he held it up and
18 showed it to the jury so the jury could see the headlines
19 of the Tuesday morning August 4th edition.

20 THE COURT: All right. We will go ahead with regard
21 to your subpoena matter.

22 MR. KANAREK: Yes, your Honor.

23 I would ask that they come to the bench,
24 and then if they make certain representations --

25 THE COURT: I am not going to have them come up to
26 the bench, Mr. Kanarek.

1 Now, if you agree with them as to when you
2 want your material here, fine; otherwise, you will have to
3 make a motion to enforce your subpoena.

4 MR. KANAREK: All I am saying --

5 THE COURT: I don't want to hear any more about it.
6 We are wasting a lot of time. Either you have the material
7 or you don't. If you want to enforce it, make your motion.

8 MR. KANAREK: I don't want to inconvenience anyone.

9 THE COURT: Then work out some kind of an agreement
10 with the Sheriff or the other side.

11 MR. KANAREK: May it be on the record?

12 THE COURT: There is no need for anything to be on
13 the record in that regard.

14 Let's proceed now.

15 I directed you this morning, all counsel, to
16 get the newspapers off the table.

17 MR. KANAREK: Your Honor, to my knowledge, every
18 newspaper was off the table.

19 THE COURT: Where did he get it?

20 MR. KANAREK: I don't know, your Honor.

21 MR. STOVITZ: If your Honor wants to check those
22 books, they look like Law Library books, and I am sure
23 somebody from the defense checked the books out of the
24 Law Library.

8a-1

1 MR. KANAREK: Your Honor can bring the deputy over
2 and ask him.

3 MR. SHINN: Your Honor, this morning we took out
4 all the front pages, your Honor.

5 THE COURT: I want to know where that paper came
6 from that Mr. Manson held up?

7 Where did it come from, Mr. Kanarek?

8 MR. KANAREK: I don't know, your Honor.

9 THE COURT: Are you saying it wasn't yours?

10 MR. KANAREK: To my knowledge, it certainly was not
11 mine.

12 THE COURT: Where did he get it?

13 MR. KANAREK: I don't know, your Honor.

14 THE COURT: Ask the bailiff to step over here.

15 MR. FITZGERALD: Mr. Murray.

16 THE COURT: Where did he get that newspaper?

17 DEPUTY MURRAY: I saw him pick the paper up. He
18 got it right off the bench there where there are other
19 newspapers.

20 THE COURT: What do you mean the bench?

21 DEPUTY MURRAY: The counsel table.

22 MR. STOVITZ: May I, with the Court's permission,
23 or Mr. Kanarek should, because it is his client, bring
24 all the things on the desk over here?

25 MR. KANAREK: No problem.

26 DEPUTY MURRAY: I came over after lunch and checked

Ja-2

1 the papers and there were no papers with the headlines on it.

2 Counsel told me that they took the papers
3 away. They said there was nothing with the headlines on
4 it.

5 That has just gotten here in the last couple
6 of minutes.

8p Fls.

8b-1

1 THE COURT: I hold Mr. Kanarek totally and
2 directly responsible for that.

3 MR. KANAREK: Your Honor, I did not bring any
4 papers into the courtroom.

5 THE COURT: You just heard what the bailiff said.

6 MR. KANAREK: Your Honor, I brought books into
7 the courtroom, and I can so represent to the Court.

8 THE COURT: Did Mr. Manson have any newspapers in
9 his possession when he came out of the lockup?

10 DEPUTY MURRAY: I didn't bring him out. I didn't
11 see him when he was brought out of the lockup.

12 THE COURT: Who brought him out?

13 DEPUTY MURRAY: I will check and find out.

14 THE COURT: This is a direct order to all counsel:
15 There are to be no newspapers on that counsel table.

16 MR. KANAREK: Perfectly agreeable with me.

17 THE COURT: Or any inside the railing, unless
18 they are in the process of being introduced into evidence.
19 They are not to be inside the railing of this courtroom.

20 MR. KANAREK: There are some old newspapers, your
21 Honor, many weeks ago, that are in the cabinet, your
22 Honor, that we used in conjunction with voir dire.

23 THE COURT: I said unless they are introduced as
24 exhibits and the Clerk has custody of them.

25 MR. KANAREK: There are old papers in the drawer
26 that is allotted to me.

1 DEPUTY MURRAY: This is Deputy Maupin. He brought
2 Manson out of the lockup.

3 DEPUTY MAUPIN: He did not have any papers with
4 him other than his legal papers. There were no newspapers
5 with him.

6 THE COURT: All right.

7 We are going to retire into chambers and I
8 want to go into this matter further.

9 MR. BUGLIOSI: Yes, I think it should be. It is
10 very serious.

11 Well, I don't want to make a comment on
12 the record.

13 THE COURT: All right.

14 (Whereupon counsel returned to their
15 respective places at counsel table and the following
16 proceedings occur in open court within the presence and
17 hearing of the jury:)

18 THE COURT: Ladies and gentlemen, we are going to
19 recess temporarily.

20 Do not converse with anyone nor form or
21 express any opinion regarding the case until it is finally
22 submitted to you.

23 (Recess.)
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9 fls.

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1 (The following proceedings were had in the
2 chambers of the Court, outside the hearing of the jury:)

3 THE COURT: The record will show all counsel and the
4 defendants are present.

5 While we were having our conference at the
6 bench I observed Mr. Manson hold a newspaper up. I could
7 not tell which side he was holding up or how long he had
8 held it up.

9 Is there anyone here who saw what happened?

10 MR. KANAREK: Your Honor, we move that this be held
11 in open court.

12 THE COURT: It isn't going to be held in open court.

13 MR. KANAREK: May I make the record, your Honor?

14 The record is that it be held in open court
15 outside of the presence of the jury because we are
16 entitled to a public trial as to all aspects of the case.

17 I refer your Honor to In re Oliver, a United
18 States Supreme Court case.

19 We object to any private proceedings in
20 chambers.

21 We are entitled to a public trial.

22 THE COURT: I propose to call each of the jurors in
23 individually and ask each of them what they saw.

24 Does anyone have any objection to that?

25 MR. KANAREK: I have no objections, your Honor, but
26 I move it be done in open court; otherwise we are denied a

1 fair trial.

2 THE COURT: It will not be done in open court for the
3 same reasons that we had the voir dire in chambers
4 originally.

5 MR. KANAREK: We allege it is a denial of due process
6 under the 14th Amendment of the Constitution of the
7 United States, the right to a public trial as guaranteed
8 by the due process law of the 14th Amendment, a denial of
9 public trial under the California Constitution.

10 I object to any proceedings in chambers. If
11 your Honor wishes, your Honor can examine each juror in
12 the courtroom, the open courtroom, outside the presence of
13 the other jurors.

14 We have no objection to that.

15 We do have an objection to any proceedings
16 in chambers as being a denial of the right to a public
17 trial.

18 MR. FITZGERALD: I would agree and join with
19 Mr. Kanarek.

20 THE COURT: You want it held in open court?

21 MR. FITZGERALD: I think it should be held in open
22 court.

23 MR. STOVITZ: Out of the presence of the mass jurors,
24 just call them in individually.

25 THE COURT: I think you are less likely to get a full
26 response than you are, doing it in chambers.

1 MR. STOVITZ: The only advantage I see in having it
2 in open court, your Honor, you can have it actually where
3 Mr. Manson was when he picked up the newspaper and where
4 the juror was.

5 Perhaps the jurors' eyesight is not good enough
6 to pick it up at that point. It is like visiting the
7 scene of the crime.

8 THE COURT: All right, we'll do it in open court.

9 I made an order at the bench; I want to repeat
10 it.

11 There are not to be any newspapers inside of
12 that railing at the counsel table or out in the open.
13 If you have something in your briefcase, that is one thing.

14 Newspapers received and offered and marked for
15 identification in the custody of the clerk, that is some-
16 thing else.

17 But you are not to have any newspapers in your
18 possession at any time during this trial that are not
19 contained within some enclosure like a briefcase or an
20 attache case or whatever, inside of that railing.

21 MR. HUGHES: This morning someone did send in --
22 I believe it was a Herald Examiner -- and it was given to
23 one of the deputies; it was directed to me.

24 They have custody of it.

25 MR. STOVITZ: I think that is the one that was
26 entered as a special exhibit.

1 MR. HUGHES: I think we were trying to get that
2 particular Herald Examiner entered as an exhibit. It did
3 not come in in time.

4 I think the deputies took possession of it.

5 THE COURT: I want the bailiffs to be particularly
6 watchful. If they see any counsel or anyone with news-
7 papers in the courtroom, anywhere in the courtroom,
8 spectators or anyone, I want those newspapers taken away
9 from them immediately and the person removed from the
10 court.

11 All right, we will go back into court.

12 Now, I do not anticipate that we are going to
13 have a long, involved voir dire examination.

14 I want to find out what they saw. As a matter
15 of fact, I don't anticipate that any questions would be
16 required by counsel at all. I will ask the questions.

17 MR. HUGHES: I think that's quite fair, your Honor.
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1 (The following proceedings were had in open
2 court, the defendants and all counsel present, the jury ab-
3 sent:)

4 THE COURT: All parties and counsel are present.
5 The jury is now present.

6 Mr. Bailiff, will you call in Mrs. Thelma
7 McKenzie, Juror No. 1.

8 (Mrs. Thelma McKenzie enters the courtroom
9 and takes the witness stand.)

10 THE COURT: Mrs. McKenzie, would you take the witness
11 box, please. I am going to ask you a few questions.

12 I am going to ask all the jurors and alternate
13 jurors some questions. You are not being singled out.

14 Mrs. McKenzie, first of all, you realize
15 that you have been sworn as a juror.

16 MRS. MCKENZIE: Yes.

17 THE COURT: I am going to ask the clerk to swear you
18 now to tell the truth concerning the matters I am about to
19 ask you.

20 MRS. MCKENZIE: Yes, sir.

21 THE COURT: Will you swear the juror.

22 THE CLERK: Do you wish me to use the oath given for
23 qualification of the jury?

24 THE COURT: Use the witness' oath.

25 THE CLERK: Raise your right hand, please.

26 You do solemnly swear --

1 Would you please repeat after me: I do
2 solemnly swear --

3 MRS. MCKENZIE: I do solemnly swear --

4 THE CLERK: That the testimony I may give --

5 MRS. MCKENZIE: -- that the testimony I may give --

6 THE CLERK: -- in the cause now pending --

7 MRS. MCKENZIE: -- in the cause now pending --

8 THE CLERK: -- before this Court --

9 MRS. MCKENZIE: -- before this Court --

10 THE CLERK: -- shall be the truth --

11 MRS. MCKENZIE: -- shall be the truth --

12 THE CLERK: -- the whole truth --

13 MRS. MCKENZIE: -- the whole truth --

14 THE CLERK: -- and nothing but the truth --

15 MRS. MCKENZIE: -- and nothing but the truth --

16 THE CLERK: -- so help me God.

17 MRS. MCKENZIE: -- so help me God.

18 THE CLERK: Be seated, please.

19 Please state and spell your name.

20 MRS. MCKENZIE: Thelma McKenzie, T-h-a-l-m-a,
21 M-c-K-e-n-z-i-e.

22
23 EXAMINATION

24 BY THE COURT:

25 Q You are a juror in this case, Juror No. 1; is
26 that right, Mrs. McKenzie?

1 A Yes.

2 Q Now, just before the Court recessed and while
3 counsel were at the bench, an incident occurred involving
4 Mr. Manson.

5 Did you see that incident?

6 A I think I saw part of it.

7 Q Will you tell us what you saw?

8 A I saw Mr. Manson raise a newspaper in front of
9 him.

10 Q Were you able to read the newspaper or any
11 portion of it?

12 A The name "Manson" and some other words, and
13 just as I turned my eyes away, I heard someone say, "Your
14 Honor," and I looked away.

15 I am not sure, but I think I read the whole
16 headline before I looked away.

17 Q Do you recall what it said, or the substance
18 of it?

19 A I think it said, "Manson guilty."

20 I am not sure, but I think it said, "Nixon
21 Declares" or "Nixon something."

22 Q All right. Now, what did you think and what
23 do you think about what you saw?

24 A Nothing, really.

25 Q Does it strike any chord of understanding or
26 does it stimulate you to any thinking about the subject at

1 all?

2 A No. It is just a headline. I mean, other than
3 that, no.
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1 Q Have you read, seen or heard anything while
2 you have been a juror in any way related to that headline?

3 A No, sir, nothing whatsoever.

4 Q Would you allow yourself to be influenced by
5 what you saw in that headline, Mrs. McKenzie?

6 A No.

7 MR. KANAREK: Calling for a conclusion, your
8 Honor.

9 BY THE COURT:

10 Q Do you believe that you can ^{put} aside in your
11 mind whatever it was that you saw and decide this case
12 fairly and impartially, solely on the evidence that comes
13 in during the trial?

14 A Yes, I'm sure I could.

15 THE COURT: I'm going to ask you to take another
16 oath. It is the same oath I gave to each of the jurors
17 just before they were sworn as a group.

18 Mrs. McKenzie, do you swear on your oath as
19 a juror that you can and will act impartially and fairly
20 upon the matters to be submitted to you, and that you can
21 and will base your verdict in this case solely on the
22 evidence received during the trial and in accordance
23 with the Court's instructions?

24 A Yes.

25 THE COURT: All right, thank you, and I'm going
26 to ask you to go back to the jury room and I will call in

1 the next juror.

2 MR. STOVITZ: I know your Honor has a standing
3 order not to discuss the case, but not to discuss this
4 testimony --

5 THE COURT: Yes, I instruct you and ask you not
6 to discuss with anyone what has been said here in court
7 this afternoon.

8 MRS. MC KENZIE: All right.

9 THE COURT: Thank you, Mrs. McKenzie.

10 Will you bring back Mrs. Shirley Evans.

11 (Mrs. McKenzie leaves the courtroom.)

12 MR. KANAREK: Your Honor, in order that I not
13 interrupt the Court, may I have a standing objection, your
14 Honor, to the conclusionary request that I believe your
15 Honor is going to ask.

16 Then I will not any questions. If it may be
17 deemed that I have a standing objection.

18 THE COURT: You may.

19 MR. KANAREK: Thank you, your Honor.

20 THE COURT: The objections are overruled.

21 Please swear Mrs. Evans.

22 THE CLERK: Would you please repeat after me:

23 I do solemnly swear --

24 MRS. EVANS: I do solemnly swear --

25 THE CLERK: -- that the testimony I may give --

26 MRS. EVANS: -- that the testimony I may give --

1 THE CLERK: -- in the cause now pending --

2 MRS. EVANS: -- the cause now pending --

3 THE CLERK: -- before this court --

4 MRS. EVANS: -- before this court --

5 THE CLERK: -- shall be the truth --

6 MRS. EVANS: -- shall be the truth --

7 THE CLERK: -- the whole truth --

8 MRS. EVANS: -- the whole truth --

9 THE CLERK: -- and nothing but the truth --

10 MRS. EVANS: -- and nothing but the truth --

11 THE CLERK: -- so help me God.

12 MRS. EVANS: -- so help me God.

13 THE CLERK: Would you be seated, please.

14 Would you please state and spell your name.

15 MRS. EVANS: Shirley Beth Evans, S-h-i-r-l-e-y,
16 B-e-t-h, E-v-a-n-s.

17
18 EXAMINATION

19 BY THE COURT:

20 Q Mrs. Evans, I'm going to call each of the
21 jurors down and ask them some questions, so I don't want
22 you to feel that you are being singled out in any way.

23 An incident occurred just prior to the
24 recess, involving Mr. Manson. Did you see that incident?

25 A Yes, I did.

26 Q What did you see, Mrs. Evans?

1 A I saw the newspaper and the headlines.

2 Q Were you able to read the headlines?

3 A Yes.

4 Q What did it say, do you recall?

5 A "Manson Guilty," and the second line "Nixon
6 Believes."

7 Q What do you think about what you read?

8 A Well, my first thought was "That is ridicu-
9 lous."

10 Q In what way do you mean?

11 A Because I don't believe the President of
12 the United States, if that is who they meant, would say
13 such a thing.

14 I think he has more important things to
15 deal with.

16 Q Well, assume for the sake of this question-
17 ing that he did say it, what effect, if any, would that
18 have upon you?

19 A It wouldn't have any effect upon my thoughts.

20 Q Do you believe that you would be able to
21 decide this case solely on the evidence introduced during
22 the trial and not be influenced by anything that you may
23 have read, heard or seen?

24 A Yes, sir, I do.

25 Q Do you believe that you are able to put out
26 of your mind or put aside in your mind this headline that

1 you saw?

2 A Yes, sir.

3 Q Mrs. Evans, I am going to ask you to take
4 the same oath that I asked you to take just before the
5 jury was sworn as a group.

6 MR. STOVITZ: May we, before you do that, your
7 Honor -- could the juror describe exactly what she saw,
8 where it came from, what Mr. Manson did with it?

9 THE COURT: Very well.

10 BY THE COURT:

11 Q Would you describe what you did see?

12 A I guess when the paper came over, something
13 hit the table and I looked up and I think it said "L. A.
14 Times," and there were the two words "Manson Guilty,"
15 and below it "Nixon Declares," or something to that
16 effect, and that is all I saw.

17 Q Was it being held by someone?

18 A No, it was dropped over so that it stood on
19 the table.

20 Q And was it in the proximity of someone who
21 was sitting at the table?

22 A Yes, right in front of Mr. Manson.

23 Q Did you see who propped the paper up?

24 A Well, I believe he was holding the paper
25 with one finger and it flipped over.

26 Q Mrs. Evans, do you swear on your oath as a

1 juror that you can and will act impartially and fairly
2 upon the matters that will be submitted to you, and that
3 you can and will base your verdict in this case solely
4 on the evidence received in this trial and in accordance
5 with the Court's instructions?

6 A Yes, sir, I do.

7 THE COURT: Thank you, Mrs. Evans, I will ask you
8 to go back to the jury room and I also instruct you and
9 ask you not to converse with anyone else on what has been
10 said here this afternoon.

11 MRS. EVANS: Thank you.

12 (Mrs. Evans leaves the courtroom.)
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12 fls.

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1 (Mr. William T. McBride, II enters the
2 courtroom.)

3 THE CLERK: Would you raise your right hand, sir.

4 Would you please repeat after me.

5 I do solemnly swear --

6 MR. McBRIDE: I do solemnly swear --

7 THE CLERK: -- that the testimony I may give --

8 MR. McBRIDE: --that the testimony I may give --

9 THE CLERK: -- in the cause now pending --

10 MR. McBRIDE: -- in the cause now pending --

11 THE CLERK: -- before this Court --

12 MR. McBRIDE: -- before this Court --

13 THE CLERK: -- shall be the truth --

14 MR. McBRIDE: -- shall be the truth --

15 THE CLERK: -- the whole truth --

16 MR. McBRIDE: -- the whole truth --

17 THE CLERK: -- and nothing but the truth --

18 MR. McBRIDE: -- and nothing but the truth --

19 THE CLERK: -- so help me God.

20 MR. McBRIDE: -- so help me God.

21 THE CLERK: Would you be seated, please.

22 Would you please state and spell your name.

23 MR. McBRIDE: William T. McBride, II; W-i-l-l-i-a-m,
24 M-c capital B-r-i-d-e.
25
26

1 WILLIAM T. McBRIDE, II,
2 being first duly sworn, was examined and testified as follows:

3
4 EXAMINATION

5 BY THE COURT:

6 Q Mr. McBride, you are a juror in this case,
7 No. 3.

8 I am asking each of the jurors to come down and
9 answer some questions, and I don't want you to think that
10 you are being singled out in any way.

11 An incident occurred just before the recess
12 involving Mr. Manson. Did you see that incident?

13 A Yes, I did.

14 Q What did you see, Mr. McBride?

15 A I saw a newspaper placed on the books in front
16 of Mr. Manson.

17 Q Were you able to read the newspaper or any
18 portion of it?

19 A The headlines, yes, sir.

20 Q What did the headlines say?

21 A "Manson Guilty Nixon Declares."

22 Q What did you think about what you read in that
23 headline?

24 A I think if the President declared that, it
25 was pretty stupid of him.

26 Q Well, assume that he did -- and I am not saying

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1 that he did one way or the other -- but assume for the
2 purpose of this questioning that he did.

3 Do you think that that fact would influence
4 you in any way in arriving at a fair and impartial
5 decision in this case?

6 A I don't think so, but it may. It is hard to
7 say. Subconsciously it may. I would certainly hope that
8 it wouldn't.

12A

1 Q Would you make every effort to put aside in
2 your mind what you did read and decide this case solely on
3 the evidence introduced during the trial?

4 A Yes, I would.

5 Q I am going to ask you to take the same oath
6 that I asked you to take before the jurors were sworn as a
7 body, Mr. McBride, and that is as follows:

8 Do you swear on your oath as a juror that you
9 can and will act impartially and fairly upon the matter to
10 be submitted to you and that you can and will base your
11 verdict in this case solely on the evidence received during
12 the trial and in accordance with the Court's instructions?

13 A I do.

14 Q All right, sir. I will ask you further not to
15 discuss with anyone what has been said here this afternoon.

16 A All right.

17 THE COURT: Thank you very much.

18 (Whereupon, Mr. McBride leaves the courtroom.)

19 (Mr. Alva K. Dawson enters the courtroom.)

20 THE CLERK: Would you raise your right hand, please.

21 Would you please repeat after me.

22 I do solemnly swear --

23 MR. DAWSON: I do solemnly swear --

24 THE CLERK: -- that the testimony that I may give --

25 MR. DAWSON: -- that the testimony that I may give --

26 THE CLERK: -- in the cause now pending --

A2

1 MR. DAWSON: -- in the cause now pending --

2 THE CLERK: -- before this Court --

3 MR. DAWSON: -- before this Court --

4 THE CLERK: -- shall be the truth --

5 MR. DAWSON: -- shall be the truth --

6 THE CLERK: -- the whole truth --

7 MR. DAWSON: -- the whole truth --

8 THE CLERK: -- and nothing but the truth --

9 MR. DAWSON: -- and nothing but the truth --

10 THE CLERK: -- so help me God.

11 MR. DAWSON: -- so help me God.

12 THE CLERK: Would you be seated, please.

13 Would you please state and spell your name.

14 MR. DAWSON: Alva, A-l-v-a, K. Dawson, D-a-w-s-o-n.

15
16 ALVA K. DAWSON,

17 being first duly sworn, was examined and testified as
18 follows:

19
20 EXAMINATION

21 BY THE COURT:

22 Q Mr. Dawson, I am asking each of the jurors to
23 come down and answer some questions, so I don't want you
24 to feel that you are being singled out in any way.

25 An incident occurred involving Mr. Manson just
26 before the recess. Did you see that incident?

1 A Yes, I saw part of the paper.

2 Q All right. What did you see?

3 A "Manson Guilty," but I didn't see the balance,
4 but I heard someone say -- and I don't know who it was --
5 said about, "Nixon Declared." Something like that.

6 Q And where did you hear this latter part?

7 A In the rear of me. I don't know who said it.

8 Q While you were in the courtroom sitting in the
9 jury box?

10 A Yes, sir.

11 Q What do you think about that statement, that
12 headline?

13 A Well, I really don't think anything of it.
14 Since I am sitting here listening to the trial, I don't
15 believe Mr. Nixon knows anything about it, or else he
16 certainly had no right to make such a statement, and I
17 wouldn't believe it.

18 Q Would you allow that headline or your thinking
19 about it to influence your decision in this case?

20 A Absolutely not.

21 Q Do you believe that you are able to decide
22 this case fairly and impartially based solely on the
23 evidence introduced during the trial?

24 A Yes, sir.

25 Q All right.

26 I am going to ask you to take the same oath

1 that I gave to you just before you were sworn as a juror
2 in this case, which is as follows, Mr. Dawson:

3 Do you swear on your oath as a juror that you
4 can and will act impartially and fairly upon the matters
5 to be submitted to you, and that you can and will base
6 your verdict in this case solely on the evidence received
7 during the trial and in accordance with the Court's
8 instructions?

9 A I do.

10 Q I will ask you further, Mr. Dawson, not to
11 discuss with anyone what has been said here this afternoon.

12 Thank you, sir.

13 A Thank you.

14 (Whereupon, Mr. Dawson leaves the courtroom.)
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12b-1

(Mrs. Jean O. Roseland enters the courtroom.)

THE CLERK: Would you raise your right hand.

Would you please repeat after me.

I do solemnly swear --

MRS. ROSELAND: I do solemnly swear --

THE CLERK: -- that the testimony I may give --

MRS. ROSELAND: -- that the testimony I may give --

THE CLERK: -- in the cause now pending --

MRS. ROSELAND: -- in the cause now pending --

THE CLERK: -- before this court --

MRS. ROSELAND: -- before this court --

THE CLERK: -- shall be the truth --

MRS. ROSELAND: -- shall be the truth --

THE CLERK: -- the whole truth --

MRS. ROSELAND: -- the whole truth --

THE CLERK: -- and nothing but the truth --

MRS. ROSELAND: -- and nothing but the truth --

THE CLERK: -- so help me God.

MRS. ROSELAND: -- so help me God.

THE CLERK: Would you be seated, please.

THE BAILIFF: Speak into the microphone. State
your name, please.

MRS. ROSELAND: Jean O. Roseland.

THE CLERK: Would you please spell your name.

MRS. ROSELAND: J-e-a-n, O., R-o-s-e-l-a-n-d.

12b-2

EXAMINATION

BY THE COURT:

Q Mrs. Roseland, I am asking each of the jurors to come down and answer a few questions, so I don't want you to feel that you are being singled out in any way.

An incident occurred involving Mr. Manson just before the recess.

Did you see that incident?

A Yes, I did.

Q And will you tell us what you did see?

A I saw the word "Manson," and realized it was a newspaper and looked away.

Q Where was that newspaper located?

A In front of Mr. Manson.

Q Were you able to read anything more than that one word "Manson"?

A When I saw that word "Manson," I realized I was not supposed to look at it and I looked away.

Q And is that all you saw?

A Yes, sir.

Q Do you know what paper it was? Were you able to see that?

A No, sir.

Q What, if anything, do you think about what you read?

12b-3

1 A All I read was "Manson."

2 Q Did that cause you to have any thoughts
3 about it?

4 A When I saw the word "Manson," I realized and
5 saw that it was a newspaper, I realized I wasn't supposed
6 to look at it.

7 Q But did the fact that Mr. Manson's name
8 appeared in the headline of a newspaper cause you to
9 think anything about him or this case?

10 A No, sir.

11 Q Do you think that you will be able to decide
12 this case fairly and impartially?

13 A Yes, I do.

14 Q Excuse me.

15 Solely on the evidence introduced during the
16 trial?

17 A Yes, sir.

18 Q I'm going to ask you to take the same oath
19 that I gave to you just before the jury was sworn as a
20 body, which is as follows:

21 Do you solemnly swear on your oath as a
22 juror that you can and will act impartially and fairly
23 upon the matters to be submitted to you, and that you can
24 and will base your verdict in this case solely on the
25 evidence received during this trial and in accordance with
26 the Court's instructions?

1 A I do.

2 Q All right, Mrs. Roseland, I'm going to ask
3 you further not to discuss with anyone what has been said
4 here this afternoon?

5 A Yes, sir.

6 Q Thank you.

7 A You are welcome.

8 (Whereupon Mrs. Roseland leaves the court-
9 room.)

13 fls.

13-1

1 THE CLERK: Raise your right hand,

2 Would you please repeat after me.

3 I do solemnly swear --

4 MR. SISTO: I do solemnly swear --

5 THE CLERK: -- that the testimony I may give --

6 MR. SISTO: -- that the testimony I may give --

7 THE CLERK: -- in the cause now pending --

8 MR. SISTO: -- in the cause now pending --

9 THE CLERK: -- before this Court --

10 MR. SISTO: -- before this Court --

11 THE CLERK: -- shall be the truth --

12 MR. SISTO: -- shall be the truth --

13 THE CLERK: -- the whole truth --

14 MR. SISTO: -- the whole truth --

15 THE CLERK: -- and nothing but the truth --

16 MR. SISTO: -- and nothing but the truth --

17 THE CLERK: -- so help me God.

18 MR. SISTO: -- so help me God.

19 THE CLERK: Would you be seated, please. Please
20 state and spell your name.

21 THE WITNESS: Anlee Sisto, A-n-l-e-e-, S-i-s-t-o.

22 THE COURT: Mr. Sisto, I am asking each of the jurors
23 to come down and answer a few questions, so please don't
24 think I am singling you out, sir.

-2

ANLEE SISTO,

being first duly sworn, was examined and testified as follows:

EXAMINATION

BY THE COURT:

Q An incident occurred involving Mr. Manson just before the recess here in the court. Did you see that incident?

A Yes, I did.

Q Would you tell us what you saw?

A I saw the bailiff make a rather quick move, and I glanced over toward the table.

I saw the name "Manson" and quickly turned away.

Q Where did you see the name "Manson"?

A On the newspaper.

Q Was this on the headline?

A Yes, sir.

Q Where was the newspaper located?

A It was laying in front of Mr. Manson.

Q Were you able to read anything other than the name "Manson"?

A Nothing other.

Q Did you notice which newspaper it was?

A No, sir, I did not.

1 Q Does the fact that you saw Mr. Manson's name
2 in the headlines cause you to have any thoughts about him
3 or this trial?

4 A Not one bit.

5 Q Do you believe that you will be able to decide
6 this case fairly and impartially, based solely on the evidence
7 introduced during the trial?

8 A Yes, sir.

9 Q All right. I am going to give you the same
10 oath that I gave to all of the jurors before the jury was
11 sworn as a body, which is as follows:

12 Do you swear on your oath as a juror that you
13 can and will act impartially and fairly upon the matters to
14 be submitted to you, and that you can and will base your
15 verdict in this case solely on the evidence received during
16 the trial, and in accordance with the Court's instructions?

17 A I so swear.

18 THE COURT: Thank you, Mr. Sisto, and will you refrain
19 from discussing with anyone what has been said here this
20 afternoon?

21 MR. SISTO: Yes, sir.

22 THE COURT: Thank you.

23 (Mr. Sisto leaves the courtroom.)

24 THE CLERK: Would you please repeat after me:

25 I do solemnly swear --

26 MR. ZAMORA: I do solemnly swear --

1 THE CLERK: -- that the testimony I may give --

2 MR. ZAMORA: -- that the testimony I may give --

3 THE CLERK: -- in the cause now pending --

4 MR. ZAMORA: -- in the cause now pending --

5 THE CLERK: -- before this Court --

6 MR. ZAMORA: -- before this Court --

7 THE CLERK: -- shall be the truth --

8 MR. ZAMORA: -- shall be the truth --

9 THE CLERK: -- the whole truth --

10 MR. ZAMORA: -- the whole truth --

11 THE CLERK: -- and nothing but the truth --

12 MR. ZAMORA: -- and nothing but the truth --

13 THE CLERK: -- so help me God.

14 MR. ZAMORA: -- so help me God.

15 THE CLERK: Would you be seated, please.

16 Would you please state and spell your name.

17 MR. ZAMORA: William M. Zamora. Z-a-m-o-r-a.

18 THE COURT: Mr. Zamora, I am asking each of the jurors
19 to come down and answer a few questions, so I don't want
20 you to think you are being singled out, sir.

21 MR. ZAMORA: Okay.

22
23 WILLIAM M. ZAMORA,

24 being first duly sworn, was examined and testified as
25 follows:
26

EXAMINATION

1
2 BY MR. ZAMORA;

3 Q An incident occurred involving Mr. Manson just
4 before the recess that occurred here in the courtroom, did
5 you see that incident?

6 A No, sir.

7 Q The incident involved Mr. Manson over here at
8 the counsel table, that is what I am referring to.

9 A No, I only heard someone say, "Your Honor,"
10 that called my attention to it, but that was it.

11 Q Did you see anything on the counsel table at
12 that time?

13 A No, I did not.

14 Q Do you have any idea at all what I am talking
15 about when I mention this incident?

16 A I was not paying attention at the time, sir,
17 I was looking at the clock at the time.

18 I was just looking, so I cannot -- I know there
19 were some papers there.

20 Q What sort of papers?

21 A Well, it was a newspaper someone told me, but I
22 did not see the headlines.

23 Is that what you are referring to?

24 Q You say you saw some newspaper lying on the
25 table at that time?

26 A No, I did not see it. I just saw when someone

1 removed it from Mr. Manson's hands.

2 Q You saw them remove a newspaper from his hands?

3 A Yes.

4 Q And were you able to read any of that newspaper?

5 A No, sir.

6 Q Do you know of any reason, Mr. Zamora, why you
7 cannot be a fair and impartial juror in this case?

8 A No, sir, I don't.

9 Q Do you believe that you can decide the case
10 solely on the basis of the evidence introduced during the
11 trial?

12 A Yes, sir.

13 Q And in accordance with the Court's instructions?

14 A Yes, sir.

15 THE COURT: All right, sir, I am going to give you
16 again the oath I gave to you just before the jury was
17 sworn as a body, which is as follows:

18 Do you swear on your oath as a juror that you
19 can and will act impartially and fairly upon the matters to
20 be submitted to you, and that you can and will base your
21 verdict in this case solely on the evidence received during
22 the trial and in accordance with the Court's instructions?

23 A Yes.

24 THE COURT: All right, sir. Now will you refrain
25 from discussing with anyone what has been said here this
26 afternoon?

1 MR. ZAMORA: Yes, sir.

2 THE COURT: Thank you, Mr. Zamora.

3 MR. ZAMORA: Thank you.

4 (Mr. Zamora leaves the courtroom.)

13A

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13a-1

1 THE CLERK: Would you raise your right hand,
2 please.

3 Would you please repeat after me:

4 I do solemnly swear --

5 MISS MESMER: I do solemnly swear --

6 THE CLERK: -- that the testimony I may give --

7 MISS MESMER: -- that the testimony I may give --

8 THE CLERK: -- in the cause now pending --

9 MISS MESMER: -- in the cause now pending --

10 THE CLERK: -- before this court --

11 MISS MESMER: -- before this court --

12 THE CLERK: -- shall be the truth --

13 MISS MESMER: -- shall be the truth --

14 THE CLERK: -- the whole truth --

15 MISS MESMER: -- the whole truth --

16 THE CLERK: -- and nothing but the truth --

17 MISS MESMER: -- and nothing but the truth --

18 THE CLERK: -- so help me God.

19 MISS MESMER: -- so help me God.

20 THE CLERK: Would you be seated, please.

21 State and spell your name.

22 MISS MESMER: My name is Marie Mesmer.

23 THE CLERK: Would you please spell it.

24 MISS MESMER: M-e-s-m-e-r.
25
26

13a-2 1

MARIE MESMER,

2 being first duly sworn, was examined and testified as
3 follows:

EXAMINATION

BY THE COURT:

7 Q Miss Mesmer, I'm asking each of the jurors
8 to come down and answer a few questions, so please don't
9 believe that you are being singled out.

10 A Yes, I understand.

11 Q An incident occurred involving Mr. Manson in
12 the courtroom just before the recess.

13 Did you see that incident?

14 A Yes, I did.

15 Q Will you tell us what you saw?

16 A Well, I saw the headline of the Los Angeles
17 Times, and I believe Mr. Manson turned the paper over
18 and I was not looking in the direction at all -- I mean,
19 that is, I did not intend to look at Mr. Manson but I
20 did see the headline.

21 Q And what did the headline say?

22 A It said "Manson Guilty Nixon Charges."
23 I believe it was.

24 Q Does that cause you to have any thoughts
25 about the headline about Mr. Manson or this trial?

26 A It does not at all. No one does my thinking

13a-3

1 for me.

2 Q Do you believe that you could put aside
3 in your mind the fact that you saw that headline, and
4 decide this case solely on the evidence introduced during
5 the trial?

6 A That is why I came as a juror and that is
7 what I intend to do.

8 Q I am going to give you the same oath that
9 I gave to you just before the jury was sworn in as a
10 body, Miss Mesmer, which is as follows;

11 Do you swear on your oath as a juror that
12 you can and will act impartially and fairly upon the
13 matters to be submitted to you and that you can and will
14 base your verdict in this case solely on the evidence
15 received during the trial, and in accordance with the
16 Court's instructions?

17 A Yes. That is my answer, yes.

18 Q Will you refrain from discussing with
19 anyone what has been said here this afternoon?

20 A Yes, I will.

21 THE COURT: Thank you very much.

22 MISS MESMER: You are welcome.

23 (Miss Mesmer leaves the courtroom.)

24 THE CLERK: Would you raise your right hand, sir.

25 Would you please repeat after me:

26 I do solemnly swear --

13a-4

1 MR. BAER: I do solemnly swear --

2 THE CLERK: -- that the testimony I may give --

3 MR. BAER: -- that the testimony I may give --

4 THE CLERK: -- in the cause now pending --

5 MR. BAER: -- in the cause now pending --

6 THE CLERK: -- before this court --

7 MR. BAER: -- before this court --

8 THE CLERK: -- shall be the truth --

9 MR. BAER: -- shall be the truth --

10 THE CLERK: -- the whole truth, --

11 MR. BAER: -- the whole truth --

12 THE CLERK: -- and nothing but the truth --

13 MR. BAER: -- and nothing but the truth --

14 THE CLERK: -- so help me God.

15 MR. BAER: -- so help me God.

16 THE CLERK: - Would you be seated, please.

17 Would you please state and spell your name.

18 MR. BAER: John M. Baer, B-a-e-r.

19
20 JOHN M. BAER,

21 being first duly sworn, came forward and testified as
22 follows:

23
24 EXAMINATION

25 BY THE COURT:

26 Q Mr. Baer, I am asking each of the jurors to

1 come down and answer a few questions so please don't feel
2 that you are being singled out.

3 A I don't, sir.

4 Q Just before the recess an incident occurred
5 involving Mr. Manson here in the courtroom. Did you
6 see that incident?

7 A No, sir.

8 Q I'm referring to an incident that occurred
9 where Mr. Manson is now sitting at counsel table.

10 A Referring to the paper?

11 Q Yes.

12 A I did see part of the paper, but what I
13 saw was "Manson," and that is about all I saw. I did not
14 see --

15 Q You are referring now to a headline?

16 A Yes. It was a headline. It was upside down
17 to me and I saw "Manson Guilty," but I did not see the
18 other two words.

19 Q You were reading this upside down?

20 A Yes, sir.

21 Q You saw the words "Manson Guilty."

22 A Yes, sir, and I did not see how they can
23 assume that yet.

24 I attributed it only to a flashy headline.

25 Q Were you able to tell what newspaper it was?

26 A No, sir, I did not see that.

1 Q Now, has that caused you to give any
2 thoughts to this trial or Mr. Manson?

3 A No.

4 Q Or anything relating to either of them?

5 A No, as I said, I did not see how anyone
6 could form that, even as a headline, yet.

7 Q Do you believe that you will be able to
8 decide this case fairly and impartially, based solely
9 on the evidence introduced during the trial?

10 A Yes, sir, I'm sure that that particular
11 headline would not influence me at all.

12 I do not think the trial is anywhere near
13 finished.

14 Q Have you read, heard or seen anything in
15 any way related to what was said in that headline since
16 you have been a juror?

17 A No, sir.

3b fls.

13B-1

1 Q Mr. Baer, I am going to ask you to take the
2 same oath that I gave to you before you were sworn as a
3 body as jurors, which is as follows:

4 Do you swear on your oath as a juror that you
5 can and will act impartially and fairly upon the matters
6 that are to be submitted to you, and that you can and will
7 base your verdict in this case solely on the evidence
8 received during the trial and in accordance with the
9 Court's instructions?

10 A Yes, sir, I think I can attach to that.

11 THE COURT: I will ask you further to refrain from
12 discussing with anyone what has been said here this
13 afternoon.

14 MR. BAER: I'll do that, sir.

15 THE COURT: Thank you, Mr. Baer.

16 (Mr. Baer leaves the courtroom.)

17 THE CLERK: Would you raise your right hand, please,
18 would you please repeat after me.

19 I do solemnly swear --

20 MRS. HINES: I do solemnly swear --

21 THE CLERK: -- that the testimony I may give --

22 MRS. HINES: -- that the testimony I may give --

23 THE CLERK: -- in the cause now pending --

24 MRS. HINES: -- in the cause now pending --

25 THE CLERK: -- before this Court --

26 MRS. HINES: -- before this Court --

THE CLERK: -- shall be the truth --

1 MRS. HINES: -- shall be the truth --

2 THE CLERK: -- the whole truth --

3 MRS. HINES: -- the whole truth --

4 THE CLERK: -- and nothing but the truth --

5 MRS. HINES: -- and nothing but the truth --

6 THE CLERK: -- so help me God.

7 MRS. HINES: -- so help me God.

8 THE CLERK: Would you be seated, please.

9 Would you please state and spell your name.

10 THE WITNESS: Evelyn Joy Hines, E-v-e-l-y-n, J-o-y,
11 H-i-n-e-s.

12 THE COURT: Mrs. Hines, I am asking each of the
13 jurors to come down and answer a few questions, so I
14 don't want you to think that you are being singled out.

15
16 EVELYN JOY HINES,
17 being first duly sworn, was examined and testified as
18 follows:

19
20 EXAMINATION

21 BY THE COURT:

22 Q An incident occurred just before the recess,
23 involving Mr. Manson here in the courtroom, did you see
24 that incident?

25 A A little of it.

26 Q Would you tell us what you did see?

13B3

1 A Well, I saw -- well, his name and the next
2 word -- I'm not sure what it was but that is all I saw.

3 Q Where did you see that?

4 A In the newspaper that he held up.

5 Q Was that a newspaper headline that you were
6 looking at?

7 A Yes.

8 Q Did you notice what newspaper?

9 A I'm not sure.

10 Q You clearly saw the word "Manson."

11 A Yes.

12 Q And what else?

13 A I saw the second word but I'm not sure what it
14 was, and I don't know what the rest of the headline said.

15 Q Did reading that headline cause you to have
16 any thoughts about this case, Mr. Manson, the trial or
17 anything related to him?

18 A No, sir.

19 Q Do you think that you will be able to put
20 aside in your mind what you saw, and decide this case
21 fairly and impartially, solely on the evidence introduced
22 during the trial?

23 A Yes, sir.

24 Q Have you read, heard or seen anything since
25 you have been a juror which in any way pertained to this
26 case, since you have been sworn as a juror and sequestered?

3B4

1 A Well --

2 Q I mean other than what has gone on here in
3 the courtroom.

4 A Well, I have not read anything but ever so
5 often you might pick up a little smidgen here and there.

6 Q Where is that?

7 A Well, somebody might catch something out of
8 the corner of their eye and something, or something, and
9 that is all.

10 Q I'm not sure I understand what you are
11 referring to. Would you tell us what you mean?

12 A Oh, well, like we are walking past the news-
13 stand on our way from the bus or something like that, out
14 of the corner of our eye, you know, we might just catch
15 something, but not much.

16 Q Well, have you done so?

17 A Yes, sir, I have.

18 Q When did that occur?

19 A I think it was a couple of weeks ago.

20 Q Where was that?

21 A Well, honestly I don't remember. To tell you
22 the truth I don't remember what it said.

23 Q Did what it said have any effect on your
24 thinking in this case?

25 A No, sir.

26 Q Do you think that you will be able to put aside

3B5

1 everything that you have heard and read other than what has
2 gone on here at the trial itself and decide the case
3 solely on the evidence introduced in the trial?

4 A Yes, sir.

5 Q I am going to ask you to take the same oath
6 that I gave to you when you were first sworn as a juror
7 which is as follows:

8 Do you swear on your oath as a juror that you
9 can and will act impartially and fairly upon the matters
10 to be submitted to you, and that you can and will base
11 your verdict in this case solely on the evidence received
12 during the trial and in accordance with the Court's
13 instructions?

14 A Yes, sir.

15 Q And will you refrain from discussing with any-
16 one what has been said here this afternoon?

17 A Yes.

18 THE COURT: Thank you, Mrs. Hines.

19 (Mrs. Hines leaves the courtroom.)
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14-1

(Mr. Vitzelio enters the courtroom.)

THE CLERK: Would you raise your right hand.

Would you please repeat after me.

I do solemnly swear --

MR. VITZELIO: I do solemnly swear --

THE CLERK: -- that the testimony I may give --

MR. VITZELIO: -- that the testimony I may give --

THE CLERK: -- in the cause now pending --

MR. VITZELIO: -- in the cause now pending --

THE CLERK: -- before this court --

MR. VITZELIO: -- before this court --

THE CLERK: -- shall be the truth --

MR. VITZELIO: -- shall be the truth --

THE CLERK: -- the whole truth --

MR. VITZELIO: -- the whole truth --

THE CLERK: -- and nothing but the truth --

MR. VITZELIO: -- and nothing but the truth --

THE CLERK: -- so help me God.

MR. VITZELIO: -- so help me God.

THE CLERK: Would you be seated, please.

Would you state and spell your name?

MR. VITZELIO: Walter, W-a-l-t-e-r, Albert,

A-l-b-e-r-t, Vitzelio, V-i-t-z-e-l-i-o.

14-2

1 WALTER ALBERT VITZELIO,
2 being first duly sworn, was examined and testified as
3 follows:
4

EXAMINATION

BY THE COURT:

7 Q Mr. Vitzelio, I am asking each of the jurors
8 to come down here to answer a few questions, so please
9 don't think that you are being singled out in any way.

10 An incident occurred just before the recess
11 involving Mr. Manson here in the courtroom.

Did you see an incident?

A Yes, I did, your Honor.

Q Would you tell us what you saw?

15 A Well, I believe I saw it said "Manson Guilty
16 Nixon Declares."

Q Where did you see that?

A Well, Mr. Manson was holding the paper up.

(Indicating.)

20 MR. STOVITZ: May the record show that the juror
21 raises his hands above his head.

MR. VITZELIO: Sir?

MR. STOVITZ: Eye level.

MR. VITZELIO: Like this.

25 THE COURT: Q He was holding it up in front of
26 him?

1 A The whole paper was there.

2 Q And you could read the headline?

3 A Yes. A big headline. I couldn't help it.
4 I happened to be looking right that way and I couldn't
5 help but see it.

6 Q All right, sir.

7 Has reading that headline caused you to
8 have any thoughts about Mr. Manson or this trial?

9 A No, sir.

10 Q Or anything related to it?

11 A No, it did not.

12 Q Do you believe that you can put aside in
13 your mind what you saw and decide this case fairly and
14 impartially solely on the evidence introduced during the
15 trial?

16 A Yes, I do, your Honor.

17 Q Since you have been a juror in this case,
18 Mr. Vitzelio, and apart from whatever you have seen here
19 in the courtroom, have you read, seen or heard anything
20 regarding this case?

21 A No, your Honor.

22 Q Or any of the people involved in it?

23 A Sir?

24 Q Or any of the people involved in it?

25 A No, sir.

26 Q All right, sir.

1 I am going to give you the same oath that
2 I gave to you when this jury was first sworn, which is as
3 follows:

4 Do you swear on your oath as a juror that you
5 can and will act impartially and fairly upon the matters
6 to be submitted to you, and that you can and will base
7 your verdict in this case solely on the evidence received
8 during the trial and in accordance with the Court's
9 instructions?

10 A I do, your Honor.

11 Q All right, sir.

12 I will ask you if you will refrain from
13 discussing with anyone what has been said here this
14 afternoon.

15 A Yes, sir, I will, your Honor.

16 Q Thank you, Mr. Vitzelio.

17 A You are welcome.

18 (Whereupon Mr. Vitzelio leaves the court-
19 room.)

14a fls.

14A-1

1 (Mr. Herman Tubick enters the courtroom.)

2 THE CLERK: Would you raise your right hand, please.

3 Would you please repeat after me.

4 I do solemnly swear --

5 MR. TUBICK: I do solemnly swear --

6 THE CLERK: -- that the testimony I may give --

7 MR. TUBICK: -- that the testimony I may give --

8 THE CLERK: -- in the cause now pending --

9 MR. TUBICK: -- in the cause now pending --

10 THE CLERK: -- before this Court --

11 MR. TUBICK: -- before this Court --

12 THE CLERK: -- shall be the truth --

13 MR. TUBICK: -- shall be the truth --

14 THE CLERK: -- the whole truth --

15 MR. TUBICK: -- the whole truth --

16 THE CLERK: -- and nothing but the truth --

17 MR. TUBICK: -- and nothing but the truth --

18 THE CLERK: -- so help me God.

19 MR. TUBICK: -- so help me God.

20 THE CLERK: Would you be seated.

21 Would you please state and spell your name.

22 MR. TUBICK: Herman Tubick, T-u-b-i-c-k.

23
24 HERMAN TUBICK,

25 being first duly sworn, was examined and testified as
26 follows:

EXAMINATION

BY THE COURT:

Q Mr. Tubick, I am asking each of the jurors to come down and answer a few questions, so please don't feel like you are being singled out.

A Yes, sir.

Q An incident occurred in the courtroom involving Mr. Manson just before the recess.

Did you see that incident?

A No, sir.

Q Now, the incident that I am referring to occurred at the counsel table where Mr. Manson is now sitting and involved a newspaper.

Did you see anything involving a newspaper?

A No. The only time I saw a newspaper was the one that Mr. Murray had in his hand.

Q By Mr. Murray, do you mean the bailiff, Mr. Murray?

A Yes, the deputy Mr. Murray.

Q Were you able to read any portion of that newspaper?

A No. He had it folded up, sir.

Q Since you have been sworn as a juror in this case, Mr. Tubick, have you, at any time, read, seen or heard anything about the case outside of the courtroom?

A No, sir.

14a2

1 Q Do you believe that you will be able to
2 decide the case fairly and impartially solely on the
3 evidence introduced during the trial?

4 A Yes, sir.

5 Q All right.

6 I am going to give you the same oath that I
7 gave to each of the jurors individually at the time you were
8 finally selected as a juror, which is as follows:

9 Do you solemnly swear on your oath as a juror
10 that you can and will act impartially and fairly upon the
11 matters to be submitted to you, and that you can and will
12 base your verdict in this case solely on the evidence
13 received during the trial and in accordance with the Court's
14 instructions?

15 A Yes, sir.

16 Q Will you refrain from discussing this with
17 anyone what has been said here this afternoon?

18 A Yes, sir.

19 Q Thank you, Mr. Tubick.

20 A Thank you, sir.

21 (Mr. Tubick leaves the courtroom.)

22 (Mr. Robert R. Douglass enters the courtroom.)

23 THE CLERK: Would you raise your right hand, please.
24 Would you please repeat after me.

25 I do solemnly swear --

26 MR. DOUGLASS: I do solemnly swear --

14a3

1 THE CLERK: -- that the testimony I may give --

2 MR. DOUGLASS: -- that the testimony I may give --

3 THE CLERK: -- in the cause now pending --

4 MR. DOUGLASS: -- in the cause now pending --

5 THE CLERK: -- before this Court --

6 MR. DOUGLASS: -- before this Court --

7 THE CLERK: -- shall be the truth --

8 MR. DOUGLASS: -- shall be the truth --

9 THE CLERK: -- the whole truth --

10 MR. DOUGLASS: -- the whole truth --

11 THE CLERK: -- and nothing but the truth --

12 MR. DOUGLASS: -- and nothing but the truth --

13 THE CLERK: -- so help me God.

14 MR. DOUGLASS: -- so help me God.

15 THE CLERK: Would you be seated, please.

16 Would you please state and spell your name?

17 MR. DOUGLASS: Robert R. Douglass; R-o-b-e-r-t,
18 initial R, Douglass, D-o-u-g-l-a-s-s.

19
20 ROBERT R. DOUGLASS,
21 being first duly sworn, was examined and testified as
22 follows:

23
24 EXAMINATION

25 BY THE COURT:

26 Q Mr. Douglass, I am asking each of the jurors to

1 come down and answer a few questions, so please don't feel
2 that you are being singled out in any way.

3 An incident occurred just before the recess here
4 in the courtroom involving Mr. Manson.

5 Did you see that incident?

6 A Yes, your Honor, I did.

14b-1

1 Q Will you tell us what you did see?

2 A I saw Mr. Manson hold up the paper,
3 exposing the headlines "Manson Guilty Nixon Declares."

4 Q Has reading that headline caused you to have
5 any thoughts about this case or Mr. Manson, or anything
6 else related to them?

7 A Yes.

8 Q Would you tell us what those thoughts are?

9 A I am not sure they are ones that I could --
10 I am wondering, you know, what would prompt headlines
11 of this nature.

12 I haven't made any definite opinions. I am
13 just, you know, wondering what the cause may have been.

14 Q Aside from your curiosity as to the headlines,
15 do you think that statement in the headlines would influence
16 your decision in this case in any way?

17 A I don't think I know enough about the
18 headlines to assume that it would make any kind of an
19 influence on my decision.

20 Q Do you believe that you will be able to
21 decide this case fairly and impartially based solely on
22 the evidence that is introduced during the trial?

23 A Yes, your Honor.

24 Q I am going to give you the same oath, Mr.
25 Douglas, that I gave to you when you were first sworn as
26 a juror, which is as follows:

1 Do you solemnly swear on your oath as a
2 juror that you can and will act impartially and fairly
3 upon the matters to be submitted to you, and that you can
4 and will base your verdict in this case solely on the
5 evidence received during the trial and in accordance
6 with the Court's instructions?

7 A Yes, I do.

8 Q All right, sir.

9 Will you refrain from discussing with
10 anyone what has been said here this afternoon?

11 A Yes.

12 THE COURT: Thank you very much.

13 (Whereupon Mr. Douglass leaves the court-
14 room.)

15 (Whereupon Mr. John N. Ellis comes into the
16 courtroom.)

17 THE CLERK: Would you raise your right hand,
18 please.

19 Would you repeat after me.

20 I do solemnly swear --

21 MR. ELLIS: I do solemnly swear --

22 THE CLERK: -- that the testimony I may give --

23 MR. ELLIS: -- that the testimony I may give --

24 THE CLERK: -- in the cause now pending --

25 MR. ELLIS: -- in the cause now pending --

26 THE CLERK: -- before this court --

1 MR. ELLIS: -- before this court --

2 THE CLERK: -- shall be the truth --

3 MR. ELLIS: -- shall be the truth --

4 THE CLERK: -- the whole truth --

5 MR. ELLIS: -- the whole truth --

6 THE CLERK: -- and nothing but the truth --

7 MR. ELLIS: -- and nothing but the truth --

8 THE CLERK: -- so help me God.

9 MR. ELLIS: -- so help me God.

10 THE CLERK: Would you be seated, please.

11 Would you please state and spell your name?

12 MR. ELLIS: John M. Ellis; E-l-l-i-s.

13
14 JOHN M. ELLIS,

15 being first duly sworn, was examined and testified as
16 follows:

17
18 EXAMINATION

19 BY THE COURT:

20 Q Mr. Ellis, I am asking each of the jurors
21 to come down to answer a few questions, so please don't
22 feel that you are being singled out.

23 Just before the recess, there was an
24 incident here in the courtroom involving Mr. Manson.

25 Did you see that incident?

26 A Yes, I did.

1 Q Would you tell us what you saw?
2 A I saw the headlines on the paper.
3 Q Where was the newspaper?
4 A It was located right in front of him.
5 Q Right in front of Mr. Manson?
6 A Yes.
7 Q On the counsel table or was he holding it?
8 A He was holding it directly in front of him.
9 (Indicating.)
10 Q Did you read the headline?
11 Are you able to tell us what you saw?
12 A Yes. Actually, I saw it yesterday anyhow,
13 so it didn't make any different.
14 Q I beg your pardon?
15 A I actually saw it yesterday anyhow, so it
16 doesn't make any difference.
17 Q Where did you see it yesterday?
18 A On the news stand.
19 Q Is this while you were on the bus?
20 A Yes.
21 Q Do you remember where the news stand is?
22 A No, I can't actually remember, it went by
23 so fast.
24 Q What was it you saw yesterday?
25 Do you remember what it said?
26 A It was the exact headlines as the one he had.

14c fls.

4C-1

1 Q Well, what was that?

2 A It said, "Manson Guilty Nixon Declares."

3 Q What do you think about that headline?

4 A I don't know. It just doesn't make any
5 difference to me.

6 Q It doesn't make any difference in what sense
7 do you mean?

8 A It doesn't leave any impact. I don't know.
9 It doesn't make any difference to me.

10 Q Do you feel that you would be able to decide
11 this case fairly and impartially based solely on the
12 evidence in the case?

13 A Yes, sir.

14 Q Do you feel that you would be able to put aside
15 in your mind what you have read in these headlines?

16 A Definitely.

17 Q I am going to give you the same oath that I
18 gave to you when you were first sworn as a juror,
19 Mr. Ellis, which is as follows:

20 Do you swear on your oath as a juror that you
21 can and will act impartially and fairly upon the matters
22 to be submitted to you, and that you can and will base
23 your verdict in this case solely on the evidence received
24 during the trial and in accordance with the Court's
25 instructions?

26 A Yes, I do.

C2

1 Q All right, sir.

2 Will you return to the jury room and will you
3 further refrain from discussing with anyone what has been
4 said here?

5 A Yes, sir.

6 MR. FITZGERALD: Your Honor, before this witness
7 steps down, I wonder if your Honor would inquire of this
8 witness a little bit more of the circumstances wherein he
9 saw the newsstand, and who was present, and whether, to
10 his knowledge, other jurors saw it.

11 THE COURT: Q Do you recall where the newsstand was,
12 Mr. Ellis?

13 A No, I really couldn't. We go so many
14 different places, I really couldn't tell you exactly where
15 it is.

16 Q Was this on your way to and from the hotel in
17 the morning or evening?

18 A No, this was yesterday going back to the hotel.

19 Q And all of the jury was on the bus?

20 A Yes.

21 Q Did you happen to hear any remarks from anybody
22 about it?

23 A No. Definitely not.

24 Q How far away was the newspaper when you saw it?

25 A It was right on the corner, right by some type
26 of store. I think it was a grocery store or a liquor store,

one or the other.

Q And how far away was the bus at that time?

A Oh, maybe 20 feet away.

Q On the same side of the street? The bus was on the same side of the street as the newspaper?

A Yes. I believe the bus was in the left, the extreme left lane, and the newspaper stand was on the sidewalk.

Q It was at least one lane between the bus and the sidewalk?

A Right.

Q More than one lane?

A No. Just the one lane, to the best of my knowledge.

We might have been in the right lane. I really can't remember that much detail. All I know is that I did see it.

Q Did the bus stop at that point?

A No. It went by pretty fast. I just have good eyes, that is all.

Q Since you have been sworn as a juror in this case, have you read, heard or seen anything about the case or any of the people involved in it other than what you have already told us, and other than what you have seen in the courtroom?

A No, I haven't.

Q All right, sir.

Did I give you the oath?

MR. STOVITZ: Yes, your Honor.

THE WITNESS: Yes, you did.

THE COURT: All right.

Then would you return to the jury room,
Mr. Ellis, and refrain from discussing this with anyone
else?

MR. ELLIS: Okay.

(Whereupon, Mr. Ellis leaves the courtroom.)

D-1

1 THE CLERK: Would you raise your right hand, please.

2 Would you repeat after me.

3 I do solemnly swear --

4 MR. SHEELY: I do solemnly swear --

5 THE CLERK: -- that the testimony I may give --

6 MR. SHEELY: -- that the testimony I may give --

7 THE CLERK: -- in the cause now pending --

8 MR. SHEELY: -- in the cause now pending --

9 THE CLERK: -- before this Court --

10 MR. SHEELY: -- before this Court --

11 THE CLERK: -- shall be the truth --

12 MR. SHEELY: -- shall be the truth --

13 THE CLERK: -- the whole truth --

14 MR. SHEELY: -- the whole truth --

15 THE CLERK: -- and nothing but the truth --

16 MR. SHEELY: -- and nothing but the truth --

17 THE CLERK: -- so help me God.

18 MR. SHEELY: -- so help me God.

19 THE CLERK: Would you be seated, please.

20 Would you please state and spell your name.

21 MR. SHEELY: Larry Sheely, S-h-e-e-l-y.

22
23 LARRY SHEELY,

24 being first duly sworn, was examined and testified as
25 follows:
26

EXAMINATION

BY THE COURT:

Q Mr. Sheely, I am asking each of the jurors to come down and answer a few questions, so please don't think that you are being singled out in any way.

An incident occurred in the courtroom involving Mr. Manson just before the recess.

Did you happen to see that incident?

A If you are talking about when he held the newspaper up, yes, I saw that.

Q Yes.

Were you able to read any part of that newspaper?

A Yes.

Q Will you tell us what you saw?

A I believe it was something about "Nixon Declares Manson Guilty." I don't remember the exact words.

Q Did you notice which newspaper it was?

A No.

Q What do you think about that headline?

A It should sell newspapers.

Q What do you think about it in relation to this case and any of the people in the case?

Does it affect your thinking about Mr. Manson, for example?

A No.

Q Do you believe that you would be able to put

1 aside in your mind the fact that you have read the head-
2 lines, whatever it means, and decide this case fairly and
3 impartially, based solely on the evidence that is intro-
4 duced during the trial?

5 A Yes, I do.

6 Q Since you have been sworn as a juror in this
7 case, have you read, heard or seen anything which pertains
8 to the case or any of the people involved in the case?

9 A Nothing other than the newspaper today in
10 court.

11 Q The one today in court?

12 A Yes.

13 Q All right, sir.

14 I am going to ask you to take the oath that I
15 gave to you originally when you were first sworn, which is
16 as follows:

17 Do you swear on your oath as a juror that you
18 can and will act impartially and fairly upon the matter to
19 be submitted to you, and that you can and will base your
20 verdict in this case solely on the evidence received
21 during the trial and in accordance with the Court's
22 instructions?

23 A Yes, I do.

24 Q Thank you, Mr. Sheely.

25 Would you refrain from discussing with anyone
26 what has been said here this afternoon?

1 A Yes.

2 THE COURT: Thank you.

3 (Whereupon, Mr. Sheely leaves the courtroom.)

4 MR. STOVITZ: your Honor, it doesn't appear that we
5 will have any witnesses return to the witness stand this
6 afternoon. May the witnesses be excused?

7 THE COURT: Yes.

8 (Whereupon, Miss Frances Chason enters the
9 courtroom.)

10 THE COURT: Would you raise your right hand, please.

11 Would you please repeat after me.

12 I do solemnly swear --

13 MISS CHASON: I do solemnly swear --

14 THE CLERK: -- that the testimony I may give --

15 MISS CHASON: -- that the testimony I may give --

16 THE CLERK: -- in the cause now pending --

17 MISS CHASON: -- in the cause now pending --

18 THE CLERK: -- before this Court --

19 MISS CHASON: -- before this Court --

20 THE CLERK: -- shall be the truth --

21 MISS CHASON: -- shall be the truth --

22 THE CLERK: -- the whole truth --

23 MISS CHASON: -- the whole truth --

24 THE CLERK: -- and nothing but the truth --

25 MISS CHASON: -- and nothing but the truth --

26 THE CLERK: -- so help me God.

1 MISS CHASON: -- so help me God.

2 THE CLERK: Would you be seated, please.

3 Would you state and spell your name.

4 MISS CHASON: Frances, F-r-a-n-c-e-s, Chason,
5 C-h-a-s-o-n.

6
7 FRANCES CHASON,
8 being first duly sworn, was examined and testified as
9 follows:

10
11 EXAMINATION

12 BY THE COURT:

13 Q Miss Chason, I am asking each of the jurors to
14 come down to answer a few questions, so please don't feel
15 that you are being singled out in any way.

16 Just before the recess an incident occurred
17 here in the courtroom involving Mr. Manson.

18 Did you happen to see that incident?

19 A Yes, sir.
20
21
22
23
24
25
26

14a-1

1 Q Will you tell us what you saw?

2 A I saw a paper that said something about
3 "Manson Guilty."

4 Let's see. "Nixon Says Manson Guilty."
5 Some such thing.

6 Q What do you think about that headline?

7 A Nothing at all. I can't give an opinion on
8 it at all.

9 Q Would you pull the microphone just a little
10 bit closer, please?

11 A It meant nothing to me.

12 Q Do you believe that you will be able to
13 decide this case fairly and impartially based solely on
14 the evidence introduced during the trial?

15 A Oh, yes. Yes, your Honor.

16 Q Do you think that you can put aside in your
17 mind the fact that you have seen such a headline?

18 A I have already done so.

19 Q While you have been a juror in this case,
20 have you read, heard or seen anything -- that is, outside
21 of the courtroom, outside of the trial -- which has related
22 in any way to the case or any of the people involved in it?

23 A Nothing at all.

24 Q Miss Chason, I'm going to ask you to take
25 the same oath that I gave to you when you were originally
26 sworn as a juror, which is as follows:

14e-2

1 You swear on your oath as a juror that you
2 can and will act impartially and fairly upon the matters
3 to be submitted to you, and that you can and will base
4 your verdict in this case solely on the evidence received
5 during the trial and in accordance with the Court's
6 instructions?

7 A I do. I will.

8 Q Thank you, Miss Chason.

9 Will you refrain from discussing what has
10 been said here this afternoon with anyone?

11 A Surely.

12 Q Thank you.

13 A You are welcome.

14 (Whereupon Miss Chason leaves the courtroom.)

15 (Whereupon Miss Kampman enters the courtroom.)

16 THE CLERK: Would you raise your right hand, please.

17 Would you repeat after me.

18 I do solemnly swear --

19 MISS KAMPMAN: I do solemnly swear --

20 THE CLERK: -- that the testimony I may give --

21 MISS KAMPMAN: -- that the testimony I may give --

22 THE CLERK: -- in the cause now pending --

23 MISS KAMPMAN: -- in the cause now pending --

24 THE CLERK: -- before this court --

25 MISS KAMPMAN: -- before this court --

26 THE CLERK: -- shall be the truth --

1 MISS KAMPMAN: -- shall be the truth --

2 THE CLERK: -- the whole truth --

3 MISS KAMPMAN: -- the whole truth --

4 THE CLERK: -- and nothing but the truth --

5 MISS KAMPMAN: -- and nothing but the truth --

6 THE CLERK: -- so help me God.

7 MISS KAMPMAN: -- so help me God.

8 THE CLERK: Would you be seated, please.

9 Would you please state and spell your name?

10 MISS KAMPMAN: Victoria Kampman; V-i-c-t-o-r-i-a,
11 Kampman, K-a-m-p-m-a-n.

12
13 VICTORIA KAMPMAN,
14 being first duly sworn, was examined and testified as
15 follows:
16

17 EXAMINATION

18 BY THE COURT:

19 Q Miss Kampman, I have asked each of the
20 jurors to come down and answer a few questions, so I don't
21 want you to feel that you are being singled out.

22 Just before the recess and incident occurred
23 involving Mr. Manson here in the courtroom.

24 Did you see that incident?

25 A Yes, I did.

26 Q Will you tell us what you saw?

1 A I saw Manson put a paper, and it said
2 "Manson Guilty." (Indicating.)

3 Q This was a newspaper?

4 A Yes.

5 Q And where was the paper in relation to
6 Mr. Manson?

7 A Right in front of him.

8 Q Was he holding it?

9 A Yes.

10 Q And you read the headlines?

11 A I couldn't finish real quick because Mr.
12 Murray grabbed it.

13 Q And what did you see again on the headline?

14 A "Manson Guilty."

15 Q Anything else?

16 A No, I didn't.

17 Q What do you think about that headline?

18 A It made no impression on me.

19 Q Do you believe that it will in any way
20 affect your thinking in this case?

21 A No, I don't think so.

22 Q Do you think that you will be able to decide
23 this case fairly and impartially solely on the evidence
24 introduced during the trial?

25 A Yes.

26 Q While you have been a juror in this case,

1 have you read, heard or seen anything pertaining to the
2 case or any of the people involved in it outside of the
3 courtroom?

4 A Yes. I saw headlines on the news stands.

5 Q When did you see that?

6 A I don't know. On the bus. I couldn't tell
7 you the date.

8 Q This was from the bus?

9 A Yes.

10 Q And approximately how long ago?

11 A I think the first week.

12 Q During the first week of the trial?

13 A Yes.

14 Q Do you recall who was testifying at that
15 time?

16 A Linda Kasabian.

17 Q Do you recall what it was that you saw in
18 the headline?

19 A Something about attorneys.

20 Q Well, can you tell us any more than that?

21 A No, I can't.

22 Q Where was the bus in relation to the news-
23 paper at that time?

24 A We were turning a corner at the time.

25 Q Keep your voice up, please.

26 A We were turning the corner going to the hotel,

1 and I glanced, and I couldn't help seeing.

2 Q The bus was in motion at the time?

3 A Yes.

4 Q Were there any other incidents other than
5 that one?

6 A No, there wasn't.

15 fls.

15-1

1 Q Were you able to make out any sense at all
2 of the headline that you read from the bus?

3 A No, I couldn't.

4 Q You have no idea what it was talking about?

5 A No.

6 THE COURT: I am going to ask you to take the same
7 oath that I gave to you when you were first sworn as a
8 juror, which is as follows:

9 You do swear on your oath as a juror that
10 you can and will act impartially and fairly on the matters
11 to be submitted to you and that you can and will base
12 your verdict in this case solely on the evidence received
13 during the trial and in accordance with the Court's instruc-
14 tions.

15 Do you?

16 MRS. KAMPMAN: Yes, I do.

17 THE COURT: Will you refrain from discussing with
18 anyone what has been said here this afternoon?

19 MRS. KAMPMAN: Yes, sir.

20 THE COURT: Thank you very much.

21 MRS. KAMPMAN: You're welcome.

22 (Mrs. Kampman leaves the courtroom.)

23 THE CLERK: Would you raise your right hand,
24 please. Would you please repeat after me.

25 I do solemnly swear --

26 MR. DAUT: I do solemnly swear --

15-2

1 THE CLERK: That the testimony I may give --

2 MR. DAUT: That the testimony I may give --

3 THE CLERK: -- in the cause now pending --

4 MR. DAUT: -- in the cause now pending --

5 THE CLERK: -- before this court --

6 MR. DAUT: -- before this court --

7 THE CLERK: -- shall be the truth --

8 MR. DAUT: -- shall be the truth --

9 THE CLERK: -- the whole truth --

10 MR. DAUT: -- the whole truth --

11 THE CLERK: -- and nothing but the truth --

12 MR. DAUT: -- and nothing but the truth --

13 THE CLERK: -- so help me God.

14 MR. DAUT: -- so help me God.

15 THE CLERK: Would you be seated, please. Would
16 you please state and spell your name.

17 MR. DAUT: My name is Ken Daut.

18
19 KEN DAUT,

20 being first duly sworn, was examined and testified as
21 follows:

22
23 EXAMINATION

24 BY THE COURT:

25 Q Mr. Daut, I have asked each of the other
26 jurors to come down and answer a few questions, so please

15-3

1 don't feel you are being singled out in any way.

2 Just before the recess there was an incident
3 in the courtroom involving Mr. Manson, did you see that
4 incident?

5 A Yes, sir.

6 Q Would you tell us what you saw?

7 A I saw the headlines of the paper.

8 Q Where was the newspaper at the time you saw
9 it?

10 A In Mr. Manson's hands.

11 Q What did you read?

12 A Manson guilty Nixon asserts, or something like
13 that.

14 Q What do you think about that headline?

15 A I didn't vote for Nixon in the first place.

16 Q I wasn't soliciting a political opinion, Mr.
17 Daut.

18 Do you think that having read that headline
19 will in any way affect your ability to be fair and impartial
20 in this case?

21 A No, sir.

22 Q Do you believe that you can decide this case
23 fairly and impartially based solely on the evidence
24 received during the trial?

25 A Yes, sir.

26 Q Since you have been sworn as a juror in this

15-4

1 case, Mr. Daut, have you read, heard or seen anything which
2 pertains to the case or any of the people involved in it?

3 A No, sir.

4 Q I'm going to ask you to take the same oath
5 that I gave to you when you were sworn originally in this
6 case as a juror, which is as follows:

7 Do you swear on your oath as a juror that you
8 can and will act impartially and fairly upon the matters
9 to be submitted to you and that you can and will base your
10 verdict in this case solely on the evidence received during
11 the trial and in accordance with the Court's instructions?

12 MR. DAUT: I swear.

13 THE COURT: All right, sir, will you refrain from
14 discussing with anyone what has been said here this after-
15 noon?

16 MR. DAUT: Yes, sir.

17 THE COURT: Thank you very much, Mr. Daut.

18 (Mr. Daut leaves the courtroom.)

19 MR. STOVITZ: Before we conclude, your Honor, I
20 wonder if Mr. Murray might tell what he observed, either
21 under oath or otherwise, so that the record would be
22 very clear as to how the episode occurred.

23 I believe it was Mr. Murray that did remove
24 the newspaper from Mr. Manson's hands.

25 THE COURT: Are you prepared to question Mr. Murray?

26 MR. STOVITZ: I think my statements at the bench,

15-5

1 your Honor, what I saw was not under oath, and it would
2 merely be some evidence.

3 I would be willing to take the witness stand
4 and testify to what I observed, if your Honor wants the
5 record fully certain on that point.

6 But I think the record should be clear that --
7 in the event there was some error committed here -- that
8 it was committed by the defendant of his own volition;
9 no one forced him to hold up this newspaper and show it
10 to the jury; that Mr. Manson was present in court today
11 when the court held these exhibits to be a special exhibit
12 not to be given to the jury in any way, shape or form.

13 Of course there is also additional evidence
14 of Mr. Manson's incapacity to represent himself if after
15 hearing your Honor, so to speak, sequester these newspapers
16 that he would hold up this newspaper and show it to the
17 jury.

18 So I would like the record to be fully
19 certain on that fact that while we were at the bench all
20 of the attorneys had their backs to Mr. Manson, I did not
21 partake in the conference at the bench like the other
22 attorneys because there is not enough room for everybody,
23 and I did observe Mr. Manson pick up a newspaper from
24 underneath certain library books that Mr. Kanarek carries
25 to and from the court.

26 Mr. Murray pushed his hand down, motioned

15-6

1 him not to pick up the newspaper.

2 Mr. Manson then not only picked up the
3 newspaper but then held the newspaper to the jury so that
4 the jury could see the headlines of the newspaper, not
5 that Mr. Manson was reading the newspaper but he was
6 exhibiting it to the jury and that the jury box is some
7 22 to 25 feet away from Mr. Manson's position in the
8 courtroom.

9 THE COURT: Well, I do want to go into this matter
10 further, but first we will take a 15-minute recess and then
11 resume.

16 fls. 12

(Recess.)

al 1 (The following proceedings were had at 4:25 p.m.)

2 THE COURT: All parties and counsel are present.

3 The jury is not present.

4 It appears to the Court that Mr. Kanarek is in
5 direct contempt of court for disobeying the Court's order
6 made this morning to all counsel to remove from counsel
7 table all newspapers, news and material referring to
8 Mr. Nixon's statement regarding this case.

9 I refer you gentlemen to Page 6012 of the
10 transcript, commencing on Line 19 which reads as follows,
11 this statement by the Court:

12 "While you are looking, Mr. Kanarek, I want to
13 direct all counsel to remove from counsel table any news
14 containing any of this material so that they will not
15 inadvertently be displayed to the jury when the jury comes
16 in.

17 "I will also order the special exhibits, A,
18 B and C to be put under seal so they will not inadvertently
19 be displayed to any of the jurors."

20 MR. SHINN: Your Honor, may I make a statement, your
21 Honor?

22 MR. FITZGERALD: Yes, I don't believe it was
23 Mr. Kanarek's fault.

24 Mr. Shinn has something to say on that matter.

25 MR. SHINN: Yes, your Honor, after the noon recess I
26 came back here, I saw the newspaper on top of the file,

15a2

1 your Honor, I put it on the table to read the sports page.
2 It was during the noon recess.

3 THE COURT: If you wish to testify, sir, you should
4 be sworn and testify as a witness.

5 MR. SHINN: Yes, I will take the stand.

6 THE CLERK: Would you please repeat after me.

7 I do solemnly swear --

8 MR. SHINN: I do solemnly swear --

9 THE CLERK: -- that the testimony I may give --

10 MR. SHINN: -- that the testimony I may give --

11 THE CLERK: -- in the cause now pending --

12 MR. SHINN: -- in the cause now pending --

13 THE CLERK: -- before this Court --

14 MR. SHINN: -- before this Court --

15 THE CLERK: -- shall be the truth --

16 MR. SHINN: -- shall be the truth --

17 THE CLERK: -- the whole truth --

18 MR. SHINN: -- the whole truth --

19 THE CLERK: -- and nothing but the truth --

20 MR. SHINN: -- and nothing but the truth --

21 THE CLERK: So help me God.

22 MR. SHINN: So help me God.

23 THE CLERK: Would you please be seated.

24 MR. SHINN: All right.

25 THE CLERK: Would you state your name, sir.

26 MR. SHINN: Daya Shinn, S-h-i-n-n.

EXAMINATION

1
2 BY MR. FITZGERALD:

3 Q Mr. Shinn, are you the attorney for Susan Denise
4 Atkins?

5 A That is correct.

6 Q Now, in connection with a newspaper, particularly
7 a copy of the Los Angeles Times dated Tuesday, August 4,
8 1970, being in the courtroom in the afternoon hours of
9 today, August 4, do you know something in that regard?

10 A During the lunch period I believe I came back
11 to court approximately 1:45 or 1:40, and I saw some news-
12 papers on top of the file cabinet.

13 Now, I believe those were the newspapers that
14 we took from the counsel table after removing all the
15 front pages, and I put it on the counsel table during the
16 recess to read the sports page, and I had no idea that
17 the front page or any part of the front page was in that
18 part of it.

19 And Mr. Kanarek had nothing to do with it.

20 MR. FITZGERALD: I have nothing further.

21 THE COURT: Mr. Shinn, what did this stack of news-
22 papers, or whatever it was, consist of?

23 MR. SHINN: Your Honor, I just pulled out the sports
24 page. I pulled the newspaper from the top of the file
25 there.

26 I just took it down and I took out the sports

5a4

1 page.

2 Q BY THE COURT: How many newspapers were there?

3 A I don't know, your Honor. There was a bunch of
4 pages there, second pages.

5 Q So you did not go through the newspapers to see
6 what was contained therein?

7 A That's correct, your Honor.

8 Q You were present in court this morning,
9 Mr. Shinn, when I made the order I referred to?

10 A Yes, your Honor.

11 Q And which I just read a moment ago?

12 A Yes, your Honor.

13 Q You understood it, did you, sir?

14 A Yes, your Honor, but I understood it to be news-
15 papers pertaining to the front page part.

16 THE COURT: Anything further, Mr. Fitzgerald?

17 MR. FITZGERALD: No, your Honor.

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15B-1

1 THE COURT: Do any other counsel wish to examine?
2 All right, sir, you may step down.

3 MR. SHINN: Thank you.

4 THE COURT: One thing more, Mr. Shinn. Would you come
5 back just a moment?

6 (Mr. Shinn resumes the witness stand.)

7 THE COURT: Did you see Mr. Manson take the newspaper
8 from the stack?

9 MR. SHINN: No, I did not, your Honor. I believe I
10 was at the bench, your Honor.

11 THE COURT: All right, you may step down.

12 MR. STOVITZ: May I inquire?

13
14 EXAMINATION

15 BY MR. STOVITZ:

16 Q Mr. Shinn, did you have a conversation with
17 Mr. Manson, say, about ten minutes to 2:00 in the lock-up
18 room here right adjacent to the courtroom?

19 A Yes, I did.

20 Q Did you notice whether or not Mr. Manson had a
21 newspaper with him at that time?

22 A No, I did not. I believe Mr. Hughes and I
23 were talking to Mr. Manson.

24 Q And you did not see a newspaper in the possession
25 of Mr. Manson at that time?

26 A No, I did not.

.5B2

1 Q The sporting page that you were reading, did it
2 contain the results of the baseball game between the
3 Dodgers and the Giants played last night?

4 A I was just glancing through the sports page to
5 read about golf and then someone else interrupted and I
6 put the paper down.

7 MR. STOVITZ: I have no further questions.

8 THE COURT: You may step down, sir.

9 Mr. Stovitz, did you witness the incident?

10 MR. STOVITZ: Yes, your Honor. I witnessed the
11 incident and I am willing to be sworn as a witness.

12 THE COURT: All right, sir. Will you come forward.

13 THE CLERK: Raise your right hand, sir.
14 Please repeat after me.

15 I do solemnly swear --

16 MR. STOVITZ: I do solemnly swear --

17 THE CLERK: -- that the testimony I may give --

18 MR. STOVITZ: -- that the testimony I may give --

19 THE CLERK: -- in the cause now pending --

20 MR. STOVITZ: -- in the cause now pending --

21 THE CLERK: -- before this Court --

22 MR. STOVITZ: -- before this Court --

23 THE CLERK: -- shall be the truth --

24 MR. STOVITZ: -- shall be the truth --

25 THE CLERK: -- the whole truth --

26 MR. STOVITZ: -- the whole truth --

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1 THE CLERK: -- and nothing but the truth --
2 MR. STOVITZ: -- and nothing but the truth --
3 THE CLERK: -- so help me God.
4 MR. STOVITZ: -- so help me God.
5 THE CLERK: Would you be seated, please.
6 Would you state your name.
7 MR. STOVITZ: Aaron H. Stovitz, S-t-o-v-i-t-z.

EXAMINATION

BY THE COURT:

11 Q Mr. Stovitz, did you see Mr. Manson reach for a
12 newspaper on the counsel table this afternoon in the
13 courtroom?

14 A Yes, I did, your Honor.

15 Q Describe what you saw.

16 A Yes, your Honor.

17 While Mr. Kanarek and Mr. Shinn and Mr.
18 Fitzgerald, Mr. Hughes and Mr. Bugliosi had their backs to
19 the counsel table discussing a point at the bench I was
20 looking out towards the courtroom and I noticed Mr. Manson
21 reach for some newspapers on the desk in front of him.

22 I believe he got them underneath the books that
23 appear on the desk now, such as the evidence book and the
24 California Evidence by Witkin book, there.

25 At that time I did not see any headline or
26 whether there was a front page or not.

15B4

1 I then noticed Mr. Manson pick up the news-
2 paper and hold it towards the jury in the fashion that the
3 jury saw the headline, and I believe it was a Preview
4 Edition of the Los Angeles Times of today's date.

5 I don't know where Mr. Manson got the newspaper
6 from other than from the desk in front of him beneath the
7 books that were in front of him.

8 THE COURT: Any questions, Mr. Shinn?

9 MR. FITZGERALD: I have a question.

10
11 EXAMINATION

12 BY MR. FITZGERALD:

13 Q Mr. Stovitz, did you see the newspaper being
14 placed on the table?

15 A No, I did not.

16 MR. FITZGERALD: I have nothing further.

17 THE COURT: Any questions?

18 All right, you may step down, Mr. Stovitz.

19 MR. STOVITZ: Thank you.

20 THE COURT: Mr. Murray, did you witness the incident?

21 MR. MURRAY: Yes, I did.

22 THE COURT: Would you come forward.

23 THE CLERK: Would you raise your right hand, please.

24 Would you please repeat after me:

25 I do solemnly swear --

26 MR. MURRAY: I do solemnly swear --

15B5

1 THE CLERK: -- that the testimony I may give --

2 MR. MURRAY: -- that the testimony I may give --

3 THE CLERK: -- in the cause now pending --

4 MR. MURRAY: -- in the cause now pending --

5 THE CLERK: -- before this Court --

6 MR. MURRAY: -- before this Court --

7 THE CLERK: -- shall be the truth --

8 MR. MURRAY: -- shall be the truth --

9 THE CLERK: -- the whole truth --

10 MR. MURRAY: -- the whole truth --

11 THE CLERK: -- and nothing but the truth --

12 MR. MURRAY: -- and nothing but the truth --

13 THE CLERK: -- so help me God.

14 MR. MURRAY: -- so help me God.

15 THE CLERK: Would you be seated, please.

16 Would you state your name, please.

17 MR. MURRAY: William C. Murray, M-u-r-r-a-y.

18
19 WILLIAM C. MURRAY,

20 being first duly sworn, was examined and testified as
21 follows:

22
23 EXAMINATION

24 BY THE COURT:

25 Q Mr. Murray, did you see Mr. Manson pick up a
26 newspaper from the counsel table this afternoon?

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1 A Yes, I did. I just saw him with it in his
2 hand. He just started to pick it up. He had it at about
3 a 30-degree angle.
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1 Q Did you see from where he obtained the
2 paper?

3 A No, I did not.

4 Q What occurred after that?

5 A Well, as soon as I saw him with the paper,
6 I got up, went over and got the paper.

7 I didn't see what the paper was, whether
8 it was the front of the paper, the back of the paper.
9 I didn't know until I had taken it.

10 Q Was that the newspaper that was subsequently
11 marked as an exhibit with the headline "Manson Guilty
12 Nixon Declares"?

13 A Yes, it was.

14 THE COURT: Any questions?

15 MR. FITZGERALD: No questions.

16 MR. SHINN: No questions.

17 MR. STOVITZ: Just so the record is clear. Is
18 that marked as Special Exhibit D like in David?

19 THE COURT: It is marked as the Court's Special
20 Exhibit 2, I believe.

21 THE CLERK: Right.

22 MR. STOVITZ: Thank you, your Honor.

23 No questions.

24 THE COURT: You may step down.

25 It appears that the Court was in error
26 with respect to the violation of the order by Mr.

16-2

1 Kanarek.

2 However, it does appear that there was a
3 violation of the order by Mr. Shinn which would constitute
4 a direct contempt of court.

5 Do you wish to be heard, Mr. Shinn?

6 MR. SHINN: Yes.

7 MR. KANAREK: May I speak to that, your Honor?

8 THE COURT: No, you may not, sir. Mr. Shinn is
9 perfectly capable of speaking for himself.

10 MR. SHINN: I would like Mr. Kanarek to represent
11 me.

12 MR. KANAREK: He wishes me to represent him, your
13 Honor.

14 THE COURT: He is not going to have an attorney.
15 This is a direct contempt of court.

16 MR. KANAREK: Your Honor --

17 THE COURT: Sit down.

18 MR. SHINN: Your Honor, I had no intent to violate
19 the Court's order, your Honor.

20 I felt that most of the front pages were
21 removed, and unconsciously I brought the paper to counsel
22 table and started reading.

23 THE COURT: But it wasn't just one paper, was it?

24 MR. SHINN: It was a bunch of papers that were
25 here this morning, and we put them back in the file
26 cabinet this morning, your Honor.

1 I had no intention -- I had no knowledge
2 that any front page was there.

3 THE COURT: But you made no effort to ascertain
4 that?

5 MR. SHINN: You mean, by going through the paper
6 and finding out if there was anything damaging in the
7 paper?

8 THE COURT: Yes.

9 MR. SHINN: No, your Honor.

10 THE COURT: Anything further?

11 MR. SHINN: Nothing further.

12 MR. KANAREK: As his attorney, may I speak briefly?

13 THE COURT: All right.

14 MR. KANAREK: I believe, your Honor, this is an
15 indirect contempt or a hybrid contempt.

16 I would refer your Honor to the law on
17 contempt. It is possible for something to occur in the
18 presence of the Court and yet be an indirect contempt,
19 and I would ask your Honor to vacate the order.

16a fls.

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1 THE COURT: You are not going to speak for Mr. Shinn.
2 He has spoken for himself. Now, sit down, sir.

3 Anything further, Mr. Shinn?

4 MR. SHINN: Nothing further, your Honor.

5 THE COURT: Very well.

6 The Court makes the following findings:

7 A lawful order was made by this Court this
8 morning in this courtroom, reference to which I make to
9 the transcript on Page 6012, Lines 19 through 26;

10 Mr. Daye Shinn was present and heard and under-
11 stood the order;

12 Mr. Daye Shinn violated that order by placing
13 upon counsel table newspapers containing the material
14 referred to, and specifically the headline relating to
15 Mr. Nixon's comment regarding this case;

16 Mr. Shinn had the ability to comply with that
17 order. His failure to obey it interrupted the trial,
18 jeopardized the trial, and was without any excuse or
19 justification.

20 Accordingly, the Court finds Mr. Shinn in direct
21 contempt of court, and I sentence you to spend three nights
22 in the County Jail, commencing as soon as this Court
23 adjourns each day, starting today, and continuing until
24 7:00 a.m. each morning, on the following conditions:

25 You are to have full attorney privileges and
26 you are to have access to confer with your client either

1 before you are taken from this courtroom in the afternoon
2 or early evening, or in the morning before you are returned
3 to this courtroom, or after you return to the courtroom,
4 at your option.

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

6 THE COURT: Yes.

7 MR. SHINN: Your Honor, I request a stay of execution
8 in this matter, your Honor, so I can be able to prepare some
9 documents in behalf of my defense, your Honor.

10 I believe this contempt was unintentional
11 contempt, your Honor.

12 THE COURT: Sometimes those are the worst kind,
13 Mr. Shinn.

14 MR. SHINN: That I understand, your Honor, but I had
15 no intention to violate the Court's order, your Honor. It
16 was unintentional.

17 I believe the Court has stated that I placed
18 the front page on the desk, your Honor. I did not do it
19 intentionally.

20 If I knew that the front page was there, I would
21 not have placed the rest of the paper on the table.

22 THE COURT: There will be no stay of execution.
23 Mr. Shinn is remanded into custody in accordance with the
24 order.

25 And so that the record will be perfectly clear,
26 my finding is that this was a wilful and deliberate

1 violation of the order with full knowledge of its context.

2 MR. HUGHES: Your Honor, Mr. Manson indicated to me
3 across counsel table --

4 MR. KANAREK: Don't.

5 MR. HUGHES: May I have a moment?

6 MR. SHINN: Your Honor, may I have one hour so I can
7 take care of my car and get a tooth brush?

8 THE COURT: You can give your keys to someone else.

9 This court is now in recess.

10 (Whereupon, at 4:42 p.m. an adjournment was
11 taken to reconvene at 9:45 a.m., Wednesday, August 5, 1970.)
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