

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 106

HON. RAYMOND CHOATE, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,  
Plaintiff,

vs.

CHARLES MANSON,

Defendant.

104

No. A-267861

REPORTERS' DAILY TRANSCRIPT

Tuesday, June 29, 1971

VOLUME 4APPEARANCES:

For the People:

JOSEPH P. BUSCH, JR., District Attorney  
BY: ANTHONY C. MANZELLA  
Deputy District Attorney

For Defendant Manson: IRVING A. KANAREK, Esq.

COPY

MARY LOU BRIANDI, C.S.R.  
ROGER K. WILLIAMS, C.S.R.  
Official Court Reporters

1 LOS ANGELES, CALIFORNIA, TUESDAY, JUNE 29, 1971 10:55 A.M.

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4 THE COURT: All right. The record will show Mr. Manson  
5 to be present with his counsel, Mr. Kanarek.

6 (Proceedings had on an unrelated matter.)

7 THE COURT: Mr. Gardner is in the box as a prospective  
8 juror.

9  
10 VOIR DIRE EXAMINATION (Continued)

11 OF WILLIAM H. GARDNER

12 BY THE COURT:

13 Q Mr. Gardner, were you to find out something for  
14 us from your employer?

15 A Yes. I called him this morning, and they still  
16 hadn't found out anything. And he said they would call me  
17 here, about five minutes. And they haven't called back yet.

18 And it's been at least five minutes.

19 THE COURT: All right. If they call you, we will  
20 interrupt these proceedings and let you know.

21 Is there anything that remains now with Mr.  
22 Gardner?

23 MR. KANAREK: May I go in chambers, to get my briefcase?

24 THE COURT: Yes. Off the record.

25 (Whereupon, proceedings were had in open court  
26 among the Court and counsel, within the hearing of the  
27 prospective juror, which was not reported:)

28 THE COURT: We will excuse you, Mr. Gardner. In the

1 event that phone call comes through, however, we'll ask the  
2 bailiff to go get you, and let you talk to your employer.

3 JUROR NO. 7: Okay.

4 THE COURT: So go back to the group of jurors now.  
5 Do not discuss anything that's gone on during the time that  
6 you have been here in the courtroom alone with us.

7 JUROR NO. 7: All right.

8 THE COURT: All right. The next juror is Mrs. Love,  
9 I believe.

10 MR. MANZELLA: Right.

11 MR. KANAREK: Yes, your Honor. But before Mrs. Love  
12 is brought in, I wonder if -- I have a couple of points to  
13 make to the Court, if I may.

14 THE COURT: All right.

15 MR. KANAREK: First, as I'm sure your Honor is well  
16 aware of the decision yesterday, staying some 30 plus death  
17 sentences by the Supreme Court --

18 THE COURT: I am only aware of the headlines. I'm  
19 not sure on what basis the Supreme Court --

20 MR. KANAREK: Well --

21 THE COURT: -- acted. And I judge, from having read a  
22 news article, that it was largely on Witherspoon grounds.

23 MR. KANAREK: Well, yes, your Honor. But there was a  
24 new decision -- anyway, the juror is here.

25 THE COURT: Yes.

26 MR. KANAREK: And I don't think we --

27 THE COURT: No, let's take your matter up after we have  
28 talked to Mrs. Love.

VOIR DIRE EXAMINATION OF  
MRS. LUELLA LOVE

BY THE COURT:

Q Mrs. Love, we are asking you this morning whether, before coming to this courtroom yesterday, you had ever heard the name Charles Manson? Heard, seen or read it?

A Yes.

Q And was that in connection with the Tate-La Bianca killings?

A Yes.

Q Did you follow that case via the press, radio or television?

A I read it occasionally; and I saw it sometimes on -- or I heard it sometimes on the news. But not every day.

Q Not every day?

A No.

Q Did you talk with friends and relatives about it?

A Hmmm -- no, I heard it discussed at work a lot, but -- mostly, I just read it.

Q I see. And do you know the name Susan Atkins?

A I heard that name.

Q In what connection?

A I don't remember, because it's been a long time.

Q Do you subscribe to a newspaper?

A No. I just got the paper at work.

Q I see. Do you know the name Grogan? Steven Grogan?

A I don't remember that name.



1 Q Bruce Davis?

2 A I heard that name called here yesterday.

3 Q Yes. Other than that, you had not heard the name?

4 A I don't think so.

5 Q All right. Have you ever heard, seen or read the  
6 name Gary Hinman before the Court told you something about it  
7 yesterday?

8 A I had. I had heard that name.

9 Q Tell us about what you -- tell us what you know  
10 about the name Gary Hinman, usually described as "musician  
11 Gary Hinman"?

12 A Well, that's about all I did hear, that he was a  
13 musician.

14 Q I see. How about Shorty Shea? Before yesterday,  
15 had you heard of that name?

16 A Yes, I had read that name.

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1 Q What had you read about it?

2 A I don't remember what I read about it, but I remem-  
3 ber the name Shorty Shea.

4 Q Do you remember the names of any of the victims,  
5 aside from Sharon Tate in that case that Mr. Manson was  
6 involved in?

7 A Yes, I remember Abigail Folger because I drank  
8 that coffee. That's all.

9 Q Any others?

10 A No, I can't recall the names.

11 Q Do you know of what Mr. Manson was accused in that  
12 case, what he was accused of?

13 A Not exactly, because --

14 Q Do you know what the jury found, whether they  
15 found guilty or not guilty?

16 A I don't know. It's been about a year, looked  
17 like to me, since I kept -- tried to keep up with it, and I  
18 had forgotten about it until here recently.

19 Q You don't know whether the jury came back with a  
20 guilty or not guilty finding, and you don't know whether the  
21 jury came back with a death or life imprisonment?

22 A No, I don't.

23 Q Did you ever hear, during the course of that  
24 trial, the statement made by President Nixon?

25 A I remember that. I recall that.

26 Q All right. Did you concur with the President in  
27 his views or did you know enough about the case to --

28 A No, I didn't. I just happened to see that on

1 the headlines.

2 Q Now, if the Court should tell you that -- I wish  
3 to ask you one other question.

4 Did you ever, during the course of this trial that  
5 we are talking about, the Tate-La Bianca trial, hear anything  
6 of a racial overtone in connection with the prosecution of the  
7 case?

8 A I read something about that, yes.

9 Q You are Negro, of course, and what were your  
10 reactions to that?

11 Did you believe it?

12 If so, what are your feelings about it?

13 A I didn't know about that, because I --

14 Q What did you hear?

15 A I heard -- I heard -- I mean, I read, I think,  
16 something about where they said they was trying to get the  
17 uprising or something like that. Make the Negroes and whites  
18 fight. Something like that. And said, "Helter-Skelter," but  
19 I didn't understand what it meant, so I didn't pay too much  
20 attention to it.

21 Q Now, I wish to ask you: With all that you have  
22 heard, seen or read, talked about in connection with that case  
23 of Mr. Manson, do you think that you can set aside what you  
24 have heard, seen or read, and independently decide any of the  
25 issues that might arise in this case without regard to any of  
26 that publicity that you absorbed?

27 A I think so.

28 Q Well, when you say, "I think so," that means to me

1 that you have -- might have some reservations or you might not  
2 be sure about it.

3 The Court would tell you that unless you can set it  
4 aside -- not just try, but unless you can set it aside, you  
5 don't belong on this jury, do you understand?

6 You have to not forget it, because perhaps it is  
7 too difficult for you to forget. But can you set it aside,  
8 put it to one side and make an objective judgment, being fair  
9 and impartial in the matter, in spite of what you have heard,  
10 seen, or read?

11 A. Yes.

12 Q Will you do that?

13 A. Yes.

14 THE COURT: All right, gentlemen.

15 MR. KANAREK: Thank you, your Honor.

16  
17 VOIR DIRE EXAMINATION

18 BY MR. KANAREK:

19 Q Is that Mrs. Williams?

20 A. Love.

21 Q Mrs. Love, I'm sorry.

22 Oh, yes, Mrs. Luella Love; is that correct?

23 A. Yes.

24 Q Now, directing your attention, Mrs. Love, to the  
25 fact, for instance, of what you read concerning black people.

26 Certainly in your lifetime the fact that you are  
27 black is something that has -- that you have recognized and  
28 lived with your entire life, right?

1 A Yes.

2 Q Now, you certainly would intend -- would intend to  
3 put aside everything that you may have read or seen by way of  
4 publicity concerning black people that may have arisen in the  
5 Tate-La Bianca case, right?

6 A Yes.

7 Q You would intend to do that, right?

8 A Yes.

9 Q But is your state of mind such you recognize that  
10 sometimes we intend to do things -- and like taking a cold  
11 shower every morning or running or jogging five miles every  
12 morning before breakfast or whatever -- but we may not actually  
13 end up doing what we intend to do.

14 Do you agree with me that's possible?

15 A Yes, that's possible.

16 Q So is it a fair statement that not having  
17 experienced this type of procedure before, although you intend  
18 to do this, you don't know for sure that you can do this, that  
19 you can put aside these matters that you have heard?

20 A I can put them aside.

21 Q Pardon?

22 A I can.

23 Q You know for sure that you can?

24 A Yes.

25 Q Well, now, may I ask upon what do you base that  
26 when you say that you can?

27 A Because I haven't heard all of it.

28 Q You haven't heard all of it?

1           A       And I didn't keep up with it.

2           Q       But that's what you -- when you say you didn't keep  
3 up with it, it means that you didn't, maybe, read every last  
4 word, right?

5           A       Yes. Probably a lot of things about that that I  
6 didn't hear. I just --

7           Q       Right, but there are some of the things that you  
8 did hear?

9           A       Yes.

10          Q       And so as we progress in this trial, something may  
11 come up that will trigger in your mind the memory of things  
12 that you had heard previously by way of newspapers and publicity;  
13 right?

14                   Do you know what I mean by "trigger in your mind"?

15          A       Bringing it to memory.

16          Q       Right.

17          A       Yes.

18          Q       That might happen, right?

19          A       Possible, yes.

20          Q       And so really you don't know whether you could put  
21 aside that which was triggered in your mind, as you put it,  
22 bringing to memory by something that occurs in this courtroom  
23 or not?

24          A       I say I could.

25          Q       Well, I mean you feel that you could?

26          A       Yes.

27          Q       You could try to, but you don't know that you could,  
28 do you, Mrs. Love? Do you know for sure, seeing as you

1 haven't experienced it?

2 A I could.

3 Q Now, if it turns out, as it may in this court,  
4 that some people of the black or Negro race come to this  
5 courtroom and testify on behalf of Mr. Manson, people that he  
6 has been in custody with and in prison with for many years,  
7 these people come here and testify concerning matters; is  
8 your state of mind such that you would give those people and  
9 what they say the same attention that you'll give someone who  
10 is of another race, say, the white race?

11 A Not necessarily.

12 Q What do you mean by that, Mrs. Love?

13 A Well, I wouldn't have to believe them just because  
14 they was Negro saying it, either way.

15 Q Well, my question is: If they are of the black or  
16 Negro race, would you give them attention and would you listen  
17 to their testimony and not discard it because they are of the  
18 black race?

19 A I would listen to it and not discard it?

20 Q Yes.

21 A Yes.

22 Q Now, would you tell us what did you hear concerning  
23 black people in the Tate-La Bianca -- concerning the Tate-  
24 La Bianca case?

25 A I really don't remember what I heard or read, but  
26 I did remember something about -- I don't know. Maybe some-  
27 body said it. Maybe somebody testified that that's what they  
28 were trying to do, to get a war or something between them.

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1 Q And when you say, "They were trying to do -- to  
2 get a war between them," who are the "they" that you are  
3 speaking of?

4 A Well, speaking about -- I read this. And I don't  
5 know whether it was someone testified to it, or whether it  
6 was just -- you know. But I remember that.

7 Q Would you tell us who are the "they" that you are  
8 speaking of, when you spoke of "they" in your last sentence,  
9 in your last answer?

10 A Well, I mean I read it. And I -- I said, when  
11 I read it, I think it was somebody that had testified to  
12 that; and it was in the paper.

13 Q But you said that "They were trying to get a  
14 war started" or something. Who is the "they"?

15 A Mr. Manson.

16 Q And you used the plural word "they." Who else  
17 besides Mr. Manson?

18 A And his followers, I suppose. I just read  
19 something about it. I remember the words "Helter Skelter,"  
20 and they said that's what it meant. I mean, that's what the  
21 paper said.

22 Q I see.

23 A Uh-huh.

24 Q And the paper said that Helter Skelter meant what,  
25 Mrs. Love?

26 A Well, the way -- I didn't understand it, but I --  
27 but from what I read, I thought they were talking about having  
28 -- you know, getting them against each other, the two races.



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1 Q And when you say the two races, what do you mean?  
2 What races?

3 A The Negroes and the whites.

4 Q I see. And so this is what you read during the  
5 Tate-La Bianca case; right?

6 A Yes.

7 Q And you -- and what is your state of mind, Mrs.  
8 Love? What do you think about the merit or -- are you in  
9 favor of a -- of such a war?

10 A No.

11 Q Would you say that your state of mind is such that  
12 you oppose the kind of war that you have told us about?

13 A I sure am against it.

14 Q You are quite -- you are very much against it,--

15 A Yes, I am.

16 Q -- right? Now, having in mind what you heard or  
17 saw, did some of -- do you watch TV on occasion?

18 A Yes.

19 Q And -- as all of us do?

20 A Um-hmm.

21 Q And do you watch TV news on occasion, as all of  
22 us do?

23 A I do sometimes.

24 Q May I ask you what -- may I ask you what particular  
25 stations you've listened to?

26 A Well, when I usually listen to the news, I listen  
27 to Channel 2 -- look at Channel 2.

28 Q And who is the artist, or who is the person on

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1 Channel 2?

2 A Jerry -- uh --

3 Q Dunphy?

4 A Yes.

5 Q Jerry Dunphy?

6 A Yes.

7 Q And does that come on, as far as you are concerned,  
8 in the early evening or late evening?

9 A In the early evening.

10 Q And may I ask you, directing your attention, say,  
11 to the time during last year and the first part of this year,  
12 what was your work schedule?

13 A Well, that was just it. My work schedule  
14 changed; and a lot of times, I didn't get to see the evening  
15 news. And I'd never stay up for the late news.

16 Q I see.

17 A And so -- because I wouldn't be home until about  
18 7:30, and I didn't get to see the news.

19 Q I see. Now, and your place of employment --  
20 where is it that you are employed, again?

21 A Los Angeles County Hospital.

22 Q I see. Now, at the hospital there, there are  
23 newspapers there, of course?

24 A Yes.

25 Q And I gather, in the cafeteria from time to time,  
26 you've seen papers and --

27 A Yes.

28 Q -- you've read them; right?

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1 A I have picked up one.

2 Q Now, having in mind -- having in mind, then, this  
3 black and -- this black-white war that you are speaking of,  
4 is it a fair statement that you feel quite strongly against  
5 any such conflict between all of us?

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6 A Yes.  
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1 MR. KANAREK: 1073, Subsection 2, your Honor.

2 THE COURT: Would you read that last question, please,  
3 Mr. Williams?

4 MR. KANAREK: Thank you. Thank you, Mrs. Love.

5  
6 (Whereupon, the record was read by the reporter  
7 as follows:

8 "Q. Now, having in mind -- having in mind,  
9 then, this -- this black and -- this black-white  
10 war that you are speaking of, is it a fair state-  
11 ment that you feel quite strongly against any such  
12 conflict between all of us?

13 "A. Yes.")

14 THE COURT: The challenge is denied. The Court believes  
15 -- do the People have any questions of this lady?

16 MR. MANZELLA: No, your Honor. We do oppose the  
17 challenge, on the grounds that the juror has stated she can  
18 and will put aside the publicity, and she has stated she can  
19 do that in spite of what she's read about the case.

20 THE COURT: I think that she can put aside any matter  
21 that she's heard, seen or read, any opinion that she may have  
22 formed about what she's heard, seen or read, and that she  
23 will put it aside and be fair and impartial.

24 And the Court so finds. The Court denies the  
25 challenge.

26 Mrs. Love, would you return now to the group of  
27 jurors? And would you not discuss anything that's gone on  
28 during the time that you have been in this courtroom alone

1 with us?

2 So, you may go now to return to the group. I'll  
3 call several other matters here.

4 MR. KANAREK: Thank you, Mrs. Love.

5 (Proceedings had on unrelated matters.)

6 THE COURT: All right. Let's call our next juror in.

7 MR. KANAREK: Your Honor, may I make a statement here?

8 THE COURT: All right. Your motion -- do you have a  
9 motion?

10 MR. KANAREK: Yes. I also have --

11 THE COURT: And your motion is to dismiss the matter?

12 MR. KANAREK: Yes. But prior to that, I also would  
13 like to have the Court consider also a 1073, Subsection 2, as  
14 to Mr. Gardner. I just want to make sure I've enunciated  
15 that.

16 THE COURT: All right. The Court denies the challenge  
17 as to Mr. Gardner.

18 MR. KANAREK: I have --

19 THE COURT: The Court finds that he can set aside what  
20 he's heard, seen or read, and that he will set aside what he's  
21 heard, seen or read, or any opinions that he's formed in  
22 connection with what he's heard, seen or read about Mr. Manson,  
23 the previous case or this case.

24 MR. KANAREK: Yes, your Honor.

25 THE COURT: And now, you have a motion to make?

26 MR. KANAREK: Yes, your Honor.

27 THE COURT: And the motion is to dismiss the matter?

28 MR. KANAREK: Yes, your Honor. I would --

1 THE COURT: Based upon --

2 MR. KANAREK: Well, a couple of points.

3 THE COURT: Very well. But largely, your argument is  
4 directed toward the pre-trial publicity, and the rather --  
5 well, go ahead and state it.

6 It's based upon the knowledge of the various  
7 jurors of the Tate-La Bianca proceedings, and the charges  
8 against Mr. Manson brought there, and his conviction; is that  
9 correct?

10 MR. KANAREK: Yes. And the state of mind that they have.  
11 I think we have here an ongoing record that is -- that is a  
12 record that falls within the kind of thing that we had in  
13 Irvin vs. Dowd, for instance, a case that I have here for  
14 your Honor's consideration.

15 But underlying this -- and underlining this, both --  
16 is the United States Supreme Court decision as of yesterday,  
17 which we know about, but which I have tried --

18 THE COURT: I don't know about it. Have you read the  
19 decision?

20 MR. KANAREK: No, I haven't. I've tried to, and with  
21 the services that we have in Los Angeles, my information is  
22 we don't have the actual text of the decision.

23 So I can't tell the Court what that -- but what  
24 I'd like to do --

25 THE COURT: There were some 30 sentences of death that  
26 were -- cases involving sentences of death, involving those  
27 decisions; is that correct?

28 MR. KANAREK: Right.

1 THE COURT: Your reference is to them. And what do you  
2 have to say about that?

3 MR. KANAREK: Well, as your Honor knows, we have  
4 previously enunciated, within the context of these proceedings,  
5 our position that the death penalty is -- without belaboring  
6 it, one of the bases that we have for attacking it is the fact  
7 of it being a cruel and unusual punishment, within the ambit  
8 of the Eighth Amendment.

9 THE COURT: Of course, the Supreme Court has yet to  
10 decide that. And I judge, from reading the newspaper, that  
11 that is one of the issues that has been raised, particularly  
12 in the McGautha case, the California case, which is mentioned  
13 in the newspaper.

14 MR. KANAREK: Correct, your Honor.

15 Now, your Honor, if your Honor will consider this,  
16 we have a -- there is a --

17 THE COURT: Well, would you do this for me? Would you  
18 get directly to the point?

19 MR. KANAREK: Yes. I am trying to, your Honor.

20 THE COURT: Now, your motion to this Court is to dismiss  
21 this action, and it's based upon the fact that the death  
22 penalty is a cruel and unusual punishment?

23 MR. KANAREK: No, that isn't --  
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1 THE COURT: Secondly, based upon the pre-trial publicity  
2 that has preceded this matter, and the knowledge of the  
3 jurors of Mr. Manson's previous conviction and death sentence?

4 MR. KANAREK: That isn't quite the entire matter.

5 THE COURT: All right. Well, get to it, then.

6 MR. KANAREK: I am trying to, your Honor, if I may.

7 THE COURT: All right.

8 MR. KANAREK: All right. The point is that we have a  
9 case here where Mr. Manson is under penalty of seven death  
10 sentences, and has been convicted of the conspiracy --

11 THE COURT: Right.

12 MR. KANAREK: -- which has been stated.

13 THE COURT: Right.

14 MR. KANAREK: So that's seven death sentences that are  
15 purportedly against him. The taxpayers of this County have a  
16 right that money not be spent needlessly and uselessly. The  
17 United States Supreme Court is going to decide, within the  
18 next term -- and that is clear, even though we don't have the  
19 actual decision here -- is going to decide, within the next  
20 term, whether this death sentence is cruel and unusual, whether  
21 it's constitutional, whether the death penalty can be invoked  
22 -- and which is something that we've raised previously.

23 There is nothing to be gained, nothing to be gained  
24 by having an on-going trial, and loading it with potential  
25 error -- that is, error that the United States Supreme Court  
26 may find in the future, in the next term -- nothing to be  
27 gained whatsoever. Because Mr. Manson is under these --  
28 already under these other sentences.



1 And on top of that, we have a situation where,  
2 within this particular record, we have juror after juror  
3 telling us what they know concerning Mr. Manson -- or, what  
4 they have heard.

5 And so I refer your Honor, with particularity,  
6 to Marshall vs. United States, which is a less -- that is,  
7 this is a -- the Manson situation is an a fortiori situation.

8 And in that case, which is --

9 MR. MANZELLA: May we have the citation on that case?

10 MR. KANAREK: Yes. 360 U.S. 310, which is cited with --  
11 with approval in other cases.

12 And in that case, the Court has before it the  
13 following -- this is one news account alone, your Honor,  
14 concerning Mr. Marshall, which the jurors had come to read.

15 "One news account said:

16 "'Marshall has a record of two previous  
17 felony convictions.

18 "'In 1953, while serving a forgery sen-  
19 tence in the state penitentiary at McAlester,  
20 Oklahoma, Marshall testified before a State  
21 Legislative Committee studying new drug laws  
22 for Oklahoma.

23 "'At that time, he told the committee that  
24 although he had only a high school education, he  
25 practiced medicine with a \$25 diploma he received  
26 through the mails. He told in detail of the ease  
27 in which he wrote and passed prescriptions for  
28 dangerous drugs.'

1 "The other news account said:

2 "'The defendant was Howard R. (Tobey)

3 Marshall --'"

4 THE COURT: In short, the jury knew about a news item  
5 that had appeared in the newspaper; is that correct?

6 And the result was that it was reversed? The  
7 conviction was reversed as a result of the jury's knowledge  
8 in the Marshall case?

9 MR. KANAREK: Yes, your Honor.

10 THE COURT: All right.

11 MR. KANAREK: But the thing that's so persuasive here  
12 is the relatively small amount of news which caused the United  
13 States Supreme Court to reverse. They -- in fact, at Page 312,  
14 it says:

15 "The trial judge on learning that these  
16 news accounts had reached the jurors summoned  
17 them into his chamber one by one and inquired  
18 if they had seen the articles. Three had read  
19 the first of the two we have listed above and  
20 one had read both. Three others had scanned  
21 the first article and one of those had also  
22 seen the second. Each of the seven told the  
23 trial judge that he would not be influenced by  
24 the news articles, that he could decide the case  
25 only on the evidence of record, and that he felt  
26 no prejudice against petitioner as a result of  
27 the articles. The trial judge, stating he felt  
28 there was no prejudice to petitioner, denied the  
motion for mistrial."

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1 Here -- and these other cases that I have here,  
2 make it very plain that the juror's self-serving statement or  
3 the juror's statement that he or she is not going to be  
4 prejudiced and they're going to put it aside makes it clear  
5 that this is not a situation where the juror can do the  
6 deciding, but just uttering certain words.

7 And in this case, they reversed. Notwithstanding  
8 that the Judge who was on the scene, in a situation which is  
9 much less horrendous, obviously, than that concerning Mr.  
10 Manson, the United States Supreme Court reversed it.

11 Now, I have, also, the case of Irwin vs. Dowd,  
12 which we would ask the Court -- I'll leave these here for the  
13 Court's consideration. Maybe it would expedite. I'm  
14 certainly not here to do any oration. I'm not here to do  
15 a William Jennings Bryan or anything like that.

16 The text of these United States Supreme Court  
17 decisions speak it, say it much more eloquently than I could.

18 But I would ask your Honor, for instance, to  
19 consider Irwin vs. Dowd, 366 U. S. 730. I have it here for  
20 the Court's consideration, and I would ask your Honor to read  
21 the text in that case. There was a man that was charged with  
22 some murders in a little town. A little town in Indiana,  
23 I think it is, became enraged about this and it was moved to  
24 another place in Indiana. And that was not deemed sufficient,  
25 and the United States Supreme Court reversed it.

26 In that case -- and it is a much less horrendous  
27 situation than that concerning Mr. Manson.

28 We have a lady here speaking of black -- this lady

3-2

1 is of the black or Negro race. She opposes any kind of a  
2 black or white war, and in the next instant she says that  
3 she can put it aside.

4 Well, that is absolutely impossible, your Honor,  
5 no matter what that lady tries to do.

6 THE COURT: Well, the Court disagrees with you. The  
7 Court believes that it is possible.

8 Judges are only human and, yes, there are many  
9 times that you know of, I'm sure, and that I know of, wherein  
10 a Judge has set aside extraneous facts, facts that have no  
11 bearing on, and should have no bearing on the issue of guilt  
12 or innocence. And the Judge is able to decide it, decide  
13 cases aside from that extraneous material and evidence which  
14 is not admitted in evidence, rather.

15 MR. KANAREK: But the point is --

16 THE COURT: And I think that if a juror is instructed --  
17 some jurors, if they are instructed properly, and if they know  
18 that they are to disregard news items that they've heard,  
19 seen or read, they can do it.

20 MR. KANAREK: But the cases say they can't, your Honor.  
21 That's why the Supreme Court --

22 THE COURT: This is a matter of the Court's judgment  
23 under 1076. And the test is whether they can do it and whether  
24 they will do it. And the Court believes that if they are  
25 determined to do it, they can do it in some instances.

26 All right, the motion to dismiss is denied.

27 MR. KANAREK: But, your Honor, I would like the record  
28 to --

3-3

1 THE COURT: Let's call another juror in.

2 MR. KANAREK: I would like just to get these citations--  
3 Rideau vs. Louisiana, 373 U. S. 723.

4 THE COURT: You've cited that before.

5 MR. KANAREK: But I have the actual text for the Court's  
6 consideration.

7 Sheppard, 384 U. S. 333. I have that here, also,  
8 your Honor.

9 And I would urge and beg the Court to read these  
10 cases, because what we are doing in this case, what we are  
11 doing now, is absolutely, absolutely, your Honor, illegal and  
12 violative of all of our rights. Everybody has a right that  
13 Mr. Manson has a fair trial.

14 And just if I may --

15 THE COURT: The Court doesn't wish to hear anything  
16 further in respect to that point, but we'll hear your cita-  
17 tions --

18 MR. KANAREK: But may I put this one sentence in,  
19 your Honor?

20 THE COURT: All right.

21 MR. KANAREK: As one of the jurors put it, and this is  
22 quoting at page 728 in Dowd --

23 THE COURT: In the Dowd case.

24 MR. KANAREK: "You can't forget what you hear and see."

25 And in this case, it is just incredible that this  
26 lady could be allowed to be on this jury when she's of the  
27 black race and Mr. Manson was supposedly trying to start a  
28 black and white war. I mean, it is just impossible for that

3-4

3a

1 lady to sit there objectively and judge this case.

2 THE COURT: Well, the Court believes, as it has stated  
3 before, that it is possible to find jurors who can be fair  
4 and impartial and objective. It can be done, and the Court,  
5 with the help of both counsel, is going to be able to do it.

6 MR. KANAREK: But with the Supreme Court acting that  
7 way on the death penalty, your Honor, it is just --

8 THE COURT: Call the next juror. The case of People vs.  
9 Manson -- we'll go on now with the selection of this jury if  
10 we can get at it. The next juror is Williams.

11  
12 VOIR DIRE EXAMINATION OF

13 MRS. CLARICE A. WILLIAMS

14 BY THE COURT:

15 Q Mrs. Williams.

16 A Yes, sir.

17 Q Counsel and I wish to inquire about your state  
18 of mind in respect to publicity, whatever you may have heard  
19 in connection with any previous case that Mr. Manson has been  
20 involved in.

21 Have you -- you have, of course, heard the name  
22 Mr. Manson before, Charles Manson?

23 A Yes, I have.

24 Q And that was in connection with the so-called  
25 Tate-La Bianca homicide case?

26 A Right, yes.

27 Q Did you follow that case in the news media, the  
28 press, radio or television?

3-5

1 A No, I didn't follow it. I read maybe an article  
2 on it, but I didn't follow it. It was just too much to keep  
3 up with.

4 Q I see. Just an article occasionally in the  
5 newspaper?

6 A Right.

7 Q Did you look at television regularly?

8 A Not regularly, but if the news was on -- it passed  
9 the screen, I would watch it.

10 Q Did you know what Mr. Manson was charged with?

11 A Hmm, it was in connection with murdering a group  
12 of people or conspiring.

13 Q More than one murder?

14 A Right.

15 Q Is that right?

16 A Yes.

17 Q And do you know what the result was? What did  
18 the jury find?

19 A I believe they found Mr. Manson guilty.

20 Q Of murder of the first degree?

21 A Yes.

22 Q And do you know what the result was in the penalty  
23 phase, whether they came back with life imprisonment or death?

24 A I believe, and I honestly say this sounds rather  
25 unusual because it is such a big thing, I suppose. But I only  
26 heard, perhaps, that he had gotten the death sentence.

27 Q I see. That's your best belief that he had gotten  
28 the death sentence?



1 A Right, yes.

2 Q Did you ever, during the course of this publicity,  
3 hear, see or read anything of a racial overtone in connection  
4 with that trial?

5 A Yes, I did. I did.

6 Q Did you take particular interest in that because  
7 of your race or --

8 A No, I didn't.

9 Q The record should show that you are of the Negro  
10 race?

11 A Yes.

12 Q And you just noted it in passing?

13 A Yes.

14 Q Do you remember what it was?

15 A It had to do -- I would say somewhat of a  
16 conspiracy, I believe, trying to make out to be that this  
17 crime was committed by black people or some other sort.

18 Q Do you remember the name "Susan Atkins"?

19 A Yes, I do.

20 Q In what connection do you remember that?

21 A All I know is she is just one of the girls that  
22 are involved.

23 Q Manson Family?

24 A Yes, part of the Manson Family.

25 Q What does the Manson Family mean to you?

26 A I would say a group of people together called  
27 themselves a Family.

28 Q Headed by Mr. Mangon?



1 A Yes.

2 Q Have you ever heard the name Steven Grogan or  
3 Bruce Davis before you came into the court?

4 A Hmm, not really. I don't know anything about those  
5 names. Only --

6 Q Gary Hinman? Have you ever heard that?

7 A Yes.

8 Q Or Shorty Shea?

9 A Yes.

10 Q In what connection had you heard those names?

11 A That they had been murdered. I don't know where  
12 or how. It just goes to show I didn't follow that much in  
13 the newspaper or in the news media.

14 Q I wish to ask you, if I were to instruct you to  
15 set aside whatever opinion you may have formed from what you  
16 may have heard, seen or read concerning Mr. Manson or the  
17 Tate-La Bianca case or this case, and decide all of the issues  
18 that are submitted to you independent of such matters, could  
19 you follow that instruction?

20 A I most certainly could.

21 Q Could you be objective enough to set aside whatever  
22 you might have heard, seen or read and act independently of  
23 that?

3b fls.

24 A Yes, I would.

25

26

27

28

3b-1

1 Q Now, the Court needs to know whether you are of the  
2 firm determination to do that, to set it aside?

3 Not forget it, because it would be too difficult.

4 A Yes, it would be.

5 Q Not forget it.

6 A Yes.

7 Q Can you set it aside and make an objective  
8 judgment fairly and impartially only on the evidence received  
9 here in court and the Court's instructions to you?

10 A Yes, sir.

11 Q Will you do that?

12 A Yes, I will, sir.

13 THE COURT: Mr. Manson, Mr. Manson's counsel, rather,  
14 Mr. Kanarek.

15 MR. KANAREK: Yes, sir.

16  
17 VOIR DIRE EXAMINATION

18 BY MR. KANAREK:

19 Q Now, Mrs. Williams, may I ask you, is it -- you're  
20 certainly -- it is your intent to follow the Court's orders,  
21 right?

22 A Yes.

23 Q And -- but have you ever had the experience in  
24 life of intending to do something but then not being able to  
25 do it?

26 A Yes.

27 Q All of us have, right?

28 A Oh, yes, yes.

1 Q Now, then, directing your attention to -- to this  
2 matter that you heard concerning a black war; you heard that?

3 A Yes.

4 Q All right. Would you tell us what did you hear  
5 concerning that?

6 A Really, I don't know too much about what actually  
7 -- what was supposed to have been said. I didn't read the  
8 article. I just heard this.

9 Q Just what you heard. Tell us what you heard.

10 A That it was -- that this crime was supposed to have  
11 been passed on to a group of black people or some black men.  
12 This is all that I know of it. Like I say, I did not follow  
13 the case at all.

14 Q Right.

15 All we want is what you do know, not --  
16 you are not being put on the spot. No one is saying, well,  
17 you should know this or you don't know it. We just want to  
18 know what you do know.

19 You don't have to qualify or feel like you have to.

20 A No, I'm not saying I don't know when I do or  
21 saying I do know something I don't.

22 I did not follow it and what I heard is purely  
23 hearsay. People discuss it, but I didn't form an opinion of  
24 what people tell me. I have to use my own judgment.

25 Q What -- would you agree with me that much of our  
26 life is based on hearsay?

27 A Right.

28 Q For instance, you don't know what happens in

1 Congress?

2 A That's right.

3 Q And City Council. We follow laws all the time and  
4 do all kinds of things based on hearsay.

5 A Right.

6 Q The fact it is hearsay doesn't mean it couldn't  
7 make a profound influence on your mind, right?

8 A No.

9 Q Would you say being of the black race and being an  
10 American, that you are concerned about such a thing -- you are  
11 certainly opposed to black people and white people fighting it  
12 out on the street; is that your state of mind?

13 A Yes.

14 Q Now, directing your attention, then, to this black  
15 and white war that you heard.

16 Would you just tell us what you heard about it,  
17 however little or great it would be?

18 A I told you what I heard about it.

19 THE COURT: I think she's been asked and she's answered  
20 it.

21 JUROR NO. 10: That's all I had heard. And it wasn't  
22 discussed in any lengthy conversation with anyone. I couldn't  
23 tell you who possibly told me this.

24 Q BY MR. KANAREK: Well, I'm not asking who told you.

25 A I don't remember. I don't know what all they  
26 told me, other than what I just did tell you.

27 Q When you say "passed on to a black man," what  
28 do you mean by that?

1           A       The blame was to be put on a group of people or a  
2 black man. That's all I know. It was a conspiracy, that type  
3 of thing. That's all I would gather. Instead of it being him,  
4 it was supposed to have been somebody else.

5           Q       When you say --

6           A       And it possibly would create a disturbance of some  
7 sort. I imagine anyone would think that. It doesn't mean that  
8 it is necessarily so. And I don't see how one could actually  
9 know unless they were in conspiracy with them. I don't see  
10 how a judgment could be passed on hearsay.

11                   I don't believe half -- I don't believe anything  
12 of what I hear, and only half of what I see, as far as that's  
13 concerned.

14           Q       Well, really, what we wish to point out, is that  
15 certainly you're not on the defensive here. Our purpose is  
16 to find out what is in your mind, what you do know, because  
17 you're sort of running for judicial office here against your  
18 will, right?

19           A       Right, right.

20  
21  
22  
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3c

3-c

- 1 Q As a juror?
- 2 A Right.
- 3 Q Now, when you say "he," who do you mean when you
- 4 say he?
- 5 A Mr. Manson.
- 6 Q Mr. Manson?
- 7 A Right.
- 8 Q And so is it a fair statement that -- that you
- 9 certainly intend not to use this information that you have
- 10 received by means of publicity and otherwise concerning
- 11 matters that have occurred in the Tate-La Bianca case, right?
- 12 A I would not, unless it were a part of evidence.
- 13 Q Right, but I'm saying your intent?
- 14 A No.
- 15 Q Your purpose is not to use it, right?
- 16 A Right.
- 17 Q But is it a fair statement that you don't know,
- 18 not having heard what happens in this case, you don't know
- 19 for sure whether you can carry out that intent, just like
- 20 I don't know for sure. I might like to climb Mount Everest.
- 21 I might have all the intent in the world, and I might get
- 22 up about 500 feet and that's about as far as I can go. And
- 23 I might just exert myself like crazy to do it, but I couldn't
- 24 do it.
- 25 But by the same token, I'm asking you, is it a
- 26 fair statement you certainly intend well, but you don't know
- 27 for sure that you can do it?
- 28 A I intend not to let anything prejudice my mind,

1 but I can't say that it would. Maybe, just because of the  
2 situation. No, that would not -- that is not my hangup.  
3 I just wouldn't.

4 Q My question is, though, you certainly don't know?

5 A I don't know whether I would or not.

6 MR. KANAREK: All right, 1073, Subsection 2, your Honor.

7 THE COURT: People?

8  
9 VOIR DIRE EXAMINATION

10 BY MR. MANZELLA:

11 Q Mrs. Williams, what don't you know? I'm not sure  
12 I followed the question.

13 You say you don't know whether you will or not;  
14 you will or not what?

15 A I understood him to say could I possibly change  
16 my mind. I go in with the intent -- going with an open  
17 mind. Later on during the procedure would I change my mind.  
18 This thing about I intend to do, but later on I don't know  
19 whether I will or not. Now, that sort of thing.

20 Q All right, let me ask you this.

21 Can you put aside and set aside the publicity  
22 you've read, seen or heard about this case and act fairly  
23 and impartially in this case; can you do that?

24 A Yes, I can. I could.

25 Q And will you do that?

26 A I will.

27 Q And in spite of everything you've heard, read  
28 and seen in this case, you will act fairly and impartially?

1 A Yes, I will.

2 MR. MANZELLA: Thank you.

3 I have no further questions, your Honor.

4  
5 VOIR DIRE EXAMINATION

6 BY THE COURT:

7 Q Would you explain what you meant again to me,  
8 Mrs. Williams?

9 A I would listen to all evidence and act according  
10 to what is presented to me. I couldn't form any basis other  
11 than what I know is presented in the court procedure.

12 Q What did you mean in your response to Mr. Kanarek,  
13 your last response to him that you did not -- words to the  
14 effect you didn't know -- but what you might not be able to --  
15 to intend -- the answer -- the question and the answer  
16 brought to mind that you did not know whether you could set  
17 aside those things which you've heard, seen or read.

18 A Well, my intention --

19 Q Is that true?

20 A My intentions are to not judge what I have heard  
21 or read.

22 Q Would you have any change of mind in respect to  
23 that at all?

24 A As far as this -- no, I wouldn't. I'm trying to  
25 explain that I would only be --

26 Q You would adhere to that rule throughout the  
27 trial?

28 A Right, I would try to.



1 Q All right, now, what I want to know is whether you  
2 have examined your mind sufficiently so that you could say to  
3 us that you will not only try, but that you can do that, that  
4 you are capable of doing it; do you understand what I mean?

5 A Yes, I am capable of doing that, just that.

6 Q Is there any doubt in your mind about that  
7 capability?

8 A No. No.

9 THE COURT: Well, there's a little bit of doubt in  
10 my mind in view of your last answer, so I'm going to excuse  
11 you and grant the challenge for cause.

12 Thank you.

3d fls.

3d 1 MR. KANAREK: Thank you. Thank you, Mrs. Williams.

2 DEFENDANT MANSON: I don't know why you are so hard on  
3 yourself.

4 THE COURT: Do you have any time left?

5 JUROR NO. 10: Yes, I have plenty of time.

6 DEFENDANT MANSON: I don't know why you are so down on  
7 yourself. You could cut all of this real short. You're going  
8 to have to -- you're going to have to cut a lot of confusion  
9 out here.

10 THE COURT: I'm going to have to cut you out of here if  
11 you continue.

12 DEFENDANT MANSON: You can cut the confusion short.

13 THE COURT: Let's call the next juror.

14 DEFENDANT MANSON: Very unreal, dead thought, dying fas-  
15 ter every day.

16 THE COURT: Catherine McCorkle.

17  
18 VOIR DIRE EXAMINATION

19 OF CATHERINE MC CORKLE

20 BY THE COURT:

21 Q Mrs. McCorkle.

22 A Ready for action.

23 Q Mrs. McCorkle.

24 A Right here all right?

25 Q Just anywhere is all right.

26 Mrs. McCorkle, we wish to know what you may have  
27 learned about Mr. Manson, any of the cases that he's been  
28 involved in.

1           A       Well, I watched television an awful lot and get in  
2 on the news all the time.

3           Q       Did you watch television in connection with the  
4 Tate-La Bianca killings?

5           A       Yes, right, uh-huh.

6           Q       And the trial that followed?

7           A       Right.

8           Q       Have you heard anything about the Hinman trial?

9           A       Oh, I have heard of it, you know. I guess I  
10 didn't hear too much about it.

11          Q       Have you ever heard the name Hinman before?

12          A       Yes, I have.

13          Q       In what connection?

14          A       With the news, usually at the end of telling  
15 about the other case. They'd mention, you know, the Larry  
16 Hinman.

17          Q       And how about Shea?

18          A       Yes, Shorty Shea, right.

19          Q       And what do you know about Shorty Shea?

20          A       Not very much. I don't know.

21          Q       Well, what have you heard?

22          A       Just in the news, and I guess I didn't listen too  
23 much. It was getting towards the end, you know.

24          Q       Well, what do you know about either of these  
25 persons, Hinman or Shea?

26          A       Nothing about --

27          Q       Are they baseball players?

28          A       I don't know. I don't know anything about --

1 musicians, I think I had --

2 Q You heard that Mr. Hinman was a musician?

3 A I think I did, right.

4 Q Now, before I stated to you that Mr. Hinman was  
5 the -- is alleged to be the victim in one of these charges  
6 that Mr. Manson is accused of --

7 A Right.

8 Q Had you heard that he was a victim previously?

9 A I heard that he was a suspected victim, right.

10 Q How about Mr. Shea?

11 A Right, yes, he, too.

12 Q The same?

13 A Yes, I was under that understanding.

14 Q I see.

15 Did you, during the course of the trial, hear, see  
16 or read anything in connection with the President of the  
17 United States making a statement concerning Mr. Manson's  
18 guilt?

19 A Yes, I did.

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4  
1 Q Did you have an opinion at the time concerning the  
2 statement?

3 A Well, yes, I did.

4 Q What was that?

5 A I didn't think it was too wise a statement for him  
6 to have made.

7 Q Did you learn the result of that trial?

8 A No, I didn't.

9 Q You don't know whether Mr. Manson was convicted of  
10 those offenses?

11 A Of the first -- the La Bianca --

12 Q The Tate-La Bianca cases?

13 A Yes, I did. Right. Yes, I know the --

14 Q And what do you know the results to have been?

15 A Well, --

16 Q Or what is your remembrance?

17 A I understood that Manson was convicted.

18 Q And was there more than one murder involved?

19 A Oh, yes.

20 Q How many were involved?

21 A I couldn't say right now how many. There was  
22 quite a few, I guess. About five, wasn't it?

23 Q And do you know whether the jury came back with a  
24 verdict in the penalty phase? And if so, what it was.

25 A It was the death penalty.

26 Q That's your best remembrance?

27 A Yes, right.

28 Q All right. Having all of this in mind, and

1 realizing that you've never served on a case of this nature  
2 before, if I were to instruct you to set aside whatever opinion  
3 you may have formed, from what you may have heard, seen or  
4 read concerning Mr. Manson or the Tate-La Bianca case, or this  
5 case, and decide all of the issues that may be submitted to  
6 you in this case independently of such matters that you've  
7 heard, seen, or read, would you be capable of doing that?

8 A I think I could be.

9 Q Well, --

10 A I'd try.

11 Q -- we need to have more than your affirmance --

12 A Um-hmm.

13 Q -- that you would try.

14 A Yes, uh-huh.

15 Q The Court needs to know that you are the type of  
16 person --

17 A Yes.

18 Q -- who could be objective enough to set aside such  
19 publicity, such rumors, such opinions that you may have formed,  
20 and decide this case independently of any such matter.

21 I need to know whether or not you can do it and  
22 whether you will do it.

23 A I don't believe I could do it independent, as  
24 though he were some other person.

25 Q That's what I mean.

26 A No, I don't think I could.

27 MR. KANAREK: 1073, Subsection 2, your Honor.

28 THE COURT: All right. Thank you, Mrs. McCorkle.

1 The Court will excuse you.

2 JUROR NO. 11: Thank you.

3 MR. KANAREK: Thank you, Mrs. McCorkle.

4 THE COURT: Do you have time left on jury duty?

5 JUROR NO. 11: Yes, uh-huh. About two weeks or so.

6 THE COURT: Room 253 at 1:30, Mrs. McCorkle.

7 MR. KANAREK: Would it be imposing to take the noon  
8 recess at this time, your Honor?

9 THE COURT: Let's see if we can go on with Mrs. Wall.  
10 There's just one more juror left in the box whom we have not  
11 covered on this question.

12  
13 VOIR DIRE EXAMINATION

14 OF MRS. VERNICE B. WALL

15 BY THE COURT:

16 Q Mrs. Wall, we are talking to you now about the  
17 matter of pre-trial publicity, whether or not you've heard  
18 anything about Mr. Manson, previous to your coming into the  
19 courtroom yesterday morning, in connection with this trial or  
20 any other trial.

21 Had you heard the name Charles Manson before?

22 A Sure.

23 Q And was that in connection with the Sharon Tate --

24 A Yes.

25 Q -- murder case?

26 A Yes.

27 Q And the La Bianca case?

28 A Yes.

1 Q The Tate-La Bianca case, we'll call it.

2 Did you follow that case?

3 A Not too closely. But I did read about it.

4 Q And did you read about it in the newspapers?

5 A Yes, I did.

6 Q Did you hear it?

7 A Over TV.

8 Q The radio and television?

9 A Yes.

10 Q And did you talk to your friends about it? Your  
11 coworkers?

12 A No, not really.

13 Q Your family, members of your family, did you speak  
14 about the case at all?

15 A No, we didn't --

16 Q Did you at all, during the course of the trial,  
17 learn anything about the name Susan Atkins?

18 A No, no more than --

19 Q Does that name mean anything to you?

20 A No, I can't distinguish that name from the others.

21 Q From what others?

22 A Other names mentioned in the case.

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4a



4a-1

1 Q Well, do you know that the name Susan Atkins is  
2 in connection with that case?

3 A Yes.

4 Q All right. Had you ever read the so-called  
5 Susan Atkins confession in the Times?

6 A No.

7 Q Do you know the name Steven Grogan?

8 A No.

9 Q Bruce Davis?

10 A No.

11 Q Gary Hinman?

12 A No -- well --

13 Q Now --

14 A No more than with now.

15 Q I see.

16 A When you read it to us.

17 Q I see. Yes. Had you heard anything concerning  
18 those names -- that name Gary Hinman -- before I read it?

19 A Perhaps I did, but I didn't pay any attention.

20 Q How about Shorty Shea?

21 A No.

22 Q Bobby Beausoleil?

23 A No.

24 Q Mary Brunner?

25 A No.

26 Q Do you know what the Manson Family is? Or was?

27 A No, no more than what the papers said in the  
28 first --

4a-2

1 Q What did the papers say? That's what we want to  
2 know, what you remember.

3 A Well, it was a commune there.

4 Q Headed by Mr. Manson?

5 A Yes. He was the --

6 Q Had you, during the course of that trial, read  
7 any publicity concerning the Manson Family and Mr. Manson?  
8 Had you read any news article at all or heard anything that  
9 would indicate that there was an anti-Negro aura about some  
10 of the evidence?

11 A No, not to my knowledge. I can't --

12 Q No anti-Negro feeling that you can recall, or  
13 anti-Negro actions in that trial that you can remember?

14 A Not that I know of.

15 Q All right. If you were instructed by me to set  
16 aside whatever opinion you might have formed, from whatever  
17 you might have heard, seen or read concerning Mr. Manson and  
18 that Tate-La Bianca case, and this case, and anything -- that  
19 you were to set aside anything that you might remember during  
20 the course of this trial, from what you have heard, seen or  
21 read in any of the media, and decide all of the issues that  
22 were submitted to you independent of such matter --  
23 independently of such matter, do you think you could be  
24 capable of following that instruction? Could you do that?

25 A Yes.

26 Q Are you personally able to assure me that you are  
27 capable of setting aside anything that you may have learned?

28 A Yes.

4a-3

1 Q Or think that you've learned?

2 A Yes.

3 Q Even though you have not sat on a case like  
4 this previously?

5 A Yes.

6 Q And even though you never have had the experience  
7 of setting aside such information, such publicity before,  
8 have you?

9 A No. But with the government, you know, you have  
10 to weigh everything, and you have to forget what you've heard,  
11 too. I have been on inquiries and panels and that.

12 Q You have? What types of --

13 A Well, it's mostly personnel -- you know, people  
14 who -- you work with.

15 Q And in many cases, when you are deciding a case  
16 like that, you have to set aside --

17 A That's right.

18 Q -- rumor? Set aside rumors and gossip?

19 A That's right.

20 Q And decide the case solely from the evidence?

21 A The evidence that you hear.

22 Q And you feel as though you are capable of doing  
23 it?

24 A I do.

25 Q Will you do that?

26 A I will.

27 THE COURT: Mr. Kanarek?

28 MR. KANAREK: Yes. Thank you, your Honor.

4a-4

## VOIR DIRE EXAMINATION

1  
2 BY MR. KANAREK:

3 Q Mrs. Wall, it's -- you certainly intend to set  
4 aside that which you may know; right?

5 A Right.

6 Q And -- would you say that, sometimes, your  
7 intent is -- like all of us -- is not carried out? On many  
8 things that we do?

9 A Oh, I wouldn't say that.

10 Q Pardon?

11 A I wouldn't say that.

12 Q Well, for instance, you might intend to run from  
13 here to San Diego, in a foot race. But you might not make  
14 it, because you physically couldn't do it; isn't that right?

15 A That's right.

16 4b fls 16  
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4b-1

1 Q So by the same token, as far as things of the  
2 mind are concerned, are we in agreement that there are some  
3 things you might intend to do, that you couldn't do?

4 A Well, certainly. Because we have the saying:  
5 to leave your personal problems home. And I always say that  
6 you can't separate your problems from you, but you can put them  
7 to one side and take care of the problems at hand.

8 Q Well, you can try to do that, right?

9 A Yes.

10 Q Now, concerning Mr. Manson, what is your state of  
11 mind as to what occurred in the Tate-La Bianca case?

12 A What do I think occurred?

13 Q Yes. As far as Mr. Manson is concerned. I mean  
14 the result.

15 A I haven't given it any thought. And I haven't  
16 placed any judgment. I read the news media, and I listened  
17 on the radio.

18 Q All right. What did you hear on the news, as to  
19 what --

20 A Just when the incident occurred, see? Because I  
21 listened to the radio en route from work and to work.

22 THE COURT: I think what Mr. Kanarek is driving at, he  
23 wants to know whether you know what the jury did in that case.

24 JUROR NO. 12: No, I don't.

25 Q BY MR. KANAREK: You don't know whether Mr. Manson  
26 was convicted, and you don't know whether there was a death  
27 penalty or life imprisonment?

28 A No, I really don't.

1 Q You didn't -- you saw the news on this, but you  
2 didn't see --

3 A I didn't see the news on the case. I didn't follow  
4 the case at all.

5 Q But did you see what President Nixon said?

6 A No, I didn't.

7 Q Did you hear about President Nixon making some  
8 comment concerning the case?

9 A No.

10 Q Now, directing your attention to the -- say the  
11 first part of this year, were you in Los Angeles County?

12 A Yes.

13 Q And may I ask, then, what did -- what you did see  
14 or hear, would you tell us what you saw and heard concerning  
15 the Tate-La Bianca case?

16 A I think, on the news media at the time, they showed  
17 the house, and they showed the pictures of the people involved,  
18 the victims, on TV.

19 Q And when you say "victims," you mean victims of  
20 what?

21 A The people that were killed.

22 Q And your state of mind is: what caused their  
23 death?

24 A Yes, I do.

25 Q Well, what I mean is, what is your state of mind  
26 as to how they came about to die?

27 A Well, they had various things in the paper. They  
28 were stabbed. I think that was the most recent thing I read.

1 Q And -- now, that was when the incidents themselves  
2 occurred?

3 A Yes.

4 Q Now, I am now speaking of the time when the Tate-  
5 La Bianca trial was going on.

6 A I didn't follow that trial.

7 Q No, but you -- that is, you didn't read every word  
8 that came out; right?

9 A I didn't read anything about it, actually. I  
10 subscribe to the Herald-Examiner, and I work nights and sleep  
11 days, and I don't recall reading --

12 Q You saw nothing in the Herald-Examiner, during the  
13 year 1970, concerning the Tate-La Bianca case?

14 A Not to my knowledge. I know they had a trial;  
15 that's all.

16 Q And is your state of mind such that you think that  
17 Mr. Manson was on trial during the year 1970 in the Tate-  
18 La Bianca case?

19 A Oh, I imagine he was.

20 Q No, I -- now, it isn't -- I am not now asking  
21 for what you may imagine. I am asking from what you may have  
22 seen on television, seen in the newspaper, or heard from people;  
23 I'm not asking for anything except what you, yourself, saw  
24 with your own eyes, heard with your own ears, not -- I'm not  
25 asking you to make any imaginations.

26 Do you see the distinction?

27 A Yes.

28 Q In other words, like right now, you see Mr. Williams  
here, the court reporter, so you are seeing him with your own

1 eyes. Now, by the same token, what I am asking is: What did  
2 you see in the newspapers and television concerning Mr. Manson  
3 during the year 1970?

4 A I don't recall whether it was about the trial or  
5 not.  
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4c-1

1 Q Well, whatever -- just tell me what it is.

2 A I know the Tate-La Bianca case did come up.

3 Q And would you just tell us what you saw concerning  
4 Mr. Manson?

5 A I think it was a headline: "Tate-La Bianca  
6 Trial" or something about a jury was picked, something to  
7 that effect.

8 And that was all.

9 Q All right. Now, that's one headline that you  
10 saw?

11 A Yes.

12 Q Now, would you tell us any other headlines that  
13 you saw? You say you read the Herald-Examiner?

14 A Just the headlines, you know.

15 Q Now, the Herald-Examiner, you read it every day?  
16 Do you take the Herald-Examiner?

17 A No, I don't subscribe to it.

18 Q But you buy it?

19 A I purchased it occasionally.

20 Q And you buy it almost daily?

21 A Oh, two or three times a week. Mostly for the  
22 crossword puzzle.

23 Q And then do you watch any television news?

24 A Sometimes I do.

25 Q During the year 1970, and the first part of 1971,  
26 what television news did you see?

27 A I watch Morning Watch; and I see -- sometimes I  
28 listen to the Channel 2 News in the evenings. I think it

4c-2

comes on at 4:30 or somewhere in that neighborhood.

Q Now, in that connection, did you see anything concerning Mr. Manson in that news?

A Not to my knowledge.

Q In the whole year of 1970, and the first part of 1971?

A Not that I remember. Because I sleep days, you know.

Q Well, but --

A And with very little looking at TV.

Q But that viewing that you did do was in the manner that you've indicated to us; right?

A Yes.

Q Now, are you asking -- are you asking to be excused in this case?

A No, I didn't ask to be excused.

Q You are not asking to be excused?

A No.

Q Now, directing your attention, then, to the name Sharon Tate, does that name mean anything to you?

A No more than what I read.

THE COURT: It's shortly after 12:00. Do you wish to recess at this time?

MR. KANAREK: Very well, your Honor. Thank you.

Thank you, Mrs. Wall.

THE COURT: We'll recess now until 1:45. 1:45, rather than 2:00 o'clock.

And the Court will ask you, Mrs. Wall, not to

4c-3

1 discuss with your fellow jurors anything in connection with  
2 this matter, nor permit anyone to discuss this case with you.

3 Don't reveal to your fellow jurors what this  
4 discussion has been during the time you have been here alone  
5 with us.

6 You come back at 1:45. Be back in that seat  
7 at 1:45, if you will, please.

8 (Whereupon, at 12:04 o'clock p.m., an adjournment  
9 was taken until 1:45 o'clock p.m. of the same day.)  
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LOS ANGELES, CALIFORNIA, TUESDAY, JUNE 29, 1971

1:57 P.M.

---O---

THE COURT: Manson, case of People versus Manson.

Mr. Kanarek, you may proceed with your voir dire of Mrs. Wall.

The record will show Mr. Manson and Mr. Kanarek are present.

Mrs. Wall, as a prospective juror, is in the jury box.

VOIR DIRE EXAMINATION (CONTINUED)

BY MR. KANAREK:

Q Mrs. Wall.

A Yes.

Q Now, can you tell us, then, looking -- as far as your state of mind is concerned, what is your state of mind concerning Mr. Manson?

A Right now?

Q Yes. What do you think about Mr. Manson?

Forget this courtroom. Just what is your thinking concerning him?

A I have no thoughts.

Q All right. Mr. Manson is to you --

A Another individual.

Q -- like when you were at lunch this afternoon, is it your statement, is your state of mind such that Mr. Manson is just like anyone that you may have been at the

1 next table at lunch with?

2 A Certainly.

3 Q No difference between him and anyone else?

4 A No.

5 Q Is that right?

6 A That's right.

7 Q Now, in your lifetime, were -- can you give us --  
8 state the people that you have spoken to concerning Mr. Manson,  
9 other than in this courtroom.

10 A I haven't spoken to anyone.

11 Q In your entire life?

12 A No.

13 Q No one in your family?

14 A Well, my son called the incident to my attention.

15 It was in the papers and my son called it to my attention.

16 Q What was that about, Mrs. Wall?

17 A That was the first Tate case.

18 Q I see.

19 What did your son tell you concerning Mr. Manson?

20 A Not specifically Mr. Manson. He just asked if I  
21 had read what had happened in the paper.

22 Q I see.

23 A And I told him no, I hadn't.

24 Q I see.

25 When was that, Mrs. Wall?

26 A Gee, I don't remember when the incident occurred.  
27 I can't remember right now.

28 Some two years ago, wasn't it? A year or so, two

1 years ago, I think.

2 Q Have you ever heard of the Spahn Ranch, Mrs. Wall?

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

4 Q What is your thinking as to what the Spahn Ranch  
5 is?

6 A No more than a ranch.

7 Q But, now, do you associate that with any particular  
8 person?

9 A Not now, no. But it did come out in the paper.

10 Q What did -- what came out in the paper concerning --

11 A That's where the commune was, the Manson commune.

12 Q And what is your state of mind as to what the  
13 Manson commune was?

14 A I have no idea.

15 Uh, it was a place where they were living, you  
16 know, just a group of people living there.

17 Q And do you have -- and what do you think was the  
18 relationship between Mr. Manson and the other people in which  
19 you have called the commune?

20 A No more than a leader of -- just as if I belonged  
21 to a club or I have a club president or a vice-president,  
22 someone older. Someone that's leading the group.

23 Q Now, I hope that we're friends. You recognize  
24 that you are -- you are not on the defensive here. This is  
25 just an attempt -- the law says we are supposed to discuss --

26 A I understand.

27 Q Because when you become a juror you become a judge.

28 A I understand.

1 Q And like a judge runs for a public officer, in a  
2 very real way you are running for public officer against  
3 your will, like, to become a judge.

4 Let me ask you this: It is a fair statement that  
5 you have a real affection for the people of the black or Negro  
6 race, right?

7 A Yes.

8 Q Now, if this should come to pass, as I think it  
9 will, that in this courtroom you will see people of the black  
10 or Negro race who have been in prison, in custody with  
11 Mr. Manson, who will come to the courtroom and testify; is your  
12 state of mind such that we can expect that you will give these  
13 people the same dignity and respect as if -- as any other  
14 witness?

15 A Certainly.  
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1 Q And the fact that they have been in custody for  
2 many years -- and perhaps been mistreated -- does that mean  
3 that you will not listen to their evidence, and follow the  
4 law that the Court gives you in connection with it?

5 A No, it doesn't.

6 MR. KANAREK: Thank you. Thank you, Mrs. Wall.

7 THE COURT: Mr. Manzella?

8 MR. MANZELLA: No questions, your Honor.

9 THE COURT: Mrs. Wall, would you return to the group of  
10 jurors now? Don't discuss what went on here in the courtroom  
11 with the other jurors.

12 And you will be called back into the courtroom  
13 later on.

14 JUROR NO. 12: Okay.

15 THE COURT: As I look at the chart, it indicates --

16 MR. KANAREK: Your Honor, I would like to enunciate a  
17 1073, Subsection 2 challenge.

18 THE COURT: All right. The Court finds that Mrs. Wall  
19 is capable of setting aside what she may have heard from the --  
20 heard, seen, or read from the news media; of setting aside  
21 any opinions she may have formed; that she will do that, and  
22 that she can be fair and impartial in passing upon any issue  
23 in this case.

24 The challenge is denied.

25 It looks to me, gentlemen, as though we have only  
26 six seats still filled; is that correct? Mr. Stegall, number  
27 one --

28 MR. MANZELLA: Seven, your Honor.



1 THE COURT: Pardon?

2 MR. MANZELLA: I have seven filled.

3 THE COURT: Let's see. Stegall in 1; Mr. Waggoner in  
4 5 -- did I skip any?

5 MR. MANZELLA: Wallace in 3, your Honor.

6 THE COURT: Oh, yes. Thank you. That's it. There are  
7 seven.

8 I have remaining Stegall, Wallace, Waggoner,  
9 Gardner, Stokes, Love and Wall.

10 MR. MANZELLA: Right.

11 THE COURT: Now, Mrs. Holt, would you call a juror for  
12 seat number two, then?

13 THE CLERK: Mrs. Ethel Scheinholtz; S-c-h-e-i-n-h-o-l-t-z.

14 THE COURT: Go ahead and call for number 4.

15 THE CLERK: Howard K. Griggs; G-r-i-g-g-s.

16 Marcos Nino, III; M-a-r-c-o-s; last name,  
17 N-i-n-o.

18 THE COURT: Let's see. That would be in seat number 6;  
19 is that correct, --

20 MR. MANZELLA: Right.

21 THE COURT: -- Nino?

22 THE CLERK: Mrs. Ida Lee Nickerson; I-d-a; middle name,  
23 I-e-e; last name N-i-c-k-e-r-s-o-n.

24 THE COURT: That would be seat number 10.

25 THE CLERK: Lawrence S. Dietz; L-a-w-r-e-n-c-e; last  
26 name, D-i-e-t-z.

27 THE COURT: That would fill the box with prospective  
28 jurors again. Let's have Mr. -- or rather, Mrs. Scheinholtz

1 come in.

2 MR. MANZELLA: Your Honor, did you want to go through  
3 the general questions with all the replacement jurors first?  
4 The way you did it last time?

5 THE COURT: Off the record.

6 (Whereupon, proceedings were had in open court  
7 among the Court and counsel, outside the presence and hearing  
8 of the prospective jury panel, which was not reported:)

9  
10 VOIR DIRE EXAMINATION

11 OF MRS. ETHEL SCHEINHOLTZ

12 BY THE COURT:

13 Q You are Mrs. Scheinholtz?

14 A Yes, sir.

15 Q And you have been present since yesterday?

16 A No, I haven't -- I am here since the 24th.

17 Q Have you been present in this -- when did you  
18 first come to this courtroom? On Thursday?

19 A Last Thursday, yes.

20 Q Last Thursday?

21 A Yes, sir.

22 Q And you've heard all the proceedings since that  
23 time, --

24 A Yes, sir, I did.

25 Q -- is that right? All right.

26 Would your answers be any different than the  
27 majority of jurors have responded to the Court's questions put  
28

1 to the group as a whole?

2 A No, sir.

3 Q All right. Would you give us your background,  
4 beginning with your jury experience?

5 Before you do that, would you state to us whether  
6 it would be any hardship if you were caused to serve in this  
7 case?

8 A Yes, sir, it would be.

9 Q Keep that up, Mrs. Scheinholtz, right close to your  
10 face.

11 A It would be a very great hardship, your Honor.

12 Q All right. Tell us about that hardship.

13 A Due to -- pardon me?

14 Q What would be the hardship?

15 A Due to health. I am shortly after surgery. And  
16 I am still under postoperative care. And I have a torn  
17 cartilage in my -- on my leg, which makes it difficult to sit  
18 for any length of time.

19 I was hospitalized last September for emergency,  
20 diverticulitis.

21 Now, your Honor, I could go on and on but I'll try  
22 and be brief.

23 THE COURT: Gentlemen?

24 MR. KANAREK: No problem. Stipulate, your Honor.

25 MR. MANZELLA: We will stipulate there's a hardship  
26 your Honor.

27 JUROR NO. 2: I had --

28 THE COURT: Mrs. Scheinholtz, they have agreed, both of

1 these gentlemen have agreed that you may be excused for the  
2 reasons that you have stated.

3 And the Court does permit that, so you are excused.

4 JUROR NO. 2: Thank you, sir.

5 THE COURT: Thank you.

6 MR. KANAREK: Thank you, Mrs. Scheinholtz.  
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1 THE COURT: Mrs. Scheinholtz, you may return to Room  
2 253, the jury assembly room, if you would, please, forthwith.

3 JUROR NO. 2: I would, yes, thank you, sir.

4 THE CLERK: Gilbert Sinn, G-i-l-b-e-r-t, S-i-n-n.

5 THE COURT: Finn, F-i-n-n?

6 THE CLERK: "S".

7 THE BAILIFF: The juror is on his way.

8 THE COURT: The juror on the way?

9 THE BAILIFF: Yes, sir.

10 THE COURT: Is there some way to speed that up? It  
11 would probably be helpful. We wait several minutes between  
12 each transfer of juror.

13  
14 VOIR DIRE EXAMINATION OF

15 HOWARD K. GRIGGS

16 BY THE COURT:

17 Q Your name, sir?

18 A Howard Griggs.

19 Q Mr. Griggs, you would be seated as Juror No. 4.

20 Mr. Griggs, were you present since last Thursday  
21 and heard all the proceedings thus far since that time?

22 A Yes, sir.

23 Q Would your answers be any different than the  
24 majority of the jurors have responded to the Court's  
25 questions put to the group as a whole?

26 A No, sir.

27 Q All right. Could you state to us whether or not  
28 it would be any hardship were you to serve as a juror in this

1 case?

2 A Yes, sir, it would.

3 Q Tell us what it would be?

4 A I'm an engineering manager. I work for Rocketdyne  
5 Division in North American-Rockwell. My company will pay for  
6 five weeks on jury duty, and that's my sole support. I have  
7 a family of four children. After that length of time, they  
8 will not continue my salary.

9 THE COURT: Gentlemen.

10 MR. MANZELLA: People will stipulate it will constitute  
11 a hardship.

12 MR. KANAREK: Submitted, your Honor.

13 THE COURT: The Court finds it is a hardship you  
14 shouldn't be required to endure and the Court excuses you.

15 JUROR NO. 4: Thank you.

16 THE COURT: Pick another name.

17 MR. KANAREK: Thank you, Mr. Griggs.

18 THE CLERK: Mrs. Marie J. Cooney, M-a-r-i-e, last name,  
19 C-o-o-n-e-y.

20 THE COURT: Cooney?

21 THE CLERK: Cooney.

22 MR. KANAREK: While she's coming, I wonder if I may  
23 just ask the Court -- point out to the Court two cases I  
24 would welcome the Court to read.

25 THE COURT: All right, you may.

26 MR. KANAREK: They are California cases, People vs.  
27 Ranney, R-a-n-n-e-y, 213 Cal. 70, People vs. Carmichael,  
28 198 Cal. 534.

7-3

1 It involves the aspect of jurors knowing about  
2 -- well, the juror has entered the room, your Honor, so --

3  
4 VOIR DIRE EXAMINATION OF

5 MARCOS NINO

6 BY THE COURT:

7 Q Your name, sir, is Neal?

8 A Uh, no, sir, it is Marcos Nino, N-i-n-o.

9 Q Nino, thank you.

10 Mr. Nino, you have been present during all the  
11 proceedings since last Thursday, have you not?

12 A Yes, sir.

13 Q Would your answers be any different than the  
14 majority of the jurors have responded to the Court's questions  
15 put to the group as a whole?

16 A No, sir.

17 Q And speaking of those specific questions that I  
18 asked everyone, would there be any hardship should you be  
19 called to serve as a juror in this case?

20 A Yes, sir.

21 Q Tell us what it is?

22 A I work for Hughes Tool Company, and I phoned them  
23 up already. They told me they would only reimburse me for  
24 30 days.

25 Q After that time you would not be paid?

26 A Correct.

27 MR. MANZELLA: People will stipulate it would constitute  
28 a hardship.

7-4

1 Q BY THE COURT: Is this the sole source of your  
2 support?

3 A I am the sole supporter, yes, sir.

4 Q You have a family?

5 A Yes, sir.

6 Q What's -- who are in the family?

7 A I have two daughters, 12 and 8.

8 MR. KANAREK: Submit, your Honor.

9 THE COURT: The Court finds that it would be a hardship  
10 which you should not be required to endure and, therefore,  
11 would excuse you.

12 JUROR NO. 6: Thank you.

13 MR. KANAREK: While the other juror is coming, your  
14 Honor, the gist of these cases that I would like your Honor  
15 to consider is the fact -- these are California Supreme Court  
16 cases.

17 THE COURT: This is in connection with the motion you  
18 made this morning?

19 MR. KANAREK: This was in connection with jurors knowing  
20 of prior criminal convictions.

21 THE COURT: Well, is it in connection with the motion  
22 you made this morning?

23 MR. KANAREK: Well, in a broad sense, but this is --  
24 these are specifically California Supreme Court cases.

25 THE COURT: Very well.

7a fls.



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## VOIR DIRE EXAMINATION

OF IDA LEE NICKERSON

BY THE COURT:

Q You are Mrs. Nickerson?

A Yes, I am.

Q Mrs. Nickerson, you have been present during all the proceedings since last Thursday, have you not?

A Yes.

Q Would your answers be any different than the majority of the jurors have responded to the Court's questions put to the group as a whole?

A No.

Q All right. Would you suffer any hardship were you caused to serve as a juror in this case?

A Yes, I would.

Q Tell us about it.

A Uh, I only have -- my contract only covers 20 days, working days, with pay.

Q For whom do you work?

A W. J. Voit Rubber Company in Santa Ana.

Q After the 20 days, what occurs?

A Uh, I'll be on my own.

Q You mean they won't pay you after that?

A No, they won't.

Q You have inquired about that?

A Yes, I have.

Q Of whom have you inquired, somebody in the company, in the union as well?

1           A       Yes, I -- Friday I went out and talked to them and  
2 they said only they -- they cover me for 20 days and after  
3 that --

4           Q       And you rely on your earnings for your sole  
5 support?

6           A       I am my sole support.

7       THE COURT: Gentlemen?

8       MR. MANZELLA: People will stipulate it constitutes a  
9 hardship, your Honor.

10       THE COURT: Mrs. Nickerson.--

11       MR. KANAREK: Submitted, your Honor.

12       THE COURT: All right, the Court finds that this might  
13 be an unusual hardship which you should not be caused to  
14 suffer and, accordingly, will excuse you and thank you and  
15 should -- you have further jury time now?

16       JUROR NO. 10: Yes, I do.

17       THE COURT: You should report to Room 253, the jury  
18 assembly room today.

19       JUROR NO. 10: Thank you.

20  
21                   VOIR DIRE EXAMINATION

22                   OF LAWRENCE S. DIETZ

23       BY THE COURT:

24           Q       Your name, sir, is Dietz?

25           A       That's correct.

26           Q       Mr. Dietz, have you been present during all of  
27 the proceedings thus far in this case since last Thursday?

28           A       Yes, sir.

1 Q Would your answers be any different than the  
2 majority of the jurors have responded to the Court's questions  
3 to the group as a whole?

4 A Just slightly, I believe. If you did, in fact,  
5 ask the question of everyone whether they have been the victim  
6 of a crime. I have been.

7 Q Yes, that was one of the questions the Court  
8 asked.

9 You were a victim of some crime?

10 A Robbery.

11 Q How long ago was that?

12 A About a month and a half.

13 Q Did you testify in court concerning it?

14 A No.

15 Q Has the person been apprehended that you know of?

16 A No.

17 Q Would this incident cause you to be  
18 prejudiced against the person who is accused of a crime?

19 A No, sir.

20 Q Would there be any hardship to you should you  
21 be chosen as a juror in this case?

22 A Yes, sir, there would.

23 Q Tell us about it.

24 A I am a writer and self-employed. And as long as  
25 I am sitting on a jury -- or am sitting on a jury, I can't  
26 write. I can't take assignments from magazines. So my  
27 income is effectively cut off except that income from the  
28 court.

1 Q Do you write just during the day or --

2 A Well, quite often I do research during the day or  
3 write at night or vice versa.

4 Q Well, what are you, a free-lance writer?

5 A That's correct.

6 Q How long have you been so employed?

7 A Since 1965. On and off. I was an editor for a  
8 while.

9 Q What is the nature of your writing, generally?

10 A Non-fiction for magazines such as the Saturday  
11 Evening Post, West, and others.

12 Q And you utilize the morning and afternoon hours  
13 to --

14 A Well, if I were to have assignments, say, to  
15 interview someone, I would have to interview them at a time  
16 appropriate to their needs, not necessarily mine. Generally,  
17 that's the daylight hours. And I do my writing at night.

18 Q It has been estimated or re-estimated that this  
19 trial will take no more than three or four months, the  
20 estimate now.

21 A Well, that's four months at \$25 a week.

22 THE COURT: Gentlemen?

23 MR. MANZELLA: People will stipulate that it constitutes  
24 a hardship, your Honor.

25 MR. KANAREK: May I ask a question or two, your Honor?

26 I'll submit it, your Honor. Submit it.  
27  
28

7b-1

1 THE COURT: The Court finds it is a hardship that  
2 Mr. Dietz should not be required to endure and, therefore,  
3 we'll excuse you. Room 253, the jury assembly room, Mr.  
4 Dietz, unless it is your last day.

5 JUROR NO. 11: Not quite.

6  
7 VOIR DIRE EXAMINATION OF  
8 GILBERT SINN

9 BY THE COURT:

10 Q Mr. Sinn, you are juror No. 2.

11 A Yes.

12 Q Mr. Sinn, you would actually be seated as juror  
13 No. 2, were you to be chosen.

14 Mr. Sinn, have you been present during all the  
15 proceedings thus far since last Thursday?

16 A Uh, yes.

17 Q Would your answers be any different than the  
18 majority of the jurors have responded to the Court's questions  
19 put to the group?

20 A No.

21 Q Would there be any hardship to you, were you  
22 caused to serve as a juror in this case?

23 A I think, yes.

24 Q Tell us about it.

25 A Uh, in my job function I am an engineering  
26 supervisor.

27 Q For whom?

28 A Hughes Aircraft.

7b-2

1 Q And --

2 A And this job calls upon me to attend meetings and  
3 supervise circuit design and system design for classified  
4 systems.

5 So, therefore, if I were to be out any extended  
6 length of time, then, I think this would jeopardize my  
7 function.

8 Q You mean that they would replace you?

9 A I think it would possibly be necessary to replace  
10 me in order to have somebody perform this function in  
11 communications and, as a consequence, in today's environment,  
12 programs don't come around this often. And if I were to,  
13 say, serve, then, this would mean that maybe the next program  
14 I might be able to get on, if there is a next program. So as  
15 a consequence, I think it would --

16 Q You're referring to the condition of the space  
17 industry generally?

18 A Yes.

19 Q "As a consequence --" I interrupted you.

20 A I was going to say, as a consequence I think  
21 this would probably affect the desirability of my talents,  
22 let's say.

23 Q You mean by that you don't think you would be  
24 able to concentrate sufficiently on the case, having in mind  
25 what might happen in your employment?

26 A I don't think that would have any bearing on the  
27 concentration on the case except for the fact when I did get  
28 back I might find myself in a position where my value would be

7b-3

8 fls.

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somewhat decreased for the particular program that I am on.  
And then, if there were not another program to follow, then,  
I might be cut loose.

8-1

1 Q It would result in some reduction in position and  
2 salary for you?

3 A It might even be to zero, maybe.

4 THE COURT: Gentlemen? Mr. Kanarek, any questions?

5 DEFENDANT MANSON: Stipulate, man!

6 MR. KANAREK: Submit it, your Honor.

7 MR. MANZELLA: We will stipulate it constitutes a hard-  
8 ship, your Honor.

9 THE COURT: Well, the Court recognizes that positions  
10 in the space industry are sometimes shaky and unstable; that  
11 employment in the space industry is not what it once was in  
12 Southern California; and the Court recognizes that you do have  
13 a justifiable anxiety in connection with your job, and finds  
14 that it is a hardship and you could not -- should not be  
15 required to --

16 Q Are you married?

17 A Yes.

18 Q Do you have children?

19 A Four.

20 THE COURT: The Court therefore excuses you.

21 JUROR NO. 2: Thank you.

22 THE COURT: Thank you, Mr. Sinn.

23 Mrs. Cooney?

24 THE CLERK: She should be here.

25  
26 VOIR DIRE EXAMINATION

27 OF MARIE J.COONEY

28 BY THE COURT:

Q Mrs. Cooney, you have been present since last



1 Thursday and heard all the proceedings thus far?

2 A Yes, sir, I have.

3 Q Would your answers be any different than the  
4 majority of jurors have responded to the Court's questions put  
5 to the group as a whole?

6 A No, they would not be.

7 Q Would it constitute any hardship to you, Mrs.  
8 Cooney, were you asked to serve as a juror in this case for a  
9 period of four months or more, --

10 A Yes.

11 Q -- as much as four months?

12 A Yes, it would.

13 Q Use that microphone, please.

14 A Is that okay?

15 Q Fine.

16 A I have two elderly relatives that I must look after.  
17 They are both hard of hearing, and they walk with canes.

18 Q How old are they?

19 A They're close to 80.

20 Q Who's taking care of them now?

21 A A friend is on call, in case they need somebody  
22 while I'm gone. But I can't depend upon these people, only for  
23 just a couple of more weeks.

24 Q Where are these people in relationship to you?  
25 Do they live in the same house?

26 A They live in the same building, in another  
27 apartment.

28 Q They're relatives, are they?

1 A Yes, they are.

2 Q And what do you do for them?

3 A Well, I take them to the doctor's. I put -- they  
4 have to go to the hospital sometimes as out-patients. I take  
5 them there.

6 The -- the brother is -- his knee bothers him,  
7 and it gives way on him sometimes.

8 Q This is your brother?

9 A No, my brother-in-law, um-hmm.

10 Q Do you see them each day?

11 A Twice a day. In the morning and again in the  
12 evening. That is, while I'm here.

13 Sometimes I see them more frequently when I'm  
14 home.

15 Q And someone else is filling in for you? Who is  
16 that person?

17 A One of the neighbors.

18 Q Do you think you could prevail on one of the  
19 neighbors to do that, those chores for you?

20 A There isn't any other neighbor, and this one is  
21 going on vacation.

22 THE COURT: Gentlemen?

23 MR. KANAREK: Submit it.

24 MR. MANZELLA: We will stipulate it constitutes a  
25 hardship, your Honor.

26 THE COURT: Do you think that you would be so concerned  
27 about this situation, Mrs. Cooney, that you might not be able  
28 to concentrate adequately upon the evidence?

1 THE WITNESS: I do worry about them, yes, considerably.

2 Q And it might detract -- or, distract you, rather?

3 A I'm afraid it might. I would hate to say so,  
4 but I am afraid it might.

5 THE COURT: All right. I'll excuse you. The Court  
6 finds that it would be a hardship --

7 JUROR NO. 4: Thank you.

8 THE COURT: -- and that you should be excused.

9 MR. KANAREK: Thank you, Mrs. Cooney.

10 JUROR NO. 4: Thank you.

11 THE COURT: Try again.

12 MR. MANZELLA: Your Honor, what seat is the juror going  
13 to fill, the one that --

14 THE COURT: Mrs. Cooney was in seat number 2.

15 THE CLERK: She was in 4.

16 MR. MANZELLA: She was in 4.

17 THE COURT: Oh, was she? Yes, I'm sorry. That was 4.

18 Mr. Sinn was in 2.

19 All right. Start over again. Seats 2, 4, 6.

20 THE CLERK: Miss Mariana D. Benavidez; M-a-r-i-a-n-a;  
21 last name B-e-n-a-v-i-d-e-z.

22 Mrs. Ruth E. Canada; C-a-n-a-d-a.

23 Christopher Cooper; C-o-o-p-e-r.

24 THE COURT: All right, now, the next one would be 10  
25 and 11.

26 THE CLERK: Miss Ann B. Silver; A-n-n; last name,  
27 S-i-l-v-e-r.

28 MR. KANAREK: May I ask what number that is, your Honor?

THE COURT: That's No. 10.

8a-1

(Whereupon a discussion off the record ensued at the bench between the Court and the Clerk.)

THE COURT: All right. No. 11?

THE CLERK: Roy Gebert; G-e-b-e-r-t.

VOIR DIRE EXAMINATION OF

MARIANA D. BENAVIDEZ

BY THE COURT:

Q You are Mrs. Benavidez?

A Yes, your Honor.

Q Mrs. Benavidez, have you heard all of the questions thus far during the course of the Court's explanation, and the questioning of the jurors since Thursday?

A Yes.

Q And you've heard the entire proceedings?

A Yes, sir.

Q Would your answers be any different than the majority of jurors have responded to the Court's questions put to the group?

A No.

Q All right. Bring that microphone up, now, and let me ask you:

Would you suffer any hardship if you were called upon to serve in this case?

A Well, I'm unemployed.

Q See whether you can push that -- get that microphone to work. It has a button on it.

A I am unemployed.

8a-2

1 Q Are you single or --  
2 A I am single.  
3 Q And are your earnings the sole source of your  
4 support?  
5 A Yes.  
6 Q How long have you been unemployed?  
7 A Uh -- for seven months now.  
8 Q Seven months?  
9 A Yes.  
10 Q Have you been receiving unemployment insurance  
11 or --  
12 A Yes.  
13 Q -- what has been the source of your income for  
14 seven months?  
15 A Unemployment.  
16 Q Is that still being paid to you?  
17 A No, it's -- it ran out.  
18 Q How long ago did that run out?  
19 A About a month.  
20 Q On what are you subsisting now?  
21 A Well, I had a little savings, and I've sold one  
22 insurance.  
23 Q And you are looking for work?  
24 A Yes.  
25 Q And you would like to be excused, because you  
26 would like to employ the time in looking for work; is that  
27 correct?  
28 A Yes, I would like to.

8a-3

1 Q Is that what you are asking?

2 A Pardon?

3 Q Is that what you are asking?

4 A Yes.

5 Q What type of work do you do?

6 A Factory work.

7 Q And have you been searching for work?

8 A Yes, I have.

9 Q And you have been unable to find it?

10 A That's right.

11 MR.MANZELLA: The People will stipulate it constitutes  
12 a hardship, your Honor.

13 MR. KANAREK: Submit it, your Honor.

14 THE COURT: All right. The Court finds that it would be  
15 a hardship for Miss Benavidez to serve in the case, and we  
16 will excuse her.

17 The Court does excuse you, Mrs. Benavidez, and  
18 thanks you.

19 JUROR NO. 2: Thank you.

20 MR. KANAREK: Thank you, Miss Benavidez. Thank you.

21  
22 VOIR DIRE EXAMINATION OF

23 MRS. RUTH E. CANADA

24 BY THE COURT:

25 Q Are you Mrs. Canada?

26 A I am.

27 Q Mrs. Canada, have you been present during all  
28 of the proceedings since last Thursday?

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A Yes, I have.

Q Use that microphone, if you would, please.

A Yes, I have.

Q Would your answers be any different than the majority of jurors have responded to the Court's questions put to the group as a whole?

A No, sir.

Q All right. Would you suffer any hardship were you caused to serve in this case?

A Not hardship, but inconvenience. No, it's really no hardship. I have gone back to college, and it would postpone my graduation for six months.

But I --

Q Would you be willing to endure that?

A Oh, yes.

Q As part of your obligation --

A Yes.

Q -- as a citizen, and as a juror?

A Yes.

Q You would be willing to undergo that?

A Yes.

Q All right. Have you had jury duty before?

A Never.

Q Have you ever sat on a jury as a juror in a criminal case?

A Never.

Q Are you employed outside the home?

A No.

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Q Is there a Mr. Canada?

A There is.

Q What is the nature of his employment?

A I beg your pardon?

Q What does he do for a living?

A He teaches part time at Los Angeles City College,  
and he works for the Broadway Stores.

Q What does he teach?

A Audiovisual, closed circuit educational TV.

Q In what general area do you and he reside?

A In Lennox. That's south of Inglewood.

Q Now, I've asked other jurors about the death  
penalty, and you heard the Court's explanation of the law in  
connection with it, did you not?

A Yes, I did.

Q I would like to ask you: Do you have any views  
concerning the death penalty such as would preclude you from  
being fair and impartial in determining the first phase of  
the case? The phase involving guilt or innocence?

A No, sir.

Q And regarding the penalty phase, do you have such  
views concerning the death penalty that you would thereby  
refuse to impose it? Automatically refuse to impose it,  
regardless of the evidence in the case?

A No, sir.

Q Or on the other hand, do you have such views  
concerning the death penalty that you would automatically  
impose it upon a conviction of murder of the first degree?



8a-6

1 A No, sir.

2 Q Can you think of any reason why you could not be  
3 fair and impartial in this case?

4 A No, sir.

5 Q Now, you've heard of Mr. Manson before you came  
6 into this courtroom, have you not?

7 A Yes, sir.

8 Q And was that in connection with the so-called  
9 Tate murders? The Tate-La Bianca case?

10 A Yes, sir.

9 fls.

9-1

1 Q Did you follow that case in the press, television  
2 and radio during the time it was being tried during last year  
3 and part of this year?

4 A Not closely. Uh, because I am not employed and  
5 I don't have any children at home. I travel.

6 And, uh, I'm going out of the state frequently.  
7 Not for long times, but frequently.

8 Q Was that the pattern of your living during 1970,  
9 generally?

10 A Uh, yes.

11 Q What period of time -- over what period of time  
12 would you say that you were in the state?

13 A Oh, I was in the state three-quarters of the time,  
14 because I was here during the school year.

15 Q I see.

16 Now, in connection with that case, however, you  
17 did learn that Mr. Manson was accused of some crime or crimes,  
18 did you not?

19 A Yes.

20 Q And what did you learn that those crimes were?

21 A Oh, dear.

22 Q What did you read, hear or see in connection with  
23 those crimes? Do you know what he is accused of?

24 A Uh, yes, it was murder and conspiracy, but, uh --

25 Q Do you know whether the jury arrived at a verdict?

26 A Yes, they did.

27 Q What do you know that verdict to be?

28 A Uh, it was guilty.

9-2

1 Q And in connection with penalty, do you know  
2 whether they deliberated upon penalty or -- strike that.

3 Do you know whether they found a penalty and what  
4 it was?

5 A I read they had a penalty trial or a penalty  
6 phase and, uh, -- uh, individually, no. I think the girls --  
7 they had life imprisonment, and Mr. Manson was found guilty  
8 and, uh, received the death penalty. But I couldn't be sure.  
9 I don't know. I don't remember.

10 Q Did you, during the course of that trial read,  
11 hear or see anything in connection with President Nixon's  
12 statement?

13 A Oh, yes, I heard that on TV.

14 Q Did you have any views in connection with it?

15 A I thought it was kind of foolish.

16 Q Did you ever hear the name Susan Atkins?

17 A She was one of the girls.

18 Q One of the defendants?

19 A Uh, I don't remember whether she was the one that  
20 was the State's witness or one of the defendants.

21 Q Have you heard the name Shorty Shea or Gary  
22 Hinman before you came to this court?

23 A Gary Hinman, yes. Shorty Shea, no.

24 Q What do you know about Gary Hinman?

25 A Oh, he was killed.

26 Q Did you read that in the press or hear it on the  
27 radio?

28 A Newspaper or TV, something like that.

1 Q Do you know any of the details about the --

2 A No, sir.

3 Q Do you know who is alleged to have killed him as  
4 far as the --

5 A No, sir.

6 Q -- the publicity that you have read, heard or  
7 seen?

8 A No.

9 Q Do you know the name Bobby Beausoleil?

10 A I'm trying to think. I think he was killed, too.  
11 I wouldn't say that for sure either.

12 Q That's your best belief?

13 A Yes.

14 Q Mary Brunner, do you know that name?

15 A No.

16 Q Manson Family, do you know that phrase?

17 A Yes, I've heard that.

18 Q What does that mean to you?

19 A That was the group of girls and Mr. Manson  
20 together.

21 Q Do you -- have you heard the name Spahn Ranch?

22 A That's where they were. That's where they stayed.

23 Q Now, having in mind all of these things that you  
24 have heard, seen or read over the many months that that trial  
25 went on, if you were instructed to set aside whatever opinions  
26 you might have formed from what you may have heard, seen or  
27 read concerning Mr. Manson or the Tate-La Bianca case or this  
28 case, and decide all issues submitted to you independently of

1 such matters, are you capable of following that instruction?

2 A Well, I think so, yes.

3 Uh, yes. I would say yes.

4 Q The Court is interested in knowing whether you  
5 would be a proper juror in this case.

6 And among other things, the Court wants to know  
7 whether or not you are capable of doing that, setting aside  
8 anything you may have heard, seen or read and whether you will  
9 do that.

10 Now, if there's any doubt in your mind of your  
11 capability of setting aside that publicity that you've heard,  
12 seen or read or anything that you might remember during the  
13 course of the trial or during deliberation that you may see,  
14 hear or read, if there's any doubt in your mind, I want to  
15 know.

16 And when you say "I think I can," that indicates  
17 to me just a bit of doubt, perhaps, in your mind.

18 I want to know that you are firm in that judgment  
19 about your ability and capability of doing that, and that  
20 even though this might be a first time for you in deciding  
21 this type of thing, that you know that you can do it.

22 A Well, that case is over and done with, and this  
23 will be entirely separate; is that right?

9a fls.

9a-1

1 Q That's true. But there may be something that you  
2 will remember that might have some bearing on this case.

3 Do you think that you can set aside whatever that  
4 may be and decide the case solely from the evidence received  
5 from this courtroom and the Court's instructions of law, as I  
6 will give them to you?

7 A I think I could, yes.

8 Q You're still saying, "I think I could".

9 A Well, yeah -- I'll say yes, I could.

10 Q And are you firm in that belief?

11 A I am.

12 MR. KANAREK: 1073, Subsection 2, your Honor.

13 THE COURT: Any questions?

14 MR. KANAREK: No, your Honor.

15 THE COURT: People, any questions?

16 MR. MANZELLA: No, your Honor.

17 THE COURT: All right, the Court denies the challenge.

18 The Court finds that Mrs. Canada --

19 MR. KANAREK: Well, then, your Honor, I would like to  
20 ask some questions. I thought your Honor was going to grant  
21 that. If I may, I do have some questions.

22 THE COURT: No, the Court believes that Mrs. Canada  
23 can set aside what she has heard, seen or read, can set aside  
24 any opinion that she may have formed and will set it aside  
25 and that she can be fair and impartial.

26 MR. KANAREK: May I ask some questions?

27 THE COURT: Go ahead.

28 MR. KANAREK: All right, thank you.

## VOIR DIRE EXAMINATION

BY MR. KANAREK:

Q Mrs. Canada, you certainly intend to follow the Court's --

A I do.

Q Right.

And I hope that we're friends?

A Yes.

Q You recognize -- you recognize that you are here as a prospective judge and we're just asking questions as we'd ask of anyone who was going to be a judge, run for public office, perhaps, as a candidate for judge.

And that's really what we're after here, is to determine your state of mind.

Now, with that as a -- sort of a beginning point, are we in agreement that you certainly intend to follow the Court's instructions, right?

A Yes, that's right.

Q But not having experienced, gone through this situation, it may be that the intention you have, may not be capable of being carried out; you recognize that?

A I do.

Q Do you recognize that you have heard many matters concerning Mr. Manson; is that a fair statement?

A That's true.

Q Now, would you tell us what is it that you have heard concerning Mr. Manson before you came to this courtroom; just tell us --

1 A He alone?

2 Q Pardon?

3 A Mr. Manson alone?

4 Q Yes.

5 Or -- and anything concerning Mr. Manson.

6 A Well, he lived in -- uh, an area out on the desert  
7 with other fellows and girls. And that he was more or less  
8 the leader of them. They lived a commune-type, uh, life, and  
9 that he was the father figure to them. More or less the  
10 members of the Family did as he instructed them, uh, I have  
11 read. And I believe that he influenced the girls and caused  
12 the -- them to do the murders involved in the other case.

13 Whether he was present or not, I don't know,  
14 but, then, I think it was his influence on the members of  
15 his Family.

16 Is that what you mean? That's what I have  
17 surmised from what I have read and what I have heard on the  
18 TV.

19 Q I see. And that's your state of mind?

20 A Yes.

21 Q And, so, then, as we approach this trial --

22 We have, for instance, as the Court has told you  
23 in this case, we have a conspiracy count which has been  
24 alleged, right; you understand that?

25 A Yes.

26 Q And your -- and is it a fair statement from what  
27 you know in general concerning conspiracy, are we in agreement  
28 that that means the putting of the heads together wherein



1 people do things that are allegedly prohibited by law?

2 A Uh-huh.

3 Q Including robbery and murder, right?

4 A Yes.

5 Q And so as we look, as we approach this trial, it  
6 may come to pass that some of the things that you heard of,  
7 some of the people that you have just spoken of -- these girls,  
8 for instance, that these events will be portrayed here in this  
9 courtroom.

10 And so it is a fair statement that we don't know  
11 for sure whether or not it would be possible to judge this  
12 case and not think of the matters that you have already  
13 heard; is that a fair statement?

14 A Yes, but the matters that I have spoke of have  
15 already been taken care of, haven't they? I mean, in the  
16 other trial. Weren't they all taken care of in the other  
17 trial? Isn't this a separate --

18 Q Right, but you see, what we are trying to  
19 determine here is your state of mind.

20 Right now we are not deciding the case. We are  
21 merely trying to find out what it is -- what events have  
22 come to pass that you have learned of, and it is no reflection  
23 upon you, whatsoever, the fact that you are -- watch TV and  
24 have seen these matters, and on the radio, right?

25 A That's true.

26 9b

27  
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1 Q Now, for instance, the name Susan Atkins, is that  
2 familiar to you?

3 A Uh --

4 Q You say --

5 A I've heard it, and I've seen it, yes.

6 Q Now, did you hear the Court mention the name  
7 Susan Atkins?

8 A I did.

9 Q And you probably heard the Court state that one of  
10 the -- one of the people that was mentioned in this case is  
11 Susan Atkins?

12 A Yes.

13 Q Do you remember Susan Atkins being in the Tate-  
14 La Bianca case, right?

15 A Uh, yes, as name, but not as to details. I didn't  
16 follow the case close enough. I wasn't interested enough to  
17 follow it close -- follow it so closely that I can recall the  
18 activities of the individual girls.

19 When you mentioned this one girl specifically,  
20 uh, I couldn't tell you what -- how she was involved in the  
21 other.

22 Q Well, have you had the experience in life of having  
23 something sort of back in the long-range computer type of the  
24 mind, let's say stored back --

25 A You mean like a childhood memory?

26 Q Long-range memory.

27 A Yes.

28 Q Then, have something happen and all of a sudden it

1 triggers off in your mind a series of events that you had,  
2 perhaps --

3 A Forgotten?

4 Q -- forgotten?

5 Right?

6 A Yes.

7 Q Now, is that -- now, directing your attention to  
8 that phenomenon which we all have experienced, you would  
9 certainly intend not to use those events that you had heard  
10 previously, right?

11 A That's true.

12 Q But if it should come to pass that those very  
13 same events were placed before you here, is it possible that  
14 those events would be -- would be triggered in your mind?

15 A It is possible.

16 Q Thank you.

17 MR. KANAREK: 1073, Subsection 2, your Honor.

18  
19 VOIR DIRE EXAMINATION

20 BY THE COURT:

21 Q It is possible that those events would be  
22 triggered in your mind and you would remember them?

23 A It could be, yes, even though I didn't follow the  
24 case. It might be that I would remember something on TV, that  
25 I heard on the TV or on the radio.

26 Q Are you stating to Mr. Kanarek that you could not,  
27 after having read those things, set them aside in making any  
28 judgment on this issue?

1 A No, I am not. I think I could recognize them.

2 Q All right, let me ask you this, you stated to  
3 Mr. Kanarek, and he put it this way: Do you recognize that you  
4 may not be able to carry out your intent to set aside those  
5 things which you had learned and those opinions which you had  
6 formed, and he put it to you -- "Is that a fair question?" and  
7 you said, "Yes."

8 A Would you repeat that? That got a little involved.

9 THE COURT: All right. I really hadn't put the question  
10 to you yet, but go ahead and read it to her.

11 (Whereupon, the record was read by the reporter  
12 as follows:

13 "Q All right, let me ask you this,  
14 you stated to Mr. Kanarek, and he put it this way:  
15 Do you recognize that you may not be able to carry  
16 out your intent to set aside those things which  
17 you had learned and those opinions which you had  
18 formed, and he put it to you -- 'Is that a fair  
19 question?' and you said, 'Yes.'")

20 Q BY THE COURT: Now, I'm going to ask you again,  
21 with that intent on your part to set aside whatever opinion  
22 you might have formed, whatever you may have heard, seen or  
23 read concerning Mr. Manson in this case or the Tate-La Bianca  
24 case, with that intent firmly in mind, will you follow that  
25 intent regardless of what evidence might be developed during  
26 this case?

27 A Well, I feel that I could be objective enough that  
28 I could consider the evidence in this case without previous

1 prejudice, yes, I could do that.

2 Q Can you be fair and impartial in the case?

3 A I think I could.

4 Q Are you sure of that?

5 A I'm sure I could.

6 Q All right.

7 MR. KANAREK: May I, your Honor?

8 THE COURT: Yes.

9  
10 VOIR DIRE EXAMINATION

11 BY MR. KANAREK:

12 Q Now, Mrs. Canada --

13 A Canada.

14 Q That's a very unusual name.

15 A Very.

16 Q Now, -- but we are in agreement that actually we  
17 can't really foretell, we can't say for sure 100 per cent, can  
18 we, Mrs. --

19 THE COURT: Well, Mr. Kanarek, I'm not going to go over  
20 this.

21 Do you have a challenge?

22 MR. KANAREK: Yes, Section 1073, Subsection 2.

23 THE COURT: All right, the challenge is denied. The  
24 Court believes, as it has stated before, that Mrs. Canada can  
25 be fair and impartial. That she has the firm intention of  
26 setting aside anything that she may have heard, seen or read  
27 previously, any opinion that she may have formed previously,  
28 anything that she may remember from what she has read, seen or

1 heard previously, and that she will set it aside.

2 I believe she can and will set it aside, any such  
3 matter and can be fair and impartial.

4 Mrs. Canada, will you now go back to the group and  
5 the Court will later on be calling you.

6 JUROR NO. 4: Yes.

7 THE COURT: Thank you, Mrs. Canada.

8 Do not discuss, Mrs. Canada, with them what --  
9 or with anyone what has occurred in the courtroom while you  
10 have been alone with us here.

11 MR. KANAREK: Your Honor, may we have a recess for a  
12 matter of personal --

13 THE COURT: Yes, we'll take a short recess, ten minutes.

14 (Afternoon recess.)

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10a-1

1 THE COURT: The record will show Mr. Manson is present  
2 with Mr. Kanarek.

3 In the box is Mr. Cooper.

4  
5 VOIR DIRE EXAMINATION  
6 OF CHRISTOPHER COOPER

7 BY THE COURT:

8 Q Is that correct?

9 A That's correct.

10 Q Mr. Cooper, have you been present during all the  
11 proceedings since last Thursday, and have you heard them all?

12 A All of them since yesterday morning.

13 Q You came in with this group yesterday morning;  
14 is that correct?

15 A Right. Thursday afternoon, we were sitting in  
16 107.

17 Q I see. And you heard all the proceedings since --

18 A Yes, sir, yesterday.

19 Q -- the time that the Court advised you of the  
20 nature of this case, and instructed you --

21 A Yes.

22 Q -- concerning some aspects of the law; is that  
23 correct?

24 A That's correct.

25 Q Would your answers be any different than the  
26 majority of the jurors have responded to the Court's questions  
27 put to the group?

28 A No, they wouldn't.

1 Q Would you suffer any hardship, were you asked to  
2 serve or caused to serve as a juror in this case?

3 A Possibly some, but I don't think to a degree that  
4 would cause the Court to excuse me for it.

5 Q All right. And you are not thereby asking  
6 to be excused, then?

7 A In other words, I -- well, I don't think it would  
8 do any good. I would continue to be paid. It would simply  
9 be that my superiors would be unhappy, and it could -- you  
10 know, have a bad effect on advancements. But I would be paid.

11 Q Where do you work?

12 A The County of Los Angeles.

13 Q You are absolutely correct, Mr. Cooper, in divining  
14 what the Court's feeling would be about it.

15 Mr. Cooper, what has been your jury experience in  
16 criminal cases?

17 A None.

18 Q And you are employed by the County of  
19 Los Angeles in what capacity?

20 A I am a Deputy District Director of the Department  
21 of Public Social Services.

22 Q Are you in any way associated with law enforcement?

23 A No, I am not.

24 Q Are you a friend or relative of any law enforcement  
25 officer?

26 A No, sir.

27 Q In what general area do you reside?

28 A Hollywood Hills.



1 Q Is there a Mrs. Cooper?

2 A No.

3 Q With regard to the death penalty, do you have such  
4 views concerning the penalty that you could not thereby be  
5 impartial, in determining the issue of guilt or innocence?

6 A I could vote for the guilty verdict, if I felt  
7 that guilt was clearly established, even though I would know  
8 that the death penalty would result.

9 But I would not vote for the death penalty.

10 Q Are your views concerning the death penalty such  
11 that you would automatically refuse to impose it,  
12 regardless of the evidence?

13 A Yes, sir. You could present to me the evilest  
14 man in the world who committed the evilest deeds in the world,  
15 and I would not compound that evil by voting to kill him, in  
16 any case.

17 Q So that your state of mind at present is that you  
18 would automatically, were you called upon to --

19 A Automatically, yes.

20 Q -- to determine that issue, refuse to impose it;  
21 is that correct?

22 A That is correct.

23 Q And your views are such that you would -- you  
24 would refuse to even consider the death penalty in any case?

25 A That's correct.

26 MR. MANZELLA: The People would respectfully challenge  
27 Mr. Cooper for cause under Section 1073, Subdivision 2, and  
28 Section 1074, Subdivision 8 of the Penal Code.

1 MR. KANAREK: Your Honor?

2 THE COURT: Mr. Kanarek?

3 MR. KANAREK: In view of the Supreme Court decision,  
4 that we think -- what little we know about it -- I would like  
5 to ask some questions, if I can, especially of this  
6 prospective juror.

7 THE COURT: What do you know about it that you'd be  
8 willing to reveal to me, that --

9 MR. KANAREK: Well, I -- as I say, I -- I can only  
10 represent to the Court what I know, and that is -- because  
11 Los Angeles being where it is with relationship to Washington,  
12 D.C., we don't have the -- we don't have the split opinion,  
13 even.

14 But I think that I would like -- may I ask some  
15 questions of this witness?

16 DEFENDANT MANSON: Tell him what it said in the  
17 newspaper.

18 MR. KANAREK: I think that there are some grave doubts  
19 about the validity --

20 THE COURT: Go ahead. Ask your questions.

21 MR. KANAREK: -- of the death penalty.

10a

10a-1

## VOIR DIRE EXAMINATION

1  
2 BY MR. KANAREK:

3 Q Mr. -- sir, what is your name?

4 A Cooper.

5 Q Mr. Cooper, directing your attention, sir, to  
6 this matter of discussing with the prospective jurors, let's  
7 assume that you were in the jury room.

8 Would you discuss the evidence with the jurors,  
9 with your fellow jurors?

10 A I doubt it. Because my -- because my opposition  
11 to voting for the death penalty would have nothing to do  
12 with the evidence.

13 Q Well, you seem like a person -- you seem articu-  
14 late and all of that. Isn't it a fair statement that, if you  
15 were there, you would -- certainly, like you are discussing  
16 with us now, it's a fair statement you would discuss the  
17 matters that came up with your fellow jurors in the jury room?  
18 Isn't that a fair statement?

19 A You are probably right, yeah. That's why I said  
20 "probably." I'd probably find it hard not to discuss.

21 Q And --

22 A But since I would be pre-decided to oppose the  
23 death penalty, then in discussing it, I would point to those  
24 aspects that I thought would lead them for other reasons to  
25 vote against the death penalty.

26 Q But certainly, sir, it is a fair statement that  
27 you recognize that, in administering the law, we are all  
28 performing a certain public service?

10a-2

1 A Of course.

2 Q And we -- having that in mind, and not having  
3 experienced, actually, what you are speaking of here -- that  
4 is, the -- what we are speaking of, just a trial of this  
5 type before -- is it a fair statement that you would go in  
6 there, and you would discuss, and you would discuss with  
7 them and give them your viewpoint, and you would listen to  
8 their viewpoint?

9 A Yes, that's true.

10 MR. KANAREK: We must, your Honor, oppose the challenge.

11  
12 VOIR DIRE EXAMINATION

13 BY THE COURT:

14 Q After discussing it and listening to their view-  
15 point, would you at all consider their viewpoint, if their  
16 viewpoint was that death should be imposed?

17 A My present intention would be that I would not,  
18 no.

19 Q We are interested in your present state of mind.

20 A Yeah.

21 Q Do you think there's any chance that, if you were  
22 called upon to serve as a juror, and became involved in a  
23 penalty phase, that you might change your mind?

24 A I think I would not, sir; because my opposition  
25 to the death penalty would have nothing to do -- it is not  
26 based on any possible evidence in any case.

27 Therefore, the evidence would not affect it.

28 Q When you say, "I think," are you hedging in making

10a-3

1 that --

2 A No, I'm not hedging. I am only responding to a  
3 sense I have that no one can ever say what they will do;  
4 they can only say what they would do, if there's -- what  
5 their present intention would be.

6 Q Your present intention would be to never vote for  
7 the death penalty?

8 A That's right.

9 Q Regardless of what the evidence might be?

10 A Regardless of the evidence.

11 Q And your reaction would be an automatic one?

12 A Would be automatic.

13 Q Well, is it your thought at this moment that you  
14 could possibly be -- could possibly be persuaded to do other-  
15 wise, if the facts --

16 A No, sir. My conviction in this matter is very  
17 strong. It's one of the strongest I hold. And I do not  
18 think -- and I hope I would not change that conviction.

19 MR. MANZELLA: The People would respectfully challenge  
20 Mr. Cooper for cause, your Honor, under the sections previously  
21 stated.

22 THE COURT: The Court grants the challenge for cause --

23 MR. KANAREK: Your Honor, may I inquire?

24  
25 FURTHER VOIR DIRE EXAMINATION

26 BY MR. KANAREK:

27 Q Sir, what is your full name, if I may?

28 A Christopher Cooper.

10a-4

1 Q Do you have a middle name?

2 A Moore.

3 Q Christopher Moore Cooper?

4 Thank you very much, sir.

5 THE COURT: Thank you, Mr. Cooper.

6 Mr. Cooper, Room 253. If you will wait just a  
7 moment, you need not -- it might be that you could save a  
8 walk. You might not have to go there this afternoon. Mrs.  
9 Holt will call for you.

10b fls.

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10b-1

1 THE COURT: Is this Mrs. Silver?

2 THE BAILIFF: Yes.

3  
4 VOIR DIRE EXAMINATION OF

5 MISS ANN B. SILVER

6 BY THE COURT:

7 Q Mrs. Silver, you would be seated as prospective  
8 juror No. 4 -- no, excuse me. No. 10. The fourth seat from  
9 the end.

10 Mrs. Cooper -- or, Mrs. Silver --

11 A It's Miss.

12 Q Miss? Thank you.

13 A Yes.

14 Q Miss Silver, have you been present since the  
15 Court explained the nature of this case, and stated some of  
16 the law to the prospective jurors in the box and beyond the  
17 rail?

18 A Yes.

19 Q Would your answers be any different than the  
20 majority of the group have answered?

21 A No.

22 Q Would it be any hardship to you, were you asked or  
23 caused to serve as a juror in this case?

24 A No.

25 Q Personal or financial?

26 A No.

27 Q Have you served as a juror before?

28 A Yes.

10b-2

1 Q In any criminal case?

2 A Yes.

3 Q What was the nature of those criminal cases?  
4 And tell me whether there was a verdict in those cases.

5 A One murder case; and there was a verdict. Now,  
6 the other was a robbery, and I don't remember -- I guess it  
7 was a robbery. But I really don't remember. It was four or  
8 five years ago.

9 Q Now, in the murder case, was that a recent case?

10 A No, about four or five years ago.

11 Q I see. Would you set aside what you may have  
12 learned in the course of that case, or the -- any case, as  
13 a matter of fact -- and decide this case only from its  
14 evidence and the law as I shall state it to you?

15 A Yes.

16 Q Are you employed?

17 A No.

18 Q Have you ever been?

19 A Yes.

20 Q What was the nature of that employment?

21 A Photo work.

22 Q Are you connected with any law enforcement officer  
23 in any way, --

24 A No.

25 Q -- either a friend or a relative?

26 A No.

27 Q In what general area do you reside?

28 A Near Hollywood.



10b-3

1 Q Do you know of any reason why you couldn't be  
2 fair and impartial in this case?

3 A I don't think so.

4 Q Regarding what you may have heard, seen or read  
5 of Mr. Manson before this case, had you heard his name, before  
6 you came in this courtroom?

7 A Oh, yes.

8 Q And was that in connection with the Sharon Tate-  
9 La Bianca homicides?

10 A Yes.

11 Q And did you follow that case to any degree, in  
12 the press, radio or television?

13 A I would see it on television, or hear it on the  
14 radio. I don't read the newspapers, so --

15 Q And in connection with it, did you ever hear the  
16 name Shorty Shea before --

17 A I've heard that --

18 Q -- you walked into the courtroom?

19 A I've heard the name.

20 Q And in what way? In what connection?

21 A Well, once that he had disappeared; and once  
22 that they thought he had been murdered.

23 Q And have you heard the name Bobby Beausoleil?

24 A No.

25 Q Mary Brunner?

26 A I don't think so.

27 Q Gary Hinman? Or musician Gary Hinman?

28 A Yes, I've heard that name.

10b-4

1 Q And in what connection had you heard that?

2 A That he had been murdered.

3 Q Have you heard the phrase "Manson Family"?

4 A Yes.

5 Q What does that mean to you?

6 A A group of people who lived together.

7 Q Do you know the results of that Tate-La Bianca

8 trial?

9 A Yes.

10 Q What were they?

11 A They were all convicted of murder.

12 Q One murder?

13 A Yes.

14 Q And do you know whether the jury arrived at a

15 penalty?

16 A Yes.

17 Q What was the penalty that you did hear about?

18 A Death.

19 Q All right. Now, having in mind what -- what you  
20 know about the case, this case, or about the Tate-La Bianca  
21 case and Mr. Manson, what you've heard, seen and read over  
22 the many months, if I were to instruct you, Miss Silver, that  
23 you were to set aside whatever you may have heard, seen or  
24 read -- now, I don't mean forget, because it might be  
25 impossible to forget what you may have heard, seen or read --  
26 but set it aside for the purpose of making a judgment, if I  
27 were to instruct you to do that, and to decide all issues that  
28 might be submitted to you in this case independently of such

10b-5

1 previously heard, read or seen matter, would you be capable  
2 of following that instruction?

3 A I would try.

4 Q I'm not interested in knowing whether you'd  
5 try, but I am interested in knowing whether or not your  
6 state of mind now is that you feel you could be objective  
7 enough to set aside everything that you have heard, seen or  
8 read previously; whether you can do that, and whether you  
9 will do that.

10 The Court recognizes that this is the first time  
11 that you might have been called upon in your lifetime to make  
12 a decision --

10c fls. 13

14 A Yes, it's hard to say.  
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10c-1

1 Q -- and the Court wants to know whether or not you  
2 can be objective enough to decide this case solely from the  
3 evidence received here, and the Court's instructions of law,  
4 as I have stated them to you, setting aside all of that  
5 previously learned material.

6 A I -- I think so.

7 Q Are you --

8 MR. KANAREK: 1073, Subsection 2, your Honor.

9 Q BY THE COURT: Are you uncertain about whether or  
10 not you can?

11 A Well, it's pretty hard to say, because I've never  
12 been -- like you said, I've never been in this kind of a  
13 situation, so I can't say positively.

14 I would try; that's all I could say.

15 Q You would think that perhaps you might allow some  
16 previously learned facts to enter into your judgment?

17 A I don't think so, no.

18 Q What you are telling me, basically, is that you  
19 are uncertain about whether or not you could accomplish that,  
20 in your mind; is that correct?

21 A That's right.

22 THE COURT: All right. The Court will grant the  
23 challenge. There has to be, in the Court's mind, a firm  
24 conviction that you can set aside what you've heard or seen  
25 or read, and that you will do it. And the Court believes that  
26 you have been frank, and that you have stated that you are  
27 not sure.

28 And therefore, I must excuse you.

1 MR. KANAREK: Thank you, Miss Silver.

2 THE COURT: Thank you, Miss Silver.

3 Room 253 on Thursday, Miss Silver.

4 JUROR NO. 10: Do I have to get my little yellow slip?

5 THE CLERK: No, I'll send it back.

6 JUROR NO. 10: Oh. Thank you.

7  
8 VOIR DIRE EXAMINATION OF  
9 ROY GEBERT

10 BY THE COURT:

11 Q Is this Mr. Gebert?

12 A Yes, sir.

13 Q Mr. Gebert, have you been present since the Court  
14 explained the nature of this case --

15 A Yes, sir.

16 Q -- to all the prospective jurors in the box --

17 A Yes.

18 Q -- and beyond the railing?

19 A Yes, sir.

20 Q And you've heard all the proceedings?

21 A Yes, I have.

22 Q Would your answers be any different than the  
23 majority of jurors have responded to the questions put to the  
24 group as a whole?

25 A No, they wouldn't.

26 Q All right. Would you suffer any hardship if you  
27 were to serve in this case?

28 A Yes, I would.

1 Q Tell the Court about it.

2 A My company will only sustain me for 20 days.

3 Q What company is that?

4 A Ralph C. Sutro Company.

5 THE COURT: S-u-t-r-o?

6 A Yes. The mortgage company.

7 Q How long have you been with them?

8 A 19 years.

9 Q And you've inquired from Sutro Company --

10 A Yes.

11 Q -- and found that they will only pay you for 20  
12 days?

13 A Yes, that's right. That's company policy.

14 Q All right. Are the wages that you earn, the  
15 salary that you earn there, are they the sole source of  
16 your support?

17 A Yes, sir.

18 Q Are you a single man?

19 A No, I'm married.

20 Q Do you have any children?

21 A Two.

22 THE COURT: Gentlemen?

23 MR. MANZELLA: The People will stipulate it constitutes  
24 a hardship, your Honor.

25 MR. KANAREK: Submit it, your Honor.

26 THE COURT: The Court finds that it would be a hardship  
27 to you, which you should not have to endure, and therefore  
28 will excuse you.

1 Thank you, Mr. Gebert.

2 MR. KANAREK: Thank you, sir.

3 THE COURT: Room 253 on Thursday.

4 JUROR NO. 11: Right.

5 MR. KANAREK: Thank you, Mr. Gebert.

6 JUROR NO. 11: Thank you.

7 THE COURT: Is that the last one?

8 MR. MANZELLA: Right.

9 THE COURT: Off the record.

10 (Whereupon, proceedings were had in open court,  
11 among the Court and counsel, outside the hearing of  
12 the prospective jury panel, which was not reported:)

13 THE COURT: All right. Call some more.

11 fls.

11  
1 THE CLERK: Paul R. Perlin. P-e-r-l-i-n.

2 THE COURT: He would be in seat number 2.

3 P-e-r-l-i-n?

4 THE CLERK: Right.

5 Mrs. Dora Heiser, H-e-i-s-e-r.

6 THE COURT: Seat number 6.

7 THE CLERK: Harry T. Yee, H-a-r-r-y, middle initial T,  
8 last name Y-e-e.

9 THE COURT: Mr. Yee would be in seat number 10.

10 THE CLERK: Leonard E. Grice, G-r-i-c-e.

11 THE COURT: Mr. Grice in number 11.

12 Call Mr. Perlin, then, with Mrs. Heiser on tap.

13 Perlin, Heiser, Yee and Grice.

14 Order a new panel tomorrow morning.

15 (Whereupon, the clerk confers with the Court.)

16 THE BAILIFF: They're on the way over.

17 THE COURT: What's the problem?

18 THE BAILIFF: I couldn't get through on the phone at  
19 first, so I had to send another runner. Both lines are busy in  
20 107.

21  
22 VOIR DIRE EXAMINATION

23 OF PAUL R. PERLIN

24 BY THE COURT:

25 Q Are you Mr. Perlin?

26 A I am, your Honor.

27 Q Mr. Perlin, were you present when the Court  
28 explained the nature of this case yesterday morning?



1 A I was.

2 Q And when the Court instructed concerning the law  
3 and asked certain questions?

4 A I was here at that time, your Honor.

5 Q Very well.

6 And would your answers be any different than the  
7 majority of the jurors have responded to the Court's questions  
8 put to the group as a whole?

9 A I believe they would. I have many doubts, reser-  
10 vations and differences of viewpoint.

11 Q To the general questions that I put to the group,  
12 would your answers be any different?

13 A In part, they would, your Honor.

14 Q In what way?

15 A Well, on the question of capital punishment.

16 Q Are your views concerning capital punishment such  
17 that you would not, because of those views, be able to be  
18 impartial in determining guilt or innocence?

19 A I feel I could be impartial on the question of  
20 guilt or innocence, despite those reservations.

21 Q In regard to the death penalty now, are your  
22 feelings such regarding that death penalty that you could not  
23 thereby ever vote for the death penalty regardless of the  
24 evidence?

25 A Not alleged cases of this type. I could not, in  
26 cases of this type.

27 Q I don't know what you mean by that.

28 A Well, I have some theories and concepts on it.

1 I believe that crimes of bigotry and genocide,  
2 I would agree to capital punishment. But not the area of the  
3 alleged charges in a case of this kind. There is something  
4 very morbid about these proceedings that I --

5 Q You haven't yet heard the evidence in this case,  
6 have you?

7 A From what I know in general about the case, from  
8 general reading of the press, my observations, it seems to me  
9 like a Roman circus, your Honor. I am horrified by it. I  
10 think it is evil.

11 Q Well, I don't understand your attitude.

12 Do you think -- if you would more fully explain it  
13 as it reflects upon your attitude toward the death penalty?

14 A Well, your Honor, I feel that all the surrounding  
15 circumstances plays up to the worst qualities of man and the  
16 conduct of the press and everything around it sickens me.

17 Like I just don't see -- there is so much injus-  
18 tice involved, I question whether a court, and a fair-minded  
19 man like yourself, and I believe you are extremely fair-minded  
20 and knowledgeable, I question whether it can have significant  
21 meaning.

22 Q Well, let me ask you this: If you were called  
23 upon to sit as a juror in the penalty phase, would your re-  
24 action be to automatically vote against the death penalty or  
25 would you consider the evidence?

26 A In a case of this type, I would be against the  
27 death penalty because, as I said, crimes against humanity in  
28 a broad sense, such as the Klansman which kill minority people

1 out of racial hate or people like Eichmann or to people who  
2 foreclose on widows or for personal gain and things of that  
3 sort. In other words, I have a different scale of values than  
4 perhaps the property laws and the legal system holds to be  
5 sanctified.

11a

11a

1 Q In connection with the death penalty, then, I  
2 take it there are certain classifications of crimes of murder  
3 which you feel deserve the death penalty and there are others  
4 which you believe do not?

5 A Yes, your Honor.

6 Q And you have not heard the evidence in this case,  
7 of course, have you?

8 And do you believe, therefore, that you are in a  
9 position to make a judgment as to whether or not you would vote  
10 for the death penalty in this case?

11 A Well, I couldn't say with absolute certainty, your  
12 Honor, but by all the surrounding circumstances that I know  
13 about, I would doubt whether this case would fall into an  
14 area of the kind that I would make that judgment.

15 Q Have you served as a juror before?

16 A No, I haven't, your Honor.

17 Q In any type of case?

18 A No, in no type of case.

19 In the past years, perhaps the legislation isn't as  
20 severe as it is now, and my employer always sent in sort of  
21 emergency letters and that sort of thing.

22 Q Would it constitute any hardship to you, Mr. Perlin,  
23 to serve as a juror in the case?

24 A Beyond -- I'm covered under union contract for  
25 one calendar month. If it went a great length of time in  
26 excess of that, it would pose some difficulties.

27 Q What type of work do you do?

28 A I work in a drug firm, for a drug firm,

1 Los Angeles Drug Company.

2 Q Los Angeles Drug Company.

3 You say it would pose some difficulties.

4 You believe you may have to talk to somebody?

5 A Oh, no. No, my job is secure. My job would be --  
6 I would not lose any job, but the loss of income after a month,  
7 the longer it went, my wife and I would have it rough. And we  
8 have children. They're grown and married. But we lend a  
9 helping hand very often.

10 Q Have you ascertained from the Los Angeles Drug  
11 Company whether you will, in fact, not be paid after 30 days?

12 A Yes, that's a matter of absolute fact.

13 Q Whom have you talked to in connection with that?

14 A Well, I drafted the clause and helped negotiate  
15 the contract with the 30-day coverage, and it has been --

16 Q You mean by that --

17 A It is limited to 30 calendar days or 20 working  
18 days.

19 Q And thereafter, you are not paid?

20 A Thereafter, I am not paid.

21 Q Are you acquainted with or related to any law  
22 enforcement officer?

23 A No, your Honor, I am not.

24 Q Have you inquired as to whether or not they would  
25 make an exception in your case with respect to pay?

26 A They will definitely not make an exception in any  
27 case.

28 Q Have you inquired?

1           A       No, I didn't ask that because over the years the  
2 company -- like just about every other company -- gives what  
3 we are able to achieve in collective bargaining and the  
4 collective bargaining agreement.

5           Q       You are a representative of the union, are you?

6           A       Well, I wear several hats, your Honor. I've been  
7 a member of the General Executive Board through election.  
8 Head steward for years, but I also work on the job.

9           Q       What union are you a member of?

10          A       Longshoreman, International Longshoreman and  
11 Warehouseman.

12          Q       What local is that?

13          A       Local 26, the warehouse, and the waterfront locals  
14 are in other jurisdictions.

15          Q       I will ask you over the recess, over this evening's  
16 recess, to inquire of your employer whether or not there would  
17 be any relaxation of that rule so that you could serve,  
18 Mr. Perlin, and we'll pursue that with you tomorrow morning.

19          A       All right, I will.

20          Q       How many days do you have left on jury duty now?

21          A       This is my fifth day. I would have 15 more  
22 working days under that rule.

23          Q       Let me ask you, have you previously heard, seen or  
24 read anything about Mr. Manson?

25          A       Yes, I have.

26          Q       Before you came into this courtroom, then, did you  
27 follow from time to time the Tate-La Bianca case?

28          A       Oh, yes. Yes, your Honor.

1 Q Do you know the results of it?

2 A Yes, I do.

3 Q Would you tell us, Mr. Perlin, what you know to be  
4 the results?

5 A Rather than say, "Yes, I do," because I believe I  
6 do, because as I recall -- you mean the conviction and the  
7 sentencing?

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Q Yes.

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A As I recall, Mr. Manson was -- and, uh, three of the young ladies, were found to be guilty of murder, and there was another trial to be scheduled for the purpose of determining what the sentence would be.

Q Do you know whether that trial was held and what the results were?

A As I understand, there's no final results as of yet. I don't follow it morbidly. I read it from time to time in passing. It is not a central point of interest to myself. I'm kind of horrified by it.

Q Do you know the phrase Manson Family?

A Yes. Yes, I'm familiar with that.

Q Tell us in your mind what that means, Mr. Perlin.

A Well, as I understand it, a group of people who, according to the allegations and their statements, live together in a kind of a communal way and related to one and -- each other, in a way personally and sexually.

Things like that don't horrify me. I'm not horrified by that. I'm horrified by the effect on young minds due to the kinds of publicity in the press. That's what horrifies me. Not the fact of people living together. That's their business.

Q Because of all that publicity you observed, and your statement that you're the kind of person that doesn't pay too much attention to it or really avoids it -- because of that publicity, do you think that you could not be fair and impartial in the case?



11b-2

1 A No, I don't think it would affect me in that  
2 sense.

3 Q Would you be objective enough so that if I were  
4 to instruct you that you were not to permit that material that  
5 you have heard, seen or read or that which you might remember  
6 of what you have heard, seen or read to enter into any judgment  
7 that you might make on any issue in this trial, would you  
8 be objective enough to do that? Are you capable of doing  
9 that?

10 A I like to think that I am capable of being  
11 objective, but I'm sure there are undercurrents and subjective  
12 feelings and associations that sometimes seep in no matter  
13 how hard one tries. I don't believe I am a dogmatic or closed-  
14 minded person.

15 Q Well, do you think --

16 A I don't believe so.

17 Q Well, for the purpose of making a judgment on any  
18 issue in this case, do you think that you could set aside  
19 whatever opinions you might have formed about Mr. Manson or  
20 that Tate-La Bianca case?

21 A I don't think there would be any problem on that  
22 because I actually have no fixed opinions on the people  
23 involved.

24 Q And you have done that in the course of your  
25 business, haven't you, in negotiations?

26 A Continuously.

27 Q And you do that probably many times, many times  
28 during the year, setting aside gossip and rumors?

11b-3

1 A Yes, I have to. I have to be objective to be  
2 effective at all.

3 Q What the Court is interested in, is whether you can  
4 do it and whether you will do it if you are chosen as a juror.

5 A I feel that I could make a very strong effort.  
6 And to my knowledge, I've never -- I've always been able to  
7 maintain relationships with people no matter what diversity of  
8 ideas or views or philosophies and respect them and so on.  
9 I have no fixed -- my horror is about the whole -- what I think  
10 is the whole venal environment. I have no fixed views on the  
11 individuals involved. I definitely do not.

12 Q So what I --

13 A I neither condemn them or exalt them. I just  
14 don't know. I just don't know.

15 Q What I am trying to do is find out for my own  
16 satisfaction and the satisfaction of counsel what your state  
17 of mind is in regard to publicity, whether you can set it  
18 aside and whether you will set it aside. Those are the  
19 questions that enter into my mind whether or not you can be  
20 thereby fair and impartial.

21 A I don't think the publicity would bear on my  
22 judgment about the individuals. I just don't know. It is a  
23 very -- the inner nature of people is very complex and there's  
24 so much a mystery to me.

25 Q You think you could be fair and impartial?

26 A I think so.

27 Q When you say you think so, are you hedging at all  
28 or are you firm in that belief?

1           A       Well, the reason I say "I think so," is I've  
2 learned a long time ago -- I used to be very cocky and very  
3 sure of myself and I found out how many times I was wrong.  
4 So I tend to feel that for a person to say, absolutely say  
5 "I will be" -- I just don't think that a person can be that  
6 sure. I don't know.

7                   I don't think it is a fully intelligent statement  
8 to say "I will." That's too absolute. I just wonder. I  
9 think I could. I believe I could. To say whether -- we all  
10 have emotions and feelings and whether at some point it would  
11 hit me one way or another and affect my judgment --

12           Q       Well, should it come to a point, for example, where  
13 something is mentioned in the jury deliberation room which has  
14 not been established by the evidence in court, but it is, let's  
15 say, lifted from a television report or a radio report or a  
16 newspaper article by someone in the jury room from his or her  
17 memory, you wouldn't be the person to do that, would you?

18           A       No, definitely not. I don't believe in hearsay.

19           Q       And would you be --

20           A       Or --

21           Q       Would you, as a juror, in the course of such  
22 deliberations, point out to that other juror and your fellow  
23 jurors that they should not consider that matter?

24           A       I definitely would. I just don't buy that kind of,  
25 uh, judgment forming.

26           Q       Do you realize it would be your duty to do that,  
27 for a juror to do that?

28                   Were that to happen, it would be in violation of a

1 person's oath as a juror.

2 A Well, I thought you meant when the jury was  
3 debating with one another.

4 Q That's true.

5 A That is a violation --

6 Q If someone were to consider something that was  
7 outside of the evidence, something that he or she had heard,  
8 seen or read in the news reports, of course that would be a  
9 violation of an oath as a juror and they would be in violation  
10 of the Court's instructions.

11 A Yes, yes, I understand that, your Honor.

12 Q Well, having that --

13 A Well, I thought you meant if we were together  
14 debating and a person would make such a statement, I would  
15 sharply differ with them.

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Q You would sharply differ?

A Oh, by all means.

Q I am speaking about after the case has been submitted to you, and if you were in the jury room, and that circumstance should arise.

A Yes.

Q Do you understand me now?

A Yes, I see.

Q And could you be objective enough to do that in your own mind?

A I would say, in that aspect, yes, I could be.

THE COURT: Mr. Kanarek?

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

THE COURT: The People?

MR. MANZELLA: Just a few questions, your Honor.

#### VOIR DIRE EXAMINATION

BY MR. MANZELLA:

Q Mr. Perlin, are your views such that you would automatically refuse to impose the death penalty, regardless of the evidence in this case?

A As I told the Judge -- and my answer to you would be the same, sir, -- that I do not believe that the area of this case is in the area of what I would consider capital punishment, as it now looks to me.

If other elements came into it -- for example, as I stated before, I would not hesitate for a moment to condemn a Klansman to death for the murder of minority people, or if I

1 were on the Eichmann jury, I wouldn't hesitate for a moment,  
2 because I consider these crimes against humanity.

3 And I make the distinction in my mind between such  
4 crimes and crimes of passion or other -- or individual crimes  
5 that I really don't think anything is resolved by the death  
6 penalty, in cases like that.

7 Q Then you --

8 A I do make a distinction of that kind in my mind.

9 But I do think that certain dangerous arch-  
10 criminals, dangerous to the human race as a whole, are --  
11 should be done away with.

12 Q You understand that the law gives you no guide-  
13 lines or standards to apply in determining whether or not you  
14 should impose the death penalty in any particular case; do  
15 you understand that?

16 A I know that, sir.

17 Q So then you understand that the question of  
18 whether or not a particular defendant should receive the death  
19 penalty or life imprisonment is within the absolute discretion  
20 of each individual juror?

21 A I do, yes.

22 Q All right. Are you telling us, then, by your  
23 answer, that you could impose the death penalty in this case,  
24 if you felt that this case warranted the death penalty?

25 A Yes, if -- if I came to the conclusion that the  
26 alleged crime was of such a dimension and nature as to fall  
27 within that broad heading of crimes against humanity, in a  
28 broad sense, then I could consider it.

1           If I felt that it were individual acts of passion  
2 or vengeance and so on, in that area, I just don't feel of  
3 capital punishment as being in that area, because I don't think  
4 it's a deterrent of any kind.

5           Q     All right. Then, let me ask you the original  
6 question again.

7           A     Because people do those things. From what I know  
8 of statistics -- and I may have faulty information -- but the  
9 areas of states where there are -- where there is capital  
10 punishment, and the seven states where there are not, there's  
11 no indication of any lessening of violent crimes or crimes  
12 leading to death, of victims and so on, where capital punish-  
13 ment was employed.

14               And if I felt that it was a meaningful deterrent,  
15 I would be for it.

16           Q     Let me ask you the original question again, then.  
17               Would you automatically refuse to impose the death  
18 penalty in this case, regardless of the evidence?

19           A     I wouldn't say automatically. I would not take  
20 that position. I would have to know what the totality of the  
21 evidence was.

22           MR. MANZELLA: All right. Thank you. I have no further  
23 questions.

24           THE COURT: All right. Thank you, Mr. Perlin.

25               Don't discuss what has occurred here in the court-  
26 room in the last few minutes with your fellow jurors.

27               Do discuss with your employer, if you can --

28           JUROR NO. 2: Yes, I'll do that.

1 THE COURT: -- or anyone who you feel is of sufficient  
2 authority to say to you that you would be paid, that question.  
3 And let us know, without --

4 JUROR NO. 2: I'll phone the vice-president, the Director  
5 of Personnel, first thing in the morning --

6 THE COURT: All right, fine.

7 JUROR NO. 2: -- and let him know. And I certainly will  
8 tell you.

9 I'll also give you the phone number, if you care  
10 to check on it.

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1 THE COURT: No, you are under oath, and -- in addition  
2 to that, we would believe you otherwise.

3 JUROR NO. 2: Thank you, your Honor.

4 THE COURT: We'll see you tomorrow morning. However,  
5 go back with the group now, if you would, please.

6 JUROR NO. 2: Yes, sir. Thank you.

7 MR. KANAREK: Thank you, Mr. Perlman.

8 THE COURT: Mrs. Heiser, then?

9 THE BAILIFF: Yes, sir.

10  
11 VOIR DIRE EXAMINATION OF

12 DORA HEISER

13 BY THE COURT:

14 Q Mrs. Heiser, you've heard the Court's explanation  
15 of the nature of this case, and the Court's instructions  
16 concerning some of the law regarding the case, --

17 A Yes, sir.

18 Q -- and you've heard the Court's questioning of  
19 the prospective jurors?

20 A Yes, sir.

21 Q Would your answers be any different than the  
22 majority have responded to the Court's questions, put to the  
23 group as a whole?

24 A Only in one case. I believe you asked if anyone  
25 had any knowledge of the law. I did take a course in  
26 insurance law.

27 Q Insurance law?

28 A Yes.

12a-2

1 Q Have you been connected with a -- with the  
2 District Attorney's office --

3 A No.

4 Q -- or any prosecutor's office?

5 A No. It was just a course from the Life Office  
6 Management Association, which insurance people can take.

7 Q Would it entail any hardship to you, Mrs. Heiser,  
8 if you were to serve in this case?

9 A Well, your Honor, I know what you said about  
10 vacations, but I would like to explain mine.

11 I saved 11 days of my holidays from last year, to  
12 take this year, to take an extended trip to Europe, to visit  
13 relatives and friends as well as take a trip.

14 And we've already paid for quite a part of this.  
15 And my relatives and friends have arranged their vacations  
16 to coincide with ours.

17 We were to go September the 2nd, for six weeks.

18 Q That's a sad story, Mrs. Heiser, and it's  
19 exceeded only by --

20 A I realize this, your Honor. The only thing is,  
21 the 11 days that I saved, I would lose.

22 THE COURT: Gentlemen?

23 MR. KANAREK: I'll stipulate.

24 MR. MANZELLA: The People would stipulate, that this  
25 constitutes a hardship.

26 THE COURT: Mrs. Heiser, these gentlemen --

27 JUROR NO. 6: Are kindhearted.

28 THE COURT: Yes, are kindhearted, yes. And they have

1 stipulated that you may be excused.

2 JUROR NO. 6: Thank you very much.

3 THE COURT: Each of them is giving up a vacation; and  
4 the Court is giving up a trip to London, for the Bar Convention.

5 But enjoy Europe.

6 JUROR NO. 6: The Court has my sympathy, because I love  
7 London.

8 Thank you very much, gentlemen. Thank you.

9 MR. KANAREK: Thank you.

10 THE COURT: Mrs. Heiser, Tuesday -- no; excuse me.  
11 Thursday, next Thursday, Room 253.

12 JUROR NO. 6: Thursday morning, I'm excused until then?

13 THE COURT: Yes, Thursday morning, Room 253, 9:00  
14 o'clock.

15 JUROR NO. 6: Thank you very much.

16  
17 VOIR DIRE EXAMINATION OF

18 HARRY T. YEE

19 BY THE COURT:

20 Q You are Mr. Yee?

21 A Yes, sir.

22 Q Mr. Yee, were you present when the Court explained  
23 the nature of this case to the prospective jurors? And did you  
24 hear all the proceedings?

25 A Yes, your Honor.

26 Q Would your answers be any different than the  
27 majority of jurors have responded to the Court's questions,  
28 put to the group?

1 A No, sir.

2 Q Would it be any hardship to you if you were  
3 caused to serve as a juror?

4 A Yes, sir.

5 Q Tell us about it.

6 A I work for McDonnell-Douglas Aircraft, and our  
7 union's contract stipulated for 30 days only, off for jury  
8 duty.

9 Q Have you checked with your employer on this?

10 A Yes. I was told by the clerk before I came.

11 Q And that there's no deviation from that, so that  
12 you would not be paid?

13 A No, sir.

14 Q Is that your sole support, your job?

15 A Yes, sir.

16 Q And are you married?

17 A Yes, sir. I got two children, going to college.

18 Q You support them, too? Or partially support  
19 them?

20 A My wife works also; but they go to UCLA graduate  
21 school, and the other one's going to SC.

22 Q And you are assisting in their support, and their  
23 education?

12b fls. 24 A Yes, sir.

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1 THE COURT: Gentlemen?

2 MR. MANZELLA: The People would stipulate it constitutes  
3 a hardship.

4 MR. KANAREK: Submit it, your Honor.

5 THE COURT: All right. The Court finds, Mr. Yee, that it  
6 would constitute a hardship to you to serve in this case, a  
7 hardship which you shouldn't endure, and the Court will  
8 excuse you.

9 JUROR NO. 10: Thank you, sir.

10 THE COURT: Thursday, Room 253, Mr. Yee.

11 Let's take one more, Mr. Grice.

12 And this is the last one for this afternoon.

13

14

VOIR DIRE EXAMINATION

15

OF LEONARD E. GRICE

16

BY THE COURT:

17

Q Mr. Grice?

18

A Yes, sir.

19

Q Mr. Grice, were you present when the Court  
20 explained the nature of this case, and instructed the jurors  
21 and questioned them?

22

A Yes, I was.

23

Q Now, would your answers be any different than the  
24 majority of jurors have responded to the Court's questions?  
25 Put to the group as a whole?

26

A No, it wouldn't.

27

Q All right. Would it be a hardship to you,  
28 Mr. Grice, to serve as a juror in this case?

1 A I'm afraid it would, yes.

2 Q Tell us about it.

3 A My employer will only pay me for four weeks.

4 Q Who is your employer?

5 A American Broadcasting Company.

6 Q And have you -- have you checked that out with  
7 somebody since --

8 A Yes, I have.

9 Q -- the clerk called this matter, and asked you to  
10 do so?

11 A Last Wednesday, when I was on a similar case.

12 Q I see. You are paid for 30 days only?

13 A Right, I'm afraid so.

14 Q And are your earnings from that company your sole  
15 source of support?

16 A Yes, they are.

17 Q Are you married?

18 A Yes, I am. I have two boys.

19 Q Two boys?

20 A Right.

21 THE COURT: Gentlemen?

22 MR. MANZELLA: The People will stipulate it constitutes  
23 a hardship, your Honor.

24 MR. KANAREK: Submit the matter, your Honor.

25 THE COURT: Mr. Grice, the Court will excuse you. The  
26 Court finds it would be a hardship which you should not be  
27 required to endure. We will excuse you.

28 JUROR NO. 11: Thank you.

1 THE COURT: Thank you, Mr. Grice.

2 MR. KANAREK: Thank you, Mr. Grice.

3 JUROR NO. 11: Thank you.

4 THE COURT: How many do we have left?

5 THE CLERK: Eight.

6 THE COURT: All right. Let's call enough names to fill  
7 the box again. First, for Mrs. Heiser.

8 THE CLERK: Benjamin Grice; G-r-i-c-e.

9 THE COURT: Benjamin Grice?

10 THE CLERK: Yes.

11 THE COURT: That would be number 6. All right. Fill  
12 number -- fill seat number 10.

13 THE CLERK: Harry E. Moore; M-o-o-r-e.

14 THE COURT: All right. Mr. Moore. And to replace  
15 Mr. Grice, in seat number 11?

16 THE CLERK: Gerald C. Howard, G-e-r-a-l-d; last name,  
17 H-o-w-a-r-d.

18 THE COURT: Bring the remaining jurors in, then.

19 9:30 tomorrow morning; is that satisfactory?

20 MR. KANAREK: Well, your Honor --

21 THE COURT: Can't you get clear by 9:30?

22 MR. KANAREK: Well, your Honor, there's that matter in  
23 Department 104.

24 THE COURT: 9:45? Can you make it by then?

25 MR. KANAREK: I will certainly -- I will inform the  
26 Court, your Honor --

27 THE COURT: What is there in 104?

28 MR. KANAREK: Pardon?

1 THE COURT: What is there in 104 tomorrow morning?

2 MR. KANAREK: In 104, your Honor, there's a hearing  
3 before Judge Older, wherein, as your Honor will probably  
4 recall, Mr. Cooper represented Mr. Farr. Mr. Farr was cited  
5 in before Judge Older.

6 And so there was to have been -- I have been  
7 subpoenaed to court to testify, along with -- I believe there  
8 are five others, five other attorneys that have been  
9 subpoenaed in.

10 THE COURT: All right. Try to get back here, then.  
11 Try to get here then at 9:45.

12 Bring the other prospective jurors in, would you?

13 THE BAILIFF: Yes, sir. They're on their way.

14 (Pause in the proceedings.)  
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1 THE COURT: Ladies and gentlemen, the Court will excuse  
2 you for the evening, now, to return at 9:30 tomorrow morning.

3 Is there a department to which --

4 THE BAILLIFF: No, sir. Between 102 and 103, in the  
5 hallway, sir.

6 THE COURT: Would you assemble between Departments 102  
7 and 103, in the hallway, please?

8 The Court does apologize for keeping you in the  
9 hallway, but if a courtroom does open, the Court will see  
10 that the bailiff puts you in the courtroom, in a courtroom  
11 where it might be more comfortable.

12 Remember the admonition I have heretofore given you,  
13 and that is to the effect that you are not to converse amongst  
14 yourselves nor with anyone else, nor permit anyone to converse  
15 with you on any subject connected with this matter, nor are you  
16 to form or express an opinion on the matter, until it is  
17 finally submitted to you, should you be chosen as a juror.

18 Don't see, read or hear anything in connection  
19 with this case, or in connection with Mr. Manson, during the  
20 course of this recess, or any other recess, or during the  
21 course of the case, if you are chosen as a juror.

22 Good night, ladies and gentlemen. I'll see you  
23 at 9:30 tomorrow morning.

24 Is there a Miss Prince here?

25 PROSPECTIVE JUROR PRINCE: Yes.

26 THE COURT: Do you have much time left on jury duty?

27 PROSPECTIVE JUROR PRINCE: Yes. I just served one  
28 week.

1 THE COURT: You've just served one week?

2 PROSPECTIVE JUROR PRINCE: Just one week.

3 THE COURT: All right. The Court orders you to return  
4 tomorrow morning.

5 PROSPECTIVE JUROR PRINCE: What am I going to do about --

6 THE COURT: Pardon?

7 PROSPECTIVE JUROR PRINCE: What am I going to do about  
8 today, about --

9 THE COURT: Well, the Court's not going to excuse you.

10 PROSPECTIVE JUROR PRINCE: Are you going to contact them,  
11 your Honor? What do I do about that?

12 THE COURT: What do you do for Steven Crane Associates?

13 PROSPECTIVE JUROR PRINCE: Their housekeeper.

14 THE COURT: Pardon?

15 PROSPECTIVE JUROR PRINCE: The housekeeper.

16 THE COURT: Oh, you are a housekeeper for Mr. Crane?

17 PROSPECTIVE JUROR PRINCE: Yes.

18 THE COURT: The Court thinks he's very presumptuous in  
19 asking -- not asking, but demanding -- your release here.

20 Steven Crane, III?

21 PROSPECTIVE JUROR PRINCE: I think you should tell him  
22 that.

23 THE COURT: Pardon?

24 PROSPECTIVE JUROR PRINCE: I think you should tell him  
25 that. I think so, too.

26 THE COURT: If he were here, I would tell him that.

27 The Court will not excuse you. The Court believes  
28 that you should serve the tour that you started, at least.

1 And the Court may very well tell him that, in a  
2 letter.

3 PROSPECTIVE JUROR PRINCE: Will you?

4 THE COURT: All right.

5 PROSPECTIVE JUROR PRINCE: All right.

6 THE COURT: See you tomorrow morning, then.

7 We are in recess until tomorrow morning, then,  
8 at 9:00 o'clock.

9 (Whereupon, at 4:09 o'clock p.m., an adjournment  
10 was taken until the following morning, Wednesday,  
11 June 30, 1971, at 9:45 o'clock a.m.)  
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