SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 106 HON. RAYMOND CHOATE, JUDGE

106

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

vs.

CHARLES MANSON,
Defendant.

No. A-267861

REPORTERS' DAILY TRANSCRIPT

Thursday, July 1, 1971

VOLUME 6

APPEARANCES:

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

CieloDrive.com ARCHIVES

LOS ANGELES, CALIFORNIA, THURSDAY, JULY 1, 1971 10:10 A.M.

- - - -

THE COURT: Mr. Kanarek is present.

(Proceedings had on unrelated matter.)

THE COURT: Mr. Manson is present with Mr. Kanarek.

MR. KANAREK: Yes, your Honor.

THE COURT: Mr. Krause is in the box, as a prospective juror.

VOIR DIRE EXAMINATION (Continuing)
OF MR. MILTON W. KRAUSE

BY THE COURT:

Q Mr. Krause, you were going to attempt to find out what your company's policy would be, should you be required to serve as a juror in this case?

Have you been able to do so?

A Yes, sir. They'll relieve me of my pay, if I am on the jury. They'll take me off the payroll. So that's no money.

Q Let's see. What company was that? I'm sorry.

A American Optical Corporation.

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

MR. KANAREK: Submit, your Honor.

THE COURT: All right. The Court finds that it is a hardship which you shouldn't be required to endure, Mr. Krause, and -- let's see. You have time left on jury duty,

CieloDrive.com ARCHIVES

don't you?

JUROR NO. 11: Yes, sir.

THE COURT: All right. Room 253, the jury assembly room, forthwith, then, please.

JUROR NO. 11: Thank you.

THE COURT: And perhaps you can be picked up and used in another courtroom.

JUROR NO. 11: Thank you.

THE COURT: Mr. Mulford, then. He's on deck. And call another one.

Mr. Mulford should be just outside of the courtroom.

THE CLERK: Mendel A. Overholt, Sr.; M-e-n-d-e-l; last name, O-v-e-r-h-o-l-t.

VOIR DIRE EXAMINATION OF

RUSSELL J. MULFORD

BY THE COURT:

Q Are you Mr. Mulford?

A Yes, sir.

THE BAILIFF: Just come in, please.

THE COURT: He is in seat No. 11.

Q Mr. Mulford, when you are a juror, it's a custom to wear a shirt, coat and tie.

A Yes, sir.

Q So do that in the future, would you?

A Yes.

Q Have you been present -- or, were you present

CieloDrive.com ARCHIVES

when the Court explained the nature of this case to the prospective jurors, and questioned the prospective jurors?

A Yes, your Honor.

Q Would your answers be any different than the majority of jurors responded to the questions that I put to the group as a whole?

A No, sir.

Q You were present when I questioned Mr. Fujimoto and explained the nature of the case to him?

A Yes, sir.

Q Would your answers to those general questions be substantially different than the way he responded?

A No, sir.

Q All right. Beginning with your personal situation, then, Mr. Mulford, would it be a hardship to you, if you were required to serve on this case?

A Your Honor, it's a kind of an odd situation. I work at a company, but not for a company. But for an individual who subcontracts. And he's presently on vacation in Nebraska, and I am unable to get ahold of him, to ask him whether he would pay my salary or not.

Q Is it a small contract?

A It's an automotive parts house, and he's an automotive machinist, repairing differentials and engines and other automotive parts. And I work for him.

Q And are your earnings your sole support?

A No. I have some farm income, from the Middle West.

Q Has this ever arisen before in the company?

CieloDrive.com ARCHIVES

A I've never been on jury duty previously, sir.

Q How many employees are there in your status?

A Uh -- well, there's myself, and my supervisor. And presently, because he's gone on vacation, he has another man assisting me.

But now that I am on jury duty, the assistant is doing the work by himself.

Q How long have you been involved in that relationship?

A Oh, it's been about ten years, sir.

Q What is your best estimate as to whether or not you will be paid? What is your best judgment?

A I rather doubt whether he will pay me, because it's out of his own pocket, you see.

Q Is this a sole proprietorship or a corporation, a partnership?

A-1 fls. A It's a corporation.

CieloDrive.com ARCHIVES

A-1

Q A closely-held corporation, in which he's the major stockholder?

A I have nothing to do with stock, sir.

Q Is it a closely-held corporation, in which he is the major stockholder? Is that correct?

A I don't believe he has any stock in it, either.

Q What corporation is it?

A It's Motor Parts Depot, at Pico and Crenshaw.

Q How long would it be before you'd be able to get ahold of him?

A He's supposed to be back in another week.

Q Well, let's go on and ask you about your eligibility otherwise.

Have you ever served as a juror before in any case?

A I was excused from a civil case Monday.

Q You've never served as a juror in a criminal case?

A No, sir.

Q Your employment actually is as a machinist?

A Yes, sir.

Q Are you acquainted with or related to any law enforcement officer?

A Not presently.

Q Well, explain that to us, will you?

A I was employed by the Department of Animal Regulation as an inspector. And they made me a -- a special police officer, so that I could wear the uniform -- to intimidate citizens, so to speak, to get them to buy licenses.

CieloDrive.com ARCHIVES

Q And do you -- you had that position for how long?

A Two years, sir.

Q And you could issue citations in certain instances, too?

A I'd have to contact my supervisor, and he'd issue the citation.

Q I see. In what general area do you reside at this time?

A I am down by Pico and West Boulevard.

Q And you are employed in what area?

A At Pico and Crenshaw.

Q All right. In connection with your attitude toward the death penalty, do you have such views concerning it that you could not, because of those views, be fair and impartial in determining the issue of guilt or innocence?

A I don't believe so.

Q As to your attitudes regarding the death penalty, are they such that you would automatically refuse to impose it, without regard to the evidence?

A If I felt it was justified, I would, sir.

Q So that you would examine the evidence to determine whether you should or should not, in your discretion, impose the death penalty?

A Yes, sir, of course.

Q You wouldn't, on the other hand, upon a conviction of murder in the first degree, automatically vote to impose the death penalty, without regard to the evidence, would you?

A It would be entirely on the evidence, sir.

CieloDrive.com ARCHIVES

Q All right. In respect to the publicity that you may have heard regarding Mr. Manson, you had heard of him before you came into this courtroom, had you not?

A Yes, sir.

Q Was that through the so-called Tate-La Bianca case?

A Yes, sir.

Q The Sharon Tate murder case?

A Yes, sir.

Q Did you follow that case in the newspapers, over the radio, or via television?

A Well, I did when the case first started. But after it dragged on for months and months, I kind of lost interest in it.

Q Did you talk it over with friends, relatives, co-workers from time to time during the course of the trial?

A Yes, I did.

Q Do you know the results of that trial?

A Yes, sir.

Q And would you tell us your best remembrance of the results?

A Well, Mr. Manson was found guilty of seven counts of murder, and was sentenced to the death penalty.

Q Do you know the name Susan Atkins?

A Yes, sir.

Q And what does that name mean to you?

A She was one of the conspirators in the case.

Q Do you know the name Shorty Shea? Had you heard

CieloDrive.com ARCHIVES

it before the Court read this indictment to you?

A Yes, I read it in the newspaper.

Q And what did it mean to you?

A An individual that had disappeared, and has not been seen since.

Q And how about the name Hinman, Gary Hinman?

A He was a musician down in Santa Monica, and was tortured and killed, according to the newspaper, for money.

Q Let me ask you this: In view of what you have learned about this case, involving Shea and Hinman, and in view of what you have learned about Mr. Manson and the Tate-La Bianca case, do you think it would be possible for you to be objective and set aside anything you may have heard, seen or read, and decide this case independently of such matters?

A I believe so, sir.

Q Do you think that you could effectively -- not forget, but temporarily, during the course of this trial, set aside these things, discard them, for the purpose of rendering an opinion independently on any issue that might be submitted to you?

A I believe so, sir.

a2

CieloDrive.com ARCHIVES

A-2-1

Q Now, the Court would tell you that it is -- it is, and counsel are -- seeking jurors who can and will accomplish this, who can set aside these matters that they have heard, who can set aside any opinions that they may have formed, and who will set aside any opinions that they may have formed as a result of any pre-trial publicity.

And are you firmly of a mind, now, that you can set aside any such opinions or information that you may have?

A Yes, sir.

Q And will you do that?

A Yes, sir.

THE COURT: Mr. Kanarek?

MR. KANAREK: Thank you, your Honor.

VOIR DIRE EXAMINATION

BY MR. KANAREK:

Q Mr. Mulford, would you tell us what you have heard concerning Mr. Manson, as far as the Shorty Shea matter is concerned? That is, what you've seen on television, what you read in the newspapers, heard on the radio, heard from other people?

A Well, the only thing I heard is that Mr. Shea had disappeared, and Mr. Manson was somehow implicated.

Other than that, I know nothing.

Q All right. Now, in connection with the Hinman matter, would you tell us what you have seen on television, heard on radio, or read in the newspapers concerning

CieloDrive.com ARCHIVES

A-2-2

Mr. Manson?

A Uh -- it seems like a person by the name of Buesole --

THE COURT: Beausoleil?

JUROR NO. 11: Beausoleil?

(Continuing) -- had murdered Mr. Hinman, and had been sent to the penitentiary for it; and that somehow, Mr. Manson was implicated in the business.

Other than that, I know nothing of it.

Q BY MR. KANAREK: Now, then, what is your state of mind -- or, what do you think, if anything, about what occurred to Sharon Tate?

A She was murdered, sir.

Q All right. In connection with the Tate-La Bianca case, do you know what if anything occurred as far as -- let me withdraw that.

What does the name La Bianca, as far as what you've heard and seen, what does that mean to you?

A He was a chain foodstore owner or operator that, with his wife, was murdered.

Q And what is your state of mind as to what Mr. Manson's position, if any, was in the Tate-La Bianca case?

A So far as I know, Mr. Manson was not present at the Tate murders, but he was present at the La Bianca murders.

Q And do you know what the result in the Tate-La Bianca case was, as far as Mr. Manson was concerned?

A I believe he was convicted of seven counts of murder, sir.

CieloDrive.com ARCHIVES

A-2-3

Q And do you know what penalty if any Mr. Manson --

THE COURT: Weren't you listening? He did --

MR. KANAREK: I understand, your Honor. I have -- I have -- I understand, your Honor.

THE COURT: All right.

MR. KANAREK: But I am --

THE COURT: He responded to those questions that the Court put to him.

MR. KANAREK: Yes.

THE COURT: Go ahead, then, though.

Q BY MR. KANAREK: Do you know what penalty, if any, occurred in the Tate-La Bianca case, as far as Mr. Manson is concerned?

A He was given the death penalty.

Q Now, then, certainly it's your intent and your purpose to follow the Court's orders; is that right, Mr. Mulford?

A Yes.

Q And --

THE COURT: Mr. Mulford, keep that microphone up. It has to be fairly close to your face.

Q BY MR. KANAREK: Like, for instance, you intended to contact this man in Nebraska; right? Right?

A Yes, I did.

Q But you failed to carry out that intent to its fruition; is that a fair statement?

I'm just using this as an example.

A I don't know where in Nebraska he is.

CieloDrive.com ARCHIVES

A-2-4

Q Right. But I am just using that as an example, Mr. Mulford.

A Yes.

Q All right. So therefore, as you sit there now in the witness stand, and having the intent to put aside these matters that you've heard concerning Mr. Manson, isn't it a fair statement that you don't know for sure what you can do or cannot do in that regard?

A Well, to the best of my ability, I believe I can.

Q But is it a fair statement that, not having experienced it, you don't know for sure?

A That's true.

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

THE COURT: The People?

MR. MANZELLA: Just a few questions, your Honor.

VOIR DIRE EXAMINATION

BY MR. MANZELLA:

Q Mr. Mulford, do you think you can, as you sit here now, do you think you can put aside what you've read, seen or heard about Mr. Manson, and any other cases with which he has been involved, and decide this case based on the evidence you hear in this courtroom?

A I do.

Q And will you do that? Will you put aside anything you may have read, seen or heard about Mr. Manson, or any of the cases involved? And will you decide this case based on the evidence you hear in this courtroom?

A I will.

1 fls.

CieloDrive.com ARCHIVES

MR. MANZELLA: People oppose the motion, your Honor.

THE COURT: I'm going to grant the motion. This prospective juror is the first of about 100 whom we called who remembers Mr. Beausoleil's name, who remembers some of the alleged details of the alleged Hinman killing. He has a very sharp recall of some of the details that were reported in the press in connection with it.

And in view of his answer to Mr. Kanarek to the effect that although he would try, he would not be sure, it would not be a fair statement that he could not be sure that he could set such things aside, I'm going to grant the motion.

Mr. Mulford, the Court thanks you. The Court excuses you as a prospective juror in this case.

Do you have time left on jury duty yet?

JUROR NO. 11: 27 days.

THE COURT: 27 days, oh, you just started, then?

JUROR NO. 11: Yes.

THE COURT: Would you report to Room 253, the jury assembly room, please.

JUROR NO. 11: Yes, sir.

THE COURT: And you may do so forthwith. Perhaps you can be used in another courtroom.

Thank you.

MR. KANAREK: Thank you very much.

(Whereupon, an unrelated matter was called and heard before the Court.)

THE COURT: The record will show Mr. Manson to be present with Mr. Kanarek.

CieloDrive.com ARCHIVES

Mr. Overholt, the prospective juror, is in the box.

VOIR DIRE EXAMINATION

OF MENDEL A. OVERHOLT, SR.

BY THE COURT:

Q Mr. Overholt, were you present when the Court explained the nature of this case and questioned a prospective juror about his qualifications for jury duty?

A Yes, I was.

Q Would your answers be any different than that respective juror responded to the Court's questions of a general nature, that you can think of?

A I would respond pretty much the same as that juror except that I am opposed to capital punishment, sir.

Q Are your views concerning capital punishment such that you could not thereby ever vote to impose the death penalty?

A That is true, sir.

Q In the event that you were called upon to determine punishment, or life imprisonment, or the death penalty, are your views such concerning that death penalty that you would automatically refuse to impose it?

A Yes, sir.

Q Regardless of the evidence?

A Yes, sir.

Q Regardless of what evidence might be produced in the case, are you stating to me that your reaction would be automatic to vote against the death penalty?

CieloDrive.com ARCHIVES

A Yes, sir.

MR. MANZELLA: Your Honor, the People would respectfully challenge Mr. Overholt for cause under Section 1073, Subdivision 2, and Section 1074, Subdivision 8.

Q BY THE COURT: Would you ever vote to impose the death penalty, Mr. Overholt?

A No, sir.

THE COURT: All right, the Court grants the challenge.

Mr. Overholt, you are excused and you may report to Room 253, the jury assembly room, forthwith.

MR. KANAREK: Thank you, Mr. Overholt.

THE COURT: Yes, thank you, Mr. Overholt.

MR. MANZELLA: Thank you, Mr. Overholt.

THE CLERK: Edward Mills, M-i-l-l-s.

Next one is Anne Madison, A-n-n-e, M-a-d-i-s-o-n.

VOIR DIRE EXAMINATION

OF EDWARD MILLS

BY THE COURT:

Q Mr. Mills, were you present when the Court explained the nature of this case and instructed the prospective juror regarding the law and questioned the prospective juror?

A Yes, your Honor.

Q Would your answers to those questions that I put to that person be any different than he responded to the questions of a general nature, I mean?

A Yes, sir, in several respects.

Q All right. Give us the respects in which they

CieloDrive.com ARCHIVES

would differ.

A. Uh, you asked him if he was opposed to the death penalty.

Q. Yes.

A. My answer would differ from his in that I am unalterably opposed to it.

Q. Are your views concerning the death penalty such, Mr. Mills, that you would automatically refuse to impose it regardless of the evidence?

A. In the penalty phase, your Honor?

Q. Yes.

A. Yes, sir.

Q. Are your views concerning the death penalty such that you could not in the first phase of the case, the phase concerned with guilt, that you could not be fair and impartial in determining that issue?

A. No, my views would not prohibit me from voting for guilt in the first phase of the trial.

Q. You could be impartial in determining that?

A. Yes, sir.

la

CieloDrive.com ARCHIVES

1-A

Q But in the penalty phase are you stating that you would refuse to even consider the death penalty?

A Yes, sir.

Q There's no set of facts which enters your mind or which you could conceive of by which you would, by reason of which, you would vote for the death penalty?

A No, sir, none, whatsoever. Under no circumstances.

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

THE COURT: You can, if you wish.

MR. KANAREK: Yes, I would.

VOIR DIRE EXAMINATION

BY MR. KANAREK:

Q You recognize, sir, that of course you have never experienced this, right?

A Yes, sir.

Q And so your thinking concerning the death penalty has been more or less in a vacuum without flesh and blood people, right?

A Exactly, exactly.

Q If you would think about this for a moment, we have here a man who may well be absolutely innocent of all of these charges.

Now, looking into your state of mind, and whatever mental discipline it may take to judge in such -- in this case, would you tell us, having in mind the importance of this real case that we have before us here, would you discuss with your fellow jurors the evidence in the penalty phase at

CieloDrive.com ARCHIVES

1-a-2

this point as -- looking at it from what you know?

A My views are unalterable on the death penalty. I could discuss the evidence in a penalty phase.

Q You would discuss --

A Yeah, with my fellow jurors. But if it came right down to it, I could not vote to impose the death penalty, period.

Q Are your views such that you could never vote to impose the death penalty in this case or in any case?

A In any case, your Honor.

Q What if your life depended on it, sir.

MR.MANZELLA: Objection, your Honor, it is not relevant.

THE COURT: Sustained.

The Court will excuse Mr. Mills, granting -- is there a challenge?

MR. MANZELLA: There is a challenge for cause under Section 1073, Subdivision 2, and Section 1074, Subdivision 8.

THE COURT: The Court will excuse Mr. Mills. Thank you, Mr. Mills.

MR. KANAREK: I will object to 1074, because the man clearly said --

THE COURT: That's true.

MR. MANZELLA: Your Honor, that objection is a pro forma objection. And I use it because the California cases have referred mistakenly to 1074, Subsection 8. And I put that in just in case the California courts believe that that is the proper section. I think it is mistaken. I agree with

CieloDrive.com ARCHIVES

1-a-3

Mr. Kanarek. However, cases such as People vs. Varnum refer to 1074, Subdivision 8, as a -- by implication, as the grounds-- the ground for a Witherspoon challenge.

THE COURT: Well, the Court finds the defendant -- strike that -- the prospective juror, Mr. Mills, would automatically refuse to impose the death penalty, regardless of the evidence. That his views are such that he would never vote to impose the death penalty in any case, and grants the challenge on that ground.

Thank you, Mr. Mills. You can report to Room 253, the jury assembly room, unless this is your last day of jury duty?

JUROR NO. 11: No, sir, it isn't.

MR. KANAREK: Thank you, Mr. Mills.

THE CLERK: Colleen M. Wefel, C-o-l-l-e-e-n, last name, W-e-f-e-l.

VOIR DIRE EXAMINATION OF

ANNE MADISON

BY THE COURT:

Q Are you Mrs. Madison?

A Yes.

Q Mrs. Madison, were you present when the Court explained the nature of this case?

A Yes, sir.

Q And did you hear the questions that I put to a prospective juror of a general nature?

A Yes.

CieloDrive.com ARCHIVES

1-a-4

Q You did?

A Yes.

Q Would your answers be any different than those that he gave to those questions of a general nature, not of a personal nature?

A No.

Q All right. Would it be a hardship to you to serve in this case?

A Yes.

Q Would you hold that microphone -- point it at your face, if you would.

A Yes.

Q Hold it about an inch away, and you'll hear it pick up. About that far.

A Yes, it would be.

Q Tell us about it.

A Well, I am expecting some dental work when I get through with this month's junket.

Q You're expecting some dental work?

A I have to have some dental work done I've been putting off.

1-b fls.

CieloDrive.com ARCHIVES

lb-1

Q Are you talking about surgery or what?

A No, just working on my --

Q Well, you understand that the prospect is that you will not be sequestered and the Court would generally convene at 9:30, and that you would be leaving the Hall of Justice at 4:30?

A Well, my dentist doesn't -- his hours are -- I wouldn't be able to get them in. And also my husband hasn't been feeling too well, so I just couldn't do it.

Q Well, the Court does not believe that that's a sufficient excuse. Everyone has trouble getting to a dentist, anyone who is engaged in daily work.

A I know. It is my husband that's the real problem.

Q What's the problem with your husband?

A Well, for about a year he's had heart problems and I just couldn't be away for that length of time.

Q Is he working?

A He's working at home. He's a cartoonist, so it is kind of (indicating) this way.

Q Is he under doctor's care now?

A He's under the care of a Christian Science practitioner.

Q Why are you needed at home?

A Because, uh, well, I have to be there to help in case there was any problem.

Q Well, the Court doesn't believe that that is a sufficient reason, as you explained it to me.

Have you served as a juror before?

CieloDrive.com ARCHIVES

A Yes.

Q In a criminal case?

A Uh, yes.

Q What was the nature of those cases and was there a verdict, without saying whether it was guilty or not guilty?

A One was an abortion case. One was, uh, uh, I forget what you call it. It was kind of like a racial thing. And, uh, I have almost forgotten what the other was. It's been about six or seven years ago.

Q Oh, it's been a long time ago?

A Yes.

Q Would you set aside what you learned in those cases and determine what you heard in this case here and the --

A I would feel that I was prejudiced in this case.

Q I'm speaking to you. Would you listen to the question.

Would you set aside what you may have learned in those cases and determine this case solely from the evidence that's produced here and the instructions of law without regard to those cases?

A Oh, they wouldn't have anything -- because I've forgotten them pretty much.

Q All right.

Are you employed?

A No.

Q Are you related to or a friend of a law enforcement officer?

A No, sir.

CieloDrive.com ARCHIVES

Q In what area do you reside?

A Hollywood.

Q In respect to the death penalty, do you have such views concerning it that you could not ever impose it?

A No.

Q Are your views concerning the death penalty such that you would automatically refuse to impose it in any case regardless of the evidence?

A No.

Q Or would you, on the other hand, automatically impose it without regard to the evidence upon a conviction of murder in the first degree?

A No.

Q In respect to the pretrial publicity, you had heard, had you not, of Mr. Manson?

A Yes.

Q Before you came to court in this case?

A Yes, sir.

Q And was that in connection with the so-called Tate -- Sharon Tate murder case?

A Yes.

Q And La Bianca murders?

A Yes, sir.

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

A You couldn't help it.

Q And it was a matter of reading, hearing, or seeing publicity in connection with this over a period of many months,

CieloDrive.com ARCHIVES

is that correct?

A. Yes, sir.

Q. And did you make a practice of regularly viewing any particular television set or television program, rather?

A. We generally listen to Channel 2, and that covers it pretty thoroughly.

Q. And that was more or less a matter of practice during the course of the year?

A. Yes.

Q. Did you learn what the result of that trial in which Mr. Manson was involved was?

A. Yes.

Q. What do you know the result to be?

A. He was convicted.

Q. Of what?

A. Of murder and conspiracy.

Q. One murder or more?

A. Uh, more. There was a whole raft of them.

lc

CieloDrive.com ARCHIVES

1-c-1

Q Do you know whether there was a verdict in the penalty phase?

A Yes, he was convicted.

Q Convicted of murder?

A Yes.

Q Do you know whether there was a --

A It was the death penalty.

Q Pardon?

A The death penalty.

Q All right.

Now, having in mind what you know about Mr. Manson, and everything that you may have heard, seen or read concerning that Tate-La Bianca trial and possibly this trial, do you believe that you can set aside those things for the purpose of being objective as a juror in this case and be fair and impartial?

A No.

Q You cannot?

A I'm afraid not. I would want to, but I don't -- but I couldn't.

Q If the Court should instruct you that you would be required to do so, and that it would be required of you as a juror to set aside everything that you might have heard, seen or read previously and decide this case independently of such matters, do you think that you would be capable of doing that, mentally capable of doing that?

A I don't believe I would be.

THE COURT: Mr. Kanarek.

CieloDrive.com ARCHIVES

1-c-2

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

THE COURT: The Court grants the defendant's challenge for cause.

JUROR NO. 11: Thank you.

THE COURT: All right, thank you, Mrs. Madison, you are excused.

Room 253, unless this is your last day of jury duty?

JUROR NO. 11: No.

MR. KANAREK: Thank you.

THE CLERK: Mrs. Ann Johnson, A-n-n, J-o-h-n-s-o-n.

VOIR DIRE EXAMINATION OF

COLLEEN WEFEL

BY THE COURT:

Q This is Mrs. Wefel coming into the box.

Would you pronounce your name for us?

A Colleen Wefel.

Q Wefel.

Mrs. Wefel, were you present when the Court explained the nature of this case and instructed the prospective jurors regarding some aspects of the law regarding the case?

A Yes.

Q Were you present when the Court questioned a prospective juror, and did you hear his -- the questions and his answers?

A Yes.

CieloDrive.com ARCHIVES

Q Would your answers be any different to the questions of a general nature that I put to him?

A Uh, yes, in one respect, capital punishment.

Q Are your views concerning capital punishment such, Mrs. Wefel, that you could never vote to impose the death penalty?

A Yes.

Q Would you, by reason of your views concerning the death penalty, be unable to be impartial in determining the issue of guilt or innocence?

A No.

Q The views that you have now concerning capital punishment, are they such that you would automatically refuse to impose the death penalty regardless of the evidence that might be produced?

A Yes.

Q Are you stating to the Court that you would refuse to even consider the death penalty in this or in any case?

A Yes.

MR. MANZELLA: Your Honor, the People would respectfully challenge --

MR. KANAREK: I would like to ask a question, if I may?

MR. MANZELLA: -- would respectfully --

MR. KANAREK: Oh, I'm sorry.

MR. MANZELLA: -- respectfully challenge under Section 1073, Subsection 2, because of her views concerning the death penalty.

MR. KANAREK: Yes, thank you.

CieloDrive.com ARCHIVES

I'm sorry, Mr. Manzella.

VOIR DIRE EXAMINATION

BY MR. KANAREK:

Q Mrs. Wefel, you've never had the experience of ever having to make such an actual decision in real life, right?

2 fls. A No.

CieloDrive.com ARCHIVES

2-1

Q And so, as you approach this case, you can't say for sure -- well, first of all, let me ask you:

There isn't any reason why you couldn't discuss the evidence with your fellow jurors, --

A No.

Q -- right? You would discuss it with them; right?

A Right.

Q And you would listen to their counsel; and, hopefully, they would listen to your counsel, and then you would decide, based upon what was presented to you, as to what you should do; is that a fair statement?

A Yes.

MR. KANAREK: Oppose the challenge, your Honor.

MR. MANZELLA: May I --

THE COURT: Would you read that back to me, the last couple of questions and answers?

(Whereupon the record was read by the reporter as follows:

"Q And so, as you approach this case, you can't say for sure -- well, first of all, let me ask you:

"There isn't any reason why you couldn't discuss the evidence with your fellow jurors, --

"A No.

"Q -- right? You would discuss it with them; right?

"A Right.

"Q And you would listen to their counsel;

CieloDrive.com ARCHIVES

2-2

"and, hopefully, they would listen to your counsel, and then you would decide, based upon what was presented to you, as to what you should do; is that a fair statement?

"A Yes.")

VOIR DIRE EXAMINATION (Continuing)

BY THE COURT:

Q Would you explain that, Mrs. Wefel, in view of your previous statement to me that, regardless of the evidence, you would never vote to impose the death penalty?

A Well, it's the way I feel.

Q Well, would you explain the answers that you gave to -- or, the answer that you gave to Mr. Kanarek, in regard to his last statement? His last question, rather?

A Well, I would listen to everyone, but my opinion is that I don't believe in the death penalty.

Q Well, you have told me previously, in response to my questions, that you would automatically refuse to impose the death penalty?

A Yes.

Q Without regard to the evidence?

A Yes. Well, that's the way I feel.

Q Well, that's what we are attempting to find out, Mrs. Wefel. But you've indicated to Mr. Kanarek that you would consider the evidence.

A Well, I would listen. But my opinion is: I don't believe in the death penalty.

CieloDrive.com ARCHIVES

2-3

Q All right.

MR. MANZELLA: May I inquire, your Honor?

THE COURT: Yes, you may.

VOIR DIRE EXAMINATION

BY MR. MANZELLA:

Q Ma'am, are you saying that, depending on the evidence, you can conceive of a situation in which you would vote for the death penalty?

A No.

Q Then are you saying that although you would listen to the evidence, that you would never vote for the death penalty, regardless of that evidence; --

A Yes.

Q -- is that what you are saying?

A Yes.

Q So that even though you would listen to the evidence and discuss the evidence with the other jurors, you personally would never vote for the death penalty; is that correct?

A Yes.

MR. MANZELLA: The People would remake the challenge, your Honor.

MR. KANAREK: Oppose, your Honor.

VOIR DIRE EXAMINATION (Continuing)

BY THE COURT:

Q Mrs. Wefel, judging from what you've replied to

CieloDrive.com ARCHIVES

2-4

Mr. Kanarek's last question, you would listen to the evidence, you would discuss it with your fellow jurors; and you might, judging from what I took to be the sense of the question and answer, be convinced that the death penalty was proper; and that you should exercise your discretion to vote for the death penalty.

Am I correct? That is your state of mind, that you would discuss the matter, and you could be convinced by other jurors that the death penalty was proper?

A No.

Q Well, tell me your state of mind. You've indicated to me that you are opposed to the death penalty. And I -- I divine that. I have been able to determine that.

A Yes.

Q And that the question that I am putting to you is concerning whether or not, after having viewed the evidence, you would vote for the death penalty?

A No.

THE COURT: Any questions?

MR. KANAREK: No. Oppose the challenge, your Honor.

THE COURT: Mr. Demoff -- off the record.

(Whereupon proceedings were had on an unrelated matter, not reported.)

Q BY THE COURT: All right. Mrs. Wefel -- back on the record -- are your opinions concerning the death penalty such that you would automatically refuse to impose it, without regard to any evidence that might be developed?

A Yes.

2a fls.

CieloDrive.com ARCHIVES

2a-1

Q Are your opinions concerning the death penalty such as would prevent you from making an impartial decision as to the defendant's guilt?

A Yes.

Q Now, you've changed your opinion in regard to that now. In the first instance, you told me, when I asked you that question, that you could be impartial in making a decision as to guilt.

How do you explain that? Are you confused by the question?

A Yes, somewhat.

Q You seem somewhat nervous. Perhaps that explains the contradiction. I don't know.

The Court denies the challenge. I don't -- I can't tell, from what Mrs. Wefel has said, whether she means what she says concerning her views about the death penalty or not.

Have you sat on jury duty before, Mrs. Wefel?

A No.

Q Are you employed?

A Yes.

Q What type of work do you do?

A Uh -- credit work.

Q And are you related to or a friend of any law enforcement officer?

A No, I am not.

Q In what general area do you reside?

A Hollywood.

CieloDrive.com ARCHIVES

Q Is there a Mr. Wefel?

A No, I'm not married.

Q Oh, is it Miss Wefel?

A Miss.

Q Miss Wefel, in connection with what you may have heard, seen or read concerning Mr. Manson, do you believe that if you were to serve as a juror in this case, and if I were to instruct you that you were to set aside anything that you may have read, seen or heard concerning him, that you could do so? And decide any issue that you may be called upon to decide in this case, separate and apart, and independently of any information you may have learned about him, from the press --

A Yes.

Q -- radio, or television?

A Yes.

Q You can do that?

You had, of course, heard of Mr. Manson before you came to this courtroom?

A Yes.

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

A Yes.

Q Did you follow that trial, in the course of the last several months or so?

A No, not in detail.

Q Did you read about it in the newspapers?

A Occasionally, yes.

Q Watch it on -- watch reports of it on Television?

CieloDrive.com ARCHIVES

A Yes.

Q And over the radio? Did you listen to radio programs, radio news programs?

A Yes.

Q Do you know what the result of that trial was?

A I believe I do.

Q What was it?

A Found guilty.

Q Of what?

A Of murder.

Q And more than one murder?

A I don't know.

Q Do you know whether there was a verdict in respect to penalty?

A Yes.

Q And if so, what it was?

A Yes.

Q What was it?

A The death penalty.

Q Do you know the name Susan Atkins?

A I've heard of it, yes.

Q What did you hear -- what have you heard of it?

A In relationship to the murders.

Q What in relationship to the murders have you heard of the name Susan Atkins?

A Uh -- well, she was with the other people.

Q Was she one of the defendants? Is that what you are saying?

CieloDrive.com ARCHIVES

A Yes.

Q And do you know the names of any other victims, other than Tate and La Bianca?

A Yes, one other. The Folger girl.

Q Have you ever heard of the name Bobby Beausoleil?

A No.

Q Shorty Shea?

A No.

Q Gary Hinman?

A Yes.

Q What have you heard about that name?

A Uh -- I read in the paper of his murder.

Q Did you read that Mr. Manson was in some way connected with it?

A No.

Q Now, having in mind all those things that you have heard, seen or read, or anything that you might remember during the course of this trial, that you might not recall at this moment, if I were to instruct you concerning such matters and such things that you may have heard, seen or read, that you were to set them aside and act independently of them, in determining any issue that might arise in this case, could you do so? Are you capable of doing so?

A I believe so, yes.

Q You don't seem certain.

A No.

2b

CieloDrive.com ARCHIVES

2b-1

Q At this moment, then, you are unsure as to whether or not you could set such matters aside, in determining the issues that you might have to determine in this case? You are uncertain at this point?

A Yes.

Q Can you explain that? Why would you be unable to do that?

A Well, I -- I guess it's because I know the charge, and my views on the death penalty.

Q I don't understand how your views on the death penalty would fit into your inability -- or, in any way affect your ability or inability -- to set aside what you might have learned from the news media concerning Mr. Manson or this case or another case.

A Well, I could set that aside, what I have heard previously, but --

Q You believe that you can be objective and can set aside --

A Yes.

Q -- what you may have --

A Yes.

Q -- heard, seen or read in determining any issue that you might be called upon --

A Yes.

Q -- to determine in this case?

A Um-hmm.

Q Set aside any opinions that you might have formed?

A Yes.

CieloDrive.com ARCHIVES

2b-2

Q And you can be fair and impartial in determining those issues?

A Yes.

Q Now, other than your attitude about the death penalty, to which you are opposed -- and the Court understands that -- is there any other reason why you couldn't be fair and impartial in this case?

A No.

THE COURT: Mr. Kanarek?

MR. KANAREK: No questions, your Honor.

MR. MANZELLA: I would like to ask her a few questions with regard to the death penalty, your Honor.

THE COURT: You may.

VOIR DIRE EXAMINATION (Continued)

BY MR. MANZELLA:

Q Miss, if I recall correctly, you indicated to Mr. Kanarek, attorney for Mr. Manson, that you would discuss the evidence with your fellow jurors, and that you would consider the evidence --

A Yes.

Q -- in determining what penalty to impose; is that correct?

A Yes.

Q All right. Are you saying, then, that you could conceivably vote for the death penalty?

A No.

Q Well, then, do you see a contradiction there?

CieloDrive.com ARCHIVES

2b-3

MR. KANAREK: Well, that's immaterial, and we would --

MR. MANZELLA: I'll withdraw the question.

Q Could you explain your state of mind with regard to --

A Well, I could listen to what the others would say, and I could -- I could have an opinion of whether he was guilty or not.

But my views on the death penalty -- I feel very strongly about it, but I could make a decision whether he's guilty or not guilty.

Q Well, when you answered -- I'm sorry. Did I interrupt you?

A No.

Q When you answered Mr. Kanarek's question, then, about discussing the evidence with your fellow jurors, and determining the proper decision, were you talking about the guilt or innocence, rather than penalty?

A Yes.

MR. MANZELLA: I see. Your Honor, the People would renew their challenge. The juror's now made it clear that when she answered Mr. Kanarek's question, she was talking about the determination of guilt or innocence.

And I think in all her other responses directed to the question of penalty, she has made it clear that she would automatically refuse to impose the death penalty, regardless of the evidence.

MR. KANAREK: Well, your Honor, may I ask --

THE COURT: I don't believe she was. It seems to me

CieloDrive.com ARCHIVES

2b-4

that the question -- the tenor of the questioning, and that particular question, was clearly dealing with the death penalty.

MR. MANZELLA: Your Honor, the juror has just stated that she was referring to the issue of guilt or innocence when she answered Mr. Kanarek's question.

THE COURT: Yes. I am not sure I believe her.

She obviously is opposed to the death penalty. But it seems to me that she's also clearly indicated that she might change her mind.

Q BY MR.MANZELLA: Is that correct, Miss?

MR. KANAREK: Well, your Honor, I'll object to that

2c fls.

colloquy, your Honor.

CieloDrive.com ARCHIVES

c
2k-1

THE COURT: Yes. If you wish to put a form of question, you can give Mr. Kanarek an opportunity to object to it.

MR. MANZELLA: All right.

Q Is that correct, Miss Wefel, that you would -- it's conceivable that you would change your mind and vote for the death penalty?

MR. KANAREK: Well, your Honor, that's assuming facts not in evidence, about changing her mind; and it's also -- the question is immaterial.

THE COURT: Well, she has expressed herself in both ways on this matter. I think it's a permissible question.

Overruled.

JUROR NO. 11: Would you repeat that?

Q BY MR. MANZELLA: Of course. Are you saying that although you are opposed to the death penalty now, and would not vote for the death penalty in any case, that it's conceivable that, after hearing the evidence in this case, you would change your mind, and you then could consider the death penalty and could conceivably vote for the death penalty?

A No, I could not.

VOIR DIRE EXAMINATION (CONTINUED)

BY THE COURT:

Q Miss Wefel, there's another subject that we'd -- the Court denies the challenge. The Court is still uncertain about Miss Wefel's attitude toward the death penalty, in view of her vacillating on the subject.

Miss Wefel, there is another subject that we

CieloDrive.com ARCHIVES

have not yet discussed with you, and that is the question of hardship.

Would it entail any hardship to you to serve in this case?

A. Uh -- well, at the present time, I am in limbo with my company; and they are trying to find another position for me.

Q. What company is that?

A. Capitol Records.

Q. And what does that statement of yours mean, in respect to whether or not this could be a hardship?

A. Well, I should be available for interviews, if they do come up with something.

Q. Are you employed?

A. I am employed. I am on vacation right now.

Q. I see. You are on vacation, and you will return to work at the Capitol Record Company when?

A. At the end of this month.

Q. Will your jury duty have been completed at that time?

A. Yes.

Q. So you've spent your vacation on jury duty?

A. Yes.

Q. The Court compliments you. That's certainly a fine attitude, to offer your services for jury duty on vacation.

A. Well, it was -- it just happened that way.

Q. Now, you mean by that that if you were not

CieloDrive.com ARCHIVES

available for a call, that -- or, for an interview, that you might lose a position with the company?

A Possibly, yes.

CieloDrive.com ARCHIVES

3-1

Q It is only a possibility, is that correct?

A Right, because right now I'm in limbo and they're looking for a position for me.

Q You don't know that this will occur, but this is one of the things that might occur; is that correct?

A Right, yes.

Q Have you served as a juror in a criminal case?

A No.

Q Are you related to or a friend of any law enforcement officer?

A No.

Q In what area do you reside?

A Hollywood.

Q What type of work do you do for Capitol Records?

A Uh, credit work.

THE COURT: All right, the Court doesn't find that this is a sufficient showing of hardship on Miss Wefel's part. Do you have anything to add to this, however, to indicate to the Court that it would be a hardship, and that you might possibly lose -- that you would probably lose an opportunity to advance in your job or that you might probably or would probably lose your position, the Court would be interested in hearing from your employment whether you would be continued to be paid during the time that you would continue to serve.

JUROR NO. 11: I understand I would be, that is if they find me a position there.

BY THE COURT:

Q What is that? I didn't hear that.

CieloDrive.com ARCHIVES

A. That is, if they do find me a position.

Q. When you return from vacation, you will be returning to a -- to the job that you had before?

A. No.

Q. Well, perhaps I misunderstood you.

Do you a job with them?

A. Well, I am still employed because I am on vacation and they are trying to find a position for me.

Q. You mean that if you don't come back to the date set for your return, that you would not be employed by them?

A. Well, I believe I still have another week's vacation, so I would still have, like, until the first week in August.

Q. I don't understand that. This is the only first day of July.

A. Yes.

Well, I had last year's vacation, and then I had this year's vacation.

Q. So that you will have through the month of July before you return to the company?

A. Uh-huh, yes.

Q. When you return to the company, will you return in -- to the old job, the old position?

A. No, I will not.

Q. Well, do you know -- what you are saying is you don't know whether you have a job with the company when you return?

A. Right, although they have been contacting me every

CieloDrive.com ARCHIVES

once in a while.

Q You haven't been discharged from your job, have you?

A No. The reason why I am in limbo, is because of layoffs. I was asked to go into another department and I refused. And it is now in the hands of the personnel director and he is trying to help me at the present time.

Q All right. Let us know, let the Court and counsel know what the circumstances are and whether there is now a position to which you can return, assuming that you were to serve as a juror in this case for four or five months; will you do that?

A Yes.

Q Possibly only four months in the case, that's the newest estimate.

Would you make some effort to find that out over the recesses intervening between now and the close of the day, and we'll talk to you again later on.

All right, thank you, Mrs. Wefel.

Would you return to the group of the jurors, please.

MR. KANAREK: Thank you, Miss Wefel.

THE COURT: Let's hear from Mr. Gardner.

We now have the jury box full, don't we?

MR. MANZELLA: Right.

MR. KANAREK: Right, your Honor.

THE COURT: And we're ready to begin a general voir dire of a succinct nature, however.

CieloDrive.com ARCHIVES

THE BAILIFF: You just want Mr. Gardner?

THE COURT: Mr. Gardner, Mr. Perlin. We'll begin with Mr. Perlin and ask him about those questions concerning his employment that he was to determine for us.

And Mr. Gardner, also.

And was there someone else? Mr. Moore? I'm not sure. I think Mr. Moore also has some questions about employment, No. 10 juror.

While we're waiting for Mr. Perlin, Mr. Gardner and Mr. Moore to come in, the Court will call Mr. Marshall's matter.

(Whereupon, unrelated matters were called and heard before the Court.)

3a

CieloDrive.com ARCHIVES

3a-1

THE COURT: All right, let's call Mr. Gardner back to the jury box.

Mr. Gardner, you may simply stand right there for the time being.

What have you found out about your employment?

JUROR NO. 7: Uh, they said I would be able to serve for a period of five months or longer.

THE COURT: Thank you for accommodating us, and you can go to seat No. 7 there, if you would, please.

Mr. Perlin, what have you been able to find out?

JUROR NO. 2: Your Honor, I spoke to Don Sprague, the vice-president and director of personnel, and I finally was able to catch him. He was chasing between subsidiaries of the company. He told me unequivocally and specifically and he is prepared to confirm it, if the Court would wish to verify it with them, that I am restricted to the calendar month and the 20 working days.

THE COURT: So that after that period of time you would not be paid?

JUROR NO. 2: That's right, your Honor.

THE COURT: And that would be a hardship which you would not want to endure and which you're asking on -- on the basis of which you are asking to be relieved?

JUROR NO. 2: Yes, your Honor. It would be very extreme, very extreme. No income for that length of time.

THE COURT: All right, the People and the defendant have any questions?

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

CieloDrive.com ARCHIVES

3a-2

THE COURT: Anything further?

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

THE COURT: All right, the Court would -- does find, then, Mr. Perlin, it would be a hardship that you should not be required to endure and does excuse you.

JUROR NO. 2: Thank you, your Honor.

THE COURT: Room 253, then, the jury assembly room.

Let's see, Mr. Moore, was there some question that you had in mind in connection with your employment that you were going to resolve?

JUROR NO. 2: No, sir, I am retired.

THE COURT: All right, then, we'll ask Mr. Gardner and Mr. Moore to leave the room again. We must go on to fill Mr. Perlin's seat. Until we get that filled, we will have to ask you to wait with the other prospective jurors.

(Whereupon, an related matter was called before the Court.)

THE COURT: Let's see, the next juror is Johnson.

THE CLERK: Call another name?

THE COURT: Yes, call another name.

4 fls.

THE CLERK: Carter G. Wells, W-e-l-l-s.

CieloDrive.com ARCHIVES

THE BAILIFF: What seat?

THE COURT: Let's see.

MR. MANZELLA: 2.

THE COURT: She's in seat number 2.

VOIR DIRE EXAMINATION

OF MRS. ANN JOHNSON

BY THE COURT:

Q Mrs. Johnson, were you present when the Court explained the nature of this case, and talked to a prospective juror concerning it, questioned him?

Did you hear all the proceedings?

A Yes.

Q Would your answers be any different than the prospective juror responded to the questions of a general nature put to him?

A No.

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

A Well, I don't know whether or not my employers would be willing to pay.

Q Who is your employer?

A Fashion Time.

Q How long have you been employed with them?

A About five months.

Q Have you inquired of them, since --

A Yes.

Q -- you were here?

CieloDrive.com ARCHIVES

A. Yes. He said that if it's the law, he'll pay. If not, he won't.

Q. Is this your sole source of support?

A. Yes, it is.

Q. What do you do for that firm?

A. Inspector.

Q. Well, the Court would tell you that it is not the law that a juror be compensated by his employer. In other words, the Court cannot -- nor can the County -- force your employer to pay you beyond the period of time when you would ordinarily be sitting as a juror, beyond the 30 days -- and I'm not even sure that he could be forced to pay you during that period of time, should your employer decide not to pay you -- unless there's some union contract or something of that nature.

A. No, no union.

Q. Is there a Mr. Johnson?

A. Yes.

Q. Is he employed?

A. Yes, he is.

Q. Do you work full time, Mrs. Johnson?

A. Yes.

Q. And your earnings are needed for the support of your family, and --

A. Well, there's a Mr. Johnson, but Mr. Johnson and I are not together.

Q. I see. He is not in any way supporting you?

A. No.

CieloDrive.com ARCHIVES

Q So that if you -- do you have children?

A No.

THE COURT: It would appear to me, gentlemen, that she would not be paid beyond the period of 20 days. So accordingly, it would look to the Court as though it is a situation of hardship.

MR. MANZELLA: The People would so stipulate, your Honor.

MR. KANAREK: Submit it, your Honor.

THE COURT: All right. Mrs. Johnson, the Court will excuse you. The Court finds that, since you would not be paid during the period of time beyond your ordinary services as a juror, that you should be excused.

JUROR NO. 2: Thank you.

THE COURT: The Court thanks you.

MR. KANAREK: Thank you. Thank you, Mrs. Johnson.

THE COURT: Room 253 is the assembly room. Would you go back there, then, forthwith?

Let's see. You don't need to go back now. You can report at 1:30.

JUROR NO. 2: Okay.

THE BAILIFF: Your Honor, the next one, Mr. Wells, he doesn't answer up over there.

THE COURT: Mr. Wells does not?

THE BAILIFF: No. Carter Wells.

THE COURT: Call another name, then. Let's find out -- we'll find out what happened to Mr. Wells.

Will you see if you can find out what happened?

THE BAILIFF: Yes, sir.

CieloDrive.com ARCHIVES

THE CLERK: Joseph P. Lowe; L-o-w-e.

THE COURT: Mrs. Holt, did you find the names of those two jurors who did not enter with the panel?

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

THE COURT: Mr. Burrell, would you find the names of the two jurors who did not enter with the prospective jurors? There were two who did not enter at the same time, because they were apparently lost somewhere, or reported to the courtroom late, and they were not sworn.

VOIR DIRE EXAMINATION

OF MR. JOSEPH P. LOWE

BY THE COURT:

Q Are you Mr. Lowe?

A Yes, sir.

Q Come forward, Mr. Lowe. You would be in seat No. 2.

Mr. Lowe --

THE BAILIFF: Your Honor, I just spoke to them over there. They said they tried to find out yesterday, and nobody would answer up as to who the two were. But they're going to try again now.

Q BY THE COURT: Mr. Lowe, were you sworn --

A Yesterday.

Q -- as a prospective juror yesterday?

A Oh, yes, sir.

CieloDrive.com ARCHIVES

4a-1

THE COURT: Well, let's bring in the entire panel, and we'll reswear them, then, if no one will answer as to who was sworn.

Q Mr. Lowe, did you hear the Court's explanation of the nature of this case, and the Court's questioning of a prospective juror?

A Yes, I did.

Q And that was a prospective juror who was in your group, Mr. Fujimoto?

A Yes, I believe so.

Q Would your answers be any different than the majority of -- strike that.

Would your answers be any different than Mr. Fujimoto's answers were to the questions put to him of a general nature?

A No, not too much difference.

Q Can you think of any respect in which your answers would differ to those questions that I put to him of a general nature? Not of a direct personal nature?

A General? I can't think of anything.

Q Would it be any hardship to you, Mr. Lowe, to serve on this jury?

A Yes, it will.

Q Tell us about that.

A Well, I talked to my employee (sic), and he stated that, due to the fact that their -- it was during the vacation period, that he would be unable to extend my jury duty for more than 30 days.

CieloDrive.com ARCHIVES

4a-2

Q What company do you work for?

A Postal. The Postal Service.

Q I see. You work for the U. S. Government Postal Service?

A Yes, sir.

Q And in what capacity do you serve?

A Distribution clerk.

Q Well, it's the Court's information that the U. S. Government does pay you during the period of time that you are on jury duty.

A Yes, she stated this. But she also says that, since we know beforehand that it will take a lot longer than the normal 30 days, that they will be unable to do this, if the --

Q Unable to pay you?

A Unable to pay me for more than the 30 days, knowing that the case will go more than 30 days.

But if I were already on the jury, and it would go more than this, then they would pay me.

Q The Court believes that you would be paid nevertheless. We will have that ascertained, however, so that you needn't worry about it, should you be chosen as a juror. You wouldn't have to have any doubt in your mind.

But I am reasonably sure that there is no problem in that connection.

Is there any other problem of hardship that you would suffer?

A No.

CieloDrive.com ARCHIVES

4a-3

Q All right. Have you served as a juror before in a criminal case?

A No, I haven't.

Q Have you any friends or relatives who are law enforcement officers?

A No.

Q In what general area do you reside?

A South Los Angeles.

Q I've asked others about the death penalty, and you heard some explanation of the law in that respect, and you heard my questions concerning it, --

A Yes.

Q -- have you not?

A Oh, yes, I've heard it.

Q Do you have such views concerning the death penalty that you could not thereby be impartial in determining the question of guilt or innocence?

A None.

(At this point the members of the prospective jury panel began to enter the courtroom.)

Q Or are your views concerning the death penalty such that you would automatically refuse to impose it without regard to the evidence?

A No.

Q Are your views concerning the death penalty such that you would never vote to impose it?

A No.

Q Or do you have such views concerning the death

CieloDrive.com ARCHIVES

4a-4

penalty that you would automatically impose it, upon a conviction of murder of the first degree?

A No.

THE COURT: All right. I'll ask you about other aspects of your state of mind in regard to Mr. Manson, and pre-trial publicity, in a few minutes -- well, at 2:00 o'clock. It's 12:00 o'clock now.

So we will recess this case until 2:00 o'clock. And you are admonished -- as are all the jurors who have just entered the room, all the prospective jurors -- that you are not to discuss this case during the recess, or any subsequent recess, amongst yourselves, nor with anyone else, nor are you to permit anyone to converse with you on any subject connected with this matter.

Now, when the prospective jurors were sworn, there were --

THE BAILIFF: There's two. We found them.

THE COURT: -- there were two who came in late for some reason or another, and were not sworn.

Will those two please stand up?

Have you lost them again?

THE BAILIFF: Wasn't it you two ladies?

PROSPECTIVE JUROR WALL: No, we have been --

THE COURT: Oh, Mrs. Wall has been sworn. And who's that with you?

PROSPECTIVE JUROR WALL: Mrs. Love.

THE COURT: Yes, Mrs. Love. They were sworn,

Is there anyone in the room now who has not been

CieloDrive.com ARCHIVES

sworn as a juror?

I think it was simply a mistake. Did you take it that -- that Mrs. Love and Mrs. Wall, yesterday, when you were asked whether you were sworn, did you take it that you were not sworn to serve as one of the 12, and thereby answered in the affirmative when somebody asked you whether you had been sworn or --

PROSPECTIVE JUROR WALL: We just told him just now, that we came in just a little bit --

4b fls.

CieloDrive.com ARCHIVES

4b

THE COURT: Wall, the jury hasn't been -- the people that will sit as jurors in this case have not yet been sworn. But you have been sworn -- the question I am putting to you is whether you have been sworn as prospective jurors, to answer to the truth in connection with such questions as might be put to you concerning your qualifications to act as jurors.

Is there anyone who has not -- anyone in this room now who has not taken that oath?

I see no response. But just to make sure, because I heard yesterday that there were two -- now, it might very well have been Mrs. Wall and Mrs. Love; I do not know that; but two ladies were pointed out to the Court as having been those that did not take the oath.

Just to be sure, I am going to ask you, all of you to rise -- other than those who were here previously.

Now, yesterday, a group of prospective jurors came into the courtroom, and I am speaking of you who came in yesterday.

Would you all please rise? And I will ask the clerk to swear you again. The others need not rise.

THE CLERK: You, and each of you, do solemnly swear that you will well and truly answer such questions as may be asked of you touching upon your qualifications to act as trial jurors in the cause now pending before this Court, so help you God?

PROSPECTIVE JURORS: I do.

THE COURT: All right. Remember the admonition I have given to you, ladies and gentlemen. Come back at 2:00 o'clock.

CieloDrive.com ARCHIVES

Where do they gather, Mr. Burrell?

THE BAILIFF: Back in Department 104.

THE COURT: You are excused until 2:00 o'clock.

I'll see you back in seat number 2, Mr. Lowe, at 2:00 o'clock.

JUROR NO. 2: Yes, sir.

(Whereupon, at 12:04 p.m., an adjournment was taken until 2:00 o'clock p.m., same day.)

CieloDrive.com ARCHIVES

LOS ANGELES, CALIFORNIA, THURSDAY, JULY 1, 1971

2:18 P.M.

--o--

THE COURT: Mr. Manson is present with his attorney. Mr. Lowe is in the box.

VOIR DIRE EXAMINATION (CONTINUED)

OF JOSEPH P. LOWE

BY THE COURT:

Q Mr. Lowe, I'll ask you whether you have such views concerning the death penalty -- did I ask you about the death penalty? I believe I did.

A Yes, sir, I think you did.

Q Now, in connection with publicity that you may have heard, seen or read concerning Mr. Manson, you have heard, seen, or read his name before, have you not?

A Yes, I have.

Q Now, was that in connection with the Tate-La Bianca homicides?

A It was.

Q Did you follow that on the television, over the television or radio, or in the press?

A Yes, over the television.

Q And was that your major source of news concerning the case? Television?

A And the newspapers.

Q And newspapers. Did you learn whether Mr. Manson was convicted of any crime?

CieloDrive.com ARCHIVES

A I didn't follow it all the way through. I didn't know about the conviction.

Q And you don't know to this date whether he was convicted of any crime?

A Well, I know now. But by hearsay.

Q I see. Somebody just informed you that he was convicted in some way?

A Yes.

Q Do you know of what it was?

A I think it was the Tate case.

Q Tate? You think that he was convicted of murder of Sharon Tate?

A Yes.

Q And others, or --

A Yes, and others. The La Poncas.

Q Do you know whether the jury returned with a verdict of life or death?

A I think they returned with death, a death sentence.

Q And do you know the name Susan Atkins?

A I've heard it. Susan Atkins?

Q Do you know the name Bobby Beausoleil?

A I've heard it. I've heard it, yes.

Q Do you know in what connection?

A Beausoleil? No, no.

Q Do you know the name Shorty Shea?

A Oh, yes.

Q Before I read it to you from the indictment, had you heard the name Shorty Shea?

CieloDrive.com ARCHIVES

A. Yes, I've heard it.

Q. In what connection?

A. I heard it over the TV. He was supposed to have been killed some place in the mountains, I think.

Q. And was Mr. Manson alleged to have been --

A. Yes, he was.

Q. In the reports that you heard, was Mr. Manson alleged to have been connected with it?

A. Yes, he was.

Q. How about the name Gary Hinman?

A. Hinman.

Q. Before I read the --

A. Yes.

Q. -- indictment to you, had you heard the name?

A. Yes. I heard the name, but it's a little vague now, and -- in what capacity he was connected with this.

Q. Did you, during the course of the publicity, hear, see or read anything of a racial nature, having racial overtones, or anti-Negro overtones?

A. Yes, I did.

Q. Would you tell us what you know about this?

A. Well, I read -- read or heard; I've forgotten which now -- that Mr. Manson had some deep views concerning Negroes.

MR. KANAREK: I didn't hear that last statement, your Honor. May that be read back?

THE COURT: Yes. Mr. Williams?

(Whereupon, the record was read by the reporter

CieloDrive.com ARCHIVES

as follows:

"A Well, I read -- read or heard; I've forgotten which now -- that Mr. Manson had some --")

THE REPORTER: And I heard "weird views concerning Negroes."

Was that right?

JUROR NO. 2: Well, deep views.

THE REPORTER: Deep views?

JUROR NO. 2: Yes.

Q BY THE COURT: You are a Negro. Did you, when you heard those -- heard about those views, did you resent them?

A Yes, I can say that I did.

Q And let me ask you, now, whether, with all that you've heard, seen or read about Mr. Manson, and about the Tate-La Bianca case, and possibly about this case, with all that you may remember as time goes along about this case, or what you read about it, do you think that you could set aside -- not forget, but set aside -- that information that you may have picked up, heard, seen or read? And decide the case independently on such matters?

A Yes, I believe I could. I believe I could determine just solely on the evidence presented before the Court.

Q You could be objective enough so that you could set aside, for example, that feeling of resentment you had about Mr. Manson's views regarding Negroes, and be objective

CieloDrive.com ARCHIVES

enough to do that?

A. Yes, I believe so. Because those -- there was just resentment at that particular time, but as time went by, I forgot about it.

Q. If I were to instruct you that you were to disregard anything that you may have heard, seen or read concerning Mr. Manson, concerning this case, or any other case, or anything that you discussed with anyone else concerning Mr. Manson, and decide the case on any issue that might arise in the case independently of any such matter -- the first question I want to ask you is: Could you do that?

A. Yes, sir, I believe so.

Q. When you say, "I believe so," are you hedging, or is that simply a means of your saying that you can do it?

A. I can. I can.

Q. And you are firm in your conviction that you can do that?

A. Yes.

Q. Now, the next question is: Will you do that?

A. Yes, I will.

THE COURT: Mr. Kanarek?

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

VOIR DIRE EXAMINATION

BY MR. KANAREK:

Q. Now, Mr. Lowe, sir, you said you heard by hearsay. You didn't -- you said you recently heard something by hearsay. Do you remember that?

CieloDrive.com ARCHIVES

A. Well, it was -- it wasn't recent. By "recent," I mean two or three months ago.

Q. I see. And by what means did you hear that?

A. Just talking among different people.

Q. And who are the -- give us in general the people that you are speaking of.

A. Oh, let's see. People on the job, or people I meet while I'm shopping.

CieloDrive.com ARCHIVES

7-1

Q And may I ask you exactly what is the type of work that you do, Mr. Wall?

A Well, I'm a distribution clerk for the Postal Service.

Q I see.

Now, sir, of all -- are we in agreement -- you understand that you are sort of running for public office against your will? Like, you're running to be a judge. Really it is like a political campaign here, really, in that sense of the word; you understand that?

A Yes, I understand that.

Q No matter what questions I ask you or the Court might ask you or Mr. Manzella might ask you, may we assume that you understand that there is nothing personal about these questions?

A Yes.

Q And that I gather that you wouldn't hold whatever questions we ask against anyone or in favor of anyone?

A No, I would not.

Q Now, let me ask you a question -- and by no means do I subscribe or am I saying that Mr. Manson believes anything that you may have heard. Newspapers have a way of doing things in order to sell newspapers.

But let me ask you, do you think, having heard what you have heard -- and certainly your intent is to follow the Court's order, right?

A Yes, it is.

Q Do you know that you can follow your intent to

CieloDrive.com ARCHIVES

7-2

its ultimate conclusion and put aside matters that have -- involving feelings, perhaps, that you've had since birth?

A Yes, I can.

Q I mean, in other words, you -- you certainly intend to do it, but actually you've never experienced going through a trial like this before, have you?

A No, I have not. But, uh, I have a pretty good view of myself and I'm sure that I can fulfill my obligations.

Q Well, now, you say that you suffered some resentment based upon what you had heard, right?

A Yes.

Q Would you tell us what was -- describe the resentment that you feel.

A Well, it was, uh -- let's see, due to the statement that was made that he was somewhat pitting the Negroes against -- in other words, it is going to start a race war.

And at the time when I heard this, well, I resented this. I felt like, well, why would he want to do this? Why this?

Q And would you tell us your feeling towards the person that the publicity said wanted to do this? What was that, a feeling of friendship?

A No, I wouldn't say so, because I heard -- I read -- it was in the papers and it was no friendship.

Q What was your feeling towards this person? Did you like the person that was described therein?

A Well, it didn't get quite down to personality. It

CieloDrive.com ARCHIVES

7-3

was just more or less the idea itself.

Q You resented this idea?

A This idea.

Q And --

A Right.

Q And you associated in your mind this idea with a person, right?

A Let's see, now -- I didn't quite understand that.

Q Well, this idea, you associated this idea of this black-white war with a person?

A No, no particular person.

Q Well, you associated it with Mr. Manson's name.

A Simply because the papers stated he had made the remark.

Q Pardon?

A Simply because the papers stated he had made the remark.

Q Right. And so, therefore, in your mind you associated that remark with the name Mr. Manson, right?

A Yes, as --

Q And as you sit there in the jury box now, that same Manson is the gentleman who is sitting to my right, the defendant in this case; right?

A Yes.

Q Now, then, let me say that in the panorama of events that unfold in this courtroom, this same type of information is brought to your presence in the courtroom here; have that in mind?

CieloDrive.com ARCHIVES

7-4

A Yes, yes.

Q Is your state of mind such you would intend to not consider any resentment, right?

A Hmm, yes, I could say that.

Q But you do not know for sure that the same events portrayed here in the courtroom would not cause resentment in your mind towards Mr. Manson, do you?

A No, it would not, because I've been through this, been through that, rather, and I don't feel like it would influence me now.

7a fls.

CieloDrive.com ARCHIVES

7a-1

Q Well, would you tell me, Mr. Lowe, why these same events, the same statements attributed to Mr. Manson that you heard in this courtroom, would not bring you resentment? When you read them in the newspaper and on television and heard them from other people, it would cause resentment. Would you tell me why? Why --

A Well, the way I feel is that -- now, when I first heard it, yes, it caused resentment.

Now, to hear it again, this is -- this I -- this has bypassed me. To hear it again, I don't think it would affect me in the same manner as it did in the beginning.

Q But you don't know for sure?

A Well, that goes a little deep. It is hard to say what one would believe again by hearing the same statement, because I could have different emotions about it now.

Q And it would be -- so you don't -- so it is a fair statement that you wouldn't know for sure what your reaction might be, hearing those same things in the courtroom?

A I -- well, let's say if I heard the same remarks, I don't think -- well, I know that it would not in any way cause any decision to be negative towards Mr. Manson.

Q But as far -- but speaking now of the resentment, it is a fair statement that you don't know for sure that you might suffer the same resentment as you suffered previously, right?

MR. MANZELLA: Objection, your Honor, the question has been asked and answered by --

THE COURT: Sustained. You needn't answer that. It

CieloDrive.com ARCHIVES

has been asked and answered.

Q BY MR. KANAREK: Well, then, Mr. Lowe, hearing these statements in this courtroom, is the same type of statements that you alluded to previously, for sure, previously in your life, they did cause resentment, no question about that, right?

A Yes, that's true.

Q Would you tell us what do you mean by the word "resentment"?

A Oh, "resentment" to me means -- well, to hear something very derogatory to me or the race that I belong and the feeling that I have behind this is somewhat of anger -- I would say anger, yes. Just anger.

Q Anger and a sense of hatred?

A Not hatred, no. I don't believe in hatred. Hatred distorts the person that hates.

Q Right. I -- we --

A I try -- I don't think that I would say that I hated Mr. Manson.

Q Now, I'm speaking now of your equation of anger, so I can get some feeling.

A Right.

Q Words have a different meaning to different people.

A True.

Q And, uh -- now, you recognize, and perhaps in your lifetime is it a fair statement that you have been mistreated because of your -- the fact that you are of the black or Negro race?

CieloDrive.com ARCHIVES

A. Oh, yes, yes.

MR. MANZELLA: Objection, your Honor, that's not relevant.

THE COURT: Sustained.

Q BY MR. KANAREK: And, Mr. Lowe, if it should come to pass, if it should come to pass in this courtroom that these -- some of these same matters were brought in front of you, some of these same matters were brought before you again, is it a fair statement that not having experienced these matters being brought in front of you in the courtroom, that you don't know how you would react?

THE COURT: Well, that's been asked and answered, now, Mr. Kanarek.

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

MR. MANZELLA: People oppose the motion, your Honor.

THE COURT: The Court --

MR. KANAREK: And I would like to make argument at the bench, if I may, your Honor.

THE COURT: No, the Court does not think it is necessary. The Court will not allow the challenge. The Court believes that this juror will set aside any opinion -- that this juror can set aside any opinions that he may have formed about this case, can set aside any information that he may have heard, seen or read from any of the publicity media, or from any discussion, and will set it aside, and will be fair and impartial in that case -- in this case.

Does that express your views, Mr. Lowe?

JUROR NO. 2: Uh, yes, it does.

CieloDrive.com ARCHIVES

THE COURT: And does it express your convictions in this matter?

JUROR NO. 2: Yes.

THE COURT: And the Court so finds and disallows the challenge.

Off the record.

(A discussion was had off the record.)

CieloDrive.com ARCHIVES

8-1

THE COURT: All right. Will the jurors who had been selected and in the box -- as being in the box -- please come forward and take a seat in the box?

Mrs. Wall, Mrs. Zorn, I see out there. Yes. Mrs. Love?

Now, because of the machinery outside on Temple Street, running full blast, it's going to be difficult for us to hear. If at any time you can't hear the attorney's questions, or the answers of the prospective jurors, would you please raise your hands and let us know?

Where's Miss Wefel?

JUROR NO. 11: (Indicating).

THE COURT: Come forward, please.

All right. Mr. Kanarek, do you wish to begin?

MR. KANAREK: Yes, your Honor.

THE COURT: Ladies and gentlemen, this is what is known as a voir dire examination. You have already been subjected to some of it, largely questions from the Court.

Now, counsel have an opportunity to ask questions of you concerning your qualification as a juror and your suitability as a juror. These questions will -- we'll try -- both counsel will try to frame them in such a way that they're not repetitive of those we've already asked you concerning pre-trial publicity and the death sentence, but they're more or less general questions concerning your qualifications.

They may become personal. If they are personal, please realize that neither the Courtnor counsel wish to embarrass you. We are simply inquiring to find out whether or

CieloDrive.com ARCHIVES

8-2

not you are, in the mind of each counsel, suitable to serve on this jury.

You may begin with -- go ahead, Mr. Kanarek.

MR. KANAREK: Yes. Thank you. Hello? Right. Can everyone hear me?

During this portion of the voir dire, we may not just speak to everyone in order, and we are -- this is -- we hope to save perhaps some time, during these -- during this phase of the questioning.

As the Court has indicated, of course, some of these questions may be personal. They may -- they may at first blush -- I'll pick on Mr. Gardner, for instance. They may involve matters of race, which sometimes we -- we wish to avoid. We wish to avoid problems at all times.

But these matters may come up in this trial. And so I --

VOIR DIRE EXAMINATION OF

WILLIAM H. GARDNER

BY MR. KANAREK:

Q Now, may I ask you, Mr. Gardner, during this trial, if it comes up -- and it may come up -- that racial matters that will be part and parcel of some of the evidence that comes before you, are we in agreement that, first of all, we are -- whether we are black or white, we are living in this country together; right?

A Right.

Q Now, may I ask you, do you subscribe to any of

CieloDrive.com ARCHIVES

8-3

the Muslim -- you are already telling me "No."

You certainly have heard of the Muslims, the Black Muslims; right?

A Yes.

Q Now, in that connection, may I ask you this? Do you recognize, for instance, the right of the Black Muslims to think the way they wish to think? In other words, there are some Black Muslims who believe in separatism; correct?

A Yes.

Q They believe -- whether it's right or wrong, they believe that black people, having been mistreated by whites for a few centuries at least, that they have a right to live separate and apart from white people.

You certainly have heard of this?

A Yes.

Q Now, if, during this trial, it should come to pass that some people of your own race take that witness stand and testify that this is their thinking -- people that have been mistreated, black people that have been in dungeons and in prisons for a good portion of their lives -- if they come to this witness stand and testify that whatever their reasons may be -- and it comes out into the evidence -- that this is their thinking, is your state of mind such that you would have an emotional reaction to that type of testimony, such that you couldn't judge this case fairly?

A No.

Q And -- then, may I ask you -- and I'll put you on the spot here, with everybody watching -- have you -- have you

CieloDrive.com ARCHIVES

read any of the teachings of Elijah Muhammed?

A Yes.

8a fls.

CieloDrive.com ARCHIVES

8a-1

Q And having read some of those teachings -- would you tell us, what is your state of mind, or your feelings toward Elijah Muhammed?

A I really didn't read that much.

THE COURT: Pardon?

JUROR NO. 7: I really didn't read that much. You know, to form an opinion.

THE COURT: The jurors beyond the railing can't hear the answers. Perhaps, Mr. Kanarek, you could keep your voice up, and Mr. Gardner could use the microphone.

MR. KANAREK: Surely. Surely, your Honor.

THE COURT: Pass it from juror to juror, that way.

JUROR NO. 7: I said: I really haven't read that much of his writings to form an opinion.

Q BY MR. KANAREK: But is your state of mind such that, first of all, you believe -- you believe in the First Amendment right to free speech that protects all of us?

A Yes.

Q And if a person -- if a person has certain attitudes towards race -- let's say -- say someone that comes here from -- that's been in Folsom, for maybe five or ten or more years, comes here and testifies concerning matters involving race, whether those ideas agree with your ideas or not, is your state of mind such that you would take his testimony and analyze it, objectively, without discarding it, because maybe some of the things that he says, you might not agree with?

Can you look through your state of mind and tell

CieloDrive.com ARCHIVES

us what -- what your reaction --

THE COURT: I think the question is unintelligible. Make your questions shorter, Mr. Kanarek, and make them more to the point, will you, please?

MR. KANAREK: I am trying not to lead the witnesses, your Honor.

THE COURT: Well, go ahead and lead them. The Court will raise any objection that it might feel should be raised, and perhaps counsel would.

But the Court has no objection to your leading, if you will be direct.

MR. KANAREK: No, but I'd -- I'd rather, -- if I may, your Honor, I will try to be as direct as possible.

THE COURT: What he means, I think, is, just because somebody expresses some opinion concerning race which is not in accord with your opinion, would that alone cause you to discount other parts of his testimony that were admitted in evidence?

JUROR NO. 7: No, it wouldn't.

Q BY MR. KANAREK: But my question is a little different than the Court's question. Actually, my question is:

What is your state of mind towards someone -- a witness -- in fact, a -- let's say a black witness -- who takes that witness stand and testifies that he has -- he, himself, has racist feelings?

What is your state of mind toward that kind of testimony?

CieloDrive.com ARCHIVES

THE COURT: You needn't answer that. That would be immaterial, and asking a juror to prejudge the evidence.

MR. KANAREK: Well, may I ask, then, Mrs. Stokes?

VOIR DIRE EXAMINATION

OF VIRGINIA STOKES

BY MR. KANAREK:

Q You've heard the questions I've asked Mr. Gardner --

A Yes.

Q -- concerning --

A Yes, sir.

Q Well, what is your state of mind concerning a black person who will come here to court and testify, and will testify concerning racial matters?

A I don't think it would make any difference to me, whether he was black or white. I would listen to what the man had to say, and judge on that.

Q Now, in your lifetime, Mrs. Stokes, would you say that you have been mistreated by white people -- because of the fact that you are of the black or Negro race?

MR. MANZELLA: Objection, your Honor. It's not relevant.

THE COURT: Well, it touches upon relevancy. It's not as direct as it should be, but I will overrule the objection.

Go ahead.

JUROR NO. 8: No, sir. I have never been mistreated by a white person.

Q You live in Watts, and you've never been mistreated by a -- in your life, your entire life; is that right?

CieloDrive.com ARCHIVES

A. In my entire life, I have never been mistreated by a white person.

THE COURT: Mrs. Stokes, I think what Mr. Kanarek is driving at is that you are black. Mr. Manson is white. Mr. Kanarek is white.

Would that raise any prejudice in your mind to the disadvantage of Mr. Manson?

MR. KANAREK: That's not my question, but I will adopt that as another question. Certainly, if the Court asks that, I will adopt it.

8b

CieloDrive.com ARCHIVES

8b-1

THE COURT: That's the only reason your previous question would be relevant, in the Court's opinion.

JUROR NO. 8: No, sir.

Q BY MR. KANAREK: All right.

A No, sir.

THE COURT: You would not be prejudiced because of race?

JUROR NO. 8: No, I would not.

MR. KANAREK: Well --

Q And your state of mind, then, is that in your entire life -- just so -- so we can listen to --

THE COURT: She has answered that question. If you are going to put the same one that you put to her twice before, whether she has ever been mistreated by a white person, she said "No" twice.

Q BY MR. KANAREK: Have you ever felt that, in this society, in the society that we have, Mrs. Stokes, that you ever have been mistreated because you are of the black race?

A The things that happened in Watts were not directly concerned with me, because they were burning the factories and the stores, and not the private homes.

We have been put to a disadvantage because of the burnings, because now we have to go a long ways to the markets. Sometimes we don't have cars to travel in.

But it was my impression that the white people did not burn down Watts.

I don't know too much about it. I tried to answer questions. Perhaps I got off a little on the subject.

Q Now, Mrs. Stokes, what I am asking -- and I

CieloDrive.com ARCHIVES

8b-2

actually wasn't referring to Watts. What I was speaking of, any -- any other phase of your life, have you --

A Well, I come from Oklahoma. And in Oklahoma, during the time I lived there, we rode in the back of the buses, and the fumes were there. You might say I was mistreated there.

But this is about the only thing I can think of. Oh, we had separate rest-rooms. I don't know whether that was a disadvantage.

I don't think I was mistreated because I went to a separate rest-room.

Q May I say this? The whole purpose here is to determine your state of mind. The only reason that these questions are being asked -- and I might say that to the rest of the potential jurors.

The reason these questions are being asked is to determine state of mind. And the only way that we can do it is by asking the questions, and --

THE COURT: Mr. Kanarek, maybe you can use this.

MR. KANAREK: Oh, thank you, your Honor.

THE COURT: I'm not sure it's long enough, though. No, I don't suppose it is long enough.

Perhaps you --

MR. KANAREK: Well, it's too -- no.

THE COURT: You might use this.

They're not hearing you back there. That's the point.

MR. KANAREK: That's a little awkward.

CieloDrive.com ARCHIVES

8b-3
9 fls.

Can I be heard now? All right.

Q So, Mrs. Stokes, you indicated, I believe, a relative of yours was a judge?

A Yes, my first cousin.

Q May I ask the name of that judge?

A Xenophon F. Lang, Jr.

Q Thank you. Thank you.

Now, do you have any friends who are in private law enforcement work? Like do you have any friends who are security guards or something like that?

A No, sir.

Q Do you have any friends that are like Mr. Manzella there, in the District Attorney's office or --

A No, sir.

Q Now, if it should come to pass that there is brought to your attention, let us say, matters concerning Mr. Manson, that are matters involving -- where someone takes the witness stand and says that Mr. Manson said certain things or did certain things, whether it is of race or whatever the subject matter may be, as far as the testimony goes, do you feel -- do you feel that you can judge Mr. Manson independent of any kind of mistreatment that you may have suffered in your lifetime?

THE COURT: Wait a minute, you needn't --

A Yes.

THE COURT: Well, all right, you've answered it. I'll let it stay in, then.

Q BY MR. KANAREK: Now, if it comes to pass, Mrs.

CieloDrive.com ARCHIVES

Stokes, that in the jury room you have to discuss -- now, let's say that a person who is a Black Muslim takes the witness stand and testifies concerning racial matters.

And let's say that some of your fellow jurors are not of the black race. Some are of the white race. And you have to sit and discuss racial matters, wherein you are using this evidence in accordance with the instructions that the Court may give you.

Do you feel that you would maintain your position on a racial matter, say it was a key to the solution to this case; would you maintain your position even though it might be that you and you alone had a result that was different from all the other 11?

Is that question clear?

A No, sir.

(Laughter.)

Q BY MR. KANAREK: Let me say that this case could involve -- I don't know what for sure the prosecution is going to put on in this case, but it may be that based upon the evidence that comes before you, someone's racial point of view may be the question in deciding the case.

A Do you mean that perhaps the Black Muslims might have some point of view and something may come up that agrees or disagrees with their philosophy, that I might get emotional and start thinking about my ancestors being mistreated by the white people or something like that?

Q No, no, not necessarily.

A You didn't mean that?

CieloDrive.com ARCHIVES

Q No.

What I mean is: Let us say a Black Muslin gets on the witness stand and testifies concerning racial matters, and in the jury room you have to discuss racial matters in order to resolve the meaning, perhaps, of that Black Muslim's testimony.

Would you maintain your position in this case, even though it meant no decision, even though it meant that you stood alone as opposed to the other 11 jurors?

A Yes, sir.

Q You recognize that when you are a juror -- I'll withdraw that.

You recognize that since there are 12 people on the jury, there are 12 separate decisions to be made; you understand that?

A Yes, sir.

Q There's no necessity, whatsoever, in the law for there to be a unanimous decision; you understand that?

A Yes, sir.

Q All that the law requires is that when you come into this jury room -- pardon me -- into this courtroom that you render a decision that is your conscience, and if it is 7 to 5 or 6 to 6 or 9 to 3, and you are one of those three, that is the way it -- that is the way we do it?

A Yes, sir.

Q You recognize that?

A Yes, sir. Yes, sir, I recognize that.

Q That doesn't mean that you shouldn't consult with

CieloDrive.com ARCHIVES

your fellow jurors and discuss all matters with your fellow jurors?

The law fosters that.

But if after full and complete discussion you are of a minority viewpoint, you, I gather, would maintain that viewpoint regardless, regardless of whether everybody agreed with it or not; is that a fair statement?

A That's a fair statement.

9a fls.

CieloDrive.com ARCHIVES

9a-1

Q Now, may I ask you this -- well, I'll get you off the hot seat for a minute, Mrs. Stokes.

Let me ask Mr. Lowe.

VOIR DIRE EXAMINATION

OF JOSEPH P. LOWE

BY THE COURT:

Q Now, Mr. Lowe, one of the charges in this case is conspiracy. And you probably heard the Court discuss that a little bit already?

A Ummm --

Q Now, one of the charges --

A Yes.

Q -- that's made, is a conspiracy charge.

Now, the crime of conspiracy, the essence of it, is the putting of the heads together to do something wrong. That's the charge. And then going ahead and doing something, whatever it might be. Doing some act in accordance with that conspiracy. That's sort of what conspiracy is.

The Court will give you much more complete instructions than that.

But what I am -- what I would like to know, is your state of mind such that recognizing that the heart of conspiracy is conversation, the agreement and that kind of thing, and having in mind that you've heard -- you've heard of Mr. Manson before, right?

A That's true.

Q You've heard of Mr. Manson and his relationship

CieloDrive.com ARCHIVES

with other people, right?

A. True, true.

Q. Do you think it would be a little difficult -- it would be a little difficult to fairly judge Mr. Manson in view of the fact that you already considered him to be a part of a group?

A. Uh, no, I wouldn't say so.

Q. Well, what if it should turn out that the prosecution will present to you people, other people that are supposedly playing a part in this case, who are friends of Mr. Manson, with whom he has lived in this -- in the Los Angeles area; do you think that that would pose a little problem as far as you are concerned in judging the conspiracy charge in this case?

A. No. Just by him -- you mean by him living with people?

Q. Yes.

A. And they would come in?

Q. Yes.

A. Oh, no, that wouldn't have any effect on my decision.

Q. It is a fair statement you've read previously about Mr. Manson living with people in the -- you read this in connection with previous accounts of Mr. Manson, and you've heard about it on TV and so forth?

A. Yes, I've heard.

Q. Is that right?

A. Yes.

CieloDrive.com ARCHIVES

Q Well, do you think that that would make it a little difficult to be fair in connection with the conspiracy charge?

A No, it will not.

Q May I ask you this, Mr. Moore, -- or Mr. Lowe, do you feel -- do you feel that it is going to be harder to give Mr. Manson a fair trial than it would have been if you had never heard of this Charles Manson before in your lifetime, before you came into this courtroom?

A No.

Q You feel --

A I feel as though I can render a fair decision in the case.

Q No. My question is not -- my question is merely a comparative thing.

My question is: Do you feel that it would -- that your state of mind is, would it be easier for you to judge this case if Mr. Manson had not been -- if you had never heard of him before?

A No.

MR. KANAREK: May I ask -- may I ask you -- is it Dr. Lohengrin or Dr. Waggoner?

JUROR NO. 5: Waggoner.

JACK WAGGONER, JR.

BY MR. KANAREK:

Q Dr. Waggoner, may I ask you, sir, what is your feeling in connection with Mr. Manson as far as the -- as far

CieloDrive.com ARCHIVES

as the -- whether or not you had heard of him before?

A Oh, I've heard of him before, but quite frankly I've been engaged in other things, so I haven't paid a tremendous amount of attention to it. I've heard all kinds of terrible things in the newspapers and so forth, but I was concentrating on other things, quite frankly.

Q And you feel that it would make no difference, your judging of this case, as far as Mr. Manson is concerned, if you had never heard of him before? It would make no difference?

A Not absolutely no difference, but maybe 99 per cent no difference.

9b

CieloDrive.com ARCHIVES

9b-1

MR. KANAREK: May I ask that question of the rest of the prospective jurors: Is there anyone here that would answer any different than Mr. Waggoner?

(No response.)

BY MR. KANAREK:

Q Now, Mr. Waggoner, do you have any friends or relatives that are in any type of law enforcement work, public or private anywhere in the world?

A I can't think of any. And I've thought about it over the weekend. I have a brother who is in Public Health Service. I don't know everything that he's engaged in. I don't think it has much to do with law enforcement, although it might be loosely connected with it. I wouldn't put it -- I -- I -- I don't know his activities too much though. I don't really think that he is in law enforcement.

Q What's the general type of work that he is in or -- can you give us some little detail on that?

A Well, the last I talked with him, he was sort of an administrative assistant to a person in charge of assigning doctors to Coast Guard vessels, government vessels and so forth, among his jobs.

As far as I know, that's -- I don't think there is any real question here. I am making a mountain out of a mole hill. I was just trying to think of any possible examples, and I can't really. That's the closest I can come to it, and I shouldn't have even mentioned it.

Q Now, Mr. Waggoner, directing your attention, -- if it might come out in this trial -- to the fact that

CieloDrive.com ARCHIVES

Mr. Manson has been kept in custody for some 23 years of his life. That for some 23 years of his life he has been -- he has been in penal institutions, beginning when he was about eight years old.

Now, directing your attention to that type of subject matter, would that in any way affect your state of mind?

A. Well, it is one piece -- I'm sorry.

Q. Yes.

A. It is one piece of information if I were -- of course, if I am instructed to disregard it, it is inadmissible information, I imagine it would negligibly affect my decision.

Q. What if you were instructed to regard it?

A. Then, I'd have to know the details. I just couldn't say anything now. There's all kinds of things that can happen in penal institutions. I'd just have to have the details. I really couldn't say.

Q. And directing your attention to the fact, for instance, that you recognize that one of the ingredients in crime is intent, right?

A. Yes.

Q. You feel that your having lived a different type of life than Mr. Manson has lived, do you feel that that would affect your ability to evaluate his intent and his thinking?

A. It would put me in sympathy, actually.

Q. What?

A. Actually, the type of environment, prison environment, I feel more or less sorry for him under those circumstances. That's my emotion, at any rate. He's been at

CieloDrive.com ARCHIVES

a disadvantage compared to somebody who hasn't had to live under those circumstances. That's the thought that comes to me.

Q And for whatever it would be worth, if that information came before you, you would use that to evaluate Mr. Manson?

A To some extent.

You see, I'd have to have all the information and assign my own weight factors to each thing. And until I've done that, it is very hard to say whether something is going to have a small weight factor or a large weight factor attached in it, in the setting up of a conclusion.

MR. KANAREK: Thank you.

MRS. RUTH E. CANADA

BY MR. KANAREK:

Q Mrs. Canada, -- am I pronouncing your name right?

A Yes.

DEFENDANT MANSON: Your Honor, is there any chance for a recess now?

THE COURT: Very well, we'll take a short recess now, a matter of personal privilege here. So during the recess, you are admonished to --

DEFENDANT MANSON: I'm used to this. I've been doing it for two years. I'm getting tired of it.

THE COURT: During the recess, you are admonished not to converse among yourselves, nor with anyone else, nor are you to permit anyone to converse with you on any subject

CieloDrive.com ARCHIVES

connected with this matter, nor are you to form or express any opinion on the matter until it has been finally submitted to you, should you be chosen as a juror.

We'll take about ten minutes, ladies and gentlemen.

(Afternoon recess.)

CieloDrive.com ARCHIVES

10-1

(Whereupon, the following proceedings were had at the bench among Court, counsel, and the defendant, outside the presence and hearing of the prospective jury panel:)

THE COURT: The record will show we are at the bench, with Mr. Manson, Mr. Kanarek present.

Mr. Manson, you have got a new jury panel in here, and you haven't at all interrupted the Court. And your demeanor has been very proper in front of this panel.

There's no reason why you should prejudice yourself by -- by in any way disrupting the Court. And the Court would simply warn you, as it has before, that it will have to put you out, and that may be to your prejudice, if you do disrupt the Court in any way.

I just wanted to let you know.

DEFENDANT MANSON: All right. Your Honor, I have been going through this for a couple of years almost. It's very tiresome, and not as much physically as it is mentally.

THE COURT: I can understand that.

DEFENDANT MANSON: I don't see how you can see through it all, you know. You -- you set probably years to develop an objective -- the power of objective reasoning; and then you reflect it at the jurors, and it's not there; they're not capable of that.

That's just -- just useless confusion, that you could just dispense with, and try the case on your own.

THE COURT: Well, some are capable; some are not. But there is this in my mind: That if they see a defendant act up

CieloDrive.com ARCHIVES

10-2

in the courtroom, they're not used to that.

DEFENDANT MANSON: Yeah.

THE COURT: They feel that people who are defendants should act properly, and --

DEFENDANT MANSON: Well, how should a man act, when his life is being ready to be taken? You know, what should he do? Should he lay?

THE COURT: Well, --

DEFENDANT MANSON: You know, like a --

THE COURT: Well, the point is that they think that a defendant should act in certain ways, and they expect it. And when a man does not act that way, well, it raises a prejudice in their minds, that they may have to overcome.

DEFENDANT MANSON: They generally think --

THE COURT: Now, you understand that, don't you?

DEFENDANT MANSON: I understand.

THE COURT: You understand what I am saying?

DEFENDANT MANSON: I understand, yeah.

THE COURT: All right. That's all I wanted to make clear to you.

DEFENDANT MANSON: Do you understand my position, though?

THE COURT: Well, I'm not sure.

DEFENDANT MANSON: Yeah.

THE COURT: But this is the reason you have --

DEFENDANT MANSON: Your Honor, much of this can be cleared up. Much of this can be cleared up. There's much to be honored in this court. And I am prepared to give --

CieloDrive.com ARCHIVES

10-3

to give every drop of everything I have to this court.

I think I've shown that in the last court. If my reflections seem obnoxious, it's indignation, because I don't feel as if I've got a fair break anywhere along the line. It seems --

THE COURT: Well --

DEFENDANT MANSON: -- like that the District Attorney's office controls the public opinion, and --

THE COURT: We are trying to get you a fair break in this court. And all I am saying to you is that I don't think you get a fair break, if you let yourself sound off, or if you make statements in court, or if you --

DEFENDANT MANSON: Oh, brother.

THE COURT: -- don't comport yourself --

DEFENDANT MANSON: Brother, let me tell you something. There isn't too much I can't do, when I decide I want to do it. I just can't defeat myself. I can't divide myself.

That's the -- you know, like -- and I beg for a -- for some ray of something. I can't get my reassurance outside my own thought, and then I say, "Well, you know, is this sun going to shine?" Or, "Is this another one down the drain?"

You know, like -- how many times do I have to go through this? Man, I just -- you know, I have been doing this forever; you know?

Well, no, don't -- don't overlook me.

THE COURT: Pardon?

10a fls.

DEFENDANT MANSON: Please don't overlook me.

CieloDrive.com ARCHIVES

10a-1

THE COURT: Well, I just wanted you to understand me. And I think probably we do have a firm understanding of it.

I don't want to have to put you out in front of this jury, and I think that you can comport yourself well, and I believe you will.

Let's get started.

DEFENDANT MANSON: There's still no opportunity for me to -- to -- I can't get anything through this confusion.

The thoughts are so distorted that it -- they're not my thoughts that's been projected. It's only confusion of others that is speaking.

You know, I don't stand for all of this madness that's been advocated in relation to my name. It's just been smeared with everything that anybody's got to throw on it.

And the thing is, I don't get a chance to clear nothing up. I don't get a chance to put things where they belong. You know, they don't belong on me, as much as they would belong on anyone in my position.

You know -- if you can see my position? And I can see your position. It's not a very easy one. You are in a difficult -- almost as difficult a position as I am in.

One hand always did watch the other.

THE COURT: If you can manage to stay in the courtroom without bursting forth with an exclamation occasionally, or in any other way disrupting the proceedings, why, I think it would be to your advantage in the outcome of the trial.

DEFENDANT MANSON: Well, your Honor, there's no one here but you, as far as I am concerned.

CieloDrive.com ARCHIVES

THE COURT: Okay. Let's call that jury in, then, the prospective jurors.

(Proceedings had on an unrelated matter.)

THE COURT: All right. The record will show the prospective jurors are back in the courtroom and in the box.

Ladies and gentlemen, we have made a horrendous mistake here. Mr. Bert Moore is in seat No. 10. And Mr. Moore, your name was never called, never taken from the box. We assumed that it was, because Mr. Harry Moore's name was drawn from the box, and Mr. Harry Moore apparently didn't know that, and he has been seated with the group out in Department 104 and in the hallway, while you have been undergoing this, all of this questioning -- which you may never have had to do otherwise.

So, since you were never -- it's required that the names be selected at random from the box, and since you were never called, we are now going to excuse you. So, you go out and take your place, would you, Mr. Bert Moore, with the other jurors, the other prospective jurors there?

And Mr. Harry Moore, you're now in the box.

However, I have a letter from a doctor, indicating that you have severe osteoarthritis, and several other ailments.

JUROR NO. 10: Correct.

THE COURT: And asking that you be excused. Is that your wish?

JUROR NO. 10: Yes, it is.

CieloDrive.com ARCHIVES

11-1

THE COURT: Well, these gentlemen, Mr. Kanarek and Mr. Manzella, have stipulated that you may be excused. We do excuse you.

JUROR NO. 10: Thank you, sir.

THE COURT: Now, call another name for seat No. 10.

Mr. Moore, thank you for serving.

Do you have any time left as a juror?

JUROR NO. 10: I am on my third week.

THE COURT: Very well, report to Room 253 tomorrow morning at 9:00 o'clock.

JUROR NO. 10: In the usual manner?

THE COURT: Yes.

JUROR NO. 10: Where is my slip?

THE BAILIFF: We'll take care of it. You don't have to carry it over. We'll send it over.

THE COURT: I see we had called Carter Wells as the next prospective juror.

Carter Wells.

VOIR DIRE EXAMINATION OF

CARTER G. WELLS

BY THE COURT:

Q Mr. Wells, were you present when the Court explained the nature of this case?

A Yes.

Q And when the Court questioned Mr. Fujimoto, I believe it was?

A Yes.

CieloDrive.com ARCHIVES

11-2

Q And heard -- did you hear the entire procedure?

A Yes.

Q All right. Would your answers be any different than the answers of Mr. Fujimoto, the Court's questions of a general nature?

A General nature, about the same.

Q All right.

Now, speaking of those items of a -- of a personal nature to you, those questions of a personal nature, would you endure any hardship or undergo any hardship if you were to serve as a juror in this case?

A Uh, conversation has shown for about 60 days I would endure no hardship.

Q You would be paid for 60 days?

A Yeah, using my contractual jury duty, my vacation and sick leave pay.

Q You'd have to use up your sick leave pay and your vacation pay?

A Yeah, my accumulated sick leave.

Q But after 60 days you'd be cut off, is that right?

A Well, after 60 days we would be in the middle of an argument, because we've never had a condition in our bargaining unit.

Q You don't know but that your salary might terminate?

A I do not know what would happen any time after 60 days.

Q Where are you employed?

CieloDrive.com ARCHIVES

11-3

A Leach Relays. It is sub electronic manufacturers both for aerospace and specialized electric manufacturers.

Q Would you be willing to serve and take the chance you might not be paid?

A Yes, I'm willing to serve.

Q Have you ever served as a juror before?

A No, I have not.

Q What do you do for this company that you mentioned?

A I assist in purchasing tools, issuing stock and repair.

Q Are you connected with anybody who is in law enforcement, either related to such a person or a friend of such a person?

A I understand from a couple of people -- I am also a radio operator and ham operator.

I understand that some of the people on the radio band are police or security enforcement of a private nature.

Q Would that enter into your judgment at all?

A I have never seen them in uniform, never talked to them about their work. I've only understood this as a means of conversation when we have our meetings and gatherings.

Q It wouldn't at all affect your judgment on any issue in this case?

A No. No, because I've never, as I say, known what their occupation personally-wise is or come in contact with them during their work.

Q In what area do you reside?

CieloDrive.com ARCHIVES

11-4

A Venice and Fairfax, Los Angeles.

Q You've heard a great deal of publicity, heard, seen or read a great deal of publicity in connection with Mr. Manson, have you not?

A I have seen --

Q You can answer that yes or no.

A Well, yes.

Q And did you follow the Tate-La Bianca trial?

A No.

Q But you do know of Mr. Manson's connection with that case?

A I know the basic outline of the case.

Q Yes.

A I do not -- I wasn't that interested in the case to take it in detail or to read it on a day-to-day or to hear it on a day-to-day basis.

Q Let me ask you right off the top: Is there -- if I were to instruct you that you were to disregard anything you may have heard, seen or read about Mr. Manson previously, you were to disregard it completely -- not forget it, but disregard it completely for the purpose of making any decisions that you might be called upon to make on the issues that might arise in this case, could you set aside those things that you have heard, seen or read, and be objective enough to be fair and impartial in making a decision without regard to those things that you had heard, seen or read?

A I think it would be very easy since I had no interest, whatsoever, in the first case.

fls.

CieloDrive.com ARCHIVES

11a

Q Could you set aside any opinions you might have formed as a result of this pretrial publicity and decide the case independently of those opinions?

A Yeah.

Q Could you be fair and impartial, do you believe, in spite of the publicity?

A I believe so.

MR. KANAREK: Your Honor, I wonder if we could approach the bench?

THE COURT: Well, Mr. -- I think at this point, no.

BY THE COURT:

Q But the Court will ask you about publicity alone and outside the hearing of other prospective jurors. I'm just inquiring whether from -- off the top of your head, you would have such a feeling as a result of this publicity you could not properly sit as a juror.

But if you can set aside what you have heard, seen or read, and will set it aside and be fair and impartial, that's what I want to know.

And you say that you can and you will be fair and impartial in spite of such matters, is that correct?

A Yes, that's very correct, because as I say, I heard the initial report, I read the initial report for the first week, 10 days, and after that it become a conglomerate of facts and ideas which I didn't feel it was worth the time to investigate or to keep abreast of.

Q Regarding the death penalty, which you heard me talk about previously, do you have such views concerning the

CieloDrive.com ARCHIVES

death penalty that you could not thereby be impartial in determining the question of guilt or innocence in the first phase of the trial?

A. No, I do not.

Q. Or do you have such feelings concerning the death penalty that you would automatically refuse to impose it regardless of the evidence that might be presented?

A. No, I do not.

Q. Or, on the other hand, would you automatically impose the death penalty upon a conviction of murder of the first degree regardless of the evidence?

A. No, I will not.

Q. Can you think of any reason, whatever, why you couldn't be fair and impartial in this case?

A. No, I do not.

THE COURT: Mr. Kanarek, you may go on with your voir dire examination.

MR. KANAREK: Oh, thank you, your Honor.

THE COURT: I think we'll get a longer wire for it tomorrow.

MR. KANAREK: Oh, thank you.

THE COURT: Is the other microphone in the jury box? Fine.

MRS. RUTH E. CANADA

BY MR. KANAREK:

Q. Mrs. Canada -- you have that?

A. Yes, sir.

CieloDrive.com ARCHIVES

Q Do you believe -- is your state of mind such that are we in agreement that the best way to discuss something or go at a problem is not to be polite, if politeness means that you are going to avoid discussing the issues, right?

A That's true.

Q I'm going to ask you something that may at first blush sound horrendous to you. But I -- but it may come out in the testimony in this case.

May I ask you, have you ever in your life used the word "Nigger"?

A I would answer yes, as a child we used -- skip-a-rope songs and Uncle Remus stories and other childhood stories that used the word "Nigger," yes.

Q Now, if in the jury room it should turn out that there's evidence that you have to discuss -- in other words, that word which I'm sure we all agree is a word that should not be used, but it is regrettably a part of our society, it is used and it may come out in the testimony here, this type of language will come out before you -- is your state of mind such that you could discuss this kind of evidence with your fellow jurors who are of the black or Negro race and do that analytically, and as the Court puts it, objectively, in deciding the issues in this case?

A Yes, I feel I could.

Q Now, directing your attention -- your attention to the subject matter that may come before you in connection with a -- whatever the prosecution may put on in connection with some alleged black-and-white war or black-white war; are we in

CieloDrive.com ARCHIVES

agreement that, first of all, we certainly -- whether we're black or white -- we don't wish any such eventuality, right?

A That's true.

Q But if the prosecution puts on this kind of evidence, and it is here before us, and we have to -- we have to work with it, this very inflamatory type of subject matter, is your state of mind such that you would decide this case unemotionally, and as we've said, objectively, and in a feeling of good will as far as all the fellow -- all your fellow jurors are concerned?

A Yes, sir.

Q Now, may I ask you, do you have any friends that are in any private-type of law enforcement work?

A No, sir.

Q Is your state of mind such that -- is there any reason that you feel, as you approach this case -- is there any reason that you feel that you couldn't be a fair and impartial juror, Mrs. Canada?

A No, sir.

Q Directing your attention to the subject matter of conspiracy.

The fact that Mr. Manson may show to be -- the evidence might indicate that he is -- that he has friends who may be mentioned in these proceedings; the fact, for instance, of the use in publicity of the term "Manson Family," is there anything about that that you feel would make it unfair, your state of mind in connection with the use of the word "Family," for instance, would make it unfair as far as the conspiracy

CieloDrive.com ARCHIVES

matters are concerned?

A. No, sir.

MR. KANAREK: Would you pass that to Miss Wallace?

PAULINE WALLACE

BY MR. KANAREK:

Q. Now, Miss Wallace, directing your attention to everything that you have heard in the courtroom so far.

Is there anything that we've spoken of that -- if you would reflect upon it -- is there anything that you would like to say concerning your state of mind as far as the subject matter of anything that we've spoken of so far?

A. No, sir.

Q. Do you have any friends that are in any type of law enforcement work, like private law enforcement?

A. No, sir.

MR. KANAREK: May I ask that of the rest of the potential jurors?

Is there anyone in the box who has any friends or relatives that are like security guards or are in private law enforcement work?

(Whereupon, there was a show of hands.)

MR. KANAREK: Yes, Mrs. Love.

JUROR NO. 9: My husband, he was. He's not now.

MR. KANAREK: Could you take the -- thank you.

JUROR NO. 9: My husband was a security guard at the bank, but he had no law -- you know, no book learning from that.

CieloDrive.com ARCHIVES

12-1

Q. I see. You say he was -- do you mean the San Francisco Bay?

A. No. I said the bank. The Bank of America.

Q. Oh, the bank. I see.

A. The bank, yeah.

Q. I see.

And anyone else?

A. No.

Q. Did someone raise their hand, I think?

Yes.

WILLIAM H. GARDNER

BY MR. KANAREK:

Q. Yes. Mr. Gardner?

A. Yes. I have a friend that's -- at least he said he was a security guard, part-time. But I have never seen him in his uniform.

Q. I see. And for what organization does he work?

A. I don't know exactly which organization. He just said he was a security guard. I don't know what -- what organization.

Q. And he's presently a friend of yours?

A. Yes.

MR. KANAREK: Thank you.

CARTER G. WELLS

BY MR. KANAREK:

Q. Mr. Wells?

CieloDrive.com ARCHIVES

A. As I previously stated, both being a seabee radio operator, and a ham operator, I understand, from talking with some people, that some of the police officers -- some of the people we talk to, who are police officers, city police officers, and/or security guards.

I have never seen any of them in uniform, or carrying a weapon, or during their working hours.

Q. But -- presently, you would consider that a friendship there?

A. That's a retroality there, in that we are radio operators, and enthusiasts, so that we have transmitters -- transmitting equipment both in our cars and homes.

Q. I see.

A. And we do talk to each other on the radio, using nicknames, if you want to use such a word, to each other, without really getting involved in each other's personal lives.

MR. KANAREK: Thank you. Could you pass that to Mrs. Love? The microphone there?

MRS. LUELLA LOVE

BY MR. KANAREK:

Q. Now, Mrs. Love, directing your attention to some of the words, such as "Nigger," that have been used in our society. Is -- do you recognize that, if that type of language comes out in the courtroom in the evidence, that it would be necessary to, in your deliberations, to discuss this kind of evidence with your fellow jurors?

Do you -- we are in agreement on that, right?

CieloDrive.com ARCHIVES

A. Yes.

Q. All right. And we are also in agreement, I am sure, that this type of language, as is -- and what is behind the use of that kind of language, certainly is nothing that we approve of; right? Neither you nor I?

A. That's right.

Q. Now, directing your attention to -- and recognizing that all of this that we are doing right now is just to determine your state of mind; that you are not a defendant here, just -- just to find out what your thinking is concerning these matters -- is your state of mind such that this unhappy subject matter would nevertheless be the type of subject matter that you could discuss with your fellow jurors, in the jury room?

A. I could.

Q. And is your state of mind such that if -- if you felt, all alone, or if you were less than -- well, let's say three or four or seven, whatever it might be, whatever side you may ultimately become to believe in, as far as this case is concerned, as long as you believe in it, would you maintain your position, even though it meant no decision? That is, even though the result was not a unanimous verdict?

A. Yes.

Q. And is your state of mind such that, in this day and age, in July, 1971, you certainly don't consider the white race to be a superior race?

A. No.

Q. And just because white people don't agree with you

CieloDrive.com ARCHIVES

is no reason that you wouldn't -- well, may I put it this way?

The fact that some people are white and some people are black, in that jury room, that isn't going to -- you are not going to just vote with white people, just because they're white; right?

A. No.

12a

12a-1

Q Now, directing your attention, then, to all that you know about what may come out here -- and remember, Mr. Manson didn't bring this lawsuit; the prosecution brought this lawsuit here -- is there any reason why you couldn't be fair and impartial in deciding this case?

A No.

MR. KANAREK: Let's see. Would you give the microphone again to Mrs. Stokes?

VOIR DIRE EXAMINATION OF

MRS. VIRGINIA STOKES

BY MR. KANAREK:

Q Now, Mrs. Stokes, directing your attention, if I may, to a little different subject matter, if -- remember, you have previously told us you heard about this previous case, this Tate-La Bianca case; right?

A Yes.

Q Now, will you, in deciding this case, take into consideration anything that may have happened in the Tate-La Bianca case?

A No, I will not.

Q Now, that would seem to be -- that would seem to be the kind of result that -- that we should -- that we would expect; but what if -- what if in this very case, what if in this very case there is brought to your attention matters pertaining to the Tate-La Bianca case? And the Court tells you that you must consider some of these matters.

A Then I would have to consider them.

CieloDrive.com ARCHIVES

12a-2

THE COURT: Excuse me.

Well, I'll let the answer remain.

Q BY MR. KANAREK: Then -- in other words, you -- you would consider matters that the Court instructed you that you should consider; --

A Yes, sir.

Q -- is that right?

A Yes, sir.

Q Now, does it appear to you that you could, for instance, as far as the Tate-La Bianca case is concerned, that you could forget what you heard outside of this courtroom concerning the Tate-La Bianca case, and only consider what the Court tells you to consider, that occurs in this courtroom concerning the Tate-La Bianca case?

A Yes, sir.

Q There are -- you feel that you would have no problem in doing that?

A Yes, sir.

MR. KANAREK: May I ask that of the rest of the prospective jurors? Does anyone have any -- any different answer than Mrs. Stokes, in that regard?

(No affirmative response.)

MR. KANAREK: Now, would you pass it to Mr. Stegall?

VOIR DIRE EXAMINATION OF

PERRY D. STEGALL

BY MR. KANAREK:

Q Am I pronouncing your name right, sir?

CieloDrive.com ARCHIVES

12a-3

A Yes. Well, I come from Arkansas, and they call it Stegall there.

Q Stegall?

A Stegall.

Q Well, if Mr. Manzella or myself mispronounces your name, you are not going to decide the case based on anything like that; is that right?

A No, that wouldn't have anything to do with this case.

Q All right. Now, directing your attention to the various matters that we've discussed so far, Mr. Stegall, is there anything -- any of the questions that I've asked that reflect -- or, caused your state of mind to -- is there anything that you -- that's been brought to your attention, that you'd like to tell us?

A Not as I know of.

Q Now, in this case, if it should turn out that evidence is brought before you concerning Mr. Manson, concerning the fact that Mr. Manson has -- was, let's say, first put into custody when he was eight years old, for instance, that kind of thing, and he has been in custody, let's say, some 23 years, is there anything about that kind of subject matter that you feel would make it -- would affect your state of mind, so that you couldn't be fair and impartial?

A No, I don't think we are trying past cases. We are trying cases that are pending now.

Q Right. But let's say if, in connection with that present case, this past conduct or past information comes

CieloDrive.com ARCHIVES

12a-4

before you.

A Well, naturally, it's going to come before you. But that doesn't have anything to do with this case.

Q Well, but let's say --

THE COURT: Counsel, would you approach the bench?

(Whereupon, the following proceedings were had at the bench among Court and counsel, outside the hearing of the prospective jury panel:)

THE COURT: Mr. Kanarek, in connection with the last two questions that you asked, it's quite possible that the People may wish to present Mr. Manson's background in the penalty phase.

You can't ask a juror whether he would be willing to disregard such matters in that it's asking him to prejudge that phase of the evidence, possible evidence, and that phase of the case.

12b fls.

CieloDrive.com ARCHIVES

12b-1

There's no reason why it should come out in the guilt phase. And I will instruct the jurors to disregard it, if it should come out inadvertently.

MR. KANAREK: Well, in the other case --

THE COURT: You've raised it yourself.

MR. KANAREK: -- they brought it up last time. They brought about his prison --

THE COURT: That was last time.

You mean in the Tate-La Bianca case?

MR. KANAREK: Yes.

THE COURT: Well, in this case the only way that I can foresee that it might come in would be in the penalty phase, offered to show aggravation.

And if it's offered for aggravation, the juror can consider it -- can or cannot, depending on his --

MR. KANAREK: Well, no.

THE COURT: It's an improper question to ask him whether or not he would refuse to consider it or whether he could be impartial in spite of it.

MR. KANAREK: Well, I mean, would he have an emotional --

THE COURT: Unless you are segregating it, one phase of the case, from the other.

MR. KANAREK: No. An emotional reaction is what I am referring to, your Honor. It's the same way as an emotional reaction to police officer testimony.

THE COURT: I think it's asking him to prejudge it, and -- so, unless you want to rephrase it, let's see if we can move it along.

CieloDrive.com ARCHIVES

12b-2

MR. KANAREK: I know, your Honor. I am trying to move along.

THE COURT: All right. Go ahead.

MR. KANAREK: I am trying to move along. I am covering it as well as I can.

THE COURT: Very well.

(Whereupon, the following proceedings were had in open court, within the presence and hearing of the prospective jury panel:)

Q BY MR. KANAREK: Mr. Stegall, in the -- again, we would like to emphasize that the purpose of these questions is to determine your state of mind. And in asking concerning Mr. Manson's background, what I am trying to elicit, trying to determine in asking this question, is whether the emotional response that might result from knowing that a man has been in custody some 23 years of his life, beginning when he was eight years old, are you liable to have an emotional response, as I might have or anyone of us might have, from this horrendous fact, this horrible fact?

Is it the kind of thing that might emotionally arouse you? That's the gist of --

A Oh, I wouldn't be interested enough to give that a thought.

Q But the point is, if it came into evidence before you, and you were to use it for some purpose -- in other words, if the Court allows it into evidence --

THE COURT: The Court will intervene and will raise its own objection to the question as being improper voir dire.

CieloDrive.com ARCHIVES

12b-3

JUROR NO. 1: What did he say?

THE COURT: You need not answer the question.

MR. KANAREK: He said --

Q Are we of the same mind, Mr. Stegall, that these cases should be decided not on emotion?

A Well, you're sure right.

Q Right. Do we agree on that?

A Emotion wouldn't have nothing to do with it.

Q It shouldn't have anything to do with it; right?

A It wouldn't have, if you were a fair juror.

Q Right. Now, if you had in mind, for instance, that the Tate-La Bianca case -- you know, that occurred last year, in 1970 -- right?

A Oh, I know about it.

Q Right. Now, if it occurs to you, and is brought forth to you, that this Hinman matter occurred in fact prior to the Tate-La Bianca case, that in fact in July of 1969 is the time that Mr. Hinman supposedly passed away, if that fact is brought before you, and the Court allows that into evidence for you to consider, and the Court allows you to consider that Mr. Manson was not charged with that, that that was held back until the Tate-La Bianca case was over, and the Court allows you to consider that in your deliberations, would you so consider that?

THE COURT: All right. You needn't answer that. That's improper voir dire.

Q BY MR. KANAREK: May I ask you this, then? Is your state of mind such, Mr. Stegall, that you recognize that

CieloDrive.com ARCHIVES

12b-4

police officers and prosecutors have the normal propensities, the normal characteristics that perhaps all of us have?

A That's right.

Q Right?

12c fls. A That's right.

CieloDrive.com ARCHIVES

12c-1

Q And if you see in the prosecution of this case motivation -- whether it's on one side or the other -- and the Court allows that evidence to come before you, for use in your deciding this case, is there any reason that you wouldn't consider police officer motivation in deciding this case?

A That wouldn't be necessary in this case, whatever.

Q Pardon?

A That wouldn't be necessary, because you are not trying the policeman. You are trying Mr. Manson.

Q Right. But if the Court tells you, in connection with the credibility, as to whether or not a particular person -- be he police officer or otherwise -- in deciding his credibility, if the Court gives you certain instructions, and allows certain evidence to come before you to determine credibility, is there any reason that you wouldn't sit in judgment on police officer credibility?

A If the Court gave you that instruction, for you to follow, you'd have to.

Q Right.

A You wouldn't have any alternative.

MR. KANAREK: Could you pass the microphone on to Mr. Wells?

I'm sorry. I'm sorry. To Mr. Lowe, No. 2.

VOIR DIRE EXAMINATION OF

MR. JOSEPH E. LOWE

BY MR. KANAREK:

Q Now, if I make a mistake in your name like that, I

CieloDrive.com ARCHIVES

hope you are not going to hold it against me?

A No, I wouldn't.

Q Okay. I didn't scratch out the right name here.

Now, directing your attention, sir, to everything that you've heard within this case so far, is there any reason that you feel you couldn't be fair and impartial?

A Uh -- no. I can't think of any reason why I couldn't be. No, no, I can't think of any reason.

Q Your state of mind is, you recognize that, whether it's right or wrong, our legal process is adversary; we have one side versus the other side.

The title of this case is the People of the State of California vs. Charles Manson; right?

A True.

Q And has it been your experience that, whenever you have people in an adverse position, sometimes the blood flies--like on a football field, it's one side versus the other; right?

A This is true.

Q All right. Now, in an adversary process, such as in a courtroom, one side versus the other, there may be differences of opinion that arise, differences of opinion between lawyers, and differences of opinion between the Court and the lawyers, one or more.

Now, is your state of mind such that you recognize that, should that arise, that that difference of opinion is inherent in our judicial process?

A Yes.

CieloDrive.com ARCHIVES

Q And I gather that your state of mind is such that you would try to use that, to try to decide this case, the fact that we have this adversary process?

A I don't think I quite understood that, now.

Q Well, you wouldn't use -- in other words, because Mr. Manzella and I, for instance, we may not agree; and let us say you take a liking to me, or a dislike to me, or a liking for Mr. Manzella, or a dislike for Mr. Manzella, personally.

Now, because of the nature of the case, what's going on here, would your state of mind be such that you wouldn't use that to decide the case?

A Oh, no. No, I wouldn't decide on that, no.

Q Now, I gather that -- is it a fair statement that you have not had -- been on any other cases in connection with --

A No, no, I haven't.

Q -- jury service; right?

A I haven't.

MR. KANAREK: Is there anyone in the box who has been on another case?

JUROR NO. 12: (Indicating).

VOIR DIRE EXAMINATION OF

MRS. VERNICE B. WALL

BY MR. KANAREK:

Q Yes. Mrs. Wall?

A Yes.

CieloDrive.com ARCHIVES

MR. KANAREK: Would you pass the microphone down to Mrs. Wall?

Q Now, Mrs. Wall, directing your attention to your previous jury experience, was it a felony-type of case that you were on?

A Civil.

Q It was a civil case?

A Yes.

Q You haven't been on any criminal case?

A No.

MR. KANAREK: Has anyone in the box been on any criminal case?

(No affirmative response.)

MR. KANAREK: Well, this wouldn't apply, then.

Q But I'll ask you another question, Mrs. Wall. During the course of this trial, it may come to pass, Mrs. Wall, it may come to pass that people who take this witness stand have been convicted of one or more felonies; they may be people who are from the State Prison, black people who have been in prison.

Now, having in mind that the Court will instruct you that prior conviction of a felony does have some effect, if you deem it to have an impeachment effect, is there any reason that you wouldn't give the same attention to such witnesses as you would give to someone who hadn't had the misfortune to be convicted of a felony?

A No.

13 fls.

CieloDrive.com ARCHIVES

13-1

THE COURT: The Court will raise -- she's answered the question. We'll let the answer stay.

The Court will instruct you, ladies and gentlemen, as to the criteria that you must follow, should follow.

The Court will instruct you as to the criteria that you should follow in connection with judging credibility. And it is not the function of anyone but the Court to instruct you in respect to the law. You take the law from the Court and when the Court tells you about the criteria that you must follow in connection with judging credibility, I'm sure that you will follow that instruction, along with all the others, will you not?

(Whereupon, there were murmurs of "Yes" from the prospective jurors in the jury box.)

MR. KANAREK: May I ask, is there anyone else in the box that knows any judges except Mrs. Stokes?

JUROR NO. 12: I know Mrs. Stokes' cousin. I know Xenophon Lang. We went to school together.

MR. KANAREK: I see.

Anyone else that knows any judges?

Anyone else that's in the box right now who has any friends or relatives or acquaintances who are judges?

Are there -- is there anyone in the box that has any relatives who are police officers?

Anyone in the box who has any friends or acquaintances who are police officers?

JUROR NO. 10: I think I answered that question.

MR. KANAREK: Yes, I understand. I'm just asking

CieloDrive.com ARCHIVES

anybody to raise their hand now.

COLLEEN WEFEL

BY MR. KANAREK:

Q Now, Mrs. Wefel -- or Miss Wefel --

A Yes.

Q I'm sorry. You're not going to hold that against me, I hope?

Now, directing your attention, Miss Wefel, to everything that you have heard here.

We're trying to make this as expeditious, as speedy as possible, this voir dire process here.

Has anything occurred to you in connection with what we've spoken of, any of this subject matter?

A No.

Q That you feel is such that it might be unfair to ask you to sit as a juror?

A No.

Q Now, let's say that you were sitting where Mr. Manson is sitting.

Would you want someone with your state of mind to be judging you?

A Yes.

Q And directing your attention, then, to the -- whatever you have heard concerning Mr. Manson previously, having that in mind, you would still welcome someone with your state of mind to judge -- if you had the -- if you had to be adjudged; is that correct?

CieloDrive.com ARCHIVES

A Yes, yes.

Q Now, in your work -- in your work, generally, do you deal with people, Miss Wefel?

A Yes, I did.

Q And as a -- and you've had some years of experience?

A Yes.

Q In dealing with people, right?

A Yes, yes.

Q And is it a fair statement that -- have you had the experience, maybe, that some of us have had, that you can't judge a person or a book by its cover?

The fact that someone takes that witness stand and may be all dressed up and may look very, very nice, may look very proper, that does not necessarily mean that that person is speaking the truth; is that a fair statement?

A Right.

MR. MANZELLA: Objection, your Honor, if the Court please.

I would object on the grounds that demeanor is one aspect a juror may take into account in determining credibility and voir diring singly on that one factor and questioning the jurors singly about that one factor would be improper, since there are a number of factors a juror may consider in determining credibility.

THE COURT: I'll overrule the objection.

JUROR NO. 11: I said "Yes."

Q BY MR. KANAREK: Now, if it should -- in other words, are we in agreement that the truth is not necessarily

CieloDrive.com ARCHIVES

found in any particular walk of life or in any particular type of work, that that's truth? There are people who are high, in very high stations in life who are dishonest and there are people in very low stations of life who are very honest?

13a fls. A Right.

CieloDrive.com ARCHIVES

.3a-1

Q Now, is there any reason that in connection, for instance, with police officer testimony, is there any reason why -- well, I'll withdraw that and ask it this way:

What is your state of mind towards police officers, Miss Wefel?

A Well, I'm glad they're around.

Q That -- all right. Anything else that you can think of?

A No.

MR. KANAREK: May I ask that, say, of Mr. Waggoner.

JACK WAGGONER, JR.

BY MR. KANAREK:

Q May I ask you, sir, what is your state of mind concerning police officers?

A Uh, pretty much the same as -- I'm glad to have them around. Of course, I hear of dishonest ones under various circumstances, of course. I would not like to have that kind around. But one who is doing his job, I'm very happy to have around.

Q And your state of mind, is it your agreement there is no monopoly on truth, honesty or integrity in any walk of life?

A I agree.

MR. KANAREK: Would you transfer the microphone to Mrs. Zorn.

JUROR NO. 5: Yes, sir.

CieloDrive.com ARCHIVES

MRS. FRIEDERIK ZORN

BY MR. KANAREK:

Q Mrs. Zorn --

A Yes, sir.

Q -- directing your attention -- now, as it turns out -- if it should turn out that some of the witnesses that take this witness stand are friends of Mr. Manson --

A Uh-huh.

Q -- are people that he knows --

A Yes, sir.

Q -- is there any reason that you couldn't -- let's say that you down deep believe in your heart and soul that --

A Uh-huh.

Q -- that what these people tell you are the truth. But let's say that their appearance may be a little bit unusual or different or something like that.

A Yes.

Q Is there any reason that you couldn't -- that you couldn't believe these people, even though it means that you had to decide that a police officer was not telling the truth, if you, after judging it, after looking at it, after thinking about it, came to that conclusion?

A No, sir. I mean, I wouldn't judge them -- you see, according how they are dressed or things like this, you see. It wouldn't affect my judgment.

I hope I understood this, what you said, sir. I mean, nothing will affect me. I heard just the evidence and this is what it is for me. But I have nothing against police

CieloDrive.com ARCHIVES

officers or against Mr. Manson or against anybody.

Q And your state of mind is that if you believe, after hearing this, for instance, that Mr. Manson is being persecuted --

A Yeah.

Q -- for instance, in this prosecution, having gone through another trial, where the events in this case occurred before the events in that other trial -- if you believed that, you would bring in a verdict of not guilty?

A Yes, sir.

MR. MANZELLA: Objection, your Honor.

JUROR NO. 6: Yes, sir.

MR. MANZELLA: Objection.

MR. KANAREK: Pass for cause.

MR. MANZELLA: Objection. Not relevant to a challenge for cause and ask it be stricken and ask --

MR. KANAREK: I think it is most relevant.

MR. MANZELLA: -- and ask the juror's response be stricken,your Honor.

MR. KANAREK: I think it is most relevant.

THE COURT: Yes, the Court strikes the question and the answer.

Do you wish to question her further?

MR. KANAREK: No, I pass for cause. Thank you.

THE COURT: The People.

MR. MANZELLA: Thank you, your Honor.

THE COURT: You may either sit where you are, Mr. Manzella --

CieloDrive.com ARCHIVES

MR. MANZELLA: It might be easier, your Honor.

THE COURT: -- or you may use this microphone. We'll try to get a longer cord for it.

MR. MANZELLA: All right, with everyone's permission, I will just remain at my seat and just use this microphone. It might be easier.

I would like to begin with Mr. Stegall, if I may.

PERRY D. STEGALL

BY MR. MANZELLA:

Q Mr. Stegall, you've already been given an advance look of the instruction as to reasonable doubt by Judge Choate.

Did you understand that instruction as it was given to you by Judge Choate?

A Sure did.

Q You understand that that's the burden on the prosecution in this case, that is to prove guilt beyond a reasonable doubt?

A Yeah. I think the State's going to have to prove him guilty.

13b

CieloDrive.com ARCHIVES

13b-1

Q Right.

Now, that standard is the same in all criminal cases?

A It sure is.

Q Would you hold the prosecution to any higher standard, any stricter burden of proof because this is a murder case?

A No, that wouldn't necessarily have to be that way.

Q Well, it is not that way, Mr. Stegall.

What I am asking you, is would you hold --

A No.

Q -- the prosecution to a higher standard of proof because this is a murder case?

A No, I wouldn't.

Q Now, you've been given, again, that advance look at the instruction of -- you've been told the burden of proof does not require the People to exclude all possibility of doubt and produce absolute certainty in your mind; you understand that?

A I sure do.

Q Do you have any quarrel with that instruction?

A No, sir.

Q Would you require the prosecution to exclude all possibility of doubt and to produce absolute certainty in your mind?

A No, but there's probably many people that got 99 years in the pen on that type of case.

(Laughter.)

CieloDrive.com ARCHIVES

Q I'm sorry, I don't understand you.

THE COURT: Would you repeat it?

JUROR NO. 1: On circumstantial evidence on such a case.

MR. MANZELLA: All right, Mr. Stegall, would you hand the microphone to Mr. Lowe, please.

JOSEPH P. LOWE

BY MR. MANZELLA:

Q Mr. Lowe, in the instructions that will be given to you by Judge Choate at the end of the case, you will be instructed with regard to circumstantial evidence and direct evidence?

You've never served on a jury before in a criminal case, is that right?

A No, I have not.

Q All right.

Now, in essence, you will be instructed that there's no distinction between the two as a means of proof, that is between circumstantial evidence and direct evidence, and that neither type of evidence is entitled to any greater weight than the other?

Now, I'm asking you these questions about circumstantial evidence because some people who are not familiar with the law feel that the term "circumstantial" means a weak case, and that circumstantial evidence is by definition something less than direct evidence.

Do you have any bias or prejudice against circumstantial evidence?

CieloDrive.com ARCHIVES

MR. KANAREK: Your Honor, I wouldn't object if your Honor would instruct as to circumstantial evidence.

MR. MANZELLA: I wouldn't either.

MR. KANAREK: I don't think that you have.

THE COURT: Well, I'll repeat it. The Court believes that it has instructed with respect to it.

MR. KANAREK: Very well.

THE COURT: If you missed it, others might have missed it.

MR. KANAREK: I stand corrected then, if your Honor has. I don't recall that.

THE COURT: The testimony of a witness, a writing, a material object, or anything presented to the senses offered to prove the existence or non-existence of a fact is either direct or circumstantial evidence.

Direct evidence means evidence that directly proves a fact, without any inference, and which in itself, if true, conclusively establishes that fact.

Circumstantial evidence means evidence that proves a fact from which an inference of the existence of another fact may be drawn.

An inference is a deduction of fact that may logically and reasonably be drawn from another fact or group of facts established by the evidence.

It is not necessary that facts be proved by direct evidence. They may be proved also by circumstantial evidence or a combination of direct evidence and circumstantial evidence. Both direct evidence and circumstantial evidence are acceptable

CieloDrive.com ARCHIVES

as a means of proof. Neither is entitled to any greater weight than the other.

You are not permitted to find the defendant guilty of the crime charged against him based on circumstantial evidence unless the proved circumstances are not only consistent with the theory that the defendant is guilty of the crime, but cannot be reconciled with any other rational conclusion and each fact which is essential to complete the set of circumstances necessary to establish the defendant's guilt has been proved beyond a reasonable doubt.

Also, if the evidence is susceptible of two reasonable interpretations, one of which points to the defendant's guilt and the other to his innocence, it is your duty to adopt that interpretation which points to the defendant's innocence, and reject the other which points to his guilt.

MR. MANZELLA: Thank you, your Honor.

BY MR. MANZELLA:

Q Now, Mr. Lowe, do you have any quarrel with that instruction?

A Hmm, none.

Q Do you have any bias or prejudice against circumstantial evidence?

A I guess you -- well, the only bias that I could think of would be circumstantial evidence alone. I don't think I could draw a clear conclusion from that.

Q All right, Mr. Lowe, do you understand that fingerprints are circumstantial evidence?

CieloDrive.com ARCHIVES

A Uh, I always figured that was direct evidence.

Q I understand.

Do you understand and do you know that a confession is circumstantial evidence?

MR. KANAREK: Well, your Honor, I object. I've tried to expedite this matter, your Honor --

THE COURT: Well, you needn't state your purpose. State your objection.

MR. KANAREK: I object on the grounds it is improper voir dire. We can go --

THE COURT: Sustained.

BY MR.MANZELLA:

Q All right, now, Mr. Lowe, you understand there is commonly a misconception as to what circumstantial evidence is; is that correct?

MR. KANAREK: That's immaterial.

MR. MANZELLA: Your Honor, the juror has stated he has a bias against circumstantial evidence, and he's been candid about it. And I'm exploring that, your Honor. Our case depends on circumstantial evidence and I have a right to explore that with the juror.

THE COURT: The objection will be overruled. You may answer that, if you -- if you understand it.

MR. KANAREK: Well -- well, very well, your Honor.

BY MR. MANZELLA:

Q Can you answer it, Mr. Lowe?

A All right, now, what was the question?

Q I forgot it, too.

CieloDrive.com ARCHIVES

MR. MANZELLA: Your Honor, could the reporter read it back?

THE COURT: Yes, would you read the question, please?

(Whereupon, the question was read by the reporter as follows:

"Q All right, now, Mr. Lowe, you understand there is commonly a misconception as to what circumstantial evidence is; is that correct?")

14 fls.

CieloDrive.com ARCHIVES

4-1

MR. KANAREK: Well, I will object to that as improper voir dire. I don't think it's --

THE COURT: I'll sustain it on that ground.

Q BY MR. MANZELLA: All right, Mr. Lowe, now, understanding what we have already talked about, do you think that now you could listen to the evidence in this case and apply the law of circumstantial evidence given to you by the Judge, and be fair and impartial to the prosecution, as well as to the defense?

A Well, I think so. It's very hard to go through these -- with this conception that I've had over the years, to hear it now -- to have to hear you telling me these things that I was thinking are wrong.

I would think it would be very hard for me to automatically change my views that fast.

Q All right. Why don't you think about that for a while? Pass the microphone to Miss Wallace, and I'll come back to you and talk to you about it some more.

PAULINE WALLACE

BY MR. MANZELLA:

Q All right. Miss Wallace, do you have any quarrel with the instructions with regard to circumstantial evidence?

A No, sir.

Q Did you understand them as they were read to you by Judge Choate?

A Yes, I did.

Q Do you feel that you could convict a man of first-degree murder, based upon circumstantial evidence, if you

CieloDrive.com ARCHIVES

felt that all of that evidence put together proved guilt beyond a reasonable doubt?

A. Yes, if it proved guilt beyond a reasonable doubt.

Q. Now, I am trying to be candid with the jurors in discussing circumstantial evidence, because I want to make it clear at the outset that the prosecution does not have eye witnesses to the killings in this case, and this is why I am questioning you about circumstantial evidence.

Now, as I think I've made clear now, all other types of evidence are circumstantial evidence; all evidence other than eye witness testimony is circumstantial evidence.

Now, with regard to the burden of proof on the people, and bearing in mind that this is what you might call a circumstantial evidence case, do you feel that you would hold the people to a higher standard of proof, a higher burden of proof, because this is a murder case?

A. Yes, I would.

Q. Do you feel, then, that -- well, let me backtrack. Do you understand that the burden of proof that is -- that is, proof beyond a reasonable doubt of guilt -- is the same in all criminal cases?

Do you understand that?

A. Yes, sir.

Q. All right. Now, are you saying that you would hold the People to a higher standard, because this is a murder case?

MR. KANAREK: Your Honor, that's improper voir dire.

JUROR NO. 3: Well, I should think that the standard

CieloDrive.com ARCHIVES

would be different. I don't know. I don't believe I understand the question, really.

MR. MANZELLA: All right. I'll withdraw it, then.

MR. KANAREK: I'll withdraw the objection, your Honor.

Q BY MR. MANZELLA: The jury -- the individual jurors are not permitted to find a defendant guilty in a criminal case, unless this guilt has been proved beyond a reasonable doubt.

A Yes, I realize that.

Q Now, that burden does not change with the kind of criminal case. In other words, a burglary case, a robbery case, a theft of an automobile, theft of money, an assault case, a battery case, or a murder case, the burden of proof remains the same.

Do you understand that?

A Yes.

Q All right. Now, I can understand where some people would require a higher burden of proof in a murder case, because they feel it's much more serious, that the consequences of a finding of guilt could be much more serious.

But my question to you is: Understanding that some people may feel that way, what I am trying to find out is: Do you feel that way? Do you feel that because this is a murder case, do you think the People should prove guilt not only beyond a reasonable doubt, but even further than that? Say to an absolute certainty?

A No.

CieloDrive.com ARCHIVES

Q I see. You'll hold the People, then, only to the same standard of --

A Yes.

Q -- proof, the same burden of proof?

A Yes.

MR. MANZELLA: All right. Mrs. Canada, would you take the microphone now?

THE COURT: It's 4:30. Before you begin the voir dire of Mrs. Canada, the Court will declare a recess until tomorrow morning.

9:30, gentlemen? Mr. Kanarek?

MR. MANZELLA: That's fine, your Honor.

THE COURT: 9:30 satisfactory?

MR. KANAREK: Let me check that just a minute, your Honor.

Well, your Honor, may I ask for 9:45?

THE COURT: All right. 9:45.

MR. KANAREK: Thank you, your Honor.

THE COURT: Tomorrow morning, then, ladies and gentlemen, in the corridor over there on the other side of this building, between Department 102 and 103.

And the bailiff will put you into a courtroom as soon as he can, while you are waiting.

It may be that you can come right into this courtroom, but assemble over there at -- let's make it at 9:40. That will get you here five minutes in advance. 9:40 tomorrow.

Remember the admonition that I must give you, that you are not to converse amongst yourselves nor with anyone

CieloDrive.com ARCHIVES

else, nor permit anyone to converse with you on any subject connected with this matter, nor are you to form or express an opinion on the matter until it is finally submitted to you, should you be chosen as a juror.

All right. Good night, ladies and gentlemen. 9:40 tomorrow morning.

(Whereupon, the following proceedings were had after the members of the jury panel had exited the courtroom.)

THE COURT: Wait just a second, Mr. Manson.

Mr. Kanarek had something to say, I think.

MR. KANAREK: Yes, your Honor. There's one juror, your Honor, that we haven't examined on the publicity.

THE COURT: Yes. The last one we put in, Mr. Wells.

MR. KANAREK: Yes.

THE COURT: Well, we'll get to him separately, perhaps tomorrow morning.

MR. KANAREK: Oh. I was just going to suggest, maybe if he came in first, that we -- it probably wouldn't be too long.

THE COURT: Yes, that's a good idea.

MR. KANAREK: Thank you.

THE COURT: That's what we will do tomorrow morning.

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

THE COURT: Gentlemen, I am a little unhappy about the voir dire examination thus far, on both your parts, but I'll discuss that with you in just a moment, off the record.

(Whereupon, at 4:33, an adjournment was taken until 9:45 a.m. of the following morning, Friday, July 2, 1971.)

CieloDrive.com ARCHIVES