

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 106

HON. RAYMOND CHOATE, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

CHARLES MANSON,

Defendant.

110
No. A-267861REPORTERS' DAILY TRANSCRIPT

Thursday, July 8, 1971

VOLUME 10APPEARANCES:

For the People:

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

For Defendant Manson: IRVING A. KANAREK, Esq.

COPY

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

1 LOS ANGELES, CALIFORNIA, THURSDAY, JULY 8, 1971 11:00 A.M.

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4 THE COURT: The record will show that Mr. Manson is
5 present with his counsel, Mr. Kanarek. Mr. Manzella for the
6 People, and the prospective jurors are in the box.

7 I think we had called Mr. Kowal and Mr. Nowicki.

8 JUROR NO. 7: Yes.

9 JUROR NO. 12: Yes.

10 THE COURT: Thank you, Mr. Kuczera.

11 We'll start with Mr. Kowal, since his name was
12 called first.

13
14 VOIR DIRE EXAMINATION OF

15 MR. MIKE S. KOWAL

16 BY THE COURT:

17 Q Mr. Kowal, were you present when the Court
18 explained the nature of this case and questioned a prospective
19 juror and instructed on the law in respect to the case?

20 A Yes, sir.

21 Q Would your answers be any different to the
22 questions of a general nature put to this person, the prospective
23 juror?

24 A No.

25 Q Now, beginning with matters of a more direct and
26 personal nature, would there be any hardship to you if you
27 were involved in this case for a period of four or five
28 months?

1 A Does that include healthwise besides financial?

2 Q Any hardship, yes.

3 A Well, healthwise, it would.

4 Q Tell me about it.

5 A Well, I suffered a heart attack three years ago
6 and I am still under a doctor's care. I am taking medication
7 for high blood pressure and coumadin. It is an anti-blood
8 coagulant.

9 And I also have to take tests, blood tests to
10 make sure that my blood doesn't run wild.

11 Q Do you see your doctor regularly?

12 A Regular, yes. I've never stopped.

13 Q On what days of the week do you see him?

14 A I'm due to see him next Tuesday again.

15 Q Do you see him during the day?

16 A During the day, yes.

17 Q At what time?

18 A At about 1:00 o'clock in the afternoon.

19 Q Do you think your doctor could accommodate you
20 so that -- is that what you are worried about, being able to
21 get to the doctor?

22 A No, that isn't it. I am afraid it may be
23 harmful for me to sit here for four or five months because
24 the doctor cautioned me not to be too idle, get out and move
25 around.

26 Q To what?

27 A Too inactive. Get out and move around and keep
28 your blood circulating.

1 Q Are you employed?

2 A No, I am not.

3 Q Are you retired from employment?

4 A Yes, after the heart attack I retired.

5 Q So what you are doing is some physical therapy
6 each day which you wouldn't be able to get?

7 A That's right. That's right.

8 THE COURT: Gentlemen.

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

11 MR. KANAREK: So stipulate, your Honor.

12 THE COURT: All right, these gentlemen have very kindly
13 stipulated you may be excused and the Court agrees and will
14 excuse you. Thank you, Mr. Kowal. Room 253 forthwith, if
15 you would, please.

16 MR. KANAREK: Thank you, Mr. Kowal.

17 THE COURT: Call another name.

18 THE CLERK: Gladys Engman, E-n-g-m-a-n.

19

20 VOIR DIRE EXAMINATION OF

21 GLADYS ENGMAN

22 BY THE COURT:

23 Q Mrs. Engman, take your seat on the end, if you
24 will, please, and the Court will ask you whether or not you
25 were present when the Court explained the nature of this
26 case and discussed the matter with the prospective juror?

27 A Yes, sir.

28 Q Would your answers be any different than he

1 replied to the questions of a general nature?

2 A No.

3 Q And would it be any hardship to you, were you
4 caused to serve as a juror in this case?

5 A Well, I also have high blood pressure and am
6 taking medication.

7 Q You have high blood pressure?

8 A Anything that's upsetting at all, just my blood
9 pressure goes --

10 Q Do you work during the day?

11 A I do not.

12 Q You are a housewife?

13 A I am a homemaker.

14 Q And you work at home, then?

15 A Right.

16 Q Do you think that service on that trial -- in
17 this trial as a juror would be so upsetting to you that you
18 would be unable to maintain your current state of health?

19 A No, I do not.

20 Q Pardon?

21 A I'm very upset right at the moment.

22 Q Keep that closer to your face, if you would.

23 A No, I do not. I am upset right at the moment.
24 When I do get upset, then, I have to go back on additional
25 medication and --

26 Q What are you upset about, prospective service on --

27 A This type -- I have never been in a courtroom
28 before in my entire life.

1 Q You haven't?

2 A No.

3 Q Neither as a defendant or a juror?

4 A No. And to come on this kind of a case, I think
5 it would be very upsetting to me.

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1 THE COURT: Gentlemen?

2 MR. MANZELLA: The People would be willing to stipulate
3 it constitutes a hardship, your Honor.

4 MR. KANAREK: So stipulate, your Honor.

5 THE COURT: All right. These gentlemen again have
6 stipulated that, because of the question of health, the juror
7 may be excused.

8 And so the Court does agree that you may be
9 excused. And the Court thanks you. In view of your state of
10 health, the Court thinks it's rather a sacrifice for you to
11 serve as a juror, even for a period of 30 days, and the Court
12 thanks you.

13 JUROR NO. 7: Thank you very much.

14 THE COURT: All right. Do you have any time left on
15 jury duty?

16 JUROR NO. 7: Yes. I just started.

17 THE COURT: Just started?

18 JUROR NO. 7: Yes.

19 THE COURT: All right. Go back -- let's see if we can
20 put you to work. Go to Room 253 --

21 JUROR NO. 7: Something else, but not this.

22 THE COURT: All right. Room 253, forthwith.

23 I see a juror in the box, Mr. Mittleman, raising
24 his hand. Mr. Mittleman?

25 MR. KANAREK: Thank you, Mrs. Engman.

26 THE COURT: Will you pass that microphone down to
27 Mr. Mittleman? He was clearing his throat there and apparently
28 has something to say to us.

VOIR DIRE EXAMINATION
OF FRED C. MITTLEMAN

BY THE COURT:

Q Mr. Mittelman, did we put over some question for you concerning your employment or --

A No. I -- it's dealing with the question of capital punishment.

I have been giving it considerable thought.

Q Yes?

A And I've decided, in my own mind, that under no circumstances could I vote for capital punishment, if it should go that far, if the case should go that far.

Q If you --

A In this case, I couldn't.

Q Your view is that you would be -- you would be unable to vote for the death penalty, regardless of what the evidence might be; is that right?

A In this case, yes.

Q Your judgment would be that you would -- or, your feeling would be that you would automatically refuse to impose the death penalty in this case; is that correct?

A Well, I wouldn't quite say automatically. It's -- I can't conceive of circumstances in this case that -- that would allow me to vote for the death penalty.

Q But --

A I'm not saying it's automatic. I am just saying at this -- I can't conceive of the situation, of --

Q Well, perhaps you are just deficient in

1 imagination. Has that entered your mind?

2 A Well --

3 Q And perhaps, when you hear the evidence, you would
4 change your mind, if you would consider the evidence.

5 Would you consider the evidence?

6 A Yes, I would.

7 Q All right. Well, then, it would not be an
8 automatic reaction. You are in the same position that you
9 were before; so that you would consider the evidence; and if,
10 in your judgment and in your absolute discretion, the death
11 penalty was warranted, you would vote for it; is that correct?

12 A If -- if those conditions were met, yes.

13 Q All right.

14 A I don't --

15 THE COURT: All right. Pass that microphone to the man
16 on your right.

17 MR. KANAREK: Your Honor, in view of the juror's state-
18 ments, may I ask him a question or two?

19 THE COURT: I think not. The Court does not believe
20 that this juror would automatically refuse to impose the
21 death penalty in this case.

22 MR. KANAREK: Well, but --

23 THE COURT: And therefore, does not believe that he's
24 disqualified.

25 MR. KANAREK: But he made some remarks concerning "this
26 case," and I think that all of us should know what his state
27 of mind is in that regard, so that we can --

28 THE COURT: Well, you may inquire out of the hearing of

1 the other jurors, if you wish to do that. But at this point,
2 the Court does not believe that Mr. Mittleman is by law dis-
3 qualified.

4 MR. KANAREK: No, I don't believe so, either. But I
5 would like to interrogate on the statements.

6 THE COURT: What is the point?

7 MR. KANAREK: Well, as to the state of mind.

8 THE COURT: All right. You may inquire at a later time.

9 Mr. Nowicki --

10 JUROR NO. 12: Yes?

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1 THE COURT: Oh, excuse me. I'm in error. We should have
2 a substitute for Mrs. Engman, and take that juror first.
3 Because that would be the logical order.

4 Let me ask you this, while you have the microphone
5 in your hand, Mr. Mittleman, and before passing it back to the
6 other end.

7 Do you think that you can be fair and impartial
8 as a juror in this case? Do you think that you could be fair
9 and impartial in this case?

10 JUROR NO. 11: Well, I think certainly, on the first
11 phase.

12 THE COURT: On the first phase, guilt or innocence?

13 JUROR NO. 11: Yes.

14 THE COURT: Is there anything whatever that would enter
15 into your mind at this time, by reason of which you believe
16 you could not be a proper juror in this case?

17 JUROR NO. 11: Only in my previous position regarding
18 the death penalty.

19 THE COURT: And that would enter into your judgment
20 not in the first phase, but in the penalty phase; is that
21 right?

22 JUROR NO. 11: Correct.

23 THE COURT: Do you have any questions, Mr. Kanarek?

24 MR. KANAREK: Yes.

25
26 VOIR DIRE EXAMINATION

27 BY MR. KANAREK:

28 Q When you said that you -- in this case, it was --

1 what was your thinking, Mr. Mittleman?

2 A Uh -- well --

3 THE COURT: Excuse me. We'll conduct this questioning
4 outside the hearing of the other jurors.

5 Pass the microphone down to the --

6 MR. KANAREK: Then, your Honor, may we approach the bench?

7 THE COURT: No, you may not.

8 Call another name for Mrs. Engman.

9 THE CLERK: Mrs. Hildegard Thale; H-i-l-d-e-g-a-r-d;
10 last name, T-h-a-l-e.

11 THE COURT: G-h?

12 THE CLERK: T-h.

13 MR. KANAREK: Your Honor, I -- I would ask -- but I'm
14 sure this lady understands why -- I would ask to approach the
15 bench. I think that there has been an error in her coming to
16 this courtroom, and I'm sure she would agree with me.

17 THE COURT: An error in her being here?

18 MR. KANAREK: Yes, your Honor. And I would like to
19 approach the bench, with the reporter. And I think that --
20 she's nodding affirmatively, because --

21 THE COURT: You may approach the bench.

22 MR. KANAREK: Thank you, your Honor.

23
24 (Whereupon, the following proceedings were had
25 at the bench among Court and counsel, outside the hearing of
26 the prospective jury panel:)

27 MR. KANAREK: Yes, your Honor.

28 THE COURT: What is the problem with Mrs. Thale? Is it --

1 MR. KANAREK: Yes, She's related to a District
2 Attorney, and she's --

3 MR. MANZELLA: Mel Thale, yes.

4 MR. KANAREK: Yes, She's some relative to a Deputy
5 District Attorney. And I heard her talking to Mr. Weedman,
6 that -- she has already been over and interrogated in the
7 Grogan case, in Judge Call's court, and I don't think that we
8 want her. I am sure that we don't --

9 MR. MANZELLA: Well -- I'm sorry, go ahead.

10 MR. KANAREK: Because they're not supposed to be sending
11 jurors from one of these courts to the other. I think this is
12 part of our ground rules. And I think that there's a -- that
13 the Jury Commissioner made probably -- I am sure -- hopefully,
14 I am sure -- an inadvertent error. But this is -- she has been
15 in Judge Call's court, and I can so represent, based upon
16 -- I recognize the name. I've never seen the lady before.

17 THE COURT: Do you see any reason why she should be
18 excused, simply by reason of the fact that she's been excluded
19 from the Grogan trial?

20 MR. KANAREK: Yes, Because otherwise, I would ask for a
21 hearing and find out what she heard over there. I don't know
22 what's been said in that court.

23 THE COURT: Well, you can ask her --

24 MR. KANAREK: Yes, but it may be so prejudicial, as to
25 what's been said about Mr. Manson in that courtroom --

26 THE COURT: Well, we will hold it outside the
27 presence of the other jurors.

28 MR. KANAREK: Well, I know, your Honor. But, as I say,

1 if we are really interested in expedition, the expeditious
2 thing to do -- if I may put it that way -- is to excuse her.
3 Because she has been over there. There has been all kinds of
4 statements concerning Mr. Manson in that trial before Judge
5 Call, and if she --

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1 THE COURT: Well, let's find out. I can't presume that,
2 can I?

3 MR. KANAREK: Well, I -- well, I am saying, -- what I
4 am saying is, the underlying ground rule is, I believe --

5 THE COURT: I hadn't heard of any such ground rule. I
6 don't know that it should exist.

7 She may have stepped up and indicated that she was
8 biased as a result of being related to a Deputy District
9 Attorney, and therefore --

10 MR. KANAREK: But your Honor --

11 THE COURT: -- been excluded by stipulation.

12 MR. KANAREK: But what I am saying is, what I am saying
13 is -- I believe -- now, I can't represent this 100 per cent for
14 sure. I believe she was excused from that trial either by --
15 I know she has been excused for some reason or another in
16 Judge Call's court.

17 THE COURT: I don't think that disqualifies her here.
18 Let's just go at it and see what --

19 MR. KANAREK: Well, then, I would ask that she not be
20 interrogated in the presence of all the other jurors, your
21 Honor.

22 MR. MANZELLA: Well, on the question of publicity, she
23 wouldn't be. What she's heard in that court comes under the
24 heading of publicity.

25 THE COURT: What she's heard in the other trial, we
26 wouldn't ask her about that.

27 MR. KANAREK: Well, no, but it may have affected her
28 state of mind, and --

1 THE COURT: Well, let's find out. Can I presume that?

2 MR. KANAREK: Well, also, your Honor, may I say this?
3 The District Attorney has been allowed to interrogate in the
4 presence of the jury, over objection, concerning the death
5 penalty.

6 Now, as to Mr. Mittleman, your Honor not
7 allowing me to interrogate him in the presence of all the other
8 jurors, I suggest that --

9 THE COURT: Well, he has some --

10 MR. KANAREK: -- this would be a violation of equal
11 protection and due process, under the Fourteenth Amendment,
12 and --

13 THE COURT: The Court does not think so. The Court
14 believes that Mr. Mittleman has formed some opinion about
15 this case, by reason of which he could not vote for the
16 death penalty.

17 But he indicates that he would not be automatic
18 in making such a decision.

19 However, he has some ideas about it. And I
20 think that, justifiably, they should be uttered outside the
21 presence of the other jurors, just as you are asking whatever
22 ideas this lady may have formed of Mr. Manson in connection
23 with the Grogan case should be stated outside of the hearing
24 of the other jurors.

25 MR. KANAREK: Well, I -- yes; but I --

26 THE COURT: Let's proceed.

27 (Whereupon, the following proceedings were had in
28 open court, within the presence and hearing of the prospective

1 jury panel:)

2
3 VOIR DIRE EXAMINATION

4 OF MRS. HILDEGARD THALE

5 BY THE COURT:

6 Q Mrs. Thale?

7 A Yes,

8 Q Were you present when the Court explained the
9 nature of this case, and when the Court discussed the matter
10 with the prospective juror, the first prospective juror
11 called from your group?

12 A Yes, your Honor.

13 Q All right. Would your answers be any different
14 than he responded to the questions of a general nature that I
15 put to him?

16 A No, your Honor.

17 Q Do you have any reason why you could not be fair
18 and impartial in this case? Can you think of any reason why
19 you could not be fair and impartial?

20 A No, your Honor.

21 Q Would it be any hardship for you to serve on this
22 jury for a period of four or five months?

23 A Well, I was going back to graduate school in the
24 second session of summer school.

25 Q The second session of summer school? Beginning
26 when?

27 A August,

28 Q Where would that be?

1 A UCLA,

2 Q And this is for the purpose of advancing yourself
3 in your profession, or what?

4 A Going back into my profession.

5 Q And that is what?

6 A Social work.

7 Q And this is a necessary part of your education,
8 you believe? In order to put you back in this profession?

9 A Yes, I need it.

10 Q Would you be appreciably delayed if you were to
11 serve for four or five months on this jury?

12 A It would be a handicap, I can say, if it were
13 started later.

14 Q Well, let me ask you this: Nearly everyone can
15 think of some hardship, some minor inconvenience --

16 A Right.

17 Q -- or sometimes something not very minor -- that he
18 or she must endure, in order to be able to accomplish properly
19 jury duty which he or she has undertaken.

20 Are you asking to be excused as a result of this?

21 A No. No, your Honor.

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1 Q Then you would be willing to undergo that?

2 A Yes.

3 Q All right. The Court thanks you for that.
4 Have you been on a jury before?

5 A No, your Honor.

6 Q Are you employed outside of the home?

7 A No, I'm not.

8 Q Is there a Mr. Thale?

9 A Yes.

10 Q What does he do?

11 A He is a doctor.

12 Q A medical doctor?

13 A Yes.

14 Q In what area does he practice? What general area?
15 Los Angeles County?

16 A In L.A. County.

17 Q And in the City of L.A.?

18 A Right.

19 Q And in what area do you and he reside?

20 A In Hancock Park.

21 Q You have been previously employed outside of the
22 home? Or have you not?

23 A Years ago, yes.

24 Q And you are interested in social work, with the
25 County of Los Angeles; is that it?

26 A No, no. This is my profession. My children are
27 grown, and I am going back to it.

28 Q I see. Did you hear the Court's questions, as well

1 as the Court's explanation concerning the death penalty?

2 A Yes, your Honor.

3 Q Before we get to that, I want to ask you another
4 question, which is one I'd forgotten.

5 Are you related to or a friend of any law enforce-
6 ment officer?

7 By "law enforcement officer," I mean any policeman
8 or Deputy Sheriff, Highway Patrolman, a prosecutor or a deputy
9 prosecutor of any type?

10 A Yes, your Honor, I am.

11 Q Would you keep that microphone just a little closer,
12 so the people in the back can hear.

13 A Yes, your Honor, I am.

14 Q All right. And what is that relationship?

15 A I am a sister-in-law to a deputy District Attorney.

16 Q You are a sister-in-law to a deputy District
17 Attorney. Where does that lawyer practice? In Los Angeles?

18 A In Los Angeles.

19 Q Here in the Hall of Justice?

20 A Well, I think he's at the L.A. County General now.

21 Q I see. Working in a department of the Superior
22 Court, is that it? Or --

23 A I think so.

24 Q Have you ever discussed cases with him, his cases?

25 A No, your Honor.

26 Q Do you think that would affect your judgment, so
27 that you would be unable to be fair and impartial in deter-
28 mining guilt or innocence?

1 A Uh -- I don't think so.

2 Q This is a -- the husband of a sister?

3 A No, it's my husband's brother.

4 Q Your husband's brother. Well, if you were to vote
5 for not guilty in a criminal case, do you think that would
6 cause any family turmoil or cause you any embarrassment?

7 Would that enter your mind at all?

8 A (Pause.) Uh -- I don't think so.

9 MR. KANAREK: Your Honor, may the record reflect that
10 she hesitated many seconds before answering that question?

11 THE COURT: Well, the record may so show.

12 MR. KANAREK: Thank you.

13 Q BY THE COURT: In other words, here you have the
14 District Attorney's Office as the prosecuting agent for this
15 indictment before this Court. You indicated that you don't
16 think that it would cause you any discomfort, if you were to
17 vote for not guilty.

18 Does that -- are you hedging on that?

19 A Well, your Honor, cases are never discussed.
20 But philosophies are discussed. And I know the nature -- we
21 have a close relationship with my brother-in-law, as far as
22 the nature -- of his philosophy.

23 And that is the only reason I was trying to think
24 out loud.

25 Q Well, I am not quite sure I understand. Maybe
26 you could expand upon that for us.

27 A Well, he will expound, as far as his philosophy
28 of law enforcement; and I don't think a case would ever be

discussed, I am sure; but I mean --

Q In respect to -- let's just -- taking his philosophy of law enforcement --

A It's much more conservative than --

Q Assuming that it is, as you say, conservative, would you allow --

A No, your Honor.

Q -- that at all to --

A No.

Q That is, his views to -- and the possibility that you might be in conflict with his views in voting for not guilty --

A No.

Q -- would you allow that to enter into your judgment?

A No, I -- it wouldn't.

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1 Q You understand that if you did, it would certainly
2 be incorrect --

3 A Yes.

4 Q -- and wrong?

5 A Yes, I understand.

6 Q Would there be any hardship to you, to serve on
7 this case at all, other than what we've mentioned?

8 A No, your Honor.

9 Q Concerning the death penalty, do you have such
10 views concerning it that you could not thereby be impartial in
11 determining the question of guilt or innocence?

12 A No, your Honor.

13 Q Do you have such views concerning the death
14 penalty that you would, by reason of those views, refuse to --
15 automatically -- to impose it, regardless of the evidence?

16 A No, your Honor.

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

20 A (No response.)

21 Q Am I confusing you by that question?

22 A Yes, a little bit.

23 Q Would you simply vote for the death penalty, not
24 considering life imprisonment at all?

25 A No, your Honor.

26 Q Upon a conviction of murder of the first-degree,
27 I mean? Regardless of the evidence?

28 A No, your Honor.

1 Q Would you be of such a mind that you would never
2 consider imposing the death penalty?

3 A No, your Honor.

4 THE COURT: All right. We'll come back to you on
5 other questions, in the absence of other prospective jurors.

6 Then, would you pass that down on to the other
7 end of the jury box, to Mr. Nowicki?

8
9 VOIR DIRE EXAMINATION

10 OF MR. ROBERT C. NOWICKI

11 BY THE COURT:

12 Q Mr. Nowicki, would you have any hardship to you,
13 personally, or financially, if you were to serve as a juror in
14 this case?

15 A No, sir.

16 Q It would not in any way cause you such a hardship
17 that would ask you to be excused; is that correct?

18 A Yes, sir, except that the Post Office, which I
19 work for, does not like us to go over a month.

20 Q Well, you see, they have had a raise in postal
21 rates lately, and they have had other advantages.

22 (Laughter.)

23 So, we think that they might be able to suffer
24 your absence for a period of time.

25 A Yes, sir.

26 Q Mr. Nowicki, have you ever been a juror before?

27 A Yes, sir.

28 Q In a criminal case?

1 A Yes, sir.

2 Q Would you tell us the criminal cases, the types of
3 criminal cases, on which you've sat as a juror, and what the
4 results -- not what the results were, but whether there was a
5 verdict? Not what the verdict was, but whether there was a
6 verdict?

7 A Yes. It was a criminal case, a burglary --

8 Q Just one?

9 A One,

10 Q It was a burglary case. And was there a verdict
11 in it?

12 A Yes, sir.

13 Q And you've stated that you work for the Post
14 Office. In what department, and how long have you worked?

15 A Mail carrier, for five years.

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

3 A No, sir.

4 Q Is there a Mrs. Nowicki?

5 A Yes, sir.

6 Q And is she employed outside the home?

7 A No.

8 Q In what general area do you reside?

9 A Hollywood.

10 Q Can you think of any reason why you couldn't be
11 impartial in this case?

12 A No, sir.

13 Q Concerning the death penalty?

14 Do you have such views about it that you could
15 not thereby be impartial in determining the question of guilt
16 or innocence?

17 A No.

18 Q Or do you have such views concerning it that you
19 would automatically refuse to impose it upon a conviction of
20 -- strike that.

21 Do you have such views concerning it that you
22 would automatically refuse to impose it regardless of the
23 evidence?

24 A No.

25 Q Or upon a conviction of murder of the first
26 degree, would you automatically impose it?

27 A Yes.

28 Q You would?

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1 A Yes.

2 Q In other words, upon a conviction of murder of
3 the first degree, you would automatically say "death penalty"?

4 A Yes.

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

6 Q BY THE COURT: And that would be without regard
7 to any evidence that might be produced, other than that
8 which was sufficient to constitute the conviction?

9 A Yes.

10 MR. KANAREK: May we approach the bench, your Honor?

11 THE COURT: Yes, you may.

12 MR. KANAREK: Thank you.

13 (Whereupon, the following proceedings were had
14 at the bench among Court and counsel, outside the
15 hearing of the prospective juror:)

16 MR. KANAREK: Uh, yes, your Honor.

17 I would challenge under 1073, Subsection 2,
18 but more importantly --

19 THE COURT: I'd grant it.

20 MR. KANAREK: I make a motion -- I don't know -- I
21 do it reluctantly, but I make a motion for a mistrial on
22 that statement of this juror in the presence of all these
23 prospective jurors and all the context of this case.

24 THE COURT: The motion for mistrial is denied.

25 MR. KANAREK: It is a very damaging --

26 THE COURT: The Court does not believe so.

27 As a matter of fact, the Court believes that
28 conversely, it is not damaging at all, and that it has a

3-3

1 possible adverse effect to the People's position, that is,
2 excusing this juror upon such a statement.

3 MR. KANAREK: No, your Honor, what I mean is what it
4 does do if we should get in connection with Mr. Manson's
5 -- it is quite likely we could get people out there that
6 would deliberately forestall making that statement, now,
7 in view of your Honor's making the interrogation in front of
8 these jurors, get jurors that deliberately forestall just
9 for the purpose -- because of the vendetta and hatred that's
10 been engendered by Mr. Manson in view of the publicity,
11 which would be a denial of equal protection and a denial --

12 THE COURT: The Court notes this juror's attitude
13 isn't in the nature of a vendetta. It was laconically and
14 offhand. He was not making any reference to Mr. Manson,
15 it was pertaining to any murder in the first degree.

16 MR. KANAREK: What I am saying, the jurors --

17 THE COURT: The motion for mistrial --

18 MR. KANAREK: The motion is also to admonish, of course.

19 THE COURT: The Court doesn't believe any admonishment
20 is necessary. The motion for a mistrial is denied.

21 (Whereupon, the following proceedings were had in
22 open court within the presence and hearing of the prospective
23 jury:)

24 THE COURT: Mr. Nowicki, the Court does excuse you and
25 thanks you and asks you to report to Room 253, the jury
26 assembly room.

27 Do you have time left on jury duty?

28 JUROR NO. 12: Yes.

3-4

1 THE COURT: All right, Room 253, the jury assembly room.
2 Thank you, Mr. Nowicki.

3 MR. KANAREK: Thank you, Mr. Nowicki.

4 THE CLERK: Bert A. Moore, M-o-o-r-e.

5 THE COURT: It seems to me I remember that name. Bert
6 Moore.

7
8 VOIR DIRE EXAMINATION OF

9 BERT A. MOORE

10 BY THE COURT:

11 Q Mr. Moore, you were from the previous group, were
12 you not?

13 A Right.

14 Q You may be seated there.

15 And you heard the Court's explanation of the
16 nature of this case at least twice, have you not?

17 A Yes, I have.

18 Q And you've heard the prospective jurors examined
19 each time concerning their qualifications, their attitudes?

20 A Yes.

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3aFls.

3a-1

1 Q And opinions.

2 Would your answers be any different than the
3 prospective jurors whom I've questioned have answered to the
4 questions of a general nature?

5 A No.

6 Q Speaking of your personal situation now, would it
7 be any hardship to you to serve as a juror in this case?

8 A Possibly.

9 Q All right, tell us what you mean by that?

10 A Uh, my wife is blind and a diabetic, and two years
11 ago she had a heart attack. And the only time I can foresee
12 this being a problem would be if we were sequestered for any
13 period of time.

14 Q Well, that's not possible -- that is a possibility,
15 but it is not a probability.

16 How old is she, Mr. Moore?

17 A 57.

18 Q Is she cared for now by someone else?

19 A My daughter is with us right now.

20 Q Where does your daughter live?

21 A My daughter is married and she is moving to
22 Seattle the latter part of this month.

23 Q I see. She will be leaving the community for --
24 on a permanent basis, then?

25 A Yes, sir.

26 Q Is there anyone else who could care for Mrs. Moore
27 should you be in a situation where you would be sequestered?

28 A If it was not too long a period of time I think

3a-2

1 this could be arranged easily.

2 Q Well, are you -- let me ask you this, are you
3 asking to be excused on that basis?

4 A No, sir.

5 Q All right. Thank you, Mr. Moore for your
6 willingness to endure that inconvenience.

7 Have you been a juror before on any criminal
8 case?

9 A No.

10 Q Are you employed at the present time?

11 A No.

12 Q Retired?

13 A Yes.

14 Q What type of employment or profession did you
15 engage in?

16 A I was an inspector for the state, architecture
17 and construction.

18 Q How long were you so employed?

19 A Thirteen years.

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

22 A No.

23 Q Has Mrs. Moore ever been employed outside the
24 home?

25 A Yes.

26 Q In what capacity?

27 A Uh, as a receptionist.

28 Q What type of business?

3a-3

1 A Mortuary.

2 Q In what area do you and she reside?

3 A Chatsworth.

4 Q Do you have such views concerning the death penalty
5 that you couldn't, because of those views, be impartial in
6 determining guilt or innocence?

7 A No.

8 Q Or do you have such views concerning the death
9 penalty that you would automatically refuse to impose it
10 without regard to the evidence?

11 A No.

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

15 A No.

16 Q Or do you have such views concerning the death
17 penalty that you would never vote to impose it?

18 A No.

19 THE COURT: We are at the point now, ladies and
20 gentlemen, where we have two jurors we wish to question
21 outside the hearing of other prospective jurors. It would
22 be Mrs. Thale and Mr. Moore.

23 So is there a courtroom available?

24 THE BAILIFF: I'll know in a moment, your Honor.

25 THE COURT: So we'll ask you to go over to the hallway
26 between Department 102 and 103 on the far side -- have you
27 been over there?

28 (Murmurs of "Yes" by the prospective jurors.)

3a-4

1 THE COURT: Everybody know that area that we are
2 talking about?

3 We'll ask you all to retire there at this moment
4 and the Court would admonish you as it has admonished you
5 before that you are not to converse amongst yourselves or
6 anyone else, nor permit anyone to converse with you on this
7 matter.

8 THE BAILIFF: Department 100.

9 THE COURT: Oh, Department 100 is available and you can
10 go -- would you all go there, then. The Court orders you to
11 go there and you may be seated there.

12 And would you leave as quickly as possible.

13 When you come back in, let's see if you can move
14 a little faster in going in and out. I would appreciate that.

15 Can both those doors be opened?

16 You may step down, Mr. Moore. Just stay outside
17 the door, so you will be close, so we won't have to be going
18 over to 100 to get you, Mr. Moore.

19 Mrs. Thale, you can stay right there.

20
21 VOIR DIRE EXAMINATION OF

22 MRS. HILDEGARD THALE

23 BY THE COURT:

24 Q Mrs. Thale, have you previously heard the name
25 Charles Manson before coming into this courtroom?

26 A Yes, I have.

27 Q That was in connection with this case or with the
28 Tate-La Bianca killings or both?

8a-5

1 A The Tate-La Bianca killings.

2 Q Did you follow that prosecution in the news, over
3 television and radio?

3b fls.

4 A A little bit.
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1 Q And that was during the year 1970?

2 A Right.

3 Q Did you subscribe to any newspaper during that
4 year?

5 A Yes.

6 Q Which newspaper?

7 A L. A. Times.

8 Q And did you read that regularly concerning the
9 case or was it more or less a haphazard reading?

10 A Haphazard reading.

11 Q And occasionally you looked at television and
12 occasionally you listened to the radio?

13 A Yes.

14 Q Do you know what happened in that case as far as
15 the verdict -- the verdict was concerned?

16 A I believe it was guilty.

17 Q Do you know whether there was a penalty found by
18 the jury, and, if so, what it was?

19 A No, I don't.

20 Q Do you know the name Susan Atkins?

21 A Yes, I do.

22 Q What does that name mean -- what does that name
23 mean to you?

24 A One who was also involved in the Manson case,
25 a young lady.

26 Q Can -- was she a co-defendant or a victim?

27 A Co-defendant, I believe.

28 Q All right. And do you know the names of any other

3b-2

1 co-defendants in that case?

2 A No, your Honor.

3 Q Do you know the names of any victims other than
4 Sharon Tate and the La Bianca name I mentioned?

5 A That's it.

6 Q You can't remember any of the other names?

7 A (Shakes head.)

8 Q You can't remember? That answer was "No"?

9 A "No."

10 Q Do you remember the name Shorty Shea from any
11 place, anything you've heard, seen or read?

12 A Yes, I was on another case when I heard that last
13 week, I believe.

14 Q This is a case wherein you were called as a
15 prospective juror?

16 A Right.

17 Q And excused?

18 A And excused.

19 Q And that is the case of People vs. Grogan?

20 A That's right.

21 Q I see.

22 And you heard it at that time?

23 A At that time.

24 Q Did you also hear Mr. Manson's name discussed in
25 that case?

26 A Yes, I did.

27 Q Now, solely in questioning as a -- when you were
28 sitting as a prospective juror, is that correct?

3b-3

1 A Yes.

2 Q Were you questioned individually as you are
3 being now questioned?

4 A No.

5 Q You were questioned as a group?

6 A Yes.

7 Q Is that correct?

8 A Yes.

9 Q To your knowledge were there individual question-
10 ing of jurors outside of the presence of other jurors?

11 A I don't recall.

12 Q You don't know.

13 Did the Court and counsel conduct questioning of
14 prospective jurors regarding publicity in the presence of all
15 of the other jurors?

16 A Yes, your Honor.

17 Q Concerning publicity and the effect of publicity
18 on prospective jurors' minds?

19 A Yes.

20 Q The Court conducted an examination in open court
21 in the presence of other jurors, is that correct?

22 A Yes.

23 Q Did you overheard anything of that in the course
24 of that questioning that might prejudice you against Mr.
25 Manson -- that did prejudice you against him in any way?

26 A No, your Honor.

27 Q Do you know the name Charles Hinman -- is it
28 Hinman, Gary Hinman -- Gary Hinman. Do you know that name?

3b-4

1 A I've heard it in the courtroom.

2 Q Other than hearing it in this courtroom, had you
3 heard or read it any other place?

4 A Uh, I don't think so. It doesn't -- it isn't in
5 the same recall to me like Susan Atkins.

6 Q Do you remember the name Spahn Ranch and, if so,
7 what do you remember about it?

8 A Uh, yes, your Honor.

9 Q Tell me about it.

10 A From the newspapers or --

11 Q What did you hear, see or read about that?

12 A I believe I vaguely -- just as a place where the
13 Manson Family had lived or had some contact there.

14 Q That's your best remembrance of it?

15 A Right.

16 Q Do you remember the name Bobby Beausoleil? Have
17 you ever heard, seen or read that name? That is, as best you
18 can remember?

19 A I think I remember the name but I don't remember
20 in what respect.

21 Q Now, if the Court should instruct you that
22 anything that you may have heard, seen or read about Mr. Manson,
23 about this case, about any other case, should be set aside,
24 -- not forgotten, but set aside, divorced from your mind,
25 for the purpose of making any judgment on the evidence that
26 you may be called upon to make in this case, are you capable
27 of doing that?

28 A Yes, your Honor.

3b-5

1 Q You reply rather firmly and without any doubt in
2 your voice and in your manner.

3 You're sure that you can divorce yourself from
4 anything that you may have heard, seen or read and be objective
5 and unbiased and unprejudiced in making any judgment concerning
6 this case?

7 A That's my job here.

8 Q Now, the next question is, after I have determined
9 that you can do that, is whether you will do that; will you
10 do that?

11 A I will try, your Honor.

12 Q Well, I'm interested in more than just trying. And
13 I want to know, and counsel want to know whether you can and
14 whether you will do it.

15 A Yes, your Honor.

16 Q You understand that it would be your affirmative
17 duty to ignore anything that you may have heard, seen or read,
18 talked about previously? It would be your duty to do that, to
19 reject it.

20 A Yes.

21 Q And to make a decision based only upon the
22 evidence in this case and the instructions of law as I shall
23 give them to you.

24 A Yes.

25 Q Would you follow that duty?

26 A Yes, I will.

27 Q And you are capable of being objective enough in
28 your opinion to do that?

3b-6

1 A Yes, your Honor.

2 THE COURT: Mr. Kanarek.

3 MR. KANAREK: Yes, thank you, your Honor.

4
5 VOIR DIRE EXAMINATION

6 BY MR. KANAREK:

7 Q Mrs. Thale, you stated that your -- that Mr. Thale,
8 the Deputy District Attorney, had a conservative philosophy
9 and that you have spoken with him concerning that.

10 What is that philosophy?

11 A Well, I would say that he's on the side of law
12 enforcement with -- we're not having come in contact with
13 any situations in any courtroom, I might be for -- might, uh --
14 well, I don't know how to -- uh, I always felt there was a
15 benefit of the doubt and sometimes we do discuss where I
16 think he would feel law enforcement and the letter of the law
17 was more -- was very important.

4 fls.

4-1

1 Q What do you mean by that?

2 A I'm trying to -- well, really, it may boil down
3 to the fact that I can understand young people with long hair,
4 or with a different way of life, where I think that -- to
5 other members of my family, the code of dress and the code
6 of attire is more important. It's just -- in every way of
7 life, not only in law, where he has a conservative attitude
8 on many things, and where mine has always been a more --
9 along a more liberal line.

10 Q Well, the Court, I think, asked you previously:
11 When all the other jurors were present, about whether --
12 something about the effect of Mr. Thale -- that is, the
13 Deputy District Attorney, Mr. Thale --

14 A Yes.

15 Q -- the effect of his relationship with you. And
16 you hesitated many, many seconds before --

17 A Well, the reason I hesitated on that was, I was
18 wondering what -- why the relationship between us should be
19 affected.

20 I wouldn't -- do I disclose my decision? Are
21 jurors' decisions disclosed?

22 Q Yes, it becomes a matter of public record.

23 A Oh, it does.

24 Q Yes.

25 A Well, I am sure that, knowing the personality and
26 knowing the nature of -- I suppose a decision that -- that
27 wasn't on something that he went along with might -- I don't
28 think it would harm our relationship.

1 But we would discuss it, I suppose. I was
2 trying to think, you know, what was involved. I didn't know
3 that the decisions were a matter of public record.

4 I've never been involved in any law cases.

5 THE COURT: Well, he would read the newspapers, would he
6 not?

7 JUROR NO. 7: Pardon?

8 THE COURT: He would probably read the newspapers,
9 would he not? And find out that you were on a jury, and --
10 a jury that might have found a defendant not guilty?

11 Do you think that would bother him?

12 JUROR NO. 7: Well --

13 THE COURT: I mean, would you think about that in the
14 course of deliberations, or allow that to enter into your
15 mind? That's the Court's question.

16 JUROR NO. 7: Well, I just don't know. This is the
17 thing I'm hesitating about. I really don't know.

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

19 THE COURT: What don't you know?

20 JUROR NO. 7: If it would affect our relationship in
21 any way, or --

22 THE COURT: Well, that's not what I am asking you about.
23 What we are asking about is whether it would affect your
24 decision.

25 JUROR NO. 7: Oh, no, no. It wouldn't affect my
26 decision.

27 I thought you were asking what my brother-in-law
28 might think.

1 THE COURT: Let's suppose that it would affect your
2 relationship; that it would alienate you from your --

3 JUROR NO. 7: I would hate to think of that possibility,
4 because he is our --

5 THE COURT: Well, let's think of it. Let's say that
6 it would alienate you from your brother-in-law; he would
7 become so incensed at you for finding Mr. Manson not guilty
8 that he would never speak to you again, and that suddenly
9 occurs to you during the course of your deliberations.

10 Would you allow that possibility to affect your
11 judgment?

12 JUROR NO. 7: No, it wouldn't affect my judgment.

13 THE COURT: Would it affect you in any way? In making
14 any decision on this case?

15 JUROR NO. 7: No, I have to --

16 (Pause.) My judgment would be based on the
17 facts.

18 MR. KANAREK: May the record reflect that, once
19 again, Mrs. Thale hesitated many seconds before answering
20 that question?

21 THE COURT: Well, Mrs. Thale in many of her replies
22 has been very slow and deliberate, not only on this question.

23 Go ahead.

24 Q BY MR. KANAREK: Now, Mrs. Thale, would you tell
25 us, what did you -- what have you heard concerning Mr. Manson
26 in that other trial? What did you hear?

27 A Very little.
28

4a fls.

4a-1

1 Q Well, just tell us what --

2 A The only thing I heard is that -- had we heard of
3 the Manson case? And would our judgment be swayed, if the
4 life style of the other defendant was comparable?

5 I think that's about all the discussion of the
6 Manson case that was involved.

7 Q And this is all that you heard in open court --

8 A Right.

9 Q -- concerning Mr. Manson?

10 A Right.

11 Q Now, then, directing your attention to what you've
12 heard concerning Mr. Manson by way of publicity, radio,
13 television and so forth, would you tell us, what have you
14 heard?

15 A And I am now referxng to newspapers -- before
16 you ever came to the courthouse area, that is.

17 A Well, I had heard the nature of the -- the
18 life of the Manson Family, of the killings that were involved,
19 the nature of the killings, and -- and whatever courtroom
20 information was available.

21 I didn't read it in depth. I just scanned it,
22 very scantily; and whatever was on the news or the radio, I
23 also heard.

24 Q What did you learn was the nature of the killings,
25 from the publicity?

26 A That members of the Manson Family had gone to the
27 home of Sharon Tate, and had murdered about -- five people?
28 I don't remember the number.

1 Q And what did the publicity state that
2 Mr. Manson's place was, in connection with these matters?

3 A The publicity, as far as my inferences, was that
4 he was the instigator; that he was not personally involved,
5 but that he was being tried as though he were -- had committed
6 the crimes.

7 Q And your state of mind is that, as far as
8 Mr. Manson was concerned in that Sharon Tate case, what
9 result did the jury bring in?

10 A That he was guilty.

11 Q Of what crime?

12 A The Tate-La Bianca case, I believe.

13 Q And as to the La Blancas, what have you heard?

14 A Nothing.

15 Q Concerning Mr. Manson?

16 A The whole thing is one picture to me. I can't --
17 I can't separate.

18 Q I see. And do you know -- do the names Leno
19 and Rosemary La Bianca mean anything to you?

20 A No.

21 Q Those names?

22 A Not really. I mean, except -- just Tate-La Bianca,
23 as they -- one situation.

24 Q Now, directing your attention then to the publicity
25 that you heard concerning Mr. Manson, certainly, it would
26 certainly be your intent to set aside matters that you had
27 heard concerning him --

28 A Yes.

1 Q -- in deciding this case, right?

2 A Yes.

3 Q Have you heard the -- have you had the experiences
4 in life, wherein sometimes we intend to do something, but
5 many times the intent is not carried out?

6 Have you ever had that experience? You might
7 intend to go to Palm Springs on a weekend, make the preparation,
8 but somehow you never make it there --

9 A Yes.

10 Q -- for some reason or another?

11 A Yes.

12 Q Now, by the same token, your intent here would be
13 to set aside these matters that you've heard, right?

14 A Yes.

15 Q But is it a fair statement that, not having been
16 in this process, so to speak, that really, we don't know
17 whether it would be possible for you to carry out that intent?
18 Is that a fair statement?

19 A It is.

20 MR. KANAREK: Thank you. Your Honor, 1073, Subsection 2.

21 THE COURT: Would you read the last question and answer?

22 I'm sorry, Mr. Kanarek.

23 Go ahead.

24 (Whereupon, the record was read by the reporter
25 as follows:

26 "Q But is it a fair statement that, not
27 having been in this process, so to speak, that
28 really, we don't know whether it would be possible

1 "for you to carry out that intent? Is that
2 a fair statement?

3 "A. It is.")

4 THE COURT: All right. The Court grants the challenge
5 for cause.

6 Thank you, Mrs. Thale, for being objective in
7 assessing your own state of mind.

8 And the Court does have to excuse you, and does
9 excuse you.

10 MR. KANAREK: Thank you, Mrs. Thale.

11 THE COURT: Room 253, then, forthwith.

12 JUROR NO. 7: Yes.

13 MR. KANAREK: Your Honor, would it be imposing to
14 adjourn now? Ten minutes -- well, actually some six minutes
15 early? I have a --

16 THE COURT: Yes, that's all right.

17 MR. KANAREK: Thank you.

18 THE COURT: We will adjourn now.

19 MR. KANAREK: Thank you. Thank you, Mrs. Thale.

20 THE COURT: Would you inform the jurors that they
21 should return at 2:00 o'clock?

22 THE BAILIFF: Yes, sir.

23 THE COURT: Call another name, however. Let's have another
24 name called for Mrs. Thale, so that we'll have that juror
25 ready.

26 THE CLERK: Mary B. Marlatt, M-a-r-l-a-t-t.

27 THE COURT: All right. We're in recess.

28 (Whereupon, at 11:55 a.m., an adjournment was taken
until 2:00 p.m., same day.)

LOS ANGELES, CALIFORNIA, THURSDAY, JULY 8, 1971

2:30 P.M.

- - -

THE COURT: Case of People vs. Manson.

VOIR DIRE EXAMINATION OF

BERT A. MOORE

BY THE COURT:

Q Mr. Moore, we have questioned you before on voir dire when --

A That is correct.

Q When by mistake your name was not drawn but another Mr. Moore's name was drawn and we thought we were talking to the Mr. Moore whose name was drawn and we excused you. Excuse the repetition of these questions, because I don't remember and I doubt if counsel remembers some of the details.

You indicated that it would be a hardship to you or not to serve on this case?

A I think I indicated only in the case of an extended sequester.

Q I see.

Well, it may be that that may come about. It is quite likely it may not come about and --

The record should show that the defendant is present with his counsel and has been since the Court began to speak to Mr. Moore.

Has -- have you had any jury experience?

1 A No, sir.

2 Q What's the nature of your employment, Mr. Moore?

3 A I formerly was employed by the State of California,
4 Department of -- Office of Architecture and Construction.

5 Q And is there a Mrs. Moore?

6 A There is a Mrs. Moore.

7 Q Has she ever been employed outside the home?

8 A No, she is blind. And as I said before, a
9 diabetic.

10 Q In respect to the death penalty, do you have such
11 views concerning it that you would be unable to be impartial
12 by reason of those views in deciding the issue of guilt or
13 innocence?

14 A No.

15 Q Or do you have such views concerning it that you
16 would automatically refuse to impose it regardless of the
17 evidence?

18 A No.

19 Q Would you automatically impose it upon a
20 conviction of murder of the first degree without regard to
21 the evidence?

22 A No.

23 Q In regard to publicity that you may have heard,
24 seen or read concerning Mr. Manson or any previous case that
25 he has been involved in or this case, have you formed any
26 opinions which would prejudice you against Mr. Manson?

27 A No.

28 Q Do you believe that you can give him a fair and

1 impartial trial as a juror in this case?

2 A I do.

3 (Whereupon, the prospective juror Mrs. Mary B.
4 Marlatt walked into the courtroom.)

5 Q BY THE COURT: In connection with what you may
6 have heard, seen or read --

7 Is that Mrs. Marlatt?

8 MRS. MARLATT: Yes.

9 THE COURT: Mrs. Marlatt, would you wait outside. Thank
10 you.

11 Mrs. Marlatt, a juror came in, a prospective juror
12 came in just as the Court was asking Mr. Moore this last
13 question.

14 (Whereupon, Mrs. Marlatt retired from the court-
15 room.)

16 Q BY THE COURT: Mr. Moore, do you know what the
17 results of the Tate-La Bianca trial were?

18 A Roughly, yes, sir.

19 Q Would you tell us what your best impressions as
20 to what the results were?

21 A It was guilty, and as I recall the sentence was
22 death.

23 Q And have you heard the name Shorty Shea before?

24 A I have seen it in the paper.

25 Q What do you know about it, in particular, about
26 that name? What have you heard, seen or read?

27 5a fls.
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A Yes, supposed to have disappeared.

Q How about the name Gary Hinman? Have you heard the name Gary Hinman previously?

A Yes, I have.

Q In what connection?

A In the connection with his death.

Q Had you read any of the details, alleged details, of his death?

A No, sir.

Q You just remember that he is alleged to have been killed?

A Correct.

Q And did you read that Mr. Manson was somehow or other responsible for that death or not?

A I had heard his name connected with it.

Q You don't know in what way?

A No, sir.

Q You can't recall any of the details concerning that alleged death, is that correct?

A No,

Q Is that true? Is that correct?

A That is correct. That is correct.

Q Do you think that you would be able to set aside any opinions that you may have formed about Mr. Manson or about this case or any other case in which Mr. Manson has been involved; that you could set aside any rumors, any gossip, any news reports that you may have heard and decide this case independently of such matters?

1 A I do.

2 Q Do you think that you can objectively and fairly
3 set aside anything that you may have heard, seen or read and
4 decide any issue independently of anything that you may have
5 heard, seen or read or may have talked about?

6 A Yes.

7 Q Will you do that?

8 A I will.

9 Q Can you, in spite of what you have heard, seen,
10 or read or talked about, be fair and impartial in this case?

11 A I can.

12 THE COURT: Go ahead. You may examine, Mr. Kanarek.

13 MR. KANAREK: Thank you, your Honor.

14

15 VOIR DIRE EXAMINATION

16 BY MR. KANAREK:

17 Q Mr. Moore, what do you know -- what have you heard
18 concerning Mr. Manson to this point? Can you summarize that
19 for us?

20 A Uh, I didn't follow his -- the other case closely.
21 I just --

22 Q Well, it is no reflection upon you, Mr. Moore, at
23 all. Just -- if you just tell us what you know, what --
24 however large or small the amount may be. Just what you do
25 know, because it certainly --

26 A That he was tried for the Tate-La Bianca murders
27 and was convicted.

28 Q Now, we -- we sort of regret that you have to be on

1 this spot because certainly nobody in this room is mad at you
2 or anything like that.

3 A No.

4 Q Just whatever you do know. I don't want to suggest
5 to you things. We want to know what you, yourself, are aware
6 of.

7 A Basically that's all I know about it.

8 Q What was the result in that other trial?

9 A Mr. Manson was convicted.

10 Q What was the penalty as far as the --

11 A The death penalty.

12 Q Do you -- have you, before you came to this court-
13 room, had you heard of the name Shorty Shea?

14 A I had seen it in the papers with regard to his
15 disappearance.

16 Q What did you read in that record, what did the
17 newspapers say concerning the --

18 A That it was suspected that he had been murdered.

19 Q What did this article say, if anything, concerning
20 Mr. Manson?

21 A I don't recall.

22 Q Was Mr. Manson's name mentioned in this article?

23 A I do not recall.

24 Q Was anyone else's name mentioned?

25 A I don't recall.

26 Q Can you give us -- just other than what you have
27 said concerning that article, is there anything else that
28 you read there?

1 A No.

2 Q Now, what, if anything, did you hear concerning --
3 hear, read or see concerning Mr. Gary Hinman before you came
4 into this courtroom?

5 A I have heard Mr. Beausoleil's name mentioned in
6 connection with that.

7 Q What did you hear in that regard?

8 A I do not recall.

9 Q Now, if it should turn out that Mr. Beausoleil --
10 there are differences of opinion on the pronunciation of that
11 name, by the way. I pronounce it sort of the way you
12 pronounce it. Some people pronounce it Beausoleil, as if the
13 last syllable were l-a-y.

14 If it should come to pass that Mr. Beausoleil
15 should come to this courtroom and testify from that witness
16 stand, is it possible that you may remember some of the matters
17 that you read in the newspaper?

18 A I read very little.

19 Q But whatever you read concerning Mr. Beausoleil,
20 is it possible that you might remember as a result of --
21 concerning Mr. Beausoleil, you might remember what you had
22 read?

23 A Possibly.

24 MR. KANAREK: Thank you. Thank you, Mr. Moore.

25 THE COURT: Mr. Manzella.

26 MR. MANZELLA: No questions, your Honor.

27 THE COURT: Mr. Moore, if you do remember any such
28 matter that you may have forgotten, whether -- concerning

1 Beausoleil or Bobby Beausoleil or the Tate-La Bianca case or
2 Mr. Manson, are you capable of setting that aside for the
3 purpose of being --

4 JUROR NO. 12: No effect, your Honor.

5 THE COURT: Very well.

6 MR. KANAREK: Well, Mr. -- may I just ask this question
7 of Mr. Moore, your Honor?

8 THE COURT: Yes.

9 BY MR. KANAREK:

10 Q You think it would have no effect, but you don't
11 -- you certainly don't recall what it is at this time, right?

12 A That's right.

13 Q But is it possible that depending upon what it is,
14 that it may be of such a nature that you couldn't -- that
15 you couldn't put it aside?

16 A I cannot think of anything I might have read in
17 the papers that would affect my opinion.

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1 Q But such a possibility does exist?

2 A I don't think so.

3 Q But it might? I mean, you really -- again, it's
4 really no reflection upon you or anyone --

5 A No. But I -- at the same time, I do discount a
6 great deal of what I read in the papers.

7 Q But in any event, you certainly can't know what
8 effect it's going to have on you, because you don't remember;
9 is that right?

10 A That's correct.

11 MR. KANAREK: Thank you.

12

13

VOIR DIRE EXAMINATION

14 BY THE COURT:

15 Q Would it be considered by you, whatever it may be,
16 should you remember it, in making any judgment in this case?

17 A I don't think so. No, sir.

18 Q Are you hedging at all in saying "I don't think
19 so"?

20 A I'm not, no.

21 Q So you are -- what you are expressing to me is
22 a firm attitude whereby you can set aside anything you may
23 have heard, seen or read from the publicity media, or from
24 discussions, and you will set it aside for the purpose of
25 making an independent judgment; is that your state of mind?

26 A That's correct.

27 THE COURT: Very well. Anything more on this?

28 MR. KANAREK: May we approach the bench, your Honor?

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1 THE COURT: Yes, you may.

2 (Whereupon, the following proceedings were had
3 at the bench among Court and counsel, not within the hearing
4 of the prospective juror:)

5 MR. KANAREK: Yes, your Honor. In this situation, this
6 is pregnant with -- with great problems, because what he may
7 have heard or may have read concerning Bobby Beausoleil may --
8 involves Bobby Beausoleil's actual conviction of murder, in
9 the Gary Hinman matter, his involvement with Mary Brunner --
10 no telling what it is.

11 Mary Brunner has been -- has been termed a great
12 friend of Mr. Manson's, and various and sundry other appella-
13 tions have been attached to her by people from the District
14 Attorney's office.

15 The newspapers were replete with Bobby Beausoleil,
16 and his hearing before Judge Keene. And it's pregnant with
17 great -- with great problems. Not only in just hearing of a
18 name. He read something. And I think when he -- when he
19 takes the witness stand, there will undoubtedly come out the
20 involvement -- the alleged involvement of Mr. Beausoleil.
21 And I do challenge this juror under 1073, Subsection 2.
22 Because Mr. Beausoleil is -- I mean, I don't have to belabor
23 it to the Court.

24 THE COURT: Well, I have observed the juror's demeanor
25 here, and heard his responses. And it appears to me that he
26 is the type of man who can set aside what he may have heard,
27 seen or read; and that he will set it aside.

28 He seems to me to be the type of person who is

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1 fully capable of doing that.

2 MR. KANAREK: Well, your Honor --

3 THE COURT: And accordingly, --

4 MR. KANAREK: -- he doesn't --

5 THE COURT: The challenge for cause is denied.

6 (Whereupon, the following proceedings were had
7 in open court, within the presence of the prospective
8 juror:)

9 BY THE COURT:

10 Q Mr. Moore, if in the course of jury deliberations,
11 Mr. Moore, someone should mention something that was printed
12 in the newspaper or something that was seen over television,
13 seen and heard over television or radio, in the course of
14 deliberations in this case that is mentioned, would you make
15 it your business to remind that juror or those jurors who
16 mention those items that such items are not to be considered
17 by the jury in arriving at any decision in this case?

18 A Yes, sir.

19 Q And would you yourself affirmatively take such
20 steps in your mind as are necessary to exclude any such
21 information that you may have heard, seen or read about?

22 A Yes, I would.

23 THE COURT: All right. Mr. Moore, would you rejoin the
24 other jurors now at this time? And we'll ask -- as you go out,
25 if you will ask Mrs. Marlatt to come in? She's waiting at the
26 doorway. Thank you.

27 Are the other jurors in Department 100?

28 THE BAILIFF: Yes, sir, they are.

1 THE COURT: Department 100, then, Mr. Moore.

2 Mrs. Marlatt, would you come forward?

3 You would be --

4 JUROR NO. 7: Just a minute. I left my bag out in the
5 hall.

6 THE COURT: Certainly.

7 (Pause in the proceedings.)

8
9 VOIR DIRE EXAMINATION OF

10 MARY B. MARLATT

11 BY THE COURT:

12 Q All right. You can just be seated right there,
13 Mrs. Marlatt,

14 The Court wants to know from you whether or not
15 you had heard, seen or read of Mr. Manson before you came into
16 this courtroom, into this trial?

17 A Well, I've heard, yes.

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1 Q And what was that? What was that connected with?

2 A Well, with his other trial. And I --

3 Q That was in the Tate-La Bianca killing case?

4 A Yes.

5 Q And did you follow that in the press and over

6 television and via radio?

7 A Not too much. Because I was disgusted at the way

8 he acted before the Court. And I didn't think it was worthy

9 of my attention.

10 Q The way Mr. Manson acted?

11 A Yes.

12 Q Would what you had heard, seen or read in that

13 case prejudice you in such a way that you couldn't be fair

14 and impartial in this case?

15 A Well, I haven't read too much about it, but I've

16 heard, you know, on the TV news, and I --

17 Q Well, you --

18 A -- wouldn't be -- I would be impartial, because

19 I don't know anything about this case for which he is accused

20 of murder.

21 Q But you do know about his conduct?

22 A Yes.

23 Q Mr. Manson's conduct in that previous case in

24 court, is that correct?

25 A Yes. And I -- and I am in favor of capital

26 punishment. And if he is proven guilty, then I think he

27 should be executed. And the sooner the better, because we've

28 spent all our money on him, and we're the taxpayers who work

to make a living, and to live uprightly, and we have been

1 supporting him in a way that he should be able to support
2 himself, and not by us taxpayers paying all these expenses.

3 Q Do you mean -- are you referring to the other case,
4 the previous case, the --

5 A Yes.

6 Q Do you mean by that that if the appeal is affirmed,
7 that he should suffer the death penalty?

8 A Yes.

9 Q Well, are you speaking of your attitude concerning
10 this case?

11 A No, I don't know anything about this case.

12 Q Well, now, concerning this case, would your views
13 be such concerning the death penalty that you, upon a con-
14 viction of murder of the first degree of Mr. Manson in this
15 case, that you would automatically vote for death?

16 A Yes.

17 Q Then your views concerning Mr. Manson and his
18 activities in the courtroom in that previous trial, do they
19 prejudice you against Mr. Manson, so that you couldn't be fair
20 in this case?

21 A Well, I always try to be fair.

22 Q I understand that.

23 A Yes.

24 Q I suppose that nearly everyone --

25 A I think everybody is a little prejudiced.

26 Q And at this point, you believe that -- that you are
27 so prejudiced in that respect, that it would be difficult for
28 you to be impartial?

1 A Well, I'm afraid it might be a little.

2 MR. KANAREK: May I ask her some questions, your Honor?

3 THE COURT: I think not, unless you wish to --

4 MR. MANZELLA: We would not oppose the challenge, your
5 Honor.

6 MR. KANAREK: Well, I haven't made it yet. But I would
7 like to --

8 THE COURT: Well, the Court will excuse you.

9 MR. KANAREK: Well, may I ask her some questions?

10 THE COURT: No, you may not. The Court finds that,
11 by reason of bias and prejudice, that this lady should be
12 excused. And the Court does excuse you.

13 You may report to Room 253 forthwith, Mrs. Marlatt.
14 Thank you for being here.

15 MR. KANAREK: Thank you, Mrs. Marlatt.

16 DEFENDANT MANSON: It's good to see those honest jurors.
17 But the honest ones, you kick away.

18 THE COURT: Call some more.

19 Well, let's see. We only need one more, don't
20 we? Somebody for Mrs. Marlatt?

21 THE CLERK: Yes. Gladys M. Merritt; M-e-r-r-i-t-t.

22 THE COURT: Bring Mrs. Merritt in. And -- well, let's
23 see. If she passes the voir dire, then that will fill the
24 box once again.

25 THE BAILIFF: She's on her way over, sir.

26 May we have another standby? Otherwise, there
27 will be a delay.

28 THE COURT: We may not need it for a while. Let's see.

1 THE BAILIFF: All right.

2 THE COURT: Although it wouldn't harm anything to call
3 another name.

4 THE CLERK: Billy C. Henry; B-i-l-l-y --

5 THE COURT: Billy Henry?

6 THE CLERK: Yes. H-e-n-r-y.

7 THE COURT: Here's the juror now.
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VOIR DIRE EXAMINATION OF

GLADYS M. MERRITT

BY THE COURT:

Q Excuse me. You are Mrs. --

A Gladys Merritt.

Q Mrs. Merritt, were you present when the Court explained the nature of this case to the prospective jurors, and cross-examined -- or examined a prospective juror?

A Yes, sir.

Q And would your answers be any different than the answers that that person gave to the majority of the questions that I put to -- strike that.

Would your answers be any different than the answers that that person gave to the general questions I put to the juror?

A Generally, no.

Q All right. Would there be a hardship to you to serve on this jury?

A Businesswise, I'm afraid so.

Q Tell us about that.

A I am self-employed in a small business, in Whittier.

Q What is the -- what kind of business?

A Interior design, which, you may or may not know, is -- you go to sell a job; and you get the job, and then you get money from the job, according to --

Q Yes. It's a very personal business, isn't it?

A A personal business. And I am the sole support of

6b-2

1 my mother and myself.

2 I arranged for this month, and it was a hopeful
3 arrangement, and it's working out for this month. But four
4 or five months would be -- I would be without support.

5 Q It would be disastrous for you?

6 A Yes, I'm afraid so.

7 Q It's your sole support?

8 A Yes.

9 Q And the support of your mother?

10 A And my mother, yes. I regret this.

11 THE COURT: All right. Mr. Manzella?

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

14 THE COURT: All right. The Court thanks you, Mrs.
15 Merritt, for --

16 JUROR NO. 7: I'm awfully sorry.

17 THE COURT: -- giving up your time to serve as a juror
18 for at least the month.

19 The Court finds it would be a hardship to you to
20 serve in this case, and one that you should not have to
21 endure, and the Court excuses you.

22 Call another name. And let's get the one that's
23 waiting at the door in here.

24 THE CLERK: Tom Sakiyama; S-a-k-i-y-a-m-a.

25 THE COURT: What happened to Mr. Henry?

26 THE BAILIFF: He hasn't arrived yet, sir.

27 MR. KANAREK: What was that last spelling?

28 THE CLERK: S-a-k-i-y-a-m-a.

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1 MR.KANAREK: N or M?

2 THE CLERK: M like Mary.

3
4 VOIR DIRE EXAMINATION OF

5 BILLY C.HENRY

6 BY THE COURT:

7 Q Mr. Henry, were you present when the Court explained
8 the nature of this case, and questioned the prospective juror
9 in the matter?

10 A Yes, I was.

11 Q Would your answers be any different than his
12 answers to the questions of a general nature?

13 A No, they wouldn't.

14 Q Would it be any hardship to you to serve as a juror
15 in this case?

16 A Yes, sir, your Honor, I think it would.

17 Q In what way?

18 A Well, I volunteered to serve for 30 days. But
19 having lost 50 percent of my wages, my job only pays me 50
20 percent of what I would make if I were at work. And I
21 couldn't suffer that loss for over 30 days.

22 Q Are you the support of anyone but yourself?

23 A I am supporting my own family.

24 Q And what does that consist of?

25 A It consists of myself and my properties, and that's
26 all.

27 Q Yourself and what?

28 A And my property that I -- you know -- well, it just

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1 consists of me. But I am buying property and -- you know, it
2 would be a risk of losing what I own, you know, by not being
3 able to make any financial obligations.

4 Q Oh, I see. In other words, after 30 days, your
5 pay would stop?

6 A No, sir, your Honor. I didn't anticipate being
7 here over 30 days. And my job -- even for the 30 days that
8 I am here -- only paid me 50 percent of what I would be
9 making, if I were at work.

10 Q So that -- are you saying that if you continued
11 on jury duty for as much as four or five months, that you
12 would be paid only 50 percent of your earnings during that
13 period of time?

14 A That's right, your Honor.

15 Q Whom do you work for?

16 A American Metal Products, in the City of -- it's
17 in L.A.

18 Q And you have inquired and found out that that is
19 the policy of the company?

20 A I inquired as to -- for the 30 days. I didn't
21 inquire for any longer time than that, because I didn't
22 anticipate being here any longer than that.

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Q The policy of the company is for the 30-day period, that you would -- you are paid for only 50 per cent of it?

A That's right, your Honor.

THE COURT: Any questions, gentlemen?

MR. KANAREK: Yes, if I may.

VOIR DIRE EXAMINATION

BY MR. KANAREK:

Q The name of that company is American Metal?

A Yes, sir.

Q M-e-t-a-l? Products?

A Right.

MR. KANAREK: Yes. Well, your Honor, I make the motion that the County -- that out of County funds, that he be reimbursed for his full -- whatever his regular wages would be, and --

THE COURT: You failed to make that motion in the case of Mrs. Merritt, who runs the interior decorating business.

MR. KANAREK: Yes, sir. There's a different --

THE COURT: Well, what --

MR. KANAREK: Yes, your Honor. Because as I view it --

THE COURT: I think, to be consistent, shouldn't the County have to pay for all of the --

MR. KANAREK: No. No, your Honor,

THE COURT: -- to pay for perhaps her gross earnings from the interior decorating business, during the time she's here?

1 MR. KANAREK: Well, hopefully, that --

2 THE COURT: The motion -- that motion is denied.

3 MR. KANAREK: Well, if your Honor would allow me to
4 explain the difference --

5 THE COURT: No. You needn't explain it. The motion is
6 denied.

7 MR. KANAREK: That was her own business.

8 THE COURT: It was the source of her livelihood,
9 Mr. Kanarek, and this is the source of this man's livelihood.

10 MR. KANAREK: Well, there's a --

11 THE COURT: And the Court finds that he shouldn't be --
12 BY THE COURT:

13 Q Well, I want to find out whether your company would
14 in any way deviate from that rule.

15 Could you, during the time -- the Court has -- will
16 give you access to the Court's telephone during the recess,
17 and let you call, find out whether or not your company would
18 in any way assist you and deviate from the rule, so that
19 you could serve.

20 A All right.

21 Q Have you ever sat as a juror before?

22 A No, sir, your Honor, I haven't.

23 Q You have told us what company you worked for.
24 What do you do for the company?

25 A I am a sheetmetal worker on production.

26 Q And do you have any friends or relative who are
27 law enforcement officers?

28 A To my knowledge, no, your Honor.

1 Q Is there a Mrs. Henry?

2 A No, sir, there isn't.

3 Q In what area do you reside?

4 A I reside in Southwest Los Angeles.

5 Q Have you, during the course of the last several
6 months, heard of Mr. Manson? Heard, seen or read of
7 Mr. Manson, before you came into this courtroom?

8 A I've heard of him, but as far as reading about it
9 in the papers, I don't read that often, so I can't say that
10 I've read anything about the case, no.

11 Q How had you heard his name at all?

12 A In gossip, and -- as far as that goes, it's hear-
13 say, and I don't even remember what I heard about it.

14 So I'm not familiar with the case.

15 Q Well, do you know in what regard you heard his
16 name?

17 A Well -- you know, in the incident that happened
18 out at the -- at the Sharon Tate place, or wherever --

19 Q You are talking about the Sharon Tate homicides?

20 A Yes.

21 Q Do you know the name La Bianca?

22 A I've heard the name, yes, but I wouldn't even
23 know what it applied to.

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1 Q Well, in that Sharon Tate homicide case, did you
2 hear that he was prosecuted for that killing?

3 A Uh, I'm not sure whether I heard that or not.
4 I don't remember.

5 Q So you don't know whether that was a court
6 proceeding in connection with that killing or not?

7 A I've heard there was a court proceeding, but I
8 didn't know what the outcome of it was.

9 Q You didn't know whether Mr. Manson was involved?

10 A Yes, I did, sure.

11 Q Well, what did you know about that?

12 A Your Honor, what I have heard about it, like I
13 say --

14 Q That's all we want to know, what you have heard
15 about it.

16 A That I don't remember. It is just -- it was
17 something that was said about it that I heard in gossip and
18 that was -- it is not anything that meant anything to me,
19 so I don't remember it, you know.

20 Q Well, you knew that Mr. Manson -- do you know
21 whether or not Mr. Manson was ever accused of murder?

22 A No, not definitely.

23 Q So as far as you know he was some way or other
24 connected with Sharon Tate?

25 A And the murder cases, yes.

26 Q The murder case.

27 A Yes.

28 Q You don't know how?

1 A I know he was supposed to be involved in them
2 either -- in a position to have caused it or some way, you
3 know.

4 Q Have you ever heard the name Susan Atkins?

5 A No, sir, I haven't.

6 Q Have you ever heard the name Bobby Beausoleil?

7 A No, sir.

8 Q Have you ever heard the name Gary Hinman?

9 A No, sir.

10 Q Shorty Shea?

11 A No, sir.

12 Q Spahn Ranch?

13 A I don't -- I don't remember. I'm not sure.

14 Q Manson Family?

15 A Yes, sir.

16 Q What does that mean to you?

17 A Uh, I'm not sure. It was, I guess, connected
18 with one of the murder cases or something.

19 Q In what way?

20 A I couldn't say, your Honor. I don't really
21 remember right now.

22 Q And which one?

23 A I couldn't say that. What I heard about it, your
24 Honor -- like I say, it was in a -- you know, in a general
25 conversation. It was something that didn't mean anything to
26 me, so I don't really remember any of the particulars about it.

27 Q You don't need to feel embarrassed about not
28 having heard about it. It is simply -- it is not really a

1 test, Mr. Henry. We're simply inquiring as to what you do
2 know, and whether you can set aside what you may know and may
3 remember and whether you will set it aside, so -- or -- so --
4 for the purpose of acting as a juror in the case.

5 So considering whatever it is that you may know
6 about Mr. Manson, about that Sharon Tate murder trial or murder
7 case, and possibly anything that you might remember about
8 this case, and Mr. Manson in any connection, having all of
9 that in mind, can you set aside whatever you may have heard
10 and decide this case and any issue in this case independently
11 of such matter?

12 A Yes, sir.

13 Q Can you be fair and impartial to Mr. Manson -- can
14 you be -- strike that.

15 Can you be fair to Mr. Manson in determining any
16 issue in this case, despite what you may have read, heard or
17 seen?

18 A Yes, sir, your Honor, I could.

19 Q During the course of the publicity, while that
20 trial was going on, did you hear anything of an anti-Negro
21 nature?

22 A No, sir, I can't say that.

23 Q Anything with racial overtones whatever?

24 A No, sir.

25 Q Concerning the death penalty?

26 Do you have such views regarding it that you
27 would not be able to be impartial in determining the question
28 of guilt or innocence?

1 A No, sir, I don't.

2 Q Or, again, considering the death penalty, would
3 your views be such concerning it that you would automatically
4 refuse to impose it in any case regardless of the evidence?

5 A No, sir, I wouldn't.

6 Q Or would you automatically impose it upon a
7 conviction of murder of the first degree?

8 A No, sir, I wouldn't.

9 Q Are your views concerning the death penalty such
10 that you would never vote to impose it in any case?

11 A No, sir, your Honor.
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1 THE COURT: All right, Mr. Kanarek, you can examine.

2
3 VOIR DIRE EXAMINATION

4 BY MR. KANAREK:

5 Q Uh, sir, would you tell us -- can you, in capsule
6 form or in brief tell us everything that you know concerning
7 Mr. Manson and the Tate-La Bianca case?

8 A Approximately, I would say, that I know that he
9 is involved in the case. That's about all that I know.

10 Q I'm talking about that previous case, the previous
11 case.

12 A The Sharon Tate or La Bianca case, whatever it is,
13 that's about it, what I have said now is what I know of. I've
14 heard it -- I have heard a few of the words connected with
15 it, I've heard spoken, you know. But as far as actually knowing
16 any of the particulars about it, I can't say I know anything
17 about it.

18 Q Do you know the results of the case?

19 A No, I don't.

20 Q You don't know what the jury did in that case?

21 A No, sir, I don't.

22 MR. KANAREK: Thank you, Mr. Henry.

23 THE COURT: Mr. Manzella.

24 MR. MANZELLA: No questions, your Honor.

25 THE COURT: Gentlemen, I think that fills the box again,
26 doesn't it?

27 MR. MANZELLA: It does, your Honor.

28 THE COURT: Have Mr. Moore in seat No. 12 and Mr. Henry

1 in seat No. 6.

2 MR. KANAREK: 7, isn't it, your Honor?

3 THE COURT: 7.

4 Very well, Mr. Henry, take your place down there
5 at the end, seat No. 7, and we'll declare a recess very
6 shortly -- we'll declare a recess right now. And during the
7 recess would you find out for us -- you can use the telephone
8 in this anteroom right here. Find out for us if your employer
9 -- talk to somebody in authority there and see whether or not
10 they would in any way bend that rule so that if you were to
11 serve any longer they would pay you. Tell them that it is
12 the request of the Court that they do that and would like to
13 see that it be done so you could serve.

14 JUROR NO. 7: Yes, sir.

15 THE COURT: Don't talk to anyone in connection with this
16 case except in that respect. Don't form or express any
17 opinion on the matter until it has finally been submitted to
18 you. We'll be in recess for ten minutes.

19 JUROR NO. 7: Yes, sir.

20 (Afternoon recess.)

21 THE COURT: The record will show the defendant is present
22 with his counsel. The prospective jurors are in the box and
23 beyond the rail.

24 If you gentlemen wish, you may begin the general
25 voir dire of Mr. Moore and Mr. Henry.

26 Mr. Henry, excuse me, did you determine during
27 the recess, as we asked you to, whether or not your employer
28 would in any way relax the rule that had been spelled out?

1 JUROR NO. 7: I think they were supposed to call back.

2 THE CLERK: They did call back and they said they
3 wouldn't change the policy.

4 THE COURT: I see.

5 The Clerk informs me that you had talked with
6 someone in the company and that the policy would not be
7 changed and that therefore you would not be paid your full
8 salary during the period of time that you would be serving
9 as a juror; is that correct?

10 JUROR NO. 7: That is correct.

11 THE COURT: The Court does excuse you, and the Court
12 finds this is a hardship that you should not be required to
13 bear and would let you be excused from this jury.

14 MR. KANAREK: May we approach the bench, your Honor?

15 THE COURT: No, you may not. The Court thanks you and
16 excuses you. Room 253.

17 THE CLERK: Monday.

18 THE COURT: Let's see, you needn't go now, you may go
19 Monday morning. Monday.

8 fls.

20 MR. KANAREK: Thank you, Mr. Henry.
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THE COURT: Pick another juror, then.

THE CLERK: Tom Sakiyama, S-a-k-i-y-a-m-a.

VOIR DIRE EXAMINATION

OF TOM SAKIYAMA

BY THE COURT:

Q Mr. Sakiyama, were you present when the Court explained the nature of this case to the prospective jurors?

A Yes, I was.

Q And did you ever hear the Court's questioning a prospective juror?

A Yes, I have.

Q Would your answers be any different than he responded to the questions of a general nature?

A It would be the same.

Q It would be the same. Would there be any hardship to you, Mr. Sakiyama, were you asked to serve as a juror in this case?

A Uh -- I work for Von's Grocery. I am a produce manager. And I work in a small store, where I am the only one that runs the department.

I -- I have a replacement for this week and next week. I am going there in the morning, and at night, when I am through here.

I will be working there Saturday and Sunday.

I am afraid, if I stay out longer than -- they have allowed me a month. But any longer than that, I'm afraid they'll replace me, and I'll have to start as a clerk again.

1 Q They'll replace you in this position?

2 A Yes.

3 Q And you'll lose some --

4 A I'll have to start over again as a clerk.

5 Q You'll lose some earnings, valuable earnings to
6 you? It does mean more to you in money?

7 A Yes, it does, um-hmm.

8 Q And you may not be able to assume the position
9 upon your return, four or five months hence?

10 A Well, I am 50 years old now, and it would be hard
11 for me to get back in the swing of it.

12 Q So that it would mean a considerable financial
13 hardship to you, if that were to happen?

14 A Well, it would, yes. I have three kids in
15 college right now, and --

16 THE COURT: Gentlemen?

17 MR. MANZELLA: The People will stipulate it would
18 constitute a hardship, your Honor.

19 MR. KANAREK: Yes.

20 THE COURT: All right. The Court will excuse Mr.
21 Sakiyama.

22 JUROR NO. 7: Thank you.

23 THE COURT: The Court finds that it would be a hardship
24 to you, a financial hardship; and therefore, would excuse you.

25 JUROR NO. 7: Thank you.

26 THE COURT: I see a hand raised by Mrs. Wellington.
27
28

VOIR DIRE EXAMINATION
OF MRS. MILDRED L. WELLINGTON

BY THE COURT:

Q Mrs. Wellington?

A I have a -- I've found out that I have a similar situation to the -- the fellow that left earlier -- not the last one; but the one before that.

Q Tell us what your situation is, without regard to anybody whom you can't remember.

A In checking with my place of employment, I found out that if I were to serve on a juror -- as a juror for a period of four or five months, that in all probability, I wouldn't have a job at the end of that time.

Q Whom do you work for? I've forgotten.

A Diamond Tool Associates, in Gardena.

Q It's quite likely that you'd be terminated, then?

A In all probabilities, yes.

Q Were you informed of that by someone in authority?

A By the plant manager.

Q That's in authority, isn't it?

A Yes, it is.

Q And your working is the source of your survival; is that correct?

A That's correct.

THE COURT: Yes. Any comment?

MR. MANZELLA: The People --

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

THE COURT: Yes.

VOIR DIRE EXAMINATION

1
2 BY MR. KANAREK:

3 Q Mrs. Wellington, did they tell you that they
4 wouldn't pay you? Is that what they said, or did they --

5 A Uh -- he said to me that if I served -- if I was
6 absent from work for a period of about four or five months, in
7 all probability I would have no job at the end of that time.

8 Q I see. Did you discuss the aspect of pay? Was it
9 discussed as to whether --

10 A Not really. Because after he told me that, I
11 was kind of shocked, because usually they're very considerate.

12 Q I see. And you've worked there -- and how many
13 people are employed in this plant?

14 A Uh -- there's less than a hundred people. It's a
15 small firm.

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1 Q And in the office, how many are employed?

2 A Approximately ten.

3 Q About ten?

4 A Yes.

5 MR. KANAREK: Thank you. May we approach the bench,
6 your Honor?

7 THE COURT: No, you may not.

8 BY THE COURT:

9 Q Well, this problem, of course, would concern you,
10 wouldn't it?

11 A That is my main concern, as of now.

12 Q And you think it might detract you from your
13 deliberations and from your -- from concentrating on the case?

14 A I don't think so.

15 Q Do you think you could devote your full attention
16 to it? But your problems would arise once you had completed
17 the jury service?

18 A That is correct.

19 Q All right. As I recall, you're working there
20 steadily, are you?

21 A Yes, sir.

22 THE COURT: The Court finds that this is a hardship that
23 you should not have to endure, the loss of that -- the possible
24 loss of that job -- or the probable loss of that job, and
25 therefore, the Court will excuse you.

26 Thank you.

27 JUROR NO. 3: Thank you.

28 THE COURT: Room 253 on Monday, if you would, please.

1 You might take your slip with you.

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

4 THE COURT: Mrs. Holt will get it back there for you.

5 MR. KANAREK: Thank you, Mrs. Wellington.

6 THE COURT: Thank you, Mrs. Wellington.

7 All right. Let's see. We need a juror for seat
8 No. 3, for Mrs. Wellington, and a prospective juror -- a
9 prospective juror for seat No. 3 and one for seat No. 7.

10 THE CLERK: Clarence W. Henson; C-l-a-r-e-n-c-e; last
11 name, H-e-n-s-o-n.

12 THE COURT: Mr. Henson, seat No. 3.

13 THE CLERK: Mrs. Diane E. Peters; D-i-a-n-e; last name,
14 P-e-t-e-r-s.

15 THE COURT: Miss Peters, would you take seat No. 7?

16
17 VOIR DIRE EXAMINATION

18 BY THE COURT:

19 Q I'll ask you, Mrs. Peters and Mr. Henson, whether
20 you were both present at the time that the Court explained
21 the nature of this case, and whether you heard the Court's
22 explanation of this case, and the Court's questioning of a
23 prospective juror?

24 JUROR NO. 3: Yes, sir.

25 THE COURT: Use the microphone.

26 JUROR NO. 3: Yes.

27 JUROR NO. 7: Yes.
28

1 THE COURT: And you could pass it back and forth, if you
2 will.

3 Would your answers be any different than the
4 answers of the prospective juror to the questions of a
5 general nature?

6 JUROR NO. 3: No.

7 JUROR NO. 7: I just had one question, and that was about
8 a crime of violence. What is the definition of that?

9
10 OF MRS. DIANE E. PETERS

11 BY THE COURT:

12 Q Well, had you, in your opinion, been subject to
13 or had someone else been subject to a crime of violence, who
14 was close to you?

15 A Need it have been committed, or only threatened?

16 Q Yes, one that had been committed -- or, one that
17 is now threatened, if that is the case.

18 A I was threatened by a man at the door with a gun.
19 Is that a crime of violence?

20 Q Yes, I think the Court would believe that that
21 would be a violent act, to point a gun at someone.

22 Someone pointed a gun at you at one time, then?

23 A Yes.

24 Q How long ago was that?

25 A It was in -- last May -- no -- a year ago; about
26 a year ago.

27 Q Was somebody apprehended for that act?

28 A Uh -- the police only came and talked to him, and

1 he moved out of the place we were in.

2 Q Did you ever testify against that person?

3 A No, because he didn't do anything. He only
4 threatened.

5 Q But he pointed a gun at you?

6 A Yes.

7 Q Well, would that raise in your mind any prejudice
8 against the person who is accused of the crimes of which
9 Mr. Manson is accused?

10 A (No response.)

11 Q Or would those matters -- would ^{that} be something
12 that would not in any way interfere with your judgment in
13 this case?

14 A Uh -- I -- I think it might prejudice me, yes.

15 Q Do you think that that would prevent you from
16 being fair and impartial in any case involving an alleged
17 crime of violence?

18 A (No response.)

19 Q You seem to be considerably hesitant about answer-
20 ing. Do you understand my question?

21 A No, I don't, really. That it enters into my
22 opinions and my thoughts on the matter, punishment, and --

23 Q Well, that is a different matter, is it not?
24 About matters of punishment, now?

25 Are you talking about the death penalty?

26 A (No response.)

27 Q I'm sorry. I am having problems following you.

28 A Well, I am -- I don't think I'm prejudiced.

1 Q Well, do you have some views -- just let me ask
2 you, generally. Do you have some views concerning the death
3 penalty which you believe would disqualify you, as the Court
4 has explained such disqualifications?

5 A I think that my views on the death penalty, and
6 based on my experience that I've related to you, would
7 prejudice me in this case, yes.

8 Q All right. Let me ask you, then, do you have
9 such views concerning the death penalty that you would
10 automatically refuse to impose them, regardless of what the
11 evidence might show?

12 A No. I would definitely impose them.

13 Q In other words, upon a conviction of murder of
14 the first degree, --

15 A Yes.

16 Q -- a homicide, a murder of the first degree, you
17 would automatically impose the death penalty?

18 A Yes, sir, I would.

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Q Regardless of the evidence in the case?

A Yes, I would.

THE COURT: Any questions?

MR. KANAREK: No, I would like to approach the bench, if I may?

THE COURT: You needn't approach the bench.

All right, the Court will excuse you, Mrs. Peters. You believe that because of this incident that you could not be fair and impartial in the first phase of the case, likewise?

JUROR NO. 7: I think it has helped to form my opinion, yes.

THE COURT: So that even in the first phase of the trial, as I have explained to you, the question of guilt or innocence, you feel as though because of this that you would be -- you could not be --

JUROR NO. 7: I think I would even be prejudiced in the matter of the first decision.

THE COURT: All right, the Court finds, then, that you should be excused and excuses you for cause. Thank you, and you should report to Room -- is your jury duty ended yet?

JUROR NO. 7: No, I have about three weeks.

THE COURT: All right. You should report to Room 253 on Monday at 9:00 o'clock.

JUROR NO. 7: Thank you.

THE COURT: Select another name, then.

Let's go on with --

MR. KANAREK: Thank you, Miss Peters.

THE CLERK: Miss Nellie Bradbury, N-e-l-l-i-e, last

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1 name, B-r-a-d-b-u-r-y.

2
3 VOIR DIRE EXAMINATION OF

4 MISS NELLIE BRADBURY

5 BY THE COURT:

6 Q Mrs. Bradbury, you have been present during all
7 of the proceedings thus far in this case and have heard the
8 Court's explanation to the prospective jurors?

9 A Yes, I have.

10 Q And as I remember, you were the lady that raised
11 your hand when we were talking about death penalty or about
12 penalty.

13 Do you have certain views concerning the death
14 penalty that would preclude you from being fair and impartial
15 in determining guilt or innocence in this case?

16 A No, sir.

17 Q In connection with the death penalty, do you
18 have such views concerning it that you would automatically
19 refuse to impose it in any case?

20 A No, sir.

21 Q Or do you have such views concerning the death
22 penalty that you would automatically impose it upon a
23 conviction of murder of the first degree without regard to
24 the evidence?

25 A No, sir.

26 Q You did raise your hand in connection with
27 something, as I recall, and is it in connection with
28 something you may have heard, seen or read concerning Mr. Manson?

1 A Yes, sir.

2 Q All right. We'll discuss that with you, then,
3 outside of the hearing of the other prospective jurors.

4 Would you say -- let me ask you, if you have not
5 answered, would your answers be any different than that
6 prospective juror's answers -- than those of the prospective
7 juror whom I questioned in your presence, the first one from
8 your group whom I questioned, to the general questions I put?

9 A No, there wouldn't be any difference.

10 Q Would there be any hardship to you to serve on
11 this jury?

12 A Yes, it would.

13 Q In what way?

14 A I have a husband who is disabled and requires
15 medical attention. And he requires medication both morning
16 and evening and --

17 Q If you were sequestered, it would cause you some
18 great difficulty?

19 A Yes, it would.

20 Q Of course, the Court doesn't anticipate you will
21 be sequestered.

22 Is there any other hardship that you would suffer?

23 A No, that would be the only one.

24 Q It is a matter of having somebody to administer
25 the medicine to your husband?

26 A And be with him at nighttime.

27 Q Be with him -- for what reason? Is he ill to the
28 extent that he requires care at night?

1 A Well, he isn't to be left alone at night.

2 Q In other words, he's in such a physical condition
3 that he requires -- it is required that somebody be present?

4 A That's right.

5 Q Is that a doctor's order or just a whim on your
6 part or his part?

7 A No -- well, he's been under medical care for ten
8 years and always -- we never have left him alone at nighttime.

9 Q Is there someone else who could be present in the
10 home?

11 A No, there isn't.

12 Q Are you -- do you and he live alone?

13 A Yes, sir.

14 Q Do you have a relative who could fill in for you
15 during the time that you are serving?

16 A I have no relative here, close. I have a daughter
17 that lives north of here, but she is working. It would be
18 impossible for her to leave her family to come in every night.

19 Q When you say "north of here," what do you mean?

20 A That's in Newbury Park.

21 Q Where is Newbury Park?

22 A A little north of Thousand Oaks.

23 Q Oh, she's in the County?

24 A No, she's in Ventura County.

25 Q Oh.

26 And where do you live?

9a fls. 27 A In Cypress Park, close to Highland Park.

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1 Q Well, it is anticipated your jury service would
2 be about the way it is now, that is, you would be excused
3 at approximately 4:30 and be allowed to go home.

4 A Uh-huh.

5 Q Each night, except that there would be a period
6 of time during deliberations when the Court might very well
7 sequester you. That would be the only difficulty, would be
8 during the time of deliberation. That would be a relatively
9 limited time in comparison to the time that you will spend on
10 the jury duty as a whole; you understand that?

11 A Yes, sir.

12 Q And in that situation you could probably make
13 some arrangements, couldn't you?

14 A Well, I could try.

15 Q All right. We'll assume that you are going to
16 try and that you will be successful.

17 Have you been on a jury before?

18 A Yes, sir.

19 Q In a criminal case?

20 A Yes, sir.

21 Q What was the nature of that case and was there a
22 verdict?

23 A There was no verdict. It was a murder case.

24 Q Will you set aside whatever you may have heard,
25 seen or read in that case?

26 A Oh, yes.

27 Q Whatever you may have learned in that case and
28 decide this case solely on its evidence in this case?

1 A Yes, sir.

2 Q That is, on the evidence in this case, and on the
3 law in this case.

4 Will that be -- will those be the things on which
5 you will decide this case?

6 A Yes, sir.

7 Q Do you have any friends or relatives who are
8 law enforcement officers?

9 A No, sir.

10 Q And is that Mr. -- Mr. Bradbury is incapacitated
11 most of the time? He doesn't work?

12 A No, he is up, but he isn't able to do anything of
13 any nature of any exertion.

14 Q Is he employed?

15 A No.

16 Q You've indicated where you live, the general
17 area of where you live.

18 Now, let me ask you this: In connection with --
19 I'll go on to some other -- well, some other juror.

20 Let's talk to Mr. Henson.

21

22

VOIR DIRE EXAMINATION

23

OF CLARENCE W. HENSON

24

BY THE COURT:

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Q Mr. Henson, you replied you were present and that
your answers would be no different to the general questions
that were put to the juror.

28

Now, let me ask you, would it be a hardship to you

1 to serve?

2 A It would be to my family.

3 Q Tell us about that.

4 A Well, we have a grandson that's under psychiatric
5 treatment and once a week we have therapy, group therapy. And
6 we go to counseling. And since I thought this would only
7 last 30 days, we thought that we could get by with it for
8 this period of time.

9 Q I don't understand.

10 Do you have to be present in order that this
11 treatment be administered or do you take him to the place?

12 A Well, in the group therapy my wife and I go because
13 we keep him.

14 Q I see.

15 A Once a week.

16 Q This is a daytime --

17 A Yes.

18 Q Do they hold any night therapy sessions?

19 A No, it is usually between 9:00 and 5:00 o'clock in
20 the afternoon.

21 Q Of the weekday?

22 A Week days.

23 Q A whole day is devoted to that?

24 A Only an hour.

25 Q An hour. I see.

26 How many are in the group?

27 A Four. The social worker, doctor, grandson -- five.

28 Q And have you explored the possibility of finding

1 a different time for it?

2 A Well, what she usually does is -- sets up -- finds
3 out what day that I am off for the previous week, and then she
4 sets it up like that.

5 Q Who does this?

6 A UCLA.

7 Q UCLA?

8 A Uh-huh.

9 Q Well, the Court doesn't feel that would be a
10 sufficient cause, and I think probably with some effort you
11 could arrange it. If the Court can assist you in any way,
12 let me know.

13 Have you served as a juror before?

14 A Yes.

15 Q In a criminal case?

16 A One.

17 Q Tell us the nature of the case and whether there
18 was a verdict, without saying what the result was.

19 A It involved a hit-and-run, and there was a
20 verdict.

21 Q And can you set aside whatever you may have
22 learned in any other case and decide this case solely on this
23 evidence and its law as I shall state it to you?

24 A I can.

25 Q What type of work do you do?

26 A Mail carrier.

27 Q And in what general area do you work?

28 A USC. Around Vermont, Jefferson.

1 Q Do you have any friends or relatives who are
2 involved in law enforcement?

3 A No, I do not.

4 Q Does Mrs. Henson work?

5 A No, she doesn't.

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1 Q Outside the home, I mean?

2 A No.

3 Q In what general area do you reside?

4 A West L. A., southwest L. A.

5 Q Concerning the death penalty, Mr. Henson, do you
6 have views concerning it as such that would keep you from
7 being impartial in determining guilt or innocence?

8 A No.

9 Q Or do you have views concerning the death penalty
10 such that you would automatically refuse to impose it?

11 A No.

12 Q Or are your views concerning the death penalty such
13 that you would automatically, upon a conviction of murder of
14 the first degree, impose the death penalty regardless of the
15 evidence?

16 A No.

17 THE COURT: Gentlemen, do you wish to pursue questioning
18 Mr. Moore or shall we wait until after we've talked privately
19 with Mrs. Bradbury and Mr. Henson?

20 MR. KANAREK: It may be more efficient to do it that
21 way, your Honor.

22 MR. MANZELLA: I agree.

23 THE COURT: All right, we'll ask you to take a trek,
24 ladies and gentlemen, again. It keeps you moving anyhow.

25 Don't talk about the case amongst yourselves or
26 anyone else during the course of this recess for you.

27 Would you all go back to where you came from as
28 quickly and as quietly as you can, and we presumably will see

1 you later this afternoon, leaving only Mr. Henson and -- let's
2 say Mr. Henson for the time being.

3 Mr. Moore, we'll ask you to step outside just
4 briefly. You can remain -- well, I think you can go with
5 the other jurors, if you would.

6 Now, we'll ask Miss Bradbury to step outside just
7 briefly.

8 (Whereupon, the prospective jurors retired from
9 the courtroom with the exception of Mrs. Loudd and
10 Mr. Henson.)

11 THE COURT: Can we help you, Miss Loudd?

12 JUROR NO. 5: Well --

13 THE COURT: You seem lost.

14 JUROR NO. 5: Well, I was asking him if he could ask
15 you if we could reconvene tomorrow at 10:00, and I was going
16 to stop by and pick up my check. I can't --

17 THE COURT: You have to pick up your check tomorrow?

18 JUROR NO. 5: They come out about 9:15 and I thought I
19 could go by and pick it up, because I didn't want to be late.

20 THE COURT: You'll have a recess tomorrow between 12:00
21 and 2:00. Can you pick it up then?

22 JUROR NO. 5: I could if she is going to stay there and
23 wait for me. If she goes to lunch, they won't let anybody
24 issue it out but my supervisor.

25 THE COURT: See if you can make some arrangement to pick
26 it up tomorrow. You are in the box and the Court would not
27 like to excuse you. If we can do it some other way --

28 MR. KANAREK: Your Honor --

1 THE COURT: You propose that, what, that you grant her
2 the check?

3 MR. KANAREK: No, your Honor, but she said 10:00 o'clock,
4 and I think it is fair to say, based on the experience like
5 today --

6 THE COURT: Don't presume on the experience today.
7 Today was a very bad day. I won't say why.

8 (Whereupon, juror No. 5 retired from the courtroom.)
9

10 VOIR DIRE EXAMINATION OF
11 CLARENCE W. HENSON

12 BY THE COURT:

13 Q All right, Mr. Henson, have you heard anything
14 about Mr. Manson, heard, read or seen anything about him
15 before this case began?

16 A Yes.

17 Q Keep that up there.

18 In what connection? Was that in connection with
19 the Sharon Tate killing?

20 A That's right, right.

21 Q Did you read about that case as it went along?

22 A I didn't keep up with it because I had two jobs
23 and more or less what I saw was on television.

24 Q In other words, you did hear and see something in
25 connection with the case on television?

26 A That's right.

27 Q All right. And how about radio? Did you
28 occasionally hear a radio news report?

1 A Yes, I listen to music and whenever they have
2 a spot --

3 Q Whatever came along, and you hear it, is that
4 correct?

5 A That's correct.

6 Q And occasionally you read a news line or heard it
7 when that was going on, is that right?

8 A That's right.

9 Q Did you ever hear the result of it?

10 A Yes, I did.

11 Q What is the best remembrance of the result, as
12 you recall from having heard, seen or read anything?

13 A What did I hear?

14 Q What did you hear, see or read about the result?

15 A I think I heard that they were found guilty, and
16 then I think it went into the penalty phase.

17 Q What happened in the penalty phase as nearly as
18 you can recall?

19 A Well, I know it was capital punishment. I think
20 it was death by the electric chair. Or it must have been
21 gas chamber. We don't have the electric chair.

22 Q It was death in any event?

23 A Yes.

24 Q Do you know whether there was more than one
25 victim?

26 A I can't remember -- oh, more than one victim,
27 I do remember that.

28 Q What is your remembrance on that?

1 A How many?

2 Q Yes.

3 A Well, I remember -- I think there were five at
4 the ranch. Is this where the Biancas come in also?

5 Yes.

6 Q Did you hear about -- had you ever heard about
7 Shorty Shea, the name Shorty Shea?

8 A That's right.

9 Q Before I called this case?

10 A (Nods head.)

11 Q And told you about it?

12 A I had.

13 Q What had you heard about Mr. Shea?

14 A Well, I heard -- I think he was a stunt movie man
15 and he was missing and he was presumed dead.

16 Q Had you heard that Mr. Manson was in any way
17 involved with his death?

18 A Yes.

19 Q Now, in connection with Gary Hinman, had you
20 heard, read or seen anything about him?

21 A Yes.

22 Q What had you heard, seen or read about him?

23 A Well, I think this was in connection with having
24 some music or poems set to music or music published or
25 something like that, if I am correct.

26 Q What occurred if -- as nearly as you can remember
27 from the news reports?

28 A Well, I think he was killed. Mr. Hinman was

1 killed, because if I remember, he refused or something of that
2 sort.

3 Q Do you know the name Susan Atkins?

4 A (Nods head.)

5 Q Yes?

6 A Yes.

7 Q And what do you know about that name?

8 A Well, I know that name was associated with the
9 Family, and that's as much as I can remember.

10 Q You say the Family, you mean by that what?

11 A The associates of Charles Manson.

12 Q The Manson Family, so-called Manson Family?

13 A Yes.

10 fls.

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1 Q Now, having in mind all those things, do you think
2 it's possible for you to set them aside?

3 A Oh, I could.

4 Q Do you think you could set aside anything that you
5 might have heard, seen or read, or anything that you might
6 have talked about with anybody --

7 A Well --

8 Q -- and be independent -- or, strike that.

9 That you could set aside whatever you might have
10 heard, seen or read or talked about, in connection with Mr.
11 Manson or this case, or the other case? And decide any issue
12 that you may be called upon to decide in this case, independently
13 of those things?

14 A I could.

15 Q Is there any doubt in your mind about your ability
16 to do that, and your capability?

17 A None.

18 Q All right. And the next question I must ask you
19 is whether you will set aside those things?

20 A I will.

21 Q And can you be fair and impartial to Mr. Manson,
22 in spite of having heard, seen or read such reports?

23 A I can.

24 THE COURT: All right. We'll excuse you just
25 momentarily, then, and bring in --

26 MR. KANAREK: Well, your Honor --

27 THE COURT: Oh, you wish to -- I'm sorry. Let's do it
28 that way. I'd forgotten.

10-2

1 You may question.

3 VOIR DIRE EXAMINATION

4 BY MR. KANAREK:

5 Q Mr. Henson, right now, your state of mind is that
6 Mr. Shea is presumed dead?

7 A From -- just from what I've read in the papers,
8 yes.

9 Q Right?

10 A Yes, that's right.

11 Q And this is no reflection upon you whatsoever,
12 the fact -- you realize that you are not a defendant here;
13 it's just a matter of -- we are trying to just find out
14 things concerning your state of mind.

15 A For cause.

16 Q And so right now, from what you've read, your
17 presumption is that Mr. Shea is dead?

18 A Right.

19 MR. KANAREK: I would like to approach the bench, your
20 Honor.

21 THE COURT: You may not.

22 Do you have a challenge to make?

23 MR. KANAREK: Oh, yes.

24 THE COURT: Do you have any further questions?

25 MR. KANAREK: Well, on the particular point, it is not
26 a publicity point, your Honor. And this is why I'd like to
27 make it at the bench.

28 It's not -- it's on another --

10-3

1 THE COURT: Well, if you have any further questioning,
2 go along with it. I'll let you approach the bench after you've
3 finished.

4 MR. KANAREK: Very well. Thank you.

5 Q Now, Mr. Henson, directing your attention then to
6 everything that you've heard concerning Mr. Manson, both in
7 the Tate-La Bianca case and in connection with the Gary Hinman
8 case and the Shea case, your state of mind is that -- certainly,
9 you would try to follow the Court's orders?

10 A I would.

11 Q Right?

12 A Right.

13 Q And -- but -- are we in agreement that -- that
14 there's a difference between the intent to do something and --
15 and the ultimate goal of doing it? For instance, you might
16 intend to do all of your route on a certain day, and there may
17 be like an earthquake or a storm, and you can't -- through no
18 fault of yourself, you just -- you can't finish the job that
19 you are required to do; right?

20 A Right.

21 Q Now, by the same token, I would gather, not
22 having experienced what this courtroom -- what you feel
23 goes on in this courtroom -- that therefore, even though you
24 have this intent to follow the Court's order, you don't know
25 for sure that it would be possible to do it in this case,
26 because of what you may have heard or seen concerning Mr.
27 Manson?

28 A Well, I might have been wrong in answering your

10-4

1 question, because -- what I should have said was "assuming"
2 that he was dead. Because the paper didn't say he was dead,
3 but he was missing, and presumed to be dead.

4 And I -- well, I am under the presumption that --
5 that he is dead.

6 Q That Mr. Shea is dead?

7 A That's right.

8 Q My question -- actually, this -- my present question
9 is a little different than just that subject matter of Mr. Shea.

10 My question is: You -- the other things you heard
11 concerning Mr. Manson, like in the Tate-La Bianca case, for
12 instance, as well as the Hinman and Shea case, you certainly
13 would try to follow all the Court's orders; right?

14 A That's right.

15 Q But not having lived through it, is it a fair
16 statement that you don't know for sure that you could forget
17 or put aside the matters that the Court -- that we have been
18 talking about concerning Mr. Manson?

19 A Well, I think that this -- this is a different
20 case altogether, and all I am to consider is what comes up
21 in this case.

22 So I wouldn't consider the other part of it at
23 all.

24 Q Right. Would you certainly hope -- would you try
25 not to?

26 A That's right. That's right.

10a-fls.

10a-1

1 Q But -- but for instance, wherever -- I don't know
2 -- whatever show or movie you may have seen a week ago, might
3 -- we might discuss; and you might try to put something out of
4 your mind; but are we in agreement that, in some cases, it
5 might be impossible to put --

6 A Maybe so.

7 Q Isn't that true?

8 A That's true.

9 MR. KANAREK: Thank you. May I approach the bench, your
10 Honor?

11 THE COURT: No, you may not. You may make a challenge.

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

13 THE COURT: The Court is inclined to grant the challenge,
14 Mr. Henson. I think that you know considerably more than
15 many jurors, prospective jurors know; and I think you have been
16 very frank in stating that -- stating what your state of mind
17 is.

18 And consequently, the Court will grant the
19 challenge. This is no reflection upon you, of course, but
20 it's just that you have absorbed a great deal of the so-called
21 information that has been distributed in the press.

22 I am going to grant Mr. Kanarek's challenge for
23 cause and excuse you with the Court's thanks.

24 JUROR NO. 3: Thank you.

25 MR. KANAREK: Thank you, Mr. Henson. Thank you very
26 much.

27 JUROR NO. 3: Do I leave this?

28 THE COURT: Yes, if you would leave it right there on

1 the seat, if you would.

2 Room 253, Monday. You needn't report tomorrow.

3 JUROR NO. 3: So Monday is satisfactory?

4 THE COURT: Yes.

5 THE CLERK: Mrs. Kathleen Thompson; K-a-t-h-l-e-e-n;
6 last name, T-h-o-m-p-s-o-n.

7 THE COURT: C-h-o-m?

8 THE CLERK: T-h-o-m-p. Thompson.

9 THE COURT: Oh, Thompson.

10
11 VOIR DIRE EXAMINATION

12 OF MRS. NELLIE BRADBURY

13 BY THE COURT:

14 Q Mrs. Bradbury, we are interested in knowing
15 whether you had heard, seen or read anything about Mr. Manson
16 before you came into this courtroom and heard about this
17 Indictment.

18 A Yes.

19 Q Was that in connection with the so-called
20 Sharon Tate killing?

21 A And also the one now.

22 Q And this one?

23 A Yes.

24 Q You've read about this case?

25 A Yes, in the newspapers.

26 Q Had you read the name Shorty -- heard, seen or
27 read the name Shorty Shea before?

28 A Yes, sir.

1 Q What do you know about that?

2 A Well, I just know that they were -- have never
3 found the body, although they did search for it, out at the
4 ranch.

5 Q And -- and I think you raised your hand when you
6 indicated -- and indicated to us that you believed that
7 you couldn't set aside what you may have heard, seen or read,
8 and that you therefore would like to be excused as a result
9 of that.

10 A That's right.

11 Q Is that your state of mind?

12 A Yes.

13 Q That it would be impossible for you to set aside
14 everything that you've heard, seen or read about Mr. Manson?

15 A Yes, your Honor. I don't feel like I could be
16 fair in his trial.

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

18 THE COURT: All right. The Court will excuse you.

19 JUROR NO. 7: Thank you.

20 THE COURT: And will thank you for being so direct.

21 Room 253. Do you have any jury time left?

22 JUROR NO. 7: Yes, I do.

23 THE COURT: All right. Thank you very much for being
24 here. Room 253 on Monday, then, at 9:00 o'clock.

25 JUROR NO. 7: Thank you.

26 THE COURT: Take another name, will you?

27 THE CLERK: August W. Reichel.

28 THE COURT: Will you bring Mr. Thompson or Mrs. Thompson

1 here?

2 THE BAILIFF: Yes, sir. She's on the way right now.

3 DEFENDANT MANSON: Do we do this every day? The same
4 every day?

5 THE COURT: (Shrugging his shoulders.)

6 DEFENDANT MANSON: Whew!

7
8 VOIR DIRE EXAMINATION

9 OF MRS. KATHLEEN THOMPSON

10 BY THE COURT:

11 Q Mrs. Thompson, you have been present during all the
12 proceedings thus far?

13 A Yes.

14 Q And your name's Thompson?

15 A Thompson.

16 Q We have got you in the wrong seat.

17 If you serve as a juror, you will be in No. 3.

18 A Oh.

19 Q But that's all right. Stay where you are.

20 Did you hear the Court's explanation of the nature
21 of this case, and the Court's questioning of a prospective
22 juror who was first in your panel?

23 A Yes.

10b

L)B L

1 Q All right. Would your answers be any different
2 than the answers of that prospective juror to the general
3 questions?

4 A No.

5 Q You'll have to keep that microphone closer.

6 A Oh. No.

7 Q All right. Would it be any hardship to you to
8 serve on this jury here?

9 A No.

10 Q No financial or personal hardship?

11 A Well, I work for the County, so I figure it
12 wouldn't be any hardship.

13 Q All right. What do you do for the County?

14 A Telephone operator.

15 Q Telephone operator? In what department?

16 A The Department of Public -- the Department of
17 Public Social Services.

18 Q All right. Your voice is a very soft voice, so
19 you'll have to get that microphone just a little closer.
20 It's surprising, for an operator. Of course, you are used to
21 speaking into that microphone.

22 A Yes. It's transistorized.

23 THE COURT: Or that telephone, rather.

24 THE WITNESS: Yes.

25 Q BY THE COURT: All right. Have you served as a
26 juror before?

27 A Last week, yes.

28 Q And have you served on a criminal case before?

1 A It was a criminal case. But I was the alternate
2 on the case.

3 Q I see. And what was the nature of that case?

4 A Burglary.

5 Q Can you set aside what you may have heard or
6 seen or read in the course of that case, and decide this case
7 only on its evidence alone?

8 A Yes.

9 Q Will you do that?

10 A Sure.

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

13 A My husband is a friend of a deputy sheriff,
14 but it's been a long time since we've seen him, but --

15 Q Do you talk about cases --

16 A No.

17 Q -- with him?

18 A He's never --

19 Q Have you talked about this case with him?

20 A No, I haven't seen him in a long time.

21 Q Do you think that would affect your judgment?

22 A No.

23 Q All right. You mentioned your husband. What does
24 he do?

25 A He works for the L.A. Times, a pressman for L.A.
26 Times.

27 Q He is a pressman?

28 A Yes.

1 Q He doesn't have anything to do at all with the
2 editorial or the news?

3 A No.

4 Q In what area do you and he reside?

5 A Southwest Los Angeles.

6 Q In connection with the death penalty, do you have
7 such views concerning the death penalty that you could not
8 thereby be impartial in determining the question of guilt or
9 innocence?

10 A No.

11 Q Or are your views concerning the death penalty
12 such that you would automatically refuse to impose it, in any
13 case, regardless of the evidence?

14 A No.

15 Q Or do you have such views concerning the death
16 penalty that you would automatically impose it upon a
17 conviction of murder of the first degree?

18 A No, I wouldn't do that, either.

19 Q Now, concerning publicity that you may have
20 heard, seen or read, have you heard of Mr. Manson's name before
21 you came into this courtroom?

22 A Yes.

23 Q And was that in connection with any previous case
24 in which --

25 A Yes.

26 Q -- he was involved?

27 A Yes.

28 Q That was what, the Tate --

1 A The Tate case, yes.

2 Q -- La Bianca case?

3 A Yes, the Tate-La Bianca case.

4 Q And in connection with that case, did you follow it
5 in the newspapers, radio or television?

6 A No, not really. Only what the -- you know, I
7 would hear, in different conversations; but I never did
8 follow the case.

9 Q It would just be an occasional news release from
10 one of those media; is that correct?

11 A Yes, that's right.

12 Q Did you learn the result of the case?

13 A Yes.

14 Q And your best remembrance of that result is what?

15 A I think it's the death penalty.

16 Q A conviction of murder of the first degree,
17 followed by the death penalty?

18 A Yes, sir.

19 Q And was there more than one victim in the case; do
20 you recall?

21 A More than one victim in the -- yes.

22 Q All right. So that there were -- there was at
23 least one count of murder of the first degree, and --

24 A I don't know --

25 Q -- was there any more than the one, that you can
26 remember?

27 A No, I really can't.

28 Q Did you, during the course of the -- of that case,

1 hear anything of a racial nature, or anything that had racial
2 overtones in connection with it?

3 A Yes, I did.

4 Q Now, you are a Negro. Did that raise any resentment
5 in your mind?

6 A No.

10c

10c-1

Q Do you think that there was such a feeling in your mind that you could not be fair and impartial, as a result of that particular type of report?

A No, it isn't.

Q Well, considering what you heard -- considering what you've heard, seen or read, via any of the news media now, and anything that you may have heard, seen or read or talked about, are you capable of setting aside any such material --

A Yes, sure.

Q -- and deciding this case independent of such things, including any opinions you may have formed?

A Sure -- yes.

Q Do you fully think that you are capable of doing that?

A I think I am.

Q You've never done it before, have you?

A No.

Q But regardless of that, you believe you can be objective enough to do that?

A Yes.

Q And the next question I put to you is whether you will do that?

A Yes.

Q And can you be fair and impartial in spite of any opinions that you might have formed from the news media, or anything that you've heard, seen or read?

A Yes.

10c-2

1 THE COURT: Very well. Mr. Kanarek?

2 MR. KANAREK: Yes. Thank you.

3
4 VOIR DIRE EXAMINATION

5 BY MR. KANAREK:

6 Q Miss -- Mrs. Thompson, did you and I have a
7 conversation at the phone booth --

8 A Yes.

9 Q -- out in the hallway?

10 A Yes.

11 Q That is, the public telephone?

12 A Yes.

13 Q And while we were speaking, you told me that you
14 were a juror?

15 A Right.

16 Q And -- now, the fact that we had this conversa-
17 tion, and I told you that I did not recognize that you were a
18 juror?

19 A Right.

20 Q Now, the fact that we had this conversation at
21 the phone booth, would that in any way -- would that in any
22 way prejudice you in favor of Mr. Manson, or in favor of the
23 prosecution?

24 A No.

25 Q The fact that -- we are interested -- we are all
26 interested in fairness --

27 A Sure.

28 Q -- in this trial, and we want the prosecution and

1 the Court to know that -- that we did have -- that we did have
2 this conversation at the phone booth there.

3 A Right.

4 Q Now, having in mind -- having in mind the fact
5 that you've heard matters concerning Mr. Manson, now, it
6 would be your intent -- is that a fair statement, Mrs.
7 Thompson -- it would be your intent to set aside and follow
8 the Court's orders in connection with publicity; is that
9 right?

10 A Yes.

11 Q And you feel you would be able to put it aside?

12 A Yes.

13 Q Now, you've never had the experience of having to
14 do that; is that correct?

15 A Right.

16 Q So is it a fair statement that you don't know
17 for sure whether in fact you could put aside the matters that
18 you've heard concerning Mr. Thompson -- pardon me -- Mr.
19 Manson? And in fact, not consider them during the pendency
20 of this case?

21 A (No response.)

22 Q Is that question clear?

23 A That I couldn't put the things that I've read or
24 heard about the case out of my mind?

25 Q Well, may I try to reframe it?

26 A Yes, if you would, please.

27 Q Has it been your experience in life that sometimes
28 we have an intent to do something -- for instance, you might

1 intend -- you might intend to climb Mount Everest.

2 A Yes.

3 Q Or Mount Baldy or something. And you might get up
4 on Sunday morning and go over to Mount Baldy and start climbing,
5 but you might -- even though you intend to, you may not be
6 able to do it.

7 You just might not be able to do what you originally
8 started out to do.

9 A I understand what you are saying. But I think I
10 could --

11 Q Pardon me?

12 A I think I could be fair in -- you know, in listening
13 to all the evidence and being fair.

14 Q Right. You certainly would try to --

15 A Surely.

16 Q -- and hope to; but, concerning this case, isn't
17 it a fair statement you have heard considerable matter concern-
18 ing Mr. Manson, including the result, insofar as penalty, in
19 the last case?

20 A Yes.

21 Q So therefore, is it a fair statement that you don't
22 know, not really, not having experienced in this courtroom
23 what actually occurred -- that is, you haven't done it yet --

24 A Right.

25 Q So that you don't know for sure whether you could
26 put aside or forget the matter which you heard concerning Mr.
27 Manson?

28 A I think I could.

1 Q You think you could. But not having experienced
2 it, would you say you don't know for sure?

3 A Well, I guess I have to say, "I don't know for
4 sure --" well, no. I am sure I could.

5 Q Well, when you say you have to say it, why do
6 you say it in those words?

7 A Well, I -- it would be fair to just say -- I
8 don't know; I'm confused. But I think I could. I'll say I
9 think I could.

10 Q I see. Now, recognizing -- for instance, being
11 of the black or Negro race, you -- it may be that you had a
12 certain affection for Martin Luther King; right?

13 A Right.

14 Q Now, you -- and having that affection for him,
15 would you say that it would -- possibly; I'm just giving you
16 a for instance -- it might be unfair to ask you to sit on
17 a jury wherein someone was accused, perhaps, of having been
18 responsible for his death?

19 Do you see the thing I'm getting at?

20 A Um-hmm.

21 THE COURT: I can't see the thing you are getting at.
22 So go on to another question.

23 MR. KANAREK: Very well.

24 Q Now, Mrs. Thompson, you would hope -- we've --
25 may I ask you this? What do you know concerning Mr. Manson?

26 A Not very much. Only what -- about the Tate- La
27 Bianca case.

28 Q Well --

1 A It's really not very much.

2 Q Just tell us, then -- first of all, you recognize
3 that you are not a defendant here?

4 A Um-hmm.

5 Q Right?

6 A Right.

11 fls.

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Q And in the administration of justice, this is just one of the things we have to do is discuss with prospective jurors their state of mind, right?

A Right.

Q And so having this in mind, -- having this in mind, you recognize, I'm sure -- you're not going to hold either for or against us the fact that all of us may be asking you questions?

A Right.

Q All right.

Now, if the -- you told us you only heard a little bit concerning Mr. Manson. Whatever that little bit may be, would you tell us, in fact, what you heard, whatever it may be?

A I don't really remember everything. Honestly I don't.

Q Pardon?

A I don't remember.

Q I see.

Now, concerning the Shea case --

A The what?

Q Does the name Shorty Shea --

A No.

Q Did that mean anything to you before you came into the courtroom?

A No, no.

Q The name Gary Hinman?

A No.

1 Q Did that mean anything to you before you came into
2 the courtroom?

3 A No.

4 MR. KANAREK: Thank you very much.

5 1073, Subsection 2, your Honor.

6
7 VOIR DIRE EXAMINATION

8 BY THE COURT:

9 Q You indicated that you think you can set aside
10 whatever you may have heard, seen or read, Mrs. Thompson, and be
11 fair and impartial.

12 Does that -- the use of that word, or the use of
13 those words, "I think" --

14 A I'm sure.

15 Q Pardon?

16 A I'm sure I can be fair.

17 Q Well, the point is, can you set aside what you
18 may have heard, seen or read?

19 A Yes.

20 Q Not forget it, but temporarily put it aside,
21 divorce yourself from it for the purpose of being a juror and
22 ruling independently on any issue in this case?

23 A Yes.

24 Q When you say "I think," was that any hedging on
25 your part or just a means of expression?

26 A Just a means of expression.

27 Q Are you positive in your mind that you can
28 accomplish that?

1 A I am.

2 Q Very well.

3 The Court finds that Mrs. Thompson can set aside
4 whatever she may have heard, seen or read, whatever opinion
5 she may have formed from previous news releases, previous
6 information that she may have received and that she will do so.
7 The challenge is denied.

8 Let's see, it is 4:20. Let's utilize ten minutes.

9 Do we have the jury box full now?

10 No, we don't.

11 MR. MANZELLA: No, 7.

12 THE COURT: No, 7, Mr. Reichel.

13 We'll ask you, Mrs. Thompson, to wait outside, if
14 you will.

15 You may go back to Department 100 with the other
16 jurors, if you would, please.

17
18 VOIR DIRE EXAMINATION

19 OF AUGUST W. REICHEL

20 BY THE COURT:

21 Q Mr. Reichel, you were present when the Court
22 explained the nature of this case, is that true?

23 A Yes, sir.

24 Q And you heard the Court's explanation to the
25 prospective juror who was first called from your group?

26 A Yes, sir.

27 Q Would your answers be any different than his
28 answers to the questions of a general nature?

1 A No, sir.

2 Q Would it be any hardship to you, Mr. Reichel, if
3 you were caused to serve on this jury?

4 A I think it would, sir.

5 Q Tell us about that.

6 A I work for myself. I am an investment adviser.
7 I manage investment accounts, mostly trading accounts. They
8 depend upon me to be at the market daily.

9 Q It is a rather personal business, then?

10 A Yes, it is. I am the only one in the business
11 and my sole income are the accounts.

12 Q If you were removed from it for a period of four or
13 five months, what would happen?

14 A Well, it wouldn't operate, sir, under those
15 circumstances, because I found that the time I've been here
16 so far, two weeks, has hindered. It is --

17 Q Would you lose those clients?

18 A Probably would, because they're trading accounts.
19 They depend upon me to furnish daily information. And I
20 spend from 9:00 to 12:30 at the brokerage every day.

21 Q I see. Are you a broker, then?

22 A No, sir.

23 Q But you're an agent for --

24 A I'm just a private investment adviser, but I
25 manage the accounts. But I operate through another broker.

26 Q I see. Is that the major source of your income?

27 A That's all there is, yes, sir.

28 I do a little in literature agency work but the

1 income from that has averaged less than a hundred dollars a
2 month.

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1 THE COURT: Gentlemen, any questions?

2 MR. MANZELLA: People will stipulate that it will
3 constitute a hardship, your Honor.

4 MR. KANAREK: Submit it, your Honor.

5 THE COURT: The Court finds that it would constitute
6 a hardship to you and that, therefore, you should not be
7 required to serve. Thank you very much, Mr. Reichel.

8 Take another name, then.

9 Room 253 on Monday, if you would.

10 Do you have time left?

11 JUROR NO. 3: Yes, sir.

12 THE COURT: Thank you very much.

13 THE CLERK: Miss Cathryn A. Novak, C-a-t-h-r-y-n,
14 N-o-v-a-k.

15 MR. KANAREK: While no jurors are in the room, may the
16 record reflect that Bill Henry was a person of the black or
17 Negro race?

18 THE COURT: He was or is?

19 Was and still is?

20 MR. KANAREK: Yes.

21 THE COURT: Yes, the record may so show.

22 MR. KANAREK: Yes, thank you.

23 Oh, the same as to Clarence Henson, your Honor.

24 THE COURT: Yes, Mr. Henson was Negro.

25 MR. KANAREK: Thank you.

26 THE COURT: So is Mrs. Thompson.

27 MR. KANAREK: That came out, I think, in the interro-
28 gation.

1 The Court has, from time to time, tried to raise
2 that when it was material or the Court thought it might be
3 material.

4 Let's see, we have called for Mr. Novak -- or Mrs.
5 Novak.

6 THE BAILIFF: Yes, sir.

7 MR. KANAREK: I think if we put one on tap, your Honor.

8 THE COURT: Probably the thing to do. Why don't we call
9 another name. Looks like we're going to need it.

10 THE CLERK: David E. Rich, R-i-c-h.

11 THE COURT: I can't understand what takes so long to get
12 over here from Department 100. Are they crawling over here or
13 what?

14 Are you Mrs. Novak?

15 MISS NOVAK: Miss Novak, yes.

16 THE COURT: Miss Novak, would you come forward, please.

17
18 VOIR DIRE EXAMINATION

19 OF MISS CATHRYN NOVAK

20 BY THE COURT:

21 Q Miss Novak, the Court would ask you whether or not
22 you were present during the course of the Court's explanation
23 of the nature of this case and the Court's questioning of
24 prospective juror -- the first prospective juror from your
25 group?

26 A Yes, I was present.

27 Q Would your answers be any different than his were
28 to the -- his or hers -- I can't remember whose it was at this

1 time -- to the questions of a general nature?

2 A No.

3 Q Would there be any hardship if you were caused to
4 serve in this case?

5 A I don't believe so. I checked with my boss and he
6 said he thought there would be no problem. But he has not
7 checked with the head of the company yet.

8 Q Are you -- where are you employed?

9 A I am employed at Foote, Cone & Belding, which is
10 an advertising agency.

11 Q Foote, Cone & Belding in the downtown area near --

12 A Vermont.

13 Q Vermont.

14 How long have you been employed there and what
15 are your duties there?

16 A I have been there two years, and I am in the
17 research department.

18 Q Have you had jury duty before?

19 A Uh, just this tour of duty.

20 Q And have you sat on a criminal case?

21 A No.

22 Q Is this your first jury to which you've been
23 called?

24 A No, I was previously on a civil case.

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

27 A No.

28 Q In what area do you reside, generally?

1 A West Hollywood.

2 Q Do you have such views concerning the death
3 penalty that you would, by reason of those views, automatically
4 refuse to impose it regardless of the evidence in the case?

5 A I believe I would have considerable difficulty
6 imposing the death penalty, yes.

7 Q Aside from any difficulty you might have, would
8 you consider the evidence and determine whether, in your
9 judgment, and your judgment alone, the verdict of death should
10 be imposed or the punishment of death should be imposed?

11 A I do not believe that I could make that
12 decision and impose the death penalty.

13 Q In other words, you would refuse to consider the
14 death penalty in any case regardless of the evidence?

15 A I believe so, never having served in a criminal
16 case, it has never been put to the test. But I do not -- I
17 cannot conceive of myself ever imposing the death penalty.

18 Q Well, this is the time the Court is asking you to
19 look into your mind and determine whether or not you have the
20 state of mind in which you would automatically refuse to impose
21 the death penalty without regard to the evidence?

22 A I believe that I would refuse to do so, yes.

lb

11b-1

1 Q Judging by what you said, you certainly would not
2 automatically impose the death penalty upon a conviction of
3 murder?

4 A No, no.

5 Q The question is whether or not you would ever,
6 in any case, impose the death penalty?

7 Can you say that that is your state of mind?

8 A I think so. I don't think I have the right to
9 determine life or death for anyone else.

10 Q You say "I think so." Are you hedging on that?

11 A No, no.

12 Q In that you are not quite sure? That it is possible
13 that you might consider the evidence and after considering the
14 evidence determine somebody deserves the death penalty?

15 A I think the answer is no. I seriously do. I do
16 not -- nothing in this world is 100 percent sure.

17 Q So what you are saying to me is you are not sure?

18 A But I am as sure as I can be that I could not
19 impose the death penalty regardless of the evidence.

20 Q Would your feelings be strong enough so that you
21 would automatically, without consulting other jurors, without
22 talking with them, without considering the evidence, simply
23 vote against the death penalty?

24 MR. KANAREK: Your Honor, despite --

25 THE COURT: Sustained. Sustained.

26 Q BY THE COURT: Would you, without considering the
27 evidence whatever, in any way, automatically refuse to impose
28 the death penalty?

11b-2

1 A Yes.

2 MR. MANZELLA: People would respectfully challenge for
3 cause under Section 1073, Subdivision 2 of the Penal Code,
4 your Honor.

5 THE COURT: You may question.

6 MR. KANAREK: Yes, thank you, your Honor.

7
8 VOIR DIRE EXAMINATION

9 BY MR. KANAREK:

10 Q Miss Novak, directing your attention, then, to
11 your state of mind.

12 You would certainly discuss matters with your
13 fellow jurors, right?

14 A With respect to what?

15 Q With respect to any issue; is that a fair
16 statement?

17 A Yes, that is a fair statement.

18 Q And you'd discuss it and you would -- and you
19 would listen to them and hopefully they would listen to you
20 and you wouldn't make up your mind until after you had heard
21 the evidence in court, discussed it with your fellow jurors,
22 and then come to a conclusion, whatever it might be?

23 A With respect to guilt or innocence, yes, that
24 aspect.

25 Q But you would discuss -- like you say, anything
26 in life is possible or maybe I'm not paraphrasing it just
27 exactly right, but when you first came -- when you first sat
28 down, you indicated that you were against the death penalty.

11b-3

1 But certainly you are willing to listen and maybe
2 the -- you could be convinced and maybe you could not be
3 convinced, right?

4 A With respect to the death penalty?

5 Q With respect to -- yes, inasfar as if this case
6 ever got to such a position, you would discuss it with your
7 fellow jurors and, then, come to a decision?

8 A I would discuss it, but I would not impose the
9 death penalty.

10 Q Well, but not having experienced it, not having
11 gone through it, you don't really know for sure what you would
12 do in a particular set of circumstances, whatever those
13 circumstances might be?

14 THE COURT: Can we get the balance of the panel in.

15 THE BAILLIFF: Yes, sir.

16 A I still would say I can -- I don't think that I
17 could ever impose the death penalty.

18 MR. KANAREK: Thank you.

19 MR. MANZELLA: People would renew the challenge, your
20 Honor.

21 MR. KANAREK: Your Honor, we oppose the challenge.
22 I ask your Honor to consider the language that this juror,
23 Miss Novak, has given to us, I look at all of the evidence --
24 all of the words that she has spoken, your Honor.

25 MR. MANZELLA: Yes, your Honor, I would like to argue
26 the point. Now that the jury is here, may we do it up at the
27 bench?

28 THE COURT: No.

11b-4

Miss Novak, do you have something to say?

JUROR NO. 7: Yes, I honestly do not think I could live with myself if I was ever responsible for the death of another human being except in self defense and I do not think that I could ever impose the death penalty.

12 fls.

12-1

1 Q Well, is there any equivocation on your part in
2 the way you are phrasing that?

3 A I don't intend to -- to -- to make it doubtful.
4 I do not -- I cannot impose the death penalty.

5 Is that stronger?

6 Q Well, that's stronger. But is that your state of
7 mind?

8 A Yes, that is my state of mind.

9 Q And would you automatically refuse to impose it,
10 in any case, regardless of the evidence?

11 A I would have to say: Yes.

12 Q Why do you phrase it, "I would have to say yes."

13 A As I said, there is a measure of doubt in any
14 situation that involves any human being.

15 But in all my experience, and in all of my thinking,
16 I would have to say: Yes, I would have to refuse.

17 Nothing in life is 100 percent certain.

18 Q And at this point, you are not 100 percent certain
19 that that would be your reaction, then?

20 A But as far as I can tell --

21 Q Am I stating what you have just stated to me
22 correctly? That you are not certain at this moment, 100
23 percent, that that would be your attitude?

24 A No, I think I would have -- I just can't impose
25 the death penalty.

26 THE COURT: All right. The People's challenge is denied.
27 I think --

28 MR. MANZELLA: Your Honor, may I -- this is the first

1 time I've asked to approach the bench, --

2 THE COURT: All right. You may.

3 MR. MANZELLA: -- but I would appreciate it if I could.

4 THE COURT: All right. I'll hear your argument on the
5 record.

6 MR. MANZELLA: Thank you.

7 (Whereupon, the following proceedings were had
8 at the bench among the Court and counsel, outside the
9 hearing of the prospective juror:)

10 MR. MANZELLA: Your Honor, the juror -- the difference --

11 THE COURT: Now, the Court realizes that she has said
12 that she thinks that she could not impose the death penalty.
13 She says that she cannot impose the death penalty.

14 But when we get to the question of whether or not
15 her reaction would be automatic, without regard to the evidence,
16 she is not -- as she puts it -- 100 percent certain.

17 MR. MANZELLA: Well --

18 THE COURT: And I think that, in order to comply with
19 the Witherspoon vs. Illinois rules set out, that she must be
20 certain that her reaction would be an automatic one, voting
21 against the death penalty, without regard to the evidence.

22 MR. MANZELLA: Well, I have two points to make. In the
23 first place, I don't think the language, "I think so, I
24 believe so," is evidence of equivocation. Because in
25 People vs. Floyd and Milton, the -- several jurors stated,
26 when asked if they would automatically refuse to impose the
27 death penalty, without regard to the evidence, the jurors
28 stated, "I believe so."

1 The Court -- the California Supreme Court, in
2 Floyd and Milton, said: Excusing a juror for cause under
3 Section 1073, Subdivision 2 of the Penal Code is proper in
4 that situation. That's the first point, on the language.
5 In other words, the California Supreme Court on that same
6 language, "I think so," or, "I believe so," has already said
7 that it's proper to excuse a juror for cause, who uses that
8 language in connection with -- in answer to the questions
9 you've asked.

10 My second point is that she said that she's --
11 that nothing in human affairs is 100 percent sure, but that
12 she is as sure as she can be that she would never impose the
13 death penalty.

14 Now, to my mind --

15 THE COURT: Well, she was obviously referring to herself.
16 She wasn't talking in a vacuum, about human affairs generally.
17 She was speaking about her own attitude.

18 Otherwise, there would be no sense in what she
19 said.

20 MR. MANZELLA: But she also said that she's sure as she
21 can be that she would never impose the death penalty.

22 THE COURT: Her manner, and her beginning statements,
23 and the gradual change in her statements, lead me to believe
24 that she may have other reasons for wanting to avoid the
25 jury service.

26 But I cannot say that I am convinced that her
27 attitude is clear, that she would automatically refuse to
28 impose the death penalty, without regard to the evidence.

1 So I will deny the People's challenge for cause.

12a-1

2 MR. MANZELLA: Would you permit me to ask her some
3 questions on the point? I don't mean as far as --

4 THE COURT: Well, you've --

5 MR. MANZELLA: I know that you've said you've denied
6 the challenge, but I mean, as far as the questions that I have
7 asked other jurors about the death penalty, would you permit
8 me to ask her those questions?

9 THE COURT: I think not. We've pretty well exhausted
10 that, including her meaning of -- she has made some effort
11 to be specific, in connection with her meaning; and still, I
12 have that doubt as to whether or not she does come within the
13 rules allowing me to grant the challenge for cause.

14 All right.

15 MR. MANZELLA: Well, your Honor, but you didn't ask
16 her the question that you usually ask about guilt; you know,
17 guilt or innocence. That's what I was referring to.

18 THE COURT: All right. I'll ask that.

19 MR. MANZELLA: Whether she might vote for second degree,
20 in order to avoid having to decide the death penalty.

21 THE COURT: You are correct. I don't believe I got
22 to that.

23 MR. MANZELLA: That's what I meant.

24 THE COURT: You may ask her that.

25 MR. MANZELLA: Should I do it out of the presence of
26 the other --

27 THE COURT: No, I'm going to excuse the jurors now
28 anyhow. It's 20 minutes to 5:00.

1 MR. MANZELLA: Okay.

2 (Whereupon the following proceedings were had
3 in open court, within the presence and hearing of
4 the prospective jury panel:)

5 THE COURT: Those of you who are prospective jurors
6 beyond the rail -- is 9:30 satisfactory to everybody?

7 MR. KANAREK: Could it be 9:45, your Honor?

8 THE COURT: 9:45?

9 MR. KANAREK: Your Honor, I might say --

10 THE COURT: We will excuse you, ladies and gentlemen,
11 until 9:45 tomorrow morning. Everyone be on time. We will
12 try to start on time tomorrow morning.

13 You are excused until that time. Remember the
14 admonition that you are not to converse amongst yourselves
15 nor with anyone else, nor are you to permit anyone to converse
16 with you on any subject connected with this matter, nor form
17 or express any opinion on it, until it is finally submitted
18 to you.

19 Good night, ladies and gentlemen.

20 MR. KANAREK: Your Honor, your Honor was going to ask
21 Mrs. Loudd about whether --

22 THE COURT: Mrs. Loudd? Where's Mrs. Loudd?

23 MR. KANAREK: Mrs. Loudd?

24 THE COURT: I suppose she's already gone out the door.

25 No. You are Mrs. Love, aren't you?

26 JUROR NO. 9: Yes.

27 THE COURT: We were talking about Mrs. Loudd, who got
28 away through the door there, before we could get to her. She

1 had a question to answer.

2 But, Mrs. Love, we will see you tomorrow morning
3 at 9:45.

4 (Whereupon the members of the prospective jury
5 panel exited the courtroom, and the following proceed-
6 ings were had:)

7 THE COURT: Go ahead, Mr. Manzella.

8 MR. MANZELLA: Thank you, your Honor.

9
10 VOIR DIRE EXAMINATION

11 BY MR. MANZELLA:

12 Q Miss Novak -- do you feel all right?

13 A No, I -- I'm getting hysterical.

14 (Crying.)

15 Q I'm sorry.

16 A It's just that if I have to serve on this jury,
17 I am going to -- and I am forced to decide life and death,
18 I could be a murderer! I don't want to be forced into that
19 position.

20 MR. MANZELLA: Your Honor --

21 DEFENDANT MANSON: Then get up and walk out. No one's
22 forcing you to do anything. Get up and walk out.

23 THE COURT: All right. Would you put Mr. Manson out,
24 please?

25 DEFENDANT MANSON: See how simple it is? No one can
26 really force anyone to do anything.

27 THE COURT: Well, we can force you to leave the courtroom
28 now, Mr. Manson.

1 DEFENDANT MANSON: Only because I let you. I don't
2 see any men among you.

3 (Whereupon the following proceedings were had
4 after the defendant Manson had been ushered into the
5 detention room.)

6 THE COURT: All right. Calm yourself, now, and respond
7 to these questions, would you?

8 JUROR NO. 7: Okay.

9 THE COURT: Do you understand the conditions under which
10 you'd have to decide the penalty?

11 JUROR NO. 7: Yes. Only if there is a conviction of
12 guilt of first degree murder.

13 THE COURT: Right.

12b fls.

12b-1

1 Q BY MR. MANZELLA: During the guilt phase of the
2 trial, the first phase of the trial, as the Judge has already
3 told you, you are supposed to put out of your mind any question
4 of the penalty or punishment; do you understand that?

5 A Yes.

6 Q In other words, when you are deciding the guilt or
7 innocence during the first phase, you are not to consider that
8 you might, if you convict a person of first-degree murder,
9 have to consider life or death; do you understand that?

10 A Yes.

11 Q All right. Do you think that you could decide
12 the question of guilt or innocence -- in other words, whether
13 somebody was or was not guilty of first-degree murder, or any
14 other crime -- without considering that you might have to
15 decide the question of life or death?

16 Do you think you could decide the one question,
17 without thinking of the other one?

18 A I think so.

19 Q Now, you've indicated some -- some degree of
20 uncertainty about whether or not you could vote for the death
21 penalty.

22 A (Laughing.)

23 Q Do you feel that, during the guilt phase of the
24 trial, and considering whether or not Mr. Manson was guilty of
25 first-degree murder, do you feel that your decision might be
26 influenced by the fact that, if you found him guilty of first-
27 degree murder, you'd have to decide his penalty or his
28 punishment?

1 MR. KANAREK: It's been asked and answered, your Honor.

2 THE COURT: Overruled.

3 JUROR NO. 7: I don't think so.

4 Q BY MR. MANZELLA: So -- let me ask you this: Would
5 you find Mr. Manson guilty, either find Mr. Manson not guilty
6 or find him guilty of something less than first-degree murder,
7 just to avoid having to decide the question of life or death?

8 MR. KANAREK: Improper voir dire, your Honor, and --

9 THE COURT: Overruled.

10 MR. KANAREK: Asked and answered.

11 THE COURT: You may -- well, you may rephrase the
12 question.

13 Q BY MR. MANZELLA: Would you find Mr. Manson guilty --
14 strike that.

15 Would you find Mr. Manson not guilty, or find him
16 guilty of something less than first-degree murder, just because
17 you wanted to avoid having to decide the question of life or
18 death?

19 MR. KANAREK: Leading and suggestive, improper voir
20 dire; asked and answered.

21 THE COURT: Overruled. You may answer the question.

22 Do you wish it read back?

23 JUROR NO. 7: No, I --

24 THE COURT: Or do you understand it?

25 JUROR NO. 7: Yes, I understand it.

26 Uh -- I just don't -- at this point, I don't know
27 anything any more.

28 I didn't think I was going to get up here and be

1 hysterical, either, you know.

2 Q BY MR. MANZELLA: Well, don't worry about it.
3 It's happened before.

4 The case is going to be -- is going to last about
5 four months.

6 Now, would the fact that you might -- that there
7 was a possibility that you'd have to consider the penalty,
8 would that in any way prevent you from giving your full
9 attention to the evidence introduced in the first part of
10 the trial?

11 MR. KANAREK: Asked and answered.

12 Q BY MR. MANZELLA: The guilt part of the trial?

13 MR. KANAREK: Several times.

14 MR. MANZELLA: Your Honor, that has not been answered
15 yet.

16 THE COURT: Overruled. You may answer.

17 JUROR NO. 7: I didn't think so before, but it might.
18 I am beginning to think it might.

19 THE COURT: All right. I'll tell you what. You think
20 about it, Miss Novak. Think about your -- your convictions
21 with respect to the death penalty, and whether or not it would
22 keep you from being fair and impartial in the first phase,
23 in considering any of the evidence, or any of the questions
24 that you might be called upon to consider.

25 The Court will call this tomorrow again, and
26 the Court will excuse you for this evening.

27 Come back at 9:45 tomorrow morning.

28 Don't discuss this amongst anyone; don't permit

1 anyone to -- well, don't discuss it amongst your fellow jurors,
2 I mean, or don't discuss it with anyone. And don't form or
3 express an opinion on the matter until it is finally submitted
4 to you, should you be chosen as a juror.

5 Good night, gentlemen. See you tomorrow morning.

6 MR. KANAREK: Yes, your Honor. I just wanted to --
7 thank you, Miss Novak.

8 JUROR NO. 7: I'm sorry.

9 MR. KANAREK: I just wanted to make a point to the Court.

10 (Whereupon, Juror No. 7 exited the courtroom, and
11 the following proceedings were had:)

12 MR. KANAREK: Your Honor, if I may, may I make this
13 record? It's my belief that what counsel is doing is denying
14 Mr. Manson a fair trial, equal protection and due process,
15 under the Fourteenth Amendment; in that clearly, counsel is
16 going to challenge -- is going to exercise a peremptory
17 against this lady, as he did against Miss Wefel; and it --
18 there is -- there is a fantastic favoritism in the posture of
19 the law, because of these types of questions that are allowed
20 in connection with the death penalty.

21 And it -- and it -- we feel that -- that there
22 has been enough questioning of this lady in connection with
23 the death penalty, and that if the prosecution wishes to not
24 have this lady on the jury, that they must exercise a
25 peremptory, and --

26 THE COURT: All right. You have made the record clear.

27 MR. KANAREK: And that it's a denial --

28 THE COURT: 9:45 tomorrow morning.

1 MR. KANAREK: Thank you, your Honor.

2 (Whereupon, at 4:48 p.m., an adjournment was
3 taken until 9:45 a.m., Friday, July 9, 1971.)
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