

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.

113

No. A-267861

REPORTERS' DAILY TRANSCRIPT

Tuesday, July 13, 1971

VOLUME 13APPEARANCES:

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, TUESDAY, JULY 13, 1971

10:30 A.M.

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4 THE COURT: All right, in the case of People vs. Manson,
5 Mr. Manson is present with his counsel, Mr. Kanarek. Mr.
6 Manzella for the People. The prospective jurors are present
7 and in the box.

8 Off the record.

9 (Whereupon, a discussion was had off the
10 record.)

11 THE COURT: All right, on the record.

12 The Court believes that it has concluded the
13 examination of Mrs. Lee with the exception of the subject
14 of pretrial publicity.

15 Is there anything that you gentlemen wish to ask
16 Mrs. Lee at this time?

17 MR. MANZELLA: No.

18 THE COURT: The Court, then --

19 Mr. Kanarek, anything you wish to ask of Mrs. Lee
20 at this time?

21 MR. KANAREK: No, your Honor.

22 THE COURT: Let's do it this way, rather than move
23 you out into that hallway, I think what I'll do at this time
24 is ask Mrs. Lee and all concerned to come into chambers. I'll
25 buzz the Clerk and everyone can come into chambers.

26 Let's see, the defendant, both counsel, the
27 reporters, and Mrs. Lee. And you may all just remain here,
28 ladies and gentlemen, in the courtroom until we come out

1 again. And during the time that we're in chambers or during
2 any recess, the same admonishment prevails that I have
3 heretofore given you, you are not to converse among yourselves
4 or with anyone else on any subject connected with this case.

5 All right, I'll buzz you when I'm ready, and you
6 may come in, or the reporter can come in and set up now.

7 (Whereupon, the following proceedings were had
8 in chambers:)

9 THE COURT: All right, the record will show that we
10 are in chambers in the case of People vs. Manson.

11 Mrs. Lee is present. The defendant is present
12 with Mr. Kanarek. Mr. Manzella for the People.

13
14 VOIR DIRE EXAMINATION OF
15 MRS. BILLIE J. LEE

16 BY THE COURT:

17 Q Mrs. Lee, the Court wants to inquire of you whether
18 you had heard of Mr. Manson before the time that you came into
19 this courtroom?

20 A Yes, I have.

21 Q And in what connection had you heard his name?

22 A Uh, at the time, the very beginning of the
23 original case.

24 Q By "original case" are you speaking of the Tate-
25 La Bianca --

26 A Yes.

27 Q -- homicides?

28 A Yes.

1 Q And did you follow that case --

2 A I did not.

3 Q -- in the news media at all?

4 A I did not.

5 Q From time to time did you see something in the
6 newspapers or on television or did you hear something on the
7 radio?

8 A From time to time I would hear something on the
9 radio driving to and from work or news in the afternoons
10 sometimes on TV.

11 Q Did you learn about the result of the trial?

12 A No, I haven't. I didn't keep up with it, sir.

13 Q You don't know whether Mr. Manson was convicted
14 of anything or whether there was a penalty found by the jury?

15 A I really don't, sir.

16 Q Do you know the name Sharon Tate?

17 A I remember hearing this name before, yes.

18 Q And do you know her to be a victim?

19 A I'm not sure.

20 Q You're not sure.

21 Do you know the names of the alleged victims in
22 that Tate-La Bianca case?

23 A No, sir. As I said, I do not read the newspaper
24 at all.

25 Q Do you know the term Manson Family?

26 A I've heard this before, yes.

27 Q And what do you know that term to mean?

28 A Uh --

1 Q What does it mean to you, let's put it that way?

2 A Frankly, nothing, sir, except, you know, from what
3 I have gathered, you know, people talking, that these were his
4 followers or something like this.

5 Q In other words, a group of people who follow Mr.
6 Manson?

7 A That's the way I took the group.

8 Q That's your best remembrance of what it means to
9 you?

10 A That's it.

11 Q You don't recall reading or hearing, seeing in
12 the news concerning Mr. Manson's being convicted at all?

13 A No, I do not, sir.

14 Q Do you recall anything being said in any of the
15 media during the course of that trial about a statement made
16 by the President of the United States?

17 A I recall something about it slightly, yes.

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1 Q Do you recall that during the course of that
2 trial, there was anything that caused you to have any strong
3 feeling, as a result of what was said concerning Negroes, an
4 anti-Negro feeling?

5 A No, sir. Because as I said, I really didn't follow
6 the case that well. I usually work night shift, and when I
7 do -- you know, in the morning, I just don't have time to read
8 papers or listen --

9 Q You never heard anything with any racial overtones?

10 A Nothing at all, not one bit.

11 Q Well, at this time, as a result of what you read,
12 do you have any prejudice against Mr. Manson, any bias against
13 him, to start with?

14 A None whatsoever.

15 Q If, during the course of the trial, you should
16 remember anything about what you have heard, seen or read
17 about that other trial -- or about this case -- do you think
18 that you could effectively segregate any publicity that you
19 may have absorbed, or that you may have remembered, from the
20 evidence in this case?

21 A I most certainly could.

22 Q Do you think that you are objective and mentally
23 capable of segregating any such news items from the evidence in
24 the case?

25 A Yes, I do. I could very easily do that.

26 Q And will you do that?

27 A I would.

28 Q And will you be fair and impartial?

1 A Completely fair.

2 Q Before we leave -- before I leave that subject, let
3 me ask you: Do you know the name Shorty Shea in any way?

4 A No, I've never heard that name, I don't think.

5 Q Gary Hinman?

6 A I think I've heard that name. I'm not sure.
7 But -- I couldn't say.

8 Q You can't remember in what connection?

9 A No, I really can't.

10 Q Susan Atkins? Do you remember that name?

11 A I remember that name, yes.

12 Q What do you remember about that?

13 A Like I said, as far as I remember, I think -- I'm
14 not positive; perhaps that was one of his followers. I'm not
15 sure.

16 As I said, I really didn't keep up with the case.

17 Q If, during the course of deliberations or during
18 the course of this trial, things that you've heard, seen or
19 read should start to come back to you, will you set them
20 aside -- not forget them, but set them aside, discard them --
21 for the purpose of making judgments independently on any
22 issues that you might be called upon to decide in this case?

23 A I would.

24 Q And you think you can do that?

25 A I know I can.

26 THE COURT: Very well. Do you wish to inquire of
27 Mrs. Lee?

28 VOIR DIRE EXAMINATION.

1 BY MR. KANAREK:

2 Q Yes. Where is it that you work?

3 A I work for McDonnell-Douglas Aircraft.

4 Q And you work for them now?

5 A I am a structural assembler.

6 Q And you get -- and how long will they pay you?

7 A They will pay me for my 20 calendar days.

8 Q And after that, you will be terminated; is that
9 right?

10 A No, sir.

11 Q Well, you won't be terminated?

12 A No. I will have a legal layoff.

13 Q I see.

14 A I was out there last night, and I got the right
15 information to make sure.

16 THE COURT: You are really pursuing the subject of
17 publicity, now. Let's cut it short, so that we can get right
18 to it.

19 If you wish to inquire on other subjects, you
20 may, but that should be done at the proper time.

21 Q BY MR. KANAREK: You would certainly intend to
22 put aside anything you have heard about Mr. Manson?

23 A I would definitely put it aside. This would be a
24 different thing completely.

25 Q But you never had an experience of having to put
26 something aside, have you?

27 A I don't know exactly how to answer that. I
28 mean -- I did jury service before, but -- no, I guess not.

1 Q I see. And when did you do jury service before?

2 A Two years ago.

3 Q In what court?

4 A Municipal.

5 Q Oh. Did you handle both civil and criminal cases?

6 A Uh -- as far as I can remember. I think they were
7 civil.

8 Excuse me, Judge. Is -- is Under the Influence --

9 THE COURT: That would be a criminal case.

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10 JUROR NO. 3: Well, then, I did criminal also.

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1 Q BY MR. KANAREK: That was one of your cases?

2 A Yes. So I also did that case.

3 MR. KANAREK: Thank you.

4 BY THE COURT:

5 Q One thing that I forgot to ask you about, and
6 that is the -- the news report that appeared over the weekend
7 concerning a Ronnie Howard, and a -- had you read anything
8 about that?

9 A No, sir.

10 Q Had you read anything -- I believe you raised your
11 hand when I asked you whether you heard any news report?

12 A I did. I saw some headlines on a paper.

13 Q Oh, I see.

14 A That's all. I didn't even buy the paper, as
15 usual. I just saw it --

16 Q Do you recall what the headlines said?

17 A Something about -- I think "La Bianca" or
18 something, "two witnesses shot at" or something like this.
19 This was all. It was --

20 Q Did you take any inference from that against Mr.
21 Manson?

22 A Nothing whatsoever. In fact, I was already
23 instructed by you not to even be concerned about anything
24 like this, or listen to the news. So this, I haven't done.

25 Q Would you allow that to enter into your judgment
26 in any case --

27 A None whatsoever.

28 Q -- upon any issue that you might be called upon

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1 to decide?

2 A No, not at all. I figure he's here, and he
3 couldn't possibly have anything to do with something like
4 this.

5 THE COURT: Mr. Manzella, do you have any questions?

6 MR. MANZELLA: No questions. Thank you.

7 THE COURT: All right, Mrs. Lee. Would you just go
8 out there and take your place in the box?

9 JUROR NO. 3: Sure.

10 THE COURT: Thank you.

11 (Whereupon Juror No. 3 exited the chambers,
12 and the following proceedings were had:)

13 THE COURT: Do you have any challenge at this time?

14 MR. KANAREK: No, your Honor.

15 THE COURT: Well, let's resume our proceedings out in
16 the courtroom.

17 (The following proceedings were had in open
18 court, within the presence and hearing of the entire
19 prospective jury panel:)

20 THE COURT: The record will show that, in the case of
21 People vs. Manson, that we are reassembled in the courtroom.
22 The defendant is present with Mr. Kanarek. All the prospec-
23 tive jurors are present.

24 Do you gentlemen wish to question Mrs. Lee any
25 further? Any further voir dire?

26 MR. KANAREK: No, your Honor.

27 THE COURT: Pass for cause?

28 MR. KANAREK: Yes, your Honor.

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1 THE COURT: Mr. Manzella?

2 MR. MANZELLA: Thank you, your Honor.

3 THE COURT: Thank you. Thank you, Mr. Stegall.

4 VOIR DIRE EXAMINATION

5 BY MR. MANZELLA:

6 Q Mrs. Lee, do you know anyone involved in the
7 defense of criminal cases as a lawyer, investigator, or
8 anything of that nature?
9

10 A No, I can't say that I actually do.

11 Q Do you know anyone who has ever been accused of
12 any crime?

13 A No.

14 Q You understand the burden of proof on the People--

15 A Yes, I do.

16 Q Would you hold the People to any higher burden of
17 proof, or any greater burden of proof because this is a
18 murder case?

19 A No, I wouldn't.

20 Q Do you have any bias against or quarrel with
21 circumstantial evidence?

22 A I do not.

23 Q Do you have any quarrel with the law which permits
24 a person to be convicted of first degree murder, based upon
25 circumstantial evidence?

26 A I do not.

27 Q Do you have any quarrel with the law which
28 permits a person to be convicted of first degree murder where

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1 the death of the alleged victim is proved by circumstantial
2 evidence?

3 A I didn't quite understand the last part.

4 Q Do you have any quarrel with the law which
5 permits a person to be convicted of first degree murder, where
6 the death is proved by circumstantial evidence?

7 A I do not.

8 Q Did you hear the Court's instructions with
9 regard to aiding and abetting and conspiracy?

10 A I did.

11 Q Do you have any quarrel with those legal doctrines?

12 A I do not.

13 Q Do you have any quarrel with the law which permits
14 a man to be convicted of first degree murder, even though he
15 is not present at the scene of the killing?

16 A I do not.

2b fls.

1 Q I take it you've given some thought to the subject
2 of your feelings about the death penalty; is that correct?

3 A Uh -- no.

4 Q Well, do you feel that if you -- after hearing
5 all of the evidence in this case, that if you felt in your
6 sole and absolute discretion that the case was one in which
7 the death penalty was justified, could you vote for the
8 death penalty?

9 A I could.

10 MR. MANZELLA: All right. Thank you. The People pass
11 for cause, your Honor.

12 THE COURT: The next peremptory challenge is with
13 the People.

14 MR. KANAREK: Your Honor, I wonder if we could --
15 could we approach the bench for a moment?

16 THE COURT: Yes, you may.

17 Do you want the reporter?

18 MR. KANAREK: Yes. Yes, your Honor.

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

22 MR. KANAREK: Your Honor, I ask that -- first of all,
23 I challenge Mrs. Lee under 1073, Subsection 2, and I ask
24 that -- because of the denial of a public trial, in your
25 Honor's chambers, among other reasons.

26 Previously, on this record, we have indicated we
27 do not waive a right to a public trial. Your Honor summarily
28 ordered us into chambers. I could not, in the presence of

1 this jury, without appearing to be -- the jury not being
2 lawyers, not understanding the legal implications, I could
3 not voice my objection, nor in the presence of this lady.

4 And so I do object. I ask that she be discharged,
5 and that the proceedings that took place out of the public --
6 we are entitled to a public trial, and we ask for a public
7 trial.

8 And also, this parading of Mr. Manson up and down
9 in front of the jury there, this is a most horrendous process.

10 May the record reflect that it's necessary, to
11 go into your Honor's chambers, for Mr. Manson and the entourage,
12 the entourage of the lawyers and the court reporters, to --
13 to go within very close range of the prospective jurors --
14 who look at Mr. Manson as if he were some kind of vermin.

15 And so I do object, and I ask that this -- that
16 Miss Lee be discharged. And I challenge her under 1073,
17 Subaection 2, because of the publicity, and -- and also
18 because of the lack of due process and equal protection,
19 under the 14th Amendment, right to a public trial.

20 And we want -- it's my request that we have no
21 more interrogation or proceedings in chambers.

22 MR. MANZELLA: Your Honor --

23 MR. KANAREK: And we have already, on this record,
24 objected to any such procedure, that your Honor summarily
25 imposed.

26 MR. MANZELLA: Your Honor --

27 MR. KANAREK: Previously, this record reveals that we
28 have said we want a public trial.

1 MR. MANZELLA: Your Honor, would the Court continue in-
2 chambers questioning over the defense objection? Or would
3 the Court go back to the way we were doing?

4 THE COURT: The Court will not continue the --

5 MR. MANZELLA: All right. Then the People --

6 THE COURT: -- questioning in chambers.

7 MR. MANZELLA: Then the People have no objection to the
8 excuse of this juror, on Mr. Kanarek's motion, your Honor, if
9 the Court does not intend to continue in chambers.

10 THE COURT: The Court does not intend to continue in
11 chambers over the objection of the defendant.

12 The Court assumed that it was with your -- as a
13 matter of fact, at the suggestion of both counsel. And the
14 Court made it clear as to what it was going to do, and there
15 was no objection.

16 MR. KANAREK: Well, your Honor --

17 THE COURT: And we had talked about this. And the
18 Court assumed that this is what you wished to do.

19 MR. KANAREK: No, counsel had not -- I don't think,
20 your Honor -- I am sure your Honor is honestly mistaken.

21 THE COURT: Well, did you not hear me make a statement
22 to the jury that this is what we intended to do?

23 MR. KANAREK: Yes. But I didn't want to, in the
24 presence of the jury, appear to be --

25 THE COURT: Well, you had the opportunity to ask to
26 approach the bench.

27 MR. KANAREK: Well, I know. But it would be obvious
28 to the jury what I -- what the thing was.

1 THE COURT: I see, Mr. Kanarek.

2 MR. MANZELLA: Well, your Honor, we have no objection
3 to the excuse of this juror, based on Mr. Kanarek's --

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

6 MR. KANAREK: Thank you.

7 (Whereupon, the following proceedings were had
8 in open court, within the presence and hearing of the
9 prospective jury panel:)

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1 THE COURT: Mrs. Lee, the Court will excuse you, and the
2 Court thanks you and you may report to Room 253 forthwith.

3 Do you have much time left?

4 JUROR NO. 3: Two more weeks, I think.

5 THE COURT: Thank you.

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

7 THE CLERK: Mrs. Vidella Hehnke, the first name is
8 spelled V-i-d-e-l-l-a, middle initial "L," last name is
9 spelled H-e-h-n-k-e.

10
11 VOIR DIRE EXAMINATION OF

12 VIDELLA L. HEHNKE

13 BY THE COURT:

14 Q Mrs. Hehnke, were you present when the Court
15 explained the nature of this case to your group of prospective
16 jurors and when the Court questioned a prospective juror who
17 was first chosen from your group to the box?

18 A Yes, I was.

19 Q Would your answers be different than the answers
20 of that prospective juror to the questions I put to him or
21 her of a general nature?

22 A No, they would not, sir.

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

25 A It would be physically, sir.

26 Q Tell me about that.

27 A I have arthritis of the spine. And it affects
28 my nerve system throughout my body. And I physically could

2
1 not sit -- stand up to it, I'm afraid.

2 Q Are you experiencing some trouble now; have you?

3 A Yes, I do. When I have to sit over long periods
4 of time, I do.

5 Q Are you under doctor's care?

6 A Yes, I am under a doctor's care.

7 Q And from time to time you see your doctor about
8 this ailment?

9 A Yes.

10 THE COURT: All right, the Court finds that that's
11 sufficient hardship that you should be excused.

12 The pain increases during the course of a day,
13 is that right?

14 JUROR NO. 3: Yes, right.

15 THE COURT: Would it make it difficult for you to
16 concentrate on the case?

17 JUROR NO. 3: Not -- if you would be speaking of five
18 or ten days, it wouldn't. But over a long period of time, it
19 would, I know.

20 THE COURT: I'll excuse you, Mrs. Hehnke. I find that
21 that's sufficient cause for you to be excused. The Court
22 thanks you. Room 253, forthwith.

23 MR. KANAREK: Thank you, Mrs. Hehnke.

24 THE CLERK: Mrs. Marie M. Kummer, K-u-m-m-e-r.

25
26 VOIR DIRE EXAMINATION OF

27 MARIE M. KUMMER

28 BY THE COURT:

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1 Q Mrs. Kummer, were you present during the course of
2 the Court's explanation of the nature of this case and the
3 Court's questioning of the first prospective juror called to
4 the box?

5 A Yes, sir.

6 Q And would your answers be any different than the
7 answers of that prospective juror to the questions of a
8 general nature?

9 A No.

10 Q All right. Would it be a hardship for you to
11 serve on this jury?

12 A No, sir.

13 Q Neither financial nor personal?

14 A No, sir.

15 Q Have you had jury service before?

16 A Uh, five years.

17 Q And have you had any service on any jury in any
18 criminal case this time?

19 A No, sir.

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

22 A Well, I can answer -- I don't really know exactly
23 how to answer that. Does that mean over a period of time or
24 at the present time?

25 Q At the present time do you have any friends or
26 relatives who are law enforcement officers?

27 A No.

28 Q As I have explained what law enforcement officers

4
1 are?

2 A No.

3 Q Previously you have had some friendship or
4 relationship?

5 A That's right.

6 Q What was that?

7 A Well, my husband passed away four years ago and
8 his brother is assistant chief of police in Long Beach.

9 Q Do you think that would affect your judgment in
10 this case?

11 A No, I don't think so, because I seldom see the
12 brother-in-law.

13 Q What type of work did your husband do, Mrs. Kummer?

14 A My husband was a real estate broker.

15 Q Are you employed outside the home?

16 A I am not at the present, no, sir.

17 Q And in what area do you reside?

18 A Hollywood.

19 Q In connection with your views regarding the
20 death penalty, are they such, Mrs. Kummer, that you couldn't
21 be fair and impartial in determining the guilt or innocence
22 in the first phase of the trial?

23 A No.

24 Q Or are your views concerning the death penalty
25 such that you would automatically refuse to impose it
26 regardless of the evidence?

27 A No. No, sir.
28

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1 Q Or are your views concerning the death penalty
2 such that you would refuse to impose it regardless of the
3 evidence in any case?

4 A No, sir.

5 Q Are your views concerning the death penalty such
6 that you would automatically impose it upon a conviction
7 of murder of the first degree regardless of the evidence?

8 A No, sir.

9 THE COURT: All right, ladies and gentlemen, the Court
10 is going to reverse the previous order that it made concern-
11 ing the manner of interrogation in chambers. We must
12 conduct this in open court and, therefore, the Court will go
13 back to the former method of handling it. That is, requiring
14 you all to leave the room and leaving Mrs. Kummer here while
15 the Court and counsel discuss with her any knowledge that she
16 might have of pre-trial publicity. I'm sorry we have to do
17 that, but that's the way it is.

18 Don't talk among yourselves or anyone else on any
19 subject connected with the matter.

20 Where can they report?

21 THE BAILIFF: They have to use the hallway today, sir.

22 THE COURT: Sorry, you have to wait out in that
23 hallway. We don't have a courtroom for you. I'll try to
24 make it brief, however. It is pretty warm in that hallway.

25 If you find another courtroom somewhere, let me
26 know.

27 THE BAILIFF: Yes, sir.

28 MARIE M. KUMMER,

1 BY THE COURT:

2 Q Mrs. Kummer, had you previously heard the name
3 Charles Manson before you came into this courtroom?

4 A Yes, sir.

5 Q And that was in connection with this case?

6 A Not with this case.

7 Q It was in connection with another case that you
8 had heard, seen or read about?

9 A That's right.

10 Q And what was the name of that case?

11 A Well, I don't know what the name --

12 Q How was it commonly referred to?

13 A The Manson case.

14 Q And in that Manson case, did you follow that in
15 the press?

16 A No, I didn't.

17 The fact of the matter is, for six months, from
18 February 7 until the 1st of April, I was out of the country.
19 I was on a cruise in the South Pacific. We didn't get
20 hardly any news down there.

21 Q Have you ever heard the name Sharon Tate?

22 A Yes.

23 Q What do you know about Sharon Tate?

24 A Nothing. Only just casual.

25 Q Well --

26 A You know, you read headlines, but I didn't
27 follow any of the case, particularly.

28 Q What connection at all did she have with the

1 Manson case, if any?

2 A Well, he was found guilty, I think, of the murder.

3 Q Pardon?

4 A He was found guilty of the murder as I --

5 Q The murder of what?

6 A Tate.

7 Q Of Sharon Tate?

8 A Uh-huh.

9 Q In other words, Sharon Tate was a victim in that
10 previous case that you are talking about?

11 A Yes, sir.

12 Q Do you know the names of any other victims?

13 A No, I don't.

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

15 A I think there were, but really I didn't follow it
16 that close. I'm not interested in those kind of things.

17 Q Had you heard the name Gary Hinman before, before
18 you came into this courtroom and the Court explained the nature
19 of this case?

20 A Uh, I may have. I don't really remember.

21 Q Had you heard the name Shorty Shea before?

22 A I don't remember about that either, particularly.

23 Q How about Manson Family? Had you heard, seen or
24 read that somewhere?

25 A Yes, at --

26 Q What does that mean to you?

27 A Well, that there was a group of them that lived
28 together.

1 Q Do you know what result -- You have already
2 stated that you believe that Mr. Manson was found guilty, is
3 that correct?

4 A That's correct.

5 Q That's your best remembrance of it?

6 A Yes.

7 Q Found guilty of what?

8 A Murder.

9 Q Of murder?

10 A Uh-huh.

11 Q Do you know whether the jury deliberated on
12 a penalty and, if so, what they found?

13 A Yes, I did hear that he was found guilty and
14 sentenced to death.

15 Q Now, having that in mind, and having in mind what
16 you may remember -- Let's strike that.

17 Having in mind that you have heard that, and
18 having in mind that you may remember other matters that you had
19 heard, read or seen, do you think that you could, if I
20 instructed you to do so, set aside whatever you may have heard,
21 seen or read, through any of the news media, and act
22 independently in determining any issue that might be presented
23 to you in this case, act independently of any such matter that
24 you may have heard, seen or read?

25 A Yes, I think I could.

26 Q You can do that?

27 A I think so.

28 Q You are saying "I think so."

1 A Well --

2 Q The Court needs to know whether or not you are
3 definite and certain in that expression?

4 A Yes, I am certain of it.

5 Q You know that you can do that?

6 A That's right.

7 Q Can you be objective in determining what is
8 evidence and what is the matter that you had heard, seen or
9 read previously and segregate the one from the other in
10 determining any issue in this case?

11 A Yes, sir.

12 Q Will you do that?

13 A Yes, I will.

14 Q Can you, and will you be fair and impartial in
15 determining any issue in this case?

16 A I will.

17 THE COURT: All right, Mr. Kanarek.

18 MR. KANAREK: Thank you, your Honor.

19 THE COURT: Excuse me, just one thing.

20 Q BY THE COURT: Incidentally, were you one of the
21 ladies that raised her hand when the Court asked whether or
22 not the jurors had read anything over the past weekend?

23 A No, I was not.

24 Q And you didn't recall having read any news
25 article or seen any headline during the last weekend or during
26 the last four days concerning Mr. Manson?

27 A No, sir, I don't even take a paper.

28 THE COURT: Go ahead, Mr. Kanarek.

1 MR. KANAREK: Yes, thank you.

2
3 VOIR DIRE EXAMINATION

4 BY MR. KANAREK:

5 Q Mrs. Kummer, were you in the country in December of
6 1969?

7 A Yes.

8 Q And do you know Chief of Police Davis?

9 A No -- well, I only know him from when I've seen
10 him on television occasionally or something like that. I
11 don't know him.

12 Q He's a friend of your brother-in-law?

13 A I don't know.

14 Q I see. Your brother-in-law is assistant chief
15 of police of Long Beach?

16 A That's correct.

17 Q Right now, presently?

18 A That's correct.

19 Q And your brother-in-law, is his name Mr. Kummer?

20 A He pronounces it Kummer.

21 Q But spelled K-u-m-m-e-r?

22 A Yes.

23 Q What is the gentleman's first name?

24 A William.

25 Q Directing your attention to that.

26 Certainly you have affection for him, no matter
27 how often you see him, right?

28 A Well, certainly.

1 Q Or, I gather, there's no question about that?

2 A Certainly.

3 Q Directing your attention, then, to -- to, like,
4 for instance, your intent to do something.

5 Have you ever intended to go somewhere or do some
6 job, and then not, for one reason or another, not be able to
7 do it? Like you might decide to make a boat or fix a car.
8 You might -- you want to do it and you intend to do it, but
9 you just don't do it?

10 MR. MANZELLA: Objection, your Honor, the question is
11 not relevant to the challenge for cause.

12 THE COURT: Sustained.

13 Q BY MR. KANAREK: Well, directing your attention,
14 Mrs. Kummer, to your intent.

15 You certainly intend to put aside the matters that
16 you have heard about concerning Mr. Manson, right?

17 A That's right.

18 Q Would you tell us right now your state of mind?
19 You've told the Court that you know that Mr. Manson was
20 convicted of murder and he got the death sentence; is that
21 correct?

22 A That's correct.

23 Q Now, let us say, for instance, during this trial
24 these same matters come up before you, the very same matters.
25 His conviction, and the death sentence is brought before you.
26 It would take -- well, let me ask you, you would certainly
27 intend not to consider what you heard concerning these matters
28 outside of the courtroom, right?

4-1

A That's correct.

Q But is it a fair statement that we just don't know whether it would be possible for you not to consider matters that you heard outside the courtroom?

MR. MANZELLA: Objection, your Honor. The general question of "we just don't know" is not relevant to a question of cause, on this juror's state of mind.

THE COURT: Sustained.

Q BY MR. KANAREK: Directing your attention to your state of mind, Mrs. Kummer, not having gone through this before, or ever having done this before, is it a fair statement that you just don't know what you would be able to do in this regard, in connection with the matters that you had heard outside the courtroom?

A Well, I -- I don't think it makes much difference what I've heard outside of the courtroom, because I haven't followed the case carefully or closely or anything.

And I think I could be very open-minded.

Q You think you could?

A Well, I know I could be very open-minded, let me say.

Q All right. And for instance, directing your attention to someone that's been convicted of murder, and gotten the death sentence, do you consider that person the same way as you consider your next door neighbor?

MR. MANZELLA: Objection, your Honor. That question is not relative to a challenge for cause.

THE COURT: Sustained.

Q BY MR. KANAREK: Well, now, you say, Mrs. Kummer,

4-2

1 that this -- that these -- this matter that you've heard in
2 the publicity concerning Mr. Manson is of no moment, as far
3 as you are concerned?

4 A Well, I think practically everybody's heard that
5 much about it, and they don't --

6 Q Right.

7 A You just don't think about it. This is an
8 entirely different case, an entirely different situation.

9 Q Well, but --

10 A Brand new.

11 Q But let's say that these very same matters are
12 brought before you in this court. It's a different case.
13 But let's say the matters that you know of, that you know of,
14 his conviction and his -- and the fact of this death
15 sentence, that they're brought to you in this courtroom.

16 Now, is it a fair statement that -- certainly,
17 you tell us you heard this on the publicity; right?

18 A Right.

19 Q Now, if those matters are brought before
20 you, is it a fair statement -- and it's no reflection on you,
21 certainly, the fact that you read the newspapers and watch
22 TV -- and you are not a defendant here -- but is it -- is it
23 some possibility that it might take -- might not be possible
24 for you to set aside these matters that you have heard on
25 publicity?

26 A I think I could set them aside. I'm sure I could
27 set them aside.

28 Q I see.

4-3

1 A I won't continue to say "think."

2 Q Pardon?

3 A I won't continue to say "think."

4 Q Well, why won't you continue to say "think"?

5 A Well, I'll say definitely yes or no.

6 Q Well, what if I asked you, Mrs. Kummer, to forget
7 your name? Could you do that?

8 MR. MANZELLA: Objection, your Honor. That question --

9 THE COURT: Sustained.

10 You understand, Mrs. Kummer, that the Court is
11 not asking you to forget such matters as you may have seen,
12 heard or read? The Court is asking you to set them aside,
13 to simply not consider them, for the purpose of making any
14 judgment that you might be called upon to make in the case.

15 Do you understand that?

16 JUROR NO. 3: That, I understand, yes.

17 THE COURT: And your state of mind is that you can set
18 those matters aside on which you may have formed opinions,
19 and on which you may have -- and of which you may have heard,
20 seen or read? And that you will do so; is that correct?

21 JUROR NO. 3: That is correct.

22 MR. KANAREK: Thank you, Mrs. Kummer.

23 1073, Subsection 2, your Honor.

24 THE COURT: The challenge is denied.

25 Any questions?

26 MR. MANZELLA: I have some general questions, your
27 Honor.

28 THE COURT: Very well. Bring the jury back in.

THE BAILIFF: Yes, your Honor.

4a fls.

4a-1

1 THE COURT: I have a note from juror Lowe, No. 2, to
2 the effect that he has a possible hardship that he would like
3 to discuss with the Court and counsel.

4 MR. MANZELLA: Your Honor, I notice that one of the
5 People's witnesses under subpoena, Miss Mary Brunner, is in
6 the courtroom. Could she be ordered back for July 20th?

7 THE COURT: Yes. Miss Brunner, you are ordered to
8 return on July 20th, 9:00 o'clock, in this department.

9 You are excused now.

10 Can you get them all?

11 THE BAILIFF: Yes, they're coming.

12 THE COURT: All right. Hurry them in and out.

13 (Whereupon the members of the prospective jury
14 panel entered the courtroom, and the following proceedings
15 were had:)

16 THE COURT: All right. The record will show that the
17 prospective jurors have returned to the box and beyond the
18 rail.

19 Gentlemen, you may question Mrs. Kummer generally,
20 if you wish. Any questions, Mr. Kanarek?

21
22 VOIR DIRE EXAMINATION

23 BY MR. KANAREK:

24 Q Mrs. -- do you prefer "Coomer" or "Comer"?

25 A I prefer "Comer."

26 Q All right. Mrs. Kummer, do you -- directing your
27 attention to the matters -- have you heard everything that's
28 happened in the courtroom --

4a-2

1 A Yes, I have.

2 Q -- so far?

3 A Yes, I have.

4 Q And is there anything there that has occurred that
5 you feel, knowing that what -- all of us wish here are 12
6 judges, like 12 Supreme Court Judges, so to speak, all we want
7 are people who are willing to listen, and have a fair and open
8 mind and decide the case based upon what they hear in the
9 courtroom, and the law that the Court gives, and arguments of
10 counsel at the end of the trial, listen to all of that, is
11 there anything that you would care to state concerning your
12 state of mind, after hearing what you've heard in this court-
13 room?

14 A No. My mind is very open.

15 MR. KANAREK: Thank you. Pass for cause, your Honor.

16 THE COURT: Mr. Manzella?

17
18 VOIR DIRE EXAMINATION

19 BY MR. MANZELLA:

20 Q Mrs. Kummer, you heard the questions I asked with
21 regard to burden of proof on the People?

22 A Yes.

23 Q Do you have any quarrel with that law?

24 A No, no quarrel.

25 Q You heard the questions that I asked and the
26 examples that I gave and the Court's instructions with
27 regard to circumstantial evidence; is that correct?

28 A That's correct.

4a-3
1 Q All right. Do you have any bias against
2 circumstantial evidence, such that you could not be fair and
3 impartial to the People in this case?

4 A No, sir.

5 Q Do you have any quarrel with the law which
6 permits a person to be convicted of first degree murder,
7 where the death is proved by circumstantial evidence?

8 A No.

9 Q Have you heard the questions I asked and the
10 Court's instructions with regard to aiding and abetting and
11 conspiracy; is that correct?

12 A That's correct.

13 Q All right. Do you have any quarrel with or bias
14 against those legal doctrines?

15 A No.

16 Q Right. If those legal doctrines are given to you
17 at the end of this case, and if you find that they apply to
18 the facts of this case, would you be able to follow those
19 instructions?

20 A Yes, sir.

21 Q Mrs. Kummer, having been in the courtroom, you
22 understand now the personal and individual nature of the
23 decision to impose the death penalty; am I correct?

24 A Right.

25 Q Right. Having given it some thought during the
26 past few days, do you feel that, if you sat as a juror in
27 this case, and after having heard all of the evidence, if you
28 believed that in this case the death penalty was -- the death

4a-4
1 penalty was justified, would you be able to vote for the
2 death penalty?

3 A Yes, I would.

4 MR. MANZELLA: All right. Thank you. The People pass
5 for cause, your Honor.

6 THE COURT: The peremptory challenge is with the
7 People.

8 MR. MANZELLA: Your Honor, the People would like to
9 thank and excuse juror No. 5, Mrs. Mary Russell.

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

11 JUROR NO. 5: Thank you.

12 THE COURT: Mrs. Russell, thank you very much. Room 253
13 forthwith.

4b fls.
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THE CLERK: Mrs. Kate C. Wilcox; W-i-l-c-o-x; K-a-t-e.

VOIR DIRE EXAMINATION OF

MRS. KATE C. WILCOX

BY THE COURT:

Q Mrs. Wilcox, were you present during all the proceedings when the Court explained the nature of this case, and when the Court questioned a prospective juror, first chosen from your group?

A Yes, I was.

Q And would your answers be any different than the answers of that prospective juror to the questions of a general nature?

A No.

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

A Yes, it would. I just got through college, and I'm afraid I couldn't go unemployed for that long a time.

And I have a son, a minor.

Q I see. You've just finished a college course?

A Um-hum. I just graduated.

Q And at this stage, you are unemployed and you are looking for employment?

A Right.

Q And would it be a financial hardship of some --

A Yes, it would.

Q -- some considerable nature, if you were to spend four or five months on this jury?

4b-2

1 A I'm afraid it would.

2 Q Are you the support of yourself and your son; is
3 that it?

4 A Right. I do get some support, but very little.

5 Q And you need whatever you may earn in order to
6 further support yourself and your son?

7 A Right.

8 THE COURT: Gentlemen?

9 MR. MANZELLA: The People stipulate it would constitute
10 a hardship, your Honor.

11 MR. KANAREK: Submit it, your Honor.

12 THE COURT: The Court finds that it would constitute a
13 hardship, that you should not be required to endure, and
14 therefore will excuse you.

15 Thank you very much.

16 JUROR NO. 5: Thank you.

17 THE COURT: The Court appreciates your serving as a
18 juror at all under those circumstances.

19 JUROR NO. 5: Thank you.

20
21 VOIR DIRE EXAMINATION OF

22 JOSEPH P. LOWE

23 BY THE COURT:

24 Q Incidentally, Mr. Lowe, you sent me a note
25 indicating that you had something that you wished to bring to
26 the Court's and counsel's attention, concerning a hardship.

27 A Yes, your Honor. It was an oversight on my part.
28 I truly had forgotten that I had submitted -- well, not an

4b-3

1 examination, but an application within the Postal Service,
2 for another position.

3 And I submitted this on May 22nd, and I was
4 supposed to -- I am supposed to -- to get some information
5 on this within 90 days from that date.

6 And it's a position of -- something I've always
7 wanted. And it's a step in pay.

8 And I would -- if I'm not available for this, I am
9 quite sure that they would just pass over me.

5 fls.

5

Pg. 1

1 Q In other words, you have or have not heard that
2 you have been selected?

3 A I have not heard, but what I have gathered from
4 my supervisors, uh, due to my background and experience
5 they're pretty sure that I would be selected.

6 Q If you are available, you would be selected?

7 A Yes.

8 Q When does your jury service end?

9 A It is supposed to end the 22nd of this month.

10 Q So it would be about that time that you might
11 hear about the results of the selection?

12 A Yes. Any time between now, uh, August 22, I
13 believe.

14 Q And you have talked with your supervisors since
15 you've come on jury duty and they've found this job will
16 probably be yours, this advancement will probably be yours if
17 you are available then?

18 A Yes.

19 Q How long have you been with the postal service?

20 A Uh, only three years.

21 THE COURT: Gentlemen.

22
23 VOIR DIRE EXAMINATION

24 BY MR. MANZELLA:

25 Q I would like to ask Mr. Lowe, when do you have
26 to be available when you find out?

27 A When I find out. And, like I say, that's any
28 time between now and the 22nd.

1 Like I say, it is -- notes will be given 90 days
2 from the day of submission of the application.

3 Q And you're sure they would not give you the
4 position if you are on jury duty?

5 A I'm quite sure they're not going to hold it.

6 Q All right. The People will stipulate that it would
7 constitute a hardship, your Honor.

8 THE COURT: The defense stipulate?

9 MR. KANAREK: May I just ask a question?

10
11 VOIR DIRE EXAMINATION

12 BY MR. KANAREK:

13 Q Mr. Lowe, does that mean that at some time by the
14 20th -- when is the outside date that you would know?

15 A The latest date that I would know would be,
16 approximately, say, the 23rd of August, since the 22nd would
17 be on the Sunday. I know I would know around the 23rd. Like
18 I say, it can be any time between now and then.

19 Q And if you are not -- when something happens, do
20 you take an examination or something?

21 A Well, let's see, if you're familiar with the post
22 office, you have to submit bids for positions, and then if you
23 are selected, then, we have the position.

24 Q I see. If you are selected, you have the
25 position?

26 A (Nods head.)

27 Q And then, wouldn't you automatically, because of
28 the results of the federal government, step into that position?

1 A Yes.

2 Q Irrespective of whether or not you are physically
3 there?

4 What if you were on vacation or something?

5 A Well, I'd try to hurry to get back.

6 Q I see. You feel that it would impede your
7 actually getting the job?

8 A Yes. Yes, I'm quite sure of that.

9 MR. KANAREK: Very well, your Honor.

10 Thank you, Mr. Lowe.

11 THE COURT: The Court does find that this loss of an
12 opportunity would be a hardship to you and, therefore, it
13 does excuse you.

14 JUROR NO. 2: Thank you, your Honor.

15 THE COURT: Report to Room 253, Mr. Lowe, if you would.

16 JUROR NO. 2: Thank you.

17 MR. KANAREK: Thank you, sir.

18 THE COURT: So we have two seats to fill now.

19 Call two names, if you would, please.

20 THE CLERK: Jeanne H. Hoenke.

21 Did I pronounce your name correctly Hoenke?

22 JUROR NO. 2: Yes, that's absolutely correct.

23 THE CLERK: The last name is spelled H-o-e-n-k-e. The
24 first name is spelled J-e-a-n-n-e.

25 Is that No. 2 chair, your Honor?

26 THE COURT: Yes.

27 THE CLERK: No. 2 chair for you.

28 Tom C. Gibson, G-i-b-s-o-n.

VOIR DIRE EXAMINATION OF

JEANNE H. HOENKE

AND

TOM C. GIBSON

BY THE COURT:

Q Mrs. Hoenke, and Mr. Gibson, were you both present at the time when the Court explained the nature of this case to the prospective jurors and questioned a prospective juror who was first chosen from your group to take the box?

A JUROR NO. 2: Yes, sir.

A JUROR NO. 5: Yes, sir.

Q And would your answers be any different than he responded to those questions of a general nature?

A JUROR NO. 2: No, sir.

A JUROR NO. 5: No, sir.

5a bls.

5a-1

1 Q Would it be any hardship to you, Mrs. Hoenke,
2 to serve in this case?

3 A No, sir.

4 Q Neither financial, nor personal?

5 A No, sir.

6 Q And, Mr. Gibson, would it be any hardship to you?
7 Keep your voice up, if you would.

8 A Well, not a financial hardship, but I work for
9 the L. A. Board of Education. I am a Food Warehouse Foreman,
10 and right now they're picking an assistant foreman, but at
11 present I have none. And if I do not get back there by the
12 time school opens, there would be really nobody to operate
13 the warehouse, run the warehouse.

14 Q This would not be so much your problem but their
15 problem if you are not around, would it not?

16 A Well, when I do get back, it would be my
17 problem.

18 Q Because you'd have to straighten out --

19 A Yes, sir.

20 Q -- whatever might be on hand when you finally
21 got back?

22 A Right.

23 Q I think, Mr. Gibson, we'll ask the Board of
24 Education to forego your presence and see whether or not
25 in your spare time, if you have any, away from this case,
26 you can perhaps do what you can for selecting an assistant.

27 Have you been a juror, Mr. Gibson?

28 A No, sir.

5a-2

1 Q Mrs. Hoenke?

2 A Yes, sir.

3 Q And have you served as a juror in a criminal case,
4 Mrs. Hoenke?

5 A No, sir.

6 Q Only in civil cases?

7 A Right.

8 Q And you recognize the distinction between the
9 burden of proof in a civil case and the burden of proof which
10 I have instructed you about in a criminal case?

11 A Yes, sir.

12 Q And are you related to or a friend of a law
13 enforcement officer, Mr. Gibson?

14 A No, sir.

15 Q Mrs. Hoenke?

16 A No, sir.

17 Q What type of work do you do, Mr. Gibson? You
18 told us that you work for the Board of Education. I'm not
19 quite sure what you do.

20 A I'm in the Food Warehouse. We supply all the
21 cafeterias with foods.

22 Q You are in sort of a central warehouse for the
23 School District?

24 A Yes. We have the meat and vegetables and the
25 staple groceries and supplies.

26 Q And you manage the warehouse, then, is that
27 correct?

28 A That is correct.

5a-3

1 Q Mrs. Hoenke, are you employed outside the home?

2 A No, sir.

3 Q Is there a Mr. Hoenke?

4 A Yes, sir.

5 Q Is he employed?

6 A No, he is retired.

7 Q From what type of business?

8 A He was a department head in a film laboratory.

9 Q In what general area do you reside, Mrs. Hoenke?

10 A Uh, the Wilshire-Rossmore.

11 Q Mr. Gibson?

12 A Southeast.

13 Q Can either of you think of any reason why you
14 could not or should not sit on this jury?

15 A (Juror No. 2) Yes, sir. I am against capital
16 punishment.

17 Q All right.

18 In connection with capital punishment, do you have
19 such views concerning it, Mrs. Hoenke, that you could not be
20 fair and impartial in determining the question of guilt or
21 innocence?

22 A Oh, yes. I couldn't.

23 Q In other words, if you knew that you might be
24 called upon later, in the second phase of the case, to make a
25 judgment on life imprisonment or death, you couldn't be fair
26 and impartial in the first phase of the case; am I stating
27 your state of mind correctly?

28 A That's right.

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Q Is that correct?

A Well, yes. I'm not sure what you said.

Q Well, let's be sure.

A Say it again.

Q If you were called -- if you knew in the second phase --

A Yes.

Q -- as I explained to you that this possibly could be a two-phase case, a phase involving guilt or innocence and a phase involving penalty.

A Yes.

Q Did you follow that?

A Yes.

Q And you understand the procedure?

A Yes.

Q In the event, and only in the event there is a conviction of murder of the first degree --

A Yes, sir.

5b fls.

5b-1

1 Q -- the Court --

2 You understand, too, and I'm sure you all under-
3 stand, the Court is not implying or inferring there is guilt
4 in the first phase. The Court makes no such inference.

5 The Court is simply questioning you because --
6 about the death penalty, because the same jury that decides
7 on the first phase, decides on the second phase; do you
8 understand that?

9 A Yes, sir.

10 Q But if there is no conviction of murder of the
11 First degree, of course the question will never be presented
12 to a jury.

13 A Right.

14 Q So what I am asking you is about your attitude
15 toward the penalty and whether it would affect your judgment
16 in the first phase of the case.

17 Are your views concerning the death penalty such
18 that you couldn't be fair and impartial in determining the
19 question of guilt or innocence?

20 A Yes, sir.

21 Q Then, am I correct in expressing your view in
22 this way: That since you would be called upon, if there were
23 a conviction of murder of the first degree, to determine
24 whether the death penalty should be imposed, you couldn't be
25 impartial in judging guilt?

26 A Oh, I could not.

27 Q And would you, as a result of your views concern-
28 ing the death penalty, automatically refuse to impose it

5b-2

1 regardless of the evidence?

2 A Yes, sir.

3 Q Are your views such that you would never impose
4 the death penalty in any case?

5 A Yes, sir.

6 Q Would you refuse to even consider the death
7 penalty?

8 A Yes, sir.

9 THE COURT: Any questions?

10 MR. KANAREK: Yes, your Honor.

11
12 VOIR DIRE EXAMINATION

13 BY MR. KANAREK:

14 Q Mrs. Hoenke, is there any reason that you couldn't
15 listen to the evidence here and discuss it with your fellow
16 jurors at the guilt or innocence -- you understand the guilt
17 or innocence phase?

18 A No, sir.

19 Q You understand this trial conceivably --
20 theoretically, it is possible that there could be two
21 phases to this trial?

22 A Yes.

23 Q The first phase is what we call the guilt or
24 innocence phase.

25 You understand at that time you merely decide
26 whether or not someone the District Attorney accuses of
27 something or other is guilty or not guilty?

28 A Yes.

1 Q Now, in that phase of this case, is there any rea-
2 son you could not discuss all the evidence?

3 A No, sir.

4 Q So you could discuss it and if you felt a certain
5 resolve, either guilt or innocence was correct, you could
6 decide that, is that right --

7 A Yes, sir.

8 Q -- then?

9 Thank you.

10 Now, in connection with the penalty phase, is it
11 a fair statement that during the penalty phase you could
12 discuss with your fellow jurors all of the evidence that came
13 out and decide the case? Any reason you couldn't?

14 A I would never decide the death penalty, never.

15 Q But you would be willing to discuss with your
16 fellow jurors what the evidence was?

17 A Right.

18 Q And you would be willing to listen to them, right?

19 A Right.

20 Q And you've never had the experience before in
21 life of actually going through this process that's going on
22 in this courtroom?

23 A Never.

24 Q In connection with this type of case?

25 A Never.

26 Q So, really, you don't know for sure what your
27 fellow jurors might convince you of?

28 A No, I would never be convinced, never.

1 Q I see. But you never have actually discussed it?

2 A No, but I never would be.

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

4 THE COURT: Mr. Manzella.

5 MR. MANZELLA: Yes, the People respectfully challenge
6 Mrs. Hoenke for cause under Section 1073, Subdivision 2, and
7 under Section 1074, Subdivision 8 of the Penal Code.

8 THE COURT: As to the first grounds, the Court --

9 MR. KANAREK: May we oppose the challenge? We do, your
10 Honor.

11 THE COURT: As to the first grounds, the Court grants
12 the challenge, Mrs. Hoenke. Thank you very much. The Court
13 excuses you. Report to Room 253 forthwith.

14 JUROR NO. 2: Thank you, sir.

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

16 THE COURT: Do you have further time left, Mrs. Hoenke?

17 JUROR NO. 2: Yes. Yes, I have until the 6th of August.

18 THE COURT: Room 253.

19 JUROR NO. 2: Do I get a slip or something?

20 THE COURT: Yes, as soon as the Clerk gets his ear out
21 of the telephone.

22 BY THE COURT:

23 Q Mr. Gibson -- strike that.

24 Referring to the death penalty, do you have such
25 views concerning it that you could not be impartial in
26 determining the question of guilt or innocence?

27 A No, sir.
28

5c fls.

1 Q Or upon a conviction of murder in the first degree,
2 would you automatically impose the death penalty regardless of
3 the evidence?

4 A Yes, sir.

5 Q In other words, if there were a murder of the
6 first degree conviction, your inclination would be to auto-
7 matically impose the death penalty?

8 A Yes, sir.

9 MR. KANAREK: 1073, Sub section 2, your Honor.

10 THE COURT: All right, Mr. Gibson, the Court grants the
11 challenge, and you are excused. Thank you for appearing,
12 coming to this courtroom. Room 253 forthwith. If you have
13 any jury time left.

14 JUROR NO. 5: Yes, two and a half weeks.

15 THE COURT: 1:30 satisfactory? Jury assembly room.

16 JUROR NO. 5: Thank you.

17 THE CLERK: Edward B. Eidelman, E-i-d-e-l-m-a-n.

18 Did I pronounce your name correctly, sir?

19 JUROR NO. 2: Yes.

20 MR. MANZELLA: Could you spell that again?

21 THE CLERK: E-i-d-e-l-m-a-n.

22 MR. MANZELLA: Mr. Dooley, could you spell that again?

23 THE CLERK: E-i-d-e-l-m-a-n.

24 First name Edward, middle initial B.

25 THE COURT: Would you pronounce your name for us, sir?

26 JUROR NO. 2: Eidelman.

27 THE COURT: Eidelman.

28 You hit it right, Mr. Dooley.

2
1 THE CLERK: Mrs. Rene Gluck.

2 Did I pronounce your name correct?

3 JUROR NO. 5: Yes, you did.

4 THE CLERK: G-l-u-c-k, first name R-e-n-e.

5
6 VOIR DIRE EXAMINATION OF

7 EDWARD B. EIDELMAN

8 AND

9 RENE GLUCK

10 BY THE COURT:

11 Q Mr. Eidelman, Mrs. Gluck, were you both present,
12 were each of you present at the time the Court explained the
13 nature of this case to the prospective jurors and questioned
14 a prospective juror chosen from your group?

15 A JUROR NO. 2: Yes, sir.

16 A JUROR NO. 5: Yes, I was.

17 Q And would your answers be any different than that
18 prospective juror who was first questioned from your group,
19 answered to the questions of a general nature?

20 A JUROR NO. 2: No, sir.

21 A JUROR NO. 5: They would be.

22 Q Would yours be the same?

23 A JUROR NO. 5: Yes, they would.

24 Q Hold that microphone up to about an inch or two
25 from your face. It will pick up better.

26 Mr. Eidelman, the same instruction to you as to
27 that one.

28 Would it be any hardship to you, Mr. Eidelman, to

1 serve in this matter?

2 A No, sir.

3 Q Either financial or personal?

4 A No, sir.

5 Q Mrs. Gluck?

6 A It would be on my part.

7 Q Tell us about that.

8 A I am an employee of the D.P.S.S.

9 Q Keep that up.

10 A I'm sorry. Can you hear me now?

11 Q You can hear it pick up if you get it close
12 enough.

13 A I am an employee of the D.P.S.S.

14 Q D.P.S.S.?

15 A The Department of Public Social Services.

16 Q Department of Public Social Services. I should
17 know that by now.

18 A My particular function is an eligibility worker.
19 And at this point in time social service workers are being
20 phased out and they are literally standing in line waiting
21 for our jobs. I was promised that I would be paid, but I
22 was also told that they could not keep my file open for that
23 length of time. And that when I --

24

25

26

27

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6 fls.

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1 Q What do you mean by that, that they could not
2 keep it open?

3 A Well, each worker has a file, a certain number of
4 cases, and a desk that she covers.

5 Q Yes?

6 A She takes -- she interviews a certain number a
7 month, and she services those for the particular aid for which
8 they are applying.

9 Q So somebody would have to pick up your file --

10 A It would be --

11 Q -- during the time that you --

12 A It would be reassigned.

13 Q Yes.

14 A And I would be in limbo, as it were.

15 Q Well, what happens when you go on vacation? Or
16 when you are on jury duty?

17 A For a month --

18 Q Doesn't somebody pick up that file?

19 A For a month, they cover. But for five months,
20 they will not. I would be relieved of the file, and they
21 are -- as of now, social workers are going into eligibility
22 worker functions.

23 And the eligibility workers who are at the top of
24 the tenure list are going down into clerical functions.

25 Q Well, is this just a guess on your part, that you
26 would be relieved, or has somebody in authority told you that
27 that would be the case?

28 A He has told me that he could not hold the file

6-2

1 open. He has not said where I would be reassigned. He said
2 he could not possibly know, with -- with what is happening at
3 this point.

4 Q In other words, what is happening is that you
5 would be reassigned?

6 A Yes.

7 Q You wouldn't lose your position, but it would be
8 a reassignment?

9 A There's a very good chance that I might. Because
10 eligibility workers, as of now, are going into clerical work.

11 Q Well, do you -- do you think that this situation
12 would concern you sufficiently so that you couldn't concentrate
13 on the case?

14 A Very definitely. I am hoping for retirement in
15 not too long, and if I -- if I am down in a lower function,
16 from the standpoint of income, that means my retirement would
17 be that much less.

18 Your retirement is based on --

19 Q And that would distress you to such an extent
20 that you feel you couldn't devote your full attention to the
21 case?

22 A I feel so.

23 THE COURT: All right. The Court finds that that is a
24 sufficient state of hardship that you should be excused.

25 JUROR NO. 5: Thank you.

26 THE COURT: The Court does excuse you.

27 Is there another name?

28 THE CLERK: I have one.

1 THE COURT: Just one name?

2 THE CLERK: One left.

3 THE COURT: Well, since there's only one, we'll mix
4 those with the -- or that one with the slips of the new
5 prospective jurors who will arrive this afternoon, so that
6 we will still be drawing by lot, and at random.

7 And therefore, we cannot proceed any further,
8 except that we can discuss one or two things with Mr.
9 Edelman, perhaps, and utilize the time.

10
11 VOIR DIRE EXAMINATION OF
12 MR. EDWARD B. EIDELMAN

13 BY THE COURT:

14 Q Mr. Edelman, have you served as a juror before?

15 A No, sir.

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

18 A No, sir.

19 Q What type of work do you do?

20 A I am retired.

21 Q From what type of work?

22 A I was a theater cashier.

23 Q And is there a Mrs. Edelman?

24 A No, sir.

25 Q In what area do you reside?

26 A Downtown, Central.

27 Q Are your views concerning the death penalty such
28 that you could not be fair and impartial in determining the

1 question of guilt or innocence?

2 A No, sir.

3 Q Or do you have such views concerning the death
4 penalty that you could not thereby have ever imposed it,
5 regardless of the evidence?

6 A No, sir.

7 Q Would you automatically refuse to impose the
8 death penalty, regardless of the evidence?

9 A No, sir.

10 Q Or would you automatically impose the death penalty,
11 vote for the death penalty, upon a conviction of murder of the
12 first degree, regardless of the evidence?

13 A No, sir.

14 Q Can you think of any reason why you could not or
15 should not sit on this jury?

16 A No, sir.

17 Q Do you think you can be fair and impartial in this
18 case?

19 A Yes, sir.

20 THE COURT: All right. Perhaps, ladies and gentlemen,
21 we can find a place for you so that you won't have to sit
22 out in that warm hallway this afternoon. We'll try to do that.

23 But reassemble here at 2:00 o'clock. During the
24 recess, you are admonished that you are not to converse
25 amongst yourselves, nor with anyone else, nor are you to
26 permit anyone to converse with you on any subject connected
27 with this matter, nor are you to form or express any opinion
28 on it until it is finally submitted to you, should you be

1 chosen as a juror.

2 See you at 2:00 o'clock.

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1 Mr. Eidelman, would you say? We'll question you
2 out of the hearing of the other jurors, for just a minute or
3 two, so we can take advantage of this time that we have before
4 12:00 o'clock.

5 (Whereupon, the remaining members of the
6 prospective jury panel exited the courtroom, and the following
7 proceedings were had:)

8 BY THE COURT:

9 Q Mr. Eidelman, have you ever heard, seen or read
10 the name Charles Manson before you came into this courtroom?

11 A Yes.

12 Q And was that in connection with some other case or
13 this case?

14 A Some other case.

15 Q And was that the so-called Tate-La Bianca homicide
16 trial?

17 A Yes, sir.

18 Q Did you follow that in the press or via television
19 or radio?

20 A I read some about it.

21 Q From time to time, you would see the television
22 or hear the radio or read the press?

23 A That's it.

24 Q And you didn't regularly follow it --

25 A No, sir.

26 Q -- or make any effort to?

27 A No, sir.

28 Q All right. Did you find out from any of the news

1 media what the result of that trial was?

2 A Did I find out --

3 Q Do you know whether Mr. Manson was convicted of
4 anything?

5 A I believe they found him guilty.

6 Q Of what?

7 A Of murder?

8 Q Of murder? That's your best remembrance?

9 A That's all I remember.

10 Q All right. Do you know whether they came back
11 with a penalty? And if so, what it was?

12 A I think the death.

13 Q That's your best remembrance?

14 A (Indicating affirmatively.)

15 Q So that your remembrance is that he was charged
16 with murder; they found him guilty of murder; and the jury
17 came back with the death penalty?

18 A Yes, sir.

19 Q Do you know whether there was more than one count
20 of murder? More than one victim?

21 A I -- you mean more than one that was charged with
22 it?

23 Q More than one person killed.

24 A Yes, sir, there was several.

25 Q And do you remember any of the names, other than
26 Sharon Tate?

27 A One more. Folger.

28 Q Folger?

1 A Folger.

2 Q Do you remember any more?

3 A That's all. Hineman. Was there a Hineman in
4 there?

5 Q The Court was about to ask you whether you
6 remember the name Gary Hinman from before, from any place.
7 Before I read it to you in the indictment?

8 A That was Hinman.

9 Q And you believe that he was one of the victims in
10 that other case?

11 A I believe so.

12 Q Do you understand that that case is a separate
13 case from this one?

14 A That's -- yes, sir.

15 Q And that Mr. Manson is accused of having murdered
16 Mr. Gary Hinman in this case?

17 A I see.

18 Q Now, do you understand?

19 A I see, yes, sir.

20 Q Now, had you heard the name Gary Hinman before you
21 came in here?

22 A Yes.

23 Q That you can recall, in the press or --

24 A Yes.

25 Q -- had you seen it or read it?

26 A Yes, sir.

27 Q And in what connection?

28 A Well, about the time of the Sharon Tate affair.

1 Q I see. Do you remember any of the facts concern-
2 ing the -- Mr. Hinman's alleged death?

3 A No, sir.

4 Q Do you know the name Shorty Shea, or did you know
5 it before you came into this courtroom --

6 A No, sir.

7 Q -- and the Court told you about this indictment?

8 A No, sir.

9 Q Do you know the name Mary Brunner?

10 A No, sir.

11 Q Bobby Beausoleil?

12 A (Indicating negatively.)

13 Q No? Reply audibly, so that this man can take it
14 down.

15 A No, sir.

16 Q If I were to instruct you, Mr. Eidelman, that you
17 were to decide any issue that's presented to you in this
18 case independently of anything that you may have heard, seen
19 or read, could you effectively segregate in your own mind
20 those articles that -- news articles that you may have read
21 or that you may have heard over television or via radio?

22 A Yes, sir.

23 Q Could you segregate them in your mind?

24 A Yes, sir.

25 Q Are you objective enough to do that, --

26 A Yes, sir.

27 Q -- so that you could be independent --

28 A Yes, sir.

1 Q -- in making any judgment on this case?

2 A Yes, I believe so.

3 Q And could you decide this case solely from the
4 evidence that's presented here --

5 A Yes, sir.

6 Q -- in this courtroom?

7 A Yes, sir.

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1 Q And the Court's instructions of law, as I shall
2 present them to you?

3 A Yes, sir.

4 Q Is there any doubt in your mind whatever about
5 your ability to set aside whatever you may have heard, seen or
6 read? And make an independent judgment on this case?

7 A No, sir.

8 Q Can you, in your mind, not forget those things
9 that you may have heard, seen or read, but simply segregate
10 them from the evidence, and not refer to them at all in the
11 course of your deliberation?

12 A I've forgotten about them already.

13 Q And will you do that?

14 A Yes, sir.

15 Q Pardon?

16 A Yeah, I've forgotten about them already.

17 Q Well, will you set them aside, should they be
18 called back to your mind, if you should suddenly remember
19 more than you are able to remember now?

20 A Yes, sir.

21 Q Will you put such things aside?

22 A Yes, sir.

23 Q And can you be fair and impartial?

24 A Yes, sir.

25 THE COURT: All right. You may examine Mr. Eldelman on
26 the issue of publicity, if you wish, --

27 MR. KANAREK: Yes.

28 THE COURT: -- or anything --

6b-2

1 MR. KANAREK: Thank you, your Honor.

2 THE COURT: -- you may wish to at this time.

3 Go ahead.

4 MR. KANAREK: Thank you.

5
6 VOIR DIRE EXAMINATION

7 BY MR. KANAREK:

8 Q Mr. Eidelman, do you have any friends that are in
9 any type of law enforcement, --

10 A No.

11 Q -- public or private?

12 A No, sir.

13 Q Now, in connection with these matters, the
14 Tate-La Bianca case, you saw that on TV, heard it on radio?
15 Read it in the newspapers; is that right?

16 A Yeah, that's right.

17 Q Did you hear anything by President Nixon concerning
18 that case?

19 A Yeah, I remember seeing the headline, the
20 streamer across the newspaper (indicating).

21 Q What did it say?

22 A Something with regard to -- that he considered
23 Mr. Manson guilty.

24 Q I see. Now, directing your attention, then, to
25 the matters that are -- to the matters that were before the
26 Court in the Tate-La Bianca case, as far as the publicity
27 is concerned, what did you hear as to how these people
28 passed away, how they died?

6b-3

1 A It seems that they were all -- that they were
2 all knifed, insofar as I remember.

3 Q I see. And do you know -- well, let me ask you:
4 Just from the publicity that you heard, in how many locations
5 did these events allegedly take place?

6 A On one. In Miss Tate's home.

7 Q I see.

8 And in connection with that, did you -- is the
9 name Susan Atkins familiar to you?

10 A Yes, sir.

11 Q Did you -- did you see anything concerning Susan
12 Atkins in the newspapers?

13 A Yes, sir.

14 Q Did you read anything concerning what Susan
15 Atkins said in the newspapers?

16 A Well, so far as I remember, that -- that she was
17 mixed up in it.

18 I want to explain something to you. When you get
19 as old as I am, your memory isn't so good, sir.

20 Q Mr. Eidelman, you are not a defendant here; you
21 understand that? We are just -- we are just talking to you,
22 like -- just to find out whatever you may know.

23 It's no -- we are all friendly, no matter whether
24 you know a lot or a little.

25 A I want to explain my memory to you; that -- as I
26 say, that when you get -- the older you get, the weaker your
27 -- the worse your memory is.

28 And my memory isn't as good now as it was five, six

6b-4

1 or ten years ago, because I'm older.

2 Q Uh-huh.

3 A So I can't remember things about this Sharon Tate
4 affair, as I could have, say, if it had happened ten years ago.

5 Q Well, let me -- may I ask you? With all due
6 respect to your memory, whatever it may be -- good or bad --
7 your memory is such that you remember that Mr. Manson, from
8 the publicity, you heard that he -- that there was a result,
9 a certain result, that he was convicted in that other case;
10 is that right?

11 A Yes.

12 Q And you read about the death penalty in that other
13 case?

14 A Yes.

15 Q Those things, you could never forget; right?

16 A Probably not.

17 Q Never forget those; right?

18 6c fls A A Probably not.

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1 Q And so, having that -- having in mind these
2 matters that we are speaking of, that you say you could never
3 forget, and let's say that in this courtroom, these very same
4 matters are brought to your attention -- the fact of these
5 results in the Tate-La Bianca case, both as to the verdict
6 and as to the penalty -- is it a fair statement that you just
7 don't know, not having experienced it, what effect the
8 publicity might have, if you heard this same information in
9 the courtroom?

10 A It wouldn't have any.

11 Q You would certainly remember it; right?

12 MR. MANZELLA: Objection, your Honor. That's not
13 relative to a challenge for cause.

14 THE COURT: Sustained.

15 The question is whether or not you can set it
16 aside, not whether you can forget it, but whether you can set
17 aside anything that you may have heard outside of the court-
18 room, and in the publicity media, and determine the case
19 solely from what you hear, see or read in the courtroom.

20 JUROR NO. 2: Yes, sir. Yes, that, I can do.

21 Q BY MR. KANAREK: Have you ever been a juror before,
22 Mr. Eidelman?

23 A No, No, sir.

24 Q In any case at all?

25 A No.

26 Q So you've never had the necessity to sit down and
27 set aside these types of facts; right?

28 A That's right.

1 Q And is it a fair statement that these are quite
2 unusual facts, someone having been convicted, and the death
3 penalty having been imposed, and all of that, --

4 A Yes.

5 Q -- right?

6 A Yes, sir.

7 Q And you would certainly intend to set those matters
8 aside; right? To follow the Court's orders?

9 A Yes, sir.

10 Q But you -- not having experienced it, you don't
11 know whether you could or could not do it; is that right?

12 MR. MANZELLA: Objection, your Honor. That's argumenta-
13 tive.

14 MR. KANAREK: I'm asking him, your Honor.

15 THE COURT: Overruled. You may answer.
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1 JUROR NO. 2: I don't know. Would you mind asking that
2 question again, please?

3 Q BY MR. KANAREK: Certainly.

4 Not having experienced it, and intending
5 certainly to follow the Court's orders, but not having gone
6 through that before, is it a fair statement that you don't
7 know in fact that you could set aside these matters concerning
8 the publicity, the results, the verdict and the penalty during
9 the course of this trial?

10 A I could set them aside, yes.

11 Q No question in your mind about it?

12 A No. No, sir.

13 Q I see.

14 And may I ask you, during the year 1970 were you
15 in Los Angeles?

16 A Yes, sir.

17 Q You lived in Los Angeles?

18 A Yes, sir.

19 Q You read the newspaper every day?

20 A Yes, sir.

21 Q And you saw television every day?

22 A Yeah.

23 Q Right?

24 A Yes, sir.

25 Q And you listened to radio every day?

26 A Yes, sir.

27 Q Right?

28 A Yes.

7-2

1 MR. KANAREK: Thank you, Mr. Eidelman.

2 MR. MANZELLA: No questions, your Honor. Thank you.

3 MR. KANAREK: 1073, Subsection 2.

4 THE COURT: The challenge for cause is denied.

5 We'll reassemble at 2:00 o'clock.

6 Mr. Eidelman, don't discuss this case amongst
7 yourselves or with anyone else during the course of the
8 recess -- amongst your fellow jurors, nor with anyone else;
9 do you understand?

10 JUROR NO. 2: Yes.

11 THE COURT: Very well, see you at 2:00 o'clock.

12 We're in recess.

13 (Whereupon, at 12:00 o'clock noon, the noon
14 recess was taken, the herein proceedings to be
15 resumed at 2:00 o'clock p.m. of the same day.)
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1 LOS ANGELES, CALIFORNIA, TUESDAY, JULY 13, 1971, 2:10 P. M.

2
3 THE COURT: Let me again remind counsel that when the
4 matter is called at 2:00 o'clock, you should be here at 2:00
5 o'clock.

6 MR. KANAREK: Oh, yes, your Honor. I wish to apologize
7 to the Court and counsel, and the prospective jurors. I
8 was in the room at 1:45, but the Court did not take the bench
9 until --

10 THE COURT: 2:00 o'clock.

11 MR. KANAREK: Yes, your Honor, approximately --

12 THE COURT: Ladies and gentlemen, those of you who are
13 beyond the rail, who are prospective jurors, would you please
14 rise and raise your right hands.

15 Go ahead.

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

20 (Whereupon, the prospective jurors answered in
21 the affirmative.)

22 THE CLERK: Be seated, please.

23 THE COURT: Was there any of you who did not take that
24 oath? Is there any one of you who affirms rather than takes
25 the oath?

26 All right, would you please do this lady --

27 THE CLERK: Would you rise, please.

28 THE COURT: -- take this lady's affirmation.

1 THE CLERK: Do you affirm that you will well and truly
2 answer such questions that may be asked of you touching upon
3 your qualifications to act as a trial juror in the cause now
4 pending before this Court, this you do under the pains and
5 penalty of perjury?

6 (Whereupon, the prospective jurors indicated in the
7 affirmative.)

8 THE CLERK: Thank you, be seated.

9 THE COURT: All right, the record should show that the
10 defendant is present with his counsel, Mr. Kanarek. That
11 there are prospective jurors beyond the rail and in the box.

12 Ladies and gentlemen, the Court wishes to inform
13 you concerning the nature of this case.

14 It is a criminal case. And it is entitled the
15 "People of the State of California versus Charles Manson."

16 The indictment before the Court charges that:

17 "On the 27th day of July, 1969, in the County of
18 Los Angeles, Mr. Manson did willfully, unlawfully and felon-
19 ously, and with malice of forethought, murder Gary Alan
20 Hinman, human being, in violation of Section 187 of the Penal
21 Code."

22 That is the first count of the indictment.

23 The indictment is in three counts.

24 The second count charges Mr. Manson, Susan
25 Denise Atkins and Bruce McGregor Davis with the crime of
26 conspiracy to commit murder and robbery in violation of
27 Section 182.1 of the Penal Code, in between the 25th -- or
28 from the 25th through the 28th day of July, 1969, in the County

1 of Los Angeles, those persons did willfully, unlawfully and
2 feloniously, and knowingly conspire, combine and confederate
3 and agree together, and with others whose true identity is
4 unknown, to commit the crime of murder in violation of Section
5 187 of the Penal Code, and robbery in violation of Section
6 211 of the Penal Code.

7 That pursuant to and for the purpose of carrying
8 out the objects, purposes and aforesaid combination, agreement
9 and conspiracy, the defendants committed the following overt
10 acts at and in the County of Los Angeles:

11 "Overt act No. 1 alleges that on or about July
12 25, said persons did travel to the vicinity of -- strike
13 that.

14 "Bruce McGregor Davis, Susan Atkins and Robert
15 Beausoleil did travel to the vicinity of 964 Old Topanga
16 Road, Malibu, in the County of Los Angeles;" and that

17 "Overt act No. 2 alleges that on or about July
18 26th, 1969, Charles Manson, Susan Denise Atkins and Bruce
19 McGregor Davis did enter the residence of 964 Old Topanga
20 Road, Malibu, in the County of Los Angeles;

21 "Overt act No. 3 alleges that on or about July
22 26th, Charles Manson and Bruce McGregor Davis did drive away
23 from 964 Old Topanga Road in a Fiat automobile owned by
24 Gary Hinman."

25 Count III alleges that "Charles Manson, Bruce
26 McGregor Davis and Steven Grogan committed the act of murder
27 in violation of Section 187 of the Penal Code, in between the
28 16th -- sometime between the 16th day of August, 1969, and

1 the 1st day of September, 1969, in the County of Los Angeles,
2 those persons did willfully, unlawfully and feloniously, and
3 with malice of forethought, murder Donald Jerome Shorty S.
4 Shea, a human being."

8 fls.

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1 This indictment is not evidence. It's simply a
2 means of bringing an accusation before this Court and this
3 jury.

4 To this accusation, to this indictment, Mr. Manson
5 has entered pleas of not guilty. And this is the time set
6 for trial.

7 Would you select a name for seat No. 4 -- seat
8 No. 5?

9 THE CLERK: Yes, your Honor. Ralph C. Winters;
10 W-i-n-t-e-r-s.

11 THE COURT: It's anticipated, ladies and gentlemen --
12 the Court is speaking to Mr. Winters, as well as to those of
13 you beyond the rail -- that this case will take four or five
14 months to try.

15 The Court anticipates that you will not be
16 sequestered during the course of the trial. By "sequestered,"
17 I mean lodged at a hotel each evening. The Court does not
18 intend to do that.

19 It could be possible that that might happen,
20 should a motion be made and should the Court find that there
21 is sufficient cause or excuse to do so, to sequester you,
22 or should the Court, on its own motion, under certain circum-
23 stances, decide that you should be sequestered.

24 The Court has already told you that the indictment
25 is not evidence, and it's not to be considered as evidence
26 against the defendant. The Court will instruct you concerning
27 the law at the conclusion of the evidence, and you are to
28 follow the law as the Court shall instruct you concerning it,

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1 regardless of what you believe the law should be or what you
2 believe the law to be yourself.

3 You're to take the Court's instructions as to what
4 the law is, and you should not take anyone else's instruc-
5 tions or anyone's inference as to what the law is. It should
6 be the -- it is the function of the Court to instruct you
7 concerning the law, and it's not the function of either
8 counsel to instruct you concerning the law.

9 You are to follow only the Court's instructions
10 in respect to the law.

11 The Court will tell you that a defendant in a
12 criminal action is presumed to be innocent. The Court so
13 instructs you: That a defendant in a criminal action is
14 presumed to be innocent until the contrary is proved; and in
15 case of a reasonable doubt whether his guilt is satisfactorily
16 shown, he is entitled to an acquittal.

17 This presumption places upon the state the burden
18 of proving him guilty beyond a reasonable doubt. Reasonable
19 doubt is defined as follows:

20 It's not a mere possible doubt, because everything
21 relating to human affairs and depending on moral evidence is
22 open to some possible or imaginary doubt. It is that state
23 of the case which, after the entire comparison and considera-
24 tion of all of the evidence, leaves the minds of the jurors
25 in that condition that they cannot say that they feel an
26 abiding conviction, to a moral certainty, of the truth of the
27 charge.

28 The testimony of a witness, a writing, a material

8-3

1 object or anything presented to the senses offered to prove
2 the existence or non-existence of a fact is either direct
3 or circumstantial evidence.

4 Direct evidence means evidence that directly
5 proves a fact, without an inference and which, in itself,
6 conclusively establishes that fact.

7 Circumstantial evidence means evidence that
8 proves a fact from which the inference of the existence of
9 another fact may be drawn.

10 An inference is simply a deduction of fact that
11 may logically and reasonably be drawn from another fact or
12 group of facts established by the evidence.

13 It's not necessary that facts be proved by
14 direct evidence. They may be proved also by circumstantial
15 evidence or by a combination of direct evidence and circum-
16 stantial evidence.

17 Both direct evidence and circumstantial evidence
18 are acceptable as means of proof. Neither is entitled to any
19 greaterweight than the other.

20 You are not permitted to find a defendant guilty
21 of the crime charged against him, or any crime charged against
22 him, based on circumstantial evidence, unless the proved
23 circumstances are not only consistent with the theory that
24 the defendant is guilty of the crime, but cannot be
25 reconciled with any other rational conclusion, and each fact
26 which is essential to complete a set of circumstances
27 necessary to establish the defendant's guilt has been proved
28 beyond a reasonable doubt.

8-4

1 As to any particular count, if the evidence is
2 susceptible of two reasonable interpretations, one of which
3 points to the defendant's guilt, and the other to his
4 innocence, it's your duty to adopt that interpretation which
5 points to the defendant's innocence, and reject the other
6 which points to his guilt.

7 We will be talking about homicide, about murder
8 in particular, in the course of this voir dire -- in the course
9 of this questioning of prospective jurors.

1 fls.

8a-1

1 The Court instructs you that all murder perpe-
2 trated by willful, deliberate and premeditated killing, with
3 malice aforethought, or a murder committed by torture, or a
4 killing committed by a burglary -- strike that; or, a killing
5 committed in the course of a burglary or a robbery, is murder
6 of the first degree.

7 A conspiracy, the Court instructs you, is an
8 agreement between two or more persons to commit the public
9 offense of -- to commit a public offense, and with the
10 specific intent to commit such offense, followed by an
11 overt act committed in this state by one or more of the parties
12 for the purpose of accomplishing the object of the agreement.

13 Conspiracy is a crime. In order to find a
14 defendant guilty of a conspiracy, in addition to the proof
15 of the unlawful agreement, there must be proof of the
16 commission of at least one of the overt acts alleged in the
17 indictment.

18 A person aids and abets the commission of a crime
19 if he knowingly and with criminal intent aids, promotes,
20 encourages or instigates, by act or advice, or by act and
21 advice, the commission of such crime.

22 All persons concerned in the commission of a
23 crime who either directly and actively commit the act
24 constituting the offense, or who knowingly and with criminal
25 intent aid and abet its commission, or whether present or
26 not, who advise and encourage its commission, are regarded
27 by the law as principals in the crime thus committed, and are
28 equally guilty thereof.

1 The Court will give you further instructions
2 concerning the law in this case. And I'll now ask you:

3
4 VOIR DIRE EXAMINATION OF

5 RALPH C. WINTERS

6 BY THE COURT:

7 Q Mr. Winters, whether you believe that you can
8 follow the Court's orders, to follow the instructions as I
9 shall give them to you, regardless of what you believe the law
10 should be or what you think it to be at the present time?

11 A Yes.

12 Q Will you do that?

13 A (Indicating affirmatively.)

14 Q And your answer is "Yes," is that correct?

15 A Yes, sir.

16 Q Now, I'm going to ask you a series of general
17 questions. Will those of you beyond the rail listen to the
18 questions that I put to Mr. Williams --

19 JUROR NO. 4: Winters.

20 THE COURT: Mr. Winters. And I'll simply ask you, when
21 it's your turn in the box, whether you've heard these
22 questions and whether your answers would be any different to
23 the questions of a general nature put to Mr. Winters.

24 Q Have you ever been the victim of a crime of
25 violence, Mr. Winters, or had a close friend or relative who
26 has been the victim of a crime of violence?

27 A No.

28 Q Have you ever been a witness for the prosecution

1 or for the defense in a criminal case?

2 A No.

3 Q Have you ever had any legal experience? Have you
4 ever been a member of the legal profession, or in any way
5 involved in the legal profession?

6 A No.

7 Q Or have you studied law?

8 A No.

9 Q Have you or anyone close to you been charged
10 with a criminal offense of any kind, other than a minor
11 traffic offense?

12 A No.

13 Q Do you have any quarrel with the doctrine of
14 reasonable doubt, which I have just instructed upon? And
15 which you heard while you were sitting there in the box?

16 A No.

17 Q Have you ever been connected with law enforcement
18 in any way?

19 A No. Not -- as a police officer, do you mean?

20 Q Well, have you worked for a police agency in any
21 way?

22 A No.

23 Q Would you be able to listen to the testimony of a
24 police officer and measure it by the same standards as you
25 would use to test the credibility of any other witness?

26 A Probably, yes.

27 THE COURT: In this case, ladies and gentlemen, in
28 which the offenses charged are punishable by death, the

1 Court is required to ascertain if any prospective juror
2 entertains such conscientious opinions concerning the death
3 penalty as would preclude him or her from finding a defendant
4 guilty, if the evidence should justify such a finding;

5 Or if the juror would, under no circumstances,
6 vote for the death penalty.

7 At the outset of the trial, the Court should
8 explain to you that it has no way of knowing -- I have no
9 way of knowing -- whether or not it would be necessary for
10 you to enter into a discussion or a deliberation in the
11 penalty phase, as that will depend upon what your findings
12 are in the guilt phase.

13 The defendant, as you have previously been
14 informed, is charged with the crime of -- the crimes of murder.

15 In arriving at a verdict in this case, as to the
16 guilt or innocence of the defendant, in the first phase of the
17 trial, the subject of penalty or punishment is not to be
18 discussed or considered by the jury, as that is a matter which,
19 under our law, must be considered and determined in a
20 separate proceeding, if your finding should require such
21 proceeding.

8b fls.

8b

1 If the defendant is acquitted, or if he's found
2 guilty of something less than murder of the first degree,
3 then it is not necessary to enter into a penalty phase. If,
4 however, the defendant is found guilty of murder of the first
5 degree, an offense punishable by life imprisonment or death,
6 there shall thereupon be further proceedings on the issue of
7 penalty, and the jury shall fix the penalty as life imprison-
8 ment or death.

9 Now, the law imposes neither death nor life
10 imprisonment, but presents the two alternatives to the
11 absolute discretion of the jury.

12 The legislature has formulated no rules to control
13 the exercise of the jury's discretion. Therefore, the Court
14 will inquire of the prospective jurors -- and the Court at this
15 time tells you what its inquiry will be, so that you may be
16 thinking about what your responses will be to these questions,
17 when you are in the box.

18 Are your opinions concerning the death penalty
19 such that you would automatically refuse to impose it, with-
20 out regard to any evidence that might be developed?

21 Or are your opinions such, concerning the death
22 penalty, that if the defendant were convicted of murder of
23 the first degree, you would vote to impose the death penalty,
24 without regard to any evidence that might be developed during
25 the trial of the case?

26 Or are your views of the death penalty such as
27 would prevent you from making an impartial decision on the
28 first phase of the trial, the guilt or innocence phase?

1 Or are your views concerning the death penalty such
2 that you would never vote to impose it, regardless of the
3 evidence.

4 I've neglected to introduce to you some of the
5 people who are sitting at the counsel table. The defendant is
6 the gentleman seated in the blue shirt there, across from the
7 jury, Mr. Charles Manson.

8 He is represented by Mr. Irving Kanarek, who is
9 now rising.

10 And the People are represented by Deputy District
11 Attorney Mr. Manzella, Anthony Manzella.

9fls.

9
Pg. 1
1 THE COURT: Is there anyone of you who knows anything
2 whatever -- strike that.

3 Q BY THE COURT: Mr. Winters, do you know anything
4 whatever of this trial, as I've stated to you, other than what
5 you may have heard, seen or read in the newspaper or over
6 television or via radio? And we'll inquire about that later.

7 Do you know anything personally?

8 A No.

9 Q About the matters that I have spoken of?

10 A Just what I have heard on TV and read in the
11 paper.

12 Q All right. We'll inquire about your knowledge
13 of that later on.

14 Do you know any of the persons whom I've intro-
15 duced?

16 A No, sir.

17 Q Have you ever been represented by any firm that
18 Mr. Kanarek or Mr. Manzella has ever been associated with?

19 A No, sir.

20 Q Now, that takes care of the questions of a
21 general nature, as I call them.

22 And I'll ask you now whether it would constitute
23 any hardship for you to serve in this case, Mr. Winters?

24 A No, not really.

25 Q There wouldn't be any financial personal hardship
26 to you?

27 A No, sir.

28 Q All right.

2

1 Have you sat on a jury before?

2 A Yes, sir.

3 Q Have you sat on a criminal jury before?

4 A No, sir.

5 Q Involving a criminal case?

6 A No.

7 Q You never had.

8 Are you related to or a friend of any law

9 enforcement officer?

10 A No, sir.

11 Q What type of work do you do, Mr. Winters?

12 A School teacher.

13 Q In what school district?

14 A Covina Valley.

15 Q How long have you been so employed?

16 A Eleven years.

17 Q And is there a Mrs. Winters?

18 A Yes, sir.

19 Q Is she employed outside the home?

20 A Yes. She is a counselor in Charter Oak High

21 School.

22 Q In what high school?

23 A Charter Oak.

24 Q Oh, in Charter Oak.

25 What area do you reside?

26 A Glendora.

27 Q At this moment can you think of any reason why

28 you could not be fair and impartial in this case as a juror?

3

1 A I'm afraid I could think of several reasons.

2 Q Do they deal generally with publicity?

3 A No -- well, yes, something that I have read.

4 Q Heard, seen or read?

5 A And I have sort of my opinion.

6 Q It is something that you have heard, seen or
7 read?

8 A Yes.

9 Q All right, we'll inquire of you outside the
10 presence of the jurors -- we'll do it individually. The Court
11 and counsel will ask you questions concerning what you may
12 have heard, seen or read regarding Mr. Manson.

13 Regarding the death penalty, now, Mr. Winters,
14 do you have such views concerning the death penalty that you
15 would not be able, by reason of those views, to be fair and
16 impartial in determining guilt or innocence in the first
17 phase of the trial?

18 A No.

19 Q Do you have such views concerning the death
20 penalty that you would automatically refuse to impose it,
21 regardless of the evidence?

22 A No.

23 Q Or are your views such regarding the death penalty
24 that you would automatically, upon a conviction of murder in
25 the first degree impose the death penalty without regard to
26 the evidence?

27 A No.

28 Q All right.

4

1 I'll -- I'll ask those of you who are beyond the
2 rail, who are prospective jurors, and this is the way we have
3 been doing it, so that we can have an inquiry in open court,
4 we have asked all the jurors to leave the juror who is being
5 questioned.

6 (Whereupon, the Court conferred with the
7 bailiff up at the bench out of the hearing of the prospective
8 jurors:)

9 THE COURT: Thanks, Bob.

10 I am informed by Mr. Kuczera, the bailiff, that
11 Department 100 is available, so that you won't have to sit
12 out in that hot hallway this morning or this afternoon, like
13 some of you had to do this morning.

14 So would you do this for me, would you leave very
15 quietly and very quickly. It is taking us two or three
16 minutes to come in and out. Don't talk amongst yourselves
17 or permit anyone to talk with you concerning the case while you
18 are out of the courtroom.

19

20

VOIR DIRE EXAMINATION

21

BY THE COURT:

22

Q All right, Mr. Winters --

23

Perhaps somebody there would open both doors.

24

Thank you. Someone hold it open.

25

26

27

28

9a fls.

1 BY THE COURT:

2 Q Mr. Winters, now that all the jurors have --
3 prospective jurors have left the room, the Court wishes to
4 inquire of you whether you have heard Mr. Manson's name prior
5 to that case being called in this courtroom?

6 A Yes, sir. We discussed the previous case, so-called
7 Tate-La Bianca case in our staff room many times. I'm just
8 convinced that -- in fact, we came to the conclusion that it
9 is a waste of taxpayers' money to have a trial like this. If
10 he has been convicted -- I mean, what are we waiting on?

11 DEFENDANT MANSON: We're waiting on your ignorance.
12 That's what we're waiting on.

13 THE COURT: Now, Mr. Manson --

14 DEFENDANT MANSON: This garbage dump makes me sick.

15 THE COURT: You'll have to go back to the courtroom now --
16 back to the retaining tank, now, if you can't be quiet.

17 Q BY THE COURT: Mr. Winters, are you saying to me
18 that you have arrived in your mind at such a prejudice against
19 Mr. Manson as a result of this prior trial, the Tate-La Bianca
20 trial, as you call it, that you couldn't be fair and impartial
21 to him in this trial?

22 A I'm sure I couldn't.

23 Q You couldn't set aside what you may have learned,
24 heard, seen or read in the news media and decide this case
25 aside from that material that you had heard, seen or read?

26 A Well, when I was assigned to this, on the way over
27 here, I was mulling it over in my mind. I thought, well, I
28 might as well be honest. I shouldn't be there. If you want a

1 fair trial, and you think you can get a fair jury, you sure
2 can't get one from me.

3 THE COURT: All right, the Court will excuse you.

4 Do you have more time left?

5 JUROR NO. 5: Yes, two more weeks.

6 THE COURT: All right, report back to Room 253, the
7 jury assembly room.

8 Call another name, and perhaps you should have one
9 on standby.

10 DEFENDANT MANSON: And he teaches your kids in school.

11 (Whereupon, the Court confers with the clerk
12 up at the bench.)

13 THE COURT: Bob will call over to 100 and have them come
14 over.

15 THE CLERK: Mr. Angel B. Vicente, V-i-c-e-n-t-e, first
16 name spelled A-n-g-e-l.

17 And Miss Marie E. Schneider, S-c-h-n-e-i-d-e-r,
18 M-a-r-i-e.

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

21 THE COURT: Come forward, would you please, Mr. Vicente.

22

23 VOIR DIRE EXAMINATION OF

24 ANGEL VICENTE

25 BY THE COURT:

26 Q Mr. Vicente, were you present among the group of
27 jurors to whom I have just explained the nature of this case?

28 A I was.

1 Q Did you hear the questions I put to Mr. Winters?

2 A Uh, yes, I heard, yes.

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

5 Would your answers be any different than his
6 answers to the questions of the general nature that I put to
7 him?

8 A Uh, yes, there would be a difference, yes.

9 Q Tell us in what respect?

10 A Well, your Honor, I think I would be unfair to the
11 defendant in this case.

12 Q You think you would be unfair?

13 A Unfair, yes.

14 Q Why is that?

15 A Because I -- uh -- I guess I would believe in
16 capital punishment.

17 Q In other words, upon a conviction of murder in the
18 first degree --

19 A Yes, sir.

20 Q -- that you would automatically vote to impose the
21 death penalty?

22 A Yes.

23 Q Regardless of what the evidence might be?

24 A Well, yes, sort of. Yes.

25 Q Well, I'm not sure of what you mean by "sort of."

26 A Well --

27 Q In other words, if there is a conviction of
28 murder in the first degree your --

1 A This is in regards to publicity. I read a lot.
2 I would be unfair to the defendant, yes.

9b fls.

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9b-1

1 Q You would be unable to set aside anything that
2 you might have heard --

3 A Yes, I think so. Yes.

4 Q -- seen or read through the publicity media?

5 A Yes, uh-huh.

6 Q And you couldn't decide this case independently?

7 A I couldn't possibly decide it.

8 THE COURT: All right, the Court will excuse you, then.

9 Thank you, Mr. Vicente.

10 MR. KANAREK: Thank you, Mr. Vicente.

11 THE COURT: Room 253 forthwith, please, Mr. Vicente.

12 Do you have your slip?

13 Call some more jurors, would you, please?

14 Come forward, would you, please?

15 THE BAILIFF: Have a seat there.

16
17 VOIR DIRE EXAMINATION OF

18 MARIE E. SCHNEIDER

19 BY THE COURT:

20 Q And your name, please?

21 A Marie Schneider.

22 Q All right. Hold that microphone up, Miss
23 Schneider.

24 Or is it Mrs.?

25 A Miss Schneider.

26 Q Miss?

27 A Yes.

28 Q Miss Schneider, you were present when the Court

9b-2

- 1 explained the nature of this case and questioned Mr. Winters?
- 2 A Yes.
- 3 Q Would your answers be any different than he
- 4 responded to the questions I put to him of a general nature?
- 5 A No.
- 6 Q Would it be any hardship to you to serve on this
- 7 jury?
- 8 A No.
- 9 Q It would be neither a personal or a financial
- 10 hardship of any kind?
- 11 A No. I do work for a brokerage office, but I do
- 12 most of my work from 7:00 until 9:00, I mean, and this is
- 13 only two or three days a week.
- 14 Q I see. Have you served as a juror before in a
- 15 criminal case?
- 16 A Yes.
- 17 Q What was the nature of the case or cases and was
- 18 there a verdict in each case?
- 19 A Uh --
- 20 Q Without saying whether it was guilty or not
- 21 guilty.
- 22 A Yes, I was in a child molesting case and we
- 23 reached a verdict.
- 24 Q And did you sit on any other criminal case?
- 25 A No.
- 26 Q Well, will you set aside what you learned in that
- 27 case and decide this case only on its evidence and the law
- 28 as I shall state it to you?

1 A Yes.

2 Q All right.

3 Where do you work? Do you work as --

4 A I work as a registered representative for a
5 stock and bond brokerage. In other words, I sell securities.

6 Q And you have never married?

7 A No.

8 Q In what area do you reside?

9 A Oh, I reside in, oh, Central Los Angeles. In the
10 Wilshire District.

11 Q In regard to the death penalty, do you have views
12 concerning it, such that it would keep you from being fair and
13 impartial in determining the question of guilt or innocence?

14 A No.

15 Q On the second phase of the trial, would your
16 views concerning the death penalty be such that you would
17 automatically refuse to impose the death penalty, regardless
18 of the evidence that might be produced?

19 A No.

20 Q Or would you, upon a conviction of murder of the
21 first degree, automatically impose the death penalty without
22 regard to the evidence that might be produced?

23 A I don't know.

24 Q In other words -- do you understand the question
25 I put --

26 A Uh --

27 Q I might have --

28 A Would you ask me again? I'm a little confused.

1 Q -- might have gone a little fast.

2 A Yes.

3 Q Would you vote for the death penalty upon a
4 conviction of murder of the first degree without regard to
5 the evidence that might be produced in the case?

6 A No.

7 Q You would listen to the evidence?

8 A I -- I --

9 Q In either case, and make a determination whether
10 in your opinion and at your sole discretion you should impose
11 the death penalty or life in prison?

12 A Yes.

13 Q Have you heard, seen or read anything concerning
14 Mr. Manson before the trial began?

15 A Well --

16 Q Or before you were called in here, rather?

17 A Well, of course I've read about the trial and
18 seen it on television. Not this particular --

19 Q Not this particular trial?

20 A No, no.

21 Q But another trial?

22 A Another trial.

23 Q All right.

24 In connection with that other trial, what do you
25 know as a result of that trial?

26 A Well, I knew the verdict.

27 Q All right. Would you tell us what you believe the
28 verdict to be from what you heard, saw or read?

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A Guilty.

Q What was Mr. Manson guilty of?

A Murder.

Q Was there a penalty phase and, if so, do you know the result of that?

A Uh, yes, I do.

Q And what is it?

A Death.

Q Was there more than one count of murder against Mr. Manson?

A Uh --

Q More than one victim, as nearly as you can remember from what you --

A Yes.

Q Pardon?

-- from what you heard, seen or read?

A Yes, I think so. I'm not real sure.

Q You're referring to the Tate-La Bianca case?

A Yes, uh-huh.

Q Do you know the name Susan Atkins?

A Yes.

Q What does that mean to you?

A She was one of the defendants.

Q Do you know the name Bobby Beausoleil?

A No.

Q Do you know the name Shorty Shea?

A Uh, oh, something, yes.

Q What do you know about it?

1 A Uh, well, he was -- they think he was murdered.
2 He wasn't -- the body was never found.

3 Q And you had read about the account of a search
4 for a body of Shorty Shea, then?

5 A Yes, I think I have. Sort of -- well, I just
6 scan those things. I don't really read them.

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Q How about the name Hinman? Gary Hinman?

2

A Well, I read something about that, too.

3

Q Do you know what you read?

4

A Well, they found him murdered, I guess.

5

Q Do you remember any of the details of that story?

6

A No, I can't say that I do.

7

Q Now, if I were to instruct you that you should

8

set aside any opinions which you might have formed about

9

anything that you have heard, seen or read, concerning Mr.

10

Manson, this case or the other case, and decide this case

11

solely on the evidence that's produced here in court, and

12

the Court's instructions, do you believe that you could

13

effectively segregate those things that you have heard, seen

14

or read, from the evidence in this case?

15

A Yes, I think I could.

16

Q Could you be objective enough to recognize that

17

which was evidence produced here, and that which was rumor or

18

something that had been read, heard or seen through the news

19

media?

20

A I think I could. I don't think I read enough

21

about it, really.

22

Q Now, you're saying, "I think I could," --

23

A Yes.

24

Q -- and we need to have some assurance from you --

25

A Yes, sir, I could.

26

Q -- that you are definite and certain --

27

A Yes.

28

Q -- on your ability to segregate evidence from the

10-2

1 news media reports?

2 A Yes, I could.

3 Q And will you decide any issue that you might be
4 called upon to decide in this case, independently of any such
5 matters that you may have seen, heard or read, or discussed
6 with anyone?

7 A Yes.

8 Q And can you do that? Can you do that, and will
9 you do that? That's what I am interested in knowing.

10 A Yes, I would. I will.

11 Q And can you be fair and impartial in this trial?

12 A Yes, I -- yes.

13 Q All right. You may examine.

14
15 VOIR DIRE EXAMINATION

16 BY MR. KANAREK:

17 Q In that last answer -- may I ask you, how do you
18 pronounce your name?

19 A Schneider; S-c-h-n-e-i-d-e-r.

20 Q Yes.

21 Miss Schneider, in that last answer, you hesitated
22 when the Court asked you whether you could be fair and impartial.
23 You hesitated a second or so, and then sort of --

24 Would you tell us, what was your thinking, as you
25 said those words?

26 A Well, I'm -- I'm kind of confused right now. I
27 mean, I -- I didn't expect this. I never thought this would --
28 I would be asked to -- ever asked a question like that.

10-3

1 Q Well, you are certainly among friends here.

2 A Yes, I know.

3 Q Relax, or think for a moment. And then tell us
4 what you -- what is your thinking in that regard, to the
5 Court's question?

6 A Well, I -- I think I could listen and not be
7 biased by any of the testimony or I mean, any other views
8 I've read, or television I've seen.

9 I think I could be fair.

10 Q But is it a fair statement that you just don't
11 know for sure?

12 A Yes, that's a fair statement.

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

14 THE COURT: Are you stating to me that you cannot be
15 sure that you could eliminate those things from your mind?
16 Are you stating that that is your state of mind now?

17 JUROR NO. 5: Yes, I think it is.

18 THE COURT: All right. The Court grants the challenge.

19 MR. KANAREK: Thank you very much, Miss Schneider.

20 THE COURT: Miss Schneider, you may report to Room 253
21 forthwith.

22 JUROR NO. 5: 253?

23 THE COURT: Yes, the jury assembly room.

24 Do you have further time left on jury duty?

25 JUROR NO. 5: Yes, I do.

26 MR. KANAREK: Thank you.

27 THE CLERK: Miss Lucille Reyes; R-e-y-e-s.

28 THE COURT: And draw another one. Pull another slip.

10-4

THE CLERK: And David Moses Montag; M-o-n-t-a-g.

VOIR DIRE EXAMINATION OF

LUCILLE REYES

BY THE COURT:

Q Your name is?

A Lucille Reyes.

Q Very well. Is it Miss Reyes or Mrs. Reyes?

A Miss.

Q Miss Reyes, were you present when the Court questioned Mr. Winters?

A Yes.

Q And you heard the Court's instructions of law, and you heard the Court's questioning of Mr. Winters, did you not?

A Yes.

Q And the explanation of the nature of this case?

A Yes.

10a fls.

10a

Pg. 1

1 Q Having the questioning of Mr. Winters in mind,
2 would your answers be any different than his were to the
3 questions of a general nature, that I put to him? Up until
4 the time I talked to him about the possibility of hardship?

5 A No.

6 Q All right. Would it be any hardship to you to
7 serve as a juror in this case?

8 A It would, if -- you know, if I wasn't getting
9 paid or something.

10 Q All right. Tell me about that.

11 A Well, I don't know if my employer would pay me
12 for all that time.

13 Q Who is your employer?

14 A The postal service.

15 Q There are other postal employees who have been in
16 this courtroom, and they have had no doubts that they would
17 be paid. And it's the Court's opinion that you would probably
18 be paid.

19 A Oh. Then, it would be all right.

20 Q That would be the only problem, huh, --

21 A Yes.

22 Q -- the possibility that you might not be paid?
23 That entered your mind; is that correct?

24 A Right.

25 Q Have you served as a juror before?

26 A No.

27 Q In any criminal case?

28 A No.

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

3 A No.

4 Q And you work for the post office. Where?

5 A At the Terminal Annex.

6 Q What do you do there?

7 A I'm a distribution clerk.

8 Q And you stated that it was -- it's Miss; is that
9 correct?

10 A Yes.

11 Q In what area do you reside, Miss Reyes?

12 A Lincoln Heights.

13 Q Are your views concerning the death penalty such
14 that you could not be fair and impartial in determining the
15 issue of guilt or innocence?

16 A No.

17 Q Or are your views concerning the death penalty
18 such that you would automatically refuse to impose it in any
19 case, regardless of the evidence?

20 A No.

21 Q Or are your views concerning the death penalty
22 such that you could never vote to impose it?

23 A No.

24 Q Do you have such views concerning the penalty
25 that, upon a conviction of murder in the first degree, you
26 would automatically impose it? The death penalty, that is?

27 A If that was the case, yes.

28 Q Well, you realize that this is a matter of the

3
1 jury's discretion. The jury has a right to determine whether
2 a person who is convicted of murder of the first degree should
3 suffer life imprisonment or death.

4 A Yes.

5 Q There are no criteria. It's only a matter of your
6 discretion.

7 But would you simply, upon a conviction of murder
8 in the first degree, vote to impose the death penalty, without
9 viewing, looking at, regarding the evidence?

10 A No. Well, I would view the evidence first, and
11 then decide.

12 Q Have you ever heard of Mr. Manson's name, before
13 you came in this courtroom?

14 A In the paper.

15 Q And over television occasionally?

16 A Yes.

17 Q And occasionally a radio report?

18 A Yes.

19 Q And was that in connection with the so-called
20 Tate-La Bianca trial?

21 A Yes.

22 Q Did you follow that trial through the news media?

23 A No, I didn't.

24 Q You just occasionally saw something in the press
25 or over television or heard something on radio; is that
26 correct?

27 A Yes.

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

4

1 A No, I don't. I didn't follow it that closely.

2 Q You don't know whether Mr. Manson was convicted
3 of anything?

4 A No.

5 Q Or whether he suffered a --

6 A No.

7 Q -- being sentenced in any certain way? Is that
8 true?

9 A No.

10 Q Do you know of what he was accused?

11 A I think of murder. I'm not sure.

12 Q Of murder?

13 A I think so. I'm not sure.

14 Q And you have no recollection as to whether he
15 was convicted or found innocent of murder?

16 A No.

17 Q Do you know the name Susan Atkins?

18 A I've heard that name before, yes.

19 Q In what connection?

20 A I think it was in connection with the Sharon Tate
21 murder. I'm not sure.

22 Q Do you know the name Bobby Beausoleil?

23 A I don't remember it, no.

24 Q Mary Brunner?

25 A No.

26 Q Do you know the name Shorty Shea?

27 A Uh -- I've heard the name before, yes.

28 Q Gary Hinman?

1 A I've heard the name.

2 Q Do you know in what connection you've heard those
3 names? Other than my reading them from the indictment?

4 A I don't remember.

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1 Q If I were to instruct you that you should set
2 aside whatever you had heard, seen or read, via the press, or
3 the television or the radio, or anything that you might have
4 discussed with anyone concerning Mr. Manson, or this case or
5 any other case, could you set aside, in your mind, such
6 matters? For the purpose of deciding any issue that you might
7 be called upon to decide in this case?

8 A Yes.

9 Q Are you firm in that view of your ability, your
10 capability of being objective and setting aside any news
11 reports?

12 A Yes.

13 Q You understand that if you were to consider any
14 such reports, and in any way allow them to enter into your
15 judgment, that it would be unfair to Mr. Manson?

16 A Yes, I do.

17 Q And if you were to allow them to -- that is, those
18 reports, or anything that you might have heard, seen or read--
19 to enter into your judgment, that you would be -- you would
20 not be following the Court's instructions; you would be
21 violating the Court's instructions and your own oath as a
22 juror?

23 A Yes.

24 Q All right. Then, I'll ask you this: You've
25 heard us talking about setting such matters aside. And you
26 can set aside any opinions that you may have formed concerning
27 Mr. Manson, or that other case or this case; correct?

28 A Yes.

1 Q Now, will you do that?

2 A Yes, I would.

3 Q And can you be fair and impartial in determining
4 any issue that you might be called upon to determine in this
5 case?

6 A Yes.

7 THE COURT: Mr. Kanarek?

8 MR. KANAREK: Thank you, your Honor.

9
10 VOIR DIRE EXAMINATION

11 BY MR. KANAREK:

12 Q Miss Reyes, what is your state of mind with
13 respect to what the charges were in the previous case?

14 A I really didn't even give it much thought. Really,
15 I read it, and that's it.

16 Q Like -- you know, what the charges are in this
17 case?

18 A Yes.

19 Q And from whatever you did read or hear, did you --
20 what is your opinion as to what the charges were, from what
21 you read and heard?

22 A I really don't have any opinion on it, really. I
23 just --

11 fls.

11-1

1 Q Does the name Sharon Tate mean anything to you?

2 A Not really. I've heard of her as an actress,
3 but that's about all.

4 Q Do you have any idea whether -- what is she doing
5 now?

6 A She's dead.

7 Q Right. And so do you feel that her death had
8 anything to do with the previous case?

9 A I really don't know if it did or it didn't.

10 Q Pardon?

11 A I don't know.

12 Q And do you -- do you -- based upon what you read
13 and heard, what do you think happened as far as Mr. Manson was
14 concerned in that previous case?

15 A Uh, I read some place that he was, uh -- had
16 something to do with it, but -- you know, he was the leader
17 or something. I don't know.

18 Q He was the leader?

19 A Uh-huh.

20 Q He was the leader of whom?

21 A Uh, he was the leader of this cult or something,
22 I don't know. It was supposed to be Atkins and -- the people
23 that were supposed to be followers of his.

24 Q And what, if anything, did these followers do?

25 A Well, I read where they, uh, were supposed to
26 have killed someone because of something -- I don't know
27 what -- of something because of him or something -- I really
28 don't know. I really didn't follow the case that closely.

1 Q Well, just whatever you did -- just tell us
2 whatever you did here, Miss Reyes?

3 And as far as Mr. Manson was concerned in
4 connection with that case, did you hear from the publicity or
5 see from the publicity that he was on trial in that previous
6 case?

7 A Yes, uh-huh.

8 Q And your state of mind is that when you have a
9 trial, one of the possibilities is guilty and another
10 possibility is not guilty?

11 A Right.

12 Q Now, what is your state of mind as far as the
13 publicity is concerned as to what happened to Mr. Manson in
14 that case?

15 A Hmm, well, I can't really tell you, because, I
16 mean, I didn't really follow it that closely. And as far as
17 his guilt or innocence, I really don't know.

18 Q You don't know. But, I mean, based on what you
19 heard and saw?

20 A Uh-huh.

21 Q As far as headlines and what you heard over TV,
22 what was told to you and what you saw, what did the publicity
23 say the result of that trial was as far as Mr. Manson was
24 concerned?

25 A I can't remember.

26 Q And did you hear that there was some kind of a
27 penalty phase in that other trial?

28 A I can't remember that either.

1 Q And you don't know whether or not there was a
2 penalty phase?

3 A No, I don't.

4 Q Now, have you ever heard of Shorty Shea?

5 A Yes, I've heard his name mentioned in the paper.

6 Q And what did you read about or hear about Shorty
7 Shea?

8 A Uh, I think he was murdered. I'm not sure.

9 Q He was what?

10 A Murdered. I think, I'm not sure.

11 Q And you heard the Judge here say that that is
12 one of the matters that are before us here?

13 A Uh-huh.

14 Q So your state of mind right now is what you read
15 in the papers that he was murdered?

16 A Yes, I think so.

17 Q And so having that state of mind, it would require
18 some kind of evidence to be presented to you to change your
19 mind that he was murdered, is that right?

20 A Yes, uh-huh.

21 MR. KANAREK: Yes, your Honor, then my -- may we
22 approach the bench?

23 THE COURT: No, you may not.

24 Do you wish to go on with your questioning?

25 MR. KANAREK: No, your Honor.

26 THE COURT: Do you have a challenge?

27 MR. KANAREK: Yes, your Honor. In view of the fact
28 that the lady has stated she feels Mr. Shea was murdered and

1 it would take evidence to change it --

2 THE COURT: Do you understand --

3 MR. KANAREK: 1073, Subsection 2.

4 BY THE COURT:

5 Q Miss Reyes, you understand the People are required
6 to prove all the elements of a case against the defendant
7 beyond a reasonable doubt?

8 A Yes.

9 Q And to a moral certainty?

10 That one of the elements involved in a murder
11 charge is the death of a human being by illegal means.

12 A Yes.

13 Q Do you understand that?

14 A Yes.

11a fls 14

11a
1 Q Would you rely on what you have heard in the
2 newspaper or via television or over the radio to prove
3 Shorty Shea's death?

4 A No, I would only rely on the evidence that I
5 would hear in this courtroom.

6 Q Let's say that the People are unable to establish
7 to your satisfaction, beyond a reasonable doubt, that is, to
8 your moral certainty, that Shorty Shea is dead.

9 How would you -- how would you vote, guilty or
10 not guilty?

11 A Uh, not guilty, I guess.

12 MR. KANAREK: May I approach the bench, your Honor?

13 THE COURT: You may.

14 MR. KANAREK: With the reporter.

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

18 MR. KANAREK: At the end of her answer, I think the
19 reporter can tell us, I think she said, "I guess." Yes, that
20 is correct. The reporter nods affirmatively.

21 THE COURT: What is that in respect to? What?

22 THE REPORTER: Do you want me to read the answer?

23 THE COURT: Yes.

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

26 "ANSWER: Uh, not guilty, I guess.")

27 THE COURT: I didn't hear her reply.

28 MR. KANAREK: Your Honor --

1 THE COURT: I am convinced she can set aside what she
2 may have heard, seen or read, and that she will set it aside
3 and she will set aside any opinion she may have formed --

4 MR. KANAREK: But, your Honor --

5 THE COURT: And she will decide the case impartially
6 and fairly.

7 MR. KANAREK: Well, your Honor, this is not a publicity--

8 THE COURT: This is my opinion --

9 MR. KANAREK: She has an opinion that she is --

10 THE COURT: Under 1076, the question is whether or not
11 she can set it aside. And I think she can.

12 MR. KANAREK: But, your Honor, she said she would
13 require evidence to make her --

14 THE COURT: I understand. I heard what she said.

15 MR. KANAREK: Well, the point is, she now believes
16 Shorty Shea is murdered. That's one of the issues in the
17 case. That's one of the important issues in the case.

18 THE COURT: The question is whether she can set aside
19 any opinions she may have formed regarding Shorty Shea's
20 death or Gary Hinman's death.

21 MR. KANAREK: She said --

22 THE COURT: I heard what she said, Mr. Kanarek. You
23 want to say it again?

24 MR. KANAREK: Well, no, your Honor.

25 THE COURT: Do you delight in saying it --

26 MR. KANAREK: I'm trying to convince the Court.

27 THE COURT: Well, I heard what she said. Your
28 challenge for cause is denied.

1 (Whereupon, the following proceedings were had
2 in open court within the presence and hearing of the
3 prospective juror:)

4 BY THE COURT:

5 Q Miss Reyes, I didn't hear it, but -- Miss Reyes, if
6 the People fail to establish that Shorty Shea has been killed,
7 that he is dead, do you have any question in your mind as to
8 how you would vote? That is, if they fail to establish it
9 in presenting evidence here in court, do you have any doubt
10 in your mind as to how you would vote?

11 A No.

12 Q On that issue?

13 A No.

14 Q How would you vote?

15 A Not guilty, they can't prove that he is dead.

16 Q Now, you've formed some opinion from what you have
17 read in the newspapers that Mr. Shea is dead, is that correct?

18 A Yeah -- well, I read that he was found dead.

19 Q Now, in connection with that, that information
20 that you have, have you formed a firm opinion that Mr. Shea is
21 dead?

22 A I really don't know. I haven't formed any
23 opinion as to whether he is dead or not. This is just what
24 I have read.

25 Q Well, I'm not asking you to forget all of those
26 things that you may have heard, seen or read; you understand
27 that?

28 A Yeah, uh-huh.

1 Q Because it would be impossible really to forget
2 completely, erase such things from your mind forever.

3 A Yes.

4 Q What I am asking you is whether you can set aside,
5 for the business of being a juror, and for the purpose of
6 accomplishing the things that you must accomplish as a juror,
7 those things that you may have heard, seen or read, whether you
8 can set them aside?

9 A I think I can.

10 MR. KANAREK: 1073, Sub section 2, your Honor.

11 Q BY THE COURT: Including that statement that you
12 may have read about Mr. Shea's death?

13 A Yes.

14 Q Now, are you hedging at all when you say, "I
15 think I can," or are you firm in your resolve and in your
16 opinion of your ability to set those matters aside?

17 A I know I can do that.

18 Q You can do that?

19 A Correct.

20 Q And you will do that, is that correct?

21 A Yes.

22 THE COURT: The challenge is denied.

23 All right, Miss Reyes -- I think that it --
24 does that fill the box again?

25 MR. MANZELLA: Yes, your Honor.

26 THE COURT: All right. Mr. Kuczera, let's get the
27 jurors back, then.

28 THE BAILIFF: Yes, sir.

1 (Whereupon, an unrelated matter was called
2 before the Court.)

3 MR. KANAREK: Would it be opportune to take the after-
4 noon recess at this time, your Honor?

5 THE COURT: All right, we'll take a short recess.

6 MR. KANAREK: Thank you, your Honor.

7 (Afternoon recess.)
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1 THE COURT: All right. The record will show that the
2 defendant is present with his counsel, Mr. Kanarek. The
3 prospective jurors are beyond the rail and in the box.

4 Gentlemen, do you wish to conduct a general voir
5 dire as to Miss Reyes? Mr. Kanarek?

6 MR. KANAREK: Yes, your Honor.

7 THE COURT: If you can't hear back there, let us know.

8 Ladies and gentlemen, those of you who are beyond
9 the rail, if you can't hear, let us know. Raise your hand, and
10 we'll get closer to the microphone.

11
12 VOIR DIRE EXAMINATION OF

13 LUCILLE REYES

14 BY MR. KANAREK:

15 Q Miss Reyes, can you hear me?

16 A Yes.

17 Q Miss Reyes, do you have any friends or relatives
18 that are in any type of law enforcement work, public or
19 private, anywhere in the world?

20 A No. The only thing is, my sister is a clerk-
21 typist for the police department.

22 Q The Los Angeles Police Department?

23 A Yes.

24 Q And how long has she been so employed?

25 A Two years.

26 Q And is it a fair statement that you see your
27 sister on many occasions?

28 A Yes.

1 Q And you are good friends with your sister?

2 A Yes.

3 Q And having that in mind, what do you --

4 recognizing that there may be police officers who come through
5 this courtroom and testify, is there anything about that that
6 is of such a nature that you think it would be unfair to
7 ask you to sit as a juror?

8 A No.

9 Q Do you think that -- well, if I may put it this
10 way? You are a friend -- do you have any friends who are law
11 enforcement officers, that your sister works with?

12 A No, I don't.

13 Q Have you lived in any parts of the world other
14 than Southern California?

15 A Mexico.

16 Q And how many years have you lived in Los Angeles?

17 A About 22 years.

18 Q I see. So you've lived most of your life in
19 Los Angeles?

20 A Yes.

21 Q Do you have -- if it should turn out -- if it
22 should come to pass in this case that there are matters that
23 are brought forth in the evidence, the prosecution will
24 present matters here involving racial matters, is your state
25 of mind such that you could discuss these types of matters
26 with your fellow jurors, and use this evidence in the way
27 that you feel that it should be used? That is, without
28 thinking of the emotional aspect?

3
1 A Yes.

2 Q Now, if it should come to pass that some black
3 people come through this court, who have been in custody
4 many years -- with Mr. Manson -- in custodial institutions,
5 State institutions and federal institutions, is there any
6 reason that you couldn't listen to the testimony that these
7 black people may give, and give that testimony the weight
8 that it's entitled to, irrespective of the fact that these
9 people may have been in custody for many years?

10 A No, there's no reason at all.

11 Q Now, certainly, I think that we are in agreement
12 that, in criminal matters there are generally two big aspects
13 that the matter breaks down into, such as the intent, plus the
14 act.

15 That is, for instance, if I may, certainly you
16 would agree that -- this is just an absurd example -- but if
17 somebody is walking in their sleep, for instance, and some-
18 thing occurs, they do something, they don't intend to do it.

19 No matter what happens, they're not responsible.

20 A Yes.

21 Q That's an absurd example, but I am giving it.
22 Now, on intent, the thinking that's going on in one's mind,
23 that has to be evaluated in this courtroom, and in the jury
24 room, in connection with matters that will be presented to
25 you.

26 Do you understand that?

27 A Yes.

28 Q And certainly, we haven't had the misfortune to

4
1 be in custody some 23 years, like Mr. Manson has, and so we --
2 DEFENDANT MANSON: Fortune.

3 Q BY MR. KANAREK: -- we will have the problem of
4 evaluating his intent --

5 THE COURT: Excuse me. That -- that remark of
6 Mr. Kanarek's is stricken. Ladies and gentlemen, his remark
7 about Mr. Manson having been in custody, that's stricken.

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1 MR. KANAREK: Well --

2 THE COURT: It's a fact not in evidence, Mr. Kanarek.

3 MR. KANAREK: Well, your Honor, by the same token --

4 THE COURT: All right. You may resume proper voir
5 dire. This is not argument, but --

6 MR. KANAREK: I know.

7 THE COURT: -- simply an inquiry into whether or not
8 a juror or jurors have bias or prejudice in a certain way.

9 You shouldn't take any of these questions, ladies
10 and gentlemen, that are asked either by the Court or by either
11 counsel as personal affronts to you. It's simply a means
12 -- this examination is simply a means of selecting jurors
13 whom we believe are not biased or prejudiced in certain ways.

14 Go ahead, Mr. Kanarek.

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

16 Q Now, Miss Reyes, we -- I guess we are in agree-
17 ment, hopefully, that all of us don't have the advantages,
18 maybe, that some of us have; do you agree with that?

19 A Yes.

20 Q And certainly, we would agree that a person's
21 thinking is conditioned by -- a lot by the life he or she
22 has lived.

23 MR. MANZELLA: Objection, your Honor. It's asking
24 Miss Reyes to prejudge the evidence.

25 THE COURT: Sustained.

26 Q BY MR. KANAREK: We believe that the prosecution
27 will probably -- and the prosecution already has, previously --
28 will go into matters that -- they will discuss circumstantial

12a-2

1. evidence.

2. Now, one of the circumstances -- if one of the
3. circumstances that's presented to you is the background, the
4. living conditions, the misery of prison life, whether it is
5. the life of Mr. Manson or the lives of other people, if this
6. is one of the circumstances that's presented to you in this
7. case, is there any reason that you couldn't use that
8. circumstance to acquit -- to find someone not guilty, if --

9. THE COURT: You needn't answer that question. That's
10. an improper question on voir dire.

11. It asks the juror to prejudge the evidence.

12. Q BY MR. KANAREK: Miss Reyes, is there any reason
13. that you couldn't use circumstantial evidence to acquit
14. someone? You heard the Court say that, when matters are
15. presented, that a certain chain of circumstances, certain
16. events are brought to your attention, that each link in the
17. chain of circumstances must be proved beyond a reasonable
18. doubt.

19. Now, is there any reason that you couldn't
20. find someone not guilty, based on circumstantial evidence?

21. A No.

22. Q Now, how many -- may I ask you, when is it that
23. you started jury duty?

24. A Two days ago. Well, this is my second day.

25. Q This is your second day. Have you ever been on
26. any panel? I gather you haven't been on any panel at all.

27. A No, I haven't.

28. Q Now, having in mind -- having in mind everything

12a-3

1 that you've heard in connection with this case, is there any
2 reason that you feel that this case would be more difficult,
3 more difficult to sit on, than -- than any other case?

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

5 THE COURT: Overruled. You may answer it.

6 JUROR NO. 5: No.

7 Q BY MR. KANAREK: Now, during part of the process
8 of this legal process that we have is final arguments,
9 arguments by the lawyers.

10 Now, is there any reason that you couldn't listen
11 to arguments of the attorneys, and if these arguments made
12 sense, take into consideration the reasons as to everything
13 you heard in final arguments?

13 fls.

14 A Well, I would take everything into consideration.
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1 Q And the fact that -- and your state of mind is
2 the fact that the law provides that the lawyers argue the
3 case after all the evidence is in, so to speak. That doesn't
4 mean that you wouldn't listen to the lawyers, even though it
5 is -- uh, it is not what we call evidence. I mean, it is not
6 what comes from the witness stand.

7 A Uh, I would listen to the arguments of both of
8 the attorneys.

9 Q May I ask you, Miss Reyes, in connection with this
10 case, have you formed any opinions -- have you formed any
11 opinions concerning the guilt or innocence of Mr. Manson?

12 A No, I haven't.

13 Q You have no opinion, whatsoever?

14 A No.

15 Q So that if this case were given to you right now,
16 you would unhesitatingly find Mr. Manson not guilty, is that
17 correct?

18 A Right now, yes, he is not guilty.

19 Q Pardon?

20 A Right now he is not guilty because I haven't heard
21 any evidence stating that he is guilty or anything.

22 Q And is there any reason the principle of law
23 that someone is presumed innocent -- the principle of law
24 that protects all of us from harassment, from arbitrary police
25 power -- is there any reason that you couldn't invoke that
26 principle in this case?

27 A No.

28 MR. KANAREK: Thank you.

13-2

Pass for cause, your Honor.

THE COURT: Mr. Manzella.

VOIR DIRE EXAMINATION

BY MR. MANZELLA:

Q Miss Reyes, do you know anyone that's involved in the defense of criminal cases?

A No.

Q Do you know anyone who has ever been accused of any crime?

A No.

Q All right. Miss Reyes, do you understand that no statement or question of counsel, one of the lawyers, is evidence in the case; do you understand that?

A Yes.

Q Now, if it turns out that a particular question or statement made by counsel suggests that certain evidence will be brought out at the trial, if it turns out that no evidence of that suggested by the question is brought out at the trial, would you be able to put aside any suggestion that was in the question?

A Yes.

Q All right. Now, Miss Reyes, you've been instructed by the Court with regard to the burden of proof on the People in this case, that is, proving guilt beyond a reasonable doubt.

Now, would you hold the prosecution to a higher standard of proof or a greater burden of proof because this is

13-3

1 a murder case?

2 A Uh, no, I would hold it to what the Court suggests.

3 Q All right.

4 Do you have any quarrel with the law that permits
5 a person to be convicted of first degree murder where the
6 death is proved by circumstantial evidence?

7 MR. KANAREK: Your Honor, that's immaterial because it
8 is a matter of whether she can follow the Court's instructions
9 or not.

10 THE COURT: All right, sustained.

11 Q BY MR. MANZELLA: Do you have any quarrel with the
12 law which permits a conviction of first degree murder, even
13 though the death has been proved by circumstantial evidence?

14 MR. KANAREK: It is the same -- it is the same objection.

15 MR. MANZELLA: Your Honor, I'm asking the juror in
16 another form whether she can follow that law, your Honor.

17 MR. KANAREK: But she may be --

18 THE COURT: All right, I'll overrule the objection. You
19 may answer.

20 A No.

21 Q BY MR. MANZELLA: All right.

22 You've heard the Court's instructions with regard
23 to aiding and abetting and conspiracy; is that correct?

24 A Yes.

25 Q All right. Do you have any quarrel with those
26 laws, such that you could not be fair and impartial to the
27 people in this case?

28 A No.

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1 Q Do you have any quarrel with the law which
2 permits a person to be convicted of first degree murder,
3 even though he is not present at the time of the killing
4 under those legal doctrines?

5 A No.

6 Q Miss Reyes, if the defendant in this case
7 testifies or if he calls witnesses on his behalf, could you
8 judge the credibility of the defendant or his witnesses by
9 the same standards that you would judge the credibility of
10 any witness who testifies at this trial?

11 A Yes.

12 Q If the defendant testifies or if he does call
13 witnesses on his behalf, and after judging the credibility of
14 their testimony by the standards that will be given to you
15 by the Court, after judging their credibility, if you did not
16 believe their testimony in whole or in part, would you be
17 able to reject that whole or that part of their testimony
18 that you did not believe?

19 A Yes.

20 MR. MANZELLA: Thank you, I have no further questions.
21 The People pass for cause.

13a fls.

13a-1

1 THE COURT: The next peremptory challenge is with the
2 defendant.

3 MR. KANAREK: Thank and excuse Mrs. Kummer. Thank you,
4 Mrs. Kummer.

5 THE COURT: Thank you, Mrs. Kummer. You are excused,
6 Mrs. Kummer, to report to Room 253, the jury assembly room,
7 when? Tomorrow?

8 THE CLERK: Yes, your Honor.

9 THE COURT: Tomorrow morning at 9:00 o'clock.

10 JUROR NO. 3: Tomorrow morning at 9:00 o'clock. Thank
11 you.

12 THE CLERK: David Moses Montag, M-o-n-t-a-g. Moses,
13 M-o-s-e-s.

14
15 VOIR DIRE EXAMINATION OF

16 DAVID MOSES MONTAG

17 BY THE COURT:

18 Q Mr. Montag, were you present when the Court
19 explained the nature of this case and when the Court discussed
20 the case with Mr. Winters and questioned him?

21 A Uh, yes, I was.

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

24 A They would be the same.

25 Q All right. Would it be any hardship to you to
26 serve as a juror in this case?

27 A I don't believe so.

28 Q Either financial or personal?

1 A I don't believe it would be a hardship.

2 Q Have you served as a juror before in a criminal
3 case?

4 A Not in a criminal case.

5 Q You have served in a civil case?

6 A Yes, I have.

7 Q You understand there is a distinctive difference
8 between the burden of proof that's required for the plaintiff
9 to prevail in a civil case, which burden of proof is a
10 simple preponderance of the evidence, and the burden of proof
11 in a criminal case, which is beyond a reasonable doubt?

12 A Yes, I do.

13 Q And you will maintain that distinction in your
14 mind, will you not?

15 A Yes.

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

18 A Yes, I am.

19 Q Tell us about that.

20 A A friend of mine is a Deputy District Attorney.

21 Q For Los Angeles County?

22 A Yes.

23 Q And do you know whether -- where he works?

24 A Yes, in the Municipal Court annex.

25 Q Here in the Civic Center?

26 A Yes.

27 Q And have you discussed his cases with him from
28 time to time?

1 A No, I haven't.

2 Q Have you ever discussed this case with him?

3 A No.

4 Q Or have you discussed Mr. Manson with him?

5 A No, I haven't.

6 Q Would that relationship in any way affect your
7 judgment in this case?

8 A I don't believe so.

9 Q Do you think that you can be fair and impartial
10 in spite of that relationship?

11 A Yes, I do.

12 Q Are you employed at the present time?

13 A Yes, I am.

14 Q And where, Mr. Montag?

15 A At East Los Angeles College.

16 Q What do you do there?

17 A I am a planetarium lecturer and physics laboratory
18 manager.

19 Q You are a planetarium lecturer?

20 A Yes.

21 Q And a physics laboratory manager?

22 A Yes.

23 Q How long have you been so employed?

24 A Ten years as a physics laboratory manager, and
25 two years as a planetarium lecturer.

26 Q In what area do you reside?

27 A In the Angeles National Forest.

28 Q Now, that's quite a wide area.

1 A Uh, yes, it is north of Altadena. Lots of acres
2 in there. I have a home.

3 Q You are up in the National Forest above Altadena?

4 A Yes, uh-huh.

5 Q Well, I hope you notice all those glares of
6 envy.

7 A Yes, it is a very clean environment.

8 Q How long have you resided there?

9 A Uh, two years.

10 Q And you commute down to the college when you're --

11 A Yes, sir.

12 Q When classes are in session?

13 A Yes, every morning.

14 Q When you are working?

15 A Every morning.

16 Q I see.

17 Now, do you have views concerning the death penalty,
18 such that you could not be fair and impartial in determining
19 the first phase of the case, the phase involving guilt or
20 innocence?

21 A No, I don't.

22 Q Or do you have views concerning the death penalty
23 such that you would automatically refuse to impose it regardless
24 of the evidence that might be produced?

25 A I do not.

26 Q Or upon a conviction of murder of the first degree,
27 would you have such views concerning the death penalty that
28 you would automatically impose it regardless of the evidence?

1 A No, I don't.

2 Q Would your views be such that you would never vote
3 to impose the death penalty in any case?

4 A No.

13b fls.

13b

Pg. 1

1 Q Now, we wish to ask you about publicity you have
2 seen, heard or read in connection with Mr. Manson, and
3 whether you can set aside what you may have heard, seen or
4 read and whether you will set aside what you may have heard,
5 seen or read.

6 Those are the criteria.

7 For the purpose of examining you in connection
8 with that, we'll ask the other jurors again to leave and go
9 to Department 100 very quickly and quietly.

10 Somebody hold open the doors over there.

11 BY THE COURT:

12 Q Mr. Montag, had you ever heard, seen or read
13 Mr. Manson's name before you came into this courtroom?

14 A Yes, I had.

15 Q And was it in connection with the Tate-La Bianca
16 homicides?

17 A Yes, it was.

18 Q Had you heard, seen or read anything, whatever, of
19 this case?

20 A Not this particular case.

21 Q That you remember?

22 A No, no.

23 Q In connection with that other case, do you know
24 the name Sharon Atkins -- excuse me, Sharon Tate?

25 A Yes, the movie actress.

26 Q Yes.

27 A Uh-huh.

28 Q Did you hear that she was one of the victims in

2
1 the case?

2 A Yes, I did.

3 Q And do you know how many victims there were?

4 A Not the exact number. Four or five.

5 Q Do you know the results of that case, whether there
6 was a conviction or whether there was a sentence pronounced
7 and, if so, what it was?

8 A I'm not sure. I heard that one of the cases had
9 been settled, but I didn't know which one.

10 Q You don't know whether Mr. Manson was ever
11 convicted of the crime charged against him in that case?

12 A I am not sure. I have not followed the case
13 closely.

14 Q I see. You just occasionally saw television or
15 heard a radio broadcast or saw a newspaper?

16 A The original murders I had read in the papers,
17 And I read in Life magazine an article about Susan Atkins,
18 and that was it.

19 Q In respect to Susan Atkins, what did you read,
20 that you can recall?

21 A I can't recall anything verbatim.

22 Q Do you know who Susan Atkins was?

23 A Just that she's one of the defendants in the case.

24 Q And do you remember the gist of what she -- of
25 what you read in this magazine?

26 A I'm not certain. Just that she was an
27 acquaintance of Mr. Manson. That she -- is alleged to have
28 participated in the commission of the alleged crime.

1 Q And do you know the name Shorty Shea? Had you
2 ever heard it before, heard, seen or read it?

3 A I believe it is one of the people that had been
4 killed.

5 Q Is that your best remembrance of what you had
6 heard, seen or read?

7 A I think so. Yes, that's my best remembrance.
8 I don't know -- I'm not certain.

9 Q Now, in connection with the name Gary Hinman,
10 have you heard, seen or read that before?

11 A That he was one of the persons to have been
12 murdered.

13 Q You have read that?

14 A I heard that, yes.

15 Q Before you came here and heard the Court tell you
16 about the indictment?

17 A No, from the indictment.

18 Q I see.

19 A From the indictment.

20 Q I see. Was that also the basis of your reply in
21 regard to Shorty Shea?

22 A Yes. Yes.

23 Q What I am asking about is whether you heard, saw
24 or read anything in the news media before you came here and
25 heard the Court explain the nature of this indictment to you?

26 A No, only about the Tate-La Bianca murder.

27 Q I see. And you have heard nothing whatever.
28 previous to the time you came to this courtroom about the name

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1 Shorty Shea or Gary Hinman; is that correct?

2 A Not that I can remember.

3 Q Very well. Do you know the name Bobby Beausoleil?

4 A No.

5 Q Mary Brunner?

6 A No -- that, yes.

7 Q In what connection?

8 A I think that originally I had heard that -- that
9 she was one of the girls involved. It was mentioned in the
10 newspapers, original -- the time of the Tate-La Bianca --

11 Q And --

12 A I think.

13 Q And do you recall the President of the United
14 States having made a statement during the course of that
15 trial, the Tate-La Bianca trial?

16 A I heard of the newspaper incident.

17 Q Yes.

18 A Somebody held up the paper.

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13K-1

1 Q And did you form any opinion in connection with
2 that as to whether it was correct or incorrect or the
3 propriety of the statement itself?

4 A Of the President issuing such a statement?

5 Q Yes, or the correctness of his judgment?

6 A I formed an opinion in my mind that he should not
7 have said that -- given his opinion, yes.

8 Q If I were to instruct you, Mr. Montag, if the
9 Court were to tell you that you are to set aside anything that
10 you may have heard, seen or read in the news media, anything
11 that you may have discussed with your friends, if I were to
12 tell you that you were to not forget that material, because
13 it would be impossible to forget some of it, I suppose, but
14 you were to set it aside for the purpose of making a decision
15 in this case, independently of such material, could you do that?
16 Are you capable of doing that?

17 A I would do it to the best of my ability.

18 Q Do you think that you are capable of doing it?

19 A Yes, I do.

20 Q Do you understand that if there were any doubt in
21 your mind as to your ability to set aside such matters and
22 to be objective in judging the evidence in this case, that
23 it would be very unfair to Mr. Manson?

24 A Yes, I do.

25 Q Well, the next question is: Would you do that?
26 Will you set aside anything you may have heard, seen or
27 read or discussed concerning Mr. Manson, this case or the
28 Tate-La Bianca case or anything that you may remember during

1 the course of the trial?

2 A Yes, I will.

3 Q And will you judge this case solely on the
4 evidence produced here and the law as the Court states it
5 to you?

6 A Yes, I will.

7 Q And can you be fair and impartial in spite of
8 what you may have heard, seen or read, in spite of whatever
9 opinions you might have formed concerning Mr. Manson and
10 be impartial to him?

11 A I believe I can.

12 Q Now, when you say, "I believe I can," is that
13 hedging at all or are you firm in that belief?

14 A I'm firm in my belief.

15 THE COURT: Very well.

16 Mr. Kanarek, you may examine.

17 MR. KANAREK: Yes.

18
19 VOIR DIRE EXAMINATION

20 BY MR. KANAREK:

21 Q Who is the deputy that you know?

22 A Uh, his name is Jay Becker, Mr. Jay Becker.

23 Q Now, then, is it a fair statement that you know
24 or from the publicity you gleaned what the result was as far
25 as Mr. Manson was concerned in the Tate-La Bianca case?

26 A Of the case?

27 Q Yes.

28 A I did not read any direct articles.

1 Q No, I mean just from whatever the source may be,
2 Mr. Montag.

3 Am I pronouncing your name correctly?

4 A Yes. Yes.

5 Q Some people pronounce that Montague.

6 A No, that's with a "u-e."

7 Q I see. I don't have it spelled right. That's
8 not right. It is M-o-n-t-a-g?

9 A Yes.

10 Q All right, I'm sorry.

11 Now, then, directing your attention to the --
12 your state of mind, regardless of what the source may be,
13 right now what do you think the result was of the Tate-La
14 Bianca case as far as Mr. Manson was concerned?

15 A I -- I -- I think that he was convicted of a
16 charge.

17 Q And what was the charge?

18 A It was concerned with the Tate-La Bianca murder.

19 Q And so what is your state of mind as to what the
20 charge would be?

21 You see, the reason I am asking the questions this
22 way --

23 A I understand.

24 Q -- I don't want to suggest the answers.

25 A Yeah, I know that. But I'm not certain of the
26 circumstances --

27 Q Yes, just tell us.

28 A Only the original publicity, the original murders

1 themselves, is what I had read in the papers. And I did not
2 follow the case that the news was in before.

3 Q I see. Now, directing your attention to the
4 result as far as -- was there a penalty phase as far as your
5 state of mind is concerned? Do you recall there being such a
6 thing?

7 A I don't know. I'm not certain. I -- I -- perhaps
8 there had -- I don't know if there had been. I assume if
9 they reached a conclusion that there may have been, but I
10 don't know.

13d fls.

Id
'g. 1

1 Q I see.

2 Now, then, directing your attention to the phrase
3 Manson Family. What is your state of mind as to what that
4 means, and what is Mr. Manson's place in it, if any, from what
5 you heard, saw or read in the publicity?

6 A I recall that the newspapers said that the Manson
7 Family was a group of people who lived on the ranch in a
8 communal situation. That they termed that the Manson Family,
9 I think, in the newspapers, and that's --

10 Q And Mr. Manson lived there, also, is that your
11 recollection?

12 A I believe that's -- I think that's what the
13 newspaper had said.

14 Q With this group of people, is that right?

15 A Yes.

16 Q Now, during the year 1970, were you in the Los
17 Angeles area for the most part?

18 A Yes, I was.

19 Q Do you own a television?

20 A No, I don't.

21 Q Oh, I see.

22 But you do have a radio?

23 A Yes.

24 Q And you read newspapers?

25 A Occasionally.

26 Q Los Angeles Times?

27 A Yes.

28 Q Herald-Examiner?

2

1 A Here in court during my lunch hour, and while
2 I've been in the jury preparation room I've been reading the
3 newspapers. But I don't get a newspaper regularly.

4 Q May I ask, is there is a Mrs. Montag?

5 A Yes, there is.

6 Q May I ask, do you have any relatives who are
7 lawyers in this area named Montag?

8 A No, I do not.

9 Q Or do you know anyone connected with the legal
10 profession named Montag?

11 A Not that I know of.

12 Q I see.

13 Thank you very much, Mr. Montag.

14 A Thank you.

15 MR. KANAREK: Thank you, sir.

16
17 VOIR DIRE EXAMINATION

18 BY MR. MANZELLA:

19 Q Just one question, Mr. Montag.

20 If Mr. Becker should sit here at counsel table
21 during the trial of this case, as a -- as my assistant in
22 the trial of this case do you feel that you could be --
23 remain fair and impartial if he participated in the trial of
24 this case?

25 A I believe so.

26 Q What does your wife do -- strike that.

27 Is your wife employed?

28 A Yes, she is.

1 Q What does she do?

2 A A special education aid for the mentally
3 retarded children for the Altaden City School District.

4 MR. MANZELLA: Thank you, I have no further questions
5 on these points, your Honor.

6 THE COURT: Bring the balance of the panel in.

7 MR. KANAREK: I have just one -- may I have just this
8 one question?

9 THE COURT: You may.

10 BY MR. KANAREK:

11 Q Outside of this Deputy District Attorney
12 Mr. J. Becker, do you have any friends or relatives in any
13 type of law enforcement work, either public or private any-
14 where in the world?

15 A Not that I know of.

16 BY THE COURT:

17 Q Is Mr. Becker a friend of yours?

18 A Yes.

19 Q And how long have you known him?

20 A For about a year and a half.

21 Q How often do you see him?

22 A Well, he was married a few weeks ago at my
23 place in the mountains, in the Angeles National Forest.

24 Q At your house?

25 A Yes.

26 THE COURT: Is it the People's contention that
27 Mr. Becker assist you?

28 MR. MANZELLA: Your Honor, I probably will be having
an assistant. I don't know who that assistant will be. It

4 fls.

1 will come from one of the deputies in the preliminary hearing
2 section. One of the deputies that's been there for a while.
3 I don't know who it will be.
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1 THE COURT: And your statement is that in the event
2 it should be Mr. Becker who will come into this courtroom to
3 work, that you feel that you still could be impartial?

4 JUROR NO. 3: Yes, I could.

5 THE COURT: You realize that, should you vote not guilty,
6 that it might impel some -- there's a possibility, perhaps,
7 that it might impel some hard feelings, or it might disturb
8 your relationship?

9 Would that -- maybe that possibility doesn't
10 exist. But would it enter your mind? Or would you allow it
11 to enter your mind?

12 A I would not allow it to enter my mind.

13 DEFENDANT MANSON: We are all one big family, anyway.

14 THE COURT: Any questions? Anything further?

15 MR. KANAREK: Not at this time.

16 MR. MANZELLA: Nothing from the people, your Honor.

17 THE COURT: Are the jurors on their way now?

18 THE BAILIFF: Yes, sir, they are. They should be out
19 in the hall now.

20 THE COURT: Open both doors, so they can get in and out
21 in a hurry, will you?

22 (Pause was had in the proceedings.)

23 THE COURT: All right. The record will show that the
24 prospective jurors are all in the courtroom; both sides --
25 both sides pass for cause? Pass for cause, Mr. Kanarek?

26 MR. KANAREK: No, your Honor. May I inquire?

27 THE COURT: Yes, you may.

28 VOIR DIRE EXAMINATION

1 BY MR. KANAREK:

2 Q Mr. Montag, is your state of mind such that you
3 feel that you could -- that you could be fair and impartial,
4 in judging this case, as far as Mr. Manson is concerned?

5 A Yes, sir.

6 Q Is your state of mind such that you feel that,
7 in fact, all of us -- you would be doing a service to all of
8 us, everyone in this community, if not only Mr. Manson, if
9 you acquit Mr. Manson, if you should feel, for instance, that
10 he's being tried because of his life style, if he in fact is
11 being tried because he is a political prisoner?

12 A I don't understand your question.

13 Q Well, let's say that you -- you understand that
14 the title of this case is "The People of the State of California
15 versus Mr. Manson"?

16 A Yes.

17 Q Now, certainly, if your reason tells you that --
18 and from what you see here in the courtroom and hear here in
19 the courtroom -- your reason tells you that Mr. Manson is
20 being harassed, that there are people in the District
21 Attorney's Office and elsewhere in law enforcement that have
22 a motive, to -- say, to get Mr. Manson, that that is the
23 motive behind this prosecution, -- this prosecution that we
24 are -- that we have before us here at the present time --

25 THE COURT: You needn't go any further with your
26 question.

27 The question is argumentative in nature.

28 Q BY MR. KANAREK: Is your state of mind such,

1 Mr. Montag, that if the Court tells you, as I believe he will,
2 that one of the bases for -- for studying the credibility
3 of a witness is the -- is the motive of the witness in
4 testifying, and if people from law enforcement, people in
5 authority, say things, things happen in this courtroom that
6 made you believe that the motive of this prosecution is not
7 that Mr. Manson has done anything wrong, but rather that some
8 people don't like him, is there any reason that you wouldn't
9 take that into consideration?

10 MR. MANZELLA: Objection, your Honor. He's asking the
11 juror to prejudge the credibility of witnesses.

12 MR. KANAREK: Counsel has at length interrogated
13 concerning credibility, your Honor, and --

14 MR. MANZELLA: Not on particular points of credibility,
15 your Honor.

16 THE COURT: Just a minute. If you wish to argue, you
17 may approach the bench.

18 If you understand the question, Mr. Montag, you
19 may answer.

20 JUROR NO. 3: If that were presented as evidence,
21 I would consider it.

22 Q BY MR. KANAREK: Now, you recognize that this --
23 in the jury, there are twelve people who deliberate?

24 A (Indicating affirmatively.)

25 Q And -- I don't know if the Court has told us
26 this yet, as far as this jury panel is concerned, but if the
27 Court should instruct you that the result must reflect the
28 individual opinion of each juror -- that is, even though

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1 there are twelve people here, there's no necessity for a
2 unanimous result?

3 For instance, the California Supreme Court,
4 on which there are seven people, those learned gentlemen
5 sometimes split four to three.

6 So is your state of mind such that you would
7 maintain your position, as long as you thought it was
8 correct, even though the result meant there was no
9 unanimity?

14a fls,

14a-1

1 THE COURT: The Court should let you know, before you
2 answer that, that in order to return a verdict, it's necessary
3 that all 12 jurors agree to the verdict.

4 JUROR NO. 3: Yes.

5 Q BY MR. KANAREK: And as an addendum to the Court's
6 statement, I think we would -- the Court also would agree that
7 there's no necessity -- there's no reason in law, if you deem
8 -- there's no reason why there has to be a unanimous result;
9 that is, a 9 to 3 or 8 to 4 result is just as valid a result
10 as a unanimous result.

11 THE COURT: Well, counsel can't put words in the Court's
12 mouth concerning the law.

13 I think the law is clear to you, is it not, Mr.
14 Montag? That in order to return a verdict, that there must
15 be a unanimity? That all 12 jurors must agree?

16 JUROR NO. 3: Yes.

17 Q BY MR. KANAREK: And also, is your state of mind
18 such -- and do you accept -- and will you administer the
19 principle of law that there is no necessity to return a
20 verdict? That is, there's no necessity in the law that there
21 be a verdict, as the Court terms it, a unanimous result?

22 A I would follow the Court's instructions --

23 Q And --

24 A -- as to the law.

25 Q Right. And if the Court instructs you that the
26 result must reflect the individual opinion of each juror,
27 it is obvious that, from that, logic tells us that, since
28 the result must reflect the individual opinion of each juror,

14a-2

1 if everybody doesn't agree after full and complete discussion,
2 then that's the way it is, and that's just as legal a result
3 as a unanimous result.

4 Is there any reason why you couldn't operate as
5 a judge -- as a juror in the context of that principle of law?

6 THE COURT: Do you understand the question at all, Mr.
7 Montag?

8 If you do, you may answer it.

9 JUROR NO. 3: If those were the Court's instructions,
10 then I would follow them.

11 Q BY MR. KANAREK: Do you understand the question?

12 A I believe I do.

13 Q And you have no -- let me put it this way.

14 THE COURT: Well, I will tell you: The Court will never
15 so instruct you. The Court will tell you, as it has told you
16 before, that the jury must all agree; there must be unanimity
17 as to the verdict before it may be returned.

18 And certainly, it's in the interests of justice
19 and the proper administration, that a verdict be returned, --

20 MR. KANAREK: Well, your Honor, --

21 THE COURT: -- no matter what it may be.

22 MR. KANAREK: Well, your Honor, I must respectfully
23 disagree with the Court.

24 THE COURT: All right. You may do so at the bench
25 here.

26 MR. KANAREK: Yes, if I may, your Honor.

27 THE COURT: And the Court would suggest that you come
28 forward now. And if you wish to make it part of the record,

14a-3

1 you may.

2 MR. KANAREK: Yes, your Honor. Thank you. If I may.

3 (Whereupon, proceedings were had at the bench
4 among the Court and counsel, not within hearing of
5 the prospective jury panel;)

6 MR. KANAREK: Your Honor, I don't believe that that's
7 the law. I don't believe that the law requires a verdict,
8 or even fosters a verdict.

9 The law -- all the law requires is the individual
10 opinion of each juror, your Honor. That's the -- that, I
11 mean, the -- there is no necessity, and no pressure, there's
12 no need.

13 What there is is a desire that the jurors fully
14 and fairly discuss the matter. But the individual opinion of
15 each juror is what -- is what you -- what the law seeks.
16 And -- because otherwise, it would be completely and absolutely
17 violative of the Court's instruction that the result must
18 reflect the individual opinion of each juror, to then say that
19 the law says that there must be a verdict, that the law
20 fosters a verdict.

21 THE COURT: All right. You have made your point.

22 MR. KANAREK: Well, yes. But -- well, I mean, I would
23 ask your Honor to read that jury instruction.

24 THE COURT: The Court will read it.

25 MR. KANAREK: That -- that --

26 THE COURT: The Court will eventually instruct the jury,
27 and it's not your position to instruct them.

28 MR. KANAREK: Well, no. But I mean, we are -- we can

14a-4

1 inquire on voir dire as to their state of mind.

2 THE COURT: As to what?

3 MR. KANAREK: As to whether or not there is a -- they
4 will hold --

5 THE COURT: Well, do it properly, then.

6 MR. KANAREK: I believe it's proper to ask him whether
7 he would maintain his position, as long as he felt --

8 THE COURT: You didn't ask that. Did you?

9 MR. KANAREK: And there is no necessity --

10 THE COURT: You didn't ask that?

14b fls.

11 MR. KANAREK: I don't think -- I did, your Honor.
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1 THE COURT: No, you didn't. Do you want your
2 questions read back?

3 MR. KANAREK: Yes. I have no objection.

4 THE COURT: Well, if you ask the question properly,
5 whether the juror would maintain his opinion, unless he is
6 convinced that he was -- convinced by the evidence that he
7 should change his mind, I have no objection to that, nor does
8 anyone.

9 MR. KANAREK: Yeah. But there is no necessity to change
10 his mind. In other words, the law doesn't say that he has --
11 very well.

12 (Whereupon, the following proceedings were had
13 in open court, within the presence and hearing of the
14 prospective jury panel:)

15 THE COURT: Do you understand fully, Mr. Montag, that
16 the Court is seeking the individual opinion of each juror in
17 this case?

18 JUROR NO. 3: Yes.

19 THE COURT: When you are asked to serve as a juror
20 here, what we are seeking is your individual opinion.

21 JUROR NO. 3: Yes, I do.

22 THE COURT: There's no pressure on you whatever to
23 return with a unanimous verdict, simply to accommodate any
24 of the other jurors, or any number of the other jurors; do
25 you understand that?

26 JUROR NO. 3: Yes, I do.

27 THE COURT: And unless you are fully convinced by the
28 evidence that the People have proved their case beyond a

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1 reasonable doubt, you should not return with a verdict of
2 guilty, should you?

3 JUROR NO. 3: No.

4 THE COURT: Nor should you return with any verdict,
5 unless you are sure that it is your individual opinion,
6 based upon the evidence or lack of evidence presented in the
7 courtroom; do you understand that?

8 JUROR NO. 3: Yes, I do.

9 THE COURT: Go ahead.

10 Q BY MR. KANAREK: Mr. Montag, are we of the same
11 opinion, that the way to resolve matters is by discussing them?
12 Is that a fair statement, that that's one of the approaches
13 that helps in resolving matters; right?

14 A Certainly one of the approaches.
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15 fls.

15-1

1 Q Now, are we of a mind that you don't accomplish
2 anything by sort of sweeping it under the carpet, so to speak?
3 That is, just forgetting or trying to eliminate it by not
4 looking at it, doesn't mean that the problem isn't there,
5 right?

6 A That's not a very clear statement.

7 Q Well, what I am trying to say, at the present time
8 what we are doing is interrogating to determine a judicial-
9 type of thing or what we are trying to determine is, when we
10 talk to the jurors, is whether or not in the meagre means we
11 have available, whether or not jurors have the capacity to be
12 judges.

13 A Yes.

14 Q You understand that's what this procedure is?

15 A Yes.

16 Q When you boil it all down?

17 A Yes.

18 Q Now, do you agree that emotion should not be
19 used in deciding a case, that is, this case shouldn't be
20 decided based upon passion or prejudice?

21 A I agree.

22 Q And do you agree that if you remember -- let's
23 say this case involved oranges, we'd have to sort of talk
24 about oranges, right?

25 A If it involved oranges.

26 Q Right.

27 Now, this case involves racial prejudice, we
28 have to talk about racial prejudice, right?

15-2

1 A If it involves that.

2 Q Right.

3 And if this case involves prejudice against Mr.
4 Manson, then we'd have to discuss prejudice against Mr. Manson,
5 right?

6 A If it involved that.

7 Q And so my question is: As you sit there now,
8 having in mind everything that you have heard today concerning
9 Mr. Manson, everything that's preceded, do you feel that you
10 can decide this case in a judicial manner, having in mind
11 everything that you have heard, as we say?

12 A At this point I could not decide it.

13 Q Pardon?

14 A I couldn't. There's been no evidence at this
15 point, so I couldn't decide the case.

16 Q Well, looking at your state of mind at the present
17 time, do you have -- what is your state of mind, if I may put
18 it that way, towards Mr. Manson at the present time?

19 A I don't have an opinion one way or the other
20 towards Mr. Manson.

21 Q I see. You -- in other words, take the gentleman
22 to your left, Mr. Eidelman. Take all the people around you
23 that you see in the jury box.

24 Do you consider those people to be on the same
25 level as Mr. Manson?

26 MR. MANZELLA: Objection, your Honor, it is not
27 relevant to a challenge for cause.

28 THE COURT: The objection is sustained.

15-3

1 Q BY MR. KANAREK: These other people that you see
2 around you are people that you have never seen before, right?

3 A Yes.

4 Q If -- if you had to judge these people, is your
5 state of mind towards them the same as it is towards Mr.
6 Manson?

7 MR. MANZELLA: Objection, your Honor, it is not relevant
8 to a challenge for cause.

9 THE COURT: If you understand it, you may answer it.

10 A Would you repeat the question?

11 MR. KANAREK: May it be read, your Honor?

12 THE COURT: What he means, is if anyone of these jurors
13 was in the same position of Mr. Manson, now accused of these
14 charges that the Court has read to you, could you be just as
15 fair and impartial to them?

16 JUROR NO. 3: I believe I could.

17 THE COURT: As you can be to Mr. Manson?

18 JUROR NO. 3: Yes.

19 Q BY MR. KANAREK: You say that you believe that you
20 could.

21 Do you know that you could, Mr. Montag?

22 A I believe I could. I -- uh --

23 Q You're not so sure, is that right?

24 A I'm sure that I would consider, if any member
25 of the jury panel were sitting where Mr. Manson was, I would
26 consider that person the same as I would consider Mr. Manson.

15a fls.

15a
Pg. 1

1 Q And having in mind all the matters that you may
2 have heard concerning Mr. Manson, your feeling is that
3 whatever you may have heard is of no moment and you could,
4 and would, in fact, decide this case based strictly on
5 the evidence and the law that the Court gives you?

6 A Yes.

7 MR. KANAREK: Thank you very much, Mr. Montag. Pass
8 for cause.

9 MR. MANZELLA: Your Honor, I have no questions of
10 Mr. Montag other than the ones I have already asked. The
11 People pass for cause.

12 THE COURT: Both sides having passed for cause, it is
13 the peremptory challenge of the People.

14 MR. MANZELLA: Yes, the People would like to thank and
15 excuse Mr. Montag.

16 THE COURT: Mr. Montag, thank you very much.

17 MR. KANAREK: Thank you, sir. Thank you very much.

18 THE COURT: Mr. Montag, you need not report until
19 Thursday morning, Room 253, at 9:00 o'clock. Do you want to
20 pick another juror?

21 THE CLERK: Mrs. May E. Willis, W-i-l-l-i-s. May
22 with a "Y."

23
24 VOIR DIRE EXAMINATION OF

25 MAY E. WILLIS,

26 BY THE COURT:

27 Q Mrs. Willis, were you present when the Court
28 examined Mr. Winters and asked him questions?

1 A Yes.

2 Q And did you hear the Court's explanation of
3 the nature of this case and the Court's instructions?

4 A Yes.

5 Q Would your answers to those questions of a
6 general nature that I put to Mr. Winters be any different?

7 A No, I don't believe so.

8 Q Would it be any hardship for you to serve in this
9 case?

10 A Very much.

11 Q Tell us about it.

12 A Well, I work. And I have to work for a living.
13 And I don't think that I can get more than my 20 days.

14 Q For whom do you work?

15 A Ohrbachs. I worked there for 20 years.

16 Q You've worked at Ohrbachs for 20 years. They
17 only give you 20 days?

18 A Well, they have given me 30 days.

19 Q They give you 20 days on jury duty?

20 A Yes, but I doubt if I would receive -- you see,
21 I am getting paid for this, my salary.

22 Q Let me ask of you, Mrs. Willis, to inquire -- and
23 I'll ask all of you who may have such problems, I'll ask all
24 of you who may have such problems with your employers to
25 talk to your employers between now and when you come here
26 tomorrow morning, and inquire as to how long your respective
27 employers will continue to pay you. The Court would like to
28 know that in the event that that problem should be raised as

1 a possible source of hardship to you.

2 We'll let you determine that, Mrs. Willis,
3 overnight. Find out whether or not Ohrbachs will pay you,
4 should you be chosen to serve on this jury.

5 A Thank you, your Honor.

6 Q Have you served as a juror in a criminal case
7 before?

8 A No, I have not.

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

11 A No.

12 Q And you work for Ohrbachs in what capacity?

13 A As a manager in the store.

14 Q And is there a Mr. Willis?

15 A No, I am a widow.

16 Q In what area do you reside?

17 A In the Wilshire area, Miracle Mile section.

18 Q In connection with the death penalty, do you have
19 such views concerning it, Mrs. Willis, that you would be
20 unable to be fair and impartial in determining the question
21 of guilt or innocence in the first phase of the trial?

22 A No.

23 Q Or do you have such views concerning the death
24 penalty that you could not thereby ever vote to impose it?
25 Would you automatically refuse to impose --

26 A No.

27 Q -- the death penalty, regardless of the evidence --

28 A No.

1 Q -- that might be presented?

2 Or would you have such views concerning the
3 penalty that you would never vote to impose it?

4 A No.

5 Q Upon a conviction of murder in the first degree,
6 would your views of the death penalty be such that you would
7 automatically impose it, regardless of the evidence, without
8 viewing the evidence?

9 A Not without viewing the evidence.

10 Q So that you would consider the death penalty --
11 strike that.

12 You would consider the evidence to determine
13 whether or not you should impose the death penalty or life
14 imprisonment; is that correct?

15 A Certainly.

15b-1

1 THE COURT: Well, at this time, I'll excuse all of the
2 panel but Mrs. Willis.

3 I'll ask you all to return tomorrow morning at
4 9:30, and I'll admonish you in this way, at this recess, and
5 every recess, and I expect you to follow the admonishment,
6 and that is not to converse among yourselves, nor with anyone
7 else on any subject connected with this matter, nor are you
8 to form or express any opinion on the matter should it
9 finally be submitted to you, should you be chosen as a juror.

10 The Court instructs you that you are not to see,
11 hear or read anything in connection with this case, the Tate-
12 La Bianca case or Mr. Manson.

13 If the matter is thrust upon you so that you can't
14 avoid it, do your best to avoid it and don't let it affect
15 any judgment that you might be called upon to make in this
16 case.

17 All right, good night, ladies and gentlemen.
18 I'll see you tomorrow morning at 9:30.

19 (Whereupon, the prospective jury panel was
20 excused at 4:25 o'clock p.m., with the exception
21 of Mrs. Willis.)
22

23 VOIR DIRE EXAMINATION

24 BY THE COURT:

25 Q Mrs. Willis, we wish to ask you whether or not
26 before you came into this courtroom you had ever heard, seen
27 or read the name Charles Manson previously?

28 A Yes, your Honor.

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1 Q And was it in connection with the Tate-La Bianca
2 case?

3 A Yes.

4 Q And did you follow that case over the television
5 or radio or in the newspapers?

6 A Well, some. Not entirely. Just some of it.

7 Q You just saw it occasionally?

8 A Yes.

9 Q And occasionally read a news story concerning it?

10 A Yes.

11 Q Or read or heard something on the radio, correct?

12 A Uh-huh.

13 Q Did you find out what the result was in that case?

14 A Yes, he was guilty.

15 Q And do you remember whether the jury returned with
16 a penalty and what it was?

17 A Death.

18 Q Well, was there more than one count of murder that
19 you recall?

20 A I couldn't say for sure on that. I think there
21 was, though, but I'm not sure. I didn't pay that much
22 attention.

23 Q Do you remember any of the names of the victims?
24 Sharon Tate?

25 A Yes, Sharon Tate.

26 Q How about La Bianca? Do you remember that as a
27 name of a victim?

28 A Yes.

15b-3

1 Q Do you remember any of the names of the other
2 victims?

3 A I don't remember their names, no.

4 Q Had you ever heard the name Shorty Shea before
5 you came into this courtroom?

6 A Yes.

7 Q Or Gary Hinman?

8 A Yes.

9 Q What do you know about each of those names?

10 A Well, I know that they were both found dead.

11 Q And you read that in the newspaper some place?

12 A Well, either over the air or the newspaper. I
13 don't recall.

14 Q I see. Do you recall the name Bobby Beausoleil?

15 A No.

16 Q Or Mary Brunner?

17 A No. That -- I don't remember that.

18 Q Do you know the name Manson Family?

19 A Yes, vaguely.

20 Q What does that mean to you?

21 A Well, it means a group of people that lived under
22 or with Mr. Manson.

23 Q And with Mr. Manson as the leader; is that
24 generally your --

25 A Yes, that's my idea.

26 Q Now, having all of these things in mind that you
27 may have heard, seen or read in connection with this case or
28 the Tate-La Bianca case, and having in mind what you may have

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1 discussed with your fellow workers or friends or relatives,
2 do you think it is possible for you to set aside such matters
3 and make a decision independently of such matters, basing your
4 opinions --

5 A I'm afraid it would be kind of difficult, your
6 Honor.

7 Q It would be too difficult?

8 A Yes.

9 MR. KANAREK: 1073 -- oh, I'm sorry.

10 Q BY THE COURT: Do you think that you could not
11 divorce those things from your mind?

12 A No, I am afraid I couldn't.

13 Q It would be too difficult for you to decide this
14 case solely on the evidence and -- the law as I shall state
15 it to you?

16 A I am afraid I would be prejudiced in this case.

17 THE COURT: All right, the Court will excuse you,
18 then. Room 25 -- you have finished your jury duty? This is
19 your last day?

20 JUROR NO. 3: Oh, no, I'm just starting jury duty.
21 Just started yesterday.

22 THE COURT: Report back to Room 253 tomorrow at 9:00
23 o'clock.

24 MR. KANAREK: Thank you, Mrs. Willis.

25 THE COURT: The Court finds --

26 JUROR NO. 3: Thursday, not tomorrow, your Honor?

27 THE COURT: Thursday.

28 JUROR NO. 3: Thursday, thank you.

1 THE COURT: The challenge should be granted.

2 All right, 9:30 tomorrow morning.

3 Mr. Kanarek, you've been late now twice or three
4 times, and the Court doesn't wish you to be late any more.

5 9:30 tomorrow.

6 MR. KANAREK: Yes, your Honor.

7 (Whereupon, at 4:30 o'clock p.m. an adjournment
8 was taken until the following day, Wednesday,
9 July 14, 1971, at 9:30 o'clock a.m.)
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