

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.

114
NO. A-267861REPORTER'S DAILY TRANSCRIPT

WEDNESDAY, JULY 14, 1971

VOLUME 14BRIANDI:
82474APPEARANCES:

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

For Defendant Manson:

IRVING A. KANAREK, ESQ.

JURY SELECTION

MARY LOU BRIANDI, CSR
ROGER K. WILLIAMS, CSR
Official Court Reporters

COPY

1 LOS ANGELES, CALIFORNIA, WEDNESDAY, JULY 14, 1971, 9:44 A. M.

2
3 THE COURT: Good morning, ladies and gentlemen.

4 THE PROSPECTIVE JURORS: Good morning.

5 THE COURT: The Court was to convene at 9:30 this
6 morning, and it was your turn to be late, Mr. Manzella.

7 MR. MANZELLA: Yes, I apologize, your Honor.

8 THE COURT: Let's not have any more of it. See if you
9 can be here on time each morning, when the case is called.

10 MR. MANZELLA: I will be, your Honor.

11 THE COURT: I think I left my jury list on the desk.

12 THE CLERK: I'll get it, your Honor.

13 THE COURT: The record will show that Mr. Manson is
14 present with his counsel, Mr. Kanarek, with Mr. Manzella for
15 the people, and all of the prospective jurors are beyond the
16 rail -- thank you -- and in the box.

17 Would you call another name?

18 THE CLERK: William C. Figueroa; F-i-g-u-e-r-o-a.

19
20 VOIR DIRE EXAMINATION OF

21 WILLIAM C. FIGUEROA

22 BY THE COURT:

23 Q Mr. Figueroa, were you present when the Court
24 called this case and explained the nature of the case to the
25 prospective jurors of your group, and questioned Mr. Winters
26 from your group?

27 A Yes, I was.

28 Q And would your answers be any different than the

1 answers given by Mr. Winters to the questions of a general
2 nature?

3 A No, they wouldn't.

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

6 A Yes, your Honor.

7 Q Would you explain the nature of that hardship,
8 please?

9 A Well, the time limit. My wife has already given
10 notice at work that she's leaving the end of this month.

11 And then after that, I will become the sole support
12 of our family.

13 Q Where do you work?

14 A Sears Roebuck.

15 Q And have you ascertained from your employer --

16 A Whether they will let me --

17 Q -- the question that I asked you to determine
18 yesterday?

19 A Yes, I did. I asked them, and they said they can
20 only go as far as the company policies, which is 20 working
21 days.

22 Q Twenty working days?

23 A Yes, sir.

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1 Q And then after that period of time, you'll no
2 longer -- you'll no longer be paid by Sears?

3 A That is true, yes, sir.

4 Q Whom did you talk to?

5 A Yesterday morning.

6 Q Yes. To whom -- whom did you talk to?

7 A My immediate supervisor.

8 Q I see. And do you have any reason to believe
9 that that's not true; that the policy is otherwise than what
10 he said it was, said it is?

11 A No. I have no reason to believe it's other than
12 as he states it. Because I have a form that I must turn
13 in to the -- the offices over at the jury room, and at the
14 end of the week, they write down, and it's stipulated right
15 there what the company policy is.

16 MR. MANZELLA: The People would stipulate it is a
17 hardship, your Honor.

18 THE COURT: Mr. Kanarek?

19 MR. KANAREK: I make a motion that the County pay this
20 gentleman, your Honor. If he worked for the County, he would
21 be paid, so it --

22 THE COURT: Well, he may be in an executive position,
23 earning several hundred thousand dollars a year. Do you want
24 the County to pay that?

25 MR. KANAREK: If one of the Supervisors came here,
26 your Honor, and he was chosen, --

27 THE COURT: The Court --

28 MR. KANAREK: -- he would --

1 THE COURT: -- finds that there is no reason why you
2 should have to endure the financial loss.

3 There's no way that the County can -- there's no
4 mechanism by which the County can pay your salary, the salary
5 which you would be earning during the period of time that you
6 will be at Sears -- that is, for the period that you are
7 serving on jury duty.

8 And accordingly, the Court believes that this
9 would constitute a hardship that you should not have to
10 endure, and the Court does excuse you.

11 Thank you, Mr. Figueroa. Room 253 forthwith.

12 JUROR NO. 3: Thank you.

13 MR. KANAREK: Your Honor -- your Honor, may I approach
14 the bench on that?

15 THE COURT: Yes, you may.

16 Well, is it on the same question?

17 MR. KANAREK: Yes, your Honor.

18 THE COURT: No, you may not approach the bench.

19 MR. KANAREK: I wanted to make the constitutional point,
20 your Honor.

21 THE COURT: Select another juror.

22 THE CLERK: Samuel Rosenblit; R-o-s-e-n-b-l-i-t.

23
24 VOIR DIRE EXAMINATION OF

25 SAMUEL ROSENBLIT

26 BY THE COURT:

27 Q Would you state your name for us? I'm sorry.

28 A Samuel Rosenblit.

1 Q Mr. Rosenblit, you were present during the time
2 that the Court explained the nature of this case to the
3 prospective jurors, when the Court instructed the jurors as
4 to the law, and questioned Mr. Winters, were you not?

5 A Yes, I was.

6 Q And would your answers be any different than
7 his were to the questions of a general nature?

8 A No.

9 Q Would this constitute any hardship to you, to
10 serve as a juror in this case?

11 A Well, I --

12 Q For four or five months?

13 A I think it would. I --

14 Q Keep the microphone about an inch from your face,
15 and you'll hear it pick up.

16 A Well, I have been unemployed for a long period of
17 time.

18 Q How long a period?

19 A Well, a year and a half.

20 Q A year and a half?

21 A Right. And I -- I'm going to be a partner in a
22 surplus outlet business, and we are looking for a store.
23 That's a partnership with my brother.

24 And we decided, after the 20 days, we will go
25 looking for a store.

26 Q You decided that after what?

27 A After the 20 days.

28 Q After this termination of your jury duty, --

1 A Right.

2 Q -- that you would look for a store?

3 A Right.

4 Q Are you married?

5 A Yes.

6 Q Supporting anyone other than yourself?

7 A My wife. It would be a little hardship. I have
8 gone into my savings, during the year and a half that I was
9 unemployed.

10 Q And four or five months would be too long a period
11 of time for you to endure, then?

12 A I'm afraid so. I'm afraid I'll lose the
13 opportunity to go in business.

14 Q And are you asking the Court to excuse you?

15 A Yes, please.

16 THE COURT: Any questions, gentlemen?

17 MR. MANZELLA: No, your Honor. The People stipulate it
18 would constitute a hardship.

Ab- fls 19 MR. KANAREK: Submit, your Honor.
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1 THE COURT: Well, Mr. Rosenblit, the Court does find
2 that it would constitute a hardship to you to serve, and does
3 under the circumstances excuse you.

4 JUROR NO. 3: Thank you, your Honor.

5 THE CLERK: Otis Wayne Wharton; the last name is
6 spelled W-h-a-r-t-o-n.

7 THE COURT: Mr. Rosenblit, report to Room 253 of the
8 jury assembly room, if you would, please.

9
10 VOIR DIRE EXAMINATION OF

11 OTIS WAYNE WHARTON

12 BY THE COURT:

13 Q Mr. Wharton, you can come forward.

14 Mr. Wharton, were you present during the Court's
15 explanation of the nature of this case, and did you hear the
16 questions that I put to Mr. Winters, as well as all of the
17 other proceedings?

18 A Yes, sir.

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

21 A No, sir.

22 Q There's a button on that microphone. You may have
23 to --

24 A Thank you.

25 Q I didn't hear your answer.

26 A No, my answers would be the same.

27 Q Very well. Would it be any hardship to you, of a
28 financial or personal nature, to serve as a juror in this case?

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1 A I feel it would, sir.

2 Q Now, you understand that the Court anticipates that
3 anyone who serves will be sacrificing a considerable amount of
4 his time, and will be enduring quite a good deal of
5 inconvenience.

6 The Court believes that those sacrifices, although
7 they are -- they do constitute a kind of hardship for everyone,
8 should be endured.

9 And it's only the extraordinary hardship that
10 the -- the unusual circumstances that should compel a juror
11 to ask to be excused.

12 Are you asking to be excused?

13 A Yes, sir.

14 Q For what reason?

15 A I feel I owe it to my company to be employed there.

16 Q Would you hold that microphone about an inch from
17 your face, and then --

18 A Yes, sir.

19 Q -- perhaps we can hear it better.

20 Go ahead and tell me what the circumstances are
21 that you feel justify the Court excusing you.

22 A My work at this time is quite pressing, sir.

23 Q What is the nature of your work?

24 A I'm a supervisor at Atlantic Richfield, maintenance.

25 Q A supervisor of maintenance at Atlantic Richfield?

26 A Yes.

27 Q At the refinery?

28 A No, sir, at the building office.

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1 Q Is there no one who would be able to perform your
2 job during the time that you are here?

3 A Uh -- I don't feel that I am so important I
4 can't be replaced, but it is quite pressing at this time, and
5 expected to get moreso in October.

6 Q Tell me more about it. What is the problem?

7 A We intend to move in October.

8 Q You will be moving into that new, beautiful
9 building; is that correct?

10 A I am told so. And everyone has to be available.
11 I work nights.

12 Q How long have you been employed by them?

13 A Fifteen years.

14 Q And is there no one whom you've trained, who could
15 take part of that --

16 A There is personnel --

17 Q -- part of that responsibility, I mean?

18 A There is personnel, but I --

19 Q And you say you do work nights; is that correct?

20 A Yes, sir. I've conferred with my supervisor,
21 and -- a few days ago.

22 Q You understand that the Court does not have in
23 mind sequestering you -- although you could work on a regular
24 basis at night, but it would probably be too exhausting to be
25 here during the day and also work at night.

26 A Yes. I am at this time -- I will have to quit
27 working, because --

28 Q You can't keep that up?

1 A No, sir. I had pneumonia, and -- in June.

2 Q I think that, under the circumstances, that
3 Atlantic Richfield will have to forego your presence, should
4 you be chosen as a juror here, because the Court doesn't find
5 that that is a sufficient hardship to -- to cause the Court to
6 relieve you.

7 Have you been a juror in a criminal case before?

8 A No, sir.

9 Q Have you any friends or relatives who are law
10 enforcement officers, Mr. Wharton?

11 A Bill McLeod, a past employee with Atlantic
12 Richfield.

13 Q Bill McLeod was what? An undersheriff?

14 A Yes, sir.

15 Q In Los Angeles County?

16 A Yes, sir.

17 Q And he is a personal friend of yours?

18 A I've known him many years.

19 Q Have you discussed cases with him?

20 A Never.

Ac fls.

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Ac-1

1 Q Do you believe that that relationship would in
2 any way influence your judgment in this case?

3 A No, sir.

4 Q Other than that relationship, there's no law
5 enforcement relationship that --

6 A None.

7 Q -- occurs to you?

8 And by "law enforcement officer," I mean the
9 deputy prosecutor, --

10 A Yes, sir.

11 Q -- of any type, a California Highway Patrolman,
12 a policeman from any municipality, a sheriff or a deputy
13 sheriff.

14 A I have no close friends in law enforcement.

15 Q You've explained the nature of your work to us.
16 Is there a Mrs. Wharton?

17 A Deceased, sir.

18 Q In what area do you reside?

19 A Uh -- Wilshire and LaFayette Park.

20 Q All right. Do you have such views concerning the
21 death penalty, Mr. Wharton, that you could not be impartial
22 in determining the question of guilt or innocence in the first
23 phase of the trial?

24 A No, sir.

25 Q Or are your views concerning the death penalty
26 such that you would automatically refuse to impose it in any
27 case?

28 A No, sir.

Ac-2

1 Q Or are your views such concerning the death
2 penalty that, upon a conviction of murder of the first degree,
3 you would automatically impose it without regard to the
4 evidence?

5 A No, sir.

6 Q Or are your views concerning the death penalty
7 such that you would never be able to impose it in any case?

8 A No, they are not, sir.

9 Q Now, I'm interested at this time in finding out
10 whether you can ignore, set aside, any publicity that you may
11 have heard, seen or read, and whether you will do that in
12 determining any issue that you are called upon to determine
13 in the course of this trial.

14 And for that purpose, we wish to examine you
15 outside the hearing of other jurors. Do we have another
16 courtroom where --

17 THE BAILIFF: Yes, sir. Department 107.

18 THE COURT: 107?

19 THE BAILIFF: Yes, sir.

20 THE COURT: All right. That's to your left as you go
21 out. Would somebody open both doors?

22 Don't discuss this case amongst yourselves nor
23 with anyone else during the time that you are out of this
24 courtroom.

25 (Whereupon the members of the prospective jury
26 panel exited the courtroom, and the following proceed-
27 ings were had:)

28 BY THE COURT:

Ac-3

1 Q Mr. Wharton, have you seen, heard or read the name
2 of Manson, Charles Manson, before you came into this courtroom?

3 A Yes, sir.

4 Q And was that in connection with the Tate-La Bianca
5 homicides, sir?

6 A Yes.

7 Q And did you peruse the newspapers occasionally,
8 and see television, and hear the reports on the radio?

9 A Yes, sir.

10 Q Do you know what the result was in that case?

11 A Not entirely, no, sir. I don't follow it too
12 close.

13 Q Do you have any vague idea about what Mr. Manson
14 was charged with, and whether he was convicted or not convicted,
15 whethere there was any result?

16 A I have an idea of what he was charged with.

17 Q All right. What is your idea in respect to that?

18 A Well, many people are charged with things. It
19 has to be proven, of course.

20 Q That's true. Well, we are -- in regard to this
21 indictment, for example, in this case, --

22 A Yes, sir.

23 Q -- this indictment is not evidence; it's merely
24 a charge.

25 A Yes, sir.

26 Q But we are talking about that Tate-La Bianca case.
27 What did you hear about that?

28 A I didn't pursue the newspapers too much, sir. I'm--

1 frankly, I am too busy.

2 Q Well, was he charged with gambling, being drunk
3 in public view, or --

4 A No, no. I'm sorry. He was charged with murder.

5 Q All right. And do you know whether the jury came
6 back with a decision of some sort?

7 A I understand that he has been charged and found
8 guilty.

9 Q Found guilty of murder of the first degree?

10 A I believe that is right, sir.

11 Q Do you know whether the jury came back in the
12 penalty phase with a verdict?

13 A I'm sorry. I haven't followed the case that
14 close.

15 Q You don't know whether he was sentenced to death
16 or whether he was sentenced to life imprisonment; is that
17 correct?

18 A Uh -- definitely, I have not -- I hear things,
19 but I don't --

20 Q You haven't followed it?

21 A -- pay that much attention.

Ad fls.

Ad

Pg. 1

1 Q Do you know the name Susan Atkins?

2 A I've heard that name.

3 Q In what connection?

4 A In this case.

5 Q When I read the indictment, you mean?

6 A Yes, sir. Also, it was in the paper also.

7 Q What do you know about the name Susan Atkins,

8 that you may have seen, heard or read before?

9 A Nothing more than just news media.

10 Q Well, what do you know from that?

11 A Actually, I don't know anything. I don't know

12 anything, other than news reports.

13 Q I may be too exact or too general. Let me ask you

14 this: What have you heard, seen or read in connection with

15 Susan Atkins?

16 A Other than the fact that she was charged also, --

17 in the same indictment.

18 Q And that's all you remember, was that she was a

19 co-defendant with Mr. Manson?

20 A Yes.

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

22 it before I read it from the indictment?

23 Q I was in a previous court to this.

24 Q Oh, you were over in the --

25 A Yes, sir.

26 Q -- another department, where Judge Call --

27 A Yes, sir.

28 Q -- called the case, in the case of People versus

1 Grogan; is that it?

2 A That's right, sir.

3 Q And did you take the box in that case?

4 A Yes, sir.

5 Q And you were eliminated in some way?

6 A I was eliminated.

7 Q As a result of your being called and placed in the
8 box; is that correct?

9 A That's right, sir.

10 Q And in the course of being in the box, and in the
11 jury room -- in the courtroom there, with the other prospective
12 jurors, you heard of the case of People versus Grogan, and you
13 heard the name Shorty Shea mentioned?

14 A That's right, sir.

15 Q Is there anything that occurred in that courtroom,
16 Mr. Wharton, which would raise any prejudice in your mind
17 against either side in this case?

18 A No, sir.

19 Q Can you set aside whatever you may have heard,
20 seen or read in the course of that proceeding, in that other
21 courtroom, and decide this case only on its evidence, and the
22 law as presented to you here?

23 A I feel I could, sir.

24 Q Do you know the name Gary Hinman? Had you heard
25 it before I read it from the indictment?

26 A Only in news media.

27 Q What do you know about it from the news media?

28 A Other than the fact that he was a musician or some-
29 thing to this effect.

1 Q You say "was." Does that mean that you believe
2 that he's deceased?

3 A I have no idea on --

4 Q From what you read?

5 A I have no idea. I could not say definitely on the
6 case.

7 The only thing I know --

8 Q Is that also true as to Shorty Shea, that you do
9 not recall having heard, seen or read anything, other than what
10 you may have heard in that other courtroom?

11 A That's right, sir. I read the condensed form of
12 the newspaper.

13 Q Do you recall having read anything whatsoever about
14 the name Shorty Shea?

15 A I have read the name Shorty Shea.

16 Q Do you know in what connection? Does it come to
17 your mind now, what you may have heard, seen or read?

18 A Not specifically. But it's with the same group
19 that -- that's --

20 Q In other words, it's in some way or another
21 associated with Mr. Manson?

22 A Yes, sir.

23 Q Well, let me ask you this: If I should instruct
24 you that you are to set aside whatever you may have heard,
25 seen or read in the news media, that you were to set aside
26 anything that you may remember, that you do not now remember,
27 but may later recall during the course of this trial, or during
28 the course of deliberations, and decide this case

1 independently of such matters that you may have heard, seen or
2 read, basing your judgment only on the evidence in this case
3 and the Court's instructions of law, could you do that? Are
4 you capable of doing that?

5 A I would have to follow the instructions.

6 Q Well, what I am really asking is whether or not
7 you are objective and unemotional enough to be able to do
8 that.

9 A I -- I would hope to -- I have had decisions to
10 make before.

11 Q Well, the fact that you would hope to, of course,
12 indicates your sincerity, and the Court's impressed with
13 that.

14 But I am wondering whether or not you are capable
15 of doing that.

16 In your judgment at this time, are you convinced,
17 in your own mind, that you can set aside whatever you may have
18 heard, seen or read, whatever opinions you may have formed,
19 set them -- not forget them, because it may be too difficult
20 to forget, of course -- but what I am telling you is that
21 you should set aside such matters, for the purpose of making
22 a decision on any issue that you may be called upon to make a
23 decision?

24 A I would have to be honest in my opinion, regard-
25 less.

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Q Yes. And are you capable of setting aside this matter, for the purpose of making a decision on any issue that you might be called upon to decide?

A I hope I am.

Q That means that you have some doubt as to your ability; is that correct?

A I have no doubt about my ability, sir.

Q Well, then, when you say you hope you are, is that simply a means of your -- your way of stating that you can do that?

A Uh -- my work is all that I worry about, in my life.

Q Well, let's say that for four or five months, your work is sitting on the jury, and acting as a judge in this case.

A I don't feel that I could.

Q You don't feel that you could set aside whatever you may have heard, seen or read, and be independent in making such a judgment; is that correct?

A No, I don't feel that I can set on a jury this long.

Q That's not what I am asking you.

I am asking you to make a direct answer to me, as to what your ability is, in your judgment, now, as to -- to forget anything that you may have heard, seen or read in the news media, or anything that you may remember from what you've heard, seen or read.

A Your Honor, I would have to make a honest decision.

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Q Not forget it, but set it aside.

A You can't forget things, but you do have to set them aside.

Q Yes. You do things like that in the course of your work?

A Yes.

Q You ignore gossip and rumor, and you make your judgment independent of such things, do you not?

A You have to. You have to.

Q All right. Well, what I am asking you to tell us at this moment is whether, in your present --

DEFENDANT MANSON: ABC. ABC. See Jane run.

THE COURT: Now, you are going to have to leave, Mr. Manson --

DEFENDANT MANSON: Spot is a dog.

THE COURT: -- unless you be quiet.

DEFENDANT MANSON: You are a spot.

THE COURT: You are going to have to leave. Do you understand?

DEFENDANT MANSON: Which way do you want me to go?

THE COURT: It's early in the day, but --

DEFENDANT MANSON: (Laughing.)

THE COURT: You are going to have part company from the rest of us and go back there and stay in the tank the rest of the day unless you be quiet.

DEFENDANT MANSON: Oh, your Honor, I don't see how you can labor under that.

Q BY THE COURT: I detect that, really, the reason

Ae-3

1 that I am not getting a direct response from you, Mr. Wharton,
2 is that you just don't want to be on this jury because of your
3 work.

4 Now, that's not -- I've already made a decision
5 in respect to that.

6 A I --

7 Q And I can understand why you would not want to
8 serve, because of the move of Atlantic Richfield to the new
9 quarters, and your responsibilities that are entailed there.

10 What I am seeking from you is an answer to an
11 entirely different proposition, the question as to whether
12 or not you can make an independent decision, regardless of
13 what you may have heard, seen or read.

14 Can you or can't you?

15 A Yes, I can. I thought I -- I wanted to be honest,
16 in my opinion with you, and I -- I feel that I can.

17 Q Can you be impartial in deciding any issue in this
18 case?

19 A Definitely. I would have to follow the evidence
20 and set aside anything else.

21 Q And will you do that?

22 A If I serve on this jury, I would do that, yes, sir.

23 THE COURT: All right. Mr. Kanarek?

24
25 VOIR DIRE EXAMINATION

26 BY MR. KANAREK:

27 Q Mr. Wharton, sir, is it a fair statement that
28 you'd get paid during the time you are on jury duty?

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1 A I would get paid, so far as I know, 20 days. I
2 don't discuss pay.

3 Q No. I mean, after the 20 days, do you get paid?

4 A Not to my knowledge.

5 Q I see. And do you have finances to sustain
6 yourself during the time -- excuse me -- during the period
7 of time that you are on jury duty, some four or five months
8 when you are not being paid?

9 A Not necessarily, no.

AF flb.

Af-1

1 Q Well, would it be a financial hardship for you to
2 serve on this jury, if -- if you are not paid, after the first
3 20 days?

4 A I would say it could be. I am just a working man.

5 Q I see. And then, directing your attention,
6 Mr. Wharton, to the date that you started, when did you start
7 jury duty? When was the first day you were here?

8 A The 28th of June.

9 Q Now, you -- directing your attention to Mr.
10 Shea, now, Mr. Wharton, my question is just as to what you've
11 heard about Mr. Shea, however great or however small, however
12 large, whatever the amount is, that you may have heard
13 concerning Mr. Shea.

14 Would you just tell us what it is?

15 A I know -- excuse me -- I know nothing about Mr.
16 Shea, other than a few headlines in the paper.

17 Q Right.

18 A I am too busy to read this type of thing.

19 Q Would you tell us whether the headlines in the
20 paper -- what are the headlines in the paper you saw? That's
21 the purpose of --

22 A Specifically, I couldn't -- other than the fact
23 that he's supposedly disappeared or something to this effect.

24 Q And -- uh -- what relationship if any -- now,
25 I am referring to the mass media, newspapers, television,
26 radio. Did these articles make reference to Mr. Manson?

27 A The only thing I can recall, that -- that Shea --
28 maybe the paper stated he lived at the ranch or something of

1 this nature.

2 Q And directing your attention, then, to Mr. Hinman,
3 would you tell us everything that you may have seen, heard or
4 read concerning Mr. Hinman?

5 A I know nothing about Mr. Hinman, other than the
6 fact that -- of what's been in the newspapers, as to him being
7 a musician.

8 Q Right. May I state this? Mr. Wharton, the whole
9 purpose of this particular proceeding -- and it may seem
10 strange, and I am sure it's unusual or foreign to you -- is
11 just to determine what you have seen, read or heard in
12 connection with newspapers and television; that's the whole --
13 that's the whole purpose here.

14 A I understand your question.

15 Q And it's no reflection on you; it's no --

16 A No, I understand that.

17 Q You understand that?

18 A Yes.

19 Q It's no reflection on you, the fact that you
20 observe your first amendment rights to -- to talk and listen
21 and read newspapers and things like that.

22 But we are just wanting to find out what actually
23 you have heard, read and seen, and --

24 A All I've heard is what the news media has put
25 out. And as I said before, that's what you people are for,
26 the authorities are for, to take care of things like that.

27 I don't have time to pursue this.

28 Q When you say, "That's what the authorities are

1 for," what do you mean by that?

2 A Well, we have -- we have people here that -- that
3 check up on things of this nature, law enforcement, and you
4 attorneys; you take care of things of this manner. I am too
5 busy.

6 Q But it is a fair statement you read newspapers
7 and --

8 A Yes, sir.

9 Q Watch television? And watch television? You
10 watch television, do you, Mr. Wharton?

11 A Yes.

12 Q Now, would you tell us just in capsule form what
13 you have heard, by way of the mass media, concerning this
14 previous trial, the Tate-La Bianca trial, that I believe Judge
15 Choate mentioned previously?

16 A I know very little about what went on, other than
17 the fact that the case was tried. They were accused, and the
18 case was tried.

19 I can't definitely say with honesty what the
20 outcome of the entire case was.

21 Q But based upon your -- whatever you've learned by
22 way of publicity, your state of mind, I believe you've
23 previously stated that Mr. Manson was found guilty?

24 A I believe that's true.

25 Q And your state of mind is that he has been found
26 guilty of what?

27 A I believe that he has been found guilty of first
28 degree murder.

1 Q And as a result of that, do you know what
2 penalty has purportedly been assessed against him?

3 A Uh -- not definitely.

4 Q Well, what is your --

5 A All I've heard is rumors.

6 Q All right. What is that, Mr. --

7 A Just the fact that he's been found guilty, and --
8 and -- well, to be honest with you, I can't definitely say.

9 Q Well, whatever --

10 A As to whether he's been found guilty and
11 sentenced to death or not.

12 Q But your state of mind -- like what you call
13 rumor and whatever your source may be -- your state of mind
14 is that he received which penalty? Life or death?

15 A I can't be honest in what I answer. I'd rather
16 not specify.

17 Q Well --

18 A But he was found guilty.

19 Q Yes. But I mean, whatever you think the rumor
20 was, there's no -- no one to -- whatever you think it is,
21 Mr. Wharton?

22 A I believe he was sentenced to death.

23 Q Now, directing your attention, then, to -- you
24 certainly -- like you intend -- or, Atlantic Richfield
25 intends to take over that building in October; right?

26 A We intend to move in there, yes.

27 Q Right. Now, is your state of mind such, you
28 recognize there's a lot of difference between intending to do

2
1 something and actually doing it?

2 A I understand that.

3 Q Now, you certainly intend to follow the Court's
4 order to set aside what you may have heard concerning
5 Mr. Manson; right?

6 A That's right.

7 Q By way of publicity. But is it a fair statement
8 that, like all of us, in not having experienced it or having
9 gone through this before, that you don't know whether you could
10 in fact set aside these matters that you have heard by way of
11 publicity, by virtue of the fact that you actually haven't
12 gone through that process?

13 A Not in criminal court, no.

14 Q So you -- it's a fair statement that you don't
15 know whether you could in fact not consider these matters that
16 you've told us that you -- by way of rumor and otherwise --
17 have learned concerning Mr. Manson?

18 A I don't follow your question entirely, except
19 the fact I know that you have to follow the evidence of the
20 witnesses --

21 Q Right.

22 A -- in the case.

23 Q But are we in agreement that, for instance, if I
24 say, "You have to swim the Catalina Channel today, before noon,"
25 that would be impossible; right?

26 MR. MANZELLA: Objection, your Honor. That's not
27 relevant to the challenge for cause.

28 MR. KANAREK: It's by way of illustration, your Honor.

1 THE COURT: Overruled. You may answer it, Mr. Wharton.

2 MR. MANZELLA: How is that relevant to a challenge for
3 cause, swimming the Catalina Channel? That has to do with
4 physical exertion; and whether he can set aside these things
5 relates to his mental ability to --

6 DEFENDANT MANSON: It depends on if you've got your
7 glasses on.

8 THE COURT: Mr. Manson may be removed.

9 DEFENDANT MANSON: I haven't seen a man yet who could see
10 who wore glasses.

11 One, two, three. Hup, hup, hup!

12 THE COURT: Mr. Manson, we don't mind your being here,
13 so long as you observe the rules.

14 DEFENDANT MANSON: Well, the whole thing is so dumb.
15 Why don't you let me be a lawyer?

16 THE COURT: Off the record.

17 (Discussion was had off the record.)

18 THE COURT: Back on the record.

19 Out with him.

20 DEFENDANT MANSON: (Unintelligible statement as he was
21 ushered into the holding tank.)

22 Q BY THE COURT: Mr. Wharton, you may express your
23 opinion as to whether or not you could swim the Catalina
24 Channel by noon.

25 A I'm not physically capable of doing that.

26 Q BY MR. KANAREK: And so, if somebody told you to
27 do it, that would be an impossibility, wouldn't it?

28 I'm just giving an absurd example, to prove a

1 point -- or suggest for your consideration --

2 A I understand.

3 Q -- that even though -- for instance, let's say
4 that somebody told you to set aside a fact -- forget the fact
5 that you were going to move to the Atlantic Richfield
6 building in October.

7 This permeates your entire life right now, doesn't
8 it? You're -- you take pride in your job, and you're thinking
9 about this constantly, isn't that right, Mr. Wharton?

10 A Not constantly, no, sir.

11 Q But frequently?

12 A Right.

13 Q And so my question is: Is it -- like you say,
14 you've never been in a criminal court before. Is there some
15 probability that, because of the massive amount of publicity
16 and so forth, that all of us have been inundated with
17 concerning Mr. Manson, that perhaps, even though the Court is
18 asking us to do this, that we might not be able to do it?

19 A There's no question in my mind as to whether I
20 could make an honest decision or not.

1 fls.

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1 Q But, no, that's not the question we're talking
2 about right now.

3 MR. MANZELLA: Objection, that's argumentative.

4 MR. KANAREK: No, it isn't.

5 MR. MANZELLA: As to whether or not that's the question.

6 THE COURT: Yes, the Court will sustain the objection
7 and I'll strike counsel's remarks.

8 Q BY MR. KANAREK: We're in agreement, I hope, Mr.
9 Wharton, no one is impugning your integrity at all. This is
10 just a matter to determine -- to interrogate in connection
11 with the subject matter of publicity.

12 A I understand.

13 Q I'm sure you recognize that.

14 So previously you stated that you hadn't been in
15 a criminal case before in connection with these matters.

16 What did you mean by that?

17 A I mean that I have not served on the jury duty
18 in a criminal case.

19 Q So you really don't know what effect this publicity
20 that you have heard concerning Mr. Manson would have upon you,
21 as far as this case goes?

22 A I'm sorry, I've told you I would have to give
23 an honest decision regardless. I don't know how else to
24 answer you.

25 Q I see.

26 THE COURT: What do you mean by "honest decision"?
27 You responded with that several times. I don't want to put
28 any words in your mouth, but go ahead and tell us what you

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1 believe to be an honest decision.

2 JUROR NO. 3: I would have to follow the evidence, your
3 Honor, and discuss it amongst the jurors.

4 THE COURT: In other words, you would base your decision
5 on the evidence and the evidence alone and the Court's
6 instructions?

7 JUROR NO. 3: That's the only way that I could see to
8 be done.

9 Q BY MR. KANAREK: Mr. Wharton, would you tell us
10 just in capsule or synopsis form what you heard in Judge
11 Call's court concerning Mr. Manson?

12 A I never heard nothing, other than the indictment
13 that was read on Grogan.

14 Q And what did you hear?

15 A And in connection with the so-called Manson Family.

16 Q I see. There was no discussion by lawyers or the
17 judge with you concerning any matters pertaining to Mr. Manson?

18 A None, whatever.

19 Q I see. Other than normal procedure in the court-
20 room selecting the jury.

21 Were you excused because of your obligations to
22 Atlantic-Richfield?

23 A Yes, sir.

24 Q From that trial?

25 A Yes, sir.

26 Q Did you hear anything concerning Mr. Shea at --
27 while you were in Judge Call's court?

28 A Nothing, only an indictment of Grogan.

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1 Q I see.

2 A Being accused of murdering Mr. Shea.

3 Q I see. And would you tell us in capsule form
4 what is it that you stated in court concerning your obliga-
5 tions to Atlantic-Richfield that --

6 THE COURT: You needn't do that. He stated them here
7 under oath.

8 Let's move it along, please, Mr. Kanarek. Let's
9 go faster than this.

10 MR. KANAREK: Well, your Honor, may we approach the
11 bench?

12 THE COURT: No, you may not.

13 What we are talking about?

14 MR. KANAREK: On another point, your Honor. Not this
15 publicity point, another point.

16 THE COURT: Well, no, you may not approach the bench.
17 Let's inquire about the question of publicity, the reason
18 that Mr. Wharton has been separated from the other jurors and
19 get on with it.

20 MR. KANAREK: Yes, your Honor.

21 Thank you, Mr. Wharton. Thank you, sir.

22 JUROR NO. 3: Thank you.

23 THE COURT: Mr. Manzella.

24 MR. MANZELLA: I have no questions.

25 THE COURT: Bring the other jurors back in.

26 MR. KANAREK: No, your Honor, I do want to approach the
27 bench.

28 THE COURT: You may approach the bench.

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1 Bring the other jurors back.

2 MR. KANAREK: With the reporter.

3 THE COURT: Yes, you may.

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1 (Whereupon, the following proceedings were had at
2 the bench among Court and counsel, outside the hearing of the
3 prospective juror:)

4 MR. KANAREK: Your Honor, I make a challenge under 1073,
5 Sub section 2, as to this man because of the publicity, but
6 over and above that I make a motion for an evidentiary
7 hearing and I make it -- a violation of equal protection of
8 the law and due process under the Fourteenth Amendment, in
9 violation of Mr. Manson's civil rights. And this man is no
10 different than all the others. He says it is going to be a
11 hardship to him. He says he isn't going to get paid, and he
12 is an ordinary wage earner. And for him to be allowed to stay
13 here in view of all the others that your Honor has excused, is
14 a clear violation of the equal protection of the law.

15 THE COURT: He says --

16 (Whereupon, the following proceedings were had in
17 open court within the presence and hearing of the prospective
18 juror:)

19 THE COURT: Mr. Wharton, I judge --

20 JUROR NO. 3: Yes, sir.

21 THE COURT: I judge just because of the financial aspect
22 of this, you're not asking to be excused? That's not entering
23 into your judgment in asking to be excused?

24 JUROR NO. 3: Not necessarily, sir. Surely, I am a
25 working man. I am not financially able.

26 THE COURT: You're willing to undergo the financial
27 hardship that's involved if you were to serve?

28 JUROR NO. 3: I would rather not serve, sir.

1 THE COURT: I know that.

2 JUROR NO. 3: I would forego the financial hardship,
3 yes, sir.

4 THE COURT: It seemed to me to be secondary in your
5 complaint about service and, as a matter of fact, you didn't
6 mention it at all and it didn't seem to have any bearing on
7 your judgment in the matter. You were concerned about being
8 present when this move was being made, though; is that true?

9 JUROR NO. 3: I have to be present most of the time, I
10 feel, at work. Finances doesn't bother me.

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

14 THE COURT: Well, he's expressed the -- the Court's
15 assessment of his situation, he has not asked to be excused
16 as a result of financial hardship, because he believes that
17 Atlantic Richfield can't spare him.

18 Anything further?

19 MR. KANAREK: Well, yes, your Honor, I ask that he be
20 excused.

21 THE COURT: On what?

22 MR. KANAREK: 1073, Sub section 2. The People --

23 THE COURT: That's denied.

24 However, do the People wish to make a motion that
25 the County pay him during the period --

26 MR. MANZELLA: (Laughing.)

27 THE COURT: I would deny such a motion.

28 MR. KANAREK: Well, I make the motion --

1 THE COURT: The challenge is refused on the grounds of
2 publicity. The Court finds that Mr. Wharton is capable of
3 setting aside what he has heard, seen or read via the news
4 media, in discussions, and that he will do so.

5 The Court finds that he can be fair and impartial.
6 The Court has, as far as the jurors who are in the box now,
7 who have been questioned about the knowledge of news reports,
8 discussions of Mr. Manson, his previous cases, that those
9 persons are capable of setting aside such matters and being
10 objective, fair and impartial and that they will do that.

11 MR. KANAREK: Well, your Honor, I would ask in view of
12 the experience with Mr. Simonoff, I ask that your Honor inquire
13 of each of the prospective jurors that are in the box as to
14 what their date is, the date that they started jury duty.
15 There may be other people the same as Mr. Simonoff. In view of
16 the somewhat unusual circumstances concerning him, in that he
17 was allowed to stay on merely because he asked to. And I
18 allege under due process and equal protection under the
19 Fourteenth Amendment, Mr. Manson is entitled to a hearing as
20 to whether or not the law is being followed.

21 THE COURT: We'll solve that, right now.
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1 (Whereupon, the following proceedings were had in
2 open court within the presence and hearing of the prospective
3 jury:)

4 THE COURT: Ladies and gentlemen, is there anyone in the
5 room who is a prospective juror who has served his or her
6 20 days and is on a second 20 days?

7 Anyone in the box?

8 Excuse me, let me put it this way: Is there any-
9 one prior to his being sent to this courtroom and placed in
10 the box -- I'm directing it now to those of you only in the
11 box, anyone prior to the time that he was placed in the box
12 that had completed his 20 days and had volunteered for a
13 second 20 days?

14 I see no response.

15 Is there any one of you beyond the rail now who
16 has volunteered for jury duty for a second 20 days?

17 (No response.)

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

21 THE COURT: Now, that should eliminate your problem, the
22 question that you raised in respect to Mr. Simonoff.

23 Now, is there anything else?

24 MR. KANAREK: Yes, your Honor.

25 THE COURT: That you may wish to be heard upon?

26 MR. KANAREK: Yes, your Honor.

27 THE COURT: Before we proceed with the case?

28 Go ahead.

1 MR. KANAREK: I do -- I would like to have the
2 representation from the District Attorney -- I don't think it
3 is on the record --

4 THE COURT: Why don't we take this up at a later time.

5 MR. KANAREK: This has to do with my interrogation of
6 the juror. It has been indicated -- some indication that he's
7 not going to use helter-skelter in this case.

8 MR. MANZELLA: What you see, is what you get.

9 MR. KANAREK: There is no representation on the record,
10 even though he has made that in your Honor's presence and my
11 presence. Not on the record. He's indicated he's not going
12 to use helter-skelter, but when it gets down to the nitty-
13 gritty, it turns out he's not willing to make the representa-
14 tion on the record that he's not going to introduce anything
15 concerning racial matters and, therefore, it is incumbent
16 upon me to interrogate on it. He's obviously vacillating.

17 (Whereupon, the following proceedings were had
18 in open court within the presence and hearing of the
19 prospective jurors:)

20 THE COURT: All right, gentlemen, you may interrogate
21 Mr. Wharton generally.

22 Mr. Kanarek, you may begin.

23
24 VOIR DIRE EXAMINATION

25 BY MR. KANAREK:

26 Q Mr. Wharton, I'm sure we all -- sure your pride
27 in that new Atlantic Richfield complex that's going up
28 downtown around Flower, is that right?

1 A Yes.

2 Q What some of us would like to know, do you think
3 that your attention in connection with that -- I assume you
4 would be doing some work on that outside the court hours --
5 would that be of such a nature that you might not be able to
6 keep full attention to these proceedings in the courtroom?

7 A It is possible.

8 THE COURT: Do you think it might divert your attention
9 from the trial?

10 JUROR NO. 3: It could be possible.

11 THE COURT: All right. The Court feels that once you
12 have -- you have undertaken to serve as a juror in this trial,
13 you should devote your full attention to it and that you
14 should not be in any way diverted during the time that you
15 are in the deliberation room or if you are in court.

16 JUROR NO. 3: That's right, sir. I understand that, sir.

17 THE COURT: And you think you might not be able to
18 fully concentrate on what's going on in this trial because of
19 your involvement mentally with your company; is that what you
20 are telling us?

21 JUROR NO. 3: Yes, sir.

22 THE COURT: All right, I'll excuse you, Mr. Wharton.

23 JUROR NO. 3: Thank you very much.

24 MR. KANAREK: Thank you very much.

25 THE CLERK: Wait for your ticket, Mr. Wharton.

26 MR. KANAREK: Thank you, sir.

27 (Whereupon, an unrelated matter was called before
28 the Court.)

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1 THE CLERK: Charles E. Winn, W-i-n-n.

2
3 VOIR DIRE EXAMINATION OF

4 CHARLES E. WINN

5 BY THE COURT:

6 Q Mr. Winn, were you present when the Court
7 explained the nature of this case to the prospective jurors
8 when the Court questioned Mr. Winters?

9 A I was.

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

12 A They would.

13 Q In what way?

14 A Uh --

15 Q Perhaps you didn't understand my question.
16 Would your answers be any different than he
17 responded, than he answered, than his answers to the questions
18 of a general nature?

19 A No, they would not.

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

22 A I don't think so.

23 Q Neither financially nor personal?

24 A No.

25 Q All right.

26 And have you served as a juror before in a
27 criminal case?

28 A Yes,

1 Q What was the nature of that case? And if there's
2 more than one, tell us what those cases were, and tell us
3 whether or not there was a verdict, regardless -- don't tell
4 us whether it was guilty or not guilty.

5 A There was one case. Rape. And we did reach a
6 verdict.

7 Q Did reach a verdict?

8 A Yes.

9 Q Any others?

10 A No, that's the only one.

11 Q Would you, and would all the jurors who have
12 served in criminal cases, set aside whatever they may have
13 learned in those cases, and decide this case solely on its
14 evidence and the instructions of law as I shall give them to
15 you?

16 A Yes.

17 Q All right.

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

20 A No.

21 Q What type of work do you do?

22 A Truck driver for the City of Beverly Hills.

23 Q And is -- are you married?

24 A Yes.

25 Q Is there a Mrs. Winn at home and, if so, what type
26 of work does she do?

27 A She's a housewife.

28 Q All right. In what area do you reside?

1 A Southwest section of Los Angeles.

2 Q Are your views concerning the death penalty such
3 that you couldn't be impartial in determining the question of
4 guilt or innocence?

5 A No.

6 Q Or are your views concerning the death penalty
7 such that you would automatically refuse to impose the death
8 penalty, regardless of the evidence?

9 A No.

10 Q Or are your views concerning the death penalty
11 such that you would automatically impose the death penalty,
12 automatically vote for it upon a conviction of murder first,
13 regardless of the evidence?

14 A No, it wouldn't.

15 Q Now, I'm interested in knowing whether you can set
16 aside what you may have heard, seen or read concerning
17 Mr. Manson or this case or any other case in which he may have
18 been involved and whether you will do so for the purpose of
19 deciding this case independently of any matter that you have
20 heard, seen or read?

21 And we're going to question you as we did
22 Mr. Wharton, outside the presence of the other jurors. We'll
23 ask the other jurors to leave quickly and quietly.

24 Don't converse among yourselves about this case.

25 A VOICE: Same place?

26 THE COURT: Same department, Department 100.

27 Somebody open both doors.

28 (Whereupon, the prospective jurors retired from the

1 courtroom.)

3 VOIR DIRE EXAMINATION

4 BY THE COURT:

5 Q Had you ever heard the name Charles Manson before
6 you came into this room and --

7 A I have.

8 Q -- heard the Court tell you the nature of this
9 case?

10 A Yes.

11 Q In what way had you heard it?

12 A Uh, newspaper, television.

13 Q And was it about this case or about some other
14 case or about both?

15 A All the cases involved.

16 Q Including this one?

17 A Shorty Shea.

18 Q Yes. Had you heard the name Shorty Shea before?

19 A Yes, I had.

20 Q In what connection?

21 A On the radio, television and as a prospective

22 juror.

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1 Q What had you heard about him?

2 A Well, that he was killed on a ranch and, basically,
3 I believe it was a racial matter behind it.

4 Q Possibly because of his having been married to
5 somebody who was a Negro?

6 A That's correct.

7 Q Did you hear what Mr. Manson was accused of in
8 that other case, that Tate-La Bianca case?

9 A La Bianca?

10 Q Have you ever heard of that case, the Sharon
11 Tate case and the La Bianca case, involving the death of the
12 La Biancas?

13 A Yes.

14 Q All right. What have you heard about that case?

15 A Well --

16 Q In respect to the penalty, the verdict and the
17 penalty?

18 A Well, that he was found guilty and that he got the
19 death penalty for it.

20 Q All right. In connection with Shorty Shea, did
21 you read anything more about it that you can remember at this
22 time, that you can tell us?

23 A Well, they never found the body.

24 Q You have a belief from having read the newspapers
25 that Mr. Shea is dead?

26 A Well, I don't think one way or another about it.

27 Q You haven't formed an opinion?

28 A No, not as far as that is concerned.

1 Q Do you know the name Gary Hinman?

2 A I've heard of it.

3 Q In what connection?

4 A In connection with this case here.

5 Q What did you read about Mr. Hinman?

6 A Well, --

7 Q I mean, the question should more properly have
8 been had you heard about Gary Hinman before you came into this
9 courtroom, heard, seen or read about it?

10 A Yes, uh, I had heard of him.

11 Generally, he was killed. Manson was accused and
12 some of his followers were accused of killing him.

13 Q Now, do you think it is possible for you to set
14 aside what you might have heard about that Hinman case, Shea
15 case, anything that you may have heard, seen or read about it
16 or discussed with anybody about it?

17 A Well, I think I could keep an open mind.

18 Q Well, the Court doesn't wish you to have an open
19 mind with respect to those things. The Court, in order to
20 allow you to sit as a juror, must determine that you can set
21 aside anything you may have heard, seen or read, and that you
22 will set aside anything you may have heard, seen or read,
23 and that you will be impartial in making any judgment that you
24 are called upon to make in this case; understand?

25 A Yes, I understand.

26 Q So what I'm really asking you, is whether you are
27 mentally capable of segregating from your mind any of these
28 reports that you may have heard, seen or read about Shorty

1 Shea, about Gary Hinman, about Mr. Manson, the Manson family,
2 anything that you may have heard, wiping your mind clean of
3 those things -- not forgetting them, but just setting them
4 aside, wiping your mind clean for the purpose of making any
5 judgment that you might be called upon to make in this case?

6 A I believe I could.

7 Q Would you decide this case only on the evidence
8 presented here and the instructions of law?

9 A Yes, I would.

10 Q If someone were to raise anything in the course of
11 deliberations that you knew was not part of the evidence, but
12 was part of a news broadcast or something that came from out-
13 side of this courtroom by way of a news release or a discussion,
14 perhaps, do you think that you could effectively remind jurors
15 such a juror of that?

16 A Yes.

17 Q And would you take no note whatever of such
18 matter, but decide the case only on what you had heard, seen
19 or read in this courtroom by way of evidence?

20 A I would.

21 Q And can you, in spite of what you have heard,
22 seen or read in connection with Mr. Manson, decide this case
23 fairly and impartially?

24 A Yes, I would.

25 THE COURT: Mr. Kanarek.
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MR. KANAREK: Thank you, your Honor.

VOIR DIRE EXAMINATION

BY MR. KANAREK:

Q Mr. Winn, sir, at the present time, sir, based on the publicity, what do you think happened to Shorty Shea, just based upon what you have seen?

A Well, I believe he was killed.

Q And then, you believe he was killed for what reason?

A Well, what I can gather, like I stated, it was racial, I believe. They resented the fact that he was married to a black woman, I believe.

Q Who, who, who? When you say "they," who do you mean, Mr. --

A Well, the Family, I suppose.

Q And when you say "Family," who do you mean?

A Manson's Family.

Q And does that include Mr. Manson?

A Yes, it would.

Q And is it a fair statement, Mr. Winn, that you are of the black or Negro race?

A That is correct.

Q And so at -- presently, then, having these matters in mind, and thinking of what's going to occur in this courtroom, you would have to hear something in this courtroom concerning matters to displace those thoughts from your mind, is that right?

1 A That's right.

2 MR. KANAREK: All right, may we approach the bench,
3 your Honor?

4 THE COURT: I think not.

5 Let me ask him one or two more questions.

6
7 VOIR DIRE EXAMINATION

8 BY THE COURT:

9 Q It wouldn't be fair to Mr. Manson for you to
10 decide this case from what you have read, heard or seen in
11 the newspapers or the opinions that you have formed from
12 the newspapers, would it?

13 A No, it would not.

14 Q Now, if the -- if the People fail to prove by way
15 of evidence beyond a reasonable doubt that Mr. Shea is dead,
16 for example, how would you find as a verdict in this case,
17 guilty or not guilty?

18 A Not guilty.

19 Q You wouldn't rely on your opinion that you formed
20 from the newspapers to determine that the People have
21 established a case, would you?

22 A No, I would not.

23 Q You wouldn't determine, just as a juror, because
24 of the information that you may have gathered, that Mr. Shea
25 is dead and, therefore, find guilty, would you?

26 A No.

27 Q Well, do you realize that as far as this
28 accusation is concerned, this indictment is concerned, that

1 it is not evidence itself?

2 A I understand that.

3 Q And that the People have the affirmative obliga-
4 tion of proving the case?

5 A Yes.

6 Q All right.

7 Now, do you think it would be necessary, then,
8 for the defendant to come forward and prove something in
9 order to offset that opinion that you formed from the
10 newspapers?

11 A I don't think the defendant has to come forward.
12 It is the People's --

13 Q It is the People's obligation to prove the case?

14 A That's right.

15 THE COURT: I think he may have misunderstood your
16 question, Mr. Kanarek.

17 Mr. Kanarek, you may continue, if you want.

18 MR. KANAREK: Yes, thank you.

19
20 VOIR DIRE EXAMINATION (Continued)

21 BY MR. KANAREK:

22 Q Mr. Winn, as a prospective juror, you heard
23 matters concerning this case. My notes indicate that you
24 said that that was one of the sources.

25 Does that mean that you heard those matters in
26 another courtroom?

27 A No, I heard all of this before I became a
28 prospective juror.

1 Q I see. Have you been in another courtroom where
2 the Shea case, so-called, was before the Court?

3 A Yes.

4 Q You were in another courtroom?

5 A Yes, I was.

6 Q And was that Judge Call's court, Department 52?

7 A Department 52, that's right.

8 Q Right.

9 And would you tell us, what did you hear there
10 concerning the Shea case?

11 A Well, he instructed us on the charges that were
12 brought against Steven Grogan, I believe his name was. And
13 that he was, I believe, associated with the Manson Family.
14 And that the charges was murder. And that it was quite a
15 bit of circumstantial evidence involved. And that's about
16 the crux of it, basically.

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lf fls.

1 Q I see. And you, then, were spoken to by the
2 lawyers concerning the case?

3 A Yes, I was.

4 Q What did you learn or what did you hear in that
5 regard from the lawyers concerning the Shea case?

6 A Well, not too much. Only they wanted to know
7 whether I had an understanding of just what was involved. The
8 Deputy District Attorney wanted to emphasize the circumstantial
9 part of the trial.

10 Q I see. And you -- someone or somehow or other
11 you were excused from that case?

12 A Yes, the lawyer for the defendant excused me.

13 Q Now, directing your attention, Mr. Winn, right now
14 you have the belief that Mr. Shea has been killed, right?

15 A Yes.

16 Q And you -- you also have the belief that he was
17 killed because of a racial -- what do you believe caused him
18 to die?

19 A Well, I couldn't tell you just how he came
20 about -- what means was used to kill him. I wouldn't have any
21 idea.

22 Q Well, but --

23 A It was just stated -- since all these charges have
24 been brought against these people -- and it would have to be
25 some truth in the matter.

26 Q Pardon?

27 A I think there would have to be some truth in the
28 matter, since it has been brought this far to Superior Court.

2

1 Q When you say there must be some truth in the
2 matter, what are you referring to, Mr. Winn?

3 A Well, there must be some truth that there has been
4 a crime committed.

5 Q What do you mean by a crime committed?

6 A That someone was killed. That's why we're having
7 this trial, to determine whether this person is guilty of it
8 or not.

9 Q Who is the person that you believe was killed?

10 A Shorty Shea, I believe.

11 MR. KANAREK: May I approach the bench, your Honor?

12 THE COURT: No, you may not.

13 Mr. Winn, you understand that one of the
14 elements that has to be proved in order to establish a murder
15 is the death of a human being?

16 JUROR NO. 3: Yes, I know.

17 Well, uh --

18 THE COURT: Now, if the People don't prove that, that
19 element which is an essential element of the case of murder,
20 would you find the defendant guilty?

21 JUROR NO. 3: Well, I'd have to listen to the evidence,
22 your Honor.

2 fls.

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1 Q Now, if the People don't prove a death, would you
2 find a man guilty of murder?

3 A If they can't prove it, no; but --

4 Q Now, I mean prove beyond a reasonable doubt, as
5 I have defined --

6 A Yes, sir.

7 Q -- reasonable doubt for you. Do you understand
8 that?

9 A Yes, sir, I understand that.

10 Q Now, you've formed certain opinions from having
11 read newspapers and seen television and heard the radio,
12 and what I am asking you is whether you can set aside those
13 opinions?

14 And you've responded to me that you have a firm
15 belief that you can.

16 A Yes.

17 Q Now, that would entail setting aside opinions
18 about anything, about anything whatever, that you may have
19 heard, seen or read, including any opinions that you might
20 have formed about the death of Shea, the death of Himman,
21 about the Manson Family, anything of that nature.

22 Do you understand?

23 A I understand that, your Honor.

24 Q And you have to start with -- as a juror, you have
25 to start with a clean slate, a clean notebook, as it were.
26 And the People have to go on from there and establish their
27 case, as to each Count in this case, beyond a reasonable
28 doubt.

2-2

1 Do you understand that?

2 A I understand that.

3 Q Having that in mind, do you believe that you are
4 capable of setting aside, now, any opinions that you might
5 have formed, and judging the case fairly and impartially and
6 independently of such matters?

7 A Yes, I could, your Honor.

8 THE COURT: Mr. Kanarek?

9
10 VOIR DIRE EXAMINATION

11 BY MR. KANAREK:

12 Q Mr. Winn --

13 May I proceed, your Honor?

14 THE COURT: Yes, go ahead.

15 Q BY MR. KANAREK: Mr. Winn, presently you believe
16 that Mr. Shea was murdered because of racial reasons; right?
17 You believe that?

18 A Well, yes.

19 Q And so, in order to displace that from your mind,
20 you would require evidence to be brought here to displace
21 that; is that correct?

22 A That's correct, um-hmm.

23 May I say something?

24 Q Yes, certainly.

25 A These are two different cases, aren't they? This
26 is two -- this is the Hinman case, and this is the Shorty
27 Shea case.

28 Well, you keep referring to the Shea situation,

2-3

1 and this -- I -- I have no opinions at all on this particular
2 case here.

3 Q Well, if we should inform you -- in other words,
4 the Shea case is also before the Court here, Mr. Winn.

5 A This case is?

6 Q Yes. It's both the Shea case, so-called, and the
7 Hinman case.

8 May I approach the bench, your Honor?

9 THE COURT: Do you have a challenge?

10 MR. KANAREK: Yes, your Honor.

11 THE COURT: Make your challenge.

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

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

14 Thank you, Mr. Winn. The Court does excuse you.
15 And the Court requests that you report to Room 253 forthwith,
16 if you will.

17 Perhaps you can get to yet another courtroom
18 today.

19 MR. KANAREK: Thank you very much, Mr. Winn.

20 JUROR NO. 3: Thank you.

21 THE COURT: We'll take a recess now for ten minutes.

22 Let's have them back at the end of the recess.

23 THE BAILIFF: Yes, sir.

24 THE COURT: In connection with the last juror, Mr. Winn,
25 the Court finds that he could not effectively set aside what
26 he may have heard, seen or read from the publicity, and be
27 fair and impartial in deciding all of the issues that he might
28 be called upon to decide in this case.

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MR. KANAREK: Thank you.

(Midmorning recess.)

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1 THE COURT: The case of People vs. Manson.

2 The record will show the defendant Manson is
3 not present. Mr. Kanarek is present; Mr. Manzella is, and
4 all the prospective jurors are present beyond the rail and in
5 the box.

6 Call another name.

7 THE CLERK: Edward R. Botz; B-o-t-z.

8 VOIR DIRE EXAMINATION OF

9 EDWARD R. BOTZ

10 BY THE COURT:

11 Q Mr. --?

12 A Mr. Botz.

13 Q Spell it for me again. I'm sorry.

14 A B as in boy, -o-t, tom, -z, zebra.

15 Q Mr. Botz, were you present when the Court explained
16 the nature of this case, and when the Court discussed this
17 matter with Mr. Winters and questioned him?

18 A Yes, I was.

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

21 A No, they would not.

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

24 A I don't believe so. I checked with my company
25 this morning, and none of the supervisors could make a
26 decision, so they're going to check with someone.

27 Q None of the supervisors could make a decision?
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A That's par for the course.

Q Maybe they'll hold a committee meeting.

A Probably.

Q A committee usually comes up with some solution.

A They said they'd check it with -- I work for Trans-World Airlines, and they weren't quite sure of what the company policy would be on an extended case. But I believe --

Q You are reasonably sure that they will pay?

A I believe so.

Q Let us know if there's any change in that?

A Yes, sir.

Q Have you served as a juror before?

A Yes, sir, I have.

Q In a criminal case?

A Yes.

Q Tell us the nature of that criminal case, or those criminal cases, and whether there was a verdict, without saying whether it was guilty or not guilty?

A It was one criminal case. The charge was sodomy and oral copulation, and there was a verdict.

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

A No, I'm not.

Q What is the nature of your work?

A I am a reservations agent.

Q Reservation --?

A I take reservations; I work over the telephone, taking reservations.

4-3

1 Q And how long have you been so employed?

2 A About five years.

3 Q And that's for what company?

4 A Trans-World Airlines.

5 Q Where do you work? Downtown or at the Inter-
6 national Airport, or what?

7 A I work downtown, on Wilshire and Union.

8 Q And is there a Mrs. Botz?

9 A No, there isn't. I'm single.

10 Q In what area do you reside?

11 A On -- in the Hollywood area.

12 Q Do you have views concerning the death penalty
13 such that you would be unable to be impartial in determining
14 the question of guilt or innocence?

15 A No.

16 Q Or do you have views concerning the death penalty,
17 such that you would automatically refuse to impose the death
18 penalty in any case?

19 A I do not believe in the death penalty. Therefore,
20 I really could not impose the death penalty on someone.

21 I don't feel that it has ever accomplished
22 anything.

23 Q If you were on a jury, and in deliberation on the
24 second phase, the penalty phase of the case, are you telling
25 me that you would automatically refuse to impose the death
26 penalty, regardless of the evidence?

27 A Yes, I would.

28 Q You would discuss the evidence --

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1 A I would.

2 Q -- with the other jurors, consider the evidence?

3 A Yes, I would. I'd consider --

4 Q But coming to the point of a vote, would you
5 ever vote for the death penalty, considering the evidence?

6 A I really couldn't, with my beliefs. I would be
7 a hypocrite if I said the death penalty was acceptable.

8 I find -- it's my feeling it's never accomplished
9 anything, and I don't feel that I have the right to take a
10 human life.

11 Q I see. Your view is, then, that you would refuse
12 to even consider the death penalty?

13 A As such, yes.

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1 Q I'm sorry. Turn that microphone toward you so
2 that it's pointed directly --

3 A I'm sorry. Can you hear me better now, your Honor?

4 Q Yes, thank you.

5 A I could see life imprisonment, but I could not
6 vote for the death penalty.

7 Q Your view is that you would never vote to impose
8 the death penalty, regardless of what the evidence is that
9 might be produced in the case?

10 A Yes, your Honor.

11 THE COURT: All right. Any questions?

12 MR. KANAREK: Yes, your Honor.

13 THE COURT: Very quickly, if you would.

14
15 VOIR DIRE EXAMINATION

16 BY MR. KANAREK:

17 Q Mr. Botz, you say that -- that you would -- you
18 feel it would be hypocritical for you to act, if you deemed --
19 I mean, to impose the death penalty?

20 A That's correct.

21 Q Now, what about -- if I may, just by way of
22 illustration, there may be other laws that you don't agree
23 with, but -- isn't it true, that you would follow the Court's
24 instructions, irrespective of the fact that you might not
25 agree with a particular legal principle that the Court gave
26 you, to administer?

27 THE COURT: Just a minute. You need not answer it.
28 It's rather confusing, because the Court will never instruct

4a-2

1 any jury to impose the death penalty.

2 The Court will simply instruct you concerning
3 the law regarding the death penalty, and the Court has
4 already, in some measure, instructed the prospective jurors
5 in regard to that.

6 And the law is that it is left to the absolute
7 discretion of the jurors, as to whether or not the death
8 penalty will be imposed.

9 MR. KANAREK: Well, your Honor, perhaps your Honor
10 misunderstood. But I'm not suggesting --

11 THE COURT: Well, go ahead, Mr. Kanarek.

12 MR. KANAREK: Yes.

13 Q What I'm saying is, Mr. Botz, the Court will give
14 some instructions in connection with the penalty phase, in the
15 unlikely event that this case ever reaches a penalty phase --

16 THE COURT: All right. That's stricken. Counsel's
17 remarks are stricken thus far, in the question.

18 Mr. Kanarek, put a question, will you, please?

19 MR. KANAREK: Yes, your Honor.

20 Q Mr. Botz, the Court will, in a penalty phase,
21 the Court does give some instructions. Is there any reason
22 that you couldn't follow the Court's instructions, no matter
23 what they might be, in the penalty phase of the trial?
24 In this or any other case?

25 A Unless it -- it would force me to impose the
26 death penalty, no, there would not be any reason that I could
27 not follow the Court's instructions.

28 Q And if we postulate, if we agree that the Court is

4a-3

1 not going to ever tell you to bring in a death sentence, then
2 I gather you could sit and discuss the evidence and follow
3 the instructions that the Court does give?

4 A That is correct, yes.

5 MR. KANAREK: Thank you. I oppose the challenge, your
6 Honor.

7 THE COURT: All right. The Court grants the challenge.
8 The Court finds that Mr. Botz would automatically refuse to
9 impose the death penalty, regardless of the evidence.

10 The Court thanks you, Mr. Botz, and the Court
11 excuses you to go to Room 253 of the assembly room.

12 Thank you very much.

13 JUROR NO. 3: Thank you, your Honor.

14 MR. KANAREK: Thank you, Mr. Botz. Thank you, sir.

15 THE COURT: Oh, incidentally, yesterday, ladies and
16 gentlemen, the Court did instruct you and tell you something
17 concerning your attitude in the jury room and during
18 deliberations. But just let me say one word -- or another word
19 or two about it.

20 The Court and each side of this case is interested
21 in having you return a verdict. I have told you yesterday
22 that the return of the verdict would be in the interests of --
23 would be in the interests and proper administration of justice.

24 But this statement by the Court does not infer that
25 you are thereby under any compulsion to surrender your
26 honest convictions, arrived at from the evidence and the
27 instructions.

28 Each of you must decide the case for yourselves,

4a-4

1 should you be chosen as a juror in this case. But you
2 should do so only after a consideration of the case with your
3 fellow jurors, and you should not hesitate to change an
4 opinion when convinced that it is erroneous.

5 Call another name, would you, please.
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1 THE CLERK: Yes, your Honor. Miss Patricia A. Coles;
2 C-o-l-e-s.
3

4 VOIR DIRE EXAMINATION OF
5 MISS PATRICIA A. COLES

6 BY THE COURT:

7 Q It's Miss Coles?

8 A Yes, sir.

9 Q Miss Coles, were you present when the Court
10 explained the nature of this case, and instructed the
11 prospective jurors on part of the law concerning the case,
12 and discussed the matter with Mr. Winters?

13 A Yes.

14 Q Would your answers be any different than his
15 answers were to the questions of a general nature?

16 A No.

17 Q Would there be any hardship to you, if you were
18 required to serve as a juror in this case?

19 A Uh -- to me, it would be a hardship.

20 Q Tell us about it.

21 A I have already paid for a tour in -- starting
22 October the 1st.

23 Q A tour of what?

24 A Europe. And it's about \$840.

25 Q And you've paid that?

26 A Yes. And there's no refund, if you cancel past
27 a certain date.

28 Q And is -- and you wouldn't be willing to give up

4b-2

1 the \$840 and the tour of Europe, just to sit on this case?

2 (Laughter.)

3 A No.

4 THE COURT: All right. The Court finds that it would
5 constitute a hardship to you, and the Court does excuse you.

6 JUROR NO. 3: Thank you.

7 THE COURT: Thank you.

8 MR. KANAREK: Thank you, Miss Coles.

9 THE COURT: Room 253 forthwith, if you would, please.

10 THE CLERK: Namon Johnson, Jr. First name spelled
11 N-a-m-o-n; last name, J-o-h-n-s-o-n.

12
13 VOIR DIRE EXAMINATION OF

14 NAMON JOHNSON, JR.

15 BY THE COURT:

16 Q Mr. Johnson? Were you present when the Court
17 explained the nature of this case, and questioned Mr. Winters?

18 A Yes, I was.

19 Q Would your answers be any different than his
20 answers were to the questions of a general nature?

21 A No.

22 Q Would it be any hardship to you to serve on this
23 case?

24 A No.

25 Q Neither financial nor personal?

26 A No.

27 Q All right. Have you sat as a juror before?

28 A Yes, I have.

4b-3

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Q In a criminal case?

2

A Yes.

3

Q And on what type or types of cases have you sat?

4

And what was the verdict -- not what was the verdict, but was there a verdict? Don't say what the verdict was.

5

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A Criminal and civil. We did reach a verdict.

7

Q It was a criminal case?

8

A Yes, right.

9

Q What was the nature of it?

10

A Well --

11

Q I mean, was it a charge of drunk driving or --

12

A Right, right.

13

Q Right?

14

A Right, it was drunk driving.

15

Q All right. And was there a verdict in the case?

16

A Yes, there was.

17

Q Have you sat as a juror on any other criminal

18

case?

19

A No, I haven't.

20

Q You have not. And you state that you did sit in

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a civil case?

22

A Yes.

23

Q And you've heard me explain the nature of the

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burden of proofs in each respective type of case? The civil and criminal case, have you not?

25

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A Yes.

27

Q And do you understand that? And you will --

28

A Right.

4b-4

1 Q -- follow that instruction and observe that
2 difference?

3 A Yes.

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

6 A Yes.

7 Q Tell us about that.

8 A My father's a captain.

9 Q Your father's a captain?

10 A In Chicago, Illinois.

11 Q In the Chicago Police Department?

12 A Yes, he is.

13 Q And how long -- for how long was he a captain?

14 A Oh, about eight years.

15 Q Is he currently serving as a captain?

16 A Uh -- he's in the reserve, now.

17 Q Turn that microphone toward you, as this points
18 toward me, will you? Just direct it toward your face, kind
19 of like an ice cream cone. And get it closer.

20 A All right.

21 Q I didn't hear you.

22 A He is in the reserve now.

23 Q He is in the reserve?

24 A Yes.

25 Q In other words, on a retired status?

26 A Right. He's retired.

27 Q And living in Chicago?

28 A Yes.

4c fls.

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Pg. 1

1 Q Was that because of some injury which occurred,
2 or --
3 A Yes.
4 Q A wounding or something of that nature?
5 A Yes. He -- he was hurt in an automobile accident.
6 Q I'm sorry?
7 A He got hurt in an automobile accident.
8 Q Do you think that that relationship would affect
9 your judgment in the case, so that you'd be unable to be fair
10 and impartial?
11 A No, I don't think so.
12 Q All right. When you say, "I don't think so,"
13 are you hedging on it at all, or --
14 A No, I'm not.
15 Q You are not. That doesn't -- you are not
16 uncertain about that, and you can --
17 A Yes.
18 Q -- be fair to the defendant in spite of this
19 relationship that you have?
20 A Yes, I can.
21 Q You probably have friends who are also police
22 officers; is that correct?
23 A No, I haven't.
24 Q You have not. What type of work do you do?
25 A I am a pastor, of a church in Los Angeles, south-
26 east.
27 Q And where is your flock, generally?
28 A Near the Inglewood area.

2

- 1 Q And how long have you been so engaged?
- 2 A Three years.
- 3 Q And is there a Mrs. Johnson?
- 4 A Yes, there is.
- 5 Q In what area does she reside?
- 6 A Southeast Los Angeles.
- 7 Q With you?
- 8 A Right.
- 9 Q Is she employed outside the home?
- 10 A No, she is not.
- 11 Q Tell us, Mrs. Johnson, do you have views concern-
- 12 ing the death penalty such as would keep you from being
- 13 impartial in determining the question of guilt or innocence?
- 14 A No.
- 15 Q Do you have such views concerning the penalty
- 16 that you would automatically refuse to impose it, regardless
- 17 of the evidence that might be produced in the case?
- 18 A Yes, I do.
- 19 Q In other words, your views are such that you would
- 20 never be able to impose the death penalty, regardless of what
- 21 the evidence may show? Is that your state of mind?
- 22 A That's right.
- 23 Q Would you refuse to even consider the death
- 24 penalty?
- 25 A Yes, I would never -- I would never consider
- 26 the death penalty, under no circumstances.
- 27 Q Regardless of what the evidence is that might be
- 28 produced?

3
1 A Right.

2 Q Could you ever impose the death penalty in any
3 case?

4 A No, your Honor, in no case could I impose a death
5 sentence.

6 Number one, it's against my religious beliefs; and
7 number two, for personal reasons.

8 THE COURT: All right. The Court finds that you would
9 automatically refuse to impose the death penalty, regardless
10 of the evidence --

11 Q Does that reflect your state of mind?

12 A Right.

13 THE COURT: And therefore, does excuse you. Thank you,
14 Mr. Johnson. Room 253, if you would, at 1:30.

15 JUROR NO. 3: Thank you.

16 MR. KANAREK: Thank you, Reverend.

17 THE CLERK: Mrs. Barbara L. Bishop; B-i-s-h-o-p.
18

19 VOIR DIRE EXAMINATION OF

20 MRS. BARBARA L. BISHOP

21 BY THE COURT:

22 Q Mr. Bishop -- Mrs. Bishop, you were present when
23 the Court explained the nature of this case, and talked with
24 Mr. Winters, were you not?

25 A Yes, I was.

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

28 A No, they wouldn't.

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Q Would it be any hardship to you to serve on this jury?

A No, it wouldn't.

Q Have you had jury experience before in a criminal case?

A No. This is my first.

Q Your first case of any type?

A Yes, that's right.

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

A No.

Q And have you ever worked for law enforcement in any way?

A No, I haven't.

Q Are you employed outside of the home?

A Yes, I am.

Q What is the nature of your work?

A A nurse's aid.

Q A nurse's aid?

A Uh-huh.

Q In what area?

A Los Angeles. USC Medical Center.

Q That's right over here in the -- close to the civic center, is it not?

A That's right.

Q And is there a Mr. Bishop?

A No, not any more.

Q In what area do you reside?

1 A South Los Angeles.

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

4 A No, I don't.

5 Q Are your views concerning the death penalty such
6 that you would be unable to be fair and impartial, in
7 determining the question of guilt or innocence?

8 A I don't believe so.

9 Q Does that indicate any hedging on your part,
10 that you are not sure?

11 A (No response.)

12 Q I'm speaking now of your judgment in the first
13 phase of the case, whether you could be fair and impartial in
14 judging the question of guilt, or whether, knowing that you
15 would be called upon to determine later on, if you should vote
16 for guilty in the first phase, the question of life
17 imprisonment or death, that you might be inclined to find some
18 person not guilty, rather than go into that penalty phase.

19 A No, I don't think so.

4d fls.

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1 Q You don't think that you would be in any way
2 biased by reason of your views, to the extent that it would
3 affect your judgment in the first phase of the trial; is
4 that correct?

5 A Do you mean of this case?

6 Q Yes, of this case.

7 A I don't think so.

8 Q Does this case differ in your mind from some
9 other case, in respect to that question?

10 A (No response.)

11 Q Well, let me ask you this: In any case, would you
12 be able to be fair and impartial in determining the question
13 of guilt or innocence, or would your views concerning the
14 death penalty enter into that judgment?

15 A No, I don't think so.

16 Q Well, I'm going to abandon that. I can't get
17 any more than that from you, apparently.

18 But are you firm in that view? Or does "I don't
19 think so" mean that you have some reservations?

20 A I do have some reservations.

21 Q All right. Then, let me ask you this: Do you
22 have such views concerning the death penalty that you would
23 automatically refuse to impose it, in any case, regardless
24 of the evidence?

25 A No.

5 fls.

Pg. 1

1 Q Or do you have such views concerning the death
2 penalty that you would automatically impose it upon a
3 conviction of murder of the first, regardless -- murder of the
4 first degree, regardless of the evidence?

5 A No, sir.

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

8 A No.

9 Q Well, let's go back, then, to the first phase of
10 the trial.

11 Can you explain your answer to me?

12 Perhaps you can just rephrase my question so that
13 I know that you understand it.

14 I'm asking you whether or not, because of any
15 views that you hold concerning the death penalty, you could not
16 be fair and impartial in determining the question of guilt or
17 innocence; do you understand the question?

18 A I think I do. If it was proven, I -- I would --

19 Q In other words, if the People established their
20 case beyond a reasonable doubt, beyond a reasonable doubt as
21 to any particular count, you would vote for guilty?

22 A Yes, if it was proved.

23 Q If it were proven?

24 A Uh-huh.

25 Q And that would be regardless of what your feelings
26 might be concerning the death penalty?

27 A Yes.

28 Q All right.

1 Now, do you have any views concerning the death
2 penalty now that you may not have expressed to us?

3 A No. It is probably because it is a lot that I
4 don't understand.

5 Q Have you understood the Court's instructions in
6 regard to it thus far?

7 MR. KANAREK: Your Honor, I think the Court misspoke.
8 I don't think the Court means instructions, the Court means
9 questions.

10 THE COURT: No, the Court instructed with regard to the
11 death penalty.

12 Q BY THE COURT: Have you understood the Court's
13 remarks, comments, questions, instructions or whatever they
14 have been, have you understood what the Court has said about
15 the death penalty so far?

16 A Yes, I have.

17 Q And the Court has indicated to you that it is in
18 your absolute descretion as to whether or not the death
19 penalty or life imprisonment should be imposed?

20 A Yes, I understand that.

21 Q All right. Now, the Court is going to ask you
22 about whatever you may have heard, seen or read in the press
23 via television or radio concerning Mr. Manson, this case or
24 any other case and, therefore, we'll ask the other jurors to
25 leave.

26 Presumably, ladies and gentlemen, this is going to
27 take longer than ten minutes, and it is ten minutes to 12:00.
28 We'll ask you to return at 1:45.

3

1 During the recess you are admonished not to
2 converse among yourselves during the recess or at any of the
3 times you are out of the courtroom. Don't converse among
4 yourselves or with anyone else on the matter, nor are you to
5 form or express any opinion on the matter until it has finally
6 been submitted to you, should you be chosen as jurors.

7 You may return, then, at 1:45 to this courtroom.

8 And you, if you will, may remain there, Mrs.

9 Bishop.

10 Somebody open both doors.

11 May I have a door tender there, please?

12 Thank you.

13
14 VOIR DIRE EXAMINATION

15 BY THE COURT:

16 Q Mrs. Bishop, had you ever heard the name Charles
17 Manson before you came into the courtroom and heard the Court
18 read the indictment?

19 A Yes, I had.

20 Q And that was in connection with what?

21 A In connection with murder.

22 Q Which murder?

23 A The Manson case.

24 Q Well, the Manson case is the case -- the Sharon
25 Tate case, is that what you are talking about?

26 A Yes.

27 Q Did you follow that case, the Sharon Tate -- the
28 Sharon Tate homicide case over the television, radio, and in

4
1 the press?

2 A Through the news media and some television.

3 Q Did you do that regularly or just haphazardly --

4 A No.

5 Q -- that you happened to hear, see or read it?

6 A No, in the beginning it was rather regularly, and
7 then after a while not at all until when he went to court and
8 the verdict was pronounced.

9 Q You heard about the verdict?

10 A Yes.

11 Q What is your best remembrance of the verdict in
12 that case?

13 A Well, that he was guilty of murder of that --

14 Q Of murder?

15 A Uh-huh.

3a fls.

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1 Q And do you remember whether the jury returned with
2 a penalty and, if so, what it was?

3 A It was a death penalty.

4 Q And was there more than one count of murder that
5 you can remember, more than one person murdered or was it
6 only Sharon Tate?

7 A Really, I don't know whether it was more than one
8 or not.

9 Q All right. Let me ask you this: Do you think
10 that you can set aside whatever you may have heard, seen or
11 read concerning that case and decide this case separate and
12 apart from such matter?

13 A That's the part where my question comes in.

14 Q I see. In other words, you're not sure about
15 your state of mind in respect to your ability to segregate
16 those matters that you may have heard, seen or read
17 concerning Mr. Manson; is that correct?

18 A That's correct.

19 Q And you're not sure whether you can be impartial
20 in determining the question of guilt or innocence in this case?

21 A That's right.

22 THE COURT: Any questions?

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

24 MR. MANZELLA: No questions, your Honor.

25 THE COURT: Any challenge?

26 MR. KANAREK: I have no statement to make at this point,
27 your Honor.

28 THE COURT: All right, the Court finds that since you

3a-2

1 cannot be --

2 MR. KANAREK: Well, your Honor, may we approach the
3 bench?

4 THE COURT: No, you may not, since you have no
5 challenge I haven't any desire to have you approach the
6 bench to make a comment.

7 MR. KANAREK: I would like to approach the bench and
8 make some points to the Court before your Honor makes the
9 ruling.

10 THE COURT: You need not approach the bench.

11 The Court finds that because of the juror's
12 inability to set aside any matters about which she may have
13 formed opinions concerning Mr. Manson, the Tate-La Bianca
14 case or this case --

15 BY THE COURT:

16 Q Incidentally, had you ever heard, seen or read
17 anything concerning Shorty Shea before this case?

18 A No.

19 Q Or Gary Hinman?

20 A No.

21 Q Had you heard, seen or read the name Gary Hinman
22 before?

23 A No.

24 Q Do you know the name musician Gary Hinman? It
25 has been described in that way in the press, musician Gary
26 Hinman.

27 A No, I haven't.

28 Q Or stunt man Shorty Shea?

3a-3

1 A Not that I remember.

2 Q Your feeling is that because of knowing of the
3 convictions in that previous case, that it would be too
4 difficult for you to be impartial to Mr. Manson in this case?

5 A That's right.

6 Q Is that correct?

7 MR. KANAREK: Your Honor --

8 A Yes.

9 THE COURT: Accordingly --

10 MR. KANAREK: Before the Court rules --

11 THE COURT: Don't interrupt me.

12 MR. KANAREK: Yes, but I want, before the Court --

13 THE COURT: The Court decides that you cannot be
14 impartial in this case because of what you have heard, seen
15 or read; that you cannot set such matters aside and make an
16 independent judgment based on the evidence and the instructions
17 in this case, and, therefore, does excuse you. Thank you.

18 Room --

19 MR. KANAREK: Your Honor --

20 THE COURT: Room 253.

21 MR. KANAREK: Your Honor, may the record reflect, your
22 Honor, that this lady is of the black or Negro race and we
23 oppose the challenge and wish to make argument to the Court.

24 THE COURT: You wish to oppose the challenge?

25 MR. KANAREK: I want to make argument to the Court and
26 wish --

27 THE COURT: You oppose her being excused?

28 MR. KANAREK: That is correct, and I want to make

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1 argument --

2 THE COURT: And you wish to have her retained as a
3 juror, in spite of the fact she has formed some conclusions
4 that would be detrimental to Mr. Manson?

5 MR. KANAREK: Not necessarily. This lady's views
6 concerning the death penalty are such, I believe, -- we are
7 forced in this position, your Honor. Because of the horrendous
8 publicity engendered by the District Attorney's Office --

9 THE COURT: Excuse me just a minute.

10 Mr. Kuczera, would you find that lady again, find
11 Mrs. Bishop.

12 Go ahead, Mr. Kanarek. The Court doesn't want to
13 interrupt you.

14 MR. KANAREK: May I do it if the lady is in the court-
15 room?

16 THE COURT: She's not here, go ahead.

17 MR. KANAREK: Well --

18 THE COURT: She's not here.

19 MR. KANAREK: -- my point is --

20 THE COURT: Explain it to me.

21 MR. KANAREK: My point is --

22 THE COURT: It sounded to the Court like she could not
23 be fair to Mr. Manson because of having heard that Mr.
24 Manson was previously convicted of murder of the first degree
25 and sentenced to death.

26 That is not a concern to you, is that correct?

27 MR. KANAREK: Of course it is a concern, but --

28 THE COURT: But you still wish to have her retained as

1 a juror, is that correct?

2 MR. KANAREK: What I am saying --

3 THE COURT: You wish to have her retained?

4 MR. KANAREK: At this point in the proceedings, yes,
5 because of the facts of her views concerning the death penalty.
6 You have to make some kind of evaluation.

7 THE COURT: So your basis for opposing the challenge
8 is not so much on the ground of what her previously formed
9 opinions concerning Mr. Manson are, but because of the death
10 penalty?

11 MR. KANAREK: Because of the totality of the juror, your
12 Honor. It isn't --

13 THE COURT: Is she out there now?

14 THE BAILIFF: Yes.

15 THE COURT: Bring her in.

16 MR. KANAREK: We are on the horns of a dilemma here,
17 because of the very --

18 THE COURT: Mrs. Bishop, you needn't take that box again.

19 The Court just wishes to ask you the direction
20 of this bias or prejudice that you may have. I neglected to
21 ask that and I may have presumed incorrectly.

22 The bias or prejudice that you have as a result
23 of what you have heard concerning that Tate-La Bianca case
24 or that Sharon Tate homicide case would be a bias against
25 Mr. Manson, is that correct?

26 MRS. BISHOP: I am afraid so.

27 THE COURT: All right, thank you very much.

28 MR. KANAREK: Well, our position is the same, your Honor.

1 THE COURT: All right.

2 Well, the Court's ruling is the same.

3 MR. KANAREK: We oppose the lady being released, your
4 Honor.

5 THE COURT: The Court does excuse her.

6 All right, 1:45, gentlemen.

7 MR. KANAREK: Thank you, your Honor.

8 (Whereupon at 12:00 o'clock noon an adjournment
9 was taken, the herein proceedings to be resumed
10 at 2:00 o'clock p.m.)
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1 LOS ANGELES, CALIFORNIA, WEDNESDAY, JULY 14, 1971, 2:23 P. M.

2
3 THE COURT: The record will show the defendant to be
4 present with his counsel, Mr. Kanarek. All the prospective
5 jurors are present.

6 Call another name.

7 THE CLERK: Paul D. Chaney; C-h-a-n-e-y.

8
9 VOIR DIRE EXAMINATION OF

10 PAUL D. CHANEY

11 BY THE COURT:

12 Q Mr. Chaney, were you present when the Court
13 explained the nature of this case to the prospective jurors,
14 and spoke to Mr. Winters, questioned him?

15 A Yes, sir.

16 Q Would your answers be any different than Mr. Winters'
17 answers to the questions of a general nature?

18 A Uh -- most of them would be the same.

19 Q Hold that up sort of pointed at you, would you? And
20 get it about an inch from your mouth? A little closer.

21 I didn't hear your answer.

22 A Most of them would be about the same.

23 Q Now, there's one thing more you must do, and that
24 is press the button.

25 A About the same.

26 Q All right. Would there be any hardship to you to
27 serve on this jury?

28 A I'm scheduled for surgery next month.

1 Q You are scheduled for surgery?

2 A Yes.

3 Q And this is something that is a matter which you
4 cannot delay for very long?

5 A That's right.

6 Q All right. We won't inquire as to what it is, but
7 it is something of an urgent nature to you, at least, is it?

8 A It's cancer.

9 Q Pardon?

10 A Cancer.

11 Q I still didn't --

12 A I have had cancer surgery, and it's affected my
13 speech.

14 Q Oh, I see. It's affected your speech, and it
15 involves --

16 A Yes.

17 Q -- a carcinoma of some type?

18 A Yes, that's right.

19 THE COURT: I see. Gentlemen?

20 MR. MANZELLA: The people would stipulate it would
21 constitute a hardship, your Honor.

22 MR. KANAREK: Stipulate, your Honor.

23 THE COURT: All right. You may be excused, then.

24 Report to Room 253, if you will, forthwith.

25 Take another name.

26 THE CLERK: Barbara Ann Pointer; P-o-i-n-t-e-r; middle
27 name, A-n-n.

28 THE COURT: Is it Miss or Mrs.?

1 THE PROSPECTIVE JUROR: Mrs.

2 THE CLERK: Thank you.

3 THE COURT: I didn't hear. Mrs., is it?

4 THE CLERK: Mrs.

5 THE PROSPECTIVE JUROR: Mrs.

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VOIR DIRE EXAMINATION OF

8

MRS. BARBARA ANN POINTER

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BY THE COURT:

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Q Mrs. Pointer, were you present when the Court explained the nature of this case to the prospective jurors, and questioned Mr. Winters?

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1 Q Would your answers be any different than the
2 answers he gave to the general questions I put to him?

3 A No.

4 Q All right. I think that --

5 A No.

6 Q Thank you.

7 Would it be a hardship to you to serve in this
8 case?

9 A No, it wouldn't.

10 Q Neither financial nor personal?

11 A No.

12 Q All right. Have you been a juror before in a
13 criminal case?

14 A No, I haven't.

15 Q Have you any friends or relatives in law enforce-
16 ment?

17 A No, I haven't.

18 Q What type of work do you do?

19 A I am a senior medical stenographer with the
20 Coroner's Office here in this building.

21 Q You work in this building?

22 A Yes, I do.

23 Q In the course of your work as a stenographer,
24 have you in any way handled any case which had any connection
25 whatever with Mr. Manson or this case?

26 A No, I haven't.

27 Q And is there a Mr. Pointer?

28 A Yes, it is.

4a-2

1 Q What type of work does he do?

2 A He's in the Navy, and he's an electronics
3 technician.

4 He has been in there for six years.

5 Q In what general area do you or he reside?

6 A Southwest L. A.

7 Q Can you give any reason why you could not be
8 fair and impartial in this case?

9 A No, sir.

10 Q Do you have views concerning the death penalty such
11 that you could not be fair and impartial in deciding the
12 issue of guilt or innocence?

13 A No, I don't.

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

17 A No.

18 Q Or would you automatically impose the death
19 penalty, upon a conviction of murder of the first degree,
20 without regard to the evidence?

21 A No.

22 Q Now, we wish to inquire about whether or not you
23 can set aside what you may have heard, seen or read and
24 decide this case independently of anything that you may have
25 heard, seen or read in the press, and we are going to
26 question you about that outside of the presence of these
27 other jurors.

28 Ladies and gentlemen, once again, you are directed

1 to Department 100, if you will.

2 And will somebody open both doors there? Thank
3 you very much.

4 THE BAILIFF: Excuse me, sir. It's Department 107.

5 THE COURT: Department 107. Would you tell the leaders
6 there at the head of the lines, that it's Department 107?

7 (The following proceedings were had as the
8 members of the prospective jury panel were exiting
9 the courtroom:)

10 DEFENDANT MANSON: Your Honor, could I plead guilty?
11 Could we change the plea?

12 THE COURT: Please, not now.

13 Would you step outside, Mrs. Pointer? Would you
14 wait just outside the door?

15 JUROR NO. 3: Yes, sir.

16 (Whereupon the prospective juror exited the
17 courtroom, and the following proceedings were had:)

18 THE COURT: Mr. Manson, I don't know whether any of the
19 jurors heard that. I don't believe that any of them heard
20 it, but -- that I could see. At least, none of them appeared
21 to take note of it.

22 But you could enter a plea of guilty. But it
23 would be with -- it would be with your counsel's concurrence.
24 And the Court would have to take the plea -- you have been in
25 court when you've heard me take pleas from other people?

26 DEFENDANT MANSON: I have been in court for two years,
27 back and forth.

28 THE COURT: What I mean is -- you know what I mean.

1 DEFENDANT MANSON: Yes.

2 THE COURT: In order to take a plea of guilty, --

3 DEFENDANT MANSON: Yes.

4 THE COURT: -- I have to ask certain questions. And I'm
5 not sure that I could --

6 DEFENDANT MANSON: Judge Choate, I have always belonged
7 to you; you know? Like whatever you wish to do with me is --
8 you know, like -- this -- this -- this is way beyond my
5 fls. 9 reality; you know?

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1 THE COURT: Mr. Kanarek, are you joining in this request
2 to enter a plea of guilty?

3 DEFENDANT MANSON: Yes.

4 MR. KANAREK: No, your Honor.

5 DEFENDANT MANSON: Yes, he joins.

6 THE COURT: Let me ask him, now.

7 DEFENDANT MANSON: I have never talked to this man.

8 THE COURT: Have you talked over your request to enter a
9 plea of guilty with Mr. Kanarek?

10 DEFENDANT MANSON: I talked over nothing with him. In
11 the last trial I never said fifteen words to him. Maybe about,
12 "How's the day? Having a good day? Fine. Splendid."

13 Like he's been fighting his case. I haven't any-
14 thing to do with anything. I've just been sitting and watching
15 it all go by. And I'm all the people you put on me. I just
16 try to put on faces for you, but it is killing me. Every day.
17 I try to be as mean as I can, but I'm really not.

18 You know, like just send me back home.

19 THE COURT: Mr. Kanarek, you're not joining in the
20 withdrawal of the plea of not guilty?

21 DEFENDANT MANSON: Can I ask for a change of counsel?

22 THE COURT: Pardon?

23 DEFENDANT MANSON: A change of counsel, then, if that is
24 appropriate.

25 Your Honor, it is equivalent to -- if the Court
26 could allow me as much in this trial as I sat and went through
27 in the last trial, to let me present my case. Even the bad
28 side has a good side sometimes, you know. It isn't all as

1 mean as it may look and as vicious as it may seem, you know

2 Like where I'm from, the lands where I am from,
3 everything is all right. I was raised up that everything is
4 okay. There's nothing wrong with anything. And that's where
5 my mind is. And if that's in the wrong place, then, that's
6 where you put it. That's where your institutions put it. Not
7 only my mind, but many other minds that's laying in those
8 penitentiaries. It is like a dehumanizing thing.

9 THE COURT: Well, unless you have conversed with
10 Mr. Kanarek about this, and he joins in it, the Court could not
11 accept your plea of guilty.

12 DEFENDANT MANSON: There's been no communication between
13 Mr. Kanarek and me.

14 THE COURT: The Court would urge Mr. Kanarek to converse
15 with you about this, and I'll talk to you about this at a
16 later time.

17 DEFENDANT MANSON: Your Honor, I have tried, very hard,
18 to get through to Mr. Kanarek. Mr. Kanarek is a good human
19 being. He's an honest person. He doesn't misrepresent. But
20 as far as communications go, as far as the two terminals here,
21 it is impossible.

22 I asked Mr. Kanarek to come into this thought,
23 mainly, to get my pro per back, which that was assured as soon
24 as it was to go to a bigger father in the federal court. So
25 it got hung up in the federal court, and one thing led to
26 another, and one thing led to another and then I never got that
27 thought past Mr. Kanarek.

28 It has been my sole contention to prepare and

1 defend with assistance of counsel and stand in this courtroom
2 and tell thee as much truth as I've got inside of me. Uh, not
3 in relation to my personal opinion, but only what I have seen,
4 observed and been a witness to.

5 I have no movement, any active movement in that
6 last thought, and could have proven it in the courtroom had
7 the man let me. It is his own thought that he had on trial.

8 And I've spoken to as much authority as I can
9 get, past the lock box, as much intelligence and intellect
10 that I have been able to screen through in the thought I have
11 lived in all my life, in the thought --

12 THE COURT: What are you telling me now? Are you telling
13 me you want to talk over the possibility of a plea with an
14 attorney, with Mr. Kanarek or with some other attorney?

5a fls.

1 DEFENDANT MANSON: Your Honor, what I would like to do
2 is to show this Court that coming from that witness stand,
3 and coming from the intellect that I have in my mind, and
4 coming from that man's intellect (indicating Mr. Manzella),
5 if he has any, then we can manage to present a case to you.
6 But, your Honor, sir, with all the books and numbers and
7 confusion you have to work through, there is no truth getting
8 through to you. I sat there with Mr. Older, I sat with
9 Mr. Older and I did everything I could -- I tried to do to
10 wean some understanding between the two of us. I have not
11 committed any wrong or broke your law in any direction, shape
12 or form, brother.

13 I have ate out of garbage cans to stay out of
14 jail this time. Every time I got out of jail, I tried a
15 different thought. This time I threw the money away and
16 walked with no shoes on in the rain and slept under -- on the
17 railroad tracks.

18 THE COURT: Let me -- we're getting nowhere with this
19 point you raised.

20 DEFENDANT MANSON: Okay.

21 THE COURT: Of course, there's nothing, nothing whatever
22 to prevent you from presenting any defense you wish to
23 present in the course of this case.

24 DEFENDANT MANSON: I tried that last time. It didn't
25 work.

26 THE COURT: Well, this is the matter which is within
27 your decision and your power. You have the right to do it.
28 But when you -- when you stated to the Court that you --

1 could you enter a plea of guilty, the Court heard that. And
2 I don't believe that any of the jurors heard it, with the
3 possible exception of Mrs. Pointer. Otherwise, I should
4 feel as though I should discharge this jury.

5 Do either counsel have anything to say with
6 respect to that?

7 MR. MANZELLA: No, your Honor, except that before the
8 Court would discharge the jurors, it might be worth-while
9 to ask them if they heard --

10 DEFENDANT MANSON: You mean you would discharge them and
11 start all over?

12 MR. MANZELLA: -- whether they heard anything while they
13 were leaving the courtroom.

14 THE COURT: Yes, the Court will do that. The Court will
15 ask the prospective jurors whether they heard Mr. Manson's
16 last remark, then.

17 DEFENDANT MANSON: Your Honor, do you realize what it
18 is to go back and forwards, back and forwards?

19 THE COURT: Believe me, Mr. Manson, all of us realize
20 the difficulties that are involved in the procedure that we
21 have been following the last few days.

22 Now, Mr. Kanarek, do you wish to take time to
23 talk to Mr. Manson about this?

24 MR. KANAREK: Oh, yes.

25 THE COURT: The Court will --

26 DEFENDANT MANSON: You can't kill me twice.

27 THE COURT: The Court will recess this matter until
28 Mr. Manson has had the opportunity to talk to Mr. Kanarek.

1 DEFENDANT MANSON: I don't consult with anyone.

2 THE COURT: Let me tell you this, before I could
3 accept a plea of guilty, I would have to know that your
4 counsel concurred in it and that you had had the advice of
5 counsel; do you understand?

6 DEFENDANT MANSON: Yes.

7 I seek nothing outside this own being except in
8 your Honor's eyes.

9 THE COURT: Well, Mr. Kanarek will explain the nature
10 of a plea of guilty, what the Court must do.

11 DEFENDANT MANSON: I've spent 24 years in hell learning
12 what the plea of guilty means, sir.

13 THE COURT: What the Court must do in order to accept
14 a plea of guilty, and what you must admit before a plea of
15 guilty can be accepted by the Court. And I'll take the time
16 out now so that you can talk with him here in the courtroom
17 or back there, wherever you want.

18 DEFENDANT MANSON: Well, there's nothing to speak
19 of.

20 THE COURT: Don't you want to talk to him about it?

21 DEFENDANT MANSON: No, I don't want to talk to anyone
22 about it except the person I'm talking to now. I enter a
23 plea of guilty. I chopped his head off, --

24 THE COURT: Well, --

25 DEFENDANT MANSON: -- if that's what you wish --

26 THE COURT: Well, let's have Mr. Kanarek --

27 DEFENDANT MANSON: We could go one step further.

28 THE COURT: Mr. Kanarek, would you talk to Mr. Manson --

1 DEFENDANT MANSON: We could say I was disappointed
2 because I didn't chop my own off.

3 THE COURT: Perhaps you'd better not make any more
4 remarks until you talk to Mr. Kanarek.

5 DEFENDANT MANSON: Maybe, if I ever get out.

6 THE COURT: They can talk here or back there.

7 DEFENDANT MANSON: There's nothing to say to the man,
8 Judge Raymond Choate.

9 I seen your man last night.

10 (Short recess.)
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1 THE COURT: Now, the Court is about to ask Mr. Manson
2 about what he said before this Court declared a recess.

3 I have been conversing with both counsel in
4 chambers. And, Mr. Kanarek, is it your wish that we resume
5 this conversation with the defendant and with you in open
6 court? Or would you prefer that the matter be handled in
7 chambers?

8 MR. KANAREK: I believe in a public trial, your Honor.

9 THE COURT: Excuse me?

10 MR. KANAREK: Open court.

11 THE COURT: You wish to have it in open court?

12 MR. KANAREK: Yes, with all proceedings, yes, your Honor.

13 THE COURT: Very well.

14 Mr. Manson, have you had an opportunity to speak
15 with Mr. Kanarek now?

16 DEFENDANT MANSON: We talked.

17 THE COURT: In the last 15, 20 minutes?

18 DEFENDANT MANSON: We talked. But we never say anything.

19 THE COURT: Well, has he talked with you about this?

20 DEFENDANT MANSON: I take no other man's advice, save
21 within -- right there, the only man --

22 THE COURT: Use that microphone, so that we can hear
23 you.

24 DEFENDANT MANSON: I take no man's advice. I listen to
25 nobody outside myself.

26 I listen, but I never make a judgment.

27 THE COURT: Have you talked with him about the possi-
28 bility of the entry of a plea of guilty --

6-2

1 DEFENDANT MANSON: No.

2 THE COURT: -- in the last 15 or 20 minutes?

3 DEFENDANT MANSON: No, I haven't talked to him about
4 much of anything, except the day and what's going on.

5 THE COURT: Mr. Kanarek, have you talked with Mr. Manson
6 concerning this plea of guilty?

7 MR. KANAREK: Your Honor, that is a matter of the
8 attorney-client privilege, and I don't -- I believe that we --
9 it's incumbent upon us not to discuss these matters, as your
10 Honor --

11 THE COURT: Very well. The Court concedes that you are
12 correct.

13 Mr. Manson, is it still your wish to enter a plea
14 of guilty?

15 DEFENDANT MANSON: I shouldn't talk setting down.
16 Excuse me.

17 THE COURT: That's all right.

18 DEFENDANT MANSON: I still stand on the very same thing
19 I stood on, the day I was arrested.

20 I would like to proceed and defend myself, with
21 what small mind I have.

22 I have not broke your law, sir, and I can prove
23 it, if given this chance. If not, then do with me as you
24 will.

25 I've always been yours anyway.

26 THE COURT: Well, before the Court recessed, you
27 indicated that you wished to change your plea; correct?

28 DEFENDANT MANSON: Right.

6-3

1 THE COURT: Are you of the same mind?

2 DEFENDANT MANSON: Sure.

3 THE COURT: You also indicated to me that you wanted
4 another attorney.

5 DEFENDANT MANSON: Right.

6 THE COURT: Are you speaking of yourself as the other
7 attorney, or are you talking about someone other than
8 Mr. Kanarek?

9 Because you have a right to make a motion to
10 have another attorney. But I've already ruled on your
11 competence to waive counsel, and I see no reason to change
12 that rule.

13 DEFENDANT MANSON: Rule?

14 THE COURT: I see no reason to change that ruling.

15 DEFENDANT MANSON: That ruling.

16 THE COURT: And therefore, the Court would not permit
17 you to proceed as your own counsel.

18 But it's true that you do have the right to have
19 competent legal advice. I am not saying that Mr. -- by that
20 sentence that Mr. Kanarek is not competent.

21 I am simply saying that you do have the right to
22 converse with another attorney about this matter, that you
23 have placed before the Court; and that is: Your desire to
24 change your plea.

25 DEFENDANT MANSON: Since the day of my arrest, all I've
26 done is deal with other people's confusion.

27 I'm the one that's supposed to be incompetent,
28 and incompetence lies in every path.

6-4

1 I can't take a step without stumbling over some
2 incompetence, playing --

3 THE COURT: Well, let's get to the point, now.

4 DEFENDANT MANSON: Yeah. Well, the point is, I have
5 been playing child to a bunch of childless idiots, all my life.

6 THE COURT: Do you want me to select an attorney -- I
7 will -- and allow you to talk to him this afternoon, with the
8 idea in mind that perhaps he would represent you?

9 You might be able to make some sense from what he
10 says, and you might -- he might wish the Court to appoint
11 him.

12 I would permit that.

13 DEFENDANT MANSON: Okay.

14 THE COURT: Do you wish to do that this afternoon?

15 DEFENDANT MANSON: Sure.

16 THE COURT: All right. All right. Call the prospective
17 jurors back in. I will recess this matter until tomorrow
18 morning. I will appoint counsel to speak to Mr. Manson.

19 DEFENDANT MANSON: I'll tell you this: You tell your
20 angels one thing, and I'll tell mine something else.

21 THE COURT: Well, I have no particular attorney in mind
22 -- are you referring to the attorney?

23 Well, we'll let that go.

24 DEFENDANT MANSON: Yeah.

25 THE COURT: Call the prospective jurors back in. I'll
26 recess until tomorrow morning, and I'll ask an attorney from
27 the Court's list to come in.

7 fls.

7-1

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

MR. KANAREK: I believe in a public trial and I believe Mr. Manson should be here at every stage of the proceedings, and I'm not waiving his presence, your Honor.

THE COURT: All right.

MR. MANZELLA: Your Honor --

THE COURT: Yes.

MR. MANZELLA: What are we going to do now with reference to the jury?

THE COURT: I'm simply going to recess, but I felt we might ask at this time, so we can be guided by whatever information we develop from these jurors, how many jurors heard Mr. Manson's statement before we left the courtroom. But Mr. Manson is not present and --

MR. MANZELLA: If you are to inquire into the statement itself, what they heard, we have to do it individually.

Do you agree with that?

THE COURT: I agree with that.

MR. MANZELLA: So you're going to ask the panel if anybody heard a statement, and if anybody heard a statement, then, you're going to ask them to come in individually?

THE COURT: Yes, individually.

Off the record.

(Whereupon, proceedings were had at the bench among Court and counsel, outside the hearing of the prospective jury, which was not reported, during which

1 time Defendant Manson was brought out from the lockup;)

2 THE COURT: Mr. Manson, I'm simply going to recess this
3 jury for now until tomorrow morning to let you talk with
4 private counsel.

5 DEFENDANT MANSON: Don't send no boy.

6 THE COURT: I'm going to send somebody who is competent.

7 DEFENDANT MANSON: Competent in books sometimes leads
8 to confusion.

9 THE COURT: That's true.

10 All right, let's just take our places. I'm going
11 to ask the jury whether or not they heard your remark,
12 "Can I plead guilty," and I'm just going to ask them
13 generally whether they heard any remark without asking them
14 whether they heard that particular remark come from you;
15 do you understand that?

7a fls.

ck 7a

1 DEFENDANT MANSON: Your Honor, may I say --

2 THE COURT: The reason I am inquiring is because the
3 Court does not want you to proceed to trial with a jury that has
4 heard that kind of remark; do you understand me?

5 DEFENDANT MANSON: May I say something off of that thing,
6 please?

7 THE COURT: Yes, off the record.

8 (Whereupon, proceedings were had at the bench
9 among Court, counsel and Defendant Manson, outside the hearing
10 of the jury, which was not reported:)

11 THE COURT: Back on the record.

12 The Court has heard you make such statements about
13 your background before, and the Court's aware much of what you
14 say is probably true. What I am driving at now is this: I
15 don't want you to make any statement in the presence of these
16 jurors. Would you conduct yourself properly, will you promise
17 me you will during this inquiry?

18 DEFENDANT MANSON: Yes, sir.

19 THE COURT: It is only going to last about ten minutes.

20 DEFENDANT MANSON: Yes, sir.

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

24 THE COURT: Mrs. Pointer -- strike that.

25 The record should show that the defendant is
26 present with his counsel, Mr. Kanarek, and all the prospective
27 jurors are assembled in the courtroom beyond the rail and 12
28 in the box.

1 Mrs. Pointer, we were about to question you when
2 the Court declared a recess, and the Court would like to know
3 whether, while the jurors were filing out of the courtroom,
4 while the prospective jurors were leaving the courtroom, and
5 while you remained in that jury box, did you hear any statement,
6 whatever, made by the defendant?

7 JUROR NO. 3: No, I didn't.

8 THE COURT: Is there any one of you who, in the jury
9 box, overheard any statement made by Mr. Manson? Is there any
10 one of you beyond the rail who overheard any such statements?

11 THE COURT: The Court has seen no -- would you raise your
12 hand if you heard any such statement?

13 The Court sees no affirmative response.

14 All right, I'm going to recess this case at this
15 time. I'll expect to see you tomorrow morning at 9:30, ladies
16 and gentlemen.

17 During the recess you are obliged not to converse
18 amongst yourselves with -- amongst yourselves or with anyone
19 else in connection with this case, nor are you to form or
20 express any opinion on the matter until it has finally been
21 submitted to you.

22 The Court would like to say this to you that, again,
23 I admonish you that you are not to see, hear or read anything
24 whatever in connection with this case or Mr. Manson. If,
25 inadvertently, you see something, see a headline or hear a
26 sentence or word or too, then, you are to avoid seeing, hearing
27 or reading the rest of such material.

28 If you are curious about anything during the course

1 of this case that might be printed in the newspapers, have a
2 friend or relative make some clippings for you, but don't you,
3 yourself, disobey that order of the Court. The order of the
4 Court is that you are not in any way to expose yourself to any
5 of the news reports concerning this case.

6 All right, good night, ladies and gentlemen.

7 9:30 tomorrow morning.

8 (Whereupon, at 3:30 P. M., the prospective jury
9 was excused from the courtroom, and the following proceedings
10 were had:)

11 THE COURT: All right, the Court is in recess.

12 THE DEFENDANT: Do you notice that one finger?

13 (Whereupon, Defendant Manson displayed the index
14 finger of his right hand.)

15 Do you all see that one finger?

16 That's for your infinite, holy ghost soul to
17 rise.

18 That doesn't mean anything to you in your confusion,
19 does it?

20 (Whereupon, a recess was taken.)
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8-1

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

THE COURT: All right. The Court will be in recess for another few minutes. The Bailiff is instructed to keep Mr. Manson in the courtroom lockup.

THE BAILIFF: Yes, sir.

THE COURT: Do not take him up to the County Jail.

THE BAILIFF: Yes, sir.

THE COURT: I'll see counsel in chambers.

(Recess.)

THE COURT: All right. The record will show that the defendant is present in court. Mr. Manson is present in court with Mr. Kanarek; Mr. Manzella for the People.

The prospective jurors have all left the courtroom.

Mr. Manson, the Court has called Mr. Howard Beckler, who practices criminal law and has practiced criminal law extensively in Los Angeles County, to the courtroom; and he very graciously has indicated that he would, and has shown up.

He's in the courtroom now.

I've talked with Mr. Kanarek and with Mr. Manzella, in the chambers, and I've indicated to Mr. Beckler now in chambers what has occurred and what you have said on the record previously, about your desire to change attorneys; about your desire to enter a plea of guilty.

I have asked Mr. Beckler whether he would discuss with you all aspects of the case that might be necessary to be discussed before proceeding.

1 Do you wish to talk with Mr. Beckler now? If so,
2 I'll give you the opportunity to do so.

3 DEFENDANT MANSON: (Shrugging his shoulders.)

4 THE COURT: Do you?

5 DEFENDANT MANSON: It's there.

6 THE COURT: Yes, he's -- there he is, across the
7 counsel table from you.

8 DEFENDANT MANSON: I'm here.

9 MR. BECKLER: So that the record reflects, Howard
10 Beckler, B as in boy, -e-c-k-l-e-r, is present. And I am
11 willing to discuss, pursuant to a conversation with your
12 Honor, Mr. Manzella, Mr. Kanarek being present, some facets
13 of the case with Mr. Manson.

14 THE COURT: Let me say this to you, Mr. Beckler. The
15 Court realizes that you, as counsel, are in a rather delicate
16 position, because you don't wish to interfere with client-
17 counsel relationship, and the Court knows that.

18 But Mr. Manson has expressed, on the record, that
19 there is a lack of communication between himself and Mr.
20 Kanarek. The Court does know that there is -- that the
21 Public Defender's Office could not be appointed in this case
22 to represent Mr. Manson, because of a conflict of interest
23 which arose when a Mr. Salter, Deputy Public Defender,
24 represented Robert Beausoleil, a co-defendant.

25 MR. BECKLER: I understand that, your Honor. I am sure
26 there are competing ethical considerations, each one having
27 some consideration to the other. But I think, in this
28 limited circumstance, with your Honor's telephone call, I find

1 nothing inimical or unethical about discussing the case with
2 Mr. Manson, for the limited purpose for which perhaps I am
3 here.

4 With that, I would be happy to talk to him.

5 THE COURT: Very well. The Court didn't wish to put you
6 in any embarrassing position, ethically, and wished to
7 explain the nature of the circumstances to you under which
8 I have called you to the court.

9 MR. BECKLER: Thank you.

10 THE COURT: It's solely because of Mr. Manson having
11 expressed this lack of communication, and his desire to
12 enter a plea of guilty, and Mr. Kanarek's indication to the
13 Court that such a plea would not be entered.

14 MR. BECKLER: All right. Your Honor, I would ask that
15 we hold these proceedings, including the appropriate
16 attaches, for at least some 15 minutes, and call the case
17 again -- in, say, 25 minutes; say at 5:00 o'clock.

18 THE COURT: Well, I realize that if you were to continue
19 to represent Mr. Manson, in any capacity, that it would
20 require considerably more time than 15 or 20 minutes.

21 MR. BECKLER: No question about that.

22 THE COURT: That this would be a situation wherein you
23 would have to review many, many pages of testimony, and you
24 would have to talk extensively with your client, if he were
25 your client; and that it would require some time.

8a fls.

8a-1

1 Now, I am not asking you to make a snap judgment.
2 The Court would not want that. And the Court wants you to do
3 what you believe to be professionally necessary to arrive at a
4 just decision.

5 MR. BECKLER: Yes, sir.

6 THE COURT: Accordingly, I am not going to pin you down
7 to make a -- to making a decision this evening. But I will --

8 MR. BECKLER: I -- I may be somewhat in doubt as to one
9 facet. May I have a moment, please, your Honor?

10 THE COURT: Yes.

11 (Pause in the proceedings while a discussion off
12 the record ensued at the counsel table between Mr. Beckler and
13 Mr. Manzella.)

14 MR. BECKLER: Your Honor, I do wish to talk to Mr. Manson
15 concerning the confidentiality, as imposed and entrusted to me.
16 And for that limited facet, other than just a general relation-
17 ship, might we now talk, and have the matter recalled in about
18 25 minutes from now? At about 5:00 o'clock?

19 THE COURT: Very well. The Court will permit that.
20 And the Court will permit Mr. Kanarek to be present during the
21 course of such conversations, if he wishes to be.

22 Mr. Kanarek, do you wish to be present with
23 Mr. Beckler and Mr. Manson while this is --

24 DEFENDANT MANSON: It's not necessary.

25 THE COURT: -- while this conversation proceeds?

26 MR. KANAREK: It's not necessary, your Honor.

27 THE COURT: Very well. Mr. Manson, do you wish to have
28 Mr. Kanarek present during the time that you and Mr. Beckler --

2

1 DEFENDANT MANSON: That's not necessary.

2 THE COURT: The Court will again be in recess, and we'll
3 resume at 5:00 o'clock.

4 MR. BECKLER: If something should develop prior to that,
5 I'll advise Mr. Dooley, your Honor.

6 THE COURT: Very well. We are in recess.

7 (Recess.)
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* 9. fls.

1 THE COURT: All right, the record will show that Mr.
2 Manson is present. Mr. Kanarek is present. Mr. Beckler,
3 also, is in the courtroom. And Mr. Manzella is at the counsel
4 table.

5 Mr. Beckler.

6 MR. BECKLER: Your Honor, I had a conference with Mr.
7 Manson that endured, I think, some 20 minutes. And to
8 distill it, Mr. Manson requested that I have the opportunity
9 to speak to him again. And I have no objection to that. And
10 I will do so over the weekend.

11 As of this juncture, however, my statements to
12 the Court will be limited precisely to that comment, and I
13 cannot offer your Honor any further wisdom or advice as
14 concerning the fruits of that conversation.

15 DEFENDANT MANSON: Tell him that 20 minutes isn't very
16 long.

17 THE COURT: All right. I'm not convinced that Mr.
18 Manson's statement to the Court that he wished to change his
19 plea is anything more than a dilatory tactic, but I do
20 realize that a lawyer can't make a quick judgment on a case
21 like this, and that you do need more time. And so I do
22 respect Mr. Manson's request to confer with you further.

23 MR. BECKLER: Your Honor, may I state -- excuse me.

24 THE COURT: The formal requirements of taking a plea
25 of guilty are such that I am not certain, the Court is not
26 certain that a proper plea could ever be taken without the
27 advice of counsel. And in view of Mr. Kanarek's statement to
28 the Court that he would advise against a plea of guilty, the

1 Court believes that Mr. Manson should receive such advice
2 independently of Mr. Kanarek, and should be given to him by
3 competent counsel.

4 MR. BECKLER: The problem is this: That I cannot
5 possibly, your Honor, do the required work which needs no
6 further elaboration. That it would be exhaustive to give
7 Mr. Manson such advice ever quote "competently" end of quote.
8 He presently has a lawyer for that purpose.

9 What I would be willing to do, and have so far,
10 is simply talk to Mr. Manson on some general principles of
11 law, as to what his rights may be in a court of law with an
12 attorney now. I think any further proceedings along this
13 line might well be bordering on ethical considerations.

14 THE COURT: Well --

15 MR. BECKLER: There are so many fresh whole questions
16 that have to be answered before I really would begin an
17 intensive study to appropriately advise Mr. Manson, that I
18 shouldn't even begin to undertake that with Mr. Kanarek as
19 attorney of record. If that has any meaning to your Honor
20 at all.

21 I would have no objection in talking to Mr.
22 Manson on general legal principles as to what my thinking
23 is as to his rights, contrary to his existing counsel's
24 thoughts, but I think that primarily should be limited, too,
25 your Honor. That's as candidly as I can state it.

10 fls.

10-1

1 THE COURT: Mr. Manson, is it your desire to continue to
2 talk with Mr. Beckler? About your proposed entry of a plea of
3 guilty, or about anything in connection with this case?

4 DEFENDANT MANSON: I explained to him --

5 THE COURT: If so, I will grant that wish.

6 DEFENDANT MANSON: -- as much, in twenty minutes, as I
7 could.

8 THE COURT: Yes.

9 DEFENDANT MANSON: You know, two years, I have been going
10 back and forth, back and forth, through everything that you have
11 got in that jail. That I'm tired to the point of -- I think I
12 would welcome a plea of guilty, or sudden death, or anything
13 that I could get to get out of this misery of coming and facing
14 you ignorant people every day.

15 THE COURT: Well, the Court is not saying to you that
16 the conference between you and Mr. Beckler should be confined
17 to simply a talk about an entry of a plea of guilty.

18 If you and your attorney are not communicating, and
19 if you are making a motion to relieve Mr. Kanarek, the Court
20 will consider that, if that motion is made.

21 But I do wish to give you the opportunity to talk
22 to Mr. Beckler about any facet of this case, if you wish to.

23 DEFENDANT MANSON: Thank you.

24 THE COURT: Is that what you want?

25 DEFENDANT MANSON: Yes.

26 MR. BECKLER: I will make arrangements --

27 THE COURT: However, I will say this: It may be just
28 a dilatory tactic; I don't know. I don't know Mr. Manson well

1 enough to make any judgment about that. And because it may be,
2 I'm certainly not going to delay the proceedings that we have
3 going here.

4 I am going to go on with the selection of the jury
5 as much as we can. And the Court does request, Mr. Beckler,
6 that you do talk with Mr. Manson, as he's requested.

7 MR. BECKLER: I will.

8 THE COURT: I do realize that there are some ethical --
9 possibly some ethical problems involved. But in view of what
10 Mr. Manson has expressed about the lack of communication
11 between him and Mr. Kanarek, I think that it's justifiable that
12 you do talk to him.

13 So the Court has set this for 9:30 tomorrow
14 morning, and we'll go on with the selection of the jury tomorrow
15 morning at 9:30, and -- you were going to say something? I
16 interrupted you?

17 MR. BECKLER: No, that's fine, your Honor. I will see
18 Mr. Manson by this weekend, of course. There's only --

19 THE COURT: Let's see. There's Thursday -- tomorrow,
20 Thursday, and Friday. You think it will be --

21 MR. BECKLER: Probably.

22 THE COURT: The Court realizes that you are a busy
23 practitioner, and you told me that you had a case in San Diego --

24 MR. BECKLER: In federal court, Friday, yes.

25 THE COURT: -- Friday in San Diego?

26 MR. BECKLER: Right.

27 THE COURT: If there's any way that you can see Mr. Manson
28 tomorrow, he's -- he does wish to talk to you, and --

1 MR. BECKLER: There's a real possibility of an early
2 afternoon lengthy conference tomorrow.

3 THE COURT: He is situated in jail, and I can understand
4 that situation.

5 All right. 9:30 tomorrow morning.

6 MR. BECKLER: Thank you very much, your Honor.

7 THE COURT: We are in recess.

8 I do wish to say one more thing, though. We will
9 be coming back into this courtroom at 9:30 tomorrow morning,
10 and if you make any such statement as you made today, you
11 understand that it would very likely prejudice the jury against
12 you, if you were to -- and make a fair trial very difficult,
13 if you were to say, for example, "I want to plead guilty," or
14 give any words -- state any words to that effect to the
15 prospective jurors; or, in their hearing, if you should make
16 any such statement.

17 Will you desist from doing that?

18 DEFENDANT MANSON: I heard the words.

19 THE COURT: Pardon?

20 DEFENDANT MANSON: I heard your words.

21 THE COURT: Well, will you promise me that you won't
22 do anything to -- in any way render a fair trial any more
23 difficult than it is?

24 DEFENDANT MANSON: A fair trial? (Laughing.) Difficult
25 than it is?

26 THE COURT: Do you understand?

27 DEFENDANT MANSON: Yes, I understand.
28

10a-1

1 THE COURT: Very well. And will you promise me, then,
2 that you will behave yourself in that connection?

3 DEFENDANT MANSON: As many things as I do, there's
4 one thing I wouldn't do, is lie to you.

5 THE COURT: Pardon?

6 DEFENDANT MANSON: I wouldn't lie to you.

7 THE COURT: Very well.

8 DEFENDANT MANSON: Tomorrow is another day. I don't
9 know. Tomorrow --

10 THE COURT: Well, before we begin tomorrow, I'll confer
11 with you and Mr. Kanarek to determine what your state of mind
12 is.

13 Because if you cannot promise me that you will
14 comport yourself properly, well, then I'll have to have you
15 excluded from the courtroom.

16 I'll find out tomorrow, then, at 9:30.

17 MR. BECKLER: I will advise the Court, after I speak
18 with Mr. Manson. I do have some thoughts I want to convey to
19 him, and I will advise the Court and Mr. Kanarek and the
20 People.

21 THE COURT: All right. We are in recess now. 9:30.

22 (Whereupon, at 5:30 o'clock p.m., an adjournment
23 was taken until 9:30 o'clock a.m. of the following day,
24 Thursday, July 15, 1971.)
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