

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.

115
No. A-267861REPORTERS' DAILY TRANSCRIPT

Thursday, July 15, 1971

VOLUME 15APPEARANCES:

For the People:

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

For Defendant Manson: IRVING A. KANAREK, Esq.

JURY SELECTION

COPY

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

1 LOS ANGELES, CALIFORNIA, THURSDAY, JULY 15, 1971, 9:48 A. M.

2
3 THE COURT: Let's proceed in the case of People versus
4 Manson.

5 Have Mr. Manson come out.

6 DEFENDANT MANSON: Good morning.

7 THE COURT: Good morning, Mr. Manson.

8 Good morning, gentlemen.

9 Mr. Manson, when we recessed this case yesterday,
10 you had indicated to me previously that you wished to enter a
11 plea of guilty. Are you still of the same mind?

12 DEFENDANT MANSON: I talked to the attorney last night,
13 and -- and he defined the word "guilty," and we talked about the
14 word "guilty." Uh -- My main concern was that this boring
15 procedure that we go through every day was getting on top of me,
16 was getting the best of me, going back and forth, back and
17 forth.

18 And I explained to him that, as tired as I was,
19 that I was prepared to do just about anything to get this damn
20 thing over with. And he explained to me that pleading guilty
21 was not going to help the Court nor would it help me.

22 And I told him that I wanted to talk with this
23 other man, before really making a final decision.

24 THE COURT: Now, you were speaking to Mr. Kanarek, and you
25 told him that?

26 DEFENDANT MANSON: Yes, sir. This was, in part, some of
27 the conversation that we had.

28 THE COURT: Yes.

1 DEFENDANT MANSON: I haven't had a chance to talk with
2 the other lawyer. He seems like he knows what he's talking
3 about, but --

4 THE COURT: The Court believes that he does. But he's
5 very -- very busy, very entangled in many cases. And he
6 informed me that his time was limited.

7 And while he would make some time, it's going to
8 require a day or two before he can confer with you extensively.
9 But the Court wishes to inquire of you now whether you are still
10 of the same mind as you were yesterday afternoon, when you
11 indicated to me that you wanted to enter a plea of guilty?

12 DEFENDANT MANSON: Uh --

13 THE COURT: The thing is, I cannot accept a plea of
14 guilty to this type of case, without the concurrence of
15 counsel.

16 And Mr. Kanarek has stated to me, both on the
17 record and off, that it's -- that it's his decision that you
18 not enter a plea of guilty.

19 Now, if you are still of the same mind, I will
20 urge Mr. Beckler to speak to you again today, and perhaps he
21 will be able to do it.

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1 DEFENDANT MANSON: Your Honor, excuse my ignorance.
2 The last trial, I didn't see very much. I seen that the Court
3 pretty much does anything it wants to do anyway -- no reflec-
4 tion on this courtroom -- but in the last courtroom, it
5 seemed that I wasn't allowed to put on a defense; I wasn't
6 allowed to testify; I wasn't allowed to -- to do anything but
7 keep quiet and set in a little room somewhere.

8 This is a court of law. But it seems that the
9 Court doesn't obey the law.

10 THE COURT: Well, this Court is bound by certain rules
11 that have been set out by the higher courts and by the
12 statutes, whereby --

13 DEFENDANT MANSON: Well, your Honor --

14 THE COURT: Let me explain this to you.

15 (Continuing.) -- whereby this Court cannot
16 accept your plea of guilty, if you intend to enter such a
17 plea, without the concurrence of counsel, in this type of
18 case.

19 DEFENDANT MANSON: Yeah, with those rules that are
20 set forth, it's the very same thing that has my hands tied.

21 THE COURT: Well, your -- if your expression to me,
22 of your lack of communication with Mr. Kanarek, is true;
23 and if you are still of a mind that you wish to change
24 attorneys -- for the purposes of entering this plea of guilty
25 or for any other purpose, for proceeding with the trial --
26 you should, in this Court's opinion, have the opportunity to
27 talk to counsel.

28 DEFENDANT MANSON: Your Honor, I can communicate with

A2-2

1 anyone I wish to communicate to. But it has been my
2 experience, over the past -- uh -- 25 years, I don't lay too
3 much trust in an attorney's mind.

4 I don't see too much truth in attorneys. I
5 haven't had too much experience that has been very good with
6 attorneys.

7 No reflection on any individuals. Irving Kanarek
8 is a good human being that tells the truth, and this is
9 sometimes hard to find. Even though he may be a -- not in
10 accord with the way I think things should be handled. And I
11 was convicted of seven counts of madness.

12 Still, I have to trust his judgment in the
13 respect that he knows the books. I don't trust the books.

14 THE COURT: Well, let me ask you: Are you still of
15 the same state of mind, that you were yesterday afternoon,
16 that you wish to enter a plea of guilty to this charge?

17 DEFENDANT MANSON: I wish to start all over, if that
18 entails -- here's a reflection I received. I received the
19 reflection that --

20 THE COURT: Let me ask you this: You are saying
21 "No" to me, that you are not of that mind now? That state
22 of mind?

23 DEFENDANT MANSON: I wouldn't say "No" to you.

24 THE COURT: Are you indicating to me that you wish to
25 enter a plea of guilty? Are you still of that same state of
26 mind?

27 DEFENDANT MANSON: Your Honor, these people can't
28 judge me. I think you know that. You know, like -- and they

1 certainly can't judge me through another human being.

2 And it just seems like it's a senseless thing.
3 It just kills over and over again.

4 Is there no end to it? Is there no beginning?
5 Or does it all end and begin here?

6 THE COURT: Well, let me ask you this: Are you still of
7 the same frame of mind, that you wish to have another
8 attorney?

9 DEFENDANT MANSON: I wish to -- I would like to talk
10 to that other man, yes.

11 THE COURT: Well, the Court would provide you with the
12 opportunity to talk to him, because I think he's professionally
13 competent, and he is independent. And you will be given that
14 opportunity, if he can make the time.

15 The reason I am asking you these questions is
16 because I wondered at this time whether or not the Court
17 should proceed with the selection of the jury.

18 I see no reason, however, for delaying the selec-
19 tion of a jury. But let me again caution you that such a
20 statement as you made yesterday, indicating that you wished
21 to enter a plea of guilty, made in front of prospective
22 jurors, could very well prejudice your case.

23 You know that. I'm sure you must realize that.
24 That will not be cause, in view of the fact that I've warned
25 you, for me to discharge the jury.

26 So, if you make those statements, or any such
27 statement, in the presence of the prospective jurors, you
28 do so at your own risk. I am not going to declare a mistrial

1 or in any way start the proceedings over, simply because you
2 make such statement.

3 Do you understand me?

4 DEFENDANT MANSON: Uh -- I understand.

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1 THE COURT: All right. I will call a few more cases
2 that I have on my calendar now, and we'll proceed with the
3 selection of this jury.

4 (Proceedings had on unrelated matters.)

5 THE COURT: The Case of People versus Manson?

6 I have a notebook on my desk I'm going to get.

7 (Pause in proceedings.)

8 THE COURT: The record will show Mr. Manson to be
9 present with his counsel, Mr. Kanarek; Mr. Manzella is
10 present.

11 The prospective jurors are assembled in the jury
12 box and beyond the rail.

13 Good morning, ladies and gentlemen.

14 THE PROSPECTIVE JURORS: Good morning.

15 THE COURT: Do we have the courtroom wherein the
16 prospective jurors can be lodged this morning?

17 THE BAILIFF: Yes, sir. Department 107.

18 THE COURT: I think we were at the point where we were
19 about to question Miss Pointer. And I think we were about to
20 question you concerning publicity that you may have heard,
21 seen or read.

22 JUROR NO. 3: Yes.

23 THE COURT: And it's still the same procedure, ladies
24 and gentlemen. We do that outside the presence of the other
25 jurors.

26 So, would you all remember the admonition that I
27 have heretofore given you? And also, would you please leave
28 very quickly and quietly?

1 Open both doors of the courtroom, and go to
2 Department 107.

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

6 MR. KANAREK: May we approach the bench momentarily,
7 your Honor?

8 THE COURT: Yes, you may.

9 DEFENDANT MANSON: Your Honor, may I say that I didn't
10 mean to mislead the Court yesterday?

11 THE COURT: Just a minute. You may approach the bench
12 also.

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

16 DEFENDANT MANSON: Your Honor, it was not my intention
17 to mislead the Court yesterday. Your Honor, I just kind of --
18 I wasn't thinking, and I just -- I just got kind of -- I
19 haven't got a word for it. I just --

20 THE COURT: Well, I am not sure that I know what you
21 mean.

22 DEFENDANT MANSON: Well, I just got to the point of where
23 I get ready to jump and scream and holler. In other words,
24 I've got so much pressure on me upstairs; you see? The
25 pressure just starts when I leave here.

26 THE COURT: What you are saying to me is what?

27 DEFENDANT MANSON: I am ready to lose my mind. That's
28 what I am saying to you. And I am ready to plead guilty or

1 do anything else I can do, just to -- just to -- you know,
2 in other words, like there's a hell of a lot of pressure here;
3 you know?

4 THE COURT: Well, have you and Mr. Kanarek -- well,
5 I really can't ask you what you discussed.

6 But I will ask you, generally, has Mr. Kanarek
7 conveyed to you the offer that he received from the District
8 Attorney's Office, in respect to a plea?

9 DEFENDANT MANSON: Well, I've already got that, you
10 know.

11 THE COURT: You heard it?

12 DEFENDANT MANSON: Yeah.

13 THE COURT: Now, were you thinking about -- when you
14 say you didn't want to mislead the Court or anything, --

15 DEFENDANT MANSON: I just --

16 THE COURT: -- are you of the state of mind now that
17 you --

18 DEFENDANT MANSON: No. This is where my head is
19 (indicating); you know, it's --

20 THE COURT: Are you stating that you did not really
21 intend to -- and you do not really intend to enter a plea of
22 guilty?

23 DEFENDANT MANSON: Guilty. Guilty. I was just ready
24 to end whatever we were doing here. You know, that's what my
25 idea was. I was just ready to do anything. I wasn't thinking
26 when I said what I said.

27 I was just ready to scream or holler or to do
28 anything I could do to -- to do whatever -- see, you just

1 don't think too much. I don't have too much thought,

2 THE COURT: Well, so far as you are concerned at this
3 time, do you still wish to proceed with Mr. Kanarek as your
4 attorney?

5 DEFENDANT MANSON: Well, I do want to talk to that man.
6 That man seemed to know what he was talking about.

7 THE COURT: How about today?

8 DEFENDANT MANSON: Yes.

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fls.

Ac-1

1 THE COURT: Do you wish to go ahead with Mr. Kanarek?

2 DEFENDANT MANSON: Until I talk to that man. You know,
3 like I really haven't --

4 THE COURT: All right. I'll let you do that. It's
5 rather unorthodox, and it puts him --

6 DEFENDANT MANSON: Well, we are in an unorthodox
7 situation.

8 THE COURT: It puts Mr. Beckler in a difficult light --

9 DEFENDANT MANSON: I see.

10 THE COURT: -- ethically. But because of what you told
11 me, that there was a lack of communication, and that you
12 did want to change attorneys --

13 DEFENDANT MANSON: Well, that was on my part, the lack
14 of communication.

15 THE COURT: Well, for whatever reason.

16 DEFENDANT MANSON: Yeah.

17 THE COURT: I felt that I should give you the opportunity
18 to have some professional advice. All right.

19 DEFENDANT MANSON: Thank you.

20 THE COURT: Did you wish to make any statement at the
21 bench?

22 MR. KANAREK: Oh, yes. Yes, your Honor.

23 I think that it would be appropriate to inquire
24 of the juror if she's heard anything concerning the Manson
25 case by the mass media since she left the courtroom yesterday.

26 And I think all of the jurors should be
27 interrogated in that regard, as to --

28 THE COURT: Well, the Court intends --

Qc-2

1 MR. KANAREK: -- as to the events that have occurred.

2 THE COURT: The Court intends to do that.

3 (Whereupon the following proceedings were had in
4 open court, within the presence of the prospective
5 juror:)

6
7 VOIR DIRE EXAMINATION OF
8 MRS. BARBARA ANN POINTER

9 BY THE COURT:

10 Q Miss Pointer, the reason you have been asked to
11 stay here, and out of the presence of the other prospective
12 jurors, is because we wish to find out from you what you may
13 have heard, seen or read previous to your coming into this
14 courtroom about Mr. Manson.

15 Have you heard, seen or read his name before
16 coming to this courtroom?

17 A Yes, I've seen it in the papers.

18 Q And was that in connection with the Tate-La
19 Bianca homicides?

20 A Yes.

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

23 A No, I didn't follow it, to read it every day, no.

24 Q But you did occasionally read a news report in
25 the press, or see something on television, or hear over the
26 radio; is that correct?

27 A Yes.

28 Q That was during the period of time of 19 --

Ac-3

1 well, during 1970, generally --

2 A Yes.

3 Q -- and the first few months of this year; is that
4 correct?

5 A Yes.

6 Q Do you know the results of that case?

7 A I know -- I'm not sure, but I think that he was
8 found guilty.

9 Q Found guilty of what, to your best remembrance?

10 A The fact that he had took part in the murders of
11 the Tate-La Bianca cases. I think he was a part of it.

12 Q It's your belief, then, that he was found guilty
13 of murder; is that correct?

14 A Yes.

15 Q And do you know whether the jury returned with a
16 penalty in the penalty phase?

17 A No, I don't believe so.

18 Q You don't recall whether Mr. Manson received a
19 sentence of life imprisonment or death?

20 A No.

21 Q Do you know the name Susan Atkins?

22 A Yes, I've heard that name.

23 Q In what connection?

24 A In connection with Mr. Manson, in the Tate-
25 La Bianca cases.

26 Q Do you recall any details about that name?

27 A No, not specifically. No, I've just heard him
28 named (sic).

Ac-4

1 Q Have you heard the name Shorty Shea?

2 A No.

3 Q Or have you heard, seen or read the name Gary
4 Hinman?

5 A No.

6 Q Do you know the phrase "Manson Family"?

7 A Yes, I've heard that phrase.

8 Q What do you know about that?

9 A I think it includes Mr. Manson and all of his
10 followers.

11 Q Over the last several days, have you heard, seen
12 or read anything in connection with Mr. Manson?

13 A No.

14 Q Now, knowing what you do know, from having heard,
15 seen or read about Mr. Manson, the Tate-La Bianca case, or
16 this case, in the news media, do you think that you are
17 capable of setting aside such matters that you remember now,
18 or anything that you may remember during the course of the
19 trial about what you've heard, seen or read?

20 Can you set that matter aside and make judgments
21 independently of such matters, and basing your -- and base
22 your judgment solely on the evidence produced here, and the
23 Court's instructions of law?

24 A Yes, I do. They're separate cases.

25 Q Pardon?

26 A They're separate cases.

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1 Q Are you objective enough to segregate such matters,
2 do you believe, in your mind? That is, those matters of
3 publicity and news -- articles from the news media, conversa-
4 tions with your friends that you may have held during the
5 past months concerning Mr. Manson? Are you capable of
6 segregating those from the evidence which is produced here
7 in court?

8 A I feel that I am.

9 Q Now, the next question is whether you will do that?

10 A Yes.

11 Q And can you be fair and impartial to Mr. Manson--
12 strike that.

13 Can you be fair and impartial to Mr. Manson, in
14 determining any issue in this case that you might be called
15 upon to decide?

16 A Yes.

17 THE COURT: Mr. Kanarek?

18
19 VOIR DIRE EXAMINATION

20 BY MR. KANAREK:

21 Q What is the way to pronounce your name?

22 A Pointer.

23 Q Pointer?

24 A Pointer, yes.

25 Q All right. Now, directing your attention to Mr.
26 Manson, can you give us, in capsule form, everything that you
27 know about him? Everything that you've heard, from television,
28 radio and newspapers?

1 A I know that he lived on a ranch of some sort,
2 and he was a part of a Manson Family.

3 I know that he was suspect in the Tate-La Bianca
4 killings, and I believe that he was found guilty. I'm not
5 sure.

6 Q And does the name Sharon Tate mean anything to
7 you?

8 A She was part of this, I believe.

9 Q By "part of this," what do you mean?

10 A Uh -- I think she was also one of the suspects
11 in the Tate-La Bianca killings.

12 Q Now, does the name Shorty Shea mean anything to
13 you?

14 A No.

15 Q Does the name Gary Hinman mean anything to you?

16 A No.

17 Q Now, does -- I will withdraw that.

18 You certainly intend to follow the Court's orders
19 about not considering what you already know concerning Mr.
20 Manson in deciding this case; is that right?

21 A Yes, I do.

22 Q Now, is it a fair statement that you don't know
23 for sure whether you can or cannot consider these matters,
24 in view of the fact that you haven't experienced this before,
25 having to do this?

26 A Would you --

27 THE COURT: You may answer that --

28 JUROR NO. 3: I don't understand.

1 THE COURT: -- answer that yes or no. He's asking
2 whether his statement is a fair statement. You may answer
3 that yes or no.

4 MR. KANAREK: I will rephrase it, your Honor.

5 Q You have never -- you know, you might intend to
6 do something. For instance, you might intend to go to Palm
7 Springs, but you might never make it there for one reason or
8 another.

9 By the same token, you intend to follow the
10 Court's orders; right?

11 A Yes, I do.

12 Q But never having experienced this, is it a fair
13 statement that you don't know whether you could?

14 A No, that's not a fair statement. I feel that I
15 can.

16 Q You feel that you can?

17 A Yes.

18 Q And what television programs, news programs, do
19 you usually watch?

20 A News?

21 Q Yeah.

22 A Jerry Dunphy.

23 Q And during the year 1970, did you watch Jerry
24 Dunphy?

25 A Oh, I'm sure I did.

26 Q Throughout the year?

27 A Yes.

28 Q And by whom are you employed?

1 A Los Angeles County, Department of Chief Medical
2 Examiner, Coroner.

3 Q I see. And in that connection, your office was
4 involved -- you know that your office was involved in the
5 Sharon Tate case?

6 A Yes. This was prior to my coming to that
7 department.

8 Q Now, may I ask you, if it should turn -- as I
9 believe it will -- do you know Dr. Katsuyama?

10 A Yes, I do. He's one of my bosses.

11 Q He is your boss; right? And so you'd be sitting
12 in judgment on the --

13 Let's say that Dr. Katsuyama came to this court-
14 room and testified.

15 A Yeah.

16 Q You would have to decide on the credibility of
17 Dr. Katsuyama, as to whether he's telling the truth or not?

18 A Well, I -- I don't feel any closer to Dr. Katsuyama
19 than I do to Mr. Manson.

20 Q I see. Even though Dr. --

21 A I am paid by the County of Los Angeles, and that's
22 it.

23 Q Even though Dr. Katsuyama is your boss?

24 A Right.

25 Q In other words, your state of mind is that you
26 feel the same relationship as -- as far as friendliness and
27 everything else is concerned -- between Mr. Manson and Dr.
28 Katsuyama?

1 A Yes, sir.

2 Q And -- well, when you say he's your boss, would
3 you tell us how --

4 A Well, how shall I put this? He's down the hall.
5 We seldom see him. I am in medical clerical, and he's in
6 the administrative offices.

7 And like he's -- like my boss is Alice Stewart;
8 and then there's a boss over her, and then a boss. There are
9 several bosses.

10 But he is the top boss, other than Dr. Noguchi,
11 who is the Chief Coroner.

12 Q And --

13 A So I don't have a close relationship with
14 Dr. Katsuyama.

15 Q But he is in the direct line of command over you?

16 A Yes.

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1 Q Good.

2 And directing your attention to Dr. Katsuyama,
3 in connection with pay raises, change of job, promotion and
4 so forth, he's in that same kind of command?

5 A He has nothing to do with my raises.

6 Q But as far as your work and your evaluation of
7 your work, Dr. Katsuyama has something to do with evaluating
8 your work?

9 A No, no.

10 Q He doesn't?

11 A No.

12 Q Then, in what way is he your boss -- is it
13 Mrs. Pointer?

14 A Yes, it is Mrs. Pointer.

15 Q In what way --

16 A I don't know how to answer that. I just
17 received an evaluation and his name didn't appear on it as a
18 rater. My supervisor was my rater. So in this way I say he
19 doesn't evaluate my work, in other words.

20 Q But your state of mind is that he is your boss?

21 A Well, I know -- I know that he is a boss of mine.

22 Q I see.

23 A Although, he's not an immediate boss, I know he
24 is --

25 Q I see.

26 Now, other people from the coroner's office may
27 testify here concerning matters involving this case.

28 You don't know Gary Hinman, then, the name?

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1 A No, I don't.

2 Q So you don't know whether or not you have worked
3 on the Gary Hinman matter in one way or another?

4 A No, I don't. I really couldn't say.

5 Q You could have worked on it? Because you don't
6 remember the name --

7 A I may have.

8 Q Right.

9 And as far as the Shorty Shea matter is concerned,
10 you may have worked on that?

11 A I don't remember that name, though. I think I
12 would remember a name like that.

13 Q But, in any event, your state of mind is
14 presently you don't remember?

15 A No, I don't.

16 Q So far as that material is concerned, it might
17 well be that you have worked on material that would come into
18 evidence in this case?

19 A It may well be, yes.

20 MR. KANAREK: Thank you.

21 THE COURT: People.

22 MR. KANAREK: Your Honor, I would like to approach the
23 bench.

24 MR. MANZELLA: I have no questions.

25 MR. KANAREK: I would like to approach the bench.

26 THE COURT: You needn't approach the bench.

27 MR. KANAREK: Yes, your Honor.

28 THE COURT: You have something to say?

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1 MR. KANAREK: Yes, your Honor.

2 THE COURT: Yes?

3 MR. KANAREK: Under 1073, Sub section 2, I would like
4 to exercise a challenge.

5 THE COURT: All right, exercise it.

6 MR. KANAREK: Yes, I am.

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

8 The Court will excuse you in this matter. The
9 Court believes that because of your position in the coroner's
10 office and the possibility that records of the coroner's
11 office may be submitted in evidence in this case, that there is
12 some likelihood that you could not be impartial in connection
13 with the judgment on these records.

14 This is no reflection on you, but this is a
15 peculiar type of situation, Mrs. Pointer, whereas, a part of
16 the coroner's office you have access to records which other
17 people don't have access to. I hope you understand this.

18 JUROR NO. 3: I understand.

19 THE COURT: You are excused, then, and the Court will
20 ask that the other jurors be brought back in.

21 Excuse me --

22 MR. KANAREK: In the interest of saving time, your
23 Honor --

24 THE COURT: -- I'll strike that last request. Let's
25 simply take another name to fill in in place of Miss Pointer.

26 THE CLERK: Earnest James, first name E-a-r-n-e-s-t.

27 THE COURT: Call another one. We'll have another one
28 standing by.

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THE CLERK: Michael W. Hunstad, H-u-n-s-t-a-d.

THE COURT: The Court will take a five-minute recess.

(Short recess.)

THE COURT: Mrs. Good, one of the matrons informs me that when the jurors, the prospective jurors from this courtroom were sent from this courtroom to go to Department 107, where they stay pending their appearance back here in this courtroom, that you went in Department 107 with them. And that you were present with them; is that true?

MISS GOOD: May I explain?

THE COURT: In Department 107.

MISS GOOD: How do you work this?

MR. KANAREK: Push it forward.

MISS GOOD: May I explain?

MR. KANAREK: Could she have counsel?

MISS GOOD: No, I don't need any counsel. I can explain it very simply.

I was waiting to come into this courtroom and you were all in chambers, and often I walk around and I check out the courtrooms. I have been in Alarcon's courtroom. I have been in other courtrooms. I blatantly wandered in 107. I had no idea, absolutely no idea that they were the jurors from here. I thought they were spectators.

THE COURT: All right, that's an adequate explanation.

The Court wishes to tell you that you might prejudice Mr. Manson's case in some way, you might cause a juror to have some prejudice against him if something were said by you to a juror. You understand?

1 MISS GOOD: I thought they were spectators. There were
2 workers working, I sat in the front row and watched them.

3 THE COURT: The Court will accept your explanation of
4 that, and I simply wanted to warn you.

5 MISS GOOD: Yes.

6 You should put a sign on the door, though.

7 THE COURT: All right.

8 MR. KANAREK: But, your Honor, if she wishes to remain,
9 may she be allowed to remain? This is not -- this is during
10 voir dire proceedings, your Honor.

11 Your Honor?

12 THE COURT: Are you her counsel?

13 MR. KANAREK: No, I am not her counsel. They are keeping
14 people -- Miss Good is a friend of Mr. Manson's.

15 THE COURT: If Miss Good wants to enter the courtroom,
16 she can enter.

17 MR. KANAREK: But she cannot, your Honor. The bailiff
18 takes her out of here.

19 THE COURT: I didn't see that.

20 Anyone who wants to enter the courtroom, may.

21 MR. KANAREK: That's not so. The bailiff tells her not
22 to. I have informed her otherwise.

23 THE COURT: I see one of her friends, one of the persons
24 that comes in here with her occasionally leaving the courtroom
25 and she may come back into the courtroom. Miss Good may be in
26 the courtroom. Anyone may be in the courtroom who wishes to
27 be.

28 All right, the record will show the defendant is

1 present with counsel, Irving Kanarek.

2 Is Mr. James outside the door? Mr. Kuczera,
3 Mr. James.

4 THE BAILIFF: He's on his way in.

5 THE COURT: The Court had the clerk call another name,
6 Hunstad. If we could have Mr. Hunstad outside the door, then,
7 we will have no wait between the calling of the names.
8

9 VOIR DIRE EXAMINATION OF
10 EARNEST JAMES

11 BY THE COURT:

12 Q Are you Mr. James?

13 A Yes, sir, I am.

14 Q All right, would you come forward.

15 You are prospective Juror No. 3 in this case,
16 Mr. James.

17 Pick up that microphone, if you would, please.

18 Were you present when the Court explained the
19 nature of this case to your group of prospective jurors?

20 A Yes, sir, I was.

21 Q Did you overhear the questions that I put to
22 Mr. Winters, I believe it was?

23 A I did.

24 Q Would your answers be any different than the
25 majority -- than Mr. Winters' answers were to the questions
26 that I put to him of a general nature?

27 A They would be the same.

28 Q All right. Would it be any hardship for you to

1 serve on this jury, Mr. James, for a period of four or five
2 months?

3 A It would be a financial hardship, yes.

4 Q All right. State what it is, please.

5 A Uh, I am employed by the City of Culver City as
6 a bus operator. Uh, in my absence of work I am paid for eight
7 hours per day. My work day is ten hours.

8 Q So you'd be losing the equivalent of ten hours;
9 is that off-time pay?

10 A Yes, sir, it would be time and a half.

11 Q So you'd be losing time and a half for two hours
12 on every day that you sat as a juror?

13 A That's correct.

14 Q Beyond the 20 -- well, on every day.

1b fls.

1-b-1
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1 Q You're actually sacrificing some money in order
2 to serve?

3 A Yes, sir, I am.

4 Q The Court appreciates that.

5 Are you married?

6 A Yes, I am.

7 Q Supporting anyone other than yourself?

8 A My wife and two children.

9 THE COURT: All right, any questions?

10 MR. MANZELLA: People have no questions, your Honor.

11 The People will stipulate that it will constitute
12 a hardship.

13 THE COURT: Are you asking to be excused, Mr. James?

14 JUROR NO. 3: I would like, if possible, yes, sir.

15 THE COURT: Because of this financial hardship?

16 JUROR NO. 3: Right.

17 THE COURT: All right, the Court believes that it would
18 constitute a hardship to you and does excuse you.

19 JUROR NO. 3: Thank you.

20 THE COURT: Call another name.

21 THE CLERK: Michael W. Hunstad, H-u-n-s-t-a-d.

22 THE COURT: Call another name in addition to that.

23 Let's have somebody on stand-by so we don't have to wait while
24 they walk over from 107.

25 THE CLERK: Melvin L. Hopper, H-o-p-p-e-r.

26
27 VOIR DIRE EXAMINATION OF

28 MICHAEL W. HUNSTAD

1 BY THE COURT:

2 Q Mr. Hunstad, were you present when the Court
3 explained the nature of this case to the prospective jurors
4 and when the Court questioned Mr. Winters?

5 A Yes, sir, I was.

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

8 A One answer would, sir. I have a close relative
9 that was charged and convicted of a serious crime.

10 Q What was the nature of that crime?

11 A First degree murder.

12 Q You say a close relative. Tell us what that
13 relationship was, would you, please?

14 A He's my mother's half-brother. My uncle.

15 Q Do you think that would affect your judgment in
16 a case of this nature?

17 A I would like to say no, but it may have some
18 effect.

19 Q And would that -- would that arouse some feeling
20 in your mind by way -- by reason of which you could not be
21 fair and impartial in the case?

22 A I'm afraid it might, yes.

23 THE COURT: Any questions, gentlemen?

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

25 The People would respectfully challenge Mr.
26 Hunstad for cause under Section 1073, Subdivision 2.

27 THE COURT: The defendant?

28 MR. KANAREK: Submitted, your Honor.

1 BY THE COURT:

2 Q How long ago did this case occur?

3 A It was approximately October of 1966.

4 Q Was your relative convicted?

5 A Yes, sir. He was on death row for approximately
6 a year, and then he had a retrial and it was changed to life
7 imprisonment.

8 Q How do you think that might affect your judgment?

9 A Well, having some close contact with a similar
10 case, I'm sure it might have some effect. I can't really
11 say, but I'm sure it might have.

12 Q You might have a possible bias or prejudice in
13 favor of one side or another, is that what you are saying?

14 A Well, I don't really think so, but I might have.
15 Like I don't really know the facts of this case, so -- as of
16 yet I can't say.

17 Q You're uncertain as to your state of mind in
18 regard to your ability to be fair and impartial?

19 A Yes, sir.

20 THE COURT: All right, the Court will excuse you, then,
21 Mr. Hunstad. The Court grants the challenge for cause.

22 JUROR NO. 3: Thanks, sir.

23 THE COURT: Return to Room 253 forthwith, if you will,
24 please.

25 JUROR NO. 3: Yes, sir.

26 THE COURT: Next name was Hopper?

27 Mr. Hopper, come forward, would you, please?

28 Call another name.

1 THE CLERK: George E. Yousling, Y-o-u-s-l-i-n-g.

2
3 VOIR DIRE EXAMINATION OF

4 MELVIN L. HOPPER

5 BY THE COURT:

6 Q Mr. Hopper?

7 A Yes.

8 Q Come forward and take that microphone, please.

9 Were you present when the Court explained the
10 nature of this case to the prospective jurors and when the
11 Court discussed this case with Mr. Winters?

12 A Yes, I was.

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

15 A No, they wouldn't be.

16 Q Push that button on the microphone.

17 A Yes.

18 Q Hold it about an inch from your face.

19 A Okay.

20 Q I didn't hear your answer.

21 A No, they wouldn't be.

1-c fls. 21

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1 Q Would it be any hardship for you to serve on this
2 case?

3 A No.

4 Q It would be neither a financial, nor personal
5 hardship?

6 A No, it wouldn't be.

7 Q Have you served as a juror before in a criminal
8 case?

9 A No, I haven't.

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

12 A No, I am not.

13 Q What type of work do you do?

14 A Well, I drive a milk truck for the L. A. City
15 schools.

16 Q Keep that closer to your face.

17 A I drive a milk truck for L. A. City schools.

18 Q How long have you been so employed?

19 A Eight years.

20 Q And is there a Mrs. Hopper?

21 A Yes, sir.

22 Q Is she employed outside of the home?

23 A Yes, she is.

24 Q What type of work does she do?

25 A She's a bookkeeper for the L. A. City schools.

26 Q In what general area do you and she reside?

27 A Uh, southwest.

28 Q Do you have such views concerning the death penalty

1c-2

1 that you could not be fair and impartial in determining the
2 question of guilt or innocence in the first phase of the
3 trial?

4 A No.

5 Q Or do you have such views concerning the death
6 penalty that you would automatically refuse to impose it
7 regardless of the evidence in the case?

8 A No.

9 Q Or are your views concerning the death penalty
10 such that you would automatically impose it upon a conviction
11 of murder of the first degree regardless of the evidence?

12 A No.

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

15 A No, I don't.

16 Q Now, concerning any publicity that you may have
17 heard, seen or read about Mr. Manson previous to the time
18 that you walked into the courtroom and heard about this case,
19 had you heard Mr. Manson's -- heard, seen or read Mr. Manson's
20 name before?

21 A Oh, yes.

22 Q And that was in connection with the Tate-La
23 Bianca homicide case?

24 A Right.

25 Q Did you follow that case in the press or via
26 television or radio?

27 A Both.

28 Q And was it a regular reading of newspapers and

-3

1 viewing of the television?

2 A No.

3 Q Just haphazard, is that right?

4 A Right

5 Q Did you learn the result of that case?

6 A Yes.

7 Q What did you learn it to be?

8 A He was guilty.

9 Q Keep that a little closer. You have a very soft
10 voice and it doesn't pick up well without that microphone
11 being close.

12 He was found guilty?

13 A Yes.

14 Q And do you know with what he was charged?

15 A Murder of the first degree, wasn't he?

16 Q And he was found guilty of that, that's your
17 remembrance?

18 A Yes.

19 Q And do you remember whether or not the jury
20 returned with a verdict in the penalty phase and, if so, what
21 it was?

22 A Well, they did return with death.

23 Q With death.

24 Do you know the name Susan Atkins?

25 A I've heard it, yes.

26 Q Have you ever heard the name Bobby Beausoleil?

27 A Yes.

28 Q In what connection have you heard the name

1 Beausoleil?

2 A I heard it in connection with Charles Manson.

3 Q Tell us what you know about that name.

4 A I really couldn't remember.

5 Q Just that it was somehow connected with
6 Mr. Manson, is that correct?

7 A Yes.

8 Q Before you came into this courtroom and heard
9 the Court tell you about the indictment in this case, had you
10 heard the name Gary Hinman?

11 A Yes.

12 Q In what connection?

13 A Well, going to his home.

14 Q Pardon?

15 A About going to his home and killing him or some-
16 thing like that.

17 Q You had read or heard that?

18 A Yes.

19 Q And had you heard that Mr. Manson was involved
20 in that?

21 A Uh, in some way, yes.
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2 fls.

2-1

1 Q And had you heard the name Shorty Shea before?

2 A Yes.

3 Q And in what connection had you heard that name?
4 Does it come to your mind?

5 A No. It would be just like the rest of them, you
6 know. Well, did he have -- I guess -- no.

7 Q You can't recall?

8 A No.

9 Q Have you heard the name Mary Brummer?

10 A No, I haven't.

11 Q Now, considering everything that you have heard,
12 seen or read in the news media, if I were to instruct you
13 that you were to set that matter aside -- any such matter
14 aside -- and to set aside anything that you might remember
15 later on about what you had heard, seen or read, that you
16 don't remember now, do you think you are capable of doing
17 that?

18 Not forgetting it, because it would be too
19 difficult to forget. But are you capable of setting it
20 aside, after making a judgment -- for the purpose of making
21 a judgment, or making any judgment on this case?

22 A Sure.

23 Q You sound rather certain. And the Court wants
24 to be certain that you can do that.

25 A Oh, yes. It would be no problem.

26 Q In other words, you can segregate in your mind
27 anything that you may have heard -- for example, about the
28 alleged Hinman death --

2-2

1 A Right.

2 Q -- and put that aside, and determine this case,
3 the Hinman case, --

4 A Yes, sir, I could.

5 Q -- shall we call it -- from the evidence that's
6 received in this courtroom, and the Court's instructions of
7 law?

8 A Yes.

9 Q Can you do that?

10 A Oh, yes.

11 Q Can you decide any issue that's submitted to you
12 in this case as a juror, independently of any such matters
13 that you may have heard, seen or read?

14 A Yes.

15 Q And will you do that?

16 A Sure.

17 Q And will you be fair and impartial in this case,
18 in deciding any issue that might arise in this case?

19 A Yes, I will.

20 THE COURT: Mr. Kanarek?

21
22 VOIR DIRE EXAMINATION

23 BY MR. KANAREK:

24 Q Mr. Hopper, --

25 A Yes.

26 Q -- could you give us a little detail of the work
27 -- what your duties are? Not too much; just --

28 A I deliver school to the --

2-3

1 Q Keep that closer, Mr. Hopper.

2 A I deliver mail to the schools.

3 Q That is, Los Angeles --

4 A City Schools.

5 Q I see. Inter-branch mail, kind of thing?

6 A Yes, sir.

7 Q Now, your -- would you tell us, what is your
8 state of mind concerning the Hinman case? Would you tell us
9 what you have heard by way of publicity or otherwise concern-
10 ing Mr. Gary Hinman?

11 A Well, that they came into his home and just killed
12 him; that's about all --

13 Q Who's "they"?

14 A Manson and his Family.

15 Q And so -- and so -- it's a fair statement that,
16 right now, as you sit there in the witness stand, you think
17 that's the way it occurred, based upon what you've read and
18 seen in the publicity?

19 A Yes, I suppose.

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

21 THE COURT: Would you read that back to me?

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

24 "Q And so -- and so -- it's a fair state-
25 ment that, right now, as you sit there in the witness
26 stand, you think that's the way it occurred, based
27 upon what you've read and seen in the publicity?

28 "A Yes, I suppose.")

2-4

1 THE COURT: Any questions, Mr. Manzella?

2
3 VOIR DIRE EXAMINATION

4 BY MR. MANZELLA:

5 Q Mr. Hopper, in spite of having that belief,
6 based on what you've read, seen or heard, could you set that
7 aside, put that belief aside, for the purpose of being fair
8 and impartial to Mr. Manson in this case?

9 A Oh, yes.

10 Q Can you set that aside? Do you feel you are
11 capable of that?

12 A Yes.

13 Q And will you set that aside?

14 A Yes.

15 MR. KANAREK: Your Honor, may we approach the bench
16 on this?

17 THE COURT: The challenge is denied.

18 You may be heard on the record, if you wish. Do
19 you wish to approach the bench?

20 MR. KANAREK: Well, yes, your Honor.

21 THE COURT: All right. You understand, Mr. Hopper, that
22 if you were to allow such matters that you may have heard,
23 seen or read about Mr. Manson, or about this case, or any
24 other case, to enter into your judgment on any issue that you
25 may be called upon to decide in this case, that it would be
26 very unfair to Mr. Manson?

27 JUROR NO. 3: True, yes.

28 THE COURT: And you are telling me that, even though you

2-5

1 may have formed opinions concerning this, or any other case
2 concerning Mr. Manson, that you will, for the purpose of --
3 that you can and will, for the purpose of sitting as a juror
4 in this case, set those matters aside; is that correct?
5

6 JUROR NO. 3: Yes.
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(Whereupon, the following proceedings were had at the bench among Court and counsel, not within the hearing of the prospective juror:)

MR. KANAREK: Well, your Honor, this is more than just publicity. This has to do with this very case. He will require evidence to -- to displace his beliefs. He now -- Mr. Manson's deprived of the presumption of innocence.

THE COURT: The Court does not believe so.

MR. KANAREK: Well, then, may I ask him a couple of questions on that matter?

THE COURT: Well, I think you've pursued it. I will ask him, however.

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

BY THE COURT:

Q You understand that Mr. Manson is presumed to be innocent in this case, do you not? From the Court's instructions previously, you know that Mr. Manson is presumed to be innocent?

A Yes, sir.

Q And if the People fail to prove beyond a reasonable doubt all of the elements that are necessary for them to prove -- say, in a case of murder -- against Mr. Manson, in either count, in any count, would you find Mr. Manson not guilty?

A Well, yes, if I felt that the evidence wasn't there.

2a-2

1 Q Would you allow anything that you may have heard,
2 seen or read to fill in -- that is, anything that you may
3 have heard, seen or read outside of this courtroom, from the
4 publicity media, to fill in for a lack of evidence?

5 A No.

6 (Whereupon, the following proceedings were had
7 at the bench among Court and counsel, not within the
8 hearing of the prospective juror:)

9 MR. KANAREK: Your Honor, the point is --

10 THE COURT: I think he understands.

11 MR. KANAREK: But the point is, he's going to require --
12 right now, he thinks that Mr. Manson did it.

13 THE COURT: Under 1076 -- Section 1076 of the Penal
14 Code, it's clear to me that although he has opinions, as
15 have most of these jurors who have been called, about Mr.
16 Manson, and about that other case, and in some cases about
17 this case, that he can -- he, like they, can set those
18 opinions aside; and that he will set them aside, and that he
19 will be fair and impartial.

20 The challenge --

21 MR. KANAREK: Well, but one of --

22 THE COURT: The challenge is denied.

23 (Whereupon, the following proceedings were
24 had in open court, within the presence of the
25 prospective juror:)

26 THE COURT: I think we have a full box at this time,
27 don't we?

28 MR. MANZELLA: Yes, your Honor.

1 THE COURT: Let's bring the prospective jurors in, then.

2 Mr. Kanarek, you were inquiring about the number
3 of peremptory challenges. The Court has checked through with
4 Mr. Manzella, and also on the record, and I think -- I find
5 that the peremptories thus far exercised are nine for the
6 People and seven for the defendant, and that it is the next
7 challenge of the -- the next peremptory challenge of the
8 defendant.

9 Does that coincide with your records now? Have
10 you checked through since we talked?

11 MR. KANAREK: No, not since we talked, your Honor. I --

12 THE COURT: The jurors heretofore excused, as I have the
13 record, for the defendant were Nos. -- in this order. Do
14 you want to take them? Seat No. --

15 MR. KANAREK: Yes, your Honor.

16 THE COURT: -- 3, 10, 12, 4, 12, 3, 3.

17 Come forward, Mr. Rico.

18 Let's see. We need Mrs. Zorn. There she is.
19 Good morning, Mrs. Zorn.

20 All right. All of the prospective jurors are
21 present in the courtroom now.

22 Gentlemen, you may examine generally, if you wish.

23 Mr. Kanarek, you may question first, if you wish.

24 BY MR. KANAREK:

25 Q Mr. Hopper, do you have any friends or relatives
26 that are in any type of law enforcement work? Public or
27 private, anywhere in the world?

28 A No.

1 Q Now, directing your attention to everything that
2 you have heard, read and seen concerning Mr. Manson, is there
3 any reason that you couldn't be fair and impartial, --

4 A No, there isn't.

5 Q -- Mr. Hopper?

6 A No, there's no reason why I couldn't.

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1 Q Have you ever had occasion to sit on a jury
2 before, in any way?

3 A No.

4 Q May I ask you: Did you hear the Court's
5 instructions concerning circumstantial evidence?

6 A Yes.

7 Q Is your state of mind such that you realize
8 that circumstantial evidence can be used to acquit -- in
9 other words, a man can be found not guilty on circumstantial
10 evidence? Is there anything about that that -- that seems
11 unfair or is of such a nature that you couldn't be a fair and
12 impartial juror?

13 A No.

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

15 THE COURT: The People?

16

17

VOIR DIRE EXAMINATION

18 BY MR. MANZELLA.

19 Q Mr. Hopper, some of the questions that I'm going
20 to ask you, you may have thought of for the first time now.

21 If at a later time you change your mind about any
22 of your answers, or you want to add something that my ques-
23 tions haven't brought out, would you let me know, let the
24 Court know, or let me know about it?

25 A Yes.

26 Q Thank you. Mr. Hopper, do you -- have you or has
27 anyone you know ever been involved in the defense of criminal
28 cases as a lawyer, an investigator, anything of that kind?

2b-2

1 A No.

2 Q Do you know anyone who has ever been accused of
3 a crime?

4 A No, I haven't.

5 Q Do you know anyone else who has ever been accused
6 of any crime?

7 A No.

8 Q Have you ever taken a course in law or studied
9 law?

10 A No, I haven't.

11 Q And you've never served on a jury before; is that
12 right?

13 A No. No, I haven't.

14 Q Were you interrogated or questioned as a
15 prospective juror in another courtroom?

16 A Yes, sir.

17 Q And -- in the case of People versus Grogan?

18 A Grogan?

19 Q Grogan, yes. In Department 52, over in the new
20 County courthouse.

21 A No. No, I wasn't.

22 Q All right. Have you ever been questioned as a
23 prospective juror in another murder case?

24 A No, I haven't.

25 Q All right. Now, you've heard the Court's
26 instructions, while you have been sitting in the courtroom.
27 So you understand the burden on the prosecution is to prove
28 guilt beyond a reasonable doubt?

1 A Yes.

2 Q Now, would you hold the prosecution to a higher
3 standard of proof or a greater burden of proof, because this
4 is a murder case?

5 A I think it would be about even.

6 THE COURT: I'm sorry. I didn't hear you.

7 JUROR NO. 3: Just about the same for both.

8 Q BY MR. MANZELLA: You understand that the burden
9 of proof on the People is the same in all criminal cases?

10 A Yes.

11 Q All right. The burden does not change, based on
12 the kind of charge that you are trying; do you understand
13 that?

14 A Yes, I do.

15 Q All right. Now, would you hold the People to
16 a greater burden of proof -- in other words, require them
17 to eliminate -- to produce absolute certainty, and exclude all
18 possibility of doubt, because this was a murder case, if you
19 are instructed that -- that that was not the burden of
20 proof?

21 A Could you repeat that again?

22 Q Of course. If you are instructed that the
23 burden of proof is to prove guilt beyond a reasonable doubt,
24 and that the People are not required to exclude all possibil-
25 ity of doubt, and that they are not required to produce
26 absolute certainty, would you be able to follow that
27 instruction?

28 A Oh, yes.

1 Q Right. Now, you heard the Court's instructions
2 with regard to circumstantial evidence; is that correct?

3 A Yes.

4 Q Do you have any quarrel or bias against circum-
5 stantial evidence?

6 A No, sir.

7 Q Does it so offend your sense of justice or fair
8 play that a person can be convicted of first degree murder,
9 based upon circumstantial evidence?

10 MR. KANAREK: That's really immaterial, your Honor.
11 It's whether he can follow the instructions of the Court that
12 counts.

13 THE COURT: Would you read it to me?

14 MR. MANZELLA: That's another way of asking the same
15 question, your Honor.

16 MR. KANAREK: I don't think so, your Honor.

17 THE COURT: Just a minute, gentlemen. The Court will
18 rule on it.

19 Would you read the question?

20 (Whereupon, the record was read by the
21 reporter as follows:

22 "QUESTION: Does it so offend your sense of
23 justice or fair play that a person can be convicted of
24 first degree murder, based upon circumstantial evidence?")

25 THE COURT: The objection's overruled.

26 JUROR NO. 3: Well, yes.
27
28

2c-1

1 Q BY MR. MANZELLA: It does -- you do think it's
2 unfair --

3 A Oh, no, no. No, I don't think so.

4 Q All right. Mr. Hopper, understanding that the law
5 permits the People to prove a death by circumstantial evidence,
6 does it offend your sense of justice, or does it seem unfair
7 to you, that a person can be convicted of first degree
8 murder, where the death itself is proved by circumstantial
9 evidence?

10 THE COURT: Just a minute. Excuse me.

11 The Court would prefer that you rephrase that.
12 It's similar to the last question --

13 Q BY MR. MANZELLA: The law --

14 THE COURT: -- the Court realizes. But the Court will
15 reverse its ruling in respect to the last question, and will
16 strike the last question put by counsel to the juror.

17 Q BY MR. MANZELLA: The law with respect to circum-
18 stantial evidence, as given to you by Judge Choate, applies
19 to all the elements of the crime of murder.

20 One of the elements of the crime of murder, of
21 course, is death, the death of a human being.

22 Now, does it seem unfair to you that that element
23 of the crime of murder can be proved by circumstantial
24 evidence?

25 A No.

26 Q Mr. Hopper, if the defendant testifies, or if
27 he calls witnesses on his behalf, would you judge their
28 credibility by the same standards that you would use to judge

2c-2

1 the credibility of any witness who testifies in this case?

2 A Yes.

3 Q If the defendant testifies, or if he calls
4 witnesses on his behalf, would you feel obligated or bound
5 to accept that testimony, without judging its credibility?

6 A I don't understand that question.

7 Q In other words, would you feel that if the
8 defendant testifies or if he calls witnesses on his behalf,
9 that you must believe their testimony, without judging its
10 credibility?

11 A Well, I think I could.

12 Q In other words, you are saying that you would
13 judge the credibility of each witness who takes the witness
14 stand?

15 A Yes.

16 Q All right. Including that of the defendant, if
17 he testifies, or any witnesses that he calls in his behalf, --

18 A Yes, sir.

19 Q -- is that right?

20 A Yes.

3 fls.

3-1

1 Q All right, Mr. Hopper, you understand if Mr.
2 Manson is convicted of first degree murder, then the same jury
3 which determined his guilt will determine the penalty or
4 punishment which would be applied; do you understand that?

5 A Yes, I do.

6 Q Do you understand that the two alternatives are
7 life imprisonment or death?

8 A Yes.

9 Q Now, have you given thought to your feelings about
10 the death penalty before being called as a juror in this
11 case?

12 A No, I haven't given any thought to it, no.

13 Q Have you given some thought to it since you've
14 been sitting in this courtroom?

15 A No, not really.

16 Q Do you understand that before a death penalty
17 verdict can be returned, that each of the 12 jurors must
18 vote for the death penalty?

19 A Yes, I do.

20 Q And do you understand that the decision must be
21 made individually by each juror.

22 In other words, it is your judgment, and your
23 judgment alone. It is a personal decision with each juror
24 whether or not the death penalty is warranted or justified
25 in the case in which you're sitting; you understand that?

26 A Yes, I do.

27 Q All right. Now, do you feel, if after having
28 heard all the evidence in the case, and if Mr. Manson were

1 convicted of first degree murder, do you feel that if you
2 felt the death penalty was justified in this case, that you
3 could vote for the death penalty?

4 A Yes, I could.

5 MR. MANZELLA: All right, thank you. I have no further
6 questions. The People pass for cause.

7 THE COURT: Both sides pass for cause?

8 MR. KANAREK: Yes, your Honor.

9 THE COURT: The peremptory lies with the defendant.

10 MR. KANAREK: Mr. Manson and I have consulted and
11 discussed the matter and --

12 THE COURT: Just state your challenge.

13 MR. KANAREK: Well, we have, and we accept the jury,
14 your Honor.

15 THE COURT: All right. The People's peremptory.

16 MR. MANZELLA: Thank you, your Honor.

17 Your Honor, the People would like to thank and
18 excuse Mr. Hopper, juror No. 3.

19 THE COURT: Thank you, Mr. Hopper.

20 Would you return, Mr. Hopper, to Room 253 forth-
21 with, please.

22 THE CLERK: George E. Yousling, Y-o-u-s-l-i-i-n-g.

23 Did I pronounce your name correctly?

24 JUROR NO. 3: Yousling.

25
26 VOIR DIRE EXAMINATION OF

27 GEORGE E. YOUSLING

28 BY THE COURT:

1 Q Mr. Yousling, were you present when the Court
2 discussed the nature of this case with the prospective jurors
3 and questioned Mr. Winters?

4 A I was.

5 Q Would your answers be any different than his
6 answers, Mr. Winters' answers to the questions of a general
7 nature?

8 A General, yes.

9 Q They would be the same?

10 A Same.

11 Q Would it be any hardship for you, sir, to serve
12 on this jury?

13 A No.

14 Q Neither financial, nor personal?

15 A No.

16 Q Have you served as a juror before?

17 A No, I have not. I have not.

18 Q You must have --

19 A I have not.

20 Q And do you have friends or relatives who are in
21 law enforcement, involved in law enforcement?

22 A No.

23 Q Have you, yourself, been involved in law
24 enforcement in any way?

25 A No.

26 Q What type of work do you do, Mr. Yousling?

27 A I am retired now. I was a bank official before
28 that.

1 Q In Los Angeles?

2 A That's right.

3 Q And for how many years?

4 A 40.

5 Q And is there a Mrs. Yousling?

6 A There is not.

7 Q In what general area do you reside?

8 A Central part, downtown.

9 Q Do you have views concerning the death penalty?

10 A I have.

11 Q Pardon?

12 A I have.

13 Q You do have.

14 Do you have views concerning the death penalty
15 that you would automatically refuse to impose it regardless
16 of the evidence?

17 A I would.

18 Q No matter what evidence may be produced in any
19 case, you would be impelled by reason of these views to
20 automatically vote against the death penalty, is that right?

21 A That's right.

22 Q Would you refuse to even consider the death penalty
23 in any case, regardless of the evidence?

24 A I would.

25 Q Would your views concerning the death penalty be
26 such that you couldn't be fair and impartial in determining
27 the first phase of the case, the phase of guilt or innocence?

28 A No.

1 Q You could be fair and impartial in determining
2 that?

3 A I could.

4 Q But coming to the second phase, should it come
5 to that, you would be unable to vote for the death penalty
6 in any case, regardless?

7 A That is correct.

8 Q Regardless of the evidence, is that correct?

9 A That's correct.

3a fls.

3a-1

1 Q And you would automatically vote against it?

2 A That's right.

3 THE COURT: Gentlemen.

4 MR. MANZELLA: People would respectfully challenge
5 Mr. Yousling for cause under Section 1073, Subdivision 2 of
6 the Penal Code, your Honor.

7 MR. KANAREK: I have a question, if I may, your Honor.

8

9 VOIR DIRE EXAMINATION

10 BY MR. KANAREK:

11 Q Mr. Yousling, would you discuss the evidence?

12 THE COURT: Use the microphone, if you would.

13 Q BY MR. KANAREK: Would you discuss the evidence,
14 Mr. Yousling, with your fellow jurors?

15 A I would discuss the evidence, yes.

16 Q And you would try to convey your viewpoint
17 across to them, no doubt? You would discuss it, whatever the
18 evidence might be?

19 A Well, I would discuss the evidence. I don't
20 know as I'd discuss my viewpoint about the death penalty.

21 Q But in any event, in both cases, there'd be no
22 problem about discussing these matters with your fellow
23 jurors?

24 A No.

25 MR. KANAREK: Thank you.

26 Oppose the challenge, your Honor.

27 THE COURT: The Court finds that Mr. Yousling would
28 automatically refuse to impose the death penalty, regardless

3a-2

1 of the evidence, and grants the challenge. Thank you,
2 Mr. Yousling.

3 Would you report to Room 253.

4 JUROR NO. 3: I would.

5 THE COURT: Forthwith, please.

6 Call another juror.

7 THE CLERK: Miss Balbina Skupio, S-k-u-p-i-o, first name
8 B-a-l-b-i-n-a.

9 Did I pronounce your name correctly, please?

10 JUROR NO. 3: Yes.

11 THE CLERK: Thank you.

12
13 VOIR DIRE EXAMINATION OF

14 BALBINA SKUPIO

15 BY THE COURT:

16 Q Mrs. Skupio, were you present when the Court
17 explained the nature of this case to prospective jurors,
18 discussed it with them and also questioned Mr. Winters?

19 A Yes, I had.

20 Q Would your --

21 A Yes, I have.

22 Q Thank you. Hold it as closely as you did then.
23 It will pick up well.

24 Would your answers be any different than those
25 answers that Mr. Winters gave to the questions of a general
26 nature?

27 A No.

28 Q Would it be any hardship to you to serve in any

3a-3

1 way on this jury?

2 Would it be a hardship in any way?

3 A Physically it might be a potential.

4 Q Tell us about that.

5 A Uh, I am subject to ulcer attacks, and in -- when
6 I feel well, I am available for any activity. But anything
7 of a prolonged nature, whether it be a job or anything else,
8 would possibly start activity.

9 Q Do you periodically see the doctor?

10 A Yes, yes.

11 Q Concerning this problem?

12 A Yes, yes.

13 Q Do you feel that the pressures that might be
14 placed upon you as a juror in the case might cause you some
15 problems?

16 A The extension of time, in as far as that's
17 concerned.

18 In other words, I didn't request excuse on --
19 thinking in terms of --

20 Q Thirty days?

21 A -- thirty days, right.

22 Q But you feel the longer period of time would
23 almost certainly result in problems for you?

24 A Yes, it could very well.

25 THE COURT: All right, gentlemen, any questions?

26 MR. MANZELLA: No questions. The People will stipulate
27 that it will constitute a hardship, your Honor.

28 MR. KANAREK: Stipulate, your Honor.

1 THE COURT: The Court would find --

2 Thank you, gentlemen, for the stipulation.

3 The Court does find that you should be excused,
4 Mrs. Skupio, and does excuse you.

5 Report to Room 253, please.

6 THE CLERK: Kenneth Saltzman, S-a-l-t-z-m-a-n.

7
8 VOIR DIRE EXAMINATION OF

9 KENNETH SALTZMAN

10 BY THE COURT:

11 Q Mr. Saltzman, were you present when the Court
12 explained the nature of this case to prospective jurors and
13 discussed the matter with Mr. Winters?

14 A Yes, I was.

15 Q Would your answers be any different than his
16 answers were to the general questions?

17 A No, they would be the same.

18 Q Would you suffer any hardship were you to serve
19 on this case?

20 A Yes, I believe I would.

21 Q Tell us about it.

22 A Uh, I am employed as a technical editor at a
23 company called the Aerospace Corporation. And for the past
24 nine months I've been working on a final report on a top
25 secret satellite system.

26 Now, that report went to Air Force headquarters
27 for review about the 1st of July. It is due back on the
28 present schedule around the 10th of August. And then, that

1 report must be finalized and resubmitted within four weeks
2 after that time. Uh --

3 Q Wherein lies the hardship to you, if you are not
4 present? And I'm speaking of the personal hardship and not
5 to the company.

6 A Hardship to me is that if I am not present, I'm
7 certain that I would suffer the possibility, the strong
8 possibility of being discharged.

3-b fls.

3b-1

1 Q The space industry being what it is today, and
2 the situation which it is in, you could not -- it would be
3 possible that you couldn't find another position?

4 A That's right. I was able to -- in the past I
5 have been -- letters have been written on my behalf to excuse
6 me for jury duty, and they have been accepted. And this
7 particular period, there is a lull between the middle of
8 this report and its return, which amounted to about
9 five or six weeks. So on the basis that my duty would be
10 approximately four weeks, I was given permission to attend
11 the court.

12 Q And you have discussed this with your superiors
13 and you feel that would probably be the course, their course
14 of conduct, to dismiss you and find somebody else to fill
15 in for you?

16 A Yes, I'm positive. Our department has been
17 reduced 50 percent in the last 14 months, and I don't feel
18 very secure at this point.

19 THE COURT: Very well, the Court finds that this would
20 be a hardship to you, and does excuse you.

21 JUROR NO. 3: Thank you.

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

23 JUROR NO. 3: Thank you.

24 THE CLERK: Warren M. Miller, M-i-l-l-e-r.

25
26 VOIR DIRE EXAMINATION OF

27 WARREN M. MILLER

28 BY THE COURT:

3b-2

1 Q Mr. Miller, were you present when the Court
2 explained the nature of this case and discussed the case
3 with Mr. Winters?

4 A Yes, I was. I was.

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

7 A No, I think it would be the same.

8 Q All right.

9 Press that button the other way.

10 A I think that -- I think they would be the same.

11 Q Would it be a hardship to you to serve on this
12 case?

13 A No.

14 Q It would neither be financial or personal?

15 A No, I am retired.

16 Q All right. Have you had jury experience before?

17 A Yes.

18 Q In criminal cases?

19 A Murder one.

20 Q Pardon?

21 A Murder one.

22 Q When was that?

23 A Three years ago.

24 Q That was on a previous --

25 A Uh-huh.

26 Q -- service as a juror?

27 A Yes, uh-huh.

28 Q Is that correct?

3b-3

1 Mr. Miller, if I were to instruct you, as I do
2 now, that you are to set aside anything you may have heard,
3 seen or read in that case and decide this case only on its
4 evidence, on the law as I shall state it to you in this case,
5 can you do that?

6 A Yes, sir.

7 Q Will you do that?

8 A Yes, sir.

9 Q Have you sat as a juror in any other type of
10 criminal case?

11 A Not this session.

12 Q Was there, without saying what it was, was there
13 a verdict in that other case?

14 A Yes, there was.

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

17 A No, I am not.

18 Q What type of work did you do before you retired?

19 A I was a real estate broker.

20 Q What area?

21 A Wilshire L. A. area.

22 Q Is there a Mrs. Miller?

23 A Yes, she is retired.

24 Q Retired from what type of work?

25 A She had a dress shop and with beauty shops.

26 Q In what general area do you and she reside?

27 A In Ambassador area.

28 Q Can you think of any reason why you couldn't be

1 fair and impartial in this case?

2 A No, I can't.

3 Q Regarding the death penalty, do you have such
4 views concerning it that you could not be fair and impartial
5 in determining the question of guilt or innocence?

6 A No, I don't.

7 Q Or do you have such views concerning it that you
8 would automatically refuse to impose the penalty?

9 A No.

10 Q Or, on the other hand, would you automatically
11 impose the death penalty, upon a conviction of murder of the
12 first degree, without regard to the evidence?

13 A No, I would regard the evidence.

14 Q All right. The next question we wish to ask you,
15 or the next general inquiry, is whether you can set aside
16 what you may have heard, seen or read and whether you will?

17 A I will.

18 Q Set aside what you may have heard, seen or read.

19 And we want to inquire in some detail about it,
20 so we'll ask you ladies and gentlemen again to rush out of
21 the courtroom quietly, and go to Department 107.

22 (Whereupon, the prospective jurors retired
23 from the courtroom and the following proceedings
24 were had:)

25 BY THE COURT:

26 Q Mr. Miller, the Court wishes to inquire of you,
27 Court and counsel want to know from you whether, before you
28 came into this courtroom and heard this case called, you had

1 ever heard the name Charles Manson?

2 A I had heard it, but I had not read anything about
3 it. But I had heard it.

4 Q And was that over radio or television in connec-
5 tion with the so-called Tate-La Bianca homicide case, is
6 that correct?

7 A Yes, uh-huh.

8 Q Did you regularly view television or listen to
9 the radio or read the newspapers concerning the case?

10 A No.

11 Q Hadn't you occasionally seen a headline in the
12 newspapers?

13 A Yes, but I'd never read anything about it. I'd
14 seen headlines about it.

15 Q I see. You had never gone into any detail or
16 any news reports?

17 A No, sir. No, sir.

18 Q Had you heard the name Susan Atkins before?

19 A Just in the report of the other trial.

20 Q All right. And do you remember what you heard
21 of it?

22 A No, I don't.

23 Q Do you remember the name Bobby Beausoleil?

24 A No.

25 Q Or before you came into the courtroom and heard
26 the Court tell you about the indictment, had you heard the
27 name Shorty Shea?

28 A No, I hadn't.

1 Q Or Gary Hinman?

2 A No.

3 Q Do you know what the result of that case was?

4 A No, I don't.

5 Q You don't know whether Mr. Manson was ever found
6 guilty of anything?

7 A I think I saw a headline that he was found guilty, but
8 that's all I do know.

9 Q Do you know whether there was a penalty phase?

10 A No.

11 Q And if so, what the result was?

12 A No, I don't.

13 Q If I were to instruct you that you were to set
14 aside anything you may have heard, seen or read in connection
15 with this case, anything you might remember concerning this
16 case, or any other case Mr. Manson was involved in, if I were
17 to tell you that you were to set aside anything that you may
18 have heard, seen or read about Mr. Manson previous to the
19 time that you came into this courtroom, do you think that
20 you could set aside such matters? Not forget them, but set
21 them aside for the purpose of making an impartial judgment on
22 any issue that might be submitted to you on this case?

23 A I know I could.

24 Q You're certain of that?

25 A Yes, sir.

26 Q Will you do that?

27 A Yes, sir.

28 Q Will you set aside any opinions that you might

1 have formed; will you?

2 A Uh-huh.

3 Q Will you not?

4 A Yes, sir.

5 Q And can you be fair and impartial in the case?

6 A Yes, sir.

7 Q And will you be?

8 A Yes, sir.

9 MR. KANAREK: Thank you, your Honor.

10
11 VOIR DIRE EXAMINATION

12 BY MR. KANAREK:

13 Q Mr. Miller, have you ever heard of Sharon Tate?

14 A I don't think so.

15 Q You never heard of Sharon Tate?

16 A Huh-uh.

17 Q I see.

18 And you live in the Wilshire area?

19 A Uh-huh.

20 Q You heard of Wilshire and Alexandria?

21 A I live close to that.

22 Q Right near that area?

23 A Uh-huh.

24 Q Have you ever heard the name Abigail Folger?

25 A No.

26 Q Ever heard the name Voityck Frykowski?

27 A No.

28 Q Jay Sebring?

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A No, sir.

Q Steven Parent?

A No, sir.

Q Ever heard the name Ronald Hughes?

A I think I heard his name, if he's the man that was lost.

Q What do you mean "the man that was lost"?

A Wasn't he an attorney that was lost sometime around Thanksgiving or something like that?

4 fls.

4-1

1 Q I see. And do you know in connection with what
2 case he was an attorney?

3 A Well, I thought he was Mr. Manson's attorney, but
4 I could be wrong.

5 Q I see. And do you know the name of the case --

6 A No.

7 Q -- that Mr. Manson previously was before the
8 Court on?

9 A No.

10 Q Do you know what he was charged with?

11 A No, I'm not sure on that, how the charge was.

12 Q I see. During the year 1969, were you in Los
13 Angeles the entire time?

14 A Yes.

15 Q And during the year 1970, were you in Los Angeles
16 the entire time?

17 A Outside of -- briefly for trips. We went --
18 year before last, we went to Israel, by boat, and were gone
19 60 days;

20 And last year -- the year before that, we were
21 gone to the South Pacific, and was gone 60 days.

22 Q But in 1970, you were in this area, all of 1970?

23 A No. I was gone to Israel.

24 Q In 19- --

25 A In 1970.

26 Q Oh. What month were you gone, Mr. Miller?

27 A April and May, I think.

28 Q I see. So after -- and then you came back, and

4-2

1 you were here from June on to the present time?

2 A Um-hum.

3 Q Is that right?

4 A Yes, sir.

5 Q Now, do you have a television set?

6 A Yes.

7 Q Do you watch television news?

8 A I watch the 11:00 o'clock news, sometimes, but --

9 Q George Putnam?

10 A No, the -- Channel 4.

11 Q Channel 4? That's KNBC?

12 A Yeah, I think so.

13 Q Does the name Stan Atkinson -- do you --

14 A No.

15 Q Do you know that name, on KNBC, of a man that
16 works on that station?

17 A I don't know him. But I think I've -- I've
18 heard him sometimes, maybe.

19 Q All right. During the year 19- -- or, during
20 your viewing of television, did you see any drawings of
21 people, while television was being viewed, during the entire
22 year of 1970?

23 A No.

24 Q Never saw any drawings?

25 A No.

26 Q Of courtroom scenes --

27 A No.

28 Q -- on television?

1 A No.

2 Q And do you listen to the radio?

3 A No.

4 Q Do you subscribe or take any newspaper?

5 A We take the Times. But I -- my extent of

6 reading it is the financial page and the sports section.

7 Q I see. Now, as you -- well, directing your

8 attention to the publicity and whatever you may have heard

9 on television, radio, views -- by way of newspapers concern-

10 ing Mr. Manson, you feel -- you know that Mr. Manson was in

11 some other case?

12 A Yes.

13 Q And what have you learned, as to what happened

14 in that case? As far as Mr. Manson was concerned?

15 A I haven't learned anything that --

16 Q I mean, from the publicity, did you -- did you

17 read or hear or see anything --

18 A I heard -- I think I heard on the television that

19 he was found guilty.

20 But that's -- I don't know what the charge was,

21 and I didn't pay any attention to it.

22 Q You -- you -- I see. And this was the case

23 involving Mr. Hughes; right?

24 A Yes, I think so.

25 Q Does the name Paul Fitzgerald -- do you know

26 that name?

27 A No.

28 Q Or Daya Shinn?

4-4

1 A No.

2 Q Or does the name Charles Older mean anything to
3 you?

4 A No.

5 Q I see. Now, have you spoken with your wife at
6 all concerning any events, any events that were in the
7 public view concerning Mr. Manson?

8 A No.

9 Q Directing your attention to President Nixon, did
10 you hear or read anything concerning President Nixon and
11 Mr. Manson, during the year 1970?

12 A I think there was a news item or something or
13 some comment that he had made -- I don't know what it was,
14 but I know it wasn't favorable to Mr. Nixon.

15 Q Well, as best you can recall it, what is it that
16 Mr. Nixon said?

17 A I think he -- gosh, I don't know.

18 Q You don't know what he said?

19 A No.

20 Q Now, directing your attention to your -- to this
21 previous murder case that you were on, in that case, did
22 it -- was there actually a penalty phase?

23 A Yes.

24 Q And you deliberated in the penalty phase; is that
25 right?

26 A Yes.

27 Q And was there a verdict in the penalty phase?

28 A Yes.

4a fls.

4a-1

1 Q There was a verdict.

2 Now, have you ever heard of -- have you ever heard
3 the name Manson Family?

4 A I don't think so, no.

5 Q Have you ever heard the term "Spahn Ranch"?

6 A I think I -- I heard something about that on the
7 television on the 11:00 o'clock news, but it was just -- I
8 think --

9 Q Well, just tell us what you think you heard, Mr.
10 Miller.

11 A I think I heard that they lived there.

12 Q That who lived there?

13 A Mr. Manson and some of the girls in his Family.

14 But I don't know how many or what or whether there
15 was any children involved or anything like that.

16 Q And then, directing your attention to this Family,
17 what is your -- from what you've heard, what is your view as
18 to what this Family consisted of? How were they related to
19 each other?

20 A I think they just lived there. I don't think they
21 were related.

22 Q And do you have any knowledge -- or, have you
23 heard the name Gary Hinman before you came to the courtroom?

24 A No.

25 Q Or the name Shorty Shea?

26 A No.

27 Q And --

28 A I've heard it since I was in here, but before that,

1 I never heard of it.

2 MR. KANAREK: I see. Thank you, Mr. Miller.

3 MR. MANZELLA: I have no questions on publicity, your
4 Honor.

5 THE COURT: All right. Let's get the balance of the
6 panel back in here, then.

7 (Proceedings had on unrelated matters.)

8 THE COURT: All right. The record will show Mr. Manson
9 and Mr. Kanarek to be present; all the prospective jurors are
10 present.

11 The peremptory challenge lies with the defendant.

12 MR. KANAREK: Thank and excuse Mr. Miller.

13 Thank you, Mr. Miller.

14 THE COURT: Mr. Miller, thank you very much. Room 253
15 forthwith.

16 JUROR NO. 3: Yes, sir.

17 (Pause in the proceedings while a discussion
18 off the record ensued at the bench between the Court
19 and the bailiff.)

20 THE COURT: Call another name.

21 THE CLERK: Miss Nancy M. Tew; T-e-w.

22
23 VOIR DIRE EXAMINATION OF

24 MISS NANCY M. TEW

25 BY THE COURT:

26 Q Is it Miss?

27 A Yes.

28 Q Miss Tew, were you present when the Court

1 explained the nature of this case, and discussed the case
2 with Mr. Winters?

3 A I was.

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

6 A No, they'd be the same.

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

9 A Not me personally. My employer has requested that,
10 if possible, my service be limited to one month.

11 Q Who is your employer?

12 A The Los Angeles Times.

13 Q The Los Angeles Times? What do you do for the
14 Times?

15 A I'm a secretary to one of the executives there,
16 whose work is quite confidential, and he travels a great
17 deal.

18 And he would wish me to be there if at all
19 possible, after a month.

20 Q There would be no financial hardship, but it would
21 be a personal hardship to him, should you not be back?

22 A That's correct.

23 Q I think, Miss Tew, we'll ask him to forego your
24 presence and suffer that hardship.

25 I will ask you this. Have you been a juror
26 before?

27 A No.

28 Q Have you served on a criminal case in any -- on

1 any jury?

2 A No jury.

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

5 A No.

6 Q You have told us what your work is. How long have
7 you been so engaged?

8 A I have been at the Times about seven years.

9 Q And in what general area do you reside?

10 A Echo Park.

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

14 A No.

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

18 A (Indicating negatively.)
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5 fls.

5-1

1 Q Do you have such views concerning that that you
2 would automatically impose the death penalty on a conviction of
3 murder in the first degree without regard to the evidence?

4 A No.

5 Q Or are your views such that you would never vote
6 to impose the death penalty in any case?

7 A No.

8 Q Concerning pre-trial publicity, I'll examine you
9 concerning that, and counsel will ask you questions concern-
10 ing that at 2:00 o'clock.

11 We'll recess now until such time.

12 You ladies and gentlemen who are beyond the
13 rail, may reassemble in Department 107.

14 And you, Miss Tew, should return here and take
15 your place in that seat 4 at 2:00 o'clock.

16 Remember the admonition that I have heretofore
17 given to you, it pertains during this recess and all recesses,
18 that you are not to converse amongst yourselves or anyone
19 else, nor permit anyone to converse with you on any subject
20 connected with this matter, nor are you to form or express
21 any opinion on the matter, should it finally be submitted to
22 you, should you be chosen as a juror.

23 I'll see you at 2:00 o'clock.

24 (Whereupon, the noon recess was taken at
25 11:55 A. M, Thursday, July 15, 1971. The hearing was to
26 resume at 2:00 P. M. of the same day.)
27
28

1 LOS ANGELES, CALIFORNIA, THURSDAY, JULY 15, 1971, 2:15 P. M.

2
3 THE COURT: I think we had Miss Tew in the box.

4 The record will show that all prospective jurors
5 are outside of the courtroom. The defendant is present with
6 his counsel, Mr. Kanarek.

7 Mr. Beckler is present, likewise.

8 All right. Mr. Manson, this morning at the
9 bench, you indicated to me that you did not really intend
10 to state what you stated; that is, that you wished to enter
11 a plea of guilty.

12 DEFENDANT MANSON: Your Honor? Perhaps --

13 THE COURT: Yes?

14 DEFENDANT MANSON: Perhaps my words were misunderstood.
15 Sometimes I don't communicate too well, even -- sometimes I
16 don't communicate too well, even though I try.

17 Uh -- my intentions constantly change, so much
18 so that nothing stays in any stagnant form in my thought
19 chambers.

20 THE COURT: Well, at least at this moment, you don't
21 wish to enter a plea of guilty; --

22 DEFENDANT MANSON: Uh, uh -- I was advised --

23 THE COURT: -- is that your present --

24 DEFENDANT MANSON: I was advised against that.

25 THE COURT: And you have chosen to follow that advice?

26 DEFENDANT MANSON: Yes.

27 THE COURT: All right. Now, you also indicated yester-
28 day that you wished to change attorneys, and the Court, in

1 view of that, allowed you to speak to Mr. Beckler.

2 Mr. Beckler has come to chambers and indicated to
3 Mr. Kanarek and me that he has conferred with you, and he
4 relates to us your statement that you no longer wish to
5 change attorneys; that you wish to proceed with Mr. Kanarek.

6 Is that correct?

7 DEFENDANT MANSON: Uh -- he would have to tell you
8 that.

9 THE COURT: Pardon?

10 DEFENDANT MANSON: He would have to tell you that.

11 MR. BECKLER: I think Mr. Manson is right. If I might
12 address your Honor, please?

13 I think the interviews were productive, in the
14 sense that, one, I am not sure there is a legal right to
15 change attorneys at this moment; but more importantly --

16 THE COURT: Well, the Court's convinced that, if
17 Mr. Manson wished to change attorneys, and made such a
18 motion, that the Court would have the right to do that.

19 MR. BECKLER: I advised Mr. Manson as to the length of
20 time that I would need to prepare; and he appropriately,
21 in my opinion, declined that extra time delay.

22 And we talked about the --

23 THE COURT: The Court can understand that. This is not
24 a case wherein you could walk in and, overnight, master all
25 the facts that would be necessary to give competent advice.

26 MR. BECKLER: I think the focal point really, your
27 Honor, of our interview was this idea of pleading guilty.
28 And, as he has stated to your Honor, that he does not wish to

1 at this time.

2 And on that limited point, I think that my
3 comments would suffice at this juncture.

4 THE COURT: Very well. Then you do withdraw your
5 request to change attorneys, then, Mr. Manson?

6 DEFENDANT MANSON: At the advice of the gentlemen that
7 you gave the counsel with.

8 THE COURT: You do --

9 DEFENDANT MANSON: I follow his advice.

10 THE COURT: And so you are --

11 MR. BECKLER: I did advise him, and I think it was
12 appropriate, to remain with an attorney who is so totally
13 and thoroughly familiar with every facet, legally and
14 factually, of the case; that he should remain with his
15 present counsel of record.

16 And he has indicated to me that this is what his
17 desire is.

18 THE COURT: And that is what you wish?

19 DEFENDANT MANSON: The counsel of this Court was
20 very wise and -- in offering me the counsel of this attorney.
21 Thank you.

22 THE COURT: All right. And you don't wish at this time
23 to move to remove Mr. Kanarek?

24 DEFENDANT MANSON: No, I'll do what he suggested to do.

25 THE COURT: Very well. Let's proceed, then.

26 Mr. Beckler, the Court relieves you of any
27 obligation here -- not that you ever had any; the Court
28 simply had appointed you with the idea in mind that you would

1 advise Mr. Manson.

2 You had done that at the request of the Court, and
3 the Court thanks you.

4 MR. BECKLER: Thank you very much.

6a fls.

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1 THE COURT: Miss Tew, bring her in, please.

2
3 VOIR DIRE EXAMINATION (Continued)

4 OF MISS NANCY M. TEW

5 BY THE COURT:

6 Q Miss Tew, you had heard of the name Charles
7 Manson, had heard, seen or read it before you came into this
8 courtroom, had you not?

9 A Yes, I had.

10 Q And did you follow that during the time -- follow
11 Mr. Manson's case, the so-called Tate-La Bianca case,
12 involving him, in the press, during the course of that
13 trial?

14 A Uh -- not extensively.

15 Q Keep that just a little closer, if you would.
16 Not extensively?

17 A Correct.

18 Q Did you from time to time read news releases,
19 see television, and hear the radio reports of the case?

20 A Occasionally.

21 Q Do you know the results of the case?

22 A Uh -- it was a verdict, yes. I heard there was
23 a verdict.

24 Q Do you know what the verdict was?

25 A Guilty.

26 Q Guilty of what?

27 A Of -- uh -- of murder.

28 Q And do you know what penalty -- what sentence was

6a-2

1 passed on Mr. Manson?

2 A I understand it was death.

3 Q Do you know if there was more than one count,
4 more than one charge of murder?

5 A No, I don't know any more details.

6 Q Do you know the name Susan Atkins?

7 A Yes.

8 Q Had you ever read her so-called confession in
9 the Times, published in the Times?

10 A I believe I read portions of it.

11 Q Do you know the name Shorty Shea? Had you ever
12 heard of it before you came into this courtroom?

13 A That does not sound familiar to me.

14 Q Or had you heard, seen or read the name Gary
15 Hinman?

16 A I've heard that name, yes.

17 Q In what connection? Can you bring it to your
18 memory?

19 A In connection with the Manson case.

20 Q Do you have any recollection of what connection
21 there was?

22 A No.

23 Q Did you hear, see or read anything about the
24 statement made by the President of the United States during
25 the course of that trial?

26 A Yes, I remember that. I remember the headline.

27 Q Did you form any impression concerning the
28 statement, the propriety of the statement, or the correctness

6a-3

1 of the statement?

2 A I thought the President was out of line in
3 making that statement.

4 Q Do you know the name Spahn Ranch?

5 A Yes.

6 Q Manson Family?

7 A Yes, I've heard of that.

8 Q What does that mean to you, that last phrase?

9 A Uh -- my recollection is, in the articles, the
10 accounts I've read concerning this, especially in the very
11 beginning, that Charles Manson and his group of followers
12 were referred to as the Manson Family.

13 Q Now, having everything in mind that you've heard,
14 seen or read, and conceding the possibility or probability
15 that you will remember more, as time goes along, should you
16 be selected to serve in this case, do you think that you
17 could -- if I instructed you to do so -- set aside such
18 matters that you may have heard, seen or read, and make a
19 judgment independent of such matters? On any issue that you
20 might be called upon to decide in this case?

21 A My feeling is: I believe I can.

7 fls.

7-1
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1 Q Do you think you could be objective enough to
2 segregate the news items, all of the items you have heard,
3 seen or read, any discussions you might have had with people,
4 could you segregate those matters from the evidence as it is
5 produced here in court?

6 A Yes.

7 Q And will you do that?

8 A Yes.

9 Q And can you, in spite of what you may have heard,
10 seen or read, or in spite of whatever opinions you may have
11 formed, be fair and impartial?

12 A My feeling is that I can.

13 THE COURT: Mr. Kanarek.

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

15

16 VOIR DIRE EXAMINATION

17 BY MR. KANAREK:

18 Q Do I need this, too? Can you hear me?

19 A I would prefer that you use it, if you don't mind.

20 Q Oh, surely. Surely.

21 Miss Tew, may I ask what your duties are in just
22 a little detail at the Los Angeles Times?

23 A I am executive secretary for the vice-president
24 in administration and assistant to the publisher. That is
25 his title, and I am his personal secretary.

26 Q Now, in that connection have you received
27 communications from the District Attorney's office of Los
28 Angeles County; have they passed over your desk?

1 A Uh, my employer's position is a staff position.
2 We're not concerned with the editorial side of the paper.
3 His responsibility to the Times is for personnel, promotion,
4 public relations, and not the editorial function.

5 Q I see.

6 In that -- in your capacity, have you had any
7 relationships with one Jerry Cohen of a personal nature?
8 Do you know Jerry Cohen who works for the Los Angeles Times?

9 A I know him by sight. I don't know him personally.

10 Q Now, you are familiar with the Susan Atkins story,
11 are you?

12 A Yes.

13 Q You read that?

14 A I have read portions of it at the time, I believe.

15 Q On December -- I think it came out December 14,
16 1970 -- pardon me, 1969.

17 A Uh, as I recall, I did read portions of that
18 statement.

19 Q It was in the Sunday paper, you recall that?

20 A I don't remember the specifics of the date of
21 the publication.

22 Q Then, would you tell us what you recall reading
23 in that particular article of the Los Angeles Times?

24 A My recollection, frankly, is very fuzzy at this
25 time.

26 Uh, when this case first came to light, I lived
27 in the Silver Lake area and it was of particular interest
28 because of the proximity to my residence. I did not follow

1 the case for very long. And I do not -- I did not remember
2 many of the details as time went on, and I stopped reading
3 about it after several months.

4 Q After how many?

5 A Several months.

6 Q Several months.

7 What -- however large or small your knowledge is,
8 all we are interested in is just what you do remember.

9 A I understand.

10 Q What you do remember.

11 A Uh, you're asking me specifically what I recall
12 from that particular article?

13 Q Yes, if I may, in capsule form.

14 A Uh, my difficulty is that in the reading I've
15 done, I don't know which was from that article and which
16 would be -- has been from other articles that have been in
17 the newspaper.

18 Q Well, to assist you, then, just tell me what you
19 have read, whatever the source may be concerning, let's say,
20 Susan Atkins?

21 A I recall --

22 Q Let's say Susan Atkins.

23 A I cannot pick out Susan Atkins for any specific
24 charge or any specific statement.

25 I do remember some details regarding the alleged
26 crime.

27 Q All right. Would you tell us what those details
28 are that you remember.

1 A Uh, I remember the description of the crime at
2 the residence, the Tate residence. Some of the details
3 regarding the nature of the injuries, how the victims perhaps
4 had been pursued as they tried to flee. Some of the injuries
5 that were inflicted.

6 In the La Bianca, I remember similar things. How
7 the bodies had been handled by the alleged criminals, how
8 they used the victims' blood, evidently, to write on the
9 doors of the residences, that sort of thing.

10 MR. KANAREK: Your Honor, I wonder if I might approach
11 the bench, briefly.

12 THE COURT: No, you may not, unless -- are you finished
13 with your --

14 MR. KANAREK: No, I was going to make a point to the
15 Court.

16 THE COURT: You may not.

17 MR. KANAREK: Very well.

7a fls. 17

7a 1 Q BY MR. KANAREK: Now, Miss Tew, you've given us
2 conclusions that you remember.

3 Would you tell us what was it that you remember as
4 to the injuries? You say you remember the injuries, the nature
5 of them. What was the nature that you remember?

6 A I remember there was -- there were guns used, that
7 in particular what stands out were the use of knives as weapons,
8 evidently. Perhaps meat cleavers or perhaps hack saws being
9 used on the victims, dismembering them in some ways. What they
10 did, what it was alleged they did to Miss Tate who was pregnant
11 at the time, and that sort of thing.

12 Q And as far as the La Blancas were concerned, you
13 had a personal feeling because of the proximity; that is,
14 Waverly Drive being close to the Silverlake area where you live?

15 A I think that's the first thing I heard on the
16 radio, and immediately the antenna goes up in connection with
17 your own residence.

18 Q By that, you mean, you had a feeling, a response of
19 a personal nature to that particular information?

20 A Yes, more so than I would have perhaps ordinarily.

21 Q More so than ordinarily?

22 A Yes.

23 Q Now, during the progress -- is it a fair statement
24 that the Los Angeles Times has distributed in the executive
25 offices; that is, the paper itself is distributed in -- from
26 person to person in your office?

27 A Each executive in the area to which I work receives
28 a copy of the paper each day.

1 Q And so this came over your desk each day?

2 A It is put on his desk each day, yes.

3 Q And you, as his secretary --

4 A I usually file it, yes, at the conclusion of the
5 day.

6 Q And you, on occasion, I would assume, read the
7 articles and the headlines and so forth; is that a fair
8 statement?

9 A When I have time.

10 Q And in connection with the Tate-La Bianca case,
11 is it a fair statement that you read in the Los Angeles Times,
12 in some detail, the day-by-day proceedings in court, in Judge
13 Older's court, Department 104?

14 A No, I did not follow the trial closely at all.
15 My recollection almost exclusively is when the crime was first
16 discovered. It was being reported before it ever came to
17 trial.

18 Q Now, then, directing your attention to the name
19 Gary Hinman.

20 Have you heard that name -- pardon.

21 Have you read that name in the Los Angeles Times?

22 A I've heard that name in connection with the Manson
23 case, uh, prior to being called here as a prospective juror.
24 I was not aware of what Gary Hinman was in relation to the
25 case.

26 Q I see.

27 What about the name Shea, Shorty Shea?

28 A I don't know that name.

1 Q No, you didn't know that name at all?

2 A (Shakes head.)

3 Q Now, you certainly have the intent to follow the
4 Court's order and not consider these matters, as far as this
5 case is concerned, as a juror, is that right?

6 A Not follow what matters?

7 Q Well --

8 A Oh, in the future, you mean?

9 If that's the Court's order, I will go by the
10 Court's order.

11 Q Now, is it -- even though you are on jury duty,
12 you go to the Los Angeles Times, they're still your friends,
13 right? You probably drop down there during the lunch hour and
14 things like that while you are on jury duty?

15 A I've been going back to work, as a matter of
16 fact.

17 Q So you are in contact with that particular --
18 that is, during the pendency of this trial, you would be, from
19 time to time, -- be going to the Los Angeles Times to see your
20 friends and whatever?

21 A That's a possibility.

22 Q And having all of this in mind, and recognizing
23 the Court's request that we not consider these matters as far
24 as this case is concerned, is there some possibility or
25 probability that these matters would come to your attention,
26 to your thinking from time to time as this trial went on?

27 A Which matters?

28 Q The matters, the publicity matters, the matters in

1 the La Bianca house you have spoken of, in the Tate home?

2 A You mean would I recall them?

3 Q Yes.

4 A Well, walking to the Times would not any more make
5 me recall those details or sitting here or anywhere else.

6 Q I'm sorry, what I meant was during these proceed-
7 ings in court, from time to time you would -- it would be
8 practically humanly impossible for you not to recall some of
9 these matters that you have spoken of?

10 A I think that's a correct statement.

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

12 THE COURT: Should you recall them, are you stating to
13 Mr. Kanarek in responding as you have that you will not set
14 them aside for the purpose of making any judgment that you
15 might be called upon to make in this case?

16 JUROR NO. 3: Uh, it would be my effort, and my intent
17 to set them aside.

18 THE COURT: Well, what Mr. Kanarek is asking you, and
19 what we are all asking you is whether, having that intent,
20 whether you firmly believe that you can accomplish that?
21 Can you do it?

22 JUROR NO. 3: I think that's a difficult question to
23 answer.

24 THE COURT: In other words, you're not sure of your
25 ability to divorce yourself from the reports of the news
26 media and decide the case independently of those reports?

27 JUROR NO. 3: Uh, it is my intent to regard this trial
28 as a new and separate matter, completely divorced from any

1 previous proceedings.

2 THE COURT: What I am interested in is your capability
3 of doing that and your judgment as to your capability, and
4 then the Court makes a judgment.

5 JUROR NO. 3: I would judge my capability as being
6 affirmative that I could.

8 fls.

8-1

BY THE COURT:

1 Q You understand that it would be very unfair to
2 Mr. Manson, should you allow such matters to enter in your
3 judgment in any way?

4 A I understand that.

5 Q And will you, in effect, wipe the slate clean, in
6 beginning this case -- should you be chosen as a juror -- and
7 make any decision that you must make, based only on the
8 evidence in this case and the law as I shall state it to you?

9 A Yes.

10 Q And will you be fair and impartial throughout the
11 case? And not allow any of these matters that you've heard,
12 seen or read to enter into your judgment?

13 A That's my will. I say: Yes, um-hum.

14 THE COURT: Very well. The challenge is denied.

15 Do you have any --

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

17 THE COURT: The Court finds that she -- that Miss Tew
18 can segregate any opinions that she may have formed, any news
19 articles that she may have heard, seen or read, from the
20 evidence; that she will do that, and that she will be fair and
21 impartial.

22 All right. Bring in the balance of the panel.

23 THE BAILIFF: They're on their way, sir.

24 THE COURT: You may just be seated there until they
25 arrive, Miss Tew.

26 Gentlemen, the peremptory, as I see it, is with
27 the People. It will be the eleventh peremptory challenge of
28 the People.

8-2

1 MR. MANZELLA: That's correct, your Honor.

2 THE COURT: All right. The record will show that the
3 prospective jurors are all present in the box and beyond the
4 rail.

5 Does either counsel have further voir dire of a
6 general nature?

7 MR. KANAREK: Yes, if I may, your Honor.

8 THE COURT: Yes.

9
10 VOIR DIRE EXAMINATION

11 BY MR. KANAREK:

12 Q Miss Tew, in your work at the Los Angeles Times,
13 do you from time to time have any kind of relationship with
14 Mr. Lobdell?

15 A Yes.

16 Q Would you tell us, what is that?

17 A I sometimes answer his telephones.

18 Q In other words, you work in Mr. Lobdell's office?

19 A Three secretaries share an office, and his
20 secretary is in that office of three.

21 Q Now, from time to time, Mr. Lobdell, as you may --
22 I mean, do you know that from time to time Mr. Lobdell has been
23 engaged in litigation, wherein the Los Angeles Times has been
24 involved in matters in -- in the courts, here in the Hall of
25 Justice?

26 A I'm not overly familiar with the nature of his work,
27 but I know he is involved in litigation involving the Times.
28 The specifics, sir, are not ordinarily known to me.

8-3

1 Q And are you familiar with any policy that has been
2 enunciated by the Los Angeles Times, as far as Charles Manson
3 is concerned?

4 A I am not familiar with any policy.

5 Q Now, directing your attention, then, to your work,
6 the people that you work with there at the Los Angeles Times,
7 I'm not now referring to publicity. I'm referring to your work
8 as a person in the office there.

9 Have the people in the office there from time to
10 time discussed Mr. Manson?

11 A No.

12 Q Do you have any friends or relatives that are
13 in any type of law enforcement work, public or private, any-
14 where in the world?

15 A No.

16 Q A security guard, perhaps?

17 A No.

18 Q May I ask you, how long has it been that you've
19 worked for the Los Angeles Times?

20 A It will be seven years next January.

21 Q And in that period of time -- well, strike that.

22 What per cent of that time have you worked in your
23 present position?

24 A About five and a half years.

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

26 Pass for cause.

27
28 VOIR DIRE EXAMINATION

8-4

1 BY MR. MANZELLA:

2 Q Miss Tew, did you hear the questions that I asked
3 the other jurors with regard to the burden of proof on the
4 People in this case?

5 A Yes.

6 Q Would your answers be substantially the same as the
7 answers given by the other jurors?

8 A Yes.

9 Q Did you hear the questions I asked with regard to
10 circumstantial evidence, and -- and aiding and abetting
11 conspiracy, and the credibility of witnesses?

12 A Yes.

13 Q Would your answers be substantially the same as
14 those given by the other jurors?

15 A They would.

16 Q Do you know anyone involved in the defense of
17 criminal cases as a lawyer, investigator, or have you ever
18 been employed by a lawyer or an investigator, as a secretary
19 or anything like that?

20 A No.

8a fls.

8a-1

1 Q Do you know anyone that's ever been accused of any
2 crime?

3 A No.

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

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

7 MR. MANZELLA: Your Honor, the People will accept the
8 jury as presently constituted.

9 THE COURT: The peremptory is with the defendant.

10 MR. KANAREK: Thank and excuse Miss Tew, your Honor.

11 THE COURT: Thank you, Miss Tew. Room 253, then,
12 forthwith.

13 THE CLERK: Alvin J. Glover; G-l-o-v-e-r.

14
15 VOIR DIRE EXAMINATION OF
16 ALVIN J. GLOVER

17 BY THE COURT:

18 Q Mr. Glover, were you present when the Court
19 explained the nature of this case to the prospective jurors,
20 and when the Court questioned a Mr. Winters?

21 A I was.

22 Q Would your answers be the same as Mr. Winters'
23 were to the questions of a general nature?

24 A Yes, they would.

25 Q Would it be any hardship to you to serve on this
26 case?

27 A It would not.

28 Q Have you ever served as a juror before, on any

8a-2

1 criminal case?

2 A No, I haven't.

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

5 A No.

6 Q What type of work do you do?

7 A I am a customer service representative for the
8 Department of Water and Power.

9 Q And how long have you been so employed?

10 A Sixteen and a half years.

11 Q And is there a Mrs. Glover?

12 A Yes, there is.

13 Q Is she employed outside of the home?

14 A Yes, she's a sales lady at the Department --
15 pardon me; at Sears-Roebuck & Company.

16 Q In what general area do you and she reside?

17 A We reside in Southwest Los Angeles.

18 Q Can you think of any reason why you couldn't be
19 fair and impartial in this case?

20 A Yes, sir.

21 Q Are your views concerning the death penalty such
22 that you could not be fair and impartial in determining the
23 question of guilt or innocence?

24 A Yes, sir.

25 Q You would be biased against one party or the other,
26 by reason of the views that you hold; is that correct?

27 A I -- I am not in favor of the death penalty.

28 Q I see. So that, having in mind that in the second

8a-3

1 phase of the trial, you might be called upon to decide the
2 question of life imprisonment or death, you could not
3 thereby be fair and impartial in the first phase; am I
4 correct that --

5 A That is correct, sir.

6 Q -- that is your state of mind?

7 A Right.

8 Q Now, concerning the penalty itself, would you have
9 such views concerning it that you would be unable to vote for
10 the death penalty, regardless of the evidence?

11 A I'm afraid so.

12 Q Would you automatically vote against it,
13 regardless of the evidence?

14 A Well -- uh -- I possibly could render a verdict
15 of guilty; but with the death penalty hanging on that, I
16 wouldn't be able to vote honestly.

17 Q You mean by that, in the second phase or in the
18 first phase?

19 A Well, I would be prejudiced in the first phase,
20 knowing that the death penalty would balance on that.

21 Q All right. Coming to the second phase, then,
22 would you automatically refuse to impose the death penalty,
23 regardless of the evidence?

24 A Yes, I would, um-hmm.

25 Q And regardless of the evidence that might be
26 produced, would you ever vote for the death penalty?

27 A No, I'm afraid I wouldn't.

28 Q Would you refuse to even consider the death penalty?

8a-4

1 A Yes.

2 Q And your reaction would be, when the question is
3 posed to you -- or should the question be posed to you, life
4 imprisonment or death -- to automatically vote against the
5 death penalty?

6 A Yes.

7 Q Regardless of what might be produced --

8 A Yes.

9 Q -- in the way of evidence?

10 A Yes, I'm afraid no.

11 THE COURT: Do the People have any challenge, or any
12 questions? Either side?

13 MR. KANAREK: Yes, your Honor; just --

14
15 VOIR DIRE EXAMINATION

16 BY MR. KANAREK:

17 Q Sir, you certainly wouldn't refuse to discuss
18 these matters with your fellow jurors, though, would you?

19 A Well, no. I could discuss it. Yes, I could
20 discuss it.

21 Q And you would discuss -- would listen to their
22 reasons, and they'd hopefully listen to your reasons; right?

23 A Yes.

24 MR. KANAREK: Thank you.

25
26 VOIR DIRE EXAMINATION

27 BY MR. MANZELLA:

28 Q Mr. Glover, if you did discuss the matter of

8a-5

1 penalty with your fellow jurors, is there a chance that you
2 could vote for the death penalty?

3 A There is no chance that I could vote for the
4 death penalty.

5 Q In other words, in spite of any discussion of the
6 evidence, your reaction would be an automatic one, to vote
7 for life imprisonment?

8 A Definitely, yes. I am not in favor of the death
9 penalty.

10 MR. MANZELLA: All right, your Honor. The People would
11 respectfully challenge Mr. Glover for cause under Section
12 1073, Subdivision 2 and under Section 1074, Subdivision 8 of
13 the Penal Code.

14 THE COURT: The Court grants the challenge.

15 Thank you, Mr. Glover.

16 JUROR NO. 3: Thank you.

17 THE COURT: You are excused, and you may report to
18 Room 253 forthwith, if you would.

19 THE CLERK: Mrs. Mary E. Everett; E-v-e-r-e-t-t.

20
21 VOIR DIRE EXAMINATION OF

22 MRS. MARY E. EVERETT

23 BY THE COURT:

24 Q Mrs. Everett, were you present when the Court
25 explained the nature of this case --

26 A Yes.

27 Q -- and when the Court discussed this case with
28 Mr. Winters, one of the prospective jurors from your group?

8a-6

1 A Yes.

2 Q Would your answers be any different than Mr.
3 Winters replied to the questions of a general nature?

4 A No.

5 Q Would this be any hardship to you, were you required
6 to serve on this jury?

7 A Not personally.

8 Q Explain that.

9 A Well, my job might suffer somewhat.

9 fls.

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9-1

1 Q What type of job is that?

2 A I work for the assessor's office and their busy
3 time is between October and May.

4 Q We all very much hate to see the assessor in any
5 way inconvenienced.

6 A I'm sure.

7 Q But I'm afraid he's going to have to forego your
8 presence.

9 But other than that, you can't think of any reason
10 why you shouldn't be excused on the grounds of hardship?

11 A No.

12 Q Have you been a juror before?

13 A No.

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

15 A No.

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

18 A Well, my son's brother-in-law is a deputy sheriff.

19 Q Your son's brother-in-law?

20 A Yes.

21 Q Do you see that person often?

22 A No.

23 Q Do you think that that relationship would in any
24 way affect your judgment in the case?

25 A No.

26 Q Is there a Mr. Everett?

27 A No, there is not.

28 Q Is it Miss Everett?

1 A No, it is Mrs. I'm a widow.

2 Q I see. What was Mr. Everett's occupation?

3 A He was a real estate broker.

4 Q In what general area do you reside?

5 A The Harbor area.

6 Q You have views concerning the death penalty that
7 you would automatically refuse to impose it, regardless of
8 the evidence that might be produced?

9 A Yes, I do.

10 Q In other words, you would be unable, in any case,
11 regardless of the evidence, to vote for the death penalty?

12 A That's right.

13 Q Regardless of the evidence, then, your reaction
14 would be an automatic one, to vote for the death penalty; am
15 I stating your views correctly?

16 A That is correct.

17 Q Would you ever, in any case, vote for the death
18 penalty?

19 A No, I could not.

20 Q Would your views be such concerning it that you
21 could not be fair and impartial in the first phase of the case,
22 the phase involving guilt or innocence?

23 A No, I don't believe that would affect that.

24 Q But coming to the penalty phase, would you ever
25 be able in any case to impose the death penalty?

26 A No, I could not.

27 THE COURT: All right, the People have a challenge?

28 MR. MANZELLA: Yes, your Honor, the People would

1 respectfully challenge Mrs. Everett under Section 1073,
2 Subdivision 2 of the Penal Code.

3 MR. KANAREK: Your Honor, I have one question, if I may?

4 THE COURT: All right, one question.

5 MR. KANAREK: Thank you.

6
7 VOIR DIRE EXAMINATION

8 BY MR. KANAREK:

9 Q Miss Everett, there is no question but what you
10 would discuss with your fellow jurors --

11 THE COURT: Use the microphone.

12 MR. KANAREK: Yes, I'm sorry.

13 Q BY MR. KANAREK: There's no question but what you
14 would discuss with your fellow jurors the evidence?

15 THE COURT: Is there something wrong with that mike?

16 Turn it up.

17 MR. KANAREK: Hello? I don't think I had it close
18 enough, your Honor.

19 THE COURT: Go ahead.

20 A There's no question that I would discuss it.

21 Q BY MR. KANAREK: In both cases, right, if there
22 were a second phase?

23 A That's right.

24 MR. KANAREK: Thank you.

25 Oppose the challenge, your Honor.

26 THE COURT: Having discussed it, do you believe that
27 you would ever, regardless of the evidence, what evidence
28 might be produced, vote for the death penalty?

1 JUROR NO. 3: No, I never could.

2 THE COURT: All right, the Court grants the challenge and
3 you are excused.

4 Would you report to Room 253.

5 Need she report tonight, Mr. Dooley?

6 If you will wait just briefly, if you will wait
7 just briefly, Mrs. Everett, it may be that we can excuse you
8 until Monday. You may not have to come back tomorrow.

9 JUROR NO. 3: Thank you.

10 THE COURT: Mr. Dooley will inquire for you.

11 THE CLERK: Mrs. Opal M. DeWees, last name, D-e-W-e-e-s,
12 first name O-p-a-l.

13
14 VOIR DIRE EXAMINATION OF

15 OPAL M. DE WEES

16 BY THE COURT:

17 Q Mrs. DeWees, were you present when the Court
18 explained the nature of this case and when the Court questioned
19 Mr. Winters from your group?

20 A Yes, I was.

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

23 A No.

24
25
26
27
28
9a fls.

9a-1

- 1 Q Would there be any hardship to you to serve in
2 this case?
- 3 A Yes, it would.
- 4 Q Explain it to me.
- 5 A For health matters.
- 6 Q Tell me about it.
- 7 A Well, I've had too much surgery. I don't have
8 the resistance.
- 9 Q Have you had surgery recently?
- 10 A Two years ago was the last.
- 11 Q And was it a major surgery?
- 12 A Yeah.
- 13 Q Without telling us what it was, what is the
14 affect upon you if you were to sit and serve on this jury
15 for four or five months? What would be the affect?
- 16 A Well, I don't have the stamina to stay through
17 it. I was --
- 18 Q You mean you would become excessively tired in
19 the afternoon?
- 20 A Well, I had 60 per cent of my stomach removed.
21 Eight years ago I had cancer. I had carcinoma, a three-
22 pound carcinoma removed and I don't have the energy to stay
23 up.
- 24 Q Well, what happens to you? Your energy flags?
- 25 A Uh-huh.
- 26 Q And you are unable to pay attention?
- 27 A Uh, my resistance is too low to pick up.
- 28 Q I'm wondering -- you see what I am driving at, I

9a-2

1 am wondering how it affects your ability to properly serve
2 as a juror?

3 A Fatigue, I think.

4 Q Would you become so fatigued --

5 A Yes.

6 Q -- that you could not listen to the evidence
7 properly?

8 A That's right.

9 THE COURT: All right, the Court believes that would
10 justify your being excused from the jury, and, therefore,
11 does excuse you.

12 JUROR NO. 3: All right, thank you.

13 THE COURT: Thank you.

14 Go to Room 253, would you, on Monday morning at
15 9:00 o'clock. You can skip tomorrow.

16 That would be true, yes, Mrs. Everett. Monday
17 morning, Room 253, at 9:00 o'clock.

18 Mr. Parks, while you are here, could I lasso you
19 to talk to a defendant?

20 MR. PARKS: Yes, your Honor.

21 THE COURT: I think he may be inside in the tank.

22 Go ahead and call another name.

23 THE CLERK: Mrs. Betty J. Finister, F-i-n-i-s-t-e-r.

24
25 VOIR DIRE EXAMINATION OF

26 BETTY J. FINISTER

27 BY THE COURT:

28 Q Mrs. Finister -- is it Miss or Mrs.?

9a-3

1 A Mrs. Finister.

2 Q Were you present when the Court explained the
3 nature of this case and when the Court spoke with Mr. Winters?

4 A Yes.

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

7 A No.

8 Q Would there be any hardship to you to serve on
9 this jury?

10 And hold that microphone up, please.

11 A No.

12 Q None, whatsoever, neither financial, nor
13 personal?

14 A No.

15 Q All right. Hold that microphone up so it is about
16 an inch from your face. You'll hear it pick up.

17 A Okay.

18 Q Have you been a juror before?

19 A Yes.

20 Q In a criminal case?

21 A Yes.

22 Q What was the nature of the case?

23 A Kidnapping and assault.

24 Q Was there a verdict in that case, without saying
25 what it was?

26 A Yes.

27 Q Is that the only case in which you've sat as a
28 juror?

9a-4

1 A Yes.

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

4 A No.

5 Q Are you employed?

6 A Yes.

7 Q Where?

8 A Los Angeles County, D.P.S.S.

9 Q You're not -- you wouldn't be concerned about
10 your position with D.P.S.S. if you were to serve here for
11 four or five months?

12 A No.

13 Q All right. Is there a Mr. Finister?

14 A We separated.

15 Q What type of work does he do?

16 A Electrical technician for Edison Company.

17 Q In what area do you reside?

18 A Southwest Los Angeles.

19 Q Do you have such views concerning the death
20 penalty that you could not be impartial?

21 A Yes.

22 Q Because of those views in determining guilt or
23 innocence?

24 A Yes.

25 Q In other words, knowing that you may have to
26 vote later on on the question of death or life imprisonment,
27 you don't believe that you could be fair and impartial in
28 determining guilt or innocence, is that correct?

1 A Yes.

2 Q You seem puzzled. Did my question puzzle you?

3 A Uh, I could find him guilty.

4 Q You would be able to find some person guilty

5 even --

6 A But --

7 Q -- even though you knew the penalty phase was

8 coming on, if you found him guilty of murder of the first

9 degree?

10 A The first phase I could find him guilty.

9b fls.

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A Yes.

Q You seem puzzled. Did my question puzzle you?

A Uh, I could find him guilty.

Q You would be able to find some person guilty
even --

A But --

Q -- even though you knew the penalty phase was
coming on, if you found him guilty of murder of the first
degree?

9b fls.

A The first phase I could find him guilty.

9b

1 Q You could find guilt of murder of the first
2 degree without being --

3 A The death penalty?

4 Q Pardon?

5 A Without the death penalty.

6 Q I see. Providing the evidence justified such a
7 finding, you could find the defendant guilty of murder in the
8 first degree, then? This is in the first phase?

9 A Yes.

10 Q Now, coming to the second phase, the penalty
11 phase, are your views such concerning the death penalty that
12 you would automatically refuse to impose it in any case?

13 A Yes.

14 Q Would you automatically decide for life im-
15 prisonment and against the death penalty regardless of the
16 evidence?

17 A Yes.

18 Q Would you ever be able to vote for the death
19 penalty in any case?

20 A No.

21 THE COURT: Gentlemen, anything?

22 Mr. Manzella?

23 MR. KANAREK: Yes, just one question, your Honor.

24
25 VOIR DIRE EXAMINATION

26 BY MR. KANAREK:

27 Q Mrs. Finister, -- am I pronouncing your name
28 right?

1 A Yes.

2 Q Is there any reason you couldn't discuss the
3 evidence with your fellow jurors?

4 A No. I just don't believe in the death penalty.

5 Q But you would listen to their reasons in
6 discussing matters with them? There's no problem in that,
7 would there --

8 A But I wouldn't see no need in it. My mind is made
9 up.

10 MR. KANAREK: I see. Thank you.

11 MR. MANZELLA: The People would respectfully challenge
12 Mrs. Finister for cause under Section 1073, Subdivision 2 of
13 the Penal Code.

14 THE COURT: The Court grants the challenge,
15 Mrs. Finister, and Mr. Dooley will check and find out.

16 THE CLERK: Tuesday.

17 THE COURT: Tuesday instead of Monday. We gave you an
18 extra day, Mrs. Finister. Room 253 on Tuesday, then.

19 THE CLERK: Mrs. Retha D. Jordan, J-o-r-d-a-n, first
20 name spelled R-e-t-h-a.

21

22 VOIR DIRE EXAMINATION OF

23 RETHA D. JORDAN

24 BY THE COURT:

25 Q Mrs. Jordan.

26 A Yes, sir.

27 Q You were present during the time the Court
28 explained the nature of this case and when the Court questioned

1 the first prospective juror chosen in your group?

2 A Yes, I was, sir.

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

5 A No, they would not.

6 Q Would it be any hardship for you to serve in the
7 case?

8 A No, it would not.

9 Q Have you been a juror before?

10 A Yes, I have, sir.

11 Q In a criminal case?

12 A No.

13 Q All civil cases?

14 A Yes, sir.

15 Q Would you be careful to observe the difference
16 in the burdens of proof respectively in a civil case than in
17 a criminal case?

18 A I certainly would.

19 Q Do you have any friends or relatives in law
20 enforcement?

21 A Yes, I have.

22 Q Tell me about that.

23 A Well, there are so many.

24 Q Well, explain that to us.

25 A Well, I have two detective friends of mine --
26 that I went to school with.

27 Q Are these close friends?

28 A They are close friends. Some work at 77th, some

1 work at Southwest. They're all over. Marshals.

2 Q See them often?

3 A The one that's on the door was a friend of mine,
4 Kenneth McKinney, when I came over here.

5 Q One of the deputies in this department?

6 A Yes, that was here. McKinney. I've known him
7 about sixteen years.

8 Q Well, would these relationships affect your
9 judgment here?

10 A Oh, no, they wouldn't, I mean.

11 Q Do you think that you might incur some
12 unfriendly feeling on their part if you were to vote for the
13 defendant?

14 A No.

15 Q You don't think that?

16 A No, it wouldn't.

17 Q It wouldn't enter your mind?

18 A Oh, no.

19 Q Is there a Mr. Jordan?

20 A Not at the present.

21 Q In what area do you reside?

22 A I think it is View Heights. It is right near
23 Inglewood.

24 Q What type of work do you do?

25 A Work for the Department of Water and Power.

26 Q Doing what?

27 A As an accounting division clerk.

28 Q Do you have such views concerning the death

1 penalty that you could not be impartial in determining the
2 question of guilt or innocence?

3 A No, I do not.

4 Q Do you have such views concerning it, the
5 death penalty, that you would automatically refuse to impose
6 it?

7 A No.

8 Q Would your views be such that upon a conviction
9 of murder of the first degree you would automatically impose
10 the death penalty regardless of the evidence?

11 A No.

12 Q In respect to the question of publicity, the
13 Court wishes to inquire whether you can set aside what you
14 may have heard, seen or read, and whether you will set aside
15 what you may have heard, seen or read, and decide this case
16 independently of such matters only upon the evidence, only
17 upon the evidence and the Court's instructions of law as I
18 shall give them to you?

19 And I'll inquire about that -- I'll inquire of
20 you about that out of the presence of the other jurors.

21 Would you all now please leave the room?
22 Remember the admonition I have heretofore given you, you
23 don't discuss this case amongst yourselves, or permit anyone
24 to discuss it with you.

25 Room 107, Department 107, if you would, please.

26 (Whereupon, the prospective jurors retired from
27 the courtroom, and the following proceedings were had:)
28

10 fls.

10-1

1 We will work about five minutes and then take a
2 recess.

3 BY THE COURT:

4 Q Mrs. Jordan --

5 A Yes, sir.

6 Q -- had you previously heard, seen or read the name
7 Charles Manson, before you came into this courtroom?

8 A Yes, I have, sir.

9 Q And that was in connection with what?

10 A The Tate-La Bianca --

11 Q The Tate-La Bianca trial?

12 A Yes, sir.

13 Q Did you follow that in the press or via the
14 television or radio?

15 A Uh -- mostly in the press.

16 Q And did you read the press regularly?

17 A Uh -- just about every day.

18 Q What newspaper did you regularly read?

19 A I believe the Times and the Herald. We have a
20 newspaper in our office that we -- we buy two papers, every
21 day, and we -- and we pass it around and read it.

22 Q So that you would read both papers, generally?

23 A Surely.

24 Q And did you remember -- do you remember the result
25 of that case?

26 A I believe so.

27 Q Tell us your best remembrance of it?

28 A I think it was a conviction.

10-2

1 Q Of what?

2 A Of murder, wasn't it? I believe it was.

3 Q That's your best remembrance, a conviction of
4 murder?

5 A I think so. I'm not --

6 Q And was there a penalty found? What was the
7 sentence, if you know?

8 A Uh --

9 Q If you remember?

10 A I think -- I think it was death or something.

11 Q That's your best remembrance?

12 A As I can remember. I wasn't -- you know, not
13 that involved with it.

14 THE COURT: We will take your case in just a moment,
15 Mr. Parks.

16 Q Do you know the name Susan Atkins? And what does
17 it mean to you, if you do?

18 A It's -- I think she was one of the ones connected
19 with it somehow.

20 Q Somehow or other connected with Mr. Manson?

21 A Right.

22 Q Do you know the name Shorty Shea?

23 A I read that in the newspaper also.

24 Q All right. How about the name Gary Hinman?

25 A I read that also.

26 Q What do you know about each of those last two
27 names that I spoke of, other than what you may have heard
28 me say in the course of telling you about the indictments -- or

10-3

1 the indictment?

2 A I don't -- no, it's not that clear to me. But I
3 do remember them having some connection, somehow; or, they
4 disappeared or something like that, or they were -- they
5 weren't found or something.

6 They were -- had been involved on this ranch, I
7 remember.

8 Q What ranch?

9 A The Swan Ranch or something.

10 Q Have you heard the name Manson Family?

11 A Yes.

12 Q What does that name mean to you?

13 A All the people that were together out there, living
14 as a Family -- or, followers or associates together.

15 Q I have been asking you these questions just to find
16 out the depth of what you might know about that other case,
17 about Mr. Manson, or this case.

18 Do you understand?

19 A Uh-huh.

20 Q Now, if I were to instruct you that you are to
21 set aside -- if you are chosen as a juror in this case --
22 anything that you may have heard, seen or read previously about
23 Mr. Manson, about this case, about that Tate-La Bianca case,
24 to set it aside completely and wipe your mind clean of it,
25 for the purpose of making any judgment that you might be
26 called upon to make in this case, could you effectively do that?

27 Are you capable of doing that?

28 A I believe so.

10-4

1 Q Does that -- is that hedging at all, when you say,
2 "I believe so," or are you firm in your belief that you can do
3 it?

4 A Well, I can -- I can do anything that I set my
5 mind to. I would follow the Court's instructions.

6 Q And you are objective enough to do that?

7 A I am. I have an open mind.

8 Q Well, let me ask you this, then. Having that in
9 mind, that you will set aside any opinion that you may have
10 formed, anything that you may have heard, seen or read, will
11 you do that?

12 A I will.

13 Q All right. And will you be fair and impartial in
14 making any decision that you are called upon to make in this
15 case?

16 A Yes, I will.

10a* fls.

10a-1

1 THE COURT: Mr. Kanarek? You may examine.

2 MR. KANAREK: Thank you, your Honor.

3
4 VOIR DIRE EXAMINATION

5 BY MR. KANAREK:

6 Q Do you prefer to be called Mrs. Jordan?

7 A Yes, sir.

8 Q Now, --

9 THE COURT: Use the microphone, please.

10 MR. KANAREK: Oh, yes, your Honor.

11 Q Mrs. Jordan, would you tell us, during the year
12 1970, were you in Los Angeles in that whole year?

13 A Yes, sir.

14 Q And did you read the newspapers and television --
15 and watch television --

16 A Yes.

17 Q -- and listen to the radio concerning the Tate-
18 La Bianca case during that time?

19 A Uh -- yes, sir.

20 Q Would you tell us, in capsule form, what you know
21 -- what comes to your mind, that you remember, concerning the
22 Tate-La Bianca case? Remember, this is no reflection on you,
23 the fact that you read newspapers and watch television and
24 so forth.

25 A Uh -- the only thing is, the -- you know, it was
26 all over the headlines; and of course, I just read the whole
27 story and everything that -- that was in the newspapers at
28 the time, I read it.

10a-2

1 I mean, most people did. Because it was -- it
2 took precedence over everything else in the news at that time.

3 Q And so you -- when you say you read it, like --
4 in other words, on a daily basis, you read the detailed
5 column of what occurred that day in court, for instance?

6 A Oh, yes, I did. But I don't remember all of it
7 now. But I read it at the time.

8 Q Could you -- would you tell us, in your own way,
9 what you remember concerning the trial? What you remember --

10 A Oh, actually, I don't know if I can recall things
11 concerning the trial that much. It was just a -- the story
12 itself that I read in the papers, you know.

13 Q And --

14 A When the story broke; and then, of course, the --
15 you know, it was followed up to see what transpired after that,
16 and this type of thing.

17 But as far as the actual court cases, I
18 don't recall having remembered -- you know, in detail what
19 transpired.

20 Q Did you read, for instance, like that on a certain
21 day a witness testified, and then in the newspaper, it gave
22 about what the witness said?

23 A Some of the things, I did. I didn't go through
24 everything, you know.

25 Q I see. Can you tell us -- just pick any witness
26 that you remember and tell us what happened -- what you
27 happened to recall that that witness said?

28 A I -- I'm not sure if I -- see, the names of these

10a-3

1 people, really, I don't know. They don't mean that much to
2 me.

3 But I think the one that impressed me most was
4 this girl that -- that testified for -- I guess the term is
5 -- that turned State's evidence or something. We followed her
6 story more than anything else -- that confessed, or something
7 or whatever -- that one; but I don't know which name she was
8 now.

9 Q I see. But whatever her name was, would you tell
10 us, what did she say, that you recall?

11 A Oh, my goodness. I cannot recall all of it. It
12 was just too long and involved.

13 Q I see. Now -- and then your -- aside from the
14 media, you remembered the result, as far as Mr. Manson is
15 concerned, from the mass media?

16 A Oh, I guess part of it. You know, it didn't --
17 it wasn't something that I religiously read or followed, but
18 if -- you know, it was -- I was interested until it broke,
19 you know.

20 Q What was the result in the trial that you remember,
21 as far as Mr. Manson --

22 A I believe he was found guilty; that's as I recall.

23 Q And do you remember what result the jury came in
24 with?

25 A First degree murder, I think, something like that.

26 Q And then do you remember what penalty was
27 assessed, supposedly, by the jury?

28 A I believe it was death. I'm not sure, when it got

1 down to that phase of it. I wasn't that interested any more.

2 Q I see. Do you remember the term "Helter Skelter"?

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

4 Q Do you remember any racial overtones as coming
5 from the media?

6 A I believe I remember something like that.

10 b fls.

10b-1

1 Q Would you tell us what you remember concerning
2 the --

3 A Oh, I don't know how accurate it will be now.

4 Q Oh, by the way, Miss Johnson, we are not
5 interested in --

6 A Jordan.

7 Q Pardon me. Miss Jordan.

8 We are not interested in accuracy; just what
9 you think.

10 A I believe that I recall something to the effect
11 that Mr. Manson was going to engage in this war, and these
12 killings; and to pin it on the black race or something, to see
13 if he couldn't start a black-white war.

14 Now, this is in essence part of what I think I
15 read or remember.

16 Now, that -- you know, it's been so long ago.
17 But it was something like that.

18 Q Now, may I clear something up?

19 When I say that I am not interested in accuracy,
20 what I mean is, I am interested in what you recall in your
21 mind accurately.

22 But whether that conforms actually with what
23 happened in court or not, or with what somebody said or not,
24 that's not important.

25 Do you understand what I mean?

26 A I understand.

27 Q When we say "accurate," it's not in the context of
28 that, the word "accurate."

10b-2

1 A Well, it's -- that's as near as I can remember
2 now. But it was something along that line.

3 Q Now, being of the black or Negro race, you
4 certainly have an affection for -- well, for all people, I
5 would imagine; is that correct?

6 A I do. I have as many Caucasian friends as I do
7 black.

8 Q And having that in mind, you certainly would
9 intend to follow the Court's order and set aside what you may
10 have read or heard?

11 A Oh, yes.

12 Q And you would -- now, but not having done it in
13 a courtroom before -- if I may give the example, you might
14 intend to go to Palm Springs this weekend, but you may not
15 make it there for one reason or another. You might have a
16 flat tire, a relative may come in from out of town, or what-
17 ever. So you may not make it, even though you intended to
18 do it, right?

19 A (Indicating affirmatively.)

20 Q Now, with that -- now, my question then is:

21 As far as the situation is concerned, where you
22 intend now not to consider these matters, is it a fair
23 statement that you just don't know whether you could or not,
24 not having ever had to do it, and go through that exercise?

25 THE COURT: You may answer that yes or no, as to whether
26 or not it is a fair statement.

27 JUROR NO. 3: Are you saying that until I'm actually
28 confronted with evidence, or actually become involved in

1 something, I really couldn't answer positively whether I
2 could do it or not? Is that what you --

3 Q Yes, that's right.

4 A I suppose that is true, you know, of almost
5 anyone. Actually, until you do something, it's hard to say
6 how you would react.

7 MR. KANAREK: Thank you. 1073, Sub section 2, your

8 Honor.

9 BY THE COURT:

10 Q Is that your state of mind now,
11 that you don't know whether you can set aside these matters
12 that you may have heard, seen or read or any opinions you
13 might have formed?

14 A Oh, I believe I can. But I'm trying to be very
15 honest, you know. If -- as he worded it, it's -- you know,
16 unless you're really right there, and have had that experience
17 it's hard to say.

18 But the way I see it, I could do it. I have an
19 open mind, and I believe in justice and fairness, and I think
20 I would weigh any evidence in any case and try and give it the
21 best that I could.

22 Because I think all people, you know, should have
23 an opportunity -- you know, to at least hear it and see it,
24 you know.

25 Q What I'm asking you is whether you are capable,
26 mentally and emotionally capable of setting aside those
27 things, those reports that you have gleaned from the news
28 media; those opinions that you may have formed; those
conversations you may have had with other people, and rely

1 on the evidence in this case --

2 A Oh, I can do --

3 Q -- to determine guilt or innocence?

4 A I could do that.

10c fls.

10c-1

1 Q And can you do that --

2 A I can do it.

3 Q Can you do that on all issues that might be
4 presented to you in the course of this case?

5 A Sure.

6 THE COURT: Well, it appears to the Court as though you
7 are capable of doing it.

8 Q And will you do it?

9 A I will do it, sir.

10 Q And then you will do it. And will you be fair
11 and impartial?

12 A I will, sir.

13 THE COURT: The challenge is denied.

14 The Court does believe that she can set aside
15 those matters which she may seen, heard or read, or any
16 opinions that she may formed; and that she will set them
17 aside and be fair and impartial.

18 We'll take a short recess. Ten minutes?

19 MR. KANAREK: Your Honor, I do have a request of the
20 Court.

21 Uh -- I wondered if --

22 THE COURT: Do you wish to make it now?

23 MR. KANAREK: Oh, yes. That's all right. Certainly.
24 I wondered if it would be possible to arrange --

25 THE COURT: Use the microphone, would you?

26 MR. KANAREK: Okay. I wonder if it would be possible
27 to arrange a meeting this evening, your Honor?

28 THE COURT: What type of meeting?

10c-2

1 MR. KANAREK: Well, a meeting -- well, maybe we should
2 approach the bench on it, or after Miss -- Mrs. Jordan leaves
3 the courtroom.

4 THE COURT: All right.

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

6 THE COURT: Mrs. Jordan, don't converse with your fellow
7 jurors on any subject connected with this matter, will you?

8 And don't form or express any opinion on the matter
9 until it is finally submitted to you, should you be chosen
10 as a juror.

11 The Court now excuses you for ten minutes.

12 MR. KANAREK: Thank you very much.

13 (The following proceedings were had in open
14 court, outside the presence and hearing of any
15 prospective juror:)

16 THE COURT: All right. What is your request? What is
17 your request?

18 MR. KANAREK: Yes, your Honor. My request is that we
19 have a meeting, arrange a meeting with Mr. Grogan and Mr.
20 Davis and Mr. Manson, for 6:00 o'clock this evening; for --
21 between 6:00 and 9:00.

22 THE COURT: Well, the Court doesn't believe that a
23 three-hour meeting would be necessary. But the Court would
24 grant you some time.

25 MR. KANAREK: I believe Mr. -- I can't represent this --
26 but I believe Mr. Weedman --

27 DEFENDANT MANSON: Don't argue with him. Just ask him
28 how much we can have.

10c-3

1 MR. KANAREK: Yes, your Honor.

2 THE COURT: What?

3 MR. KANAREK: As much time as your Honor will allow.

4 THE COURT: Well, is 6:00 a convenient time to be in
5 the meeting? When do they finish serving meals?

6 DEFENDANT MANSON: Tell him, if you ask for 6:00, we'll
7 get it by 7:00.

8 MR. KANAREK: The thought is that, if we ask for an
9 earlier time, we may get a later time, your Honor.

10 THE COURT: When's the service of meals completed?

11 DEFENDANT MANSON: About 4:00 or 5:00.

12 THE BAILIFF: They usually end between 4:30 and 5:00
13 o'clock, something like that.

14 THE COURT: All right. The Court permits a two-hour
15 meeting, this evening, between 6:00 and 8:00 -- or, as close
16 thereto as can be accomplished.

17 MR. KANAREK: Thank you.

18 THE COURT: With Mr. Davis, Mr. Grogan, Mr. Manson, and
19 their respective attorneys.

20 MR. KANAREK: Yes, your Honor. And I have another
21 incident I would like to report to the Court. And I would
22 like Mr. Manson to speak to -- he can state it succinctly,
23 your Honor.

24 Go ahead, would you, Mr. Manson?

25 THE COURT: Well, just a minute. Will you -- will you
26 use that microphone? I'm having trouble as a result of this
27 air conditioner hearing you.

28 MR. KANAREK: Yes, your Honor. Mr. Manson -- uh -- in

1 connection with his physical safety in the jail, he has a
2 matter which we would like the Court's protection on, in
3 connection with -- in connection with certain matters which
4 have occurred.

5 And I would welcome him telling it to the Court.

6 THE COURT: Well --

7 MR. KANAREK: Either under oath, or otherwise.

8 THE COURT: Has he told it to you?

9 MR. KANAREK: Yes.

10 THE COURT: Well, you tell it to me. You are his
11 attorney, you know.

10d fls.

10d-1

1 MR. KANAREK: Somebody keeps on unlocking the box --

2 DEFENDANT MANSON: The man with the key is trying to
3 put a guy in the cell with a knife.

4 THE COURT: A person with a knife?

5 DEFENDANT MANSON: Tell him a man with a key, first.

6 MR. KANAREK: A man with a key is arranging it so that
7 someone with a knife gets into Mr. Manson's cell.

8 DEFENDANT MANSON: And tell him that they're both
9 going to get hurt, if it happens again.

10 MR. KANAREK: And there's liable to be someone hurt,
11 if it happens again, your Honor. Now, this is --

12 THE COURT: I'm not sure I understand.

13 What you have heard from Mr. Manson is that
14 somebody with a key is going to --

15 DEFENDANT MANSON: He has already.

16 THE COURT: -- is going to use that key to unlock
17 Mr. Manson's cell, so that somebody with a knife can get in
18 to harm Mr. Manson?

19 MR. KANAREK: Right.

20 DEFENDANT MANSON: Yeah. It's already happened. You
21 tell him that.

22 MR. KANAREK: And it --

23 THE COURT: Well, let me say this.

24 MR. KANAREK: Yes.

25 THE COURT: If you have any such information, Mr. Manson,
26 that seems to be in any way valid, what you should do is
27 report that to the captain.

28 And the Court will order you to report that to the

1 captain of the jail tonight, before you leave the building.
2 Would you do that?
3 MR. KANAREK: I certainly will.
4 DEFENDANT MANSON: Tell him we've already done it.
5 MR. KANAREK: Mr. Manson says he has already done it.
6 DEFENDANT MANSON: See, I am worried about their
7 safety, more than I am worried about mine.
8 THE COURT: All right. The Court requests that you
9 do that, too, Mr. Kanarek.
10 MR. KANAREK: Very well, your Honor.
11 THE COURT: Very well. And relate to him any facts
12 that you have to substantiate the claim on the part of
13 Mr. Manson.
14 Of course, I don't see that this is properly
15 a subject of a motion before the Court. I don't have the
16 man with the key or the knife before me.
17 DEFENDANT MANSON: You have the man with the key.
18 MR. KANAREK: Well, the point --
19 DEFENDANT MANSON: And the man with the knife and
20 fork.
21 MR. KANAREK: See, I believe that the Court does have
22 power -- and in fact, the duty -- to protect someone in
23 custody.
24 THE COURT: Well --
25 MR. KANAREK: To make sure that their rights are
26 protected.
27 DEFENDANT MANSON: You have the man with the key and
28 the knife in front of you.

1 THE COURT: Mr. Manson, be quiet.

2 The Court will apprise the jail of this motion.
3 But I'll leave it to you to relate to the captain of the jail
4 any basis in fact for the motion.

5 All right. We are in recess.

6 MR. KANAREK: Thank you, your Honor.

7 (Recess.)
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11 fls.

11- 1

1 THE COURT: The record will show that the prospective
2 jurors are beyond the rail and in the box.

3 The defendant is present with Mr. Kanarek.

4 You may examine generally, gentlemen. Ask any
5 questions you wish of Mrs. Jordan generally, if there are any.

6 MR. KANAREK: Yes, may I interrogate?

7 THE COURT: Yes, you may.

8 MR. KANAREK: Thank you.

9
10 VOIR DIRE EXAMINATION

11 BY MR. KANAREK:

12 Q Now, Mrs. Jordan, I'm now referring to matters
13 that will come up here in court.

14 I'm not now talking about publicity.

15 And are we of a mind that everybody, everybody is
16 entitled to a fair trial?

17 A Sure,

18 Q And by that, are we of a mind that it should not
19 be just a ritual; that is, where we just go through the --
20 go through the -- sort of the procedure and really don't
21 put our heart into it?

22 It reminds me of -- there's -- they tell a story
23 about a certain judge who heard about due process of law,
24 and this particular judge said, -- well, told the jury to
25 go out and debate for -- square and fair -- for four hours
26 before they bring in a guilty verdict.

27 That is, give them their due process.

28 You get what I am driving at?

11-2

1 A I understand.

2 Q Now, in this case, and in all cases, since we're
3 agreed that someone -- due process and fairness isn't limited
4 to just going through the motions, but actually put your
5 heart and soul into it.

6 If it should turn out that from -- from witnesses
7 in this courtroom, you hear matters involving racial overtones,
8 matters involving black people and white people, and
9 differences of opinion, and all of that; is your state of
10 mind such that you could, that you could take this evidence
11 in deciding this case and take this evidence without emotion
12 and without any kind of an approach except that of being
13 analytical?

14 A I could.

15 Q And there's no reason, even though you are of the
16 black or Negro race that you couldn't take this information and
17 use it the same way?

18 Let's say someone testifies for one reason or
19 another that there were two dozen oranges delivered in Phoenix,
20 Arizona, or something like that.

21 You get what I am driving at? Some type of
22 evidence that's got nothing to do with emotion?

23 A I see no reason, whatsoever.

24 Q You could -- why you couldn't take this type
25 of information and use it and analytically --

26 A I could.

27 Q Now, would you say that in your lifetime because
28 of the fact that you were born black, that you have, in your

1 life, at one time or another, suffered because of this?

2 A I can't say that I have, sir.

3 Q You've never experienced any kind of -- you never
4 had that experience?

5 A No, I haven't.

6 Q -- of any negative experience because of that?

7 A No.

8 Q Well, let's say that one or more of your fellow
9 jurors haven't had the good fortune that you've had, and that
10 maybe that I have had, and let's say that during racial
11 discussions that come up, because the evidence that comes in
12 here may have this material in it, say that your fellow
13 jurors bring out that he or she has suffered because some
14 white people have not treated black people correctly; what
15 would you do in a situation like that?

16 MR. MANZELLA: Objection, your Honor, the question is
17 too broad. It is not relevant to a challenge for cause.
18 Vague and indefinite.

19 THE COURT: Sustained.

20 If you are asking whether or not Mrs. Jordan would
21 be biased and prejudiced against Mr. Manson, who is white,
22 the Court would allow it.

23 What would be your answer to that?

24 MR. KANAREK: That is not what I am asking, your Honor.

25 THE COURT: Well, let's clarify it, then.

26 MR. KANAREK: All right.

11a fls.

11a-1

1 Q BY MR. KANAREK: What I am asking, if during the
2 course of discussion, and it comes up that other people that
3 are in the jury room with you do bring up facts and situations,
4 and for instances, and analogies, wherein they have been hurt,
5 mistreated by people of the white or Caucasian race, what would
6 you do in a situation like that, in a jury room where you're
7 trying to analyze this evidence analytically?

8 MR. MANZELLA: Objection, again, the question is too
9 broad, your Honor.

10 THE COURT: Sustained.

11 Would you allow any prejudice of a racial nature
12 in any way to enter into your judgment in this case?

13 JUROR NO. 3: No, I would not.

14 THE COURT: All right.

15 Q BY MR. KANAREK: Are we of a mind that when you
16 protect -- when you protect the civil rights of any defendant
17 in a court of law, whether that person be white, black, what-
18 ever, whatever the race, Latin, Chinese, Japanese, that we are
19 protecting the rights of all of us when we protect the rights
20 of one?

21 A Right.

22 Q Then, I gather that there is no reason that you
23 can see why you couldn't discuss these types of things, so to
24 speak? I don't want to get more definite at this point, be-
25 cause we don't have any evidence in yet.

26 There's no reason why you couldn't discuss these
27 matters in the jury room with your fellow jurors?

28 A I see no reason, whatsoever.

1 Q And acquit Mr. Manson? No reason in the world, is
2 that right?

3 THE COURT: Well, you needn't answer that. You may
4 rephrase your question. It is asking her to prejudge the
5 evidence, Mr. Kanarek, and you must know that.

6 MR. KANAREK: Well --

7 THE COURT: Rephrase your question.

8 MR. KANAREK: Yes, your Honor.

9 Q BY MR. KANAREK: Is there any reason that you feel
10 that you couldn't acquit Mr. Manson if, after listening to
11 everything, and the arguments of the lawyers, and listening to
12 the judge's charge when he gives us the law, is there any
13 reason that you couldn't acquit Mr. Manson if you felt that was
14 the proper thing to do?

15 A If the evidence indicated an acquittal, of course
16 I could.

17 MR. KANAREK: Thank you.

18 THE COURT: If the People have not established their
19 case beyond a reasonable doubt, you would certainly vote for an
20 acquittal, would you not?

21 JUROR NO. 3: I certainly would.

22
23 VOIR DIRE EXAMINATION

24 BY MR. MANZELLA:

25 Q Mrs. Jordan, do you know anyone involved in the
26 defense of criminal cases, such as a lawyer, investigator or
27 anything of that nature?

28 A Well, yes, sir.

1 Q Is it someone involved in -- is it a lawyer or
2 investigator?

3 And in what capacity?

4 A Attorneys and private investigators.

5 Q All right.

6 Do you discuss their work with them? In other
7 words, the defense of criminal cases with them?

8 A No.

9 Q Is there anything you've gotten from the relation-
10 ship with these people that would prevent you from being, oh,
11 fair and impartial to either side in this case?

12 A No.

13 Q Is there any special knowledge that you feel that
14 you have that you would use in this case because of that
15 relationship?

16 A No, I don't think so.

17 Q You understand that jurors are not to be experts
18 themselves in any particular phases of a case or particular
19 kinds of evidence?

20 A I understand.

21 Q All right. Do you know anyone that has ever been
22 accused of a crime?

23 A I have.

24 Q Did you become personally involved in the case?

25 A No, I did not.

12, fls.

12-1

1 Q Is there anything in that -- in other words, the
2 way that case was handled -- which made you feel some bias
3 or prejudice against law enforcement, or against the -- you
4 know, the prosecution, the District Attorney's office, any-
5 thing like that?

6 A No.

7 Q What was the charge in that case?

8 A Uh -- which one? I've known quite a few people
9 that were accused of crimes.

10 Q Okay. What kind of crimes?

11 A One particular crime was murder -- or manslaughter,
12 I think it was, or something like that.

13 Q Was it vehicle manslaughter or otherwise?

14 A No, it was -- I believe it was -- it was a shooting.

15 Q All right. Now, you've already said you didn't
16 become personally involved.

17 A No, I wasn't there. I didn't even go -- I knew
18 the defendant. I had known her for a number of years.

19 But at the time I heard this, I didn't go to the
20 courtroom, and I don't even know what happened, really.

21 Q All right. I take it, then, you didn't take sides,
22 in the sense that you became involved --

23 A No.

24 Q -- in the case emotionally or otherwise?

25 A No, I did not.

26 Q And there's nothing there that would affect your
27 ability to be fair and impartial to the prosecution in this
28 case, --

12- 2

1 A No.

2 Q -- is that right? Okay.

3 You've heard the questions I've asked of the other
4 prospective jurors while you have been in the courtroom?

5 A Yes, I have.

6 Q All right. While you were listening to them,
7 you were also listening to the answers given by the other
8 jurors?

9 A I was.

10 Q Was there anything in my questions or the answers
11 that were given by the other jurors which brought to mind
12 something, in your feelings or in your view, that would be --
13 that you would want to bring to my attention now?

14 In other words, any bias or prejudice that you
15 felt that you had, that was brought out by any of the questions
16 that I asked?

17 A No.

18 Q So your answers, then, would have been substantially
19 the same as the majority of the other jurors'?

20 A That's right.

21 MR. MANZELLA: All right. Thank you.

22 The People pass for cause, your Honor.

23 THE COURT: Both sides pass for cause?

24 Both sides pass for cause, Mr. Kanarek?

25 MR. KANAREK: Oh, yes, your Honor.

26 THE COURT: Very well. Ladies and gentlemen, the
27 Court wishes to ask you generally about something here,
28 and would you just reply by a show of hands, without making

12-3

1 any verbal response?

2 Is there anyone of you who, in the last 24 hours,
3 has heard, seen or read anything of what has happened in this
4 courtroom? Was there a -- a newspaper article, a television
5 program or television news report, or a radio news report that
6 you may have heard, seen or read?

7 I see three hands. Just -- hold on just a minute.
8 Three hands. There's Mrs. Stokes, Mrs. Love, Mr. Eidelman,
9 and Mrs. Jordan.

10 I'm afraid I'll have to --

11 MR. MANZELLA: And Mr. Rico.

12 THE COURT: And Mr. Rico. Thank you.

13 I'm afraid I'm going to have to question you
14 ladies and gentlemen, and I suppose it's going to have to be
15 separately and apart.

16 But at least, it gives you others some exercise.

17 Let's see. Mr. Rico, Mrs. Love, Mrs. Stokes, Mrs.
18 Jordan -- somebody else -- oh, yes. Mr. Eidelman. One, two,
19 three, four, five. Show your hands again in the box. One,
20 two, three, four -- now, I see five. All right. Let's ask
21 you in the box, first -- I'll ask the rest of you to leave,
22 and we'll start with Mr. Eidelman.

23 And will you, Miss Jordan, remain outside the
24 door? And Mrs. Stokes, Mrs. Love, Mr. Rico, just remain
25 outside of the door here.

26 JUROR NO. 7: Your Honor, did you miss me?

27 THE COURT: Oh, did I miss you? All right, Miss Jenkins.
28 Just remain outside. I'll be calling you in in a minute.

12a fls.

12a-1

1 (Whereupon, the members of the prospective
2 jury panel exited the courtroom, and the following proceedings
3 were had.)

4
5 VOIR DIRE EXAMINATION OF

6 EDWARD B. EIDELMAN

7 BY THE COURT:

8 Q Have you got that microphone there, Mr. Eidelman?

9 A Yes, sir.

10 Q Mr. Eidelman, what is it that you heard, saw or
11 read, and how is it that you happened to do it in view of the
12 fact that I told you not to?

13 A It was -- I started reading something this morning;
14 and all of a sudden, I caught myself, that I wasn't supposed
15 to. So I stopped. I stopped reading it.

16 I don't even remember what it had to do with the
17 case. I knew it had to do -- I knew it was something with the
18 case, but I don't even remember.

19 Q Well, did you read a headline?

20 A It was a headline. And then I read --

21 Q A newspaper, was it?

22 A Newspaper.

23 Q Which paper?

24 A The Herald-Examiner.

25 Q I see. And you read it this morning, just this
26 morning?

27 A That's right.

28 Q You didn't read the body of the article? You just

1 read the headline?

2 A No. I read -- I read part of the story, until I
3 caught myself, and remembered that we weren't supposed to read
4 anything.

5 At the moment I remembered that, I refrained from
6 reading the balance of the article.

7 Q Do you remember anything now of what you read?

8 A I don't -- no, sir.

9 Q You don't recall -- you put this matter out of your
10 mind?

11 A That's right. That's right. I don't remember
12 anything.

13 Q Well, if it should come back to your mind about
14 what you read this morning, or --

15 A Yeah.

16 Q -- would you set it aside, with all the other
17 things that you may --

18 A Yes, sir.

19 Q -- remember about Mr. Manson?

20 A Yes.

21 Q Or about what you've read?

22 A That's right.

23 Q Will you do that?

24 A Yes.

25 Q And you believe that you can do that?

26 A Sure. Yes, sir.

27 Q And can you be fair and impartial in spite of what
28 you have read and what you may remember?

1 A Yes, sir.

2 THE COURT: Any questions?

3 MR. KANAREK: Yes, if I may.

4

5 VOIR DIRE EXAMINATION

6 BY MR. KANAREK:

7 Q Mr. Eidelman, was it the Herald-Examiner that you
8 read?

9 A That's right.

10 Q And what words -- did you look at the front page of
11 the Herald-Examiner this morning?

12 A That's right. It was a streamer, across the page.
13 I don't recall what it said.

14 Q You don't remember what it said?

15 A That's right. I don't even remember the article,
16 what it said in the article.

17 Q Well, I don't know if --

18 May we approach the bench, your Honor? I have the
19 matter of proof, because I -- and I would like to, if I may,
20 make the point to the Court, if I may, outside the presence of
21 the juror.

22 THE COURT: The Court doesn't think it's necessary at this
23 time.

24 MR. KANAREK: All right. Very well. Very well, then,
25 your Honor.

26 Q Now, is it true that what you saw was a -- across
27 in big headlines (indicating)?

28 A That's right, yes, sir.

1 Q And did you buy this paper?

2 A Yes, sir.

3 Q And you -- did you -- and you read it or intended
4 to read it on the way to court?

5 A That's right.

6 Q May I ask, Mr. Eidelman, how do you come to court?
7 Do you walk or do you take the bus --

8 A No, I take the bus.

9 Q I see. And so -- may I ask, was this like at
10 5th and Hill or 6th and Hill, something like that?

11 A Do you mean where I caught the bus?

12 Q Where you bought the paper.

13 A Just outside of the court, right on the corner.

14 Q Oh, right on the corner here?

15 A That's right.

16 Q Temple and Broadway?

17 A That's right.

18 Q I see. And you opened the paper, and -- isn't
19 there -- may I ask you, what is there about that -- those
20 words, that made you associate this with this trial?

21 A That, I don't remember. I don't remember a thing
22 about the article, sir. I am honest about that.

23 Q Oh, sir. No. I'm only asking about the headline.

24 A Well, I don't --

25 Q It was a headline?

26 A It was a headline. A streamer. A streamer
27 (indicating).
28

12b-1

1 Q I see. And that was at about what time this
2 morning, Mr. Eidelman?

3 A Well, what time are we supposed to be here?
4 9:30?

5 Q Yes.

6 A Then it must have been approximately 9:00 o'clock.

7 MR. KANAREK: I see. Thank you, Mr. Eidelman.

8 I would like to approach the bench.

9 THE COURT: All right. You may.

10 MR. KANAREK: May I just ask one more question?

11 Q Have you spoken to any other jurors or anyone
12 else about this?

13 A No, sir.

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

15 (Whereupon, the following proceedings were had
16 at the bench among Court and counsel, not within the
17 hearing of any prospective juror;)

18 MR. KANAREK: Your Honor, I don't want to take the
19 evidence out, but I believe I can represent to the Court that,
20 at that time in the morning, the latest news edition,
21 quote Latest News, of the Herald-Examiner is on sale at the
22 Temple and Broadway newsstand.

23 And I have a copy in my briefcase of this article.

24 THE COURT: All right. You can make it part of the
25 record.

26 MR. KANAREK: And I would like the Court to read it,
27 because I think this gentlemen is not being quite candid with
28 us, because it's impossible that -- that headline is so big

12b-2

1 that, obviously, he read the words. And the words say
2 something about --

3 THE COURT: Well, he was so shocked, apparently, by what
4 he did, and when he realized what he was doing, that he's
5 chosen to forget it -- either consciously or subconsciously.

6 MR. KANAREK: Your Honor can take that view. But in
7 view of the case law --

8 THE COURT: Well, there's also another view: That Mr.
9 Manson has been in court for many, many months. He knows that
10 whatever he does, particularly in the presence of the press --
11 and he knows the members of the press who have covered that
12 trial in Department 104 -- is going to cause headlines.

13 And he took it upon himself to make that statement,
14 nevertheless, the statement to the effect that he wanted to
15 enter a plea of guilty, and he wanted to -- to change attorneys.

16 Nevertheless, the Court's interested in seeing
17 that he has a fair trial. And if I feel that anyone's
18 affected by what Mr. Manson has done, I would be inclined to
19 excuse him or her.

20 MR. KANAREK: May I point this out to the Court? And
21 I am sure the Court would agree with me. Case law indicates --

22 THE COURT: And it may be, too, Mr. Kanarek, that you
23 were at fault, in great part, because you were exerting no
24 control over your client whatever. And you didn't seem to be
25 attempting to.

26 You sat apart from him, didn't make any effort to
27 restrain him, didn't talk to him whatever during the time that
28 he was uttering these statements.

12b-3

1 You didn't approach him or attempt to approach him
2 or quiet him, whatever.

3 Now, that -- that lack of client control on your
4 part, in view of the fact that he has voluntarily chosen you,
5 and -- and he remains as your client, even though he has
6 from time to time raised objections to your conduct, seems
7 to me to be in part your problem.

8 MR. KANAREK: Well, your Honor, as I say, I would welcome
9 a hearing on that, if your Honor wishes, because --

10 THE COURT: A hearing on whether or not you have any
11 client control?

12 MR. KANAREK: Well, it -- well, certainly. The point
13 of the matter is, though, when you -- what your Honor is --
14 is speaking to --

15 THE COURT: Well, let me ask you this.

16 MR. KANAREK: -- is not -- is simply not factual, your
17 Honor.

18 THE COURT: Well, you mean what I observed from the bench,
19 while Mr. Manson was talking --

20 MR. KANAREK: Well, your Honor, if I may --

21 THE COURT: I observed from the bench that you made no
22 contact with him whatsoever, or made no attempt to contact
23 him. You -- although you sat four feet -- three or four feet
24 away from him. You let him continue to talk, without
25 interrupting, without in any way approaching him and asking
26 him to sit down or be quiet.

27 I don't know what efforts you might have made
28 previously.

12b-4

12c fls.3

But certainly, I think that an attorney has an obligation, in some respects, to warn a client, to counsel a client that statements of this nature could be damaging.

12c-1

1 Now, if, every time he makes such statements in
2 the presence of the prospective jurors, the Court must excuse
3 a group of those who heard it, or those who later on saw
4 something in the press about it, then that gives the defendant
5 the tool to use to delay the trial indefinitely.

6 MR. KANAREK: Well, if I may speak, your Honor --

7 THE COURT: Go ahead.

8 MR. KANAREK: First of all, at this point, this posture
9 of the proceedings, the jury -- the jurors have not been
10 sworn. There's no -- in the sense that the jury hasn't been
11 chosen.

12 THE COURT: Yes.

13 MR. KANAREK: All right. Now, if I may, I would ask the
14 Court to consider the case law, which points out that a
15 plea -- that a confession is the most damaging kind of
16 evidence. As a matter of fact, there are cases that indicate--

17 THE COURT: The Court realizes that.

18 MR. KANAREK: Including Rideau vs. Louisiana.

19 THE COURT: The Court realizes that, and realizes that
20 an admission of guilt, in the presence of jurors, is an
21 extremely serious thing.

22 MR. KANAREK: But -- wait a minute. But what we are
23 talking now is not in the presence of the jurors. These
24 jurors yesterday indicated to the Court that they did not
25 observe the proceedings.

26 THE COURT: Yes.

27 MR. KANAREK: The result.

28 THE COURT: And they since have seen a headline. In this
man's case, he has seen a headline, and apparently read a

1 few words of a news article.

2 MR. KANAREK: No. But the headline --

3 THE COURT: Now, what are you asking at this time?
4 Are you challenging this juror?

5 MR. KANAREK: Yes, your Honor. And I would like to
6 have the Court look at --

7 THE COURT: For cause?

8 MR. KANAREK: Yes, your Honor. And I would like to
9 show the Court the headline that I believe is an exact
10 facsimile, because --

11 THE COURT: The Court has seen it.

12 MR. KANAREK: The Latest News Edition?

13 THE COURT: Well, I don't --

14 MR. KANAREK: See, there are two --

15 THE COURT: I can't say.

16 MR. KANAREK: I have it in my briefcase.

17 THE COURT: All right. Go ahead. Get it.

18 MR. KANAREK: May I? Thank you.

19 (Whereupon Mr. Kanarek left the bench, proceeded
20 to the counsel table, returning shortly, whereupon
21 the following proceedings were had:)

13 fls.

13#1

1 MR. KANAREK: Here.

2 May I offer this newspaper into evidence as --

3 THE COURT: Yes, the Court will receive a newspaper which
4 is labeled "Thursday Latest News Sports, Los Angeles Evening
5 and Sunday Herald-Examiner," dated July 15, 1971. I will
6 receive that as next in order.

7 MR. KANAREK: Across the top it says "MANSON:" -- Single
8 parenthetical 'I enter plea of guilty' -- end of single
9 parenthetical.

10 MR. MANZELLA: It is a quotation mark.

11 MR. KANAREK: Well, single quote.

12 And it is -- the gentleman says he hasn't seen
13 that? I don't know how he could not. But it is the headline
14 we're talking about.

15 THE COURT: He says that he will set it aside if he
16 remembers it, and I believe that he will. And that he will
17 decide the case solely on the evidence.

18 MR. KANAREK: That's why I would like for the Court to
19 defer ruling because the cases may get manifest that a plea or
20 a confession is that kind of evidence that -- or, for instance,
21 that kind of publicity that is absolutely the most damaging.
22 For instance, in the Rideau case, Rideau versus Louisiana --

23 THE COURT: How often need the Court do that, if
24 Mr. Manson does that again?

25 MR. KANAREK: Well, your Honor --

26 THE COURT: Indefinitely.

27 MR. KANAREK: It hasn't happened indefinitely.

28 THE COURT: All right, it has happened once.

1 MR. MANZELLA: Those cases cited by Mr. Kanarek are
2 factually distinguishable from the situation, your Honor.

3 THE COURT: And it has happened to a man whom I believe
4 acted as he stated he had acted, out of -- out of -- I can't
5 say boredom. I can't recall what he did say. Of impatience
6 with the case, and with his state of being incarcerated, and
7 yet to a man who knew that the press was present. He must
8 have known these people who were present at this time, also
9 knows the press people in Department 104 in which Mr. Manson
10 sat for months. Mr. Manson must have known his statements
11 would be picked up and reported in the press.

12 MR. KANAREK: But I'm sure the Court doesn't want to
13 inject error, and the fact is, assuming, arguendo, that your
14 Honor is correct, your Honor has the power to correct the
15 error because we have many jurors.

16 THE COURT: By discharging all these jurors?

17 MR. KANAREK: No, all of them didn't raise their hand.

18 But when we have one --

19 THE COURT: By discharging all the jurors that raised
20 their hands, the Court saw there were approximately ten
21 beyond the rail.

22 MR. KANAREK: But what I am saying --

23 THE COURT: And approximately five in the box, after
24 we've gone for these many weeks.

25 MR. KANAREK: But what I am pointing -- suggesting to
26 the Court, you see, in balancing the equities quote, unquote,
27 is maybe for an appellate court, because the appellate court
28 at that level has an established fact before it. Your Honor

1 has the power to eliminate this error, albeit assuming
2 arguendo Mr. Manson did what your Honor said. Having that
3 power, it would be an abuse of discretion for your Honor not
4 to exercise the power and eliminate the error regardless of
5 the delay.

6 THE COURT: The Court will make a judgment as to each
7 one of these jurors who has seen this headline or heard any
8 reference to Mr. Manson's statement in court, and will
9 consider each juror's case one by one. I do not feel that
10 this gentleman would in any way be affected by what he may
11 have read in the newspaper.

12 MR. KANAREK: Your Honor, the reason I emphasize, and
13 ask the Court to consider this, is because, as I say,
14 Bruton and various other cases make out how important
15 confessions --

16 THE COURT: I think you made your point.

17 MR. KANAREK: This is beyond a confession. This is a
18 purported plea of guilty. This is one step beyond a
19 confession. This --

20 THE COURT: I think you made your point in respect to
21 it.

22 Now, let's go --

23 MR. KANAREK: Now, your Honor, I also have "buried"
24 in the bailiff's desk --

25 THE COURT: Pardon?

26 MR. KANAREK: I have buried, "buried," in the bailiff's
27 desk a later edition, in the bailiff's desk, a night's --
28 final edition.

13a-1

1 THE COURT: You may --

2 MR. KANAREK: Can I bring that to the Court to save
3 time?

4 THE COURT: Give it to the Clerk.

5 MR. KANAREK: I would like your Honor to have it. It
6 may save some time.

7 THE COURT: All right, give it to the Clerk, and you
8 may mark it next in order.

9 MR. KANAREK: It is after this edition.

10 THE COURT: After this latest edition that we referred
11 to.

12 (Whereupon, the following proceedings were had
13 in open court within the presence and hearing of the
14 prospective juror:)

15 THE COURT: All right, Mr. Eidelman, the Court finds that
16 you can set aside what you may have read in the press and that
17 you will set it aside for the purpose of making a judgment
18 independently of such matters.

19 Does that express your state of mind?

20 JUROR NO. 2: Yes, sir.

21 THE COURT: And you can be fair and impartial; does that
22 state your state of mind?

23 JUROR NO. 2: Yes, sir.

24 THE COURT: All right. You may retire to the hallway,
25 then, and would you send in Mrs. Jenkins.

26 Mark that next in order, Mr. Dooley. You may have
27 there a list of Defendant's exhibits.

28 Just be seated there, wherever you can find a seat,

XXXXXXXX

13a-2

1 Mrs. Jenkins.

2 BY THE COURT:

3 Q Mrs. Jenkins, you raised your hand as having read,
4 heard or seen something in connection with Mr. Manson in the
5 last 24 hours.

6 What was that?

7 A Uh, I didn't know whether I should have said
8 anything or not.

9 Uh, several of my friends called me last night
10 and told me that they saw me walking down the corridor of
11 the Manson trial when I was leaving. This is what I was
12 referring to.

13 Q Oh, I see. In other words, they just said that
14 you were -- they had seen you as being part of the group of
15 prospective jurors?

16 A Yeah, uh-huh.

17 Q Who were selected for -- to come to Department
18 106?

19 A Yes. It was on, they say, TV.

20 Q Pardon?

21 A They said they saw it on TV yesterday.

22 Q Oh, they saw your picture on TV?

23 A Yeah.

24 Q Did they say how you looked?

25 A They said it was all right.

26 Q That's all you know about it?

27 A That's all.

28 Q You hadn't heard, seen or read anything else

13a-3

1 about it?

2 A No, that's all.

3 Q All right. All right, thank you very much.

4 A You are welcome.

5 THE COURT: Would you -- don't discuss this matter with
6 your fellow jurors or with anyone.

7 JUROR NO. 7: Okay.

8 THE COURT: Thank you. Would you just go out and would
9 you tell Mrs. Stokes to come in.

10 Just be seated anywhere there, Mrs. Stokes.

11 BY THE COURT:

12 Q Mrs. Stokes, you held up your hand when the Court
13 asked you whether or not you had heard, seen or read anything
14 in the last 24 hours concerning Mr. Manson or this case.

15 What did you have reference to?

16 A An article in the Times, this morning's Times.

17 Q Do you remember that I asked you not to read,
18 hear or see anything?

19 A I didn't read it. I was glancing through the
20 paper and I saw the name "Manson."

21 Q Well, what did you see in the Times that you can
22 recall in that headline?

23 A Uh, Manson tries to plead guilty.

24 Q All right. Did you read the body of the article
25 at all?

26 A No.

27 Q Did anyone talk to you about it or did you talk
28 to anyone about it?

13 a-4

1 A No.

2 Q Now, do you think that -- strike that, What
3 meaning did you take from that headline from what you have
4 told us that you saw?

5 A I just -- I wondered what happened after we left
6 the courtroom.

7 Q That was logical.

8 Do you think you could ignore that headline,
9 along with all the other material, the news articles and the
10 other material you told me you would ignore, set aside?

11 A Yes, sir.

12 Q And still decide this case only on the evidence
13 objectively and independently from anything you may have
14 heard, seen or read or talked about?

15 A Yes, sir.

16 Q Would that enter into your judgment whatever;
17 would you allow it to enter into your judgment whatever,
18 that headline?

19 A No.

13b fls.

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13b-1

1 Q Can you still be fair and impartial in spite of
2 having read that?

3 A Yes, your Honor.

4 Q You understand that if you were to take that
5 article in any way against Mr. Manson that it would be totally
6 unfair to him?

7 A Yes, sir.

8 Q And you don't wish to be unfair at all to anyone
9 in this trial, do you?

10 A No, I don't.

11 THE COURT: Very well.

12 MR. KANAREK: I have no questions, but I would like to
13 approach the bench, if I may, your Honor.

14 THE COURT: Well, does it add anything to what we have
15 done at the bench in the last 20 minutes?

16 MR. KANAREK: Yes, your Honor.

17 MR. MANZELLA: Your Honor, could we excuse Mrs. Stokes
18 so we could argue from the counsel table; would that be --

19 THE COURT: Yes, Mrs. Stokes, thank you very much.

20 Would you just leave the courtroom now and go
21 outside of the door. Ask Mrs. Love to come in when -- well,
22 I'll have the bailiff call Mrs. Love, and ask Mrs. Love to
23 hold it up, then, until we summon her.

24 JUROR NO. 8: Yes, your Honor.

25 THE COURT: Thank you, Mrs. Stokes.

26 All right, Mr. Kanarek.

27 MR. KANAREK: Well, in the interest --

28 THE COURT: Use the microphone.

13b-2

1 MR. KANAREK: Yes.

2 In the interest of expedition, your Honor, I can
3 make the point after all of the examinations.

4 THE COURT: All right.

5 MR. KANAREK: As long as there is a continuing
6 challenge.

7 THE COURT: Well, I understand that you are challenging
8 -- you have challenged Mr. Eidelman, you challenged Mrs.
9 Stokes now for cause as a result of their having read those
10 headlines.

11 MR. KANAREK: Yes, based upon what we spoke of previously
12 at the bench.

13 THE COURT: Yes.

14 MR. KANAREK: Yes, your Honor.

15 THE COURT: The Court finds in respect to Mrs. Stokes
16 that the challenge should be denied. The Court believes that
17 Mrs. Stokes is capable of setting aside whatever she may have
18 heard, seen or read including that headline, and whatever
19 opinion she may have formed and that she can independently
20 decide this case on the evidence and the law as I shall state
21 it to you -- to her, and that she will be fair and impartial.

22 Mrs. Love.

23 MR. KANAREK: While she's being called, your Honor, I
24 would like to announce to the Court that I have been informed
25 that this meeting because of -- cannot be mechanically
26 accomplished tonight. The Sheriff has just told me this.
27 May it be tomorrow night instead?

28 THE COURT: Well, what's the problem? Why can't they

1 meet tonight?

2 MR. KANAREK: I was just told this by Mr. Kuczera.

3 THE COURT: You mean Mr. Kuczera? Mr. Kuczera meet
4 Mr. Kanarek. After all these weeks of trial, he's still got
5 your name wrong.

6 MR. KANAREK: My pronunciation of his name is -- I
7 apologize to the bailiff. I've always gotten it wrong.

8 THE COURT: That's all right, he calls you Kanerick.

9 What is the problem with this meeting?

10 MR. KANAREK: Mr. Grogan's case -- he is in trial in
11 court and he does not return until 6:30 or 7:00 o'clock,
12 somewhere in that area.

13 THE COURT: Can it be set up conveniently tomorrow
14 night?

15 THE BAILIFF: Yes, sir.

16 THE COURT: All right, the Court so orders.

17 BY THE COURT:

18 Q Mrs. Love, you raised your hand when I asked you
19 whether or not you had heard, seen or read anything about this
20 case and Mr. Manson in the last 24 hours.

21 Would you tell me what you had reference to?

22 Mr. Manzella, would you hand that microphone
23 to her, please?

24 MR. MANZELLA: Yes, I'll get it.

25 THE COURT: Or Mr. Dooley.

26 A Uh, I just -- I heard something on the television.
27 I heard the first of it.

28 Q BY THE COURT: What did you hear, to the best of

1 your memory? And when did you hear it?

2 A Yesterday evening. I heard something about
3 outbursts.

4 Q An outburst?

5 A Yes.

6 Q By Mr. Manson?

7 A Yes. And I didn't listen to that. And this
8 morning when I came in --

9 Q What did you do, turn it out when you --

10 A No, I was also going somewhere else when I heard
11 it.

12 Q And you just kept going?

13 A Yes, this morning.

14 Q Did you hear what the outburst may have been as
15 it was reported?

16 A No, I didn't hear what the outburst was. They
17 said something about he, Mr. Manson, had an outburst.

18 Q I see. That's all you know?

19 A Yes.

20 Well, I saw his name in the paper, but I was
21 looking for the puzzle and I covered it up because it was
22 out there on the bench.

23 Q Very well.

24 So you don't know what the headlines said that
25 you saw in the paper either?

26 A No. I didn't see the headline. This was on --
27 I don't know whether this was on the front page or what, but
28 I just saw something about Mr. Manson.

1 Q To sum up, then, what you have heard in the last
2 24 hours, was something over television which reflected that
3 Mr. Manson had made an outburst in court?

4 A That's right.

5 Q And then, you saw Mr. Manson's name in the
6 newspaper?

7 A Yes.

8 Q And you just saw his name without any reference
9 to the subject matter, is that right?

10 A That's right.

11 Q All right. Now, would the reference to the
12 outburst in any way prejudice you against Mr. Manson?

13 A No, that wouldn't bother me at all.

14 Q Can you still be fair and impartial in this trial,
15 as you said that you would be when I questioned you before?

16 A I sure do.

17 THE COURT: Any questions?

18 BY MR. KANAREK:

19 Q Mrs. Love, may I check and ask you, in connection
20 with the newspaper, you saw the name Manson?

21 A Yes.

22 Q Did you see any other words?

23 A No, I covered it up. I wouldn't look.

24 Q I see.

25 A Because it was right there, out there on the
26 benches.

27 Q The newspaper is on the benches?

28 A It was.

1 Q I see. You mean -- are you speaking of the bench
2 when you leave the courtroom immediately to the left --

3 A No, I'm talking about around there where we sit.

4 Q Oh, you mean on the right, when you go on the
5 right, outside of the courtroom, and you go down toward
6 Department 105 and Department 104?

7 A No, when we go around that way, where we have --
8 there are a lot of chairs and we sit.

9 Q I see. And this newspaper, do you know what
10 newspaper it was?

11 A No, I don't.

12 Q Do you know if it was the Herald-Examiner or Times
13 or some other newspaper?

14 A No, I didn't notice.

15 Oh, it was the Times because I was looking for
16 the puzzle.

17 Q I see. And that newspaper was there this morning
18 or this afternoon?

19 A It was there this morning when I came in.

20 Q I see. And that's where you wait when you --

21 A Yes.

22 Q -- leave the courtroom, and the Court speaks to
23 the jurors separately?

24 A Uh-huh.

25 THE COURT: Well, I don't believe that's correct. I
26 think that is simply an area in the hallway that she's
27 referring to. The jurors have been waiting, in the past
28 two days, in Department 107, after court starts; is that

1 right, Mrs. Love?

2 JUROR NO. 8: Yes, but this is where we wait when we --

3 Q BY MR. KANAREK: Before 9:00 o'clock?

4 A Before we come in here.

5 Q And also after lunch before you come into the
6 courtroom, is that right?

7 A Well, we went to 107.

8 MR. KANAREK: I see. I see. Thank you.

14 fls.

14-1

1 THE COURT: Any questions, Mr. Manzella?

2 MR. MANZELLA: No, your Honor.

3 THE COURT: Thank you, Mrs. Love.

4 Would you ask Mr. Rico to come in? And would
5 you simply step outside for a minute?

6 Any seat there, Mr. Rico, please.

8 VOIR DIRE EXAMINATION OF

9 EMILIO RICO

10 BY THE COURT:

11 Q Mr. Rico, you raised your hand in response to
12 the Court's question. What did you have reference to?

13 A All I read was the headlines as I went by in the
14 car; that's all.

15 Q I see. And what did you read? Do you remember?

16 A It said: "Charles Manson in a plea of guilty,"
17 or something like that.

18 Q "Charles Manson in a plea of guilty"?

19 A Something like that.

20 Q Is that the best --

21 A That's the closest I can get to it.

22 Q The best you can remember?

23 A Right.

24 Q Did you read anything more?

25 A No.

26 Q Did you hear anything or see anything over
27 television or radio?

28 A No.

14-2

1 Q Do you know what that had reference to?

2 A No, I don't know what that had reference to.

3 Q All right. Will you not --

4 A I've stopped taking the papers, so that I won't
5 be tempted to read. And this was just when I was driving over
6 here this morning.

7 Q Well, the circulation department of the paper
8 may not like that, but it's probably a good idea.

9 The Court will ask you not in any way to
10 speculate as to what it might mean.

11 A All right, sir.

12 Q Have you arrived, however, at any opinion as to
13 what that might mean?

14 A No.

15 Q None whatever?

16 A None whatever.

17 Q Well, if later on you should arrive at any
18 opinion -- or, if you should in any way consider that -- you
19 understand that it might be extremely unfair to Mr. Manson?

20 A Yes.

21 Q All right. So would you follow the Court's
22 instruction and ignore that? Set it aside from your mind,
23 in making any decision in this case?

24 A Right, sir.

25 Q And do you still think, in spite of what you have
26 seen in that headline, that you could be fair and impartial?

27 A Sure, yes, sir.

28 THE COURT: Any questions?

14-3

1 MR. MANZELLA: None from the People, your Honor.

2 MR. KANAREK: Thank you, Mr. Rico.

3 THE COURT: Thanks, Mr. Rico.

4 Ask all the jurors to come back in. And I think
5 I'll excuse them.

6 Well, let's see.

7 MR. MANZELLA: Did Mrs. Jordan raise her hand?

8 THE COURT: Mrs. Jordan did raise her hand, yes.
9 Thank you.

10 Mr. Rico, would you ask Mrs. Jordan to come in?

11 Thank you. I'd forgotten her.

12
13 VOIR DIRE EXAMINATION OF

14 RETHA D. JORDAN

15 BY THE COURT:

16 Q Mrs. Jordan?

17 A Yes, sir.

18 Q Get over there where you can take that micro-
19 phone in hand, if you would, please.

20 And tell us what you had reference to when you
21 raised your hand in response to the Court's question.

22 A Uh -- I heard a news broadcast this morning.

23 Q Over radio?

24 A Radio. As I was lying in bed. I always turn it
25 on, so I can -- you know, get the time. That's how I get up.
26 That's my clock. I don't have one in my bedroom. And I
27 heard it.

28 Q What did you hear?

14-4

1 A Uh -- I believe this -- it was so quickly that --
2 he said something about Mr. Manson having pleaded guilty,
3 or wanted to plead guilty, or something to one of the charges.

4 Q Now, do you remember any more details of the
5 broadcast?

6 A Uh -- let me see. I -- I -- I think, if I'm
7 not mistaken, that he said he admitted to some murder. But
8 he didn't call the name, and he didn't -- You know how the
9 news comes on, brief. And they -- it's music, really, and
10 then the news will break in, and they give the time and this
11 type of thing.

12 So it was very brief. But that was in essence
13 what it was.

14a fls.

14a-

1 Q Now, you think it's possible for you to set that
2 aside, and make any -- any independent judgment concerning this
3 case, in view of what you've heard this morning?

4 A Oh, I could.

5 Q Do you think you could ignore that, along with all
6 the other things you say you would ignore, and -- or set aside,
7 for the purpose of making an independent judgment on the case?

8 A I could, your Honor.

9 THE COURT: Go ahead, Mr. Kanarek.

10 MR. KANAREK: Thank you.

11

12 VOIR DIRE EXAMINATION

13 BY MR. KANAREK:

14 Q Just -- what time was it, Mrs. Jordan?

15 A Uh --

16 THE COURT: Use the microphone, would you, please?

17 MR. KANAREK: Oh, yes. I'm sorry, your Honor.

18 Q What time was it, Mrs. Jordan?

19 A I'm really not sure, but it must have been between
20 6:30 and 7:00 o'clock this morning.

21 Q You won't get mad if I don't ask you any more
22 questions, will you?

23 A No.

24 MR. KANAREK: Okay. Thank you.

25 THE COURT: Do you think you can still be impartial,
26 fair and impartial, in making any decision you are called upon
27 to make in this case?

28 JUROR NO. 3: Sure, I could.

1 THE COURT: All right. Thank you.

2 I think that concludes the examination of those
3 jurors who raised their hands, as having heard, seen or read
4 anything in the last 24 hours in connection with this case.

5 MR. KANAREK: Do you mean inside the box?

6 THE COURT: Who are presently in the box, yes.

7 We'll have to ask each one of the prospective
8 jurors beyond the rail, if their names are drawn -- if there
9 are any further challenges -- and also in the selection of
10 alternates, about what they may have heard, seen or read.

11 Go ahead. You were going to make some statement
12 for the record, after the conclusion of the Court's examina-
13 tion of the five jurors in the box?

14 MR. KANAREK: Well, your Honor, just -- just by --

15 THE COURT: Use the microphone, please.

16 MR. KANAREK: Certainly. It's by way of -- by way of
17 underlining and emphasizing, your Honor. And -- and because
18 those -- it isn't the number of words involved, really. It's
19 the impact of the -- of what the words suggest.

20 And the additional comment we ask the Court to
21 consider --

22 THE COURT: Well, excusing these five jurors merely --

23 MR. KANAREK: And we would ask --

24 THE COURT: -- or these four jurors, merely because
25 they've heard or read something from the press, would set a
26 pattern whereby a defendant, any defendant, could indefinitely
27 delay his trial or the selection of a jury.

28 If I were to do this, as a result of Mr. Manson's

1 voluntary act, in front of people who were in the courtroom,
2 including members of the press -- whom he should know, after
3 having seen many of them in Department 104 -- then it could
4 establish a precedent, whereby we might never conceivably
5 get through the selection of the jury without something of
6 this nature happening.

7 In addition to that, the Court believes that
8 these jurors who have indicated to me that they will set aside
9 what they may have heard or seen, I do believe that they are
10 truthful, and that they can be objective, can be fair and
11 impartial.

1 Do you have anything to add, anything further?

2 Did we talk to Mrs. Jenkins?

3 MR. MANZELLA: Yes, your Honor.

4 MR. KANAREK: Yes, we did.

5 THE COURT: It was very short. She had not seen
6 anything and she heard from some friends that she was on
7 television.

8 Consequently, because I don't think that this
9 outburst on the part of Mr. Manson will result in any
10 prejudice to him by reason of the present states of minds of
11 these various jurors, I deny the challenge for cause in each
12 case.

13 All right, bring the jurors in, and the Court will
14 excuse them for the evening.

15 Incidentally, the Court has spoken to the jail --
16 I'll tell you about that in just a moment.

17 You may all stand beyond the rail there.

18 Would somebody open both of those doors so
19 all the prospective jurors can get in quickly.

20 Is everybody in?

21 All right, I'm going to excuse you for the
22 evening now. Return tomorrow morning at 9:30. Remember the
23 admonition that you are not to converse amongst yourselves
24 or with anyone else, nor permit anyone to converse with you
25 on any subject connected with this matter, nor are you to
26 form or express any opinion on the matter until it has
27 finally been submitted to you, should you be selected as
28 jurors.

15-2

1 Remember the admonition you are not to read any-
2 thing concerning this case about Mr. Manson, you are not to
3 hear anything in connection with it or see anything in
4 connection with it.

5 Do not willfully violate the Court's order, please.
6 You are under a solemn obligation to follow that order and that
7 instruction, then. You could cause a great deal of loss of
8 time. We've spent a great deal of time in selecting a jury in
9 this case, and the Court doesn't want to have anything
10 disrupt it. So make it your obligation, if you see any
11 headline, to turn away from it, or if you are -- by any chance
12 you should hear anything on the radio, make any point to
13 ignore it, not to listen, and the same goes as to television,
14 turn away from it and don't listen to it.

15 I'll see you tomorrow morning at 9:30. Good night.

16 (Whereupon, the prospective jurors were excused
17 at 4:27 P. M.)

18 THE COURT: All right, the captain who is in charge of the
19 jail has informed me that he will investigate any facts, any
20 charges that Mr. Kanarek brings to his attention, and the Court
21 has requested that he do so. The Court has word from the
22 officer on duty in the cell block that he has no knowledge of
23 any complaints or threats. He has no knowledge of any complaints
24 by anyone of Mr. Manson -- about Mr. Manson or threats made by
25 or against Manson. He knows of no danger. He reports to the
26 bailiff, Mr. Kuczera -- reports to me through Mr. Kuczera --
27 to Mr. Manson. And it is reported to me that Mr. Manson is
28 in a special security area where all the cells are locked and

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1 only one inmate is allowed out of his cell at any one time
2 and no inmate is allowed in to another inmate's cell in that
3 area at any time, nor will any be allowed in to any other
4 inmate's cell.

5 This is from the officer on duty in the cell block
6 where Mr. Manson is housed.

7 However, I would ask you to go up and talk to the
8 captain, Mr. Kanarek, and convey to him any facts that you may
9 have that you believe require his investigation.

10 MR. KANAREK: Yes, your Honor.

11 THE COURT: All right, good night. 9:30 tomorrow
12 morning.

13 (Whereupon, an adjournment was taken at 4:40 P. M.
14 to reconvene at 9:30 A. M., Friday, July 16, 1971.)
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