

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.

117
No. A-267861REPORTERS' DAILY TRANSCRIPT

Monday, July 19, 1971

VOLUME 17APPEARANCES:

For the People:

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

For the Defendant Manson:

IRVING A. KANAREK, Esq.

COPY

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

1 LOS ANGELES, CALIFORNIA, MONDAY, JULY 19, 1971, 10:15 A. M.

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

4 (Members of the prospective jury panel said
5 good morning.)

6 THE COURT: The case of People versus Manson.

7 The record will show Mr. Manson to be present with
8 his counsel, Mr. Kanarek.

9 I think we were about to begin the questioning of
10 Mr. Smith.

11 DEFENDANT MANSON: Good morning.

12 THE COURT: Mr. Smith had taken the jury box and I believe
13 the Court was questioning him, and I think I was about to
14 discuss publicity with Mr. Smith; is that correct?

15 JUROR NO. 5: What's that?

16 (Whereupon, there were murmurs from the back of
17 the courtroom of "can't hear you.")

18 THE COURT: We were about to discuss pretrial publicity,
19 your knowledge of pretrial publicity, I think, when we
20 recessed; is that correct?

21 JUROR NO. 5: Well, we were discussing whether or not
22 I'd get paid if it was a long, lengthy trial.

23 THE COURT: What? Did you find anything about that
24 that's different?

25 JUROR NO. 5: Well, in all probability I will get paid.

26 THE COURT: At least on that basis you're not asking
27 to be excused, is that correct?

28 JUROR NO. 5: I am not, no.

1 THE COURT: Very well. Do we have a courtroom avail-
2 able, Mr. Kuczera? Is Department 100 available this morning?

3 THE BAILIFF: 107.

4 THE COURT: Where can we seat the jurors so they won't
5 have to sit out in the hallway?

6 THE COURT: Department 107. That judge is teaching a
7 judge's conference up at Berkeley. I think he'll be there for
8 the rest of the week. I'm happy to have that available to us
9 so you won't have to sit in the corridor. I'll excuse you,
10 then.

11 Don't converse amongst yourselves or anyone else.
12 Don't form or express any opinion on the matter until it should
13 finally be submitted to you, should you be chosen as a juror.

14 You are excused to go to Department 107.

15 Would the first gentleman that reaches the door
16 hold it open wide for us?

17 (Whereupon, the prospective jury panel retired
18 from the courtroom.)
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1 THE COURT: Could you check, Mr. Dooley, with the
2 jury assembly room, and try to determine whether anyone had
3 excused that Mrs. Reat? She has not yet reappeared for
4 jury duty.

5 She still -- the Court had ordered her back,
6 and she was present when all the jurors were ordered back
7 for Friday at 9:00 o'clock, and she didn't appear.

8 The word is that you found, as I recall, that
9 she had left for Mexico on a short vacation.

10 THE CLERK: Yes. I just called the jury assembly
11 room in the Old Hall of Records, and they're going to check
12 both in the Old Hall of Records and in the Courthouse, to
13 see if she made an appearance, or if there is any word from
14 her.

15 THE COURT: All right. Let the Court know.

16 MR. KANAREK: Your Honor?

17 THE COURT: The gentleman -- pardon?

18 MR. KANAREK: We would be willing to -- I mean, I --
19 we would be willing certainly to assume that this lady made
20 a good faith mistake. And we would be willing to stipulate
21 to allow her to --

22 THE COURT: To be excused?

23 MR. KANAREK: To be excused from jury duty, if it's
24 -- it's up to the Court; I recognize that.

25 THE COURT: Well, I think it's the Court's prerogative
26 to determine whether or not she should be, under the circum-
27 stances, excused. It's -- I feel that if she absented
28 herself willfully, knowing that she was to return on Friday

1 morning, that she's in contempt of court, and that the Court
2 should have her before it, to have her answer as to whether
3 or not she's in fact in contempt.

4 There's a lady here who says that she's four
5 months pregnant and would like to be excused. Her name is
6 Sylvia Nese, N-e-s-e, one of the prospective jurors.

7 MR. KANAREK: We would agree to that.

8 THE COURT: Rather than excuse her now, let's simply
9 wait to see whether or not she's called. Is her time on jury
10 duty near expiration? Or do you know?

11 THE CLERK: Maybe I can tell by the ticket, your Honor.

12 THE COURT: She might still serve on other juries.
13 We could excuse her from this jury, though, and return her
14 to the jury assembly room, so that she would be available
15 for other juries.

16 MR. MANZELLA: The People would stipulate she can be
17 excused, your Honor.

18 MR. KANAREK: We would agree. We stipulate, your
19 Honor.

20 THE COURT: All right. Very well. Would you tell
21 Mrs. Nese, then, that she's excused from this jury? She
22 should return to the jury assembly room.

23
24 VOIR DIRE EXAMINATION OF
25 CARROLL C. SMITH

26 BY THE COURT:

27 Q Mr. Smith, now that the other prospective jurors
28 have left, we wish to inquire whether or not you have ever

1 heard the name Charles Manson before you came into this
2 room and heard the Court talking about these indictments
3 or this indictment?

4 A Yes, I had.

5 Q And was that in connection with the so-called
6 Tate-La Bianca homicides?

7 A Yes, I imagine it was.

8 Q And were you a resident of Los Angeles County
9 during the period of time that that matter was being tried?

10 A Yes.

11 Q And did you read about the case in the newspapers
12 and did you see and hear television and radio?

13 A Yes, I did.

14 Q Now, do you know what the result of that case
15 was? Whether there was a verdict? And if so, what the
16 verdict was?

17 A Not as a matter of fact, no, I don't.

18 Q You can't recall whether you -- whether you
19 heard, saw or read that Mr. Manson was found guilty or not
20 guilty? You can't recall what the penalty was?

21 A I don't believe that there was a penalty phase
22 of it yet.

23 Q I see. Your best remembrance is that you had
24 not heard there was a penalty phase, or --

25 A That's correct.

26 Q Very well. Do you know the name Susan Atkins?

27 A Yes.

28 Q What does that name mean to you?

1 A She was just one of the girls that was with Mr.
2 Hanson at the Tate-La Bianca residence.

3 Q What does the name La Bianca mean to you?

4 A Nothing, except that they were the ones that
5 were murdered.

6 Q Was it -- you say ones. Do you mean by that
7 multiple murders, multiple killings? How many killings do
8 you remember in respect to the La Biancas?

9 A The only other outstanding name to me is the
10 Tates.

11 Q Yes. And what do you know about that name?

12 A Nothing, other than it's just a name to me.
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1 Q Do you know how many charges were brought against
2 Mr. Manson in that case?

3 And do you know with what he was charged with?

4 A I believe it was four.

5 Q And do you know what the charges were?

6 A Murder.

7 Q And your best recollection is that he was
8 convicted of murder but there has been no penalty?

9 A Yes, that's my best recollection.

10 Q Do you know the name Manson Family?

11 A I've heard it, yes.

12 Q And what does that phrase mean to you?

13 A Uh, the women that was in his family.

14 Q Do you know the name "Shorty Shea" or -- Yes, the
15 name Shorty Shea? What do you know about that?

16 A Yes, I believe he was the old man, the old care-
17 taker there at the Spahn Ranch.

18 Q And do you remember anything more of the name
19 Shorty Shea? Have you heard, seen or read anything, whatever,
20 in connection with him, that you can recall?

21 A I believe he was also murdered, and Mr. Manson
22 was charged with his murder, also.

23 Q You understand that Mr. Manson is charged in Count
24 III with his murder in this case?

25 A I don't quite understand.

26 Q In this case, Mr. Manson is charged with -- in the
27 indictment, is charged with his murder, the murder of a Shorty
28 Shea.

1 A Oh.

2 Q You understand that?

3 A I do now.

4 Q And you had previously read in the press that he
5 was murdered in some way?

6 A Yes.

7 Q Do you know the name Hinman, Gary Hinman, musician
8 Gary Hinman?

9 A Not unless it is one of the gentleman that Mr. Manson
10 had allegedly taken one of his songs to at one time. That's --

11 Q Do you recall anything more about Mr. Hinman?

12 A No, sir.

13 Q Now, if I were to instruct you that you were to set
14 aside anything you may have heard about Shorty Shea, about
15 Mr. Manson, about the Tate-La Bianca case, Gary Hinman, any-
16 thing that you may have heard, seen or read in connection with
17 this case or any other case involving Mr. Manson, could you
18 segregate that in your mind from any evidence that might be
19 produced in this case?

20 A I believe I could.

21 Q Are you capable of doing that?

22 A I think I am.

23 Q Now, when you say, "I believe, I think," are you
24 in any way hedging or are you expressing your state of mind
25 that you can do that?

26 A I'm expressing my state of mind that I can do that.

27 Q Are you objective enough to recognize something
28 that you may have heard, seen or read from the media, discard

1 it -- not forget it, because it would be too difficult to
2 forget, of course, but discard it for the purpose of making an
3 independent decision upon any issue that you might be called
4 upon to make in this case?

5 A Yes, sir, I'm sure I could.

6 Q And should anyone in the jury room raise anything
7 which you don't remember as being in the evidence, but
8 actually came from something outside the courtroom and in the
9 course of a news report, would you remind him or her and the
10 rest of the jurors of that fact?

11 A Yes, I would.

12 Q And would you, yourself, make a conscious effort
13 to keep such matters out of your consideration?

14 A Yes, sir.

15 Q All right. Now, will you do such a thing; will
16 you decide this matter independently of such news reports
17 and/or rumor and conversation?

18 A Yes, sir.

19 Q And will you be fair and impartial in this case?

20 A Yes, sir.

21 THE COURT: Mr. Kanarek, you may examine.

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

23
24 VOIR DIRE EXAMINATION

25 BY MR. KANAREK:

26 Q Mr. Smith, you said that you read in the paper
27 that Mr. Shea was murdered, right, in the publicity?

28 A Shorty Shea?

1 Q Yes.

2 A Yes.

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

4 THE COURT: Do you wish to argue at the bench?

5 MR. KANAREK: May I?

6 THE COURT: Yes, you may.

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

10 MR. KANAREK: Your Honor, this is not just on
11 publicity. As your Honor knows, one of the elements in
12 connection with Mr. Shea is whether he's been murdered or not.
13 That means that positive evidence will have to be forth-
14 coming before that has to be jarred out of this man's mind.
15 We're interested in expedition. Rather than belabor it, I
16 think it is clear that he would require evidence to put aside,
17 not consider the fact that Mr. Shea has been murdered. He
18 believes that Mr. Shea has been murdered.

19 THE COURT: Well, I don't think so. The Court has
20 observed him and he appears to be of above average intelli-
21 gence. I think, as a matter of fact, somebody like this,
22 and with anyone who is given cautionary instructions, that it
23 may point up a weakness in the People's case, if there is any
24 weakness, even more than any tactic that the defense might
25 use. It appears to me as though it is not to the dis-
26 advantage of the defense to have such a juror on -- on the
27 jury.

28 The Court finds that he can disregard anything

1 he may have heard, seen or read, and that he will do so, and
2 will disregard any opinion he might have formed and can be
3 fair and impartial.

4 If you wish --

5 MR. KAMAREK: Well, I have some further questions.

6 THE COURT: If you wish me to ask him particularly about
7 that point, I will.

8 MR. KAMAREK: Well, if the Court will.

9 My challenge -- well, we'll -- I'll welcome the
10 Court doing it. I'm interested in expedition.

11 THE COURT: Let me ask him from right here.

12 MR. KAMAREK: There are two bases: Whether there was
13 publicity or not; if he has a preconceived notion concerning
14 the evidence, where he requires something to jar that out of
15 his mind, so to speak. Then, that is depriving Mr. Manson of
16 a fair trial, because as your Honor says, they have to prove
17 every aspect beyond a reasonable doubt, including the fact of
18 a murder by criminal injury.

19 (Whereupon, the following proceedings were had
20 in open court within the presence and hearing of the
21 prospective juror:)

22 BY THE COURT:

23 Q Mr. Smith --

24 You may stay right here. If there is anything
25 further you wish to raise, you may.

26 Mr. Smith, you have heard, seen or read from the
27 news media that Mr. Shea is deceased.

28 The Court will tell you that one of the elements

1 that must be established in a case of murder, one that must
2 be established by the People, beyond a reasonable doubt, in
3 order to prove a case of murder, is a death by illegal means.

4 And you have heard that Mr. -- heard, seen or
5 read that Mr. Shea is dead and that Mr. Manson is in some way
6 connected with it.

7 Now, taking that right from the start, assuming
8 that the People go ahead and establish a case, but do not
9 prove a death beyond a reasonable doubt, would you allow your
10 present opinion, which has been formed by the press or
11 television or radio or by a talk with somebody, to fill in
12 where the People have a lack or a missing part of the evidence,
13 namely, the death?

14 A I'm not quite sure I understand what you mean.
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3a fls.

1 Q Well, ask me a question. You were about to, I
2 think.

3 A Well, I believe that they believe that he has
4 been murdered, but they have never found his body or no
5 evidence of it. That's as I recall.

6 Q Well, can you even set that aside? I mean, your
7 belief about his body never having been found. That assumes,
8 of course, there is a body.

9 A Sir, I really have no belief. I just read that or
10 I heard it. I don't actually believe it or disbelieve it.

11 Q Well, would the People have the advantage in hav-
12 ing you on a jury in that you would rely on that assumption or
13 that opinion that you might have in order to fill in any gaps
14 that they might need to have filled in the evidence?

15 A No, sir. I believe that I would wait on the
16 evidence presented in the court.

17 Q Could you disregard anything that you might have
18 heard about Shorty Shea, including what you have now related
19 to us, the fact that he was missing?

20 A Yes.

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

24 THE COURT: Anything further?

25 MR. KANAREK: Well, no, your Honor. As I say, I
26 renew the challenge. It is my belief that we can -- that
27 there has been people here -- and, again, it is a relative-
28 type of thing. I don't think it is possible to get a fair

1 jury in any event, by any means, because of the publicity in
2 this case. But I'm arguing relatively here we have a man who
3 has read that Mr. Shea, as he says it -- they believe he's
4 been murdered, meaning law enforcement people. That means the
5 prosecution. And I think it is clear no matter what, no
6 matter how much he is exhorted to do this, and we exhort him
7 to do that, and whatever, I don't think it is possible for him
8 not to go through this trial knowing, thinking that Mr. Shea
9 is dead and -- as I say, that he's dead.

4 fls.

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1 THE COURT: The Court is inclined to disagree with you,
2 and to reiterate what I've already said: That, if anything,
3 it points up to this juror the weakness, if any, in the People's
4 case in that respect.

5 MR. KANAREK: Yeah, but you've got to remember, your
6 Honor is not Mr. Smith. Your Honor may feel that, but he may
7 feel differently. And we are entitled to a fair jury. And
8 I -- that's my point.

9 THE COURT: Yes. Well, the Court believes that this --
10 that this juror --

11 MR. KANAREK: And especially, he got this by way of
12 publicity.

13 THE COURT: The Court believes that this juror can set
14 aside anything that he may have heard, seen or read; will do
15 it; and that he will be fair and impartial in the case.

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

18 THE COURT: The People?

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

20 THE COURT: Bring the rest of the jurors in.

21 How long is it going to take before they get in
22 here?

23 THE BAILIFF: About two minutes, sir.

24 THE COURT: Let's take a short break. Let's take another
25 name from the box, too. The break will be about five minutes.

26 THE CLERK: Call one now?

27 THE COURT: Yeah, take one.

28 THE CLERK: Mrs. Mary Jeanette Carter; C-a-r-t-e-r,

SMX
4-2

1 middle name; J-e-a-n-e-t-t-e.

2 THE COURT: Let's have her at the door, and then we can
3 move it along.

4 THE BAILIFF: Do you want all the jurors?

5 MR. KANAREK: Did your Honor say ten minutes?

6 THE COURT: Well, all right, then.

7 MR. KANAREK: Thank you.

8 (Midmorning recess.)

5 fls.

4a-1

(The following proceedings were had before the Court took the bench:)

DEFENDANT MANSON: (To the prospective jurors) You all best think about judging yourselves. You'd better all take a good look at yourselves. Come here to judge somebody. These asinine people here.

(Whereupon the Court took the bench.)

THE COURT: Mr. Manzella?

THE CLERK: I thought he was back there with you, Judge.

THE COURT: He was a moment ago.

THE CLERK: There he is.

THE COURT: Yes, here he is.

The record should show Mr. Manson to be present with Mr. Kanarek, Mr. Manzella for the People.

Gentlemen, you may examine Mr. Smith generally.

VOIR DIRE EXAMINATION

BY MR. KANAREK:

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

A None, other than what I told you the other day. I had an uncle that was on the LAPD. He's retired now.

Q What I was primarily wondering about was whether you had any friends in private law enforcement, such as a guard for the May Company or something like that?

A I can't think of any.

4a-2

1 MR. KANAREK: Thank you, sir.

2 Pass for cause, your Honor.

3 THE COURT: Mr. Manzella?

4
5 VOIR DIRE EXAMINATION

6 BY MR. MANZELLA:

7 Q Mr. Smith, have you heard the questions that
8 I've asked the other jurors?

9 A Yes, I've heard them.

10 Q All right.

11 Did you hear the answers given by the other
12 jurors?

13 A Yes.

14 Q While I was asking those questions, did anything
15 come to your mind that would have been substantially different
16 than the answers given by the other jurors to those same
17 questions?

18 A Well, could you be more specific? I --

19 Q All right. See, the reason I asked the question
20 that way is that, usually, the jurors sitting in the spectator
21 section of the courtroom, when they're listening to the
22 questions, they get an idea as to whether or not their
23 answers would be, you know, substantially different.

24 Do you know anyone involved in the defense of
25 criminal cases?

26 A No, I don't.

27 Q All right. Do you know anyone that's ever been
28 accused of any crime?

4a-3

1 A No.

2 Q You heard the Court's instructions with regard
3 to the burden of proof on the People in this case?

4 A Yes.

5 Q Would you hold the People to any greater burden
6 of proof, because this is a murder case?

7 A No.

8 Q I asked the other jurors questions with regard
9 to circumstantial evidence. Did you hear the Court's instruc-
10 tions with regard to circumstantial evidence?

11 A Well, I don't recall.

12 Q All right. With regard to the questions I asked
13 the other jurors, in regard to circumstantial evidence, would
14 your answers be -- have been substantially different than
15 the answers given by the majority of the other jurors?

16 A No.

17 Q So you have no bias or prejudice against circum-
18 stantial evidence, such that you could not be fair and
19 impartial to the People in this case?

20 A No.

21 Q All right. Now, I want to ask you a question
22 with regard to proof of the death in a murder case. The
23 Court has asked you questions similar to the one I want to
24 ask you with regard to the death penalty.

25 In other words, the Court has asked you whether
26 or not you would automatically refuse to impose the death
27 penalty, regardless of the evidence which may be produced
28 at the trial.

4a-4

1 I want to ask you the same question with regard
2 to proof of the death in a murder case. Would you auto-
3 matically vote for an acquittal, regardless of the evidence
4 in the case, where there was a -- where proof of the death
5 was circumstantial, rather than direct?

6 A No.

7 MR. MANZELLA: All right. Thank you. I have no
8 further questions.

9 The People pass for cause, your Honor.

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

11 MR. MANZELLA: Your Honor, the People will accept the
12 jury as presently constituted.

13 THE COURT: With the defendant.

14 MR. KANAREK: Thank and excuse Mr. Smith.

15 Thank you, sir.

16 THE COURT: All right. Mr. Smith, thank you very much.

17 Room 253, forthwith.

18 THE CLERK: Mary Jeanette Carter, C-a-r-t-e-r.

19 THE COURT: Mr. Smith, would you pick up your slip
20 here? The Court thanks you and excuses you, to go to
21 Room 253 forthwith.

22 JUROR NO. 5: All right.

23

24

VOIR DIRE EXAMINATION OF

25

MARY JEANETTE CARTER

26

BY THE COURT:

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Q Your name is Carter?

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A Carter, uh-huh.

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Q Mrs. Carter, --

A Yes.

Q -- were you present when the Court examined the first juror chosen from your group, and when the Court explained the nature of this case and questioned that juror?

A Yes, I was.

5. fls.

5-1

1 Q Use that microphone. Now, it has to be about a
2 half inch or so from your mouth in order to be able to pick
3 up. Even a little closer.

4 Do you hear it now?

5 A Yes. Yes, I was.

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

9 A No.

10 Q You will follow the Court's instructions in
11 respect to all of the law, will you not, that you are
12 instructed about?

13 A Yes, I will.

14 Q And you will follow the instructions of the Court
15 in respect to the judging of credibility, the instruction I
16 read?

17 A Yes, I will.

18 Q Or one of the instructions I read.

19 You will follow that, will you not, the one which
20 referred to credibility; do you recall that?

21 A No, I don't.

22 Q Well, whatever it may be with respect to
23 credibility or the law of the case, will you follow the
24 Court's instructions as I give them to you?

25 A Yes, I will.

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

28 A No.

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

3 A Yes, a day and a half case.

4 Q And what was the nature of that case, and will you
5 tell us whether there was a verdict, without saying whether it
6 was guilty or not guilty?

7 A Uh, it was, uh, a narcotic case. And it was a
8 verdict of not guilty.

9 Q All right.

10 (Laughter.)

11 Q Are you employed outside of the home?

12 A Yes, I am.

13 Q And in what type of work?

14 A Uh, I am a single needle operator.

15 Q What kind of --

16 A A single needle operator.

17 Q A single needle operator?

18 A Yes.

19 Q Where do you work?

20 A Sunset Uniform Company.

21 Q That's in Los Angeles?

22 A Yes, it is.

23 Q And is there a Mr. Carter?

24 A No, I'm separated.

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

27 A No.

28 Q What type of work did Mr. Carter do?

5-3

1 A Uh, we've been separated for about seven years.

2 Q Oh, I see.

3 Can you think of any reason why you could not be
4 fair and impartial in this case?

5 A No, I can't.

6 Q In respect to the death penalty, do you have such
7 views concerning it that you could not be fair and impartial
8 in determining the question of guilt or innocence?

9 A No.

10 Q Or do you have such views concerning them that
11 you would automatically refuse to impose it regardless of the
12 evidence that might be produced in the case?

13 A Yes, I --

14 Q In other words, regardless of what evidence might
15 be proved in the case or shown to you in the case, rather,
16 you would be unable to vote for the death penalty?

17 A Yes.

18 Q Is that correct?

19 A Uh-huh.

20 Q Would you ever, in any case, vote for the death
21 penalty?

22 A No, I don't think I would.

23 Q And your reaction would be an automatic one,
24 regardless of the evidence, to vote against the death penalty;
25 is that correct?

26 A Yes.

27 Q Are your views such concerning the death penalty
28 that you -- I think you've already answered this -- you feel

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1 as though you could be impartial in determining the question
2 of guilt or innocence?

3 A No, not impartial.

4 Q Do you think that because of the death penalty
5 that you would in some way be biased or partial as a result
6 of your feelings concerning the death penalty in determining
7 the issue of guilt or innocence?

8 A No.

9 Q It is only in the second phase, the penalty
10 phase, wherein you feel as though you would automatically
11 refuse to impose the death penalty and, therefore, would be --
12 would have that firm feeling; is that correct?

13 A Yes.

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1 Q Would you ever vote to impose the death penalty in
2 any case?

3 A No. No.

4 THE COURT: Any questions?

5 MR. KANAREK: Yes.

6
7 VOIR DIRE EXAMINATION

8 BY MR. KANAREK:

9 Q Mrs. Carter, -- Is that correct?

10 A Yes.

11 Q Would you --

12 THE COURT: Use the microphone, would you?

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

14 Q BY MR. KANAREK: Would you discuss the matter with
15 your fellow jurors, Mrs. Carter?

16 A Yes, I would.

17 Q And never having experienced this before, do you
18 feel like you are a person with an open mind?

19 A Yes.

20 Q And do you think whatever the situation might be,
21 that your fellow jurors might be able to convince you or you
22 might be able to convince them, based upon logical analysis?

23 A Yes, I -- yes.

24 MR. KANAREK: Thank you.

25
26 VOIR DIRE EXAMINATION

27 BY MR. MANZELLA:

28 Q Mrs. Carter, after discussing the evidence with

5-6

1 your fellow jurors, would you still automatically refuse to
2 impose the death penalty, regardless of the evidence in the
3 case?

4 MR. KANAREK: Your Honor, I'll object to that on
5 improper foundation. She's never done it. I don't think --
6 there's no foundation in the record. This is sheer conjecture
7 and conclusion.

8 THE COURT: The objection is overruled.

9 Q BY MR. MANZELLA: Do you want me to repeat the
10 question?

11 A Yes.

12 Q After discussing the evidence with your fellow
13 jurors, would you still automatically refuse to impose the
14 death penalty regardless of the evidence in the case?

15 A Yes, I would.

16 Q All right.

17 A Yes, I would.

18 Q All right, thank you.

19 MR. MANZELLA: Your Honor, the People would respectfully
20 challenge Mrs. Carter for cause under Section 1073, Subdivision
21 2 of the Penal Code.

22 MR. KANAREK: Oppose the challenge, your Honor.

23 THE COURT: The Court finds that regardless of the
24 evidence she would automatically refuse to impose the death
25 penalty, and, therefore, the Court does grant the challenge.

26 Thank you, Mrs. Carter, you are excused.

27 MR. KANAREK: Thank you, Mrs. Carter.

28 THE COURT: Room 253, Northwith, if you would.

1 THE CLERK: Barbara J. Brown, B-r-o-w-n.

2
3 VOIR DIRE EXAMINATION OF

4 BARBARA J. BROWN

5 BY THE COURT:

6 Q Is it Mrs. Brown?

7 A Yes, it is.

8 Q Mrs. Brown, were you present when the Court
9 explained the nature of this case and talked with the first
10 prospective juror chosen from your group?

11 A Yes, I was.

12 Q Would your answers be any different than that
13 person's answers were given to the questions of a general
14 nature?

15 A They would be the same.

16 Q All right.

17 Hold that considerably closer. It has got to be
18 about an inch away from your mouth.

19 Would it be any hardship to you to serve as a
20 juror in this case?

21 A Yes, uh-huh.

22 Q Tell us about it.

23 A Well, I called my employer and he doesn't feel
24 that they'll be paying me if I have to stay over the month.

25 Q What type of work do you do?

26 A Electronic assembler.

27 Q You are an electronics assembler for whom?

28 A HCR.

1 Q And you talked to somebody who is in authority?

2 A Well, he found -- he got the information for me,
3 yes.

4 Q And based on that, it is your opinion that you
5 would not be paid?

6 A Yes.

7 Q Are your wages your sole support?

8 A Yes, I am.

9 Q So that after 30 days, except for the money that
10 would be coming to you as a juror, as a juror's fee, there
11 would be no further monies coming from your employer?

12 A That's right.

13 THE COURT: All right, there's no provision to make up
14 your wages in the law and --

15 MR. KANAREK: Well, before your Honor rules, may I make
16 my motion in court?

17 THE COURT: You may make your motion.

18 As a matter of fact, the Court will deem that you
19 have made such a motion in respect to anyone who would with-
20 stand -- or would suffer a financial hardship.

21 MR. KANAREK: Thank you, your Honor.

22 THE COURT: The Court will deem that you have made such
23 a motion.

24 MR. KANAREK: Thank you.

25 THE COURT: The Court does find that it would be a
26 hardship which you should not be required to bear, to serve
27 for five months in this case, and does excuse you. The Court
28 thanks you. Room 253 Sixthwith, if you would, please.

6-1
1 THE CLERK: Mrs. Gertrude Burns; B-u-r-n-s.

2
3 VOIR DIRE EXAMINATION OF

4 GERTRUDE BURNS

5 BY THE COURT:

6 Q Mrs. Burns, were you present when the Court
7 explained the nature of this case, and conversed with the first
8 prospective juror taken from your group to sit in the box?

9 A Do you mean Friday? The first day we were here?

10 Q Yes, that was when you first came in here, wasn't
11 it? Or, let's see. Were you here on Thursday?

12 A No, Friday.

13 Q Well, in any event -- that's right; Friday
14 morning.

15 It was the Friday group that you came in with;
16 is that correct?

17 A Yes.

18 Q And you overheard everything since that time?

19 A Yes, sir.

20 Q Would your answers be any different than that
21 first prospective juror's answers were to the Court's
22 questions of a general nature?

23 A No, no different.

24 Q Would it be a hardship to you to serve in this
25 case?

26 A No, sir. I'm retired.

27 Q And you are retired from what?

28 A From the -- well, business that --

6-2
1 Q Well, what was the nature of the business that you
2 engaged in?

3 A U.S. government. Immigration services.

4 Q And how long were you so employed?

5 A About twelve years with them.

6 Q What did you do for the immigration service?

7 A Well, I kept track of the immigrant students. I
8 had practically charge of the crypto system, top secret; and
9 also took Q and A statements.

10 Q Were you an immigration officer?

11 A No, not an officer. No. Clerical.

12 Q Have you ever testified in court?

13 A No.

14 Q And are you a friend or relative of any law
15 enforcement officer?

16 A No, sir.

17 Q Was there a Mr. Burns? Or --

18 A Well, no. He's deceased. And I was divorced about
19 25 years ago.

20 Q In what general area do you reside?

21 A In the -- on West 6th Street, 6th and Wilmer.

22 Q In Los Angeles here?

23 A Yes.

24 Q Have you served as a juror before, in any type of
25 criminal case?

26 A Yes, I did, about -- in a criminal case just last
27 week.

28 Q And what was the nature of it? Without saying

1 whether it was guilty or not guilty, what was the nature of
2 it and was there a verdict, without telling us the result?

3 A Possession of marijuana. And we could not reach
4 a verdict.

5 Q A mistrial was declared in the case?

6 A Yes.

7 Q Have you sat as a juror on any other criminal
8 case?

9 A Yes. About five, six years ago.

10 Q What was the nature of that?

11 A Rape.

12 Q Was there a verdict in that case?

13 A Yes.

14 Q Can you think of any reason at this time why you
15 could not be a fair and impartial juror in this case?

16 A No, I can't.

17 Q In regard to the death penalty, do you have such
18 views concerning it that you would be unable to be -- be
19 unable to be fair and impartial in determining the question of
20 guilt or innocence?

21 A No, I think I would weigh it very carefully,
22 though.

23 Q On the question of guilt or innocence?

24 A Yes.

25 Q You understand my explanation of the nature of
26 this case, and the possible first and second phases?

27 A Yes.

28 Q And you understand that because the Court's

1 questioning you about the death penalty, the Court is not
2 inferring thereby that there will be any necessity to go into
3 the second phase, the phase involving penalty? Because that
4 will be determined, as to whether or not you do go into a
5 second phase, as a juror, by your verdict in the first phase,
6 do you understand that?

7 A Yes, I understand.

8 Q All right. Now, in regard to the first phase, do
9 you have such views concerning it that you could not be fair
10 and impartial -- do you have such views concerning the death
11 penalty that you could not be fair and impartial in that first
12 phase?

13 A No. I'm not committed to any opinion, one way or
14 another. Depending on the evidence.

15 Q All right. Now, do you have such views concerning
16 the death penalty that you would automatically refuse to impose
17 it in any case, regardless of the evidence?

18 A No, I wouldn't form any automatic opinion.

19 Q Would you automatically oppose the death penalty
20 upon a conviction of murder in the first degree?

21 A No, not automatically.
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6a fls.

6a-1

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

3 A I would consider it in light of the evidence.

4 Q Now, we must examine you on your state of mind
5 as to whether or not you can set aside anything you may have
6 heard, seen or read concerning Mr. Manson, in connection with
7 this case, or any other case, and whether you will set it
8 aside.

9 And for that reason, the Court wishes to examine
10 you apart from the other jurors. And we'll ask that every-
11 body leave very quickly and quietly.

12 Somebody open both doors back there, would you,
13 please?

14 (Pause in the proceedings while a discussion
15 off the record ensued at the bench between the Court and the
16 Clerk.)

17 (The following proceedings were had after the
18 members of the prospective jury panel had exited the court-
19 room, only in the presence of prospective juror Burns:)

20 DEFENDANT MANSON: I would like to dismiss the thought
21 of jurors.

22 THE COURT: Mr. Manson, you'll have to be quiet now,
23 or you are going to have to go back into that --

24 DEFENDANT MANSON: It's got to work much faster.

25 THE COURT: -- or you will have to go back into that
26 cell behind the courtroom.

27 DEFENDANT MANSON: It's got to work much faster.

28 THE COURT: Mr. Manson --

6a-2

1 DEFENDANT MANSON: Your Honor, the women are men, and
2 men are women.

3 THE COURT: Just be quiet.

4 DEFENDANT MANSON: It's backwards.

5 BY THE COURT:

6 Q Mrs. Burns, have you heard about -- heard, seen
7 or read anything in connection with Mr. Manson, before this
8 case began? Before you came into this courtroom and heard
9 this case called?

10 A Well, having lived in Los Angeles, I've heard
11 some. But I don't -- and I've read a little. I --

12 Q Was that in connection with some other case, or
13 this case?

14 A Oh, no, not with this case. In fact, I was
15 under the impression it was all through.

16 Because I don't read the newspapers too widely.
17 I listen to the radio, mostly, for news.

18 Q In connection with any other case, did you
19 follow the news, the television and radio, during the course
20 of the trial in that case?

21 A I didn't follow it. I would read the headlines
22 sometimes.

23 Q In other words, haphazardly --

24 A Yes.

25 Q -- you would pick up something about that case;
26 is that right?

27 A Yes.

28 Q All right. Do you know the results of that case,

6a-3
1 whether Mr. Manson was acquitted or --

2 A I think -- I think the verdict was guilty, wasn't
3 it? As I remember --

4 Q That's your best remembrance of it?

5 A Yes.

6 Q And do you know whether the jury came back with a
7 penalty? And if so, what it was?

8 A Frankly, I can't remember now. I hadn't discussed
9 it with anyone, and --

10 Q Do you know the name Sharon Tate?

11 A Yes.

12 Q Who is Sharon Tate?

13 A She was one of the victims.

14 Q And what was Mr. Manson charged with in that case;
15 do you recall?

16 A Gosh, I don't know what. Conspiracy or something.

17 Q Conspiracy?

18 A To kill or something? I'm not sure of the exact
19 verbal --

20 Q I see. And do you know the name Gary Hinman?
21 Have you ever heard that before?

22 A Yes, I've heard that.

23 Q In what connection?

24 A They couldn't find his body or something -- or,
25 they didn't know where he was or something like this.

26 This was -- oh, last year sometime. They were
27 digging around for -- to look for him.

28 Q And do you know the name Shorty Shea? Stuntman

1 Shorty Shear?

2 A Oh, yeah, I do remember something.

3 Was he the owner of the ranch or something?

4 Q Is that your best impression?

5 A Yes. Because I don't read the newspapers.

6 Q And you say the ranch. What ranch do you have
7 reference to?

8 A Wasn't that the ranch where these people lived?

9 Q The Spahn Ranch, have you heard that?

10 A The Spahn Ranch, yes.
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1 Q Have you heard the name Manson Family?
2 A Yes.
3 Q What does that phrase mean to you?
4 A Well, it means a group of people that were --
5 were more or less connected with him, living with him.
6 Q Connected with Mr. Manson?
7 A Yes.
8 Q In regard to the name Susan Atkins?
9 A Yes, I remember that.
10 Q What do you know about that name? Or about that
11 person?
12 A Well, she was the one, I believe, that said she
13 saw it all.
14 Q Saw it all? What do you mean by that?
15 A Well, I mean the crime that was committed, at
16 the Tate residence.
17 Q The Tate residence?
18 A Yes.
19 Q And did you read anything that was purportedly
20 said by her?
21 A No. Because, see, I don't take papers
22 regularly.
23 Q Well, did you hear of any so-called Susan Atkins
24 confession?
25 A Yes. Yes, I used to see headlines. I think she
26 was running a story in one of the papers, wasn't it, for a
27 time? I didn't --
28 Q Well, let me ask you this: If I were to instruct

1 you, Mrs. Burns, that you were to set aside any such articles
2 that you may have read in the newspapers, anything that you
3 may have heard over radio or seen on television, seen and
4 heard on television, any conversations that you might have
5 had with friends or relatives concerning Mr. Manson or that
6 previous case -- and this case -- could you, for the purpose
7 of acting as a juror in this case, set such matters aside --
8 not forget them, because it would be too difficult to forget --
9 but could you set them aside, discard them, for the purpose
10 of making any judgment that you might be called upon to make
11 in this case?

12 A Yes, I could.

13 Q You sound firmly convinced that any ideas that
14 you might have formed, any opinions that you might have
15 formed from the -- from the news media, you could disregard.
16 Is that right?

17 A Yes. Because I had no occasion to really form
18 opinions. As I say, just sort of a haphazard reading of the
19 matters. And I never discussed it with any friends.

20 Well, I don't have too big a circle of friends
21 anyway.

22 Q You realize that if you were to allow such
23 matters to enter into your judgment, that they might not --
24 depending upon what they were -- that that might be unfair
25 to Mr. Manson? So that your judgment is to be determined by
26 the evidence in this case, and not by what you may have
27 heard, seen or read in the news media; is that correct?

28 A Oh, I would depend entirely on the evidence.

7-1

1 Q You understand that it would be unfair to do
2 otherwise?

3 A Of course.

4 Q And are you firm in your belief that you can set
5 aside such matters, that you can set them aside, disregard
6 them for the purpose of making any judgment that you might be
7 called upon to make on any issue presented to you as a juror?

8 A I believe so. I very rarely have --

9 Q When you say, "I believe so," are you hedging
10 on it or --

11 A No, I mean, I don't have any personal antipathies
12 toward anyone.

13 Q Well, regardless of that, would you have any
14 personal antipathy, any bias or prejudice, we're talking now
15 about anything that you may have heard, seen or read?

16 A Well --

17 Q Would you allow such matters that you may have
18 heard, seen or read or talked about to enter into any
19 judgment that you were called to make on the evidence?

20 A No, I would not allow that to enter in my
21 judgment.

22 Q Are you capable, do you believe, to segregate
23 such matters from the evidence deduced here in the courtroom?

24 A I believe so, because when I used to take these
25 Q and A statements, where I worked, I would have to be a --
26 very impartial about it all. And I learned through the
27 years to be very objective about it.

28 Q When you say, "I believe so," again, is that

7-2

1 hedging or are you firm?

2 A No, I am firm. But I'm not one to say -- I am
3 not dogmatic about anything. That's the way I believe.

4 Q We want to know whether you are dogmatic about
5 your resolution to set aside something.

6 A Yes, yes.

7 Q Let me ask you this: Can you, and will you set
8 aside such matters?

9 A Yes, I can and I will.

10 Q And will you be impartial in this case?

11 A Yes, I will.

12 THE COURT: Thank you.

13 Mr. Kanarek.

14
15 VOIR DIRE EXAMINATION

16 BY MR. KANAREK:

17 Q Mrs. Burns, you would certainly intend -- you
18 would certainly intend to do the Court's orders?

19 A Positively.

20 Q But you never have lived through -- you don't
21 know whether or not you could do it, right, and actually not
22 consider these matters that you have spoken of?

23 A Yes, I've been on other trials.

24 Q I'm not talking about this specific information.

25 A Yes.

26 Q You don't know whether you could or not, do you?
27 You never have experienced it?

28 A Well, no, I've never experienced it.

7-3

1 Q So you don't really know whether you could? You
2 realize you are not a defendant here?

3 A No.

4 Q We're just sort of discussing this and just trying
5 to determine, trying to get information.

6 A Uh-huh.

7 Q You realize that, I certainly hope you're not
8 taking offense at any of these questions?

9 A Oh, no, no. I can be objective.

10 Q But as far as this specific information is
11 concerned, you don't know whether you could, in fact, not
12 consider it?

13 A Well, I don't know what the evidence is. As far
14 as I know, I am impartial about anything that's presented.

15 Q Right. But referring now to the information that
16 you say have heard in the past.

17 A I haven't heard too much, as I say.

18 Q You heard about digging, right?

19 A Yes.

20 Q Now, what did you hear concerning digging?

21 A That they couldn't find anything.

22 Q What were they looking for?

23 A For the body of this Mr. Hinman.

24 Q And who is "they" that was doing the looking?

25 A The officers. I believe, the police department.

26 Q And what is your state of mind as to whether that
27 person is living or dead?

28 A I haven't got the least idea.

1 Q Well, what do you think? What is your present
2 thinking?

3 A I don't -- I wouldn't know. I imagine because
4 they couldn't find the person that he's gone. He's probably
5 deceased.

6 Q That's your state of mind, right?

7 A Yes.

8 Q And so you would require something in this court-
9 room to be presented to you so that you didn't think that he
10 was deceased, right?

11 A One way or the other, yes.

12 Q You would require that?

13 A Yes.

14 MR. KAMAREK: Thank you.

15 1073, Sub section 2.

7a file.

7a-1

1 THE COURT: Mr. Manzella.

2
3 VOIR DIRE EXAMINATION

4 BY MR. MANZELLA:

5 Q Mrs. Burns, you say that you are of the opinion
6 that the person is deceased, the person the sheriffs were
7 digging for. Could you set aside that opinion for the
8 purpose of acting as a juror in this case?

9 A Yes, according to the evidence.

10 Q If the People could not prove beyond a reasonable
11 doubt that that person was dead, would you use what you have
12 read in the newspapers or heard or seen on the radio and
13 television to -- would you use that as evidence in this case?

14 A If it was within the prescribed jurisdiction of
15 instructions, on that basis.

16 Q The Court instructs you that you are not not to
17 use anything that you have heard outside of this courtroom
18 as evidence, and the prosecution did not prove beyond a
19 reasonable doubt that that person was dead, would you use
20 what you have read, seen or heard as evidence?

21 A No.

22 Q All right. Do you feel, then, if you thought the
23 prosecution did not prove beyond a reasonable doubt that
24 that person was dead, that you would vote for an acquittal,
25 if we did not prove that he was dead?

26 A Well, I imagine if they couldn't prove that he was
27 dead, they couldn't prove a crime.

28 Q Right. Would you vote for an acquittal if we

7A-2
1 didn't prove that he was dead?

2 A Yes, yes.

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

4
5 VOIR DIRE EXAMINATION

6 BY THE COURT:

7 Q You understand that it is the affirmative burden
8 of the People to come forward and establish beyond a reason-
9 able doubt all the necessary elements of a case before a
10 person can be found guilty?

11 A Oh, yes, I understand that fully.

12 Q Would you fill in one of those elements, say the
13 element of death, in a murder case, with something you may
14 have read in the newspaper?

15 A No, absolutely. I'd have to subtract all of that
16 from my present --

17 Q All right, will you do that?

18 A Yes.

19 Q All right.

20 The Court -- I'll hear from you at the bench,
21 if you wish. The Court will hear from you at the bench,
22 if you wish.

23 MR. KANAREK: Yes, your Honor.

24 (Whereupon, the following proceedings were had
25 at the bench among Court and counsel, outside the
26 hearing of the prospective jurors.)

27 THE COURT: The Court didn't mean to imply by anything
28 it said -- I don't think you took it as such -- that you need

1 to make your challenge in open court. You can approach the
2 bench to make a challenge.

3 MR. KANAREK: Oh, very well.

4 THE COURT: If you wish.

5 MR. KANAREK: Oh, very well.

6 It is my position this lady, who is somewhat
7 elderly -- I don't know, probably over 70 years old -- quite
8 obese, very heavy, probably weighs -- I don't know, probably
9 170 some odd pounds, whatever -- I think that -- I think
10 that -- I don't think -- she believes now that the man is
11 dead. And she says Mr. -- Mr. Hinman, and it will soon
12 be cleared up that it is Shorty Shea that we're speaking
13 of, probably by the prosecution's opening statement, so it
14 is my position that under 1073, Subsection 2, the Court
15 has no alternative but to --

16 THE COURT: She sounds very objective to me. She sounds
17 like the type of person who can segregate news items and
18 evidence from her mind, in her mind, and that she will do
19 so. She seems to be a cut or two above the intelligence of
20 many of the jurors we've seen.

21 The Court denies the challenge.

22 Incidentally, about a third of the people have
23 heard about Shorty Shea. It seems to me, the way it looks,
24 a rough calculation, one-third has heard about Shorty Shea,
25 and heard that he has disappeared. If you wish any
26 specific instruction, the Court will instruct the jurors,
27 if you wish any specific instruction, and I'm speaking to
28 both counsel, why don't you prepare any such instruction that

1 you wish me to offer before we take evidence in the case.
2 It is satisfactory to me. I intend to instruct them, but
3 you may have something specific in mind that you might
4 want to nail it down as to some kind of element,

5 MR. KAHANEK: Well, that's the danger, you see. That's
6 the danger. It is like telling a little boy to stand in the
7 corner and not think of a white elephant. Bruton vs. the
8 United States makes that point, your Honor.

7b file.

7b-1

1 THE COURT: I don't think that's true if you are
2 selective, as we have been here.

3 As a matter of fact, as I said before, in
4 my judgment it points up the weakness, if there is any
5 weakness, in the People's case, and with people who are
6 selected carefully, as we have been selecting them, I think it
7 is not a disadvantage and may even be an advantage to you.

8 All right, the challenge is denied.

9 (Whereupon, the following proceedings were had
10 in open court within the presence and hearing of the
11 prospective juror:)

12 THE COURT: All right, let's tell them to begin the
13 trek back from 107.

14 Let's get the balance of the panel in here.

15 (Pause.)

16 THE COURT: Mrs. Stokes, you're always first in the
17 box. You are very alert.

18 All right, the record will show that all
19 prospective jurors are present.

20 The peremptory challenge is with the People.

21 MR. MANZELLA: May we inquire briefly, first, your
22 Honor?

23 THE COURT: Oh, I'm sorry, gentlemen. That was the
24 Court's intention, to allow you to inquire generally. You
25 may.

26 MR. KANAREK: Thank you, your Honor.

27
28 VOIR DIRE EXAMINATION

1 BY MR. KANAREK:

2 Q Mrs. Burns, may I ask you, do you have any
3 friends that are in any type of law enforcement work, public
4 or private, anywhere in the world?

5 A No, I don't.

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

7
8 VOIR DIRE EXAMINATION

9 BY MR. MANZELLA:

10 Q Mrs. Burns, did you hear the questions I asked
11 of the other prospective jurors?

12 A Yes, I heard some of them. That is, I heard all
13 of them, but I can't remember --

14 Q All right.

15 Well, do you recall thinking at the time you
16 heard me asking the questions, and the answers that were
17 given by the other jurors that your answers to any particular
18 question would have been substantially different than any
19 of the answers given by the majority of the jurors?

20 A Well, there were so many jurors that were
21 questioned, I have forgotten what their answers were and I
22 don't know which ones I agreed with and which ones I did not.
23 If you would be specific --

24 Q Do you know anyone involved in the defense of
25 cases?

26 A No, I don't.

27 Q You don't know anyone that has ever been
28 accused of a crime?

1 A No.

2 Q Do you understand that the burden of proof is on
3 the prosecution; is that correct?

4 A Yes, yes.

5 Q Would you hold the People to any greater burden
6 of proof because this is a murder case?

7 A Well, I always hold them to the extent of proof
8 in any case.

9 Q You would hold them to the proof required by
10 law?

11 A Yes.

12 Q You would not hold them to a higher burden or
13 a greater burden of proof because this is a murder case?

14 A Well, I don't think the degree would enter into
15 it.

16 Q All right. And you heard the questions I asked
17 with regard to circumstantial evidence?

18 A Yes.

19 Q Do you have any bias or prejudice against circum-
20 stantial evidence, such that you could not be fair and
21 impartial to the People in this case?

22 A No. I would weigh it very carefully or --

23 Q Do you have any quarrel with the law which permits
24 a man to be convicted of first degree Murder even though the
25 death is proved circumstantially?

26 A No, I have no quarrel with the law.

27 Q All right.

28 And you could follow the Court's instructions

1 with regard to the law; is that right?

2 A Yes.

3 Q All right.

4 You have no quarrel with any of the -- with the
5 law or the instructions that you have heard so far, such that
6 you could not be fair and impartial to the People; is that
7 correct?

8 A That's right.

9 Q All right.

10 All right, Mrs. Burns, finally with regard to
11 the death penalty, you understand by now, having been in
12 the courtroom for a while, that the decision is a personal
13 decision? The decision whether or not to impose the death
14 penalty is a personal and individual decision with each
15 juror; is that correct?

16 A Yes, I understand.

17 Q In order for a death penalty verdict to be
18 returned, each juror must decide in his own mind that the
19 facts of the case warrant the imposition of the death penalty;
20 do you understand that?

21 A Yes, I do.

22 Q Now, have you decided in your own mind if you
23 are capable of sitting as a juror in the case, listening to
24 the facts which are brought out and determining in your own
25 mind whether or not this case justifies the imposition of the
26 death penalty; can you do that?

27 A Yes, after I hear the evidence, I have to make
28 any judgment as to the justification.

1 Q All right. And if you decided, after hearing all
2 of the facts in the case, that the death penalty was
3 justified, would you be able to vote for the death penalty?

4 A Oh, I'd vote within the instructions of the law
5 on that score.

6 Q All right.

7 My question is, however, though, if you decide
8 in your sole and absolute discretion after hearing all the
9 facts in the case, that this case did deserve, and that
10 Mr. Manson did deserve the death penalty, that the death
11 penalty was justified in this case, could you vote for it?

12 A Yes.

13 Q All right.

14 Thank you, I have no further questions, your
15 Honor. The People pass for cause.

16 THE COURT: The peremptory challenge is -- excuse me,
17 the defendant pass for cause?

18 MR. KANARKE: Yes, your Honor.

19 THE COURT: The peremptory challenge is with the
20 defendant.

21 MR. MANZELLA: The People will accept the jury as
22 presently constituted.

23 THE COURT: Yes, I'm sorry, it was with the People.

24 The peremptory challenge is now with the
25 defendant.
26
27
28

8 fls.

8-1

1 MR. KANAREK: Thank and excuse Mrs. Burns.

2 Thank you, Mrs. Burns.

3 THE COURT: Mrs. Burns, thank you very much. Room 253,
4 forthwith, please.

5 THE CLERK: Verlene J. Cabral; C-a-b-r-a-l; first name,
6 V-e-r-l-e-n-e.

7
8 VOIR DIRE EXAMINATION OF

9 VERLENE J. CABRAL

10 BY THE COURT:

11 Q Is that Mrs. or Miss?

12 A Miss.

13 Q Miss Cabral, were you present when the Court
14 explained the nature of the case, when the Court explained
15 this case to the prospective jurors, and instructed on the
16 law concerning -- or, some of the law concerning the case,
17 and questioned the prospective juror first taken from your
18 group?

19 A Yes, I was.

20 Q Would your answers -- there may be a button you
21 may have to press on that microphone.

22 A All right.

23 Q Would your answers be any different than the
24 answers that that prospective juror gave to the questions of
25 a general nature put to him by the Court?

26 A No.

27 Q Would it be a hardship to you to serve in this
28 case?

8-2

1 A Yes, it would.

2 Q Tell us about it.

3 A Well, my company only pays for the time that I am
4 required on jury duty.

5 Q What company do you work for?

6 A Prudential Insurance Company.

7 Q And you have checked with them, and they are
8 unable to or unwilling to pay you for the period of time that
9 you might serve beyond the 20 or 30 days?

10 A Yes.

11 Q What do you do for Prudential?

12 A I am a bookkeeper.

13 Q How long have you been employed by them?

14 A Twelve years.

15 Q Is there any other type of hardship that would be
16 involved in your service?

17 A No.

18 Q The reason I asked you about that at all is because
19 it had been the Court's impression that that particular company
20 -- it had been the Court's experience with a prior juror that
21 that company would pay for the entire period of time.

22 A Not for the four to five months. They'd have to
23 release me from my job, replace me.

24 Q I see. If you were here for that period of time,
25 there's some possibility that you might lose the position?

26 A That's right.

27 THE COURT: All right. Gentlemen?

28 MR. MANZELLA: The People would stipulate it would

8-3

1 constitute a hardship, your Honor.

2 THE COURT: All right. The --

3 MR. KANAREK: We have the motion deemed made, your
4 Honor?

5 THE COURT: Yes. The Court denies defendant's motion.
6 The Court does believe it would be a hardship to you, under
7 the circumstances, and the Court does excuse you.

8 MR. KANAREK: And the record reflects she's being
9 released over opposition?

10 THE COURT: Yes. The Court understands that you have
11 such a motion pending as to each juror who is excused for any
12 hard -- financial hardship, to the effect that the County pay
13 for the juror's wages during the course of the four or five
14 months' service.

15 MR. KANAREK: And each -- and the record further
16 reflects -- is deemed to reflect that each such juror is
17 released over opposition?

18 THE COURT: Yes, the record may so show.

19 MR. KANAREK: Thank you.

20 THE COURT: Call another name.

21 THE CLERK: Richard C. Rydeen; R-y-d-e-e-n.
22

23 VOIR DIRE EXAMINATION OF

24 RICHARD C. RYDEEN

25 BY THE COURT:

26 Q Mr. Rydeen, were you present during all the
27 proceedings thus far, since your group first came into the
28 courtroom?

8-4

1 A Yes, sir.

2 Q Would your answers be any different than the first

3 prospective juror questioned from your group responded to the

4 questions of a general nature?

5 A No, sir.

6 Q All right. Would it be a hardship to you to serve

7 as a juror in this case?

8 A Yes, it would, sir.

9 Q Explain it to me.

10 A I am paid for 30 days' jury duty.

11 Q Yes?

12 A And then it would be without -- and I could not

13 live on it --

14 Q For whom do you work?

15 A Broadway-Hale.

16 Q And what do you do for Broadway-Hale?

17 A In advertising.

18

19

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En'fle.

B-a-1

1 Q How long have you been employed with them?

2 A About 14 years, sir.

3 Q And you have spoken with somebody in authority?

4 A Yes, sir.

5 Q And you've ascertained that you would not be paid?

6 A Yes, sir.

7 THE COURT: Gentlemen?

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

10 THE COURT: Any questions?

11 MR. KANAREK: Well, in -- I -- we have our motion, and --

12 THE COURT: Very well.

13 MR. KANAREK: -- and so forth, your Honor.

14 THE COURT: Very well. The motion is denied, and the
15 Court does release you, Mr. Rydeen.

16 The Court finds that it would be a hardship to you
17 to serve.

18 Is this your -- are your earnings your sole
19 support or the support of your family?

20 JUROR NO. 5: Yes, they are.

21 THE COURT: All right. You are excused. Thank you.

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

23 THE CLERK: Eleanor E. Romsa; R-O-M-S-A.

24
25 VOIR DIRE EXAMINATION OF

26 ELEANOR E. ROMSA

27 BY THE COURT:

28 Q Is it Miss or Mrs. Romsa?

8a-2

- 1 A Mrs. Roma.
- 2 Q Get that microphone a little closer there, please.
- 3 I didn't hear.
- 4 A Mrs. Roma.
- 5 Q R-O-M-A as in Mary?
- 6 A Right.
- 7 Q Mrs. Roma, were you present during all the
- 8 proceedings thus far, since your group of prospective jurors
- 9 came to the courtroom?
- 10 A Yes, I was.
- 11 Q Would your answers be any different than the
- 12 answers of that first prospective juror?
- 13 A No.
- 14 Q Would it be a hardship to you to serve?
- 15 A Yes, it would.
- 16 Q Tell us about it.
- 17 A I'm employed, and I won't be paid --
- 18 Q By whom are you employed?
- 19 A A small calendar company.
- 20 Q A small calendar company?
- 21 A Uh-hum. Well, what I mean, we don't have a lot of
- 22 employees.
- 23 Q You don't mean you just make small calendars?
- 24 (Laughter.)
- 25 A We do make small ones, but we do make others, too.
- 26 I'm sorry,
- 27 Q Mrs. Roma, are your earnings the sole support
- 28 of yourself and your family?

8a-3

1 A No. No, I do have a husband. But I do have bills,
2 and we depend on my salary for part of that.

3 Q I see. And you have conversed with somebody in the
4 company, and have ascertained that that is the --

5 A Well, no. Not exactly. But I don't think I am
6 even being paid for this 30 days.

7 Q Oh, is that right? Then you are --

8 A That's right.

9 Q Then you would be unwilling to undergo that
10 hardship for a period of four or five months?

11 A Yes, I would.

12 Q How many people are in the firm?

13 A In our office, where I work, there are only four.
14 There's only one other girl that is in the department that
15 I'm in. If she should get ill or something, there's just no
16 one else to do the work.

17 Q Well, aside from that aspect of it, you are
18 reasonably certain that that would be the -- the course of the
19 company's conduct, that they would not pay?

20 A I am sure they wouldn't.

21 THE COURT: All right. Gentlemen? Anything?

22 MR. MANZELLA: No, your Honor. No questions.

23 The People would stipulate it would constitute a
24 hardship.

25 THE COURT: The Court denies the defendant's motion, and
26 the Court does find that it is a hardship.

27 You are excused, then, Mrs. Roma.

28 JUROR NO. 5: Thank you.

1 MR. KANAREK: Thank you, Mrs. Ronsa.

2 THE CLERK: Mrs. Goldie J. Richards; R-i-c-h-a-r-d-s.

3
4 VOIR DIRE EXAMINATION OF

5 GOLDIE J. RICHARDS

6 BY THE COURT:

7 Q Mrs. Richards, would you tell us, please, whether
8 you have been present during all the proceedings thus far, and
9 have you heard them all?

10 A Yes.

8b fls.

8b-1

1 Q Would your answers be any different than the
2 first prospective juror's answers were to the questions of
3 a general nature?

4 A No.

5 Q Would it be a hardship to you to serve in this
6 case?

7 A Yes, it would.

8 Q In what way?

9 A The length of time.

10 Q How does the length of time affect you
11 personally?

12 A Physically.

13 Q Physically? All right. Tell us about that.

14 A Well, I am under heart medication every day;
15 and I have arthritis.

16 Q Would you keep that microphone just a little
17 closer?

18 You are under heart medication every day?

19 A Right. And I have arthritis, that makes sitting
20 that long a difficulty.

21 Q How long have you been under heart medication?

22 A About two years.

23 Q Well, have you noticed anything whatever since
24 you have been here, that is unusual, physically, to you?

25 A Hmm -- no, I don't think so.

26 Q You believe that -- just simply believe that the
27 long period of time -- that within the long period of time,
28 something might develop; is that what you --

8b-2

- 1 A It could.
- 2 Q -- are saying?
- 3 A It could. I have had an extra difficulty in the
- 4 last few months.
- 5 Q Well, is this -- when did you last see a
- 6 doctor?
- 7 A Last week.
- 8 Q And before that?
- 9 A Oh, it had been a month, I guess.
- 10 Q Well, my point is that you say -- do you see the
- 11 doctor regularly? And is this a situation wherein you would
- 12 be handicapped from sitting as a juror?
- 13 A Not so much from the heart, but the arthritis.
- 14 Q Tell us about the arthritis.
- 15 Well, of course, a person could have a hangnail
- 16 that might develop into some complicated medical situation,
- 17 that might cause him to be excused.
- 18 But if -- well, I don't mean to equate your
- 19 problems with a hangnail. I just want to find out from
- 20 you what your situation is physically, that you think
- 21 permits the Court to excuse you.
- 22 A This month's sitting in court has proven to me.
- 23 Q Tell me about it. What is it? Are you in pain,
- 24 or --
- 25 A Yes. Arthritis hurts.
- 26 Q Well, I've heard tell that it does.
- 27 A Yes.
- 28 Q But could you be a little more graphic for us?

1 We don't want to be too personal, but we have to know whether
2 or not it does.

3 A Well, this is --

4 Q Is it your back?

5 A Spine, yes.

6 Q And sitting for hours at a time, as you have been
7 in court here, causes you some pain? Is that correct?

8 A That's what sent me to the doctor last week.

9 Q Oh, I see. Now, you are becoming graphic. In
10 other words, you have some pain in your lower back, is it?
11 That causes you --

12 A All the way.

13 Q Pardon?

14 A All of my back, from the neck down.

15 Q And are you under medication for that?

16 A Yes.

17 Q Did you just acquire that medication in the last--

18 A Oh, no.

19 Q -- few weeks?

20 A No, it's been years.

21 Q Well, do you think that this physical condition
22 is such that you could not properly concentrate on the case?

23 A (No response.)

24 Q Would this pain disturb you to that extent?

25 A It could, yes. Because it's worse at times
26 than others.

27 THE COURT: All right. Gentlemen?

28 MR. MANZELLA: The People would stipulate it would

1 constitute a hardship, your Honor.

2 MR. KARABEK: So stipulate, your Honor.

3 THE COURT: Very well. We'll excuse you, then, Mrs.
4 Richards. Thank you very much.

5 MR. KARABEK: Thank you, Mrs. Richards.

6 THE CLERK: Mrs. Hilda L. Jenkins; J-e-n-k-i-n-s.

7
8 VOIR DIRE EXAMINATION OF

9 MRS. HILDA L. JENKINS

10 BY THE COURT:

11 Q Mrs. Jenkins, are you related to Miss Jenkins,
12 seated in seat No. 7?

13 A No.

14 Q Over here on the end (indicating).

15 A No.

16 Q Were you present during all the proceedings thus
17 far, and did you hear the Court's questions to the first
18 prospective juror taken from your group?

19 A Yes, your Honor.

20 Q Would your answers be any different than his
21 were to the -- his or hers were -- to the questions of a
22 general nature?

23 A No.

24 Q All right. Would it be a hardship to you to
25 serve on this jury?

26 A Yes, it would.

27 Q Tell us about it.

28 A Well, when I got home from work Friday, my

1 supervisor called me, and she told me I had to work Saturday.
2 And that was a hardship right there.

3 Q Working on Saturday?

4 A Well, my work is so piled up on my desk that --
5 I do need to be there. She even told me so.

6 Q What type of work do you do?

7 A I am a Child Support Worker I for the County,
8 in Pasadena.

9 Q The County would continue to pay you?

10 A Yes, your Honor.

11 Q How long have you been with the County?

12 A 13 years.

13 Q So that you wouldn't lose your job or your
14 position; it's quite probable that that is the case, that
15 you would not; is that correct?

16 A Well, at this time, there's just two child
17 support workers in the City -- in the County, in Pasadena,
18 and the other young lady is on vacation.

19 Q What would it do to you personally, Mrs. Jenkins?
20 Would it force you to work harder when you came back?
21 By reason of your case load having been neglected?

22 A Very definitely so. We have a tremendous case
23 load in the City of Pasadena.

24 9 fls.

9-1

1 Q Would they be able, during the months that you
2 are seated here on jury duty, to find somebody to fill in for
3 you?

4 A Well, the work load in the unit itself is hard
5 on everybody at this time because everybody is talking about
6 it. And they don't even like what they are doing now, you know.
7 They are doing part of our work load now, because it is --

8 Q They are badgering you now because you are not
9 there sharing the work?

10 A You know what -- this is true.

11 Q Nearly everyone had something that he or she must
12 forego to serve as a juror, and the Court realizes that it is
13 a considerable burden sometimes.

14 What have you been doing, going in on weekends and
15 trying to make up?

16 A Well, this is the first weekend I've worked be-
17 cause I've only been on jury duty since last Monday, the 12th.

18 Q Well, the Court believes -- reluctantly, I say
19 this, because I do discern that you are a person who has a
20 considerable sense of responsibility about her work.

21 The Court feels, however, since you will not
22 lose your position, since you are paid, that you should serve
23 as a juror in this case, if you are chosen.

24 A Your Honor, I've talked with my supervisor and it
25 is going to prove a hardship. I -- we discussed it Saturday,
26 your Honor.

27 Q The hardship -- is it any different than what you
28 have explained? What it will mean, essentially, is that they're

9-2

1 going to have to find somebody else who can sit in your spot
2 during the period of time that you are gone, and that's one
3 thing that your fellow workers will be burdened with, more work,
4 during the time that your position is not filled, and you may
5 have, at the conclusion of the period of time, of jury service,
6 more work to accomplish when you return; is that correct?

7 A Very definitely.

8 Q All right. Well, if I say, reluctantly,
9 Mrs. Jenkins --

10 A I do have a home life, your Honor.

11 Q Well, I'm afraid nearly everyone does.

12 A Oh, I know.

13 Q Have you served as a juror before?

14 A Just in a civil matter for three days.

15 Q And you will distinguish between -- if you are
16 chosen as a juror in this case -- between the burden in a
17 civil matter of the plaintiff and the burden of the People in
18 a criminal case, will you not?

19 A Yes.

20 MR. MANZELLA: Your Honor, may Mr. Kanarek and I
21 approach the bench with the reporter?

22 THE COURT: Yes, you may.

23 (Whereupon, the following proceedings were had at
24 the bench among Court and counsel, outside the hearing of the
25 prospective jurors.)

26 MR. MANZELLA: I wanted to --

27 THE COURT: I didn't seek a stipulation because --

28 MR. MANZELLA: This girl is really worried about it and

9-3

1 I wondered if he, Mr. Kanarek, wants to stipulate that she can
2 be excused.

3 MR. KANAREK: No, your Honor, I could not stipulate
4 that she could be excused. I think that she's a County
5 employee -- I mean, without belaboring it.

6 MR. MANZELLA: You are belaboring it. It has not
7 got anything to do with the money or anything like that, but
8 this girl is --

9 MR. KANAREK: Well, it would be in violation of due
10 process and equal protection of the law, and I will not
11 stipulate to this lady being excused. It is a violation
12 of equal protection of the law, and I'd ask a hearing on it
13 under the Fourteenth Amendment. And it is a violation of
14 due process. And I think that after the initial -- I think
15 actually what it is, she probably has a supervisor who
16 relies upon her, and the supervisor is probably going to be
17 -- more work for the supervisor to train somebody.

18 Clearly, in this kind of work, the people are
19 shuffled back and forth in the County from one agency to the
20 other. And she -- they go from D.P.S.S. to the Bureau of
21 Adoptions and the sub -- the kind of work is essentially the
22 same. And I do object and oppose any kind of release of this
23 lady.

24 MR. MANZELLA: Your Honor, the Court might inquire,
25 since she does appear to be worried about it, as to whether
26 or not it would affect her ability to listen to the evidence
27 and concentrate on the evidence and deliberate.

28 MR. KANAREK: This is much to do about nothing. We have

1 people on that jury that know Mr. Manson has been accused of
2 seven murders, that know that Mr. Manson has been convicted
3 of seven murders, that knows that he got the death sentence.

4 Now, that is so fantastically great compared to
5 this, it is unbelievable.

6 MR. MANZELLA: So, you think she should suffer because
7 he is suffering?

8 MR. KANAREK: No, it's my position there are many people
9 on that jury because they choose to be there, because they
10 have some particular ax to grind. We are on the horns of a
11 dilemma. And my position is -- when I say "I am on the horns
12 of a dilemma" -- because obviously these people have certain
13 positions, and their manifest lack of candor as to their
14 testimony because they would want on the jury --

15 THE COURT: I don't know why either one of you would
16 want a juror on the jury who is not willing to serve.

17 MR. KANAREK: Well, because --

18 THE COURT: Because it is the Court's feeling that
19 these jurors are generally unpredictable.

20 But I don't find any legal excuse in what she
21 said thus far. I didn't question her before I ceased
22 questioning about whether or not she might be distracted by
23 her concern over her work.

24 At this point --

25 MR. KANAREK: I would oppose --

26 THE COURT: -- there's no stipulation?

27 MR. KANAREK: I would oppose the Court -- any further
28 interrogation. The questions suggest their own answers and

1 these people become sophisticated, so that what we get, we
2 get twelve people on there, they have an ax to grind.

3 MR. MANZELLA: There has been no evidence that any
4 question has been answered in any way that suggests the jurors
5 are lying.

6 MR. KANAREK: We have people on that jury that we
7 are forced to accept, we have no alternative, we are forced
8 to accept them because they are people who would rather
9 sit in this courtroom than go to work every day. And so they
10 are on the jury. And they manifest no such -- they know how
11 to respond in order to make -- so they sit here and collect
12 their pay from the County or whatever public agency is
13 involved, they sit here and collect their money.

14 THE COURT: The Court doesn't agree with your analysis
15 of the composition of the jury so far.

16 MR. KANAREK: In a couple of those cases, I feel there is
17 no question about it.

18 THE COURT: All right, let's proceed.

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

22 BY THE COURT:

23 Q All right, have you sat as a juror before,
24 Mrs. Jenkins?

25 A Just a civil matter.

26 Q That's right, you answered that question.

27 A Yes.

28 Q You've told us about your job.

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Is there a Mr. Jenkins?

A Yes.

Q What does he do?

A He works for Continental Baking Corporation.

Q Pardon?

A Continental Baking Corporation.

Q In what general area do you and he reside?

A At Gage and Vermont in Los Angeles.

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

A No.

10 fls.

10-1

1 Q And you heard me explain what I mean by --

2 A Yes, I did.

3 Q -- Law enforcement officer?

4 A Yes.

5 Q Do you have such views concerning the death
6 penalty that you could not be fair and impartial in determin-
7 ing the question of guilt or innocence?

8 A No.

9 Q Or do you have such views concerning it that
10 you would automatically refuse to impose it, in any case,
11 regardless of the evidence?

12 A No.

13 Q All right. Mrs. Jenkins, do you have such
14 views concerning the death penalty that you would automatically
15 impose it, vote for it, upon a conviction of murder of the
16 first degree, regardless of the evidence?

17 A Would you repeat that again? I'm sorry.

18 THE COURT: Would you read it for me, Mr. Williams?

19 Let's see how well he reads it back.

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

22 "Q Mrs. Jenkins, do you have such views
23 concerning the death penalty that you would auto-
24 matically impose it, vote for it, upon a conviction
25 of murder of the first degree, regardless of the
26 evidence?"

27 JUROR NO. 5: I don't think so. I don't know.

28 BY THE COURT:

10-2

1 Q Well, is it a confusing question? I'll have it
2 read once more, or rephrase it.

3 In other words, would you automatically vote
4 for the death penalty, upon a conviction of murder of the
5 first degree?

6 A No. I understand now. No.

7 Q Regardless of the evidence, you would not?

8 A No.

9 Q You would look at the evidence, then?

10 A Oh, yes, I would. Yes.

11 THE COURT: Well, it's 12:00 o'clock, and we are at the
12 point where we want to ask you about your ability to set
13 aside anything you may have heard, seen or read in connec-
14 tion with this or with any other case.

15 We'll do that at 2:00 o'clock.

16 Ladies and gentlemen, you are in recess until
17 2:00 o'clock. Remember the Court's admonition: That you
18 must not converse amongst yourselves nor with anyone else,
19 nor are you permitted to -- strike that.

20 During the course of this recess, you are not
21 to converse amongst yourselves, nor permit anyone else to
22 converse with you, nor form or express any opinion on the
23 matter until it's finally submitted to you, should you be
24 chosen as jurors.

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

26 (Whereupon at 12:00 o'clock noon, an adjournment
27 was taken until 2:00 o'clock p.m. of the same day,
28 Monday, July 19, 1971.)

1 LOS ANGELES, CALIFORNIA, MONDAY, JULY 19, 1971, 2:18 P. M.

2
3 THE COURT: All right. The record will show Mr. Manson
4 to be present with Mr. Kanarek. Mrs. Jenkins is in the box --
5 or Miss Jenkins.

6
7 VOIR DIRE EXAMINATION(continued)

8 OF HILDA L. JENKINS

9 BY THE COURT:

10 Q We want to quiz you, if you don't mind, about what
11 you may have heard, seen or read in the press concerning
12 Mr. Manson, this trial or any other trial. And not only in
13 the press, but over television or via radio.

14 What have you heard, seen or read -- strike
15 that. Had you heard Mr. Manson's name before you came into
16 this courtroom?

17 A Yes, your Honor.

18 Q Was that in connection with the so-called Tate-
19 LaBianca trial or this trial?

20 A Yes, sir, from the beginning, I'd heard about it.

21 Q About this matter or --

22 A Everything.

23 Q All right. Let me find out --

24 A I'm nervous; I'm sorry.

25 Q -- just how deeply your knowledge has become -- or,
26 just how deep your knowledge has become concerning Mr. Manson
27 or this case or any other case.

28 Do you know the name Susan Atkins?

1 A I've heard it in the newspaper and over the radio.
2 Q And do you know the name Shorty Shea?
3 A Not right away, no.
4 Q You don't recognize that name?
5 A Not at this moment.
6 Q Now, do you know the name Gary Hinman?
7 A Yes, sir.
8 Q And what do you know about that matter?
9 A Well, just superficially, I -- at this time, I
10 don't -- I can't pinpoint any part --
11 Q You can't identify --
12 A At this moment, I can't.
13 Q You can't identify it at this moment?
14 A No.
15 Q If I were to remind you that the name Shea and
16 the name Hinman were names read in the indictment, would that
17 in any way refresh your recollection?
18 A I believe I do remember you saying that.
19 Q Yes. Now, does that bring to your mind anything
20 you may have seen, heard or read, before coming into this
21 courtroom?
22 A I believe -- I believe so, yes. I -- you know,
23 I just heard things.
24 Q But it comes to mind in what connection?
25 A I can't pinpoint the incident at this time.
26 Q All right. Do you know the name Spahn Ranch?
27 A Yes, sir. I've heard of it.
28 Q Or the Manson Family? Had you heard of that phrase?

1 A Yes, I've seen it in the papers, and I've heard
2 of it.

3 Q And during the Tate-La Bianca trial, did you read
4 the newspapers? Did you read the --

5 A Well, just superficially. I -- I had other things
6 on my mind.

7 Q You were more concerned with that caseload that
8 you had there in Pasadena, --

9 A Well --

10 Q -- in your job, perhaps?

11 A Well, at that time, sir, I was a supervisor.
12 I've only been on this job six months. And I have been
13 awfully busy in this last six months.

14 I haven't really studied it or had time to
15 comment on -- other than -- can I say what I want to say?

16 Q About your job?

17 A No, about this -- about the situation at hand.

18 Q Go ahead. Sure.

19 A I have stated to friends and relatives that I
20 wouldn't -- I felt sorry for people that have to be on this
21 jury, which I'm in sympathy. I mean, this is just my own
22 feelings, and why I'm so nervous, I guess.

23 Q Well, why do you feel that way? Mostly because of
24 your job, or because --

25 A No, my -- for my own self, really; because I know
26 that I'm not indispensable. Work can go on without me, no
27 matter how you put it.
28

10b fls.

10b-1

1 Q Well, why would you feel sorry for somebody who
2 would have to be on the jury?

3 A I don't know. This isn't -- well, like I say,
4 I have been on a civil matter, and that was easy for me;
5 you know what I mean? I don't know if it's because of --
6 of the notoriety of the incident, or if that has anything
7 to do with it or not.

8 But at this time, I couldn't even eat lunch
9 today. After you had dismissed us, all I could do was
10 walk.

11 I don't know. I never expected to be chosen,
12 really.

13 Q Well, let me ask you: Is it the nature of the
14 charges that causes you to be nervous or upset about it?

15 A I'm just shocked. I -- when you called my
16 name, I -- you know, I --

17 Q Do you think that this feeling of nervousness or
18 upset would carry over, so that you'd -- you would be in any
19 way unable to concentrate in the case?

20 A I would hate to say so, but I feel that way,
21 because I was -- well, shall I say, I came here in a
22 negative frame of mind, or what, because I didn't dream
23 that I'd be chosen. I didn't.

24 Q Well, let me ask you this: If you were chosen --
25 well, let's stick to the subject at hand.

26 A Yes. Okay.

27 Q Before we get off on something. In just a
28 moment, we'll come back to it, your state of mind.

10b-2

1 Now, did you hear what happened to Mr. Manson
2 or what happened with Mr. Manson in that Tate-La Bianca
3 case?

4 A As I stated, I got lost on what happened.

5 Q You don't know whether he was convicted?

6 A I believe I heard that he was convicted in an
7 earlier matter. But seeing it, visually, myself, in the
8 news media -- well, I just haven't had a chance to read
9 anything like that in the last six months.

10 Q I see. You don't know whether -- do you know
11 whether there was a verdict returned by the jury?

12 A I just heard that there was. I don't know if
13 it's wrong or true or false.

14 I just heard it by way of -- by word of --

15 Q Heard it by word of mouth?

16 A Yes.

17 Q Did you, in addition to looking at the television,
18 the news, hearing the radio, talk to friends concerning the
19 case?

20 A At the onset, after -- just at the onset, I
21 felt very -- you know, uneasy, since the -- you know, the
22 onset of the two -- well, two years, if that's how long
23 it's been going on.

24 From the onset, from the last years, I haven't
25 had a chance to talk to anybody about it.

26 My husband's been busy. I have been busy.
27 It's just been a halter skelter busy thing for the two of
28 us.

10b-3

1 He has been going to school and working, and
2 it's been hard to discuss anything like that.

3 Q Speaking of Helter Skelter, you used that word.
4 Have you ever heard that word in connection with the other
5 trial?

6 A Helter Skelter?

7 Q Yes.

8 A No, sir. It's just a -- just a word I -- I've
9 used.

10 Q Have you ever heard anything with anti-Negro
11 overtones in the course of that other trial?

12 A No, I've heard superficially -- again, I've
13 heard some -- somewhere; I can't pinpoint it -- about the
14 anti-Negro situation, about the case.

15 But I can't pinpoint it, because I haven't had
16 time to study it or even -- I haven't really had time for
17 it, in the last six months.

18 As I say, my job has been very confining, since
19 I was supervisor for three months.

20 And from that, I have been directly to the
21 Child Support Section, and tracking down absent fathers
22 has really been my -- you know, I haven't had time. Overtime
23 at work, and --

24 Q Is that part of your job, to track down absent
25 fathers?

26 A Yes.

27 Q And those who have not contributed to the
28 support of their children?

10b-4

1 A Yes, sir. We do go to court on those matters.

2 Q Have you appeared in court before?

3 A Yes. I have in Pasadena.

4 Q On behalf of the prosecution, generally?

5 A Yes, sir.

6 Q How many times have you done so?

7 A Just once.

8 Q Do you know some deputies district attorney?

9 A I just know the prosecuting attorney --

10 Q Or the prosecuting attorney?

11 A Just the prosecuting attorneys, sir.

11 fls.

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1 Q Who is that?

2 A I can't say his last name. His first name is
3 Charlie. He has about 26 letters -- I guess he's Greek or
4 something.

5 Q Twenty-six letters in his name?

6 A It must be, at least. It is Charlie. It starts
7 with an S, I believe.

8 Q In any event, you have assisted him in the
9 prosecution?

10 A Just with the child support, the material to
11 present it to the judge.

12 Q Well, to testify?

13 A Well, I haven't opened my mouth. I just said I
14 was here on behalf of the County of Los Angeles in the child
15 support situation, and they took it from there, then, the
16 information.

17 Q You haven't done that for six months?

18 A I've been involved in child support for six months,
19 but I've only gone to court once.

20 Q Now, if I were to instruct you that you were to set
21 aside anything that you may have heard, seen or read in
22 connection with Mr. Manson and this other case we were talking
23 about, or anything that you may have heard, seen or read about
24 this case that you don't remember now, but may remember, or
25 anything that you may remember in connection with anything
26 connected with Mr. Manson, and decide this case, this case that
27 we've called here and on which you are a prospective juror, set
28 aside any such matter, do you believe that you could effectively

1 do that?

2 A At this time, I -- if it -- I am being honest,
3 I don't know, at this time. I am being honest. I don't know.

4 Q You don't know whether you can set it aside?

5 A I'm being honest. I'm being honest, I don't
6 know.

7 Q You are under oath, and of course I observe from
8 having observed your manner and your conduct that you probably
9 are making a sincere effort to judge your abilities here, and
10 the Court appreciates that.

11 Do you think that you could set aside any such
12 matter and be independent in making any judgment based on the
13 evidence?

14 A Oh, yes, I am an independent thinker. I can think
15 for myself, if that's what you mean.

16 Is that what you are speaking of?

17 Q No, I am speaking of this, can you -- not that you
18 should not be independent as a juror, because what each of us
19 is looking for is the independent judgment of each juror; you
20 understand that?

21 A Yes.

22 Q But the way I'm using the word is in this way:

23 What I am asking you is whether you would be able
24 to segregate in your mind anything that you may have heard,
25 seen or read, any publicity that you may have heard about
26 Mr. Manson from any of the evidence that had been -- that will
27 be developed in this case and make your judgment solely on
28 it -- based on the evidence?

1 A Oh, I see what you mean.
2 Q Do you understand?
3 A I believe I could, in that instance.
4 Q Can you explain?
5 A You're saying that could I? Would I, based on
6 just what I saw in front of me? Is that what you mean?
7 Q Anything that you heard --
8 A Set it aside?
9 Q Anything that you could have heard --
10 A I -- oh, yes, I could set aside -- back in my
11 mind see something --
12 Q Could you discard any such material and make a
13 judgment based in this case solely upon what you hear, see or
14 read from the evidence?
15 A I suppose I could.
16 Q You sound as though you're not sure.
17 A I'm sorry. I'm trying to think.
18 Q What I am asking you, is whether you can set
19 aside anything you may have heard, seen or read, to act
20 independently of such matter and to make a judgment based on --
21 solely on the evidence received here?
22 A Yes, I understood.
23 Q And the Court's instructions of law.
24 A I understand what you are saying.
25 Q Whether you can be fair and impartial in spite of
26 any opinions that you may have formed, based on the prior
27 publicity; understand?
28 A Yes, I do.

1 Q What is your answer as to that? Can you do that?

2 A I would try. This is the only thing -- I don't
3 know how to say it. I can't give you a yes or no. I could
4 try.

5 Q Well, will you do that, if you're -- if you are a
6 juror?

7 A I believe I could.

8 Q You believe that you could be objective and
9 impartial?

10 A Yes, I'm pretty sure.

11 Q And set aside such things?

12 A I believe I could.

11a fls.

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1 Q And in setting them aside, make any judgment that
2 you might be called upon on any issue in this case, based
3 solely upon the evidence and the Court's instructions of law
4 in the case; is that correct?

5 A Yes.

6 Q Is that your frame of mind right now?

7 A Yes. I am very nervous right now.

8 Q I know you are nervous, but is that your frame of
9 mind with respect to any publicity that you may have heard,
10 that you will set it aside, you will disregard it for the
11 purpose of making any judgment that you might be called upon
12 to make in this case, on any issue in this case?

13 A I believe I could.

14 THE COURT: Mr. Kanarek.

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

16 THE COURT: People.

17 MR. MANZELLA: The only questions I had, your Honor,
18 were on the subject of Mrs. Jenkins' ability to concentrate
19 on the evidence.

20 THE COURT: Yes, we're going to get to that.

21 MR. KANAREK: That's outside of the scope of this
22 proceeding. We're talking about publicity now.

23 MR. MANZELLA: Your Honor, I suggest, if we are going
24 to cover that, to cover it outside the presence of the other
25 jurors to avoid having the other jurors hear this juror's
26 answers to it.

27 MR. KANAREK: Well, your Honor --

28 THE COURT: I can see no point in doing it any other way.

1 MR. KANAREK: Then what, your Honor?

2 THE COURT: Then conducting it right now.

3 MR. KANAREK: No, my request is that it be conducted
4 in the presence of all the jurors. The ground rules of this
5 proceeding, this publicity aspect, is -- is outside the
6 presence of the jurors. There is no reason why all other
7 aspects -- I maintain it is a violation of equal protection
8 under the 14th Amendment and due process. The general voir
9 dire takes place in the presence of all jurors.

10 THE COURT: You have no wish to examine her in
11 connection with publicity?

12 MR. KANAREK: No, your Honor.

13 BY THE COURT:

14 Q Mrs. Jenkins, if I were to instruct you that you
15 were to ignore, for the purpose of deciding the issue in this
16 case, anything that you may have heard, seen or read in
17 connection with prior publicity, anything that you may have
18 talked about, and decide this case independently, solely on
19 the evidence and on the law as I shall state it to you,
20 could you do that? Could you follow that instruction?

21 A I would do as you so instruct.

22 Q And you understand that it would be very unfair to
23 Mr. Manson, should you use any such statement that you might
24 have read, heard or seen in the press in order to fill in
25 any holes that the prosecution may have, if it does have any,
26 in its case? You understand that?

27 A Yes, I do.

28 Q For example, concerning death, which is one of

1 the elements that must be established, the death of an alleged
2 victim in a murder case.

3 Now, if you will recall that some person whose
4 name is an alleged victim in this case, was reported to have
5 been killed, if you remember that it was some news item, would
6 you fill in from that news item report some hole in the
7 People's case, if the People were unable to prove beyond
8 a reasonable doubt that there was a death?

9 A You mean would I add to what was left out?

10 Q By reason -- add to what was left out by remembering
11 what you might have heard, seen or read via the news media?

12 A If I can't remember it, I couldn't fill in the
13 gap.

14 Q Well, let's say you remember something. You are
15 a little nervous now, but in the course of deliberation, let's
16 say, you remember something, or in the course of sitting here
17 in the trial, during the trial, over the months, you remember
18 something you may have heard, seen or read; could you ignore
19 it, or would you use it to fill in the gaps, adding something
20 that the People haven't proved to you?

21 A Well, it is awfully hard. I don't know.

22 Q You don't know?

23 A No, honestly I don't.

24 Q You don't know whether you could ignore anything
25 that you may have heard, seen or read about Mr. Manson?

26 A You see, I can't remember anything. I know what
27 has happened, but I can't pinpoint anything. And this is --

28 Q Well, was he accused of murder; do you know that?

1 A Yes.

2 Q Has he convicted, do you know that, of murder?
3 You don't know that.

4 A Like I say, I haven't been keeping up with it.
5 After the incident happened, I knew it went to trial, and
6 that's where I left it, because I had other things on my
7 mind. But I'm sure I could set it aside.

8 Q You're sure you could set it aside?

9 A I'm trying --

10 Q You're sure you could set it aside; is that what
11 you said to me?

12 A Sir, I'm sorry, I'm quite nervous right now.

13 Q Well, are you so nervous that you can't concentrate
14 on what I am saying?

15 A I am concentrating -- but I'm sure I can set it
16 aside, yes.

17 Q And will you set it aside?

18 A Yes, I will.

19 THE COURT: No questions?

20 MR. KANAREK: No questions, your Honor.

21 THE COURT: Either side?

22 MR. MANZELLA: As I said, your Honor, I wanted to inquire
23 of Mrs. Jenkins --

24 THE COURT: All right, we'll inquire generally, then.

25 Bring the jurors back in.

26 (Pause.)

27 MR. MANZELLA: Your Honor, I have a proposed instruction
28 that I would like to submit to the Court at this time.

1 THE COURT: Give a copy of to Mr. Kanarek, if you
2 have it.

3 MR. MANZELLA: Yes.

4 THE COURT: I'll discuss it with both of you later
5 this afternoon.

6 MR. MANZELLA: I would like to use it for questioning
7 at this time.

8 MR. KANAREK: Thank you.

9 THE COURT: All right, the record will show that all
10 prospective jurors are present.

11 That Mr. Manson is present with Mr. Kanarek.

12 Gentlemen, you may examine Mrs. Jenkins generally,
13 if you wish to.
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12-1

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

VOIR DIRE EXAMINATION

BY MR. KAMAREK:

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

A No, sir.

Q And by that, I mean like security guards or something of that nature?

A Yes, sir. When you mention security guards, I have an uncle that is a security guard.

Q I see. And may I ask in what field, or where?

A Well, his -- I know he has an office at 6 -- I believe it's 6th and Normandie, in Los Angeles, James E. Shows.

Do you want his name?

Q Yes. What is the name?

A James E. Shows.

Q E-h-o-w-s?

A Correct.

Q I see. And is he in business for himself?

A Yes, sir.

Q And he sends security guards to places to guard?

A Yes, he does.

Q I see. And just briefly, do you know some of the places that he -- that are his clients, that he --

12-2

1 A He, I don't.

2 Q I see. And has -- has he ever been a law
3 enforcement officer?

4 A Has he ever been a policeman, do you mean?

5 Q Yes.

6 A I don't know that. I can't say. I don't know.

7 MR. KANAREK: I see. Thank you very much, Mrs. --
8 thank you.

9 THE COURT: Do you pass for cause?

10 MR. KANAREK: Yes, your Honor.

11 Thank you, Mrs. Jenkins.

12 THE COURT: Mr. Manzella?

13 MR. MANZELLA: Your Honor, I have something I would
14 like to submit to the Court at this time, if I may.

15 THE COURT: All right. You may.

16 (Whereupon a document was handed to the
17 Court, through the Clerk, which document the Court
18 perused.)

19 THE COURT: Will counsel approach the bench?

20 MR. MANZELLA: Yes.

21 MR. KANAREK: Yes, your Honor.

22 (Whereupon, the following proceedings were
23 had at the bench, not within the hearing of the
24 prospective jury panel:)

25 THE COURT: I read your proposed instruction. At
26 least, it's in instruction form.

27 MR. MANZELLA: Right, your Honor. That --

28 THE COURT: "Corpus delicti-Murder-Defined."

12-3

1 MR. KANAREK: Well, it's --

2 MR. MANZELLA: That instruction was given in the
3 L. Ewing Scott case. That's the instruction that was given.

4 I didn't have time to write up a new instruc-
5 tion with the citation of the L. Ewing Scott case. But
6 this is the instruction as it was given in the L. Ewing
7 Scott case.

8 And of course, the Scott case itself, since
9 it's been decided on appeal, is also --

10 THE COURT: Was this --

11 MR. MANZELLA: -- some authority for that instruction.

12 THE COURT: Was this instruction discussed?

13 MR. KANAREK: That instruction doesn't even state
14 the law properly. Corpus delicti is the body of the wrong.
15 It's not the body -- every crime has a corpus delicti.

16 MR. MANZELLA: The instructions were discussed
17 generally, and it's been -- since I tried the Fouquet case,
18 that I --

19 THE COURT: Well, the term corpus delicti, as it's
20 defined here, means proof of the "essential elements" of
21 the particular crime with which a defendant may be charged.

22 I think that's correct; don't you?

23 MR. KANAREK: Well, not literally. Literally, the
24 word corpus delicti means -- I believe the Latin meaning is
25 "body of the wrong." In other words, robbery has a corpus
26 delicti. It isn't -- I mean, of course, we are not now
27 instructing the jury. And maybe it's a nuance that we
28 don't have to get into.

12-6

1 But in any event, the focusing of this -- I
2 could ferret out a million instructions that I'd like to
3 talk about. It's an attempt to pre-instruct the jury. He
4 either goes --

5 THE COURT: Excuse me just a minute.

6 MR. KANAREK: Well, I object to --

7 THE COURT: Just a minute, please.

8 MR. KANAREK: Yes.

9 THE COURT: I don't know what he wishes to do with it.

10 MR. KANAREK: I think what he wants to do --

11 THE COURT: "It is not necessary in order to establish
12 the 'corpus delicti' for murder that the body or any part
13 thereof of the alleged deceased be produced as such, nor that
14 any witness be produced who has seen or found the body or
15 any part thereof of the alleged deceased in death."

12a 21a.

12a-1

1 I think that's argumentative in nature.

2 MR. KANAREK: And furthermore --

3 THE COURT: I think if it were -- if it were examined
4 closely, it would -- you couldn't help but arrive at the
5 conclusion that it's argumentative. That --

6 MR. MANZELLA: Well, of course --

7 THE COURT: I think it's true, but --

8 MR. MANZELLA: Yeah.

9 THE COURT: -- but I do think it's argumentative.

10 MR. MANZELLA: Well, of course, in the Scott case,
11 one of the major elements that went up on appeal was the
12 fact that no body was ever recovered.

13 THE COURT: Yes.

14 MR. KANAREK: But --

15 MR. MANZELLA: And whether there was sufficient evidence
16 to sustain a verdict of guilt of first degree murder.

17 THE COURT: Well, they proved the existence of -- they
18 proved the death, one of the essential elements in the Scott
19 case, by circumstantial evidence; isn't that true?

20 MR. MANZELLA: Right.

21 MR. KANAREK: But there was some direct evidence, as I
22 recall. Her teeth were found in an incinerator.

23 THE COURT: Something like that.

24 MR. KANAREK: Yes.

25 THE COURT: But in any event, why are you asking that I
26 read this?

27 MR. MANZELLA: Well, because the question that I want to
28 ask the jurors is whether they have a quarrel with this. I

12a-2

1 have been asking it in different ways, whether or not they
2 would automatically refuse to vote for conviction in a case
3 in which the body had not been produced and so forth.

4 THE COURT: Well, the Court thinks that that's been
5 adequately covered.

6 I have no objection to your inquiring about a
7 juror's state of mind in connection with circumstantial
8 evidence.

9 But I would not permit the reading of this, or --

10 MR. MANZELLA: Well, you said --

11 THE COURT: -- in your inquiry about it.

12 MR. MANZELLA: I thought you suggested this morning
13 that we submit instructions on the point. And this is why I
14 submitted this instruction.

15 THE COURT: No. I might have confused you. I meant in
16 connection with the -- the aspect of publicity in this matter.

17 MR. MANZELLA: I see. I thought you were talking about
18 the question I was asking, with regard to circumstantial
19 evidence --

20 THE COURT: No.

21 MR. MANZELLA: -- and the proof of the death.

22 THE COURT: No. I confused you, Mr. Manzella. And
23 I'm sorry.

24 MR. MANZELLA: I will withdraw it, then.

25 THE COURT: Yes, fine. I don't mean that it's not
26 acceptable to the Court -- that is, that an instruction
27 phrased close to this would not be acceptable to the Court.

28 But that last phrase does seem argumentative to me.

12a-3

1 MR. MANZELLA: I misunderstood you. I thought you
2 wanted an instruction on that point.

3 THE COURT: All right. I'm sorry.

4 MR. MANZELLA: Okay.

5 (Whereupon, the following proceedings were had in
6 open court, within the hearing of the prospective jury panel:)

7 THE COURT: You may examine.

8 MR. MANZELLA: Thank you, your Honor.

9
10 VOIR DIRE EXAMINATION

11 BY MR. MANZELLA:

12 Q Mrs. Jenkins, I wanted to ask you about the
13 hardship that you've talked about before.

14 Do you -- did you feel -- do you feel that what-
15 ever it is you are thinking about your work and the quantity
16 of work that you have, that you would have to do later on
17 if you served as a juror in this case, would that in any way
18 detract from your ability to concentrate on the evidence in
19 this case?

20 A Not really.

21 Q All right. I take it, then, you wouldn't --
22 whatever nervousness you have is not due to that?

23 A Due to my work?

24 Q Due to your thinking about your work piling up on
25 your desk --

26 A Oh, no, sir. It's not my work.

27 Q It has something to do with this case?

28 A Yes.

12a-4

1 Q You can understand, of course, that both sides
2 want you to be able to concentrate on the evidence that they
3 produce during the trial of this case?

4 A Yes,

5 Q Would your nervousness -- whatever the cause --
6 would that in any way prevent you from concentrating on the
7 evidence, listening to the evidence, while it's being
8 presented here in court?

9 A If it were presented today, I wouldn't be a very
10 good -- because I'm very nervous; I really am. In this
11 matter, I really am.

12 Q Is there anything in particular that's making you
13 nervous?

14 A Like I said before, we've discussed the case, at
15 the beginning, like two years ago. And we haven't discussed
16 it -- well, like in the last six months or so.

17 It's just gone completely away from me. I -- I
18 have been very busy with a promotion, and I have got a very
19 responsible job. And this is not easy.

20 It's just -- just --

21 Q Yes?

12b file.

12b-1

FURTHER VOIR DIRE EXAMINATION

BY THE COURT:

Q Miss Jenkins, I'm not sure I understand your answer. You are not -- you understand you are not required to know anything about this case except the charges, and who the defendant is, and who the lawyers are?

A Yes.

Q Just from the outset, you are not supposed to know anything whatever in connection with it. It sounded to me as though you felt as though you might be required to remember something of what you've learned about it some time ago.

Is that the gist of your response?

A Hmm --

DEFENDANT MANSON: Did you hear the question?

JUROR NO. 5: I understand what you were talking about. And -- no, I don't think that. I'm not -- I don't believe so.

Q BY THE COURT: Well, let me ask you: Is the source of your nervousness about the -- about reporting every day, or a new situation that --

A It's indeed a new situation, true. And that could be part of it.

Q Have you -- I've forgotten. Have you sat as a juror before?

A Just in a civil matter, sir. That's all.

Q Well, in that situation, were you able to remember the testimony? Were you able to take notes and --

12b-2

1 A We did take notes, yes. I did.

2 Q And were you able to remember the testimony and
3 to give a judgment in that case?

4 A Yes, I was.

5 Q Well, do you -- is this case any different?
6 Would you be able to take notes, to listen, to observe the
7 witnesses on the stand, and to remember the testimony, as
8 you did in that case? That civil case?

9 A With all due respect to the Court, I -- I --
10 I just don't know what to say. I don't know what to say.

11 Q Well, just explain your state of mind to us.
12 That would help.

13 A I'm just not equipped for this type of situation,
14 your Honor.

15 Q Do you mean by that you are not equipped for --
16 as a juror, for trying a murder case?

17 A I believe that is correct.

18 Q And would that, do you think, cause you to be
19 prejudiced against a person who is accused of an act of
20 violence? Is that what you are saying to us? So that you
21 could not be calm and dispassionate?

22 A I don't -----

23 Q I know you are having trouble finding words.
24 But this is the time in which you should let us know your
25 state of mind.

26 A Yes. Yes, sir.

27 Q You are not in any way to allow passion or
28 prejudice to enter into your mind when you are acting as a

12b-3

1 juror. And if -- if you feel that, because of the nature of
2 the case, that you could not follow that instruction, well,
3 we want to know it now.

4 Is that the state of mind?

13 Fla.

5 A That is the state of my mind, your Honor. I can't--
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1 Q You don't think that you could be fair and
2 impartial because of the nature of the case, then; am I
3 stating it correctly?

4 A You are stating it correct, sir.

5 THE COURT: Mr. Kanarek, any questions?

6 MR. KANAREK: No. I would like to approach the bench,
7 your Honor.

8 THE COURT: You may.

9 MR. KANAREK: Pardon?

10 THE COURT: You may.

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

14 MR. KANAREK: Your Honor, I know that this is not a case
15 in clinical psychology, and I am not a psychologist, but I say
16 this woman has found the key as to how to get off of this jury
17 by purporting to be unfair to Mr. Manson. On the contrary, I
18 think she would be most fair to Mr. Manson.

19 THE COURT: Would you take a chance on leaving her on
20 the jury?

21 I withdraw that.

22 MR. KANAREK: I am not challenging this woman --

23 THE COURT: I won't ask you.

24 MR. KANAREK: I am not challenging this woman for cause,

25 This woman -- I say on a relative basis, again,
26 my position is that nobody could -- none of these people are
27 going to be fair in this case. But this woman, in striving to
28 be fair, and striving to reveal whatever her thinking will be,

13-2

1 is somehow or other being made to look ridiculous. And I think
2 that -- and in respect to the Court, the Court has asked lead-
3 ing and suggestive questions.

4 THE COURT: You want the woman on, then?

5 MR. KANAREK: Yes. I am not challenging her.

6 THE COURT: In spite of her statement that because of the
7 nature of the case she may be prejudiced against the defendant?

8 MR. KANAREK: I think that the woman --

9 THE COURT: All right.

10 MR. KANAREK: -- the woman is a thinking-type of person,
11 yes, that would listen.

12 My impression is that this woman would listen to
13 evidence and she would be manifestly fair. And she would
14 listen to both sides. And I say on a relative basis, on a
15 relative basis, because of jurors -- because the Court insists
16 on going ahead with this trial -- it is our position it
17 shouldn't be in downtown Los Angeles, it should be out in the
18 San Fernando Valley somewhere.

19 THE COURT: Well, while you are at it, do you want to run
20 over the pretrial motions in your argument?

21 MR. KANAREK: No, I am just pointing out to the Court, the
22 Court can probably take judicial notice of the actions of the
23 Superior Court by the District Attorney putting this in downtown
24 Los Angeles. But this is my way of emphasis.

25 THE COURT: I ruled on the motion for change of venue.

26 MR. KANAREK: Not change of venue. This is to a different
27 district. What I am saying, a northwest district.

28 THE COURT: But that is one that I had not heard.

1 MR. KANAREK: I think, if your Honor -- it is
2 encompassed within the challenge to the jury panel. That is
3 within what I think your Honor read the matters that were
4 before the Court in the Jimmy Lee Smith case.

5 THE COURT: I suppose, Mr. Kanarek, that if somebody --
6 a defendant wants a juror who is biased and prejudiced against
7 his client, if an attorney wants --

8 MR. KANAREK: No, I --

9 THE COURT: -- a juror who is biased and prejudiced
10 against his client, because of the nature of the case, then
11 an attorney has a right to have him.

12 The People have any comment?

13 MR. MANZELLA: Yes, your Honor, I do have a comment. I
14 don't believe that there is a right to have a juror that is
15 biased or prejudiced against your client. The People -- the
16 People's position is --

17 MR. KANAREK: Well --

18 MR. MANZELLA: -- that the juror must be challenged for
19 cause if she expresses a bias or prejudice against one side
20 or the other.

21 MR. KANAREK: Well, your Honor, it isn't the words that
22 are uttered that counts. It isn't a yes or no answer after a
23 leading question that counts. It is the entire subject. And
24 this lady -- this lady, on a relative basis -- she doesn't
25 even know -- she didn't follow after a certain period of
26 time, the trial, the Tate-La Bianca trial.

27 This woman, if we believe her testimony, prior
28 to your Honor's leading and suggestive questions which clued

13-4

13a fls.

her in as to how to get off this jury -- prior to that she made answers which indicated she had, on a relative basis, less knowledge than jurors which your Honor has allowed to sit.

13a-1

1 THE COURT: She gave answers, in my judgment, which
2 indicated to me right from the start that something was
3 bothering her in this case.

4 MR. KANAREK: She --

5 THE COURT: She indicated she was extremely nervous
6 about this case, to the point where she could not concentrate
7 on the evidence.

8 Well, the Court did ask her questions of a leading
9 nature, but they were questions which were directed to her
10 state of mind. Mostly because she was so very reluctant in
11 replying as to her state of mind. She was either tongue-tied
12 or one of those persons who cannot express herself easily
13 about her state of mind. And it was necessary to ask leading
14 questions. And I haven't any objection to either of you
15 asking her anything further about her state of mind.

16 MR. KANAREK: Well, I have no further questions.

17 THE COURT: It appeared to me that this nervousness was
18 based on -- in effect, that she was a juror who would be
19 spending possibly four or five months on a case. It appeared
20 to me that she had resolved that problem in her mind in
21 connection with her employment somewhat, but it was based on
22 some kind of a reluctance to act in this type of case.
23 That's why I pursued it as I did, particularly as to Mr.
24 Manzella's questions.

25 I don't think there is any point in pursuing this
26 any further. If you wish to ask any questions, you may.

27 MR. KANAREK: I have no challenge to make. As I say,
28 it is a relative matter. We are not dealing with absolutes.

1 Your Honor insists on going forward with the trial, and so,
2 therefore, we have to have people -- warm bodies in the box.
3 And my position is they are all biased or prejudiced, and I
4 am not challenging this juror, and I have no questions to
5 ask. And that is the situation, your Honor.

6 THE COURT: I'm not sure, Mr. Manzella, if he wants
7 this juror, he may have a right to it.

8 This happened once before, and the Court detected,
9 and I felt, rightfully so, there was a strong prejudice against
10 Mr. Manson.

11 MR. MANZELLA: Your Honor, I don't have the cases -- I
12 have read them, but I did not prepare a brief.

13 The cases held, and I can prepare a brief, that
14 the defendant has no right to particular jurors.

15 THE COURT: That's true.

16 MR. MANZELLA: He has a right to a fair and impartial
17 jury.

18 THE COURT: That's true.

19 MR. MANZELLA: The only place that is circumscribed is
20 in a Witherspoon area where a juror cannot be excused for
21 cause on -- because of his views about the death penalty --

22 THE COURT: Concerning --

23 MR. MANZELLA: -- unless it meets Witherspoon standards.
24 But in every other area up to now, the Courts have held the
25 defendant has no right to particular jurors, merely a right
26 to a fair and impartial jury. And it is the People's
27 position that this juror, having expressed what she has
28 expressed, and I think the Court is right, it is not just the

1 last question and answer, it has been the whole, all of her
2 answers to the questions, that she cannot remain on the jury
3 for that reason, regardless of whether --

4 THE COURT: Well, in effect, what it does, is allow
5 Mr. Kanarek another peremptory challenge, another challenge
6 without exercising a peremptory, another excusal of a juror.
7 If he does not exercise his challenge for cause or peremptory,
8 rather.

9 MR. KANAREK: My feeling is that this is the fairest
10 juror in that box right now, on a relative basis, and I feel
11 that this woman is the fairest --

12 THE COURT: I can't see why Mr. Kanarek feels that way.
13 He shouldn't be stuck with that juror.

14 MR. MANZELLA: Why he shouldn't?

15 THE COURT: Pardon?

16 MR. MANZELLA: Why he should not be?

17 THE COURT: Yes, he shouldn't be. I think this lady,
18 if she voted at all, would be voting against Mr. Manson on
19 any -- on almost any issue. But I do think that if Mr.
20 Kanarek wants her, he should have her.

21 MR. MANZELLA: The difficulty I had, your Honor, with
22 regard to it, the representation of the client by telephone,
23 and specific --

24 THE COURT: Yes, that bothers me somewhat.

25 MR. MANZELLA: -- his specific conduct during the trial
26 which may or may not -- or which bears on their representation
27 by counsel.

28 MR. KANAREK: That's specious, your Honor. If he has

1 that -- he can exercise his peremptory. That is as specious
2 as can be. If he is so solicitous about Mr. Manson, and the
3 fact I am making a wrong decision, let him exercise a
4 peremptory. But that will show, the speciousness, will be
5 when he exercises the peremptory. The reason he wants
6 the juror off this way, is because he doesn't want to
7 exercise a peremptory. He doesn't want her. He knows she's
8 fair. She is a lady that does a lot of thinking. She speaks
9 and does things on her own.

10 THE COURT: All right.

11 MR. KANAREK: That's why the District Attorney is being
12 less than candid with us.

13b fls.

13b-1

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

BY THE COURT:

Q Mrs. Jenkins, the bias that you have described for us that you have in your mind at this time, is that a result of the nature of the case, the charges against Mr. Manson?

A I believe so.

Q And it is because of the nature of the charges that you believe you could not be fair to him in the trial of the case; is that true?

A That is true, your Honor.

THE COURT: All right, the Court will excuse you, then. The Court finds that you could not, by reason of the nature of the case, be fair and impartial.

The Court also has its doubts as to whether or not because of the nervousness and concern about the nature of the case, that you could properly concentrate on the evidence, and, therefore, the Court will excuse you.

MR. KANAREK: Thank you, Mrs. Jenkins.

JUROR NO. 5: Thank you.

THE CLERK: Valentine Baker.

Will you take your ticket?

THE COURT: Thank you, Mrs. Jenkins, and please report to Room 253.

THE CLERK: Baker, B-a-k-e-r, the first name is spelled V-a-l-e-n-t-i-n-e.

VOIR DIRE EXAMINATION OF
VALENTINE BAKER

BY THE COURT:

Q Mr. Baker, were you present when the Court explained the nature of this case and discussed the case with the first juror that -- who was called to the box from your group?

A Yes, sir, I was.

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

A No.

Q Of a general nature?

A No.

Q Would you suffer any hardship if you were chosen to serve on this jury?

A Well, I'll explain. I'll leave it to your judgment.

Q You believe you would suffer some hardship?

A I will explain, please.

I had a coronary, and I think the medication --

Q Hold that a little closer, would you?

A I had a coronary, and I take a daily medication since the coronary. I have to have my blood tested each month and I have a physical examination every three months.

Q Otherwise, you're in good health?

A Right.

(Laughter.)

Q BY THE COURT: Well, do you think that that would

1 cause you any difficulty if you were to sit on this jury,
2 if the court provided you the time to have that done, to
3 get your prescription?

4 A No.

5 Q To get those checkups?

6 A Right.

7 Q I think that could be done, even if you were
8 sequestered.

9 You will be serving generally at the same -- the
10 same hours that you are serving now, and have you been able,
11 during the time that you have been on jury duty, to accomplish
12 those things?

13 A Well, I have just completed one week so far.

14 Q Generally speaking, would you be able to contact
15 your doctor after you left at 4:30, 4:00, 4:30?

16 A I think so.

17 Q The Court believes you -- if you should have any
18 problem, could make it a point, should you be chosen as a
19 juror, to see that you don't have any unsurmountable problems.

20 Have you sat as a juror before in any criminal
21 case?

22 A Not on any criminal case.

23 Q What is the nature of your work?

24 A Uh, I am retired now. I was an accountant.

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

27 A No.

28 Q Are you married, and is there --

1 A No.

2 Q I see. Do you have such views concerning the
3 death penalty that you would be unable, by reason of those
4 views, to be fair and impartial in determining the question
5 of guilt or innocence?

6 A No.

7 Q Or do you have such views concerning the death
8 penalty that you would not, by reason of those views, be --
9 strike that.

10 That you would, by reason of those views, refuse
11 to impose the death penalty regardless of the evidence?

12 A No.

13 Q Or would you, upon a conviction of murder of the
14 first degree, automatically impose the death penalty,
15 regardless of the evidence?

16 A No.

17 Q Do you have such views concerning the death
18 penalty that you would never vote to impose it, regardless
19 of the evidence?

20 A No.

21 Q All right.

22 We wish now to find out whether or not you can
23 set aside what you may have heard, seen or read and whether
24 you will, and we're going to ask the rest of you to leave
25 the room, if you will, ladies and gentlemen.

26 Remember the admonition that I have heretofore
27 given you.

28 Would you open the door there, somebody, please.

(Whereupon, the prospective jury panel retired
from the courtroom with the exception of Mr. Valentine
Baker.)

13c fls.

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13c-1

1 BY THE COURT:

2 Q Mr. Baker, have you heard, seen or read the name
3 Manson before you came into this courtroom?

4 A Yes.

5 Q And heard the Court speaking about the indictment?

6 A Yes.

7 Q And was that in connection with some other case?

8 A With the previous case for which he was on --

9 Q You say the previous case, are you referring to
10 the Tate-La Bianca homicide case?

11 A I am. I am.

12 Q Did you follow that case in the press or via
13 television or radio?

14 A Yes, I did.

15 Q Did you follow it more or less regularly, reading
16 the newspaper every day and --

17 A Yes.

18 Q What happened in the courtroom and so forth?

19 A Right.

20 Q And do you know the name Kanarek, Irving Kanarek?

21 A Do I know him?

22 Q No, do you know the name?

23 A Well, I know that he's the -- he's the attorney
24 for the defendant.

25 Q Do you know him to have been the attorney for the
26 defendant in that case?

27 A No, No, I am not -- I'm not even -- I couldn't
28 even say who was the attorney for the defendant.

13c-2

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

2 A Yes.

3 Q What was the result, as nearly as you can
4 remember?

5 A It was a conviction of murder and the death
6 penalty was imposed.

7 Q Have you heard the name Shorty Shea before you
8 came to the courtroom?

9 A I had.

10 Q Tell us what you know about that name from the
11 media?

12 A He was a cowboy, as I understand, employed out at
13 the ranch and he disappeared. And he was there at the time
14 that Manson and his family were out there.

15 Q If I told you to set aside in your mind, from your
16 mind, set aside that aspect that you -- from the news that you
17 heard, seen or read of Mr. Shea, to set it aside, wipe it out
18 of your memory for the purpose of acting as a juror in this
19 trial, -- not forget it completely, but just discard it for
20 the purpose of making any judgment in this case -- for
21 example, the People may wish to prove -- I'm not sure what
22 the proof may disclose -- that this is the case, that
23 Mr. Shea has disappeared.

24 Could you disassociate the evidence that may be
25 produced from what was produced from the news article?

26 A Perhaps, but I wish to make known right now that
27 I am very prejudiced about this case.

28 Q Tell me in what way?

132-3

1 A I believe him guilty, and everything of which the
2 indictment accuses him.

3 Q You understand that this indictment that I read
4 concerning Mr. Manson is not evidence?

5 A No.

6 Q And you shouldn't take it as evidence?

7 A Well, no, I don't consider it. But I formed an
8 opinion in my mind that he is guilty and --

9 THE COURT: Mr. Kanarek?

10 MR. MANZELLA: No opposition to a challenge for cause,
11 your Honor.

12 MR. KANAREK: I'm not -- let me ask you --

13 THE COURT: Perhaps Mr. Kanarek does not have a challenge.

14 MR. KANAREK: What's that, your Honor?

15 THE COURT: He did not have in the case of the last juror.
16 Perhaps he does not now.

17 Go ahead.

18 MR. KANAREK: 1073, Sub section 2, your Honor, but I
19 would like to ask a question.

20 DEFENDANT MANSON: I don't see why you take an honest man
21 off the jury.

22 THE COURT: If you are going to challenge him, why ask
23 the question?

24 All right, the Court grants the challenge for
25 cause.

26 Mr. Baker, thank you for being direct with us
27 concerning your state of mind. You are excused.

28 MR. KANAREK: Thank you. Thank you, sir.

14 fls.

14-1

1 THE CLERK: Do you want all the jurors back?

2 THE COURT: Let's take them one by one for a while.

3 MR. KANAREK: Would it be imposing to have a break at
4 this time, your Honor?

5 THE COURT: We just started.

6 All right. We'll take a break.

7 Mr. Kanarek, it's --

8 A short break. A personal privilege.

9 MR. KANAREK: Yes, your Honor.

10 THE COURT: We don't want any problems in the courtroom.

11 MR. KANAREK: Well, on behalf of the defendant, your
12 Honor.

13 THE COURT: Anybody. On behalf of anybody.

14 We are in recess.

15 First, call two names, and then when we start
16 back, we can have them here.

17 THE CLERK: Mrs. Helen A. James.

18 Colbert J. Jackson.

19 THE COURT: What's the name?

20 THE CLERK: Mrs. Helen A. James, and --

21 THE COURT: James and Jackson?

22 THE CLERK: James is first, right. And then Jackson.

23 MR. KANAREK: Pardon me, your Honor. Isn't that what
24 your Honor said, individually, right now?

25 THE COURT: Yes.

26 (Midafternoon recess.)

27 THE COURT: The record will show Mr. Manson to be
28 present with Mr. Kanarek; Mr. Mannella is present.

14-2

1 And Miss James is in the box.

2
3 VOIR DIRE EXAMINATION OF

4 HELEN A. JAMES

5 BY THE COURT:

6 Q You are Mrs. James, are you not?

7 A Yes, I am.

8 Q Mrs. James, were you present when the Court
9 explained the nature of this case --

10 A Yes, I was.

11 Q -- and when the Court talked with the first
12 prospective juror chosen from your group?

13 A Yes, um-hum.

14 Q Would your answers be any different than that
15 prospective juror's answers were to the questions of a
16 general nature?

17 A No.

18 Q You would follow the Court's instruction in
19 respect to judging credibility, would you not?

20 A Yes.

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

23 A Yes, I believe it would.

24 Q Tell us what it would be?

25 A Well -- uh -- I am -- I just started a job, but
26 I have just been there about a month and a half. And they
27 told me they'd pay me for the first 30 days.

28 Q And what's the nature of the work?

14-3

1 A I work for Beneficial Standard Life Insurance
2 Company, and I am a clerk-typist.

3 Q And you are fairly sure that they will not pay
4 you for four or five months?

5 A I am almost sure they wouldn't.

6 Q You've ascertained that from whom?

7 A Pardon me?

8 Q You've talked to whom about that?

9 A No, I even -- I couldn't get a hold of my
10 supervisor Friday. So I haven't really been sure.

11 But seeing as though I've only been there a month
12 and a half, I don't know that they'd pay me for six months.
13 Or I wouldn't be there.

14 Q Well, without our knowing whether or not you would
15 be paid, we really have no way of knowing whether that would
16 be a hardship to you, because that's really the only hard-
17 ship, is it? Or is there some other hardship?

18 A Well, my husband and I have bills. He's worked
19 at Lockheed Aircraft, and since he was laid off for three or
20 four months, I decided to go back and help pay -- he's
21 back at work also.

22 But -- you know, we have bills to pay.

23 Q Well, what I mean is, that aspect of it, your
24 not being paid for a period of time would be the only aspect
25 of it you could think of that would be a hardship to you?

26 A Right. Because he also depends on my check for
27 a while.

28 Q But you have not inquired --

14-4

1 A No, I have not.

2 THE COURT: I think probably we should stop at this
3 moment and ask that -- that she inquire.

4 Q Do you have the phone number of your employer?

5 A I don't have it with me, no.

6 Q Can you find it? Where is it? In Los Angeles?

7 A Yes, uh-huh. On Wilshire Boulevard. 3700 Wilshire
8 Boulevard.

14 a fls.

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Q Well, let's go on now just very quickly.

Have you served as a juror before?

A Yes, I have.

Q In a criminal case?

A No. Civil.

Q Just civil. And you've stated that you are a clerk-typist with the Beneficial Standard?

A Right.

Q Have you been employed by law enforcement before in any way?

A No.

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

A No.

Q What type of work does your spouse do?

A He's a master mechanic at Lockheed Aircraft, in Burbank.

Q And do you have such views concerning the death penalty that you would not be able to be impartial in determining the question of guilt or innocence?

A No.

Q Or would you have such views concerning the death penalty that you would automatically refuse to impose it, regardless of the evidence that might be produced?

A No.

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

14a-2

1 A No, I would not automatically.

2 Q In connection with what you may have heard, seen
3 or read about Mr. Manson or this case, have you -- and I might
4 be assuming something that's not true. Have you ever heard
5 his name before you appeared in this courtroom?

6 A Yes, I have.

7 Q In connection with what case or what matter?

8 A I've -- you mean have I heard his name?

9 Q Yes.

10 A I've heard it on news media.

11 Q Yes.

12 A Is that what you mean?

13 Q And about what? In connection with what?

14 A About everything. About all of the cases.

15 Q Are you referring to some other case, or this case?

16 A I am referring to the others.

17 Q And are you referring to the Tate-La Bianca --

18 A Right.

19 Q -- homicide case?

20 A Right.

21 Q And do you know who Sharon Tate is?

22 A I've heard of her. Do you mean, do I --

23 Q How do you identify that name?

24 A Just with the newspaper and the news media; that's
25 all.

26 Q I mean, is she -- does it have any meaning to you
27 as related to Mr. Manson?

28 A Does it have any meaning to me?

114x-3

1 Q Yes, as related to Mr. Manson.

2 A Yes, it does, uh-huh.

3 Q Tell me about it.

4 A Just from what I read. That's the only --

5 Q Well, that's what I am trying to find out.

6 A From what I read? Do you want --

7 Q My questions are too elemental, and I think you

8 are too far ahead of me.

9 A Oh. I see.

10 Q Do you know her to be a victim in the -- I'll

11 ask some leading questions.

12 A Okay. Yes.

13 Q Do you know her to be a victim in a case involving

14 Mr. Manson?

15 A Yes.

16 Q And do you know whether there were other persons

17 who were involved as victims in that case?

18 A Yes. But I can't call their names offhand.

19 Q Do you know what Mr. Manson was charged with?

20 A I believe I do.

21 Q Tell us.

22 A I believe he was charged with first degree murder;

23 that's --

24 Q Do you know --

25 A -- all I can remember.

26 Q -- whether he was convicted?

27 A No, I don't know.

28 Q By that, I meant Do you know whether the jury came

14a-4

1 back with a finding of guilty or not guilty?

2 A I don't even remember.

3 Q And do you -- and you do not know anything more
4 about the result of that Tate-La Bianca case?

5 A No, I sure don't.

6 Q Do you know the name La Bianca?

7 A Yes, I read the name.

8 Q What does that name mean to you? Who is "La
9 Bianca"?

10 A The other two couples -- the other couple, rather.

11 Q Who were victims? Is that what you mean?

12 A Yes, they were victims. That's what I mean.

13 Q Now, had you heard the name Susan Atkins?

14 A Yes, I have heard it.

15 Q You understand that what we are inquiring about --
16 you seem puzzled.

17 What we are inquiring is just what you may have
18 heard, seen or read concerning Mr. Manson before. And we
19 want to kind of know what the extent of your knowledge is.

20 A Well, to be truthfully, the extent of my knowledge
21 isn't very good, because --

14b Fla.

14b-1

1 Q Well, did you read that newspaper regularly?

2 A No, not daily. Just --

3 Q I interrupted you. You started to say, "because--"

4 A Because I haven't -- because it's been -- seems
5 like a year or two; I can't remember how long it's been. But I
6 don't really recollect anything right offhand, other than what
7 I've read and -- vaguely.

8 And what my husband and I discussed. And that's
9 about the extent of it.

10 Q Well, did you and your husband discuss the case as
11 it went along? Is that what you are saying?

12 A Yes, we did. We discussed it, yes.

13 Q Did you hear -- you are of the Negro race. Do you
14 recall there being anything of an anti-Negro overtone that was
15 discussed by you and your husband? Or that you heard, saw or
16 read in any of the news media?

17 A I do remember, yes.

18 Q Do you recall what that was? And if so, would you
19 tell us?

20 A Well --

21 Q That is, your best remembrance of it?

22 A Well, the best remembrance I do remember is
23 that -- is reading or discussing something about Manson did
24 not like black people; you know? That's about all I can
25 remember, you know, discussing it.

26 Q You don't recall anything more than that?

27 A No, I don't. I don't recall anything more.

28 Q Well, do you recall a man named Shorty Shea?

14b-2

1 Have you heard, seen, or read that anywhere?

2 A The name is familiar.

3 Q Or Gary Hinnan?

4 A The name is familiar.

5 Q You don't remember any details about Mr. Shea, or
6 about Mr. Hinnan?

7 A Not specifically. I can't remember. I wouldn't
8 be --

9 Q Now, if I were to instruct you that you were to
10 set aside anything that you may have heard, seen or read
11 concerning Mr. Manson in that other case, or this case, any-
12 thing that you may remember about this case, or any other
13 case or Mr. Manson, and anything you talked about with your
14 husband concerning this case or the other case or Mr. Manson,
15 could you set aside such matters, discard them -- not forget
16 them completely, but discard them -- for the purpose of
17 making a judgment on this case?

18 A Yes.

19 Q Could you segregate them in your mind from the
20 evidence in this case, and --

21 A Yes.

22 Q -- decide this case only on the evidence?

23 A Yes.

24 Q You'll decide this case on the evidence as you see
25 and hear it in this courtroom?

26 A Yes.

27 Q And on the instructions of law I'll give you?

28 A Yes.

14b-3

1 Q And can you be fair and impartial, in spite of
2 those opinions that you may have formed about Mr. Manson? Or
3 in spite of anything you might have read about him?

4 A To be truthfully, I don't -- I don't think I
5 could be fair.

6 Q You don't think you could?

7 A No, I don't think I could.

8 Q Is it --

9 A Even though I could set them aside.

10 Q Even though you might set aside whatever you may
11 have seen, heard or read, you don't think you could be fair
12 in making a decision concerning Mr. Manson?

13 A To be truthfully, no.

14 Q Is that because of some feeling you have against
15 Mr. Manson, as a result of something you'd heard, seen or
16 read?

17 A Yes, something I heard, seen or read, yes.

18 THE COURT: Mr. Kanarek?

19 MR. KANAREK: May I ask --

20
21 VOIR DIRE EXAMINATION

22 BY MR. KANAREK:

23 Q What is it that you heard, seen or read,
24 Mrs. --

25 THE COURT: Do you wish to approach the bench?

26 MR. KANAREK: Well --

27 MR. MANZELLA: Mr. Kanarek wanted to ask a question.

28 Q BY MR. KANAREK: What is it that you heard, seen

14b-4

1 or read, Mrs. Jones, that --

2 A What is it that I have heard, seen or read?

3 Well, I believe everything. What I had heard, seen or read is
4 what everyone else heard, seen or read.

5 Q Yes.

6 A But to be specific, I couldn't tell you exactly
7 what I had heard, seen or read.

8 Q But it's -- you feel everyone else has seen,
9 heard or read it; right?

10 A Pardon me?

11 Q You feel that everyone else has seen, heard or
12 read it?

13 A Right.

14 Q But -- and you're -- from your observing in the
15 community, would -- may I ask you this?

16 Would you say that the people you know in our
17 community here, in Los Angeles, feel about the same way you
18 do? Everyone that you have spoken to?

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

20 THE COURT: Sustained.

21 It's been demonstrated by our having questioned
22 many, many prospective jurors that every juror has heard the
23 name Charles Manson. I don't recall, in the weeks that we have
24 been questioning jurors, that any juror has failed to respond
25 affirmatively to the question, "Have you heard, seen or read
26 the name Charles Manson?"

27 MR. KANAREK: Yes, your Honor. But we are going beyond
28 the mere hearing of the word or the name.

15-1

1 MR. KANAREK: Yes, your Honor, we're --

2 THE COURT: Well, she's -- I don't believe she would
3 qualify as an expert as to Los Angeles County.

4 MR. KANAREK: No, your Honor.

5 THE COURT: As to what the feeling would be.

6 MR. KANAREK: But I believe reputation evidence is
7 admissible.

8 THE COURT: The Court would extend it farther than
9 what it has extended it. And I would state that nearly
10 every juror has indicated that he has heard, seen or read
11 the name Charles Manson in connection with a murder trial,
12 with -- in connection with the homicide of Sharon Tate,
13 the homicide of Sharon Tate, at least, and, of course,
14 most of them know more details than that. But the Court,
15 nevertheless, finds that those who are seated in the box
16 with the exception of Mr. James can be impartial, will be
17 impartial in spite of that knowledge of previous news reports
18 and comments.

19 MR. KANAREK: And all of these prospective jurors knew
20 that Mr. Manson was a defendant in the case that your Honor
21 has just spoken of.

22 THE COURT: Yes, I believe that would be a fair statement.

23 MR. KANAREK: Thank you.

24 1073, Subsection 2, your Honor.

25 THE COURT: The Court must grant the challenge.

26 MR. KANAREK: Thank you.

27 THE COURT: The Court thanks you, Mrs. James, and the
28 Court does excuse you.

15-2

1 JUROR NO. 5: Thank you.

2 THE COURT: Select another name.

3 I guess we have already selected another name.

4 Oh, Mrs. James, would you go to Room 253 in the
5 County Courthouse, and go on Thursday, July 22. So you are
6 excused until Thursday, July 22.

7 JUROR NO. 5: Thank you.

8 THE COURT: At 9:00 o'clock.

9 MR. KANAREK: Thank you.

10 THE CLERK: Colbert J. Jackson, J-a-c-k-s-o-n, first
11 name, C-o-l-b-e-r-t.

12 THE COURT: Off the record.

13 (A discussion was had off the record.)

14 THE COURT: All right, back on the record.

15 In the case of People vs. Manson, the record will
16 show Mr. Kanarek present with the defendant. And Mr. Jackson,
17 a prospective juror, is in the courtroom.

18 All other prospective jurors are out of the
19 courtroom and they have been during the questioning of Mrs.
20 James.

21
22 VOIR DIRE EXAMINATION OF

23 COLBERT J. JACKSON

24 BY THE COURT:

25 Q Now, Mr. Jackson, had you previously -- strike
26 that.

27 We'll begin from the beginning with you.

28 Have you been present during all of the proceedings

15-3

1 thus far in this case? Did you hear the Court questioning
2 prospective jurors from your group and have you heard
3 everything since your group came in?

4 A Yes, I have.

5 Q Now, in response to the questions that I put
6 to the first prospective juror whose name was called, and
7 who came to the box, first from your group, would your
8 answers be any different than the questions -- than the
9 answers he gave to the questions of a general nature?

10 A No, they wouldn't.

11 Q All right.

12 Would it be any hardship to you to serve in
13 this case?

14 A Well, I haven't been able to contact anyone in
15 the personnel office where I work. I talked to my immediate
16 supervisor.

17 Q Where do you work?

18 A Hughes Aircraft in El Segundo.

19 Q You have made an effort to contact somebody,
20 but you haven't been able to do that?

21 A I talked to my immediate supervisor, but he
22 couldn't authorize pay for me.

23 Q Have you served as a juror before?

24 A No, I haven't.

25 Q What is the nature of your job at Hughes?

26 A Electronics technician.

27 Q Electronics technician?

28 A Yes, sir.

15-4

1 Q And how long have you been so employed?

2 A Two and a half years.

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

5 A I have two brothers that are policemen.

6 Q LAPD, Los Angeles Police Department?

7 A One is LAPD, and one is a deputy sheriff.

8 Q And have they talked over their cases and their
9 assignments, their jobs, occasionally, with you?

10 A Well, they talk about the job, but not pertaining
11 to anything that goes on in the court.

12 Q Have they ever talked about this case with you,
13 that you recall?

14 A No, sir.

15 Q Do you think that that would affect your judgment
16 in the case in any way?

17 A No, it wouldn't.

18 Q That is, these relationships of your -- with your
19 brothers? Would that affect your judgment in any way in
20 this case?

21 A No, it wouldn't.

15a file.

15a-1

1 Q Are there any other friends, relatives, who are
2 law enforcement officers, high school friends or --

3 A No, sir.

4 Q -- relatives or anybody like that?

5 A No one else.

6 Q And is there a Mrs. -- your name is Johnson --
7 Jackson?

8 A Right.

9 Q Is there a Mrs. Jackson?

10 A Yes, there is.

11 Q Is she employed outside the home?

12 A No, sir.

13 Q Do you have such feelings concerning the death
14 penalty that you could not, be reason of those feelings, be
15 fair and impartial in determining the question of guilt or
16 innocence?

17 A No, I don't.

18 Q Or do you have such views concerning it that you
19 would automatically refuse to impose it regardless of the
20 evidence in the case?

21 A No, I don't.

22 Q Do you have such views concerning it that upon a
23 conviction of murder in the first degree you would automatically
24 impose it regardless of the evidence?

25 A No, sir.

26 Q Or are your views concerning the death penalty such
27 that you would never vote to impose it?

28 A No.

15a-2

1 Q Now, have you heard the name Charles Manson before
2 you came into this courtroom?

3 A Yes, I have.

4 Q In connection with what?

5 A Well, through the papers and news media.

6 Q In connection with what?

7 A Well, pertaining to -- I think it was the Tate-
8 La Bianca case.

9 Q It is in regard to the Tate-La Bianca case?

10 A Yes, sir, plus -- I guess within the last week I --

11 Q And within the last week in connection with this
12 case?

13 A Yes. I read something about a jury being
14 selected, I think.

15 Q Did you read anything, any headline with respect
16 to any utterance that Mr. Manson was alleged to have made in
17 the courtroom?

18 A No, I didn't.

19 Q In connection with the Tate-La Bianca case, do you
20 know with what Mr. Manson was charged?

21 A I don't know if it -- all of the specifics, but I
22 know it was a murder trial, also.

23 Q You know that he was charged with murder?

24 A Yes.

25 Q Do you know what the results were in that case?

26 A I think I do.

27 Q Well, all we're asking -- you really are not being
28 tested here. We just simply want to know -- in a way you are.

1 We simply want to know the extent of your
2 knowledge, to some extent, I mean, about that case.

3 A Well, as far as I know, he was found guilty and
4 sentenced to death.

5 Q All right. Was there more than one murder of
6 which he was found guilty?

7 A I think there were more than one, but I'm not sure
8 of exactly how many.

9 Q Had you heard the name Shorty Shea previously?

10 A With -- like saying in the paper, where I read in
11 the last -- I think sometime last week, I read in the paper
12 that this trial was, you know, had some relation to that name.

13 Q Yes. When you heard me read the indictment, you
14 heard me read the name Shorty Shea; is that right?

15 A Yes.

16 Q Did that raise something in your memory in
17 connection with what you heard, read or seen in connection
18 with Shorty Shea or do you now remember the name Shorty Shea?

19 A The only thing, when you mentioned it, I just
20 remembered reading it in the paper. Other than that, I don't
21 remember hearing anything about it before.

22 Q You don't know any facts about it or any alleged
23 facts?

24 A No, I don't.

25 Q How about Hinman, Gary Hinman?

26 A Same relation as the other one.

27 Q You know the name Susan Atkins?

28 A I sort of remember it from the previous trial.

15a-3

1 Q Well, what do you remember about that name?

2 A The only thing I remember about it was that I
3 think she was on trial, also, about the same time.

4 Q -- same time as Mr. Manson?

5 A Yes.

6 Q Now, if I were to instruct you that you were to
7 set aside anything you may have heard, seen or read in
8 connection with that Tate-La Bianca case, as you've called
9 it, or this case, and that you were to set aside anything
10 that you may have talked about with friends or heard about in
11 any way, received notice of in any way through the news media,
12 could you set aside such matters for the purpose of making
13 an independent judgment on this case, based upon the evidence?

14 A I can set it aside, and, you know, if I were
15 chosen to bring any verdict on the evidence that was brought
16 about in this case -- but I think I would, you know, --
17 couldn't just forget about it altogether.

18 Q Well, I really didn't ask you whether you could
19 forget about it, because you are correct, it is probably too
20 difficult to forget about. .

21 But for the purpose of serving as a juror in this
22 case, do you think it is possible for you, in your mind, to
23 segregate whatever you may have heard, seen or read, or heard
24 any rumors about in connection with Mr. Manson or that case
25 or any other case in which he might have been involved, this
26 case?

27 A Yes.

28 Q And independently, upon the evidence and the law

1 alone in this case, decide the question of guilt or innocence,
2 and any other question that you might be called upon to decide
3 in this case?

4 A Yes, I can.

5 Q Could you do that?

6 A Yes.

7 Q Are you capable of being objective enough to do
8 that?

9 A Yes, I am.

10 Q And if, in the course of deliberations, you should
11 remember something that you began to speak about or that you
12 think about, that really is something that was not produced
13 in this court by way of evidence, but was something that you
14 might remember from a news report; would you, if somebody
15 spoke about it in the jury room, would you mention that
16 and tell them, these jurors, that they're not supposed to
17 think about such things?

18 A Yes, I would.

19 Q And would you remind yourself that it is your
20 affirmative obligation to set aside such matters in order to
21 be fair to Mr. Manson?

22 A Sure will.

23 Q And could you be fair and impartial in this case?

24 A Yes, I think.

25 THE COURT: Go ahead.

26

27

28

VOIR DIRE EXAMINATION

BY MR. KANAREK:

1 Q Mr. Jackson, did you hear anything concerning
2 any racial overtones in the publicity, read or see anything
3 as far as that Tate-La Bianca case was concerned?

4 A No, I didn't.

5 Q Now, what I am speaking -- you are of the black or
6 Negro race, and having that in mind, it is that type of racial
7 material that I'm speaking of, asking you whether you read
8 anything or heard anything or saw anything during that case
9 concerning that subject matter?

10 A Well, I don't know anything about any of the
11 people that was involved, you know, what their race were or
12 anything about it.

13 Q Right now, of course what we are talking about,
14 as the judge indicated, we're just discussing what -- however
15 great or however small it may be, whatever you have seen or
16 heard or read as a result of publicity. That's all we're
17 talking about. And not -- it is no reflection on you whether
18 you have or haven't. You -- are we in agreement on that?

19 A Yes, I understand.

20 Q Now, having that in mind, would you tell us, how
21 do you think -- what kind of means did Sharon Tate -- or what
22 was the means by which Sharon Tate passed away, as far as you
23 know, from the publicity?

24 A I don't know anything about -- you know, of how
25 she was killed or anything. All I know was from the news
26 media. I read that she was murdered. That was, you know, about
27 it.
28

16 fis.

16-1

1 Q Now, and you knew -- is your state of mind such
2 that there were people, other than Sharon Tate, that were
3 murdered?

4 A Yes.

5 Q And does the name La Bianca, does that mean any-
6 thing to you? From the publicity, now? Just what you read in
7 the -- or heard in the publicity?

8 A No, it doesn't mean anything to me, other than --
9 you know, like I said, I remember the case as being the Tate-
10 La Bianca case. And then that's all I know about it.

11 The first time I ever heard that name, you know,
12 I had never heard it before that case came up.

13 Q I'm sorry. I didn't understand that. "Until that
14 case came up," you never heard what?

15 A I didn't -- well, I had never heard the name Tate
16 or La Bianca, I imagine, before.

17 Q I see. Now, having in mind the previous trial,
18 will you tell us just what you did read and see and hear, as
19 to the publicity in the previous trial?

20 A Well, just like I said earlier, you know, I read,
21 during -- at the time the trial was going on, you know, I
22 read it in the newspaper. I didn't read it every day.

23 But at the conclusion of the trial, you know, I
24 read that Mr. Manson was found guilty, and that he was
25 sentenced to death.

26 And that's about the extent of it.

27 Q Now, you certainly intend to follow the Court's
28 instructions and not consider any information you may have

1 heard?

2 A Most certainly,

3 Q Right?

4 A Right.

5 Q Would you say that it would be a little difficult
6 for -- to not consider, during the course of this trial, the
7 fact that the man sitting here at counsel table has supposedly
8 been convicted of first degree murder and been sentenced to
9 death?

10 A Well, if I was chosen, I would make my decision
11 solely on the evidence that's presented in this case.

12 Q You would certainly intend to do that, right?

13 A Yes, right.

14 Q But my question is -- you know, like you and I,
15 we might intend to swim to Catalina together some Sunday
16 morning. But we might not make it. We might -- there's a
17 difference -- are we in agreement, there's a difference between
18 intending to do it, something, and actually being able to do
19 it?

20 There's a lot of difference in that, right?

21 A I understand that.

22 Q Now, you haven't heard the evidence in this case;
23 you don't know what the evidence is going to be in this case;
24 right?

25 A That's right.

26 Q And so, having in mind the fact that you know about
27 these convictions, and you know about the death sentence, is it
28 a fair statement that you don't know whether you could not

1 consider it during the course of this trial or not?

2 That's a pretty -- those are pretty unusual facts
3 to be presented with by way of publicity, aren't they?

4 THE COURT: You have two questions there. Which do you
5 want him to answer?

6 MR. KANAREK: I'll break it up.

7 Q Directing your attention to these matters you heard
8 in the publicity, about the conviction of -- the convictions
9 of Mr. Manson, and the death sentences.

10 Now, during the course of this trial, you don't
11 know -- not having lived through it yet -- you don't know for
12 sure that you could not consider these matters during the
13 course of the trial; isn't that right?

14 A Well, I definitely don't know. But I feel,
15 really, that I can put it aside.

16 Q Upon what do you base that statement, Mr. Jackson?

17 A Well, like I said, I -- I can't say definitely
18 that I will. But all I am saying is that I -- if I were
19 chosen, I would put it aside and make my judgment on the
20 evidence that's presented in this case.

21 Q You would try to do that; right?

22 A Right.

23 Q You don't know for sure that you could?

24 A Well, I definitely don't know for sure.

25 Q Right.

26 A But I don't think that I will.

27 Q But you definitely do not know for sure; right?

28 A I definitely don't.

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

2 THE COURT: Mr. Manzella, any questions?

3 MR. MANZELLA: Just a few.

4
5 VOIR DIRE EXAMINATION

6 BY MR. MANZELLA:

7 Q Mr. Jackson, in answer to the judge's question,
8 you indicated -- you said that you can and you will set aside
9 anything that you've heard, seen or read outside the courtroom;
10 correct?

11 A Yes.

16a fls.

16a-1

1 Q When you say that you are not definitely sure,
2 are you -- are you taking back your answer, the answers that
3 you gave to the Judge? Or do you still feel that you can
4 set it aside, and that you will set it aside?

5 A Well, that's what I said. I said that I could
6 set it aside.

7 But I will -- you know, I know that I'll remember
8 some of the things that happened in the other case, that I
9 read.

10 Q All right. And the Judge said, trying to forget
11 everything that you've heard, seen or read would be too
12 difficult. But what you were being asked was: Can you set
13 it aside?

14 In other words, can you decide this case on the
15 evidence you hear in this courtroom, without considering what
16 you've heard, seen or read outside the courtroom?

17 A Yes, I can.

18 Q All right. And will you do that?

19 A I most certainly will.

20 MR. KANAREK: I would like to approach the bench,
21 your Honor.

22 THE COURT: You may do so.

23 Well, first --

24 BY THE COURT:

25 Q Mr. Jackson, were you in any way hedging or
26 uncertain in your mind in what you said to Mr. Kanarek about
27 your ability to set aside anything that you may have heard,
28 seen or read, in the newspaper or television or radio, or

1 what you've talked about?

2 A Well, like I said, I -- I could set it aside.
3 You know, he keeps asking me, "Is it possible that --" you
4 know; it may enter my mind?

5 But I -- well, it's -- I think it's possible.
6 But I think that I can set it aside.

7 Q Well, is it possible that it would enter your
8 mind, and that you could not discard it for the purpose of
9 making an independent judgment on the case?

10 A I'm pretty sure it won't -- it's not -- I don't
11 think that I would be partial toward what I've heard before.

12 Q You understand that it would be extremely unfair
13 to Mr. Manson if you were to, in any way, adopt any of those
14 things that you've -- most of the things that you may have
15 heard outside of -- heard, seen or read outside of this
16 courtroom?

17 A Yes, I understand.

18 Q And what we are simply trying to find out is
19 whether or not you, as a judge, could disregard those things.

20 A Yes, I could.

21 Q And will you?

22 A Yes, I will.

23 Q And will you be fair and impartial on any issue
24 that you might be called upon to decide?

25 A Sure will.

26 THE COURT: All right, gentlemen.

27 (Whereupon, the following proceedings were had
28 at the bench, outside the hearing of the prospective
jurors.)

1 MR. KANAREK: Your Honor, this man has two brothers;
2 one is a Los Angeles police officer -- at least two brothers
3 that we know of. One is a deputy sheriff.

4 And when your Honor says that it might be
5 extremely unfair, that is -- that may be the very reason he
6 wants to get on this jury.

7 THE COURT: Well, it may be, but I haven't detected
8 that.

9 MR. KANAREK: Well, no. It's obvious, your Honor. I
10 mean, it's extremely -- I mean, here the District Attorney is
11 so solicitous about this other juror, and the fairness and
12 all of that, but in this case --

13 THE COURT: Well, should we just, as a matter of policy,
14 exclude everybody who has a relative on the police force?

15 MR. KANAREK: No. But there's more here. There are two
16 police officers. And police officers in this city believe
17 that -- I've heard them say that Mr. Manson, if he ever were
18 released from jail, he would be shot by a police officer
19 within a hundred yards of the jail -- or something or other.

20 THE COURT: Somebody said that?

21 MR. KANAREK: Yes.

22 THE COURT: One of the jurors?

23 MR. KANAREK: No, not one of the jurors. But I've heard
24 them say that.

25 THE COURT: You might have heard that.

26 MR. KANAREK: And police officers feel very strongly
27 about this. There's going to be police officer testimony
28 in this case, of great --

1 THE COURT: Well, now, what is your point? That you
2 believe --

3 MR. KANAREK: My point --

4 THE COURT: -- that he can't be impartial, because of
5 what he's heard, seen or read, -- or --

6 MR. KANAREK: Yes, your Honor.

7 THE COURT: -- can't be impartial because he has
8 relatives on the police force? Or what?

9 MR. KANAREK: A combination. A combination of his --
10 of the fact that he has two brothers who are police officers,
11 and the combination of the publicity.

12 And if the District Attorney's office is really
13 interested in getting Mr. Manson a fair trial, they would
14 stipulate to a man like that being excused from jury duty.

15 But I am saying --

16 16b flx.

16b-1

1 THE COURT: Well, the Court --

2 MR. KANAREK: But I am saying, in any event, when you say
3 it would be extremely unfair, there are people, I believe, who
4 are on this jury who are there because they want to make sure
5 that they -- that they put the nail in Mr. Manson's coffin, so
6 to speak.

7 That's the very reason they want to get on this
8 case, is because they don't want to take any chance.

9 THE COURT: If I could detect that, or if you could detect
10 that, then it should be our duty, should it not, to see that
11 they're excused?

12 But it seems to me that this man is simply a little
13 diffident. He's the kind of a man who is not inclined to push
14 his opinions.

15 And he -- he didn't want to, in the way you put
16 your question, be abrupt with you.

17 I notice that that is -- generally, the way you put
18 your question, "Is it a fair statement?" and so forth, you begin
19 your question in that way, and -- and with it phrased in that
20 way, it's difficult for some people to tell you, "No, you are not
21 being fair."

22 MR. KANAREK: Well --

23 THE COURT: Now, in this case, I simply detect that that --
24 that he was somewhat reluctant to be positive in making the
25 statement.

26 But I do detect, too, that he is sure that he can
27 set aside what he may have heard, seen or read, and he will do
28 so; and that he will be impartial.

16b-2

1 MR. KANAREK: Well, your Honor, what --

2 THE COURT: He seems unusually intelligent to me.

3 MR. KANAREK: Your Honor, that question, with all due
4 respect to the Court, is meaningless. If your Honor asked
5 me, could I memorize the Gutenberg Bible or something like
6 that, and I said, "Yes," that doesn't mean that we have to
7 accept it.

8 It's impossible for him to put it aside. How
9 can seven counts of murder and seven death sentences -- my
10 God! And then he has police officer brothers, who -- who are
11 presently police officers.

12 THE COURT: Well, we have gone --

13 MR. KANAREK: It's beyond belief.

14 THE COURT: We have gone through this before, Mr. Kanarek.
15 It's the same proposition that we have been faced with
16 throughout this selection of a jury.

17 As we've stated before, on the record, there are
18 very few people who do not know that Mr. Manson has been
19 convicted of murder.

20 MR. KANAREK: Well, that, plus the combination --

21 THE COURT: But the Court finds that the challenge for
22 cause should be denied in this case, and the Court does deny
23 it.

24 Oh, excuse me. The Court finds that the juror
25 can set aside what he has heard, seen or read; that he will
26 set it aside, and any opinions that he may have formed from
27 what he's heard, seen or read; and that he will be fair and
28 impartial.

16b-3

1 MR. KANAREK: Well, I would like to do this. And I do --
2 I make a motion for a mistrial, on the grounds, your Honor,
3 that -- that if -- this trial -- this case is being held in the
4 Central District, and not in the Van Nuys area, where -- the
5 northwest district. And this is not a change of venue motion.

6 I would like to point this out to the Court. This
7 has to do with the district of the Los Angeles Superior Court --
8 the Superior Court for the State of California, for the County
9 of Los Angeles.

10 Now, these events happened in an area where the
11 District Attorney would probably -- would be either Santa
12 Monica or the northwestern district.

13 And so what we are -- what we are -- by virtue of
14 the District Attorney filing -- and making this a grand jury --
15 these a grand jury indictment, rather than going up by way of
16 preliminary hearing, and arbitrarily and capriciously doing
17 this, with -- by exercising their power with the grand jury --

18 THE COURT: The motion --

19 MR. KANAREK: -- Mr. Manson is denied a fair jury, in
20 that -- and I would ask the Court to take judicial notice of
21 the fact that I'd say -- I'd say the jurors that are coming
22 through here -- I don't have the exact count right with me, but
23 I would say probably between 50 and 70 per cent of them are of
24 the black or Negro race.

25 And that deprives Mr. Manson of a fair trial.

26 THE COURT: Do you wish to respond?

27 MR. MANZELLA: Well --

28 MR. KANAREK: And the northwest district, as a matter of

1 fact, the presiding judge is -- and I'm sure I don't have to
2 belabor it, your Honor. Your Honor recognizes that supposedly
3 the -- the -- the choice of jurors is going to be different in
4 the next -- in the next picking that takes place, by voter's
5 registration.

6 THE COURT: Mr. Manzella?

7 MR. MANZELLA: I don't understand that argument. But
8 since -- Mr. Kanarek, since we first started selecting the
9 jury, made a point of establishing for the record that jurors
10 that I exercised peremptory challenges on were black jurors.

11 I don't understand the objection --

12 MR. KANAREK: No, but --

13 MR. MANZELLA: -- that he is making to having black
14 jurors from the Central District.

15 MR. KANAREK: What I'm saying is: It's overwhelmingly --
16 these people are overwhelmingly of the black or Negro race,
17 such that Mr. Manson --

18 THE COURT: The Court hasn't seen -- the Court hasn't
19 seen that the per cent of jurors who are black exceeds 50
20 per cent. I -- it looks to me as though -- and this is just a
21 guess -- about 50 -- about 30 per cent are black; but it may be
22 even less than that.

23 But it's certainly not 50 per cent.

24 In any event, the motion for a mistrial is denied.
25 Let's proceed.

26 (Whereupon, the following proceedings were had in
27 open court, within the hearing of the prospective jurors.)
28

17 fls.

17-1

1 THE COURT: All right, call the balance of the panel
2 in.

3 Open both doors so they can file in very quickly,
4 if you would, please, Bill.

5 All right, the record may show Mr. Manson is
6 present with Mr. Kanarek. All the prospective jurors are
7 in the box and beyond the rail.

8 Gentlemen, you may question Mr. Jackson, if you
9 wish to.

10 Any questions of Mr. Jackson?

11
12 VOIR DIRE EXAMINATION

13 BY MR. KANAREK:

14 Q Mr. Jackson, were you able to hear all the
15 questions and answers that have been made since you've been
16 in court?

17 A Yes, I've heard all of them.

18 MR. KANAREK: Thank you.

19 Pass for cause. Pass for cause, your Honor.

20 THE COURT: Thank you, Mr. Kanarek.

21 Mr. Manzella.

22
23 VOIR DIRE EXAMINATION

24 BY MR. MANZELLA:

25 Q Mr. Jackson, do you know anyone involved in the
26 defense of criminal cases?

27 A No, I don't.

28 Q Do you know anyone who has ever been accused of

17-2

1 any crime?

2 A No, I don't.

3 Q You understand the burden of proof that's on
4 the prosecution in a criminal case?

5 A I don't quite understand it, the way you ask
6 it,

7 Q All right. The Court instructed the prospective
8 jurors with regard to the burden of proof on the prosecution
9 in a criminal case. That is, the People must prove guilt
10 beyond a reasonable doubt, and that's the same burden, the
11 same standard in all criminal cases.

12 My question to you is would you hold the People
13 to any greater burden of proof in this case because it is
14 a murder case?

15 A No, I wouldn't.

16 Q Did you hear the questions I asked the other
17 jurors with regard to circumstantial evidence?

18 A Yes, I did.

19 Q And did you hear the questions I asked with
20 regard to the use of circumstantial evidence to prove that
21 a death occurred?

22 A Yes, I heard.

23 Q All right. Do you have any bias or prejudice
24 against circumstantial evidence which would prevent you
25 from being fair and impartial to the People in this case?

26 A No, I don't.

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

17-3

1 the death is proved circumstantially?

2 A No, I don't.

3 MR. MANZELLA: All right, thank you, Mr. Jackson.

4 The People pass for cause, your Honor.

5 MR. KANAREK: Your Honor, there is the problem with
6 Mr. Jackson in connection with his employment. What is the
7 resolution?

8 THE COURT: Yes, that's true.

9 Mr. Jackson, would -- could you use this
10 phone in back here and make a determination right away,
11 via a phone call about your employment or would you have
12 better luck coming back tomorrow morning with it, with the
13 information?

14 JUROR NO. 5: Well, uh, usually when I leave, by the
15 time I get home, my personnel would be closed. I could try
16 to call him now.

17 THE COURT: Could you catch somebody there if you were
18 to phone now?

19 JUROR NO. 5: Possible.

20 THE COURT: Do you think?

21 All right, we'll be in recess. Will everybody
22 remain in the courtroom.

23 Remember the admonition that I have heretofore
24 given you, don't converse among yourselves or anyone else
25 on any subject connected with this matter. Don't form or
26 express any opinion on it until it is finally submitted to
27 you, should you be chosen to serve as a juror.

28 We'll be in recess for about five minutes.

17-4

1 Mr. Jackson, come on back in the chambers, will
2 you. I'll give you access to a phone so you can call and
3 find out about your employment.

4 (Short recess.)
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17-5

1 THE COURT: Mrs. Exum, what is your problem?

2 MRS. EXUM: I attend school two nights a week and
3 my classes --

4 THE COURT: Your classes are at 4:00 o'clock?

5 MRS. EXUM: 4:30.

6 THE COURT: At Los Angeles -- at Cal. State College?

7 MRS. EXUM: Yes.

8 THE COURT: Your name is, for the record, E-x-u-m?

9 MRS. EXUM: Yes.

10 THE COURT: And you are a prospective juror who is
11 beyond the rail there and you are asking to be excused?

12 MRS. EXUM: Yes.

13 THE COURT: You expect to be attending classes
14 throughout the rest of this year?

15 MRS. EXUM: Well, the summer sessions lasts until
16 September. And I am re-entering full-time in the morning
17 in October.

18 THE COURT: If you were to serve as a juror in this
19 case, it would considerably inconvenience you?

20 MRS. EXUM: Yes, it would.

21 THE COURT: Is that right?

22 MRS. EXUM: Yes.

23 THE COURT: It would be some hardship and delay your
24 studies?

25 MRS. EXUM: Yes.

26 MR. MANZELLA: People will stipulate that she can be
27 excused, your Honor.

28 MR. KANAREK: So stipulate, your Honor.

17-6

1 THE COURT: Thank you, gentlemen, and Mrs. Exum -- is
2 it Mrs. or Miss?

3 MISS EXUM: Miss.

4 THE COURT: -- Miss Exum, you are excused from service.

5 And Mr. Daniel Garcia whose last day it is
6 today is excused pursuant to the stipulation entered into on
7 the record.

8 There is a juror who did not appear on Friday,
9 and have you received any information from the Jury
10 Commissioner's office as to whether or not she was excused
11 without your knowledge?

12 THE CLERK: No, I called there, your Honor, and no one
13 had any knowledge of the whereabouts of the juror, nor did
14 anyone give her permission to be excused.

15 THE COURT: The Court didn't give her permission, and
16 the Court at this time, because of her absence on Friday
17 morning -- the Court notes that she was present when the
18 Court advised her to be here on Friday morning -- she was
19 present on Thursday when she was advised to be present on
20 Friday morning, and she was not here. And the Court has not
21 heard from her. And as a matter of fact, the Court has heard
22 that she simply left without permission for -- on a
23 three-day vacation.

24 The Court at this time finds that she is in
25 contempt of court, having violated that order willfully and
26 issues -- orders that a warrant be issued for -- strike that
27 -- that a warrant of attachment be issued for that juror.

28 MR. KANAREK: Your Honor, if I may --

17-7

1 THE COURT: You may not say anything, Mr. Kanarek.
2 You may be seated.

3 MR. KANAREK: Well, I oppose --

4 THE COURT: You may not say anything.

5 MR. KANAREK: May I approach the bench, then?

6 THE COURT: No, you may not.

7 So that a warrant of attachment is issued for
8 the juror. And the Court set the bail on the matter --
9 sets the bail on the warrant as \$50. The warrant is ordered
10 served.

11 THE CLERK: Plus PA?

12 THE COURT: Plus PA.

13 THE CLERK: Forthwith?

14 THE COURT: Forthwith.

15 We held it from Friday, but I think it should
16 issue now.

17 Had you communicated her absence to the
18 Commissioner? Have they tried to get in touch with her?

19 THE CLERK: Yes, twice --

20 THE COURT: I'll hold it one more day and ask the
21 Commissioner's Office to contact her and have her in here
22 tomorrow morning. If she's not here tomorrow morning, then,
23 I'll order it issued.

24 All right, ladies and gentlemen, at this time
25 the Court then will excuse you with the usual admonition,
26 don't converse among yourselves, nor with anyone else on
27 any subject connected with this matter, nor are you to form
28 or express any opinion on the matter until it is finally

17-3

1 submitted to you.

2 Good night. See you tomorrow at 9:30.

3 MR. KANAREK: Your Honor, could that be 9:45,
4 10:00 o'clock? Could that be 10:00 o'clock?

5 (Whereupon, the prospective jurors retired from
6 the courtroom, and the following proceedings were had:)

17-9

1 THE COURT: All right, the prospective jurors have
2 left.

3 MR. MANZELLA: The information you gave to us about
4 Mr. Jackson's -- not being able to find out about Mr. Jackson's
5 employment wasn't on the record. If you wanted to put that
6 on the record --

7 THE COURT: Yes, the Court spoke with Mr. Jackson who
8 had called his employer, and the Court found that the --
9 from him that the supervisor who is going to investigate the
10 question as to whether or not he would be paid by Hughes
11 Tool Company had not yet ascertained whether the company would
12 pay him. They are going to call the Clerk this evening or
13 tomorrow morning after they have arrived at a decision.

14 MR. KANAREK: Yes, your Honor?

15 THE COURT: Mr. Kanarek.

16 MR. KANAREK: In connection with the juror, your Honor,
17 I most respectfully -- I don't think the Court has jurisdiction
18 for this reason: --

19 THE COURT: The Court appreciates your championing the
20 position of a juror who failed to show up, but that should
21 be done outside of the hearing of the other jurors. I don't
22 know what your purpose is --

23 MR. KANAREK: Well, but --
24
25
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27
28

16 fls.

18-1

1 MR. KANAREK: Well, it's either a hybrid or indirect
2 contempt. And I don't think the Court can make a finding
3 of contempt.

4 I think the Court has a power to issue an order
5 to show cause in re contempt, but --

6 THE COURT: Well, the Court believes that the juror is
7 in contempt; and so the Court is ordering that a bench
8 warrant be issued, and the Court will hear from her. She
9 will have a hearing in respect to whether or not she's
10 in fact in contempt.

11 And, in effect, it amounts to an order to show
12 cause. But at this point, the Court is simply going to
13 issue the warrant. I think it's a -- it's a hybrid contempt,
14 for which I have the right at this moment to issue a
15 warrant.

16 And the Court does.

17 MR. KANAREK: Then we have one other matter. Mr. --

18 THE COURT: Are you representing Mrs. Root or Root?

19 MR. KANAREK: No, your Honor. But --

20 THE COURT: You are just intervening as a friend of
21 the court, then?

22 MR. KANAREK: That's correct. I think she should have
23 counsel, and --

24 THE COURT: All right. The Court needs friends; and
25 we appreciate your friendship.

26 MR. KANAREK: Mr. Hanson has a dental problem, your
27 Honor. He informs me that he --

28 THE COURT: He does?

18-2

1 MR. KANAREK: Yes. An extreme dental problem. And
2 there are several teeth that probably will have to come out.

3 THE COURT: That's not amongst your repertoire, that
4 type of skill?

5 You want to see that he has some professional --

6 MR. KANAREK: Well --

7 THE COURT: -- attendance --

8 MR. KANAREK: Yes, your Honor.

9 THE COURT: -- for that problem?

10 MR. KANAREK: But the point is that this is going to
11 require some little amount of surgery, because of the numbers
12 of teeth that are involved, and --

13 THE COURT: If I see something from somebody who is
14 not a lawyer, but who is a practicing dentist, and can tell
15 me that, I might --

16 DEFENDANT MANSON: Your Honor, the dentist comes at
17 9:00 o'clock. The Court starts at 9:00 o'clock. I just have
18 a tooth I would like to get pulled. It's not that compli-
19 cated.

20 THE COURT: All right. What are you asking?

21 MR. KANAREK: Well, the point is --

22 DEFENDANT MANSON: 10:00 o'clock tomorrow is what we are
23 asking.

24 MR. KANAREK: 10:00 o'clock or 10:30. Because -- so
25 he can get to the dentist. And out of an abundance of
26 caution, I think probably 10:00 -- 10:00 or 10:30 would be --
27 would be useful.

28 THE COURT: Well, let's set it at 10:00 o'clock. I --

18-3

1 off the record.

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

3 THE COURT: All right. Back on the record.

4 We are in recess, then, until 10:00 o'clock
5 tomorrow morning.

6 (Whereupon, at 4:30 o'clock p.m., an adjournment
7 was taken until 10:00 o'clock a.m. of the following
8 day, Tuesday, July 20, 1971.)
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