

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. )

118  
NO. A-267861REPORTERS' DAILY TRANSCRIPT

TUESDAY, JULY 20, 1971

## APPEARANCES:

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

For the Defendant Manson:

IRVING A. KANAREK, ESQ.

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

COPY

1 LOS ANGELES, CALIFORNIA, TUESDAY, JULY 20, 1971 10:30 A.M.  
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5 THE COURT: In the case of the juror, Mrs. Roat, the  
6 Court strikes the order issuing a bench warrant for that  
7 lady.

8 The record should show, however, that on July 15th,  
9 the Court ordered Mrs. Roat to return on the morning of  
10 July 16th, in the case of People -- the State of California  
11 vs. Charles Manson.

12 But on the morning of July 16th, when the  
13 prospective jurors' names were called, that Mrs. Roat was not  
14 present. That she did not appear at all on July 16th, as  
15 she was required to do, as a prospective juror, and pursuant  
16 to the order of the Court, that she did not appear in court  
17 on July 19th.

18 The phone calls had elicited information to the  
19 Jury Commissioner and to the Clerk, from either Mrs. Roat or  
20 someone speaking for her, that she left for Mexico on Friday  
21 on a short holiday, and that she chose not to return to the  
22 court for jury duty on July 19th.

23 The Court believes that she is in contempt, and  
24 the Court orders that an order to show cause be issued for --  
25 what's her first name?

26 THE CLERK: Mrs. Corinne, C-o-r-i-n-n-e, Roat, R-o-a-t.

27 THE COURT: -- Mrs. Corinne Roat, as to why she should  
28 not be held in contempt of this court. She is to appear in  
this department on Friday, at 9:00 o'clock, to answer this

1 order to show cause.

2 Friday, the 23rd, at 9:00 o'clock, in this  
3 department.

4 The order to show cause should be issued today  
5 and served today.

7 - - - -

1 LOS ANGELES, CALIFORNIA, TUESDAY, JULY 20, 1971, 10:45 A. M.

2  
3 THE COURT: The record will show that Mr. Manson is  
4 present with his counsel, Mr. Kanarek.

5 I am informed your client did get the dental work  
6 done that was required this morning. The captain called the  
7 jail shortly before 9:00 o'clock and asked them to expedite  
8 the dental work that had to be done.

9 The record should show that Mr. Jackson, the  
10 prospective juror, is present in the jury box.

11  
12 VOIR DIRE EXAMINATION OF

13 COLBERT J. JACKSON

14 BY THE COURT:

15 Q Mr. Jackson, after you left last night, the Court  
16 had a call from your employer, the supervisor whom you had  
17 talked to. The information was that you are allowed 30 days  
18 jury duty by contract with pay. Thereafter, you are not paid.

19 The information further was that should you serve  
20 for a period of four months on jury duty, that it is quite  
21 likely that you would lose your position because of your  
22 relatively short period of time, your relatively short period  
23 of time with the company.

24 How long have you been working for them?

25 A Two and a half years.

26 Q Apparently, there are others who have been working  
27 there considerably longer and they don't have the right to be  
28 absent themselves for four or five months, either. But your



1 situation is that you would apparently lose your position  
2 according to what -- you apparently would lose your position  
3 according to what this supervisor told the Court.

4 Now, under those circumstances, are you asking to  
5 be excused or not?

6 A Yes, I would appreciate it.

7 THE COURT: Gentlemen?

8 MR. MANZELLA: We'll stipulate it would constitute a  
9 hardship, your Honor.

10 MR. KANAREK: Submitted, your Honor.

11 THE COURT: All right, the Court finds it would constitute  
12 a hardship to you, Mr. Jackson, and the Court does excuse you.

13 JUROR NO. 5: Thank you.

14 THE COURT: Let's see, Room 253, forthwith.

15 Call another name. Call two, so we'll have one on  
16 standby, would you, please?

17 THE CLERK: Mrs. June P. Knight, K-n-i-g-h-t.

18 And Orville F. Dees, D-e-e-s, O-r-v-i-l-l-e.

19 THE COURT: I'm sorry, I didn't get the last name.

20 THE CLERK: Mrs. June Knight and Mr. Dees, D-e-e-s.

21 THE COURT: Oh, thank you.

22  
23 VOIR DIRE EXAMINATION OF

24 JUNE P. KNIGHT

25 BY THE COURT:

26 Q Mrs. Knight, the Court wishes to inquire of you  
27 whether you were present when the Court examined the first  
28 prospective juror from your group and when the Court explained

1 the nature of this case and instructed on some of the law  
2 concerning this case?

3 A Yes, I was.

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

4 A There would be two different ones.

5 Q All right.

6 A My niece's husband is a policeman. And my  
7 father-in-law is a police crossing -- a school crossing  
8 guard. He works for the Police Department.

9 And, also, my husband was beaten up by a couple  
10 of hippie-type persons on Hollywood Boulevard when he was  
11 working one day and that -- you know, he was injured.

12 Q In respect to the other questions, remember the  
13 questions that I put to him regarding credibility, will you  
14 follow the Court's instructions in regard to the judging of  
15 credibility on the basis that I told you about and instructed  
16 you about?

17 A Well, as far as the police, you know --

18 Q First, let's get that out of the way.

19 A Yes.

20 Q I'm going to ask you about those things you  
21 mentioned in just a moment.

22 You will follow those instructions in regard to  
23 credibility on the basis that I told you about and instructed  
24 you about?

25 A I am prejudiced.

26 Q Will you simply answer the question?

27 A Yes.

28 Q Will you follow the instructions regarding

1a-2

1 credibility as I have asked you about before and as I've  
2 instructed you?

3 A Uh-huh, yes.

4 Q All right.

5 Now, you've indicated that you are prejudiced.  
6 Is this because of the incident in which your  
7 husband was involved?

8 A Well, it probably helps, but mainly just from the  
9 past case.

10 Q Because of the -- in other words, you are saying  
11 because of the publicity that you have heard, seen or read  
12 about Mr. Manson, you don't think you could be fair and  
13 impartial?

14 A I don't think I could.

15 Q You don't think you could set that aside for the  
16 purpose of making an independent judgment in deciding the  
17 evidence in this case? You couldn't set aside such  
18 matters?

19 A I don't think I could, because I think that I  
20 have already arrived at a conclusion.

21 Q By that, you mean, you think you have arrived at  
22 a conclusion that Mr. Manson is guilty or probably guilty of  
23 these charges?

24 A Yes. Yes.

25 THE COURT: Gentlemen? Any questions?

26 MR. MANZELLA: No opposition to the challenge for  
27 cause, your Honor.

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

1 THE COURT: All right, the Court will grant the  
2 challenge for cause and thus relieve you.

3 JUROR NO. 5: Thank you.

4 THE COURT: Room 253 forthwith.

5 THE CLERK: Orville F. Dees, D-e-e-s.

6 THE COURT: Call another one.

7 THE CLERK: Harry Auerbach, A-u-e-r-b-a-c-h.

8  
9 VOIR DIRE EXAMINATION OF

10 ORVILLE F. DEES

11 BY THE COURT:

12 Q Are you Mr. Dees?

13 A Yes, I am.

14 Q Would you just be seated there, Mr. Dees.

15 You would be prospective juror No. 5. You would  
16 be the fifth seat from the end, if you were chosen.

17 Mr. Dees, were you present when the Court  
18 explained the nature of this case and conversed with the  
19 first prospective juror taken from your group?

20 A Yes, I was.

21 Q And did you hear the questions that were put to  
22 him?

23 A Yes, I did.

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

26 A They would be the same.

27 Q I have -- would it be a hardship to you to serve  
28 in this case?

1           A     Yes. Douglas Aircraft will only pay for 20 days'  
2 service.

3           Q     I see. How long have you been with Douglas?

4           A     28-1/2 years.

5           Q     And you have inquired from your employer concerning  
6 that?

7           A     I inquired Friday night and I called again last  
8 night.

9           Q     And they will not pay you beyond that?

10          A     No.

11          Q     28 days, did you say?

12          A     20 days. 20 days' pay.

13          Q     And your earnings are important to you and your  
14 family, the livelihood of your family?

15          A     Well, yes, they are, because I'm going through a  
16 divorce case and I am paying two lawyers and have to appear  
17 in court the 27th of this month because the wife wants  
18 \$300 alimony and my furniture.

19          Q     Well, in the interest of the legal profession  
20 alone, the Court should probably excuse you.

21          A     Yes.

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1 THE COURT: Gentlemen? Any comment?

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

4 THE COURT: Mr. Kanarek?

5 Mr. Kanarek?

6 MR. KANAREK: Yes. Well, your Honor, we have -- your  
7 Honor knows what our position is. And we --

8 THE COURT: Any questions?

9 MR. KANAREK: No, no questions. Our motion is that the  
10 Court pay the gentleman whatever his salary is --

11 Well, may I just ask, without asking --

12  
13 VOIR DIRE EXAMINATION

14 BY MR. KANAREK:

15 Q I won't delve into it too much, Mr. Dees, but what  
16 is the title of your job?

17 A I am an assembler, aircraft assembler.

18 Q You are an aircraft assembler?

19 A Right.

20 Q And I gather there's a certain union type of wage;  
21 right?

22 A Yes, there is. Four-thirteen, right now.

23 Q Well, I wasn't asking that.

24 A Well, I was just giving you the figures.

25 Q So many dollars per hour; right?

26 A Yes.

27 MR. KANAREK: It's my position, your Honor, as your  
28 Honor knows, that we do make a motion that the County be

2-2

1 ordered to pay Mr. Dees --

2 THE COURT: Pay him four-thirteen an hour, on an eight  
3 hour basis? Whatever the difference might be between --  
4 well, pay him his wages, his wages and salary?

5 MR. KANAREK: Right.

6 THE COURT: During the time he is on jury duty?

7 MR. KANAREK: Right. Right. If he were a County  
8 employee --

9 THE COURT: Your motion is denied.

10 MR. KANAREK: Yes.

11 THE COURT: And the Court will not issue an order to  
12 show cause to the Supervisors to cause them to do that; but  
13 will, as a matter of fact, relieve Mr. Dees.

14 The Court does find it would be a hardship to  
15 you, Mr. Dees, that you shouldn't have to endure, and there-  
16 fore, does excuse you. Thank you.

17 JUROR NO. 5: Thank you, sir.

18 MR. KANAREK: Thank you, Mr. Dees.

19 THE CLERK: Harry Auerbach; A-u-e-r-b-a-c-h.

20  
21 VOIR DIRE EXAMINATION OF

22 HARRY AUERBACH

23 BY THE COURT:

24 Q Mr. Auerbach, come forward, would you, please?

25 Mr. Auerbach, were you present when the Court  
26 explained the nature of this case --

27 A Yes.

28 Q -- and addressed questions to the first prospec-  
29 tive juror from your group?



2-3

1 A Yes.

2 Q Would your answers to the questions be any  
3 different than those of that first juror?

4 A No, sir.

5 Q And would you follow the Court's instructions,  
6 as I explained them to you?

7 A Yes.

8 Q Would it be a hardship to you to serve in this  
9 case, Mr. Auerbach?

10 A Not at all.

11 Q Neither personal nor financial?

12 A No.

13 Q Have you served as a juror before?

14 A Never.

15 Q Are you employed?

16 A I am retired.

17 Q From what?

18 A A dental technician.

19 Q You were a dental technician?

20 A Yes.

21 Q In the County of Los Angeles, generally?

22 A No. In Illinois. Chicago.

23 Q I see. And it's during your retirement that you  
24 have come to California?

25 A Yes, sir. Four years ago.

26 Q I see. Are you related to or a friend of any law  
27 enforcement officer?

28 A I have a grandson that works for the police

1 department in Van Nuys.

2 He works as an employee there.

3 MR. KANAREK: I didn't hear.

4 THE COURT: He has a grandson that works for the police  
5 department in Van Nuys.

6 Q Is he a police officer or a --

7 A No, he is not. He is 20 years old. And I don't  
8 know -- we really don't know. He says he may join, may not  
9 join up with them.

10 Q He simply works there in the police department in  
11 some capacity?

12 A Right, sir.

13 Q Would that affect your judgment at all,  
14 Mr. Auerbach?

15 A None at all, no, sir.

16 Q Is there a Mrs. Auerbach?

17 A No, deceased.

18 Q Do you have such views concerning the death  
19 penalty, Mr. Auerbach, that you could not by reason of those  
20 views be impartial in determining the question of guilt or  
21 innocence?

22 A (No response.)

23 Q Do you follow me?

24 A I follow you.

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2a fls.

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Q On the issue of guilt or innocence, the first phase of the case, --

A Yes.

Q -- do you have such views concerning the death penalty that you could not be impartial in determining guilt or innocence?

A No, I wouldn't be impartial, no.

Q You would not be impartial?

A No.

Q I'm not sure that you follow -- do you have such views concerning the death penalty that you could not be impartial? Could you be fair in determining --

A Oh, yes. I could be fair about it, yes, sir.

Q You don't have such views concerning the penalty, the death penalty, --

A No.

Q -- that would keep you from being unfair?

A That's correct, yes.

Q And -- keep you from being fair, rather? I'm sorry.

A Yes, keep me from being fair.

Q Keep you from being fair --

A Yes.

Q -- in the first phase of the case; do you?

A Yes, I would be fair.

Q All right. Now, let's get to the second phase of the case, the penalty phase. Now, I am not inferring that a jury will ever get to that point. They only get to that

2a-2

1 point, you understand, if the defendant is found guilty of  
2 murder of the first degree.

3 If he's found guilty of anything less than that,  
4 or if he's acquitted, of course the jury never gets to  
5 the penalty phase.

6 Do you understand that?

7 A Yes, I do.

8 Q And you understand that the Court is not making  
9 any inference of guilt --

10 A Yes, sir.

11 Q -- in asking you about the death penalty?

12 A Yes.

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

16 A No, sir.

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

20 A I don't think I would -- I would impose it  
21 immediately, without discussion.

22 Q Would you view the evidence to determine whether  
23 in fact you would ever impose it?

24 A Yes.

25 Q And if in -- you understand that it would be a  
26 matter of your sole discretion, and the discretion of the  
27 other 11 jurors, as to whether or not life imprisonment or  
28 death should be imposed?

2a-3

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A Yes.

2

Q You understand that?

3

A Yes, sir.

4

Q Have you heard the name Charles Manson before you

5

came to this courtroom?

6

A Yes. In television and in newspapers --

7

Q In what connection --

8

A -- and the radio.

9

Q I see. And was that in connection with the

10

so-called Tate-La Bianca homicide trial?

11

A Yes.

12

Q Did you follow that case in the press or in the

13

television or via radio?

14

A Yes.

15

Q You did?

16

A Yes, sir.

17

Q Did you follow it regularly or more or less

18

regularly?

19

A Well, you couldn't avoid it. Whenever you bought

20

a paper or listened to the television, that was always on.

21

Q I see. Let me ask you: Did you learn the

22

result of that case?

23

A Yes.

24

Q Tell us what you believe to be the result of

25

the case.

26

A You mean the final result?

27

Q Yes.

28

A He had the death penalty.

1 Q In other words, Mr. Manson was found guilty of  
2 murder --

3 A Yes.

4 Q -- of the first degree --

5 A Yes.

6 Q -- and was sentenced --

7 A Sentenced to death.

8 Q -- to death?

9 A Yes.

10 Q Do you know the name Susan Atkins?

11 A From reading about her, and seeing it on  
12 television, yes.

13 Q Yes. Tell us what you know about Susan Atkins.

14 A Well, she was an accomplice.

15 Q Do you know the names of any other persons in that  
16 case?

17 A If they were mentioned. It doesn't stay with me.

18 Q But you don't know them without having heard them  
19 at this time?

20 A No.

21 Q Without hearing them?

22 A No, I don't know them.

23 Q Do you know the name Spahn Ranch?

24 A Heard of it.

25 Q In what connection?

26 A Also from the -- the case.

27 Q What do you know about it?

28 A Just the ranch that they -- I think they were

1 living in that ranch.

2 Q Do you know the name Manson Family?

3 A Yes.

4 Q What do you know about that phrase?

5 A Well, it's supposed to be a group of people that  
6 lived up there.

7 Q Lived up where?

8 A At the Spahn Ranch.

2b fls.

2b

1 Q Do you know the name Shorty Shea?

2 A Heard of it, yes.

3 Q What have you heard about the name Shorty Shea?

4 A I heard that -- that he had been missing for quite

5 a while. And that's about all.

6 Q That's about it? That's all you remember?

7 A That's all I remember.

8 Q Have you heard the name Gary Hinman before you came

9 into this court and heard the Court read the indictment?

10 A Yes, I have. Also, he -- also he was supposed to

11 have been murdered.

12 Q And was Mr. Manson, as far as you can remember

13 from the news reports, in any way connected with that death?

14 A Uh -- yeah, I -- yes.

15 Q Now, having in mind everything that you may have

16 heard, seen or read concerning that Tate-La Bianca case and/or

17 this case, and having in mind discussions that you may have

18 held with friends or with relatives concerning Mr. Manson,

19 that Tate-La Bianca case or this case, --

20 A No, I never discussed it.

21 Q -- having those things in mind now, --

22 A Yes.

23 Q -- do you think that you could set them aside,

24 for the purpose of making any judgment that you might be

25 called upon to make in this case? Not forget them; not

26 eradicate them or erase them from your memory personally,

27 but could you set such matters aside, for the purpose of

28 making an independent judgment on this case?



1 A Yes, I believe I could, yes.

2 Q When you say, "I believe I could," --

3 A Yes, I am sure I could.

4 Q -- you are sure you could?

5 A Yes, positively.

6 Q And do you understand that if you were to  
7 consider such items, such news items, such rumors or such  
8 talk, that you may have heard, seen or read, that it would be  
9 unfair to Mr. Manson?

10 A Yes, it would be unfair to him. Yes.

11 Q Do you believe that you can set aside any  
12 opinion that you might have formed? Say, for example, that  
13 Shorty Shea was missing? That's an opinion that you have  
14 formed from the news media; is that correct?

15 A That's correct, yes.

16 Q Could you set that and any other opinion that  
17 you might have formed aside, for the purpose of beginning  
18 anew and judging this case solely on the evidence?

19 A Yes, I could set it aside. Yes.

20 Q And will you judge this case solely on the  
21 evidence, and the Court's instructions of law?

22 A Yes, sir.

23 Q And will you set aside anything that you may have  
24 heard, seen or read, whatever, about Mr. Manson, the Tate-  
25 La Bianca case, or this case, for the purpose of making an  
26 independent judgment, based on the evidence?

27 A Yes, sir.

28 Q Can you be fair and impartial in this case?

1 A Yes, I could.

2 THE COURT: Mr. Kanarek?

3

4

VOIR DIRE EXAMINATION

5 BY MR. KANAREK:

6 Q Mr. Auerbach, do you conceive of cases where you  
7 couldn't be fair?

8 THE COURT: Go ahead and use the microphone, if you  
9 would.

10 MR. KANAREK: Surely, your Honor.

11 Q Mr. Auerbach, can you conceive of cases where you  
12 couldn't be unfair (sic)?

13 A I don't think so. I have an open mind.

14 Q I see. And you can't -- you can conceive of no  
15 case where you couldn't sit as a juror and be fair?

16 A No, no. I have an open mind.

17 Q By that, I mean -- I'm not thinking of Mr. Manson.

18 A Yes.

19 Q I am thinking in general.

20 A Yes.

21 Q Mr. Auerbach, in terms of the word "fair," can you  
22 give us just briefly, what does that mean to you?

23 A Well, I think it would be for me to listen to  
24 both sides and weigh it equally and evenly; and in that way,  
25 I could come to my own decision.

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2c fls.

2c-1

1 Q I see. Now, you say that this would not be a  
2 hardship for you to serve.

3 A No.

4 Q May I ask you -- what type of work do you do, sir?

5 A I am retired. I used to be -- I was a dental  
6 technician all of my life.

7 Q I see. And you're living on a pension?

8 A A pension and Social Security, yes.

9 Q I see. Now, may I ask you, what have you heard?  
10 You told us --

11 A Yes.

12 Q -- that Susan Atkins was an accomplice.

13 A Right.

14 Q So, as you sit there in the witness stand now,  
15 you consider Susan Atkins to be an accomplice of Mr. Manson;  
16 right?

17 A Yes.

18 Q You were in the courtroom when the judge read the  
19 charge?

20 A Right.

21 Q You know that one of the charges is conspiracy; --

22 A Right.

23 Q -- right? You know that Susan Atkins is alleged  
24 to be a co-conspirator with Mr. Manson in this case; right?

25 A Yes.

26 Q So your state of mind is that Susan Atkins is  
27 Mr. Manson's accomplice; right?

28 A Yes.

2c-2

1 Q So that, as you sit there now, in order to  
2 displace this from your mind, the idea that Susan Atkins was  
3 an accomplice, what would have to occur?

4 A Well, I would have to -- I would have to have  
5 definite proof that -- at the trial.

6 Q To show that she was not an accomplice?

7 A Either she was or she wasn't an accomplice.

8 Q And -- in order to displace this -- what is now in  
9 your mind?

10 A Correct, yes.

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

12 BY THE COURT:

13 Q Mr. Auerbach, if the evidence did not show that  
14 Susan Atkins was an accomplice, the evidence in this case did  
15 not show that Susan Atkins was an accomplice, would you, for  
16 the purpose of this case, believe that Susan Atkins was an  
17 accomplice?

18 A Well, if -- it all depends what I would hear at  
19 the --

20 Q Use the microphone; would you?

21 A Yes. Yes, if I would -- whatever I --

22 Q You have to point it at your mouth; do you under-  
23 stand?

24 A I see.

25 Q You have it straight up. Would you just  
26 (indicating)?

27 A Yes.

28 Q All right. Go ahead. What is your answer?

2c-3

1 A Well, I would have to hear the proceedings in the  
2 trial.

3 Q You know from the newspapers --

4 A Yes.

5 Q -- that Susan Atkins was an accomplice?

6 A An accomplice, right.

7 Q Now, would you rely on the newspapers --

8 A No, sir.

9 Q -- at all in making any judgment concerning  
10 whether she was an accomplice --

11 A No.

12 Q -- or not in this case?

13 A No, I wouldn't. No, sir.

14 Q And are you certain that you can discard that  
15 idea, any other idea that you may have in your mind?

16 A Yes, I certainly could, yes.

17 Q For the purpose of --

18 A Yes.

19 Q -- making any decision in this case?

20 A Yes, sir.

21 Q Now, let's suppose, in the jury room, that some-  
22 body should mention, "Well, I read it in the newspapers six  
23 months ago that Susan Atkins was an accomplice of Mr. Manson  
24 --"

25 A Yes.

26 Q -- "in this case."

27 Would that be correct?

28 A No, that would not be correct.

2c-4

Q Would you remind such a person that it would be incorrect and unfair, and that it is the function of the jury to disregard such matters?

3 fls.

A That is correct. Yes, I would.

3-1

1 Q And would you make an affirmative step in your mind  
2 to keep such matters from entering your mind for the purpose of  
3 making an independent judgment on any issue that you would be  
4 called upon to make in this case?

5 A Yes, sir. Yes, sir.

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

7 BY THE COURT:

8 Q Can you be fair and impartial in respect to it?

9 A Yes, I could.

10 THE COURT: No, I think not. The challenge is denied.

11 Anything further, gentlemen?

12 MR. KANAREK: Well, that was only one point. I had some  
13 other questions to ask, your Honor.

14 THE COURT: Oh, very well, go ahead.

15  
16 VOIR DIRE EXAMINATION

17 BY MR. KANAREK:

18 Q Mr. Auerbach, would you tell us what have you  
19 heard from the publicity concerning Mr. Manson and the Tate-  
20 La Bianca case? Just tell us what you read, heard and saw?

21 A Well, when it first started, I forget, now. It's  
22 been, maybe, two years ago or something like that. I read that  
23 several people were murdered and, of course, Mr. Manson's name  
24 was mentioned and others. And that's about it.

25 Q From what you've read in the publicity or heard,  
26 what was the mode, the means by which these people were killed?

27 A Uh, through stabbings.

28 Q Pardon?

3-2

1 A Stabbings.

2 Q And how many people were killed?

3 A I believe seven.

4 Q Directing your attention to the name Abigail

5 Folger; does that mean anything to you?

6 A Yes.

7 Q What does that name --

8 A She was one of the victims.

9 Q Voityck Frykowski?

10 A He was also a victim.

11 Q Jay Sebring?

12 A Victim.

13 Q Steven Parent?

14 A A victim.

15 Q And Leno La Bianca?

16 A A victim.

17 Q Rosemary La Bianca?

18 A Victim.

19 Q Can you -- from the publicity, what did you

20 glean as the -- as what occurred at the La Bianca house?

21 A Uh, I don't remember the full details. I mean,

22 you read about it and hear about it and I dismissed it from

23 my mind.

24 Q Just what you do remember, Mr. --

25 A Well, I remember the home was entered, I believe.

26 Yeah, the home was entered both -- Biancas, is it?

27 Q Yeah.

28 A Yeah, they were both killed.



3-3

- 1 Q And by whom?
- 2 A I don't remember that.
- 3 Q And at the Tate house, by whom were the killings?
- 4 A Uh, there was quite a few. I don't remember the
- 5 names. If the names were brought up, maybe it would refresh
- 6 my memory.
- 7 Q Do you know the name Tex Watson?
- 8 A The name, yes.
- 9 Q What does that name mean to you?
- 10 A He's the one that went to Texas after this
- 11 all happened, and he was extradited back from Texas to
- 12 California.
- 13 Q And what is his present status, Mr. Watson's
- 14 present status?
- 15 A I know he was sent to some kind of psychiatric
- 16 treatment or something, and then he got well. And then,
- 17 he's in the County Jail, I believe, for trial. He's up for
- 18 trial.
- 19 Q And what, if any, is his relationship to
- 20 Mr. Manson as you learned it from the publicity?
- 21 A His relationship?
- 22 Q Yes, as you learned?
- 23 A He was a member of the Family, supposedly, from
- 24 what I read.
- 25 Q And, in connection with this, what you call the
- 26 Family, what was Mr. Manson's relationship with this Family,
- 27 if any, from what you --
- 28 A Well, he was a member of the Manson Family.

3-4

1 Q What television programs did you view in 1970,  
2 Mr. --

3 A Mostly Channel 2, and Channel 4, the two major  
4 stations.

5 Q Does the name Stan Atkinson mean anything to  
6 you?

7 A Stan Atkinson?

8 Q As a TV --

9 A Yes, yes, a TV announcer or -- yeah.

3a fls.

3a-1

1 Q And you saw Mr. Atkinson on many occasions?

2 A No, not too many occasions. Mostly Channel 2,  
3 most of the names are, yeah.

4 Q I see.

5 A Yeah.

6 Q Now, directing your attention to this -- whatever  
7 you may have discussed. And it is no reflection -- we all  
8 discuss matters that we learn about, Mr. Auerbach.

9 Would you tell us with whom in your family have  
10 you discussed this case?

11 A Uh, I live by myself. And I have one son that  
12 lives in Van Nuys. And I visit him about twice a month,  
13 so my discussions are very, very little.

14 Q I see. But on occasion you have discussed this  
15 case with him?

16 A Yeah, but maybe with a next door neighbor or  
17 something. But that's the extent of it.

18 Q I see.

19 Now -- well, thank you very much.

20 Your Honor, I would like to approach the bench,  
21 if I might.

22 THE COURT: You may.

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

26 MR. KANAREK: Your Honor, in connection with the  
27 challenge, your Honor, to the jury -- to this particular  
28 juror, the fact is he volunteered that Susan Atkins was an

3a-2

1 accomplice. He volunteered that initially. And with the  
2 prominent place that Susan Atkins plays in these proceedings,  
3 it is just manifestly impossible for Mr. Manson to get a fair  
4 trial from this juror.

5 After your Honor asks him leading questions, then,  
6 he makes yes or no answers. But that doesn't change the  
7 fact this man's knowledge of this case is such that knowing  
8 about the verdicts and the death sentence, it is impossible  
9 for Mr. Manson to get a fair trial from this gentleman.

10 MR. MANZELLA: Well, in the first place, I just wanted  
11 to say, I don't think the Court's questions, all of them, are  
12 leading.

13 The Court has stated at times it has asked leading  
14 questions, but asking a juror if he can and will set aside  
15 pre-trial publicity is not a leading question, because it  
16 doesn't suggest an answer. A juror can say yes, and he can  
17 say no. It doesn't suggest an answer to the juror. He can  
18 say yes or no.

19 MR. KANAREK: Well, pardon me. It does suggest the  
20 answer in the context where he -- he has already said he  
21 would need evidence to displace from his mind the fact he is  
22 an accomplice.

23 Now, the law is clear that has to be proved  
24 beyond a reasonable doubt and to a moral certainty. Mr.  
25 Manson does not have to prove that. And right now, his  
26 state of mind is she is an accomplice and that is one of the  
27 most vital points in the case. And to allow that man to  
28 stay here when we have the burden of disproving the matter,

3a-3

1 which your Honor knows the law does not require us to do,  
2 then the People have an unfair advantage going in with a juror  
3 of this type.

4 THE COURT: I am inclined to think otherwise, with all  
5 of the talk about it and with all of the Court's instructions  
6 that will be given and conversation by the Court in the course  
7 of this voir dire. I think it will point up that requirement  
8 on the part of each juror to ignore news media releases in  
9 such a way that you will get, I think, a very fair and  
10 impartial jury.

11 MR. KANAREK: Well --

12 THE COURT: I don't think you really understood the  
13 nature and the purport of your question. And when asking  
14 whether or not the -- you would have to come forward with  
15 anything in order to establish that Susan Atkins was an  
16 accomplice.

17 I think the answers, his answers that followed  
18 were -- to the questions that I put to him -- were fairly  
19 significant in indicating his state of mind. He seems to  
20 be reasonably intelligent and an alert man and I think he  
21 would follow the Court's instructions and ignore any of these  
22 news articles that he may have seen, heard or read.

23 MR. KANAREK: It is manifestly --

24 THE COURT: He lives alone, and he apparently has a  
25 lot of time to read.

26 MR. KANAREK: Read about the Manson case, right?

27 THE COURT: To read the newspaper and to view television.  
28 And I think, nevertheless, because of his intelligence that

3a-4

1 he is able to realize what his obligations are and will  
2 follow the Court's instructions.

3 Any further comment from either one of you?

4 MR. KANAREK: Well, no, your Honor, except that with  
5 the providence that she displayed in these proceedings, it  
6 is unthinkable that this man now thinks that she is an  
7 accomplice of Manson, and it is a conspiracy. The Hinman  
8 case is based all -- to a certain extent on the actions of  
9 Susan Atkins, especially the Hinman case, and the conspiracy  
10 count. It is unthinkable.

11 Let's put it this way, Mr. Manson is entitled  
12 to equal protection of the law and due process under the 14th  
13 Amendment. If there weren't a pressure to get a jury at any  
14 price, come what may, get 12 warm bodies in the box, -- if  
15 this was a case where there had never been -- never been any  
16 publicity, I'm sure your Honor would just summarily dismiss  
17 this man if he happened to know this information. And we  
18 cannot, because of the information that's been engendered --  
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3b fls.

3b-1

1 THE COURT: If the Court had its choice --

2 MR. KANAREK: As a result of state action -- yes, your  
3 Honor, I'm sorry.

4 THE COURT: If the Court had a choice, no one who had  
5 ever heard of the case would ever be permitted to sit on  
6 the jury. But we must be faced with the facts of life.  
7 And those are that everyone who is chosen as a prospective  
8 juror has heard of Mr. Manson's convictions. And most  
9 people have heard -- most of the prospective jurors we've  
10 talked to have heard something of the accusations in this  
11 case.

12 MR. KANAREK: Well, your Honor, if we denigrate our law  
13 and -- if we proceed to trial just because the prosecution has  
14 filed an indictment --

15 MR. MANZELLA: Your Honor, the prosecution --

16 MR. KANAREK: If we proceed to trial on the theory that  
17 we just have to have a trial, regardless of the fairness,  
18 this is manifestly improper.

19 THE COURT: Well, let's stick to --

20 MR. KANAREK: That's what is occurring, your Honor.

21 THE COURT: Just stick to the discussion of this juror.

22 MR. KANAREK: Well, this juror is indicative --

23 THE COURT: Do you have any comment to make?

24 MR. MANZELLA: Yes, I want to make one comment. I  
25 don't believe the juror required evidence to change his  
26 opinion that she was an accomplice. When Mr. Kanarek asked  
27 him the question, he said he would require evidence to  
28 determine whether she was or was not an accomplice.



3b-2

1 MR. KANAREK: But he --

2 MR. MANZELLA: He didn't say --

3 MR. KANAREK: His present state of mind would have to be  
4 displaced.

5 MR. MANZELLA: He didn't say --

6 MR. KANAREK: -- his present thinking would have to be  
7 displaced, which is clearly not the law. The burden is on  
8 the prosecution to prove beyond a reasonable doubt and not  
9 for Mr. Manson to have to go in and change the man's present  
10 viewpoint. And that's clearly his viewpoint.

11 THE COURT: I believe that he, the circumstances and the  
12 situation now, and the task that will face him as a juror,  
13 to eliminate such publicity, that he may have heard, seen or  
14 read, from the mind --

15 MR. KANAREK: Some tasks are impossible, your Honor.

16 THE COURT: -- and that he will do that. And the Court  
17 finds that he can set aside such matters for the purpose of  
18 making a decision in this case. That he will do so, and that  
19 he will be fair and impartial.

20 The challenge is denied.

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

24 THE COURT: Any further questions of Mr. Auerbach?

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

26  
27 VOIR DIRE EXAMINATION

28 BY MR. KANAREK:



3b-3

1 Q Mr. Auerbach, you would certainly intend to  
2 follow the Court's orders?

3 A Yes.

4 Q And not consider the matters, the publicity that  
5 you heard?

6 A That's correct.

7 Q Is that right?

8 A That's correct, yes.

9 Q And are we in agreement that there are some  
10 things that we intend to do that we just can't do? You and I  
11 might intend to swim to Catalina on Sunday morning, but we  
12 might not make it, right?

13 A Right.

14 Q So with that kind of problem before us, what we  
15 would like to discuss for a moment, not having experienced  
16 this before, is it a fair judgment that you don't know  
17 whether you could carry your intent not to consider these  
18 matters, as the Court has indicated, through, in this trial?

19 A I -- I am sure that I could carry my end of  
20 through okay, honestly, yes.

21 Q You think you could?

22 A I think I could.

4 fls.

4-1

Q But you don't know for sure?

MR. MANZELLA: Objection, your Honor. Your Honor, the question's argumentative, when it starts with the word "but."

THE COURT: Sustained.

Q BY MR. KANAREK: All right. Do you know for sure, Mr. Auerbach?

A Well, there's nothing for sure. I can't be 100 percent sure. I don't know what's going to transpire.

MR. KANAREK: Thank you, Mr. Auerbach.

1073, Subsection 2, your Honor.

THE COURT: The Court grants the challenge. The Court finds now that Mr. Auerbach is not certain in his mind.

MR. KANAREK: Thank you, your Honor.

THE COURT: Mr. Auerbach, you have to be clearly and certainly positive that you will eliminate such matters from your mind before you are acceptable on the jury, and the Court feels that your -- in your last answer, that you demonstrated some wavering in that respect. And therefore, the Court does excuse you.

Thank you very much for being here.

MR. KANAREK: Thank you, Mr. Auerbach.

THE COURT: The Court does excuse you, to report to Room 253 forthwith.

JUROR NO. 5: I did my best.

THE CLERK: Hugh Bennett; B-e-n-n-e-t-t; H-u-g-h.

THE COURT: Call another one, too, so that we'll have him on standby.

1 I forgot to ask you to do that earlier.

2 THE CLERK: And Harold L. Blewett; B-l-e-w-e-t-t.

3  
4 VOIR DIRE EXAMINATION OF

5 HUGH BENNETT

6 BY THE COURT:

7 Q Mr. Bennett, come forward, please.

8 Mr. Bennett, were you present when the Court  
9 explained the nature of this case to the prospective jurors  
10 and instructed them on some of the law, and discussed the  
11 case with one of your prospective jurors taken from your  
12 group?

13 A Yes, I was here.

14 Q Would your answers be any different than the  
15 answers of that prospective juror to the questions of a  
16 general nature?

17 A No.

18 Q Would it be a hardship to you to serve on this  
19 case?

20 A Yes, it would.

21 Q In what way?

22 A Well, I work for McDonnell-Douglas.

23 Q Yes?

24 A And they only allow you 20 days.

25 Q After that, what happens?

26 A After that ----

27 Q No pay?

28 A No pay, right.

1 MR. MANZELLA: People would stipulate it constitutes  
2 a hardship, your Honor.

3 Q BY THE COURT: Have you checked that through with  
4 your employer?

5 A Yes, I did. When I took my certificate in  
6 Friday, I asked them, and they said it was all -- only 20  
7 days.

8 Q How long have you worked for them?

9 A About six years.

10 Q And you know that to be a definite policy --

11 A Yes.

12 Q -- that they would not waver from?

13 A Yes, your Honor.

14 Q Do you need your earnings in order to support  
15 yourself and your family?

16 A That's true.

17 Q All right. The Court does find that it is a  
18 hardship, and the Court will permit you to be excused in this  
19 case, in view of the hardship; and therefore orders you to  
20 report to Room 253 forthwith, if you would, please.

21 JUROR NO. 5: Thank you.

22 THE COURT: Thank you.

23 MR. KANAREK: Thank you, Mr. Bennett.

24 THE CLERK: Harold L. Blewett; B-l-e-w-e-t-t.

25 THE COURT: Call another one in addition to Mr.  
26 Blewett.

27 MR. KANAREK: Your Honor, I gather we have the same  
28 continuing objection?

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THE COURT: Yes.

MR. KANAREK: As far as County -- the County paying --

THE COURT: Yes.

MR. KANAREK: -- for all jurors? Thank you.

THE CLERK: Mrs. Yolanda Cohen; C-o-h-e-n; Y-o-l-a-n-d-a,  
first name.

Is Mr. Blewett coming?

THE BAILIFF: Yes, sir.

4a Fls.

4a-1

1 THE COURT: Mr. Blewett is first, and then Mrs. Cohen?

2 THE BAILIFF: Yes, sir.

3  
4 VOIR DIRE EXAMINATION OF

5 HAROLD L. BLEWETT

6 BY THE COURT:

7 Q Mr. Blewett, were you present when the Court  
8 explained the nature of this case to the prospective jurors  
9 and discussed the case with the prospective juror first  
10 chosen from your group?

11 A Yes, I was, sir.

12 Q Would your answers be any different than the  
13 answers of that prospective juror to the questions of a  
14 general nature?

15 A No.

16 Q And will you follow the Court's instructions, as  
17 the Court shall give them to you, in respect to the law and --

18 A I certainly will, sir.

19 Q -- and with regard to judging of credibility?

20 A Yes, sir.

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

23 A Well, that answer is -- as far as pay, no. I  
24 work for the federal government, and -- but there is a  
25 promotional opportunity that I think I am earmarked to go to  
26 school, and -- in the postal institute at Bethesda, Maryland,  
27 in October.

28 And of course, I think that could be postponed.

4a-2

1 So I think I have to answer that, that there is no hardship.

2 Q You would be willing to serve if you were  
3 chosen?

4 A Yes, sir.

5 Q All right. Thank you. Have you served as a  
6 juror before?

7 A Uh -- only at the County of Wayne, Detroit,  
8 Michigan; the circuit court, in 1958.

9 Q And did that involve --

10 A It was a civil suit, an auto accident.

11 Q I see. And will you set aside anything you may  
12 have learned there and decide the case only on the evidence  
13 and instructions of law in this case?

14 A Yes, sir.

15 Q Now, you've stated to us that you work for the  
16 postal department. What capacity?

17 A I am a supervisor at the Beverly Hills Post  
18 Office.

19 Q And how long have you been so employed?

20 A I have been with the post office 26 years, and  
21 nine years in Beverly Hills; and 17 years in Detroit,  
22 Michigan.

23 Q Very admirable. Have you been -- are you  
24 related to or a friend of any law enforcement officer?

25 A No, sir.

26 Q And is there a Mrs. Blawett?

27 A Yes, there is, sir.

28 Q Is she employed outside the home?

4a-3

1 A She's a steno-secretary for the postmaster in  
2 Beverly Hills.

3 Q And do you know of any reason why you couldn't  
4 be fair and impartial in this case?

5 A None whatsoever.

6 Q Do you have such views concerning the death  
7 penalty that you would be unable, by reason of those views,  
8 to be fair and impartial in determining guilt or innocence?

9 A I do not.

10 Q Or do you have such views concerning the death  
11 penalty that you would automatically refuse to impose it,  
12 regardless of the evidence?

13 A I do not.

14 Q Or do you have such views concerning it -- the  
15 death penalty -- that you would automatically impose it,  
16 upon a conviction of murder of the first degree, without  
17 regard to the evidence?

18 A No, sir.

19 Q Have you previously heard the name Charles  
20 Manson? Heard, seen or read it, before you came to this  
21 courtroom?

22 A Certainly, sir.

23 Q And that was in connection with this case or some  
24 other case or both?

25 A It was the Tate-La Bianca case.

26 Q The Tate-La Bianca case?

27 A Yes.

28 Q In that case, did you follow it in the press



1 or --

2 A No, sir. It's just a -- actually, I bring a  
3 lot of work from the department home, and I really just  
4 scan the papers, and --

5 Q You haphazardly viewed the --

6 A Right. My greatest news media is the television.  
7 And this is sometimes while I'm in the process of doing  
8 some work at home from the job.

9 Q Did you learn the results of that case?

10 A Uh -- yes, I did.

11 Q Do you know what the verdict was?

12 A I believe it was the death penalty, sir.

13 Q That Mr. Manson was convicted of murder in the  
14 first degree, and there was a death penalty?

15 A Yes.

16 Q Does that express your state of mind as to --  
17 well, strike that.

18 Does that express your knowledge, so far as the  
19 news media reports are concerned, of the --

20 A Just about the entirety of it, sir.

21 Q Do you know the name Susan Atkins?

22 A I've heard that name related, only through the  
23 news media.

24 Q In what way? What do you remember about that  
25 name? Or that person? And what she may have done, to your  
26 knowledge?

27 A Well, somehow she is connected with Mr. Manson.  
28

4b'fls.

4b-1

1 Q But you don't know how?

2 A I don't remember too well the relation, though.

3 Q Do you know the name Gary Hinman? Had you heard  
4 that before the Court called it?

5 A No, I hadn't.

6 Q Or before the Court read it from the indictment?

7 A No, sir.

8 Q Had you heard the name Shorty Shea previously?

9 A No, sir.

10 Q Do you know the name Spahn Ranch?

11 A I've heard -- I recall something, some reference  
12 to some place, a Spahn Ranch, where these -- this group of  
13 people were living.

14 Q What group of people?

15 A The Manson Family.

16 Q And what do you mean by "Manson Family"?

17 A Well, I understand that there are quite a few  
18 followers of him, that went along with him. They lived in  
19 a community-like together.

20 Q And they are regarded as the Manson Family --

21 A Yes.

22 Q -- in your mind?

23 A Right.

24 Q Now, if I were to instruct you, if you were  
25 chosen as a juror, and I were to instruct you that you were  
26 to set aside anything that you may have heard, seen or read,  
27 in the press or via television or radio -- not forget it,  
28 but set it aside, discard it for the purpose of making an

4b-2

1 independent and an objective judgment, based upon the evidence  
2 in this case -- are you capable of doing that? Of segre-  
3 gating those news media releases, and the publicity?

4 A I think I have that capability.

5 Q Are you capable of segregating that -- anything  
6 that you may have heard, seen or read, whatever, and being  
7 fair and impartial in judging the evidence in this case?

8 A Yes, I feel that any judgment on my part in  
9 this particular case would -- I would have to rely solely  
10 upon the testimony of -- the credibility of the witnesses and  
11 so forth that appear here and give evidence. And --

12 Q Well, that's --

13 A And treat it as if it were -- as if I've heard  
14 nothing; that this is the first time that the man has been  
15 in court.

16 This is the way I feel.

17 Q Could you wipe your mind clean, solely for the  
18 purpose of making a judgment in this case, and have a clean  
19 slate, as it were, to start with?

20 A Sure could, sir.

21 Q You seem rather definite and certain on that.  
22 You have no doubt in your mind as to your ability to do that?

23 A No, I don't.

24 Q Even though you may not have done something of  
25 this nature before; is that correct?

26 A Well, on the job, I have had several occasions  
27 to discipline employees. In some cases, there has been  
28 hearsay and -- of minor infractions on the part of some other

1 supervisor. But I don't use these items to weigh the situ-  
2 ation that immediately faces me.

3 Q I see. You weigh it on the -- based on the  
4 evidence that's before you?

5 A Right.

6 Q And you will do the same in this case?

7 A Yes, sir.

8 Q And can you be fair and impartial in this case?

9 A I think so, sir. I'm pretty sure.

10 Q And will you be?

11 A Yes.

12 THE COURT: Mr. Kanarek?

13 MR. KANAREK: Thank you, your Honor.

14  
15 VOIR DIRE EXAMINATION

16 BY MR. KANAREK:

17 Q Mr. Blewatt, --

18 A Yes, sir.

19 Q -- you, right at the end there, you said you were  
20 pretty sure. What did you mean by that, Mr. Blewatt?

21 A Well, I am definitely sure that --

22 Q Oh.

23 A -- my frame of mind is so that I could do as the  
24 Court instructs here, as far as evidence and determining the  
25 testimony in my own mind, as an individual, how much  
26 credence I would put on certain people's testimony and so forth.  
27 So I am sure that I could do that.

28 Q Right. Do you feel that there are -- are there

1 any situations in which, possibly, you might not be able to --  
2 it wouldn't be fair to ask you to sit as a juror?

3 A I can't think of any, unless you --

4 Q Well, just by way of example, by way of example,  
5 let's say that your wife was a defendant. You certainly  
6 couldn't be fair in that case, could you?

7 A Oh, that's right.

8 Q So there are some situations that -- we are in  
9 agreement, aren't we? -- that you couldn't be fair?

10 A Oh, that's true. I agree with your question  
11 there.

4c fls.

4c-1

1 Q Now, may I ask you, Mr. Blewett, directing your  
2 attention to racial matters, you are of the black or Negro race.  
3 In connection with the Tate-La Bianca case, did you hear any-  
4 thing concerning racial matters?

5 A No, I can't say that I did.

6 Q Or did you have this -- or, did you discuss this  
7 with anyone?

8 A No, I haven't. I have heard nothing on a racial  
9 background in connection with this case here at all.

10 Q Now, you -- so your state of mind is that  
11 Mr. Manson has been convicted of first degree murder, and has  
12 received a death sentence?

13 A Yes.

14 Q That's your state of mind?

15 A Well, I don't know if you refer to it as a state of  
16 mind. It's a -- it's a fact that I have read in the papers,  
17 and have heard on television.

18 Q Right.

19 A Now, when you say "state of mind," to me this is  
20 something that may be continually playing in my mind, and --

21 Q Well, I --

22 A -- I don't know if a proper reference is given when  
23 you say "state of mind."

24 Q Very well. I'll rephrase it.

25 A I am knowledgeable of that fact; I will put it that  
26 way.

27 Q Yes.

28 A Based on publicity.

4c-2

1 Q Based on matters that you've heard?

2 A Right.

3 Q Now, is it a fair statement that, in all of our  
4 lives -- including yours -- we are operating on matters that  
5 we here by publicity. For instance, we read that President  
6 Nixon is going to do this, that or the other thing, and we  
7 have no personal knowledge of it. We listen, and we rely on  
8 publicity, right?

9 A That is correct.

10 Q Now, having that in mind, and having in mind, for  
11 instance, that -- this, what you've heard concerning  
12 Mr. Manson, would you say that these facts -- the facts of  
13 conviction and the fact of the sentence -- are of such a  
14 nature that it would be almost impossible for you not to  
15 consider them during the pendency of this trial?

16 A No. Because as I understand court procedures,  
17 that you are here for a matter that is completely different  
18 from whatever may have happened prior to this trial. And  
19 according to the instructions that we are supposed to be  
20 given, we are only to weigh these facts.

21 I mean, as I say, I served on a civil case before,  
22 and I was very tentative. And you get enough information to  
23 know what you are supposed to do.

24 I am not going to be biased toward him or -- or  
25 because of what the news media or the radio, the television  
26 has related to me that has happened in reference to the Tate-  
27 La Bianca case.

28 Q Right. I couldn't agree with you more, that this

1 is what we are supposed to do.

2 But we are -- but what we are now discussing  
3 merely is what you have heard or seen or read.

4 A Yes.

5 Q And it's no reflection upon you --

6 A Oh, no.

7 Q -- that you read the newspapers and watch  
8 television.

9 A That's right.

10 Q You understand that?

11 A Certainly.

12 Q You are not on the spot; you are not a defendant  
13 here. You are sort of running for public office, against your  
14 will.

15 You are running to become a judge, --

16 A Right.

17 Q -- as it were. And -- well, then, having in mind  
18 everything that you've heard concerning the Tate-La Bianca  
19 case, and the results that you tell us you heard concerning  
20 Mr. Manson, you would certainly intend not to consider these  
21 matters during the pendency of this trial; right?

22 A I certainly would.

23 Q Now, not having experienced it, do you know  
24 whether or not you could, in fact, carry out this intent?

25 Now, we might intend -- I might intend to go to  
26 Palm Springs next weekend. I might not make it.

27 And so my question is: Do you know whether, in  
28 fact, you could carry out this -- this -- what is really a



1       worthy intent?

2               A       I believe I could. I'm almost definite I could.

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4d-1

1 Q You say "almost definitely." What is the --

2 A Well, when I say that, I am speaking in reference  
3 to myself as an individual.

4 I don't think that, if I am -- if I permitted any  
5 news releases that I've heard in the past to be considered  
6 here, that I would be able to feel that I have done a good  
7 job as a juror, or -- I think it would bother me, subconsciously.  
8 Because we are not supposed to be partial or biased.

9 Q Yes. But Mr. Blewett -- well, we certainly  
10 aren't -- for maybe nearly a hundred years now, white people  
11 have been judging black people in the South, and they took  
12 the -- they became jurors and said, "We are not going to be  
13 prejudiced against that black man," and they have brought in  
14 certain verdicts which we know were unfair.

15 So many times, people say, "We intend not to be  
16 prejudiced," and there are certain things that overwhelm,  
17 for one reason or another. And so what we are trying to do  
18 is ferret out some of these matters.

19 A There are so many things of a racial nature that  
20 you hear, and there's another case that you pointed out a  
21 moment ago. This never happened to me.

22 I'm not black; I'm not white. I'm an individual.  
23 And I have been treated as such.

24 So this racial bag or this chip on the shoulder  
25 that some people may have, I -- I am fortunate enough not  
26 to have it.

27 My associations, my environment and my life is  
28 more or less -- has more or less caused me to elude some of

4d-2

1 this.

2 So I hope that answers your question. Maybe --

3 Q Well -- well, actually, it's for the Judge to  
4 decide. What we are merely doing here is gathering informa-  
5 tion for Judge Choate, who has the -- who has the decisions  
6 to make.

7 But thank you very much, Mr. Blewett.

8 A You're welcome.

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

10 THE COURT: Yes, you may.

11 BY THE COURT:

12 Q Mr. Blewett, is there any doubt in your mind  
13 whatever at this moment, as to your ability, your capability  
14 of setting aside anything that you may have heard, seen or  
15 read, or talked about with your friends, or anything that you  
16 might remember during the course of this case, in connection  
17 with the news releases concerning Mr. Manson, the Tate-  
18 La Bianca case or this case?

19 A There's no doubt, sir.

20 THE COURT: All right.

21 (Whereupon, the following proceedings were had  
22 at the bench among Court and counsel, not within the  
23 hearing of the prospective juror:)

24 MR. KANAREK: Well, your Honor, I challenge this juror  
25 under 1073, Subsection 2.

26 Despite his protestations -- and I'm sure his  
27 worthy intent -- it's our belief that the horrendous  
28 publicity is of such a nature that it's impossible for him to

1 be fair and impartial.

2 MR. MANZELLA: The People oppose the challenge. In the  
3 first place, he doesn't seem to know as much as a lot of the  
4 other jurors have known about the case;

5 And secondly, he has had this experience, in his  
6 job. He's a supervisor; certainly, an intelligent man.

7 And I think, based on those two factors -- and  
8 his express statement that he could set it aside -- that he  
9 comes within 1076 of the Penal Code.

10 THE COURT: The Court believes that that is correct.  
11 The Court thinks this man is unusually capable of being  
12 objective, of setting aside anything that he might have heard,  
13 seen or read; that he will do it, and that he will be fair  
14 and impartial.

15 His extent of knowledge is not as great as Mr.  
16 Auerbach's was, and his responses -- his alertness is greater  
17 than Mr. Auerbach's.

18 He does seem to be intelligent enough to accom-  
19 plish what the Court asks him to do.

20 The Court denies the challenge.  
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1 (Whereupon, the following proceedings were had  
2 in open court within the presence and hearing of the  
3 prospective jurors:)

4 THE COURT: Bring the rest of the panel in.

5 (Whereupon, the prospective jury panel was  
6 brought into the courtroom, and the following proceedings  
7 were had:)

8 THE COURT: Good morning, ladies and gentlemen, the  
9 prospective jurors.

10 The record will show that you are all here beyond  
11 the rail and in the box.

12 Gentlemen, you may question Mr. Blewett  
13 generally, if you wish, please.

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

15 THE COURT: Use that microphone, if you would, please,  
16 Mr. Kanarek.

17 MR. KANAREK: Mr. Blewett, in answer to the Court's  
18 question you indicated that you had no friends or relatives  
19 that were law enforcement officers?

20 A Yes, I did.

21 Q My question is now directed towards private law  
22 enforcement-type work.

23 A No type, whatsoever.

24 Q You know, like the May Company guard-type of  
25 thing?

26 A No security, nothing of that sort.

27 Q But in your work, certainly in the post office,  
28 you undoubtedly have a working relationship with postal

1 inspectors, I would gather, from time to time, isn't that --

2 A Uh, the position that I hold now was just a --  
3 it was a new position May 1st, and the inspector assigned  
4 to my office has ten post offices -- Glendale, Beverly Hills  
5 -- and we very seldom see him around. I have had no personal  
6 contact with him, whatsoever.

7 Q Over the years?

8 A No.

9 Q I imagine?

10 A No.

11 Q This is certainly no reflection --

12 A The answer is no, because I was a rank and file  
13 employee, and unless you get in trouble you would have no  
14 reason to be in contact with these people.

15 Q I see.

16 You certainly have some affection, though,  
17 for the postal inspector branch of the post office, no doubt?  
18 They perform a useful function, whatever it may be?

19 Is there anything about that that would make it  
20 unfair to sit as a juror?

21 A There are several divisions of postal inspec-  
22 tion. There is accounting, and auditing, and there's  
23 criminal, if that's what you are aiming at.

24 Personally, I had a check that was stolen,  
25 government check a couple of years ago and they were very  
26 successful in apprehending the criminal. And I had  
27 restoration made by the Treasury Department. But it is  
28 something that much thought hasn't been given to as far as

1 my affection for the inspector service.

2 Q Well, Mr. Blewett, may I -- may we have this  
3 agreement? I'm not aiming at anything. I don't think  
4 Mr. Manzella or the Court -- we're not aiming -- even though  
5 you're in this room with everybody looking at you at this  
6 instant, nobody is aiming --

7 A I understand.

8 Q What we are merely doing is trying to gather  
9 information as best we can.

10 A I understand.

11 Q By the method the legislature gives us to talk  
12 to jurors, and nobody is mad at anybody.

13 A That's right.

14 Q It is just a matter of getting information.  
15 Now, directing your attention to matters that  
16 may come out in this trial of a racial nature.

17 It may -- there may be matters coming from that  
18 witness stand that involve racial matters wherein people  
19 of the black race, by witnesses, people who will take that  
20 witness stand, may use language that you and I certainly  
21 don't approve of, but it is going to come out in the  
22 courtroom. And I -- and so I -- we must -- we can't walk  
23 away from it. We can't sweep it under the carpet because it  
24 is going to be here.

25 And having that in mind, that there may be  
26 terms -- for instance, I'll say one which I don't like to  
27 say, but I'll have to, just to discuss it, the term, the  
28 word "nigger."

1           Now, that term may come out in the courtroom  
2 here, and it may be necessary in the jury room to discuss  
3 that term and its meaning and how it was used by a witness or  
4 something like that.

5           Now, is your state of mind such that -- that in  
6 discussing the subject matter you could do it, say, the way,  
7 perhaps that sociologist or a psychologist or someone who  
8 could discuss this without becoming, -- uh, uh, shall we  
9 say, emotionally involved to the point that -- that it  
10 wouldn't be fair to ask you to sit as a juror in this case?

11           A     I feel my state of mind is as you described,  
12 that it would not disturb me. It would not have any  
13 relationship to the job that I would have to do as a juror.  
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5a fls.



5a-1

1 Q Now, if -- if it should turn out, as it well may,  
2 that there will be people coming to this courtroom to testify,  
3 called on behalf of Mr. Manson, who are of the black or  
4 Negro race, people who have been in custody for many years  
5 in federal penitentiaries, state penitentiaries, in custody  
6 a great number of years, is there any reason that you  
7 couldn't use the testimony from people with that type of  
8 background?

9 MR. MANZELLA: Your Honor, excuse me. I think that's  
10 asking the juror to prejudge the credibility of the  
11 witnesses, your Honor.

12 THE COURT: The objection is sustained. You need not  
13 answer it, Mr. Blewett.

14 JUROR NO. 5: All right.

15 Q BY MR. KANAREK: Mr. Blewett, is there any reason  
16 why you, in judging credibility, -- let's talk about  
17 credibility for a minute.

18 We hear about circumstantial evidence. You  
19 probably heard Mr. Manzella speak of circumstantial evidence  
20 previously.

21 Is there any reason that you couldn't use  
22 circumstantial evidence to acquit Mr. Manson if you felt that  
23 in the context of all of the proceedings, the law that's  
24 given to you, the evidence that you may hear, that this is a  
25 proper result?

26 A Are you saying that there would be lack of  
27 circumstantial evidence produced on the part of the  
28 prosecutor, and under those conditions -- is this the question

5a-2

1 that you are asking me?

2 Q Not specifically.

3 Really what I am asking you, if we hear so much  
4 in this courtroom -- we have heard so much about using  
5 circumstantial evidence to convict.

6 A Yes.

7 Q Well, we're not going to lose sight of the fact  
8 in this trial that circumstantial evidence can be used to  
9 acquit that -- for instance, if certain allegations may be  
10 made concerning Mr. Manson. And if the circumstances that  
11 are presented here in the courtroom show that this is  
12 manifestly a matter of harassment, a matter of certain  
13 attitudes of law enforcement and police-type of people against  
14 Mr. Manson, is there any reason you couldn't acquit him?

15 A Well, I would certainly use the testimony in  
16 that respect to make my decision.

17 Q So whether the person is black, white, or whatever,  
18 who testifies from that witness stand, if the Court allows  
19 that evidence to be used by us in this courtroom, there's no  
20 reason you couldn't use it to acquit if you felt that that  
21 was the proper result?

22 A And also if I felt that the witness was a  
23 credible witness, one who is -- their presentation and all  
24 of the factors that lend to make me believe in their  
25 credibility, that would be my opinion as to how I would  
26 accept it.

27 Q And are we of a mind that there is no monopoly  
28 on integrity, and credibility, because of someone's station

5a-3

1 in life, whether someone is a police officer --

2 A I'll agree with you.

3 Perhaps in the first question that the Judge  
4 asked me about would I change my testimony -- I think Friday  
5 one gentleman here said he would give more credence to the  
6 testimony of a police officer.

7 In my case, I would not. I would weigh these  
8 other factors in weighing the credibility of those witnesses.

9 Q And has it been our experience in life, especially  
10 in recent days, perhaps, from what we have seen and read in  
11 the news media, that credibility is not limited to people  
12 in high stations in life?

13 A That's correct.

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

15 THE COURT: Mr. Manzella.

16  
17 VOIR DIRE EXAMINATION

18 BY MR. MANZELLA:

19 Q Mr. Blewett, did you hear the questions that I  
20 asked of the other prospective jurors?

21 A Yes, sir.

22 Q Did you hear the answers given by most of the  
23 other jurors to my questions?

24 A As far as I can recollect, I did.

25 Q All right. Now, usually if an answer is given  
26 and you hear it and you're sitting back in the spectator  
27 portion, if you more or less agree with it, you probably  
28 forget the question and the answer. But, usually, if you

1 disagreed with it, you'd think that you would answer it  
2 differently, you'd remember it.

3 Do you remember any questions like that where you  
4 would have disagreed with the answers given by the majority  
5 of the jurors?

6 A No. The only one was the one in reference to  
7 the credibility of a witness.

8 Q All right.

9 A As far as the inquiries that you made, I don't  
10 recall any such questions.

11 Q Okay, fine.

12 MR. MANZELLA: The People pass for cause, your Honor.

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

15 MR. MANZELLA: The People accept the jury as presently  
16 constituted.

17 THE COURT: With the defendant.

18 MR. KANAREK: Thank and excuse Mr. Stegall.

19 THE COURT: Thank you, Mr. Stegall.

20 MR. KANAREK: Thank you, sir.

21 JUROR NO. 1: The Court thanks me -- it is costing me  
22 money to stay here every day.

23 THE COURT: Mr. Stegall, the Court thanks you -- pardon?

24 JUROR NO. 1: It is costing me money to stay here.

25 THE COURT: Is your time finished as a juror now?

26 JUROR NO. 1: Yes.

27 THE COURT: You have completed the time?

28 JUROR NO. 1: Yes.

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

2 THE COURT: You don't get a diploma or anything like  
3 that through the mail, but the Court will take this  
4 opportunity --

5 JUROR NO. 1: I was one day over.

6 THE COURT: Well, I thank you on behalf of this Court  
7 and the other judges of this court. The Court thanks you for  
8 your sacrifice of time.

9 JUROR NO. 1: Well, it is costing me money to stay  
10 here every day.

11 THE COURT: Mr. Stegall, you don't have to go back to  
12 Room 253. You can leave your slip and someone will take it  
13 back.

14 Call another name.

15 THE CLERK: Mrs. Yolanda Cohen, C-o-h-e-n. First name  
16 Y-o-l-a-n-d-a.

17  
18 VOIR DIRE EXAMINATION OF  
19 YOLANDA COHEN

20 BY THE COURT:

21 Q Mrs. Cohen, down at the end, please.

22 Miss Cohen, were you present when the Court  
23 explained the nature of this case to prospective jurors  
24 in your group and when one of the jurors from your group was  
25 questioned?

26 A Yes, sir.

27 Q Now, put that microphone -- sort of point it at  
28 you and get it about an inch from your mouth and you'll hear

1 it pick up.

2 A Yes, sir.

3 Q Would your answers be any different than the  
4 answers given by that prospective juror to the questions of  
5 a general nature, with the exception of the one concerning  
6 credibility that you just heard Mr. Blewett mention? Would  
7 your answers be any different?

8 A No, sir.

9 Q And would you judge credibility on the same basis  
10 -- for any witness, on the basis that I read to you in the  
11 instructions?

12 A Pardon me? I didn't understand you.

13 Q Would you give any greater credence to the  
14 testimony of a police officer or to a non-police officer  
15 simply because of his status?

16 A Yes.

6 fls.

6-1

1 Q Would you give greater credibility to a police  
2 officer simply because he was a police officer?

3 A Oh, no, sir.

4 Q As against the testimony of somebody who is not a  
5 police officer?

6 A No.

7 Q You seem nervous now.

8 A Yes. Excuse me.

9 Q Are you nervous?

10 A Yes, I'm really nervous. Yes.

11 Q All right. Just -- if you don't understand any  
12 question, you tell me that you don't understand, and we'll --  
13 I'll rephrase it.

14 Your answers would not be any different than the  
15 answers that that first prospective juror gave to the questions  
16 of a general nature, then?

17 A No, sir.

18 Q All right. Would you suffer any hardship,  
19 Mrs. Cohen, if you were required to serve as a juror in this  
20 case?

21 A Uh -- yes, sir.

22 Q Tell us about that.

23 A I -- I can -- I would have some inconvenience,  
24 and I don't think I would -- I could serve more than a month,  
25 because the inconvenience I have -- I would have to be -- I  
26 have two small children, one of them would be going for the  
27 first time in school, this coming year.

28 And I have my vacation scheduled for that time,

6-2

1 because I want to be home with him. This is the only time, the  
2 only chance I have to spoil him, in a way.

3 I have been working all these years.

4 Q What type of job do you have? What type of work  
5 do you do?

6 A I work for Security Pacific National Bank, at  
7 124 West 4th Street, in the corporate trust department --

8 Q So you are going to take a vacation in September,  
9 when your youngest child returns to --

10 A The oldest.

11 Q When your oldest child --

12 A Yes.

13 Q -- goes for the first time to kindergarten?

14 A Right, sir.

15 Q Is that right?

16 A Yes.

17 Q And you wish to -- you wish to be present when --

18 A Yes. And I want to know how he's going to face  
19 this. I mean, this is the first time he's going to be out  
20 of the house, out alone all that time.

21 Q I see. Do you have -- do you have -- you  
22 probably have someone who cares for your children generally;  
23 is that correct?

24 A Yes. I have a -- a baby sitter.

25 Q A baby sitter of some type?

26 A Yes. And also, I have another reason, sir.

27 Q You have another reason?

28 A Yes.



1 Q All right. If you have another reason, you'd better  
2 state it.

3 A Yes, I will. About -- about -- about the second  
4 part of August, my husband and I, we are going to be called to  
5 go to court also, because we are going to have our file, and --  
6 in bankruptcy.

7 Q I see. You have an appearance in court?

8 A Yes. And they told us about that time, we'll  
9 be called. This will be next month.

10 And also, this other thing in September.

11 THE COURT: Gentlemen?

12 MR. MANZELLA: The People would stipulate that it would  
13 constitute a hardship, your Honor.

14 MR. KANAREK: Your Honor, I -- I was consulting with  
15 Mr. Manson, and I did not hear the last -- the last few  
16 phrases; that's all.

17 THE COURT: All right. She indicates that there has  
18 been a bankruptcy action filed, and that she and her husband  
19 will have to be absent from court about mid August -- rather,  
20 they will have to be present in federal court.

21 MR. KANAREK: May I inquire briefly?

22 THE COURT: You may. Use the microphone.

23  
24 VOIR DIRE EXAMINATION

25 BY MR. KANAREK:

26 Q May I just inquire, is that a full hearing or is  
27 that -- or is it just a hearing where you are just going to  
28 go for just a few minutes, Mrs. Cohen?

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A I don't know how long it's going to be, sir.

2

Q Did you file the petition?

3

A We are filing it right now.

4

Q You and your husband filed the petition?

5

A Yes, sir.

6

Q And that -- is that the -- is that the extent of  
your hardship, Mrs. Cohen?

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A Yes.

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6a fls.

MR. KANAREK: Well, I'll submit it, your Honor.

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1 THE COURT: All right. The Court finds that that is  
2 an insufficient -- the reasons you have stated, Mrs. Cohen,  
3 would be insufficient to justify the Court in releasing you.

4 I know that that is a very important time, that  
5 you talk about, --

6 JUROR NO. 1: It is.

7 THE COURT: Both times, both when you go to bankruptcy  
8 court and when you put your child in kindergarten for the  
9 first time.

10 JUROR NO. 1: Yes, sir.

11 THE COURT: And the Court is somewhat in sympathy with  
12 you in connection with that.

13 However, in view of the fact that you will have  
14 a sitter available, I think that -- that that is not  
15 sufficient -- such a hardship as would cause the Court to  
16 excuse you.

17 We perhaps will be able to work around the time  
18 when you appear in federal court. So don't worry yourself  
19 about this bankruptcy appearance.

20 The Court believes that, somehow or another, we  
21 can accommodate you in that regard, so that you can make both  
22 appearances that morning. It's just across the street, if  
23 you understand, where you will have to appear in federal  
24 court.

25 All right. We will take a recess --

26 JUROR NO. 1: But just --

27 THE COURT: Go ahead.

28 JUROR NO. 1: But -- excuse me. But how about my vacation?

6a-2

1 THE COURT: Well, nearly everyone has that problem,  
2 about vacation, and -- when are you taking it?

3 JUROR NO. 1: In September.

4 THE COURT: You are taking the whole month of September?

5 JUROR NO. 1: Three weeks. And also, my parents are  
6 going to come at that time.

7 THE COURT: Your what?

8 JUROR NO. 1: My parents will be here.

9 THE COURT: Well, there's no -- Well, the Court will  
10 simply state that it doesn't find sufficient reason for you  
11 to be excused.

12 We'll question you further after this recess.

13 During the recess, you are obliged not to converse  
14 amongst yourselves nor with anyone else on any subject connected  
15 with this matter, nor are you to form or express any opinion  
16 on the matter until it is finally submitted to you, should you  
17 be chosen as a juror.

18 We'll see you at 1:45, ladies and gentlemen.  
19 1:45. You are excused until then.

20 (Whereupon, at 12:00 o'clock noon, an adjournment  
21 was taken until 1:45 o'clock p.m. of the same day,  
22 Tuesday, July 20, 1971.)  
23  
24  
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LOS ANGELES, CALIFORNIA, TUESDAY, JULY 20, 1971, 2:05 P. M.

THE COURT: All right, the Court calls Mrs. Corrine Roat.

And she's with -- the record should show that she is present in court with her counsel in this matter.

And your name is Michael Morse, M-o-r-s-e?

MR. MORSE: Michael Morse, M-o-r-s-e, that's right, your Honor.

THE COURT: Does the defendant waive service upon her of an order to show cause in re contempt?

MR. MORSE: She does.

THE COURT: All right. She is here because the Court has found that on July 15th, Thursday, July 15th, she was ordered to return at 9:00 o'clock on Friday morning, the 16th, and when roll was called she was not present.

The Court was informed that when the clerk called, he was informed by someone at her residence that she had left for Mexico.

She didn't show up Friday at all, and she showed -- she did not show up on Monday.

She, in response to phone calls to her home, she said that she was not coming in.

The Court is informed that she was sworn as a juror, and she was due back here and, therefore, the Court told her via telephone this morning that there would be somebody coming out to serve an order to show cause in re contempt or to pick her up and have her brought in here to

1 show why she should not be found in contempt of this court.

2 Now, does she wish to explain anything?

3 MR. MORSE: She wishes to explain the reasons why she  
4 was not here.

5 THE COURT: All right, would you put her under oath?

6 MR. MORSE: Do you wish her to take the stand?

7 THE COURT: Yes.

8 THE CLERK: Will you stand and raise your right hand.

9  
10 CORRINE ROAT,

11 having been first duly sworn, was examined and testified as  
12 follows:

13 THE CLERK: You do solemnly swear the testimony  
14 you may give in the cause now pending before this Court shall  
15 be the truth, the whole truth, and nothing but the truth,  
16 so help you God?

17 THE WITNESS: I do.

18 THE CLERK: Would you be seated, please, ma'am.

19 THE COURT: The record should show there are no  
20 prospective jurors present in the case of People versus  
21 Charles Manson.

22 THE CLERK: Would you state your name for the record.

23 THE WITNESS: My name is Corrine Roat, C-o-r-r-i-n-e,  
24 R-o-a-t.

25 THE CLERK: Thank you.

26  
27 DIRECT EXAMINATION

28 BY MR. MORSE:

1 Q Mrs. Roat, you were called on the jury panel on  
2 the Manson case last Tuesday, correct?

3 A Yes.

4 Q When did you first find that it was the Manson  
5 case that you were called on?

6 A After I had been called, others that were also  
7 called told me what it was.

8 Q What time did you arrive in the courtroom that  
9 day?

10 A We were ordered to be here at 2:00 o'clock.

11 Q And you came in at that time, is that correct?

12 A Yes, I did.

13 Q Now, while you were in the courtroom, was  
14 Mr. Manson present?

15 A Yes, he was.

16 Q All right. Now, do you know one of the victims  
17 that was killed in the other Manson trial?

18 A I did, yes.

19 Q And who was that?

20 A Jay Sebring.

21 Q All right. Would you explain your relationship  
22 with Mr. Sebring?

23 A We were friends.

24 Q Going back how long?

25 A Four or five years.

26 Q And was he friends of you and your husband's?

27 A Yes.

28 Q Would you explain the relationship?

1           A       It started when he styled my husband's hair, to  
2 begin with, and after that we just became friends.

3           Q       Did you go out socially?

4           A       Yes.

5           Q       Now, when you were in the courtroom last week,  
6 what happened when you saw Mr. Manson? What effect did it  
7 have upon you?

8           A       I got sick. I got upset. I got very upset.

9           Q       And this was because of the fact that you had  
10 known Mr. Sebring, is that correct?

11          A       I couldn't help thinking of it.

12          Q       And is that the reason you did not come back to  
13 the court after that?

14          A       I didn't want to ever be in the same room with  
15 that man again.

16          Q       I see.

17                   I think that's -- your Honor, that pretty well  
18 explains the circumstances as far as she is concerned. I  
19 think she realizes she should have done something other than  
20 just leave, but I think she felt so emotionally upset that  
21 she was unable to continue with this case.

22                   I have nothing further.

23           THE COURT: Did it enter your mind to approach the  
24 Court or counsel and ask to be excused?

25           THE WITNESS: Yes, sir. I would like very much to be  
26 excused.

27           THE COURT: Well, did it enter your mind?

28           THE WITNESS: Oh, yes, it did.



1                   You see, I was told that no one could do that but  
2 you, and it wasn't my turn.

3           THE COURT: Did you think of asking the clerk and have  
4 the Court discussing it with counsel and excusing you?

5           THE WITNESS: I was just told that no one could do  
6 that but you.

7                   I understood that to mean that I would have to  
8 wait my turn.

9           THE COURT: All right, you may step down.

10                   Anything further?

11           MR. MORSE: We have nothing further.

12           THE COURT: The Court finds that she is in contempt  
13 of this Court in her actions remaining away from jury duty  
14 when ordered to appear.

15                   Is she ready for sentence at this time?

16           MR. MORSE: Yes, your Honor.

17           THE COURT: All right, the Court imposes a fine of  
18 \$25 or a service of two days in the County Jail.

19                   Is she prepared to pay that at this time?

20           MR. MORSE: Would the Court accept that?

21           THE COURT: All right.

22                   May she be excused from further jury duty,  
23 gentlemen?

24           MR. MANZELLA: So stipulated, your Honor.

25           THE COURT: Mr. Kanarek?

26           MR. KANAREK: For cause, yes, your Honor. 1073,  
27 Sub section 2.

28           THE COURT: The Court will excuse her for cause.

1 MR. MORSE: Thank you.

2 MRS. ROAT: Thank you.

3 THE COURT: You are excused, then.

4 About all I can say in connection with this,  
5 if you have a situation where you are in a courtroom as a  
6 prospective juror, before you simply absent yourself by your  
7 own leave, you should think about it very carefully and not  
8 do that again and approach somebody, the clerk, counsel,  
9 anyone and tell them what the situation is. No Court, with  
10 your state of mind as it was then, would have required you  
11 to serve.

12 But you can't just take it upon yourself to leave  
13 a courtroom and leave jury duty.

14 MRS. ROAT: No, I didn't mean to leave jury duty. I  
15 just meant to leave this courtroom.

16 MR. KANAREK: Thank you, Mrs. Roat.

17 THE COURT: And you need not leave jury duty  
18 entirely, if you have any jury service left and wish to  
19 serve it. You may report to Room 253 tomorrow morning.

20 MRS. ROAT: But I would not have to come back?

21 THE COURT: You would not have to come back to this  
22 courtroom and this case.

23 Do you wish to do that?

24 MRS. ROAT: I would like to put it off for a little  
25 while, if I could. I am kind of upset about the whole thing  
26 right now.

27 THE COURT: All right, the Court will simply excuse  
28 you from jury duty at this time.

8-1

MRS. ROAT: Thank you, your Honor.

MR. MANZELLA: Your Honor, the People have a witness present in court, here in response to the Court's subpoena, Miss Mary Brunner.

THE COURT: Miss Brunner, had I previously ordered you to appear today?

MISS BRUNNER: Yes, sir.

THE COURT: When do you want her ordered to appear?

MR. MANZELLA: Could she be ordered back for July 27th, your Honor?

THE COURT: All right. You are excused for today, then, Miss Brunner. You are ordered to return on July 27th, without any further notice or subpoena. Do you understand?

(No response.)

THE COURT: Are you listening to me, or to Mr. Kanarek?

MISS BRUNNER: I heard you both.

THE COURT: Pardon?

MISS BRUNNER: I hear you both.

THE COURT: All right. Well, listen to me alone.

You are ordered to return here on July 27th, 9:00 o'clock. That's all.

(Discussion off the record between the Court and the reporter.)

THE COURT: Just one moment, now. Where had we stopped, gentlemen? We had called Mrs. Cohen?

MR. MANZELLA: That's right, your Honog.

MR. KANAREK: That's right.

THE COURT: That's true. All right. Bring all the jurors back in, including --

8-2

1 MR. MANZELLA: Well, your Honor, we are going to have  
2 to question her individually anyway.

3 THE COURT: Yes.

4 MR. MANZELLA: On publicity.

5 THE COURT: Yes. Hold on, Mr. Kuczera. That's a good  
6 suggestion. Rather than proceeding with the questioning of her  
7 in front of all the jurors, we will just question her  
8 separately on those things that we generally proceed on  
9 separately anyhow.

10 Bring her on in.

11 THE BAILIFF: Yes, sir.

12 THE COURT: All right. The record will show Mr.  
13 Manson to be present with Mr. Kanarek.

14 Mrs. Cohen, a prospective juror in seat No. 1,  
15 has entered the courtroom.

16  
17 VOIR DIRE EXAMINATION (Continued)

18 OF MRS. YOLANDA COHEN

19 BY THE COURT:

20 Q Mrs. Cohen, would you take that microphone?

21 Now, you responded that there would be no  
22 hardship -- or rather, it would be a hardship to you to  
23 serve, in view of the fact that you will have a child entering  
24 kindergarten in September; and I believe you also told us that  
25 you would be taking your vacation in September; and for that  
26 reason, you would wish to be excused.

27 And there was one other reason. I've forgotten --

28 A Do you want me to repeat it?

8-3

1 Q Yes.

2 A My husband and I have filed a bankruptcy.

3 Q And you have to appear in court sometime in  
4 August?

5 A Yes, sir.

6 THE COURT: All right. The People have stipulated that  
7 she may be excused. Mr. Kanarek, do you have anything  
8 further in respect to hardship? Is there any stipulation?

9 MR. KANAREK: No, your Honor. We submitted it. And I  
10 think we are going to interrogate.

11 THE COURT: All right. The Court believes that the  
12 reasons you have stated are probably not sufficient, and  
13 the Court will ask you this:

14 Q Are you related to any police officer, or friend  
15 or a relative of any police officer?

16 A No, sir.

17 Q Have you been a juror before?

18 A No, sir.

19 Q And your husband's occupation?

20 A He is self-employed.

21 Q In what type of work?

22 A He sells newspapers and magazines from Mexico.

23 Q Hold that just a little closer, if you would,  
24 Mrs. Cohen.

25 A He sells newspapers and magazines, that came from  
26 Mexico City.

27 Q I see. Do you have such views concerning the  
28 death penalty that you could not be impartial in determining

8-4

1 the question of guilt or innocence?

2 A No.

3 Q Or do you have such views concerning the death  
4 penalty that you would not -- you would automatically refuse  
5 to impose the death penalty, regardless of the evidence?

6 A No.

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

10 A No.

11 Q Have you previously heard, seen or read the name  
12 Charles Manson before coming into this courtroom and hearing  
13 the Court tell you about the indictment?

14 A Well, I hear more of it, on the news.

15 Q When it was on the news?

16 A Yes.

8a fls.

8a-1

1 Q And was it in reference to this case, or some  
2 other case?

3 A No. I believe it was on this -- on this case.

4 Q In reference to this case?

5 A Yes.

6 Q The alleged murders of Gary Hinman and Shorty  
7 Shea?

8 A No.

9 Q It was in reference to some other case, then;  
10 is that correct?

11 A No.

12 Q Well, in what way have you heard about it, then?

13 A Well, what I'm trying to say is that I hear  
14 it when it actually happened, at that time.

15 Q You heard it when what happened?

16 A When -- when it happened.

17 Q When what happened?

18 A Well, what I'm trying to say, that when I hear  
19 this, his name, is on the news -- I mean, like in '69.

20 Q Yes. Well, now, was that in relation to another  
21 case? It was in relation to another case, was it not?

22 A I don't know what you mean, sir.

23 Q All right. Had you ever heard that Mr. Manson  
24 was being tried in Superior Court, or in any court for any  
25 other case?

26 A No.

27 Q You had not?

28 A No.

8a-2

1 Q You had not?

2 A No.

3 Q Well, how do you know about Mr. Manson? Did you  
4 read his name in the sports page or what?

5 A Oh -- well, I hear it on the news, sir.

6 Q About what?

7 A That -- oh, how can I explain it?

8 It was a long time ago, sir, when I hear his  
9 name. About this --

10 Q Yes?

11 A -- this case.

12 Q About this case?

13 A Yes.

14 Q Have you ever heard the name Shorty Shea before?

15 A No.

16 Q Have you heard or seen or read it?

17 A If I heard it, I probably forgot it.

18 Q Have you ever heard, seen or read the name Hinman,  
19 Gary Hinman, before?

20 A I don't remember.

21 Q Have you ever heard, seen or read the name  
22 Sharon Tate?

23 A Yes.

24 Q And what do you remember about that name?

25 A That she was in this -- what do you say? What  
26 I say was that she was in this -- (unintelligible).

27 Q Pardon?

28 A That she was killed.



8a-3

1 Q All right. And do you know that Mr. Manson is in  
2 any way connected with that name?

3 A No. I hear that name lately.

4 Q Lately?

5 A Yes.

6 Q Well, what have you heard about Mr. Manson?

7 A Uh -- that he's been accused for this.

8 Q Accused of what?

9 A For this murder.

10 Q Do you mean in this case?

11 A Oh, well, related to Miss Tate and these other  
12 names; this is all I get. To tell you the truth, I haven't  
13 put too much attention to this.

14 I only saying what the -- what the names came  
15 in my mind.

16 Q Do you know what happened to Mr. Manson -- strike  
17 that.

18 A No, I only heard her name. I haven't put to any  
19 more attention to details.

20 Q So, so far as you are concerned, Mr. Manson's  
21 name just appeared in the newspaper, and you don't know in  
22 what connection?

23 A No.

24 Q Do you read the newspaper, or --

25 A Not very often, sir.

26 Q Do you look at television?

27 A Not to the news. I was -- not too much television.  
28 And I don't read too much, either.

8a-4

1 Q You have an accent. What is your native  
2 language?

3 A I'm from Mexico.

4 Q And have you read Spanish language newspapers?

5 A Well, occasionally.

6 Q In the last two years?

7 A About, yes.

8 Q Have you ever heard the name Manson, heard, seen  
9 or read the name Manson, via Spanish language newspapers?

10 A Well, I didn't hear it. But a lot of people  
11 in talking about this name.

12 Q Yes?

13 A But that's all.

14 Q Yes. Well, in what connection? Were they saying  
15 that he was a sports figure, a movie star, or -- what we want  
16 to know is what you've heard about Mr. Manson.

17 A Well, excuse me. I don't even know how to  
18 express myself. But --

19 Q Do you have trouble understanding English?

20 A Uh -- not too much. I mean, if you don't mind  
21 when I ask you to repeat, if you have a word, a question,  
22 when they don't seem too clear to me. I mean, I wouldn't  
23 have too much problem.

24 In other words, I only been hearing this name in  
25 relating to this murder; that's all, sir.

26 Q In relation to this murder. Now, what are you  
27 talking about?

28 A Like -- like -- about Miss Tate, and Miss Folger

8a-5

1 and all those. Those are the only two names I can think of.

2 Q I see. Do you know what was said about Mr.  
3 Manson in connection with the Tate murder and the Folger  
4 murder?

5 A Well, I heard he's been accused for it.

6 Q That's all?

7 A Yes.

8b fls.

8 And he's going on trial; that's all.  
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1 Q Do you know whether there was a trial involving  
2 that death?

3 A I don't know.

4 Q You do not?

5 A No.

6 Q Would you allow any such matters that you may have  
7 heard, seen or read to enter into any judgment that you might  
8 make in the case, if you were called as a juror?

9 A Do you mean to make a judgment on this case?

10 Q If you were called as a juror in this case,  
11 asked to serve as a juror, do you believe that you would  
12 allow or permit such matters that you may have read in the  
13 newspapers or discussed with your friends to enter into any  
14 judgment that you might be called upon to make in this case?

15 A Well -- uh --

16 Q Do you understand my question?

17 A I -- I would have to listen very carefully to  
18 everything that I had been asked, and try to understand  
19 it as best as I could, in order to do what I think you  
20 expect of me.

21 Q Well, would you, if I were to instruct you that  
22 you were to disregard any statement that you may have heard,  
23 seen or read in the press, or --

24 A Yes.

25 Q -- or via television or radio, --

26 A Yes, sir.

27 Q -- or anything that you may have heard from  
28 your friends --

1 A Yes. Because this is not a thing that I made  
2 sure about it. I mean, I feel -- I haven't tried to be  
3 concerned about that. So it's something that I have just  
4 been hearing from people; that's all. And I --

5 Q And do you believe that you could set aside  
6 such matters, that you could put aside such matters?

7 A Oh, yes.

8 Q Would you decide this case only on the evidence,  
9 and on the --

10 A Yes.

11 Q -- Court's instructions of law?

12 A Yes, I certainly will.

13 THE COURT: All right.

14 Mr. Kanarek?

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

16 THE COURT: The People?

17 MR. MANZELLA: No questions, your Honor.

18 THE COURT: All right.

19 Do you wish to question generally, then?

20 MR. KANAREK: Not at this time, your Honor.

21 THE COURT: All right. Bring the panel in.

22 THE BAILIFF: Yes, sir.

23 JUROR NO. 1: May I say something, sir?

24 BY THE COURT:

25 Q Yes, you may, Mrs. Cohen.

26 A Can you -- can you tell me what -- can you think  
27 about my vacation schedule for that time? Do you think  
28 I can -- I have to forget about it?

1 Q Mrs. Cohen, have you and your husband spent any  
2 money on tickets or anything of that nature?

3 A No, no. My only wish is to stay at home at that  
4 time.

5 Q With your child?

6 A Yes.

7 Q Is there any particular reason? Is this child  
8 in any way a child who is handicapped, or is there any --

9 A Well, no, thank goodness, not. But he's very  
10 close to me, and he cries a lot -- sometimes, when I have  
11 to leave home, he -- and before the weekend, he says, "Mummy,  
12 how many days until you stay home?" He means for the weekends.  
13 Do you see?

14 And so that's when I feel sorry for him, in a  
15 way. And I say, "Well, when my vacation time comes, I will  
16 have that chance to stay" with him.

17 Q Let me ask you this, Mrs. Cohen. Do you think  
18 that you would be so disturbed in thinking about your  
19 child that you might not be able to concentrate on what's  
20 going on in the courtroom, during --

21 A Well, no.

22 Q -- that time, or when the --

23 A Well, no.

24 Q -- the time when the child is attending school  
25 for the first time?

26 A No. No, sir. But this is one thing that --  
27 personally, I like to be with him. I mean, I only worry a  
28 little bit for him.

1 Q Well, would you be worried to such an extent that  
2 you think you might not be able to fully concentrate on  
3 what's going on here?

4 A No, not that much. But I have been waiting for  
5 this time all these months. That's the only thing.

6 (At this point, the members of the prospective  
7 jury panel had completed entering the courtroom, and  
8 all were seated in their respective places.)

8c fls.

1 Q So you think you can devote your full attention  
2 to this trial, even though your child might be attending  
3 kindergarten for the first time, and even though you  
4 might have that situation in September?

5 A Yes.

6 Q You can devote your full thoughts and attention  
7 and not in any way be diverted by the fact that your child  
8 is attending kindergarten for the first time?

9 A Other than that, no.

10 Q Well, not other than that. Because of that?

11 A Because of that, yes.

12 Q Would you listen to me just a moment, Mrs. Cohen?  
13 Because of that -- because your child is attending kindergarten  
14 in September for the first time, even because of that and in  
15 spite of that, you'll still be able to devote your full  
16 attention to this trial?

17 A Yes.

18 THE COURT: All right. You may examine generally.

19 MR. KANAREK: Thank you, your Honor.

20  
21 VOIR DIRE EXAMINATION

22 BY MR. KANAREK:

23 Q Mrs. Cohen, have you been able to hear everything  
24 that's happened in the courtroom so far, since you have been  
25 in the courtroom?

26 A Yes.

27 MR. KANAREK: Thank you very much, Mrs. Cohen. Pass  
28 for cause, your Honor.



## VOIR DIRE EXAMINATION

1  
2 BY MR. MANZELLA:

3 Q Mrs. Cohen, do you know anyone involved in the  
4 defense of criminal cases?

5 A No, sir.

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

8 A No.

9 Q Have you ever served on a jury before?

10 A No.

11 Q Did you hear the Court's instructions with regard  
12 to the burden of proof on the People in a criminal case?

13 A Yes.

14 Q Would you hold the prosecution to -- the People  
15 in this case to any greater burden of proof, because it's a  
16 murder case?

17 A Uhh -- I don't understand your question.

18 Q According to the Court's instructions, the People  
19 must prove guilt beyond a reasonable doubt. They're not  
20 required to exclude all possibility of doubt, and they -- the  
21 People are not required to produce absolute certainty,  
22 according to the Court's instructions.

23 Now, would you require the People to do that,  
24 because this is a murder case? That is, exclude all  
25 possibility of doubt, and produce absolute certainty?

26 A Yes.

27 Q Even though the Court instructed you that that  
28 was not the law, you would -- you feel that because this is

1 a murder case, you would still have to require that burden  
2 of proof?

3 A Yes.

4 Q Even though you were instructed that it was not  
5 the law; is that correct?

6 A (No response.)

7 Q Or do you misunderstand me?

8 A Yes, I misunderstand you.

9 Q All right. Mrs. Cohen, do you have any quarrel  
10 with the law which requires -- strike that.

11 Do you have any quarrel with the law which  
12 permits a person to be convicted of first degree murder,  
13 even though the death is proved circumstantially?

14 MR. KANAREK: Your Honor, first of all, I'll object.  
15 It's an attempt to --

16 THE COURT: The objection is sustained.

17 Q BY MR. MANZELLA: The Court has instructed you  
18 with regard to circumstantial evidence, Mrs. Cohen. The  
19 instructions with regard to circumstantial evidence apply  
20 to each element of the crime of murder.

21 One of the elements of the crime of murder is  
22 the death of a human being. Now, do you feel that you could  
23 follow the Court's instructions with regard to circumstantial  
24 evidence, as they apply to that element of murder? That is,  
25 the death of a human being?

26 A Yes.

27 Q And I take it, then, you have no quarrel with the  
28 law which permits a death to be proved circumstantially; is

that correct?

MR. KANAREK: I must object. The question is whether she'll follow the Court's instructions --

THE COURT: Excuse me. Just state your objection.

MR. KANAREK: Improper voir dire, your Honor.

THE COURT: The Court sustains the objection.

BY MR. MANZELLA:

Q Does it in any way offend your sense of justice and fair play that a person can be convicted of first degree murder where the death is proved by circumstantial evidence?

DEFENDANT MANSON: Yes, it offends me very much every time he says that.

A No.

THE COURT: You must be quiet now, Mr. Manson, or you'll have to leave the courtroom.

THE DEFENDANT: That's why it offends me.

THE COURT: You have to be quiet or you'll have to leave this moment.

Will you be quiet or not? I'm waiting for an answer from you.

DEFENDANT MANSON: If I give you an answer, I couldn't be quiet.

THE COURT: Well, answer me as to whether or not you will be quiet the rest of the afternoon.

DEFENDANT MANSON: The rest of the afternoon? That's a long time, your Honor.

THE COURT: All right, take him out of the courtroom. Unless you can assure me you will be quiet and comport yourself properly, you will have to leave the courtroom.

2xk  
9-2  
1 (Whereupon, the defendant, while being removed  
2 to the holding tank, made an inaudible remark to the Court.)

3 THE COURT: Did you get an answer to that question?

4 I'm sorry, would you read it to me?

5 (Whereupon, the record was read by the reporter  
6 as follows:

7 "ANSWER: No.")

8 BY MR. MANZELLA:

9 Q Mrs. Cohen, do you understand that if the jury  
10 finds Mr. Manson guilty of one or both counts of first degree  
11 murder, that the same jury will determine whether his  
12 punishment will be death or life imprisonment; do you under-  
13 stand that?

14 A Yes.

15 Q All right. Do you understand that before a verdict  
16 of death can be returned, each of the twelve jurors must  
17 individually and personally decide which punishment that juror  
18 feels should be imposed; do you understand that?

19 A Yes.

20 Q All right.

21 A Yes.

22 Q Now, do you feel that if Mr. Manson was convicted  
23 of one or both counts of first degree murder, do you feel that  
24 after hearing all the facts in the case, if you decided that  
25 the death penalty for one or both counts was justified, would  
26 you be able to vote for the death penalty?

27 A No.

28 Q Would you automatically refuse to impose the

9-3

1 death penalty, regardless of the evidence?

2 A Yes.

3 Q Would you refuse to consider the death penalty in  
4 any case?

5 A I refuse.

6 Q Are you saying that in any case of which a person  
7 was convicted of first degree murder, if you sat as a juror,  
8 that regardless of the evidence in the case that you would  
9 automatically vote against the death penalty?

10 A Yes.

11 Q Have you given thought to your state of mind or  
12 your view with regard to the death penalty?

13 A No.

14 Q The questions that you are answering now, are you  
15 certain in your own mind that that's the way you feel about  
16 the death penalty?

17 A Yes.

18 Q That you would automatically vote against the death  
19 penalty regardless of the evidence --

20 A Yes.

21 Q -- which may be produced at the trial?

22 A Yes.

23 MR. MANZELLA: If no one else has any questions, your  
24 Honor, the People would respectfully challenge Mrs. Cohen for  
25 cause under Section 1073, Sub section 2 of the Penal Code.

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

27 THE COURT: Any questions?

28 MR. KANAREK: Pardon?

9-4  
1 THE COURT: Any questions?

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

3  
4 VOIR DIRE EXAMINATION

5 BY MR. KANAREK:

6 Q Mrs. Cohen, is there any reason you couldn't  
7 discuss with the other people in -- that are in the jury with  
8 you all of the evidence, including whatever may come in at  
9 any time during the trial?

10 A If there are any other reason?

11 Q Is there -- could you discuss anything that  
12 happens in this courtroom with the rest of the people on the  
13 jury?

14 A Yes.

15 MR. KANAREK: Thank you.

16 Oppose the challenge, your Honor.

17  
18 VOIR DIRE EXAMINATION

19 BY MR. MANZELLA:

20 Q Mrs. Cohen, after discussing the evidence with the  
21 other jurors, would you still automatically refuse to impose  
22 the death penalty?

23 A Oh, yes.

24 Q Regardless of the evidence?

25 A Yes.  
26  
27  
28

9a-1

## VOIR DIRE EXAMINATION

BY THE COURT:

Q Mrs. Cohen, I asked you about the death penalty before. Did you misunderstand me?

A Did I give you an unright answer?

Q I'm not sure you even follow me now, judging from the look on your face.

Can you understand me now?

A Well --

Q Let me ask you this: Would you ever vote to impose the death penalty? Would you vote for the death penalty for somebody?

A No, for anybody.

Q You would automatically vote against it?

A Yes.

Q Regardless of the evidence?

A Regardless of the evidence.

THE COURT: All right, the Court grants the challenge for cause. You are excused, then. The Court asks you to report to Room 253, forthwith.

JUROR NO. 1: Thank you.

THE COURT: The Court would observe that while Mrs. Cohen does apparently have some trouble understanding English at times, that she does now appear to have fully understood Mr. Manzella and the Court in its last few questions, and that she would automatically refuse to impose the death penalty regardless of the evidence.

Call another name.

9a-2

1 THE CLERK: Stephanie J. Goldberg, G-o-l-d-b-e-r-g,  
2 first name spelled S-t-e-p-h-a-n-i-e.

3  
4 VOIR DIRE EXAMINATION OF

5 STEPHANIE GOLDBERG

6 BY THE COURT:

7 Q Down at the end chair, Miss Goldberg.

8 Is it Miss or Mrs.?

9 A Mrs.

10 Q Miss Goldberg, were you present when the  
11 prospective jurors were informed about this case and when  
12 they were present when I instructed on the law and one of  
13 your jurors from your group was questioned?

14 A Yes.

15 Q Point that towards you. Point it right at you.  
16 Thank you.

17 Would your answers be any different than that  
18 prospective juror's were to the questions of a general nature,  
19 with the exception of the one I asked you concerning police  
20 officers and credibility?

21 A No.

22 Q All right. Would you judge credibility as I have  
23 instructed in respect to it?

24 A Yes.

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

27 A No.

28 Q Either financially or personally?



9a-3

1 A No.

2 Q All right. Have you served as a juror before?

3 A Just last week.

4 Q On a criminal case?

5 A Civil.

6 Q Have you ever been a juror in a criminal case?

7 A No.

8 Q What type of work do you do?

9 A I am a retired high school teacher.

10 Q Retired high school teacher?

11 A I just quit last June.

12 (Laughter.)

13 Q What school system was it?

14 A Alhambra High School system.

15 Q What type of teaching did you do?

16 A Art.

17 Q Do you have any friends or relatives who are law

18 enforcement officers?

19 A Not police officers. My father is an attorney.

20 Q Your father is an attorney?

21 A Yes.

22 Q What area does he practice?

23 A Uh, what type of law?

24 Q No.

25 A Oh, in L. A.

26 Q What area geographically?

27 A Downtown L. A. for over 30 years.

28 Q I see. What is his first name?

1 A Curly.

2 Q He does not practice criminal law to your knowledge,  
3 does he?

4 A He takes in some, sure.

5 Q Some criminal cases?

6 A Uh-huh.

7 Q And have you from time to time discussed cases  
8 with him?

9 A Often.

10 Q Defense of criminal cases?

11 A Uh-huh.

12 Q Do you think that would enter your judgment in  
13 determining any issue in this case?

14 A Yes, I think so.

15 Q Explain that.

16 Do you think that you would be more inclined  
17 to be with the defense as a result of that, biased toward the  
18 defense or would you be biased in the other direction?

19 A Uh, no, the other direction.

20 Q In the other direction?

21 A Yes.

22 Q Is that as a result of -- well, strike that.

23 In other words, you don't think you could be  
24 fair and impartial in this case for some reason or other?

25 A That's correct.

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

27 THE COURT: All right, Miss Goldberg, the Court thanks  
28 you for your frankness and does excuse you. Room 253 forthwith,

9b flw.

1 if you would, please.

2 MR. KANAREK: Thank you, Miss Goldberg.

3 THE COURT: The Court grants the challenge of the  
4 defendant.

5 THE CLERK: Charles P. Heft, H-e-f-t.

7 VOIR DIRE EXAMINATION OF

8 CHARLES P. HEFT

9 BY THE COURT:

10 Q Mr. Hess, were you present when the Court  
11 explained the nature of the case?

12 A Yes, sir.

13 THE CLERK: Heft, F like in Frank.

14 THE COURT: Thank you.

15 Q Would your answers be any different than the  
16 majority -- strike that.

17 Would your answers be any different than the  
18 answers that the first prospective juror were to the questions  
19 of a general nature?

20 A No, sir, they wouldn't.

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

23 A No, sir.

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

26 A No, sir.

27 Q Have you sat on a criminal jury before?

28 A I was selected, but the case did not come to

1 trial.

2 Q What type of work do you do?

3 A I am a project engineer at Hughes Aircraft  
4 Company.

5 Q And you would be paid during the period of time?

6 A I do not know, sir.

7 Q Well, if you were not, would you be willing to  
8 serve, in any event?

9 A Yes, sir.

10 Q And it would not concern you -- you wouldn't  
11 be distracted from the trial by reason of the fact that you  
12 might have some problems there?

13 A No, sir.

14 Q How long have you been with Hughes?

15 A Uh, 13 years.

16 Q Good likelihood that you may get paid, then?

17 A Yes, sir.

18 Q Do you know any friends or relatives who are law  
19 enforcement officers?

20 A No, sir.

21 Q Is there a Mrs. Heft?

22 A No, sir.

23 Q What type of work do you do for Hughes?

24 A Uh, I am responsible for the systems that Hughes  
25 develops for either the Air Force or Navy or foreign customs.

26 Q You are the director of systems development, then?

27 A No, sir. I am responsible for the design, the  
28 fabrication, the testing of the systems.

1 Q Do you have such views concerning the death  
2 penalty that you would be unable to be fair and impartial in  
3 judging the question of guilt or innocence?

4 A No, sir.

5 Q Do you have such views concerning the penalty  
6 that you would automatically refuse to impose it in any case?

7 A No, sir.

8 Q Or, on the other hand, would you automatically  
9 impose it upon a conviction of murder in the first degree,  
10 regardless of the evidence?

11 A No, sir.

12 Q Or do you have such views that you would never  
13 vote to impose the death penalty in any case?

14 A No, sir.

15 Q The next question we wish to ask you is concern-  
16 ing your ability to set aside anything that you may have  
17 heard, seen or read, whether you can do that, and whether  
18 you will do that, and be fair and impartial in spite of such  
19 things.

20 In order to do that, I'll have to ask the other  
21 jurors to please go to the other courtroom, if you would.

22 Where are you today, 107?

23 (Murmurs of "107.")

24 THE COURT: Remember the admonition that I have here-  
25 tofore given you, don't discuss the case amongst yourselves  
26 or anyone else, don't form or express any opinion on it  
27 until it has finally been submitted to you.

28 (Whereupon, the prospective jury panel retired

1 from the courtroom.)

3 VOIR DIRE EXAMINATION

4 BY THE COURT:

5 Q Mr. Heft, you have heard, seen or read the  
6 name Charles Manson before coming to the courtroom?

7 A Yes, sir.

8 Q And in what connection?

9 A I've read about the first trial, sir.

10 Q And that first trial that you are referring  
11 to is the Sharon Tate --

12 A Yes.

13 Q -- killing?

14 A Yes, sir.

15 Q Homicide case?

16 A Yes, sir.

17 Q And did you follow that in the press or via  
18 television or the radio?

19 A Mostly on the -- just looking at the headlines.

20 Q Did you more or less regularly follow some  
21 television program or radio program or read any newspaper  
22 during that period of time the case was being tried?

23 A Oh, I read the New York -- I mean, the L. A.  
24 Times regularly, but I didn't follow the case regularly. I  
25 glanced at the headlines. If I found something that was of  
26 interest, then, I would read into it.

27 Q Just a haphazard -- just a haphazard coverage of  
28 the case from time to time, is that right?

1 A Yes, sir.  
2 Q Do you know what the result was in the case?  
3 A Yes, sir.  
4 Q Tell us as best you remember.  
5 A He was found guilty and sentenced to death.  
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10-1

1 Q Found guilty, then, of murder of the first  
2 degree?

3 A Yes, sir.

4 Q And you know that that sentence has been  
5 pronounced, and he is under that sentence at this time?

6 A Yes, sir.

7 Q Do you know the name Spahn Ranch?

8 A Yes, sir. That was mentioned during the trial.

9 Q What do you know it to be?

10 A Just a vacant section of land, somewhere in Los  
11 Angeles.

12 Q Do you know the name Susan Atkins?

13 A It came up during the trial, yes, sir.

14 Q In what connection? What do you know about that  
15 name?

16 A I think she was one of the defendants.

17 Q And do you know the name Gary Hirman? Had you  
18 heard that name before?

19 A The first time I've heard that name was last  
20 week, when I read it in the newspaper.

21 Q And was that in connection with this trial?

22 A Yes, sir.

23 Q And how about the name Shorty Shea, before I  
24 mentioned his name, or read it from the indictment?

25 A No, sir.

26 Q Had you ever heard that?

27 A No, sir.

28 Q Let me ask you: If I were to instruct you, Mr.



10-2

1 Heft, that you were to set aside -- not forget, because that  
2 would be too difficult -- but set aside anything that you may  
3 have heard, seen or read in the press, or television or radio,  
4 anything you might have discussed with friends about that  
5 previous case, as you call it, or about this case, do you  
6 think you are capable of doing that in your mind? For the  
7 purpose of making a judgment on this case, based upon the  
8 evidence?

9 A I believe so.

10 Q You are not certain?

11 A I'm certain about anything I heard or read on  
12 the first case. But I'm not certain about what I read on  
13 the second -- on this case here.

14 MR. KANAREK: 1073 --

15 Q BY THE COURT: Well, let's explore --

16 MR. KANAREK: -- Subsection 2, your Honor.

17 THE COURT: The challenge is denied at this time.

18 Q Let's explore that just a moment.

19 What have you heard, seen or read about this  
20 case, that you can recall?

21 A The only thing I've heard, seen or read about  
22 this case was what I read in the newspaper last week.

23 Q Tell us about that.

24 A Well, I read that the defendant had gotten up  
25 in court and said that he was guilty.

26 And the reason I mention this is that I'm not  
27 certain -- well, first, why he said it; and second, why  
28 the Court did not listen to it, did not accept it.

10-3

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

2 Q BY THE COURT: And you think that because of  
3 reading that, that there would be such an effect upon your  
4 mind, that you probably would not be able to set it aside  
5 in deciding any issue that you might be called upon to  
6 decide in this case?

7 A No, sir, that's not what I mean. I mean that I  
8 could make a conscious effort to put aside that -- what I --  
9 that which I had read in the newspaper, if I was directed  
10 to.

11 But I'm not certain in my own mind whether that  
12 would have any effect on any verdict I came to.

13 It's difficult, you know, to --

14 Q I'm not sure I follow that. But maybe you can  
15 explain it to me.

16 If it were to enter into any verdict at all,  
17 wouldn't you be considering it? What I am talking about, if--  
18 I'm speaking about anything you might have heard, seen or  
19 read in the press, particularly this last item that you are  
20 talking about.

21 A The problem with this last item is that it --  
22 it's something I don't understand. I don't understand why  
23 it was said, and I don't understand why it was ignored by  
24 the Court.

25 And for this reason, I don't think I could  
26 forget it.

27 But like I say, I would try to make an effort,  
28 not to let it enter into any decision that I would make

10-4

1 concerning the trial.

2 Q But at this point, your state of mind is such  
3 that you are not sure but that it might enter into your  
4 judgment?

5 A That is correct.

6 THE COURT: All right. I'll grant the challenge. The  
7 challenge for cause is granted.

8 The Court believes that you must be definite and  
9 certain that you can set aside anything that you may have  
10 heard, seen or read, including that kind of item. And I  
11 do grant you that it is difficult.

12 And if you can't, well, you shouldn't be sitting  
13 on the jury, because it would be very unfair to Mr. Manson  
14 if you were to do so.

15 Consequently, the Court appreciates your --  
16 your frank assessment of your state of mind, in response to  
17 these questions, and does excuse you.

18 So you are excused, to go to Room 253. You needn't  
19 go today -- need he go today? Hal, can you find out whether  
20 or not he might be excused if he --

21 JUROR NO. 1: I can go over there.

22 THE COURT: Is your car over there in that direction?

23 JUROR NO. 1: Yes, I have to go over there anyway.

24 THE COURT: All right. Why don't you? They may be able  
25 to pick you up for some other courtroom.

26 Thank you, Mr. Heft.

27 MR. KANAREK: Thank you, Mr. Heft.  
28

10a Els.

10a-1

1 THE CLERK: Jesse L. Cravin; C-r-a-v-i-n; first name,  
2 J-e-s-s-e.

3 THE COURT: Off the record.

4 (Whereupon a discussion was had off the record.)

5 THE COURT: Back on the record.

6 The record will show that Mr. Cravin --

7 JUROR NO. 1: Yes.

8 THE COURT: -- Jesse Cravin has entered the courtroom.

9  
10 VOIR DIRE EXAMINATION OF  
11 JESSE L. CRAVIN

12 BY THE COURT:

13 Q Mr. Cravin, the Court wishes to ask you some  
14 questions concerning your suitability as a juror. And I'll  
15 ask you whether or not you were present when the Court  
16 explained the nature of this case and discussed the law  
17 and -- some of the law in respect to the case, and when the  
18 Court questioned one of the prospective jurors first chosen  
19 from your group?

20 A Yes.

21 Q Would your answers be any different than his  
22 answers were to the questions put to that prospective juror,  
23 of a general nature?

24 A No.

25 Q And -- is that microphone working? Tap it or  
26 something.

27 A (Complying.)

28 Q It has to be held as this one is, pointing at

10a-2

1 you (indicating).

2 Would it be any hardship to you to serve as a  
3 juror in this case?

4 A No.

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

7 A Uh -- law enforcement? No, but --

8 Q A law enforcement officer would be anyone who is  
9 a police officer or a deputy sheriff, sheriff, chief of  
10 police, a deputy prosecutor of any type.

11 A No.

12 Q Or a California Highway Patrolman, that --

13 A No.

14 Q All right. So you are not related to or a  
15 friend of any law enforcement officer.

16 What type of work do you do?

17 A I'm a psychiatric technician.

18 Q For whom?

19 A For the VA.

20 Q For the Veterans Administration?

21 A Right.

22 Q Where are you employed?

23 A At Brentwood.

24 Q What do you do in that connection? What is that  
25 job?

26 A Well, it's dealing with the mentally ill.

27 Q In what way?

28 A In the capacity of upkeep. We have -- now, I have

10a-3

1 a new program, young veterans coming back from Vietnam, and  
2 this is mainly with narcotic problems and so forth.

3 Q Well, what are -- what do you do? Are you a  
4 counsellor?

5 A Well, that --

6 Q You say a psychiatric technician?

7 A Yes. We do some counselling, some nursing, and  
8 some -- the whole bit.

9 Q A little bit of everything in connection with  
10 treatment of --

11 A Treatment, yes.

12 Q -- mentally ill people?

13 A Yes.

14 Q Do you simply assist the psychiatrist, the  
15 doctor?

16 A We assist both doctor and nurse.

17 Q In assisting them, you follow a program that's  
18 been laid out for you and for the patient?

19 A Right.

20 Q How long have you been so employed?

21 A About eight years.

22 Q Have you ever served as a juror before, did you  
23 say?

24 A No.

25 Q No? And is there a Mrs. Cravin?

26 A Yes.

27 Q What does she do?

28 A She's a --

1 Q Is she employed outside the home?

2 A A seamstress.

3 Q Do you have such views concerning the death  
4 penalty that you would be unable to be fair and impartial  
5 as a result of those views?

6 A No.

7 Q Or do you have such views concerning the death  
8 penalty that you could never impose it?

9 A No.

10 Q Do you have such views concerning it that -- that  
11 is, the death penalty -- that you would automatically refuse  
12 to impose it, in any case, regardless of the evidence?

13 A No.

14 Q Or do you have such views concerning the death  
15 penalty that you would automatically impose it, vote for it,  
16 upon a conviction of murder of the first degree, --

17 A No.

18 Q -- regardless of the evidence?

19 Regarding publicity that you may have heard, seen  
20 or read, concerning this or any other case in which Mr.  
21 Manson may have been involved, can you tell us whether you  
22 had heard his name at all --

23 A Yes.

24 Q -- heard, seen or read it, before you came into  
25 this courtroom?

26 A Yes.

27 Q And in what connection?

28 A The previous trial, the --

1 Q And you are talking about the Tate-La Bianca  
2 trial; is that the case?

10b fls.

3 A Yes.  
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10b-1

1 Q That's the case involving those homicides?

2 A Yes.

3 Q All right. Tell us what you know, if you do know

4 anything, about the result of that case. Do you know of that?

5 A I think he was convicted.

6 Q He was convicted of what?

7 A Of the murder -- or, participation or something

8 in the murders. I don't really -- at first, it was -- you

9 know.

10 Q He was convicted?

11 A Yes.

12 Q And do you know whether the jury came back with a

13 verdict in the penalty phase?

14 A I'm really not sure. I could have lost --

15 Q You don't know whether it was life imprisonment

16 or death?

17 A I think it was death, really.

18 Q You believe it was that?

19 A Yes.

20 Q Do you know whether he was convicted of more than

21 one murder?

22 A I'm really not sure.

23 Q Do you know the name Spahn Ranch?

24 A Yes.

25 Q Do you know the name Manson Family?

26 A Yes.

27 Q Do you know the name Susan Atkins?

28 A Yes.

10b-2

1 Q What does Susan Atkins -- what does that name  
2 mean to you?

3 A I think she was a witness for the prosecution.  
4 I'm really not sure, but --

5 Q And had you heard the name Shorty Shea before you  
6 came into this courtroom, and the Court told you about the  
7 indictment?

8 A Yes.

9 Q In what connection?

10 A On TV.

11 Q What had you heard?

12 A That they haven't found his body yet, but --  
13 Basically, that was it: that they hadn't found his body.

14 But they felt that the man had -- had did away  
15 with him.

16 Q And you assume from that, from reading that news  
17 report, that the -- or, on television, from hearing on  
18 television, rather -- that the man was dead, and that they  
19 had not found his body?

20 A Right.

21 Q How about the name Gary Hinman?

22 A Yes. Vaguely, something about that.

23 Q What do you remember about that?

24 A Oh, boy. That -- uh -- he was killed, or some  
25 kind of way. But he was killed.

26 Q Do you remember Mr. Manson's connection with that  
27 news story, if any?

28 A Not really.

1 Q Now, if I were to instruct you that you were to  
2 set aside anything that you may have heard, seen or read in  
3 connection with that Tate-La Bianca case, and this case, and  
4 anything that you may remember in the future concerning either  
5 case, or Mr. Manson, that you may have heard, seen or read  
6 or talked about with your friends, if I were to tell you that  
7 you were not to forget such matters but to set them aside for  
8 the purpose of making an independent judgment, based upon the  
9 evidence in this case, could you do that?

10 A I could try, but it would be kind of hard, really,  
11 because --

12 Q Do you think you would be able to do it?

13 A I couldn't guarantee -- I could try; that's all I  
14 could say.

15 Q You could not guarantee --

16 A That I could really set that part aside.

17 Q Are you expressing some uncertainty about your  
18 ability to do that?

19 A Yes, I guess I am, really. To be honest, I  
20 mean, I could really try, but --

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

22 THE COURT: All right. Well, the Court thanks you for  
23 being honest about your state of mind, and the Court does  
24 grant the challenge for cause.

25 The Court does excuse you. Thank you.

26 MR. KANAREK: Thank you.

27 THE CLERK: Mrs. Bonnie T. Slimmer; S-l-i-m-m-e-r.

28 THE COURT: Call another one, too.

1 THE CLERK: Yes. Bonnie is spelled B-o-n-n-i-e.

2 Miss Kathleen Heagney; H-e-a-g-n-e-y --

3 PROSPECTIVE JUROR SLIMMER: That's not me.

4 THE CLERK: -- Kathleen with a K.

5  
6 VOIR DIRE EXAMINATION OF

7 BONNIE T. SLIMMER

8 BY THE COURT:

9 Q Are you Mrs. Slimmer?

10 A I am.

11 Q Mrs. Slimmer, were you present when the Court  
12 explained the nature of this case to the prospective jurors,  
13 and when the Court questioned the first prospective juror  
14 chosen from your group --

15 A Yes, sir.

16 Q -- to enter the box?

17 A Yes, sir.

18 Q And would your answers be any different than his  
19 answers were, that first prospective juror's answers were,  
20 to the questions of a general nature?

21 A No, sir.

22 Q Would it be a hardship to you to serve in this  
23 case?

24 A Only on my car.

25 Q Tell us about that.

26 A I drive from Azusa every day.

27 Q From where?

28 A Azusa.

1 Q And what -- how far -- do you have any  
2 particular worries in connection with your transportation,  
3 that you want to bring to my attention?

4 A Should this case go on for the full six months,  
5 it would carry me through winter, and I don't think I'd  
6 like to travel the freeway in the winter.

7 It would sort of greater my possibility of being  
8 involved in an accident.

10c fls.

10c

1 Q Just counting up statistics, huh?

2 A I don't want to be a statistic.

3 Q Well, I'm afraid that probably is not a  
4 suitable excuse to allow me to let you go.

5 A No, I didn't think so.

6 Q All I could do is sympathize with you. How far  
7 is that drive from Azusa? In time, probably 45 minutes or  
8 something?

9 A I allow myself an hour.

10 Q An hour.

11 A It's 25 miles. Twenty-four, according to the  
12 Court.

13 Q Well, that's not uncommon in this County. The  
14 Court -- I do that, and I know a number of lawyers and judges  
15 who do --

16 A I also don't get paid for it, though.

17 Q -- who live beyond that. And --

18 That's true. It is a hardship in that way, in  
19 that you would not be paid.

20 Well, aren't they paid mileage? Aren't jurors  
21 paid mileage?

22 A Fifteen cents a mile, one way.

23 Q Yes. But in any event, I can't see that that  
24 would constitute such a hardship that I could, by reason of  
25 that alone, let you be excluded.

26 Let me ask you: Are you a friend or relative of  
27 any law enforcement officer?

28 A Well, the last few days, I have been thinking

1 that I didn't know anybody. But I know two people that are  
2 law enforcement officers.

3 Q It took you two days to remember them?

4 A Well, I guess you can think in that time. I have  
5 a friend who is a District Attorney investigator. I don't  
6 know -- I've never spoken to him about anything. And --

7 Q Do you think that these relationships would in  
8 any way affect your judgment in the case?

9 A No, I don't know anything that they actually do.  
10 I just happen to know that these are their jobs.

11 And the other one's a lieutenant in the police --  
12 the vice squad, here in Los Angeles.

13 Q I see. And how long have you known him?

14 A Oh, I'd say about ten years.

15 Q And do you see him frequently?

16 A Not in the last two or three years, at least.  
17 They've moved out of our area.

18 Q Have you been a juror before, in a criminal  
19 case?

20 A No. Just this term.

21 Q Just this term?

22 A Yes, sir. This is the second week --

23 Q Well, in a criminal case, this term?

24 A No, sir.  
25  
26  
27  
28

11 fls.

11-1

1 Q All right. What type of work do you do?

2 A I am a telephone manager for Sears in Rolling  
3 Heights.

4 Q As telephone manager, you have charge of a number  
5 of employees there, is that it?

6 A None at all. It is just a title.

7 Q Just what?

8 A A title for telephones.

9 Q I see. Is there a Mr. Slimmer?

10 A Yes, there is.

11 Q What type of work does he do?

12 A He's a welder.

13 Q And, generally, where is he employed?

14 A In Glendora.

15 Q And is he -- does he work for someone there,  
16 a contractor or is he -- has his own business?

17 A Well, it is sort of a combined thing. He works  
18 for himself with another person.

19 Q I see.

20 Do you have such views concerning the death penalty,  
21 Mrs. Slimmer, that you could not be fair and impartial in  
22 determining guilt or innocence?

23 A No, sir.

24 Q Do you have such views concerning the penalty  
25 that you would be unable, by reason of those views, to ever  
26 vote for the death penalty?

27 A No, sir.

28 Q Would you automatically refuse to impose the death



11-2

1 penalty regardless of any evidence that might be produced?

2 A I don't think so, no.

3 Q Or would you automatically impose the penalty  
4 upon a conviction of murder?

5 A No, I would not.

6 Q Of murder first, regardless of the evidence?

7 A No.

8 Q Would you listen to the evidence and make a  
9 determination whether, if in your sole judgment and discretion,  
10 you should impose the death penalty?

11 A Yes, sir.

12 Q Or life imprisonment?

13 A Yes, sir.

14 Q Concerning anything that you may have heard,  
15 seen or read about this case, do you know the name Charles  
16 Manson? Did you know him before you came into this courtroom?

17 A I certainly do.

18 Q Was that in connection with the Tate-La Bianca  
19 homicide case?

20 A Yes, sir.

21 Q Did you follow that in the press or hear it on  
22 the radio?

23 A I did at first, and then I got tired of reading  
24 about it.

25 Q You made no conscious attempt to follow it in  
26 any of the media?

27 A Not after that. At first, I think that everybody  
28 -- you read it, you watched it, you listened to it, and then

11-3

1 after a while you got so tired of hearing about it, it got  
2 rather boring.

3 Q Have you ever heard of the name Susan Atkins?

4 A Yes.

5 Q Could you tell me who she is?

6 A I couldn't tell you now who she is.

7 Q You don't remember now --

8 A I don't remember.

9 Q Have you heard the name Shorty Shea?

10 A Not until coming to this courtroom, no, sir.

11 Q Gary Hinman?

12 A Yes.

13 Q You heard that before?

14 A Yes, sir.

15 Q In what connection?

16 A It was in the newspaper concerning the murder.

17 Q What did you hear about it?

18 A I don't even remember that. I believe he was a  
19 musician.

20 Q You have heard musician Gary Hinman?

21 A That's all.

22 Q It comes together in one phrase. He's commonly  
23 referred to in that way.

24 Does that recall anything to your mind?

25 A Not any more than that.

26 Q Do you know the result in that case, the Tate-  
27 La Bianca case?

28 A No, I don't.

11-4

1 Q You don't?

2 A Oh, yes, I do.

3 Q Do you know what he was charged with, Mr. Manson?

4 A The actual charge, no, sir.

5 Q Do you know what he was convicted of?

6 A Murder.

7 Q And do you know whether the jury came back with a  
8 verdict in the penalty phase?

9 A Yes, sir.

10 Q What was it, as far as you know?

11 A I think it was death. So that -- but I --

12 Q So at this time your best remembrance was he was  
13 convicted of murder and he was sentenced to death?

14 A Yes. That's all.

15 Q Now, if I were to instruct you -- the Court were  
16 to instruct you that you were to set aside anything you may  
17 have heard about Gary Hinman, Shorty Shea, this case, the  
18 Tate-La Bianca case or anything that you may have heard,  
19 seen or read concerning Mr. Manson, and decide the case  
20 based upon the evidence, solely upon the evidence that's  
21 received here in this court and the instructions of law,  
22 could you do that?

23 A Yes, sir.

24 Q Could you set --

25 A Yes, sir.

26 Q Could you set aside such things?

27 A Yes, sir.

11afla.

28

11-5

1 Q Are you objective enough, do you believe in your  
2 mind, to segregate any news item that you may have heard  
3 from the evidence in this case?

4 A Yes, sir.

5 Q And if someone should raise something that you  
6 know was not in the evidence, was not presented here in  
7 court, but was something that came from an item in the news,  
8 television, radio or newspaper, would you tell that person  
9 that that is not to be considered, and that that has no  
10 place in the jury's judgment?

11 A I am afraid I don't follow you.

12 Q Well, would you allow anyone in the jury room  
13 to consider something that was not within the evidence,  
14 but was something that was brought in from a news item?

15 A Oh, yes, sir.

16 Q You wouldn't allow anyone to --

17 A (Shakes head.)

18 Q -- consider that without your commenting on it,  
19 at least, would you?

20 A No, sir.

21 Q Or would you, yourself, consider any news item  
22 or any news article that you may have heard, seen or read in  
23 determining any issue in this case?

24 A I don't think so. I'm sure it must be in my  
25 mind if I read about it.

26 Q Well, the Court is not asking you to forget such  
27 matters because it would be difficult, too difficult, for  
28 example, to forget you heard the name Charles Manson. But

11-6

1 for the purpose of making a judgment in this case, I'm  
2 interested in your assessment of your capabilities of being  
3 objective in setting aside what you may have heard, seen or  
4 read?

5 A Yes, sir.

6 Q And deciding the case only on what you hear,  
7 see or read in this courtroom that's received by way of  
8 evidence.

9 A Yes, sir, I could.

10 Q Are you sure that you can do that?

11 A Well, I'll do the best I could.

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

13 Q BY THE COURT: What I am interested in is whether  
14 you are sure you can do it, whether you can do it and  
15 whether you will do it?

16 A Like I said, I certainly will try. I've never  
17 done it before. I don't know how I will react.

18 Q You're not sure about your ability?

19 A I said I would do the best that is expected of  
20 me. I --

21 MR. KANAREK: May we approach the bench?

22 A I can't promise more than that.

23 THE COURT: You can't promise you would set it  
24 aside?

25 A I could set it aside. It is easy to sit here  
26 and say yes.

27 Q The Court realizes that. But the Court is  
28 interested in whether or not, in exploring your mind, you

11-7

1 feel that you can be as objective as you can -- objective,  
2 so that you can set aside -- so objective that you can set  
3 aside any such items and decide the case only on the  
4 evidence. That's what I am talking about. And if you have  
5 any doubt in your mind, well, then, -- well, I want you to  
6 indicate that now.

7 If, on the other hand, you are firm in your  
8 belief that you will set aside any such matters -- not  
9 forget them, but discard them for the purpose of making any  
10 judgment that you may be called upon to make in any issue  
11 in the case, well, I want to know that, too.

12 A Yes.

13 Q Can you explain your state of mind now?

14 A I am sure I could set everything aside and do  
15 what is expected of me.

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

17 A Does that call for a straight yes or no?

18 Q Yes.

19 A Yes, I think I could.

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

21 THE COURT: Well, you may approach the bench.

22 BY THE COURT:

23 Q Are you hedging at all in connection with your  
24 last statement, "Yes, I think I could"?

25 A I am hedging on the fact that -- of the -- of  
26 the particular case. Of not just the crime itself, but the  
27 particular case.

28 Q Explain that to me.

1 A Mr. Manson.  
2 Q Tell me about that.  
3 A I'm not sure that I fully understand it.  
4 I don't like him.  
5 Q You don't like him?  
6 A No, sir.

11b fls. 7

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

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1 THE COURT: All right, the Court appreciates your  
2 being frank and the Court thinks that probably you should be  
3 excused as a result of your expressing your views. I'm not  
4 sure. In other words, whether you can be as impartial as  
5 you'd like to be in view of your expression of views. I'm  
6 sure that you would do your best to follow the Court's  
7 instructions, but in view of your answers, I am not positive  
8 and certain in my own mind that you can set aside what you  
9 may have heard, seen or read from the publicity and that you  
10 will do it.

11 I know it is a difficult judgment for somebody  
12 to make who has seen the publicity and heard it over a period  
13 of months, and I appreciate your attempting to judge your own  
14 abilities in that regard.

15 The Court does grant the challenge, however.

16 MR. KANAREK: Your Honor, may I ask just one question?

17 THE COURT: Yes.

18  
19 VOIR DIRE EXAMINATION

20 BY MR. KANAREK:

21 Q Is it a fair statement that your impression is  
22 based upon what you have seen in the media, by way of radio  
23 and television and newspapers?

24 THE COURT: Is it based upon that or something else?

25 JUROR NO. 1: Well, not knowing him personally, it would  
26 have to be.

27 Q Well, that's -- that's what we are asking,  
28 Mrs. Slimmer.



11b-2

1 In other words, it isn't?

2 A Well, I've never lived with him, so I would only  
3 know what I have read in the papers or seen on television. His  
4 way of life is just not a normal way of life for most people.  
5 You can't expect anybody to accept that.

6 THE COURT: Well, thank you very much.

7 MR. KANAREK: Thank you very much, Mrs. Slimmer.

8 THE COURT: You are excused. The Court grants the  
9 challenge for cause.

10 MR. KANAREK: Thank you.

11 THE CLERK: Miss Kathleen Heagney, H-e-a-g-n-e-y,  
12 Kathleen with a K.

13 THE COURT: What's this lady's name?

14 THE CLERK: Heagney, H-e-a-g-n-e-y.

15  
16 VOIR DIRE EXAMINATION OF

17 KATHLEEN HEAGNEY

18 BY THE COURT:

19 Q Mrs. Heagney, were you present when the Court  
20 explained the nature of this case?

21 A Yes, your Honor.

22 Q And did you hear the Court question the first  
23 prospective juror taken from your group, put in the box?

24 A Yes, your Honor, I did.

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

27 A Two points.

28 Q All right, tell us about that.

1 A Uh --

2 Q Get that microphone right in front of your face  
3 there.

4 A Is that okay?

5 Q That has to be real close, as close as this one  
6 is to me.

7 A I believe you asked him --

8 THE COURT: We spend more time with that microphone.  
9 Can we get some tape and tape down that position so it is  
10 on all the time?

11 THE BAILIFF: Yes.

12 THE COURT: Let's try that.

13 BY THE COURT:

14 Q Go ahead, Miss Heagney.

15 A I believe you asked him if he could serve  
16 with an open mind?

17 Q Yes.

18 A My answers to that question would be no.

19 Q Well, explain your attitude.

20 A Well, in view of the publicity.

21 Q Keep that microphone in front of your face.

22 A In view of the publicity.

23 Q Yes.

24 A And the court proceedings, I would say no, I  
25 couldn't do it.

26 Q The publicity and the court proceedings that  
27 you have seen thus far?

28 A That's right, I couldn't do it.

1 Q What in the court proceedings thus far has  
2 influenced you?

3 A I haven't seen the court proceedings. I have  
4 read them.

5 Q I see. Tell us about that. What are you talking  
6 about?

7 A Well, it seems to be like a --

8 Q Would you hold that microphone closer,  
9 Go ahead.

10 A It would seem to me like an open and shut case.  
11 I don't think there is any argument there.

12 Q In other words, you've kind of made up your mind  
13 in view of what you have heard that the defendant is guilty?

14 A That's right.

15 Q Did you read, hear or see his statement in the  
16 press or the statement that -- in the press that he had made  
17 a statement to the effect that he wished to enter a plea of  
18 guilty?

19 A I don't believe I did.  
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11c fls.

11c-1

1 Q You didn't see that?

2 A Huh-uh. I just followed it so far, and then I  
3 was thoroughly disgusted.

4 Q And you don't feel that you could be fair to the  
5 defendant?

6 A Never.

7 THE COURT: Go ahead.

8 MR. KANAREK: Yes.

9 BY MR. KANAREK:

10 Q Mrs. Heagney --

11 THE COURT: Any questions or do you just wish --

12 MR. KANAREK: I would just like to ask, if I may, a  
13 question or two, if I may.

14 Q BY MR. KANAREK: Mrs. Heagney, would you say you  
15 made up your mind from what you read in the paper -- in other  
16 words, it is completely from the publicity, radio, newspapers  
17 and television, right?

18 A Yeah.

19 Q In your mind, and everything you know about this  
20 case, is from the publicity?

21 A That's right.

22 MR. KANAREK: Thank you.

23 JUROR NO. 1: You are welcome.

24 MR. KANAREK: Thank you.

25 THE COURT: Mr. Kanarek.

26 MR. KANAREK: 1073, Subsection 2, your Honor. Yes,  
27 thank you.

28 THE COURT: All right, the Court grants the challenge for

11c-2

1 cause.

2 All right, the Court appreciates your being frank  
3 with us, Mrs. Heagney. You are excused to go to Room 253,  
4 please.

5 JUROR NO. 1: Thank you.

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

7 THE CLERK: Charles R. Garrett, G-a-r-r-e-t-t.

8  
9 VOIR DIRE EXAMINATION OF  
10 CHARLES R. GARRETT

11 BY THE COURT:

12 Q Mr. Garrett, were you present when the Court  
13 explained the nature of this case and when the Court --

14 A Yes. Yes, sir.

15 Q Very well.

16 And when the Court questioned a prospective juror  
17 in this case, who was first chosen from your group?

18 A Yes.

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

21 A No.

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

24 A Well, as far as I know, I would say no. But I'm  
25 not certain. I work for the L. A. City Schools and we're  
26 in a financial bind right now. So far as I know, it has  
27 been the policy to pay the jurors.

28 Q Yes, it has been the Court's experience that

11c-3

1 jurors with the City Schools have been paid, too.

2 A Right.

3 Q That probably should not be a worry on your mind.  
4 Is there any other reason why you couldn't  
5 serve?

6 A Not as -- no, I can't think of any other reason.

7 Q Could you state whether you've been a juror before  
8 in a criminal case?

9 A Uh, no, I haven't.

10 Q And are you -- what is the nature of your job  
11 with the L. A. City Schools?

12 A I am an area head custodian.

13 Q All right. Are you related to or a friend of  
14 any law enforcement officer?

15 A No.

16 Q And is there a Mrs. Garrett?

17 A Yes, there is.

18 Q And what type of -- does she work outside of the  
19 home?

20 A Yes, she does. She's a personnel clerk for the  
21 L. A. City Schools.

22 Q All right.

23 Do you have such views concerning the death  
24 penalty that you couldn't be fair and impartial in determining  
25 the question of guilt or innocence?

26 A I have certain religious views that I would  
27 never vote for the death penalty.

28 Q Are your views such concerning the death penalty

1 that you would automatically refuse to impose it?

2 A Yes, sir.

3 Q Regardless of the evidence?

4 A Yes, sir.

5 Q Well, would you ever consider imposing the death  
6 penalty in any case?

7 A No, sir.

8 Q Regardless of the evidence, then, you would  
9 automatically vote for life imprisonment and against the  
10 death penalty?

11 A My personal opinion, yes, sir.

12 Q Regardless of what might be produced by way of  
13 evidence?

14 A Yes, sir.

15 MR. MANZELLA: The People would respectfully challenge  
16 Mr. Garrett for cause under Section 1073, Subdivision 2,  
17 your Honor.

18 THE COURT: The Court grants the challenge.

19 MR. KANAREK: Just a minute, if I may, your Honor.

20 THE COURT: The Court grants the challenge.

21 MR. KANAREK: Yes, I would like to make a motion --  
22 it is in violation of the freedom of religious grounds,  
23 First Amendment. I would like the record to reflect that.  
24 I would like to interrogate on that, if I may?

25 THE COURT: No, you may not.

26 MR. KANAREK: Very well.

27 THE COURT: Mr. Garrett, thank you very much. Room 253,  
28 forthwith.

1 The court will take a ten-minute recess.

2 MR. KANAREK: Thank you, your Honor.

3 (Afternoon recess.)  
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12 fls.



12-1

1 THE COURT: All right. The record should show that  
2 the prospective jurors are out of the room, with the  
3 exception of one prospective juror, in seat No. 1. And  
4 that's Mr. --?

5 THE CLERK: Franklin E. Tilley; capital T-i-l-l-e-y.

7 VOIR DIRE EXAMINATION OF

8 FRANKLIN E. TILLEY

9 BY THE COURT:

10 Q Mr. Tilley, were you present when the Court  
11 explained the nature of this case --

12 A Yes, sir.

13 Q -- to the prospective jurors?

14 And when the Court questioned the prospective  
15 juror whose name was first chosen from the box?

16 A Yes, sir.

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

19 A No, sir.

20 Q Would you suffer any hardship, if you were  
21 caused to serve as a juror in this case?

22 A Well, I am enrolled in L. A. Trade Tech for the  
23 summer semester -- I mean, the fall semester. September 13.

24 Q Beginning in September?

25 A September 13th.

26 Q What kind of course?

27 A I'm -- business administration.

28 Q And it's your intention to go ahead and take

12-2

1 that course?

2 A Yes, sir.

3 Q How many units is it?

4 A Oh --

5 Q Fulltime?

6 A Well, I am taking 14 units.

7 Q You will be taking a 14-unit course, then, in  
8 September?

9 A Yes, sir.

10 Q In business administration at what place?

11 A It's at L. A. Trade Tech. I am taking academic  
12 courses there.

13 Q And if the Court were require you to serve, then  
14 you would lose whatever -- you would lose that semester, at  
15 least, wouldn't you?

16 A Well, yes. I would lose that semester -- although  
17 I probably could go at night.

18 Q Probably could what?

19 A Well, I couldn't go to night school, to carry that  
20 many units; not to go to night school.

21 THE COURT: Do you gentlemen wish to be heard?

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

23 I would be willing to stipulate that it would  
24 constitute a hardship.

25 THE COURT: Is the defendant willing to stipulate?

26 MR. KANAREK: Yes, your Honor.

27 THE COURT: The Court will excuse you, then.

28 MR. KANAREK: Thank you, Mr. Tilley.

1 THE COURT: These gentlemen have stipulated that it is  
2 good cause for an excuse, and the Court will excuse you.

3 (Discussion had off the record between the Court  
4 and the clerk.)

5 THE COURT: Yes. They request over at the jury  
6 assembly room that you report there on Friday at 9:00  
7 o'clock. The Court orders you to do so.

8 So you needn't come back until Friday.

9 JUROR NO. 1: Do I need the slip?

10 THE CLERK: No.

11 THE COURT: And the clerk will get that over there to  
12 them.

13 THE CLERK: Mrs. F. Louise Voge; capital V-o-g-e.

14 THE COURT: Do you have one on tap?

15 THE CLERK: Yes, sir.

16  
17 VOIR DIRE EXAMINATION OF

18 MRS. F. LOUISE VOGUE

19 BY THE COURT:

20 Q Mrs. Voge, is it?

21 A Yes.

22 Q Mrs. Voge, were you present when the Court  
23 explained the nature of this case?

24 A Yes, sir.

25 Q And when the Court instructed on the law in  
26 respect to the case, and questioned the first prospective  
27 juror chosen from your group?

28 A Yes, sir.

1 Q Would your answers be any different than the  
2 answers --

3 A No, sir.

4 Q -- of that first prospective juror, to the  
5 questions of a general nature?

6 A No.

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

9 A Yes, it would.

10 Q In what way?

11 A We've sold our house, and it's going to complete  
12 escrow September 15th. And we are moving in the area of  
13 Santa Cruz.

14 Q You are moving to Santa Cruz?

15 A Uh-hum.

16 Q And you anticipate that move will be --

17 A The last of September.

18 Q And your family has already made plans?

19 A Yes. We have bought the mobile home, and it's --  
20 they're doing the foundation work now. And as soon as our  
21 house closes here, we hope to have that one completed and move.

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12a fls.

12a-1

1 THE COURT: All right. Gentlemen?

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

4 MR. KANAREK: Stipulate, your Honor.

5 THE COURT: All right. These gentlemen have stipulated,  
6 and you may be excused.

7 MR. KANAREK: Thank you, Mrs. Voge.

8 THE COURT: Thank you, Mrs. Voge. Room 253 on Friday  
9 at 9:00 o'clock. You needn't report until Friday.

10 THE CLERK: I'll send your ticket over there.

11 JUROR NO. 1: Okay. Friday?

12 THE COURT: Friday.

13 THE CLERK: Friday.

14 JUROR NO. 1: Good. Thank you.

15 THE COURT: I didn't think you heard that.

16 JUROR NO. 1: I didn't.

17 THE CLERK: Mrs. Herlinda Walker; W-a-l-k-e-r; first  
18 name, H-e-r-l-i-n-d-a.

19  
20 VOIR DIRE EXAMINATION OF

21 MRS. HERLINDA WALKER

22 BY THE COURT:

23 Q Mrs. Walker, were you present when the Court  
24 explained the nature of this case, and when the Court  
25 questioned the prospective juror first chosen from your group  
26 to sit in the box?

27 A Yes.

28 Q Would your answers be any different than his were

12a-2

1 to the questions of a general nature?

2 A No.

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

5 A No.

6 Q Would it be any hardship to you to serve in the  
7 case?

8 A Yes.

9 Q Tell us about it.

10 A Well, I have three children, and I -- I won't  
11 have anyone to take care of them.

12 Q Who's taking care of them now?

13 A My husband is taking care of them now. And in  
14 September, he will be going back to school.

15 Q I see. And at that time, they will be without  
16 care, if you are on jury duty?

17 A Well, my mother, she does -- well, while I'm at  
18 work, she takes care of them, just half a day.

19 Q What is the nature of your work?

20 A I work for Pacific Telephone Company as an  
21 operator.

22 Q Do you mean by that that your mother comes in  
23 during the time that you are working for Pacific Telephone?

24 A No, See, the hours I work, I get off at 11:30.  
25 And my husband takes them over at 9:00, and they stay from  
26 9:00 to 11:45.

27 Q They're at school until 11:45? And you're off  
28 at 11:30?

12a-3

13 fls.

1 A Right. Well, they're over there, till 11:45,  
2 and then my mother goes to work at -- at about 12:00, 12:30.  
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1 Q So that your mother is with them -- you get off  
2 at 11:30 in the morning, is that it?

3 A Yes, uh-huh.

4 Q And your mother is with them in the early morning  
5 hours?

6 A Right, uh-huh.

7 Q And what does your husband do?

8 A He works for the County Hospital.

9 Q And he works during the day?

10 A No, he works at night and he goes to school in  
11 the day.

12 Q I see. And while he's at school your mother is  
13 caring -- generally caring for the children in the morning  
14 or in the morning hours?

15 A Right.

16 Q Now, that situation will change in September in  
17 some way?

18 A Well, now, my husband takes care of them.

19 Q Now, your husband is caring for the children  
20 and your mother is not involved, right?

21 A Right, uh-huh.

22 Q You would ordinarily go back to the old routine,  
23 then?

24 A Right.

25 Q In September when your husband is able to return  
26 to school?

27 A Yes.

28 Q And if the Court required you to serve as a juror



13-2

1 in this case, then, well, that would entail having your  
2 mother sit --

3 A She wouldn't be able to sit.

4 Q -- all day?

5 A Because she works.

6 Q She goes to work at 12:00 o'clock?

7 A Right.

8 Q You have a pretty finely worked out schedule,  
9 don't you?

10 A Yes.

11 Q You get home at about 11:45 and your mother  
12 leaves for work at about that time?

13 A Right.

14 Q Is that right?

15 A Uh-huh.

16 Q Do you have the funds, the money to hire a  
17 baby sitter?

18 A No, sir.

19 Q Would you want a stranger to sit with your  
20 children?

21 A No.

22 Q All right, I believe that that would constitute  
23 a hardship for which you should not be required to serve.

24 Your husband is pursuing what kind of a course?

25 A English.

26 Q General high school course or --

27 A No, college.

28 Q College course?

1 A Uh-huh.

2 Q And this is toward a profession or a career  
3 of some type?

4 A Yes.

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

6 JUROR NO. 1: Thank you.

7 THE COURT: Report Friday at 9:00 o'clock, Room 253  
8 at 9:00 o'clock. You are excused until then, Friday, at  
9 9:00 o'clock.

10 THE CLERK: Mrs. Mary C. Needham, N-e-e-d-h-a-m.

11  
12 VOIR DIRE EXAMINATION OF  
13 MARY C. NEEDHAM

14 BY THE COURT:

15 Q Mrs. Needham?

16 A Yes.

17 Q Were you present when the Court explained the  
18 nature of this case and conversed with that first juror  
19 taken from the box?

20 A Yes, I was.

21 Q Taken from your group to put in the box?

22 A Yes.

23 Q And you heard the questions that I put to him?

24 A Yes, I have.

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

27 A Uh, no, essentially the same.

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

1 case?

2 A No, it wouldn't.

3 Q Neither financial or personal?

4 A No. I am retired and I have no dependents.

5 Q What did you retire from?

6 A I worked 20 years at the Red Cross for the -- in  
7 the Comptroller's office.

8 Q In the Control --

9 A Comptroller's office.

10 Q Comptroller's office?

11 A Uh-huh.

12 Q Of the Red Cross?

13 A Yes.

14 Q Here in Los Angeles?

15 A Yes.

16 Q Have you been a juror in a criminal action before?

17 A No, I have not.

18 Q When did you retire?

19 A Uh, four years ago.

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

22 A No, I am not.

23 Q And is there a Mr. Needham?

24 A No, I've been a widow for 25 years.

25 Q In regard to the death penalty, do you have  
26 such views concerning the death penalty that you would be  
27 unable to be fair and impartial in determining the question  
28 of guilt or innocence?

1 A No.

2 Q Or in regard to the death penalty, would you  
3 have such views concerning it that you would automatically  
4 refuse to impose it regardless of the evidence?

5 A No.

6 Q Or would you automatically, upon a conviction of  
7 murder of the first degree, impose the death penalty,  
8 regardless of the evidence?

9 A No.

10 Q Concerning publicity that you may have  
11 heard, seen or read.

12 Had you heard Mr. Manson's name before you came  
13 into this courtroom?

14 A Oh, I had heard it, yes.  
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13#fls.

13-a  
Pg. 1

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

3 A Yes.

4 Q Did you follow that case involving the Tate  
5 killings? Did you follow that through the press or via  
6 television or radio?

7 A No, I did not.

8 Q You more or less haphazardly saw --

9 A Just --

10 Q -- or heard something while it was going on?

11 A Yes, yes.

12 Uh --

13 Q All right.

14 Now, do you know the results of that case?

15 A No, I do not.

16 Q You don't know whether Mr. Manson was convicted  
17 of anything?

18 A No.

19 Q Or whether he was -- what the sentence was?

20 A No, I --

21 Q Or what the --

22 A No, I don't.

23 Q Do you know whether he was even tried for any-  
24 thing?

25 A No, I -- I -- I -- whenever I hear it on  
26 television, I just sort of tune it out. I don't know.

27 Q Well, do you know what the case was? Do you know  
28 what it was all about?

13a-2

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A I know that some people were killed. Uh --

Q Was Mr. Manson accused of the killings?

A I don't know. I don't -- I don't know. I really don't.

Q Well, what is your belief as to Mr. Manson's connection with that case, if anything?

A I thought he was the -- sort of the head of a so-called family.

Q The Manson Family?

A Yes.

Q Have you heard the name Sharon Tate?

A Yes.

Q And what have you heard about that name?

A That she was one of the ones that was killed.

Q And La Bianca, have you heard that name?

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

Q What does that connote to you?

A Uh -- uh -- well, is there a Mr. and Mrs. La Bianca that were killed, I believe?

Q That's your best remembrance?

A Yes.

Q All right. Have you heard the name Shorty Shea before you heard the Court talk about this indictment?

A No.

Q Or Gary Hinman?

A Uh, yes, I've heard that name.

Q Tell me what you have heard about that name?

A I don't know. I -- I --

13a-3

1 Q You can't remember?

2 A I just remember hearing the name on the news  
3 program.

4 Q Now, if I were to instruct you that you were to  
5 set aside anything that you may have heard, seen or read,  
6 via the press or television or radio -- not forget it, but  
7 set it aside, wipe it from your memory for the purpose of  
8 determining any issue that you might be called upon to  
9 determine in this case, independently of such matter, do you  
10 think that you are capable of doing that?

11 A Well, I think so.

12 Q Do you think that you are capable of segregating  
13 any news article that you may have heard, seen or read from  
14 the evidence in the case?

15 A I am quite sure.

16 Q And independent of any such news article,  
17 independent of any such rumor or gossip or anything, any  
18 conversation that you might have had, news article that you  
19 have seen concerning Mr. Manson, and decide this case solely  
20 on the evidence and the instructions of law?

21 A I'm sure I could.

22 Q You're sure of that?

23 A Yes.

24 Q Now, you've never done it before?

25 A No, I haven't.

26 Q But, nevertheless, you are capable of assess-  
27 ing your mind and your attitude to do that?

28 A I believe so.

1 Q All right. And will you do that?

2 A I would.

3 Q And can you, and will you be fair and impartial  
4 in this case?

5 A Yes, -- yes, I will.

6 THE COURT: All right. Mr. Kanarek.

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

8

9 VOIR DIRE EXAMINATION

10 BY MR. KANAREK:

11 Q Mrs. Needham --

12 A Yes.

13 Q -- may I ask what part of Los Angeles do you live  
14 in?

15 A Park LaBrea.

16 Q And have you been called previously in  
17 connection with this case?

18 A No.

19 Q I mean, this particular -- to Judge Choate's  
20 court?

21 A No.

22 Q This is the first --

23 A This is the beginning of the second week.

24 Q I see.

25 A I was here last week. And I did do Municipal  
26 Court four years ago, but I've never been on a criminal  
27 case.

28

13b fls.



13b-1

1 Q And you work in criminal cases in Municipal  
2 Court?

3 A No.

4 Q Just civil cases?

5 A Just civil cases.

6 Q By that, I mean, it didn't involve any drunk  
7 driving charges?

8 A Uh, no. No, some drunks that were picked up  
9 down on Fifth Street.

10 Q And you sat on juries involving drunks on Fifth  
11 Street?

12 A Yeah.

13 Q And that was in the Los Angeles --

14 A That was in the Los Angeles Municipal Court.

15 Q I see.

16 Here in the --

17 A Four years ago February.

18 Q First and Hill, in the new courthouse?

19 A Uh, over there -- uh, in the building where the  
20 jury room is.

21 Q I see. The building on First and Hill -- First  
22 and Grand?

23 A Right.

24 Q I see.

25 And, now, Mrs. Needham, --

26 A We also had some automobile accidents, but those  
27 were -- but it was nothing criminal.

28 Q But -- very well.

~~Now, you stated that you tuned out TV any time~~

13b-2

1 you turned it on?

2 A Well, --

3 Q What did you mean by that?

4 A Well, I mean -- I don't listen to that sort of  
5 thing, I guess. If -- I remember hearing the names and,  
6 uh -- but I didn't form any opinion as to -- I felt sorry  
7 that this sort of thing had happened, uh, and -- you know,  
8 I wondered what -- why it would happen, but that's about  
9 it.

10 Q Well, what was the reason, then, you turned it  
11 out or tuned it out? What is the reason that you tuned  
12 it out?

13 A Well, I -- I don't really know. I just, uh --  
14 I guess I just didn't want to hear about it, I suppose. I  
15 didn't want to form any judgment or -- I don't know. It is  
16 the same reason that I don't read that sort of thing in the  
17 newspaper, I guess.

18 Q I see. And the reason that you didn't -- the  
19 reason you tuned it out is because at that time you didn't  
20 want to form any judgment?

21 A Well, I don't believe I ever do when I ever --

22 Q Well, I say looking at a time when you turned  
23 out the TV, when these matters came before you --

24 A Uh --

25 Q -- before you, you tuned it out because you  
26 didn't want to make any judgment; is that right, or form any  
27 opinion?

28 A Yes, I would say so.

1 Q Would you tell us what is the reason that at  
2 that time you didn't want to form any opinion? Why at that  
3 time did you not wish to form an opinion?

4 A Well, -- well, I -- I -- not that case or any  
5 other case of that nature, I just don't. There are others  
6 in the paper that -- well, any kind of murder or kidnapping  
7 or whatever. I just am not particularly interested in  
8 that, I guess.

9 Q Well, my question, Mrs. Needham -- you're not a  
10 defendant here.

11 But would you -- would you listen to my  
12 questions?

13 A Yes.

14 Q And if I don't -- you don't understand it, please  
15 let me know. I'll be more than glad to try to reframe the  
16 question.

17 You told us the reason that you tuned out the --

18 A Yeah.

19 Q -- was because you didn't want to form an  
20 opinion, right?

21 A Well, yes.

22 Q Now, my question is, at that time, why did you  
23 not wish to form an opinion at that time?

24 A I don't understand you, I guess. But --

25 Q You don't understand that question?

26 A No.

27 Q Well, you've told us that the reason that you  
28 tuned out the TV --

1 A Yes.

2 Q Is because you didn't want to form an opinion,  
3 right? That's what you told us.

4 A Yeah.

5 Q All right. My question is: What was the reason  
6 that at that time you didn't want to form an opinion one way  
7 or the other?

8 A Well, I suppose because I always like to hear  
9 both sides of anything. And it only seems to me that possibly  
10 the reporters are a little bit biased, at least they're giving  
11 their opinions.

12 Q Well, what, then -- well, why would you tune it  
13 out, if you want to hear both sides? At that point, you'd  
14 be listening to at least one side.

15 A I'm not interested in listening to one side.

16 Q I see.

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

18 THE COURT: No, I don't believe so. I don't see --  
19 I don't see any cause for approaching the bench. Go ahead  
20 with your questioning.

21 MR. KANAREK: Yes.

22 May I have that last question and answer read  
23 back, your Honor?

24 THE COURT: Yes, you may go ahead and read it.

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

27 "Q Well, what, then -- well, why would  
28 you tune it out, if you want to hear both sides?

1 At that point, you'd be listening to at least  
2 one side.

3 "A I'm not interested in listening to  
4 one side.")

5 Q BY MR. KANAREK: So you were interested in only  
6 listening to both sides, right, is that correct?

7 A I wasn't really interested in listening to either  
8 side of that kind of thing. But -- well, I don't know. I  
9 guess you are getting me confused.

10 Q Pardon?

11 A I say, you have me confused, perhaps. But I just  
12 don't like to listen to that sort of thing.

13 Q Well, then, is the reason that you tuned it out,  
14 Mrs. Needham, -- would you now tell us what is the reason that  
15 you tuned it out?

16 A Well, I think I said it in the first place, but  
17 I am not interested in that sort of -- reading that sort of  
18 thing or listening to it on television.

19 Q I see. And not being interested in that sort of  
20 thing, is there some reason why you are not interested in  
21 that sort of thing?

22 A No, I don't know why. I really don't know why.  
23 I just would rather listen to something else.

24 Q So --

25 A If I have a choice.

26 Q I see.

27 And when you say "it," and "that," what subject  
28 matter are you referring to?

1 A I am talking about murder, I think.  
2 Q And do you have in mind any particular murders?  
3 A No.  
4 Q That --  
5 Well, when you tuned it out, what year are you  
6 referring to?  
7 A I don't know. They have it on television, news  
8 programs. I've -- I just don't know when. Whenever they were  
9 on.  
10 Q Pardon?  
11 A I don't remember just when.  
12 Q Can you give us an estimate of how many years?  
13 A Not lately I haven't heard it, I'm sure.  
14 Q When you say "it," what are you referring to?  
15 A This -- I'm referring to Manson.  
16 Q I see.  
17 And so your state of mind --  
18 A Or his case.  
19 Q I see.  
20 So your state of mind was that Mr. Manson was  
21 related somehow or other to this material that you tuned out,  
22 is that right?  
23 A Well, I wasn't thinking of it consciously,  
24 I'm sure.  
25 Q Oh, but right now --  
26 A Right now --  
27 Q -- as you think about it?  
28 A No, no, I don't know that he -- uh, I'm not  
thinking about him personally.

14-1

1 Q Well, when you tuned this out, this material that  
2 you tuned out, would you describe what murders do you now have  
3 in mind that you tuned out, on TV?

4 A Well, the -- the Sharon Tate whole thing.

5 Q I see. And so, as you -- as you tuned it out,  
6 you tuned it out because it was distasteful to you; is that  
7 right?

8 A Uh -- I guess you could say that.

9 Q Is that true?

10 A No, it isn't strictly true. It isn't exactly  
11 distasteful. I don't know why I don't like to listen to  
12 that -- to that kind of news.

13 Q Well, in what way is that not true? Would you  
14 tell us, then, what is the reason you tuned it out,  
15 Mrs. Needham?

16 A I -- I -- I'm just not -- I don't know. I don't  
17 read books about killings, or read the newspaper accounts of  
18 them. I don't know why.

19 Q Well, then, the whole subject matter of killings  
20 and murder is distasteful to you?

21 A No, it isn't distasteful. It -- no, it isn't.

22 Q Then what is the reason that you -- that you don't  
23 read them, you don't listen to them on TV, you tune them out?  
24 What is the reason, if they're not distasteful?

25 A I don't know.

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

27 THE COURT: You may if you wish, yes.

28 MR. KANAREK: Thank you.

14-2

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

4 MR. KANAREK: Your Honor, I think this lady is being less  
5 than candid with us, and -- I think that this lady is perhaps  
6 dabbling with the truth in her answers.

7 First, she says the reason -- a most unbelievable  
8 statement she makes -- the reason -- she says the reason is  
9 that she didn't want to form an opinion -- obviously, in  
10 terms of jury duty.

11 She says another reason is because it's distaste-  
12 ful. And then she says that that's not true, either. That  
13 isn't the reason.

14 I maintain, your Honor, that this lady is just  
15 giving answers so that she will give a posture and appear to be  
16 neutral, so that -- or, have a certain state of mind that she  
17 wants to project, which is a synthetic state of mind, so that  
18 she will be chosen for this jury.

19 And I believe -- I believe -- I don't want to  
20 belabor it or go on now, but I think it's apparent -- or it's  
21 obvious that she's less than candid with us.

22 THE COURT: Are you making a challenge --

23 MR. KANAREK: Yes, your Honor.

24 THE COURT: -- or what?

25 MR. KANAREK: 1073 --

26 THE COURT: What is your challenge?

27 MR. KANAREK: Subsection 2.

28 Pardon?



14-3

1 THE COURT: What is your challenge?

2 MR. KANAREK: That she's biased.

3 THE COURT: Your challenge is based upon what section?

4 MR. KANAREK: 1073, Subsection 2; that she has -- that  
5 she is desirous of getting on this jury, and she's being less  
6 than candid.

7 THE COURT: That's not a reason, the fact that she's  
8 desirous of getting on the jury.

9 But I do believe that -- I detect the same lack of  
10 intellectual capacity, or honesty, or both, on the part of this  
11 lady. So I'm going to grant your request.

12 MR. KANAREK: Thank you, your Honor.

13 (Whereupon, the following proceedings were had in  
14 open court, within the hearing of the prospective jurors.)

15 THE COURT: Call another name, will you?

16 The Court does excuse you, Mrs. Needham. Thank you  
17 for having come here.

18 The Court orders you to return on Friday. You need  
19 not return until Friday.

20 The prospective jurors are being ordered back for  
21 9:00 o'clock Friday morning, at Room 253.

22 JUROR NO. 1: Thank you.

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

24 THE CLERK: Mrs. Evelyn D. Saks; S-a-k-s; E-v-e-l-y-n,  
25 first name.

26 I'm sorry, your Honor. I had a name previous to  
27 Mrs. Saks. Mrs. Renette D. Schmidt; S-c-h-m-i-d-t; first name,  
28 spelled R-e-n-e-t-t-e.

ix  
14a fls.

14a-1

VOIR DIRE EXAMINATION OF  
MRS. RENETTE D. SCHMIDT

BY THE COURT:

Q Are you Mrs. Schmidt? Come forward, Mrs. Schmidt, --

A Pardon?

Q -- to seat No. 1.

Mrs. Schmidt, were you present when the Court explained the nature of this case, and when the Court questioned the prospective juror first taken from your group into the box?

A Yes, I was.

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

A No.

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

A Yes, I would, sir.

Q Tell us what it is.

A Well, the salary I earn is my livelihood.

Q And it would not be continued beyond the 30 days?

A That is correct. I checked last Saturday.

Q For whom do you work?

A Audio Digest Foundation.

Q They're unable to pay you, or they will not pay you for any period of duty beyond the 30 days?

A They would not.

THE COURT: Gentlemen?

MR. MANZELLA: We would offer to stipulate that it would constitute a hardship, your Honor.

1 THE COURT: All right.

2 MR. KANAREK: Subject to the previous motion, yes, your  
3 Honor.

4 THE COURT: All right. The Court finds that it is a  
5 hardship. The previous motion is denied, and the Court finds  
6 it is a hardship, and does excuse you.

7 Thank you very much.

8 JUROR NO. 1: Thank you.

9 MR. KANAREK: Your Honor, our intent was to submit this  
10 to the Court.

11 THE BAILIFF: It will be just a moment, sir. I will go  
12 next-door.

13 THE COURT: Off the record.

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

15 THE COURT: Come forward, ma'am.

16 This lady is --

17 THE BAILIFF: Mrs. Saks.

18

19

VOIR DIRE EXAMINATION OF

20

MRS. EVELYN D. SAKS

21

BY THE COURT:

22

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

25

A Yes.

26

27 Q -- and the Court conversed with that juror who was  
28 taken from the -- beyond the rail, and seated in the box, --

29

A Yes.

30

Q -- the man that was first in your group?

1 A Yes, sir.

2 Q Use the microphone. Just hold it up to your face,  
3 if you would.

4 THE CLERK: It's on. Just hold it.

5 JUROR NO. 1: Is it on? Okay.

6 BY THE COURT:

7 Q All right. Mrs. Saks, would it be a hardship,  
8 Mrs. Saks, to -- strike that.

9 Would your answers be any different than the  
10 answers that this gentleman gave --

11 A No.

12 Q -- that was first taken into the box?

13 A No.

14 Q All right.

15 Would it be a hardship to you to serve as a juror  
16 in this case?

17 A No.

18 Q Have you served as a juror before in a criminal  
19 case?

20 A No.

21 Q Are you employed outside the home?

22 A No.

23 Q Is there a Mr. Saks?

24 A No.

25 Q Have you ever been employed?

26 A Yes.

27 Q In what capacity?

28 A As secretary and junior accountant.

1 Q For what firm?

2 A Well, I worked in New York for a long time, and I  
3 moved out here for a while.

4 Q How long ago did you work out here?

5 A Oh, I -- I worked from 1954 to about 1965.

6 Q And for what type of firm?

7 A Wholesale floor covering.

8 Q And are you related to or a friend of any law  
9 enforcement officer?

10 A No.

11 Q Or a law firm which does criminal defense work?

12 A Well, I have a nephew that's a lawyer.

13 Q Where is he?

14 A Beverly Hills.

15 Q Does he handle the defense of criminal cases?

16 A I believe he does.

17 Q Have you talked to him lately?

18 A No.

19 Q Have you ever talked to him about Mr. Manson or  
20 the Manson --

21 A No. No, no.

22 Q Have you ever talked to him about the facts of any  
23 criminal case he's handled?

24 A No. We never discuss those.

25 Q Is there a Mr. Saks? You may have answered that;  
26 I'm not sure.

27 A No. I'm a widow.

28 Q You are a widow. How long ago did Mr. Saks die?

1 A Eleven years ago.

2 Q What type of work was he involved in?

3 A In the wholesale floor covering.

4 Q Do you have such views concerning the death  
5 penalty, Mrs. Saks, that you could not be fair and impartial in  
6 determining the question of guilt?

7 A Yes.

14b fls.

14b-1

1 Q You think that because of your views concerning  
2 the death penalty, that you couldn't be impartial in that  
3 first phase of the case; is that correct, --

4 A Yes.

5 Q -- knowing that you would have to go on --

6 A Yes.

7 Q -- to determine guilt -- or, knowing that you'd  
8 have to go on and find a penalty?

9 A Yes.

10 Q Do you have such views concerning the death  
11 penalty that you would automatically refuse to impose it in  
12 any case, regardless of the evidence?

13 A I would refuse.

14 Q Would you refuse to consider the death penalty  
15 in any case?

16 A Definitely.

17 Q Regardless of the evidence?

18 A Yes.

19 Q Would you ever consider the death penalty in any  
20 case, that you could think of?

21 A I wouldn't. I wouldn't.

22 MR. KANAREK: I didn't hear that answer, your Honor.

23 JUROR NO. 1: I wouldn't consider it, the -- I mean,  
24 I wouldn't consider the death penalty at all.

25 Q BY THE COURT: So that your reaction, if the  
26 question were put to you as to whether a defendant was  
27 convicted of murder of the first degree should suffer life  
28 imprisonment or death, would be to automatically impose

14b-2

1 life imprisonment and refuse to impose the death penalty, --

2 A Yes.

3 Q -- without regard to the evidence?

4 Is that your state of mind?

5 A Yes.

6 MR. MANZELLA: Your Honor, the People would respect-  
7 fully challenge Mrs. Saks for cause under Section 1073,  
8 Subdivision 2 of the Penal Code.

9 MR. KANAREK: Your Honor, may I ask a question?

10 THE COURT: Yes, you may if you wish.

11 MR. KANAREK: Yes.

12  
13 VOIR DIRE EXAMINATION

14 BY MR. KANAREK:

15 Q Mrs. Saks, would you discuss all matters with  
16 your fellow jurors, in any phase of the case?

17 A Yes, I would.

18 MR. KANAREK: Oppose the challenge.

19  
20 VOIR DIRE EXAMINATION

21 BY MR. MANZELLA:

22 Q Mrs. Saks, after discussing the evidence with  
23 your fellow jurors, would you still automatically refuse to  
24 impose the death penalty, --

25 A I would.

26 Q -- regardless of the evidence?

27 A I would.

28 Q You would refuse?



14b-3

1 A Yes.

2 MR. MANZELLA: The same challenge.

3 THE COURT: The Court grants the challenge.

4 Thank you, Mrs. Saks. You are excused, and you  
5 should report to Room 253, the jury assembly room, on Friday  
6 at 9:00 o'clock.

7 MR. KANAREK: Thank you, Mrs. Saks.

8 THE CLERK: Miss Esther D. Bartlett; B-a-r-t-l-e-t-t;  
9 E-s-t-h-e-r.

10 THE COURT: I'm sorry. I didn't catch the lady's  
11 name.

12 PROSPECTIVE JUROR BARTLETT: Esther Bartlett.

13 THE CLERK: Miss Bartlett.

14 PROSPECTIVE JUROR BARTLETT: Miss.

15  
16 VOIR DIRE EXAMINATION OF  
17 MISS ESTHER D. BARTLETT

18 BY THE COURT:

19 Q Miss Bartlett, were you present when the Court  
20 explained the nature of this case to the prospective jurors,  
21 and when the Court conversed with the prospective juror who  
22 was taken from your group and put in the box --

23 A Yes.

24 Q -- first?

25 And would your answers be any different than  
26 his were to the questions of a general nature?

27 A No.

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

14b-4

1 this case?

2 A No.

3 Q Would you -- have you served on jury duty  
4 before --

5 A Yes.

6 Q -- in a criminal case?

7 A Yes.

8 Q Do you have friends or relatives -- strike that.  
9 Have you -- would you tell us the nature of the  
10 case in which you served, and whether there was a verdict?

11 A It was dismissed.

12 Q You never actually deliberated?

13 A No.

14 Q So that you've never sat through a full case --

15 A No.

16 Q -- in connection with a --

17 A No.

18 Q -- criminal case?

19 A No.

20 Q Do you have friends or relatives who are police  
21 officers or law enforcement officers?

22 A No.

23 Q Are you employed?

24 A No.

25 Q Have you --

26 A Retired.

27 Q Have you ever been? You have been?

28 A I am retired.

1 Q From what?

2 A I was the executive director of a social service  
3 agency, Community Chest agency.

4 Q What agency was that?

5 A The International Institute, working with  
6 foreign born.

7 Q The International Institute, working for --

8 A With the foreign born.

9 Q With the foreign born?

10 A Foreign born.

11 Q Here in Los Angeles?

12 A Yes.

13 Q How long were you so involved?

14 A 42 years.

15 Q Marvelous.

16 A I retired in '63.

17 Q Mrs. Bartlett, do you have such views concerning  
18 the death penalty that you couldn't be impartial in determining  
19 the question of guilt or innocence?

20 A I'm afraid so.

21 Q In other words, in the first phase of the case,  
22 knowing that you might have to go on to a second phase  
23 involving the death penalty or life imprisonment, that you  
24 could not be fair and impartial -- fair in deciding the  
25 question of guilt; --

26 A It would be difficult for me.

27 Q -- is that your state of mind?

28 A Yes.

15 fls.

15-1

1 Q You have such views concerning the death penalty  
2 that you would automatically refuse to impose it regardless  
3 of the evidence in the case?

4 A Yes.

5 Q Or do you have such views concerning the death  
6 penalty that you would be unable to ever vote for the death  
7 penalty regardless of the evidence?

8 A Definitely.

9 Q So that your reaction would be to automatically  
10 impose life imprisonment and refuse to impose the death  
11 penalty?

12 A That's right.

13 Q No matter what may be produced by way of proof?

14 A That's right.

15 MR. MANZELLA: People would respectfully challenge  
16 Miss Bartlett for cross under Section 1073, Subdivision 2 of  
17 the Penal Code.

18  
19 VOIR DIRE EXAMINATION

20 BY MR. KANAREK:

21 Q Miss Bartlett, is there any reason why you couldn't  
22 discuss this subject matter with your fellow jurors?

23 A No, I could discuss it, but I don't think it would  
24 change my mind any.

25 Q You don't think, but never having experienced it,  
26 you don't know for sure what might happen when you consult it  
27 inter se with your fellow jurors, isn't that true?

28 A Well, I could discuss it, but I'm afraid I wouldn't

1 change my mind.

2 Q You don't know? You don't know what would happen,  
3 not ever having gone through it?

4 I would oppose the challenge, your Honor.

5

6

VOIR DIRE EXAMINATION

7

BY MR. MANZELLA:

8

Q Miss Bartlett, may I pose a few questions.

9

After discussing the evidence with your fellow  
10 jurors, would you still automatically refuse to impose the  
11 death penalty, regardless of the evidence?

12

A Yes.

13

Q And your reaction would be an automatic one,  
14 regardless of the evidence you would vote against the death  
15 penalty?

16

A Uh-huh.

17

Q I'm sorry?

18

A Yes, I'm sorry.

19

MR. MANZELLA: The People would renew the challenge.

20

MR. KANAREK: I would like to ask another question, if  
21 I may?

22

THE COURT: You need not. The Court finds that she would  
23 automatically refuse to impose the death penalty regardless of  
24 the evidence and the Court does excuse her. I think her state  
25 of mind is very clear.

26

Thank you, Mrs. Bartlett.

27

JUROR NO. 1: Thank you.

28

MR. KANAREK: Thank you, Mrs. Bartlett.

1 THE COURT: Room 253, the jury assembly room,  
2 Miss Bartlett, on Friday. You need not report until Friday at  
3 9:00 o'clock.

4 Call a couple more.

5 THE CLERK: Bobby S. Pack, P-a-c-k, first name  
6 B-o-b-b-y.

7 Mrs. Celeste S. Lane, L-a-n-e, first name  
8 C-e-l-e-s-t-e.

9 MR. KANAREK: Celeste Lane?

10 THE CLERK: Celeste.

11 THE COURT: Try to keep one on tap. Remind me, will  
12 you?

13  
14 VOIR DIRE EXAMINATION OF

15 BOBBY S. PACK

16 BY THE COURT:

17 Q This is Mr. Pack, is it?

18 A Pack, yes.

19 Q Mr. Pack, were you present when the Court  
20 explained the nature of this case to the prospective jurors and  
21 the Court discussed the case with a prospective juror first  
22 chosen from your group?

23 A Yes, I was.

24 Q All right. Would your answers be any different  
25 than his were to the questions of a general nature?

26 A No.

27 Q All right. Would it be any hardship for you to  
28 serve on the case?

1           A       Yes, it would. I am a teacher doing jury duty on  
2 summer vacation.

3           Q       For what school system?

4           A       Inglewood Unified School District.

5           Q       Have you ascertained whether they will pay you?

6           A       They will not pay me. I received my first  
7 summons in March, and I had to put it off until summer because  
8 they wouldn't pay me.

9           Q       It is curious, because every other school district  
10 that we know of pays somebody for jury duty.

11          A       No, our Board of Education policy states that they  
12 will not pay.

13          Q       Whom have you talked to?

14          A       Well, I read it in the Board of Education policy,  
15 sir.

16          Q       Have you talked to anyone since you've been called  
17 here?

18          A       Not since I have been called here.

19          Q       The Court will ask you to call, because without  
20 fail the school districts have indicated they would pay, would  
21 pay someone's salary where a person undertakes the obligation  
22 and burden of jury duty. So inquire, will you, whether or not  
23 there is any change?

24          A       Yes.

25          Q       Have you been a juror before in a criminal case?

26          A       No, I haven't.  
27  
28

-1

1 Q You are a teacher at the present time?

2 A Yes.

3 Q What do you teach?

4 A Fifth grade.

5 Q How long have you been so employed?

6 A 15 years.

7 Q And it is in the Inglewood School District?

8 A Right.

9 Q Always been with that School District?

10 A Yes.

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

13 A No, I am not.

14 Q And is there a Mrs. Pack?

15 A No, there isn't.

16 Q All right. Do you have some views concerning the  
17 death penalty, Mr. Pack, such as would keep you from being  
18 fair and impartial concerning guilt or innocence?

19 A Uh, no.

20 Q Or do you have views concerning the death penalty,  
21 such that you would automatically refuse to impose it?

22 A No.

23 Q Do you have views concerning the death penalty  
24 that you would automatically impose it, regardless of the  
25 evidence, if a person were convicted of murder of the first  
26 degree?

27 A Yes. In the case that they are convicted of  
28 murder of the first degree, I would automatically impose it.



5a-2

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

2 Q BY THE COURT: You think that upon the finding  
3 of guilty of murder of the first degree that your inclination  
4 would be to automatically vote against life imprisonment and  
5 vote for death?

6 A Yes.

7 Q Regardless of what might have been produced?

8 A Yes.

9 Q In the way of evidence?

10 A Yes.

11 THE COURT: All right, the Court will grant the  
12 challenge.

13 Thank you, Mr. Pack, for being frank in  
14 assessing your state of mind.

15 JUROR NO. 1: All right.

16 THE COURT: The Court will excuse you to report back  
17 on Friday, Room 253, at 9:00 o'clock. You need not report  
18 back until Friday.

19 THE CLERK: I'll send your ticket over.

20 THE COURT: I don't know why. You look quizzical there.  
21 Apparently they have all the jurors they need until Friday.

22 JUROR NO. 1: Thank you.

23 MR. KANAREK: Thank you, Mr. Pack.

24 THE COURT: I don't know, at this rate we're going to  
25 run out of jurors more quickly than they can provide them,  
26 if it keeps up this way.

27 THE CLERK: Mrs. Celeste S. Lane, L-a-n-e.  
28

15a-3

VOIR DIRE EXAMINATION OF  
MRS. CELESTE S. LANE

BY THE COURT:

Q All right, Mrs. Lane is now seated in seat No. 1.

Mrs. Lane, were you present when the Court explained the nature of this case to the prospective jurors and questioned the prospective jurors first chosen from your group to the box?

A Yes, I was.

Is this necessary with so few people here?

Q Yes, go ahead and use it. You're the first one that's used it correctly.

Mrs. Lane, would your answers be any different than the answers of that prospective juror to the questions of a general nature?

A By and large, they would be the same.

Q They would be the same.

Can you think of any that would differ?

A Not from the first part of your questioning.

Q All right.

And would you suffer any hardship if you were to serve on this jury?

A Well, I don't think my firm would continue my salary because, uh --

Q Have you inquired since I asked you to?

A No, but I had heard before about it.

Q Well, why haven't you done so?

A Well --

15a-4

1 Q When the Court requested you to do that two or  
2 three days ago.

3 A I think a little further along the way you'd find  
4 out why.

5 Q All right, tell me.

6 A Well, first of all, I am absolutely opposed to  
7 the death penalty.

8 Q Do you think that your views are such concerning  
9 the death penalty that you would be unable to be fair and  
10 impartial in determining guilt or innocence?

11 A I might -- I would try awfully hard to determine  
12 guilt or innocence, but I couldn't --

13 Q Impartially?

14 A But I could not ask for the death penalty for  
15 anyone.

16 Q Regardless of the evidence that might be  
17 produced in the case, would you automatically vote against  
18 the death penalty?

19 A I'm afraid so. And I've done a great deal of  
20 soul searching on this.

21 Q Would you automatically choose life imprisonment  
22 over death, voting against the death penalty, regardless of  
23 what might be produced by way of proof?

24 A I think I might.

25 Q Are you --

26 A I'm quite sure.

27 Q You're sure?

28 A Yes.

1 Q You're sure?

2 A Yes.

3 Q All right. Would you ever vote for the death  
4 penalty in any case?

5 A I don't think I could.

6 Q Are you hedging at all when you say, "I don't  
7 think I could"?

8 A No.

9 Q Would you consider the question as to whether  
10 or not you should vote for the death penalty; would you  
11 ever consider the death penalty?

12 A I have thought a great deal about this since  
13 I've been in here.

14 Q Yes.

15 A And I've tried to reason with myself.

16 Q Well, what are -- have you come to a conclusion?

17 A I am quite sure I could not vote for the death  
18 penalty for anyone under any circumstances.

19 Q Well, you seem quite certain, but when you say  
20 "I think, I believe," is that suggesting that -- does that  
21 suggest any deviation from that firmness in your mind?

22 A Really, no. But I don't think anyone should  
23 ever say absolutely no to everything.

24 Q In other words --

25 A In other words, I'm 99 percent sure of this.

26 Q So that there is that 1 percent chance that you  
27 would consider the evidence and vote for the death penalty?

28 A An awfully slim one percent. A fractional one

1 percent.

2 Q All right, let's go on with the questioning.

3 Have you been a juror before?

4 A Last week.

5 Q In any criminal case?

6 A Last week was my first on jury duty on a  
7 narcotics charge and it was a mistrial.

8 Q Would you set aside what you may have learned in  
9 that criminal case and decide this case solely on the evidence  
10 as will be presented here and the Court's instructions of  
11 law here?

12 A Oh, yes.

13 Q All right. What type of work do you do?

14 A I'm a secretary to --

15 Q For whom?

16 A To two senior partners of a national CPA firm,  
17 Touche Ross and Company.

18  
19  
20  
21  
22  
23  
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25  
26  
27  
28  
16 fls.

16-1

1 Q And --

2 MR. KANAREK: I didn't hear that name.

3 JUROR NO. 1: Touche-Ross.

4 MR. KANAREK: Would you spell that, please?

5 JUROR NO. 1: T-o-u-c-h-e-R-o-s-s.

6 BY THE COURT:

7 Q Now, are you related to or a friend of any law  
8 enforcement officer?

9 A No, no law enforcement officer.

10 Q And are you married?

11 A Yes.

12 Q And is there a -- is your name Lane?

13 A Yes, my last name is Lane.

14 Q I see. Is there a Mr. Lane?

15 A Yes, there is.

16 Q And what type of work does he do?

17 A He is self-employed; carpeting, furniture,  
18 contract business.

19 Q Concerning publicity in this case, before you came  
20 into this courtroom, had you ever heard the name Charles  
21 Manson?

22 A I've read everything about this. We've discussed  
23 this at great length with many, many people.

24 Q And in view of your having read about it -- well,  
25 first, let's find out what you may know about it.

26 Do you know the result of that case in which  
27 Mr. Manson has figured so prominently in the news media?

28 A Do you mean the first trial?

16-2

1 Q What do you mean?

2 A Well, I mean -- so far as -- my understanding is,  
3 he was convicted --

4 Q Yes.

5 A -- in the first trial. Now, this is --

6 Q Convicted of what?

7 A Well, of having -- I think he was -- he received  
8 the death sentence, for the Sharon Tate and that group.

9 Now, isn't this for the --

10 Q It's your best recollection that he was convicted  
11 of murder, and he was sentenced to death? Is that your best  
12 remembrance of --

13 A Yes.

14 Q All right. Was there more than one murder  
15 involved?

16 A Yes.

17 Q How many? To your best knowledge.

18 A Well, weren't there -- I believe there were --  
19 there was quite a group in the Sharon Tate, in that home; and  
20 then --

21 Q What is your best remembrance of the number of  
22 persons who were killed?

23 A Five, six, seven?

24 Q Have you ever heard the name Shorty Shea?

25 A Yes.

26 Q Before I read you the indictment?

27 A Yes.

28 Q Or Gary Hinman?

16-3

1 A Yes.

2 Q Tell me what you know about each of those matters.

3 A I believe Shorty Shea was the man that was found on  
4 the Manson ranch -- or, wait a minute. I don't even know if the  
5 body was found.

6 Gary Hinman was the musician out on -- around  
7 Malibu, or out in the ocean. And there's -- there's this  
8 involvement --

9 Q Let me ask you this: In view of everything that  
10 you've heard, seen or read about Mr. Manson, or that Tate-  
11 La Bianca case, as I would refer to it -- do you know what I am  
12 talking about, when I say the Tate-La Bianca case?

13 A Yes. Yes.

14 Q (Continuing) -- or this case, and in view of what  
15 you've discussed with your friends and relatives, do you believe  
16 that you can forget such matters -- temporarily, for the  
17 purpose of making a decision, based solely upon the evidence in  
18 this case, and without regard to or reference to the items that  
19 you've heard, seen or read?

20 A I honestly don't think I could. I -- I think I  
21 am prejudiced.

22 Q Do you think that you would be prejudiced against  
23 Mr. Manson, as a result of what you've heard, seen or read?

24 A Yes.

25 Q And you could not effectively segregate in your  
26 mind those items which you've heard, seen or read in the news  
27 media? And the evidence in this case?

28 A I really don't think I could separate them. I



1 think there would be this hangover.

2 THE COURT: Gentlemen? Mr. Kanarek?

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

4 THE COURT: All right. Pass for cause?

5 MR. KANAREK: Well, as to this phase, your Honor, --

6 THE COURT: Yes.

7 MR. KANAREK: -- we have --

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

9 THE COURT: All right. Let's assemble the jury, then.

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

11 THE COURT: Pardon?

12 THE BAILIFF: They're on their way.

13 THE COURT: Yes. Let's bring all the jurors back in.

14 THE BAILIFF: Yes, sir.

16a fls.

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16a-1

(The following proceedings were had as the members of the prospective jury panel were entering the courtroom and resuming their respective seats.)

THE COURT: So that your -- in your present state of mind, you have a prejudice against Mr. Manson, which is such that you -- you don't think you could be fair and impartial --

A I don't. I really don't.

Q -- fair and impartial to him, as a result of what you've heard, seen or read?

A This is true.

THE COURT: All right. Ladies and gentlemen, we are whittling down your ranks, aren't we, from the back?

I understand there are two more who are on the way?

THE BAILIFF: Yes, sir.

They're all here, sir.

THE COURT: You may question generally.

MR. KANAREK: Yes, your Honor.

#### VOIR DIRE EXAMINATION

BY MR. KANAREK:

Q Mrs. Lane -- Mrs. Lane, is there any reason -- well, let me withdraw that and ask you:

Are we in agreement that, in the jury room, the matters that should be discussed are those that are matters which have been presented in the courtroom? And you take the law that the Court's going to give us, and follow that law, as

16a-2

1 it might apply to the evidence? And you listen to the  
2 statements of Mr. Manzella and myself, the arguments of  
3 counsel? Are we in agreement that this is the American way  
4 to do things?

5 A Yes.

6 MR. KANAREK: Thank you very much. Pass for cause,  
7 your Honor.

8 THE COURT: Mr. Manzella?

9  
10 VOIR DIRE EXAMINATION

11 BY MR. MANZELLA:

12 Q Mrs. Lane, other than the questions I asked the  
13 other jurors with regard to the death penalty, did you hear  
14 my questions to the jurors?

15 A Yes, I did.

16 Q All right. And did you hear the answers given  
17 by the other jurors?

18 A Yes.

19 Q Would your answers to my questions be substantially  
20 the same as those of the other jurors?

21 A I suppose they would, because I don't remember  
22 them clearly. And as you stated earlier, if you don't  
23 remember them clearly, you probably agree.

24 Q All right. Then let me ask you a few questions  
25 with regard to your state of mind about the death penalty.

26 Now, you stated that you were 99 percent sure  
27 that you could not vote for the death penalty; is that -- do  
28 you still feel that way?

1           A       I think I am 100 percent sure now, because, as I  
2 think back, this is the stand I've taken for many years. It's  
3 nothing that has just happened.

4           MR. KANAREK: Your Honor, may I approach the bench?

5           THE COURT: No, you may not.

6           Q       BY MR. MANZELLA: Are you saying that, now, you  
7 are 100 percent sure that you would automatically refuse to  
8 impose the death penalty, --

9           A       Yes.

10          Q       -- regardless of any evidence that might be  
11 produced at the trial?

12          A       Yes. Yes, I could not impose the death penalty.

13          Q       Are you saying that, if you served as a juror  
14 in this case, and Mr. Manson was convicted of first degree  
15 murder, that having the choice between life imprisonment and  
16 death, your reaction would be an automatic reaction, to  
17 vote against the death penalty?

18          A       Yes.

19          Q       Are you a hundred percent sure, Mrs. Lane, that  
20 you would not consider the death penalty in any case?

21          A       Yes.

22          MR. MANZELLA: All right, Thank you, Mrs. Lane.

23                   Your Honor, the People -- in view of Mrs. Lane's  
24 statements, her answers to my questions, the People would  
25 renew the -- respectfully renew the challenge under Section  
26 1073, Subdivision 2 of the Penal Code.

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

28          THE COURT: Any questions?

1 MR. KANAREK: No. I -- we have spoken with this lady  
2 previously, and I --

3 THE COURT: You may approach the bench.

4 MR. KANAREK: Thank you.

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

8 MR. KANAREK: Your Honor, I don't think that -- this is  
9 -- I think this is the very type of reason that Witherspoon  
10 came in to existence, what we call, quote, Witherspoon,  
11 end quote.

12 And I -- this lady should not be harangued into  
13 a viewpoint which -- which purports now to be the viewpoint  
14 --her viewpoint. And I object to the challenge. I oppose  
15 the challenge, and I maintain that this lady should not be  
16 released.

17 And I do oppose it vigorously, in pointing these  
18 matters out to the Court.

16h fls.

16b-1

1 MR. MANZELLA: My questioning can hardly be considered  
2 haranguing. In fact, I've never been accused of that. I'm a  
3 little flattered, that Mr. Kanarek would think I could harangue  
4 anything.

5 MR. KANAREK: No, it's the effect. There's nothing in my  
6 statements as to Mr. Manzella; but the effect of this  
7 reiteration, this reiteration, is that it's -- is to deny  
8 Mr. Manson due process and equal protection under the  
9 Fourteenth Amendment.

10 And I do oppose the challenge.

11 MR. MANZELLA: I think she made it clear, your Honor, that  
12 she -- of course, she did make that answer to my first  
13 question, not to any repeated questions on my part, but she  
14 made that answer to my first question.

15 THE COURT: She responded --

16 MR. MANZELLA: And she corrected and indicated she had  
17 a change of -- you know, upon further reflection, she told us  
18 that -- you know, that feeling about her state of mind now.

19 THE COURT: Well, let me ask her a question or two.

20 (Whereupon, the following proceedings were had in  
21 open court, within the hearing of the prospective jury panel:)  
22 BY THE COURT:

23 Q Would you tell us your state of mind now concerning  
24 whether you would automatically refuse to impose the death  
25 penalty, regardless of the evidence in the case?

26 A I'm quite certain I would refuse to impose the  
27 death penalty, upon anyone.

28 Q Would you automatically vote against it?

16b-2

1 A Yes.

2 Q Is there any uncertainty whatever, to any degree,  
3 in your mind at this time, as to whether or not that is your  
4 state of mind?

5 A There's no uncertainty in my mind. I am becoming --  
6 that fraction, just in there -- I'm sure I just could not do it.

7 Q Let me ask you: Are you saying this just because  
8 you don't want to serve on this jury, --

9 A Oh, no.

10 Q -- or because that is your firm conviction?

11 A Oh, if you would --

12 Q Would you answer that question?

13 A Yes. This is my firm conviction. And it's not  
14 a recent one. I have had this for many, many years.

15 Q Well, can you explain the difference between your  
16 answer now and the answer that you gave a few minutes ago to  
17 us, to the effect that you were 99 per cent sure?

18 A I tried not to be blindly positive. And I suppose,  
19 foolishly, maybe I thought -- I thought this was the more  
20 sensible thing.

21 I realize now it isn't more sensible for me, be-  
22 cause I really and truly could not impose it, could not vote  
23 for the death penalty for anyone, under any circumstances. I  
24 don't believe in it.

25 THE COURT: Very well. The Court finds that you would  
26 automatically refuse to impose the death penalty, regardless of  
27 the evidence, in any case.

28 And therefore, the Court does grant the challenge

1 and does excuse you. You are excused.

2 You should report to Room 253, the jury assembly  
3 room, at 9:00 o'clock on Friday. You are excused until that  
4 time.

5 JUROR NO. 1: Yes, sir.

6 THE COURT: Friday at 9:00 o'clock.

7 MR. KANAREK: Thank you, Mrs. Lane.

8 THE COURT: Well, ladies and gentlemen, we've decimated  
9 your ranks pretty well in back there. How many are left?  
10 Would the prospective jurors raise your hands?

11 About twelve of you.

12 We need not call a new panel right away. I'll ask  
13 you all to return tomorrow morning at 9:30.

14 Remember the admonition that I've given you  
15 previously, and that is that you are not to converse amongst  
16 yourselves nor with anyone else, nor permit anyone to converse  
17 with you on any subject connected with this matter, nor are you  
18 to form nor express any opinion on it, until the matter is  
19 submitted to you, should you be chosen as jurors.

20 Good night. I'll see you tomorrow morning.

21 THE PROSPECTIVE JURORS: Good night.

22 (Whereupon, at 4:36 P. M., an adjournment was  
23 taken until 9:30 A. M. the following morning, Wednesday, July  
24 21, 1971.)  
25  
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