

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 130

HON. EDWARD A. HINZ, JR., JUDGE

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THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

LESLIE VAN HOUTEN,

Defendant.

9011

NO. A253156

REPORTERS' DAILY TRANSCRIPT

Wednesday, April 13, 1977

Volume 11

Pages 1671 to 1854 , incl.

APPEARANCES: (See Volume 1.)

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AND CONTENT

DAY	DATE		PAGE
Wednesday	April 13, 1977	A.M.	1671
		P.M.	1763

VOIR DIRE OF PROSPECTIVE JURORS (Resumed)			1671
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LOS ANGELES, CALIFORNIA, WEDNESDAY, APRIL 13, 1977, 10:20 A.M.

DEPARTMENT NO. 130

HON. EDWARD A. HINZ, JR., JUDGE

- - -

(Appearances as heretofore noted.)

THE COURT: This is People versus Van Houtan.

Let the record show the defendant is present,
represented by counsel, the People are represented by counsel,
the prospective jurors are present in their assigned places.

All right. Mr. Key, you may commence with juror
No. 5, Mrs. Settle.

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2-1
1 MR. KAY: Thank you.

2 Good morning, Mrs. Settle.

3 MRS. SETTLE: Good morning.

4 MR. KAY: Mrs. Settle, as you sit there now, do you
5 feel any sympathy whatsoever for Miss Van Houten as she sits
6 over there?

7 MRS. SETTLE: No.

8 MR. KAY: The fact that she's been in custody for seven
9 years, does that make any difference to you?

10 MRS. SETTLE: No.

11 MR. KAY: Would you consider finding her guilty of a
12 lesser charge, such as second degree murder, just because she
13 spent seven years in prison?

14 MRS. SETTLE: No.

15 MR. KAY: Do you think you have clear in your mind the
16 difference between a reasonable doubt and a doubt based on
17 speculation and conjecture?

18 MRS. SETTLE: Yes, I do.

19 MR. KAY: Would you hold the prosecution to any higher
20 burden of proof than the law holds us to?

21 MRS. SETTLE: No.

22 MR. KAY: Have you ever testified in court before?

23 MRS. SETTLE: No.

24 MR. KAY: Have you ever watched a case in court other
25 than while you were on jury duty?

26 MRS. SETTLE: No.

27 MR. KAY: Is this the very first time you have ever been
28 on jury duty?

1 MRS. SETTLE: Yes.

2 MR. KAY: Did you understand the example I gave about
3 circumstantial and direct evidence?

4 MRS. SETTLE: Very clearly.

5 MR. KAY: Okay.

6 And understanding that, would you refuse to convict
7 the defendant based on circumstantial evidence alone?

8 MRS. SETTLE: No.

9 MR. KAY: Would you require the prosecution to put forth
10 an eyewitness to a murder before you'd convict any defendant
11 of any murder?

12 MRS. SETTLE: No.

13 MR. KAY: Do you understand that under the laws -- under
14 the theories of conspiracy and aiding and abetting, a defendant
15 can be found guilty of first degree murder even if that person
16 doesn't strike the actual fatal blow killing the victim?

17 MRS. SETTLE: Yes, I understand that.

18 MR. KAY: And if you were that one juror in the jury
19 room that was holding out, and the other 11 jurors were voting
20 for first degree murder, and you changed your mind, or somebody
21 helped you change your mind, would you have the courage not
22 only in the jury room to vote for a verdict of first degree
23 murder but to come out here and tell the judge and Mr. Keith
24 and Miss Van Houten, all of us, that that is your verdict?

25 MRS. SETTLE: Yes, I would have the courage to.

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1 MR. KAY: Do you think that anyone who commits a vicious
2 murder must not have known what they were doing at the time
3 they committed the murder?

4 MRS. SETTLE: Well, that all depends.

5 Sometimes in a rage of anger a person can for a
6 moment be totally insane.

7 MR. KAY: Well --

8 MRS. SETTLE: So in a case of --

9 MR. KAY: -- assuming we are not talking about that
10 type of case.

11 Do you think that anybody in any other type of
12 murder -- I'm not talking about two people that are in a
13 quarrel and --

14 MRS. SETTLE: Oh,

15 MR. KAY: -- you know, the quarrel gets out of hand.

16 I'm not talking about that type of situation;
17 but in another type of situation.

18 Say, somebody kills somebody that they don't
19 even know, don't have any idea who they were before they
20 killed them.

21 Do you think that just because somebody would do
22 something like that, that that means they must not have known
23 what they were doing at the time they committed the murder?

24 MRS. SETTLE: No.

25 MR. KAY: Now, the fact that your husband majored in
26 psychology --

27 Where was it he majored in psychology?

28 MRS. SETTLE: My ex-husband, first of all.

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1 MR. KAY: Your ex-husband; excuse me.

2 MRS. SETTLE: Okay.

3 He received a B.A. from a private college in
4 North Carolina, Charlotte, North Carolina, Johnson C. Smith.

5 And he was working on his graduate work at
6 U.C.L.A.

7 MR. KAY: Do you think the fact that he was a
8 psychology major helped him solve all of his problems?

9 MRS. SETTLE: No.

10 (Laughter.)

11 MR. KAY: Apparently not.

12 Do you think that just because a defendant calls
13 a psychiatrist or psychiatrists to testify in his behalf in
14 a criminal trial, that that means he must be mentally ill or
15 have some history of mental illness or he wouldn't call the
16 psychiatrists?

17 MRS. SETTLE: No, not necessarily.

18 MR. KAY: Can you conceive of a defendant calling
19 psychiatrists to testify in their behalf if they weren't
20 in fact mentally ill?

21 MRS. SETTLE: Yes.

22 MR. KAY: And if a psychiatrist or psychiatrists
23 testify that they felt -- their opinion is that Miss Van Houten
24 had some form of mental illness at the time of the Labianca
25 murders, are you going to accept that as a fact without regard
26 to the reasonableness or unreasonableness of that psychiatrist's
27 opinion?

28 MRS. SETTLE: No. You would have to weigh all

1 the evidence.

2 You can't just take one portion of it and
3 evaluate it.

4 MR. KAY: In other words, just because psychiatrists
5 are going to testify you are not going to close your mind
6 to the other evidence in this trial, are you?

7 MRS. SETTLE: No.

8 MR. KAY: You realize that psychiatric testimony
9 is just going to be a portion of this trial?

10 MRS. SETTLE: Right.

11 MR. KAY: Do you think that psychiatrists are somebody
12 special that never make any mistakes?

13 MRS. SETTLE: No more than you and I.

14 MR. KAY: Do you think psychiatry is an art or a
15 science?

16 MRS. SETTLE: Well, it's a science in a way.

17 MR. KAY: In what way?

18 MRS. SETTLE: Well, the reason -- it's the medicine
19 of the mind, the studying of the mind.

20 MR. KAY: Yes.

21 MRS. SETTLE: In that way it's a science. But it's
22 something that cannot be proven.

23 It's research, let's say, and opinions are formed
24 from that.

25 MR. KAY: You understand that psychiatrists just come
26 in and give their opinion?

27 MRS. SETTLE: Right.

28 MR. KAY: There is nothing that they say that -- if

1 they say some fact is true, there is no way to disprove or
2 prove whatever they say.

3 Do you understand that?

4 MRS. SETTLE: Yes.

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1 MR. KAY: Now, because psychiatrists are going to
2 testify in this case, are you going to let them make up your
3 mind, or are you going to make up your own mind by yourself?

4 MRS. SETTLE: I always make up my own mind.

5 MR. KAY: Have you ever met a psychiatrist?

6 MRS. SETTLE: No more than my instructor when I took
7 a course in psychology.

8 But other than that, no.

9 MR. KAY: Was your instructor a psychiatrist, a
10 psychologist or just an instructor?

11 MRS. SETTLE: No, she was a psychiatrist.

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1 MR. KAY: And where was that course that you took?

2 MRS. SETTLE: That was New York City Community College.

3 MR. KAY: And how long ago was that?

4 MRS. SETTLE: About ten years ago.

5 MR. KAY: And did you think your instructor in that
6 course was always right?

7 MRS. SETTLE: No.

8 MR. KAY: Were there times when you disagreed with what
9 she said?

10 MRS. SETTLE: Yes.

11 MR. KAY: Mr. Keith yesterday used an interesting term
12 when he was talking to you. He said that the law of diminished
13 capacity teaches us.

14 Well, you understand we are not involved in
15 anything here in this courtroom teaching you anything. What
16 is involved is that the jurors, if you are seated as a juror,
17 and the other jurors, have to decide what the facts are, and
18 then you look for the applicable instructions.

19 Now, you will be instructed at the end of the case
20 that all of the instructions aren't necessarily applicable.
21 It is for you to determine what instructions are applicable
22 and that will, of course, be based on the facts that you
23 determine are true in the case.

24 Do you understand that?

25 MRS. SETTLE: Yes, I do.

26 MR. KAY: So there is nothing involved about anything
27 teaching you anything, as Mr. Keith said up here yesterday.
28 It is for you to determine what the facts are and then what

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1 law.

2 You look at the instructions and say, "Well, here,
3 now, this instruction seems to apply to what we have determined
4 the facts are," and then apply it that way.

5 Do you understand that?

6 MRS. SETTLE: Yes.

7 MR. KAY: If you are selected as a juror, do you think
8 you can keep clear in your mind that Miss Van Houten is charged
9 with these crimes in 1969 and not 1977?

10 MRS. SETTLE: Yes.

11 MR. KAY: You understand that while her mental state at
12 the time of the LaBianca murders in 1969 might be a critical
13 issue for you to decide, her state of mind at the present time
14 is not an issue you will have to decide.

15 Do you understand that?

16 MRS. SETTLE: Yes.

17 MR. KAY: And if Mr. Keith got up and argued in his
18 closing argument for a second degree murder conviction, and I
19 argued for a first degree conviction, and you thought that
20 Miss Van Houten was guilty of first degree, for any reason
21 would you consider finding her guilty of second degree murder?

22 MRS. SETTLE: I would have to follow my own convictions,
23 my own conscience.

24 MR. KAY: Well, in other words, you wouldn't think, "Well,
25 gee, Mr. Keith has really done a nice job, and he's a nice
26 fellow, and, after all, he's not asking us to acquit Miss Van
27 Houten, he's just asking for one degree less than the
28 prosecution is, so let's give him a little something to go

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1 home with."

2 You wouldn't do that, would you?

3 MRS. SETTLE: No, not just as a merit of award, no.

4 MR. FAY: If you thought that she was guilty of first
5 degree murder, would you convict her of anything less?

6 MRS. SETTLE: No.

7 MR. FAY: Now, is there anything that I failed to ask
8 you about yourself that you think I should know about you?

9 MRS. SETTLE: I don't think so. But there was one thing
10 that worried me all night, about the statement that I made
11 about my ex-husband and his experimenting with drugs.

12 Now, I think I should make that clear. They were
13 not all drugs but just hallucinatory drugs and marijuana.

14 I just wanted to make that one thing clear for
15 the records.

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1 MR. KAY: Well, we won't show them the transcripts, so
2 don't worry.

3 All right, thank you.

4 I'll pass for cause.

5 THE COURT: Thank you.

6 The peremptory is with the defendant, number 9.

7 MR. KEITH: Defense will thank and excuse Juror No. 9,
8 Mr. Coats.

9 THE COURT: Mr. Coats, thank you for your attendance
10 upon the court. You are excused.

11 THE CLERK: Ralph F. Bridges, S-r-i-d-g-e-s.

12 THE COURT: Mr. Bridges, did you hear the questions that
13 I asked the panel previously?

14 MR. BRIDGES: Yes, I did.

15 THE COURT: And if I were to ask you those same questions,
16 would your answers be substantially the same?

17 MR. BRIDGES: Yes.

18 THE COURT: As you sit there now, can you think of any
19 reason why you couldn't be fair and impartial as to both
20 sides in this case?

21 MR. BRIDGES: No.

22 THE COURT: Would you please give us your personal data

23 MR. BRIDGES: My name is Ralph Bridges, 9-9-19, South
24 Los Angeles, married, three children ages 25, 21, and 19.

25 Occupation, self-employed. Plus we have a family
26 care home for mentally retarded children.

27 THE COURT: And is your wife employed outside the home?

28 MR. BRIDGES: No.

1 THE COURT: Have you previously served as a juror?

2 MR. BRIDGES: No.

3 THE COURT: And do you have any close relationship with
4 law enforcement or anyone in law enforcement?

5 MR. BRIDGES: No.

6 THE COURT: Have you or anyone close to you been arrested
7 for or charged with a serious offense?

8 MR. BRIDGES: No.

9 THE COURT: Have you or anyone close to you been the
10 victim or a witness to a serious offense?

11 MR. BRIDGES: No.

12 THE COURT: Thank you.

13 Mr. Keith, you may inquire.

14 MR. KEITH: Thank you, Your Honor.

15 Mr. Bridges, I'm somewhat uncertain.

16 Is the family care home that you operate what you
17 mean when you say you are self-employed, or do you have an
18 additional occupation?

19 MR. BRIDGES: No, I have another business, too.

20 MR. KEITH: What is that business?

21 MR. BRIDGES: A drapery business.

22 MR. KEITH: And is it Mrs. Bridges that primarily operates
23 the care home, family care home?

24 MR. BRIDGES: Yes. We both are -- The license is in
25 both of our names.

26 MR. KEITH: How many children do you have in your care?

27 MR. BRIDGES: At the present we have four.

28 MR. KEITH: And are those children seen by medical doctors

4-6
1 while they are in your care?

2 MR. BRIDGES: Yes, they are.

3 MR. KEITH: Are they also seen by psychiatrists?

4 MR. BRIDGES: Yes, they are.

5 MR. KEITH: Do you believe that the psychiatrists are
6 of help to the children?

7 MR. BRIDGES: I think they have been helpful to the
8 children.

9 MR. KEITH: Are they also seen by teachers that specialize
10 in the education of mentally retarded children?

11 MR. BRIDGES: Yes, they are.

12 MR. KEITH: Or does your wife do that herself?

13 MR. BRIDGES: No, they go to a special education school.
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1 MR. KEITH: Have you become acquainted with any of
2 the doctors that helped you with the children?

3 MR. BRIDGES: Yes, I have.

4 MR. KEITH: I'm not sure whether I asked you; are some
5 of those doctors psychiatrists?

6 MR. BRIDGES: Yes.

7 MR. KEITH: And I take it from --

8 How long have you been taking care of mentally
9 retarded children?

10 MR. BRIDGES: Four years.

11 MR. KEITH: I take it that you do not hold psychiatrists
12 in general in low esteem.

13 MR. BRIDGES: No, I do not.

14 MR. KEITH: You feel, I take it, that they do perform
15 a very useful function in society.

16 MR. BRIDGES: Yes, I think they have --

17 MR. KEITH: Go ahead; don't be hesitant.

18 Express your point.

19 MR. BRIDGES: I think they have helped with the kids
20 that I have.

21 MR. KEITH: Have you had any other exposure to
22 psychiatry or psychology in your family, amongst your friends,
23 beyond the psychiatrists that help you with the retarded
24 children?

25 MR. BRIDGES: Well, I had a course in psychiatric
26 counseling.

27 MR. KEITH: How long ago was that, sir?

28 MR. BRIDGES: About two years.

1 MR. KEITH: And where was that?

2 MR. BRIDGES: Here in Los Angeles.

3 MR. KEITH: Was that in connection with operating the
4 care home?

5 MR. BRIDGES: Yes, it was.

6 MR. KEITH: It was to assist you in being better able
7 to care for these children; is that correct?

8 MR. BRIDGES: Yes; it was put on by the Department of
9 Health.

10 MR. KEITH: Do you feel that you learned something in
11 that course that was beneficial to you?

12 MR. BRIDGES: Yes; I think it was -- helped me understand
13 the children.

14 MR. KEITH: I gather, then, that if psychiatrists
15 testify in this case in behalf of Miss Van Houtan, that you
16 would not disregard their opinions and their reasons therefor
17 simply because of the nature of their profession?

18 MR. BRIDGES: No; I would have to give it some
19 consideration.

20 MR. KEITH: Just some consideration?

21 MR. BRIDGES: Yes. Well --

22 MR. KEITH: What do you mean by just some consideration?

23 Perhaps I can help you out with that.

24 I'm sure that there are all kinds of psychiatrists.
25 Some extremely well qualified and some not so well qualified.

26 And of course any psychiatrist that testifies here,
27 it's up to you to determine whether in your mind you think
28 they are well qualified or otherwise.

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Do you understand that?

MR. BRIDGES: Yes.

MR. KEITH: And you have that prerogative.

MR. BRIDGES: Yes.

MR. KEITH: And also, nobody is contending, least of all we, that psychiatrists are infallible.

Do you feel they are infallible?

MR. BRIDGES: No.

MR. KEITH: All right.

Do you feel that they are capable of being right in their diagnoses?

MR. BRIDGES: Yes, I feel like they could be.

MR. KEITH: Do you feel that psychiatrists do have the ability, as a result of their training and their experience, to delve into the workings of the human mind and diagnose whether a person is mentally ill or needs help, or whatever.

MR. BRIDGES: Yes, I do.

MR. KEITH: As a result of those beliefs on your part, then, don't you feel that in the event psychiatrists testify here and they appear to you to be highly qualified, that you will listen to their testimony carefully and sincerely and consider their opinions very profoundly, and not simply cast those opinions aside arbitrarily?

MR. BRIDGES: Yes, I would listen to their opinions and not cast it aside.

I believe that they are qualified to make a decision.

MR. KEITH: As Mr. Kay has been telling you, it's

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your decision ultimately, of course, in the event you are selected as a trial juror, because you are the trier of the facts.

MR. BRIDGES: Yes.

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1 MR. KAY: That's your job.

2 You apply the law to the facts as you find the
3 facts to be, and reach a decision.

4 I'm just trying to find out whether or not you
5 will regard the testimony of psychiatrists with careful
6 consideration, and not just, as I put it before, cast it
7 aside arbitrarily.

8 MR. BRIDGES: Yes, I would.

9 MR. KEITH: All right.

10 Do you have any exposure to people who abuse
11 drugs?

12 MR. BRIDGES: Not other than we had some training in
13 drugs along with --

14 MR. KEITH: Psychiatry courses?

15 MR. BRIDGES: Psychiatry courses.

16 MR. KEITH: Did you learn anything about LSD in that
17 course?

18 MR. BRIDGES: Well, we were -- they would give us some
19 comparisons between LSD as a hallucinogenic drug and
20 schizophrenic (sic) and other psychiatric problems.

21 MR. KEITH: Were you taught that LSD can produce
22 schizophrenia or couldn't produce it?

23 MR. BRIDGES: Well, we were told that the comparison
24 in some cases could be the same.

25 MR. KEITH: You were taught that LSD can produce in some
26 cases the symptoms of schizophrenia, I suppose.

27 MR. BRIDGES: Yes.

28 MR. KEITH: In the event the evidence shows in this

1 case that Miss Van Houten was a chronic user of LSD, because
2 of what you have learned about LSD in that psychiatric course
3 that you took, are you simply going to pay no further
4 attention to the evidence in her behalf and say, "She is an
5 LSD user, I just don't want anything more to do with her,
6 I'm not going to give her any further consideration"?

7 MR. BRIDGES: No.

8 MR. KEITH: Would you consider the use of -- whatever
9 relevance the use of LSD may have with respect to her defense
10 in this case, and not simply say, "Well, anybody that uses
11 LSD is not deserving of my consideration"?

12 MR. BRIDGES: Yes, I would give that consideration.

13 MR. KEITH: Have you been able to hear, as you have
14 sat in the audience --

15 I know it's been perhaps not the most exciting
16 session in the world that you have attended; but have you
17 been able to hear our discussions about diminished capacity
18 with some of the other jurors?

19 MR. BRIDGES: Yes, I have.

20 MR. KEITH: And do you feel that you could follow the
21 law that states that someone who is mentally unbalanced or
22 mentally ill may not be as responsible legally for the same
23 crime as committed by someone who is normal?

24 MR. BRIDGES: I can follow that.

25 MR. KEITH: And do you disagree with that law? I'm
26 paraphrasing it and I'm putting it very broadly.

27 But do you disagree with that kind of a law that
28 states that a person who suffers from diminished capacity

1 may be less culpable for an offense than somebody else?

2 MR. BRIDGES: No, I do not disagree with it.

3 MR. KEITH: In the event the evidence indicates that
4 Miss Van Houten was involved with Mr. Manson --

5 You have heard of him before?

6 MR. BRIDGES: Yes.

7 MR. KEITH: In the event the evidence shows that she
8 was involved with Mr. Manson, would you give evidence of such
9 involvement your consideration?

10 Would you give it the relevance that you think
11 it deserves, and not say that anybody that was associated
12 with Mr. Manson is of necessity a bad person, forget it, or
13 forget her?

14 MR. BRIDGES: No.

15 MR. KEITH: In the event the evidence indicates that
16 one of the beliefs, among others -- but one of the primary
17 beliefs of Mr. Manson was to foment a civil war between the
18 blacks and the whites, and that Miss Van Houten also believed
19 in the same revolution, would that so turn you off against
20 her --

21 MR. BRIDGES: No.

1 MR. KEITH: That you would not be able to evaluate
2 Manson's philosophy in the context that it deserves?

3 MR. BRIDGES: No, that wouldn't affect me.

4 MR. KEITH: Well, I'm not suggesting --

5 MR. BRIDGES: I mean, what I am saying --

6 MR. KEITH: I'm not suggesting that Manson's philosophy
7 about Helter Skelter -- that's the black-white revolution,
8 where the blacks win and all the whites get killed.

9 Is that going to make it difficult for you to
10 be fair to Miss Van Houten if the evidence indicates that she
11 also believed that?

12 MR. BRIDGES: No, it wouldn't have any effect.

13 MR. KEITH: I'm not saying it isn't relevant now; but
14 just because of that belief are you going to tend to be
15 prejudiced against Miss Van Houten?

16 MR. BRIDGES: No.

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1 MR. KEITH: Is there anything you can think of that might
2 make it difficult for you to be fair in this case towards her?

3 MR. BRIDGES: No.

4 MR. KEITH: Anything you haven't told us about that you
5 think we'd be interested in knowing?

6 MR. BRIDGES: No, I don't have anything.

7 MR. KEITH: Do you think you would have the courage to
8 return a verdict in favor of Miss Van Houten even though you
9 thought that verdict might be received -- well, let me put
10 it this way -- the verdict might be unpopular in the community?

11 MR. BRIDGES: No,

12 MR. KEITH: Or that you would be criticized by your
13 friends or associates?

14 MR. BRIDGES: No.

15 MR. KEITH: Pass for cause.

16 THE COURT: Thank you.

17 MR. KAY: I'll pass for cause.

18 THE COURT: Thank you.

19 The peremptory is with the People.

20 MR. KAY: People will thank and excuse Mr. Bridges. Thank
21 you, sir.

22 THE COURT: Thank you, sir, you are excused.

23 THE CLERK: Lloyd H. Carlson, C-a-r-l-s-o-n.

24 THE COURT: Mr. Carlson, did you hear the questions that
25 I asked the panel previously?

26 MR. CARLSON: Yes, I did.

27 THE COURT: And if I were to ask you those same questions,
28 would your answers be substantially the same?

1 MR. CARLSON: Yes, sir.

2 THE COURT: As you sit there now, can you think of any
3 reason why you could not be fair and impartial as to both
4 sides in this case?

5 MR. CARLSON: No, Your Honor.

6 THE COURT: All right.

7 Would you please give us your personal data.

8 MR. CARLSON: My name is Lloyd Carlson.

9 Born October 18, 1915.

10 Live in Downey.

11 Married, no children.

12 I'm in the printing business. I work for Federal
13 Paperboard.

14 THE COURT: Is your wife employed outside the home?

15 MR. CARLSON: No.

16 THE COURT: Thank you.

17 Have you previously served as a juror?

18 MR. CARLSON: Yes. I served about six years ago,
19 superior --

20 THE COURT: How many criminal cases, if any, did you
21 serve on?

22 MR. CARLSON: It was superior court.

23 THE COURT: Were there any criminal cases?

24 MR. CARLSON: Yes.

25 THE COURT: And how many criminal cases were you a juror
26 on?

27 MR. CARLSON: One.

28 (Brief pause.)

6-3
1 THE COURT: Do you recall how many criminal cases you
2 sat on as a juror?

3 MR. CARLSON: Just one.

4 THE COURT: Oh, one case. Excuse me. I did not hear
5 you.

6 What was the nature of the charges?

7 MR. CARLSON: The accused was -- the defendant was
8 accused of selling illegal drugs.

9 THE COURT: And without telling me the result, was the
10 jury able to arrive at a verdict in that case?

11 MR. CARLSON: Yes.
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1 THE COURT: All right.

2 Have you served as a juror in a civil case?

3 MR. CARLSON: No.

4 THE COURT: Now, would you be able to put to one side
5 the testimony and instructions you heard in that prior
6 criminal case and decide this case solely on the evidence to
7 be presented in this courtroom and the instructions the court
8 would give you?

9 MR. CARLSON: Yes, sir.

10 THE COURT: Now, when I first asked you, did you mention
11 that you served on more than one case?

12 MR. CARLSON: No, just one.

13 THE COURT: Just one case altogether?

14 MR. CARLSON: Yes.

15 THE COURT: All right.

16 Do you have any close relationship with law
17 enforcement or anyone in law enforcement?

18 MR. CARLSON: No, Your Honor.

19 THE COURT: And have you or anyone close to you ever
20 been arrested for or charged with a serious offense?

21 MR. CARLSON: No.

22 THE COURT: And have you or anyone close to you ever
23 been the witness to or a victim of a serious offense?

24 MR. CARLSON: No.

25 THE COURT: Thank you.

26 Mr. Keith, you may inquire.

27 MR. KEITH: Mr. Carlson, I was unable to hear the firm
28 for which you worked.

6-5
1 MR. CARLSON: Federal Paperboard.

2 MR. KEITH: And does Mrs. Carlson work outside the
3 home?

4 MR. CARLSON: No, sir.

5 MR. KEITH: I couldn't hear that either.

6 MR. CARLSON: No.

7 MR. KEITH: Has she in the past?

8 MR. CARLSON: No.

9 MR. KEITH: How long have you lived in the Downey area?

10 MR. CARLSON: Twenty-five years.

11 MR. KEITH: Have you been in the armed forces?

12 MR. CARLSON: Yes, seven years in the navy.

13 MR. KEITH: Are you a member of any veterans organi-
14 zations?

15 MR. CARLSON: No.

16 MR. KEITH: When was your navy service, over what span
17 of years?

18 MR. CARLSON: World War II. I was on a carrier in
19 the Pacific.

20 MR. KEITH: Get shot at?

21 MR. CARLSON: Yes.

22 MR. KEITH: What was the name of the carrier?

23 MR. CARLSON: I would rather not say.

24 Well, it was an aircraft carrier.

25 MR. KEITH: I gather that.

26 MR. CARLSON: Altamaha.

27 MR. KEITH: I didn't mean to embarrass you. I was just
28 interested.

1 MR. CARLSON: Oh, I see.

2 MR. KEITH: Were you wounded?

3 MR. CARLSON: Not in combat; just hiding.

4 MR. KEITH: Pardon me?

5 MR. CARLSON: Not in combat. I haven't been wounded in
6 combat.

7 MR. KEITH: Had you been wounded in some other --

8 MR. CARLSON: Trying to hide.

9 MR. KEITH: I don't quite understand. I'm sorry. I'm --

10 MR. CARLSON: When you are in combat, you try to get
11 out of the way, you know.

12 MR. KEITH: I'm well aware of that.

13 (Laughter.)

14 I thought you meant something else. I'm sorry.

15 Do you have any opinion of psychiatrists as you
16 sit there now?

17 MR. CARLSON: No, I've never had -- I've never had
18 psychiatrist treatment, or I don't know anybody that has.

19 I don't know much about it.

20 MR. KEITH: How about drugs, do you know anybody that
21 has been involved with drugs?

22 MR. CARLSON: No, I don't. No.

23 MR. KEITH: Do you know much about drugs?

24 MR. CARLSON: No.

25 MR. KEITH: Would you be able to listen with an open
26 mind to testimony of psychiatrists?

27 MR. CARLSON: Yes, sir.

28 MR. KEITH: Would you be able to listen with an open

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mind if there were testimony in this case concerning drug abuse on the part of Miss Van Houten?

MR. CARLSON: Yes.

MR. KEITH: Would you be able to consider with an open mind testimony that Miss Van Houten was involved with Charles Manson?

MR. CARLSON: Yes.

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1 MR. KEITH: Would you be able to evaluate that testimony
2 and award it the relevance you think it deserves and not just
3 say to yourself, "Well, anybody that is involved with Manson
4 is no good; I'm not going to give them any more consideration"?

5 MR. CARLSON: I wouldn't do that.

6 MR. KEITH: Let's suppose the evidence indicated
7 Miss Van Houten led a rather bizarre life style back in the
8 1960s using drugs, living like a hippie on certain occasions.

9 Would that so upset you that you wouldn't be able
10 to give her any consideration and be prejudiced or hostile
11 against her?

12 MR. CARLSON: No, I wouldn't be prejudiced against her,
13 no.

14 MR. KEITH: Again, I'm emphasizing I'm not suggesting
15 that evidence is irrelevant. I simply want to find out your
16 state of mind on the subject and probe as to whether you would
17 disregard any other evidence in the case and simply feel that
18 she's more likely to be guilty than innocent because of her
19 associations and because of her life style arbitrarily so.

20 You wouldn't do that, would you?

21 MR. CARLSON: No, no.

22 MR. KEITH: Did I ask you if you were a member of any
23 veterans organizations?

24 MR. CARLSON: Yes. I'm not, no.

25 MR. KEITH: Excuse me.

26 And you don't know anybody engaged in law enforce-
27 ment?

28 MR. CARLSON: No.

1 MR. KEITH: And you don't know anybody that's been a
2 victim or a witness to a -- of or to a serious offense?

3 MR. CARLSON: No.

4 MR. KEITH: And how long have you been with Federal
5 Paperboard?

6 MR. CARLSON: Seventeen years.

7 MR. KEITH: What do you do for them?

8 MR. CARLSON: I'm a printing press man.

9 MR. KEITH: Do you have any quarrel with a law that --
10 still use the same phrase -- that teaches us that a person
11 can be suffering from diminished capacity in the event of
12 mental illness and not be as responsible for an offense as
13 someone else who is not suffering from mental illness might be?

14 MR. CARLSON: No, not if it's the law.

15 MR. KEITH: Do you have any disagreement with that
16 concept --

17 MR. CARLSON: No.

18 MR. KEITH: -- that says A may not be as responsible for
19 a crime as B because A was suffering from mental illness that
20 diminished his capacity to premeditate or harbor malice while
21 B isn't so suffering. So A is guilty of a lesser offense than
22 B.

23 Do you feel that is a bad law?

24 MR. CARLSON: No, I don't. No.

25 MR. KEITH: Is there anything you can think of as you
26 sit there, and as you have been sitting behind the railing
27 and have had a chance to ponder, that you would like to share
28 with us that you feel might tend to disqualify you as a fair

1 and impartial juror in this case?

2 MR. CARLSON: No, I don't.

3 MR. KEITH: Nothing you have thought about in the last
4 few days --

5 MR. CARLSON: No.

6 MR. KEITH: -- that leads you to that conclusion?

7 MR. CARLSON: No.

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1 MR. KEITH: You are sure about that?

2 MR. CARLSON: Yes.

3 MR. KEITH: All right, thanks.

4 ~~Yes~~ for cause.

5 THE COURT: Thank you.

6 Mr. Kay?

7 MR. KAY: Thank you, Your Honor.

8 I bet you really understood that long question of
9 Mr. Keith when he was talking about harboring malice and
10 deliberation and premeditation.

11 You understand at the end of this case Judge Hinz
12 will instruct you on the law, and then he'll explain all of
13 that stuff to you.

14 We don't expect anybody to understand that at
15 this point, but in every criminal case the law comes from
16 the judge at the end of the case through instructions.

17 Now, I take the corollary to what Mr. Keith said,
18 that if you felt that a defendant knew exactly what they were
19 doing at the time they committed a crime, that you feel that
20 they should be responsible for that.

21 Is that the way you feel?

22 (No response.)

23 MR. KAY: They knew exactly what they were doing.

24 MR. CARLSON: If they knew what they were doing, they
25 should be responsible for it?

26 MR. KAY: Is that how you feel?

27 MR. CARLSON: Well, yes.

28 MR. KAY: Now, the fact that Mr. Keith said that

1 Miss Van Houten might have led a hippie life style, you under-
2 stand that is for you to decide, as I've told the other jurors;
3 that at least my understanding of a hippie is a flower child,
4 somebody throwing flowers around, kind of a peace-loving-type
5 person.

6 Now, that's for you to decide when you hear the
7 evidence in this case whether Miss Van Houten led a hippie
8 life style or some other type of life style.

9 Do you understand that?

10 MR. CARLSON: Yes.

11 MR. KAY: Now, the fact that Miss Van Houten has been
12 in custody for seven years, does that make any difference to
13 you at all?

14 MR. CARLSON: No.

15 MR. KAY: Do you think you have clear in your mind the
16 difference between a reasonable doubt and a doubt based on
17 speculation --

18 MR. CARLSON: Yes.

19 MR. KAY: -- and conjecture?

20 And you understand that since Miss Van Houten is
21 charged along with Charles Manson and Charles Watson and Susan
22 Atkins, Linda Kasabian and Patricia Krenwinkel, and all those
23 people, that her association with those people might be quite
24 relevant in this case.

25 Do you understand that?

26 MR. CARLSON: Yes.

27 MR. KAY: So you won't disregard her association with
28 these people, will you? I mean, you will listen to the evidence,

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1 and if you think it is relevant --

2 MR. CARLSON: Yes.

3 MR. KAY: -- you will wait --

4 MR. CARLSON: Yes, I'll listen to the evidence. Yes.

5 MR. KAY: -- and if you think that association is
6 relevant, I take it you will give it the weight to which you
7 think it is entitled?

8 MR. CARLSON: Oh, yes.

9 MR. KAY: Did you hear my explanation of direct versus
10 circumstantial evidence?

11 MR. CARLSON: Yes.

12 MR. KAY: Do you have any quarrel with that?

13 MR. CARLSON: No.

14 MR. KAY: What about the law of conspiracy and aiding
15 and abetting; do you have any quarrel with that?

16 MR. CARLSON: No, not with the law, no.

17 MR. KAY: The fact that Miss Van Houten's mother might
18 come into court and testify during the defense portion of
19 the case, and you might feel sorry for what she's had to go
20 through during the years, for that reason alone would you
21 consider giving Miss Van Houten a favorable verdict?

22 MR. CARLSON: No.

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1 MR. KAY: All right.

2 And just because you might feel sorry for her
3 mother, for that reason alone would you believe everything
4 she told you about Miss Van Houten?

5 MR. CARLSON: Would I believe everything she told me?

6 MR. KAY: Yes, just because you might feel sorry for
7 what she's been through.

8 MR. CARLSON: Not because I feel sorry for her.

9 MR. KAY: You'd have to listen to her testimony --

10 MR. CARLSON: Yes, of course.

11 MR. KAY: And if you felt -- if you believed some parts
12 and disbelieved other parts --

13 MR. CARLSON: Right.

14 MR. KAY: -- that of course would be for you to decide.

15 MR. CARLSON: Right.

16 MR. KAY: Do you think that psychiatrists are people
17 that are special, that never make any mistakes?

18 MR. CARLSON: Well, I don't know anything about
19 psychiatrists.

20 I think it's a necessary profession; but that's
21 about all I know about it.

22 MR. KAY: Because psychiatrists are going to testify
23 in this case, are you just going to sit back and say, "Well,
24 since Miss Van Houten's mental state is in issue and they
25 are psychiatrists, I'm going to let them make the decision
26 on that, and whatever they decide is okay with me"?

27 MR. CARLSON: No, no.

28 MR. KAY: And because psychiatrists are going to

7-2

1 testify, are you going to shut your ears and eyes to the
2 other evidence in the case?

3 MR. CARLSON: No.

4 MR. KAY: If you are selected as a juror in the case,
5 will you consider the psychiatric testimony in light of all
6 the other evidence in the case, and only give the psychiatric
7 testimony that weight which you feel it's entitled to in
8 light of all the evidence in the case?

9 MR. CARLSON: No; I'd have to hear it all,

10 MR. KAY: You won't just look at the psychiatric
11 evidence?

12 MR. CARLSON: No.

13 MR. KAY: And base your decision just on that, will
14 you?

15 MR. CARLSON: No. Oh, no.

16 MR. KAY: Do you think if you are selected as a juror
17 in this case you can keep clear in your mind that Miss Van
18 Bouten is charged with two counts of murder and one count of
19 conspiracy to commit murder in 1969, and not 1977?

20 MR. CARLSON: Yes.

21 MR. KAY: Do you think we'd have to prove to you that
22 Miss Van Bouten is a terrible person today as she sits over
23 there before you'd consider convicting her of the Labianca
24 murders in 1969?

25 MR. CARLSON: No.

26 MR. KAY: Is there anything I failed to ask you that
27 you think I should know about you and your background or your
28 beliefs, or anything?

1 MR. CARLSON: No.

2 MR. KAY: Okay. Thank you very much.

3 I will pass for cause.

4 THE COURT: Thank you.

5 The peremptory is with the defense. No. 10.

6 MR. KEITH: The defense will thank and excuse juror
7 No. 9, Mr. Carlson.

8 THE COURT: Mr. Carlson, you are excused. Thank you
9 for your attendance upon the Court.

10 THE CLERK: Richard A. Brand, B-x-a-n-d.

11 THE COURT: Mr. Brand, did you hear the questions that
12 I asked the panel previously?

13 MR. BRAND: To be honest with you, I don't remember
14 the questions.

15 THE COURT: All right.

16 Let me go over the questions. It's been some time.

17 All jurors are admonished to listen carefully to
18 these matters so that when you are called into the box you
19 will not -- we will not necessarily have to repeat each of
20 the questions.

21 All right. The first series of questions had
22 to do with the introduction of the defendant and each attorney.

23 I asked whether you had ever seen, heard, or
24 been acquainted with any of these people prior to coming to
25 court on this case.

26 MR. BRAND: No, sir.

27 THE COURT: All right.

28 Then I alluded to the charges in this case, and

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1 asked whether having heard the charges you feel because of
2 the charges themselves you would not be able to give the
3 defendant and the people a fair trial, solely because of
4 the nature of the charges.

5 MR. BRAND: No problem there.

6 THE COURT: Then I read off a list of possible witnesses.

7 Have you heard or are you acquainted with any of
8 the witnesses that were read off?

9 MR. BRAND: No, I'm not acquainted with any of the
10 witnesses.

11 Did you not mention the coroner?
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1 THE COURT: Yes.

2 You have heard his name, have you, Dr. Noguchi?

3 MR. BRAND: Yes. Mostly hearsay.

4 In my job I do have dealings with the Coroner's
5 office.

6 I work with the coroner's death certificates,
7 and sometimes I have to call the Coroner's Department
8 concerning more information, information that I need that's
9 not on the death certificate.

10 And one of three reservations I have is I don't --

11 THE COURT: Excuse me just a minute. Let me ask you
12 this first.

13 Do you personally know or are you acquainted
14 with Dr. Noguchi?

15 MR. BRAND: Only through hearsay.

16 THE COURT: So you haven't met him or talked to him,
17 I take it.

18 MR. BRAND: No, I haven't, sir.

19 THE COURT: All right.

20 The next question was this: Do you have any
21 belief or feeling toward any of the parties, attorneys or
22 witnesses, that would make it difficult or impossible for you
23 to be a fair and impartial juror?

24 MR. BRAND: I have a prejudice against the defendant.

25 I recalled seeing some Manson followers outside
26 the Hall of Justice; and I think this recollection is going
27 to make me prejudiced against the defendant.

28 THE COURT: You are saying, I take it, that based on

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1 what you have read, seen or heard about this matter you
2 have formed an opinion as to the defendant's guilt or
3 innocence?

4 MR. BRAID: Well, having seen these people outside
5 the Hall of Justice, I think I'd have an opinion, based on
6 having seen these people and the impression they gave me.

7 THE COURT: All right.

8 I take it, then, that you have formed an opinion
9 concerning the defendant's guilt or innocence, have you?

10 MR. BRAID: Yes, I have, by association I have formed
11 an opinion.

12 THE COURT: All right. Now, is this opinion such
13 that you can put it to one side and assure the Court that
14 you can decide this case solely on the evidence to be
15 presented in this courtroom and the instructions the Court
16 would give you?

17 MR. BRAID: I don't think so. It's a pretty strong
18 opinion.

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1 THE COURT: You previously were examined on the matter
2 of publicity, weren't you?

3 MR. BRAND: Yes, sir; but at that time I had no
4 recollection much of this experience. I had repressed it.

5 And it just occurred to me walking past the
6 Hall of Justice one day.

7 THE COURT: Are you saying that your opinion is such
8 that it would take some evidence for your opinion to be
9 overcome?

10 MR. BRAND: Yes, sir.

11 THE COURT: All right.

12 Will counsel stipulate that this juror may be
13 excused?

14 MR. KEITH: Yes, Your Honor.

15 MR. KAY: So stipulated.

16 THE COURT: All right, sir. Thank you; you are
17 excused.

18 THE CLERK: Patrick E. McDermott, N-e-d-e-r-m-o-t-t.

19 THE COURT: Mr. McDermott, did you hear the questions
20 that I previously asked the panel?

21 MR. MC DERMOTT: Yes, sir.

22 THE COURT: And if I were to ask you those same
23 questions would your answers be substantially the same?

24 MR. MC DERMOTT: Yes, sir.

25 THE COURT: As you sit there now can you think of any
26 reason why you couldn't be fair and impartial to both sides
27 in this case?

28 MR. MC DERMOTT: No, sir.

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1 THE COURT: All right.

2 Would you please give us your personal data.

3 MR. MC DERMOTT: My name is Patrick E. McDermott.

4 I was born July 21st, 1944.

5 I live in the Santa Monica area.

6 I'm married.

7 I have a four-week-old son.

8 I am employed as a veterans benefit specialist
9 with the V.A. Regional Office.

10 My wife is a tax examiner with the Internal
11 Revenue Service, currently on maternity leave.

12 THE COURT: Have you previously served as a juror?

13 MR. MC DERMOTT: No, I have not.

14 THE COURT: Do you have -- or do either you or anyone
15 close to you have any law enforcement association?

16 MR. MC DERMOTT: Yes, sir.

17 THE COURT: And what is that?

18 MR. MC DERMOTT: Well, I don't know in the sense of
19 law enforcement. I know an awful lot of attorneys.

20 I work -- many of the people I work with, my
21 colleagues at the V.A., are also attorneys. They are not in
22 private practice, but they are attorneys.

23 Additionally, many of my acquaintances socially
24 are attorneys. They have general law practices.

25 THE COURT: All right.

26 Are you acquainted with any police officers or
27 policemen?

28 MR. MC DERMOTT: Acquainted, yes. I have no close

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Friends any more.

THE COURT: Are you acquainted with any attorneys that are members of the District Attorney's staff?

MR. MC DERHOTT: Yes, I am.

THE COURT: And how many of those lawyers?

MR. MC DERHOTT: One that I can think of offhand. I haven't seen him in over a year.

He used to play volleyball with us on weekends.

1 THE COURT: Now, would that fact or circumstance in
2 any way affect your ability to be fair and impartial as to
3 both sides in this case?

4 MR. MC DERMOTT: I don't believe so.

5 THE COURT: Now, are you acquainted with any attorneys
6 that are in the practice of criminal defense work or are in
7 the Public Defender's Office?

8 MR. MC DERMOTT: Yes, sir.

9 THE COURT: And how many of those people are you
10 acquainted with?

11 MR. MC DERMOTT: Two that I can think of offhand.

12 Again, they acquaintances; I don't see them that
13 often.

14 THE COURT: All right.

15 Would that fact or circumstance in any way affect
16 your ability to be fair and impartial as to both sides in
17 this case?

18 MR. MC DERMOTT: I don't think so.

19 THE COURT: All right.

20 Is there any other association with people in
21 law enforcement that hasn't been discussed?

22 MR. MC DERMOTT: No, sir.

23 THE COURT: All right.

24 Have you or anyone close to you ever been arrested
25 for or charged with a serious offense?

26 MR. MC DERMOTT: No, sir.

27 THE COURT: Have you or anyone close to you ever been
28 the victim or a witness to a serious offense?

1 MR. MC DERMOTT: No, sir.

2 THE COURT: Thank you.

3 Mr. Keith, you may inquire.

4 MR. KEITH: How old are you, Mr. McDermott?

5 I neglected to write that down.

6 MR. MC DERMOTT: I'm 32.

7 MR. KEITH: How long have you been employed by the V.A.?

8 MR. MC DERMOTT: About three years.

9 MR. KEITH: What did you do before then?

10 MR. MC DERMOTT: I was unemployed.

11 I was also a student, a graduate student at
12 Cal State University at Los Angeles, which I still am attending
13 at night.

14 MR. KEITH: Are you seeking a Master's?

15 MR. MC DERMOTT: That's correct.

16 MR. KEITH: In what field?

17 MR. MC DERMOTT: Urban sociology.

18 MR. KEITH: How long has Mrs. McDermott been an examiner
19 with the I.R.S.?

20 MR. MC DERMOTT: About two years.

21 MR. KEITH: As a result of her occupation, do you know
22 any enforcement agents of I.R.S.? I hope not.

23 MR. MC DERMOTT: I'm sure I have met them socially,
24 but we don't discuss what their jobs are, what their
25 respective duties are, no.

26 None that I am aware of.

27 MR. KEITH: You do know a number of policemen,
28 however, on a social basis.

MR. MC DERMOTT: No, not policemen; attorneys.

B-1

1 MR. KEITH: I know that I wrote that, but I've also got
2 a note here that you know policemen; that you have an acquaint-
3 ance with them.

4 Are my notes in error?

5 MR. MC DERMOTT: Again, that was several years ago. I
6 have not seen any of those --

7 They are merely acquaintances.

8 MR. KEITH: How did it come about that you did become
9 acquainted with policeman several years ago?

10 MR. MC DERMOTT: When I got out of the navy, one of the
11 first jobs I took was with the LAPD.

12 I was not --

13 MR. KEITH: How come you didn't tell us that before?

14 MR. MC DERMOTT: I was not with the LAPD only a very
15 short time.

16 MR. KEITH: Were you a police officer or a trainee?

17 MR. MC DERMOTT: I was a trainee.

18 MR. KEITH: Then did you withdraw from the academy?

19 MR. MC DERMOTT: Yes, I did.

20 MR. KEITH: Before you had an opportunity to graduate,
21 or whatever they do?

22 MR. MC DERMOTT: That's correct.

23 MR. KEITH: Would your training, however brief it may
24 have been, with the Los Angeles Police Department tend to make
25 you prejudiced against anybody accused of a crime --

26 MR. MC DERMOTT: No, sir.

27 MR. KEITH: -- whether it be Leslie Van Houten or anyone
28 else?

8-2
1 MR. MC DERMOTT: No, sir.

2 MR. KEITH: Did you leave -- I don't want to pry any
3 more than I have to, but this question seems germane -- did
4 you leave the training academy, or whatever, because of some
5 objection to police methods or police tactics or --

6 MR. MC DERMOTT: No, sir.

7 MR. KEITH: -- or police in general?

8 MR. MC DERMOTT: No, sir.

9 The reason I left was there were a lot of things
10 happening in Los Angeles at that time that confused me. And I
11 did not feel that I had the education to understand it and to
12 deal with it.

13 I was 24 years old, and, you know, I grew up on a
14 farm in Kansas, and there were an awful lot of things going on
15 in 1968 that I just didn't understand.

16 The job was too big for me at that time. And from
17 there I went back to school.

18 MR. KEITH: What school did you go back to?

19 MR. MC DERMOTT: I started at Santa Monica College. I
20 took an AA Degree from there, and then transferred to Cal State
21 L.A.

22 MR. KEITH: And you are still a student studying --

23 MR. MC DERMOTT: Working on my Master's, yes.

24 MR. KEITH: Studying for your Master's?

25 MR. MC DERMOTT: That's correct.

26 MR. KEITH: And what do you plan to do once you have
27 obtained your Master's? Do you plan to continue on with the
28 VA as a --

1 I've forgotten what you do for the Veterans
2 Administration.

3 MR. MC DERMOTT: I'm working as a field examiner with
4 the VA right now.

5 MR. KEITH: All right.

6 MR. MC DERMOTT: My job title is veterans' benefit
7 specialist.

8 MR. KEITH: All right.

9 Now, do you plan to continue on with the Veterans
10 Administration once you obtain your Master's in urban
11 sociology, or do you plan to get into the teaching field, or
12 some other field akin to what you have been studying?

13 MR. MC DERMOTT: Well, I feel that what I'm doing with
14 the VA is akin to what I'm studying. It helps me tremendously
15 in my job, and I enjoy the job I'm doing right now.

16 So I have --
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1 MR. KEITH: You have no --

2 MR. MC DERMOTT: I have no plans beyond that, no.

3 MR. KEITH: You have no plans beyond that. All right.

4 How long has Mrs. McDermott been with the IRS?

5 MR. MC DERMOTT: About two years.

6 MR. KEITH: And when did you leave the police academy?

7 MR. MC DERMOTT: 1968.

8 MR. KEITH: Excuse me, I'm sorry to be repetitive. But
9 I didn't write it down.

10 Now, since that time you have had very little
11 contact with police officers?

12 MR. MC DERMOTT: That's correct.

13 MR. KEITH: But you do know lawyers who are employed by
14 the Veterans Administration?

15 MR. MC DERMOTT: That's correct.

16 MR. KEITH: And you know a deputy district attorney
17 casually?

18 MR. MC DERMOTT: That's correct.

19 MR. KEITH: What is his name?

20 MR. MC DERMOTT: Michael Miles.

21 MR. KEITH: And you told His Honor that you know two
22 lawyers engaged in defense work. Are they members of the
23 public defender's office or --

24 MR. MC DERMOTT: I don't believe so.

25 MR. KEITH: What are their names?

26 MR. MC DERMOTT: James Pfister, that's P-f-l-a-s-t-e-r,
27 and I can't think of the other one's name offhand.

28 MR. KEITH: And these are casual acquaintances, I gather?

1 MR. MC DERMOTT: Very casual, yes.

2 MR. KEITH: People you meet at the beach or play volley-
3 ball with?

4 MR. MC DERMOTT: That's correct.

5 MR. KEITH: Do you discuss law enforcement with any of
6 your friends who are attorneys or --

7 MR. MC DERMOTT: No, sir.

8 MR. KEITH: Or nonattorneys?

9 MR. MC DERMOTT: No, sir.

10 MR. KEITH: Do you have any plans or thoughts -- I
11 realize you told me you are happy in your job and don't have
12 any plans for the future other than the occupation you
13 presently have -- but is there anything in the back of your
14 mind that makes you believe you might try to reapply to the
15 Los Angeles Police Department --

16 MR. MC DERMOTT: No, sir.

17 MR. KEITH: -- now that you have been here for a few
18 years and are off the farm and perhaps are less confused --

19 MR. MC DERMOTT: No.

20 MR. KEITH: -- by the big city life.

21 MR. MC DERMOTT: No, sir.

22 MR. KEITH: What was going on in 1968 that gave you
23 pause to reconsider whether you were ready to become a policeman?

24 MR. MC DERMOTT: Well, sir, there was a combination of
25 things.

26 I believe Chief Reddin had not been in the job
27 very long, and there was an awful lot being -- I mean, infor-
28 mation going back and forth about that situation.

1 As soon as I entered the academy we were bombarded
2 from different sides, from representatives of the L. A. Fire
3 and Protective League.

4 There was a very tense situation in South Central
5 Los Angeles surrounding the Watts Third Summer Festival.

6 There was peace demonstrations.

7 There were tactical alerts because of --

8 You know, it was just a combination of the things,
9 and I was unprepared to deal with that.

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1 MR. KEITH: All right.

2 Now, do you think any of those past experiences
3 of yours -- not just experiences, but the thoughts you have
4 been expressing to us -- would make it difficult for you to
5 be completely fair and impartial towards Leslie?

6 MR. MC DERMOTT: No, sir, I don't.

7 MR. KEITH: All right.

8 Do you have any exposure to psychiatry?

9 MR. MC DERMOTT: Yes, sir, I do.

10 MR. KEITH: Again, is that through college, or is it
11 a personal exposure? Not you personally but personal --

12 MR. MC DERMOTT: No, I've never been to a psychiatrist,
13 and I don't know anyone who has.

14 My exposure is mostly professionally through the
15 VA. My clients are almost exclusively disabled veterans with
16 nervous conditions who require a lot of attention, either
17 inpatient or outpatient, from the VA Hospital.

18 MR. KEITH: Do you think that exposure would tend to
19 create a lack of impartiality towards Leslie?

20 MR. MC DERMOTT: No, sir, I don't.

21 MR. KEITH: Have you had any unfortunate experiences
22 with psychiatrists who treat the people you deal with, disabled
23 veterans --

24 MR. MC DERMOTT: No, sir.

25 MR. KEITH: -- that might make --

26 All right. I take it, then, that there is nothing
27 in your experience with psychiatrists or psychiatry in general
28 that would tend to make you reject an opinion of a psychiatrist

1 arbitrarily.

2 MR. MC DERMOTT: Not at all, sir.

3 MR. KEITH: Do you have any exposure to drugs?

4 MR. MC DERMOTT: Yes, sir, I do.

5 MR. KEITH: Again, not personally, but by reason of
6 maybe your dealings with disabled veterans?

7 MR. MC DERMOTT: Right.

8 Okay. None personally, but, again, most of these
9 veterans, these disabled veterans, are suffering from nervous
10 conditions which are controlled, to a large extent, through
11 the use of drugs. And some of my clients have abused drugs
12 and have been involved with the use of hallucinogenic drugs.

13 MR. KEITH: Does that include LSD?

14 MR. MC DERMOTT: I'm not sure.

15 Again, that's a medical side that I don't really
16 enter into other than knowing that it is a part of their
17 medical records.

18 MR. KEITH: Well, there is -- as I understand it, there
19 is more than one type of hallucinogenic; marijuana is, although
20 not very strong, I understand.

21 But LSD is, and I'm sure there are some others.

22 MR. MC DERMOTT: As I said, I don't know that much
23 about them.

24 I'm aware of them from being aware of what is in
25 their records and what has gone before.

26 MR. KEITH: Have you made any special study, though, of
27 the effect of hallucinogenics?

28 MR. MC DERMOTT: No, sir.

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1 MR. KEITH: Have you talked to your clients at any length
2 in their use or abuse of hallucinogenics?

3 MR. MC DERMOTT: No, sir.

4 Most of my clients are under conservatorships or
5 guardianships, and that kind of discussion with them wouldn't
6 be --

7 MR. KEITH: I see.

8 Their use of drugs is probably prescribed by the
9 VA Hospital anyway.

10 MR. MC DERMOTT: That's correct.

11 MR. KEITH: Do you believe that LSD is a therapeutic
12 drug?

13 MR. MC DERMOTT: I don't know.
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1 MR. KEITH: All right.

2 MR. MC DERMOTT: I do not know that much about it.

3 MR. KEITH: In the event the evidence indicates that
4 Miss Van Houten has used to excess LSD back in the '60s, would
5 that turn you off against her?

6 MR. MC DERMOTT: I do not believe so.

7 MR. KEITH: Would you consider such evidence for the
8 relevance that you think it deserves?

9 MR. MC DERMOTT: I believe so.

10 MR. KEITH: And not just say -- not just reject
11 Miss Van Houten's defense --

12 MR. MC DERMOTT: No, I wouldn't do that.

13 MR. KEITH: -- because she had abused LSD and perhaps
14 other drugs?

15 MR. MC DERMOTT: No.

16 MR. KEITH: Would the same apply if the evidence showed
17 she had an association, a close association, with Mr. Manson?

18 MR. MC DERMOTT: Yes, I believe so.

19 MR. KEITH: I mean, do you understand what I'm getting
20 at?

21 MR. MC DERMOTT: Yes, I think so.

22 MR. KEITH: If you have any --

23 MR. MC DERMOTT: No, I wouldn't reject that, no.

24 MR. KEITH: All right, good.

25 And would the same apply if you were shown or
26 heard gruesome testimony and bloody photographs in evidence?

27 MR. MC DERMOTT: No, sir. I don't believe that would
28 bother me.

1 MR. KEITH: You wouldn't become so hostile towards her
2 you would reject her completely?

3 MR. MC DERMOTT: No, sir.

4 MR. KEITH: I believe --

5 Incidentally, do you have any quarrel with a
6 concept known as diminished capacity?

7 MR. MC DERMOTT: No, sir, I don't.

8 MR. KEITH: Have you been able to hear us discuss that?

9 MR. MC DERMOTT: Yes, I have.

10 MR. KEITH: Sometimes my voice drops.

11 MR. MC DERMOTT: I heard it, and no, I have no quarrel
12 with that.

13 MR. KEITH: Good.

14 Would you have the courage of your convictions to
15 return a verdict in favor of Miss Van Houten even though you
16 may feel that that verdict might be unpopular amongst your
17 friends or in the community in general?

18 MR. MC DERMOTT: Yes, I would.

19 MR. KEITH: Now, I believe you told us when we were
20 talking with you about publicity that you had a newborn child --

21 MR. MC DERMOTT: That's correct.

22 MR. KEITH: -- four weeks old.

23 And you wanted to spend as much time with your
24 child as you could.

25 Do you feel that in the event you were selected as
26 a juror on this case that you could devote your full attention
27 to the evidence and not be thinking all the time about how much
28 you miss your baby?

1 MR. MC DERMOTT: Yes, I would devote my full attention.

2 MR. KEITH: It seemed to me you had some reservations
3 about that before. Maybe I was in error, but I got that
4 impression.

5 I thought I'd ask about it.

6 MR. MC DERMOTT: Well, I wasn't aware of what bearing
7 that might have.

8 You know, it just -- it is not going to affect my
9 judgment. I know why I'm here.

10 MR. KEITH: I understand that.

11 MR. MC DERMOTT: It is a question of what I'd rather be
12 doing, you know. It is a very magical time for me in the
13 sense of, you know, having a new trial.

14 MR. KEITH: You understand if you are selected as a
15 juror you are not going to be sequestered.

16 MR. MC DERMOTT: I was reminded of that, yes.

17 MR. KEITH: You would go home at 4 o'clock, 4:30,
18 whatever quitting time is, just like you would if you were --

19 MR. MC DERMOTT: Yes, sir.

20 MR. KEITH: -- with the VA.

21 We will pass for cause.

22 THE COURT: Thank you.

23 Mr. Kay, you may inquire.

24 MR. KAY: Thank you, Your Honor.

25 Mr. McDermott, these things that were happening in
26 1968 --

27 Let me ask you first, how long were you in the
28 academy before you dropped out?

1 MR. MC DERMOTT: Just a very short time.

2 MR. KAY: A week?

3 MR. MC DERMOTT: Couple weeks.

4 MR. KAY: What did you do in the navy?

5 MR. MC DERMOTT: I was in personnel.

6 MR. KAY: How long were you in the navy?

7 MR. MC DERMOTT: Four years.

8 MR. KAY: And then right after you were released, is
9 that when you applied to be a policeman?

10 MR. MC DERMOTT: No.

11 I was released from active duty in June of '67,
12 and I think I applied around March or April of '68 and resigned
13 from the LAPD in August.

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1 MR. KAY: What did you do between the time you left
2 the Navy and the time you applied to be a policeman?

3 MR. MC DERMOTT: Okay. The first job I had was with
4 a photographic wholesale house in Santa Monica, with the
5 Kalt Corporation.

6 From there I went to a better job with the
7 General Telephone Company, as an equipment installer.

8 MR. KAY: Yes.

9 MR. MC DERMOTT: And from there I went to L.A.P.D.

10 MR. KAY: Now, the things that were happening in 1968,
11 what was it that you -- that troubled you about them?

12 Just that so many things were happening; or did
13 you have, like say --

14 Did you say there were some war protests going on,
15 or something like that?

16 MR. MC DERMOTT: There were anti-war demonstrations.

17 MR. KAY: All right.

18 Did you agree with the protesters and you didn't --

19 MR. MC DERMOTT: I didn't know. At that time I hadn't
20 formed my opinion.

21 It's just -- there was -- it seemed to be a whole
22 situation --

23 Like I say, it's a combination of factors. Not
24 just any one thing.

25 You know, in retrospect I haven't really spent
26 a lot of time trying to evaluate it.

27 MR. KAY: Yes.

28 MR. MC DERMOTT: I was aware that the screening process

1 for entrance into the Academy was a very lengthy one.

2 During that time with the phone company we were
3 installing a Centrex system at U.C.L.A. We were on seven
4 days a week, 12 hours a day shifts.

5 So, you know, in hindsight that must have had
6 some effect on my state of mind and my ability to keep up with
7 all of that when I got to the Academy.

8 MR. KAY: After you left the Academy did you go back
9 with the phone company?

10 MR. MC DERMOTT: No, I did not.

11 MR. KAY: Where did you go after you left the --

12 MR. MC DERMOTT: As I say, I went -- started school
13 and got a part-time job as a credit inspector for a retail
14 credit company.

15 MR. KAY: And how long were you a credit inspector?

16 MR. MC DERMOTT: Off and on through college for the
17 next five, six years, until I had a State Farm Insurance
18 Agency for a short period of time after I graduated from
19 college.

20 MR. KAY: You had the agency yourself, or you worked --

21 MR. MC DERMOTT: Yes, I did.

22 MR. KAY: Now, when you left L.A.P.D. did you leave
23 them with any hard feelings, or anything?

24 MR. MC DERMOTT: None, no, sir.

25 MR. KAY: Do you think that since we are going to have
26 a lot of police officers testifying in this case you'd give
27 any less weight to the testimony of a witness because that
28 witness is a police officer?

1 MR. MC DERMOTT: No, sir.

2 MR. KAY: So, in other words, you are saying that
3 the reason you dropped out of the Academy was more within
4 yourself rather than anybody doing anything to you.

5 MR. MC DERMOTT: That's correct.

6 It's just that the job seemed to demand more than
7 I was physically and mentally able to give at that time.

8 In other words, I have the feeling even now
9 that it takes a certain type of person to really be a good
10 police officer.

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1 MR. KAY: Yes.

2 MR. MC DERMOTT: And at that time I wasn't that person.
3 I mean, that was not the job for me.

4 MR. KAY: Now, the fact that you have clients now that
5 are treated by psychiatrists, do you think that because --
6 Well, do you think that the psychiatrists helped your clients?

7 MR. MC DERMOTT: Sometimes they do; sometimes I wonder.

8 MR. KAY: All right.

9 Now, because you think that maybe sometimes
10 they do help somebody with a current problem, do you think
11 that that means that they can come into a courtroom and with
12 accuracy predict what somebody was thinking eight years in
13 the past?

14 MR. MC DERMOTT: I don't necessarily think so, no.

15 MR. KAY: Now, these friends that are attorneys --
16 I take it you haven't seen the Deputy District Attorney
17 Michael Miles.

18 I don't know the fellow; but we have such a
19 large office now that --

20 MR. MC DERMOTT: Yes; he was transferred to West Covina
21 some time ago, I think over a year or two ago, and has not
22 been back to play with the group of people that gets together.

23 MR. KAY: Did he move out to the West Covina area?

24 MR. MC DERMOTT: I'm not sure if he moved out there.

25 It's just that it is so far he doesn't come all
26 the way to the beach to play with the same group of people.

27 MR. KAY: And the other two attorneys that you knew,
28 the one name you gave Mr. Keith and the other one you

1 couldn't remember, are these just beach volleyball partners?

2 MR. MC DERMOTT: Yes.

3 MR. KAY: Are these people you see socially, like at
4 parties, or something like that?

5 MR. MC DERMOTT: I have seen them at parties, but again
6 it's on a very rare occasion.

7 MR. KAY: Now, what -- You are trying to get your
8 Master's degree in urban sociology.

9 Could you explain exactly what that is?

10 MR. MC DERMOTT: Well, the sociological perspective of
11 everything that pertains to urban living or living in an urban
12 area versus living anywhere else, and trying to understand
13 the problems attendant with urbanization and -- well, that's
14 about it.

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1 MR. KAY: I take it since you had those concerns in
2 1968 you kind of really went into this with a vengeance, and
3 now you are specializing in it?

4 MR. MC DERMOTT: Yes, sir.

5 MR. KAY: Do you think because you are specializing
6 in an area, trying to understand people and how they live,
7 and everything, that's going to make you more sympathetic
8 to a defendant in a criminal case?

9 MR. MC DERMOTT: No, sir, I don't.

10 I would point out that this is a sociological
11 perspective and not a psychological perspective, which would
12 tend to deal more with the individual.

13 My study is from the sociological perspective.

14 MR. KAY: Now, the fact that Miss Van Houten has been
15 in custody for seven years, does that make any difference to
16 you?

17 MR. MC DERMOTT: No, sir.

18 MR. KAY: You wouldn't consider giving her a favorable
19 verdict, so to speak, because of that fact?

20 MR. MC DERMOTT: No, sir.

21 MR. KAY: Do you understand that if you get back in the
22 jury room in this case, if you are selected as a juror, that
23 you can't consider penalty or punishment?

24 MR. MC DERMOTT: I understand that.

25 MR. KAY: You can't say, "Well, seven years is not
26 enough or seven years is too much or seven years is enough."

27 That just can't even enter into your thinking.
28 Will you follow that instruction?

1 MR. MC DERMOTT: Yes, sir.

2 MR. KAY: Do you think -- did you understand that
3 example of circumstantial versus direct evidence?

4 MR. MC DERMOTT: I did.

5 MR. KAY: And would you require of us to put forth
6 an eyewitness to a murder before you'd convict any defendant
7 of any murder?

8 MR. MC DERMOTT: No.

9 MR. KAY: Have you ever testified in court before?

10 MR. MC DERMOTT: No.

11 MR. KAY: This is the very first time you have ever
12 been on jury duty?

13 MR. MC DERMOTT: That's correct.

14 MR. KAY: Have you ever watched a case in court before?

15 MR. MC DERMOTT: No.

16 MR. KAY: Did you understand, as I explained to the
17 other jurors, that under the law of conspiracy and aiding
18 and abetting a defendant can be found guilty of first degree
19 murder even if they don't strike the fatal blow themselves?

20 MR. MC DERMOTT: I understand.

21 MR. KAY: And do you think that just because somebody
22 commits a vicious murder, that that's going to -- that
23 necessarily means that they didn't know what they were doing
24 at the time they committed the murder?

25 MR. MC DERMOTT: Not necessarily.

26 MR. KAY: When you were going through the training with
27 I.A.P.D. or prospective training, did you ever ride around
28 in a patrol car?

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1 MR. MC DERMOTT: Yes, I did.

2 MR. KAY: Did you ever get to the scenes of any
3 murders?

4 MR. MC DERMOTT: No, I did not.

5 MR. KAY: Did they take you on a tour of the County
6 morgue, or anything like that?

7 MR. MC DERMOTT: No, they did not.

8 But along that line, when I first left high
9 school I went to Wichita, Kansas, and I worked as a
10 mortician's apprentice for a little over a year.

11 So I was in contact with -- I don't know how you
12 describe it, but cleaning up --

13 MR. KAY: You really have a varied career.

14 MR. MC DERMOTT: Yes, sir.

15 (Laughter.)

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1 MR. KAY: Well, now, because you worked as a
2 mortician's apprentice and if you -- we are going to have a
3 couple of coroners that are going to come in here,
4 Dr. Katayama and Dr. Noguchi.

5 And I don't know if they do things differently
6 than the person you worked for; and I don't -- I'm not all
7 that familiar with the mortician's business. I don't know
8 what they do. I never really tried to investigate it.

9 But if you think they do something a little
10 different than you are familiar with, maybe that coroners
11 did in Kansas, are you going to say, therefore, the people
12 in Kansas are right --

13 MR. MC DEMOTT: No, sir.

14 MR. KAY: -- and the coroners here are wrong?

15 MR. MC DEMOTT: No, sir.

16 MR. KAY: In your work assisting the mortician, did
17 you ever view anybody that had been murdered?

18 MR. MC DEMOTT: Yes, I have.

19 MR. KAY: Now, because -- do you think psychiatrists --

20 Well, of course you kind of answered that, so I
21 won't ask.

22 Just because psychiatrists are going to testify
23 in court here, are you going to automatically accept whatever
24 they say without regard to the reasonableness or
25 unreasonableness of their opinion?

26 MR. MC DEMOTT: No, sir.

27 MR. KAY: Can you conceive of a defendant calling
28 psychiatrists to testify in his or her behalf if he or she

1 wasn't in fact mentally ill?

2 MR. MC DERMOTT: I can.

3 MR. KAY: And if you are selected as a juror in this
4 case, are you willing to accept 100 percent of the
5 responsibility to determine Miss Van Houten's mental state
6 at the time of the Labianca murders?

7 MR. MC DERMOTT: I am.

8 MR. KAY: And the fact that the prosecution and
9 defense psychiatrists might disagree as to Miss Van Houten's
10 mental state at the time of the Labianca murders, are you
11 going to take that to automatically mean that there must
12 be a reasonable doubt about whether or not she could commit
13 a first degree murder?

14 MR. MC DERMOTT: No.

15 MR. KAY: And if you are selected as a juror, do you
16 think you can keep distinct in your mind the difference
17 between the fact that she is charged with three crimes in
18 1969, and not 1977?

19 MR. MC DERMOTT: Yes, sir.

20 MR. KAY: Do you think you can keep that clear
21 throughout the trial in your mind?

22 MR. MC DERMOTT: I believe so.

23 MR. KAY: Now, is there anything else that Mr. Keith
24 or I haven't asked you that you want to tell us about now
25 in helping us to make a determination whether or not to
26 accept you as a juror in this case?

27 MR. MC DERMOTT: I can think of nothing else.

28 MR. KAY: Do you think you can give the prosecution

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a fair trial in this case?

MR. MC DERMOTT: I believe I can.

MR. KAY: All right, thank you.

I will pass for cause.

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1 THE COURT: Thank you.

2 The peremptory is with the People, number 11.

3 MR. KAY: Yes, may I have just a moment, Your Honor?

4 THE COURT: Yes.

5 (Brief pause.)

6 MR. KAY: The People will thank and excuse Juror No. 5,
7 Mrs. Settle,

8 Thank you, ma'am.

9 THE COURT: Mrs. Settle, you are excused.

10 Thank you for your attendance upon the court.

11 THE CLERK: Miss Darlene D. Grijalva, G-r-i-j-a-l-v-a.

12 THE COURT: Miss Grijalva, did you hear the questions
13 that I asked the panel previously?

14 MISS GRIJALVA: Yes.

15 THE COURT: And if I were to ask you those same questions,
16 would your answers be substantially the same?

17 MISS GRIJALVA: Yes.

18 THE COURT: As you sit there now, can you think of any
19 reason why you couldn't be fair and impartial as to both sides
20 in this case?

21 MISS GRIJALVA: No.

22 THE COURT: All right.

23 Would you please give us your personal data.

24 MISS GRIJALVA: Darlene D. Grijalva.

25 2-15-51.

26 Montebello.

27 Single.

28 Occupation is I'm a clerk-typist.

1 THE COURT: By whom are you employed?

2 MISS GRIJALVA: Oh, for the Department of Water and
3 Power.

4 THE COURT: All right.

5 And have you previously served as a juror?

6 MISS GRIJALVA: No.

7 THE COURT: Do you or anyone close to you have any
8 close relationship with law enforcement?

9 MISS GRIJALVA: No.

10 THE COURT: Have you or anyone close to you been arrested
11 for or charged with a serious offense?

12 MISS GRIJALVA: Some. I knew some guy who got arrested
13 for drugs around a year ago, I think, but I hardly see him.

14 And then I think my brother, he's been arrested,
15 I think, a week ago, they told me,

16 He was carrying some pills, I think.

17 THE COURT: All right.

18 And does your brother live in Los Angeles County?

19 MISS GRIJALVA: No. He lives in Pico Rivera.

20 THE COURT: And have you talked to your brother since
21 he's been arrested?

22 MISS GRIJALVA: Yeah, but he don't tell me nothing. I
23 don't ask him. He doesn't even know I know.

24 THE COURT: All right.

25 And would either of those facts or circumstances
26 in any way affect your ability to be fair and impartial as to
27 both sides in this case?

28 MISS GRIJALVA: No.

1 THE COURT: All right.

2 And have you or anyone close to you ever been the
3 victim of or a witness to a serious offense?

4 MISS GRIJALVA: Is robbery?

5 THE COURT: I'd say that was a serious offense.

6 MISS GRIJALVA: I've been robbed.

7 THE COURT: You've been --

8 MISS GRIJALVA: Yeah. They stole my radio out of my
9 car about two months ago.

10 And then they stole -- they broke into my house
11 around a year ago, and they stole just -- oh, a piggy bank.

12 THE COURT: At the time you lost something out of your
13 automobile, were you present?

14 MISS GRIJALVA: Well, yes.

15 Well, I was in my apartment, and they were in --
16 it was in the parking lot.

17 THE COURT: You weren't down by your car?

18 MISS GRIJALVA: Oh, no.

19 THE COURT: When people came into your home and took
20 some items, were you present in the home at the time?

21 MISS GRIJALVA: No.

22 THE COURT: All right. Is there anything about either
23 one of those episodes that would in any way affect your ability
24 to be fair and impartial in this case?

25 MISS GRIJALVA: No, because they weren't that important.

26 THE COURT: Well, could you put those two episodes
27 completely to one side and assure the court that you would
28 decide this case solely on the evidence to be presented in this

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courtroom and the instructions the court will give you?

MISS GRIJALVA: Yes.

THE COURT: All right, thank you.

Mr. Keith, you may inquire.

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10-5

1 MR. KEITH: How old is your brother, Miss Grijalva?

2 MISS GRIJALVA: He'll be 24 this month.

3 MR. KEITH: And, to your knowledge, has he had any
4 other arrests besides this most recent one?

5 MISS GRIJALVA: Yeah. A couple, I think. Either once
6 or twice.

7 Let's see. One time before.

8 But, see, he's real smart aleck, so it's just
9 that, you know, he don't know how to talk right. So people,
10 you know, the cops probably get mad. They think he's --

11 So I understand why they arrest him. Because he
12 just -- oh, right away he gets all mad and stuff. So --

13 MR. KEITH: Do you think he's subject to some abuse by
14 the police?

15 MISS GRIJALVA: If so it's because he does it, you know.

16 MR. KEITH: He brings it on himself, is that what you're
17 saying?

18 MISS GRIJALVA: Yeah, but we never talk about it. He
19 never tells me, "Oh, I got arrested."

20 Just my mother tells me. I just hear it through
21 the grapevine.

22 MR. KEITH: Was, as you put it, the guy that was
23 arrested about a year ago your boyfriend, by any chance, or
24 is it just somebody you knew?

25 MISS GRIJALVA: One of my roommate's friend's husband,
26 but I knew him.

27 MR. KEITH: Roommate's friend's --

28 MISS GRIJALVA: I met him, you know. I met him before.

1 He's a drug addict. And I don't know if he is
2 now, but he was.

3 MR. KEITH: Heroin?

4 MISS GRIJALVA: Yes. Met him in church, you know.

5 (Laughter.)

6 MISS GRIJALVA: When he stopped. He wasn't -- supposedly
7 he wasn't using or something, and he was there to change, or
8 something like that.

9 MR. KEITH: I don't think church doors are closed to
10 hypes, are they?

11 MISS GRIJALVA: Right, yeah.

12 So I guess my friend's -- this friend of mine, she
13 met him there, and she married him.

14 And so that's how I met him.

15 MR. KEITH: Do you have the same roommate now?

16 MISS GRIJALVA: That knows her? Yeah.

17 MR. KEITH: I mean are you living with the same roommate
18 now?

19 MISS GRIJALVA: Yes.

20 MR. KEITH: What does she do?

21 MISS GRIJALVA: Nothing.

22 MR. KEITH: What does she do when she doesn't -- when
23 she is employed?

24 MISS GRIJALVA: She was working for a jewelry shop before.

25 MR. KEITH: How long have you been with the Department of
26 Water and Power?

27 MISS GRIJALVA: For five years.

28 MR. KEITH: And what did you do before then?

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1 MISS GRIJALVA: Let's see. I worked for Pacific Telephone
2 for a year as an operator, long distance.

3 And for a year I lived with my aunt in New Mexico.
4 I just lived up there. I didn't do -- I didn't work over
5 there.

6 MR. KEITH: Let me ask you this, Miss Grijalva: The
7 evidence will undoubtedly show Miss Van Houten used drugs
8 herself just like your brother.

9 You think your brother is kind of a smart aleck,
10 apparently. Are you going to think Leslie is a smart aleck
11 because she used drugs, or are you going to weigh her use of
12 drugs and consider her use of drugs in the event you find it
13 to be relevant in this case and not simply reject her because
14 you apparently don't feel too happy about your brother's
15 involvement?

16 MISS GRIJALVA: Yeah. Because not all -- I don't --
17 well, let's see. Some of my cousins, too, I know they get
18 loaded, and they are not like he is.

19 So I can't say that everybody, you know, that
20 either drinks or takes drugs always is mad, or whatever, like
21 he is.

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22 MR. KEITH: What I'm saying is, you aren't going to be
23 hostile towards Miss Van Houten which would incline one to be
24 unfair toward her --

25 MISS GRIJALVA: Right.

26 MR. KEITH: -- if you are mad at her --

27 MISS GRIJALVA: Oh, no.

28 MR. KEITH: -- because she used drugs like your brother --

1 MISS GRIJALVA: No, no.

2 MR. KEITH: -- and your cousins?

3 Do you know anything about psychiatry or
4 psychiatrists?

5 MISS GRIJALVA: No.

6 MR. KEITH: You never made any study of psychology in
7 school?

8 MISS GRIJALVA: No, just philosophy.

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1 MR. KEITH: Would you reject the testimony of psychia-
2 trists if they appear on the witness stand and testify on
3 Miss Van Houten's behalf arbitrarily because you don't like
4 them?

5 MISS GRIJALVA: No.

6 MR. KEITH: Do you believe that psychiatry is a science
7 or art or method of healing, or whatever you want to call it,
8 but I don't quite know what to call it, but, nonetheless,
9 these are medical doctors that are trained in delving into
10 the complexities of the human mind, and do you feel you would
11 reject their testimony arbitrarily?

12 MISS GRIJALVA: No. I think they are helpful, you know.
13 They serve their purpose.

14 MR. KEITH: You are not just saying that because you
15 have heard other people say it?

16 MISS GRIJALVA: No, no. I feel that there are counselors,
17 psychiatrists, that can help people.

18 Some people can't solve their own problems and
19 have to talk to somebody. Maybe just talking to a psychiatrist
20 will --

21 MR. KEITH: Have any of your relatives, like your
22 brother, who have abused drugs had any counseling from
23 psychologists, psychiatrists, social workers, or, you name it,
24 whoever?

25 MISS GRIJALVA: Not that I know of.

26 I think this one lady that I know, like, just
27 hi and bye, she -- I think she has, but I don't really --

28 She's never talked about it.

1 MR. KEITH: All right.

2 You wouldn't hesitate to tell your brother to see
3 a psychiatrist if you felt he was in need of that kind of
4 help, would you; not that it would do any good. He probably
5 wouldn't go. But at least you would not hesitate to advise
6 him to do so?

7 MISS GRIJALVA: Right. I would advise him to. But, like
8 you say, he probably wouldn't anyhow. So --

9 MR. KEITH: Have you been able to hear, as you have
10 been sitting in the audience back there, my questions about
11 Miss Van Houten's association with Mr. Manson and her use
12 of drugs and the black-white race war?

13 You have heard about that?

14 Would you answer those questions substantially
15 the same as the other prospective jurors; that is, would you
16 reject Miss Van Houten's position out of hand simply because
17 of an association with Manson or because she used drugs or
18 because she believed that there was going to be a revolution
19 involving the blacks against the whites and the blacks were
20 going to win, and that she led a pretty unusual life style
21 back in the '60s?

22 MISS GRIJALVA: No.

23 MR. KEITH: Would you consider all those factors and
24 determine their relevance according to all the evidence and
25 not reject Miss Van Houten and be hostile towards her because
26 those facts may be heard by you from the witness stand?

27 MISS GRIJALVA: No.

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1 MR. KEITH: Do you think you could keep an open mind
2 throughout the case?

3 MISS GRUJALVA: Yes.

4 MR. KEITH: And do you think you could keep an individual
5 opinion if you were selected as a trial juror?

6 MISS GRUJALVA: Yes.

7 MR. KEITH: Once you get in the jury room, that is.

8 MISS GRUJALVA: Yeah.

9 MR. KEITH: You wouldn't let the other jurors bulldoze
10 you into changing your mind just because you were in the
11 minority?

12 MISS GRUJALVA: No.

13 MR. KEITH: And do you have any quarrel with some legal
14 principles we have been talking about up until now, like
15 diminished capacity?

16 Did you hear our discussions on that subject?

17 MISS GRUJALVA: Yes.

18 MR. KEITH: That one person may be less responsible
19 than another for a particular offense because that person
20 is suffering from some mental illness at the time of the
21 occurrence.

22 Do you have any quarrel with that --

23 MISS GRUJALVA: No.

24 MR. KEITH: -- concept?

25 Or reasonable doubt or presumption of innocence.
26 You don't have any quarrel with those concepts, do you?

27 MISS GRUJALVA: No.

28 MR. KEITH: Is there anything you can think of that

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1 you think might prevent you or deter you in some manner
2 from giving Miss Van Houten a fair and impartial trial?

3 MISS GRIJALVA: No, not that I can think of.

4 MR. KEITH: Dass for cause.

5 THE COURT: Thank you.

6 Mr. Kay, you may inquire.

7 MR. KAY: Miss Grijalva, do you think that everybody
8 who takes drugs automatically becomes a violent killer,
9 because they take drugs?

10 MISS GRIJALVA: Not necessarily.

11 MR. KAY: Has your brother ever killed anybody?

12 MISS GRIJALVA: No. Not that I know.

13 (Laughter.)

14 MR. KAY: What about --

15 Have you ever known anybody that's been charged
16 with murder?

17 MISS GRIJALVA: No.

18 MR. KAY: Have you ever testified in court before?

19 MISS GRIJALVA: No.

20 MR. KAY: Have you ever --

21 You say your brother has been arrested before.
22 Have you ever gone to court with him at any time he's gone
23 to court?

24 MISS GRIJALVA: No.

25 MR. KAY: This is your very first time on jury duty?

26 MISS GRIJALVA: Yes.

27 MR. KAY: Have you ever watched a case in court before,
28 before this case?

1 MISS GRIZALVA: No.

2 MR. KAY: Have you ever even been to a court before,
3 before this case?

4 MISS GRIZALVA: No; just on TV.

5 MR. KAY: Just on what?

6 MISS GRIZALVA: TV.

7 MR. KAY: Just on TV. You have seen courts on TV
8 but you have never been there.

9 MISS GRIZALVA: For a ticket.

10 MR. KAY: Well, I'm sure we have all been through that.

11 But other than a ticket --

12 MISS GRIZALVA: No.

13 MR. KAY: -- you haven't been to court before?

14 MISS GRIZALVA: No.

15 MR. KAY: Do you think that because your brother has
16 been involved with the law, that therefore you are going to
17 be somewhat sympathetic to Miss Van Houten because she is
18 involved with the law?

19 MISS GRIZALVA: No.

20 MR. KAY: Do you feel any sympathy at all for
21 Miss Van Houten as she sits over there?

22 MISS GRIZALVA: Well, I don't know; maybe a little.

23 But I feel like that, you know, for maybe people
24 who get caught doing things. But, you know, that's just the
25 way it goes.

26 MR. KAY: Why do you feel sympathy for her?

27 MISS GRIZALVA: Well, because she got herself, you
28 know, in that position.

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1 MR. KAY: You understand that that's —

2 Well, do you think you could put aside any
3 sympathy you might have for her if you are selected as a
4 juror in this case?

5 MISS GRIMALVA: Yeah, because I feel sorry for my
6 brother when he gets busted, but it's his own fault, there
7 is nothing I can do.

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MR. KAY: Well, even though somebody might get arrested

and they cause that disturbance, do you still feel sorry for

MISS GRAYVA: No, not that way, no. I don't feel

sorry for them.

MR. KAY: Now, the fact that Miss Van Houten has been

in custody for the last seven years, does that make a

difference to you?

MISS GRAYVA: No.

MR. KAY: Do you think that seven years is long enough

for anybody to spend in custody for any murder?

MISS GRAYVA: Not really, no.

MR. KAY: Have you ever met a psychiatrist before?

MISS GRAYVA: No, not that I know of, unless I met

him and I didn't know he was one, or she.

MR. KAY: Did you understand my example of direct

verbal communication evidence?

MISS GRAYVA: Yes.

MR. KAY: Do you have any quarrel with that?

MISS GRAYVA: No.

MR. KAY: Would you require us to put on an exhibit

to a murder before you would consider any defendant of any

murder?

MISS GRAYVA: No.

MR. KAY: Do you think it's fair that somebody could

be convicted of murder without the prosecution calling an

exhibit to the jury?

MISS GRAYVA: Yes.

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1 MR. RAY: Do you know anything at all about psychiatry?

2 MISS GRITAIWA: No, no, not really.

3 MR. RAY: If psychiatrists come into this courtroom
4 and testify about Miss Van Houten's mental state at the
5 time of the LaBianca murders, are you going to automatically
6 accept what they decide among themselves, or are you going
7 to make up your own mind on that?

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8 MISS GRITAIWA: I will make up my own mind.
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1 MR. KAY: Do you think you could keep clear in your
2 mind that Miss Van Houten is charged with crimes in 1969,
3 and not 1977?

4 MISS GRIJALVA: Yes.

5 MR. KAY: You understand whereas her state of mind in
6 1969, at the time of the LaBianca murders, might be a
7 critical issue in this case, her present state of mind as
8 she sits over there now is not an issue that you will have
9 to decide.

10 Do you understand that?

11 MISS GRIJALVA: Right.

12 MR. KAY: Is there anything I failed to ask you or
13 Mr. Keith has failed to ask you that you think I should
14 know about you in deciding whether or not to accept you as
15 a juror in this case?

16 MISS GRIJALVA: Not -- no, not that I know of.

17 MR. KAY: Okay; thank you.

18 I will pass for cause.

19 THE COURT: Thank you.

20 The peremptory is with the defendant, No. 11.

21 MR. KEITH: The defense accepts the jury as now
22 constituted.

23 THE COURT: Thank you.

24 MR. KAY: The People will thank and excuse Miss Grijalva.

25 THE COURT: Miss Grijalva, thank you for your attendance.
26 You are excused.

27 THE CLERK: Mrs. Ellen S. Jimenez, J-i-u-r-y-m-e-n,

28 (show of hands.)

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THE COURT: Yes.

MR. PALMER: I have a neighbor that is an officer.

THE COURT: All right, we will take this matter up shortly.

(brief pause.)

THE COURT: You are Mr. Palmer?

MR. PALMER: Yes.

THE COURT: All right, Mr. Palmer,

It just came to mind that you have a neighbor who is a police officer?

MR. PALMER: Yes, I have a neighbor that's an officer. But we don't discuss any of his profession.

THE COURT: All right.

Would that in any way affect your ability to be fair and impartial in this case?

MR. PALMER: It would have nothing to do with it, but I figured you should know.

THE COURT: All right, thank you.

Mrs. Jimenez, did you hear the questions that I asked the panel previously?

MRS. JIMENEZ: Yes, I did, Your Honor.

THE COURT: And if I were to ask you those same questions would your answers be substantially the same?

MRS. JIMENEZ: Yes, they would be, sir.

THE COURT: Can you think of as you sit there now any reason why you couldn't be fair and impartial as to both sides in this case?

MRS. JIMENEZ: Yes, sir, I have thought of several

1 things.

2 In the first place, I don't know about my
3 ability to be fair and impartial after viewing, quote,
4 gruesome photos, unquote.

5 And secondly, I'm a children's service worker
6 with the Department of Public Social Services, and I'm the
7 only Spanish-speaking worker in my region.

8 And I'm getting rather anxious about what's going
9 on with my case load.

10 And I think I would be even more anxious serving
11 for a period of three months.

12 THE COURT: Would this -- During the time that you
13 are in court on jury service, is there someone that is
14 handling your case load?

15 MRS. JIMENEZ: Well, my supervisor has to handle it,
16 but she got a vacation approved for herself next month.

17 So that means that other people in my unit will
18 have to take over, and none of them speak Spanish, so it's
19 a problem.

20 THE COURT: Well, if you were chosen as a juror and
21 were sitting on this case, would you be able to put that fact
22 or circumstance out of your mind and concentrate on the case?

23 Or would that somehow interfere with your ability
24 to concentrate on this matter?

25 MRS. JIMENEZ: I think it may, sir, interfere with
26 my ability to concentrate.

27 THE COURT: All right.

28 Then, you also mentioned some photographs.

1 Are you saying that looking at the types of
2 photographs as you described might so influence you that you
3 couldn't be fair and impartial as to both sides?

4 MRS. JIMENEZ: I believe that may happen, Your Honor.
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1 THE COURT: All right. Will counsel approach the
2 bench, please?

3 (The following proceedings were held at
4 the bench:)

5 THE COURT: Will counsel stipulate this juror may be
6 excused?

7 MR. KAY: So stipulated.

8 MR. KEITH: I will, yes.

9 THE COURT: All right; thank you.

10 (The following proceedings were held in
11 open court in the presence of the
12 prospective jurors:)

13 THE COURT: All right.

14 Mrs. Jimenez, you are excused. Thank you for
15 your attendance upon the Court.

16 At this time, ladies and gentlemen, we are going
17 to recess until 1:30.

18 Bear in mind during this recess you are not to
19 discuss this case amongst yourselves or with anyone else,
20 and you are not to form any opinion concerning this matter
21 or express any opinion concerning this matter until the case
22 is finally given to you.

23 All jurors, the defendant and counsel are ordered
24 to return at 1:30.

25 Now, Larry, do they report to the fifth floor?

26 THE BAILIFF: I want them up here at 1:15.

27 THE COURT: All right; thank you.

28 1:15 here.

The Court is in recess.

(At 12:00 noon a recess was taken until
1:30 P.M. of the same day.)

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LOS ANGELES, CALIFORNIA; WEDNESDAY, APRIL 13, 1977; 1:40 P.M.
DEPARTMENT NO. 130 HON. EDWARD A. HINZ, JR., JUDGE

--oOo--

(Appearances as heretofore noted.)

THE COURT: People versus Van Houten.

Let the record show the defendant is present and represented by counsel; People are represented by counsel; the jurors are in their respective places.

Would the clerk please call a juror into Seat No. 5.

1 THE CLERK: Raffaella N. Smith, S-m-i-t-h.

2 First name R-a-f-f-a-c-l-l-a.

3 THE COURT: Mrs. Smith, did you hear the questions that
4 I asked the panel previously?

5 MRS. SMITH: Yes, I did.

6 THE COURT: And if I were to ask you those same questions,
7 would your answers be substantially the same?

8 MRS. SMITH: Yes, sir.

9 THE COURT: All right.

10 As you sit there now, can you think of any reason
11 why you couldn't be fair and impartial as to both sides in
12 this case?

13 MRS. SMITH: No.

14 THE COURT: All right. Would you please give us your
15 personal data.

16 MRS. SMITH: My name is Raffaella Maria Smith.

17 I was born the 15th of April, 1929.

18 I reside in Whittier.

19 I am married.

20 I have five children: 26, 25, 24, 23 and 20.

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1 My occupation is -- I'm a former teacher. At
2 the moment I am a housewife.

3 My husband is a blacksmith and a union official.

4 THE COURT: Have you previously served as a juror?

5 MRS. SMITH: Yes, I have, Your Honor.

6 THE COURT: How many criminal cases, if any?

7 MRS. SMITH: On none. I was on call.

8 THE COURT: All right.

9 So have you ever sat on a jury in the box of 12
10 and heard the testimony?

11 MRS. SMITH: No, sir.

12 THE COURT: All right.

13 Do you have any close relationship with law
14 enforcement or anyone in law enforcement?

15 MRS. SMITH: No, sir.

16 THE COURT: Have you or anyone close to you been arrested
17 for or charged with a serious offense?

18 MRS. SMITH: Not as far as I know.

19 THE COURT: All right.

20 And have you or anyone close to you ever been a
21 witness to or a victim of a serious offense?

22 MRS. SMITH: No, sir.

23 THE COURT: Thank you.

24 Mr. Keith, you may inquire.

25 MR. KEITH: Thank you, Your Honor.

26 Mrs. Smith, how long have you lived in the Whittier
27 area?

28 MRS. SMITH: Oh, three years.

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1 MR. KEITH: And where did you live before then?
2 MRS. SMITH: Norwalk.
3 MR. KEITH: How long have you lived in Los Angeles County?
4 MRS. SMITH: Los Angeles County, 14 years.
5 MR. KEITH: Where did you come from before that?
6 MRS. SMITH: Pennsylvania, and before that Italy.
7 MR. KEITH: Were you born in Italy?
8 MRS. SMITH: Yes, sir.
9 MR. KEITH: How old were you when you came to the United
10 States?
11 MRS. SMITH: Nineteen.
12 MR. KEITH: And did you settle in Pennsylvania after
13 you came here from Italy?
14 MRS. SMITH: Yes. Philadelphia, Bucks County.
15 MR. KEITH: While you lived in Italy, or being raised
16 there, did you have any exposure at all to Italian laws?
17 MRS. SMITH: Well, you mean was I --
18 No, no, just in school. But that was Roman law.
19 MR. KEITH: Roman. I beg -- I hate to show my ignorance,
20 Roman law. I should have known better.
21 Roman law, in all probability, could be different --
22 MRS. SMITH: Yes, I would say it's very different.
23 MR. KEITH: -- from the law in California or the United
24 States, for that matter.
25 You may have been brought up under Roman law, but
26 would you be able to follow the law --
27 MRS. SMITH: Yes.
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1 MR. KEITH: -- Mrs. Smith --

2 MRS. SMITH: Yes.

3 MR. KEITH: -- the California law?

4 MRS. SMITH: Yes. Under Anglo-Saxon. I studied that
5 in college.

6 MR. KEITH: What college was that?

7 MRS. SMITH: Long Beach State.

8 MR. KEITH: Did you take introductory courses into
9 common law, Anglo-Saxon law?

10 MRS. SMITH: Oh, no. One of the political science
11 classes.

12 MR. KEITH: I see.

13 Mrs. Smith, I will try to keep my voice up, and
14 that may prompt you to do the same, so everybody can hear
15 you.

16 What do your children do, Mrs. Smith?

17 MRS. SMITH: Well, I'm not too sure what my oldest son
18 does. I think he's a truck driver in Phoenix, Arizona.

19 He has been unemployed for a while, and he does
20 whatever he can get. He doesn't have a profession.

21 My 25-year-old son is a carpenter.

22 MR. KEITH: And your 24 year old?

23 MRS. SMITH: She is a housewife.

24 MR. KEITH: And the 23 year old?

25 MRS. SMITH: He is a student at Oregon State. He lives
26 in Eugene, Oregon.

27 MR. KEITH: Yes.

28 MRS. SMITH: And my youngest one is a housewife.

1 MR. KEITH: The two girls that are housewives, what do
2 their husbands do?

3 MRS. SMITH: They are both in construction.

4 MR. KEITH: I gather you don't know anybody connected
5 with law enforcement.

6 MRS. SMITH: No, I don't.

7 MR. KEITH: You are not teaching at the present time.

8 MRS. SMITH: No, I'm not.

9 MR. KEITH: But may I ask where and what particular
10 grades or subjects you did teach when you were teaching?

11 MRS. SMITH: I taught citizenship classes for foreign-born
12 adults in Philadelphia.

13 MR. KEITH: That was quite some time ago?

14 MRS. SMITH: Yes, it was.

15 MR. KEITH: Because apparently --

16 MRS. SMITH: Fifteen years ago.

17 MR. KEITH: And have you done any other teaching?

18 MRS. SMITH: No, I haven't.

19 MR. KEITH: For what union is your husband an official?

20 MRS. SMITH: UAW, Local 808.

21 MR. KEITH: United Auto Workers?

22 MRS. SMITH: Yes.

23 MR. KEITH: And is -- does he work for any automobile
24 company over and above his union duties?

25 MRS. SMITH: No. He is a member of -- they are employed
26 by Alcoa, Alcoa Aluminum, Aluminum Company of America.

27 MR. KEITH: I recognize the company.

28 MRS. SMITH: Oh.

1 MR. KEITH: But I must have --

2 Isn't the UAW the United Auto Workers?

3 MRS. SMITH: I know. Well, yes, but --

4 MR. KEITH: The employees at Alcoa are covered by the
5 UAW?

6 MRS. SMITH: Yes.

7 MR. KEITH: I didn't know that. That's of interest.

8 MRS. SMITH: They cover quite a few industries other
9 than automobile.

10 MR. KEITH: Have you had any exposure, Mrs. Smith, to
11 psychiatrists or psychologists?

12 MRS. SMITH: No.
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1 MR. KEITH: Has anybody in your family or amongst your
2 close friends ever been treated by a psychiatrist?

3 MRS. SMITH: No.

4 MR. KEITH: Or ever had any necessity of being
5 counseled, let's say, by a psychologist or some other person
6 with expertise in the complexities of the mind?

7 MRS. SMITH: No.

8 MR. KEITH: Do you have any opinion about psychiatrists,
9 such as, do you hold them in low esteem, or do you think they
10 are marvelous?

11 Or are you indifferent; or you never thought
12 about it that much or --

13 MRS. SMITH: I think they are necessary for different
14 cases. They have the same esteem in my opinion as medical
15 doctors.

16 Maybe a little less, but not quite.

17 MR. KEITH: You understand psychiatrists are medical
18 doctors?

19 MRS. SMITH: Yes, I am aware of that.

20 MR. KEITH: They simply specialize in the field of
21 psychiatry.

22 When you say, "maybe a little less," are you
23 suggesting that perhaps problems with the mind are less
24 susceptible of cure as problems with the body?

25 MRS. SMITH: No, I didn't mean it in that sense.

26 MR. KEITH: All right.

27 Do you think there may be more inferior
28 psychiatrists than there are inferior doctors that don't

1 involve themselves with the mind?

2 MRS. SMITH: Let me put it this way --

3 MR. KEITH: All right; you put it in your own words.

4 MRS. SMITH: IF I was ill I would go first to see my
5 doctor, and then if he would advise a psychiatrist I would
6 see a psychiatrist.

7 If my complaint was a physical or if it was
8 mental.

9 MR. KEITH: But if your complaint was only mental you
10 would see -- you wouldn't hesitate --

11 MRS. SMITH: Yes, of course.

12 MR. KEITH: -- to see a psychiatrist?

13 MRS. SMITH: Yes.

14 MR. KEITH: You would first want to find out if
15 something was organically the matter with you; and if that
16 wasn't the case you would --

17 MRS. SMITH: Yes.

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1 MR. KEITH: — see a psychiatrist?

2 MRS. SMITH: Yes, of course.

3 MR. KEITH: Have you done any reading or studying on
4 the subject of psychiatry or psychology?

5 MRS. SMITH: I had an introduction of psychology in
6 college and some social psychology, but not very much of it.

7 MR. KEITH: Where did you attend college?

8 MRS. SMITH: Well, I got my M.A. in Long Beach State
9 College.

10 I went to Pennsylvania — Penn State University.

11 MR. KEITH: Did you get a degree from Penn State?

12 MRS. SMITH: Yes.

13 MR. KEITH: That was an A.B.?

14 MRS. SMITH: B.A.

15 MR. KEITH: B.A., A.B., all right.

16 The M.A. is a Master's?

17 MRS. SMITH: Yes.

18 MR. KEITH: In what field?

19 MRS. SMITH: History.

20 MR. KEITH: Did you seek a Doctorate?

21 MRS. SMITH: I'd like to, but not enough money.

22 MR. KEITH: Have you had any exposure, Mrs. Smith, to
23 drug abuse?

24 MRS. SMITH: No, I haven't.

25 MR. KEITH: Have you done any reading on the subject of
26 illegal drugs, narcotics, dangerous drugs, controlled substances?

27 MRS. SMITH: I did some superficial reading on the
28 subject when my children were teen-agers, but I haven't for

1 quite a while.

2 MR. KEITH: Have you ever heard of LSD before you came
3 into court?

4 MRS. SMITH: Yes. And I --

5 MR. KEITH: Did you ever -- Excuse me, I didn't mean to
6 interrupt you.

7 Go ahead.

8 MRS. SMITH: Oh, I'm sorry.

9 Yes, I have.

10 MR. KEITH: Was your reading in connection with simply
11 the -- let me start over again.

12 Your familiarity with LSD is derived from articles
13 or magazine articles and newspaper accounts that you may have
14 been --

15 MRS. SMITH: Yes.

16 MR. KEITH: -- exposed to?

17 MRS. SMITH: Just superficially. I didn't go deeply
18 into it.

19 MR. KEITH: Have you been able to hear our discussions
20 on the subject of diminished capacity, Mrs. Smith?

21 MRS. SMITH: Yes, I have.

22 MR. KEITH: And do you have any quarrel with that concept?

23 MRS. SMITH: No, I don't.

24 MR. KEITH: I take it, then, that you would be able to
25 follow the law as given you by His Honor in the event that
26 you are selected as a trial juror on that subject?

27 MRS. SMITH: Yes.

28 MR. KEITH: And you wouldn't have any reservations in

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1 doing so, applying that law to the facts of this case?

2 MRS. SMITH: No.

3 MR. KEITH: I'm not asking you to prejudge the case.

4 MRS. SMITH: I understand.

5 MR. KEITH: I merely want to find out if you feel that
6 such a law is appropriate.

7 MRS. SMITH: Yes, I understand.

8 I accept the law. I do not know if it is appropriate
9 or not.

10 MR. KEITH: Pardon me?

11 MRS. SMITH: I mean, I don't know that --

12 MR. KEITH: I'm not asking you whether it is appropriate
13 to this case.

14 MRS. SMITH: I see.

15 MR. KEITH: Necessarily.

16 I'm asking you if you feel the law in general is
17 appropriate.

18 MRS. SMITH: Yes.

19 MR. KEITH: It is not simple, incidentally. Mr. Kay
20 asked one of the previous jurors if they would find, and I'm
21 paraphrasing him, someone fully responsible for a commission
22 of a crime if he or she knew what they were doing.

23 It is a lot more complex than that, believe me.
24 And I haven't gone into it in depth, because that's His Honor's
25 job.

26 But would you listen very carefully to those
27 instructions?

28 MRS. SMITH: Yes, I would.

16-4

1 MR. KEITH: You wouldn't disregard them, would you,
2 simply because they might be somewhat complex and difficult
3 to understand?

4 MRS. SMITH: No, sir; I wouldn't

5 MR. KEITH: Would you be inclined to reject Miss Van
6 Houten's position in this case and her defense if the evidence
7 indicated she had been involved with Mr. Manson?

8 MRS. SMITH: No.

9 MR. KEITH: Would you be inclined to reject her position
10 if the evidence indicated that she had abused LSD and other
11 hallucinogenic drugs?

12 MRS. SMITH: No.
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1 MR. KEITH: Would you be inclined to give her less
2 consideration than she would otherwise deserve if the evidence
3 indicated that the homicides in this case were gruesome and
4 gory?

5 MRS. SMITH: No.

6 MR. KEITH: Would you be inclined to reject Miss Van
7 Houten's defense in this case if the evidence disclosed that
8 she lived in a manner back in the '60s that perhaps you
9 wouldn't approve of for yourself or any of your children?

10 MRS. SMITH: No.

11a MR. KEITH: Would you consider all those circumstances
12 and give them what relevance you think they are entitled to
13 and not simply throw your hands up at Leslie because of the
14 circumstances that I've just discussed with you?

15 MRS. SMITH: No, I wouldn't.

16 MR. KEITH: Would you hesitate to return a verdict
17 favorable to Miss Van Houten even though you may think that
18 your verdict might be accepted in the community as unpopular;
19 that you might be criticized by some of the people in Whittier?

20 MRS. SMITH: No, I wouldn't.

21 MR. KEITH: You would have the courage to bring back
22 such a verdict even though you might think it would subject
23 you to criticism --

24 MRS. SMITH: Yes.

25 MR. KEITH: -- externally? Not amongst your fellow
26 jurors but outside the court?

27 MRS. SMITH: Yes.

28 MR. KEITH: Would you be inclined to reject Miss Van

16-6
1 Houten's defense if the evidence indicated that she believed
2 a race war was imminent and that Manson also believed that
3 and that the black people would rise up and exterminate the
4 white people?

5 Would you consider that evidence and give it such
6 relevance as you think it is entitled to rather than just
7 reject it and reject her as a result?

8 MRS. SMITH: Of course I wouldn't reject the evidence,
9 no.

10 MR. KEITH: What I'm getting at is would you be hostile
11 towards her

12 MRS. SMITH: No, I would not.

13 MR. KEITH: -- and by reason thereof judge her unfairly?

14 MRS. SMITH: No.

15 MR. KEITH: Nor would you reject psychiatric evidence
16 bearing on Miss Van Houten's state of mind eight years ago --

17 MRS. SMITH: No, I would not.

18 MR. KEITH: -- simply because you might hold psychiatrists
19 in slightly less esteem than other doctors?

20 I do not mean to bring that up to you but --

21 MRS. SMITH: No, I wouldn't.

22 MR. KEITH: You would consider their opinions and
23 their reasons therefor and only disregard them if you believed
24 they were unreasonable?

25 MRS. SMITH: Yes.

26 MR. KEITH: In other words, the reasons for their opinions
27 were unreasonable.

28 MRS. SMITH: Yes.

1 MR. KEITH: Is there anything you would like to tell us
2 about, Mrs. Smith, that you think would be relevant to your
3 qualifications to sit as an impartial juror?

4 (No response.)

5 MR. KEITH: Something that has happened in your past or
6 some experience you may have had or some of your -- you have
7 had a broad education -- some of your educational experiences
8 in learning, beliefs, ideas --

9 MRS. SMITH: No.

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1 MR. KEITH: -- attitudes?

2 MRS. SMITH: I can think of nothing.

3 MR. KEITH: You came to the United States when you were
4 19. That would have been about 1948?

5 MRS. SMITH: Yes.

6 MR. KEITH: Did you go through the war in Italy?

7 MRS. SMITH: Yes.

8 MR. KEITH: Where did you live in Italy?

9 MRS. SMITH: In Trieste.

10 MR. KEITH: Did you have any experiences during the war
11 that in some manner would make you hostile towards Miss Van
12 lieutenant?

13 MRS. SMITH: No, I don't see -- no, I don't -- No.

14 MR. KEITH: There may be evidence in this case that
15 Mr. Manson was interested in creating a super race. In Italy
16 about that time some other people were interested in that.
17 You may have gone through some harrowing experiences for all
18 I know. So --

19 MRS. SMITH: No.

20 MR. KEITH: I'm wondering if that fact would --

21 MRS. SMITH: It wouldn't make me hostile to the
22 defendant. I don't see what that has to do with --

23 MR. KEITH: All right. I have to ask.

24 MRS. SMITH: Okay.

25 MR. KEITH: Thank you.

26 Pass for cause.

27 THE COURT: Thank you.

28 Mr. Kay?

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MR. KAY: Thank you, Your Honor.

Mrs. Smith, I'm afraid I missed your children,
which ones were boys and which ones were girls.

I got the ages, but if you can tell me how the
breakdown is.

MRS. SMITH: All right. The first two are boys, and then
a girl, then a boy, and then a girl.

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1 MR. KAY: Now, the fact that you have --

2 I think I pointed out earlier that
3 Miss Van Houten is 27.

4 The fact that you have children, some of your
5 children are around the age of Miss Van Houten, is that
6 going to make any difference to you at all in this trial?

7 MRS. SMITH: No.

8 MR. KAY: Do you think that has anything to do with
9 her guilt or innocence of these charges?

10 MRS. SMITH: What do you mean, the fact that I have
11 children?

12 MR. KAY: No, the fact that her age is around the age --

13 MRS. SMITH: Oh, no.

14 MR. KAY: -- the age of your children?

15 MRS. SMITH: No.

16 MR. KAY: Do you feel any sympathy at all for
17 Miss Van Houten as she sits there?

18 MRS. SMITH: No.

19 MR. KAY: And the fact she has been in custody for
20 seven years, does that make any difference to you?

21 MRS. SMITH: No.

22 MR. KAY: How long have you lived in the Whittier area?

23 MRS. SMITH: Three years, more or less.

24 MR. KAY: And what area did you live in before that?

25 MRS. SMITH: Norwalk.

26 MR. KAY: You have a nice drive down to Long Beach.

27 MRS. SMITH: Well, I take the bus.

28 MR. KAY: You take the bus. All the way to Long Beach?

17-2
1 MRS. SMITH: Yes.

2 MR. KAY: Did you understand the difference between
3 a reasonable doubt and a doubt based on speculation and
4 conjecture?

5 MRS. SMITH: Yes.

6 MR. KAY: Did you understand the example I gave of
7 circumstantial versus direct evidence?

8 MRS. SMITH: Yes.

9 MR. KAY: Do you have any quarrel with that?

10 MRS. SMITH: No.

11 MR. KAY: Would you refuse to convict a defendant based
12 on circumstantial evidence alone?

13 MRS. SMITH: No.

14 MR. KAY: Would you require us to put an eyewitness on
15 to a murder before you would convict any defendant of any
16 murder?

17 MRS. SMITH: No.

18 MR. KAY: Did you understand what I said about
19 conspiracy and aiding and abetting?

20 MRS. SMITH: Yes.

21 MR. KAY: And the fact that a person might not have
22 inflicted the fatal blow as to both victims, but if they were
23 a member of the conspiracy do you have any quarrel with the
24 law that under that law of conspiracy and aiding and abetting
25 that they could be guilty of two murders, even if they only
26 inflicted the fatal blow as to one victim?

27 MRS. SMITH: Yes.

28 MR. KAY: Have you ever been on jury duty before?

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1 MRS. SMITH: Yes, but ---

2 MR. KAY: Well, you just said you were on call.

3 MRS. SMITH: Yes.

4 MR. KAY: That's right; that was asked before.

5 I remember what you said to the judge.

6 How long ago was that that you were on jury duty?

7 MRS. SMITH: About three years.

8 MR. KAY: Down here downtown?

9 MRS. SMITH: No; at the Norwalk Courthouse.

10 MR. KAY: Have you ever testified in court before?

11 MRS. SMITH: No, I never did.

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1 MR. KAY: Do you and your husband have any friends that
2 are attorneys?

3 MRS. SMITH: No.

4 MR. KAY: The fact that Miss Van Houten's mother might
5 come in and testify during the defense portion of the case
6 and you might feel sorry for her for what she's been through
7 over the years, for that reason alone would you consider
8 giving Miss Van Houten a favorable verdict?

9 MRS. SMITH: No.

10 MR. KAY: Or would you in the alternative consider
11 believing everything that Miss Van Houten's mother had to say
12 about Miss Van Houten?

13 MRS. SMITH: No.

14 MR. KAY: Do you think that anyone who commits a vicious
15 murder must not have known what they were doing at the time
16 they committed the murder?

17 MRS. SMITH: I'm sorry; would you rephrase that, please?

18 MR. KAY: Do you think that anybody that commits a
19 vicious murder -- I'm talking about a vicious murder.

20 You know what that means, don't you?

21 MRS. SMITH: Yes.

22 MR. KAY: If somebody commits a vicious murder, do you
23 think that automatically means that that person must have
24 just been crazy, must not have known what they were doing
25 at the time they committed the murder or they never would have
26 done something so horrible?

27 MRS. SMITH: No.

28 MR. KAY: Do you think that if a psychiatrist comes in

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1 and testifies that Miss Van Houten was mentally ill at the
2 time of the LaBianca murders, that therefore you will accept
3 that as a fact without regard to whether their opinion is
4 reasonable or unreasonable?

5 MRS. SMITH: No.

6 MR. KAY: Can you conceive of a defendant calling
7 psychiatrists to testify in his or her behalf if that
8 defendant wasn't in fact mentally ill?

9 MRS. SMITH: Yes.

10 MR. KAY: Do you think psychiatrists are special people
11 that never make mistakes?

12 MRS. SMITH: No.

13 MR. KAY: Do you think psychiatry is an exact science,
14 like chemistry or physics or mathematics, where you can come
15 up with definite, provable answers?

16 MRS. SMITH: No. Neither is medicine.

17 MR. KAY: And if you are selected as a juror in this
18 case are you willing to accept 100 percent of the responsibility
19 to determine Miss Van Houten's mental state at the time of
20 the LaBianca murders?

21 MRS. SMITH: I --

22 MR. KAY: Are you willing to accept 100 percent --

23 Let me put it this way: You understand that
24 psychiatrists that come in here and testify, they don't have
25 any responsibility, they don't have to mark a verdict form
26 and make a decision on anything.

27 I mean, they can make decisions on a lot of
28 things, but they don't have any responsibility to do that.

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1 The jury is the one that has the responsibility
2 in this case in this courtroom to make a decision about
3 whether or not Miss Van Houten committed first degree murder
4 or something less.

5 Now, if you are selected as a juror in this case
6 are you going to just sit back and say, "Well, psychiatrists
7 are going to testify, so whatever opinion they come up with
8 is fine with me. I mean, they are the experts, and I will
9 just mark my ballot the way they want me to?"

10 MRS. SMITH: No. There will be other evidence; I will
11 just consider it as evidence.

12 MR. KAY: You understand the psychiatric testimony
13 is just one part of it?

14 MRS. SMITH: Yes, of course.
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MR. KATZ: You won't close your eyes to all the other

evidence in the case, will you?

MRS. SMITH: No.

MR. KATZ: Do you think if you are selected as a juror

you can keep clear in your mind the fact that Mrs. Van Houston

is charged with the Labiance murders in 1969, and not in 1977?

MRS. SMITH: Yes.

MR. KATZ: Is there anything I failed to ask you that

you think I should know about you in making a determination

of whether or not to accept you as a juror in this case?

MRS. SMITH: No.

MR. KATZ: Thank you very much.

I will pass for cases.

THE COURT: Thank you.

The defendant is with the defendant, No. 11.

MR. KATZ: The defense will thank and excuse Juror

No. 12, Mrs. Dornstein.

THE COURT: Mrs. Dornstein, thank you for your attendance

upon the court. You are excused.

THE CLERK: Mrs. Angela M. T. Vincent, A-1-0-4-1-2.

THE COURT: Now, how do you pronounce your last name?

MRS. VINCENT: "Vincent."

THE COURT: A-1-0-4-1-2.

MRS. VINCENT: Right.

THE COURT: Thank you.

Did you hear the questions that I asked the juror?

Practically?

MRS. VINCENT: Yes.

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1 THE COURT: And if I were to ask you those same
2 questions would your answers be substantially the same?

3 MRS. VICENT: Yes.

4 THE COURT: As you sit there now can you think of any
5 reason why you couldn't be fair and impartial as to both
6 sides in this case?

7 MRS. VICENT: No.

8 THE COURT: Would you please answer the questions on
9 the board for us.

10 MRS. VICENT: My name is Angela Vicent.

11 Born on 8-1-54.

12 I live in East Los Angeles.

13 I am separated.

14 One girl, two years old.

15 I work for the County as a nurse attendant.

16 THE COURT: Have you previously served as a juror?

17 MRS. VICENT: No.

18 THE COURT: Do you have any close relationship with
19 law enforcement or anyone in law enforcement?

20 MRS. VICENT: No.

21 THE COURT: Have you or anyone close to you ever been
22 arrested for or charged with a serious offense?

23 MRS. VICENT: No.

24 THE COURT: Have you or anyone close to you ever been
25 a witness to or a victim of a serious offense?

26 MRS. VICENT: No.

27 THE COURT: Thank you.

28 Mr. Keith, you may inquire.

1 MR. KEITH: Thank you.

2 Mrs. Vicent, how long have you been separated?

3 MRS. VICENT: For eight months.

4 MR. KEITH: And you are not divorced; you are simply
5 separated.

6 MRS. VICENT: Right.

7 MR. KEITH: May I ask you the occupation of your
8 husband, even though he may not be living with you at the
9 present time?

10 MRS. VICENT: Steam fitter.

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1 MR. KEITH: And you work for the County, but I was
2 unable to hear your particular occupation with the County.

3 MRS. VICENT: A nursing attendant.

4 MR. KEITH: Pardon me?

5 MRS. VICENT: Nursing attendant.

6 MR. KEITH: And what does that entail?

7 What do you do as a nursing attendant for the
8 County?

9 MRS. VICENT: I'm a nursing attendant for a
10 psychiatric hospital.

11 (Laughter.)

12 MR. KEITH: All right; that brings us to that subject
13 in a hurry, doesn't it?

14 Is that at the U.S.C. Medical Center?

15 MRS. VICENT: Yes, it is.

16 MR. KEITH: What do you think about psychiatrists?

17 MRS. VICENT: They play the role.

18 MR. KEITH: That's an ambiguous answer.

19 MRS. VICENT: I have quite a few disagreements with
20 them.

21 MR. KEITH: Are these psychiatrists that are attached
22 to the University of Southern California?

23 MRS. VICENT: Yes.

24 MR. KEITH: Do you know Dr. Follock?

25 MRS. VICENT: No. I heard --

26 MR. KEITH: Do you know Dr. Faerstein?

27 MRS. VICENT: Who?

28 MR. KEITH: Faerstein, F-a-e-r-s-t-e-i-n.

1 MRS. VICENTE: No.

2 MR. KEITH: Have you heard of Dr. Pollack?

3 MRS. VICENTE: Heard.

4 MR. KEITH: If he testified in this case, would you
5 discount his testimony simply because of what you may have
6 heard?

7 MRS. VICENTE: No.

8 MR. KEITH: Would you tend to disregard the testimony
9 of psychiatrists, in the event they appeared in this case,
10 because of their profession?

11 MRS. VICENTE: No, I wouldn't.

12 MR. KEITH: And nobody has suggested here that
13 psychiatrists are infallible; and of course you have told us
14 you have disagreements with them.

15 Incidentally, having had disagreements, I presume
16 that you have discussed with them their diagnoses or their
17 course of treatment.

18 MRS. VICENTE: Right.

19 MR. KEITH: With respect to certain patients.

20 Your offices aren't at 1237 Mission, are they,
21 by any chance?

22 MRS. VICENTE: 1934 Hospital Place.

23 MR. KEITH: Pardon me?

24 MRS. VICENTE: 1934 Hospital Place.

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1 MR. KEITH: Do you feel that the USC psychiatrists,
2 whether or not --

3 There's many psychiatrists attached to USC, are
4 there not?

5 MRS. VICENT: There is.

6 MR. KEITH: And you have had discussions or have met a
7 number of them, apparently?

8 MRS. VICENT: Quite a few.

9 MR. KEITH: All right.

10 And do you feel some of your discussions have been,
11 let's say, informative?

12 I'm sure they have.

13 MRS. VICENT: Some have.

14 MR. KEITH: Well, do you feel that the psychiatrists
15 at USC are not qualified?

16 MRS. VICENT: No. There are -- Well, the most majority
17 that I know are pretty qualified.

18 MR. KEITH: And when you take issue with them, do you
19 have an open discussion, or do you just keep it to yourself?

20 MRS. VICENT: No. We have an open discussion.

21 MR. KEITH: And do you yourself -- Is this something
22 that is invited by the doctors, or do you simply volunteer your
23 opinions?

24 MRS. VICENT: Once in a while I'll volunteer my opinion,
25 because that's what the doctors ask of us.

26 But a lot of times --

27 MR. KEITH: But the doctors do request you to advise them?

28 MRS. VICENT: Right; because we are with them eight

18-2
1 hours a day.

2 MR. KEITH: And when you say "with them," these are all
3 people who are mentally ill?

4 MRS. VICENT: Patients, right.

5 MR. KEITH: You wouldn't reject the testimony of
6 psychiatrists, would you, who appeared in this case, because
7 of your occupation?

8 MRS. VICENT: No.

9 MR. KEITH: You would still listen to their opinions
10 and give those opinions the weight that you feel they are
11 entitled to?

12 MRS. VICENT: I would.

13 MR. KEITH: Now, because of your special training in
14 the field, would you tend to substitute your opinions for
15 theirs by reason of your learning, or would you just consider
16 the evidence from the witness box?

17 MRS. VICENT: Just consider the evidence from the
18 witness box.

19 MR. KEITH: Now, I know -- I cannot see how you could
20 help -- I know you are going to try to do that, but I just
21 can't see how you could help. It's human nature to draw your
22 own conclusions not based on what you heard from the witness
23 stand but from your own learning and experience and training.

24 Could you do your very best to avoid interjecting
25 your opinions into the case as compared to those of the
26 psychiatrists?

27 I don't mean to say that you are not entitled to
28 weigh their opinions and disregard them if you find them

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1 unreasonable, but --

2 MR. KAY: Well, I might have to object, Your Honor. I
3 think that she has a right to interject her opinions if she's
4 a juror.

5 THE COURT: Well, I'll permit the question. The juror
6 may answer it.

7 MR. KEITH: Do you get the drift of my question? I'm
8 not being too artful about it.

9 But I'm trying to find out if you would be able
10 to listen to the testimony of the witnesses who are
11 psychiatrists and make up your mind regarding the validity
12 of their opinion without too much drawing on your own
13 experience.

14 MRS. VICENT: I would.
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1 MR. KEITH: I don't see how you could help -- I agree
2 with Mr. Kay to some extent -- doing that.

3 Do you think because of your special training in
4 psychiatry you would be inclined to be less than fair to
5 Leslie, to Miss Van Houten?

6 MRS. VICENT: No, I wouldn't.

7 MR. KEITH: There is no question in your mind, is
8 there, that the psychiatrists, even though you may disagree
9 with some of their findings, are, for the most part, learned
10 men, and they do their very best toward their patients and
11 toward their oath?

12 MRS. VICENT: That's true.

13 MR. KEITH: How long have you been at the psychiatric
14 hospital?

15 MRS. VICENT: Three and a half years.

16 MR. KEITH: And before that, did you undergo certain
17 training in psychology and psychiatry, or has it always been
18 on-the-job training?

19 MRS. VICENT: It was always on-the-job training.

20 MR. KEITH: In other words, when you got the job at
21 USC Medical Center you didn't know anything about psychiatry?

22 MRS. VICENT: That's true.

23 MR. KEITH: Do you have any opinion -- and be honest
24 with us -- about Dr. Pollack as a psychiatrist?

25 You told us you have heard of him. Maybe you know
26 of his reputation.

27 MRS. VICENT: All I can say is I've heard of Dr. Pollack.
28 I don't even know if it's a female or a male.

1 MR. KEITH: Obviously you have no opinion as to his
2 reputation in the field, I gather, from what you have heard
3 about him?

4 MRS. VICENT: No, I don't.

5 MR. KEITH: Have you had any exposure, as a result of
6 your training or experience or otherwise, in the field of
7 drug abuse?

8 MRS. VICENT: Every day.

9 MR. KEITH: Some of your patients are drug abusers, I
10 gather?

11 MRS. VICENT: They are.

12 MR. KEITH: Some of them abuse LSD?

13 MRS. VICENT: I don't know if it's LSD, but they
14 categorize all these hallucinetic drugs --

15 MR. KEITH: Hallucinogenic drugs?

16 MRS. VICENT: Hallucinogenic drugs.

17 MR. KEITH: There's lots of people mentally ill there
18 who have abused hallucinogenic drugs to excess.

19 Is that what you're telling us?

20 MRS. VICENT: Right.

21 MR. KEITH: Do you have any quarrel with the concept
22 known as diminished capacity which we have been discussing?

23 MRS. VICENT: No, I don't.

24 MR. KEITH: In other words, you believe that someone
25 should bear less responsibility for the commission of an
26 offense if they were mentally ill at the time of its commission
27 than someone else who was of sound mind?

28 MRS. VICENT: Yes.

1 MR. KEITH: Now, again, that is a very general statement
2 on my part and take it as such. The law is somewhat complex,
3 and I'm not going to go into it. That's His Honor's function
4 and not mine at this point.

5 But generally speaking, you find such a law
6 appropriate; is that correct?

7 MRS. VICENT: That's correct.

8 MR. KEITH: Do you have any quarrel with any of the
9 other legal concepts that we've been discussing, such as
10 presumption of innocence, the fact that, oh, the burden is on
11 the prosecution to prove their case beyond a reasonable doubt,
12 and we don't have to prove anything?

13 MRS. VICENT: No.
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1 MR. KEITH: The fact of Miss Van Houten's indictment
2 is no evidence against her, the fact that she's here awaiting
3 trial, that's no evidence against her.

4 You agree with those concepts, do you not?

5 MRS. VICENT: Yes.

6 MR. KEITH: Do you feel if the evidence would indicate
7 Miss Van Houten was involved with Charlie Manson that you
8 would reject her defense simply because of that alone and
9 not bother to evaluate the relevance of that association?

10 MRS. VICENT: No, I wouldn't.

11 MR. KEITH: Would the same apply to drug abuse in the
12 event the evidence showed that Miss Van Houten abused LSD and
13 other hallucinogenic drugs? Would you merely reject her
14 position or defense and say thumbs down because of that fact
15 and that fact alone?

16 MRS. VICENT: No.

17 MR. KEITH: Would you have the courage to return a
18 verdict in favor of Miss Van Houten if you felt that it was
19 a proper verdict?

20 MRS. VICENT: Yes.

21 MR. KEITH: Even though you might also feel that such
22 a verdict might be unpopular in the community where you live?

23 MRS. VICENT: Yes.

24 MR. KEITH: Are you sure you are going to be able to
25 keep an open mind about the psychiatrists, now?

26 MRS. VICENT: I will.

27 MR. KEITH: Pass for cause, Your Honor.

28 THE COURT: Thank you.

1 Mr. Kay, you may inquire.

2 MR. KAY: Would you have the courage to tell the
3 psychiatrists from SC, if they come and testify, that they
4 are full of beans, if you think they are?

5 MRS. VICENT: No.

6 MR. KAY: You wouldn't have the courage to do that?

7 MRS. VICENT: Well, could you repeat --

8 MR. KAY: Well, if these psychiatrists that Mr. Keith
9 has named from SC, if they come in here and testify, and since
10 you work out there at SC, and if you think they are full of
11 beans or full of hot air or anything, would you have the
12 courage to tell them when you get back to work that they are
13 full of beans?

14 MRS. VICENT: I would.

15 MR. KAY: I take it you have told them that before, at
16 least other psychiatrists?

17 MRS. VICENT: I have.

18 MR. KAY: I take it you, having been in this hospital
19 setting for three and a half years, you probably have a
20 fairly good idea of what a mentally ill person is like, don't
21 you?

22 MRS. VICENT: Yes, I do.

23 MR. KAY: Do you think there is a difference between
24 being bad and being mentally ill?

25 Do you think a person can be bad without being
26 mentally ill?

27 MRS. VICENT: Yes.

28 MR. KAY: Do you think that just because a person might

1 abuse drugs that that makes them -- that means it is a fact
2 that they must be mentally ill or they wouldn't abuse drugs?

3 MRS. VICENT: No.

4 MR. KAY: If you were seated on the jury in this case,
5 would you feel at all threatened in your employment if you
6 rendered a verdict in this case against the opinion of the
7 psychiatrists from USC?

8 (No response.)

9 MR. KAY: I mean, would you feel at all threatened in
10 your position?

11 MRS. VICENT: No, I wouldn't.

12 MR. KAY: Have you ever had any patients that you have
13 dealt with that have been accused of murder or have been
14 convicted of committing a murder?

15 MRS. VICENT: One night I can remember one patient.

16 MR. KAY: One night you had one patient that had, what,
17 been accused of it or been convicted?

18 MRS. VICENT: Convicted of murder.

19 MR. KAY: How long ago was that?

20 MRS. VICENT: About six months ago.

21 MR. KAY: Was that a male or a female?

22 MRS. VICENT: This was a male.

23 MR. KAY: And was this in a custody-type situation or
24 what?

25 I mean, was this person in custody?

26 MRS. VICENT: Well, when this patient came in, I was
27 going off duty.

28 MR. KAY: Oh, I see.

1 MRS. VICENT: So they had this patient in full restraints.

2 Didn't bother me, I was going home.

3 MR. KAY: You didn't deal with that patient that much?

4 MRS. VICENT: No. The following day the patient was
5 gone.

6 MR. KAY: The following day the patient was gone?

7 MRS. VICENT: Yes.

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1 MR. KAY: Now, the fact that Miss Van Houten has been
2 in custody for seven years, does that make any difference
3 to you?

4 MRS. VICENT: No.

5 MR. KAY: Do you think seven years is long enough for
6 anybody to be in custody for any murder?

7 MRS. VICENT: No.

8 MR. KAY: Would you require any more evidence to
9 convict a woman of murder than you would a man?

10 MRS. VICENT: No.

11 MR. KAY: Would you hold the prosecution to any higher
12 burden of proof than the law holds us to?

13 MRS. VICENT: No.

14 MR. KAY: Have you ever testified in court before.

15 MRS. VICENT: No, I haven't.

16 MR. KAY: I'm afraid I missed it.

17 What area of the County do you live in?

18 MRS. VICENT: East Los Angeles.

19 MR. KAY: Do you have any friends that are attorneys?

20 MRS. VICENT: No.

21 MR. KAY: Any friends that are private investigators?

22 MRS. VICENT: No.

23 MR. KAY: Did you understand my example of direct
24 versus circumstantial evidence?

25 MRS. VICENT: Yes.

26 MR. KAY: And would you require us to put on an
27 eyewitness to a murder before you could convict any defendant
28 of any murder?

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1. MRS. VICENT: No.

2. MR. KAY: If you were in the jury room ---

3. Well, I know, from what you have said, the
4. courage of your convictions, but I will ask you anyway.

5. If there were 11 jurors that were voting for
6. first degree murder and you were voting for second degree,
7. and somebody pointed out to you that maybe you misinterpreted
8. an instruction or missed a crucial piece of evidence, and
9. you changed your mind and you felt, you conscientiously
10. felt that Miss Van Houten was guilty of first degree murder.

11. Would you have the courage, not only in the jury
12. room to vote along with the other jurors, knowing that it
13. was your vote that made the verdict unanimous, but come out
14. here and tell all of us that that's your verdict?

15. MRS. VICENT: Yes, I would.

16. MR. KAY: Would you have the courage to tell Mr. Keith
17. and Miss Van Houten that that's your verdict, even though
18. it might be unpopular with them?

19. MRS. VICENT: Yes.

20. MR. KAY: Now, do you think that anyone who commits
21. a vicious murder must not have known what they were doing
22. at the time they committed the murder?

23. MRS. VICENT: No.

24. MR. KAY: Do you think that just because a defendant
25. calls psychiatrists to testify in his or her behalf, that
26. that means that it must be a fact that they were mentally
27. ill at the time they committed the crime or they wouldn't
28. have called psychiatrists to testify?

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MRS. VICENT: No.

MR. KAY: Can you conceive of a defendant in a criminal case calling psychiatrists to testify in their behalf if they weren't in fact mentally ill?

MRS. VICENT: Yes.

MR. KAY: I take it if a psychiatrist testifies in this case you will pay very close attention to what he says and the basis for his opinion; and you are not going to accept anything uncritically from any psychiatrist, are you?

MRS. VICENT: No.

MR. KAY: I take it, from what you told Mr. Keith, that you certainly don't think psychiatrists are incapable of error, do you?

MRS. VICENT: They are as much capable as we are.

1 MR. KAY: Because the prosecution and defense
2 psychiatrists might disagree as to Miss Van Houten's mental
3 state at the time of the LaBianca murders, for that reason
4 alone are you going to automatically assume there must be
5 a reasonable doubt as to whether or not she had the mental
6 capacity to commit a first degree murder?

7 MRS. VICENT: (No response.)

8 MR. KAY: Just because those two groups of psychiatrists
9 disagree.

10 MRS. VICENT: No.

11 MR. KAY: You understand there will be a lot more
12 evidence in the case than just the psychiatric testimony.

13 MRS. VICENT: I understand that.

14 MR. KAY: Do you understand if -- you can accept or
15 reject the psychiatric testimony; you don't have to accept
16 any of it if you don't think it's reasonable.

17 Do you understand that?

18 MRS. VICENT: I understand that.

19 MR. KAY: And Mr. Keith has been talking about the
20 diminished capacity.

21 You understand that at the end of the case if
22 the jurors in the jury room think that that instruction
23 doesn't apply, the precise wording of that instruction
24 doesn't apply to the facts in this particular case, that
25 you don't have to use that instruction.

26 Do you understand that?

27 MRS. VICENT: Yes, I do.

28 MR. KAY: And do you think you can keep clear in your

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1 mind that --

2 What might be a critical issue in this case is
3 Miss Van Houten's mental state at the time of the Lianca
4 murders; but her current mental state is not an issue that
5 you will have to decide in this case.

6 Do you understand that?

7 MRS. VICENT: Yes.

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1 MR. KEITH: Do you think you can keep that absolutely
2 clear at all times during this trial?

3 MRS. VICENT: Yes.

4 MR. KAY: Is there anything that I failed to ask you
5 that you think I should know about you in deciding whether
6 or not to accept you as a juror in this case?

7 MRS. VICENT: No.

8 MR. KAY: Thank you.

9 I will pass for cause.

10 THE COURT: All right; thank you.

11 The peremptory is with the People, No. 13.

12 MR. KAY: The People will thank and excuse juror No. 3,
13 Mr. Palmer.

14 Thank you, sir.

15 THE COURT: Mr. Palmer, thank you for your attendance.
16 You are excused.

17 THE CLERK: Mrs. Florence L. Bloom, B-1-O-O-M.

18 THE COURT: Mrs. Bloom, did you hear the questions
19 I asked the panel previously?

20 MRS. BLOOM: Yes, I did.

21 THE COURT: And if I were to ask you those same
22 questions would your answers differ in any way?

23 MRS. BLOOM: No.

24 THE COURT: As you sit there now can you think of
25 any reason why you couldn't be fair and impartial as to both
26 sides in this case?

27 MRS. BLOOM: No.

28 THE COURT: Would you please give us your personal data.

1 MRS. BLOOM: My name is Florence L. Bloom.

2 I was born July 7, 1920.

3 I live in Hollywood.

4 I'm married.

5 I have a daughter, age 21.

6 I'm a mechanical engineer with TSW Systems.

7 And my husband is a sales engineer with Allied
8 Chemical.

9 THE REPORTER: Dow Chemical?

10 MRS. BLOOM: Allied Chemical.

11 THE COURT: All right.

12 Have you previously served as a juror?

13 MRS. BLOOM: No.

14 THE COURT: Do you have any close relationship with
15 law enforcement or anyone in law enforcement?

16 MRS. BLOOM: No.

17 THE COURT: Have you or has anyone close to you been
18 arrested for or charged with a serious offense?

19 MRS. BLOOM: No.

20 THE COURT: Have you or anyone close to you been a
21 witness to or a victim of a serious offense?

22 MRS. BLOOM: No.

23 THE COURT: Thank you.

24 Mr. Keith, you may inquire.

25 MR. KEITH: Mrs. Bloom, you live in Hollywood?

26 I'm sorry; I didn't hear quite as well as I
27 should.

28 MRS. BLOOM: I'm sorry. Yes, I do, I live in Hollywood.

1 MR. KEITH: And you have one daughter?

2 MRS. BLOOM: Yes.

3 MR. KEITH: And how old may she be?

4 MRS. BLOOM: She is 21.

5 MR. KEITH: And what does she do?

6 MRS. BLOOM: She is a senior at Cal State University
7 at Northridge.

8 MR. KEITH: And what is she majoring in?

9 MRS. BLOOM: History.

10 MR. KEITH: And I caught that you work for IBM.

11 MRS. BLOOM: IBM, yes.

12 MR. KEITH: But I was unable to hear the capacity in
13 which you are employed.

14 MRS. BLOOM: I'm a mechanical engineer.

15 MR. KEITH: You have a Master's in engineering?

16 MRS. BLOOM: No; a B.S.

17 MR. KEITH: And your husband is a sales engineer for
18 Dow Chemical?

19 MRS. BLOOM: Allied Chemical.

20 MR. KEITH: Where did I get "Dow"?

21 (Reporter raises hand.)

22 MR. KEITH: You are the culprit.

23 (Laughter.)

24 MR. KEITH: Inasmuch as both you and your husband are
25 engineers and probably deal with matters of precision, do
26 you feel in order to bring back a verdict, return a verdict
27 favorable to Miss Van Houten that we would have to convince
28 you with precision of the rightness of her position?

1 MRS. BLOOM: Well, I don't understand what you mean.

2 MR. KEITH: Well, it's very difficult in a case of this
3 nature to ---

4 I'm wondering if you would require from
5 Miss Van Houten that she prove herself innocent.

6 MRS. BLOOM: No, because she is innocent now until she
7 is proven guilty.

8 MR. KEITH: Therefore, you would require, of course,
9 that the prosecution prove her guilt beyond a reasonable
10 doubt.

11 MRS. BLOOM: Yes, sir.

12 MR. KEITH: And if you have a reasonable doubt as to
13 her guilt would you hesitate in the slightest of returning
14 such a verdict?

15 MRS. BLOOM: No. If I felt she wasn't guilty beyond
16 a reasonable doubt, I would say so.

17 MR. KEITH: All we have to do is raise a reasonable
18 doubt in your mind.

19 MRS. BLOOM: That's right, yes.

20 MR. KEITH: And if we raise such a doubt, you would
21 return a verdict according to that doubt, would you not?

22 MRS. BLOOM: Yes.

23 MR. KEITH: Even though you might feel that such a
24 verdict would be unpopular in the community.

25 MRS. BLOOM: Yes, sir.

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1 MR. KEITH: Do you have any --

2 Have you had any contact with psychiatrists
3 during your lifetime, either you or your family or close
4 friends?

5 MRS. BLOOM: No.

6 MR. KEITH: You do not know any psychiatrists?

7 MRS. BLOOM: No, I don't.

8 MR. KEITH: And you have heard us both expatiate about
9 psychiatry ad nauseam.

10 I'll just ask you your opinion of the subject of
11 psychiatry without going through the routine that I have been.

12 MRS. BLOOM: Well, I feel that they play a very important
13 part in our society.

14 MR. KEITH: You wouldn't reject their testimony
15 arbitrarily, would you?

16 MRS. BLOOM: No, sir.

17 MR. KEITH: In the event the evidence indicated
18 Miss Van Houten was involved with Mr. Manson, would you tend
19 to reject her defense because of that fact and that fact alone,
20 or would you evaluate in your mind the nature of the involve-
21 ment and relevance that that involvement may deserve?

22 MRS. BLOOM: I would evaluate all the evidence.

23 MR. KEITH: And would you evaluate her use of LSD, if
24 the evidence so indicates?

25 MRS. BLOOM: Yes, yes, I would.

26 MR. KEITH: Do you have any previous exposure or knowledge
27 of drug abuse or drugs in general?

28 MRS. BLOOM: Nothing, except from what I've heard my

10-2

1 daughter speak when she was in high school. They had people
2 come and talk to the children, and that's really all I know
3 about it.

4 MR. KEITH: I see.

5 You haven't made any special effort to read
6 newspaper or magazine articles on the subject of drugs?

7 MRS. BLOOM: No. It's all I can do to keep up with
8 the periodicals that I have to read for my work.

9 MR. KEITH: How long have you been with TRW?

10 MRS. BLOOM: Fourteen -- it will be fourteen years the
11 22nd of April.

12 MR. KEITH: And you tell us you are a mechanical
13 engineer.

14 Could you expand somewhat on what you do.

15 MRS. BLOOM: Yes.

16 If you are familiar with spacecrafts, it is my
17 job now to have charge of all the insulation on the spacecraft.

18 And what the insulation is, if you watched the
19 moon landing you will have noticed that the space vehicle
20 looks like it is wrapped in aluminum foil.

21 Well, in truth that's insulation, and that keeps
22 the spacecraft functioning properly. The various electronic
23 boxes have to be kept warm in order to function.

24 And so it is my job to head up the group that
25 designs this insulation.

26 MR. KEITH: Is Mr. Bloom's position -- I know he's a
27 sales engineer -- but is his expertise somewhat similar to
28 yours?

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1 MRS. BLOOM: No, sir. He is in the raw materials, raw
2 plastics.

3 MR. KEITH: May I ask where you attended college.

4 MRS. BLOOM: Yes, sir.

5 I graduated from West Coast University. My
6 company sent me there.

7 I went at night while I was working full time.

8 MR. KEITH: And have you always lived in Los Angeles
9 County?

10 MRS. BLOOM: Well, I was born here, but I lived for
11 two years in New York.

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1 MR. KEITH: Was that by reason of your employment or
2 your husband's employment?

3 MRS. BLOOM: No. It -- My husband's father lived in
4 New York, and he hadn't seen his father since he was a small
5 boy. He went there just to visit, and he persuaded us to
6 stay there. And we stayed there for two years.

7 MR. KEITH: If the evidence indicated that Mr. Manson
8 and Miss Van Houten believed in a revolution, and that the
9 revolution was going to be a civil war between blacks and
10 whites, that blacks were going to prevail but ultimately
11 Charlie Manson would prevail over the blacks by reason of his
12 living in a bottomless pit with his family for a number of
13 years until the revolution was over and then emerging, would
14 that fact and that fact alone, if it is a fact, tend to so
15 turn you off against Leslie that you would be inclined to
16 disregard her defense?

17 MRS. BLOOM: No, sir.

18 MR. KEITH: Is there anything you can now think of that
19 you feel might militate against your being fair in this case?

20 MRS. BLOOM: No.

21 MR. KEITH: Anything in your training or experience,
22 background, beliefs, attitudes, thoughts?

23 MRS. BLOOM: No.

24 MR. KEITH: Pass for cause, Your Honor.

25 THE COURT: Thank you.

26 Mr. Kay.

27 MR. KAY: Thank you, Your Honor.

28 Mrs. Bloom, I'm not interested in your street

1 address, but Hollywood is a big place.

2 What general area of Hollywood do you live in?

3 MRS. BLOOM: Well, if you saw the picture where the
4 dam broke ---?

5 MR. KAY: Yes.

6 MRS. BLOOM: Well, I live on the valley side of the dam.

7 MR. KAY: Did you live there in 1969?

8 MRS. BLOOM: Yes. I've lived there since 1954.

9 MR. KAY: 1954?

10 MRS. BLOOM: Yes.

11 MR. KAY: Now, you told Mr. Keith that it is your opinion
12 that psychiatrists played a role in society.

13 Is it necessarily your opinion that that role is
14 played in the courtroom?

15 MRS. BLOOM: Well, if it is something that has to be
16 presented as evidence, yes, I would say so.

17 MR. KAY: Well, do you think --

18 Let me put it this way: Do you think that
19 psychiatrists might be able to help somebody with a current
20 problem?

21 MRS. BLOOM: Yes.

22 MR. KAY: All right.

23 And do you think that because they might be able
24 to help somebody with a current problem that means that they
25 can come into a courtroom and predict with specificity exactly
26 what somebody was thinking eight years ago?

27 MRS. BLOOM: Well, no, I don't really think so.

28 I think maybe if they had some sort of concrete

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1 evidence that they were basing it on, that maybe they could
2 show --

3 MR. KAY: You would take into consideration the basis
4 of their opinion, I take it.

5 If you thought that their basis for their opinion
6 was full of hot air, you would reject their opinion, wouldn't
7 you?

8 MRS. BLOOM: Yes, sir.

9 MR. KAY: Now, because psychiatrists are going to testify
10 in this court, and you think that they play some role in
11 society, and they are going to testify as to Miss Van Houten's
12 state of mind at the time of the LaBianca murders, are you
13 therefore going to accept whatever they say as the gospel
14 truth?

15 MRS. BLOOM: No, sir.
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1 MR. KAY: Do you think psychiatrists are incapable of
2 error?

3 MRS. BLOOM: No.

4 MR. KAY: Do you think that because a psychiatrist was
5 also a medical doctor, that for that reason you would tend to
6 accept his testimony as being truthful?

7 MRS. BLOOM: No.

8 MR. KAY: Have you ever met a psychiatrist?

9 MRS. BLOOM: No.

10 MR. KAY: Can you conceive of someone committing a
11 vicious murder without being mentally ill at the time they
12 committed that error?

13 MRS. BLOOM: Yes.

14 MR. KAY: And do you think that because somebody
15 committed a vicious murder that that must mean that they did
16 not know what they were doing at the time they committed the
17 murder?

18 MRS. BLOOM: No.

19 MR. KAY: Now, you deal with different areas of science.
20 Do you think that psychiatry is an exact science
21 like physics where you can come up with definite provable
22 answers?

23 MRS. BLOOM: No, sir.

24 MR. KAY: You understand that you can't prove or disprove
25 anything a psychiatrist says?

26 MRS. BLOOM: That's right.

27 MR. KAY: But if you feel that a psychiatrist comes in
28 here and testifies to something that you feel is unreasonable,

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1 would you reject that?

2 MRS. BLOOM: Yes.

3 MR. KAY: And if you are selected as a juror in this
4 case, are you willing to accept 100 percent of the responsi-
5 bility yourself along with the other jurors of determining
6 Miss Van Houten's state of mind at the time of the LaBianca
7 murders?

8 MRS. BLOOM: Yes.

9 MR. KAY: Would you have any hesitation coming back
10 into this courtroom and finding Miss Van Houten guilty of
11 first degree murder, if that's what you believed, even though
12 that verdict might be unpopular with Mr. Keith and Miss Van
13 Houten?

14 MRS. BLOOM: No.

15 MR. KAY: And the fact that you have a daughter, is that
16 going to make you associate with Miss Van Houten and Miss Van
17 Houten's mother and feel sorry for Miss Van Houten's mother
18 because she also had a daughter?

19 MRS. BLOOM: No.

20 MR. KAY: Do you see any similarities at all between
21 your daughter and Miss Van Houten?

22 MRS. BLOOM: No.

23 MR. KAY: Do you feel any sympathy for Miss Van Houten
24 because she's been in custody for seven years?

25 MRS. BLOOM: No.

26 MR. KAY: Do you think that seven years is long enough
27 for anybody to be in custody for any murder?

28 MRS. BLOOM: No.

1 MR. KAY: Have you ever testified in court before?

2 MRS. BLOOM: No, sir.

3 MR. KAY: Have you ever been on jury duty at all before?

4 MRS. BLOOM: No.

5 MR. KAY: If you are selected as a juror in this case,
6 do you think you can keep clear in your mind that what we are
7 here talking about in this trial, as Judge Hinz read the
8 indictment, is the fact that Miss Van Houten is charged with
9 two counts of murder and one count of conspiracy to commit
10 murder in 1969 and not 1977?

11 MRS. BLOOM: Yes, sir.

12 MR. KAY: You understand that while her state of mind
13 at the time of the LaBianca murders might be a critical issue
14 for you to decide in this case, her current state of mind is
15 not an issue that you will have to decide?

16 MRS. BLOOM: Yes.

17 MR. KAY: And do you think that we are going to have to
18 prove to you that Miss Van Houten is a terrible person as she
19 sits over there today before you would convict her of the
20 LaBianca murders in 1969?

21 MRS. BLOOM: No.

22 MR. KAY: Did you understand the example I gave of direct
23 and circumstantial evidence?

24 MRS. BLOOM: Yes.

25 MR. KAY: And do you have any quarrel with that at all?

26 MRS. BLOOM: No, sir.

27 MR. KAY: Would you refuse to convict a defendant based
28 on circumstantial evidence alone?

21-1

MRS. BLOOM: No.

1 MR. KAY: Because the defense might call more
2 psychiatrists than the prosecution, are you therefore going
3 to feel that their position must be right because they called
4 more witnesses than the prosecution did?

5 MRS. BLOOM: No.

6 MR. KAY: Do you understand that under the law of
7 conspiracy and aiding and abetting a person could be guilty
8 of first degree murder even though they didn't strike the
9 fatal blow?

10 MRS. BLOOM: Yes.

11 MR. KAY: Is there anything I failed to ask you that
12 you think I should know about you in deciding whether or not
13 to accept you as a juror in this case?

14 MRS. BLOOM: No.

15 I do know two attorneys.

16 MR. KAY: Oh, I didn't ask that question.

17 Who are the attorneys you know?

18 MRS. BLOOM: One of them is a son of a friend of mine,
19 and he is just -- I guess a general kind of attorney.

20 MR. KAY: What's his name?

21 MRS. BLOOM: Oh, his name is Michael Eisen.

22 and the other one is Richard Oshman. And I believe
23 he is more or less accident cases.

24 MR. KAY: You don't think either one of these practice
25 criminal law? I haven't heard their names, so I don't know.

26 MRS. BLOOM: No, I don't think so.

27 MR. KAY: All right, thank you very much.

28 I will pass for cause.

1 THE COURT: Thank you.

2 The peremptory is with the defendant, No. 12.

3 MR. KEITH: The defendant will accept the jury as
4 now constituted.

5 THE COURT: Thank you.

6 MR. KAY: May I have just a moment, Your Honor?

7 THE COURT: Yes.

8 (Brief pause.)

9 MR. KAY: The People will thank and excuse juror No. 12,
10 Mrs. Vicent.

11 Thank you, ma'am.

12 THE COURT: Mrs. Vicent, you are excused. Thank you
13 for your attendance upon the Court.

14 THE CLERK: Mrs. Isa M. Stern, S-t-e-r-n.

15 THE COURT: Would you move over one more seat, please.

16 Is it Miss or Mrs.?

17 MRS. STERN: Mrs.

18 THE COURT: Mrs. Stern. All right, ma'am.

19 Did you hear the questions that I asked the
20 panel previously?

21 MRS. STERN: Yes, I did.

22 THE COURT: And if I were to ask you those same
23 questions would your answers differ in any way?

24 MRS. STERN: No, they would not.

25 THE COURT: As you sit there now can you think of
26 any reason why you couldn't be fair and impartial as to both
27 sides in this case?

28 MRS. STERN: No, sir.

21-3

1 THE COURT: Would you please give us your personal
2 data.

3 MRS. STERN: My name is Iva M. Stern.

4 I was born October 3rd, 1947.

5 I live in Whittier.

6 I am married.

7 I have one child, a male. He is two and a half.

8 I am a senior medical stenographer.

9 And my husband is an illustrator for Hughes
10 Aircraft.

11 THE COURT: By whom are you employed?

12 MRS. STERN: Los Angeles County, Health Services.

13 THE COURT: Health Services Department?

14 MRS. STERN: Yes.

15 THE COURT: Where is your principal place of business?

16 MRS. STERN: Rancho Los Amigos Hospital.

17 THE COURT: Have you previously served as a juror?

18 MRS. STERN: No, I have not.

19 THE COURT: And have you or anyone close to you had
20 any law enforcement training or experience or association?

21 MRS. STERN: No, sir.

22 THE COURT: Have you or anyone close to you been
23 charged or been arrested for a serious offense?

24 MRS. STERN: No.

25 THE COURT: Have you or anyone close to you ever been
26 a witness to or a victim of a serious offense?

27 MRS. STERN: No.

28 THE COURT: All right; thank you.

21-4
1 At this time we are going to take the afternoon
2 recess.

3 Bear in mind, ladies and gentlemen, during this
4 recess you are not to discuss this case amongst yourselves
5 or with anyone else and you are not to form any opinion
6 concerning this matter or express any opinion concerning
7 this matter until the case is finally given to you.

8 Furthermore, you must not allow yourselves to
9 read, see or hear any publicity about this matter.

10 All right. The Court will be in recess until a
11 quarter past 3:00.

12 All jurors, the defendant and counsel are ordered
13 to return at 3:15.

14 The Court is in recess. Thank you.

15 (Recess.)
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1 THE COURT: People versus Van Houten.

2 Let the record show the defendant is present,
3 represented by counsel, the People are represented by counsel,
4 the prospective jurors are in their places.

5 MR. Keith, you may inquire of juror No. 12.

6 MR. KEITH: Mrs. Stern, could you tell us some more
7 about your occupation, please.

8 I have you as a senior medical stenographer
9 for Los Angeles County Health Services; and you are connected
10 with a particular hospital, the name of which escaped me.

11 MRS. STERN: Rancho Los Amigos Hospital.

12 MR. KEITH: Could you answer the question?

13 MRS. STERN: Yes; I'm a secretary to the chief of the
14 service, and I take care of all of his travel arrangements
15 and all of his personal things.

16 There are six other secretaries besides myself.

17 MR. KEITH: You take care of the doctor who is in
18 charge of the hospital?

19 MRS. STERN: Yes -- no, not of the hospital, of the
20 service.

21 MR. KEITH: And how long have you had that occupation?

22 MRS. STERN: I have been a medical stenographer for
23 the last four years.

24 MR. KEITH: Before that what did you do, Mrs. Stern?

25 MRS. STERN: I was a secretary at County-U.S.C. Medical
26 Center.

27 I worked for the County for a period of seven --
28 almost eight years now.

21a-2

1 MR. KEITH: In the course of your occupation have you
2 encountered many psychiatrists, or any, for that matter?

3 MRS. STERN: No, I have not.

4 MR. KEITH: Rancho Los Amigos Hospital does not have
5 psychiatric patients, I gather.

6 MRS. STERN: No.

7 We do refer some to psychiatrists, if necessary,
8 but we don't have a psychiatric department per se.

9 MR. KEITH: I see.

10 And as a result you, yourself, don't know any
11 psychiatrists?

12 MRS. STERN: No.

13 MR. KEITH: Do you know of any psychiatrists in
14 particular?

15 MRS. STERN: No.

16 MR. KEITH: Do you have any opinion about the value
17 of psychiatry in society?

18 MRS. STERN: Well, I think they are necessary.

19 MR. KEITH: You wouldn't hesitate to send a friend
20 of yours to a psychiatrist if you thought he or she was
21 mentally ill or emotionally disturbed?

22 MRS. STERN: No, sir, I would not.

23 MR. KEITH: Consequently, you would not reject
24 psychiatric testimony in this case arbitrarily?

25 MRS. STERN: No.

26 MR. KEITH: You would consider such testimony and
27 give it such weight as you felt it deserved?

28 MRS. STERN: That's correct.

1 MR. KEITH: And you would consider such testimony
2 carefully, and you would consider it objectively, and you
3 would consider it profoundly.

4 MRS. STERN: Yes, I will do the best that I can.

5 MR. KEITH: You would not simply disregard the opinion
6 of a psychiatrist willy-nilly?

7 MRS. STERN: No, I would not.

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1 MR. KEITH: Do you have any experience, by reason of
2 your occupation or otherwise, with illegally obtained drugs
3 or drug abuse?

4 MRS. STERN: No.

5 MR. KEITH: Have you ever heard of LSD before?

6 MRS. STERN: Yes, I have.

7 MR. KEITH: Have you read articles about that particular
8 drug?

9 MRS. STERN: Yes, I have read several articles.

10 MR. KEITH: Do you have an opinion about its effect
11 as a result of reading those articles?

12 MRS. STERN: Well, I'm aware of some of its effects,
13 but not all of them.

14 MR. KEITH: All right,

15 Do you have an opinion that the drug has
16 therapeutic value? Let me ask you that.

17 MRS. STERN: I wouldn't know.

18 MR. KEITH: Do you have an opinion as to whether or not
19 the drug can be harmful to users?

20 MRS. STERN: I think if abused, yes.

21 MR. KEITH: Is there a Mr. Stern?

22 MRS. STERN: Yes, there is.

23 MR. KEITH: And what is his occupation?

24 MRS. STERN: He's an illustrator, a technical
25 illustrator.

26 MR. KEITH: I think you told His Honor his occupation
27 but I didn't catch it.

28 MRS. STERN: That's all right.

1 MR. KEITH: A technical illustrator for what company?
2 Or is he self-employed?

3 MRS. STERN: No; it's for Hughes Aircraft.
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1 MR. KEITH: How long has he been with Hughes?

2 MRS. STERN: He has been with Hughes for three years.

3 MR. KEITH: What is your educational background,
4 Mrs. Stern?

5 MRS. STERN: Well, I have my teaching credentials from
6 Mexico, which I don't practice teaching here, and I have an
7 equivalent to an AA Degree here.

8 MR. KEITH: From what college?

9 MRS. STERN: I attended East Los Angeles College at
10 one time and then Cerritos Community College.

11 MR. KEITH: You say your teaching credentials from
12 Mexico. I gather you lived in Mexico?

13 MRS. STERN: Yes, sir. I was born and raised in Mexico.

14 MR. KEITH: When did you come to the United States or
15 California?

16 MRS. STERN: Originally in 1953. We lived here for
17 several years, and we went back. My father didn't like it
18 that well.

19 So we went back, but I kept coming back for our
20 summer vacations and things like that.

21 And --

22 MR. KEITH: Did you meet Mr. Stern here or in Mexico?

23 MRS. STERN: Here.

24 MR. KEITH: And what was your father's occupation in
25 Mexico?

26 MRS. STERN: My father is self-employed. He raises
27 cattle and has a poultry farm.

28 MR. KEITH: In what part of Mexico?

22-2
1 MRS. STERN: The State of Nuevo Leon and the City of
2 Monterey.

3 MR. KEITH: Could you spell that?

4 MRS. STERN: N-u-e-v-o L-e-o-n.

5 MR. KEITH: You don't have any previous jury experience?

6 MRS. STERN: No, I don't.

7 MR. KEITH: Would you reject Miss Van Houten's defense
8 in the event the evidence indicated that she had abused LSD
9 and other narcotics?

10 MRS. STERN: No.

11 MR. KEITH: Or would you consider that use of narcotics
12 or hallucinogenic drugs and award it, if you will, such
13 relevancy as you think it deserves?

14 MRS. STERN: I would not -- I would take it into
15 consideration, but I would not feel anything -- I don't feel
16 that I would feel badly about it or -- you know.

17 MR. KEITH: Well, what I'm getting at is would you be so
18 upset --

19 MRS. STERN: Oh, no.

20 MR. KEITH: -- if the evidence indicated that Leslie had
21 abused drugs that you would pay no further attention --

22 MRS. STERN: Oh, no.

23 MR. KEITH: -- to her defense or the relevance of the
24 drugs in connection with that defense?

25 MRS. STERN: No, I wouldn't.

26 MR. KEITH: Would the same apply if the evidence showed
27 that she was involved with Mr. Manson?

28 MRS. STERN: No, sir.

1 MR. KEITH: What you mean is, you would not reject her
2 defense out of hand simply because there was an involvement
3 with Mr. Manson.

4 I shouldn't have used the word "simply." It may
5 be very significant.

6 But you would not be so hostile toward her because
7 of that fact --

8 MRS. STERN: No, sir.

9 MR. KEITH: -- that assumed fact, that you would tend
10 to disregard the relevance of that relationship?

11 MRS. STERN: No.

12 MR. KEITH: Do you have any quarrel with the concept
13 of diminished capacity?

14 MRS. STERN: None.
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1 MR. KEITH: You were able to hear, were you, some of
2 our discussion on that subject with other prospective jurors?

3 MRS. STERN: Yes, I was.

4 MR. KEITH: In the event His Honor instructed you on
5 the law of diminished capacity, would you be able to apply that
6 law to the facts of the case and not simply disregard it because
7 you disagreed with the concept itself?

8 MRS. STERN: Oh, no. I would follow the instructions.

9 MR. KEITH: You have no quarrel with a doctrine that,
10 simply -- oversimply stated, makes A less responsible for a
11 criminal offense than B if A is mentally ill at the time of
12 the offense and cannot perform the capacity or unable to have
13 the capacity to form a requisite mental state required for
14 the crime?

15 MRS. STERN: I don't believe so.

16 MR. KEITH: What you are telling me is that you agree
17 with that doctrine?

18 MRS. STERN: Well --

19 MR. KEITH: As far as -- as much as I've stated it,
20 which is, again, an oversimplification?

21 MRS. STERN: That's correct.

22 MR. KEITH: You have no quarrel with the concept?

23 MRS. STERN: No.

24 MR. KEITH: Would you tend to give Miss Van Houten less
25 consideration in your mind than she would otherwise deserve
26 in the event the evidence indicated that she believed in a
27 revolution, that a revolution was imminent, and that it involved
28 blacks and whites, and ultimately the blacks would kill all

1 the whites; however, Charlie Manson would eventually rule all
2 the blacks because he was at the bottom of the earth --

3 MRS. STERN: No, I wouldn't.

4 MR. KEITH: -- sweating out the revolution?

5 MRS. STERN: No, I wouldn't.

6 MR. KAY: I'm going to object to that. I've never
7 heard of that before.

8 THE COURT: Well --

9 MR. KAY: I do not think there is any evidence --

10 THE COURT: Ladies and gentlemen of the jury, there are
11 numerous questions that have been asked of you whereby in the
12 terms of the question a fact has been assumed in the question.

13 You must bear in mind that any implication that
14 any facts exist by reason that you are asked a question really
15 is not significant insofar as the issues in this case are
16 concerned. The facts will come from the witnesses and
17 exhibits introduced into evidence.

18 Now, as a matter of selecting a jury, attorneys
19 have to speak, for want of a better word, hypothetically about
20 what may be shown or may not be shown; but you shouldn't assume
21 that any of those hypothetical situations are facts.

22 You will hear the testimony from the witness stand.

23 All right, Mr. Keith, you may resume.

24 MR. KEITH: Thank you, Your Honor.

25 If I said -- if I didn't say "assuming this to be
26 the case," I apologize.

27 MRS. STERN: Well --

28 MR. KEITH: But, at any rate, assuming that to be the

22-6

1 case, would you reject Miss Van Houten's defense out of hand?

2 MRS. STERN: No, I wouldn't.

3 MR. KEITH: Would you have any hesitation whatsoever
4 in returning a verdict favorable to Miss Van Houten if you
5 believed in your heart and in your mind and in your conscience
6 that was an appropriate verdict, even though you might feel
7 your verdict could be received unpopularity by the community?

8 MRS. STERN: I would have no hesitation.
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1 MR. KEITH: You would have the courage of your con-
2 victions, then, would you not?

3 MRS. STERN: Yes, I would.

4 MR. KEITH: And do you think you could keep an open
5 mind throughout the case?

6 MRS. STERN: Yes.

7 MR. KEITH: And do you believe you could maintain your
8 individual opinion once deliberations commenced and once you
9 had made up your mind, even though that opinion might be
10 unpopular with the balance of the jurors?

11 MRS. STERN: Oh, yes.

12 MR. KEITH: You wouldn't be persuaded by them to change
13 your opinion simply because you were in the minority, would
14 you?

15 MRS. STERN: No.

16 MR. KEITH: I'm not suggesting that you shouldn't change
17 your verdict or your opinion about the facts of the case if
18 you are persuaded to do so by reason and logic and full, free,
19 and fair discussion with all the jurors, mind you; but simply
20 arbitrarily you wouldn't do so, would you?

21 MRS. STERN: No.

22 MR. KEITH: Can you think of anything in your experience,
23 past background, attitudes, beliefs, philosophies, that might
24 in some way bear on your qualifications to serve as a fair
25 and impartial juror in this case?

26 MRS. STERN: None.

27 MR. KEITH: Pass for cause.

28 THE COURT: Thank you.

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Mr. Kay, you may inquire.

MR. KAY: Thank you, Your Honor.

Mrs. Stern, you understand that just because Mr. Keith might say assuming that that is proven, it does not mean that that is going to be proven.

Do you understand that?

MRS. STERN: Yes.

MR. KAY: You will have to listen to the evidence on the witness stand.

And because Mr. Keith says something funny in voir dire, it doesn't mean that that is what is going to come out on the witness stand.

Do you understand that?

MRS. STERN: I'm aware of that, yes.

MR. KAY: Now, when you got your teaching credential in Mexico, did you get it in any special field?

MRS. STERN: No.

I taught elementary school for about a year and a half. It was the first grade, so it was very, very elementary.

But not in anything else. I didn't specialize.

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1 MR. KAY: When you went through the university what
2 was your major? Or was it just education?

3 MRS. STERN: It was education.

4 MR. KAY: Did you take any psychology courses, or
5 anything like that?

6 MRS. STERN: Yes.

7 MR. KAY: How many?

8 MRS. STERN: Well, in Mexico very little psychology
9 is required.

10 The psychology courses that I have had have been
11 here. I have had two or three psychology courses.

12 MR. KAY: And where here did you have that?

13 MRS. STERN: Here in Los Angeles, at East Los Angeles
14 Junior College.

15 MR. KAY: How long ago was that?

16 MRS. STERN: It was in 1970 and '71.

17 MR. KAY: All right.

18 Were those required courses to get your A.A.
19 degree?

20 MRS. STERN: Yes.

21 MR. KAY: Have you taken any special interest in
22 psychology because of those courses?

23 MRS. STERN: No.

24 I think it's an interesting subject, but I didn't
25 really pursue it. I'm interested in just general education.

26 MR. KAY: Have you taught here at all in California?

27 MRS. STERN: No, I have not.

28 MR. KAY: Now, the job that you have at Rancho Los

1 Amigos, you are a secretary to the chief of service.

2 MRS. STERN: Of service, yes.

3 MR. KAY: What does that mean? I'm afraid I don't
4 understand.

5 MRS. STERN: Okay. To each service there is one chief,
6 and under him there are two or three directors.

7 Under them are the residents, interns and fellows.

8 MR. KAY: When you say "service," what do you mean by
9 that?

10 MRS. STERN: The cardiology service. I work in the
11 cardiology service.

12 Okay?

13 MR. KAY: All right.

14 MRS. STERN: It's -- what can I say? I take care of
15 all of his business.

16 MR. KAY: All right. In the cardiology section?

17 MRS. STERN: Yes.

18 MR. KAY: And how long have you been there?

19 MRS. STERN: In the cardiology service I have been
20 three months.

21 MR. KAY: And where were you before that?

22 MRS. STERN: Medical records.

23 MR. KAY: And before you went to Rancho Los Amigos
24 you said you worked for the County-U.S.C.?

25 MRS. STERN: Yes.

26 MR. KAY: And what did you do there?

27 MRS. STERN: I was a secretary in a speech pathology
28 department.

23-1

1 MR. KAY: Now, because you are --

2 Well, at Rancho Los Amigos the chief of service
3 there is a doctor, I take it?

4 MRS. STERN: Yes, he is.

5 MR. KAY: Now, because psychiatrists are also doctors,
6 are you going to tend to accept their testimony as truthful
7 just because of that?

8 MRS. STERN: No.

9 MR. KAY: Do you think that doctors are incapable of
10 making mistakes?

11 MRS. STERN: No.

12 MR. KAY: Have you ever had any disagreements with
13 doctors?

14 MRS. STERN: Not of their diagnosis, no.

15 MR. KAY: Well, do you think there is a difference
16 between a doctor's medical diagnosis and a psychiatrist's
17 psychiatric diagnosis?

18 Do you see any difference between those two areas?

19 MRS. STERN: Yes, there is a difference.

20 MR. KAY: The fact that Miss Van Bouteren has been in
21 custody for seven years, do you feel that seven years is
22 long enough for anyone to spend in custody for any murder?

23 MRS. STERN: No.

24 MR. KAY: Do you feel any sympathy for her because she
25 is here as a defendant in this case?

26 MRS. STERN: No, not sympathy.

27 MR. KAY: You say "not sympathy"; it sounds like you
28 feel something else.

23-4

1 MRS. STERN: I feel a little bit responsible being up
2 here, you know, to be honest and truthful, and listen to
3 everything.

4 But not sympathy per se.

5 MR. KAY: Well, you mean you feel that -- kind of in
6 awe at your responsibility as a juror in this case.

7 Is that --

8 MRS. STERN: Well, yes.

9 MR. KAY: Well, would you feel any different to any
10 other defendant?

11 MRS. STERN: No.

12 MR. KAY: So you just -- what you are saying is, you
13 take your duty as a juror seriously.

14 MRS. STERN: Very.

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1 MR. KAY: Have you ever testified in court before?

2 MRS. STERN: No.

3 MR. KAY: Have you ever watched a case in court other
4 than when you were on jury duty?

5 MRS. STERN: No.

6 MR. KAY: Did you understand my example of direct
7 versus circumstantial evidence?

8 MRS. STERN: Yes, sir.

9 MR. KAY: And understanding it -- I could tell by your
10 smile you don't want me to say it again.

11 Understanding it, would you refuse to convict
12 a defendant based on circumstantial evidence alone?

13 MRS. STERN: No.

14 MR. KAY: Would you require an eyewitness to a murder
15 before you would convict any defendant of any murder?

16 MRS. STERN: No.

17 MR. KAY: Do you know any attorneys?

18 MRS. STERN: No, not here.

19 MR. KAY: In Mexico but not here?

20 MRS. STERN: Yes.

21 MR. KAY: Are any of the attorneys you know in Mexico --
22 Do they practice criminal law, so to speak?

23 MRS. STERN: No.

24 MR. KAY: Do you know any private investigators?

25 MRS. STERN: No.

26 MR. KAY: Have you ever studied law?

27 MRS. STERN: No.

28 MR. KAY: Now, Mr. Keith asked you some questions about

23a-2

1 changing your mind in the jury room.

2 IF you were in that situation that I pointed
3 out to the other jurors, it was eleven to one and you were
4 the one juror, the other eleven were going for a first
5 degree murder conviction and you were going for second
6 degree, and you changed your mind because somebody pointed
7 out something to you, that maybe you misinterpreted an
8 instruction or missed a crucial piece of evidence or
9 misinterpreted a crucial piece of evidence, and you believed
10 that Miss Van Houten was guilty of first degree murder.

11 Would you have any problem at all in changing
12 your mind, even though you knew that your verdict would make
13 that verdict unanimous?

14 MRS. STERN: Well, only if the person or persons who
15 pointed out that whatever I had missed was correct, and in
16 fact I felt it was.

17 MR. KAY: That's what I am saying.

18 I'm saying if you conscientiously believed
19 she was guilty of first degree murder, would you have the
20 courage to find her guilty of first degree murder even though
21 you knew that it was your verdict that meant that she was
22 convicted of first degree murder?

23 MRS. STERN: Yes, I would.

24 MR. KAY: Because you understand it takes all 12 jurors
25 to agree before anybody can be convicted of anything or
26 acquitted of anything.

27 MRS. STERN: Yes.

28 MR. KAY: Do you understand that?

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MRS. STERN: Yes, I do.

MR. KAY: And oftentimes there is one juror that might have to change their mind and make that verdict unanimous.

And I want to find out if you have the courage to be that juror, if you changed your mind.

MRS. STERN: Yes, sir.

MR. KAY: Now, on the other hand, if you make up your mind when you go into the jury room as to one point of view, will you just close your mind to whatever the other jurors have to say?

Or will you talk with them reasonably and let them talk to you reasonably about all the evidence?

MRS. STERN: I think I would talk reasonably with them.

1 MR. KAY: Do you think that anyone who commits a
2 vicious murder must not have known what they were doing at
3 the time they committed the murder?

4 MRS. STERN: No.

5 MR. KAY: Since you have been at Rancho Los Amigos
6 Hospital have you had to deal with people that have been
7 victims of violent crimes, while they are in their
8 rehabilitation process?

9 MRS. STERN: No.

10 MR. KAY: You just deal with whatever is in the
11 cardiology ward, I take it.

12 MRS. STERN: Yes.

13 MR. KAY: Have you ever met a psychiatrist?

14 MRS. STERN: I met psychologists, but not psychiatrists.

15 MR. KAY: All right.

16 Are you close friends with any psychologists?

17 MRS. STERN: No.

18 MR. KAY: Do you think psychologists are special people
19 that never make mistakes?

20 MRS. STERN: Oh, no.

21 MR. KAY: The way you said it I take it you know
22 differently.

23 MRS. STERN: Sometimes.

24 MR. KAY: Do you think that just because a defendant
25 calls psychiatrists to testify on his or her behalf that
26 must mean they were mentally ill at the time they committed
27 a crime or they wouldn't call psychiatrists as witnesses?

28 MRS. STERN: No, they wouldn't have to be mentally

1 ill.

2 MR. KAY: And since psychiatrists are going to testify
3 in this case, are you just going to sit back and say, "Well,
4 they are psychiatrists and they deal with persons' minds,
5 so whatever their opinion is as to Miss Van Houten's state
6 of mind at the time of the Labianca murders, I'm just going
7 to accept that as a given fact, and I will just mark my
8 ballot accordingly?"

9 MRS. STERN: No, sir.

10 MR. KAY: Are you willing to accept 100 percent of
11 the responsibility to determine in this case what
12 Miss Van Houten's state of mind was at the time of the
13 Labianca murders?

14 MRS. STERN: Would you say that again?

15 MR. KAY: Are you willing to accept 100 percent of
16 the responsibility, if you are selected as a juror in this
17 case, to determine what Miss Van Houten's state of mind was
18 at the time of the Labianca murders?

19 MRS. STERN: Yes.

20 MR. KAY: Do you understand the psychiatrists have no
21 responsibility; they can come in here and say whatever they
22 want, but they are not the ones that have to make a finding
23 about Miss Van Houten's guilt in this case.

24 Do you understand?

25 MRS. STERN: Yes, I do.

26 MR. KAY: They can come in and go out, but the jury is
27 the one with the responsibility that has to decide the case.

28 Do you think psychiatry is an exact science,

1 like chemistry or mathematics and physics, where you can
2 come up with definite, provable answers?

3 MRS. STERN: No.

4 MR. KAY: Do you feel the testimony of a psychiatrist
5 is the gospel truth?

6 MRS. STERN: No.
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1 MR. KAY: Do you understand that a defendant might
2 have some type of mental illness but that mental illness
3 might not be substantial enough to reduce that defendant's
4 criminal responsibility?

5 Do you understand that?

6 MRS. STERN: Yes.

7 MR. KAY: It would be up to the jury to decide,
8 number one, is there any mental illness; and number two,
9 if there is any mental illness, is it substantial enough
10 to reduce the defendant's criminal responsibility.

11 Are you willing to accept the responsibility
12 to do that?

13 MRS. STERN: Yes.

14 MR. KAY: And if Mr. Keith gets up in his closing
15 argument and argues for a conviction of second degree murder
16 and I get up and argue for a conviction of first degree
17 murder and you feel based on all the evidence in the case
18 that Miss Van Houten is guilty of first degree murder, would
19 you for any reason under the sun consider convicting her
20 of second degree murder?

21 MRS. STERN: No.

22 MR. KAY: And do you think that you can keep absolutely
23 clear in your mind throughout this whole trial that
24 Miss Van Houten is charged with three crimes in 1969, and
25 not 1977?

26 MRS. STERN: Yes, I can make the differentiation.
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1 MR. KAY: Can you think of anything that I failed to
2 ask you that I should -- you think I should know about you
3 and your background before making a decision whether or not
4 to accept you as a juror in this case?

5 MRS. STERN: No, sir.

6 MR. KAY: Thank you very much. I'll pass for cause.

7 THE COURT: All right, thank you.

8 Peremptory is with the defendant, number 12.

9 MR. KEITH: Yes. The defense will thank and excuse
10 Juror No. 1, Mr. Bacon.

11 THE COURT: Mr. Bacon, thank you for your attendance
12 upon the court. You are excused.

13 MR. BACON: Thank you.

14 THE CLERK: Erwin N. Gray, G-r-a-y.

15 THE COURT: Mr. Gray, did you hear the questions that I
16 asked the panel previously?

17 MR. GRAY: I did.

18 THE COURT: And if I were to ask you those same questions,
19 would your answers be substantially the same?

20 MR. GRAY: Yes, sir.

21 THE COURT: As you sit there now, can you think of any
22 reason why you couldn't be fair and impartial as to both
23 sides in this case?

24 MR. GRAY: No, sir.

25 THE COURT: All right.

26 Would you please give us your personal data.

27 MR. GRAY: My name is Erwin Nathaniel Gray.

28 I was born 12-4-1917.

24-2
1 I live in the Dominguez-Long Beach area.

2 I'm married. We have three children, ages are
3 30, 32, and 36, I believe.

4 I work for Southern California Edison Company as
5 utility lineman.

6 And my wife is a housewife.

7 THE COURT: All right, thank you.

8 Have you previously served as a juror?

9 MR. GRAY: Yes, sir.

10 THE COURT: And how many criminal cases, if any?

11 MR. GRAY: Two, I believe.

12 THE COURT: And do you recall what the nature of the
13 charges was?

14 MR. GRAY: One was robbery, armed robbery, and one was
15 child molestation.

16 THE COURT: All right.

17 Now, without telling me the result, was the jury
18 able to arrive at a verdict in each of those cases?

19 MR. GRAY: We did.

20 THE COURT: Have you ever served as a juror in a civil
21 case?

22 MR. GRAY: We started on one case, and it was solved out
23 of court.

24 THE COURT: That was before the jury retired to
25 deliberate?

26 MR. GRAY: Yes, sir.

27 THE COURT: All right.

28 Have you ever been a juror in any other cases?

1 MR. GRAY: Not that I recall.

2 THE COURT: All right.

3 When did you serve on these two criminal cases?
4 How long ago was that?

5 MR. GRAY: It must have been about nine years ago, sir.

6 THE COURT: All right.

7 Now, would you be able to put completely to one
8 side the evidence and the instructions you received in those
9 prior cases and decide this case solely on the evidence to be
10 presented in this courtroom and the instructions the court
11 would give you?

12 MR. GRAY: Yes, sir.

13 THE COURT: All right.

14 Do you have any close relationship with law enforce-
15 ment or anyone in law enforcement?

16 MR. GRAY: I know a couple of people, but two of them I
17 do not even know what their names are. But I know they work
18 for the highway patrol. But I have no close association with
19 them, no.

20 And my oldest son at one time was an auxiliary
21 officer for the El Paso Police Department.

22 THE COURT: How long ago was that?

23 MR. GRAY: Must have been about four years ago now.

24 THE COURT: All right.

25 Now, would those facts or circumstances in any way
26 affect your ability to be fair and impartial to both sides in
27 this case?

28 MR. GRAY: No, sir.

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THE COURT: All right.

Would you put those factors completely to one side and decide this case solely on the evidence to be presented in this courtroom and the instructions the court would give you?

MR. GRAY: Yes, sir.

24-5
1 THE COURT: All right.

2 Have you or anyone close to you ever been arrested
3 or charged with a serious offense?

4 MR. GRAY: Yes, sir.

5 THE COURT: And what was that?

6 MR. GRAY: My youngest son. He was charged with an
7 offense which was expunged from the records and the records
8 were sealed.

9 THE COURT: All right.

10 And how long ago was that?

11 MR. GRAY: Ten years ago, sir.

12 THE COURT: And how old was he at the time?

13 MR. GRAY: Nineteen, I believe, or 20, I guess, at the
14 time.

15 THE COURT: All right.

16 Now, would that fact or circumstance in any way
17 affect your ability to be fair and impartial in this case?

18 MR. GRAY: No, sir.

19 THE COURT: All right.

20 Could you put that factor completely to one side
21 and decide this case solely on the evidence to be presented
22 in this courtroom and the instructions the court would give
23 you?

24 MR. GRAY: Yes, sir.

25 THE COURT: All right.

26 Have you or anyone close to you ever been a witness
27 to or a victim of a serious offense?

28 MR. GRAY: Yes, sir.

1 THE COURT: And what was that?

2 MR. GRAY: My daughter's house was broken into twice
3 last summer.

4 THE COURT: Does she live in the Los Angeles County
5 area?

6 MR. GRAY: Bellflower.

7 THE COURT: All right. And were you present on either
8 of the occasions when the home was burglarized?

9 MR. GRAY: No, sir.

10 THE COURT: All right.

11 Would that fact or circumstance in any way affect
12 your ability to be fair and impartial to both sides in this
13 case?

14 MR. GRAY: In no way.

15 THE COURT: All right.

16 Now, as you sit there now, can you think of any
17 reason why you couldn't be fair and impartial to both sides?

18 MR. GRAY: No, sir.

19 THE COURT: All right, thank you.

20 At this time we are going to recess. It is five
21 minutes of 4:00. We will recess until tomorrow morning at
22 9:45.

23 All jurors are ordered to report to the fifth
24 floor jury room at 9:45 tomorrow morning.

25 Now, bear in mind, ladies and gentlemen, during
26 this period of recess, as at all recesses, you are not to
27 discuss this case amongst yourselves or with anyone else; you
28 are not to form any opinion concerning this matter or express

1 any opinion concerning this matter until the case is finally
2 given to you.

3 Furthermore, you must not read, see, or hear any
4 publicity or news media accounts of this matter.

5 All jurors are ordered to return tomorrow morning
6 at 9:45, fifth floor jury room. Defendant and counsel to be
7 present at 10:00.

8 Court is in recess.

9 (At 3:55 p.m. an adjournment was taken until
10 Thursday, April 14, 1977, at 10 a.m.)

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