

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 FOR THE COUNTY OF LOS ANGELES

3 DEPARTMENT NO. 47

HON. ADOLPH ALEXANDER, JUDGE

4
5 THE PEOPLE OF THE STATE OF CALIFORNIA,)

6 Plaintiff,)

7 -vs-

8 CHARLES WATSON,

9 Defendant.)

5001
No. A-253,156

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12 REPORTERS' DAILY TRANSCRIPT

13 Monday, August 2, 1971

14 VOLUME 1

15 Pages 1 - 176

16
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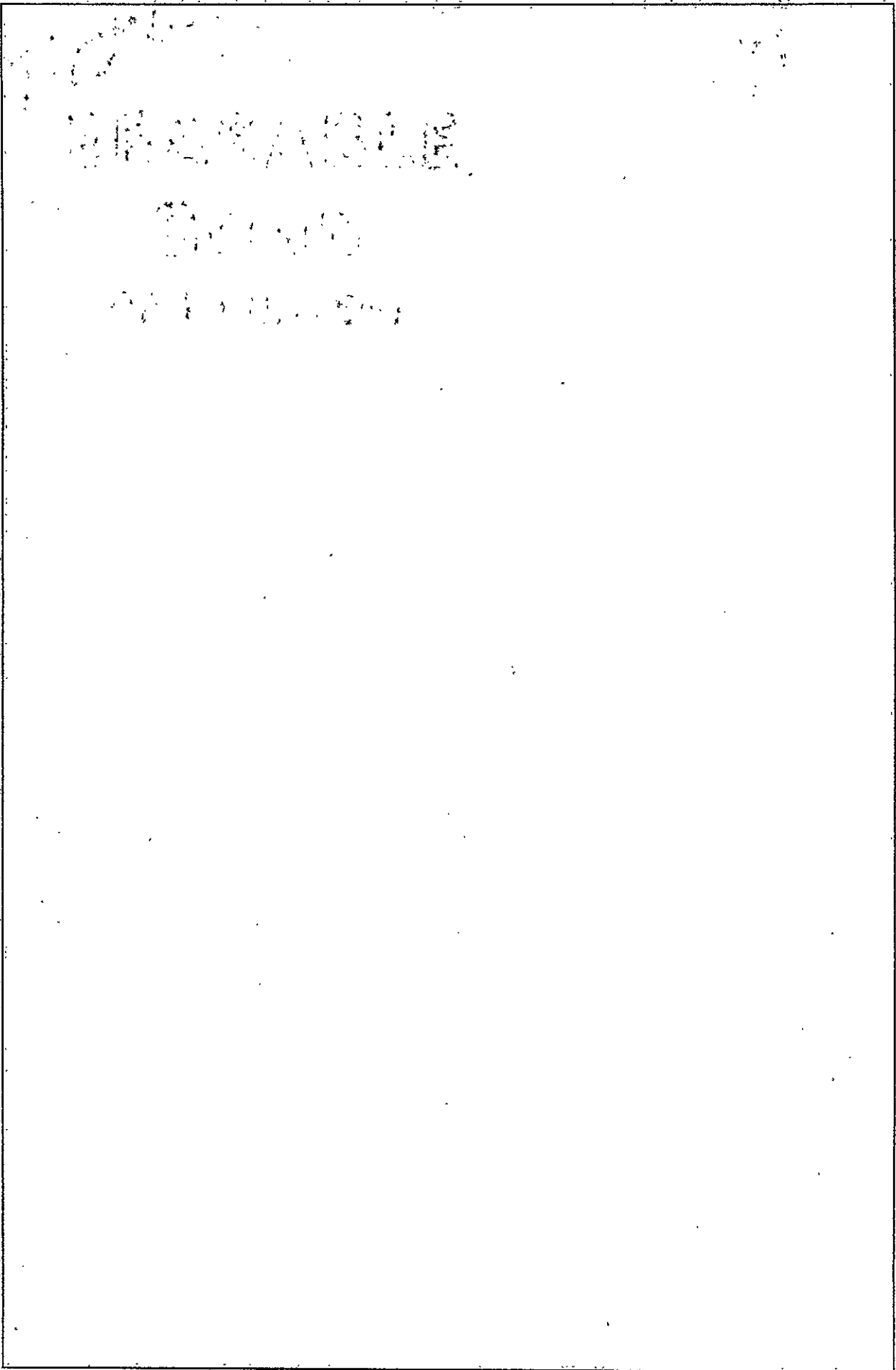
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1 LOS ANGELES, CALIFORNIA, MONDAY, AUGUST 2, 1971, 9:45 A.M.

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3 (The following proceedings were had in chambers:)

4 THE COURT: Gentlemen, I think you know I have a son
5 who is an attorney?

6 MR. BUGLIOSI: Yes, that's right.

7 MR. KAY: Sure.

8 THE COURT: I am putting this on the record so that you
9 can make any comment you care about this.

10 I spoke to him on the phone last night and, as
11 you know, he has two partners; one, Howard Wiseman, and
12 Patterson; and he told me last night that his two partners
13 represented a girl by the name of Mary Brunner, B-r-u-n-n-e-r --

14 MR. KAY: They still do.

15 THE COURT: Arthur has nothing to do with her, but his
16 two partners did represent her.

17 Now, do you think that in any way would disqualify
18 me? I don't know what she testified to or from whom she testi-
19 fied or anything else.

20 MR. KAY: She will not be a witness for the prosecution.

21 MR. BUBRICK: She will not be a witness for the defense.

22 THE COURT: Now, Mr. Watson, you heard my statement?

23 THE DEFENDANT: Yes.

24 THE COURT: As I say, I don't know what she testified
25 to or who she was for or against. I just want you to know
26 that my son's partners did represent her at one time -- and
27 you say they still do?

28 MR. BUGLIOSI: Yes, your Honor, but the prosecution has

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no objection to your continuing on.

What about the defense attorneys?

MR. KEITH: Of course not.

MR. BUBRICK: No.

THE COURT: What about you, Mr. Watson?

THE DEFENDANT: No.

THE COURT: I felt you should know that because he called me last night to tell me that, so if he thought it was that important, I felt I should let you people know.

MR. BUGLIOSI: Could I ask you about two questions that I was thinking of asking the jury -- and I wouldn't want to even bother asking them if they are improper -- would the Court have any objection to my asking the jurors if their spouses or someone in their family is opposed to the death penalty, on this rationale, that if, for instance, hypothetically, a prospective juror's wife is very much opposed to the death penalty they might --

2 f.

1 THE COURT: You might ask them if they or any of their
2 family, close friends of their family, belong to any organiza-
3 tion.

4 MR. BUGLIOSI: Yes. We were going to ask that.

5 THE COURT: Or if anyone close to them or close to
6 members of their families is opposed to the death penalty,
7 which may in any way influence them.

8 MR. BUGLIOSI: Influence them. Now, the other thing is:
9 Steve and I were thinking of asking whether the jurors had
10 undergone psychiatric treatment. This is a very personal
11 question.

12 THE COURT: It is rather personal.

13 MR. BUGLIOSI: We thought that it might be advisable
14 to ask this question -- not to go into the depth or length of
15 treatment or anything like that, but we would prefer, of course,
16 jurors who had not undergone psychiatric treatment.

17 THE COURT: Well, you will have to be awfully technical
18 in asking that question.

19 MR. BUGLIOSI: But if the court has a strong position
20 on that, we don't even want to bother asking.

21 THE COURT: You might ask it this way, which I think
22 will bring out the answer: Has any member of your family or
23 close friend undergone psychiatric treatment. I think that
24 would bring out the answer or the idea, because you may be
25 hitting between the eyes. It is a very delicate question.

26 MR. BUGLIOSI: It is sensitive.

27 THE COURT: You may be antagonizing them.

28 MR. BUGLIOSI: That is right, your Honor.

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1 THE COURT: So you might put it in those two areas, if
2 anyone close to you or a member of your family.

3 MR. BUGLIOSI: Thank you.

4 THE COURT: Anything else?

5 MR. BUBRICK: May I inquire your plan on approaching
6 the voir dire of the jurors on publicity.

7 THE COURT: I will permit general questions.

8 MR. BUGLIOSI: In open court or --

9 THE COURT: In open court, right here.

10 As I said last week the juror who wants to serve
11 will give you the proper answer and the juror who doesn't want
12 to serve will give you the proper answer.

13 MR. KAY: I think Mr. Bubrick and I are both concerned
14 about -- and Mr. Bugliosi and Mr. Keith -- we are all
15 concerned about the publicity because if you ask a juror what
16 opinion he has formulated about the publicity, one of the
17 jurors might blurt out a whole bunch of stuff and then every-
18 body in the courtroom will know.

19 THE COURT: Well, we are not going to let them blurt out
20 a lot of stuff. They are going to answer the questions, you
21 see.

22 MR. BUBRICK: It gets awfully contagious when someone
23 says something from the witness stand. It may be something
24 that has been marginal with another prospective juror and if
25 they hear it more than once, it may become a very firm part
26 of their thinking and I think, as I say, it sort of contaminates
27 the entire panel by virtue of what you hear.

28 THE COURT: How do you mean that? You mean they will

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1 say yes they have read all about it; they will be honest to
2 say they read about the Manson case, but I think the juror
3 who does not want to serve will tell you, "I formed an opinion
4 and I am strongly convinced of the guilt or innocence of the
5 defendant."

6 MR. BUBRICK: I think if somebody says that from the
7 witness stand often enough, I think it sort of catches on with
8 the rest of the prospective jurors.

9 THE COURT: You mean they will give the same answer?

10 MR. BUBRICK: Yes.

11 THE COURT: If they do we will bounce them off the jury.

12 MR. BUBRICK: I just happened to read through some of
13 the voir dire of the jurors in that Grogan-Davis-Manson case,
14 which was apparently conducted in chambers and it becomes
15 apparent that some of these people have very, very definite
16 ideas, which once they get off their chest, you know, kind
17 of leaves an impression on the minds of all the other people
18 who are sitting around listening.

19 THE COURT: I will not permit them to make any speeches
20 from the jury box. They are going to answer the questions yes
21 or no and they are not going to make any speeches.

22 MR. BUGLIOSI: Each side has 20 peremptories?

23 THE COURT: Yes, 20, and each the number of alternates
24 we have, each has so many for each alternate.

25 I heard over the radio this morning that you
26 estimate this case is going to take 10 weeks to try.

27 MR. BUGLIOSI: 10 weeks? I thought I said about two
28 months.

1 THE COURT: Well, they quote you this morning, after
2 giving the names of the prospective witnesses, some of them,
3 they quote you as saying it is going to take about 10 weeks to
4 try.

5 MR. BUGLIOSI: Yes.

6 THE COURT: Shall I tell the jury we estimate it will
7 take about two months?

8 MR. BUGLIOSI: I think that would be a fair estimate.

9 MR. BUBRICK: I think so.

10 MR. BUGLIOSI: Between 8 and 12 weeks -- two months
11 will be good. I mean between 6 and 10 weeks is what I meant.

12 THE COURT: With the stipulations that the defense
13 intends to offer, you should be able to cut it down
14 considerably. I will tell them we plan to have them serve
15 about two months.

16 MR. BUGLIOSI: You will tell them there is no
17 sequestration?

18 THE COURT: I will let them know that is true unless
19 something unforeseen happens.

20 MR. BUGLIOSI: I guess that is it.

21 THE COURT: All right, gentlemen. We will get going.
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(The following proceedings were had in open court:)

THE COURT: People against Charles Watson,

MR. BUBRICK: Defendant is present and ready, your Honor.

MR. BUGLIOSI: People are ready, your Honor.

THE COURT: Swear the prospective jurors, please.

(The prospective jury panel is sworn.)

THE COURT: Call the jury.

THE CLERK: Nettie M. Morrison, M-o-r-r-i-s-o-n,

Marian D. Taylor, T-a-y-l-o-r,

John Darco, D-a-r-c-o.

Elvira Vinson, V-i-n-s-o-n,

Claire M. Close, C-l-o-s-e,

Meyer Schachter, S-c-h-a-c-h-t-e-r.

Mrs. Josephine Wallace, W-a-l-l-a-c-e,

Mrs. Mary E. Trainor, T-r-a-i-n-o-r.

Carlos, Rodriguez, R-o-d-r-i-g-u-e-z,

Ann S. Freedman, F-r-e-e-d-m-a-n,

Shirley J. Sullivan, S-u-l-l-i-v-a-n,

Edmond D. Cooper, C-o-o-p-e-r.

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1 THE COURT: Ladies and gentlemen of the jury, I will make
2 some comments to you and I will ask you some questions and
3 counsel will too.

4 Would the prospective jurors seated outside the
5 box also please pay attention to these comments and questions
6 because you might save a great deal of time if you listen
7 to the questions now when you are asked probably the same
8 questions.

9 The defendant in this case is Charles D. Watson
10 who sits at the end of the counsel table. Will you stand up
11 a moment, please, Mr. Watson, and face the jurors.

12 (The defendant complied with the request of the court.)

13 THE COURT: Thank you. You may be seated. He is being
14 defended by Mr. Bubrick who sits closest to him, and by Mr.
15 Keith who sits alongside of him.

16 This case is being prosecuted by Deputy District
17 Attorney Bugliosi who sits closest to you and by Deputy Kay
18 who sits next to him.

19 Now, in this case originally the defendants were
20 Charles Manson, the defendant Watson, Patricia Krenwinkel,
21 Susan Atkins and Linda Kasabian. However, in this trial we
22 are concerned only with the defendant Watson.

23 The defendant has been charged with seven counts of
24 murder. Briefly on August 9, 1969 it is alleged he murdered
25 Abigail Anne Folger, Wojciech Frykowski, Steven Earl Parent,
26 Sharon M. Polanski, also known, I believe, as Sharon Tate,
27 Thomas J. Sebring; and on August 10th it is alleged he
28 murdered Leno A. La Bianca and Rosemary La Bianca,...

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1 In Count 8 he and the others are charged with the
2 crime of conspiracy to commit murder.

3 Ladies and gentlemen of the jury, those are
4 briefly the allegations of the indictment. I tell you that
5 only to acquaint you with the facts or the alleged facts of the
6 case.

7 You see because a man has been indicted for an
8 offense or offenses is no indication that he is more likely
9 to be guilty than innocent. Remember, please, that in every
10 criminal case every defendant is presumed to ^{be} innocent and the
11 burden rests with the prosecution to prove him guilty beyond
12 a reasonable doubt.

13 In that connection no defendant need prove his
14 innocence. To the contrary the burden rests with the
15 prosecution to prove his guilt beyond a reasonable doubt.

16 I think I might define reasonable doubt to you in
17 the language of the statute so that we might all understand
18 what we are talking about when we speak of reasonable doubt.

19 "A defendant in a criminal action is presumed to
20 be innocent until the contrary is proved and in case of a
21 reasonable doubt whether his guilt is satisfactorily shown,
22 he is entitled to acquittal. This presumption places upon
23 the state the burden of proving him guilty beyond a reasonable
24 doubt.

25 "Reasonable doubt is defined as follows: It is not
26 a mere possible doubt, because everything relating to human
27 affairs and depending on oral evidence is open to some possible
28 or imaginary doubt. It ^{is} that state of the case where after the

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entire comparison and consideration of all the evidence leaves the minds of the jurors in that condition that they cannot say they feel an abiding conviction to a moral certainty of the truth of the charge."

That is the definition of reasonable doubt.

Ladies and gentlemen of the jury, the defendant has entered a plea of not guilty and not guilty by reason of insanity. By the very nature of things and under the law we first decide the question of whether this defendant is guilty or not guilty of one or more or all of the charges for which he has been indicted.

Should you find the defendant guilty, we then proceed to the second phase of the trial to determine whether or not at the time of the commission of the offense he was legally insane and we will define to you the definition of legal insanity.

Should you find the defendant guilty of murder and you fix the degree as murder in the first degree, we will then have the third phase, assuming you find the defendant was sane at the time of the commission of the offense, and that phase is the penalty phase and on that phase you and you alone determine what the penalty will be.

You have a choice of two penalties: One life imprisonment or two, the penalty of death.

Ladies and gentlemen, should we come to the penalty phase, we have no guides by which you determine what the penalty shall be -- either life or death. You and you alone determine what that penalty is and you determine that only in

1 the exercise of your good conscience and the facts of this
2 case.

3 Ladies and gentlemen of the jury, as in every
4 case you are the sole and exclusive judges of the facts in
5 this case. That means you and you alone determine what the
6 facts are. You cannot look to me for guidance in determining
7 what the facts are. Indeed, if I were to express my own
8 sentiments as to what the facts are, it would constitute error.
9 That is your function and your function alone.

10 In addition to being the sole and exclusive judges
11 of the facts, you are the sole and exclusive judges of the
12 credibility of the witnesses. That means you and you alone
13 determine which witnesses you believe or which witnesses you
14 disbelieve or what part of their testimony you choose to
15 believe or disbelieve.

5 fls.

5-1-R

1 THE COURT: Now, that goes with lay witnesses.

2 We have a different method of determining the avail-
3 ability of expert witnesses that we expect will testify in
4 this trial.

5 Now, in determining the credibility of the lay
6 witnesses, we do not do so arbitrarily or by tossing a coin.
7 We have certain rules or guides by which we judge the credib-
8 ility of all witnesses, and when I say "all witnesses" I mean
9 lay witnesses, police officers, if there are any, or even
10 the defendant, himself, if he chooses to testify.

11 Some of those guides are, and I don't intend to
12 give you all the guides, it is impossible to give you all the
13 guides -- some of those guides are the manner and appearance
14 of the witness who testifies, his demeanor on the stand, does
15 the witness have a bias or motive in this case, has the wit-
16 ness made statements previously which are inconsistent with
17 his present testimony, has the witness made statements pre-
18 viously which are consistent with his present testimony.

19 Those are some of the guides that we use in deter-
20 mining the credibility of witnesses.

21 Now, ladies and gentlemen of the jury, as I under-
22 stand it, the People are asking the death penalty in this case,
23 in order to determine whether you can or should sit here as a
24 juror in a case in which the death penalty is asked, it is
25 absolutely essential and necessary that you give us very, very
26 frank and honest answers. You see, under the law, some jurors
27 are disqualified from sitting in a case where the death penalty
28 is asked.

5-2-R

1 Now, it is estimated by both sides that this trial
2 will take approximate two months to try, maybe a little longer,
3 maybe a little shorter, but I think we can fairly say it will
4 take two months to try.

5 First, do any of you know any of the names that
6 I have called off up to this point, counsel or the persons
7 alleged to have been murdered?

8 Can any of you, or do any of you, feel that you
9 cannot sit here and conscientiously give your full attention
10 to this case, if it takes two months to try?

11 Would you raise your hands, please; will you keep
12 your hands up, please?

13 Mrs. Taylor, what is your difficulty?

14 MRS. TAYLOR: I have two youngsters and I don't know
15 that I'd be able to, for two whole months.

16 THE COURT: Oh, I might tell you now that unless some-
17 thing unforeseen happens, I do not intend to sequester you;
18 that is, I do not intend to keep you confined to some hotel
19 at night; and, as I say, unless something unforeseen happens,
20 you will be going home every evening. That might help you in
21 deciding.

22 Now, Mrs. Taylor, would that help you any at all,
23 if you know you are going to go home every evening?

24 MRS. TAYLOR: It helps a lot.

25 THE COURT: Could you serve with us for two months under
26 those conditions?

27 MRS. TAYLOR: Under those conditions, yes.

28 THE COURT: Now, Mrs. Morrison, what is your trouble?

5-3-R

1 MRS. MORRISON: My job only provides for 15 days.

2 THE COURT: And would it work a hardship for you, if
3 you were to work longer than the 15 days?

4 MRS. MORRISON: It's kind of difficult for me to say;
5 I am the sole support of my family.

6 THE COURT: You are the sole support and I take it if
7 you had to serve after 15 days, you would be kind of worried
8 about your job; is that it?

9 MRS. MORRISON: Oh, it's just that they compensate for
10 my loss, the difference in the jury pay is compensated on my
11 job up to 15 days.

12 THE COURT: And after 15 days they won't compensate you?

13 MRS. MORRISON: Right.

14 THE COURT: All right. Now, who else -- Mrs. Vinson,
15 is that?

16 MRS. VINSON: Vinson. Yes, I have three children, also,
17 and I couldn't serve more than one month because of my job,
18 also.

19 THE COURT: Mrs. Close?

20 MRS. CLOSE: I was supposed to go back to work the 1st
21 of September, myself. I am off through to September, but I
22 am supposed to go to work.

23 THE COURT: Would it work a hardship on you if you stayed
24 after September 1st?

25 MRS. CLOSE: Well, I guess I could do it, but --

26 THE COURT: We don't want to impose any hardship on
27 you, Mrs. Close.

28 MRS. CLOSE: Well, I would prefer not to.

5-4-R

1 THE COURT: Who else?

2 That is Mrs. Trainor?

3 MRS. TRAINOR: Yes, mine was just the sequestered --
4 the sequestering part that would have caused a hardship. As
5 it stands now, it is all right, I can serve.

6 THE COURT: All right, any other juror?

7 Mrs. Sullivan?

8 MRS. SULLIVAN: You have explained, though, that we
9 wouldn't be spending the night; that was my problem.

10 THE COURT: And you can spend the two months with us,
11 if I don't keep you locked up at night?

12 MRS. SULLIVAN: Yes.

13 THE COURT: And Mr. Cooper?

14 MR. COOPER: It was concerning my job, also, I had
15 planned not to be more than a month, but it wouldn't really
16 present a hardship; but possibly considering the case, if I
17 was more than a month, because I just did return from out of
18 town.

19 THE COURT: It will take more than a month, Mr. Cooper.

20 MR. COOPER: Well, I hadn't planned on spending more than
21 a month, because I have been away from my job for about three
22 weeks, as it is.

23 THE COURT: What is your job, the nature of your work?

24 MR. COOPER: I run a department at Tex Oil Company.

25 THE COURT: If you are not there, would it work a hard-
26 ship upon you?

27 MR. COOPER: Well, not really. If I had to be here,
28 then I could tell -- it would work out --

5-5-R

1 THE COURT: You would prefer not to sit; is that what
2 you are telling me, Mr. Cooper?

3 MR. COOPER: Right, for two months, I wouldn't --

4 THE COURT: Gentlemen, is it stipulated that Mrs.
5 Morrison, Mrs. Vinson, Mrs. Close and Mr. Cooper may be
6 excused?

7 MR. BUGLIOSI: So stipulated.

8 MR. BUBRICK: So stipulated.

9 MR. KEITH: So stipulated.

5af.

1 THE COURT: Yes; what is your trouble?

2 MR. RODRIGUEZ: I am more or less in the same predicament
3 this gentleman is. I only anticipate staying for one month,
4 due to the fact I am a local union president and I have
5 already set aside this one month and not any more at this
6 particular point.

7 THE COURT: Well, we have enough trouble with strikes
8 now and I don't want any more strikes caused, so would it work
9 a hardship upon you if you were to remain more than one month --
10 or, your union, let's put it that way?

11 MR. RODRIGUEZ: At this point I would definitely say no;
12 but I'd have to check a little further on this.

13 I was not prepared to sit at this point for more
14 than a month.

15 THE COURT: Well, when could you know?

16 MR. RODRIGUEZ: This afternoon, very easily.

17 THE COURT: All right, we will wait till this afternoon,
18 Mr. Rodriguez.

19 All right, Mrs. Morrison, Mrs. Close and Mr. Cooper
20 may be excused, thank you.

21 THE CLERK: Mrs. Vinson, also?

22 THE COURT: Yes, Mrs. Vinson.

23 THE CLERK: Clarence Woodbey, W-o-o-d-b-e-y.

24 Louis E. Sismondo, S-i-s-m-o-n-d-o.

25 Alice K. Nihei, N-i-h-e-i.

26 Harold L. Dittmer, D-i-t-t-m-e-r.

27 THE COURT: Mr. Woodbey, can you give us the two months
28 we need to try this case?

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1 MR. WOODBEY: If it lasts no longer than two months,
2 otherwise --

3 THE COURT: Maybe a week or so, we couldn't possibly
4 give you the exact time, but we have estimated about two months.

5 MR. WOODBEY: It would cause some personal complications
6 for me, yes. The time period is what I would be more
7 interested in.

8 THE COURT: Well, that is as close as we can give it to
9 you, two months more or less, a week or so, we couldn't tell
10 you.

11 That would work a hardship upon you to have to
12 stay another week or so?

13 MR. WOODBEY: Yes, I do have some personal commitments.

14 THE COURT: How about you, Mr. Sismondo?

15 MR. SISMONDO: No, sir.

16 THE COURT: You can stay with us the required time?

17 Miss Nihei, is that the way you pronounce your
18 name?

19 MRS. NEHEI: Nihei.

20 THE COURT: Can you give us the two months we need?

21 MRS. NEHEI: Yes.

22 THE COURT: Mr. Dittmer?

23 MR. DITTMER: No, sir, not beyond one month.

24 THE COURT: What is your trouble?

25 MR. DITTMER: I am only allowed one month, also,
26 supposed to be back.

27 THE COURT: Would that work a hardship upon you?

28 MR. DITTMER: Yes.

1 THE COURT: Gentlemen, may Mr. Dittmer and Mr. Woodbey
2 be excused?

3 MR. BUBRICK: So stipulated.

4 MR. KEITH: Yes, your Honor.

5 MR. BUGLIOSI: No objection, your Honor.

6 THE COURT: Mr. Woodbey and Mr. Dittmer, you may be
7 excused.

8 THE CLERK: Miss Lois L. Hall, H-a-l-l.

9 Marion L. Siu, S-i-u.

10 THE COURT: You are Lois Hall?

11 MRS. SIU: I am Marion Siu.

12 THE COURT: Would you exchange seats, please.

13 Now, would you pronounce your name for us, please?

14 MRS. SIU: Marion Siu.

15 THE COURT: All right.

16 Miss Hall, can you give us the two months we need
17 to try this case?

18 MISS HALL: Well, I had only anticipated one. It will
19 work a hardship on the job, but I could stay.

20 THE COURT: You could stay?

21 MISS HALL: They wouldn't like it, but I could stay.

22 THE COURT: And how about you, Miss Siu?

23 MISS SIU: I am planning a family vacation and I have to
24 return to teaching in September.

25 THE COURT: I guess that would work a hardship on you
26 if you remained.

27 Gentlemen, may Mrs. Siu be excused?

28 MR. BUGLIOSI: So stipulated.

1 MR. BUBRICK: So stipulated.

2 THE COURT: You may be excused.

3 THE CLERK: Edward Ortiz, O-r-t-i-z.

4 THE COURT: Mr. Ortiz, can you give us the two months
5 we need to try this case?

6 MR. ORTIZ: I am afraid not, sir. They allowed me only
7 four weeks.

8 THE COURT: Who is that?

9 MR. ORTIZ: North American Rockwell.

10 THE COURT: Are they kind of busy this time of the year?

11 MR. ORTIZ: Well, too many layoffs; they got only so
12 many people to work with.

13 THE COURT: Would it work a hardship on you if you
14 stayed the two months?

15 MR. ORTIZ: I am afraid so.

16 THE COURT: Gentlemen, may he be excused?

17 MR. BUGLIOSI: So stipulated.

18 MR. KEITH: Yes, your Honor.

19 THE COURT: Thank you, you may be excused.

20 THE CLERK: Manuel O. Prado, P-r-a-d-o.

21 MR. PRADO: May I correct the name? It is a "G."

22 THE CLERK: "G" Prado"; thank you.

23 THE COURT: Manuel G. Prado?

24 MR. PRADO: Yes.

25 THE COURT: Mr. Prado, can you give us the two months
26 we need to try this case.

27 MR. PRADO: Yes, sir.

28 THE COURT: Good.

1 Now we have the 12 people who can give us the time.
2 Now, if I were to ask you, "Have any of you heard of this case?"
3 what would your answers be?

4 Is there anyone on the jury who has not heard of
5 this case?

6 THE COURT: You have not heard anything about this case;
7 is that correct?

8 MR. PRADO: Yes.

9 THE COURT: And I take it you have an open mind, you
10 haven't formed any --

11 MR. PRADO: Whatever it is, I have no --

12 THE COURT: All right.

13 Now, during the course of the trial one lawyer may
14 ask a question and another lawyer may say, "I object to that
15 question being answered."

16 Now, that is just a polite way of saying to me,
17 "Judge, if you permit the witness to answer the question you
18 are violating one of the rules of evidence," and I am then
19 called upon either to sustain the objection to the question
20 or overrule the objection.

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1 If I overrule the objection, the witness answers
2 the question. If I sustain the objection, the witness does
3 not answer that question and in that event, you are not to
4 speculate as to what the answer might have been or could have
5 been or even the reason for the objection.

6 You see, just as you have a job to do in determining
7 the facts in this case and credibility of the witnesses, and
8 possibly the penalty in this case, I too have a job and that
9 is determining the rules of evidence and determining the law
10 that may arise during the course of the case.

11 Sometimes counsel will approach the bench and we
12 will have a little huddle over on the left side here out of
13 your hearing. When we do that, we are not trying to conceal
14 anything from you. We have no secrets here in this court.
15 We are discussing a question of law and, as I say, you are
16 not concerned with law. You are concerned only at this phase
17 of the game anyway with the facts.

18 Would you please raise your hands. How many of
19 you have served as jurors before in a criminal case. Would
20 you raise your hands, please, so counsel may make notes.

21 (The jurors comply with request of the Court.)

22 Mr. Schachter and Mr. Rodriguez. Have any of
23 you served as jurors in a civil case?

24 I take it, other than Mr. Rodriguez and Mr.
25 Schachter, nobody here has served as a juror before in any
26 case. Let me ask you: Do any of you feel that you would
27 automatically vote against the imposition of capital punish-
28 ment, that is the death penalty, without regard to any

6-2-R
1 evidence that might be developed at the trial of this case?

2 (Jurors comply with request of the Court.)

3 Now, let's see, we have Mrs. Taylor --

4 A JUROR: Would you please repeat that question over
5 again?

6 THE COURT: All right. First, let's get these names.
7 Mrs. Freedman and Mrs. Wallace.

8 The question is this: Would you automatically
9 vote against the imposition of the death penalty without
10 regard to any evidence that you might hear, or which might
11 develop in the trial of this case? Do you understand that
12 question, sir? In other words, would you automatically vote
13 against the death penalty, regardless of what this evidence
14 might show?

15 Mrs. Wallace and Mrs. Sullivan, Mrs. Freedman and
16 Mrs. Taylor. Now, you understand the question -- do each of
17 you understand that question?

18 (Affirmative response by the jurors.)

19 Do you hold conscientious objections against the
20 death penalty, that regardless of what the evidence might
21 show, you would automatically vote against the death penalty?

22 A JUROR: I honestly don't know.

23 THE COURT: Mrs. Sullivan, if you don't know, how can
24 we know?

25 MRS. SULLIVAN: I don't know.

26 THE COURT: It is very important that we do know. Did
27 you understand the question?

28 MRS. SULLIVAN: Yes.

p-3-R

1 THE COURT: You don't know whether you have such con-
2 scientious objections against the death penalty, that you
3 automatically would vote against it, regardless of what the
4 evidence might show? You don't know; is that right?

5 MRS. SULLIVAN: I guess, if I believed someone was guilty
6 beyond a reasonable doubt, I guess I could stay.

7 THE COURT: I told you you cannot convict anybody of
8 anything unless the People have proven his guilt beyond a
9 reasonable doubt.

10 MRS. SULLIVAN: I guess I could.

11 THE COURT: How about the second part of my question:
12 Is your attitude toward the death penalty such that it would
13 prevent you from making an impartial decision as to the guilt
14 or innocence of the defendant? Do you understand that ques-
15 tion?

16 MRS. SULLIVAN: Yes. I would rather not make a decision.
17 Me, personally, I would rather not make a decision.

18 THE COURT: Gentlemen, do you wish to inquire further?

19 MR. BUBRICK: No, your Honor.

20 MR. BUGLIOSI: I think we can stipulate that Mrs.
21 Sullivan be excused, your Honor.

22 THE COURT: I thank you, Mrs. Sullivan. You may be
23 excused.

24 MR. BUGLIOSI: Is there a defense stipulation?

25 MR. BUBRICK: Yes. We will join in the stipulation.

26 THE COURT: All right.

27 Now, Mrs. Wallace, you understand those questions?

28 MRS. WALLACE: Yes. It wouldn't influence me. My

5-4-R

1 objections against capital punishment wouldn't influence my
2 judgment, whether or not. I think the defendant guilty or
3 innocent. I could make an impartial decision on that.

4 THE COURT: You could make an impartial decision?

5 MRS. WALLACE: I could.

6 THE COURT: As to his guilt or innocence?

7 MRS. WALLACE: Yes.

8 THE COURT: But how about the other part of the question?

9 MRS. WALLACE: I don't care for the death penalty.

10 THE COURT: Would you be frank enough to tell us one way
11 or the other: Would you automatically vote against the death
12 penalty, regardless of what this evidence might show?

13 MRS. WALLACE: I guess I would.

14 THE COURT: You guess?

15 MRS. WALLACE: Yes.

16 THE COURT: Does that mean you would vote against it?

17 MRS. WALLACE: I would, yes.

18 THE COURT: Gentlemen, do you wish to inquire further?

19 MR. BUBRICK: Your Honor, the only question we would
20 have is whether or not she feels there might be a state of
21 facts in which she could not. If she would automatically, of
22 course, then we would have no question.

23 THE COURT: You understand my question. You would
24 automatically vote against the death penalty regardless of
25 what the evidence might show?

26 MRS. WALLACE: Yes.

27 THE COURT: Are you satisfied?

28 MR. BUBRICK: Yes, your Honor.

6-5-R

1 MR. KAY: We will challenge this juror for cause.

2 THE COURT: You may be excused.

3 MR. BUGLIOSI: We are not challenging this juror for
4 cause. We would like to stipulate that this juror may be
5 excused. Will the defense enter into that stipulation.

6 MR. BUBRICK: Yes. I will so stipulate.

7 MR. BUGLIOSI: So stipulated.

8 THE COURT: No challenge has been exercised as yet.

9 Mrs. Freedman, did you understand my question?

10 MRS. FREEDMAN: Yes, I did.

11 THE COURT: Let me ask you, so we understand each other:
12 Would you automatically vote against the death penalty, regard-
13 less of what this evidence might show?

14 MRS. FREEDMAN: Yes, I would.

15 THE COURT: And are your views toward the death penalty
16 such that you would be prevented from making an impartial
17 decision as to the guilt or innocence of the defendant, where
18 the death penalty is asked?

19 MRS. FREEDMAN: No.

20 THE COURT: You could make that decision?

21 MRS. FREEDMAN: Yes.

22 THE COURT: But regardless of what the evidence might
23 show, you would automatically vote against the death penalty;
24 is that correct?

25 MRS. FREEDMAN: Yes, I would.

26 THE COURT: Gentlemen, may a stipulation be entered?

27 MR. BUGLIOSI: Yes, the People will enter into a
28 stipulation.

6-6-R

1 MR. BUBRICK: May I ask Mrs. Freedman just one question?

2 THE COURT: Yes. Go ahead, Mr. Bubrick.

3 MR. BUBRICK: Mrs. Freedman, I know it might be very
4 difficult to put yourself in this frame of mind, but if you
5 were called upon to sit as a juror in a case in which the
6 victim might have been somebody that you knew, near to you
7 or close to you, is it still your frame of mind that you could
8 not impose the death penalty, because of some conscientious
9 feeling that you have about the death penalty?

10 MRS. FREEDMAN: Yes.

11 MR. BUBRICK: Nothing further.

12 THE COURT: A stipulation may be entered into?

13 MR. BUBRICK: Yes, so stipulated.

14 MR. BUGLIOSI: So stipulated.

15 THE COURT: You may be excused. Anybody else?

16 MR. BUGLOISI: May the record reflect that the prosecu-
17 tion is not making a motion to have the prospective jurors
18 excused. These are stipulations.

19 THE COURT: These are stipulations. No challenge has
20 been exercised.

21 MR. BUGLOSI: Right.

22 MR. KAY: I believe Mrs. Taylor raised her hand.

23 THE COURT: We will come to Mrs. Taylor. We will just
24 settle one thing at a time.

25 Mrs. Taylor, did you understand my question? No
26 doubt in your mind about what my question is?

27 MRS. TAYLOR: No doubt.

28 THE COURT: I will ask you again: Would you automatically

6-7-R
1 vote against the death penalty, regardless of what the facts
2 might show in this case?

3 MRS. TAYLOR: Yes, I would.

4 THE COURT: You hold such conscientious objections against
5 the death penalty?

6 MRS. TAYLOR: Yes.

7 THE COURT: How about the second half of the question?
8 Is your attitude toward the death penalty such that you would
9 be prevented from making an impartial decision as to the
10 guilt or innocence of the defendant, where the death penalty
11 is asked?

12 MRS. TAYLOR: I believe I would be so concerned about
13 the death penalty, I don't think I would be.

14 THE COURT: Do you gentlemen wish to inquire further?

15 MR. BUBRICK: No.

16 THE COURT: Do you wish to enter into a stipulation?

17 MR. BUGLIOBI: Yes, so stipulated.

18 MR. BUBRICK: Yes.

19 MR. KEITH: So stipulated.

20 THE COURT: You are excused. Any other juror with such
21 a mind?

22 THE CLERK: Juror for Position No. 2, Josie T. Yamanouchi,
23 Y-a-m-a-n-o-u-c-h-i, Michael R. Braxton, B-r-a-x-t-o-n,
24 Victoria M. Rios, R-i-o-s, Elaine M. Gaines, G-a-i-n-e-s.

25 THE COURT: Mrs. Yamanouchi, Mr. Braxton, Mrs. Rios and
26 Mrs. Gaines, did you hear all my remarks up to this time?

27 (Affirmative response by the jurors.)

28 THE COURT: From what you have heard, do any of you know

1 any reason why you couldn't sit here as a fair juror, fair
2 to the People and fair to the defendant?

3 MR. BRAXTON: I don't believe in capital punishment.

4 THE COURT: Let me ask you this: Many of us don't
5 believe in capital punishment, but sometimes are placed in
6 such a position where we must make a decision.

7 Now, a good many of us don't believe in capital
8 punishment. However, that would not excuse us from serving
9 as a juror. Would you automatically vote against the imposi-
10 tion of the death penalty, without regard to any evidence that
11 might be developed at this trial?

12 MR. BRAXTON: Yes.

13 THE COURT: You would?

14 MR. BRAXTON: Yes.

15 THE COURT: There is no question in your mind about
16 that?

17 MR. BRAXTON: No.

18 THE COURT: Now, is your attitude toward the death
19 penalty such that you would be prevented from making an
20 impartial decision as to the guilt or innocence of the defen-
21 dant?

22 MR. BRAXTON: No.

23 THE COURT: You could determine his guilt or innocence
24 but you automatically would vote against the death penalty,
25 regardless of what the evidence might show?

26 MR. BRAXTON: Yes.

27 THE COURT: Nothing would change your mind about that?

28 MR. BRAXTON: No.

1 THE COURT: Do you wish to ask anything further?

2 MR. KEITH: May I inquire?

3 THE COURT: Yes.

4 MR. KEITH: Mr. Braxton, can you think of any set of
5 facts, any crime, any murder, what have you, no matter how
6 horrible, that you think might deserve the death penalty with
7 respect to the perpetrator?

8 MR. BRAXTON: No, none in my mind.

9 MR. KEITH: Let's say as Mr. Bubrick mentioned that
10 your brother, if you had a brother, and he was murdered and
11 murder was first degree and you sat on the jury. Would you
12 give his murder life imprisonment?

13 MR. BUGLIOSI: I will object to that question.

14 THE COURT: Yes. The objection will be sustained.

15 MR. BUGLIOSI: As improper.

16 MR. KEITH: Would you automatically not impose the
17 death penalty in such a case?

18 MR. BRAXTON: No.

19 MR. KEITH: Nothing further.

20 THE COURT: Stipulate he might be excused?

21 MR. BUBRICK: So stipulated.

22 MR. BUGLIOSI: So stipulated.

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1 THE COURT: Mr. Braxton, you may be excused.

2 How about you, Mrs. Yamanouchi, did you hear those
3 questions?

4 MRS. YAMANOUCHI: Yes.

5 THE COURT: What would be your answers to those questions?

6 MRS. YAMANOUCHI: My answer would be no.

7 THE COURT: You could impose the death penalty?

8 MRS. YAMANOUCHI: Yes.

9 THE COURT: If you felt it was a proper case for it?

10 MRS. YAMANOUCHI: Right.

11 THE COURT: By the way, I just mentioned proper case for
12 it. Maybe I shouldn't have mentioned those words because there
13 is no guideline as to what is or is not a proper case for the
14 death penalty. You and you alone determine what is a proper
15 case for it. Do you understand that?

16 MRS. YAMANOUCHI: That is right, I do.

17 THE COURT: Now, Mrs. Rios.

18 MISS RIOS: Correction -- Miss.

19 THE COURT: Miss. Oh, I beg your pardon.

20 How would you answer those questions?

21 MISS RIOS: To the first one I could make a decision.

22 To the second one I could not.

23 THE COURT: Let's see which was first and which was
24 second. The first one is would you automatically vote against
25 the death penalty regardless of what facts might be developed
26 in this case?

27 MISS RIOS: I would automatically vote against.

28 THE COURT: You cannot conjure in your mind any facts at

6A-2

1 all that might cause you to impose the death penalty?

2 MISS RIOS: I cannot.

3 THE COURT: You are so conscientiously opposed to it;
4 is that correct?

5 MISS RIOS: Yes, your Honor.
6 wish

7 THE COURT: Anybody to question the juror any further?

8 MR. BUBRICK: No questions.

9 MR. KEITH: No.

10 THE COURT: Stipulated she may be excused?

11 MR. BUGLIOSI: It may be so stipulated.

12 MR. BUBRICK: So stipulated.

13 THE COURT: Miss Rios may be excused.

14 Is that Mrs. --

15 MISS GAINES: Miss Gaines.

16 THE COURT: Miss Gaines, how would you answer those
17 questions?

18 MISS GAINES: The question No. 1, I feel that if the
19 evidence showed me I would have no qualms about the death
20 penalty. If it was indicated that I could without any --

21 THE COURT: How about question No. 2?

22 MISS GAINES: Do you want to read it over?

23 THE COURT: Is your attitude toward the death penalty
24 such that you would be prevented from making an impartial
25 decision as to the guilt or innocence of the defendant?

26 MISS GAINES: No.

27 THE COURT: Have you served as a juror before, Miss Gaines?

28 MISS GAINES: No, I have not.

THE COURT: Miss Gaines.

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MISS GAINES: No.

THE COURT: You heard the names that I called off, the names of counsel, the defendant and the persons allegedly killed. Do you know any of them?

MISS GAINES: No.

THE COURT: Do you know any counsel in this case?

MISS GAINES: No, I do not.

THE COURT: Call two more jurors, please.

THE CLERK: Yes, your Honor.

Herman Schulman, S-c-h-u-l-m-a-n.

Murial C. Oberrinder, O-b-e-r-r-i-n-d-e-r.

THE COURT: You will take seat No. 7, Mr. Schulman.

Mr. Schulman, did you hear the comments I have made about this case?

MR. SCHULMAN: Yes, your Honor, I did.

THE COURT: If you were asked those two questions: (1) Would you automatically vote against the death penalty regardless of what facts might be developed in this case, what would your answer be?

MR. SCHULMAN: The answer would be no, your Honor.

THE COURT: You could impose the death penalty?

MR. SCHULMAN: Yes.

THE COURT: Under certain circumstances; is that correct?

MR. SCHULMAN: Yes, your Honor.

THE COURT: You heard me say that what is or is not a proper case for the penalty depends on your own good conscience. We have no guidelines.

Have you served as a juror before?

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1 MR. SCHULMAN: No, your Honor, but I would like to say,
2 your Honor, it would be a terrible burden for me to serve
3 two months.

4 THE COURT: In what way?

5 MR. SCHULMAN: Financially and physically. I feel --
6 I really don't see that I could serve two months on the jury.

7 THE COURT: You have something the matter with you
8 physically?

9 MR. SCHULMAN: Yes.

10 THE COURT: May Mr. Schulman be excused?

11 MR. BUGLIOSI: So stipulated.

12 MR. BUBRICK: So stipulated.

13 THE COURT: Mrs. Oberrinder, how about this question:
14 Would you automatically vote against the death penalty regard-
15 less of what might develop?

16 MRS. OBERRINDER: No.

17 THE COURT: You could impose the death penalty if you
18 felt it was a proper case for it?

19 MRS. OBERRINDER: Yes.

20 THE COURT: You heard me say that there are no guidelines
21 as to what constitutes a proper case and it is up to you and
22 you entirely?

23 MRS. OBERRINDER: Yes.

24 THE COURT: How about the question of time. Can you give
25 us the time we need here? About two months.

26 MRS. OBERRINDER: Yes, I can.

27 THE COURT: All right. That brings us down to one juror.

28 THE CLERK: Roland Cash, C-a-s-h.

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1 THE COURT: Mr. Cash, can you give us the two months we
2 need to try this case?

3 MR. CASH: Yes.

4 THE COURT: How about the question of the death penalty.
5 Do you hold some conscientious objections to the death penalty
6 so that you would automatically vote against the death penalty
7 regardless of what the facts might show in this case?

8 MR. CASH: Yes.

9 THE COURT: You do hold such conscientious objection?

10 MR. CASH: I do.

11 THE COURT: Can you visualize any case at all in which
12 you could impose the death penalty?

13 MR. CASH: No, I can't.

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1 THE COURT: Do you wish to question Mr. Cash any further,
2 gentlemen?

3 MR. BUBRICK: No, your Honor.

4 MR. KEITH: No.

5 MR. BUGLIOSI: May it be stipulated that he be excused?

6 MR. KEITH: So stipulated.

7 MR. BUBRICK: So stipulated.

8 THE COURT: Thank you, Mr. Cash; you may be excused.

9 THE CLERK: Joseph J. Pollak, P-o-l-l-a-k.

10 THE COURT: Mr. Pollak, can you give us the two months
11 we need to try this case?

12 MR. POLLAK: Yes, I can, your Honor.

13 THE COURT: Now, how about the question of the death
14 penalty, do you hold such conscientious objection to the
15 death penalty that you would automatically vote against the
16 death penalty regardless of what the facts might show in this
17 case?

18 MR. POLLAK: No, I do not.

19 THE COURT: Then you can impose such penalty if you felt
20 it was a proper case for it?

21 MR. POLLAK: Yes, sir.

22 THE COURT: Have you ever served as a juror before?

23 MR. POLLAK: No, I have not.

24 THE COURT: How about the names that I called off, those
25 deceased; do you know any of them?

26 MR. POLLAK: Not personally. I have heard of them.

27 THE COURT: You have heard of them; and how about counsel,
28 do you know any counsel in this case?

7-2

1 MR. POLLAK: No.

2 THE COURT: All right.

3 Now, ladies and gentlemen of the jury, counsel are
4 going to ask you questions. I don't believe they are going
5 to be personal questions.

6 You see, both the people and the defendant are
7 entitled to a fair trial, and a fair trial means a trial in
8 which you determine the guilt or innocence of this defendant
9 only by the evidence that you hear in this case and the law
10 as I shall state it to you.

11 Do any of you know any reason at all why you could
12 not give both the people and the defendant such a fair trial?

13 Now, as I indicated to you, counsel will ask you
14 questions. They are seeking a jury which in their minds would
15 be a fair jury and what they feel would be a well balanced
16 jury.

17 Do not resent the questions they ask you, they are
18 not intended to be personal and they don't intend to pry into
19 your personal lives at all. As I say, they are just trying to
20 arrive at a jury that could be fair to all persons involved in
21 this case.

22 Mr. Bubrick or Mr. Keith, who wishes to question
23 first?

24 MR. BUBRICK: Your Honor, may I drag that lectern up a
25 little, please?

26 THE COURT: You may.

27 MR. BUBRICK: As the judge has indicated, I intend to ask
28 you some questions which will treat generally about the matters

7-3

1 that may have come to mind because of what you may have heard
2 as members of this community.

3 I think I will start with you, Miss Hall; we'll
4 probably be talking for some little bit.

5 MISS LOIS L. HALL

6 BY MR. BUBRICK:

7 Q I want to talk to you first, if I may, and ask
8 you some questions about what you may or may not know about
9 the original case of which this is a part; that is, the Tate-
10 La Bianca murders, if we may refer to them by that expression,
11 so that there will be some understanding between us. You
12 probably will hear us referring to Tate-La Bianca quite a bit
13 during the course of these proceedings.

14 THE COURT: You might include "Manson" in that, too.

15 Q BY MR. BUBRICK: Yes, I have several names that I
16 will ask you about during the course of the inquiry this
17 morning, having to do in most part with what we will commonly
18 refer to now as Tate-LaBianca.

19 Let me ask you first, Miss Hall, I think you
20 have indicated you have never before served as a juror; is
21 that correct?

22 A No, I have not.

23 Q Can you tell us what part of the city you live
24 in, just generally speaking?

25 A Southwest Los Angeles.

26 Q What sort of work do you do, Miss Hall?

27 A I am a senior stenographer.
28

7-4

1 Q Pardon?

2 A I am a senior stenographer.

3 Q For what sort of a firm?

4 A City of Los Angeles, Department of Airports.

5 Q Airports.

6 In connection with that work, Miss Hall, do you
7 ever have occasion to type up reports, prepare recordations of
8 any sort which go to the police department or any other law
9 enforcement agency?

10 A No.

11 Q Does your work ever cause you to come in contact
12 with law enforcement agencies?

13 A Not with the Department of Airports, no.

14 Q Have you ever been a complaining witness in any
15 sort of a proceeding?

16 A No.

17 Q Have you ever seen -- have you ever been the victim
18 of any sort of a crime?

19 A Burglary, auto theft.

20 Q I take it that was your car?

21 A That was my car.

22 Q I hope you got it back.

23 A I didn't.

24 THE COURT: Maybe she didn't want it back.

25 MISS HALL: I did, I did.

26 Q BY MR. BUBRICK: Was it the car you lost or some-
27 thing in the car?

28 A It was the car -- it was recovered eventually, but

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1 it was completely stripped.

2 Q It just wasn't the same any more?

3 A It was a wreck.

4 Q Was the one who did that dastardly deed ever
5 apprehended?

6 A He was apprehended but he was let go; they didn't
7 do anything.

8 THE COURT: Now, I was not the judge, was I?

9 MISS HALL: No, it never got that far.

10 Q BY MR. BUBRICK: You are not going to hold that
11 against the general judiciary, are you?

12 A No.

13 Q Did you file a theft report in connection with that,
14 Miss Hall?

15 A Yes.

16 Q Did that bring you into contact with the police
17 officers?

18 A Oh, yes.

19 Q And I take it, however, you never testified in
20 court; is that correct?

21 A No, I didn't.

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7A

1 Q All right; other than that, Miss Hall, other than
2 that personal loss that you suffered, have you ever been the
3 victim of any sort of assaultive behavior?

4 A No.

5 Q Do you know anybody that you see from time to
6 time, that you are close to, that you know was ^{ever} the victim of
7 an assaultive behavior?

8 A No.

9 Q Are you friendly or do you number among your
10 friends people who are engaged generally in law enforcement--
11 that might be members of the Los Angeles Police Department,
12 the Sheriff's Department, Department of --

13 A Yes.

14 Q -- justice on the federal level -- you are?

15 A Yes.

16 Q Who would that be?

17 A I worked eight years with the Los Angeles Police
18 Department.

19 Q In what sort of a capacity?

20 A I was a clerk-typist; I worked in the vice unit
21 at 77th Street Division.

22 Q Was that typing crime reports and things of that
23 nature?

24 A Yes.

25 Q And I take it that got you into close contact
26 with the police officers?

27 A Oh, yes, I worked at the police station.

28 Q Now, did that experience in and of itself cause you

7A-2

1 to form any opinion, generally speaking, about people who are
2 accused of crime?

3 A Well, when you work for eight years, yeah, you
4 generally form opinions.

5 Q Do you think that everybody that is accused of a
6 crime must be guilty of the crime, otherwise he wouldn't be
7 accused?

8 A Oh, no.

9 Q That is what I am driving at, you don't think
10 that everybody whose crime report you prepared must have been
11 guilty of that crime, otherwise you wouldn't have been in a
12 position to prepare the report?

13 A Oh, no, I wouldn't --

14 THE COURT: Excuse me, Mr. Bubrick.

15 I think you heard me say that you judge the
16 credibility of all witnesses by the same standards, and that
17 includes a police officer.

18 Now, simply because a man is a police officer,
19 that does not mean he is entitled to more credibility than
20 any civilian witness; and by the same token, because he is a
21 police officer that does not mean he is entitled to any less
22 credibility than a civilian.

23 Do you think you can follow that?

24 MISS HALL: Yeah, I think I could.

25 THE COURT: Thank you, Mr. Bubrick.

26 MR. BUBRICK: Thank you.

27 Q Now, aside from the experience, then, you have had
28 working as a typist with the police department, do you know

1 any other people who might be engaged in what we can generally
2 or loosely call law enforcement, such as a Deputy District
3 Attorney, a city prosecutor or any person of that sort?

4 A No, just primarily Los Angeles police officers.

5 Q Have you ever been a witness to a crime of
6 violence?

7 A No.

8 Q Have you ever studied any facets of the law or taken
9 a special interest in the law, aside from your work?

10 A No.

11 Q Now, I wouldn't be surprised at all, Miss Hall,
12 if there is a great deal of discussion about the general
13 subject matter of drugs.

14 Now, nobody, of course, likes drugs; we wish
15 we could all do something about that problem; but I take it
16 you realize as a member of this jury it would be most unfair
17 to make any ruling on the defendant -- that is, find him
18 guilty or innocent -- because of the subject matter of drugs
19 in and of itself.

20 Do you understand that, or am I double talking?

21 A No, I follow you so far.

22 Q You see, there may be a subject matter of drugs
23 that will come up; there may be, also, the subject matter of
24 sex and perhaps an abnormal sexual relationship between this
25 defendant and young girls.

26 Now, do you think this defendant will be prejudiced
27 in your mind because of that general subject matter?

28 A How young a girls?

1 Q Well, they may have been old enough to know what
2 they were doing.

3 A This doesn't have anything to do with child
4 molesting, does it?

5 Q No.

6 A Because I have a horrible dislike for child
7 molesters.

8 Q No, I don't think we'll be involved in child
9 molesting, but that is a decision you will have to make,
10 whether or not these things which may come up from time to
11 time during the course of these proceedings involve somebody
12 that you would like to think of as a child.

13 But, suppose they do, do you think that that would
14 be such a traumatic experience as far as you are concerned,
15 and knowing your frame of mind as you do, that you think it
16 might cause this defendant to be prejudiced in your mind?

17 A Would it cause me to be prejudiced?

18 Q Against him, yes.

19 A Possibly.

20 Q You realize that what we are after is to decide --
21 we want you to decide, if you are a member of this jury panel,
22 whether or not this defendant is guilty of murder; and from
23 what Judge Alexander has indicated, he is charged with seven
24 specific murders.

25 Now, you may find him guilty of one, two, or all
26 seven or none, depending upon how you react to the evidence;
27 but what I want to know is whether or not you think you might
28 be inclined to find this defendant guilty because there is some

1 evidence of an abnormal or an unusual sexual relationship
2 between him and young girls?

3 A No, not specifically.

4 Q You see, what I am driving at, the issue of young
5 girls and sex and murder are very far apart; they might not
6 have anything to do with one another, but what we want to make
7 sure is that you'll decide the issue of murder based on the
8 evidence of murder and not because of a collateral issue that
9 involves Mr. Watson and some girls.

10 Do you understand that?

11 A I understand.

12 Q Now, in that same context may I ask you again
13 whether this defendant will suffer any prejudice, again to
14 the principal issue, which is whether or not he is guilty of
15 any combinations of murders between one and seven, or none at
16 all, solely -- and I say "solely" -- because he is involved
17 with drugs?

18 Does that confuse you or bother you?

19 A A little.

20 Q Let's put it this way: You know yourself better
21 than anybody else in this courtroom, and certainly you know
22 your frame of mind, Miss Hall.

23 Do you have any feeling at all that you might be
24 inclined to say to yourself that, "I dislike people who use
25 drugs so badly that I think I am just going to find him guilty,
26 I don't care what the evidence is. I think if he is a drug
27 user, that's it"?

28 A Well, I do have prejudice against drug users.

1 Q We all do; we all have prejudices, we all wish
2 we could do something; but I think what you must realize is
3 that we are not going to solve the drug issue in this county
4 by this trial.

5 Do you understand that?

6 A I understand.

7 THE COURT: Mr. Bubrick, suppose we have our morning
8 recess at this time.

9 MR. BUBRICK: Fine.

10 THE COURT: Ladies and gentlemen, we will have our
11 morning recess at this time.

12 During the recess do not form or express any opinion
13 in this case. Do not discuss it among yourselves, let no one
14 else talk to you about this case and please keep your minds
15 open.

16 We will have about a 10 or 15-minute recess.

17 (Recess.)
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8-1-R

1 THE COURT: People vs. Watson. Let the record show all
2 of the prospective jurors are in the box. All counsel and
3 the defendant present. Mr. Bubrick, you may resume.

4 MR. BUBRICK: Thank you.

5 Miss Hall, may I for a moment invite your atten-
6 tion again to the problem, the general problem of drugs we
7 spoke about a moment ago. You were frank enough to admit that,
8 as we all are, there is a genuine dislike about the general
9 subject matter of drugs. However, you told us, if I under-
10 stood you correctly, that you would not let your feelings about
11 drug use or drug abuse prejudice you in determining the real
12 principal issue of guilt or innocence, so far as murder is
13 concerned; is that correct?

14 A Correct.

15 Q Do you think, Miss Hall, that your feelings about
16 drugs are such that if testimony were introduced in this
17 trial about the defendant's use of drugs, that you would not
18 consider that on the issue of guilt or innocence?

19 A I am not sure.

20 Q Let me try to expand it for you a moment. Suppose
21 there is evidence introduced by way of medical testimony that
22 the defendant was a drug user and the judge issued instruc-
23 tions to you that tells you that you may do certain things
24 with that information. Is your frame of mind such that because
25 of your feelings about drug use, you would totally reject
26 that information?

27 A No.

28 Q In other words, may we assume, Miss Hall, that

8-2-R

1 even though you have a feeling about drugs, that if drug usage
2 is introduced in this trial by way of defensive testimony
3 from a doctor, that you will give that whatever weight you
4 will, your personal feelings aside?

5 A Yes, I would try.

6 Q I think you can see what we are driving at. I
7 think you can appreciate it would be most unfair to have a
8 juror who says that if the subject matter of drugs is intro-
9 duced, I am just not going to listen to anything at all. I
10 just don't want to have anything to do with anybody who uses
11 drugs, or give that any sort of consideration at all. Can you
12 appreciate that?

13 A I can.

14 Q That is what we are trying to eliminate. We all
15 appreciate that we all have feelings about drugs and sex,
16 as we have mentioned here, but we have to make sure we put
17 those personal feelings aside and put the evidence about drug
18 usage in its proper perspective. As I say, the judge will be
19 the one to tell you what you may or may not do with that
20 information, but we don't want you to foreclose it. We don't
21 want you to come into court with a closed mind. Do you follow
22 me?

23 A I follow you.

24 Q I take it that you will, in spite of your personal
25 feelings, be open and receptive to the issue of drugs and put
26 that in whatever context or whatever scope you want to, depend-
27 ing upon the instruction of the Court and your personal feel-
28 ings about where this belong, if anywhere at all, in the

8-3-R

1 over-all scheme of things?

2 A To the best of my ability, I will attempt to.

9f.

9-1-R

1 Q Now, let's get on to another facet, Miss Hall.
2 And we are going to talk now about publicity, the things you
3 may or may not have heard about this trial heretofore.

4 Have you been a continuous resident of this Los
5 Angeles area for the year of 1969 and 1970?

6 A Yes.

7 Q And I take it that because of that residency,
8 you heard about the Tate-La Bianca murders?

9 A Yes.

10 Q I take it you have a television set in the house,
11 do you?

12 A Yes.

13 Q You have a radio in the house?

14 A Yes.

15 Q Do you regularly subscribe to periodicals?

16 A No.

17 Q Do you get a newspaper?

18 A I don't subscribe; I purchase one.

19 Q From time to time, or on a regular basis?

20 A It all depends.

21 Q How about magazines, do you regularly subscribe
22 to them or do you pick them up from time to time?

23 A Oh, I subscribe to a few.

24 Q You subscribe to a few; and did you, I take it,
25 have occasion to read them during the year of 1969 and 1970,
26 as they pertained to the La Bianca case?

27 A No, it is not those type magazines.

28 Q Well, I take it, however, you did read about this

9-2-R

1 matter in the newspapers?

2 A Yes.

3 Q Do you remember which newspapers you did pick up
4 from time to time?

5 A The Herald and the Times.

6 Q And would you read the matters in those newspapers
7 as it pertained to the particular trial with any degree of
8 regularity?

9 A No, not really.

10 Q How about the television, do you watch television?

11 A Yes.

12 Q Regularly?

13 A Right.

14 Q Do you watch news programs as opposed to the other
15 type of entertainment, or variety type shows?

16 A No, I generally watch the 11:00 o'clock news.

17 Q And do you always -- do you find yourself watching
18 the same channel night after night when you listen to the news
19 report?

20 A Right.

21 Q Which channel is that?

22 A 7.

23 Q How about the use of a radio, do you drive to
24 work?

25 A Yes.

26 Q Do you listen to the radio when you come to work
27 in the morning?

28 A Oh, yes.

9-3-R

1 Q Or go home at night?

2 A Yes.

3 Q Do you listen to news casts as opposed to music
4 type programs?

5 A No, I listen to music but there is generally news.

6 Q And so you have heard whatever spot reporting there
7 might have been in connection with the Tate-La Bianca case?

8 A Oh, yes.

9 Q Can you tell us, Miss Hall, what you think your
10 primary source of information might have been about the Tate-
11 La Bianca murders, whether it be newspaper, television --

12 A Television.

13 Q You think much more so than anything you might
14 have read?

15 A Right.

16 Q And always on Channel 7?

17 A Primarily.

18 Q Have you read any books about the Tate-La Bianca
19 murders?

20 A No.

21 Q Do you know whether there are any in existence?

22 A I am sure there are, but I don't know.

23 Q But you haven't sought them out?

24 A No.

25 Q Have you ever had occasion, Miss Hall, to discuss
26 the Tate-La Bianca trial or the killings with any of your
27 friends, associates or relatives?

28 A Oh, yes.

9-8-R

1 Q And with whom did you do that?

2 A Friends, relatives, acquaintances.

3 Q Fairly regularly?

4 A Well, when it was in the news, primarily, last

5 year.

6 Q That covered a period of about a year or so --

7 A Well, probably the first few months after the

8 murder.

9 Q Do you remember what those discussions were?

10 A Primarily the brutality involved.

11 Q Was that also your feeling, that they were brutal

12 killings?

13 A Yes.

14 Q You sort of winced when you said it. Did you

15 find that discussion and the reading material on that pretty

16 revolting?

17 A Yeah, it was.

18 Q Did you find it -- do you think you find it so

19 revolting that it might prejudice you to sit on this jury?

20 A Possibly.

21 Q Were you ever a visitor in any of the courtroom

22 proceedings in connection with the Tate-La Bianca proceedings?

23 A (Shakes head negatively.)

24 Q Did you know anybody who did visit the courtroom?

25 A No.

26 Q Did you know anybody who knew any of the people

27 who were involved in that trial?

28 A No.

9-5-R

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Q I take it you had no real firsthand knowledge about what went on from people who were observers during the course of the trial, or had firsthand knowledge about the participants?

A No, not firsthand.

Q Do you remember whether you happened to hear about the Tate murders at or about the same time you heard about the La Blancas?

A The Tate, primarily.

Q The Tate, primarily; and was that, again, over the news casts and television?

A Both.

Q Well, do you remember anything you might have heard about a person by the name of Susan Atkins?

A Yes, she was a witness.

10f.

#10

- 1 Q She was what?
- 2 A She was a witness.
- 3 Q Do you think she was one of the witnesses in that
- 4 trial?
- 5 A I believe she was.
- 6 Q How about --
- 7 A She was a defendant also.
- 8 Q How about Charles Manson?
- 9 A She was a defendant also.
- 10 Q Susan Atkins was a defendant, do you think?
- 11 A Yes, to my recollection.
- 12 Q How about Charles Manson?
- 13 A He was a defendant.
- 14 Q Did you ever hear of him?
- 15 A Yes. He was a defendant.
- 16 Q Can you tell us just generally what you heard about
- 17 him and about Susan Atkins that is in your mind at this moment?
- 18 A I am trying to remember if Susan Atkins was a
- 19 witness for the prosecution or if that was the other girl.
- 20 Q How about Manson? Do you remember, can you tell
- 21 us generally about his participation?
- 22 A He was the leader.
- 23 Q Anything else you can think about Manson?
- 24 A Just that he was the leader of the cult that was
- 25 alleged to have killed the victims.
- 26 Q How about Mr. Frykowski, do you remember him?
- 27 A I have heard the name but I can't remember.
- 28 Q How about Patricia Krenwinkel?

10-2

1 A She was a defendant also.

2 Q Anything else you remember about her?

3 A No, I can't recall right off.

4 Q How about Mr. Watson, the defendant in this case?

5 A I heard his name mentioned that he was allegedly
6 involved.

7 Q Anything else that you may have heard or remember
8 about him?

9 A Just that he was allegedly involved in the murders.

10 Q How about Jay Sebring?

11 A He was a victim.

12 Q How about Mr. La Bianca?

13 A Yes, Mr. La Bianca was a victim also.

14 Q Anything else that you remember about his death?

15 A Just that they were murdered,

16 Q How about Steven Parent?

17 A I don't recall that name.

18 Q How about Abigail Folger?

19 A She was a victim.

20 Q Leslie Van Houten.

21 A She was a defendant.

22 Q Anything else you remember about her?

23 A Not right off, just that she was involved. She was
24 a defendant.

25 Q And Sharon Tate?

26 A She was a victim.

27 Q Mary Bruner?

28 A I don't recall that name.

10-3

1 Q That doesn't ring a bell at all?

2 A No.

3 Q All right. How about Vincent Bugliosi?

4 A Yes, that is him.

5 Q All right. You have heard him in connection with

6 the Tate-La Bianca murders?

7 A Yes.

8 Q Have you ever heard him as a speaker?

9 A No, I haven't.

10 Q Do you have any friends who may have heard him

11 speak on the subject matter?

12 A Not that I know of. They have never discussed it

13 with me.

14 Q How about the term Spahn Ranch. Is that familiar

15 to you?

16 A Yes. I believe that is where Manson and his

17 followers lived for a time.

18 Q Does it have any other meaning to you?

19 A I believe that is where another victim, Shorty

20 something was supposed to have been murdered or something.

21 Q Shorty something may have been murdered?

22 A Yes.

23 Q You don't feel that has anything to do with this

24 trial, do you?

25 A No. I can't recall right off.

26 Q Have you ever heard or read of the statement by

27 President Nixon in connection with the prior trial?

28 A Yes. I heard his statement.

10-4

1 Q Do you have any feelings about the justification
2 for the statement, the efficacy of the statement as made at
3 the time?

4 A No, not really. I think at that time everyone
5 was making the same general statement that they were all guilty.

6 Q Is that the way you felt about it?

7 A At the time.

8 Q You felt they were all guilty based on what you
9 had heard over the air and in other accounts that you may have
10 read?

11 A Yes.

12 Q Does that include the defendant Watson who is
13 here now?

14 A I didn't hear his name mentioned too much at
15 that time, but at the time I just said they probably were all
16 guilty.

17 Q Is that still your frame of mind that they were all
18 guilty?

19 A Yes, they are guilty.

20 THE COURT: You say "They are guilty." Are you referring
21 to the defendant Watson too?

22 THE JUROR: No. I was referring to the defendants.

23 THE COURT: Those who have been convicted?

24 THE JUROR: That have been convicted.

25 THE COURT: Are those the ones you have been referring
26 to?

27 THE JUROR: Correct.

28 Q BY MR. BUBRICK: You realize that Mr. Watson was a

10-5

1 member of that group, do you not?

2 A I do now. As I said I didn't hear his name
3 mentioned very much.

4 Q Are you going to associate your feelings about the
5 group, the family, or Charles Manson, and apply it to Mr.
6 Watson?

7 A Probably. I probably would.

8 Q You probably will just sort of paint them by the
9 whole brush?

10 A Right, probably connect them all.

11 Q In other words, you think it might be necessary
12 for me to introduce evidence to remove whatever feelings you
13 have in your mind at this time as the result of publicity?

14 A Definitely you would have to.

15 MR. BUBRICK: Your Honor, may we approach the bench?

16 THE COURT: Yes.

17 (The following proceedings were had at the bench.)

18 MR. BUBRICK: What I really want to know is what you
19 would prefer we do by way or procedure for challenging a juror
20 for cause.

21 THE COURT: Supposing you do this: Don't challenge her
22 yet because if you challenge her now on her statement that she
23 associated them all, painted them with the same brush, they are
24 all guilty, that this may be a cue to a few other jurors. So
25 just finish your questioning here and pass on to the next one.
26 I will allow the challenge of her later on, you see.

27 MR. BUBRICK: Yes.

28 THE COURT: I think that would be the better procedure.

10-6

1 (The following proceedings were had in open court.)

2 Q BY MR. BUBRICK: Let me just ask you before passing
3 on, Miss Hall, whether as a result of anything you heard and
4 read in connection with this case you have the feeling that
5 your opinion is such that you couldn't give Mr. Watson a fair
6 and impartial trial?

7 A Unfortunately, I think that's correct. It's just
8 too much publicity and I really don't think that I'd be able
9 to give him the just due that he deserves.

10 MR. BUBRICK: Thank you.

11 Thank you very much, Miss Hall.

12 THE COURT: We appreciate your frankness, Miss Hall.

13 MR. BUBRICK: Yes, we certainly do.

14
15 JOSIE YAMANOUCHI

16 BY MR. BUBRICK:

17 Q Miss Yamanouchi?

18 A Yamanouchi.

19 Q I think you have indicated in response to a question
20 by the judge that you have had no prior jury service; is that
21 correct?

22 A That's right.

23 Q May I ask you, please, what area of the city,
24 generally speaking, you live in?

25 A Southwest.

26 Q Are you friendly or do you number among your
27 associates people who know members of any law enforcement
28 agency?

1 A Well, I'm afraid I do, because I am retired from
2 county. I used to be with special investigation unit for five
3 years and I do know some investigators and the D.A. investigators.

4 Q District Attorney investigators?

5 A Yes.

6 Q Is that the department you were with, the District
7 Attorney --

8 A No, I was with -- we called it special investigation
9 unit for Department of Public Social Services.

10 Q Is that the department that dealt with welfare
11 frauds, things of that nature?

12 A Yes, I have been in fraud cases.

13 Q So, I take it in connection with your work, then,
14 you came in contact with people of the district attorney's
15 office who were then called upon to investigate --

16 A Right, yes.

17 Q What part, if any, did you play?

18 A Well, just computation clerk. However, I had to
19 appear as a witness a number of times; in fact, many times.

20 Q On behalf of the prosecution?

21 A That's right.

22 Q Do you think in view of that, of the relationship
23 that your work forced you to perform, that, just as the judge
24 asked before, you might be inclined to give law enforcement
25 officers greater weight or greater credence than otherwise?

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

27 Q Does it give you any particular feeling about the
28 general subject matter of defendants who are asked to stand

1 trial?

2 A Well, I think I'm quite openminded.

3 Q And I take it, then, you don't feel that just
4 because this defendant appears here for trial that he is more
5 apt to be guilty than otherwise?

6 A I think I'll be quite fair about listening to
7 both sides.

8 Q BY THE COURT: You heard, Mrs. Yamanouchi, my
9 statement that he is presumed to be innocent --

10 A Yes, that's right.

11 Q You heard that?

12 A Yes, presumed.

13 Q And that presumption follows him throughout this
14 trial.

15 A Right, yes.

16 Q BY MR. BUBRICK: You still are employed -- no,
17 you are retired?

18 A No, I am retired now.

19 Q You are retired?

20 A Yes, housewife.

21 Q Is it Miss or Mrs.?

22 A Mrs. Yamanouchi.

23 Q Do you have any children, Mrs. Yamanouchi?

24 A They are both grown up, both married.

25 Q Are they boys, girls?

26 A Son and daughter.

27 Q And is there a Mr. Yamanouchi?

28 A Yes.

1 Q What does he do, please?

2 A He's self-employed.

3 Q Does he have anything to do with law enforcement?

4 A Well, he is sort of semi-retired, so he's home
5 most of the time.

6 Q Not under foot, though?

7 A No.

8 Q Did he have anything to do with law enforcement
9 of any sort?

10 A No.

11 Q Have you ever been the victim of any crime, Mrs.
12 Yamanouchi?

13 A No, I have not.

14 Q Have you ever witnessed any crime?

15 A No.

16 Q Do you have any friends, relatives or associates
17 who were the victim of any assaultive type crimes?

18 A I don't remember.

19 Q Are you friendly with any, aside from the people
20 that you told us about in the investigator's staff, District
21 Attorney's office, are you friendly with people who are
22 generally prosecutors?

23 A No, I am not.

24 Q Have you ever studied law or anybody in the family
25 ever studied law?

26 A No, I just have to study regarding fraud cases,
27 some of the codes.

28 Q Aside from --

1 A No.

2 Q -- the specificness of the problem that you were
3 working with at the moment, have you ever studied the general --

4 A No.

5 Q -- subject matter of law?

6 A No.

11A

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11A-1-R

1 Q Now, you heard the judge read the definition of
2 reasonable doubt, Mrs. Yamanouchi. Do you have any feeling
3 that that's asking too much of the prosecution in a murder
4 case to prove a defendant's guilt beyond a reasonable doubt
5 and to a moral certainty?

6 A I don't think so.

7 Q You don't feel that they ought to be able to
8 produce less than that quantum of evidence, do you?

9 A No -- well, say it again so that -- you got me --

10 Q I just want to make sure that you don't feel that
11 in a murder case they can produce less than the quantity of
12 evidence that the judge has just indicated; that is, beyond
13 a reasonable doubt and to a moral certainty.

14 A Well, the answer would have to be yes.

15 Q I'm not trying to mislead; maybe my question --

16 A They are misleading, because I'm --

17 THE COURT: It is difficult, Mr. Bubrick.

18 MRS. YAMANOUCHI: I am getting a little confused there.

19 Q BY MR. BUBRICK: What I want to make sure, is,
20 ma'am --

21 A Yes.

22 Q Is that even in a murder case, you are going to
23 expect the same quantity of evidence be produced by the
24 prosecution that you would in any kind of a case.

25 A Right.

26 Q And that's what the judge already indicated --

27 A Yes.

28 Q -- that it would be beyond a reasonable doubt

11A3R

1 Q Well, you are the only one who knows, Mrs.
2 Yamanouchi.

3 When you say you guess not, are you telling us
4 that it will not affect --

5 A It will not, I should say; it will not.

6 Q May we also assume, Mrs. Yamanouchi, that if the
7 evidence shows that this defendant, along with other people
8 involved in this proceedings, lived the kind of life that you
9 disapproved of, a communal type of living, that you are not
10 going to permit that to influence your thinking when it comes
11 around to deciding whether or not he is guilty of murder or
12 not?

13 A Well, I will have to be truthful and say no.

14 Q It will not affect your thinking; is that correct?

15 A No, because --

16 Q You realize you are going to have to take the
17 facts as we find them.

18 A Right, that's right.

19 Q Even if we don't like the way they lived.

20 A That's right.

21 Q It may or may not have anything to do with whether
22 or not he is guilty of murder; you understand that?

23 A I understand that.

24 Q And we want to make sure that these collateral
25 issues are not going to affect your thinking, if they are not
26 germane?

27 A No.

28 Q You understand that, however, if you feel the

1 subject matter of how he lived is important in arriving at
2 your decision, you may, and must consider that.

3 A Right.

4 Q Now, can you tell me, generally speaking, Mrs.
5 Yamanouchi, whether you lived in this Los Angeles area during
6 the year of '69 and '70?

7 A I have lived here.

8 Q And I take it, then, you heard about what we will
9 refer to as the Tate-LaBianca case?

10 A Yes.

11 Q And how did you happen to -- what was your primary
12 source of information about those killings?

13 A Oh, I suppose over the radio and newspaper, which
14 I take daily, magazines.

15 Q What papers do you read or take daily?

16 A Times and we have a Japanese paper.

17 Q Was it reported in the Japanese paper?

18 A I never read that, but I imagine my husband did.

19 Q But you did read it in the Times?

20 A Yes.

21 Q And how about magazines, did you --

22 A Time Magazine, Reader's Digest.

23 Q And I take it you read those articles that covered
24 the Tate-La Bianca murder?

25 A At first, I did.

#12

1 Q Then later on you sort of lost interest?

2 A Lost interest.

3 Q Did you ever watch it on television regularly?

4 A Well, I am not a TV watcher. Occasionally I may
5 listen to news.

6 Q How about the radio? Would you listen to it on
7 the radio from time to time?

8 A From time to time when I feel like it in the
9 evenings.

10 Q Did you, when you watched it on television, did
11 you watch any one station more than the other?

12 A I have no particular station.

13 Q And how about the radio reports, did you make a
14 point of listening to the news reports on radio?

15 A No.

16 Q Or just pick up the spot reports as you heard
17 them?

18 A Yes.

19 Q Have you read any books on the subject matter of
20 the Tate-La Bianca killings?

21 A I have not.

22 Q Have you ever discussed the matter of that trial
23 with any friends or associates or relatives?

24 A You mean Tate-La Bianca?

25 Q The Tate-La Bianca killings.

26 A No, except that I must say that I have a friend
27 who is a nurse told me that she was very close friends of
28 La Bianca. She told me that but that was all and I didn't want

1 to hear the details.

2 Q You did not discuss any details?

3 A No. She just told me she knew them very well,
4 the children, and Mr. and Mrs. La Bianca. That is all. I
5 said I don't want to hear any details.

6 Q So do you think that because of the relationship,
7 because you knew somebody who knew some of the victims in
8 this case, and whatever it is she might have told you about
9 the victims, that you cannot be fair and impartial to this
10 defendant now?

11 A Well, I am just too old, I guess. It wouldn't
12 bother me.

13 Q It won't bother you?

14 A No.

15 Q Were you ever in court during any portion of the
16 Tate-La Bianca trial?

17 A No, never have.

18 Q Do you know anybody who was ever there?

19 A No.

20 Q Did you ever talk to anybody who was a witness in
21 that case?

22 A No.

23 Q Did you ever talk to anybody who said they knew
24 any of the defendants personally?

25 A No.

26 Q Can I ask you please what you know about the
27 following people, if the names are familiar at all? The name
28 of Susan Atkins.

1 A Yes, I know her name.

2 Q And in what context do you know her name.

3 A A defendant, and she is the one that started, I
4 guess, gave the information in jail. I think she is the one.

5 Q What do you mean she gave the permission?

6 THE COURT: "Information."

7 THE JUROR: Information. She talked to a cellmate.

8 Q BY MR. BUBRICK: Did you ever happen to read what
9 it was that she said about the Tate-La Bianca killings?

10 A No. I didn't read it in detail.

11 Q Did you ever talk to anybody who said they had
12 read the Susan Atkins' statement?

13 A No, never have talked about it.

14 Q So you really know very little --

15 A Very little.

16 Q -- about what she said other than the fact that
17 she made a statement?

18 A Right.

19 Q All right.

20 What about Charles Manson?

21 A He is the leader, the cult leader.

22 Q A cult leader?

23 A Yes.

24 Q Anything else you know about him?

25 A I feel that he has been guilty and he is the head
26 of the family.

27 Q All right.

28 How about Mr. Watson, the defendant in this case?

1 A Well, his name more or less appeared after they
2 were looking for him and found him in Texas. That is about
3 all I know in detail, and his appearance. The picture I saw
4 of him then and what I see now, I mean the way I see him now
5 is different. That is all.

6 Q Is there anything about the fact that he was in
7 Texas?

8 A No.

9 Q As you mentioned, that leads you to believe --

10 A No. I was surprised that he was there. I thought
11 he was here right along.

12 Q Well, have you ever heard him referred to as
13 Charles Tex Watson?

14 A Now when you say that, yes.

15 Q Have you ever heard that expression before?

16 A No, I don't think so.

17 Q Well, are you attaching any particular significance
18 to the fact that he was in Texas?

19 A No, just that I happened to read the paper and
20 it said that they found him in Texas. That is all.

21 Q How about Mr. Bugliosi. Did you ever hear of him
22 before?

23 A A victim?

24 Q No. Thank God he is not a victim.

25 A I don't know him then. I don't know him.

26 MR. BUGLIOSI: A victim of sorts, Ma'am.

27 THE JUROR: I don't know him. I don't know much of the
28 details.

1 Q BY MR. BUBRICK: He is the gentleman sitting on
2 the end of the counsel table closest to you,

3 A Oh, he is there. I couldn't think of it.

4 Q I take it without either introduction or ending,
5 you didn't have occasion to hear any of the statements he
6 may have made in connection with the proceedings.

7 THE COURT: Our vanishing heroes.

8 Q BY MR. BUBRICK: How about the term Spahn Ranch.
9 Have you ever heard that expression?

10 A What?

11 Q Spahn Ranch.

12 A Yes, I have heard.

13 Q What did you hear about the Spahn Ranch, Mrs.
14 Yamanouchi?

15 A That Manson and his family were residing there.

16 Q Did you ever hear the statement by President
17 Nixon or read it?

18 A I heard it.

19 Q Did you think it was a fair statement?

20 A I didn't think so, for the president to make.

21 Q What?

22 A I didn't think it was a fair statement for the
23 president to make it.

24 Q Because he was the president?

25 A No, for anyone at that time. I mean right off like
26 that.

27 Q Did you agree with the statement that he made?

28 A I guess my mind I sort of.

1 Q You sort of did?

2 A I think so at the time.

3 Q Do you remember what he said about the people who
4 were standing trial then?

5 A Not too much. I know he said they were guilty.
6 That is about all I remember.

7 Q And you tend to agree with his appraisal?

8 A I thought at that time the president shouldn't have
9 made that kind of statement publicly.

10 Q We can't help it. He made a statement and you
11 know it is like --

12 A And I thought was it so?

13 Q It is like unringing the bell. It is pretty hard
14 to get the sound. Like the judge said, it is like scrambling
15 eggs -- or unscrambling eggs?

16 THE COURT: No; unscrambling eggs.

17 You see, President Nixon is not a judge, is not the
18 judge in this case.

19 THE JUROR: I know it.

20 THE COURT: You are not to be influenced by anything he
21 says, at least about this case.

22 THE JUROR: Right.

23 Q BY MR. BUBRICK: Do you remember how the guilt phase
24 of the Tate-La Bianca case came out?

25 A Guilt?

26 Q The guilt phase as distinguished from the punishment.
27 We try to separate those two phases of trial.

28 A When it came to court you mean?

1 Q Do you remember what the jury finally decided about
2 the defendants in that Tate-LaBianca case?

3 A They were found guilty.

4 Q Do you remember what punishment was assessed?

5 A I think they were found death.

6 Q Is that what you heard, that they were given the
7 death penalty?

8 A Yes, uh-huh, I think.

9 Q Now, knowing that the defendants in the Tate-
10 La Bianca case, that is those people who have been tried so
11 far, were found guilty and were given the death penalty, are
12 you still, Mrs. Yamaneuchi, at this moment able to give this
13 defendant the presumption of innocence that the judge has
14 described?

15 A I think he has to have a fair trial and then decide.

16 THE COURT: That is not the question. I told you before
17 that a defendant is presumed to be innocent.

18 THE JUROR: Uh-huh.

19 THE COURT: And the people must prove him guilty beyond
20 a reasonable doubt.

21 THE JUROR: Yes.

22 THE COURT: Can you give him the benefit of that
23 presumption at this time?

24 THE JUROR: Well, I think so. I think so.

25 THE COURT: If there is any doubt in your mind, let us
26 know.

27 THE JUROR: I feel that I guess in my mind, I think I
28 have to associate him with Manson.

1 THE COURT: Even though you heard nothing about this case,
2 you have heard no evidence in this case concerning him, you
3 have to still associate him with Manson; is that correct?

4 THE JUROR: It has been there right along.

5 THE COURT: It has been there right along in your mind
6 or he has been there right along?

7 THE JUROR: I guess to be fair --

8 MR. BUBRICK: Q Yes, that is what we want. We want
9 you to be fair.

10 A I guess so.

11 Q In other words, you think that it will be
12 necessary for me to introduce evidence to make you change the
13 mind that you now have or the opinion that you now hold?

14 A Yes.

15 MR. BUBRICK: Thank you, your Honor.

16 Thank you, Mrs. Yamanouchi.

17
18 JOHN DARCO

19 BY MR. BUBRICK:

20 Q Mr. Darco?

21 A Yes.

22 Q May I ask you, sir, the area of the city that you
23 generally speaking live in?

24 A Atwater.

25 Q The Atwater area district?

26 A Yes.

27 Q Is that north, south, west, east?

28 A Well, you could say north.

12A1R

1 Q I take it, if my notes are correct, that you have
2 not previously been a member of any jury panel; is that cor-
3 rect?

4 A That is right.

5 Q So this is your initial experience as a juror,
6 either civil or criminal?

7 A Yes, sir.

8 Q I ask you, Mr. Darco, whether you are friendly
9 with members of any law enforcement agency?

10 A No.

11 Q Do you have any friends who are members of any
12 police department, if you know?

13 A Oh, I have acquaintances. I wouldn't call them
14 friends.

15 Q How often do you see them? Very frequently,
16 perhaps?

17 A Yes, I would say that.

18 Q Do you ever have occasion to discuss with them
19 the nature of their work?

20 A No.

21 Q I take it nothing about that relationship would
22 force you to give any more weight or credence to a man who
23 says he is a policeman than otherwise?

24 A That is right.

25 Q Solely because of that factor. How about members
26 of any prosecutor's staff, whether it be the district attor-
27 ney's office, the U. S. attorney's office, the city attorney?

28 A No.

12A2R

1 Q Have you ever been the victim of any crime?

2 A No, never.

3 Q Do you have any friends, relatives or associates
4 who have ever been victims of any crimes of violence?

5 A Not that I can think of.

6 Q Not that you can recall at the moment?

7 A No.

8 Q You have not had your car taken or anything of
9 that sort?

10 A No, fortunately, no.

11 Q Unfortunately, no?

12 A I said fortunately, no.

13 Q Have you ever studied any law?

14 A Oh, in the '30's I belonged to the National Guard.
15 I was taking a course in being an officer and I took military
16 law and that is about all.

17 Q If there should be any facet of military law that
18 you can still remember after all these years, that pertains
19 to what we call criminal law, I take it you can forget about
20 that; is that correct?

21 A I don't think I would remember it.

22 Q If, during this trial, anything should come up
23 that would jog your memory, I take it you are not going to
24 pay any attention to that. You will completely forget every-
25 thing you may have heard about law and be controlled solely
26 by the instructions you hear here?

27 A That is right.

28 Q May I ask you the nature of your business or

12A3R

1 occupation, sir?

2 A I work for Water and Power and I am in charge of
3 the stationery store. I buy all of the stationery for the
4 department.

5 Q Has that ever been the victim of any theft of any
6 sort that you know of?

7 A Our inventory always comes up short.

8 THE COURT: You are not accusing anybody but you do come
9 up short?

10 MR. BUBRICK: Q I take it you have not been forced
11 to file an informal complaint in connection with those?

12 A No. It is minor.

13 Q Now, you heard what I have asked the other two
14 jurors heretofore, Mr. Darco, about the general subject matter
15 of drugs, for example. Is your frame of mind about the general
16 subject matter of drugs such that you think that any evidence
17 that this defendant was involved with drugs, might tend to
18 prejudice you in your mind?

19 A No.

20 Q You realize as an adult that we all have feelings
21 about drugs. We are not asking you to void yourself or
22 eliminate those feelings. You know that is pretty hard to do.
23 But do you have any feelings at all that if the subject matter
24 of drugs comes up, you can put that in its proper perspective?

25 A That is right.

26 Q If there is evidence introduced by doctors or
27 otherwise about drug usage, you will treat that however you
28 feel it should be treated?

12A4R

1 A That is right.

2 Q Your frame of mind is not such that you are going
3 to close your mind off to any subject matter of drugs and
4 refuse to consider it for any reason at all?

5 A No. The only thing that I believe is that a
6 victim taking drugs is still responsible for his behavior.

7 Q Well, am I going to have to introduce evidence to
8 force you to come to some other conclusion?

9 A I believe so.

10 Q Can I do that, Mr. Darco, knowing yourself as you
11 do?

12 A Well, I have been known to be wrong.

13 Q You know I am not trying to be facetious. This
14 isn't like one of those games, "I'm from Missouri. Prove
15 it." You know your frame of mind. You know how strongly you
16 feel about a person who commits a crime while taking drugs.

17 Are you telling me now that your frame of mind is
18 such that you are not going to be receptive to any evidence
19 I can put on to show that there may be some justification --
20 I am sorry, that is a bad word, not justification -- but that
21 there may be some place for that in the law?

22 A Oh, we talk of drugs. That is a wild field.

23 Q So are some of the drugs.

24 A That is right. Maybe the harsher drugs, which I
25 am not acquainted with, could be in the nature in which I
26 could be wrong.

27 Q I don't really quite know what it is that you
28 think you are wrong about, Mr. Darco.

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A Well, say, somebody is under a shot of heroin.
I might myself feel he is still responsible for his actions,
but I am not too sure of this LSD. I am not too well
acquainted with it, but I have seen somebody take the needle
and I still think that they should be held responsible for
their actions.

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FOR DESTRUCTION

13-1QR

1 Q Well, you see what we are talking about now may
2 be a matter of degree. All I want to make sure is that if
3 you are told that a person who voluntarily takes drugs may
4 be held responsible in some degree for his crimes, whether
5 you will follow such an instruction.

6 A That's right.

7 Q You see, when we get around to the instructions
8 in this trial, there probably will be some degrees of murder
9 defined by the Court.

10 THE COURT: Well, let's be perfectly frank, Mr. Darco.
11 I think if we did that, we'd make it much easier.

12 MR. BUBRICK: Fine.

13 Q BY THE COURT: You see, when we speak of murder,
14 murder is the unlawful killing of a human being with malice
15 aforethought; that's a very, very simple definition that we
16 can understand; but now we get ourselves into trouble when we
17 get into the degrees of murder: Murder first degree, murder
18 second degree, and manslaughter, voluntary or involuntary.

19 Now, Mr. Bubrick has been talking about drugs.
20 The defendant has entered a not guilty plea to all these counts.

21 When a defendant pleads not guilty to a charge of
22 murder, he puts into issue the following elements: No. 1, his
23 intent to commit the crime of murder; No. 2, deliberation,
24 deliberation upon the crime before the commission of the crime;
25 3, was the crime willfully committed; No. 4, did he premeditate
26 that crime; and, lastly, did he commit that crime with malice
27 aforethought.

28 Now, in the trial of the guilt phase, sanity or
insanity is not an issue, but under our law if a man is

13-2-R

1 suffering from some mental derangement or from some mental
2 disease or even from voluntary intoxication or drugs, in
3 the question of whether or not he is guilty of the crimes that
4 I have just enumerated to you, we do take into consideration
5 his mental capacity to deliberate, to form the intent, to have
6 the willfulness to commit the crime, his ability to premeditate
7 and, lastly, did he do it with malice aforethought.

8 Now, if his mental condition, because of derange-
9 ment, intoxication or disease, may be such that he could not
10 have formed the intent or he could not have deliberated; and
11 if the doctors so testify, you may take that into considera-
12 tion in reducing the crime from murder first degree to murder
13 second degree; and if they say, and you believe from all the
14 evidence that he was in such mental condition from those
15 maladies or intoxication or drugs or diseases that he could
16 not even have formed the malice aforethought necessary, then
17 you can reduce that even from murder second degree to man-
18 slaughter, depending upon the evidence you hear and what
19 witnesses you chose to believe.

20 Now, if I instruct you to that effect, would you
21 follow those instructions?

22 A Yes, sir.

23 Q I believe that's what Mr. Brubrick is getting at
24 in this case. I may be presumptuous --

25 MR. BUBRICK: No, that's right, your Honor; I thank you
26 for doing it.

27 Q BY THE COURT: In other words, it is what we
28 call on the question of guilt or innocence, he is now

3-3-R

1 offering the defense of diminished capacity. He did not have
2 the ability to premeditate, he did not have the ability to be
3 willful, he did not have the ability to do this intentionally
4 and he may even go so far as to say that because of that
5 condition of mind, he could not even harbor malice afore-
6 thought; and if you believe all those things, you even have
7 a right to come back then with involuntary manslaughter.

8 In other words, that diseased mind on the question
9 of guilt or innocence does not excuse him completely from a
10 crime he committed, but it tends to reduce the degree of the
11 crime, if you believe that evidence.

12 Is that clear, Mr. Darco?

13 A Yes, sir.

14 THE COURT: Thank you, Mr. Bubrick. You may proceed.

15 MR. BUBRICK: Thank you.

16 Q Now, after that helpful and very scholarly dis-
17 cussion, Mr. Darco, can I ask you again, then, whether you
18 think your frame of mind is such that if the evidence showed
19 voluntary drug consumption on the part of the defendant, you
20 would automatically find his involvement to be that of the
21 first degree if you found him guilty of any homicide at all?

22 A No, not first degree.

23 Q In other words, you are telling us, then, that
24 you will listen to whatever evidence is offered about drug
25 ingestion, even though it be voluntary, and decide whether
26 in your own mind that evidence forces you to believe that the
27 crime is either first, second or anything else, and not auto-
28 matically at the top?

13-4-R

1 A Yes, sir.

2 Q You see, that's really all we are asking, that
3 you be here with a free and open mind, that you are receptive
4 to our evidence and that you don't foreclose it before hear-
5 ing anything because of some personal bias or prejudice that
6 you have.

7 A I get the point.

8 Q May I ask you, also, Mr. Darco, whether your
9 frame of mind about the general subject matter of sex is such
10 that you think that this defendant will be prejudiced if you
11 find that he has been involved in a matter that you disapprove
12 of?

13 A No.

14 Q And how about his life style, if the evidence
15 shows that he is living a communal, nomadic type of existence,
16 something that you may personally disapprove of will you,
17 nevertheless, put it in its proper perspective in determining
18 whatever you will about the guilt or innocence of this defen-
19 dant on the issue of murder?

20 A Yes, sir.

21 Q You realize that these are kind of collateral --
22 I am not implying that you not consider them, because you
23 certainly may, but don't foreclose this defendant's guilt or
24 innocence because you disapprove of the way he lives, for
25 example.

26 Do you follow?

27 A That's right.

28 MR. BUBRICK: Your Honor, would this be a good time to

13-5-R

1 take the recess?

2 THE COURT: Very well.

3 How about 1:30, gentlemen?

4 MR. BUBRICK: Fine.

5 THE COURT: Ladies and gentlemen of the jury, we will
6 recess at this time until 1:30.

7 Once more, do not form or express any opinions in
8 this case; do not discuss it amongst yourselves or with any-
9 body else. Please keep your minds open.

10 Mr. Bubrick, I think if you will -- never mind,
11 the jury may be excused.

12 Court will remain in session.

13 (Jury excused.)

14 THE COURT: All right, the jury has left now.

15 Gentlemen, as a practical matter, jurors No. 1 and
16 2, of course, if they are challenged for cause, I will allow
17 the challenge.

18 Do you want to challenge them now or wait until
19 you are through with the jury?

20 MR. BUBRICK: I don't know, your Honor; I think I'd just
21 as soon complete the jury and then, perhaps, challenge them
22 at the termination.

23 THE COURT: Because I will allow the challenge.

24 MR. BUBRICK: Fine.

25 Unless it will save them the inconvenience of
26 sitting here for a couple of days --

27 THE COURT: Well, it makes no difference, because you
28 are going to go through the jury, anyway.

13-6-R

1

MR. BUBRICK: I was just thinking of their convenience.

2

THE COURT: Well, they say they can give us two months,
so just a few days shouldn't matter.

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(Noon recess.)

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LOS ANGELES, CALIFORNIA, MONDAY, AUGUST 2, 1971; 1:30 P.M.

THE COURT: People versus Watson,

Let the record show that all jurors are present and in the jury box, counsel for the defendant and the defendant and the District Attorney.

You may proceed, Mr. Bubrick.

MR. BUBRICK: Thank you, your Honor.

Q Mr. Darco, let's take up where we left off and now discuss for a few minutes, if we may, please, the matter of publicity.

May I ask you, sir, whether you lived in Los Angeles County area during the year 1969 and 1970?

A I did.

Q I take it then you have heard of the Tate-La Bianca killing?

A I have.

Q And during that period of time, Mr. Darco, were you subscribing regularly to any newspaper magazines?

A Yes, the Examiner.

Q Which one did you get by way of newspaper?

A Herald-Examiner.

Q And I take it that you own a television set and radio?

A Yes.

Q What would you say was your primary source of information about the homicide?

14-2

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A TV.

Q You watch it fairly regularly?

A The news, yes.

Q And do you remember which particular station you watched, if there was one, more than the others?

A It depends on what time I am looking. It comes on at 5:00, 5:30, some comes on at 6:00, some at 5:00. It is all according to what time.

Q Would you, however, make a point of listening to the news fairly regularly during the course of the proceedings?

A I didn't follow the proceedings at all, just what news came on happenstance.

Q If you happened to turn on the news that day and there was some mention of it, you listened to that. Other than that you didn't go out of your way, is that correct?

A That is correct.

Q Have you read any books on the Tate-La Bianca murder?

A No.

Q Do you know anything at all about the defendants who were involved in that case?

A No, sir.

Q Have you ever discussed the Tate-La Bianca trial or the killings with anybody?

A Just casual conversation.

Q With whom?

A Oh, mostly my help down at work.

Q Your place of employment?

14-3

- 1 A That is right.
- 2 Q Did you ever form or express an opinion --
- 3 A No.
- 4 Q -- about the people who were involved in that
- 5 homicide?
- 6 A No.
- 7 Q Were you ever in court during any of the
- 8 proceedings?
- 9 A No, sir.
- 10 Q Did you ever talk to anybody who was in court?
- 11 A No, sir.
- 12 Q Did you know anybody who knew any of the victims
- 13 in that particular case?
- 14 A No.
- 15 Q Did you know anybody who knew anybody who testified
- 16 as a witness in that case?
- 17 A No.
- 18 Q Did you know anybody who knows this defendant or
- 19 ever talked to this defendant?
- 20 A No.
- 21 Q Do you remember anything at all about the name
- 22 Susan Atkins?
- 23 A Yes, she was -- she turned state's witness. That
- 24 is about all I know.
- 25 Q Do you think she was a witness for the prosecution?
- 26 A That is right, yes.
- 27 Q How about the defendant Charles Tex Watson. Do
- 28 you remember anything you might have read or heard about him?

14-4

1 A No, just that he was a suspect. That is all I
2 know.

3 Q And how about the name Leslie Van Houten. Does
4 that mean anything to you?

5 A No. I am very lousy at names anyway.

6 Q How about Vincent Bugliosi?

7 A I know him here.

8 Q That is the gentleman at the end of the table,
9 but did you hear anything he ever had to say on that matter?

10 A No, just what I see on the TV, that is all.

11 Q Pardon?

12 A I seen him a couple of times on TV. That is all.

13 Q In connection with the Tate-La Bianca matter?

14 A Just a little.

15 Q You heard what he had to say in connection with
16 those matters, did you?

17 A Yes. He didn't say too much. He said he couldn't
18 discuss it.

19 Q I take it you heard him say that more than once,
20 did you?

21 A I sure did.

22 Q You never heard any other comments of his, though?

23 A No.

24 Q Assuming that there were any others.

25 A No.

26 Q Did you hear the statement by President Nixon in
27 connection with that trial?

28 A No. I just heard about it.

14-5

1 Q Do you remember what the statement was?

2 A Not in its entirety, no.

3 Q Outside of what you might have heard about it today,
4 prior to today do you have any recollection of what it was that
5 the president said about that or its participants?

6 A At the time I remember what he said.

7 Q What did he say that you remember?

8 A That they were all guilty. I thought it was in
9 poor taste.

10 Q Aside from the fact that it was in poor taste,
11 did you share that opinion?

12 A Not necessarily, no.

13 Q What do you mean not necessarily?

14 A Well, I never discussed the guilt or innocence of
15 any part of the trial.

16 Q Based entirely upon what you heard or what you
17 read and considering, as you will, the president's statement,
18 did you ever form an opinion that the participants in that
19 trial were guilty?

20 A No. I thought they had a poor case.

21 Q You thought they had a poor case?

22 A A poor chance of getting out of it, yes.

23 Q Conversely does that mean that you felt they were
24 guilty?

25 A Yes, in a sense.

15

26

27

28

1 Q And do you still feel that way about the
2 participants in that murder?

3 A Just the ones who went to trial, they were
4 convicted of guilty.

5 Q How about Mr. Watson, the defendant here, knowing
6 that he was a member of that group have you formed any opinion
7 about his guilt or innocence?

8 A No.

9 Q You have not?

10 A No, sir.

11 Q Have you ever expressed an opinion about his guilt
12 or innocence based on what you have heard or what you have read?

13 A To tell you the truth, I have never discussed Mr.
14 Watson nor never seen him till right now.

15 Q I appreciate the fact that you may not have seen
16 him, but I want to make sure that nothing that you have read
17 influences your feeling at this time.

18 A I have never discussed it.

19 Q Do you know the outcome of the Tate-La Bianca
20 murder so far as those defendants who were tried were concerned?

21 A Yes.

22 Q What was the outcome of that?

23 A They got the death sentence.

24 Q They were found guilty and got the death sentence;
25 is that correct?

26 Knowing that, is your frame of mind still such that
27 you can give this defendant the presumption of innocence?

28 A I have never given it a thought.

15-2

1 Q Well, if you thought about it for a second, Mr.
2 Darco, knowing that he is a member of a group, some of whom
3 have already been sentenced to death, do you have any opinion
4 now about his guilt or innocence?

5 A No.

6 Q Is there any question in your mind but that he is
7 innocent so far as you are concerned right now?
8 the

9 A As a judge remarked, he is innocent until --

10 THE COURT: No, the judge didn't say "He is innocent."
11 The judge said, "He is presumed to be innocent."

12 MR. DARCO: Presumed innocent, then.

13 Q BY MR. BUBRICK: You understand there is a
14 presumption in the law until such time as that is overcome
15 and the guilt is satisfactorily evidenced to you?

16 A That's right.

17 Q And I take it you feel that you can do that and
18 will do that so far as this defendant is concerned.

19 A That's right.

20 Q I take it you have no feeling that everybody who
21 was involved with the family is automatically guilty of a crime?

22 A No, not necessarily.

23 Q Do you feel, Mr. Darco, that one could be a member
24 of a group and still not be responsible for everything the
25 group does?

26 A Yes, many times that can happen.

27 Q I know this may be a poor analogy, but you realize
28 that one could be a member of the democratic political party --
and I am not suggesting for a minute that there is any sort of

15-3

1 an analogy here -- but, one could be a member of the democratic
2 political party and still not believe in all the tenants of
3 that party; you understand that?

4 A Yes.

5 Q Will you give this defendant the same presumption
6 of innocence even though you know he was a member of a group
7 that was involved in a number of homicides?

8 A That's right.

9 Q And you are going to treat him as an individual,
10 are you not?

11 A That's right.

12 Q And that you are going to set aside everything
13 that you may have heard about everybody else who was involved
14 in these homicides and treat this gentleman as an individual?

15 A That's right.

16 Q Do you have any prejudice against this defendant
17 because this is the second of a long, costly trial that we are
18 going to ensue?

19 A Never gave it a thought.

20 Q I take it you have no feelings about the merits
21 of Mr. Watson's defense at this moment?

22 A No.

23 Q And you are not going to -- he is not going to be
24 prejudiced in your mind because it may be costly to try this
25 matter?

26 A No.

27 Q Do you remember when you first heard the term
28 "The Manson family"?

15-4

1

A Yeah.

2

Q When was that?

3

A During the trial.

4

Q Did you form or express any opinion about the Manson family as a group?

5

A No.

6

Q Did anything you saw or read cause you to form any opinion about the Manson family as a group?

7

8

A No.

9

Q Do you remember who the so-called members of this family were?

10

11

A Just the people at the trial, is all, and I don't think I can name them.

12

13

Q Do you know that the defendant was a member of that family or that group?

14

15

A It was so mentioned, yes.

16

17

Q In view of all the publicity that you have heard, in view of everything that you have heard or read about the Tate-La Bianca case, Mr. Darco, is there any feeling at all, any thought at all that you have at this moment that you can't give this defendant a fair and impartial trial?

18

19

20

21

A I don't believe so.

22

23

Q Is there any feeling at all in your mind that because of everything you have read and everything you have heard you may not be able to forget about all that in arriving at your own independent judgment?

24

25

26

27

A Would you reword that again?

28

Q In view of everything that you have heard about the

1 Tate-La Bianca matters, whether it be by radio, television or
2 otherwise, do you feel that it is going to be impossible for
3 you to forget everything you have heard and read about that
4 matter and be guided solely by what you hear during the course
5 of this trial?

6 A Regarding --

7 Q This defendant. We are only concerned about Mr.
8 Watson.

9 A That's right.

10 Q In other words, whatever you may have heard about
11 the other participants, you are going to forget about?

12 A That's right.

13 Q And you are going to be guided solely by what you
14 hear here in determining the defendant's guilt or innocence?

15 A That's right.

16 Q And there is no question in your mind but that you
17 can do that and you will do that; is that correct?

18 A That's right.

19 Q Did you ever read any statement that was publicized
20 and attributed to one Susan Atkins?

21 A I read several statements; I don't know what you
22 are referring to.

23 Q Well, did you ever read a newspaper account of a
24 statement --

25 A Funny thing about newspapers, I just read the
26 headlines and then they read it to me on TV.

27 Q Do you ever recall anything on TV about a statement
28 attributed to a Susan Atkins?

1 A No.

2 Q I take it, then, you don't recall anything at all
3 in connection with that statement or any of the people mentioned
4 in that statement?

5 A No.

6 Q Do you think, Mr. Darco, that you are so affected
7 by what you read or heard that you couldn't follow this court's
8 instructions on this matter?

9 A I can follow the instructions.

10 Q And you will follow the instructions; is that
11 correct?

12 A (Nods affirmatively.)

13 Q Have you ever formed or expressed any opinion about
14 this defendant's guilt or innocence?

15 A No.

16 Q If you were so unfortunate as to be a defendant in
17 a lawsuit such as this, Mr. Darco, would you be satisfied to
18 be tried by 12 jurors in your present frame of mind, knowing
19 everything that you know about this case or that you have heard
20 about this case?

21 A Yeah.

22 Q In other words, your frame of mind is such that you
23 feel you are the fair and impartial juror that we seek, even
24 if you was going to be tried?

25 A Yeah.

26 Q Let me now, Mr. Darco, take you into an area of
27 thought for a minute, and that's a field of medicine known as
28 psychiatry.

1 Let me ask you, first, if you are friendly or
2 whether you know anybody who practices that kind of medicine,
3 psychiatry?

4 A (Shakes head negatively.)

5 Q Do you know anybody who is involved in psychology?

6 A No.

7 Q A person referred to as a psychologist.

8 Do you know the difference between a psychiatrist
9 and a psychologist, Mr. Darco?

10 A Not in the entirety, no.

11 Q Well, generally, a psychiatrist is a doctor, one
12 who has a doctor in medicine, who also does psychiatrics.

13 The psychologist is one who has a college degree,
14 a doctor's degree where he has majored in psychology; he's
15 not a doctor of medicine, however.

16 Now, knowing that, do you have any feelings about
17 the validity of psychiatric testimony?

18 A No.

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16 fls.

6-1-R

1 Q Have you ever formed or expressed an opinion about
2 doctors who practice psychiatry?

3 A No.

4 Q Do you know anybody who has ever gone to see a
5 psychiatrist or psychologist for that matter?

6 A No.

7 Q Have you ever read anything on the field of
8 psychology or psychiatry?

9 A Only about what they referred to as the industrial
10 handling of personnel, psychological handling of personnel.
11 I took some courses in that.

12 Q That is concerning managerial relationships, I
13 take it?

14 A Yes.

15 Q Aside from that specific branch of that, have you
16 read anything about the general field of psychology or
17 psychiatry?

18 A No.

19 Q Do you have any feeling about the role of a
20 psychiatrist in your modern-day society?

21 A No.

22 Q Do you either approve or disapprove of such a
23 person?

24 A I think they have their place.

25 Q Do you have any feeling, Mr. Darco, that you might
26 resent the psychiatrist trying to tell you whether somebody
27 was sane or insane?

28 A No.

16-2-R

1 Q Do you have any opinion about the merits of any
2 third person, such as a psychiatrist, telling you whether
3 somebody is sane or insane?

4 A Say that again.

5 Q Do you have any opinion about the relative merits
6 of a doctor trying to tell you whether somebody was sane or
7 insane?

8 A No.

9 Q I think you realize that what Judge Alexander told
10 you before lunch, that the psychiatrist is an expert whose
11 testimony you may accept or reject, as you will. You are not
12 bound by anything he says, because, as the Judge told you, the
13 question of fact is something that you determine and you will
14 listen to him and just as any other witness, and you will
15 decide where, if at all, that testimony applies. So that
16 you're not bound one way or the other, but what we want to
17 make sure of is that you don't have the feeling about a doctor
18 who practices this type of medicine, that would forestall or
19 preclude anybody from trying to present you with that sort of
20 testimony, do you understand?

21 A Yes.

22 Q Do you have any feeling, Mr. Darco, that you would
23 automatically accept the testimony of a doctor who testified
24 in the field of psychiatry?

25 A It would depend.

26 Q You will give it whatever weight you will; is that
27 correct?

28 A It would depend on his presentation.

16-3-R

1 Q May I assume that you won't automatically reject
2 the testimony of the psychiatrist or psychologist?

3 A No.

4 Q Do you have any feelings based on your personal
5 adult mature reflection on this field that leads you to believe
6 you cannot be fair and impartial to both sides in the matter
7 of psychiatric testimony?

8 A No.

9 Q You are not going to accept the testimony of one
10 psychiatrist because he happens to testify before the prosecu-
11 tion, or vice-versa, if they happen to testify for the defense?

12 A It would be justly weighed.

13 Q You are going to listen to what they say, no
14 matter whose side they testify for, and then be guided by
15 that; is that correct?

16 A Yes.

17 Q Let me explore with you another phase of this
18 inquiry, if I may, Mr. Darco, and that is some question
19 relative to the death penalty.

20 Judge Alexander has already indicated, the People
21 seek the death penalty in this particular case. We are going
22 to talk about it now, because this is the only time we have to
23 talk about it and the fact that we make reference to it shouldn't
24 be interpreted on your part as an indication that we feel this
25 is a death penalty case.

26 We talk about it only, as I say, because the law
27 demands we do it now and not at any other time. You realize
28 from what Judge Alexander has told you that first you have

6-4-R
1 got to find this defendant guilty of first degree murder and
2 if you do that, we get around to the issue of punishment and
3 as the judge has indicated at that time you will be called
4 upon to determine whether the punishment be life or the punish-
5 ment be death. But remember the condition to that is the
6 finding of first degree murder.

7 Now, let me suggest, or let me paraphrase the
8 judge, as he told you a little while ago, that murder in the
9 first degree involves a willful, deliberate, premeditated
10 murder with malice aforethought. Now, if you find that to be
11 true, Mr. Darco, would you automatically impose the death
12 penalty?

13 A Yes.

14 Q Do you think you would? There is no question in
15 your mind about that?

16 A That is right.

17 Q If you found it to be a willful, deliberate,
18 premeditated murder with malice aforethought, you would impose
19 the death penalty automatically?

20 A That is right.

21 MR. BUBRICK: Thank you, Mr. Darco. Your Honor, may I
22 defer to Mr. Keith?

23 THE COURT: I was wondering whether Mr. Darco actually
24 understood your question. You heard me tell you before,
25 should you find the defendant guilty of murder and fix the
26 degree of murder in the first degree, you will fix the penalty
27 and that penalty could be either life imprisonment or the death
28 penalty. It is up to you entirely. If you felt it was a

16-5-R

1 proper case for it and your conscience dictated the death
2 penalty should be imposed, you could impose that penalty.

3 On the other hand, if you felt that it was not
4 a proper case for the death penalty, you could impose life
5 imprisonment?

6 THE JUROR: I understand that. I understand his ques-
7 tion is ipso facto that is it, high, cut and dried.

8 THE COURT: Insofar as you are concerned, if you find
9 this defendant guilty of murder in the first degree, you auto-
10 matically will impose the death penalty; is that what you are
11 saying?

12 THE JUROR: Not if there is any question.

13 THE COURT: Question about what?

14 THE JUROR: Well, he says premeditated without malice
15 aforethought --

16 THE COURT: Let's see. Let us not confuse the penalty
17 phase with the guilt phase. Under the law, if after you
18 hear all the evidence --

19 THE JUROR: That is right.

20 THE COURT: -- you are convinced beyond a reasonable
21 doubt that this man willfully, deliberately, and with pre-
22 meditation and with malice aforethought killed someone, that
23 would be murder in the first degree.

24 All right. You would have no choice there, if
25 you found those to be the facts.

26 But you do have a choice on the penalty when it
27 comes to the penalty phase -- either death or life imprison-
28 ment. You would exercise only the choice of the death penalty,

16-6-R

1 is that what you are telling us, and you would not even con-
2 sider life imprisonment?

3 THE JUROR: Oh, I would consider life imprisonment. I
4 don't know what you are getting at myself.

5 THE COURT: Well, I am trying to make this as uncomplica-
6 ted as I can. What I am getting at is this: We don't want
7 people on the jury who would automatically vote against the
8 death penalty, regardless of what the evidence shows, and by
9 the same token, we don't want people on the jury who would
10 automatically vote for the death penalty, regardless of what
11 the evidence shows.

12 In other words, what we want here are jurors who
13 will conscientiously weigh the two penalties and then deter-
14 mine for himself which penalty should be imposed. That is
15 your duty. You must weigh the two alternates -- life imprison-
16 ment or death. We don't want anybody who will say, "I will
17 automatically do one or do the other without regard to what
18 I hear."

19 Do you understand what we are getting at now?

20 THE JUROR: Yes.

21 THE COURT: In other words, we want you to really exer-
22 cise a free choice, a free and untrammelled choice without any
23 guidelines, but you must exercise a choice. That is what we
24 want, people who will choose and not be hidebound one way or
25 the other.

26 THE JUROR: I am not hidebound in any way.

27 THE COURT: And you would give both penalties a choice.

28 THE JUROR: I would give them consideration, right,

16-7-R

1 MR. BUBRICK: Q With some fear of repeating myself,
2 your Honor, but to make sure, Mr. Darco, all I really tried to
3 give you was the definition of first degree murder and those
4 are some of the elements that you are going to have to find,
5 in order to find this defendant guilty of first degree murder,
6 and they require the murder has to be a deliberate one, it has
7 to be willful, it has to be premeditated, and it has to be
8 malice aforethought.

9 Those are at least four of the elements that you
10 are going to have to find before you can find the defendant
11 guilty of first degree murder.

12 Now, since the penalty phase of this trial only
13 comes into effect after you make such a finding, I want to
14 make sure, as the judge has asked you over and over again, that
15 you are not going to just automatically -- and that is the word
16 "automatically" -- you are not going to automatically impose
17 the death penalty because you have found the murder to be
18 willful, deliberate, premeditated and with malice aforethought.

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

20 Q You don't think you would what?

21 A After it has been re -- after it has been explained
22 a little differently, I don't think I would.

23 Q Is there any question in your mind about whether
24 you would or would not?

25 A No.

26 Q You are certain are you now that you will weigh
27 these matters and you will form some educated opinion based
28 on what you have heard?

16-8-R

1

A Yes.

2

3

4

5

Q And you are not telling us now that your mind is such that if you find the murder that I have described to you to have been committed, you are automatically going to do one thing or the other?

6

A No.

7

8

9

10

Q You see, the law doesn't prefer one over the other. That is why the law cannot be of any help to you. The judge will only tell you what your duty as a juror is and then you make the decisions.

11

12

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16

You decide whether it is life or death and there are no guides, no nothing that the Court can do to let you find out what you think you ought to do. You are just going to have to make that determination, based solely upon what you heard and reach your own heart, your mind and your conscience, to determine what the punishment would be.

17

18

19

Now, knowing that again, is your frame of mind such that you feel the death penalty is the only proper punishment for first degree murder?

20

A Not necessarily.

21

22

23

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28

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#17

1 Q Do you have any preconceived ideas, Mr. Darco, of
2 a factual situation that you would have to find to be true
3 before you would automatically impose the death penalty?

4 A Say that again?

5 Q Do you have any preconceived ideas of conditions
6 under which you would automatically impose the death penalty?

7 A No.

8 Q May I assume, then, that there is nothing in your
9 mind, such as, "If I find one, two, three, four to be true,
10 I automatically impose the death penalty"?

11 A No.

12 Q Do you have any preconceived ideas based on anything
13 you that you have heard or read about whether this case at
14 this moment is or is not a proper case for the death penalty?

15 A No.

16 Q In other words, so far as you are concerned there
17 is nothing that you know about this case either by way of
18 reading, television, book form or anything else that leads you
19 to believe that you would automatically impose the death penalty
20 in this case right now?

21 A No.

22 Q Let me ask you this, then, Mr. Darco: If you have
23 no preconceived ideas about the situation where you would impose
24 the death penalty, may I ask you if you would automatically
25 impose the death penalty if you found the defendant guilty of
26 two murders in the first degree?

27 A Not necessarily.

28 Q How about three murders in the first degree?

17-2

1 A Not necessarily.

2 Q Four?

3 A No, it would have to be according to the evidence.

4 Q Five murders in the first degree?

5 A One, two, four, five, it doesn't make no difference,
6 it wouldn't change my opinion.

7 Q That is all I want to make sure of, Mr. Darco,

8 You realize you are going to have, in this case --
9 I hate to use the word "option" -- I really don't know what it
10 is, but you are going to be called upon to cast at least seven
11 ballots. He is charged with seven counts of first degree
12 murder and you may, when all the evidence is in, find him
13 guilty of all seven, of one or any number of those murders,
14 but what I want to make sure is that the sheer number of
15 first degree murders that you can find this defendant guilty
16 of doesn't subject you to the frame of mind where you are
17 automatically going to do something.

18 A No.

19 Q And it is not?

20 Do you have any feeling, Mr. Darco, that the same
21 sort of punishment should be meted out as a matter of -- well,
22 should be meted out automatically to everybody who is involved
23 in the same crime?

24 A Not necessarily.

25 Q In other words, you don't feel that everybody
26 who commits the same crime should receive the same punishment,
27 knowing nothing else about the case?

28 A No.

17-3

1 Q Have you ever given any thought, Mr. Darco, or
2 do you know of any factual situation under which you would
3 impose only a life sentence, for example?

4 A No.

5 Q May I assume that you have never thought in the
6 past about a situation which you would have to find to be
7 present before you could impose a life sentence in a first
8 degree murder case?

9 A It was only up to a couple of months ago that I
10 thought the judge did the sentencing.

11 Q Well, the judge really does the sentencing in most
12 cases other than this, and he does impose the final sentence
13 in this; but it is the jury who decides what the kind of
14 punishment is.

15 Q BY THE COURT: Let me ask you this, Mr. Darco:
16 To be perfectly truthful and frank about it, before you got
17 into that jury box and realized that you have a choice between
18 the death penalty and life imprisonment, you never really gave
19 any thought as to what you would do in any given state of facts?

20 A No.

21 Q Is that about what the truth is?

22 A That's right.

23 Q BY MR. EUBRICK: Do you feel, Mr. Darco, that this
24 defendant has the burden of convincing you that he should get a
25 life sentence rather than death?

26 A Say that again.

27 Q Does this defendant have the burden of convincing
28 you that he should get a life sentence rather than the death

17-4

1 sentence?

2 A Not necessarily.

3 Q You realize neither side has the burden so far as
4 the punishment is concerned, that you decide what the punishment
5 is.

6 A That's right.

7 Q And as you sit there now you don't favor one type
8 over the other and the defendant doesn't start off in the
9 trial laboring under the handicap of having to convince you
10 that one rather than the other should not be applied to him?

11 A That's right.

12 Q Have you ever been a member of any organization that
13 sought to retain capital punishment in California?

14 A No.

15 Q Have you ever participated as an active participant
16 in a pro capital punishment movement?

17 A (Shakes head negatively.)

18 Q Are you friendly with any other people that you
19 know are actively pro capital punishment in California?

20 A Not that I know of.

21 Q Do you have any fear, Mr. Darco, that you might be
22 subjected to disapproval by your friends if you didn't bring
23 back a death penalty in this particular case?

24 A No.

25 Q You don't have a fear that once your friends know
26 you are on this kind of a jury, assuming that you stay on this
27 jury, that you are going to get all sorts of advice about what
28 you ought to do or ought not to do?

17-5

1 THE COURT: Along those lines, I might tell you that if
2 you are on this jury you are going to be directed and instructed
3 that you are not to communicate with anybody concerning this
4 case; you are not to speak to anybody, you are not to let
5 anybody else talk to you about this case, and I will tell you
6 that you are going to get that instruction.

7 Q Will you follow it, Mr. Darco?

8 A Yes.

17A

17A

1 Q BY MR. BUBRICK: Are you the kind of a person, Mr.
2 Darco, that is so easily swayed emotionally that shocking
3 matters of any sort may force you to impose the death penalty?

4 A No.

5 Q You don't think that if you see pictures which are
6 gruesome, and I will use that expression, that the mere sight
7 of those pictures, alone, would want to force you to impose
8 the death penalty?

9 A No.

10 Q Do you have any feelings that because of the
11 tremendous amount of publicity that this case has received and
12 knowing, as you do, what the other defendants in this other
13 matter got, that you would be forced to return the death
14 penalty?

15 A No.

16 Q Do you have any feeling that the public demands
17 that you return the death penalty in this case?

18 A No.

19 Q Do you have any feeling, knowing what you know about
20 this case and the manner in which these murders were committed,
21 that this is the kind of a crime that calls for retribution,
22 punishment for punishment's sake?

23 A No. -- you mean an eye for an eye?

24 Q Yes.

25 A No.

26 Q Do you believe in the old theory of an eye for an
27 eye, a tooth for a tooth?

28 A No.

17A-2

1 Q Let me ask you this question, Mr. Darco, and I
2 don't want to know specifically -- as long as you mentioned
3 "an eye for an eye or tooth for tooth" -- maybe we both did --
4 I don't want to know specifically what sort of a church or
5 religious organization, but do you belong to some sort of a
6 religious organization that has as one of its tenets the death
7 penalty or capital punishment?

8 A I don't get what you mean.

9 Q Well, do you belong to any church that believes in
10 the death penalty and preaches the death penalty?

11 A I have never heard it.

12 THE COURT: Is there such a church?

13 MR. BUBRICK: Yes.

14 THE COURT: Because I am on Mr. Darco's side, I never
15 heard of it.

16 MR. BUBRICK: Yes, there is.

17 THE COURT: I am sorry, go ahead.

18 THE JUROR: I am a Catholic and everytime I see them in
19 the movies it is the Catholic priest marching them down to the
20 electric chair.

21 Q BY MR. BUBRICK: Do you think that Catholicism has,
22 then, put its stamp of approval on the death penalty because the
23 priest does that?

24 A No, they are just noticeable, that's all.

25 Q The only point I want to make of this, Mr. Darco,
26 is that I had an experience once before, talking to a juror
27 such as I am talking to you, who said that eventually we would
28 learn that he was a member of a church that endorsed the death

1 penalty and he was very honest and very frank to tell the
2 court that he would do that because he would feel like a sinner
3 if he violated a tenet of the church; and that's the only
4 reason I am asking that question. I didn't mean to ask you
5 what church you belonged to, but I just wanted to make sure
6 that this facet of the trial, if we get to that, wouldn't cause
7 you any discomfort because of any religious belief you have
8 or because it might bring you into some argument with the
9 tenet of the church.

10 You realize, Mr. Darco, that every defendant in
11 every kind of a lawsuit is entitled to your individual opinion.

12 In other words, he has a right to expect that you
13 will reach whatever decision you will because of your own
14 independent thinking; and we will all expect that if you are
15 convinced that whatever position you originally held is wrong
16 you will change it, whether it be to join the majority or the
17 minority; but what we want to make sure, Mr. Darco, is that
18 you believe and you tell us that you will give the defendant
19 the benefit of your own individual thinking in this case.

20 And you will do that, will you not?

21 A Yes, sir.

22 Q And you won't change that because you find it more
23 convenient to go home at an early hour because you may get
24 tired of this trial and want to bring it to an end, is that
25 correct; if you make a change it is only because you decided
26 you were wrong in your first impressions and you now feel
27 justified in changing.

28 A That's right.

1 Q You see, we need unanimity; that is, we have to
2 have a unanimous verdict if we are going to impose any sort
3 of punishment, so each juror, in that sense, is responsible
4 for his own verdict. You cannot slough the responsibility
5 off to somebody else and say, "You do it," because we have
6 got to get a ballot from each and every juror.

7 Knowing that, are you prepared, Mr. Darco, to sit
8 on a jury with this kind of responsibility?

9 A Yes.

10 Q Now, is there any reason at all, Mr. Darco, whether
11 I have touched on it, whether it has been suggested by anything
12 the judge has to say or anything you have heard or thought
13 or read about over the noon hour that leads you to believe
14 that you can't be fair and impartial to both sides in this
15 proceeding on all issues involved?

16 A No.

17 MR. BUBRICK: Thank you.

18 Now, your Honor, may I now defer to Mr. Keith for
19 a little bit?

20 THE COURT: Yes, sure.

21 Let me ask you this, the only reservation I have
22 is no two shall inquire of the same one.

23 MR. BUBRICK: No, your Honor, he will probably go --

24 MR. KEITH: No, your Honor, it is a long, arduous job
25 so we decided to trade off.

26 THE COURT: That's all right. We don't want any double
27 teaming.

28 MR. KEITH: Is it all right if he hands me a note if I

1 forget something?

2 THE COURT: It certainly is.

17B

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LOUIS E. SISMONDO

17B1R

- 1 Q BY MR. KEITH: Mr. Sismondo --
- 2 A Yes, that's correct.
- 3 Q What is your business or occupation, sir?
- 4 A I am a design engineer.
- 5 Q For what company?
- 6 A Western Concrete Structures; currently a purchasing
- 7 agent.
- 8 Q Is there a Mrs. Sismondo?
- 9 A Yes, there is.
- 10 Q Does she have an occupation outside the home?
- 11 A Not officially; she donates her time to the free
- 12 clinics.
- 13 Q I see. Are these --
- 14 A She's a nurse.
- 15 Q Is she a nurse by -- is she a registered nurse?
- 16 A She is a licensed nurse.
- 17 Q Has she ever been employed by a medical doctor
- 18 or a medical doctor specializing in psychiatry?
- 19 A No.
- 20 Q Are there any psychiatrists attached to the free
- 21 clinic for which she donates her time?
- 22 A Yes, I believe there are.
- 23 Q Does she do some work for them?
- 24 A Not directly, no; she is primarily involved with
- 25 applications of medicines and fulfilling doctors' requirements
- 26 as far as treatment of illis and diseases, or what not.
- 27 Q She is not, then, I take it, directly involved
- 28 with the mental states --

17B2R

1 A No.

2 Q -- or the emotions of the patients --

3 A That is correct.

4 Q That attend the free clinics?

5 A That is correct.

6 Q Continuing on this line, is the free clinic a

7 place where young people who have been abusers or users of

8 drugs go for help?

9 A Yes, that is correct, yes.

10 Q And does she have anything to do in connection with

11 trying to, oh, let's say, get them on the road back?

12 A Yes, that is correct.

13 Q And what does she do in that capacity?

14 A Well --

15 Q Does she give them medication?

16 A Specifically, it is primarily up to the doctor to

17 make the recommendations, or whatever he determines is needed

18 to, you know, straighten them out or whatever, if they have

19 some physical ailment or something it has brought about the

20 cause of drug abuse and she carries out the doctors' orders.

21 Q I gather that she is interested, very interested

22 in the field of drug abuse?

23 A Well, that's secondary, because her primary interest

24 is just helping people that need help.

25 Q And does she discuss with you from time to time

26 over the dinner table or elsewhere --

27 A Yes.

28 Q -- her job --

17B3R

1 A That is correct.

2 Q -- at the free clinic?

3 And are you, yourself, interested in the drug
4 problem?

5 A Yes, that is correct.

6 Q Have you done some reading on that subject?

7 A Not specifically, no.

8 Q Have you, yourself, donated any of your time to
9 help such people who run afoul of nature's drugs?

10 A Timewise, no; material donations, yes.

11 Q In other words, I gather you have donated to the
12 free clinic where your wife works?

13 A Yes, in my capacity where I work I have access to
14 commodities at very good prices, so I make a personal contribu-
15 tion of obtaining the commodities and passing them on to the
16 clinic.

17 Q Would these be medications?

18 A Paper towels, things of this nature.

19 Q In the event in this case the evidence showed that
20 Mr. Watson, the defendant here, was an abuser of drugs and
21 narcotics, I dare say you wouldn't cast him aside because of
22 such evidence and reject any other evidence in his behalf
23 that may be offered in this case.

24 Do you understand?

25 A I wouldn't make any automatic presumptions, if
26 that's what you are getting at. I don't have any objection
27 or I don't have any preconceived notions about people that
28 have taken drugs or that do take drugs, if that is what you
are saying.

18f.

#18 1 Q You may find it very unfortunate that people do
2 become involved with drugs. I'm sure we all have that feeling.

3 A Yes.

4 Q And I am not suggesting that evidence of drug use
5 in this case would be irrelevant. It may be quite to the
6 contrary. What I am asking is if you would find it difficult
7 to give this defendant a fair trial on the issue of murder,
8 with which he is charged, in the event the evidence showed that
9 he was or had been a heavy user of dangerous drugs and
10 narcotics?

11 A I don't think that would enter my judgment.

12 Q In other words, you are telling us you would not
13 deny him the benefit of his defense?

14 A That is correct.

15 Q Solely because he was in the past, had been a drug
16 user?

17 A I wouldn't hold that against him if that is what you
18 are after.

19 Q Yes. That is what I am getting at.

20 A Yes.

21 Q Sometimes it takes a little while to get to the
22 point, but lawyers are that way.

23 Have you, to get back to more general questions,
24 have you or anybody near or dear to you ever been the victim
25 of a crime of violence?

26 A No.

27 Q Have you ever witnessed such a crime?

28 A Wait a minute. Let me step back a point. Yes, a

18-2

1 member of my family was a victim of a crime of violence.

2 Q What was the relationship?

3 A My wife.

4 Q Was she held up or something like that?

5 A No. She was assaulted when she was about 15 or
6 something.

7 Q You mean sexually assaulted?

8 A Yes.

9 Q Knowing that that happened to your wife, and I am
10 sure understanding your wife's reaction to that event, do you
11 feel that incident in some way would militate against your
12 giving this defendant a fair trial, bearing in mind he is
13 charged with seven crimes having to do with violence?

14 A No, I don't think so. I am certain it wouldn't.
15 I have taken this as it happened in the past even before I even
16 knew my wife and I have taken it as a matter of history.
17 Circumstances, whatever led up to it, were certainly beyond
18 my control and it was very unfortunate but there is nothing I
19 could do about it. I wouldn't hold a person --

20 Q You wouldn't hold what happened to your wife against
21 somebody else?

22 A No, certainly not.

23 Q Going on, do you number among your close friends
24 or relatives any members of law enforcement?

25 A Yes.

26 Q Such as police officers, District Attorneys?

27 A Yes.

28 Q And so on. Could you tell us about that relationship?

18-3

1 A Well, I live in southeast Torrance and I know the
2 current chief of police. I know the past chief of police. I
3 live across the street from a patrolman. I live down the
4 street from two or three. On the total staff of the Torrance
5 Police Department I probably know 15 to 20 officers and women
6 officers. I am a personal friend with the police chief in
7 the community I am from back in Pennsylvania and my uncle was
8 a District Attorney. Is there anything else?

9 Q District Attorney where?

10 A In Pennsylvania.

11 Q Is that where you are from?

12 A Yes.

13 Q How long have you lived in California?

14 A Since 1962.

15 Q With all of those relationships, would it make it
16 difficult for you to give the defendant here a fair trial
17 bearing in mind that the District Attorney is prosecuting this
18 case and there will be police officers to testify?

19 A Knowing policemen as I do, they are people just
20 like everybody else. I don't see that that would interfere
21 with my judgment on the testimony.

22 Q No. I am not suggesting that you are going to
23 lend more credence to the testimony of a police officer than
24 you would another witness. I don't think that that is going to
25 be a factor in this case really at all -- possibly, but
26 doubtfully.

27 What I am really getting at is you apparently have
28 had a longstanding and close relationship with many police

1 officers in high places and it is simply because often police
2 officers are on one side of the fence and everybody else is
3 on the other, that maybe you might tend to side for the
4 prosecution even though the evidence may not indicate that
5 that is the position you should take.

6 THE COURT: The gentlemen said he came from Pennsylvania.

7 THE JUROR: Well, yes, but quite a few of the friends
8 that I have on the police force are in this locale.

9 THE COURT: All right. But from what I read in the
10 papers some are on one side of the fence and some are on the
11 other.

12 MR. KEITH: I am with you now. I am so slow.

13 THE JUROR: I don't think -- I am not quite too sure if
14 I understand your question completely.

15 Q BY MR. BUBRICK: Would you be inclined to accept
16 the prosecution's view of the evidence?

17 A No.

18 Q You know they are going to argue to you in the
19 event you are selected as a trial juror?

20 A Certainly.

21 Q And they are going to argue their position. Mr.
22 Kay and Mr. Bugliosi -- naturally you expect them to do that
23 and would you be more inclined to accept their --

24 A Certainly not.

25 Q -- evaluation or interpretation of the evidence
26 over the defense's interpretation simply because you have had
27 a close and longstanding relationship with many law enforcement
28 people?

1 A No, absolutely not.

2 Q That is the thrust of that inquiry.

3 A To make my point more clear, as I said I have
4 known many policemen for quite a few years and I couldn't
5 lend any more credence to their testimony just because they are
6 law enforcement people or District Attorneys or whatever.

7 Q Incidentally, have you seen Mr. Bugliosi on
8 television?

9 A No. Today is the first time I have seen him.

10 Q You have never heard him speak?

11 A No.

12 Q We will get to another subject and that is the
13 publicity. You have heard about the Tate-La Bianca homicides
14 no doubt?

15 A Yes, that is correct.

16 Q And you are aware of the outcome of the case that
17 involved Charlie Manson and three young female defendants?

18 A I was aware of the outcome of the trial, that
19 they were found guilty, but I wasn't aware of the penalty put
20 forth to them. I understand from what has been said here today
21 it was death, but I was formerly unaware of that.

22 Q All right. The next question is: Assuming for
23 the sake of discussion that Mr. Watson, although he wasn't
24 tried in that other case, was in some manner involved in those
25 homicides, just assuming that, do you have such a preconceived
26 opinion
27 of his guilt or innocence in this case that it would take
28 evidence to erase it from your mind or could you erase any
opinion you may have right now without hearing any evidence

1 concerning Mr. Watson's culpability, if any?

2 A No, I don't believe so. In fact, when I came
3 into the courtroom I thought he was a member of counsel. In
4 all honesty I have no preconceived notion of his guilt or for
5 that matter even that of the others that were tried previously
6 except that they were found guilty.

7 Q You yourself had no opinion as to whether they were
8 guilty or innocent?

9 A No.

10 Q Have you ever discussed the Tate-La Bianca case
11 with any members of your family or friends?

12 A My wife.

13 Q Or police officer friends.

14 A No. We don't discuss things so much as shop talk,
15 so to speak. My association with police officers and whatnot
16 are on other levels. I am in a home owners group and we have
17 traffic problems and street improvements. Some of the members
18 of the police department, their children are on the same
19 baseball team as my youngster.

20 Q You are very civic minded, I gather?

21 A Somewhat, yes.

22 Q All right. The evidence in this case may well
23 show that Mr. Watson was sort of a hippy back in the 1969, '68,
24 led a communal style life, dressed not as he is today, wore a
25 beard, long beard, associated with, oh, the term has been
26 used here today as a cult, associated with a group of young
27 people in a commune at a place called the Spahn Ranch.

28 Now, would you refuse to give Mr. Watson the

1 benefit of his defense, the benefit of his testimony or
2 testimony in his behalf solely because at one time, or at one
3 time in his life he assumed the characterization commonly
4 called a hippy type?

5 A I have no reason to hold that against him at all.

6 Q Would you have any reason to hold it against Mr.
7 Watson because the morals -- let's say the evidence in this
8 case indicated that the moral values of the members of this
9 group were something less than you and I might ascribe to,
10 would you hold that against him to the point where you would
11 reject evidence offered in his behalf and therefore refuse to
12 give him a fair trial?

13 A No.

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18A1R

1 Q I am not suggesting either that some of this
2 evidence may not be material on certain issues in this case?

3 A I understand.

4 Q What I am asking you is simply because of his
5 life style that he was living back in 1968 and 1969, and
6 perhaps before that, you would automatically refuse to listen
7 to evidence offered in his behalf and convict him, just because
8 of his life style and the manner in which he lived?

9 A I would have no reason to hold that against him
10 at all.

11 Q We have covered the subject of drugs. I got on
12 that subject rather earlier than I anticipated because of your
13 interest and your wife's in that field. We will go the subject
14 of psychiatry, which we have also touched upon because of
15 your wife's connection with a free clinic. Has any member of
16 your family ever visited a psychiatrist or a psychologist, or
17 also include close friends or relations, or been in a mental
18 institution for that matter?

19 A Yes -- not in a mental institution as such but --

20 Q Well, I might --

21 A As such, yes, because of an incident involving my
22 wife in earlier years, she had to prescribe to psychiatric
23 treatment later.

24 Q Do you yourself, or does your wife believe that --
25 I think I already know your answer -- that psychiatrists can
26 be of help to people?

27 A Certainly.

28 Q You obviously don't feel that psychiatrists as a

18A2R

1 group or incompetent or charlatans or really not able to under-
2 stand or explain the workings or processes of a human mind?

3 A No.

4 Q You don't feel that way at all. You feel to the
5 contrary, I guess?

6 A If anyway, yes, to the contrary.

7 Q That is, it is difficult to generalize, I know,
8 because there are good psychiatrists and bad psychiatrists,
9 just as in every other field or profession or business, but
10 the best I can do is talk generally and generally speaking you
11 have a respect for psychiatrists?

12 A That is correct.

13 Q And do you believe that a good psychiatrist is able
14 to understand and explain the workings of a particular person's
15 human mind, at least as best as the art has advanced in the
16 present day time?

17 A I can agree with that, yes. I think they are of
18 a great help in certain cases.

19 Q Did I ask you if you read books or articles or
20 periodicals or articles in medical journals on the subject of
21 psychiatry? I forget.

22 A I don't recall if you did. But aside from --

23 Q I knew you were interested in it.

24 A Aside from the formal schooling I have had in
25 psychology associated with teaching, and just psychology classes
26 in general, in college, nothing aside from that.

27 Q Did you major in psychology in college?

28 A No. I was in engineering and in teaching.

18A3R

1 Q When did you come here from Pennsylvania?

2 A 1962, January of '62.

3 Q Do you believe that it is possible -- I won't go
4 any further than that -- you recall that one of the pleas in
5 this case is not guilty by reason of insanity?

6 A Yes.

7 Q Now, without asking you to prejudge any evidence
8 in this case, because we cannot do that, do you believe as an
9 abstract proposition that it is possible for someone to be
10 legally insane and not criminally responsible for their act?

11 A Yes, I do.

12 Q And by the same token, although perhaps not --
13 do you believe that it is possible for someone to have a dimin-
14 ished responsibility, not to the point of legal insanity, but
15 to have a lesser responsibility for their acts and conduct by
16 reason of mental disease or defect or the ingestion of drugs?

17 A Yes.

18 Q Or alcohol to excess?

19 A Yes.

20 Q As an abstract proposition, do you think it is
21 impossible for one person's mind to totally control and dominate
22 the mind of another to the extent that the person's mind that
23 is being dominated is virtually destroyed, in other words, no
24 more free will?

25 MR. BUGLIOSI: I think he is getting into the area of
26 prejudging.

27 THE COURT: Yes, I will sustain the objection to that
28 question. You tried.

18A4R

1 Q BY MR. KEITH: Now, we will discuss the subject
2 of the death penalty briefly.

3 As Mr. Bubrick told you, this is the only oppor-
4 tunity we have to find out how you feel about that subject.
5 I am sure you will understand that we certainly don't, or are
6 not going to talk about it with you because of any feelings on
7 our part about this case?

8 A Yes.

9 Q However, this being the only opportunity to inquire
10 about it, about the death penalty, let me ask you this: Do
11 you believe now that this is more likely to be a first degree
12 murder case than otherwise, simply because you have been told
13 that the prosecution will seek the death penalty, in the event
14 a first degree murder verdict is returned?

15 A I have no preconceived notion.

16 Q As an abstract proposition, are you in favor of
17 or are you opposed to the death penalty, or are you undecided,
18 assuming that you have given the subject some thought in the
19 past?

20 A Now, are you speaking specifically of the death
21 penalty or the death penalty in terms of the question of the
22 death penalty versus life imprisonment?

23 Q I prefaced my remark with "as an abstract proposi-
24 tion." I am not talking about this case.

25 A Okay. I think that the death penalty is the biggest
26 deterrent that we have against crime, against invasion from
27 Russia and quite a few things of that nature. We as a nation
28 wouldn't stockpile and tie ballistic missiles and atomic bombs

8A5R

9-R

1 if the death penalty didn't mean something.

2 Q Are you telling us that in the event you found this
3 to be a first degree murder case that you would -- and bearing
4 in mind that you have two choices if you are selected as a
5 trial juror and the case ever gets that far -- two choices,
6 life or death -- are you telling us that you would automatically
7 impose the death penalty in this case without any other con-
8 sideration, because you feel that the death penalty is a big
9 deterrent to crime --

10 A No.

11 Q -- and because it --

12 A Absolutely not; I don't make any --

13 Q -- and, rather, it has something to do with staying
14 off Russia, invading us?

15 A I don't make any automatic decisions, don't get me
16 wrong there. As such, I feel the death penalty, as a penalty,
17 is just improper; and that was my point.

18 Q You don't have any preconceived notions about its
19 propriety in this case --

20 A That's correct.

21 Q -- do you?

22 A What I was trying to say was, as the death penalty
23 is -- the debate is in process now as to whether to abolish it
24 or not to have it -- I understood your question to me, am I
25 in favor of it or not, I feel that it has a place in our
26 society and I am in favor of it; but I would not automatically --

27 Q You wouldn't impose it automatically?

28 A No.

19R-2

1 A No.

2 Q If you felt that this was a proper case for the
3 imposition of life imprisonment, if the case ever got that
4 far and you were selected as a trial juror, would you have the
5 courage to return a verdict of life imprisonment, even if you
6 felt that the death penalty might be a deterrent to crime and
7 you also felt that society at large might have to take a differ-
8 ent view of this case, not knowing the facts as you would, of
9 course?

10 A Not being concerned with society at large, I'd
11 rely on my own judgment; and I think I would make up my own
12 mind, as far as whether the penalty of life imprisonment or
13 death was justifiable in this particular case.

14 Q Without regard to what your friends or neighbors
15 or police office acquaintances may think about this case?

16 A No.

17 Q Or any other case?

18 A I don't think it's any of their business. If I
19 am on the jury, or whatever, I don't think it is any of their
20 business as to how I am thinking or what I am going to do.

21 Q I didn't suggest that you talk to them --

22 A Right.

23 Q -- but afterwards --

24 A I understand that.

25 Q -- after it was all over, someone might criticize
26 you for returning a verdict of life imprisonment?

27 A Well, but, it is my decision, not theirs.

28 Q So you would give us the benefit of your individual

193-R

1 opinion and judgment without regard to popular sentiment, whim,
2 caprice, arbitrariness or otherwise?

3 A Whatever.

4 Q In the event of a first degree murder conviction
5 in this case, would you automatically impose the death penalty
6 because there were seven dead bodies, instead of just one?

7 A No.

8 Q Would you automatically impose the death penalty
9 because you had seen a number of, as Mr. Bubrick told you,
10 gruesome pictures?

11 A No, sir; as I explained earlier, I wouldn't auto-
12 matically impose any --

13 Q Regardless of the gruesomeness of the case, that
14 wouldn't cause you to automatically impose the death penalty?

15 A No, sir. My-Lai was pretty gruesome, too.

16 Q Pardon me?

17 A My-Lai was pretty gruesome, too.

18 Q Yes, sir.

19 A And I don't think numbers really make any deter-
20 mination as to whether the death penalty or life imprisonment
21 applies. It is the specific case at hand.

22 Q And by the same token, you wouldn't automatically
23 find the defendant without -- find the defendant guilty of
24 first degree murder, simply because there were seven bodies,
25 would you?

26 A No, sir; that is correct.

27 Q You would listen to all the evidence and require
28 that the prosecution convince you beyond a reasonable doubt

19-4-R

1 that this was a first degree murder case; isn't that correct?

2 A Yes, sir.

3 Q And in the event that you entertained a reasonable
4 doubt that this was not a first degree murder case, would you
5 have the courage of your convictions and bring back a verdict
6 of some lesser degree?

7 A Yes, sir, if I thought it was applicable.

8 Q You understand that the defendant does not have
9 to prove his innocence --

10 A That is correct.

11 Q -- do you?

12 As a matter of fact, the defendant has no burden
13 whatsoever?

14 A Ever since I was knee-high to whatever, I have
15 always been aware of the fact that the person on trial is
16 supposedly innocent until proven guilty.

17 Q He is presumed --

18 A Presumed; and I have always adhered to that
19 philosophy, or whatever you want to call it.

20 Q Some people don't and that's the reason for my
21 questioning --

22 A I understand.

23 Q -- on this subject,

24 A Certainly.

25 Q I gather that, harking back to publicity for a
26 minute, I gather that you did not follow particularly the
27 events that took place in the previous trial?

28 A No, not particularly.

19-5-R

1 Q Where Charles Manson was on trial?

2 A No, I didn't; I didn't follow the trial. I was
3 aware of its existence and the approximate time that it was on.

4 Q Because of the notriety of that other case, do
5 you feel in any way that you would have difficulty giving
6 Mr. Watson a fair trial in this case, knowing --

7 A Not myself.

8 Q -- knowing that the people in that other case,
9 the defendants there were convicted of first degree murder?

10 A No, I don't personally feel I would have any
11 problem.

12 Q You can tell us now, can you not, that if selected
13 as a trial juror, you will keep an open mind throughout all the
14 presentation of the evidence in this case; you just won't listen
15 to the prosecution side of the case and then close your ears
16 as to what the defendant has to say about his defense?

17 A I would want to hear both sides in order to arrive
18 at a decision; and I certainly couldn't get a decision from
19 one side.

20 THE COURT: That is good commonsense.

21 The very nature of a trial is such that both sides
22 can't jump up simultaneously and speak at the same time; so
23 under our system of justice, the prosecution presents its
24 evidence first, then the defendant may present such evidence
25 as he cares to present and it is your duty to keep an open
26 mind until you have heard all the evidence and until I have
27 instructed you to go into that jury room to deliberate.

28 Q And would you do that, sir?

9-6-R

1 A Yes, sir.

2 Q BY MR. KEITH: Mrs. -- gee, I have forgotten --

3 MISS NIHEI: Miss.

4 THE COURT: Before we get to Miss Siu, suppose we have
5 our afternoon recess, Mr. Keith?

6 MR. KEITH: Fine, but it is "Miss Nihei," isn't it?

7 MISS NIHEI: Yes.

8 THE COURT: What happened to Siu?

9 MR. KEITH: There was another lady by that name and
10 she has been excused.

11 THE COURT: Yes.

12 MR. BUBRICK: No. 12, your Honor.

13 THE COURT: No. 12, and this is Mrs. Nihei?

14 MISS NIHEI: Miss.

15 THE COURT: All right.

16 Ladies and gentlemen of the jury, we will have our
17 afternoon recess at this time. Once more, do not form or
18 express any opinion in this case; do not discuss it among
19 yourselves, let no one else talk to you about this case and,
20 again, keep your minds open completely.

21 (Recess.)

20f.

1 THE COURT: People against Watson. Let the record show
2 that all prospective jurors are in their places, all counsel
3 and the defendant are present. Mr. Keith, you may proceed.

4 MR. KEITH: Thank you, your Honor.

5
6 ALICE K. NIHEI

7 BY MR. KEITH:

8 Q Miss Nihei, do you have a business or occupation?

9 A I am an office supervisor for Pacific Telephone
10 Company.

11 Q Do you number among your close friends or relatives
12 any persons engaged generally in the field of law enforcement?

13 A No.

14 Q Have you ever been the victim yourself of a crime
15 of violence such as an assault or robbery?

16 A No, I haven't.

17 Q Has any members of your family or close friends
18 ever been so involved?

19 A None that I know of.

20 Q Have you ever been a witness to a crime involving
21 violence?

22 A No.

23 Q In what part of the county generally do you live,
24 Miss Nihei?

25 A The Wilshire-Hollywood district.

26 Q How long have you lived in this county?

27 A About 13 years.

28 Q And before that time where did you reside?

20-2

1 A State of Hawaii.

2 Q Were you born in Hawaii?

3 A Yes.

4 Q With respect to the publicity in this case, before
5 coming to court today were you aware of the outcome of the
6 so-called Tate-La Bianca case that was tried in this county
7 some months ago?

8 A Yes.

9 Q As a result of that awareness and anything else you
10 may have heard or read about that case, have you formed an
11 opinion about the guilt or innocence of Mr. Watson, bearing in
12 mind that the charges in this case arise out of those same
13 homicides?

14 A No, I haven't.

15 Q Have you ever talked to anyone about their views
16 of that case, that other case involving Charles Manson and
17 the female defendants?

18 A Yes, at the office and some close friends.

19 Q And did any of them express any opinions to you
20 about how they felt?

21 A They did.

22 Q But you yourself have no opinion one way or the
23 other about the guilt or innocence of this defendant now; is
24 that correct?

25 A Yes.

26 Q In other words, you are telling us that inasmuch
27 as Mr. Watson legally at this time is presumed to be innocent,
28 that you accept that presumption without any qualifications

20-3

1 whatsoever. Is that a fair statement?

2 A Yes.

3 Q Did you read newspaper accounts or hear television,
4 news broadcasts, concerning the events that transpired in that
5 other trial involving Mr. Manson?

6 A Yes, I did, in the L.A. Times, Life magazine,
7 television.

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1 Q But none of that news exposure, then, caused you
2 to form an opinion concerning the guilt or innocence of the
3 litigants to that prior case; is that correct?

4 A They had, you know, a trial, a just trial and
5 were convicted justly.

6 Q All right, so you have an opinion that the
7 defendants in the first Tate-La Bianca case were properly
8 convicted?

9 A As far as I know, yes.

10 Q Now, having such an opinion -- strike that.

11 Are you able to erase that opinion from your mind
12 when you are sitting here as a prospective juror in this case,
13 bearing in mind that many of the facts to which testimony will
14 be addressed and many of the events will be the same.

15 A (Nods affirmatively.)

16 Q You have to say yes or no.

17 A Yes.

18 Q So what you know about the case where Manson and
19 the three young girls were defendants and what you know about
20 the outcome of that case, you can assure us now it will not
21 affect your ability to serve as a fair and impartial trial
22 juror in this case?

23 A Right.

24 Q Miss Nihei, you have heard, by reason of the
25 questioning of other prospective jurors, that there may be
26 evidence in this case that the defendant here, Mr. Watson,
27 could at one time have been characterized as a hippie, lived in
28 a commune, that the moral values present in that commune, perhaps,

21-2

1 were not such as you and I would abide by or espouse.

2 You have also heard from questioning of other
3 prospective jurors that there may be evidence that Mr. Watson
4 not only used but abused drugs, illegally obtained drugs.

5 Now, I am not suggesting that such evidence may
6 not be relevant and may not have a bearing on the issues in
7 this case, but what I am asking you is, because of the life
8 style, assuming such is the case, of Mr. Watson during the
9 years 1968 and '69 and perhaps sometime prior thereto, would
10 you be inclined to reject evidence offered in his behalf and
11 not keep an open mind throughout the case solely because at
12 one time he was a hippie and used drugs extensively?

13 Do you understand the thrust of my question?

14 In other words, you wouldn't give him a fair trial
15 because --

16 A I would.

17 Q -- because of the manner in which he lived?

18 A I would give him a fair trial.

19 Q Regardless of his use or abuse of drugs, regardless
20 of his being a hippie, regardless of the communal type setting
21 in which he lived for a period of time?

22 A Yes.

23 Q This would not militate, in your mind, against
24 giving him a fair and impartial trial, which he is entitled to;
25 it would not, would it?

26 A No, it wouldn't.

27 Q Now, there may be in this case, if you are selected
28 as a trial juror, you may hear extensive psychiatric testimony

21-3

1 produced by both sides, both the prosecution and the defense.

2 Do you have any strong feelings one way or the
3 other about the field of psychiatry?

4 I will put it more specifically -- that's a little
5 too general, perhaps -- do you believe that the psychiatrist
6 who is a medical doctor, specializing in psychiatry, has a
7 function, a role, a significant role in our modern day society?

8 A Yes.

#22

#22

1 Q You don't therefore, I take it, believe that most
2 psychiatrists are really not competent to delve into the
3 processes of the human mind. They are really not competent
4 to evaluate and assess and form an opinion as to why or what
5 causes a person to do a certain thing or act in a certain way?

6 A No. I feel that psychiatrists, he has a degree and
7 he has studied in the field and he is competent in giving testimony.

8 Q Has any member of your family ever been treated
9 by or been examined by a psychiatrist?

10 A No.

11 Q Have you studied psychiatry in school, college,
12 or afterwards?

13 A No.

14 Q Have you read any books or literature concerning
15 psychiatry or psychology for that matter which is, of course,
16 a related field?

17 A Just five years ago. I didn't read a lot.

18 Q Would you be inclined, Miss Nihei, to automatically
19 find this defendant guilty of first degree murder simply and
20 solely because the evidence may show there are seven dead
21 bodies in this case?

22 A No.

23 Q Do you think it is possible, bearing in mind what
24 his Honor told you about degrees of homicide, first degree,
25 second degree and manslaughter, both voluntary and involuntary --
26 let me put it this way: Would you agree that someone's mental
27 capacity or mental ability may have considerable to do with
28 whether or not a particular homicide is first degree, second

22-2

1 degree or manslaughter, or would you find simply because
2 somebody has been killed that automatically the perpetrator
3 is guilty of first degree murder?

4 A No, I wouldn't say he was guilty of first degree
5 murder, not until the evidence has shown.

6 Q You would want to be shown by the evidence and
7 be satisfied within a reasonable doubt that this defendant
8 or any defendant charged with murder had the mental capacity
9 to commit first degree murder or second degree murder, would
10 you not?

11 A Yes.

12 Q And would you listen to medical evidence and other
13 evidence bearing on the subject of the mental capacity or
14 ability or state of mind, if you will, of this defendant in
15 determining that issue, in other words, the degree of the
16 offense?

17 A Yes, I would.

18 Q You would not close your mind to defense testimony,
19 would you, simply because the evidence may show that these
20 homicides were bizarre and gruesome?

21 A No.

22 Q Would you deny the benefit of the defendant going
23 forward with his defense, in other words, close your ears
24 and your mind to defense evidence, if the evidence showed
25 that the victims in this case received multiple stab wounds and
26 in some instances multiple gunshot wounds?

27 A I don't quite get that.

28 Q Would you refuse or reject any evidence proffered

22-3

1 by the defense on behalf of Mr. Watson --

2 A No, I wouldn't.

3 Q -- in the event the evidence in this case showed
4 that the victims met their death through multiple stab wounds
5 and gunshot wounds?

6 A No.

7 Q You might be shocked by some of the photographs
8 in this case. I don't know whether you will or not. But in
9 the event you are, would you let the gruesomeness of the
10 photographs override your judgment and your wisdom and simply
11 out of emotion find this defendant guilty of first degree
12 murder solely because of the shock value of the photography?

13 A No, I won't.

23

23R-1

1 Q Do you think, Miss Nihei, getting to the subject,
2 briefly, of the defendant's plea of not guilty by reason of
3 insanity, that it's possible for a defendant not to be respon-
4 sible for that crime because of legal insanity?

5 A Yes, I feel it is a possibility.

6 Q And along the same vein, do you think it possi-
7 ble, without knowing any of the facts of this case, of course,
8 that a defendant charged with murder could not be guilty of
9 first degree murder but some other degree, because of a
10 deficiency in mental capacity, caused by mental disease, mental
11 defect, alcoholism, ingestion of drugs, whatever the case may
12 be?

13 A Yes.

14 Q Is there anything about the nature of the charge
15 that makes you not want to sit as a trial juror in this case?

16 You may not be too excited about the prospect, but
17 what I am asking is, bearing in mind that the defendant is
18 charged with seven counts of murder, would those charges and
19 those charges alone, make it difficult for you to sit as a
20 fair juror in this case?

21 A No, it wouldn't.

22 Q Touching on the subject of the death penalty, you
23 have heard the questions asked of the prospective jurors and
24 this is the only chance, as you realize, that we have to
25 inquire about your state of mind on that subject, would you
26 automatically impose the death penalty, if you found this to
27 be a first degree murder case?

28 A No, I wouldn't.

23-2-R

1 Q You realize that there is two and possibly three
2 phases to this particular case. There is the trifurcated
3 trial, one on the issue of guilt or innocence and one on the
4 issue of insanity; and then if those matters are decided
5 adversely, a trial on the issue of life or death.

6 Now, would you automatically impose the death
7 penalty if you found the defendant guilty of first degree
8 murder and sane?

9 A No, I wouldn't.

10 Q You would weigh and consider all the facts bearing
11 on penalty, would you not, before reaching a conclusion --

12 A Yes.

13 Q -- including the defendant's background and
14 history and whatever evidence may be offered in his behalf
15 concerning penalty?

16 A Yes.

17 Q You would do that, would you not?

18 A (Nods head affirmatively.)

19 Q Would you automatically impose the death penalty
20 without regard to any other fact or circumstances, simply
21 because you found -- or you might find the defendant guilty of
22 first degree murder seven times --

23 A No.

24 Q -- bearing in mind there are seven bodies in this
25 case?

26 A No, I wouldn't.

27 Q And that the homicides were very bloody or that
28 there were knives or guns used or that there were multiple

23-3-R

1 stab wounds and multiple gunshot wounds?

2 This certainly would be, I am sure, the prosecu-
3 tion would tell you, a factor that you might consider; but,
4 solely, automatically impose the death penalty because of,
5 say, the multiplicity of stab wounds?

6 A No.

7 Q As an abstract, philosophical proposition, Miss
8 Nihei, are you opposed to the death penalty or are you
9 undecided on the subject or are you in favor of it?

10 A I am undecided.

11 Q In other words, if the subject of the abolition of
12 capital punishment were on the ballot and you were required
13 to vote right now, you wouldn't know how to vote, is that
14 right, right at this very moment? You'd want to have time to
15 consider this subject and think about it; is that what you
16 are telling us?

17 A Right.

18 Q Well, don't let me put words in your mouth.

19 At this time, you are not sure how you would vote
20 if the abolition of capital punishment were presented to you
21 on a ballot; is that a fair statement?

22 A I retract that statement. I would vote either
23 yes or no.

24 Q I know you would vote yes or no, but you don't
25 know which at this time?

26 A No.

27 Q Would you have the courage to return a verdict
28 of life imprisonment in this case, if you felt that that was

23-4-R

1 the proper penalty, even though you also felt that perhaps
2 you'd be subject to criticism from your friends or neighbors
3 or community?

4 Did you understand that question?

5 A Could you restate it?

6 Q I will rephrase it.

7 Let's assume, or let's suppose that you believe
8 that popular sentiment might be against you, if you believed
9 that this was the proper case for the imposition of life
10 imprisonment.

11 Would you still have the courage to bring back a
12 verdict of life imprisonment, despite what you believed that
13 public sentiment to be; that is, adverse to that position?

14 A I would.

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24 f.

24R-1

1 Q Let me ask the same question about the guilt or
2 innocence phase of the case. Would you be willing to bring
3 back a verdict of something less than first degree murder,
4 even though you believed that popular sentiment, friends,
5 neighbors, or maybe community, might be against such a verdict,
6 if you found from all the facts that this was not a first
7 degree murder case?

8 A Yes.

9 Q You would have the courage of your convictions
10 then, would you not, despite what you believe popular senti-
11 ment to be, or if you believed it to be to the contrary?

12 A No. I would decide for myself. I wouldn't let
13 my friends.

14 Q In other words, you would give us the benefit of
15 your individual opinion, wouldn't you?

16 A Yes.

17 Q Without regard to what anybody else might think
18 about it?

19 A Yes.

20 Q By that I don't mean to imply, if you are selected
21 by a trial juror, you shouldn't freely and fully discuss the
22 facts and the law of the case with your fellow jurors. I
23 don't mean to imply that at all, but you would stick to your
24 individual opinion, would you not, after a full and thorough
25 discussion of the case with your fellow jurors?

26 A I certainly would.

27 Q Unless you were convinced by logic that your
28 original position was erroneous, then you would be willing

24R2

1 to change, wouldn't you?

2 A Yes.

3 Q But you wouldn't arrive at a verdict in this case
4 because of any extraneous factors or factors extraneous to the
5 trial, such as popular feeling, as I voiced before, and other
6 such considerations?

7 A No. I wouldn't let my friends or popular --

8 Q You wouldn't discuss the case with your friends
9 or anybody else while it was in progress, or during your
10 deliberations in any event, naturally. But you would give Mr.
11 Watson the benefit of your individual opinion, unfettered by
12 any considerations outside the courtroom and outside of the
13 jury room; isn't that correct?

14 A Yes.

15 Q Can you think of any reason, Miss Nihei, why you
16 might find it difficult to give this defendant a fair trial,
17 any reason either I have touched upon or haven't touched upon --
18 we can spend day after day talking to you and we have to have
19 complete candor from you, as I am sure you have given us, but
20 there may be some subject or some observation that I haven't
21 made or you haven't made that might make it difficult for you
22 to be fair to Mr. Watson.

23 A Well, I don't have any. I haven't really heard
24 about the case that much.

25 Q We have gone into the verbosity regarding that
26 other case. That is not going to affect your judgment. You
27 have told us that. Did I ask you, Miss Nihei, if you have
28 ever heard Mr. Bugliosi, the prosecutor, speak or talk about

24R3
1 the other case?

2 A I think I saw him on television once.

3 Q Was that during the trial of the Manson case?

4 A Yes, it was.

5 Q Nothing about his comments there that would cause
6 you to be prejudiced in favor of the prosecution?

7 A I don't think he said anything.

8
9 MEYER SCHACHTER,

10 BY MR. KEITH:

11 Q Mr. Schachter, what is your business or occupa-
12 tion?

13 A I am retired, sir.

14 Q What was your occupation before your retirement?

15 A Storekeeper.

16 Q What sort of a store was that, sir?

17 A It was --

18 Q A general store or --

19 A No, this was in New York. Call it a lunchroom.

20 Q How long have you lived in this county, Mr.
21 Schachter?

22 A Ten years.

23 Q Pardon me?

24 A Ten years.

25 Q And during that ten years, have you been retired?

26 A Yes.

27 Q Did you come here from New York, or did you go to
28 some other state in between?

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A No, from New York.

Q Have you ever served as a juror in New York?

A Yes.

Q This is New York City?

A That is right.

Q Did you ever sit on any criminal cases on jury service in New York?

A No.

Q You have sat on a criminal case here, though?

A I did.

Q Was that during this tour of duty or some previous tour of duty?

A No. This was probably three years, over three years ago.

Q Did you ever sit in a homicide case?

A No, sir.

Q How many criminal cases did you sit on during your previous tenure?

A One.

Q What kind of a case was that? Don't tell us what happened, but was it a robbery case or burglary case, if you remember?

A It was a murder case.

Q It was a murder case?

A Yes.

Q And did the jury, of which you were a member, reach a decision in that case?

A We did.

24R5

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Q And did it involve the death penalty at all?

A I really don't remember how it turned out.

Q I'm not asking you how it turned out. I am just asking you whether one of the issues in this case was life, in that other case, was life imprisonment or death?

A I am sure -- it is very foggy in my mind what happened.

Q Have you ever heard of this case?

A This particular case?

Q Yes, the Watson case?

A The only thing that I heard about Watson is that he was apprehended in some other state, in Texas.

Q Are you telling us that because this is something you heard today in court or did you know that before you came to court?

A I knew that before.

Q Have you ever heard of the Manson case?

A Oh, yes.

Q And you read about that?

A Not so much, mostly television.

25f.

#25

1 Q Incidentally, is there a Mrs. Schachter?

2 A Yes.

3 Q And is she employed outside the home?

4 A No.

5 Q And do you have children, Mr. Schachter?

6 A Yes.

7 Q They are grown, perhaps?

8 A Sure.

9 Q And what are their occupations?

10 A Well, I have only one son, and he works for the
11 U. S. Post Office.

12 Q Does he live out here or back in New York?

13 A He lives out here, yes.

14 Q And what part of the county do you reside in, sir,
15 generally?

16 A Well, if I told you the street, would you know?

17 Q No, I probably wouldn't know.

18 Well, do you live in Los Angeles or Hollywood or --

19 A No, Los Angeles.

20 Q And do you number among your close friends or
21 relatives any members of law enforcement?

22 A No.

23 Q Were you ever held up when you owned and operated
24 that lunch room in New York?

25 A No, never.

26 Q You have never been the victim of a crime --

27 A No, sir.

28 Q -- of violence, then?

25-2

1 A No.

2 Q Has any member of your family ever been such a
3 victim?

4 A No.

5 THE COURT: What part of New York was that, Mr.
6 Schachter?

7 A Brooklyn -- Brooklyn.

8 Q What part of Brooklyn?

9 A Borough Park.

10 THE COURT: Borough Park?

11 Q BY MR. KEITH: You know now, if you didn't before,
12 the outcome of that Manson case, don't you?

13 A Yes.

14 Q And would this in any way make it difficult for you,
15 knowing the outcome of that case, to give Mr. Watson a fair
16 trial in this case, bearing in mind that Manson was charged
17 with the same offenses that Mr. Watson is charged with?

18 A I wasn't that much interested in it.

19 Q You don't have an opinion, then, now, about the --

20 A No, sir.

21 Q -- culpability of this defendant, do you?

22 A No.

23 Q Did you ever discuss or have others discuss with
24 you the facts and circumstances or alleged facts and circumstances
25 of the Manson case?

26 A No, nobody around my place to discuss these things.

27 Q You weren't particularly interested in that matter,
28 then?

25-3

1 A No.

2 Q And there is nothing you can think of in connection
3 with the notoriety of the Manson case that would make it
4 difficult for you to serve as a fair juror in this case; is
5 that a fair statement?

6 A Oh, that's right.

7 Q Do you know anything about Mr. Manson as a result
8 of the notoriety of his case?

9 A What should I know?

10 Q Maybe you will find out something.

11 Well, if you are selected as a juror I dare say
12 you will find out something about it; but you don't know
13 anything about him right now and you care less; is that it?

14 A I don't care too much. I am not cops and robbers
15 interested in.

16 Q So you didn't pay any particular attention to that
17 other case; is that right?

18 A Not too much, no.

19 Q Now, as we have been telling the other prospective
20 jurors, the evidence may well show in this case that Mr. Watson
21 during '67, '68 and '69 led a rather unusual life style.

22 You heard us talk about his being a hippie and
23 taking a lot of drugs and living in a commune with a rather
24 unique set of moral values, if you call them moral values at
25 all -- and solely because of such evidence, if such evidence
26 is produced, would you so hold that kind of a life style of
27 Mr. Watson against him that you would not be in a position or
28 be able to give him a fair trial?

25-4

1 A I would say that what the judge in the beginning
2 set down, the guidelines, would be my guideline to the whole
3 thing.

4 Q Well, I am not sure I understand you, but I will
5 follow it up, if I may, with a few questions.

6 I am not suggesting that evidence of Mr. Watson's
7 manner of living may not be relevant and material in this case.
8 What I am asking you is would you reject any evidence or not
9 listen to any evidence offered in his behalf because you knew
10 or found out as a result of testimony from the witness stand
11 that Mr. Watson used a lot of drugs, lived like a hippie in a
12 commune and ran around with women.

13 Would those facts so prejudice you against him
14 that you couldn't, you wouldn't listen to the evidence offered
15 in his behalf?

16 A Not so, no, sir.

17 Q Or wouldn't pay any attention to what he has to
18 say or witnesses in his behalf have to say?

19 A That has nothing to do with this case.

20 Q Now, I am not saying that it may not have something
21 to do with it. I am just asking you if you would, if you
22 learned that Mr. Watson used a lot of dope, would you just
23 forget about him and say, "Forget about him, convict him because
24 he is a dope user," and for no other reason?

25 You wouldn't do that, would you?

26 A No.

27 Q And we have also discussed the subject of psychiatry
28 here, because I expect there will be testimony from both sides

25-5

1 concerning Mr. Watson's mental state, his capacity, his mental
2 capacity, his mental ability, whether or not he had what is
3 known in the law as diminished capacity, which simply means
4 lesser capacity or lowered capacity because of some mental
5 disease or defect, or the heavy ingestion of drugs or alcohol
6 or a combination.

7 Now, on the subject of psychiatry would you listen
8 to psychiatric evidence offered from both sides, or don't you
9 believe that psychiatrists have a proper role to play in our
10 society and simply reject their testimony out of hand?

11 A I have no personal knowledge of psychiatry as far
12 as I am concerned, but I hear people, some people are under
13 psychiatric treatment for years and think the world of it;
14 others make a joke.

15 I have no idea.

16 Q You don't have any preconceived ideas at this
17 time about the benefits that psychiatrists can offer to the
18 general public; you have no objection to anybody seeking
19 psychiatric help, do you?

20 A No, I hear people were helped by it.
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1 Q You don't have a belief that psychiatrists simply
2 are not competent as a whole -- maybe some are, but generally
3 speaking that psychiatrists aren't competent to delve into
4 the processes of the human mind and come up with some answers
5 as to why we do things or don't do things, or the way our mind
6 works, or whether we have the capacity to think and premeditate
7 or whether we act in an unusual way in a given situation. You
8 are telling us that you have an open mind on that subject?

9 A Absolutely.

10 Q And that you don't feel that psychiatrists aren't
11 knowing
capable of what goes on in your mind?

12 A It is a big theory.

13 Q It is a big field, but if psychiatrists in this
14 case give their opinions with regard to certain subjects, are
15 you going to say "Well, that is just a wild theory," and reject
16 it?

17 A Oh, no.

18 Q Out of hand, or are you going to listen to it?

19 A They are knowledgeable.

20 Q Incidentally, Mr. Schachter, do you have the
21 feeling that the defendant here is more likely to be guilty
22 than innocent of first degree murder because you have heard
23 that the prosecution is seeking the death penalty?

24 A You have to rely on the evidence.

25 Q And you realize this is the only chance we have,
26 either side has to talk about the possibility of capital
27 punishment in this case and simply because you have heard that
28 Mr. Bugliosi and Mr. Kay are seeking it, it doesn't mean that

26-2

1 this is a death penalty case to you, does it?

2 A There are always two sides to the subject.

3 Q Do you believe that it is possible for an
4 individual charged with seven counts of murder to be legally
5 insane?

6 A It is possible.

7 Q Would you be willing to listen and evaluate such
8 evidence in the event --

9 A Absolutely.

10 Q Do you know of any reason why you couldn't give Mr.
11 Watson a fair trial on the issue of his sanity or insanity in
12 the event the case ever reaches that point?

13 A No, absolutely. I am openminded.

14 Q Do you know of any reason as you sit here now,
15 Mr. Schachter, why you might find it difficult to give Mr.
16 Watson a fair trial?

17 A No.

18 Q I haven't touched upon all subjects, I am sure,
19 that might bear on your qualifications to serve as an impartial
20 juror in this case. This would take days and we don't have that
21 kind of time. So I have got to rely on you to be candid with
22 us, as I am sure you will be, and tell us if you know of or
23 can think of any reason, almost in your subconscious mind since
24 we are talking about psychiatry, that might make it difficult
25 for you to be fair to us.

26 A No, I don't recall.

27

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26-3

JOSEPH J. POLLAK

BY MR. KEITH:

Q May I ask your business or occupation?

A I am semi-retired. I am a diamond tool engineer.

Q Has that been your occupation for most of your productive career?

A Most of my life, yes.

Q And how long have you lived in this county?

A 27 years.

Q And where were you from before that time?

A Brooklyn.

Q Do you know Mr. Schachter?

A No.

Q Ever eaten at his lunch room?

A No. I am not from Borough Park.

THE COURT: Brighton Beach?

THE JUROR: No, south Brooklyn, Prospect Park.

Q BY MR. KEITH: Is there a Mrs. Pollak?

A Yes.

Q Does she have an occupation outside the home?

A A very important occupation -- housewife.

Q Do you have any children, sir?

A I do and two great-grandchildren.

Q How many?

A Two.

Q What are the occupations of your children or grandchildren?

A My youngest daughter is a housewife. My oldest

1 daughter is my secretary.

2 Q You have two daughters?

3 A Yes.

4 Q Presumably some of their children are grown since
5 you have --

6 A My oldest daughter's son is in the armed service in
7 Germany and her other son is employed as a salesman in the
8 company of which I am president.

9 Q What is that company?

10 A East Gem, Incorporated. It is industrial diamonds.

11 Q Where is your place of business?

12 A On Western Avenue near Beverly.

13 Q Have you or any member of your family been the
14 victim of a crime of violence?

15 A Fortunately, no.

16 Q Do you or any members of your family number among
17 you as their close friends members of law enforcement in any
18 capacity?

19 A I have been wondering how I could answer that
20 question. I am a member of the Peace Officer's Shrine Club.

21 Q How long have you been a member of that organization?

22 A 1953.

23 THE COURT: That is not composed of all peace officers, by
24 the way.

25 THE JUROR: No -- a few of them.

26 Q BY MR. KEITH: So you do number among your friends,
27 inasmuch as you are both in the same organization, peace
28 officers?

1 A Yes.

2 Q Would your membership in the Peace Officer's
3 Shrine Club in any way affect your ability to be fair in this
4 case in the event you were selected as a trial juror?

5 A It would probably have the opposite effect.

6 Q You are going to have some inquisition on that
7 subject so I might as well ask you --

8 A Go right ahead. It wouldn't.

9 Q When you say it would probably have the opposite
10 effect, could you explain perhaps what you meant?

11 A Well, I once got a ticket and I made a mistake
12 of telling them at the Peace Officer's Shrine Club and it cost
13 me two fines.

14 Q You are telling me that you wouldn't be?

15 A Which?

16 Q You wouldn't be inclined to favor the prosecution
17 over the defense because of your affiliation with the Peace
18 Officer's Shrine Club?

19 A No, sir.

20 Q In all seriousness -- I realize we have been
21 somewhat facetious -- in all seriousness would you be inclined
22 not to favor the prosecution, in other words, to favor the
23 defense solely because of that affiliation?

24 A No.

25 Q You would be fair to both sides?

26 A According to the evidence.

27 Q Have you served as a trial juror before in either
28 a criminal or civil case? My notes don't show.

1 A No.

2 Q You have heard his Honor talk about certain aspects
3 of the law. You will follow his Honor's instructions regarding
4 the law scrupulously, will you not, regardless of any personal
5 feelings or beliefs?

6 A I will.

7 Q Any beliefs you may have as to what you think the
8 law ought to be?

9 A I will.

10 Q You have no quarrel with the presumption of
11 innocence, or the prosecution has the burden of proving their
12 case beyond a reasonable doubt and to a moral certainty, do
13 you?

14 A No, I do not have any quarrel with that.

15 Q You realize as the defendant sits here he is
16 presumed to be innocent?

17 A Yes.

18 Q We have been talking a good deal about pretrial
19 publicity attendant upon the Manson case that preceded this
20 one and is now over with. Were you exposed to any of that
21 publicity or notoriety?

22 A I was.

23 Q And as a result of such exposure have you formed any
24 opinion concerning the guilt or innocence of this defendant?

25 A I know very little about Mr. Watson. I do know
26 quite a bit about the Manson --

27 Q You did or you did not know?

28 A I knew very little about Mr. Watson.

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Q I heard you there but then you said --

A I knew quite a bit about the Manson trial.

#27

#27

1 Q Is that because of -- well, did you ever attend a
2 trial as --

3 A Yes, I did.

4 Q How many times did you attend the Manson --

5 A Twice.

6 Q And was your purpose --

7 THE COURT: Did you see Mr. Bugliosi there?

8 THE JUROR: Yes, I did.

9 How could you avoid it?

10 Q He might have been a victim there.

11 A May I explain why I was there?

12 Q BY MR. KEITH: I was about to ask you that.

13 A My niece's fiance was the courtroom artist for
14 channel 7, I think it is, and it was at his instance that we
15 came down to see the trial.

16 Q Did you have any special or overriding interest
17 in that case?

18 A None whatever.

19 Q You attended that trial twice at the instance of
20 your niece's fiance, who was an artist --

21 A That's right.

22 Q -- for channel 7?

23 If that artist appears in court in this case -- I
24 don't know whether he will or not, but he may well -- would
25 this in any way affect your duty as a juror to give both sides
26 a fair trial?

27 A I don't see how it could have any effect.

28 Q I don't see, either, but you can't tell.

1 A No, it would not.

2 Q Did you also listen to television broadcasts and
3 read the newspapers about the Manson trial and its progression?

4 A I read very little about it in the newspapers.
5 I did watch television, perhaps, mainly to see Liguanti's
6 pictures.

7 Q What was his name, by the way?

8 A Bill Liguanti.

9 Q Do you have an opinion at this time as to whether
10 the verdicts in that case were just and proper, or haven't
11 you formed any such opinion?

12 A I haven't formed any opinion, but I take it for
13 granted that the jury found a just --

14 Q I gather you believe that the jury did their duty
15 as they saw fit in that case, but aside from that do you have
16 any opinions of your own based on your own exposure to the
17 publicity in that case and your own appearance on two occasions
18 at the trial, itself?

19 A I feel that they reached a just verdict.

20 Q Because of that feeling that you have just
21 expressed, do you think it would be difficult for you to give
22 Mr. Watson in this case, bearing in mind that he is charged
23 with the same homicides that Manson was charged with, a fair
24 trial?

25 A I believe that if the evidence is the same in Mr.
26 Watson's case, that I would have a tendency to find the same
27 kind of a verdict that the other jury found, the evidence being
28 the same.

1 Q Well, at this present time, however, as you sit
2 here now, can you erase from your mind, can you forget about
3 and start afresh without any opinion at all --

4 A I don't know of the other evidence.

5 Q -- about Mr. Watson's guilt or innocence, even
6 though you do have an opinion about the justness of the
7 previous verdict?

8 THE COURT: Mr. Keith, may I ask you this --

9 MR. KEITH: I will withdraw it; I got mixed up.

10 THE COURT: I want to ask you a question. In that case
11 was there any plea other than not guilty?

12 MR. BUGLIOSI: Your Honor, I don't know if that would be
13 relevant at this particular stage.

14 THE COURT: Well, for this reason, in view of Mr.
15 Pollak's answer that if the evidence was the same in that case,
16 or this case as it was in that case, he'd be inclined to find
17 him guilty; but I do not know whether in that case there were
18 any -- there was any other plea.

19 MR. BUGLIOSI: There may or may not have been, your Honor,
20 but I am not too sure it is relevant as far as this particular
21 jury is concerned because that just opens up a Pandora's box
22 as to all types of distinctions, perhaps.

23 THE COURT: Well, I am just trying to get, clarify in
24 my own mind Mr. Pollak's thinking, and I think it might clarify
25 his thinking a bit, too.

26 MR. BUGLIOSI: I would object to any reference to any
27 pleas in the other case.

28 MR. KEITH: I can't very well explain to Mr. Pollak what

1 differences, if any, without asking him to prejudge the case.

2 THE COURT: Counsel, will you approach the bench, please?

3 (A discussion was had at the bench off the record.)

4 (The following proceedings were had in open court.)

5 THE COURT: Mr. Pollak, having indicated that if the
6 evidence is the same at this case as it was in the Manson case
7 you would be inclined to find this defendant guilty, now,
8 there may be issues in this case which were not present in
9 the Manson case. There may be.

10 If there are, would you consider those issues?

11 A Yes.

28R1

1 THE COURT: You would consider the facts and the law
2 pertaining to those issues, is that correct?

3 THE JUROR: Yes.

4 THE COURT: In other words, as you sit there now, you
5 are not ready to say Watson is guilty of anything, are you?

6 THE JUROR: No.

7 THE COURT: And you will decide every issue presented
8 to you; is that correct?

9 THE JUROR: Yes.

10 THE COURT: I have no further questions.

11 MR. KEITH: Thank you, your Honor.

12 Q Would you be inclined not to give Mr. Watson a
13 fair trial, Mr. Pollak, in the event the evidence shows that
14 he lived in a communal style setting in a hippie-like fashion
15 and used drugs extensively? These are facts, in the event
16 such testimony is produced, may have a bearing on the issues
17 of this case. I am not discounting that.

18 What I am asking you is: Would you just reject any
19 evidence offered on his behalf because you didn't approve of
20 the manner in which he lived, or the people --

21 A Yes, I would.

22 Q -- he was associated with?

23 A Yes, I would reject my feelings against that.

24 Q You're answering it in the negative. You would
25 consider such evidence for whatever value you think it might
26 have on the issues presented to you in this case, but you
27 wouldn't deny the defendant the benefit of his defense,
28 simply because of his previous life style, would you?

28R2

1 A No.

2 Q And with the respect to the subject of psychiatry,
3 you have heard the questions that have been asked of the other
4 prospective jurors, have you not, about their feelings about
5 the psychiatric art or profession? Would your answers be
6 substantially different?

7 A No.

8 Q Then the answers of any of the other jurors?

9 A No. I have a high regard for psychiatry.

10 Q So you wouldn't reject psychiatric testimony out
11 of hand but you would listen to it and give it whatever weight
12 you think it deserved?

13 A That is correct.

14 Q And you would consider it. You would consider the
15 testimony offered by the medical profession in this case and
16 not reject it out of hand, simply because you don't think much
17 of psychiatrists as a whole. You would take a contrary view?

18 A Yes.

19 Q Do you believe, Mr. Pollak, that it is possible
20 for an individual charged with murder to be legally insane at
21 the time of the commission of the crime?

22 A I don't believe he can commit a murder unless he
23 is.

24 Q What you are saying is that you accept the proposi-
25 tion that there is such a law as legal insanity in this case
26 and in the event we reach that issue, you wouldn't find the
27 defendant sane, simply because you had found him guilty of
28 first degree murder, but you would listen to the medical

28R3

1 evidence bearing on the subject of sanity or insanity and make
2 up your mind, according to the evidence and not simply because
3 you believe there is no such thing in this state or anywhere as
4 legal insanity?

5 A Yes, I would.

6 Q It is your belief then, if someone is legally
7 insane, they should not be held responsible for their criminal
8 conduct?

9 A I believe each case should be considered individually.

10 Q I appreciate that, but what I am getting at is
11 as a philosophic and legal proposition you accept the law in
12 this state and someone who is found legally insane is not
13 legally responsible for any criminal conduct they may have
14 entertained?

15 A Is that the law in this state?

16 Q That is the law in this state, yes. You will
17 follow that law, won't you?

18 A I will, if that is the law of the state.

19 Q In other words, if you believe after hearing all
20 the evidence, if we reach that point in the trial, if you
21 believe that Mr. Watson was insane at the time of the commis-
22 sion of these offenses, you would have no hesitation to bring
23 back such a verdict? You would have the courage to do so?

24 A If it was proven, I would bring that kind of a
25 verdict back.

26 THE COURT: All right, Mr. Keith, Mr. Bubrick and
27 Mr. Keith, if you are challenging Jurors No. 1 and 2 for cause,
28 I will accept that challenge at this time.

28R4

1 MR. BUBRICK: We are, your Honor.

2 THE COURT: Mrs. Hall and Mrs. Yamanouchi will be
3 excused. Thank you for coming.

4 MR. BUGLIOSI: Your Honor, before you recess, could we
5 approach the bench.

6 THE COURT: Yes.

7 (Discussion at the bench, outside the record.)

8 THE COURT: Ladies and gentlemen of the jury we will
9 recess at this time until tomorrow morning at 9:30.

10 Once again, let me caution you, do not form or
11 express any opinion in this case. Do not discuss it among
12 yourselves or with anybody else.

13 Please keep your mind open and I am asking you
14 now, in fact, I am directing you to do all in your power to
15 avoid reading anything about this case or listening to any-
16 thing about this case on the radio or watching it on tele-
17 vision.

18 You may become jurors in this case and we want
19 you to be completely uninfluenced by any outside interference
20 of any kind. Please make every effort to avoid reading or
21 hearing about this case. Thank you.

22 (At 4:00 p.m., an adjournment was taken until
23 Tuesday, August 3, 1971, at 9:30 a.m.)
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