

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 47

HON. ADOLPH ALEXANDER, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

-vs-

CHARLES WATSON,

Defendant.

5002

No. A-253,156

REPORTERS' DAILY TRANSCRIPT

Tuesday, August 3, 1971

VOLUME 2

Pages 177 - 364

APPEARANCES:

See Volume 1.

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1 LOS ANGELES, CALIFORNIA, TUESDAY, AUGUST 3, 1971; 9:38 A.M.

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4 THE COURT: Good morning.

5 THE JURORS: Good morning.

6 THE COURT: Gentlemen.

7 MR. BUGLIOSI: Good morning, Judge.

8 THE COURT: People against Watson.

9 Let the record show all prospective jurors are
10 present.

11 Counsel and defendant are present.

12 Mr. Keith, had you finished with Mr. Pollak
13 yesterday?

14 MR. KEITH: Almost, your Honor.

15
16 JOSEPH J. POLLAK

17 BY MR. KEITH:

18 Q Mr. Pollak, did you ever discuss the Manson case
19 with Bill -- pardon me if I do not pronounce his name
20 correctly -- Lignanti?

21 A Lignanti.

22 Yes, I have.

23 Q And did he tell you his views of the case during
24 these discussions?

25 A Yes.

26 Q And did you tell him your views of the evidence?

27 A I had none.

28 Q Did he impress you with his views of the Manson

1 case?

2 A I don't know what you mean by impress.

3 Q Did it leave you with an opinion?

4 A Yes.

5 Q And is that an opinion that you now have?

6 A The Manson case?

7 Q Yes.

8 A Yes.

9 Q Are you able to divest yourself of that opinion
10 at this time in the event you are selected as a trial juror?

11 A I should think so.

12 Q Are you sure so?

13 A Yes.

14 Q You are positive so?

15 A Yes.

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1 Q In other words, what Mr. Lignanti told you and
2 your own opinion that you formed is not going to intrude upon
3 your judgment in this case in the event you are selected as
4 a trial juror. Is that a fair statement?

5 A I would say so.

6 Q Do you have any opinion at this time of the mental
7 capacity or mental condition of Mr. Watson, the defendant here,
8 during, say, the year 1969?

9 A None whatsoever. I know very little about Mr.
10 Watson.

11 Q You have no opinion then, I take it, of what his
12 mental condition was during the time he lived at the Spahn
13 Ranch?

14 A I didn't know that he lived there.

15 Q Well, let's assume he did for the sake of
16 discussion.

17 A I wouldn't have any opinion.

18 Q Do you remember what witnesses you saw testify when
19 you visited the Manson trial as a guest of Mr. Lignanti?

20 A No.

21 Q Undoubtedly then you didn't form any opinion of
22 their credibility?

23 A No, I didn't. I wasn't really terribly interested
24 in it.

25 Q Did you spend all day down there?

26 A No.

27 I left at the noon recess.

28 Q Having had the evening perhaps to think about it,

1 Mr. Pollak, can you think of any reason whatsoever why you
2 might be biased or prejudiced against Mr. Watson in being able
3 as a result to give him a fair trial?

4 A No.

5 Q Have you searched your conscience to arrive at
6 that decision or that expression that you have just told us?

7 A I thought about it and I think that I can if the
8 evidence is -- whatever the evidence is I think I can judge
9 it.

10 Q In the event you are selected as a trial juror,
11 will you give Mr. Watson the benefit of your individual
12 opinion?

13 A Yes.

14 Q You won't be swayed by what you think public
15 sentiment might be, will you?

16 You promise me that you won't be?

17 A Yes.

18 Q Also in connection with giving us the benefit of
19 your individual opinion, Mr. Pollak, will you promise us that
20 in the event you are selected as a trial juror and the case
21 is given to you and the balance of the jury for deliberation,
22 that you will form your opinion about the facts as applied to
23 the law or the law as applied to the facts only after free and
24 full and open discussion with the fellow members of the jury
25 panel?

26 A Yes.
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1 Q And you wouldn't change your position, would you,
2 now, simply because a majority of your fellow jurors may have
3 a different view -- only because of that?

4 A Only because of that?

5 Q Yes.

6 A No.

7 Q In other words, you'd stick to your guns, would
8 you not, unless you were convinced by the members of the jury
9 that the position you were holding was erroneous?

10 A I would.

11 MR. KEITH: I have nothing further of this prospective
12 juror.

13 THE COURT: Would you call two more jurors, please,
14 Mr. Clerk?

15 THE CLERK: Yes, your Honor.

16 THE COURT: Seat 1.

17 THE CLERK: Yes, your Honor.

18 Jose M. Vascos, V-a-s-c-o-s.

19 Allen L. Tatum, T-a-t-u-m, Jr.,

20 THE COURT: Mr. Vascos and Mr. Tatum, I take it you
21 were present in court all day yesterday and you heard my
22 comments and the respective questions put to all prospective
23 jurors by counsel.

24 How about the time element; can you give us the
25 two months it is going to take to try this case?

26 MR. VASCOS: Myself, I don't think I can.

27 THE COURT: Beg your pardon?

28 MR. VASCOS: Myself, I don't think I can. It would be

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1 too much for me, two months, because I request permission for
2 one month, and I would kind of chore people -- see, I work
3 maintenance and a month is kind of hard for them,

4 I work for Western Airlines. I called yesterday;
5 when I say two months -- I think I'm going to get in trouble
6 if I stay so long,

7 THE COURT: You mean it is going to work a hardship on
8 you?

9 MR. VASCOS: Yes.

10 THE COURT: How about you, Mr. Tatum?

11 MR. TATUM: I can stay.

12 THE COURT: Gentlemen, may Mr. Vascos be excused?

13 MR. BUGLIOSI: So stipulated.

14 MR. BUBRICK: So stipulated.

15 THE COURT: You may be excused, Mr. Vascos.

16 THE CLERK: Simeion N. Suarez, S-u-a-r-e-z.

17 THE COURT: Mr. Simeion, first, can you give us the two
18 months we need to try the case?

19 MR. SUAREZ: I'm afraid, your Honor, I could not, because
20 in the first place, I have a doctor's appointment at the end
21 of this month and in the second place, I will be visiting my
22 old-age father in the Philippines.

23 THE COURT: Will you repeat the last part?

24 MR. SUAREZ: I'm going to visit my old-age father in
25 the Philippines.

26 THE COURT: In where?

27 MR. SUAREZ: In the Philippines.

28 MR. KAY: "In the Philippines."

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THE COURT: May he be excused, gentlemen?

MR. BUGLIOSI: Yes, your Honor.

MR. BUBRICK: Yes, your Honor.

MR. KEITH: So stipulated.

THE COURT: You may be excused, Mr. Suarez.

THE CLERK: Carol L. Syquia, S-y-q-u-i-a,

CAROL L. SYQUIA,

BY THE COURT:

Q Would you pronounce your name for us, please?

A Syquia.

Q Is that Miss or Mrs.?

A Mrs.

Q Mrs. Syquia, can you give us the two months we need to try the case?

A I asked my employer and she said, no.

Q What work do you do?

A I'm a supervisor.

Q Employed by whom?

A Pacific Mutual.

Q Pacific Mutual; that is the insurance company?

A Right.

Q And they said no.

A They said that I should ask to be excused.

Q A little unusual for Pacific Mutual to do that.

A Well, I just asked my manager.

Q How long have you been on the jury now, on the jury panel?

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1 A This is my second day.

2 Q This is your second day?

3 Well, if selected as a juror, Pacific Mutual will
4 have to do without you, Miss Syquia; t y should know better
5 than that.

6 Have you ever served as a juror before?

7 A No.

8 Q Do you know anything about the case, other than
9 what you have heard in court?

10 A What I have read in the papers.

11 Q That is on a former trial?

12 A Yes.

13 Q Did you hear all the questions put to all prospec-
14 tive jurors by defense counsel?

15 A Yes, I have.

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1 Q Other than those that are purely personal, if you
2 were asked the same questions, would your answers be the same?

3 A Of the questions that you asked or --

4 Q No, that counsel asked or that I asked, other than
5 the personal ones as to your occupation and so forth. Would
6 your answers be substantially the same?

7 A No. I could not vote for the death penalty.

8 Q Let me see now. Are you telling us now, Mrs.
9 Syquia, that you would automatically vote against the death
10 penalty regardless of what the evidence might develop?

11 A Yes, I would.

12 Q You cannot conjure up anything in your mind at all
13 that might cause you to impose the death penalty, any state of
14 facts?

15 A No, I wouldn't.

16 THE COURT: Is it stipulated that she may be excused?

17 MR. BUBRICK: So stipulated.

18 MR. BUGLIOSI: So stipulated.

19 THE COURT: You may be excused.

20 THE CLERK: Mrs. Louise A. Stanton, S-t-a-n-t-o-n.

21 Q BY THE COURT: Mrs. Stanton, can you give us the
22 two months we need to try this case?

23 A I'm afraid I can.

24 Q You can't?

25 A I can.

26 Q You can or cannot?

27 A I can.

28 Q You can?

1 A Yes.

2 Q Very good. How about the question of the death
3 penalty. Would you automatically vote against the death
4 penalty?

5 A No, I wouldn't.

6 Q Regardless of what the evidence might be?

7 A No.

8 Q In other words, you could vote for the death
9 penalty if you felt it was a proper case to do so; is that
10 correct?

11 A I could.

12 Q And is your attitude toward the death penalty such
13 that you would be prevented from making an impartial decision
14 as to the guilt or innocence of this defendant?

15 A No, I never thought about it. I never thought --
16 I just never thought about it.

17 Q In other words, as you sit there now, you have no
18 conscientious scruples or objections to the death penalty?

19 A No.

20 Q Is that correct?

21 A Right.

22 Q Have you served as a juror before?

23 A No.

24 Q Do you know anybody connected with this case?

25 A No.

26 Q Did you hear all the questions that were put to the
27 prospective jurors yesterday?

28 A Yes.

Q If you were asked the same questions, other than

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1 those that are purely personal, would your answers be
2 substantially the same as those given by the other jurors?

3 A I think they would.

4 Q You know that both the people and the defendant
5 are entitled to the individual opinion of each juror?

6 A Yes.

7 Q You understand that?

8 A Yes.

9 Q And both the people and the defendant are entitled
10 to a fair trial, a trial based only upon the evidence that
11 you hear in this case and the law as I shall state it to you
12 and you can be that kind of a juror and decide the case in
13 that manner?

14 A Yes.

15 Q BY THE COURT: How about you, Mr. Tatum?

16 A I can be.

17 Q How about your views as to the death penalty,
18 would you automatically vote against the death penalty
19 regardless of what might be developed at this trial?

20 A No.

21 Q In other words, you can conjure up or see a state
22 of facts in which you could give the death penalty if you
23 felt it warranted it; is that correct?

24 A Yes, your Honor.

25 Q How about your attitude toward the death penalty,
26 would that prevent you from making a fair and impartial
27 judgment of the guilt or innocence of this defendant?

28 A No, your Honor.

1 Q I think you told us you can give us the two months
2 that we need.

3 A Yes, sir.

4 Q Do you know anybody connected with this trial at
5 all?

6 A No.

7 Q Did you hear all the questions put to all the
8 prospective jurors by respective counsel?

9 A Yes, sir.

10 Q Other than those that are purely personal, if you
11 were asked the same questions, would your answers be substantially
12 the same?

13 A Yes.

14 THE COURT: Gentlemen.

15 MR. BUBRICK: Thank you.

16 Your Honor, would you suggest I start with Mrs.
17 Stanton again or continue around?

18 THE COURT: Either way you care to.

19 MR. BUBRICK: I will start with Mrs. Stanton, if I may,
20 your Honor.

21
22 LOUISE A. STANTON

23 BY MR. BUBRICK:

24 Q Mrs. Stanton, may I ask you please what general
25 area of the city you live in?

26 A Southwest.

27 Q Is there a Mr. Stanton?

28 A Divorced.

1 Q What does Mr. Stanton do or what did Mr. Stanton
2 do?

3 A Manager over a Shell Oil Company, St. Louis,
4 Missouri.

5 Q Are you then from Los Angeles?

6 A No, Georgia.

7 Q How long have you lived here in Los Angeles?

8 A Almost 8 years now.

9 Q Did you come from the Missouri area?

10 A Georgia.

11 Q Do you have any children, Mrs. Stanton?

12 A Yes, I do. I have three kids -- two girls and a
13 boy.

14 Q And their ages, please.

15 A 14, 12 and 10.

16 Q Are you employed outside of the home?

17 A Yes.

18 Q What sort of work do you do?

19 A L.A. County Clerk, DPSS.

20 Q Department of Social Welfare?

21 A Social Services.

22 Q Which office, may I ask?

23 A Beverly.

24 Q Pardon?

25 A Beverly family office Metro north.

26 Q Metro north?

27 A Yes.

28 THE COURT: For a moment I thought you were going to say

1 Beverly Hills.

2 Q BY MR. BUBRICK: That is the west Los Angeles, I
3 take it?

4 A No. I think maybe you are talking about west L.A.,
5 It is Beverly, right down the street from here.

6 Q I know where your office is, but the Beverly Hills
7 office was administered by the west Los Angeles office.

8 A Yes.

9 Q Mrs. Stanton, have you ever been the victim of any
10 assaultive type crime?

11 A No.

12 Q Have you ever been the victim of any sort of a
13 crime?

14 A No.

15 Q Have you ever been in connection with your work --
16 have you ever in connection with your work filed what do you
17 call it? A fraud petition or something like that against a
18 recipient?

19 A No.

20 Q You do that kind of work. Are you called upon to
21 do that sort of work from time to time?

22 A Well, I work in the administration office with the
23 administrative personnel, but I don't come in contact with that
24 type of thing.

25 Q That is the re-affirmation thing or something like
26 that you have to file?

27 A Yes.

28 Q You don't do that kind of work?

1 A No.

2 Q Do you know anybody that is near or dear or close
3 to you, Mrs. Stanton, that has ever been the victim of any
4 crime?

5 A No.

6 Q Have you ever witnessed a crime of violence being
7 committed?

8 A No.

9 Q Have you ever been a complaining witness of any
10 sort in any sort of a legal proceeding?

11 A No. This is as close as anything I come to, being
12 here.

13 Q You are by no means a witness in this matter. Did
14 you hear the judge's definition of reasonable doubt as he
15 read it yesterday?

16 A Yes.

17 Q Do you think that it is too much to expect the
18 people to prove a defendant's guilt beyond a reasonable doubt
19 and to a moral certainty?

20 A No.

21 Q You don't think we are asking too much of the
22 people if we ask them to prove or introduce that amount of
23 evidence against a defendant, do you?

24 A No. I feel that after you have heard both sides
25 you get the facts, the evidence, you just make up your mind.
26 That is all.

27 Q Fine.

28 You realize, do you not, that before you do that

1 there is a presumption that the defendant is innocent?

2 A Yes.

3 Q And the people have to introduce enough evidence
4 to make you change your mind, and have to introduce enough
5 evidence to make you believe beyond a reasonable doubt and
6 to a moral certainty of the defendant's guilt. If they fail
7 to do that would you still give this defendant the presumption
8 of innocence?

9 A If they cannot give me anything to go on to make
10 me change my mind, knowing now to me he is innocent. If they
11 can't produce anything other than that to make me change my
12 mind he is still innocent so far as I am concerned.

13 Q You realize that what you have just said about
14 "to me he is innocent" is absolutely true and he is innocent
15 until such time as the judge tells you what the instructions
16 are and tells you to go into the jury room and deliberate and
17 at that time you will start putting together everything you
18 have heard and if you are satisfied with what the prosecution
19 has done, that is the time to change your mind; is that
20 correct?

21 A Correct.

22 MR. BUGLIOSI: There is a slight misstatement here.

23 THE COURT: Yes. You see we don't say he is innocent.
24 We presume he is innocent.

25 MR. BUBRICK: I am sorry.

26 A JUROR: I guess that is what I meant.

27 Q BY MR. BUBRICK: That is what you meant?

28 A Yes.

1 Q The presumption of innocence is not overcome until
2 that stage of the proceedings and not before then; is that
3 correct?

4 A Right.

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1 Q Would you, however, Mrs. Stanton, expect or
2 demand that the defendant take the witness stand and testify
3 in his own behalf?

4 A Would you repeat that, please?

5 Q Are you going to require or demand that the defen-
6 dant testify in his own behalf, in order to acquit him, for
7 example?

8 A I don't know. I don't know whether I would or not.

9 Q Well, you realize, do you not, that a defendant
10 doesn't have any sort of a burden at all, he doesn't have to
11 convince you of his innocence; it is the prosecution that has
12 to convince you of his guilt.

13 Now, as you sit there now and as you think about
14 what we are talking about, do you have the feeling that you
15 wouldn't be able to find the defendant not guilty if he didn't
16 take the stand and tell you his version of what happened?

17 A No, I don't have that feeling.

18 Q You are going to make the prosecution carry the
19 burden of convincing you that the defendant is guilty, beyond
20 a reasonable doubt, whether he testifies or not; is that
21 correct?

22 A I'm going to make the prosecution --

23 Q Yes, convince you that the defendant is guilty.

24 A Well, I thought it was two sides to it that I had
25 to listen to.

26 Q Oh, yes, you listen to everything that is said
27 from the witness stand, it doesn't make any difference which
28 side it comes from; but all I want to make sure is that you

1 are not going to demand that the defendant take the witness
2 stand and give you his version of what happened, in order to
3 find him not guilty.

4 THE COURT: Possibly Mrs. Stanton doesn't realize this:
5 Whether or not a defendant personally takes the stand and
6 testifies with that defendant and his counsel.

7 Now, I think I explained yesterday that every
8 defendant is presumed to be innocent and the burden rests with
9 the prosecution to prove him guilty beyond a reasonable doubt.

10 In that connection, no defendant need take the
11 stand and prove that he is innocent.

12 Q Do you understand that?

13 A Yes.

14 Q Because the burden rests with the People to prove
15 him guilty beyond a reasonable doubt.

16 Now, ma'am, what Mr. Bubrick wants to know,
17 despite that being the law, despite the fact that he need not
18 take the stand, if he doesn't want to, would you still hold
19 that against him if he doesn't take the stand?

20 A Oh, no, no.

21 MR. BUBRICK: Thank you, your Honor.

22 THE COURT: I hope I explained it properly.

23 MR. BUBRICK: You certainly did.

24 Q Do you know a member among your friends, rela-
25 tives or associates, Mrs. Stanton, any members of any law
26 enforcement agency?

27 A No.

28 Q How about prosecutor's staff, members of the

1 district attorney's staff, city attorney, attorney general?

2 A No.

3 Q We talked yesterday a little bit, Mrs. Stanton,
4 about the fact that the evidence will show that Mr. Watson is
5 either a drug user or a drug abuser.

6 Now, is your present state of mind such that you
7 will deny him a fair trial because he is a drug user or drug
8 abuser?

9 A No.

10 Q The evidence may also show, Mrs. Stanton, that the
11 defendant lived a sort of a hippie or communal type life. It
12 may be a kind of existence that you and I may not approve of.

13 Now, will the fact that he was that sort of a
14 person, hippish, nomadic, without apparent ties in nature,
15 will it cause you in your mind to deny him a fair trial?

16 A No, it wouldn't.

17 Q I think you said your children -- you have at
18 least one daughter among your three children; is that right?

19 A Two.

20 Q Two daughters.

21 Now, we all know, as adults and parents, Mrs.
22 Stanton, often children are leaving home and they are just
23 sort of gravitating and floating around the country. If the
24 evidence here should disclose part of the people who were
25 living at the Spahn Ranch were the youngsters, young girls,
26 teen-agers, maybe young adults, who had left their families
27 and were living a communal sort of life, would that fact in
28 and of itself force you to deny this defendant a fair and

R5-4

1 impartial trial?

2 A No, it wouldn't.

3 Q You realize that during the course of this proceed-
4 ing, we are not going to be able to do anything about solving
5 the drug problem or, perhaps, the life of the hippie or even
6 the runaway who is going to run away from home. That is not
7 our issue here.

8 Our issue here is to decide whether or not this
9 defendant is guilty of murder; and is that something that you
10 feel that you can do?

11 A Yes.

12 Q I'm not suggesting now that you may not find it
13 relevant to become involved with the matter of drugs or the
14 kind of existence that this defendant lived in that it was
15 communal and that there were runaway people about him. You may
16 find that very relevant and you certainly are going to be
17 required to do with that evidence whatever you think it is and
18 give it whatever weight that you think that it is entitled to;
19 but all I want to make sure is that the very existence of these
20 kinds of social problems isn't the kind of thing that would
21 thwart you from giving this defendant a fair trial.

22 A No.

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1 Q Do you have a feeling as you sit there now, Mrs.
2 Stanton, that a person could be a member of a group and not
3 be responsible for everything the group does?

4 A Yes.

5 Q You realize, do you not, that you are going to have
6 to treat this defendant as an individual and decide whether
7 he is guilty of murder, because of what he did?

8 A Yes.

9 Q Do you understand that?

10 Will you do that?

11 A Yes.

12 Q You know, as adults we may have our own personal
13 beliefs about what happened or what did not happen, but as
14 jurors or as persons concerned with this trial, will you only
15 be guided in your determinations by what you hear from the
16 witness stand?

17 A Yes.

18 Q Will you put aside whatever you think subjectively
19 as an adult what might have happened, your own conclusions
20 in that regard, and your decisions only on what you hear from
21 witnesses who testify in this courtroom.

22 A I would have to take whatever I decided, it
23 would have to be from the evidence I hear.

24 Q Would your verdict, then, in this case be based
25 solely on what you hear, rather than any prejudice you might
26 feel?

27 A That's right.

28 Q I think you said a little while ago there are two

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1 sides to every question and, by God, there are; and, therefore,
2 would you wait until you've heard everything, including what
3 the defendant has to say, if he should say it, before you make
4 up your mind or express any opinion?

5 A Yes, I would.

6 Q Or any opinion relative to this case?

7 A I would.

8 Q Let me ask you now, Mrs. Stanton, whether as a
9 person who has lived in this community during the course of
10 1967, '8 and '9, perhaps, whether you have had occasion to
11 hear about the Tate-La Bianca killings?

12 A Yes.

13 Q And what was your principal or primary source of
14 information?

15 A Newspaper, television.

16 Q Do you get a newspaper delivered to the home
17 regularly?

18 A Yes, at that time I was.

19 Q And how about magazines?

20 A Yes.

21 Q I take it you had occasion to see it reported on
22 television, did you?

23 A Yes, I did.

24 Q And you also had occasion to hear it, perhaps,
25 on the radio?

26 A Yes.

27 Q Did you watch any one channel on television more
28 than any other?

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1 A No, I watched all the channels, everything I like,
2 so I just turn the TV.

3 Q Well, do you have a particular preference, Mrs.
4 Stanton, for news programs, say, as opposed to musical or
5 variety type television programs?

6 A Well, if anything on good that I want to see, at
7 the time the news come on then I see what I want to see and
8 leave the news alone,

9 Q Let the news go?

10 A Yes.

11 Q Did you ever read any books on the Tate-La Bianca
12 killing?

13 A No.

14 Q Did you ever discuss the Tate-La Bianca homicide
15 with any friends, relatives or colleagues at work, perhaps?

16 A Yes, at times were scant remarks made in the lunch-
17 room but usually everybody is moving so fast, so there is very
18 little time to do a lot of discussing of any one particular
19 thing.

20 Q Well, did any of those scant remarks that you
21 may have heard stay with you at this moment?

22 A No, I -- no.

23 Q Did you ever express an opinion about the Tate-
24 La Bianca case?

25 A Yes.

26 Q And as you sit here now as a prospective juror,
27 can you set aside whatever opinions you might have had about
28 the Tate-La Bianca murders and be guided solely by what you

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1 hear here?

2 A No, because the only opinion I had was I was
3 scared, so that's about the only one I gave. This thing, it
4 just scared me, period, so in the conversation -- this is about
5 as much as I said about it, that it scared me.

6 Q You mean you were scared because as a member of
7 the community, there were murders of this sort being committed
8 in a private residential area; is that correct?

9 A Yes.

10 Q Did you ever express an opinion about the relative
11 merits of the Sharan Tate-La Bianca case?

12 A No, because at that time I didn't really know.

13 Q Did you ever talk to anybody who professed to know
14 any of the people involved in the Tate-La Bianca case?

15 A No.

16 Q I take it you never had a chance to attend any
17 courtroom sessions?

18 A No.

19 Q Are you familiar with the name Susan Atkins?

20 A Yes, I've heard it.

21 Q In just what respect do you recall her?

22 A That she was on trial and she was found guilty,
23 I think.

24 Q Do you remember what punishment was assessed
25 against her?

26 A Death penalty, so I heard yesterday; and before
27 yesterday, I didn't know.

28 Q As of this moment, then, you know that all the

5Ar5
1 participants in that trial were found guilty and all got the
2 death penalty; is that correct?

3 A Yes.

4 Q Now, knowing that, Mrs. Stanton, is your frame of
5 mind such at this time that you can still give to this defen-
6 dant a fair and impartial trial, knowing that he was a member
7 of that group?

8 A Yes.

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1 Q Did you ever read or hear of any statements
2 allegedly made by Susan Atkins?

3 A No.

4 Q Did you ever hear Mr. Bugliosi, the prosecutor in
5 this case, on television or as a speaker anywhere?

6 A No.

7 Q Well, in view of everything that you have heard,
8 Mrs. Stanton, everything you have read about the Tate-La Bianca
9 killings, can you set all that aside and not give that a
10 thought and listen to what we are going to introduce during
11 the course of this trial?

12 A Yes.

13 Q And will you be guided solely by what you hear
14 during this trial in determining whether or not this defendant
15 is guilty or not?

16 A Yes.

17 THE COURT: You know, I think you are slighting Mr. Kay.

18 MR. KAY: That's all right.

19 MR. BUBRICK: Well, I don't know. I don't want to do
20 that.

21 I am not aware of Mr. Kay having made any
22 appearances except when I did back in October.

23 Q Did you ever see Mr. Kay on television?

24 A No.

25 Q Did you ever hear his melodic voice on television?

26 A No.

27 MR. KAY: Thanks, Judge.

28 THE COURT: We won't slight anybody.

5B2

1 Q BY MR. BUBRICK: Well, I might ask, did you ever
2 see me on television?

3 A No.

4 Q Somebody told me I was on once --

5 MR. BUGLIOSI: He didn't know he was?

6 MR. KAY: Don't forget Max.

7 Q BY MR. BUBRICK: Mr. Keith, I think, has also
8 made the tubes once or twice --

9 A Like I said, I only watch the news if one of my
10 stories go off, and usually if I get the news it is at 11:00
11 o'clock when our pictures go off and the news come off, and
12 at that particular time I am getting ready for bed so I
13 really don't be looking at it, I'm listening.

14 Q Well, Mrs. Stanton, there is a chance, I suppose,
15 and I am hoping it doesn't happen, but there is a chance that
16 they might rerun some of these old newsreel scripts or you
17 might be driving to work some day and hear something over
18 the radio and hear the voices of one of us saying something;
19 and if you do, I guess other than just say, "They are some of
20 the people involved in the trial," you are just going to pay
21 it no attention; is that correct?

22 A Well, honestly speaking, I have other things on
23 my mind, really, at the present, so maybe if they are talking
24 about it it would just go right on through.

25 Q Well, may we assume, Mrs. Stanton, that if you are
26 a juror in this case that you are going to have nothing on
27 your mind other than what is going on here?

28 A That is true.

5b-3

1 Q And nothing, I hope, is just going to go through;
2 is that correct?

3 A Yes.

4 Q All right.

5 Mrs. Stanton, I want to ask you something else
6 now that I haven't asked anybody else. There may be some
7 evidence introduced in this case -- before I ask you that,
8 are you familiar with the name of Charles Manson?

9 A Yes.

10 Q And who did you know him to be or what do you know
11 of him?

12 A The leader.

13 Q Now, there may be some evidence during the course
14 of this trial that Mr. Manson was the proponent of a theory
15 or a philosophy or something, call it what you will, that is
16 probably going to be referred to as helter skelter.

17 Now, it is quite probable, Mrs. Stanton, that you
18 might find the philosophy of helter skelter as derogatory,
19 defamatory, very unflattering of the Negro, the black or the
20 colored -- and I really don't know how you would prefer I
21 address you in that respect, Mrs. Stanton --

22 A It doesn't matter.

23 Q It could be interpreted by a black as being
24 very unflattering and very derogatory.

25 I say, it is at least subject to that sort of an
26 interpretation and I am not suggesting that it is, but if you
27 sat as a trial juror, Mrs. Stanton, and you heard evidence
28 that was derogatory of the black race and everything else were

5b-4

1 equal in your mind, would that fact in and of itself cause
2 this defendant any prejudice in your mind?

3 A No.

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1 Q Is that true, Mrs. Stanton, even though you are
2 going to find that the defendant was a member of that group?

3 A That wouldn't bother me due to the fact that I
4 heard so much of it -- just like I say, that type of thing,
5 it goes through too. How a person feel about a black or a
6 brown or -- I just don't have time for that.

7 Q Well, we realize that there is a possibility at
8 least of a sort of a racial issue being introduced and I
9 thought it only fair that you know about it, because I think
10 what we want is absolute candor and we certainly appreciate
11 your frankness with us because it is very possible that the
12 blacks on the jury, if there be any, might be very offended
13 by what they hear, but I think you must realize it would be
14 terrible if, for example, that sort of a feeling on the part
15 of a prospective juror were the thing that made that juror
16 either find this defendant guilty of murder or perhaps impose
17 the death penalty if they got to that stage of the proceedings.

18 Would you agree?

19 A Yes.

20 Q Let me, if I may, for a moment, Mrs. Stanton, talk
21 with you about the death penalty and I do this at this time
22 because it is the only time I can. I am not by my questioning
23 suggesting that I think this is a death penalty case because
24 that is your determination, but the law says this is the only
25 time we can talk about it and so I would like to do that at
26 the moment.

27 You have indicated to the court that you have no
28 conscientious scruples against the imposition of the death

1 penalty if you felt that the facts warranted or justified it
2 in your mind; is that correct?

3 A Right.

4 Q You realize I am sure from what you heard yester-
5 day that you are going to be called upon to determine this
6 defendant's punishment, whether it be life imprisonment or
7 death, only after you find him guilty of first degree murder
8 and first degree is a murder which is willful, premeditated,
9 deliberate, and done with malice aforethought.

10 Knowing that those are four ingredients of first
11 degree murder, Mrs. Stanton, do you feel that the death
12 penalty is the only proper punishment for a person who commits
13 a killing that way?

14 A No, I don't.

15 Q I think you must realize from what Judge Alexander
16 has told us that the law doesn't prefer or has no preference
17 about life or death because that is solely within your
18 discretion. Therefore, there are no guides or standards that
19 the court can give you in an effort to help you decide which
20 of the two punishments to impose.

21 Now, knowing that there is just absolutely no
22 assistance that the court can be in this sort of a determina-
23 tion, is your frame of mind such that you feel compelled to
24 impose or automatically impose the death penalty if you are
25 satisfied that the defendant is guilty of first degree murder?

26 A No.

27 Q Do you have any set of ideas in your mind at all,
28 Mrs. Stanton -- and I realize that like so many on the jury

1 you never dreamed that you would be sitting in the jury box
2 talking about the imposition of the death penalty -- but do
3 you perchance have any ideas in your mind at all of the
4 conditions under which you would impose the death penalty?

5 A Not at the present time.

6 Q Let me ask you conversely: Are there any
7 conditions you are going to demand be present before you
8 would impose life?

9 A Say that again. I don't quite understand it.

10 Q Let me illustrate it to make it a little easier to
11 follow. Is your frame of mind such that as you sit there right
12 now you say to yourself that unless I am convinced that one,
13 two, three and four are present, I will not impose a life
14 sentence?

15 In other words, you have got some ideas of your
16 own about the kind of a case that deserves a life sentence.
17 Do you have any such preconceived ideas?

18 A No.

19 Q In other words, you have never given thought to
20 the conditions under which you would impose a death penalty
21 any more than you have given thought to the conditions under
22 which you would impose life?

23 A No, I haven't.

24 Q And if the set of facts are presented to you at
25 that time for the first time, perhaps you will decide whether
26 or not the totality of the information you have at hand demands
27 a death penalty or life imprisonment; is that correct?

28 A Yes.

1 Q Knowing what you know about this case, by virtue
2 of what you have heard so far, Mrs. Stanton, do you have any
3 feeling that you would be compelled or you would automatically
4 impose a death penalty in a multiple killing case?

5 A No.

6 Q You realize that there are seven dead bodies
7 involved in this case.

8 A Yes, I do.

9 Q Which means that you may find this defendant
10 guilty of seven counts of first degree murder?

11 A Yes.

12 Q Now, knowing that along with some of the other
13 things we have talked about, the fact that there are some
14 pretty gruesome pictures to look at, that there have been
15 some stabbings, pistol whippings or things of that nature,
16 knowing that along with the fact that there are seven bodies
17 involved, seven dead bodies involved, does that lead you to
18 believe that you would be compelled to impose the death
19 penalty?

20 A No.

21 Q I think you have already told us that you would not
22 be compelled or you would not impose the death penalty against
23 this defendant solely because he was a member of a group, the
24 other participants of which have already received the death
25 penalty.

26 A No.

27 Q I think conversely then you have told us you were
28 going to treat him as an individual.

1 A Right.

2 Q And decide his guilt or innocence and his
3 punishment.

4 A Right.

5 Q Do you feel, Mrs. Stanton, that this defendant
6 has the burden of convincing you that he should get a life
7 sentence?

8 A I don't feel that he has the burden of convincing
9 me. I thought it was the --

10 Q I don't want to confuse you. The people have the
11 burden of convincing you of the defendant's guilt. That is
12 the first stage of this trial, when you determine his guilt
13 or innocence. The people have the burden of convincing you
14 this defendant is guilty beyond a reasonable doubt and to a
15 moral certainty.

16 But yesterday I think we also mentioned the fact
17 that when you get into the penalty phase, deciding what the
18 punishment should be, that neither side has the burden --
19 there is no legal burden imposed on either side. The
20 discretion, the authority to impose whatever sentence you
21 will is yours and yours alone.

22 A Yes.

23 Q I want to know whether back in any recesses of
24 your mind you are going to still feel that the defendant
25 should convince you that he deserves a life sentence as
26 opposed to the death sentence.

27 A No.

28 Q You realize because there are no guides or no

1 standards that the court can give you, that you perform your
2 duty as a juror with the same degree of effectiveness when
3 you return a life sentence as you do a death sentence?

4 A Yes.

5 Q You see those are the only two alternatives
6 available to you and you are not going to be criticized for
7 returning either one because you as a juror, you are performing
8 the duty you are called upon to perform irrespective of which
9 verdict you return. You understand that?

10 A Yes.

11 Q There is no duty to return one as opposed to the
12 other.

13 A Yes.

14 Q Let me ask you, Mrs. Stanton, have you ever been
15 a member of any organization that sought to retain capital
16 punishment in California?

17 A No.

18 Q Have you ever participated actively with any
19 organization that was pro capital punishment in the state?

20 A No.

21 Q Have you ever done the reverse? Have you ever been
22 an active participant of an organization that sought to
23 abolish the death penalty in California?

24 A No.

25 Q Are you a member of any organization, whatever
26 type it might be, that has as one of its principles the
27 retention of capital punishment in California?

28 A No.

1 Q Did you hear what I asked one of the other jurors
2 yesterday about being a member of a church that perhaps might
3 have that as one of its tenets?

4 A I am kind of like him. I didn't even know there
5 was such a church.

6 Q Do you feel that because of the publicity in this
7 case and the fact that the other participants in the murder
8 got the death penalty, that you might be subjected to some
9 criticism or the disapproval of your friends because you
10 didn't return such a verdict?

11 A No.

12 Q Do you have any fear, Mrs. Stanton, that you might
13 be subjected to influence of one sort or another by people
14 who know you are on this kind of a jury, if you remain as a
15 juror, who have a specific point of view about the death
16 penalty?

17 A No.

18 Q Do you number among any of your friends or perhaps
19 colleagues at work people who are very firm in their belief
20 of the death penalty as the only punishment for a murder case?

21 A No, I don't think I know anybody like that.

22 Q If you should happen to meet such a person, if
23 you are sitting on this jury, can we assume that you are not
24 going to permit them to influence your thinking at all?

25 A No.

26 Q And you are going to arrive at whatever decision
27 you arrive at in this particular phase of the case if you are
28 a prospective juror as a result of your own individual thinking;

1 is that correct?

2 A That is right.

3 Q And you realize this defendant has a right to
4 have you reflect upon the information you have heard during
5 the course of the proceedings and decide what the punishment
6 should be?

7 A Right.

8 Q While we all want an end to this proceeding, I
9 think you must realize that since it requires a unanimous
10 verdict, that you are really a whole jury unto yourself,
11 because unless you make a determination, a decision in this
12 case, there will be no final verdict. Do you understand that?

13 A Yes.

14 Q And you feel that you can and you will do that;
15 is that right?

16 A Yes.

17 Q Do you believe in the old proverb of an eye for an
18 eye and a tooth for a tooth?

19 A No.

20 Q Do you feel the need to impose any sort of
21 retribution on this defendant because he was a member of a
22 group that committed some pretty horrible murders or killings?

23 A No.

24 Q All right.

25 Let me cover one other phase, Mr. Stanton, and
26 that is whatever feeling you may have about the general field
27 of medicine called psychiatry.

28 Do you know any people in the field of psychiatry

1 or perhaps psychology?

2 A Not really.

3 Q Do you have any friends or relatives or associates
4 who have ever visited a psychiatrist?

5 A Yes.

6 Q Or a psychologist?

7 A Yes.

8 Q Which one did they visit, if you know?

9 The psychiatrist or a psychologist?

10 A Psychiatrist.

11 Q Did you know this person before they started
12 the course of those visits?

13 A Yes.

14 Q And did you know this person after those visits
15 were over?

16 A Yes.

17 Q Did you ever form or express any opinion about
18 what the value if any this psychiatry was to this particular
19 person?

20 A Let me say the person was myself.

21 Q Oh!

22 A I needed a good job and I took a civil service test
23 and I passed and I got the job, but after about two or three
24 weeks of the job I found out that I didn't care for it and
25 because I didn't care for it, and because I was in such great
26 need with three kids and being sole support I was told that
27 I must have a problem and I was told to see a psychiatrist
28 and I did and the psychiatrist sent me back the same day and

1 told me not to come back until I had a problem.

2 Q So then may I assume that your experience with a
3 psychiatrist was a beneficial one?

4 A Sure it was.

5 Q And of course I think you realize that I suppose
6 there are good or bad psychiatrists just as there are good
7 or bad lawyers.

8 A Right.

9 Q And I take it that at this moment at least you
10 have no prejudice against the field of psychiatry?

11 A No, I don't.

12 Q Nor against psychiatrists as such?

13 A No.

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1 Q Well, aside from your own personal experience,
2 Mrs. Stanton, do you know anybody else that might have gone to
3 a psychiatrist where you felt that the results weren't bene-
4 ficial?

5 A I don't know anybody.

6 Q Do you feel there is a need for that, the psychiatrist
7 has a place in our present society?

8 A Yes, I do.

9 Q Have you ever expressed an opinion about the
10 relative merits or lack of merit of psychiatry in our present
11 day society?

12 A No, I have only tried to acquire a bit of informa-
13 tion about a psychiatrist who -- well, it was for my own bene-
14 fit, as I say, I went, myself, and I felt that, to me, he's
15 someone that can give you help; and since I was having a problem
16 with my youngest daughter in school and she is the type of
17 child that she holds something in and she won't let go, she
18 won't express herself, and I felt that I should get information
19 of a good psychiatrist that maybe I could send her to another
20 one to have a few meetings, even if we have to have group
21 meetings, to try and pull this out.

22 So, this is the information that I was trying to
23 acquire, as far as the psychiatry.

24 Q Then I take it that you believe that psychiatrists
25 are able to tell you, or interpret for you, human behavior or
26 a child's behavior?

27 A Yes.

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28 Q How about the issue/sanity or insanity, do you have a

7R-2

1 feeling at the moment that psychiatrists can or cannot operate
2 in that area, as far as you are concerned?

3 A Well, I feel that if a person have studied this
4 type thing for any length of time, have got a degree in this
5 type of work, I feel that she should be capable of performing
6 such a duty.

7 Q All right. Now, because of your own personal
8 experience with a psychiatrist, Mrs. Stanton, do you feel so
9 biased about the subject matter of psychiatry, that you would
10 automatically accept the testimony of psychiatrists?

11 A No, I wouldn't.

12 Q Would you automatically reject it?

13 A No.

14 Q I think you may have heard the judge tell us
15 yesterday that psychiatrists are what we consider expert
16 witnesses and, therefore, you have a right to accept or reject
17 either their entire testimony or any part of it or do anything
18 with it that you will, because the determination of the merits
19 of that testimony lies with you; but we want to make sure that
20 we don't start off, neither the prosecution nor the defense,
21 with a person who has some feeling about psychiatry, so that
22 we are going to be unable to reach them.

23 You understand that?

24 A Yes.

25 Q Well, we have talked a good bit now, Mrs. Stanton,
26 and you have had a chance to sit here yesterday and listen
27 to some of the other questions.

28 Is there any thought at all that comes to your mind.

7R-3

1 whether it has been suggested by anything I have said or the
2 judge has said, or anything else you might have heard or
3 thought about, yourself, over this last night, that leads you
4 to believe you can't be fair and impartial to both sides?

5 A No.

6 Q Certainly, you can, you feel, to this defendant?

7 A Yes.

8 Q Well, I just want to cover one more field; I meant
9 to do it a moment ago before I asked you what was to be my
10 closing question, Mrs. Stanton.

11 I think we talked a few minutes earlier that there
12 might be some evidence that this defendant was a user or abuser
13 of drugs; I think the evidence will show that it was voluntary
14 on his part, that he was taking them, nobody was forcing them
15 down his throat.

16 Now, knowing that, would you reject any medical
17 evidence that was offered about the mental condition of a user
18 of drugs?

19 A No, I wouldn't.

20 Q Now, if the judge tells you that there is a proper
21 place for evidence about medical use of drugs, even though
22 they are taken voluntarily, will you give that testimony some
23 thought and will you consider it in determining your verdicts,
24 whatever they be?

25 A Yes.

26 Q And the fact that this is a voluntary act on the
27 part of the defendant is not going to dissuade you or prevent
28 you from considering that testimony?

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A No, it wouldn't.

Q Will you do that even as it pertains, perhaps, to his mental condition at the time the murders were committed?

A Yes.

MR. BUBRICK: No further questions. Thank you, Mrs. Stanton,

ALLEN L. TATUM, JR.,

BY MR. BUBRICK:

Q Mr. Tatum, may I ask you, sir, the general area in which you live in the city?

A Northeast.

Q And the nature of your business or occupation?

A I am a unit control supervisor for Barker Bros.

Q Sir?

A I am a unit control supervisor for Barker Bros.

Q Barker?

Is there a Mrs. Tatum?

A No, there isn't.

Q And I take it this is the first jury case that you have been on; is that correct, Mr. Tatum?

A That's correct.

Q Can I ask you, sir, do you number among your friends or associates any members of law enforcement?

A No, none.

Q How about a prosecutor's staff?

A None.

Q Have you ever been the victim of any crime?

7R-5

1 A Yes, my apartment was buglarized twice within six
2 months.

3 Q I hope you got the material back.

4 A (Shakes head negatively.)

5 Q You didn't? I am sorry.

6 Were you forced to file a report in connection
7 with that?

8 A Yes, I was.

9 Q Did you ever go to court and testify?

10 A No.

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1 Q Well, would that experience cause you to deny
2 this defendant a fair trial?

3 A No, it wouldn't.

4 Q Because you have been the victim of some sort of
5 criminal conduct?

6 A Right.

7 Q It would not?

8 A That's right.

9 Q Have you ever studied law, Mr. --

10 A No, I haven't.

11 Q -- Tatum?

12 Have you ever read any books or paperbacks,
13 perhaps, in the general field of psychology or psychiatry?

14 A No, I haven't.

15 Q Have you ever witnessed a crime being committed?

16 A No, I haven't.

17 Q I take it, then, you have never been called upon
18 to be a witnessⁱⁿ any sort of a criminal proceeding?

19 A That's correct.

20 Q Now, you have heard some of the discussion we
21 have had about drugs, Mr. Tatum.

22 Is your frame of mind such that you couldn't give
23 this defendant a fair trial if you found or heard that he was
24 a user or abuser of drugs or narcotics?

25 A No; if that's what he enjoys doing, let him do it.

26 Q Well, suppose he doesn't enjoy doing it but just
27 does it, do you think that that would influence your thinking?

28 A No.

7AR-2

1 Q If the evidence disclosed that the defendant was
2 voluntarily taking drugs at the time the murders are committed,
3 would the fact that it was a voluntary act on his part prevent
4 you from giving any consideration to medical testimony intro-
5 duced?

6 A No, it wouldn't.

7 Q Do you have any feeling that because this defendant
8 may have been using drugs at the time of the murders and it
9 was a voluntary act, that you would refuse to be concerned
10 about his mental condition?

11 A No.

12 Q And if the judge tells you that even voluntary
13 drug ingestion may be considered by you in determining certain
14 facets of this case, may I assume that you will follow those
15 instructions?

16 A That's correct.

17 Q May I ask whether you have had occasion, Mr. Tatum,
18 to hear or read about the Tate-La Bianca murders?

19 A No, really, I didn't follow the case that fully;
20 I just glanced at the TV and the paper and that's as far as
21 it went.

22 Q I take it you knew during the year of 1968 and
23 1969 that there was such a thing as a homicide committed in
24 the Sharon Tate and the La Bianca homes?

25 A I had heard about it because I didn't really live
26 in Los Angeles until October of '69.

27 Q October of '69?

28 Where did you come from, Mr. Tatum?

1 A Seattle, Washington, sir.

2 Q Do you remember reading about this or hearing about
3 this in Washington?

4 A No.

5 Q You mean it didn't make any of the news media
6 there?

7 A Apparently not.

8 Q That's kind of refreshing.

9 But when you got here, you realized that such a
10 matter had been litigated for some period of time?

11 A That's right.

12 Q And since then, since it has been over, Mr. Tatum,
13 have you had occasion to read any books in connection with it?

14 A No, I haven't.

15 Q Do you ever talk to anybody who professed to know
16 anybody who was involved with that trial?

17 A No.

18 Q Do you know the participants or recognize their
19 names?

20 A Only Mr. Manson.

21 Q And what did you know of Manson?

22 A That he was the leader of this --

23 Q The leader?

24 How about the name of Susan Atkins, did you ever
25 hear of that?

26 A I heard of it, but I couldn't --

27 Q Did you ever read anything that is attributed to
28 her by way of a statement?

1 A None.

2 Q Did anybody ever discuss with you any statements
3 attributed to her?

4 A No.

5 Q Did you ever hear anything about Charles Tex
6 Watson --

7 A No.

8 Q -- before you came to this courtroom?

9 A Nothing.

10 Q Did you know that he was a member of the group
11 before you came to this courtroom?

12 A No, I didn't.

13 Q Now, do you think you can put aside anything you
14 may have heard or learned about the Tate-La Bianca killings
15 and be guided solely by what you hear here?

16 A Yes, I can.

17 Q And may I assume that you will not permit anybody
18 to express any opinion that they may have about the relative
19 merits of this particular case, if you sit as a prospective
20 juror?

21 A That is correct.

22 Q Now, you have indicated to the Court that you have
23 no conscientious scruples against the imposition of the death
24 penalty; is that correct?

25 A That's correct.

26 Q Have you ever thought, or ever had occasion to
27 think about the factual situation under which you would want
28 to impose the death penalty?

1 A No, I haven't,

2 Q Conversely, have you ever thought about a factual
3 situation that you would require to be present before you would
4 impose only a life sentence?

5 A No.

6 Q Do you have any feeling as you sit there now, Mr,
7 Tatum, that the death penalty is the only proper punishment --

8 A No, it is not.

9 Q -- for one who has been convicted of first degree
10 murder?

11 A It is not.

12 Q You realize that you have absolute, unfettered
13 discretion in determining whether it be life or death, assum-
14 ing you get that far?

15 A I do.

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1 Q And you realize that that's after you make the
2 determination about a willful, premeditated murder with
3 malice aforethought, and premeditation?

4 A Yes.

5 Q Now, you have heard some of the questions I have
6 asked Mrs. Stanton about the use of drugs and its place during
7 the course of this trial?

8 A I did.

9 Q If I asked you all those questions individually
10 would your answers tend to be the same?

11 A That's right.

12 Q Do you have any feeling at all, Mr. Tatum, that
13 you could not give this defendant a fair trial because he was
14 a drug user at the time this murder was committed?

15 A No, I feel that everybody is entitled to a fair
16 trial.

17 Q How about the general field of psychiatry, Mr.
18 Tatum, do you have any feelings about psychiatrists in modern
19 day society?

20 A It has helped a lot of people.

21 Q Do you know anybody who has ever gone to a
22 psychiatrist or psychologist?

23 A No, I don't.

24 Q Do you believe that they are capable of interpret-
25 ing human behavior?

26 A I do.

27 Q If you had a friend or associate or somebody that
28 was near or dear to you, Mr. Tatum, and they had a mental

7b-2

1 problem would you refer them to a psychiatrist?

2 A I would.

3 Q And would you be willing to do whatever the
4 psychiatrist told you to do in an effort to be helpful --

5 A I would.

6 Q Assuming that there was something -- I think I
7 have asked you whether you have ever read the subject matter
8 of psychiatry?

9 A Yes.

10 Q Is your frame of mind about a psychiatrist such
11 that you think you would either automatically accept or reject
12 the testimony they give?

13 A Well, I would have to see both sides of it.

14 Q You realize from what has been said here that you
15 are going to be the one to determine what merit, if any, there
16 is to psychiatric testimony?

17 A I do realize that.

18 Q And that he's just another witness as far as you
19 are concerned and you have the right to treat his testimony
20 as you will?

21 A That's right.

22 MR. BUBRICK: Thank you, Mr. Tatum.

23

24

MARY E. TRAINOR

25

26 BY MR. BUBRICK:

27

Q Now we go back to Mrs. Trainor.

28

A Yes.

29

Q I think that's where we were.

7b-3

1 Mrs. Trainor, may I ask you, please, the general
2 area of the city in which you live?

3 A Southwest Los Angeles.

4 Q And do you have a business or occupation, please?

5 A I am retired.

6 Q What was your work?

7 A Waitress.

8 Q Is there a Mr. Trainor?

9 A No longer.

10 Q What was his work, if I may ask, please?

11 A Precision inspector.

12 Q Have you, Mrs. Trainor, ever been the victim of
13 any sort of assaultive criminal behavior?

14 A No, I have not.

15 Q Have you ever been a witness to a crime?

16 A No, I have not.

17 Q Have you ever testified in court?

18 A No, I haven't.

19 Q In connection with any proceeding of any sort?

20 A No.

21 Q Do you number among your friends any members of
22 the law enforcement agency?

23 A No, I do not.

8 fls.

#8

1 Q How about a prosecutor's staff?

2 A None.

3 Q Now, you have heard what we have been saying about
4 the fact that this defendant lived a sort of a nomadic or a
5 hippie type of existence.

6 A Yes.

7 Q Even though it is not what we might approve, Mrs.
8 Trainor, would you nevertheless give him a fair and impartial
9 trial on the issue of whether or not he is guilty of murder?

10 A Yes, I would.

11 Q And is that true with respect to the fact that
12 there may be evidence that he was a user or abuser of drugs?

13 A Yes.

14 Q Irrespective of how you may personally feel about
15 the drug problem, I take it that you realize we are not
16 going to settle or solve that issue here?

17 A Yes.

18 Q May I also assume that your frame of mind is such
19 that even though you should find that the drugs were being
20 used voluntarily, you will still accept any medical evidence
21 offered about this defendant's mental condition at that time?

22 A Yes, I would.

23 Q You don't feel, I take it that one who uses a
24 drug on his own, without being forced on him, should be held
25 responsible for everything he does without any limitation?

26 A No, I do not.

27 Q And if there is psychiatric evidence or medical
28 evidence available to put that in some sort of a proper

8-2

1 perspective, I take it you will listen to it and be guided by
2 it if you prefer to do that?

3 A Yes, I will.

4 Q Now, I think you have heard the judge tell Mrs.
5 Stanton that the defendant doesn't have to take the stand and
6 testify at all because he has no burden in the first trial.
7 Will you nevertheless though require that he testify before
8 you make any determination?

9 A No, I would not.

10 Q You realize it is the people who have the burden
11 the first trial?

12 A Yes.

13 Q May I ask you, Mrs. Trainor, whether you know
14 anybody who has ever gone to a psychiatrist?

15 A Yes.

16 Q Did you know that person before or while and after
17 they went?

18 A It was my husband, went once for an examination.

19 Q As a result of that experience, Mrs. Trainor,
20 do you have any feeling about the merits of psychiatry or
21 psychiatrists?

22 A Yes. I think they are very useful in our society.

23 Q You think they are useful in our society?

24 A Yes, they are.

25 Q And you think that they are capable of interpreting
26 human behavior?

27 A I believe if they are qualified to do so and have
28 passed their examinations, as we all must, I believe they

8-3

1 should and could.

2 Q Certainly we realize that there are good and bad
3 in every profession, but assuming that this is a competent
4 psychiatrist.

5 A Yes.

6 Q You would feel that his testimony may be of some
7 merit?

8 A Yes, I would.

9 Q And his particular expertise may be of some value?

10 A Yes, indeed.

11 Q Have you ever read in the field of psychiatry on
12 your own?

13 A No, I have not.

14 Q How about the general subject of sanity or insanity.
15 Do you feel that a competent psychiatrist should be able to
16 express an opinion in that field?

17 A Yes, I do. Who else would there be?

18 Q You are not resentful of anybody trying to tell
19 you whether a person is sane or insane?

20 A Well, unless they are qualified to tell me I would
21 be, but a qualified person, if they told me, someone was or
22 was not, I would accept their word over anyone else's.

23 Q Fine. We are assuming in all of these questions,
24 Mrs. Trainor, that we are dealing with qualified psychiatrists.

25 A Yes. Well, then, I would certainly accept their
26 opinion.

27 Q I take it then there is nothing about your feelings
28 about psychiatrists that would make you either automatically

8-4

1 accept or automatically reject their testimony?

2 A No, I would not do anything automatically.

3 Q Fine. You will give that the benefit --

4 A Right.

5 Q -- of some thought and some deliberation?

6 A Right.

7 Q May I ask, Mrs. Trainor, whether you will set
8 aside whatever feelings you had with respect to the one
9 experience you have had with your husband and psychiatrists
10 and be guided solely by what you hear here in the determination
11 of the relative merits of these psychiatrists?

12 A Yes. He only made the one trip ^{it} and _^was only
13 an examination, nothing more.

14 Q Do you feel also, Mrs. Trainor, that there is
15 merit to the use of a psychiatrist in even a murder case?

16 A I believe there is merit at any time if the
17 evidence or if the situation demands it or requires it.

18 Q And even though we are involved with a murder case,
19 you feel that the doctor has a place here?

20 A Yes, I do.

21 Q Do you have a feeling, Mrs. Trainor, because of
22 your own life experiences that lead you to believe that
23 teenagers either can or cannot be dominated by others?

24 A I would have to think about that for a moment, sir.
25 I believe they can be dominated by possibly older people or
26 people with stronger wills. We are not all alike.

27 Q How about do you have any feeling about whether
28 or not they can be dominated by other individuals within their

1 own peer group, in other words, people of their own relative
2 age or standards?

3 A I would think they could.

4 Q Do you feel that is possible that they can be
5 dominated by other teenagers in spite of all the parental
6 control?

7 A Oh, yes.

8 Q In other words, you realize, I take it, that when
9 teenagers start getting out of the home they meet a lot of
10 people.

11 A Yes.

12 Q Outside their own family.

13 A They certainly do.

14 Q Let me ask you a few questions, if I may, please,
15 Mrs. Trainor, about the death penalty.

16 Having heard what you have so far, Mrs. Trainor,
17 do you have any feeling at this moment that the death penalty
18 is the only proper punishment for first degree murder?

19 A I don't think that it is ever the only proper
20 punishment. It would depend upon the evidence.

21 Q And you would wait until you have heard everything?

22 A Yes.

23 Q Before you decide which of the punishments to
24 impose?

25 A Yes, indeed.

26 Q I think you must realize by now that the court
27 is not going to be of much help in that particular issue
28 because there are no guides or standards?

1 A Yes.

2 Q You do this on your own?

3 A Yes.

4 Q I think you must understand that no matter which
5 of these two permissible verdicts you return, you perform your
6 jury duty just as well?

7 A Yes,

8 Q And do you have any feeling that because of what
9 you may know about the other participants in this murder,
10 and the outcome of their case, that you would feel compelled
11 to treat this defendant the same?

12 A No. He is on trial by himself. The others have
13 been settled. So one has nothing to do with the other now.

14 Q May I assume that knowing as you do that this
15 defendant was a member of that same group, that he should
16 nevertheless be treated as an individual?

17 A Yes. He still is an individual.

18 Q Have you ever had a chance or have you ever given
19 any thought, Mrs. Trainor, to the conditions under which
20 you would impose the death penalty?

21 A I would have to admit I have thought about some
22 instances, but again reading something and being on a jury
23 would certainly make a difference in how I would think.

24 Q However is what you have read such a part of your
25 feeling at this moment that you think it might control your --

26 A Not in this case.

27 Q -- verdict in this case?

28 A Not in this case.

1 Q May we assume that if the factors that you read
2 about, that you thought about, happen to be present in this
3 particular case --

4 A No, sir.

5 Q -- that you are not going to impose the death
6 penalty just because it happens to concur with something you
7 have read in the past?

8 A I would not.

9 Q Let me ask you conversely: Have you ever thought
10 of a factual situation under which you would impose a life
11 sentence?

12 A Not a factual one, at least none that I have
13 thought of.

14 Q So that we don't start this trial with having a
15 burden of convincing you one way or the other that either one
16 of two possible punishments is not justified in this case.

17 A No. I think I could be completely impartial and
18 decide on the evidence.

19 Q May I ask whether you have thought since you have
20 been in this courtroom now, whether you feel that the death
21 penalty is the only proper punishment for a multiple killing
22 case?

23 A No.

24 Q How about a multiple killing -- after all there
25 are seven dead bodies -- along with some stabbings and some
26 beatings, drugs, weapons, things of that nature, would a
27 combination of those things lead you to believe that this is
28

1 the only kind of a punishment you would return in this case?

2 A No, it would not.

3 Q Well, you have had a chance also to reflect for a
4 day or so, Mrs. Trainor. Is there any doubt that comes to
5 your mind based on anything I have said or the judge has said
6 or has been suggested to you so far that would lead you to
7 believe you cannot give to this defendant a fair trial?

8 A Nothing at all.

9 THE COURT: Ladies and gentlemen of the jury, we will
10 take our morning recess at this time.

11 Once again do not form or express any opinion in
12 this case. Do not discuss it among yourselves and let no
13 one else talk to you about this case and keep your minds open.

14 We will have a short recess. Thank you.

15 (Recess.)
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1 THE COURT: People against Watson,

2 Let the record show all jurors are present.

3 All counsel and the defendant are present.

4 Mr. Keith, you may proceed.

5 MR. KEITH: Thank you, your Honor.

6
7 CARLOS RODRIGUEZ,

8 BY MR. KEITH:

9 Q Mr. Rodriguez?

10 A Yes, sir.

11 Q You are the president of a union; is that not
12 correct?

13 A Yes, I am.

14 Q And what is that union, sir?

15 A It is Local 1549, affiliated with the Steelworkers
16 of America, AFL-CIO.

17 Q Now, you told us yesterday, I believe, Mr.
18 Rodriguez, that there may be some difficulty or hardship
19 with your serving as a trial juror in this case for an extended
20 period of time amounting to as long as two months.

21 Have you resolved that problem?

22 A Yesterday I resolved that problem and there will
23 be no difficulty whatsoever.

24 Q Thank you.

25 Now, Mr. Rodriguez, have you ever sat as a juror
26 before, either in a civil or criminal case?

27 A Yes, I have.

28 Q What type of matter was it, civil or criminal?

2

1 A Criminal case.

2 Q On this juror duty or a previous tour?

3 A Approximately six months ago -- about a year ago,

4 I'm sorry.

5 Q Was that in Superior Court or Municipal Court?

6 A Municipal Court.

7 Q And in what jurisdiction?

8 In what judicial district?

9 A Los Angeles.

10 Q This Central District right here?

11 A The Central District.

12 Q How many criminal cases did you sit on?

13 A As far as I can remember, there was two cases.

14 Q Did they both -- did both cases go to a verdict?

15 A Yes, they did.

16 Q What were the nature of those cases? Don't tell

17 us the facts; was it a drunk driving case or assault and

18 battery or --

19 A A child molesting case and the other involved in-
20 decent exposure.

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1 Q Did anything occur during the course of your
2 sitting in those two cases that you think might in some manner
3 prejudice you against Mr. Watson in this case?

4 A No, sir.

5 Q Nothing occurred that made you antagonistic, say,
6 towards defense counsel in those cases or towards the prosecu-
7 tion in those two cases?

8 A None whatsoever,

9 Q Have you ever been the victim, Mr. Rodriguez,
10 of any type of assualtive conduct such as robbery, assault
11 and battery?

12 A I have not.

13 Q Has anyone near or dear to you ever been such a
14 victim?

15 A No, sir.

16 Q Pardon me?

17 A No, sir.

18 Q Have you ever witnessed a crime of violence?

19 A No, sir, I have not.

20 Q Have you ever testified in court as a witness
21 in any kind of case?

22 A No, I have not.

23 Q Is there a Mrs. Rodriguez?

24 A Yes, there is.

25 Q And where do you live generally, not the street
26 address?

27 A East Los Angeles.

28 Q Is Mrs. Rodriguez employed outside the home?

2

1 A No, she is not.

2 Q Has she ever been?

3 A She was employed approximately five years ago in
4 a manufacturing place.

5 Q Do you have children, sir?

6 A Yes, I have.

7 Q How many children do you have?

8 A Four children.

9 Q What are their ages?

10 A Twenty-one years of age, my daughter, 19 years
11 of age, male, 14 years of age, female, and 10 years of age,
12 male.

13 Q Are your oldest daughter and son students by any
14 chance?

15 A My son is a student.

16 Q How about your daughter, what does she do?

17 A She is working as a medical clerk at Children's
18 Hospital.

19 Q Are all four of your children living at home?

20 A Yes, they are,

21 Q And how long have you resided in this county,
22 Mr. Rodriguez?

23 A Oh, I will not give you my age. 48 years.

24 Q Have you always lived in the East Los Angeles
25 area?

26 A Yes, I have.

27 Q How long have you been president of the Steel-
28 workers of America local?

3
1 A Six years.

2 Q Have you always been affiliated with union activi-
3 ty?

4 A Since back in 1948.

5 Q I mean during your productive adult life, of
6 course.

7 A I'd say yes.

8 Q Were you employed also along with your union
9 activity by steel concerns?

10 A Yes, I am.

11 Q Is your sole occupation now president of the
12 union or do you also still work?

13 A That is a dual purpose. I work approximately 50
14 percent as a production mechanic and I tend to my union
15 activities 50 percent of the other time, four hours and four
16 hours, approximately.

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11R-1

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Q For what concern do you work?

A American Can Company, in the City of Vernon.

Q In the course of your employment, in the course of your union activities, have you ever witnessed any violent activity between, let's say striking members of the union and scabs, or what have you; has there ever been any violence that you have been involved with in union activities?

A Not physical violence, no.

Q In other words, any strike that you have been involved with has always been a peaceable one?

A Fortunately.

Q Mr. Rodriguez, concerning the publicity attendant upon the Tate-La Bianca homicides and the Manson trial, did you ever -- were you ever exposed to any of that publicity?

A News media, yes.

Q And were you aware of the outcome of the Manson trial prior to being seated in the jury box here?

A Yes, I was.

Q And as a result of that awareness did you form any opinion of the guilt or innocence of those persons, Charles Manson and the female defendants who went to trial in that matter?

A No, I did not.

Q Do you have an opinion now as to the guilt or innocence of Mr. Watson, who sits before you?

A I have not.

Q You realize that he is charged with the same offenses that those defendants were charged with?

1 A Yes, I am aware that he is charged.

2 Q You are aware that he is charged with seven counts
3 of murder?

4 A Yes.

5 Q Are you aware now that Mr. Manson was tried and
6 convicted of those same seven counts of murder?

7 A Yes.

8 Q Having that knowledge, does that make you believe
9 at this time that Mr. Watson is more likely guilty than
10 innocent of those same seven counts of murder?

11 A No.

12 Q Would you treat him separately and apart from
13 Mr. Manson and the female defendants who stood trial in that
14 other case that was tried last year and part of this year?

15 A I would consider this as a separate and completely
16 different case.

17 Q You wouldn't be biased or prejudiced against Mr.
18 Watson because of what happened in that other case?

19 A No.

20 Q You promise me that?

21 A I promise you that.

22 Q You are absolutely positive that you have no
23 opinion about Mr. Watson's culpability because of your aware-
24 ness of the outcome of the Manson trial?

25 A No, I have no opinion; I don't even know Mr. Watson

26 Q I take it that you did not follow the so-called
27 Tate-La Bianca homicides and the trial that ensued as a
28 result of those homicides with any regularity or any special

attention?

A Not with any special attention, no.

Q Did you ever discuss the case with any fellow employees or union members or members of your family?

A As a passing conversation, yes, I have.

Q Did you ever hear anybody express an opinion to you or to others in your presence concerning their views on that -- that's kind of redundant, isn't it? -- did you ever hear anybody express an opinion to you or to others in your presence about Charles Manson or his -- the people with whom he associated?

A About Charles Manson, yes.

Q And do you have an opinion about Manson, yourself?

A The opinion that I have is that he had a fair trial and he was justly dealt with.

Q And do you know who he was?

A He was a leader of this particular cult.

Q Now, call it a cult, if you will, that's all right; but, let's assume that the evidence shows that Mr. Watson was a member of that same cult, this may have an evidentiary value in the case, to be sure, but would you so hold it against Mr. Watson that he knew Mr. Manson, that you would automatically find him guilty of first degree murder?

A No, I would not.

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1 Q I dare say that in the event you were selected as
2 a trial juror and the case was submitted to you for decision,
3 and you found from all the evidence that you had a reasonable
4 doubt that Mr. Watson was guilty of first degree murder,
5 you wouldn't hesitate to return some lesser verdict; is that
6 correct?

7 A If there is a reasonable doubt then.

8 Q You wouldn't have any trouble sticking to your
9 guns and returning such a verdict, would you?

10 A No.

11 Q Even though you might feel that public sentiment
12 or the community in which you reside might have a different
13 opinion about Mr. Watson's culpability or complicity, this
14 wouldn't affect your deliberation in this case, would it?

15 A No.

16 Q You would promise that, that no extraneous factors
17 or circumstances such as public sentiment or public passion
18 would in any way affect your deliberations?

19 A No.

20 Q Or affect your ability to give Mr. Watson a fair
21 trial?

22 A No, it would not affect my ability in my
23 deliberations.

24 Q You, of course, have heard many times that Mr.
25 Watson is now presumed innocent. Would your knowledge of the
26 outcome of the Manson case in any way, or does it in any way
27 make you feel that that presumption of innocence has already
28 been whittled away?

12-2

1 A No.

2 Q I believe that there will be evidence in this case,
3 or at least for the sake of our discussion let us assume there
4 will be that Mr. Watson was, if not addicted, very psychologically
5 dependent upon drugs.

6 Would this fact in and of itself so prejudice you
7 against Mr. Watson that you would find it difficult to give
8 him a fair trial bearing in mind that such psychological
9 dependence on drugs may have an important bearing on your
10 deliberation in this case?

11 I am not suggesting that such addiction may not
12 be material and relevant. What I am asking you is solely
13 because of psychological dependence upon drugs, if that is
14 what the evidence shows, would you deny him a fair trial?

15 A No. I would not deny him a fair trial.

16 Q Would you consider such dependence as it may have
17 affected Mr. Watson's mental state and mental condition in
18 1968 and 1969 for whatever value you deem or whatever weight
19 you believe it should carry, regardless of any like or
20 regardless of any aversion or animosity you may have toward
21 drug users?

22 A No, only as it is related to the case in itself.

23 Q In other words, you wouldn't deny Mr. Watson a
24 fair trial if the evidence did show that he was an abuser of
25 narcotics and drugs?

26 A No, sir.

27 Q And you would consider such evidence in the light
28 of whatever bearing you may deem such evidence may have in

12-3

1 connection with Mr. Watson's culpability and just not cast
2 Mr. Watson aside and give him short shrift because of any
3 drug use on his part? That is sort of a complicated question.

4 A That is right. I understand what you are saying.

5 Q Have you read any books or articles on the effect
6 of LSD or Speed or belladonna or other forms of dangerous
7 drugs and narcotics on the human mind?

8 A Not as a matter of truth. Constructive
9 information just for the purpose of knowing a little about it.
10 I have no general knowledge about the use of drugs.

11 Q Do you have any preconceived idea at this time as
12 to what LSD or Methedrine, which is speed, or other dangerous
13 drugs do to people's minds?

14 A Based on what I have read in the newspapers and
15 such.

16 Q Would you be able to set aside any such pre-
17 conceived notions you may have and listen to the evidence
18 in this case bearing upon that subject matter?

19 A Definitely.

13

#13

1 Q In other words, you'd try this case in accordance
2 with the evidence presented from the witness stand, and the
3 witness stand, alone, and not because of something that you
4 read or heard or considered in the past --

5 A Correct.

6 Q -- outside of court?

7 A Right.

8 Q The evidence may also show, as we have discussed
9 with other prospective jurors, that Mr. Watson was a Hippie.

10 Is that going to so prejudice you against him that
11 you'd have trouble giving him a fair trial?

12 A No; no question.

13 Q And that he did live a communal style existence
14 with Mr. Manson and other members of the so-called Manson
15 family, would that make it hard for you to give him a fair
16 trial?

17 A No, it would not.

18 Q Again, I am not suggesting that such evidence
19 may not be relevant and material in this case, but you
20 wouldn't -- would you cast such great importance or weight
21 upon such evidence -- no, I don't like that question; let's
22 start over.

23 You may not agree with the sort of life style in
24 which Mr. Watson lived during the period of two years, two and
25 a half years, but would you so -- have such animosity towards
26 Mr. Watson because of the way he lived that you would, as I
27 indicated before, sort of cast him aside and not listen to
28 what he had to say or what the witnesses in his behalf have to

13-2

1 say, and close your mind to his defense?

2 A No, testimony will make me make a determination.

3 Q You won't decide this case after the prosecution
4 finishes its evidence, will you; you'll keep an open mind if
5 you are selected as a trial juror?

6 A Keep an open mind.

7 Q And consider all the evidence that comes before
8 you?

9 A Right.

10 Q You promised Mr. Bubrick and I and Mr. Watson
11 you would do that; right?

12 A Absolutely.

13 Q Incidentally, do you know anybody personally that
14 has had a drug problem?

15 A Yes.

16 Q And would this be some acquaintance at work --
17 without delving into any personalities?

18 A It was some employee at American Can.

19 Q And could this problem, this employee had, cause
20 you to form some opinions about the use of drugs, the use
21 of illegally obtained drugs?

22 Now, I will withdraw that question; you are having
23 trouble with it.

24 A It is a difficult question.

25 Q Did anything happen in connection with that
26 employee's drug problem that has, perhaps, made you so hateful
27 toward the use of drugs in general that you'd have difficulty
28 giving Mr. Watson a fair trial?

1 A None whatsoever.

2 Q Do you know any members of law enforcement, Mr.
3 Rodriguez?

4 A Not personally, no.

5 Q I mean personally.

6 A No.

7 Q And by that I am including prosecutors and police-
8 men and highway patrolmen and deputy sheriffs.

9 A No. Excuse me, I know one that is a half brother,
10 and this was strictly for character reference -- I don't
11 even know whether he made the Sheriff's department or not, as
12 far as that goes.

13 Q Your eldest daughter is a medical clerk?

14 A Medical clerk.

15 Q And where, sir?

16 A Children's Hospital.

17 Q That's right, you told us and I didn't write it
18 down -- and do you discuss together her work?

19 A Occasionally.

20 Q And when you say she is a medical clerk, does she
21 have any exposure to medical doctors specializing in psychiatry
22 at the Children's Hospital, to your knowledge?

23 A Occasionally; not too often.

24 Q Do you ever discuss psychiatry with your daughter?

25 A Pardon?

26 Q Do you ever discuss the field of psychiatry with
27 your daughter?

28 A Yes.

1 Q Is she interested in that field, psychiatry or
2 psychology?

3 A This is why she is here, because she is going
4 into college to go into child psychology.

5 Q I would think consequently that you, yourself,
6 would not in any way be prejudiced against medical doctors
7 specializing in psychiatry.

8 A No, I would not.

9 Q Do you know anybody at all that has undergone
10 psychiatric treatment or examination?

11 A No, I do not.

12 Q And do you believe that there is a proper function
13 in our society for the psychiatric profession?

14 A Yes.

15 Q Do you believe that a qualified and competent
16 psychiatrist is able to explain and understand and interpret
17 the workings and processes of the human mind?

18 MR. BUGLIOSI: This is a little bit for prejudging the
19 evidence, I think.

20 THE COURT: Read the question to me, please.

21 (Record read by the reporter.)

22 THE COURT: In general, just in general.

23 A In some cases, in general, yes.

24 Q BY MR. KEITH: What I am getting at is, you don't
25 believe in your mind or heart that psychiatrists are generally
26 incompetent or charlatans or not able to do the job they
27 profess to be able to do?

28 A No, I do not believe that.

1 In 1968 we helped negotiate psychiatric treatment
2 for our constituents. This is part of our contract, so --
3 does that answer?

4 Q I should have asked that question right in the
5 beginning, I would have saved some time.

6 In other words, in your union contract there is
7 a provision that members of the union may have certain
8 benefits in the event they need psychiatric treatment?

9 A Right.

14

L4R-1

1 Q You certainly would not automatically
2 reject the testimony of any psychiatrist that might appear
3 here in court, but you would weigh and consider his testimony
4 in the light of the instructions that will be given you by
5 his Honor?

6 A Yes.

7 Q Now, psychiatrists may testify in this case con-
8 cerning the mental capacity of Mr. Watson, the defendant here.

9 Do you find that, or would you find it impossible,
10 or would you automatically reject any testimony of a psychiatrist
11 that Mr. Watson could not have the mental capacity to pre-
12 meditate or deliberate?

13 A I would have to weigh the testimony.

14 Q You would listen to such testimony?

15 A I would definitely listen.

16 Q To such testimony?

17 A Yes.

18 Q You wouldn't automatically reject it, would you?

19 A Not automatically reject it, no.

20 Q Even though there may be seven dead -- or there are
21 seven dead bodies involved in this case, and even though there
22 may be multiple stab wounds and even though you may be subjected
23 to seeing some very gruesome photographs and even though knives
24 or guns were used, you would still, would you not, consider
25 such psychiatric testimony of mental capacity carefully and
26 deliberately?

27 A I would.

28 Q With reference to the death penalty, you understand

2
1 the only reason we are discussing this with the prospective
2 jurors is this is the only opportunity we have to do so.

3 In the event that phase of the trial is reached,
4 you understand that there is, first, the issue of guilt or
5 innocence to be decided and then if that is decided adversely
6 to the defendant, there is an issue of insanity to consider,
7 and then if that is considered adversely, there is an issue of
8 what penalty to impose -- life or death.

9 In the event a jury reaches a verdict of first
10 degree murder, only in that event, and the defendant were
11 found sane, would you be required to deliberate on the ques-
12 tion of life or death. You understand that now, do you not?

13 A Yes, I do.

14 Q With respect to the death penalty, would you auto-
15 matically impose it in a first degree murder case?

16 A Not automatically, no.

17 Q Do you believe that because a defendant has been
18 convicted of first degree murder, the death penalty is more
19 likely to be the proper penalty than life imprisonment, with-
20 out regard to the facts and circumstances of the case and the
21 background and history of the defendant himself?

22 A I would have to take all the facts into considera-
23 tion.

24 Q Would you automatically impose the death penalty
25 or be more likely to do so because you were exposed to some
26 gruesome pictures and multiple stab wounds and multiple gun-
27 shot wounds and seven dead bodies?

28 A It would have nothing to do with it.

3
1 Q Do you have any opinion at the present time con-
2 cerning the validity of the death penalty -- and let me put
3 it this way: Let's suppose the issue of capital punishment
4 was placed on a ballot and you were asked to vote yes or no
5 whether to retain capital punishment, or to abolish it. Would
6 you know at the present time how you would vote, or would you
7 be undecided at the present time and want more time to think
8 about it?

9 A At the present time, I am undecided.

10 Q Have you ever discussed the aspects of capital
11 punishment, the pros and cons, with other people, Mr.
12 Rodriguez?

13 A Yes, I have.

14 Q And despite such discussions at the present time
15 you haven't made up your mind how you would vote, if such an
16 issue were on the ballot?

17 A That is correct.

18 Q In the event the insanity phase of the trial is
19 reached, can you tell us, Mr. Rodriguez, whether you believe
20 that a psychiatrist is qualified to advise us, all of us,
21 whether or not a particular person is legally insane or insane
22 under the rules of law that apply to that situation.

23 MR. BUGLIOSI: Again, your Honor, I have an objection.
24 It seems that this is asking the jury to prejudge the evidence.
25 Are they qualified to advise us? The jurors are not going
26 to know until they hear the psychiatrist. The jury might
27 say no, that the man is not qualified to advise us.

28 MR. KEITH: I will withdraw the question.

4
1 THE COURT: All right. It is withdrawn. So it requires
2 no explanation. Withdrawn.

3 Q BY MR. KEITH: I will ask you this and see what
4 happens. Do you think it is possible that an individual who
5 has committed a crime can be legally insane and not respon-
6 sible legally for his acts?

7 A I think it is possible. Nothing definite, though,
8 but it is possible.

9 Q What I am saying is a person who is legally insane
10 or found to be legally insane in this state is not considered
11 criminally responsible for what he has done or not done.

12 I think the best way to put it is: When faced
13 with such a problem in court, would you follow his Honor's
14 instructions on that subject and not reject them out of hand,
15 because you may have difficulty believing in the concept of
16 legal insanity?

17 A Yes, I would follow his Honor's instructions.

18 Q Getting back briefly to the issue of the death
19 penalty, Mr. Rodriguez, and first degree murder. Do you
20 think that this must be a first degree murder case because
21 the prosecution has told you that it is seeking the death
22 penalty?

23 A No. I would have to listen to the testimony.
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#15

1 Q You are not so overawed by the prosecution's
2 position in this case that you might not be able to give
3 Mr. Watson a fair trial and you'd just automatically return
4 a verdict of first degree murder because the prosecution says
5 that's what you ought to do?

6 You won't have that state of mind, would you?

7 A I will not do anything automatically.

8 Q Do you believe, Mr. Rodriguez, in the concept of
9 retribution as a doctrine to consider when determining whether
10 to impose life or death?

11 A Again, you are talking about an eye for an eye.

12 Q Yes.

13 A No.

14 Q Now, having, perhaps, pondered the question of
15 your fitness, if I may use that term, to serve as a trial
16 juror in this case last night and perhaps this morning, of
17 your qualifications to serve as a trial juror, and all that
18 means is being able --

19 THE COURT: Gentlemen, I can hear you up here.

20 MR. BUGLIOSI: All right, your Honor.

21 Q BY MR. KEITH: Can you think of any reason why
22 you could not give Mr. Watson a fair trial -- and be completely
23 candid with us, because I'm sure there may be many subject
24 matters that I haven't touched upon that you can think of that
25 might have a bearing on your ability to be fair in this case?

26 A I can't think of anything at all.

27 MR. KEITH: Thank you, Mr. Rodriguez.
28

15-2

MURIEL C. OBERRINDER

BY MR. KEITH:

Q Is it Mrs. Oberrinder?

A Yes.

Q Am I pronouncing your name correctly?

A That's correct.

Q And is there a Mr. Oberrinder?

A Lieutenant Commander Oberrinder was killed in action.

Q Second World War?

A That's right.

Q Do you have any children, Mrs. Oberrinder?

A No.

Q Are you employed or have you been?

A Yes.

Q And what is the nature of your occupation?

A Investigation.

Q For what concern?

A Merrit.

Q Pardon me?

A Merrit Service of California.

Q Perhaps you could explain a bit further what you mean by investigator for Merrit Service.

I am sorry, but I haven't heard of that company.

A Well, it is testing the integrity, service and attitude of employees.

Q Of other companies?

A Other corporations, yes.

Q In other words, you investigate applicants for

1 employment?

2 A No, it is after they are employed.

3 Q After they are employed?

4 A And they know that they are being tested.

5 Q When you say investigation, do you do what a
6 detective does and go out and try --

7 A No.

8 Q -- to find something about them?

9 A No.

10 Q You are talking about aptitude tests and the like
11 within the confines of the Merrit Service of California
12 Company?

13 A It is not exactly an aptitude test, no.

14 Q Well, I realize that, I just seized upon that word
15 for lack of a better one, offhand.

16 A And I am on leave at the moment; I have been on
17 leave for two and a half years.

18 Q Is that medical leave?

19 A Yes; during an assignment I was injured in the
20 Palm Springs area.

21 Q Is that an automobile accident or something?

22 A Yes.

23 Q And you still haven't recovered from that
24 accident?

25 A No, it's my arm.

26 Q By reason of the accident are you in pain at the
27 present time?

28 A No, I am not.

1 Q I don't mean to be impertinent.

2 A I am not in pain, but they had to take bone from
3 my left thigh and it will take a little time.

4 Q In what part of the county do you reside, Mrs.
5 Oberrinder?

6 A The Hancock Park area.

7 Q Do you know, by reason of your occupation or
8 otherwise, are you well acquainted with any members of law
9 enforcement?

10 A Not in Southern California, no.

11 Q Where are you?

12 A Well, my brother-in-law is Sheriff of Alameda
13 County in Northern California.

14 Q The sheriff or a deputy sheriff?

15 A No, the sheriff.

16 Q Do you know Mr. Pitchess, yourself, the sheriff
17 here?

18 A No, I don't.

19 Q Do you talk to your brother-in-law from time to
20 time about his duties and functions?

21 A Oh, my brother-in-law doesn't discuss his duties
22 with me.

23 Q Bearing in mind --

24 A My goodness.

25 Q Bearing in mind there may be some sheriffs
26 deputies -- pardon me?

27 A I beg your pardon. What did you say?

28 Q I didn't say much of anything.

1 What I was going to ask you was, do you think the
2 fact that your brother-in-law is the sheriff in Alameda
3 County would make it difficult for you to give Mr. Watson a
4 fair trial?

5 A I do not.

6 Q Simply because the sheriff stands for law
7 enforcement and Mr. Watson is accused of violating the law
8 in a most serious way?

9 A Well, that has nothing to do with the case at all,
10 as far as I am concerned.

11 Q I realize --

12 A Yeah.

13 Q The sheriff of Alameda County has nothing to do
14 with this case, but what I am suggesting is that -- maybe he
15 does -- what I am suggesting is that you perhaps have a
16 close relationship with him and then as a result you might
17 side with the prosecution more than the defense simply because
18 of that relationship.

19 A My brother-in-law doesn't discuss anything as far
20 as his work is concerned; and when I am up in Northern
21 California we are not discussing law enforcement.

22 Q Well, we'll drop that subject.

23 A And I also have a nephew who is a policeman in
24 Alameda.

25 Q Would the same apply to him --

26 A That's right.

27 Q -- as applies to your brother-in-law?

28 A We have too many social things to discuss.

1 Q Have you ever been the victim of a crime of
2 violence, Mrs. Oberrinder?

3 A No.

4 Q Have you ever been a witness in court?

5 A Yes, I have, in my work.

6 Q Was that a criminal case or a civil case?

7 A I think you'd call it a civil case.

8 Q Well, was it a domestic relations case or --

9 A No, it was a theft.

10 Q Somebody was suing the insurance company; is that
11 what you are telling us --

12 A No.

13 Q -- complaining of a mysterious disappearance?

14 A No, shortage in a large department store.

15 Q Did you investigate this shortage?

16 A Yes.

17 Q And you testified in behalf of the department
18 store?

19 A Yes, because I was the witness that saw the
20 person.

21 Q Are you sure that was a civil case as opposed to
22 a criminal prosecution?

23 A I'm sorry, it was a criminal.

24 Q Is that the only occasion in which you testified
25 in a criminal case or any case?

26 A Yes.

R16-1

1 Q Getting to the subject of publicity, Mrs.
2 Oberrinder, before coming to court yesterday, did you know
3 the outcome of the Manson case, or had you ever heard of it?

4 A Before coming to court yesterday?

5 Q Yes.

6 A No. I didn't read anything before coming to court
7 yesterday.

8 Q About the Manson case?

9 A No, I did not.

10 Q So you never knew even what happened in that case
11 until you came to court yesterday?

12 A Oh, no. You said before I came to court yester-
13 day. You mean previous to yesterday?

14 Q Yes. Perhaps I wasn't as articulate as I should
15 have been.

16 A Yes. I read about the Manson case,

17 Q Did you know the outcome of that case?

18 A Yes, I did.

19 Q Had you formed any opinion, or do you now have
20 an opinion concerning the guilt or innocence of Mr. Watson
21 here?

22 A No.

23 Q By reason of what you have read and heard?

24 A No, sir, I do not.

25 Q And perhaps seen on television concerning the
26 Manson case?

27 A No.

28 Q You, of course, realize that Mr. Watson is

2

1 charged with the same offenses that Mr. Manson was charged
2 with?

3 A Yes.

4 Q Would that fact have anything to do with making
5 it impossible for you to give Mr. Watson a fair trial?

6 A No, it would not.

7 Q Because Mr. Manson and three female defendants
8 were found guilty of first degree murder in that case, do you
9 believe Mr. Watson is also guilty of first degree murder?

10 A I can't say that, because I haven't heard the
11 facts of this case yet.

12 Q Do you have an opinion that he is more likely to
13 be guilty of first degree murder than not to be because you
14 know what happened in the Manson case?

15 A No. I didn't read about Mr. Watson and I never
16 heard of Mr. Watson until I came into this courtroom.

17 Q So you had no knowledge before coming to court
18 yesterday as to whether or not Mr. Watson had anything to do
19 or was --

20 A That is right.

21 Q -- anywhere around the Tate-La Bianca killing?

22 A Yes, because I was in the hospital most of the
23 time when that was going on.

24 Q Incidentally, was that an automobile accident?

25 A Yes, it was.

26 Q Do you feel that you would be in any way preju-
27 diced against Mr. Watson in being able to listen, or would
28 just automatically out of hand reject any evidence offered in

1 his behalf because of your knowledge of Manson?

2 A Oh, no.

3 Q And did you know that Manson was the leader --

4 A Yes.

5 Q -- of a commune or cult as it has been sometimes
6 referred to?

7 A Yes.

8 Q And did you also hear or know that there were a
9 number of young girls and young men along with Manson, living
10 in this commune in a hippie sort of life style fashion?

11 A Yes.

12 Q Would you hold that against Mr. Watson and not
13 be able to give him a fair trial in the event the evidence
14 showed that he in some way was associated with Mr. Manson,
15 knew him and followed him?

16 A No, I would not.

17 Q Would you hold it against him to the point of
18 being unable to give him a fair trial --

19 A No.

20 Q -- excuse me, let me finish -- because Mr. Watson
21 was sometimes called a hippie?

22 A No.

23 Q Or used or abused drugs?

24 A No.

25 Q Voluntarily, for that matter?

26 A No.

27 Q Again, as I said to other prospective jurors,
28 I am not suggesting that these facts, if they are facts, may

4
1 not be relevant and material in this case and that you should
2 consider them.

3 What I am asking you is because of your very
4 possible dislike for hippies or drug users or communal style
5 living, that you will simply reject any testimony automatic-
6 ally offered by Mr. Watson in his behalf?

7 A No, I wouldn't. I will weigh both sides.

8 Q You, of course, realize by now that there will
9 be undoubtedly psychiatric testimony offered by both the
10 People and the defendant concerning Mr. Watson's mental state
11 during 1968, 1969, even 1970, and particularly his mental
12 state in the evenings of August 8th and 9th, 1969.

13 Would you just simply reject and not listen to
14 such psychiatric evidence, because of some possible antipathy
15 on your part toward psychiatrists or the psychiatric field in
16 general?

17 A No, I would listen to both sides, if there are
18 going to be two psychiatrists.

19 Q There might be a lot more than two psychiatrists,
20 but you will listen?

21 A I will certainly listen to all of them.

22 Q There may be a psychologist for that matter. You
23 would listen to him, too, wouldn't you?

24 A Yes, I would.

25 Q And you don't have then any feeling that the
26 psychiatric profession is made up largely of charlatans or
27 incompetents, or do you know anybody that has had any bad
28 experience with a psychiatrist?

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A No.

Q Or psychologists?

A No.

Q Has any close friend or member of your family ever been treated or examined by a psychiatrist?

A No.

Q Or psychologist?

A No.

Q Have you read any books or literatures or articles on the subject of psychiatry or psychology?

A Well, yes.

Q Or studied it in school, for that matter?

A Yes, psychology.

Q Have you read books on psychology?

A Just in school.

MR. BUGLIOSI: Does the Court wish to adjourn now.

THE COURT: How close, Mr. Keith, are you with being through with Mrs. Oberrinder?

MR. KEITH: I would have another ten minutes.

THE COURT: We will recess at this time, ladies and gentlemen of the jury. Once again, do not form or express any opinion on this case. Do not discuss among yourselves or with anyone else the case and keep your minds open. 1:30.

MRS. OBERRINDER: May I ask you a question?

THE COURT: What is on your mind?

MRS. OBERRINDER: Well, we don't say that we are even on this jury, do we?

THE COURT: Not yet, no.

5
1 MRS. OBERRINDER: I haven't. So I just wondered about
2 that.

3 THE COURT: You are not on the jury yet, no.

4 MRS. OBERRINDER: No, I didn't think so. Thank you.

5 (Noon recess.)
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1 LOS ANGELES, CALIFORNIA, TUESDAY, AUGUST 3, 1971, 1:30 P.M.

2 --oOo--

3 THE COURT: People against Watson.
show

4 Let the record/all jurors are present and in
5 their places. All counsel are present with the defendant.

6 Mr. Keith, you may proceed.

7 MR. KEITH: Thank you, your Honor.

8 Good afternoon, ladies and gentlemen.

9 THE JURORS: Good afternoon.

10
11 MURIEL G. OBERRINDER,

12 BY MR. KEITH:

13 Q Mrs. Oberrinder, briefly on the issue of capital
14 punishment, would you automatically invoke or impose the death
15 penalty in a first degree murder case, assuming there was a
16 conviction of first degree murder?

17 A Well, it depends upon the case, of course, and the
18 evidence --

19 Q Then you wouldn't automatically --

20 A No --

21 THE COURT: Wait a minute, Mr. Keith; you are stepping
22 on the lady's lines,

23 Q BY MR. KEITH: Go ahead; I apologize for being
24 rude.

25 A I wouldn't automatically do anything.

26 Q You would carefully weigh and consider the
27 evidence that may be presented to you on the issue of
28 penalty or punishment, would you not --

2
1 A Yes, sir, I would.

2 Q -- before reaching a decision?

3 You understand that you have the untrammelled or
4 unfettered, as the expression is sometimes used, discretion
5 as to which penalty to impose; you understand that?

6 A Yes, I do.

7 Q And at this moment -- at this moment, knowing what
8 you do about the case, do you have the preference of one
9 penalty over the other?

10 A No, because I haven't heard the evidence yet.

11 Q And would you have the courage to return the
12 penalty of life imprisonment, if you felt that was proper,
13 even though you may believe that people in the community or
14 friends or neighbors or popular sentiment might have a differ-
15 ent view?

16 A I don't --

17 Q In other words, you wouldn't be swayed by what
18 you felt popular sentiment to be?

19 A Oh, no, indeed not.

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#18

1 Q Do you have any belief in the concept of
2 retribution as a factor?

3 A No, I do not.

4 Q Do you believe in retribution, an eye for an eye
5 and a tooth for a tooth?

6 A I do not.

7 MR. KEITH: Thank you.

8 Is it Miss or Mrs.?

9 THE COURT: It is Miss.

10 MISS GAINES: Miss.

11
12 ELAINE GAINES

13 BY MR. KEITH:

14 Q Thank you. I can't read my writing. I apologize
15 to you. Miss Gaines?

16 A Yes.

17 Q Where do you reside generally, Miss Gaines?

18 A Southwest Los Angeles.

19 Q Are you employed?

20 A Yes, I am.

21 Q What is the nature of your occupation?

22 A I am a licensed nurse, supervisor, licensed nurse
23 supervisor at the emergency area for the Southern California
24 Kaiser-Permanente Medical Group.

25 THE COURT: Q Is that one on Sunset?

26 A I work at the Inglewood facility.

27 Q BY MR. KEITH: And how long have you had that
28 occupation, Miss Gaines?

18-2

1 A How long have I been a nurse or how long have I
2 been there?

3 Q A nurse.

4 A For about 7 years.

5 Q And how long have you been at Kaiser Permanente?

6 A Five.

7 Q How long have you lived in the southern California
8 area?

9 A About 25 years.

10 Q And as a nurse do you deal with patients from
11 time to time who have taken overdoses of drugs?

12 A Yes, we do.

13 Q I'm sure the hospital does but you yourself,
14 personally, have you cared for patients who have been abusing
15 drugs or narcotics?

16 A Yes, I have, because we are in the outpatient,
17 not inpatient. So we get all overdoses or gunshot wounds,
18 abortions, stab wounds, what have you, and then they are
19 admitted to the hospital as necessary or transferred.

20 Q I take it as a result of being a nurse in the
21 outpatient and in the emergency department you see the effects
22 quite often of violence and of drug abuse?

23 A Yes, we do.

24 Q Bearing in mind this case obviously involves some
25 violence and as you have heard may well involve drug abuse,
26 do you feel that you could be a fair juror to Mr. Watson under
27 the circumstances?

28 A Yes, very definitely.

18-3

1 Q Do you have any opinion at the present time as
2 to whether drug abuse can cause changes or alterations in
3 the mind or the mental capacity of an individual? Without
4 telling us what your opinion is.

5 A Yes.

6 Q Would you be prejudiced against Mr. Watson in
7 the event the evidence did show that he was a chronic user of
8 dangerous drugs or narcotics or both by reason solely of your
9 exposure to persons, outpatients at Kaiser Permanente, so
10 afflicted?

11 A No, I don't think I would be prejudiced necessarily.

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Q You probably don't like what you see when you see young persons come into the hospital having ingested too many drugs; would that be a fair statement?

A Yes, but you can also say that I don't like people who come into the hospital who happen to have had a heart attack, either, so I don't quite get your point.

Q Well, my point is, do you have a certain sympathy or understanding towards people in general who take too many drugs, or do you, just because of your occupation, feel that they are not entitled to any treatment or not entitled to understanding or not entitled to -- I am sure you don't have this feeling, but I am going to ask you that, anyway -- are not entitled to your personal assistance or the hospital's assistance?

You don't feel that way, do you?

A No, I don't. I feel that any individual who is ill, and if I certainly didn't want to take care of ill people, I wouldn't be a nurse; so, therefore, I do have great compassion.

Q Incidentally, Miss Gaines, do you know anybody very well that is connected in any way with law enforcement?

A I used to go out with a fellow who worked for the L.A.P.D.

Q How long ago was that?

A About a year.

Q And did you talk to that individual about his cases or about the problems the police have?

A No.

Q Nothing in your relationship with that person

2
1 would in any way affect your judgment or ability to be fair
2 in this case, would it, if you are selected as a trial juror?

3 A No.

4 Q Do you know anybody else connected with law enforce-
5 ment well?

6 A No, I don't.

7 Q Have you ever been involved as a victim in a crime
8 of violence?

9 I know you have seen a lot of the results of it,
10 apparently, but --

11 A My purse was stolen one time.

12 Q Pardon me?

13 A My purse was taken one time.

14 Q Has anybody near or dear to you ever been a victim
15 of a crime of violence?

16 A No.

17 Q Have you ever been a witness in a lawsuit, either
18 civil or criminal?

19 A No.

20 Q And you have not had previous jury experience; is
21 that correct?

22 A That's correct.

23 Q You have heard the questions I have asked other
24 jurors about their attitudes towards persons who effect a
25 hippie-like style.

26 Will your answers be the same to those questions
27 or be substantially the same as the other prospective jurors
28 were, as their answers were?

3
1 In other words, they all told me that they wouldn't
2 be bothered if the evidence showed --

3 A All right; fine, I wouldn't be.

4 Q -- that Mr. Watson was at one time a hippie and
5 lived in a commune with a man named Manson, who operated a
6 cult up at Spahn Ranch.

7 Now, I am not suggesting that such evidence may
8 not be material but what I am asking you is that you wouldn't
9 be prejudiced to the point where you couldn't give Watson a
10 fair trial because of the manner in which he lived and solely
11 because of the manner in which he lived?

12 A No, I wouldn't be prejudiced in regard to this.

13 Q Do you deal with psychiatrists at all at the
14 hospital?

15 A No, not where I work. We only have surgery and
16 internal medicine and general practitioners; we don't have
17 any specialty fields.

18 Q Have you, during the course of your profession
19 as a nurse?

20 A Yes, I have.

21 Q And in general do you hold psychiatrists in high
22 esteem or do you have a low opinion of them, or are there some
23 you have a low opinion of and some you have a high opinion of?

24 A Well, I would say that I have a very high esteem
25 for psychiatry and psychiatrists,

26 Q You have no such belief that psychiatrists in
27 general may not be able to do what they purport or claim to
28 be able to do; that is, understand the workings of the human

4
1 mind and treat mental disorder or mental disease or mental
2 defect?

3 You have no such feelings, do you?

4 A No; no, definitely not.

5 I happened to attend/^{an} interaction group of psycho-
6 therapy or sensitivity, call it what you might, for a week;
7 and the head of that group was a psychiatrist.

8 Q I am sorry, I didn't hear the first part,

9 A I happened to attend an interaction group of psycho-
10 therapy or sensitivity for a week and the head of that group
11 was a psychiatrist.

12 Q Has that been your only personal exposure to the
13 field of psychiatry?

14 A Other than referring patients to a psychiatrist,
15 yes,

16 Q What was his name, that psychiatrist that you
17 referred patients to?

18 A Marty -- I beg your pardon?

19 Q What was the name of the psychiatrist to whom you
20 referred patients, because there may be psychiatrists testify
21 here and we might want to find out if the person to whom you
22 referred patients was one of the witnesses in this case,

23 A Well, the psychiatrist that worked for Kaiser;
24 they have several.

25 Q I see, no particular one?

26 A So we just make an appointment for patients to
27 see a psychiatrist by phone.

28 Q No particular psychiatrist?

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20f.

1 A No, no particular one.
2 Q Other than being on the staff at Kaiser?
3 A No, just the doctors on the staff at Kaiser.

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1 Q With respect to the publicity attendant upon the
2 Tate-La Bianca homicides and the Manson trial, were you
3 exposed at all to any of that publicity, both pretrial and
4 during the trial of the Manson case?

5 A Very little.

6 Q I take it that you just weren't that interested
7 in following that case; is that correct?

8 A Well, I was not interested plus I worked evenings
9 and it was a little difficult to, you know, hear the news at
10 work or read the paper.

11 Q Did you know of the outcome of that case?

12 A No, I did not, not until I heard it later.

13 Q Evidence may be produced in this case, Miss Gaines,
14 showing that or indicating that Mr. Manson had a philosophy
15 involving the imminent revolution where the black people would
16 rise up and kill all the white people and Mr. Manson and his
17 followers would go to the desert in a bottomless pit there and
18 live for years until the revolution was concluded.

19 And at the end of the revolution it was his
20 belief that the black people would win it and come to seek his
21 help in ruling the world because they were inept and unused to
22 managerial responsibility.

23 Mr. Manson's philosophy, which was apparently
24 espoused by a number of his followers, if not all, may be
25 somewhat derogatory of black people. Would this offend you
26 in any way if you were selected as a trial juror and heard
27 this kind of evidence?

28 A No.

20-2

1 Q It wouldn't prejudice you against Mr. Watson in
2 any way, would it?

3 A No, it would not.

4 Q Getting back to the publicity, now that you know
5 the outcome of the Manson case, would that in any way make
6 it difficult for you to judge Mr. Watson fairly bearing in
7 mind that he is charged with the same crimes as Manson and
8 his followers were?

9 A No, I don't think that has anything to do with Mr.
10 Watson.

11 Q You don't have any present opinion about his guilt
12 or innocence one way or the other, do you?

13 A He is innocent until --

14 Q You said you realized he is presumed innocent at
15 the present time?

16 A Right.

17 Q But you don't think he is more apt to be guilty
18 than innocent, do you, because of the verdict in that Manson
19 case?

20 A No, definitely not.

21 Q And you will keep an open mind throughout this
22 case if you are selected as a trial juror, will you, and listen
23 to both sides.

24 You won't close your mind to Mr. Watson's side of
25 the case simply because he is a defendant and charged with
26 these offenses, will you?

27 A Oh, no, definitely not.

28 Q Is there anything about the publicity that occurred

20-3

1 in the Manson case -- I know you didn't read about it or
2 hear about it very much, but is there anything about that
3 publicity that makes you feel that you in any way would be
4 biased against Mr. Watson?

5 A No.

6 Q Have you ever heard the Manson case discussed by
7 any of your friends or fellow nurses or doctors at the Kaiser
8 Hospital?

9 A No. I just remember hearing a passing remark that
10 I think Susan Atkins, she was pregnant -- was she not pregnant?
11 I think that is all I can remember. I don't know.

12 Q I think she may have been at one time.

13 A That is about all I can remember about it, the
14 fact that this Manson guy was leading these people.

15 Q You heard that?

16 A Yes.

17 Q That is about all you know about it; is that right?

18 A Yes. That is about all I know about it.

19 Q On the issue of capital punishment, Miss Gaines,
20 you told his Honor that as a philosophical proposition you are
21 not against capital punishment to the point where you would
22 automatically impose life imprisonment regardless of the facts
23 of the case or the background or the history of the defendant
24 in this case.

25 Can you tell us the converse of that proposition.
26 Would you automatically impose the death penalty in this case
27 in the event Mr. Watson were convicted of first degree murder
28 and found to be legally sane?

20-4

1 A No, I would not automatically do that.

2 Q Would you automatically impose capital punishment
3 in this case because there were seven killings, homicides?

4 A No, I would not automatically do that.

5 Q Would you automatically impose it in the event
6 the evidence showed that there were multiple stab and gunshot
7 wounds?

8 A No, I would not automatically do that.

9 Q Or that the perpetrators of the offenses did not
10 know the people who were killed?

11 A No, I would not automatically do that.

12 Q I am not saying you might not consider these
13 things one way or the other, but just automatically.

14 A No, I wouldn't do that automatically.

15 Q With respect to your views on capital punishment,
16 if that issue were presented on a ballot and you were asked
17 to vote yes or no to abolish capital punishment or retain it,
18 do you know at this juncture how you would vote on that issue?

19 A No, I don't, and I thought about that.

20 Q You are undecided at this time?

21 A Quite undecided.

22 Q You would want to think about it more and talk
23 about it more before you would make up your mind whether to
24 abolish capital punishment or not; is that a fair statement?

25 A That is a fair statement.

26 Q You have heard that Mr. Manson and three female
27 defendants in the so-called Manson case did receive the death
28 penalty, have you not?

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A Yes.

Q You heard that here?

A Right.

Q In this courtroom no doubt. Is that correct?

A Yes.

Q You didn't know about it before?

A No, I didn't.

Q And having heard that do you now have the opinion that Mr. Watson ought to get the same penalty that those other people received?

A No.

Q You will listen to the evidence in his behalf, will you not, before making any such decision one way or the other, will you not?

A Very definitely.

Q And in this case there may be evidence of what is called diminished capacity or diminished responsibility produced by doctors and others. Will you listen to that evidence and make up your mind freely and fully and after a full discussion with your fellow jurors in accordance with the law whether or not Mr. Watson did or did not have the mental capacity to premeditate or deliberate or to harbor malice?

A You know I forget the first part of your question because you take so long to get to the end. So you have to give me that first part again.

Q I can't speak any faster. I was born that way.

THE COURT: No. She suggests you chop your questions up.

1 THE JUROR: Cut them down. I am so busy at the end I
2 forget what you said at the beginning. Clarify it. Make it
3 more direct and to the point.

21 fls.

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1 Q BY MR. KEITH: In the event evidence is intro-
2 duced in this case, concerning Mr. Watson's mental capacity
3 to premeditate, would you listen to that evidence with an open
4 mind?

5 A Yes, I will.

6 Q Despite your being exposed to evidence of lots of
7 blood, gruesome pictures and of multiple killings, you would
8 still listen to evidence of diminished capacity with an open
9 mind, will you not?

10 A Yes.

11 Q Do you know of any reason that you can think of,
12 Miss Gaines, why you could not give this defendant a fair trial?

13 A Yes.

14 Q Pardon me?

15 A Yes.

16 Q And what reason is that?

17 A Because I think I have already formulated the
18 attitude about Mr. Watson, the fact that he is ill, and I
19 think that I perhaps may favor the defense; and I may have
20 some prejudice about the prosecutor, so if that's being unfair
21 or prejudiced, then I am being unfair and prejudiced.

22 Q Well, at the present --

23 A And I don't know --

24 Q At the present time, you don't know what the
25 evidence is going to be regarding Mr. Watson, do you?

26 A No, I do not, but --

27 Q Although we have been asking you questions about
28 drug abuse and about mental capacity --

1 A Right.

2 Q -- and about legal insanity; is that right?

3 A Yes.

4 Q So you deduce from those questions that there
5 probably will be evidence in this case bearing upon those
6 subjects; is that correct?

7 A Right, because you have said that he -- you are
8 pleading guilty with insanity, or something like this --

9 Q No, there has been no plea of guilty --

10 A Well, anyway, I have got it all wrong; but I may
11 be prejudiced from the standpoint that I have been observing
12 this gentleman, I have presumed that he is mentally deranged
13 or disturbed and I don't think that I would be fair to him --
14 or maybe to the prosecutor -- because I can't look at his side
15 very well, if I have already formulated that opinion.

16 Do you understand what I am saying?

17 Q Oh, yes; you have a firm opinion now that will
18 take evidence to erase, that Mr. Watson is mentally ill?

19 A Yes.

20 Q Can you set that opinion aside right now and not
21 think about it, if you are selected as a trial juror in this
22 case, and start afresh?

23 A I think that I may be able to, but it would be
24 awfully, awfully difficult.

25 BY THE COURT:

26 Q Miss Gaines, let me say this to you: No state-
27 ment made by counsel in this case is to be considered by you
28 as evidence in the case, and no question asked by counsel is

3
1 to be considered evidence in the case. The only time a ques-
2 tion becomes material is when you hear the answer to that
3 question.

4 Now, at the present time, Mr. Keith and Mr.
5 Bubrick are trying to find out your state of mind. Nobody as
6 yet has testified that Mr. Watson is mentally deranged, sick
7 or anything else.

8 Do you understand that?

9 A Yes, I understand you.

10 Q Now, are you still of the opinion that he is
11 mentally ill at this time?

12 A Yes, I think so; so, therefore, I am -- you are
13 asking me a question and I am giving you an answer to the best
14 of my ability.

15 Q That's all we want, Miss Gaines, is an honest and
16 candid answer.

17 MR. KEITH: Thank you for your candor, Miss Gaines.

18 MISS GAINES: You are quite welcome.

19 MR. KEITH: Maybe I shouldn't, but --

20
21 MANUEL O. PRADO,

22 BY MR. KEITH:

23 Q Is it Mr. Prado?

24 A Yes, sir.

25 Q And you have never sat on a jury before, have
26 you?

27 A No, sir.

28 Q What is your occupation, sir?

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A I am unemployed; I am an auto mechanic.

Q And you never heard of this case before until you came into court yesterday; is that correct?

A Well, just nothing about Mr. Watson, I hear about Mr. Manson, TV, that's all.

Q Is there a Mrs. Prado?

A Yes,, sir.

Q Where do you live, generally?

A Northeast L. A.

Q Pardon me?

A Northeast Los Angeles.

Q And what automobile company did you work for before you were laid off?

A General Motors.

Q Is Mrs. Prado employed outside the home?

A Never been.

Q And do you have children, sir?

A Four.

Q Are they grown?

A Grown up, yes.

Q And what do they do, generally, students or are they married or working or what?

A The youngest one, my daughter is married; and the other one works.

Q And what is your oldest --

A 27.

Q A boy or girl?

A Boy.

5

1 Q Where does he work?

2 A He works in Gardena.

3 Q In what?

4 A Auto parts company.

5 Q Do you know any law enforcement officers, Mr.
6 Prado?

7 A No, sir.

8 Q Any member of your family well acquainted or
9 close friends with law enforcement people?

10 A Not that I know of.

11 Q Have you ever been the victim or a crime of
12 violence, such as an assault or robbery or burglary?

13 A Other than cleaned out my tools, that's all.

14 Q Pardon me?

15 A Other than cleaned up my tools, that's all.

16 Q Now, with respect to what you heard about the
17 Manson case, I take it or gather that you didn't follow that
18 case particularly in the news?

19 A Never.

20 Q Did you know the outcome of that case before you
21 came to court yesterday?

22 A Other than he was found guilty, that's all.

23 Q And had you heard that he had also received the
24 death penalty?

25 A Yes, that's right.

26 Q And have you formed any opinion about Mr. Watson's
27 guilt or innocence because of what you know about the outcome
28 of that Manson case?

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A I didn't even know that he was associated with
him.

#21A

- 1 Q Well --
- 2 A Other than here in the courthouse.
- 3 Q You don't have any opinion at the present time --
- 4 A No, sir.
- 5 Q -- about Mr. Watson other than you know he's
- 6 presumed innocent; is that correct?
- 7 A Yes, sir.
- 8 Q Do you believe in that presumption, the
- 9 presumption of innocence; do you believe in it?
- 10 A Oh, yes.
- 11 Q Did you ever hear any of your co-workers talk
- 12 about the Manson case or express opinions about him?
- 13 A Not that I remember. I don't used to talk about
- 14 criminal cases.
- 15 Q There is nothing about that case and about the
- 16 Tate-La Bianca homicide that has infected or tainted your
- 17 mind about Mr. Watson; is that correct?
- 18 A No, sir.
- 19 Q Despite any publicity that went with that other
- 20 case and despite the publicity about the homicide you feel
- 21 you could treat Mr. Watson fairly and give him a fair and
- 22 impartial trial?
- 23 A Yes.
- 24 Q You have heard the questions that I have been
- 25 asking other jurors about their beliefs on the subject of
- 26 drug abuse, hippie life style, communal style living, living
- 27 with Mr. Manson at a ranch with a lot of young girls and
- 28 some young men, perhaps.

21A-2

1 Would your answers to those questions, if I put
2 those questions to you, be substantially the same as the
3 answers the other jurors gave?

4 A Just about the same.

5 Q In other words, although such evidence may be
6 relevant and material in this case you wouldn't so hold Mr.
7 Watson's life style against him that you'd automatically,
8 without considering other evidence, find him guilty of murder,
9 would you?

10 A No, sir.

11 Q You wouldn't give Mr. Watson short shrift, would
12 you, simply because the evidence might show that he was a
13 heavy user or abuser of drugs and narcotics?

14 A No, sir.

22

#22

1 Q Do you know any psychiatrists?

2 A No, sir.

3 Q Has any member of your family ever been treated
4 or examined by a psychiatrist?

5 A My daughter was examined, but not treated.

6 Q Do you hold any prejudice against psychiatrists
7 in general?

8 A No.

9 Q Have you ever read any literature or books about
10 psychiatry or psychology?

11 A No.

12 Q If psychiatrists appear in this court, in the
13 event you are selected as a trial juror and testify, would you
14 listen to their testimony and not just shut your ears to it?

15 A I would listen.

16 Q You have no opinion or preconceived ideas then
17 that psychiatrists when they discuss the workings of the
18 human mind shouldn't be believed or their opinions should be
19 disregarded, do you?

20 A Should be taken into consideration.

21 Q You have no animosity towards the psychiatric
22 profession, if you want to call it that?

23 A No.

24 Q Do you believe that psychiatrists play an important
25 role in society in helping people that have mental illness
26 or in finding out whether somebody is mentally ill or not?

27 A Yes.

28 Q Or finding out why people do these things that

1 they do?

2 A Yes.

3 Q Has anybody in your family or anybody close to
4 you ever been in trouble with the law for possession or use
5 of drugs?

6 A No, not that I know of.

7 Q Getting to the subject of the death penalty, Mr.
8 Prado, would you automatically impose capital punishment or
9 the death penalty in this case if Mr. Watson were found
10 guilty of first degree murder?

11 A No, sir.

12 Q If the subject of capital punishment were on a
13 ballot and you were asked to decide whether to abolish capital
14 punishment or retain it, do you know how you would vote at
15 this time today or are you undecided?

16 A Undecided.

17 Q Are you telling us that you would want more time
18 to think about the problem and perhaps talk to other people
19 and do some reading about it before you make up your mind?

20 A I would do some reading before.

21 Q Have you ever had any discussions about capital
22 punishment with members of your family or friends?

23 A No, I never discussed it.

24 Q Have you ever read anything about the pros and
25 cons of retention of capital punishment?

26 A Not that I remember.

27 Q Pardon me?

28 A None that I remember. I never studied. I never

1 think about it.

2 Q Would you be more inclined to impose the death
3 penalty in this case simply because the prosecution asks for
4 it?

5 A No, sir.

6 Q You would want to hear all the arguments for and
7 against the imposition of the death penalty before you made
8 up your mind in the event this case ever got that far?

9 A I would.

10 Q You realize, do you, that there is also a plea
11 entered in this case of not guilty by reason of insanity?

12 A I realize that.

13 Q It is not guilty by reason of insanity. It is
14 not guilty by reason of insanity. You understand that there
15 is that issue that has been raised in this case, do you not?

16 A I understand.

17 Q Would you be willing to listen with an open mind
18 to the testimony of doctors if that issue is ever reached in
19 this case?

20 A I will.

21 Q Bearing on whether Mr. Watson was legally insane or
22 not.

23 A I will listen.

24 Q Do you believe that there is no place in the law
25 for legal insanity which means in effect that a person who
26 is legally insane is not responsible for his criminal acts?

27 A Would you repeat the question?

28 Q Sure.

1 Do you believe that there is a place in the law
2 for the concept of legal insanity?

3 A Yes, I will.

4 Q Understanding now that someone who is legally
5 insane is considered by the law not to be criminally responsible
6 for his acts or omissions?

7 A Yes, I understand that.

8 Q You don't have any quarrel with that concept?

9 A No.

10 MR. KEITH: I have no further questions.

11 We pass the jurors for cause, your Honor.

12 THE COURT: Which of you gentlemen want to take the
13 lead? Mr. Bugliosi?

14 MR. BUGLIOSI: Good afternoon, ladies and gentlemen.

15 Your Honor, may I address one general question
16 to the prospective jurors now seated in the spectators'
17 section?

18 THE COURT: You may.

19 MR. BUGLIOSI: Ladies and gentlemen, when I ask
20 questions of those jurors who are presently seated in the
21 jury box, I would appreciate it if you would mentally ask
22 yourself the same question so that if and when you are later
23 seated in the jury box I will not have to ask every question
24 all over again. Will you all promise to do that?

25 (Affirmative response.)

26 I would like to re-emphasize one point, ladies
27 and gentlemen, at the very beginning, just in the event there
28 is any doubt in any of your minds -- if the jury which is

1 eventually picked to sit on this case returns a verdict of
2 first degree murder against Mr. Watson, and if that same jury
3 finds that Mr. Watson was sane at the time of these murders,
4 it is the intention of the prosecution, Mr. Kay and myself,
5 to ask the jury during the penalty trial to come back with a
6 verdict of death.

7 Is there any question in any of your minds about
8 that? Do you all understand that?

9 (Affirmative response.)

10 I would like to ask you some questions at this time,
11 ladies and gentlemen, about the death penalty for the purpose
12 of ascertaining your state of mind with respect to it.

13 In the interest of time I am going to ask these
14 questions of you collectively, or most of them will be
15 collective questions.

16 However, if any question pertains to you
17 individually, I would appreciate it if you would raise your
18 hand so that I can address my attention to you individually.

19 Will you all promise to do that?

20 (Affirmative response.)

21 Incidentally, if I ask a question which does not
22 specifically pinpoint your problem, but which touches upon
23 a subject that you think I ought to know about, I would also
24 appreciate it if you would raise your hand so that I will
25 have an opportunity to question you individually about the
26 matter.

27 I would like to make one initial observation
28 before I commence my questioning and that is this: Although

1 it may seem difficult now to speak out and answer each
2 question fully -- obviously this is a rather crowded courtroom
3 and most, if not all of the people in the courtroom, you do
4 not personally know. You have never met them before and you
5 might feel a little hesitant about speaking out.

6 I should think it would be much more difficult
7 later on in the jury room during your deliberations to
8 express your views on the death penalty for the first time
9 when your co-jurors know that you were asked the question
10 either by Judge Alexander or the defense attorneys or Mr. Kay
11 or myself, which should have prompted you to speak out.

12 Of course, it would also be a violation of your
13 oath not to speak out at the present time. So when I ask
14 you questions about the death penalty, please don't hesitate
15 to speak out. Now is the time to do it, not later on in the
16 jury room.

17 His Honor, Judge Alexander, clearly went over this
18 area already, but because of its importance, because you folks
19 are obviously not lawyers, you are lay people, I would like
20 to go over it again just for emphasis in the event that these
21 points are not clear in any of your minds.

22 The area is a little complicated, so I prepared a
23 chart here for you. Can you all see this chart?

24 As you can see there may very well be three trials
25 in this case: The first trial, the guilt or innocence trial;
26 the second trial, the sanity trial; and the third trial, the
27 penalty trial, life imprisonment or the death penalty.

28 Do you all realize that in the first trial, in the

1 guilt or innocence trial, if Mr. Watson is convicted of any
2 degree of criminal homicide whatsoever, not just first, say
3 he is convicted of second degree murder, if he is convicted of
4 any degree of criminal homicide whatsoever, there will follow
5 a second trial called the sanity trial, in which the sole
6 issue for you folks to decide is whether Mr. Watson was sane
7 or insane at the time of these murders.

8 Do you all understand that?

9 (Affirmative response.)

10 Do you understand further that if the second trial,
11 that is the sanity trial, if in that trial you find that Mr.
12 Watson was sane at the time of these murders, that he was not
13 insane, you find that he was sane at the time of these murders,
14 and if during the first trial you convicted him of first
15 degree murder, as opposed, let's say, to second degree murder,
16 there will follow a third trial in which the sole issue for
17 you to decide is whether Mr. Watson receives life imprisonment
18 or the death penalty.

19 Do you all understand?

20 (Affirmative response.)

21 Do you understand further that if in the second
22 trial, that is the sanity trial, you find that Mr. Watson was
23 insane at the time of these murders, this means that he will
24 be found to be not guilty of these murders by reason of his
25 insanity and since he is found to be not guilty of these
26 murders because of his insanity, there will not be a third
27 trial. There will not be a penalty trial.

28 Do you understand that?

1 (Affirmative response.)

2 Any question about that? Do you understand further
3 that if during the first trial Mr. Watson is found to be not
4 guilty, or if he is found to be guilty of some degree of
5 criminal homicide, lesser than first degree murder, such as
6 second degree murder, there also will not be a penalty trial
7 and the issue of the death penalty never arises.

8 Do you understand that?

9 (Affirmative response.)

10 In other words, there will only be a third trial
11 if No. 1 Mr. Watson is convicted of first degree murder, and
12 No. 2 he is found to be sane during the commission of these
13 murders.

14 Do you all understand?

15 (Affirmative response.)

16 Do you understand further that during the first
17 trial, that is the guilt or innocence trial, you will not
18 be permitted to discuss or consider back in the jury room
19 during your deliberations, you will not be able, you will not
20 be permitted to consider or discuss the issues of sanity or
21 the death penalty during your deliberations.

22 Do you understand that?

23 (Affirmative response.)

24 Are you all willing to do that during the first
25 trial, that is not let the questions of sanity or the death
26 penalty enter into your deliberations?

27 (Affirmative response.)

28 The sole issue during the first trial is guilt or

innocence.

Do you understand that?

(Affirmative response.)

Neither Judge Alexander or defense counsel, nor Mr. Kay nor myself, ladies and gentlemen, can tell you what is or what is not the proper case for the imposition of the death penalty for the simple reason that there is no legal definition of what is or what is not a proper case.

The law says that it is within the absolute discretion of the jury to decide what is and what is not a proper case. There simply are no guidelines or standards for you people to follow.

Do you understand that?

(Affirmative response.)

Stated another way, ladies and gentlemen, the law as it presently exists leaves it up to each juror's individual decision whether he feels or she feels that the circumstances of the murder are sufficiently aggravating to warrant the imposition of the death penalty.

Do you understand that?

(Affirmative response.)

I want to make it abundantly clear that the law does not state any preference for the death penalty over life imprisonment or life imprisonment over the death penalty. It is completely up to you folks.

23R-1

1 Some of these questions I am going to ask you
2 collectively have already been asked individually by the
3 defense attorneys, but not all of you were asked these ques-
4 tions, so I have to ask the questions basically all over again.

5 Do any of you belong to or contribute to or support
6 any organization which has as its objective, or one of its
7 objectives, the abolition or the suspension of the death
8 penalty in the State of California?

9 MR. RODRIGUEZ: Yes, sir; I belong to the Catholic
10 religion and I think it is common knowledge that they are
11 against capital punishment, but I do not on this particular
12 theory follow their belief.

13
14 CARLOS RODRIGUEZ,

15 BY MR. BUGLIOSI:

16 Q All right. Where have you heard, sir, or -- I
17 am not questioning, sir -- but, where have you heard that the
18 Catholic is opposed to the death penalty?

19 Did a priest say that in a sermon or did you read
20 this, or what?

21 A No, I am just talking in generalities in regards
22 to the priests and the nuns I have had conversations with.

23 Q You are familiar with the Old Testament segment
24 of the bible, of course?

25 A I believe I am.

26 Q And you realize, of course, that the Catholic
27 Church, among other things, is founded on the bible; and are
28 you aware that in the Old Testament there are many, many

2
1 references to the propriety of the death penalty?

2 Are you aware of that?

3 A I am also aware of that.

4 MR. BUGLIOSI: That is a good point you brought up, Mr.
5 Rodriguez.

6 I believe I will ask that question of each one of
7 you individually. We will start out with Mrs. Stanton; you
8 are the lead-off juror.

9
10 LOUISE A. STANTON,

11 BY MR. BUGLIOSI:

12 Q Do you feel, Mrs. Stanton, that the religious
13 doctrines of any church that you might belong to would prevent
14 you or hinder you from voting for the death penalty?

15 A No.

16 Q Are you opposed to the death penalty, Mrs. Stanton?

17 A Like I said before, I had never given it any
18 thought whatsoever.

19 Q See if you can answer this question: Are you in
20 favor of retaining the death penalty in the State of Califor-
21 nia?

22 A I am. I am.

23 Q Now, you indicated that you are not opposed to the
24 death penalty; is that correct?

25 A No.

26 Q That is correct, what I said?

27 A Well, as I indicated before, I had never given
28 it any thought but then I am not opposed to the death penalty.

3
1 Q Now, some people, Mrs. Stanton, have no objection
2 whatsoever to the death penalty -- they have no objection to
3 it, but they simply do not want to sit as a juror on a case
4 where the death penalty is involved and vote for a verdict
5 of death.

6 In other words, they want to let George do it,
7 they don't want to do it themselves.

8 Certainly no one can criticize a juror for that
9 frame of mind because it is not an enjoyable task. It is not
10 easy for any juror to come back from the jury room into court
11 and by his or her verdict tell a defendant that that defendant
12 must die. It is certainly not a pleasurable task.

13 Now, with that thought in mind, let me ask you
14 this question, Mrs. Stanton: If, after hearing all of the
15 evidence in this case and considering all the circumstances,
16 you felt that this was a proper case for the imposition of
17 the death penalty, would you personally have the courage and
18 would you personally be willing to vote for a verdict of death?

19 A Yes, I so felt that.

20 Q As I indicated to the jury as a group, now, of
21 course, is the time to speak up on this; don't hesitate at
22 all if you have any doubt at all about that.

23 Do you feel that you would have the courage?

24 A Yes.

25
26 ALLEN L. TATUM, JR.,

27 BY MR. BUGLIOSI;

28 Q Okay, Mr. Tatum, do you feel that the religious

4
1 doctrine of any church that you might belong to would pre-
2 vent you from voting for a verdict of death?

3 A No, I don't.

4 Q And you are not opposed to the death penalty?

5 A No, I am not.

6 Q Are you in favor of retaining the death penalty in
7 the State of California, or would you rather see some other
8 form of punishment substituted for it?

9 A No, I am in favor of retaining it.

10 Q If, after hearing all of the evidence in this case,
11 Mr. Tatum, and considering all the circumstances, you felt this
12 was a proper case for the imposition of the death penalty,
13 would you personally have the courage, and would you person-
14 ally be willing to vote for a verdict of death?

15 A I could.

16
17 JOHN DARCO,

18 BY MR. BUGLIOSI:

19 Q Mr. Darco?

20 A Yes.

21 Q Do you feel that the religious doctrines of any
22 church that you may belong to, sir, would prevent you from
23 voting for a verdict of death?

24 A No.

25 Q You are not opposed to the death penalty; is that
26 correct, sir?

27 A No.

28 Q Are you in favor of retaining the death penalty

5
1 in the State of California?

2 A Yes.

3 Q If you felt that this was a proper case for the
4 imposition of the death penalty, would you have the courage
5 to come back into the courtroom with a verdict of death?

6 A I believe so.

7
8 LOUIS E. SISMONDO,

9 BY MR. BUGLIOSI:

10 Q Mr. Sismondo, do you feel that the religious
11 doctrines of any church that you might belong to would in some
12 way hinder you from voting for a verdict of death?

13 A No.

14 Q And you are not opposed to the death penalty?

15 A No.

16 Q Are you in favor of retaining the death penalty
17 in the State of California, or would you rather see some other
18 form of punishment substituted for it?

19 A I am in favor of retaining the death penalty.

20 Q If you felt, Mr. Sismondo, after hearing all the
21 evidence and all the circumstances in this case that this was
22 the proper case for the imposition of the death penalty,
23 would you have the courage and would you be willing to come
24 back with a verdict of death?

25 A I most certainly would.

26
27 ALICE K. NIHEI,

28 BY MR. BUGLIOSI:

Q Miss Nihei, do you feel, ma'am, that the religious

6

1 doctrines of any church that you may belong to would prevent
2 you from voting for a verdict of death?

3 A No.

4 Q And you are not opposed to the death penalty?

5 A No.

6 Q Are you in favor of retaining the death penalty
7 in the State of California?

8 A Yes, I am.

9 Q Would you have the courage to come back into the
10 courtroom with a verdict of death?

11 A Yes.

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1 MR. BUGLIOSI: Again, I remind you that if you have any
2 hesitancy, feel free to speak up; now is the time to do it.

3
4 MEYER SCHACHTER,

5 BY MR. BUGLIOSI:

6 Q Mr. Schachter, am I pronouncing your name correctly,
7 sir?

8 A Right.

9 Q Mr. Schachter, do you feel the religious doctrines
10 of any church that you may belong to, sir, would prevent you
11 from voting for a verdict of death?

12 A No, sir.

13 Q And you are not opposed to the death penalty?

14 A I am not. I am not a sadist, but --

15 Q You are not a sadist, sir?

16 A That's right. We go by law, as the law is, and
17 that's what I am going to follow.

18 Q Right. I want to make it abundantly clear again
19 that the law as it presently exists does not state a preference
20 for the death penalty over life imprisonment.

21 In all fairness to Mr. Watson, the law is not
22 commanding you to come back with a verdict of death; the law
23 leaves it completely up to the jurors.

24 You understand that?

25 A Right.

26 Q Life imprisonment is a perfectly permissible
27 alternative form of punishment in the State of California. It
28 is up to the jury, they can come back with the death penalty

1 or life.

2 Do you understand that?

3 A Right,

4 Q If you felt that this was a proper case, sir,
5 after hearing all of the evidence, if you felt it was a proper
6 case for the death penalty, would you have the courage to sign
7 your name to a verdict of death?

8 A Yes.

9
10 JOSEPH J. POLLAK,

11 BY MR. BUGLIOSI:

12 Q Mr. Pollak, do you feel that the religious doc-
13 trines of any church you may belong to, sir, would prevent
14 you from voting for a verdict of death?

15 A No.

16 Q And you are not opposed to the death penalty?

17 A No.

18 Q Would you like to see some other form of punish-
19 ment substituted for the death penalty in the State of Cali-
20 fornia?

21 A No.

22 Q Would you have the courage to vote for a verdict
23 of death?

24 A Yes.

25
26 MARY E. TRAINOR,

27 BY MR. BUGLIOSI:

28 Q Mrs. Trainor?

3
1 A Yes,

2 Q Do you feel that the religious doctrines of any
3 church you might belong to would inhibit you from going for
4 a verdict of death?

5 A No, it would not.

6 Q And you are not opposed to the death penalty; is
7 that correct?

8 A That is correct.

9 Q Are you in favor of retaining the death penalty
10 in the State of California?

11 A I'd like to preface that, if I may,

12 Some years ago I received questionnaires from both
13 my assembly woman and the state senator requesting that same
14 answer, at which time I voted -- I didn't vote, but I answered
15 the question and at that time I did vote to retain it,

16 I guess that answers it, doesn't it?

17 Q Has anything changed your mind since then?

18 A No, it has not.

19 Q Would you have the courage, ma'am, if it came
20 right down to it, when all the chips are on the line, would
21 you have the courage to sign your name to a verdict of death?

22 A I would have the courage, but I would have to be
23 very sure.

24 Q Very sure? Let's say that Mr. --

25 A The evidence proved.

26 Q -- that Mr. Watson is guilty --right, but if you
27 were sure --

28 A If I were sure, I would not hesitate.

CARLOS RODRIGUEZ,

BY MR. BUGLIOSI:

Q Mr. Rodriguez, we have already discussed the religious aspects and you have assured me that this will not inhibit you in any fashion from voting for a verdict of death; is that correct?

A That is correct.

Q And you are not opposed to the death penalty?

A Presently, no, I am not opposed to the death penalty.

Q Are you in favor of retaining the death penalty in the State of California?

A I still have an open mind in regards to that. I haven't gone -- I really have to study that, that real good, going into the figures and everything involved in it, but that would come after this.

Q Going to the figures?

A We are talking about figures; if this thing ever came out on the ballot, I'd have to study it real good, that's what I'm talking about.

Q You probably won't have that opportunity during this trial, you understand that?

A Probably not.

Q But your present state of mind is that you are not opposed to the death penalty?

A If the case merits death, the sentence of death, I would have no reason why not to vote for it.

Q And after hearing all the evidence and considering

5
1 all the circumstances you felt that this was a proper case
2 for the death penalty, you would be able to come back into
3 this courtroom with a verdict of death?

4 A Yes, I would.

5 Q You are sure about that? Is there any doubt in
6 your mind about that?

7 A No, there is no doubt in my mind.

8
9 MURIEL C. OBERRINDER,

10 BY MR. BUGLIOSI:

11 Q Mrs. Oberrinder, do you feel the religious doc-
12 trines of any church you belong to or may belong to would
13 prohibit you from voting for a verdict of death?

14 A No.

15 Q You are not opposed --

16 A No.

17 Q Are you in favor of retaining the death penalty?

18 A I am.

19 Q And you'd have the courage to vote for a verdict
20 of death, ma'am?

21 A Yes, I would.

22
23 ELAINE M. GAINES,

24 BY MR. BUGLIOSI:

25 Q Miss Gaines, and I want to compliment you, Miss
26 Gaines for your candor a little while ago. It hurt, but --

27 A I'm sorry about that.

28 Q But I still thank you very, very much.

6
1 Q You are not opposed to the death penalty, I under-
2 stand?

3 A No, I am not.

4 Q And if you were selected as a juror in this case
5 and you felt it was a proper case, you could come back with
6 a verdict of death?

7 A Yes, sir.

8
9 MANUEL O. PRADO,

10 BY MR. BUGLIOSI:

11 Q Mr. Prado, do you feel the religious doctrines
12 of any church that you might belong to would prevent you from
13 coming back with a verdict of death?

14 A No, sir.

15 Q And you are not opposed to the death penalty?

16 A No, sir.

17 Q Are you in favor of retaining the death penalty
18 in the State of California?

19 A Yes, sir.

20 Q Would you have the courage, sir, to come back into
21 the courtroom with a verdict of death?

22 A Yes, sir.

23 Q Any doubt in your mind about that?

24 A No, sir.

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#23B

1 MR. BUGLIOSI: Incidentally, ladies and gentlemen, you
2 know some of my questions might easily lend themselves to a
3 yes or no answer, don't feel so restricted. I would welcome
4 -- in fact, I would encourage you -- to qualify or elaborate
5 or iterate on any particular yes or no answer you might give.

6 I'd like to talk just for a few moments now, we
7 have already discussed the death penalty issue, I'd like to
8 talk about the issues of insanity and diminished capacity.

9 During the first trial, as I indicated earlier,
10 there is not going to be any issue whatsoever of sanity as
11 opposed to insanity. That is very clear in all of your minds?

12 However, during the first trial I would assume --
13 in fact, I am as sure as I can possibly be that the defense
14 attorneys will put on psychiatric evidence^{that} at the time of
15 these murders Mr. Watson was suffering from what lawyers call
16 diminished mental capacity.

17 Will you all promise to follow Judge Alexander's
18 instructions on the law of diminished capacity?

19 (Affirmative response.)

20 MR. BUGLIOSI: Psychiatrists will testify for the
21 defense and for the prosecution. Are any of you of such a
22 frame of mind, ladies and gentlemen, that just, for instance --
23 and this might very, very well happen -- if the defense
24 psychiatrists testify that Mr. Watson was suffering from
25 diminished mental capacity at the time of these murders and
26 therefore he could not deliberate and premeditate these
27 murders and, on the other hand, the prosecution psychiatrists
28 testify that he was not suffering from diminished mental

23b-2

1 capacity at the time of these murders and that he could
2 deliberate and premeditate these murders, are any of you of
3 such a frame of mind that this disagreement between the
4 defense and prosecution psychiatrists automatically means
5 that there must be a reasonable doubt as to whether or not
6 Mr. Watson had the required mental capacity to commit these
7 murders?

8 Are any of you of that frame of mind?

9 MRS. TRAINOR: Not of that frame of mind, but I think I'd
10 like another opinion besides the two.

11 MR. BUGLIOSI: In other words, someone to break the
12 deadlock, you mean?

13 MRS. TRAINOR: Well, at least help us a little bit
14 because, after all, we are lay people and we wouldn't know
15 which one to believe if there are two different sides and two
16 different stories; obviously you need a little assistance and
17 I would just like another opinion. You would do that if you
18 were ill.

19 MR. BUGLIOSI: I will touch on what you are referring to
20 very shortly, at least in a peripheral manner I will get to
21 what you are talking about.

22 MRS. TRAINOR: Thank you.

23 MR. BUGLIOSI: But under this type of example like I
24 gave you where some prosecution psychiatrists testify one
25 way -- or, all the prosecution psychiatrists testify one
26 way and the defense psychiatrists testify another way, would
27 you, Mrs. Trainor, say, "Well, they are in disagreement, ergo
28 there must be a reasonable doubt."

23b-3

1 Are you of that frame of mind?

2 MRS. TRAINOR: I would have to say so until I could
3 decide for myself, at that time there would be a doubt in
4 my mind if there are two opinions and they are opposing
5 opinions on the same subject.

6 MR. BUGLIOSI: There would certainly be a doubt in your
7 mind, or it would be clear to you that the psychiatrists
8 disagree?

9 MRS. TRAINOR: Yes.

10 MR. BUGLIOSI: But are you saying that there would
11 automatically be a doubt in your mind as to his state of mind?

12 MRS. TRAINOR: No, I could still decide that for myself,
13 I hope; I believe I could.

14 MR. BUGLIOSI: You all realize that in every criminal
15 trial -- I don't know if I should say 100% -- but I would say
16 just about every criminal trial, just about every civil
17 trial -- let's talk about criminal trials for a moment --
18 the prosecution and the defense witnesses disagree; even witnesses
19 who are not psychiatrists. They disagree and it is up to the
20 jury to decide which testimony has the most merit and which
21 testimony is the most believable.

22 Do you all understand that?

23 (Affirmative response.)

24 MR. BUGLIOSI: So, a disagreement between witnesses is
25 "business as usual," in other words; it is not out of the
26 ordinary at all.

27 Do you all understand that?

28 (Affirmative response.)

23b-4

1 MR. BUGLIOSI: Now, during the second trial, the sanity
2 trial, will you promise to follow all of Judge Alexander's
3 instructions on the law of insanity?

4 (Affirmative response.)

5 MR. BUGLIOSI: Without going into the law of insanity
6 in detail, if Judge Alexander instructs you to the basic
7 effect that to constitute legal insanity it has to be shown
8 that, No. 1, the defendant was suffering from a diseased
9 deranged mind; and, No. 2, as a result of that diseased or
10 deranged mind he did not know what he was doing was wrong,
11 will you follow Judge Alexander's instructions on that?

12 (Affirmative response.)

13 MR. BUGLIOSI: Now, the test for insanity that I have
14 just mentioned to you is the M'Naughton test for insanity.
15 It is an old English case and the test that came down from
16 this case has been adopted in the State of California as the
17 test for insanity -- in fact, in the majority of American
18 jurisdictions, called the M'Naughton test for insanity.

24 fls.

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1 Do any of you have any quarrel with this M'Naughton
2 test for insanity, as I just indicated to you, that there has
3 to be a diseased mind and as a result of a diseased mind the
4 defendant does not know that what he did was wrong? Do any of
5 you quarrel with that test for insanity?

6 (Negative response.)

7 Do any of you feel that there should be a differ-
8 ent test for insanity?

9 (Negative response.)

10 If any of you have any preconceived notions of
11 what constitutes legal insanity -- and I would expect that
12 many of you do have notions before you came into this court-
13 room of what constitutes legal insanity -- will you all promise
14 to set aside those notions and follow the test for insanity
15 as given to you by Judge Alexander?

16 (Affirmative response.)

17 In this trial, ladies and gentlemen, Mr. Watson,
18 is charged with seven counts of murder and an eighth count of
19 conspiracy to commit murder.

20 He has entered two pleas to this charge: No, 1,
21 he has pled not guilty, which means I am not guilty of these
22 murders, I didn't commit these murders.

23 He has entered a second plea: Not guilty by
24 reason of insanity. He has entered two pleas.

25 Now, because Mr. Watson has entered a plea of not
26 guilty by reason of insanity, do any of you feel that this
27 means that he must be insane because he entered this plea?

28 (Negative response.)

2
1 You all understand that any defendant in any case
2 can plead not guilty by reason of insanity, but his claiming
3 that he is insane is no evidence that he is insane.

4 Do you all understand that?

5 (Affirmative response.)

6 If Judge Alexander instructs you that although the
7 prosecution has the burden of proving Mr. Watson's guilt --
8 we have that burden. He doesn't have the burden. He does not
9 have to prove innocence. We have the burden to prove he is
10 guilty.

11 Do you understand that?

12 (Affirmative response.)

13 If Judge Alexander tells you -- I am pretty sure
14 he will tell you -- that if this trial proceeds to the second
15 phase, Mr. Watson, not the prosecution, Mr. Watson has the
16 burden of proving by a preponderance of the evidence that he
17 is insane and will you follow Judge Alexander's instruction
18 on that?

19 (Affirmative response.)

20 Do any of you feel that it is an unfair law that
21 places the burden on a defendant to prove that he is insane?
22 Do any of you feel that is unfair?

23 (Negative response.)

24 MR. POLLAK: You are bringing two things in there --
25 not guilty by reason of insanity. If he is found not guilty,
26 the second trial will still be held?

27 MR. BUGLIOSI: Q No, if he is found not guilty, sir,
28 of these murders during the first trial, there will not be a

1 second trial. There will not be a third trial.

2 A Then, in the event that the second plea is upheld,
3 there would be no such thing as insanity brought up in the
4 second trial? The second trial wouldn't be held?

5 Q During the first trial there is not going to be
6 any issue whatsoever of his sanity or insanity. There is not
7 going to be any issue. The only issue is guilt or innocence
8 during the first trial.

9 Now, if he is found to be not guilty during the
10 first trial, that is the end of the ball game.

11 A Not guilty by reason of insanity?

12 Q No, no, no. Not guilty by reason of insanity,
13 that only comes into issue during the second trial.

14 A Oh, all right.

15 Q So if he is found to be not guilty of the murders
16 during the first trial, then we all go home and there is no
17 second or third trial.

18 A Okay.

19 Q If he is found to be guilty during the first trial,
20 then we go onto the second trial where the issue is insanity
21 as opposed to sanity. Do you understand that?

22 A Yes.

23 THE COURT: What Mr. Bugliosi is telling you, that on
24 the issue of his guilt or innocence on that phase of the trial,
25 you are not even to discuss insanity. Do you understand that?

26 A Yes.

27 MR. BUGLIOSI: Do you all realize that under the law,
28 if Mr. Watson during the second trial does not prove to you

4
1 that he was insane, you must come back with the verdict that
2 he was sane at the time of these murders. Do you understand
3 that?

4 (Affirmative response.)

5 Now, some lay people have been heard to say -- and
6 I believe you also mentioned it, Mr. Pollak -- is it Pollak?

7 MR. POLLAK: Pollak.

8 Q BY MR. BUGLIOSI: Pronounced as P-o-l-l, actually?

9 A That is right.

10 Q There is only one L; is that correct?

11 A Yes.

12 Q Mr. Pollak, I believe you made the statement -- let
13 me ask all of you -- do any of you feel that if anyone commits
14 a vicious premeditated murder, they must be insane? Do you
15 feel that way, or do any of you feel that way?

16 MR. POLLAK: I feel that there has to be some form of
17 insanity attached to it, emotionally or otherwise.

18 Q BY MR. BUGLIOSI: Now, do you remember what I said
19 about the M'Naughton test?

20 A Yes.

21 Q That there has to be a diseased mind and because
22 of a diseased mind, the killer does not know that what he did
23 was wrong. He thinks it is perfectly all right to go out and
24 kill someone.

25 A I know nothing about the M'Naughton theory.

26 Q Right. And in fact many law students don't know
27 too much about it either, but you are going to have to become
28 familiar with it, sir, if you are selected as a juror on this

5
1 case. You are going to have to familiarize yourself with it
2 and follow Judge Alexander's instructions explicitly on this.

3 Or do you feel then that in view of this M'Naughton
4 test for insanity, like I have indicated, do you feel that just
5 because someone commits a vicious premeditated murder that he
6 must be insane?

7 A You said a premeditated murder.

8 Q Premeditated murder as opposed to a spur of the
9 moment decision to kill; in other words, the defendant thinks
10 about it beforehand and goes out and kills -- premeditated --
11 thought about beforehand?

12 A Not necessarily.

13 Q In other words, you can conceive of someone commit-
14 ting a vicious premeditated murder and not be insane. You can
15 conceive of that?

16 A Yes.

17 MR. BUGLIOSI: Do you all feel that way?

18 (Affirmative response.)

19 All of you have indicated that you have heard of
20 these murders before, the so-called Tate-La Bianca murders.
21 Are any of you with such a frame of mind that you feel anyone
22 who participated in these murders must have been insane? Do
23 any of you feel that way?

24 MR. POLLAK: I do.

25 MR. BUGLIOSI: You do, sir.

26 MR. POLLAK: Yes.

27 Q BY MR. BUGLIOSI: So assume that the prosecution
28 proves during the first trial that Mr. Watson perpetuated

1 these murders, you are telling us now that automatically during
2 the second trial you would rule that he is insane?

3 A Not automatically. Mr. Watson hasn't been brought
4 to trial yet. Manson and the three girls have been.

5 Q Right.

6 A And they were found guilty.

7 Q But do you feel, sir -- I will ask you again,
8 Maybe I didn't understand your answer. Do you feel that any-
9 body who participated in these seven murders must have been
10 insane? Do you feel that way?

11 A Yes.

12 Q You feel then that the perpetrators of these murders
13 should go to a hospital? They shouldn't go to a prison; is
14 that right?

15 A I did not say that.

16 Q Let me ask you this question -- maybe the defense
17 attorneys will object to it -- I don't know if it is a proper
18 question, but when a person is found to be insane, he committed
19 a murder and is found to be insane, what is your state of mind,
20 sir, with what should be done with that type of an individual?

21 MR. BUBRICK: I will object to that. I think that is
22 immaterial.

23 THE COURT: I think you are right. Sustained.

24 This might be a good time to have the recess.

25 Ladies and gentlemen of the jury, we will have
26 our afternoon recess at this time. Once more, do not form or
27 express an opinion about this case. Do not discuss it among
28 yourselves or allow anyone to talk to you about it and keep

your minds open.

(Recess.)

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1 THE COURT: People against Watson.

2 Let the record show all jurors present.

3 The defendant and counsel are present.

4 Before you proceed, Mr. Bugliosi, maybe this
5 would help Mrs. Trainor on the question of experts.

6 Suppose I read the instruction on expert opinion.
7 It might be helpful.

8 You will be instructed as follows concerning
9 expert opinion:

10 "A person is qualified to testify as
11 an expert if he has special knowledge, skill,
12 experience, training or education sufficient to
13 qualify him as an expert on a subject to which
14 his testimony relates. Duly qualified experts
15 may give their opinions on questions in contro-
16 versy at a trial.

17 "To assist you in deciding such
18 questions, you may consider the opinion, the
19 reason given for it by the expert who gives the
20 opinion. You may also consider the qualifications
21 and credibility of the expert.

22 "In resolving any conflict that may
23 exist in the testimony of expert witnesses, you
24 should weigh the opinion of one expert against that
25 of another. In doing this you should consider the
26 relative qualifications and credibility of the
27 expert witnesses as well as the reasons for each
28 opinion and the facts and other matters upon which

24A-2

1 it was based.

2 "You are not bound to accept an
3 expert opinion as conclusive but should give to
4 it the weight to which you find it to be entitled.
5 You may disregard any such opinion if you find
6 it to be unreasonable."

7 That will be the instruction given to you on
8 weighing expert opinion, Mrs. Trainor.

9 MRS. TRAINOR: Thank you.

10 MR. BUGLIOSI: Thank you, Judge Alexander.

11 MR. BUBRICK: Might we approach the bench a moment,
12 please.

13 THE COURT: Do you want the reporter?

14 MR. BUBRICK: No.

15 A discussion was had at the bench which was not reported.)
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(The following proceedings were had in open court in the presence and hearing of the jury.)

THE COURT: Now, we have been speaking of legal insanity. There is a distinction between what medical doctors call insanity and legal insanity; different doctors have their conception of what insanity is, but we are bound only by the legal definition and we must follow the legal definition of insanity, and that reads as follows -- and you will be instructed to this effect at the end of the case, too:

"Legal insanity, as the words are used in these instructions, means a diseased or deranged condition of the mind which makes a person incapable of knowing or understanding the nature and quality of his acts or makes a person incapable of knowing or understanding that his act is wrong. If you find that the defendant was capable of knowing and understanding the nature and quality of his act and in addition was capable of knowing and understanding that the act was wrong, you will find that he was legally sane.

"However if you find that the defendant was not capable of knowing or understanding the nature and quality of his act you will find that he was legally insane; or if you find that he was incapable of knowing or understanding that his act was wrong, you will find that he was legally insane.

"The defendant has the burden of

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1 proving his legal insanity by a preponderance of
2 the evidence. By a preponderance of evidence is
3 meant such evidence as when weighed with that
4 opposed to it has more convincing force and the
5 greater probability of proof."

6 You will notice that on the question of insanity
7 the defendant has the burden of proof and that burden is
8 merely a preponderance of the evidence, whereas the guilt of
9 the defendant, whether he is guilty or not, must be proved
10 beyond a reasonable doubt and to a moral certainty.

11 Do you see the distinction there?

12 (Affirmative response.)

13 THE COURT: Thank you, Mr. Bugliosi.

14 MR. BUGLIOSI: Thank you, Judge.

15 The primary issue during the trial will most
16 likely be, and I say most likely because I don't know, but it
17 will most likely be Mr. Watson's mental state at the time
18 of these murders, his mental condition, his state of mind at
19 the time of these murders -- that is August the 9th and 10th,
20 1969 -- mostly, that will be the central critical issue.

21 Now, do you all realize that Mr. Watson's mental
22 state at the present time, that is, as he sits here right in
23 front of you right now, is not in issue, it is not an issue
24 for you to decide.

25 Do you all understand that?

26 (Affirmative response.)

27 Is there any question about that, his present
28 state of mind, his present mental condition is not in issue

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1 for you to decide.

2 Do you understand that?

3 (Affirmative response.)

4
5 ELAINE M. GAINES

6 BY MR. BUGLIOSI:

7 Q Miss Gaines, let me go back to you for a moment,
8 Ma'am.

9 You felt that at the present time --

10 A Yeah.

11 Q -- certainly you were not a witness to these
12 murders so you don't know what was on his mind at the time of
13 the murders; you were talking about the way he looks right
14 now?

15 A Right.

16 Q You indicated that you felt he was mentally ill;
17 is that correct?

18 A Yeah, from appearances he looks this way to me
19 and I said what I said because I thought that I couldn't be fair

20
21 Q Right.

22 A -- to him because of --

23 Q Now, what is it about Mr. Watson as he presently
24 sits here in front of you that leads you to believe that
25 perhaps there is something wrong with him mentally?

26 MR. BUBRICK: Object to that, your Honor; I think it is
27 improper voir dire.

28 MR. BUGLIOSI: Well, she brought this up, your Honor.

25-4

1 THE COURT: Yes, supposing we just confine ourselves
2 to this:

3 Q Miss Gaines, as Mr. Bugliosi told you, his mental
4 condition on the night of August 9th and August 10th is
5 what you must determine and not by his present appearance.

6 Do you understand that, Miss Gaines?

7 A Yes. He said that before and I --

8 THE COURT: Can you do this?

9 A Yes, I can.

10 MR. BUGLIOSI: May I ask Miss Gaines, your Honor:

11 Q Is it because Mr. Watson has his mouth open, has
12 that caused her to think there is something wrong with him?

13 A No.

14 Q As a nurse, Ma'am, have you heard of the physical
15 condition called "cotton mouth"?

16 A Yes.

17 Q Which has nothing to do with any mental derangement;
18 it simply is a physical condition that causes a person to open
19 their mouth because their lips and their tongue is dry.

20 A Right.

21 Q You are aware of that?

22 A Yes, I was taking that into consideration --

23 Q BY THE COURT: You have made no diagnosis yet,
24 though, have you?

25 A Oh, no, no; he just told me, do not --

26 MR. BUGLIOSI: I am just trying to qualify her as an
27 expert in the field of medicine.

28 As has been previously indicated, several

25-5

1 psychiatrists and several psychologists are going to testify,
2 some for the defense and others for the prosecution.

3 Have you ever met or spoken to or been associated
4 in any way with the following doctors, all of whom are either
5 psychiatrists, psychologists or neurologists:

6 Dr. Grovener Bailey;

7 Dr. Joel Fort;

8 Dr. John Suarez;

9 Dr. Ira Frank;

10 Dr. Richard Walter;

11 Dr. James Palmer;

12 Dr. Vernon Bohr;

13 Dr. Andre Tweed;

14 Dr. Seymour Pollock;

15 Dr. Marcus Crahan;

16 Dr. George Abe;

17 Dr. Keith Dittman;

18 Have any of you ever met or spoken to or do you
19 know any of these doctors?

20 (Negative response.)

26

#26

1 Not all of these necessarily will testify. Some
2 of them most likely will.

3 Again here is a question that was asked by the
4 defense attorneys of some of you but not all.

5 Have any of you ever studied psychiatry or
6 psychology in school or on your own?

7 MR. SISMONDO: Yes.

8 MR. BUGLIOSI: Q I believe you said, Mr. Sismondo,
9 that you studied in school?

10 A Yes, that is correct.

11 Q You majored in engineering but you did take a
12 course in psychology, I think you said.

13 A Right.

14 Also I minored in education and I was going to
15 go into teaching, but I took psychology courses relative to
16 teaching instruction.

17 Q How many psychology courses did you take?

18 A I don't recall offhand. Less than 18 units.

19 Q You have a fair background in the field of
20 psychology?

21 A Well, if you would call that fair, yes.

22 Q In other words, certainly more than the average
23 lay person?

24 A I would say so.

25 Q BY MR. BUGLIOSI: Miss Nihei, did you indicate
26 that you studied psychiatry or psychology?

27 A Yes, I did.

28 Q In college?

26-2

1 A That was related to nursing in Hawaii. I worked
2 as a licensed practical nurse.

3 Q And in the course of your study, you studied
4 psychology or psychiatry?

5 A Psychology, just a little bit.

6 Q What was the extent of your study?

7 A It was in regards to patients, you know, how they
8 look, how they feel.

9 Q Did you take any formal course?

10 A No.

11 Q This was just kind of on the job training?

12 A On the job plus -- well, I took psychology in
13 school.

14 Q In college?

15 A Yes.

16 Q How many units?

17 A Just one.

18 Q A three-unit course?

19 A Yes.

20 Q BY MR. BUGLIOSI: Miss Gaines, I believe you also
21 said that you did. Was this in school?

22 A Yes.

23 Q Nursing school?

24 A Uh-huh.

25 Q What courses did you take?

26 A Like one and two, psychology in one and abnormal
27 psychology.

28 MR. BUGLIOSI: Anyone else either studied in school or

26-3

1 on your own?

2 (Negative response.)

3 Any of you have a psychiatrist or psychologist in
4 your family?

5 (Negative response.)

6 Any close friends are psychiatrists or psycholo-
7 gists?

8 MR. SISMONDO: Yes, I do.

9 Q Who is that?

10 A The name is Jordan, Robert Jordan.

11 Q What relation is he to you?

12 A A friend.

13 Q Close friend?

14 A He is also -- my wife was a patient of his. We
15 garnered a relationship through that but we have a friendship
16 there as well.

17 Q Your wife underwent some psychiatric treatment
18 from Dr. Jordan?

19 A Yes.

20 Q Was it as a result of this assault on her?

21 A Yes, and another incident that happened.

22 MR. BUGLIOSI: Q And you, ma'am.

23 MRS. OBERRINDER: Yes, Charles Rhodes in Phoenix, M.D.,
24 he is a friend.

25 Q BY MR. BUGLIOSI: He is a psychiatrist also?

26 A No, no, psychologist.

27 Q A psychologist?

28 A Yes.

26-4

1 MR. BUGLIOSI: Anyone else?

2 (Negative response.)

3 I think Mrs. Stanton, Mrs. Trainor and Mr. Prado
4 also answered this question or maybe one or more of you also
5 answered it to a certain degree.

6 I will have to ask it of you collectively again,
7 at least those other than the three that I just mentioned.

8 Have any of you or any member of your family or
9 close friend or relative ever undergone treatment from a
10 psychiatrist or a psychologist?

11 Now, I realize this is a personal question and
12 I apologize to you for it but please understand that in the
13 nature of things the question is necessary.

14 Some of you have already answered that. For those
15 who haven't, I am addressing myself to you folks at this time.

16 This applies to yourself, a member of your family,
17 relative.

18 MR. DARCO: My father died in a mental institution.

19 MR. BUGLIOSI: And Miss Gaines?

20 MISS GAINES: My sister.

21 MR. BUGLIOSI: Is your sister still undergoing psychiatric
22 treatment?

23 MISS GAINES: No.

24 MR. BUGLIOSI: Anyone else?

25 MR. RODRIGUEZ: A friend.

26 MR. BUGLIOSI: A close personal friend?

27 MR. RODRIGUEZ: It is a close friend.

28 MR. BUGLIOSI: I believe Mrs. Stanton, Mr. Tatum, Mrs.

1 Trainor, Miss Gaines and Mr. Prado have already answered this
2 question, so I will try to ask the other jurors.

3 Mr. Schachter, do you have any feelings about
4 psychiatrists one way or the other?

5 A Never.

6 Q No feelings at all?

7 A None at all.

8 Q Never stop to think about them?

9 A I have no occasion.

10 Q You don't have any pro or con feeling one way or
11 the other?

12 A No.

13 Q What I am getting at, Mr. Schachter, is some
14 people, in fact many people feel that psychiatrists or all
15 psychiatrists are quacks and that they are a little goofy
16 themselves. Where on the other hand many people feel that
17 psychiatrists can make a valuable contribution toward the
18 understanding and treatment of one's mental condition.

19 This is what I am getting at. Do you have any
20 feeling?

21 A I believe that.

22 Q You believe the latter?

23 A I believe that they can help, the right kind, not
24 the charlatans.

25 MR. BUGLIOSI: Q Mrs. Nihei, do you have any
26 feelings one way or the other about psychiatrists or
27 psychologists?

28 A No.

1 MR. BUGLIOSI: Mr. Sismondo, do you have any feelings?

2 MR. SISMONDO: I feel they are beneficial.

3 MR. BUGLIOSI: How about you, Mr. Darco.

4 MR. DARCO: Yes. They are beneficial. They have their
5 place in society.

6 MR. BUGLIOSI: How about you, Mrs. Oberrinder?

7 MRS. OBERRINDER: I think they are very good. I have
8 worked with them at the Veterans Hospital in San Mateo -- in
9 Palo Alto, rather, in volunteer work and I think that they
10 have done a lot for patients.

11 MR. BUGLIOSI: How about you, Mr. Rodriguez?

12 MR. RODRIGUEZ: They have their place in present society.

13 MR. BUGLIOSI: Mr. Pollak.

14 MR. POLLAK: I think good ones are very, very beneficial.

15 MR. BUGLIOSI: You feel good ones are hard to come by?

16 MR. POLLAK: I think they are very hard to come by and
17 some of them can do a lot of damage.

18 MR. BUGLIOSI: I think it is generally agreed that
19 psychiatry is not an exact science like, let's say, chemistry
20 or mathematics, but it is more in the nature of an art.

21 In other words, it is very common for several
22 psychiatrists to examine the same person and come up with
23 completely diametrically opposed diagnoses and opinions.

24 Whereas I think if it were an exact science,
25 by definition, each of their diagnoses would be the same.

26 Now, do any of you feel that psychiatry is more
27 than an art and that it is an exact science? Do any of you
28 have that frame of mind?

1 (Negative response.)

2 MR. BUGLIOSI: Do any of you feel that the testimony of
3 a psychiatrist is the gospel truth?

4 (Negative response.)

5 Do any of you feel that psychiatrists are incapable
6 of error?

7 (Negative response.)

8 Do any of you feel that psychiatrists rarely make
9 errors in their diagnosis, that it is uncommon for them to
10 make an error? Do any of you have that frame of mind?

11 (Negative response.)

12 Do you all agree with me then that psychiatrists
13 are just as fallable and capable of error as any one of us?
14 Do you all feel that way about it?

15 (Affirmative response.)

16 Since the state of mind of Mr. Watson at the time
17 of these murders will most likely be the critical issue during
18 this trial, are any of you with such a frame of mind that you
19 feel it is up to the psychiatrist to settle that issue? It
20 is up to the psychiatrist to settle it?

21 In other words, wash your own hands of it. Let
22 them figure it out. Are any of you of that frame of mind?

23 (Negative response.)

24 Do you all realize that you folks, not the
25 psychiatrists, but you 12 people or whoever it is selected as
26 a juror in this case are the judge and the trier of the facts,
27 including Mr. Watson's state of mind?

28 And that psychiatrists, no matter what they

1 testify to, are only here to help you make up your mind.

2 Do you all understand that?

3 (Affirmative response.)

4 That the psychiatric opinion, the diagnose of a
5 psychiatrist is not an end in and of itself in this courtroom.

6 Do you understand that?

7 (Affirmative response.)

8 Do you all realize that the final determination,
9 the final determination of what Mr. Watson's state of mind was
10 at the time of these murders rests solely and exclusively with
11 you, not the psychiatrists.

12 Do you understand that?

13 (Affirmative response.)

14 It is not like 80% of the responsibility is on
15 your shoulders and 20% on the psychiatrists.

16 100% responsibility for determining what Mr.
17 Watson's state of mind was at the time of these murders rests
18 solely and exclusively with you, not the psychiatrists.

19 Do you all understand that?

20 (Affirmative response.)

21 Are you all willing to assume that responsibility?

22 (Affirmative response.)

23 You all realize that as Judge Alexander told you,
24 you have the right to accept or disregard all or a portion of
25 the testimony of any witness including psychiatrists.

26 (Affirmative response.)

27 In other words, if a psychiatrist, whether it be
28 a prosecution or a defense psychiatrist, testifies to something

1 which in view of all the evidence doesn't accord with what
2 you think is right, you are perfectly free to reject the
3 conclusion of the psychiatrist on the ground that it is
4 unreasonable.

5 Do you all understand that?

6 (Affirmative response.)

7 Will you all promise to consider the psychiatric
8 testimony in this case in the light of all of the evidence
9 and only give it that weight which under all of the circum-
10 stances you feel it is entitled to?

11 (Affirmative response.)

12 Incidentally, ladies and gentlemen, I am sure that
13 when the psychiatrists get up on the witness stand you are
14 going to hear a lot of big fancy medical words and we lawyers
15 will do our best to have the psychiatrists break these words
16 down into our language, into layman's language, so that we
17 can lay everything out in front of you and get a good look
18 at what we are dealing with.

19 Most of the words they are going to use, or a
20 good portion of them we lawyers even don't understand. We
21 have to pick up a dictionary to find out what the heck they are
22 talking about.

23 Now, I have already asked you questions about the
24 death penalty and the state of mind. I would like to ask you
25 some miscellaneous questions and I will sit down.

26 You have all indicated that you are aware of the
27 previous trial in this case, the Tate-La Bianca trial, the
28 one that took nine and a half months.

1 I was a victim of that trial, of sorts. When you
2 are involved in a case for nine and a half months, seven days
3 a week, I guess you could call yourself a victim.

27

28

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1 Now, there were four defendants in that trial,
2 Charles Manson, Susan Atkins, Patricia Krenwinkel, Leslie Van
3 Heuton. The two defense attorneys have already told you that
4 these four defendants were convicted of first degree murder and
5 in the penalty trial, the jury returned a verdict of death
6 against all four defendants, one male, Manson, and three females.

7 You realize, of course, that the fact that these
8 four defendants in the previous trial received the death
9 penalty for the same murders that Mr. Watson is presently being
10 charged with, you realize this is no evidence against Mr.
11 Watson and that Mr. Watson is entitled to a fair trial, to
12 start anew.

13 You all understand that?

14 (Affirmative response.)

15 And you are willing to give him a fair trial?

16 (Affirmative response.)

17 In a criminal trial, ladies and gentlemen, in order
18 to have the jury verdict all 12 jurors have to agree one way
19 or the other. In other words, all 12 jurors have to agree that
20 the defendant is guilty or all 12 jurors have to agree that he
21 is not guilty. If all 12 jurors do not agree one way or the
22 other, for instance, let's say 10 feel he is guilty, 2 feel he
23 is not guilty or 9 and 3, 11 and 1, 8 and 4, whatever it is,
24 there cannot be a verdict.

25 Do you understand that?

26 (Affirmative response.)

27 And the result is what is called a so-called hung
28 jury; and in a hung jury, the case has to be tried all over

1 again by a new jury.

2 Do you all understand that?

3 (Affirmative response.)

4 I believe most of you, or some of you, at least,
5 told the defense attorneys if you had any children; some of
6 you, I don't believe, were asked that question.

7 Mr. Schachter, do you have any children, sir?

8 MR. SCHACHTER: Yes, four.

9 MR. BUGLIOSI: How old are they?

10 MR. SCHACHTER: The youngest is 38.

11 MR. BUGLIOSI: Okay.

12 MR. SCHACHTER: Add by two.

13 MR. BUGLIOSI: I can follow you there, as long as you
14 don't say "divide by three."

15 Okay.

16 Miss Nihei, have you ever been married, ma'am?

17 MISS NIHEI: No.

18 MR. BUGLIOSI: You don't have any children?

19 Louis Sismondo, I believe you said you have some
20 children?

21 MR. SISMONDO: Yes, I have a daughter that is six and
22 my son -- I have a nephew that lives with me who is nine.

23 MR. BUGLIOSI: Mr. Darco, sir?

24 MR. DARCO: I have three children.

25 MR. BUGLIOSI: Their ages, sir?

26 MR. DARCO: 27, 21 and 19.

27 MR. BUGLIOSI: The 27-year-old is a --

28 MR. DARCO: Boy.

1. MR. BUGLIOSI: And 21?

2. MR. DARCO: Girl.

3. MR. BUGLIOSI: 19?

4. MR. DARCO: A boy.

5. MR. BUGLIOSI: Mr. Tatum, do you have any children,
6. sir?

7. MR. TATUM: I am not married.

8. MR. BUGLIOSI: I believe Mrs. Stanton has already
9. answered that question.

10. Mr. Pollak has already answered that question.

11. Miss Gaines, have you ever been married, ma'am?

12. MISS GAINES: I have been married, but I don't have any
13. children.

14. MR. BUGLIOSI: And Miss Oberrinder answered that question.

15. Mr. Rodriguez did.

16. Mrs. Trainor, do you have any children, ma'am?

17. MRS. TRAINOR: No, I have not.

18. MR. BUGLIOSI: And Mr. Pollak?

19. MR. POLLAK: I have two daughters, five grandchildren
20. and three great grandchildren.

21. MR. BUGLIOSI: How old are the daughters, sir?

22. MR. POLLAK: 49 and 48.

23. MR. BUGLIOSI: Here is another personal question, and
24. again I apologize to you for it; but in the nature of things,
25. it has to be asked: Have any of you or any member of your
26. family or close friends or relatives ever been charged with
27. or accused in any fashion whatsoever with the crimes of
28. murder or conspiracy to commit murder?

1 MR. TATUM: Yes, sir, an uncle, statutory rape,

2 MR. BUGLIOSI: Which isn't quite murder --

3 MR. TATUM: But it is still a crime.

4 MR. BUGLIOSI: I was going to get on to other crimes.

5 Your uncle was charged with the crime of statutory
6 rape; how long ago was that?

7 MR. TATUM: He was 18, he's 33 now.

8 MR. BUGLIOSI: What about any other felonies -- I am
9 not talking about misdemeanors now -- felonies, yourself, a
10 member of your family, close friends or relatives?

11 Have any of you ever worked for the public
12 defender's office here in Los Angeles or elsewhere?

13 Have any of you ever worked for a criminal defense
14 attorney, a lawyer practicing criminal law, representing defen-
15 dants in criminal trials?

16 Have any of you ever worked for that type of a
17 lawyer?

18 Do any of you have a close friend or relative or
19 member of your family who presently is or has been a defense
20 attorney?

21 Yes, sir?

22 MR. SISMONDO: I mentioned my uncle.

23 MR. BUGLIOSI: Your uncle was a defense attorney?

24 MR. SISMONDO: He was assistant district attorney.

25 MR. BUGLIOSI: I don't think he was a defense lawyer.

26 MR. SISMONDO: I'm sorry, he was a prosecutor; but he
27 is also in private practice.

28 MR. BUGLIOSI: He is in private practice now?

1 MR. SISMONDO: He has had his private practice, although
2 he is somewhat semiretired now -- bank director, so I would
3 imagine that would put him in a position of being --

4 MR. BUGLIOSI: Here in Los Angeles?

5 MR. SISMONDO: No, this is in Pennsylvania.

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1 MR. BUGLIOSI: Have any of you ever met or spoken to --

2 MR. KAY: Mr. Rodriguez.

3 MR. BUGLIOSI: I am sorry?

4 MR. RODRIGUEZ: In regards to that question about hav-
5 ing a friend that is a criminal lawyer, we have Mr. Dick
6 English from the Dick English law firm on a retainer, because
7 of the organization that we have.

8 MR. BUGLIOSI: Okay; do you know Mr. English?

9 MR. RODRIGUEZ: Dick English, yes.

10 MR. BUGLIOSI: Is he a friend of yours or is he just a
11 business acquaintance?

12 MR. RODRIGUEZ: Let's say a business acquaintance.

13 MR. BUGLIOSI: Do you socialize with him at all?

14 MR. RODRIGUEZ: I think I socialized with him twice in
15 the last two years, so that's not really socializing.

16 MR. BUGLIOSI: How often do you have any contact with
17 Mr. English -- over the telephone, or see him?

18 MR. RODRIGUEZ: Through the telephone, usually, whenever
19 it involves some of our constituents.

20 MR. BUGLIOSI: Once a week?

21 MR. RODRIGUEZ: Oh, not even that; maybe once every two
22 months.

23 MR. BUGLIOSI: Have any of you ever met or spoken to,
24 or been represented by or in association with the following
25 lawyers:

26 Irving Kanarek;

27 Paul Fitzgerald;

28 Daye Shinn, S-h-i-n-n;

1 Ronald Hews;

2 Charles Hollopeter;

3 Richard Walton;

4 Marvin Part;

5 Karl Ransom;

6 Leon Salter, S-a-l-t-e-r;

7 Donald Barnett, B-a-r-n-e-t-t-;

8 Paul Caruso;

9 Richard Caballero;

10 Luke McKissack, M-c-K-i-s-s-a-c-k;

11 Robert Steinberg;

12 Gary Fleischman;

13 Ronald Goldman?

14 THE COURT: You forgot one.

15 MR. BUGLIOSI: Who is that?

16 THE COURT: Ira Rainer.

17 MR. BUGLIOSI: Right, Ira Rainer.

18 Have any of you ever had any association with
19 any of those lawyers?

20 (Negative response.)

21 You have heard the Court and defense counsel say
22 that the prosecution has the burden of proving the guilt of
23 Mr. Watson beyond a reasonable doubt.

24 You heard both Judge Alexander and the defense
25 attorneys tell you that; is that correct?

26 (Affirmative response.)

27 Would any of you require any burden of the
28 prosecution over and above, over and above that which the law

1 requires?

2 (Negative response.)

3 Would any of you require a greater burden than
4 that which the law requires?

5 (Negative response.)

6 Am I correct in assuming, then, ladies and gentle-
7 ment, that you will only require that we prove Mr. Watson's
8 guilt, simply beyond a reasonable doubt, not beyond all doubt?

9 Am I correct in assuming that?

10 (Affirmative response.)

11 Do you all understand, ladies and gentlemen, that
12 in a criminal trial, in every criminal trial, whether the
13 defendant is being prosecuted for murder, as is the situation
14 here, or assault and battery, arson, drunk driving, burglary,
15 whatever the crime is, the prosecution has the same identical
16 burden of proof, to prove the defendant's guilt beyond a
17 reasonable doubt, not beyond all possible doubt.

18 Do you all understand that?

19 (Affirmative response.)

20 Do you understand that our burden in a murder case
21 is no greater than it would be, let's say in a drunken driving
22 case?

23 Do you understand that?

24 (Affirmative response.)

25 Are any of you of such a frame of mind that before
26 you would convict Mr. Watson of first degree murder, you would
27 require that, not only we removed reasonable doubt from your
28 mind this guilt, but you would require that we remove all

1 possible, conceivable doubt of his guilt from your mind?

2 Would any of you require that of us? You would
3 only require that we remove reasonable doubt of his guilt
4 from your minds; is that correct?

5 (Affirmative response.)

6 Do you all realize that although a defendant at
7 the start of a criminal trial is presumed to be innocent, this
8 presumption of innocence only lasts until his guilt is proven
9 beyond a reasonable doubt.

10 Do you understand that?

11 (Affirmative response.)

12 And do you understand that once his guilt is
13 proven beyond a reasonable doubt, this presumption of innocence
14 has been rebutted and it therefore no longer exists; do you
15 understand that?

16 (Affirmative response.)

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1 Now, without asking you to prejudge any of the
2 evidence in this case, the prosecution intends to rely in
3 part upon circumstantial evidence as well as direct evidence,
4 of course.

5 His Honor will instruct you that the crimes of
6 murder and the conspiracy to commit murder can be proven by
7 circumstantial evidence.

8 His Honor will further instruct you that the law
9 shows no preference for direct evidence over circumstantial
10 evidence as a means of proof.

11 Before asking you whether you are opposed in any
12 fashion to sitting as a juror on a case where circumstantial
13 evidence is involved, let me briefly indicate the distinction
14 between the two kinds of evidence to you, so that you will be
15 better equipped to answer that question.

16 Direct evidence, I think, can be defined as evidence
17 which proves a fact, an issue, without the necessity of draw-
18 ing any inferences.

19 Circumstantial evidence, on the other hand, is
20 evidence which tends to prove a fact in issue by proving
21 another fact.

22 Let me give you a brief example which lawyers
23 frequently use to illustrate the distinction between these
24 two types of evidence -- Maxwell Keith said, "It's the cookie
25 jar example."

26 I could give you another one, but that's the one
27 I was going to give you, anyway. Let's assume -- I will make
28 it oatmeal cookies this time, Max -- that all of the oatmeal

1 cookies have been taken from a cookie jar in the kitchen of
2 Mrs. Jones and five minutes later Mrs. Jones discovers her
3 only son, Johnny, eating the cookies in the living room.

4 Now, Mrs. Jones, observing her little son, Johnny,
5 eating the cookies, is a fact in and of itself; but it is
6 circumstantial evidence of the ultimate fact that it may have
7 been Johnny who took the cookies; that's the ultimate issue,
8 who took the cookies.

9 The fact that he is eating them in the living room
10 is circumstantial evidence that it may have been he who took
11 the cookies.

12 Now, if Mrs. Jones had actually observed Johnny
13 reach into the cookie jar, remove the cookies and go into the
14 living room, this would be direct evidence, as opposed to
15 circumstantial evidence.

16 Now, with that very brief legal background in mind,
17 and it is a precious little legal background, do any of you
18 have any hesitation or objection to sitting on a jury in a
19 case where the People rely in part on circumstantial evidence?

20 (Negative response.)

21 Do you all feel that you have a basic idea of the
22 distinction between these two types of evidence?

23 Do any of you want, let's say, another example?

24 (Negative response.)

25 In this trial, ladies and gentlemen, the prosecu-
26 tion will not offer eyewitness testimony to all seven murders,
27 We are going to offer testimony to some of the murders, but
28 not all seven,

1 Are any of you such a frame of mind that you
2 would not convict any defendant of any murder, unless the
3 prosecution offered an eyewitness to that murder?

4 Are any of you of that frame of mind?

5 (Negative response.)

6 The prosecution, ladies and gentlemen, in a criminal
7 trial never has the burden of proving motive; we never have the
8 burden of proving why a particular defendant, let's say
9 committed a murder. We only have the burden of proving that
10 he did commit the murder, or aided and abetted or was a con-
11 spirator in the commission of the murder, but we do not have
12 the burden of proving why he did it. We just don't have that
13 burden.

14 Do you all understand that?

15 (Affirmative response.)

16 Now, although we do not have that burden, if we
17 do offer evidence of motive -- that is, the reason why Mr.
18 Watson committed these murders -- do you all understand that
19 you can consider this evidence of his motive as circumstantial
20 evidence of his guilt?

21 In other words, we don't have the burden of offer-
22 ing it, but if we do offer it, you can consider it as evidence.

23 At the end of this case, but before you retire to
24 the jury room, Judge Alexander will instruct you on the law
25 applicable to the case. Now, if the law given to you by Judge
26 Alexander is different from what you thought the law was, or
27 if it is different from what you thought, or think the law
28 should be would you, nevertheless, set aside your own personal

beliefs and follow your oath and follow the law given you by
Judge Alexander?

(Affirmative response.)

27cf.

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1 Do you all understand as jurors you will be the
2 sole and exclusive judges of the credibility of the witnesses
3 that take that witness stand; that is, whether they are
4 telling the truth or not?

5 (Affirmative response.)

6 And do you all understand that in determining
7 credibility you have the right to take into consideration
8 such factors as the witness' demeanor on the witness stand,
9 the witness' manner of testifying, the witness' interest in
10 the outcome of the case or any bias or prejudice the witness
11 might have for or against the prosecution and the defense?

12 Do you understand you can take those things into
13 consideration?

14 (Affirmative response.)

15 Let's assume, ladies and gentlemen, that you are
16 all selected as jurors in this case and let's say the trial
17 lasts two months -- we'll try to make it as short as possible,
18 it might only last a month and a half; on the other hand, it
19 might go two and a half months -- but we'll all do our best
20 to expedite it.

21 Let's assume you are back in the jury room at
22 the end of the case and you are deliberating and you find
23 that your view is a minority view; you personally find that
24 the view that you entertain is different from the views
25 entertained by the majority of the other jurors, I take it
26 that none of you will be, shall we say, inflexible; but,
27 rather, you will listen very carefully to the views expressed
28 by your co-jurors and if you find these views to be reasonable

1 and persuasive you will at least reconsider your position?

2 Am I correct in assuming that?

3 (Affirmative response.)

4 You are not going to go back to the jury room
5 and say, "Don't confuse me with the facts, I have already
6 made up my mind"; you are not going to have that type of
7 attitude.

8 Do each of you understand that each time the
9 defense counsel asked you whether you would be willing to
10 give Mr. Watson a fair trial, that the prosecution -- that
11 is, the people of the state of California -- are also entitled
12 to a fair trial; do you also understand that?

13 (Affirmative response.)

14 If you are selected as a juror in this case do
15 you all promise to give the people of the state of California
16 a fair trial?

17 (Affirmative response.)

18 Is there any doubt in any of your minds about this?

19 (Negative response.)

20 Can you think of any reason at all not already
21 touched upon why you might not be able to give the people of
22 the state of California a fair trial, any reason at all,
23 whatsoever?

24 MR. SISMONDO: I'm afraid I'm beginning to draw a
25 conclusion already as to Mr. Watson's --

26 Q BY MR. BUGLIOSI: In what respect, sir?

27 A With reference to his innocence or guilt.

28 Q And what is that conclusion?

1 A Do I have to say?

2 Q Well --

3 MR. BUBRICK: It is immaterial.

4 MR. BUGLIOSI: Well, I think it has some bearing on ,
5 which side makes the challenge, before one of us --

6 Q BY THE COURT: Tell me this, has something occurred
7 here that caused you to prejudge this man's guilt or innocence?

8 A Yes, the constant reference to the associations
9 that have taken place.

10 The fact that he is charged with these murders
11 is one thing, but the constant reference to everything that
12 transpired in the murders and everything, plus his association
13 with the group that has already been convicted, I'm afraid
14 I'm beginning to assume guilt by association.

15 I just don't feel that I'm being fair about it.

16 Q I take it you prefer not to sit here as a juror;
17 is that correct?

18 A I would like to, but I don't know that I'm
19 qualified, your Honor.

20 Q Well, we are trying to arrive at your state of
21 mind.

22 You have been told that this defendant is
23 presumed to be innocent --

24 A Yes, sir.

25 Q You have been told that the fact that others have
26 been convicted of the same charges with which this defendant
27 is accused has no bearing upon his guilt or innocence.

28 A Yes, sir.

1 Q You have been told that because he is a member of
2 that group does not make him guilty of every crime committed
3 by that group but that his guilt must be proved beyond a
4 reasonable doubt. You have been told that, have you not?

5 A Yes, your Honor; I recall it all very well.
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1 Q And despite all that, you still feel that you have
2 now arrived at a state of mind --

3 A I feel that I have formulated an opinion that
4 maybe won't be entirely fair to the defendant.

5 THE COURT: I would entertain a challenge for cause.

6 MR. BUGLIOSI: By the defense, of course.

7 MR. KEITH: We challenge him for cause.

8 MR. BUGLIOSI: No objection.

9 THE COURT: I thought I heard someone say "I object."

10 All right, Mr. Sismondo. Thank you. You may be
11 excused.

12 MR. BUGLIOSI: Thank you for your candor, sir.

13 THE COURT: Supposing we have the next prospective
14 juror seated and we will resume tomorrow.

15 MR. BUGLIOSI: I have just one more question.

16 THE COURT: Go ahead. I beg your pardon.

17 MR. BUGLIOSI: Can you think, ladies and gentlemen,
18 of any reason not already touched upon by Judge Alexander,
19 the defense attorneys or myself, why you feel you should not
20 sit as a juror on this case, or would rather not sit as a
21 juror on this case? Any reason whatsoever why you should not
22 or would rather not?

23 (Negative response.)

24 MR. BUGLIOSI: No further questions. Thank you ladies.

25 THE COURT: Fill the box.

26 THE CLERK: Mustafa Siam.

27 THE COURT: Mr. Siam, you now know that this trial is
28 going to take approximately two months. Can you give us that

1 two months?

2 A Actually I plan for one month. I am businessman.
3 It would be some hardship to my business, but as I feel the
4 trial is needed and I should do my duty to people of California,
5 so I think I will accept.

6 Q We appreciate that, Mr. Siam. That is the proper
7 attitude and we all appreciate that.

8 You see I dare say that no person on this jury
9 if he had a preference would prefer sitting on the jury, but
10 it is their duty to sit as jurors and without them our courts
11 cannot function. So we appreciate your attitude.

12 Let me ask you your ideas toward the death penalty.
13 Would you automatically vote against the death penalty regard-
14 less of what developed at the trial?

15 A No, sir.

16 Q Would you automatically vote for life imprisonment
17 regardless of what developed at the trial?

18 A No, sir.

19 Q You understand, Mr. Siam, that you and you alone
20 determine the penalty phase of this case?

21 A Yes, sir.

22 Q If you find this man guilty of murder in the first
23 degree, and if you find that he was sane at the time he
24 committed this murder, or any of them, you then will have to
25 fix the penalty.

26 You will have no guidelines. We cannot tell you
27 if his eyes are blue or black or green he gets the death
28 penalty, nor if he is blond or redheaded he gets the death

1 penalty.

2 Whether he gets the death penalty or life imprison-
3 ment is up to you and your good conscience and your judgment
4 alone. Do you understand that?

5 A I realize that.

6 Q You are willing to assume that burden?

7 A Yes.

8 Q You have heard also that the defendant is presumed
9 to be innocent and the burden rests with the prosecution to
10 prove him guilty beyond a reasonable doubt.

11 A Yes, sir.

12 Q You understand that?

13 A Yes.

14 Q You understand that on the guilty phase no
15 defendant need prove his innocence?

16 A Yes.

17 Q The guilt must be proved by the people.

18 A Yes.

19 Q Have you served as a juror before, Mr. Siam?

20 A No, this is my first time.

21 Q The first time?

22 A Right.

23 Q Do you know any attorney connected with this case?

24 A I know nothing except what I heard with the Manson
25 case as it has been explained.

26 Q You heard Mr. Bugliosi call off a long list of
27 doctors. Any names sound familiar to you?

28 A No, none of them I know.

1 Q How about the list of attorneys that was called
2 off?

3 A No.

4 Q Mr. Siam, you know that both sides here are trying
5 to get a jury that can give both the people and the defendant
6 a fair trial.

7 A Yes.

8 Q Both are entitled to the same fair trial.

9 A I realize that, sir.

10 Q And we are trying to get a jury that can decide
11 this case based solely upon the evidence you hear in this case
12 and the law as I shall state it to you.

13 A Yes, sir.

14 Q Do you think you can do that, Mr. Siam?

15 A I will do my best, sir.

16 Q Now, do you think you can exclude from your mind
17 anything you heard about the so-called Manson or Tate-La Bianca
18 case?

19 A I think I can, sir.

20 Q And decide this case only on the evidence that
21 you hear in this case?

22 A Yes, I can.

23 Q Do you know of any reason at all why you could
24 not be fair to the people and to this defendant?

25 A No, sir, I don't see any reason why I can't be fair.

26 THE COURT: All right. Supposing we resume questioning
27 Mr. Siam tomorrow morning. Would that be satisfactory,
28 gentlemen?

1 MR. BUGLIOSI: Yes.

2 MR. BUBRICK: Yes.

3 THE COURT: How about 9:30. Is that agreeable?

4 MR. BUGLIOSI: Yes.

5 MR. BUBRICK: Fine.

6 THE COURT: All right.

7 Ladies and gentlemen of the jury, we will recess
8 at this time until 9:30 tomorrow morning and if my precautionary
9 instruction is becoming irritating to you, as having heard
10 it so often, please understand we must do so and you must
11 follow that precaution, and that is do not form or express
12 any opinion in this case.

13 Do not discuss it with anybody else. Let no one
14 talk to you about this case. Please keep your minds open.

15 Tomorrow morning at 9:30.

16 Thank you.

17 (An adjournment was taken until Wednesday,
18 August 4, 1971 at 9:30 a.m.)
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