

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff-Respondent,
vs.
CHARLES WATSON,
Defendant-Appellant.

7001

APPEAL FROM THE SUPERIOR COURT OF LOS ANGELES COUNTY
HONORABLE ADOLPH ALEXANDER, JUDGE PRESIDING

REPORTERS' TRANSCRIPTS ON APPEAL

APPEARANCES:

For Plaintiff-Respondent: THE STATE ATTORNEY GENERAL
600 State Building
Los Angeles, California 90012
622-4191

For Defendant-Appellant: CHARLES WATSON,
In Persona Propria

Harold E. Cook
and
Clair Van Vleck
Official Reporters
111 North Hill Street
Los Angeles, California 90012

VOLUME

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COPY

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 FOR THE COUNTY OF LOS ANGELES

3 DEPARTMENT NO. 47

HON. ADOLPH ALEXANDER, JUDGE

4 THE PEOPLE OF THE STATE OF CALIFORNIA,)

5 Plaintiff,)

6 -vs-

No. A-253156

7 CHARLES WATSON,

8 Defendant.)

9
10
11 REPORTERS' TRANSCRIPT ON APPEAL

12 September 12, 28, 1970

13 June 29, 1971

14 July 21, 30, 1971

15 August 2, 3, 4, 5, 6, 9,

16 10, 11, 16, 17, 18, 19,

17 20, 23, 24, 25, 26, 31, 1971

18 September 1, 2, 3, 7, 8, 15,

19 16, 17, 21, 22, 23, 24, 27,

20 28, 30, 1971

21 October 1, 4, 5, 6, 7, 15,

22 18, 19, 20, 1971

23 November 11, 1971

24 APPEARANCES:

25 For the People:

JOSEPH P. BUSCH, JR.,

District Attorney

By: VINCENT T. BUGLIOSI and

STEPHEN R. KAY,

Deputy District Attorneys

600 Hall of Justice

Los Angeles, California 90012

26 For the Defendant:

CHARLES WATSON

In Persona Propria

27 HAROLD E. COOK, C.S.R.

and

28 CLAIR VAN VLECK, C.S.R.

Official Reporters

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I N D E X

OPENING STATEMENTS:

By Mr. Bugliosi - Page 1412

By Mr. Keith - Page 1436

<u>PEOPLE'S WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
ASIN, Jim	1920K			
BAGGOT, King	4068K	2079MK	2082K	
BOWEN, Jerrome A. (Recalled by Stip.)	2149B 2186B	2156MK	2158B	
BRODA, Gary L.	2381K			
BURBRIDGE, Robert E.	1944B			
CALKINS, Robert L.	2094K	2098MK	2099K 2101K	2099MK
CHAPMAN, Winifred (Recalled)	1963B 1888B	1897MK	1900B	
CLINE, Edward L.	2334K	2348MK	2354K	
COX, Dennis G.	2503K	2510SB 2418MK	2516K	
DeROSA, Jerry	1907B	1920MK	1925B	
DOLAN, Harold J.	2161B	2180MK		
ESCALANTE, Frank (By Stip.)	2158B			
FEKIANOS, John	2320K			
FINKEN, John W.	1972K			
GALINDO, Danny (Resumed)	2357K 2369K	2380MK		
GARRETSON, William	1475B	1488SB	1494B	1496SB
GRANADO, M. Joseph (Resumed)	2102B 2126B	2140SB	2147B	2148SB
GUERIN, Deana Martin	2188B	2193MK		

I N D E X (Continued)

<u>PEOPLE'S WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
GUERRERO, Frank	1500K	1505MK		
HEARST, Dennis John	1514K	1516MK		
HOYT, Barbara (Resumed)	2573K	2592SB		
IRELAND, Timothy	1866B	1868SB		
JAKOBSON, Greg	2831K	2844SB	2861K	2861SB
KATSUYAMA, David M.	2384B	2415SB		
KASABIAN, Linda (Resumed) (Resumed)	1518B 1589B	1678SB 1790SB	1848B 1861B	1854SB
KILGROW, Raymond	1967B	1970SB		
KOENIG, Charles David	2417K	2422SB	2423K	
LALLY, Eleanor (By Stip.)	1864B			
LEE, William J.	2270B 2274B			
LAKE, Diane (Resumed)	2433K	2455MK 2462MK 2534MK	2566K	2570MK
McGANN, Michael J.	1947B	1963SB		
MOOREHOUSE, Dean	2221B	2232MK	2248B 2265B 2219B	2264MK
MELCHER, Terry	2199B	2209MK		
NOGUCHI, Thomas T. (Recalled)	1975B 2500K	2061SB 2502SB		
PARENT, Wilfred E.	1460K			
POSTON, Brooks (Resumed)	2655B	2676MK 2704MK	2726B	2729MK
RODRIGUEZ, William	2323K	2330MK		
SARATUCHE, Philip L.	2642K	2651SB	2653K	2653SB
SIVICK, Ruth	2315B			
STRUTHERS, Frank	2302B	2313SB		

I N D E X (Continued)

<u>PEOPLE'S WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
SWAN, Jack (By Stip.)	2160B			
SWARTZ, John Harold (By Stip.)	1906			
TATE, Col. Paul J.	1454SK			
TRUE, Harold	2427B	2431SB	2433B	
VARGAS, Thomas	1509K	1512SB		
VARNEY, Dudley D.	2266B			
WATKINS, Paul Allen	2730B	2754SB	2819B 2827B 2830B	2822SB 2829SB
WEBER, Rudolf	1869	1882SB		
WEISS, Steven	2083K	2091MK		
WHISENHUNT, William T.	1926B	1933MK		
<u>DEFENDANT'S WITNESSES</u>				
BOHR, Vernon	3934SB	3957B	4015SB 4025SB 4026SB	4020B 4025B
CARPENTER, Clifford	2927SB	2940K		
CROCKETT, Paul (Recalled)	3837MK	3928B	3931MK	
DITMAN, Keith S.	4039MK	4082B	4135MK	
ESCALANTE, Frank R.	4253SB	4262B		
FLYNN, Juan	3857MK	3910K	3921MK 3924MK	3922K
FRANK, Ira M. (Resumed)	3316MK	3381B	3485MK 3921MK	
MARKMAN, Ronald	4225MK	4237K	4250MK	4251K
NEALE, David Lynn	2981MK	3013K	3022MK	
PALMER, James O. (Resumed) (Resumed)	3600SB 3616SB	3631B 3648B	3739SB	

I N D E X (Continued)

<u>DEFENDANT'S WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
SUAREZ, John	3749MK	3775B	3826MK	3834B
TWEED, Andre R.	4148SB	4166K	4201SB	4217K
WALTER, Richard D.	3519MK	3544K	3489MK 3593MK	
WATSON, Elizabeth	2942SB	2972K	2978SB	
WATSON, Charles (Resumed)	3025SB 3151SB	3193B	3303SB 3313	
<u>REBUTTAL WITNESSES</u>				
BAILEY, J. Grovner (Resumed)	4267B	4386MK 4407MK	4480B	4484MK
EDKLUN, Edward E.	4768B	4779SB	4812B 4820B	4817SB 4821SB
FORT, Joel (Resumed)	4627K	4697SK	4763K	
HOCHMAN, Joel Simon	4833B	4849SB	4878B	4833SB
KING, Robert E.	4511B	4519SB	4525K	4526SB
MALLET, Jeanne	4489B	4504SB		
OWRE, Alfred, Jr.	4545B	4572SB	4615B	4623SB
SCHRAM, Stephanie	4528B	4536SB	4537B	
SHERMAN, Ralph G.	4822K	4827SB	4831K	4832SB
<u>SURREBUTTAL WITNESSES</u>				
ABE, George Y.	4949MK	4963B	4967MK	
BUBRICK, Sam	4888MK	4910B		
WATSON, Charles	4915SB	4930B	4943SB 4945SB	4944B
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MR. KEITH	Page 5106			
MR. BUBRICK	Page 4186			
MR. BUGLIOSI	Page 5255			

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PENALTY PHASE TRIAL

PEOPLE'S WITNESSES

DIRECT

CROSS

REDIRECT

RECROSS

BAILEY, J. Grosvenor

5671B

5682MK

5706B

FORT, Joel

5614K

5622SB

DEFENDANT'S WITNESSES

FRANK, Ira M.

5553MK

5571B

5600MK

HOCHMAN, Joel

5708MK

5717B

5726MK

5732B

5738MK

5739B

TWEED, Andre R.

5651SB

5659K

COURT'S WITNESSES

BELYEA, Ray

5760

LUCK, Janet M.

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Argument by Mr. Bugliosi

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Argument by Mr. Bubrick

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Argument by Mr. Keith

5885

Instructions

5901

Verdicts

5910

PEOPLE'S EXHIBITS

	<u>NUMBER</u>	<u>FOR IDEN.</u>	<u>IN EVID.</u>
1			
2			
3	1 - Photograph	1456	1459
4	2 - "	1456	1459
5	3 - "	1457	1459
6	4 - "	1457	2865
7	5 - "	1461	1462
8	6 - "	1461	2866
9	7 - Aerial photograph	1582	2870
10	8 - Photograph	1467	
11	9 - "	1470	2867
12	10 - "	1472	2867
13	11 - "	1928	2876
14	13 - "	1928	2876
15	14 - "	1928	2876
16	15 - "	1932	2876
17	16 - "	1590	2871
18	18 - "	1494	2867
19	19 - "	1494	2867
20	21 - "	1481	2867
21	22 - "	1483	2867
22	23 - "	1581	
23	25 - "	1591	2867
24	27 - "	1924	2876
25	28 - "	1526	2867
26	29 - "	1535	2867
27	36 - "	1652	2874
28	38 - "	1557	2867

PEOPLE'S EXHIBITS (Continued)

<u>NUMBER</u>	<u>FOR IDEN.</u>	<u>IN EVID.</u>
39 - Knife	1563	2867
40 - Revolver	1561	2867
42 - Photograph	1584	2868
44 - "	1596	2872
45 - "	1599	2872
46 - "	1537	2867
48 - "	1616	
49 - "	1622	2873
50 - Black velour sweater	1604	2872
51 - Navy blue pants	1604	2872
52 - Black T-shirt	1605	2872
53 - White T-shirt	1605	2872
54 - T-shirt	1603	2872
55 - Black pair of pants	1602	2872
56 - Blue Jeans	1601	2872
57 - Photograph	1624	2873
61 - "	1627	2873
62 - "	1628	2873
65 - Wallet	1632	2873
67 - Photograph	1639	2873
70 - "	1636	2873
71 - "	1537	2867
73 - Rope	1568	2868
76 - Photograph	1554	2873
77 - "	1645	2873
78 - "	1645	2873

PEOPLE'S EXHIBITS (Continued)

	<u>NUMBER</u>	<u>FOR IDEN.</u>	<u>IN EVID.</u>
1			
2			
3	81 - Photograph	1648	2874
4	83 - "	1555	
5	87 - "	1914	
6	88 - "	1582	
7	89 - "	1910	2899
8	90 - "	2364	2884
9	91 - "	2325	2902
10	92 - "	2366	
11	93 - "	2338	2901
12	94 - "	1955	2877
13	98 - Diagram	1878	2874
14	101 - Photograph	1950	2876
15	102 - "	1911	2903
16	105 - "	1912	2867
17	106 - "	1989	
18	109 - "	1913	
19	110 - "	1913	2875
20	111 - "	1590	2872
21	112 - "	1919	2875
22	113 - "	1919	2875
23	116 - "	1895	2874
24	117 - "	1914	
25	119 - "	1931	
26	120 - Piece of broken gun grip	1946	2876
27	121 - Piece of broken gun grip	1946	2876
28	122 - Photograph	2119	2881

PEOPLE'S EXHIBITS (Continued)

	<u>NUMBER</u>	<u>FOR IDEN.</u>	<u>IN EVID.</u>
1			
2			
3	123 - Photograph	1950	2876
4	124 - "	1950	2876
5	127 - "	1952	2877
6	137 - "	1953	2877
7	141 - "	1978	2877
8	142 - "	1978	2877
9	143 - "	1979	2877
10	144 - "	1979	2877
11	145 - "	1980	2877
12	146 - "	1980	2877
13	147 - "	1980	2877
14	148 - Diagram	1982	2877
15	148A Diagram	1982	2877
16	149 - Photograph	1990	2878
17	150-155 Photographs	1986	2878
18	156-159 "	1987	2878
19	160 - Two diagrams	1991	2878
20	161 - Photograph	1999	2878
21	162 - "	1999	2878
22	163 - "	1999	2878
23	164 - "	2000	2878
24	165 - Two diagrams	2003	2979
25	166 - Manila envelope and bullet	2008	2979
26	167-174 Photographs	2013	2979
27	175 - Photograph	2014	2979
28	176 - Two diagrams	2022	2979

PEOPLE'S EXHIBITS (Continued)

<u>NUMBER</u>	<u>FOR IDEN.</u>	<u>IN EVID.</u>
177 - Manila envelope and bullet	2019	2979
178-180 Photographs	2040	2979
182 - Photograph	2041	2979
184 - Two diagrams	2042	2880
185 - Envelope and slug	2047	2880
186 - Envelope and slug	2047	2880
191A-191E - Photograph	2072	2880
194 - Rope	2116	2880
195 - Photograph	1914	2902
196 - Diagram	2118	2881
197 - Piece of gun grip	2123	2881
200 - Photograph	2355	2883
201 - "	2325	
204 - "	2342	2883
205 - "	2343	2883
206 - "	2177	2881
207 - Fork	2174	2881
210 - Knife	2176	2881
212 - Photograph	2339	2901
213 - "	2339	2901
214 - Manila envelope and contents	2361	2883
216 - Photograph	2383	2884
217-223 - Photographs	2383	2884
224-226 - "	2387	2884
228 - Photograph	2391	
229 - "	2392	

PEOPLE'S EXHIBITS (Continued)

	<u>NUMBER</u>	<u>FOR IDEN.</u>	<u>IN EVID.</u>
1	230 - Diagram	2396	
2	231-236 - Photographs	2404	2885
3	237-238 - "	2405	2885
4	239 - Electrical cord	2406	2885
5	240 - Diagram	2409	2885
6	241 - Leather thongs	1619	
7	242 - Diagram	2138	2881
8	245 - Exhibit Board	2152	2881
9	245A-245F - Photographs	2152	2881
10	246 - Exhibit Board	2154	
11	246A-246F - Photographs	2154	2881
12	248A-248F - "	2086	2880
13	249 - Manila envelope	2095	2880
14	250 - Manila envelope and contents	2267	2882
15	251 - Manila envelope and contents	2268	2882
16	253 - Photograph	2297	2882
17	266 - Double-white album	2663	2886
18	267 - Lyrics	2664	2886
19	269 - Map	2644	2885
20	298 - Photograph	1532	2867
21	299 - "	1540	2867
22	300 - "	1558	2867
23	301 - "	1614	2873
24	302 - "	2192	2319
25	303 - "	2304	2319
26	304 - "	2304	

PEOPLE'S EXHIBITS (Continued)

<u>NUMBER</u>	<u>FOR IDEN.</u>	<u>IN EVID.</u>
305 - Field interrogation card	2508	2885
306 - Photograph	2646	2886
307 - Chart	3689	4886
308 - Drawing	3693	4886
310 - Driver's license	4886	4887

DEFENDANT'S EXHIBITS

A - Newspaper Article	1401	
B - Newspaper Article	1401	
WA - Photograph	3067	4265
WB - "	3068	4265
WC - "	3068	4265
WD - Bolt Cutters	3123	4265

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1 LOS ANGELES, CALIFORNIA, SATURDAY, SEPTEMBER 12, 1970, 9:00 A.M.

2 -000-

3 THE COURT: Good morning, ladies and gentlemen. This
4 is a rather unusual Saturday session which we thought would be
5 in the interest of justice. There is just the one matter that
6 is involved. This is Superior Court Indictment No. A-253156,
7 People against Charles Watson and others.

8 Is that your true name, sir, Charles Watson?

9 THE DEFENDANT: Yes, it is, your Honor.

10 THE COURT: Do you have a lawyer at this time,
11 Mr. Watson?

12 THE DEFENDANT: Karl Ransom.

13 THE COURT: Mr. Ransom, are you representing Mr. Watson?

14 MR. RANSOM: Karl Ransom and Gilbert Caton for
15 Mr. Watson, your Honor.

16 THE COURT: I would like to inform the defendant of his
17 Constitutional rights, notwithstanding the fact that he is
18 presently represented by counsel.

19 Mr. Watson, you are entitled to a speedy and
20 public trial. You are entitled to a trial before a jury. You
21 have the right to be confronted by all of the witnesses
22 testifying against you and you have the right to cross examine
23 those witnesses.

24 You have the right to the compulsory processes of
25 the Court to obtain witnesses in your favor.

26 You have the right to have the assistance of
27 counsel of your own choosing for your defense at all stages of
28 the proceedings.

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1 You have the right to testify on your own behalf
2 but you cannot be compelled to be a witness against yourself.

3 In all cases except capitol cases you are entitled
4 to be admitted to liberty at reasonable bail. However, when a
5 defendant is charged with an offense punishable by death, he
6 cannot be admitted to bail if proof of his guilt is evident or
7 the presumption thereof is great.

8 Do you have any questions at this time about your
9 Constitutional rights, Mr. Watson?

10 THE DEFENDANT: No.

11 THE COURT: I wonder if the District Attorney has a copy
12 of the indictment and the grand jury transcript to give to
13 counsel.

14 MR. KATZ: Yes, I do, your Honor. I might state by way
15 of preface, your Honor, that Mr. Ransom informed me that he
16 has had for some time a copy of the indictment. However, I
17 will be happy to furnish him with an additional copy of the
18 indictment which consists of some nine pages including the
19 list of witnesses who testified at the grand jury proceedings
20 on December 5th and December 8th of 1969. I also have, your
21 Honor, which I will turn over to Mr. Ransom and Mr. Caton, two
22 volumes pertaining to the testimony before the grand jury of
23 December 5th and December 8th, 1969, which comprises some
24 three hundred eighty-four pages in total. May the record
25 reflect at this time I am now handing a copy of the afore-
26 mentioned indictment and two copies of the grand jury indictment.

27 THE COURT: The record will reflect such items are now
28 being handed to Mr. Ransom. Does the defendant wish to be

1 arraigned at this time or would he desire continuance in that
2 respect, Mr. Ransom?

3 MR. RANSOM: Your Honor, if I may have a moment of the
4 Court's time, your Honor?

5 THE COURT: Yes.

6 MR. RANSOM: I discussed this matter with him and with
7 the District Attorney and with Mr. Watson. This case as the
8 Court knows has some unusual aspects. It is agreeable with the
9 District Attorney and it is agreeable with Mr. Watson and I
10 hope it should be agreeable with the Court if I appear especially
11 at this time until I have finalized my arrangements one way or
12 the other to represent Mr. Watson. If that is agreeable, your
13 Honor, Mr. Watson requests and I respect the matter be
14 continued two weeks for further proceedings.

15 THE COURT: I have no objection to continuing the
16 matter for further proceedings for two weeks. However, the
17 special appearance is a problem because customarily we don't
18 give the grand jury transcript to an individual unless he
19 represents the defendant. Frankly, I don't know what a special
20 appearance is right now under these circumstances, Mr. Ransom.

21 MR. RANSOM: Well, as I say, the Court knows the history
22 of this case. It is an unusual case. Mr. Watson has been in
23 Texas. I have been contacted -- been in contact with
24 Mr. Boyd, Bill Boyd of McKinney, Texas, who has been his lawyer.
25 Mr. Boyd requested of me that I appear in this matter. I
26 didn't anticipate this was going to happen this fast. I didn't
27 expect to be here on Saturday morning. Otherwise I would now
28 be in Dallas. Mr. Boyd requested I come and see him and talk

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1 to Mr. Watson's family.

2 THE COURT: About the only issue is whether or not the
3 sole remaining copy of the grand jury transcript is to be
4 turned over to you and I don't want to do that on the basis of
5 the special appearance.

6 MR. RANSOM: I cannot intelligently speak about a case
7 unless I have some of the facts or some information about it.

8 THE COURT: It happens in every other case we have in
9 this court.

10 MR. RANSOM: As an officer of the court, I would
11 represent to the Court I would take the grand jury transcript
12 into my possession and I will return it forthwith, immediately,
13 and intact in the event I should not represent Mr. Watson.

14 THE COURT: That is not agreeable, Mr. Ransom. I'm
15 sorry. I don't have any reason to doubt your word, but I don't
16 see any reason to make an exception in this case. I don't do
17 it in other cases and I don't know why I should do it in this
18 one. If you lose the transcript all we have at the very most
19 is a civil suit. I doubt very much that that would be
20 appropriate. I would have to order the reporter to prepare a
21 brand new one if for some reason you are not in the case.

22 MR. RANSOM: May I make this request. At my own expense
23 that I be permitted to come to the District Attorney's Office
24 and have the transcript photo-copied.

25 THE COURT: Certainly that is agreeable to me. All that
26 I am saying is until there is a general appearance made on
27 behalf of Mr. Watson, I am not going to authorize delivery of
28 the sole remaining copy of the transcript. That is the copy

1 that was prepared for the use of the defendant. I am not
2 going to have that surrendered to you or anyone else until
3 there is a general appearance. Certainly you can have it
4 photostatted at your own expense. There is no objection to
5 that whatever.

6 What date would you like to have the matter go
7 over?

8 MR. RANSOM: I would suggest, your Honor --

9 THE COURT: Believe me, it will not be a Saturday.

10 MR. RANSOM: Would the 28th be an agreeable date?

11 THE COURT: I am sure it will be. September 28th.
12 Let's set it at 9:00 o'clock. If we have to adjust it later
13 on for security or other reasons, we can always do that inform-
14 ally to either the 11:00 o'clock calendar or even the afternoon.
15 Let's set it then for 9:00 o'clock, September 28th. That is
16 personally agreeable to you, Mr. Watson?

17 THE DEFENDANT: Yes.

18 THE COURT: I do wish to inform you, sir, you have a
19 right to be brought to trial within sixty days after the
20 indictment is found. That is what the language of the statute
21 is. As that has been construed, that means sixty days after
22 your actual arrest or surrender in open court on the indictment.
23 So my construction of that is you have a right to be brought to
24 trial within sixty days of today. Any continuances that are
25 obtained on your behalf, of course, would not be computed as
26 part of the sixty days. I don't think time is going to be
27 an issue in this case frankly, but I simply wish to state to
28 the defendant what his rights are. Very well. That is

1 agreeable. September 28th at 9:00 o'clock in this court.

2 Thank you very much, gentlemen.

3 We are in recess. The defendant is remanded into
4 the custody of the Sheriff.

5 (Recess taken.)

6 THE COURT: I have been informed counsel, at least
7 special counsel, has an additional item he wishes to bring to
8 the Court's attention so we'll resume.

9 MR. RANSOM: It is a request of the defendant which I
10 join in, your Honor, that no one be permitted in the county
11 jail to visit Mr. Watson without prior written approval of
12 Bill Boyd, myself, or Mr. Caton. I would request the Court
13 make such an order to the Sheriff.

14 THE COURT: Mr. Watson, at this stage until any other
15 arrangements are made, it is your understanding that you are
16 being represented by Mr. Ransom and his associate, Mr. Caton,
17 and by Mr. Boyd, a member of the Texas Bar, is that correct?

18 THE DEFENDANT: Yes.

19 THE COURT: So ordered. I think that is a reasonable
20 order. I will state specifically rather than so order, the
21 Sheriff is directed not to permit any visitors to this
22 defendant, Mr. Watson, except with the written consent of
23 either Mr. Ransom, Mr. Caton, or Mr. Boyd, his counsel of
24 record.

25 MR. RANSOM: Thank you, your Honor.

26 MR. KATZ: Thank you, your Honor.

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1 LOS ANGELES, CALIFORNIA, MONDAY, SEPTEMBER 28, 1970; 11:00 AM

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4 (Upon the above date, the defendant
5 appearing in court with his counsel, Karl
6 Ransom, the People being represented by
7 Burton Katz, Deputy District Attorney of
8 Los Angeles County, the following proceedings
9 were had in Department 100 before the
10 Honorable George M. Dell, Judge Presiding:)

11 THE COURT: We will resume at this time with the matters
12 that went over from the morning calendar. I'll call No. 305,
13 Charles Watson.

14 I see the defendant is here with his counsel, or
15 at least I should say his tentative counsel, Mr. Ransom, and
16 Mr. Katz is here from the District Attorney's office.

17 I would like the record to reflect that just prior
18 to our resuming in this court, Mr. Ransom, Mr. Katz had a
19 brief conference in which there was some indication that Mr.
20 Ransom is not going to be representing Mr. Watson.

21 MR. RANSOM: Yes, your Honor. Arrangements to retain me
22 were not made.

23 THE COURT: Very well. I'll relieve you of any further
24 responsibility at this time, although, I may ask -- I would
25 like to ask you to stand by for just a few minutes, Mr. Ransom,
26 in the event any question arises.

27 Let's see, now, Mr. Watson, as I understand it,
28 Mr. Ransom has not been retained to represent you and you are

2
1 back in the same state that you were when you first appeared
2 before Mr. Ransom made his appearance.

3 Has any other arrangement been made with any other
4 individual to represent you at this time?

5 THE DEFENDANT: (No response.)

6 THE COURT: Were you able to hear what I said?

7 THE DEFENDANT: (No response.)

8 THE COURT: I see. Do you find something particularly
9 interesting in my direction, Mr. Watson?

10 THE DEFENDANT: (No response.)

11 THE COURT: Well, let the record reflect that the
12 defendant is standing with his hands on the wooden rail in
13 front of him in the prisoner's section. He is staring
14 intently in the Court's direction. He does not respond to
15 any statement or question from the Court. Appears to be
16 some sort of a game on Mr. Watson's part, which he is free to
17 play if he so desires.

18 I'll relieve you at this time, Mr. Ransom. You
19 are free to leave, if you wish to do so.

20 I anticipate that the Public Defender will declare
21 a conflict of interest in this case but inasmuch as the
22 defendant apparently does not wish to respond to any questions
23 by the Court I'm unable to ascertain at this time whether he
24 has the financial ability to retain counsel or not. And
25 even though I expect a conflict will be declared, and I
26 anticipate one will be declared at this time pending official
27 confirmation from the Public Defender that he cannot represent
28 Mr. Watson, I will appoint the Public Defender to represent

3
1 him.

2 MR. VACCA: Your Honor, in view of the nature of this
3 case may this go over until October 8th for arraignment and
4 plea?

5 THE COURT: The matter is continued until October the
6 8th.

7 I would request this of you, Mr. Vacca: As soon
8 as you ascertain, if, in fact, you do so, that there will be
9 a conflict of interest declared, will you please advise me so
10 that I can communicate with individuals who might be suitable
11 for the purpose of appointment to represent this gentleman.

12 MR. VACCA: Certainly.

13 THE COURT: So ordered. That will be on the 9:00
14 o'clock calendar unless otherwise ordered, October 8th.

15 We will take a brief recess at this time.

16 MR. KATZ: Your Honor, I'm wondering if I may approach
17 the bench with counsel?

18 THE COURT: Yes, of course. Yes, by all means.

19 MR. KATZ: Your Honor, may I interrupt for just one
20 moment?

21 THE COURT: Yes, indeed, go ahead.

22 MR. KATZ: I have another copy of the Indictment. I
23 would like to hand this to the Public Defender.

24 THE COURT: Would you do so, please, and I believe the
25 transcript should be available for his benefit as well.

26 MR. KATZ: That is correct. And I believe the clerk
27 presently has the two volumes.

28 THE COURT: All right. If you can hand those to Mr.

4
1 Vacca, the record will reflect that that will be done.

2 The Indictment has been given to counsel and the
3 two volumes are in my chambers. We will get those right now
4 for you, Mr. Vacca. There are the two volumes and the record
5 will reflect that they are being handed by the clerk now to
6 Mr. Vacca.

7 (Whereupon, the proceedings were continued
8 to Friday, October 8, 1970, in Department 100 for
9 further proceedings.)
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5 1 LOS ANGELES, CALIFORNIA, THURSDAY, OCTOBER 7, 1970; 2:10 P.M.

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4 (Whereupon, on the above date, the defendant
5 appearing in court with his counsel, Samuel Bubrick,
6 the People being represented by Burton Katz, Deputy
7 District Attorney of Los Angeles County, the
8 following proceedings were had in Department 100
9 before the Honorable George Mr. Dall, Judge Presiding:)

10 THE COURT: Good afternoon, ladies and gentlemen. We
11 will commence with our afternoon session.

12 This is the case of People against Charles Watson,
13 No. 305. The record will indicate that the defendant is
14 present and is now standing in an area reserved for
15 individuals in custody.

16 The attorney of record, as far as the formal
17 court records are concerned, for Mr. Watson, is the Public
18 Defender. However, I do wish to indicate for the record that
19 at the time I continued the case at the Public Defender's
20 request to October 8th I anticipated that in all likelihood
21 a conflict of interest would be declared.

22 The Public Defender did notify me approximately
23 two or three days after September 28th that a conflict of
24 interest would be declared and, for the record, the Public
25 Defender is now relieved pursuant to Section 987(a) of the
26 Penal Code.

27 I contacted Attorney Sam Bubrick, who is an
28 extremely experienced and capable counsel, one of our best

1 respected lawyers who has tried a great number of death
2 penaty and other various cases, and asked him if he would
3 accept an appointment in this case. Mr. Bubrick indicated
4 he would prefer to speak to Mr. Watson. I authorized him to
5 do so. Mr. Bubrick would then advise me.

6 He thereafter did indicate to me that at least at
7 this stage of the case he would accept an appointment.

8 I think it's only fair to say this is contingent
9 either on Mr. Watson cooperating with him or being in a
10 condition where he couldn't cooperate. I think those are
11 reasonable conditions.

12 And I did indicate to Mr. Bubrick he would be
13 appointed under Section 987(a) of the Penal Code. If he has
14 not changed his mind in the meantime, he'll be deemed
15 appointed at this time.

16 MR. BUBRICK: Your Honor, I'm still willing to under-
17 take it under the same terms and conditions.

18 THE COURT: Did I state those correctly?

19 MR. BUBRICK: You certainly did, your Honor.

20 THE COURT: Well, Mr. Bubrick is now counsel of record
21 and the matter is advanced on the Court's own motion from
22 October 8th until today.

23 I did previously inform the defendant of his
24 rights at an earlier time. Lest there is any question about
25 it, though, inasmuch as this is the first time he is present
26 in court with counsel who has indicated that he is going to
27 represent the defendant, I will state to the defendant that
28 he is entitled to a speedy and public trial; he is entitled

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1 to a trial before a jury; he has the right to be confronted
2 by all the witnesses testifying against him and has the right
3 to cross-examine those witnesses; he has the right to the
4 compulsory process of the Court to obtain witnesses in his
5 favor; he has the right to have the assistance of counsel of
6 his own choosing for his defense at all stages of the
7 proceeding; he has a right to testify on his own behalf but
8 he cannot be compelled to be a witness against himself.

9 In all cases except capital cases any defendant
10 is entitled to be admitted to liberty at reasonable bail.
11 But a defendant charged with an offense punishable with death
12 cannot be admitted to bail if proof of his guilt is evident
13 or the presumption thereof is great.

14 Mr. Watson, do you have any questions about these
15 rights as I stated them to you?

16 THE DEFENDANT: (No response.)

17 THE COURT: Well, the record will indicate that the
18 defendant is facing the Court; that he has his hands on the
19 rail in front of him; that he is looking at the Court and has
20 an expression that I won't attempt to characterize but he makes
21 no response to the Court's query.

22 Mr. Bubrick, in my judgment and inasmuch as you
23 are counsel of record I won't attempt to overrule your
24 judgment, but it would seem to me that without declaring a
25 doubt as to the defendant's present sanity it would be in
26 the interest of justice to appoint psychiatrists to examine
27 the defendant and at least report to the Court on his ability
28 to understand the nature and purpose of the proceedings taken

8
1 against him and to cooperate in a rational manner with
2 counsel in presenting a defense.

3 Would that be objectionable --

4 MR. BUBRICK: No, your Honor.

5 THE COURT: -- if the Court would take such action?

6 MR. BUBRICK: That is the very thing I had in mind this
7 afternoon, your Honor, to ask your Honor to proceed under
8 Sections 5 and 6, as your Honor has indicated he would, and
9 perhaps appoint three doctors.

10 THE COURT: Yes. I would like to do so at this time.

11 I will not declare a doubt as to the defendant's
12 present sanity. I do not know whether the defendant's present
13 posture is legitimate or not and I'm not implying that it
14 isn't. At the same time, I've seen no bizarre behavior,
15 nothing tangible has been presented to me directly. All that
16 has been presented is the defendant's failure to respond to
17 the inquiries of the Court, failure to make any statements
18 to the Court, and this is not the same conduct that he
19 exhibited when first he appeared with Mr. Ransom when he
20 appeared to be fully present and did respond to inquiries
21 made by the Court.

22 Pursuant to Section 730 of the Evidence Code,
23 then, only, I will appoint three doctors -- I'll name them
24 in just a moment -- to examine the defendant and report to
25 the Court on the following items:

26 Items 5 and 6, whether the defendant is presently
27 able to understand the nature and purpose of the proceedings
28 taken against him and is presently able to cooperate in a

9 1 rational manner with counsel in presenting a defense.

2 In addition, if the psychiatrists are able to go
3 beyond that point I will request them optionally to report on
4 the following items, which may become material at a subsequent
5 time:

6 Item 2, sanity at the time of the commission of
7 the alleged offense;

8 Items 9, 10, 11 and 12, mental capacity to
9 deliberate, premeditate, harbor malice and meaningfully and
10 maturely reflect on the gravity of his alleged contemplated
11 acts.

12 It may very well be that the psychiatrists will
13 not be able to express any opinion excepting as to Items 5 and
14 6, if at all. But I would request the other items.

15 I would feel that psychiatrists should be allowed
16 about two weeks for this, Mr. Bubrick.

17 MR. BUBRICK: I think we can go a little beyond that,
18 if your Honor will. I'd like a chance to communicate with
19 Boyd in Texas after this proceeding so I can send him a
20 certified copy of my appointment.

21 I have also talked to Mr. Katz. We both feel,
22 if your Honor would approve, that perhaps 30 days would be
23 in order.

24 THE COURT: That's certainly agreeable as far as I'm
25 concerned.

26 It's requested by counsel, it's in the best
27 interest of the defendant, I'm convinced. He may very well
28 be in no condition to undergo any further proceedings. I think

10 1 that the request is reasonable and is in the interest of
2 justice.

3 Is there any particular date that you would like
4 to request for a return date in this Court? We will try to
5 have those reports available at least a week before that.

6 MR. BUBRICK: Friday, November 6, your Honor.

7 THE COURT: Friday, November 6 is agreeable. We will
8 set that at 9:00 o'clock subject to possible adjustment if
9 the Court's calendar requires that we handle the matter a
10 little later on in the afternoon of that day.

11 MR. BUBRICK: Thank you, your Honor.

12 THE COURT: We will ask that the psychiatrists, whom
13 I've not yet named, have their reports in at least a week in
14 advance of that, have them in to me by October 30th. I'll see
15 to it that the counsel for the People and counsel for the
16 defendant get their copies.

17 The psychiatrists I'll name will be Doctors
18 Seymour Pollock, George Y. Abe, and I think particularly
19 because of his extensive experience with individuals in
20 custody and particular attributes that some of them display
21 on some occasions, I'm going to appoint Dr. Marcus E. Crahan,
22 all pursuant to Section 730 of the Evidence Code.

23 As indicated, I'll ask them to have their reports
24 in to me by the date indicated.

25 Is there any objection, Mr. Bubrick, to their
26 reading the Grand Jury transcript in this case which may or
27 may not be material? I have not read it myself so, frankly,
28 I don't know.

1 MR. BUBRICK: No, I do not think there really is, your
2 Honor.

3 THE COURT: Is that a -- I'm sorry, Mr. Bubrick?

4 MR. BUBRICK: No, I'm sorry, I have no objection to that.
5 I was just going to ask your Honor to reconsider the 730
6 section and ask your Honor whether he wouldn't, for the
7 limited purpose of this one proceeding, perhaps also include
8 1017 of the Penal Code.

9 THE COURT: I've got no objection as to the 1017, but
10 if you can, after reading the reports, indicate to the Court
11 that there is no issue as to present sanity, then, of course,
12 they will remain confidential.

13 No, I've got no objection.

14 MR. BUBRICK: I certainly will do that, your Honor.
15 I'd let the District Attorney --

16 THE COURT: I'll make the appointment under 1017,
17 certainly, if that is requested.

18 Very well, then, let me make this additional
19 statement, then: I will request that the Grand Jury transcript
20 of course, rather than the preliminary transcript, be read by
21 the respective doctors, and I'll authorize Mr. Bubrick and/or
22 Mr. Katz to furnish to any of the doctors any additional
23 information that they may feel is material with reference to
24 the examination of this defendant.

25 MR. BUBRICK: Thank you.

26 THE COURT: Thank you very much.

27 Any other matters at this time, gentlemen?

28 MR. KATZ: Your Honor, since Mr. Bubrick is now counsel

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1 of record, I think Mr. Bubrick was going to indicate he is
2 in possession of the copy of the Indictment, together with
3 two volumes of --

4 MR. BUBRICK: Yes, I do have it, your Honor, and I
5 acknowledge it.

6 THE COURT: All right. Thank you very much. I
7 appreciate you mentioning that.

8 Obviously, it would not be appropriate to arraign
9 the defendant at this time and I see no point in even reading
10 the charges, Mr. Bubrick, unless you want that.

11 MR. BUBRICK: No, your Honor, I'm in agreement with
12 that.

13 THE COURT: Very well. Thank you very much, gentlemen.
14 We are in recess at this time.

15 MR. KATZ: Thank your, your Honor.

16 MR. BUBRICK: Thank you.

17 (Whereupon, the matter was continued to
18 November 6, 1970, in Department 100 for further
19 proceedings.)
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LOS ANGELES, CALIFORNIA, FRIDAY, OCTOBER 30, 1970; 2:05 P.M.

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(Upon the above data, in Department 100 before the Honorable George M. Dell, attorney Sam Bubrick being present, the People being represented by Burton Katz, Deputy District Attorney of Los Angeles County, the following proceedings were had ex parte:)

THE COURT: This is the matter of People versus Charles Watson, Case No. A-253156.

The record will indicate that Mr. Sam Bubrick is here on behalf of the defendant and Deputy District Attorney Burton Katz on behalf of the People.

I'd like the record to reflect the sequence of events that have transpired. It's obvious that the defendant is not present and there is a reason for it. But just so the record will be clear, at the most recent court appearance at which Mr. Watson was present, Mr. Bubrick then representing him, I, at the request of Mr. Bubrick, appointed three psychiatrists to examine Mr. Watson and report. Initially it was to be done to the Court and thereafter, at Mr. Bubrick's request, and perfectly legitimately and more appropriately, to report directly to Mr. Bubrick under Sections 730 and 1017 of the Evidence Code on certain aspects of Mr. Watson's mental condition.

At that time, with the knowledge of the District Attorney, who is present, I had been informed by Mr. Bubrick,

14 1 that is, prior to the time of the court appearance, that there
2 was in Mr. Bubrick's mind a question as to the defendant's
3 mental condition in that he would not communicate and that he
4 was exhibiting certain items of bizarre behavior.

5 I appointed Doctors Marcus Crahan, who is the
6 medical director for the Department of the Sheriff, or,
7 perhaps more familiarly known as the jail physician, George
8 Abe, the director of the Metropolitan State Hospital, and
9 Seymour Pollock, associate professor of psychiatry at
10 the University of Southern California and director of the
11 Institute of Law and Psychiatry of the University of Southern
12 California Law Center, to examine Mr. Watson.

13 Primarily I was concerned about his ability to
14 stand trial under Penal Code Section 1368, his ability to
15 understand the nature and purpose of the proceedings taken
16 against him and to cooperate with his counsel in presenting
17 a defense. As a subsidiary matter I also, if we got to that
18 point, wanted the psychiatrists to report on whether or not
19 Mr. Watson was sane at the time of the commission of the
20 alleged offenses and whether he could form the certain
21 necessary mental states necessary to commit the crime of
22 murder, which is charged against him.

23 I did not see Dr. Pollock's original report -- not
24 Dr. Pollock's but, Dr. Crahan's original report, because in
25 conformity with my order it was to be confidential to Mr.
26 Bubrick until the confidentiality disappeared. That report
27 was rendered, I am now aware, on October 21st.

28 On Wednesday, October the 28th, Mr. Bubrick

15 1 contacted me, indicated he had attempted to reach Mr. Katz.
2 He had not been able to do so at that point. He took the
3 liberty of contacting me directly and indicated great concern
4 in the psychiatric and physical condition of Mr. Watson.
5 He was concerned that Mr. Watson was losing a great deal of
6 weight, was not responding or communicating, and appeared to
7 be in serious condition.

8 Shortly thereafter, I received a direct telephone
9 call from Dr. Crahan who has a dual capacity as far as this
10 particular case is concerned as the medical director for
11 the Department of the Sheriff, also referred to as jail
12 physician, and as an appointed psychiatrist in this case.
13 And evidently he had been in contact with Mr. Bubrick and he
14 gave me essentially the same sort of information.

15 I had told Mr. Bubrick when I spoke to him that
16 if what Dr. Crahan -- if Dr. Crahan presented to me the facts
17 that he had presented to Mr. Bubrick, I would feel it
18 mandatory on my own motion to advance this hearing, which
19 originally was set one week from today, November 6th, to the
20 earliest possible time and bring Mr. Watson in for a present
21 sanity hearing.

22 I received on October 29th delivered to me a
23 medical report from -- a copy of the report to Mr. Bubrick.
24 At that point I felt that there was an issue as to the
25 defendant's present sanity and, accordingly, the confidential
26 status of the psychiatric reports had no longer any
27 application and it was with my authorization and Mr. Bubrick's
28 who concurred with my view, that I receive a supplement to the

16
1 Crahan report.

2 During this period I was trying to reach Mr. Katz
3 and I did, in fact, reach him. The report confirmed what I
4 had been told on the telephone and I did set the hearing for
5 today, giving notice to the District Attorney and to Mr.
6 Bubrick as well, and to the Sheriff's Department.

7 I also received shortly after receiving the Crahan
8 report a direct letter report from Mr. H. B. Cramer, chief of
9 the Jail Division of the Sheriff's office. Chief Cramer
10 similarly informed me of the serious matters that had arisen
11 as to Mr. Watson's condition.

12 I took such steps as I could, having notified Mr.
13 Bubrick and Mr. Katz that I was going to do so, to obtain
14 directly the reports from Doctors Abe and Pollock, both of
15 whom unfortunately were attending a conference of Judges and
16 psychiatrists on our Superior Court psychiatric list.

17 I was informed by Dr. Abe informally yesterday
18 afternoon what the content of his report would be. He had
19 already seen Mr. Watson at that time. Dr. Pollock had not
20 yet seen him.

21 I have now received the reports from all of the
22 psychiatrists. Based on those reports I declare that there
23 is a doubt as to the defendant Charles Watson's present sanity
24 within the meaning of Section 1368 of the Penal Code.

25 I know this recitation has been somewhat
26 extensive but there is great interest in this case and I think
27 that the public should know what has transpired.

28 I am informed by the Sheriff's Department that

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1 physically, unless directly ordered by the Court, Mr. Watson
2 would not be brought to court for this hearing. I feel that
3 under the circumstances of this case there is no real purpose
4 in having him present unless his presence is demanded by his
5 counsel.

6 Are you willing to proceed in this hearing at this
7 time without the personal presence of Mr. Watson, Mr. Bubrick?

8 MR. BUBRICK: Yes, your Honor. I think it's in his
9 best interest that he not be brought to court.

10 THE COURT: And the District Attorney, I trust, is of
11 the same view, Mr. Katz?

12 MR. KATZ: That's correct, your Honor.

13 THE COURT: Have I stated essentially correctly the
14 history of this case, perhaps with some inadvertant departure
15 from the exact order in which these matters happened, but is
16 that essentially correct, Mr. Bubrick, as you recall it?

17 MR. BUBRICK: Yes, certainly, your Honor.

18 THE COURT: Mr. Katz?

19 MR. KATZ: Yes, your Honor.

20 THE COURT: Insofar as you are aware.

21 I have taken the position that there is no longer
22 any confidentiality under Evidence Code Section 1017 in view
23 of the fact that it's evident from these reports that there
24 is a doubt as to the defendant's present sanity.

25 The defendant is entitled to a jury trial on this
26 issue and, of course, if it's desired by him, or by his
27 counsel, the psychiatrists will personally appear.

28 Nevertheless, is it agreeable to you, as the defendant Watson's

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1 counsel, and to the People as well, that the determination of
2 present sanity be determined by this Court at this time,
3 based on reading of the original and the supplemental reports
4 by Dr. Crahan, the report by Dr. Pollock, the report by Dr.
5 Abe, as well as the report by Chief A. B. Cramer of the
6 Sheriff's Department? Is this agreeable to you?

7 MR. BUBRICK: It is, your Honor, and I would so stipulate
8 on behalf of the defendant Watson.

9 MR. KATZ: So stipulated.

10 THE COURT: That is agreeable with you as well, Mr.
11 Katz?

12 MR. KATZ: Yes, your Honor, we would so stipulate on
13 behalf of the People.

14 THE COURT: As I've indicated, I have read and
15 considered these items. I think that I should quote just in
16 part some certain of these documents prior to reaching my
17 decision.

18 I take it there would be no further evidence
19 offered by either party, is that right, Mr. Bubrick?

20 MR. BUBRICK: That's right, your Honor.

21 THE COURT: Mr. Katz?

22 MR. KATZ: That's correct, your Honor.

23 THE COURT: Chronologically, I will quote -- I think
24 I'll read into the record completely the report of Dr. Crahan,
25 the supplemental report which bears yesterday's date, which
26 is essentially the information which was transmitted to me
27 by telephone on the 28th of October.

28 "Since the report of examination

1 of Mr. Charles 'Tex' Watson made on October 21st,
2 1970, it is felt necessary to render this
3 supplement report, because Mr. Watson in the
4 last week has become listless, flaccid, he makes
5 no movements, his lips are pursed, it is
6 impossible to spoon feed him, and we are starting
7 to feed him by nasal tube. He is virtually
8 vegetative, has to be shaved and bathed. His
9 weight has dropped from 118 pounds to 110 in
10 one week since October 21, 1970.

11 "He is rapidly reverting to a fetal
12 state and is undergoing an involutational state
13 which could be rapidly fatal. His normal weight
14 in Texas was 160 pounds.

15 "It is strongly suggested that
16 proceedings be suspended and that he be trans-
17 ferred to Atascadero State Hospital as quickly as
18 possible as presently insane, according to Section
19 1368 Penal Code."

20 I might say parenthetically that this does
21 indicate a considerable change since the date of Dr. Crahan's
22 first report.

23 The report from the Sheriff's Department, from
24 Chief Cramer, as I indicated, I'll quote only in part.

25 "A serious weight loss has occurred.
26 Mr. Watson being approximately six feet in height
27 at this time weighs approximately 118 pounds. This
28 is in marked contrast to the 160-pound weight of

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1 Mr. Watson upon his admission to the Central
2 Jail. Watson is currently being fed via a
3 tube inserted into his stomach through the
4 throat. This is only a stopgap measure and
5 should Mr. Watson continue to refuse food
6 there is a real possibility that he may expire
7 from malnutrition."

8 From Dr. Pollock's report I'll only quote briefly
9 inasmuch as it is a much longer and more comprehensive
10 report. His opinion generally is that Mr. Watson is not
11 presently able to understand the nature and purpose of the
12 proceedings taken place against or to cooperate in a rational
13 manner with counsel in presenting a defense.

14 Among other things Dr. Pollock indicates that
15 there was difficulty in communicating with Mr. Watson; that
16 the defendant would stare off into space or would giggle and
17 smile. He would not answer questions. Does indicate the
18 same factor as to rejection of food.

19 During the specific interview with Dr. Pollock
20 it is indicated that Mr. Watson remained completely mute and
21 non-verbal, although he appeared to understand what the doctor
22 said. He wiped his nose with Kleenex, drank water, but
23 appeared to be on the verge of talking, tears frequently came
24 to his eyes, he appeared markedly retarded both in his thinking
25 and in his physical movements. He demonstrated a picture
26 of profound depression.

27 History from the record indicates the likelihood
28 of a Ganzer, G-a-n-s-e-r, Syndrome. The possibility of a

1 schizophrenia.

2 Dr. Pollock concluded -- felt that there was doubt
3 that there was any true malingering in the case. He felt that
4 Mr. Watson was definitely in a psychosis and needed definitive
5 treatment, was even a suicide possibility.

6 I think that's sufficient quotation. And let me
7 just simply quote briefly from Dr. Abe's report.

8 I'll simply quote his conclusion, which is that
9 he felt there was a schizophrenic reaction, catatonic type
10 of mental illness. Due to his loss of weight and near
11 inanition, it is imperative that defendant be given immediate
12 medical and psychiatric care and treatment as a life-saving
13 measure.

14 His conclusion, of course, was similar to those
15 reached by the other doctors as to present lack of sanity
16 under Penal Code Section 1368.

17 I think perhaps I do want to hear from counsel but
18 I think in all fairness I should make this observation:

19 I don't think there is any question but that many
20 individuals have suspected that Mr. Watson's behavior was of
21 a malingering nature and I must admit to some question along
22 that line myself. I deliberately appointed doctors whom I
23 felt would not be easily misled by any malingering.

24 Dr. Crahan, who retires today after 30 years'
25 service as director of the Sheriff's jail facilities, is,
26 I would say, one of the least persuadable psychiatrists I
27 can conceive of as far as any malingering is concerned.
28 Similarly, Dr. Abe, who is the director of the Metropolitan

22
1 State Hospital, and Dr. Pollock who testified for the District
2 Attorney in the Sirhan case as an expert witness, equally are
3 individuals who I believe would be highly unlikely to be
4 persuaded by false claims of a mental illness.

5 I am convinced that what the doctors report to
6 me is correct and that Mr. Watson is not capable at this time
7 of appreciating the nature and purpose of the proceedings
8 taken against him and he is absolutely incapable of
9 cooperating with his counsel in presenting a defense.
10 And I feel that it's imperative that he be placed in a
11 facility where every possible consideration can be given to
12 him to help him recover his mental stability and his physical
13 well being so that he can stand trial.

14 Before I make a formal order, I'll be happy to
15 hear from both counsel in this case.

16 Mr. Bubrick.

17 MR. BUBRICK: I have nothing further to offer, your
18 Honor.

19 THE COURT: Mr. Katz.

20 MR. KATZ: If I may, your Honor, just briefly, with
21 respect to the stipulation whereby it was agreed by and
22 between counsel that the Court would base its 1368 finding
23 if any, upon the reports previously indicated, described by
24 the Court, I just wanted to make it clear for the record,
25 though I know it is self-evident to your Honor and Mr.
26 Bubrick, that I entered into the stipulation only with respect
27 to a 1368 issue and in no manner, shape or form are we conceding
28 26(a) issue at this time.

23
1 THE COURT: The only issue is present sanity, absolutely.

2 MR. KATZ: Thank you, your Honor.

3 And the last thing I wanted to say, that Mr.
4 Younger has asked me, after full consultation with Mr. Younger
5 and the executive staff of the District Attorney's office, to
6 indicate that our office is also concerned; that we feel it's
7 imperative as a life-saving measure to help facilitate Mr.
8 Watson's removal to Atascadero where he can receive the
9 adequate medical attention and be assured that this office
10 will do everything to assist in this fashion.

11 Thank you, your Honor.

12 THE COURT: Thank you very much.

13 Then the matter stands submitted, gentlemen?

14 MR. BUBRICK: It does, your Honor.

15 MR. KATZ: Submit it,

16 THE COURT: The Court at this time makes the formal
17 finding that the defendant Charles Watson is presently insane
18 within the meaning of Section 1368 of the Penal Code.

19 It is therefore ordered that the proceedings in
20 this case be suspended as to Mr. Watson until he becomes sane.
21 I now order that he be committed into the custody of the
22 Sheriff and that he be committed by the Sheriff to a State
23 Hospital for the care and treatment of the insane.

24 In this specific instance, the location will be
25 Atascadero State Hospital, unless otherwise designated by the
26 Director of the Department of Mental Hygiene.

27 His physical removal to Atascadero is to be
28 accomplished as soon as humanly possible, provided that the

24
1 director, or acting director, of the medical facilities in the
2 County Jail feels he is able to travel.

3 I understand that the feeling is he will be able
4 to travel and he will be transmitted forthwith.

5 MR. BUBRICK: Your Honor, I had one suggestion --

6 THE COURT: Mr. Bubrick.

7 MR. BUBRICK: I wonder if your Honor could somehow
8 instruct the authorities at Atascadero to give whatever weight
9 they will to Dr. Pollock's suggestion that perhaps they not
10 indulge in electroshock therapy with Mr. Watson because of
11 its possible potential effect for the future.

12 THE COURT: Yes. I'll see that copies of all of these
13 reports are transmitted, and I'll invite specifically the
14 attention of Dr. Morgan to Dr. Pollock's report.

15 One item I should indicate for the record, just an
16 oversight, I attempted to reach after receiving these reports
17 Dr. Morgan. I was not able to reach him. I reached Dr.
18 Eckland, the associate director of Atascadero. He indicated
19 that he'd like to have all of the reports accompany the
20 defendant. He indicated that the State Hospital at Atascadero
21 would accept Mr. Watson based on the information I gave him
22 if he were, in fact, found to be presently insane.

23 I appreciate the suggestion. We will comply with
24 it, Mr. Bubrick.

25 MR. BUBRICK: Thank you.

26 THE COURT: Thank you very much, gentlemen.

27 MR. KATZ: Thank you, your Honor.

28 (Whereupon, the proceedings for the above
date in Department 100 were concluded.)

LOS ANGELES, CALIFORNIA, MONDAY, MARCH 1, 1971; 9:30 A.M.

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(Upon the above date, defendant appearing in court with his counsel, Sam Bubrick, the People being represented by Stephen Kay, Deputy District Attorney of Los Angeles County, the following proceedings were had in Department 100 before the Honorable Malcolm M. Lucas, Judge Presiding:)

THE COURT: Call the matter of Charles Watson.

Is your true name Charles Watson, sir?

THE DEFENDANT: (Nods head affirmatively.)

THE COURT: I'm going to advise you of your constitutional rights in this matter, Case No. A-253156.

You are entitled to a speedy and public trial. You are entitled to a trial by jury or to a trial by the Court without a jury, if that is your wish.

You have the right to be confronted with all witnesses testifying against you and you have the right to cross-examine those witnesses.

You have the right to the compulsory process of the Court for obtaining witnesses in your favor.

You have the right to have the assistance of counsel of your own choosing for your defense at all stages of the proceedings.

You have a right to testify in your own behalf; however, you cannot be compelled to be a witness against yourself.

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1 In all cases except capital cases you are
2 entitled to be at liberty on reasonable bail. However, a
3 defendant charged with an offense punishable with death cannot
4 be admitted to bail if proof of his guilt is evident or the
5 presumption thereof great.

6 Do you understand these rights as I have outlined
7 for you, Mr. Watson?

8 THE DEFENDANT: Yes.

9 THE COURT: And do you have any questions about your
10 constitutional rights that you want to ask me?

11 THE DEFENDANT: (Shakes head negatively.)

12 THE COURT: Have you received a copy of this Indictment?
13 I assume that you have, Mr. Bubrick?

14 MR. BUBRICK: Yes, your Honor.

15 THE COURT: Yes, you may proceed.

16 MR. KAY: Thank you.

17 Mr. Watson, you have been indicted by the Grand
18 Jury of the County of Los Angeles in Case No. A-253156 with
19 seven counts of murder and one count of conspiracy to commit
20 murder.

21 Count I of that Indictment alleges in part that
22 on or about the 9th day of August, 1969, you did murder
23 Abigail Anne Folger, a human being; Count II alleges in part
24 that on or about the 9th day of August, 1969, you did murder
25 Wojciech Frykowski, a human being; Count III alleges in part
26 that on or about the 9th day of August, 1969, you did murder
27 Steven Earl Parent, a human being; Count IV alleges in part
28 that on or about the 9th day of August, 1969, you did murder

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1 Sharon Mario Polanski, a human being; Count V alleges in part
2 that on or about the 9th day of August, 1969, you did murder
3 Thomas John Sebring, a human being; Count VI alleges in part
4 that on or about the 10th day of August, 1969, you did murder
5 Leno A. LaBianca, a human being; Count VII alleges in part
6 that on or about the 10th day of August, 1969, you did murder
7 Rosemary LaBianca, a human being.

8 Count VIII of the Indictment alleges in part that
9 the 8th through the 10th day of August, 1969, you, along with
10 Charles Manson, Patricia Krenwinkel, Susan Atkins, Linda
11 Kasabian, and Leslie VanHouten, did conspire to commit murder
12 in violation of Section 182.1 and 187 of the Penal Code of
13 the State of California.

14 To these charges, how do you now plead?

15 MR. BUBRICK: Your Honor, at this time the defendant is
16 not ready to enter his plea and I would ask that this matter --
17 eventually this plea and/or any further proceedings be
18 continued until the date of April 13th.

19 The reason I'm asking for these additional six
20 weeks is I am attempting, through the use of private
21 documents and private facilities, to have a diagnostic study
22 and diagnostic evaluation of this defendant prepared for --
23 it will be more helpful to determine the kind and nature of
24 his plea at some future date.

25 I have been given assurance that I will be able
26 to secure the necessary help.

27 THE COURT: What is the position of the People?

28 MR. KAY: Mr. Bubrick and I have discussed this and we

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1 have discussed this with your Honor in chambers and there will
2 be no objection to this by the prosecution.

3 THE COURT: All right. The motion is granted.

4 The matter will be continued until April 13th
5 at 9:00 a.m. in this department.

6 MR. BUBBICK: Thank you, your Honor.

7 THE COURT: You're welcome.

8 (Whereupon, the matter was continued until
9 April 13, 1971, at 9:00 a.m., in Department 100
10 for further proceedings.)
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1 LOS ANGELES, CALIFORNIA, TUESDAY, APRIL 13, 1971; 9:30 A.M.

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4 (Upon the above date, the defendant appearing
5 in court with his counsel, Sam Bubrick, the People
6 being represented by Stephen Kay, Deputy District
7 Attorney of Los Angeles County, the following
8 proceedings were had before the Honorable Malcolm M.
9 Lucas, Judge Presiding, in Department 100:)

10 THE COURT: Call the matter of Charles Watson.

11 MR. KAY: Stephen Kay.

12 MR. BUBRICK: Your Honor, that defendant is present and
13 before the Court.

14 As your Honor knows, Mr. Watson has been in the
15 process of being examined at the Neuropsychiatric Institute
16 at UCLA. They have spent some 25 hours with him now. It is
17 my feeling -- and, of course, I've confirmed this with the
18 doctors -- that that investigation is as yet not completed.

19 I am going back to Texas on Friday of this week
20 in an effort to collect some more information at their request.
21 I would therefore ask that this matter be continued until
22 May 10th for plea.

23 THE COURT: All right. What is the position of the
24 People?

25 MR. KAY: There is no objection.

26 THE COURT: All right. The matter will be continued
27 until May 10th at 9:00 a.m.

28 (Whereupon, the matter was continued to
May 10, 1971, at 9:00 a.m. in Department 100.)

1 LOS ANGELES, CALIFORNIA, TUESDAY, APRIL 13, 1971; 9:30 A.M.

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4 (Upon the above date, the defendant appearing
5 in court with his counsel, Sam Bubrick, the People
6 being represented by Stephen Kay, Deputy District
7 Attorney of Los Angeles County, the following
8 proceedings were had before the Honorable Malcolm M.
9 Lucas, Judge Presiding, in Department 100:)

10 THE COURT: Call the matter of Charles Watson.

11 MR. KAY: Stephen Kay.

12 MR. BUBRICK: Your Honor, that defendant is present and
13 before the Court.

14 As your Honor knows, Mr. Watson has been in the
15 process of being examined at the Neuropsychiatric Institute
16 at UCLA. They have spent some 25 hours with him now. It is
17 my feeling -- and, of course, I've confirmed this with the
18 doctors -- that that investigation is as yet not completed.

19 I am going back to Texas on Friday of this week
20 in an effort to collect some more information at their request.
21 I would therefore ask that this matter be continued until
22 May 10th for plea.

23 THE COURT: All right. What is the position of the
24 People?

25 MR. KAY: There is no objection.

26 THE COURT: All right. The matter will be continued
27 until May 10th at 9:00 a.m.

28 (Whereupon, the matter was continued to
May 10, 1971, at 9:00 a.m. in Department 100.)

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1 LOS ANGELES, CALIFORNIA, MONDAY, MAY 10, 1971; 9:40 A.M.

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4 (Upon the above date, the defendant appearing
5 in court with his counsel, Sam Bubrick, the People
6 being represented by Stephen Kay, Deputy District
7 Attorney of Los Angeles County, the following
8 proceedings were had in Department 100 before the
9 Honorable Malcolm M. Lucas, Judge Presiding:)

10 THE COURT: Matter of Charles Watson, No. 301.

11 MR. KAY: Stephen Kay for the District Attorney.

12 THE COURT: All right. We will call the matter of
13 Charles Watson.

14 MR. BUBRICK: That defendant is present before the Court,
15 your Honor.

16 MR. KAY: Your Honor, I believe the defendant has been
17 arraigned by both your Honor and myself.

18 THE COURT: Yes, I believe that's correct.

19 Any further motions at this time?

20 MR. BUBRICK: No, your Honor. We are ready to enter a
21 plea.

22 THE COURT: Take the plea.

23 MR. KAY: Mr. Watson, you have previously been arraigned
24 on Indictment No. A-253156 charging you with seven counts of
25 murder and one count of conspiracy to commit murder.

26 To those charges how do you now plead, sir?

27 THE DEFENDANT: Not guilty.

28 MR. BUBRICK: Your Honor, I would like at this time to

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1 enter the additional plea of not guilty by reason of insanity.

2 THE COURT: Very well. Pursuant to Evidence Code
3 Section -- Penal Code Section 1017, and Evidence Code Section
4 730, the Court will appoint doctors A. R. Tweed, M.D., and
5 Vernon Bohr, M.D., to examine the defendant pursuant to
6 Penal Code Section 1026 to determine whether or not the
7 defendant was sane at the time of the commission of the
8 alleged offense. Further, to determine whether the defendant
9 is presently able to understand the nature and purpose of the
10 proceedings taken against him and is he presently able to
11 cooperate in a rational manner with counsel in presenting a
12 defense, and whether or not he is presently or rather did he
13 at the time of the commission of the alleged offense have a
14 mental capacity to form the specific intent to commit murder.

15 Further, did the defendant at the time of the
16 commission of the alleged offense have the mental capacity to
17 deliberate, to premeditate, to harbor malice, and to meaning-
18 fully and maturely reflect upon the gravity of his
19 contemplated acts, and, if so, to what extent could he so
20 reflect.

21 These are to be confidential reports and to be
22 furnished only to the counsel for the defendant pursuant to
23 Evidence Code Section 1017.

24 Does that cover the areas you wish to have
25 examined, Mr. Bubrick?

26 MR. BUBRICK: Yes, your Honor.

27 THE COURT: Have you gentlemen selected a trial date
28 at which time you both will be prepared to proceed?

4
1 MR. BUBRICK: We have selected a date of July 19, your
2 Honor.

3 MR. KAY: That's correct, your Honor.

4 THE COURT: All right. The matter will be set down for
5 July 19 in Department 110. The Judge will be Judge Adolph
6 Alexander.

7 Mr. Watson, you have a right to a speedy trial.
8 The date that has been selected is beyond the date prescribed
9 by statutes. Do you waive and give up your right to a speedy
10 trial and agree that your case may be continued until July
11 19th for trial.

12 THE DEFENDANT: That's okay.

13 THE COURT: All right.

14 MR. BUBRICK: Join in the waiver, your Honor.

15 THE COURT: If there are any pretrial motions to be
16 heard, the Court would request that these matters be then
17 advanced on the calendar so that July 19th will be a firm
18 trial date and the present trial matters will have been
19 disposed of.

20 Is that satisfactory with counsel?

21 MR. BUBRICK: It is, your Honor.

22 MR. KAY: It is with the People, your Honor.

23 THE COURT: Thank you.

24 Any other motions at this time?

25 MR. BUBRICK: Nothing further on behalf of the defendant.

26 MR. KAY: Thank you, your Honor.

27 THE COURT: Very well.

28 (Whereupon, the matter was continued to
July 19, 1971, for trial.)

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LOS ANGELES, CALIFORNIA, TUESDAY, JUNE 29, 1971

9:15 A. M.

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THE COURT: People against Watson. Let the record show the defendant and all counsel are present.

As I understand it, this is a motion by the People requesting the Court to appoint two additional doctors to examine the defendant.

MR. KAY: That is correct.

MR. BURBRICK: May I state for the record there have been two doctors appointed under 226 thus far. I have not received any medical reports. I think this motion is premature. I don't think it is a proper motion.

THE COURT: The Court on its own will appoint these two psychiatrists. The Court will appoint Dr. K. Grosvenor Bailey and Dr. Joel Fort under 1027 of the penal code, to make their examination and report to the Court.

Is there anything further?

MR. BURBRICK: No, your Honor, but I still feel, your Honor, that -- if there is some change. We were to be ready on the 19th; I think I told your Honor that.

THE COURT: Yes, I asked you to be ready on the 19th. We are not taking any cases here so that we can make sure you are ready to go.

MR. BURBRICK: I have three robberies set; one is set on the 7th; one on the 12th and one on -- the one on the 12th is not the --

THE COURT: How long will that take you?

1 MR. BUBRICK: I think a week each. I am doing my
2 best to get the one on the 12th continued but the one on
3 the 7th is a return from prison. He has been in custody
4 for two and a half years.

5 THE COURT: How long will that take?

6 MR. BUBRICK: It is a robbery.

7 THE COURT: That won't take beyond the 19th?

8 MR. BUBRICK: No. My big problem is I am out of
9 contact with the individual who was being most helpful to me.
10 He just disappeared. I don't know what happened to him;
11 where he has gone. I called his family back in Texas to
12 find out if they know where he could be reached in the Los
13 Angeles area. I am having no luck with him.

14 THE COURT: He is a defense witness?

15 MR. BUBRICK: Not only a defense witness but he is
16 sort of my chief investigator. He has been doing all of my
17 leg work.

18 THE COURT: If during the course of the trial it
19 becomes necessary to give some additional time to locate him
20 I imagine the People are going to take a few days with their
21 case.

22 MR. BUGLIOSI: The People's case in chief?

23 THE COURT: Yes.

24 MR. BUGLIOSI: It will take more than a couple of days,
25 your Honor.

26 THE COURT: It will take more than a couple of days
27 to pick a jury. By that time if you feel you need some
28 additional time to locate him, I will take care of it for you.

1 MR. BUGLIOSI: Is there any other pending defense
2 motion?

3 THE COURT: Is it a secret who this man is?

4 MR. BUBRICK: David Neale.

5 THE COURT: If you will give Mr. Bugliosi some leads,
6 maybe he can help you.

7 MR. BUBRICK: He was a fraternity brother of Mr. Watson.
8 He went to school with him. He went to Alaska.

9 THE COURT: We had another case in which the People
10 did a fine job in helping the defense locate witnesses for
11 them. I am sure the People would do the same for you.
12 Give Mr. Bugliosi all of the information you can.

13 MR. BUGLIOSI: We will try to find him. We will turn
14 it over to the LAPD.

15 Any other defense motion?

16 MR. BUBRICK: No.

17 THE COURT: No change of venue -- nothing at all?

18 MR. BUBRICK: Not today.

19 THE COURT: I am just happy to see him. That is all.

20 (Whereupon the above entitled matter was concluded.)
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LOS ANGELES, CALIFORNIA, THURSDAY, JULY 1, 1971

9:00 A. M.

(The following proceedings were held in chambers.)

MR. KAY: We talked to Dr. Fort yesterday. There was just a big mixup. He can come down even tomorrow to examine him. The reason why we think that he would be a good one to have on it is he is very familiar with the case. He testified for the defense in the penalty phase of the first trial. He is very familiar with the issues. If we brought in another doctor it would take him an awful long time to get familiar with the issues.

THE COURT: The only issue is Watson's sanity. I don't want the issues of the entire case.

MR. KAY: That is correct, except he has been familiar with what has been happening.

THE COURT: Bring me up-to-date. You were here on the 29th. At your request I appointed Dr. Fort although he is not on the list. We attempted to send him a wire that day and found out Western Union was on strike. I tried to phone him. I couldn't get through on the telephone number you gave me, so I had the secretary call the office and finally she contacted the office. She spoke to a Homberg, an assistant to Dr. Fort. She told the secretary that Dr. Fort was in Stillwater, Minnesota and from there he may be going to New York and suggest that we call him at a Minnesota number. I wasn't going to call a Minnesota number. We then tried to get all three of you and we couldn't locate any one of you so I entered a minute order just vacating

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1 the order appointing Dr. Fort.

2 Now I understand that you have been in communication
3 with him, that he is not in Stillwater, that he is not going
4 to New York and that you spoke to him in San Francisco.

5 MR. BUGLIOSI: No, we didn't even bother.

6 MR. KAY: He can be here tomorrow.

7 MR. BUGLIOSI: He either came back from San Francisco
8 late last night or Friday, tomorrow, and wants to testify.

9 THE COURT: The only thing in my mind is this; if I
10 appoint him I am appointing him as a court expert in the
11 hope and expectation that he will be a neutral expert subject
12 to cross examination by both sides.

13 MR. BUGLIOSI: Of course.

14 THE COURT: I don't know whether he is playing games
15 or what he is doing and I made up my mind unless Mr.
16 Bubrick specifically consents to the appointment of Dr.
17 Fort I don't intend to re-appoint him.

18 MR. BUGLIOSI: I will not object.

19 THE COURT: It is agreeable with you?

20 MR. BUBRICK: Yes.

21 THE COURT: Where can he be reached?

22 MR. KAY: He told us to tell you that he will be in
23 tonight in San Francisco and that if you want to contact
24 him today to call Homberg.

25 He said he could come down here and examine Mr.
26 Watson on the second which is tomorrow, the 5th, or the
27 8th, whichever one the Court desires.

28 THE COURT: If there is no objection, I will re-

6
1 appoint him.

2 MR. BUBRICK: I have no objection.

3 THE COURT: Dr. Joel Fort will be re-appointed pursuant
4 to Section 730 of the Evidence Code and 1027 of the Penal
5 Code.

6 MR. BUGLIOSI: That is correct.

7 THE COURT: You will send him a special delivery,
8 notifying him of that? We will have to have his report
9 by the 19th of July. Will that give him enough time?

10 MR. BUGLIOSI: Sure, he can come down here the 2nd,
11 5th or 8th.

12 THE COURT: Is that agreeable?

13 MR. BUGRICK: Yes. Before you set the time limit,
14 I would like to say on the record at this time I am going to
15 ask your Honor to consider giving me a two week extension.
16 I just have a monumental amount of work to do. I have an
17 eye defect. It has slowed down my reading ability. I spent
18 all yesterday afternoon with Paul Fitzgerald who was one of
19 the lawyers that tried the Manson trial. He gave me as
20 much of his condensation as he could. I am satisfied as a
21 result of the afternoon I spent with him more than 50 per cent
22 of the People's witnesses are people that will -- that I will
23 not ask a single question, that they will be on the stand
24 no longer than the direct examination will take. I don't
25 think what I am doing will prolong it. My problem is I am
26 practically alone. I have a secretary and am trying to get
27 all my cases out. I have not taken a new case in a month.
28 I am trying to get rid of everything I have.

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1 I don't have the medical reports. Dr. Tweed said
2 they would get to me before the week is up. When they do
3 come, I feel compelled to at least spend time with those
4 doctors and the doctors at UCLA to make sure there is something
5 else suggested by the medical reports and that they are
6 compatible. I just can't do it. I will do the best I can
7 to be prepared by the 19th but if it is possible for your
8 Honor to give me two weeks' extension I will have two weeks
9 where I will do nothing except work on this case. I have
10 worked every night, every single night to close to midnight
11 and every weekend. That is the only time I can do it.
12 I am in and out of the courts. As your Honor knows, I am
13 working by myself. I have only recently put myself in a
14 position where I may have an associate so that I can get rid
15 of the cases I have. I may have an association with other
16 lawyers where they will be willing to make adjustments
17 in their calendar. My associate has decided to move to
18 Beverly Hills which leaves me with the problem of doing
19 something with the suite when the lease is up. Unless I can
20 get them in I am going to have to move out of that suite.

21 THE COURT: We have been regulating our calendar
22 for the 19th.

23 MR. BUBRICK: I know that. I appreciate that. It
24 imposes a hardship on everybody but I feel that some of these
25 problems I just haven't been able to control. I haven't
26 been able to control the fact that it takes so long to get
27 the medical report. I told Mr. Kay and Mr. Bugliosi that
28 the doctors are going to have to spend a lot more time with

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1 Watson. I hold hands with him a couple of times a week.
2 He is losing weight. He is down to 116 pounds. He is
3 existing on a couple of apples and oranges a day. Mr.
4 Bugliosi said they would talk to somebody at the jail to
5 see if they could do something about it.

6 MR. BUGLIOSI: Is it possible for the Court to issue an
7 order?

8 MR. BUBRICK: I told him I would buy at my expense
9 food vitamins and supplements. When he goes through the
10 food line he ends up with an apple or an orange. He won't
11 eat anything that has any fat or any oil or butter or
12 margarine or cooking oil in it.

13 MR. BUGLIOSI: It is to the interests of the
14 prosecution as well as the defense that he look more robust.

15 MR. BUBRICK: I am interested in keeping him healthy
16 and well.

17 MR. BUGLIOSI: I am wondering if it is possible for the
18 Court to issue an order.

19 MR. BUBRICK: I am there a couple of times a week to
20 boost his morale. He will come out there with his jaw
21 hanging down.

22 THE COURT: What does this kid eat? What does he
23 want, honey?

24 MR. BUBRICK: Yes, I can show you.

25 THE COURT: I will buy him the vitamins.

26 MR. BUBRICK: No, You don't have to do that. I can
27 buy them.

28 THE COURT: Give me his diet.

1 THE CLERK: It is in the file.

2 THE COURT: Well, all right. We will have to bring him
3 in on the 19th for a continuance.

4 MR. BUGLIOSI: No objection to a continuance.

5 THE COURT: When will you be ready, Sam?

6 MR. BUBRICK: August the 2nd.

7 MR. BUGLIOSI: Fine.

8 THE COURT: Monday, August the 2nd?

9 MR. BUBRICK: That will be fine.

10 (Whereupon, the above entitled matter was recessed.)
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1 this morning.

2 THE COURT: Suppose you speak to Inspector Howell.
3 He is taking a personal interest to see that he is comfortable
4 and is fed properly. Will you take it up with him?

5 MR. BUBRICK: I will, your Honor.

6 THE COURT: If there is any question, let me know.
7 There will be no other preliminary motions?

8 MR. BUBRICK: No, I don't contemplate any motions
9 under either 995 or motion for change of venue. I have given
10 those matters consideration. Based on the nature of the
11 defense I intend to offer in this case, I think that the
12 defendant's best interests lie in an area where he has
13 an opportunity to draw from the people who had some exposure
14 to psychiatry and that sort of thing.

15 THE COURT: Very well. The matter will be continued
16 to August the 2nd at 9:00 o'clock.

17 MR. BUBRICK: Thank you, your Honor.

18 (Whereupon a recess was taken until August 2, 1971
19 at 9:00 A. M.)
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1 LOS ANGELES, CALIFORNIA, WEDNESDAY, JULY 21, 1971, 9:45 A.M.

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3 THE COURT: This will be on the record, but a jury waiver
4 won't.

5 Is there any motion here of some kind?

6 MR. KAY: Yes, your Honor -- no filed document.

7 The purpose of this motion, however, will be -- it
8 is a People's motion, and we wish to discuss the reports of
9 Dr. Ira Frank, a psychiatrist at UCLA; Dr. Suarez, a psychiatrist
10 at UCLA; Dr. Richard Walter, a neurologist at UCLA; James O.
11 Palmer, a private psychologist in Westwood --

12 MR. BUBRICK: No, he is UCLA.

13 MR. KAY: They said he wasn't.

14 Anyway, James O. Palmer; Dr. Andre Tweed, a Court
15 appointed psychiatrist, and Dr. Vernon Bohr;

16 The reason for this motion, your Honor, is on
17 Monday I had a conversation with Dr. Joel Fort, who is also a
18 Court appointed psychiatrist, who I'm sure you are aware has
19 his offices in San Francisco.

20 He stated to me that over the last weekend, Mr.
21 Bubrick flew up to San Francisco and provided Dr. Fort -- in
22 order to apparently influence his conclusions in this case --
23 with the reports of these aforementioned psychiatrists: Dr.
24 Frank and Dr. Walter, Dr. Tweed, Dr. Bohr --

25 THE COURT: That sounds awful.

26 MR. KAY: -- James Palmer.

27 Now, the position of the People, your Honor, that
28 since Dr. Fort is a Court appointed psychiatrist, that by

1 Mr. Bubrick giving Dr. Fort these reports and Dr. Fort did
2 read us the conclusions in all these -- in all these conclusions
3 of the different psychiatrists, so we are aware of that; how-
4 ever, Dr. Fort said before he sent us these reports that we
5 should clear it with the Court and that is what we are doing
6 now.

7 We feel that if Mr. Bubrick -- if there was any
8 privilege, certainly there is no privilege between Mr. Watson
9 and Dr. Fort, and I don't think that even Mr. Bubrick would
10 realize this, but since Mr. Bubrick did provide Dr. Fort with
11 these reports, Dr. Fort said he will include in his reports
12 some of the conclusions of the other doctors; and since we
13 have a right to call Dr. Fort just as much as Mr. Bubrick does,
14 we are at a great disadvantage in not having the reports that
15 were provided to Dr. Fort by Mr. Bubrick, and we feel that under
16 912 of the Evidence Code that if there was any remaining
17 privilege with the doctors that Mr. Bubrick has waived that
18 privilege by providing Dr. Fort, the Court appointed psychia-
19 trist, with these reports.

20 THE COURT: When did Fort say he would have his report?

21 MR. KAY: He said that he would have it by the 19th,
22 except that Mr. Bubrick, when he came up there last weekend,
23 informed him that the case had been continued until August the
24 2nd, so it wouldn't be necessary for him to have his report
25 in by the 19th; so Dr. Fort said that -- I told him over the
26 phone -- I said, "Well, that's probably okay, but you should
27 check with the judge, because when you have sent the order" --
28 you said, "Have the order in by the 19th" -- and I said, "I'm

1 sure it's probably all right, we don't have any objection"; and
2 he said, "Well, I'll try and get my report done by the end of
3 this week; however, with all these additional reports, and some
4 additional information" -- that we sent Dr. Fort -- he said
5 that it might take him a little longer but he'd get it done as
6 soon as possible and certainly no later than August the 2nd.

7 MR. BUBRICK: May I respond, your Honor, please?

8 THE COURT: Well, a couple of things I don't like, you
9 are trying to influence Dr. Fort, as Mr. Kay said, that's not
10 right, Mr. Bubrick. Maybe Mr. Kay used the wrong language and
11 your telling Dr. Fort that he needn't have the report on July
12 19th, when the Court ordered him to do that -- you know, we
13 have something to say about these things.

14 MR. BUBRICK: No question about that.

15 THE COURT: What happened, Sam?

16 MR. BUBRICK: Your Honor, I didn't fly up, I drove up to
17 San Francisco.

18 I drove up to San Francisco, because I had an
19 appointment with a doctor, who will remain nameless, at the
20 Stanford Medical Center. I was advised about this doctor
21 because of some articles I read and I thought he could be of
22 some interest. He was doing research on LSD and drugs and
23 chromosome changes.

24 Well, it turned out after I talked with the doctor
25 that his field of expertise was drugs and genetics as a result
26 of LSD use, and he said if I wanted to call him 20 years from
27 now, he would tell me some of the problems that LSD caused in
28 newborn babies.

1 THE COURT: Let's take his name and keep that in mind.

2 MR. BUBRICK: Then, when I last talked with Mr. Watson,
3 he told me that after his examination by Dr. Fort, Dr. Fort
4 said that if I wanted to talk with him about any matters at
5 all, I should feel free to talk with him, because he only had
6 Watson's interview and some information that the district attorney
7 had made available to him; so when I was at Stanford, I
8 called Dr. Fort on the phone and he finally agreed to talk with
9 me because he was home.

10 The very first thing I told him was who I was and
11 the reason I called was because Mr. Watson had indicated he
12 might want to talk with me, and he said that he would be very
13 happy to. This was on a Saturday.

14 He told me that he had just finished his report,
15 because he wanted to get it in the mail by Monday, he was home
16 working on the report to get it done; and, your Honor, as I
17 stand here, the very first thing I said to Dr. Fort is, "I
18 don't want to say or do anything that will influence your thinking
19 in this matter."

20 He said, "I have reached my conclusions and my
21 report will be in."

22 I said, "Well, I don't know whether it would be
23 necessary for you to get it in on the 19th, because the matter
24 has been continued, but, I said, "If you would call in, I'm
25 certain you would find that you wouldn't have to rush and get
26 it out special delivery to get it in to the court on the 19th,
27 but that's the Court's prerogative."

28 Then he asked me a number of questions and I told

1 him that there were certain other doctors appointed. He asked
2 me who they were and I told him who they were and he said he
3 knew Dr. Tweed, didn't know Dr. Bohr, didn't know Dr. Bailey.

4 Then he asked me something about if I, you know,
5 what my own impressions were.

6 I said -- well, I told Dr. -- the doctor who --
7 one of the three -- Dr. Pollock -- some of the ways I felt
8 about Manson.

9 He said, "I think I have that report, it was in
10 connection with" -- or, he had some knowledge of the fact that
11 he had been hospitalized and that he was examined; and I told
12 him the facts.

13 He asked me if I have any other information and I
14 said I had a number of medical reports that I was taking to
15 Stanford Medical Center but they are the conclusions of Dr.
16 Tweed, Dr. Bohr and some of the people from MTI, who had done
17 some examination with them to see whether or not this doctor
18 at Stanford could be of some assistance.

19 Then Dr. Fort said, "I'd like very much to see
20 them." He said, "I'd welcome a chance to look at them."

21 I told him then that if he wanted to, I said, "I
22 don't know what the limitation of your appointment was by the
23 Court, what areas you are exploring, but," I said, "certainly
24 I would like to have you look at these reports to see whether
25 or not you could confirm the findings of these doctors in the
26 event I wanted to call you as a witness, because I don't much
27 believe in this bit about a witness being a Court appointed or
28 somebody else. I think if you have something to tell the

1 Court that would be of interest to us all" -- and he said he
2 would welcome a chance to look at that.

3 Now, I called him last night again and I told him
4 what was going on here and he said he was very disturbed by it,
5 because, he said, "You can tell the Court that I told you I
6 welcomed a chance to look at this material."

7 He said, "I have gone over it"; he said, "It is
8 not going to change my conclusions, as far as I know," and I
9 had a whole package of stuff, your Honor. I don't even remember
10 what all he has in there.

11 THE COURT: Mr. Bubrick, I don't think you did anything
12 improper, don't worry about that.

13 MR. BUBRICK: The point I want to make, your Honor, it
14 seems to me, if I have some medical reports which were made
15 available to me because the doctors were appointed as my agents
16 -- I don't believe any agency relationship exists in the
17 criminal law -- by asking another whom I intended to interview,
18 because I told Mr. Kay the very day I was going to try to see
19 Dr. Fort and he said, "We are going to try to get him appointed
20 as a prosecution doctor."

21 I said, "Fine, because I wanted to get his opinion";
22 but I don't think the fact that these reports were given to
23 me as my agent, these doctors were appointed as my agents and
24 the reports were exclusive to me, that that precludes me from
25 seeking out the advice or opinion of another doctor.

26 If I want to treat him as my agent, he'll look at
27 these reports to see what he'll do with them. I don't think I
28 have breached anything. I don't think the reports at this

1 point should be made available to them.

2 I told them after I got the report from Dr. Bailey
3 and Dr. Fort I would then make a determination of how I
4 intended to proceed, and I intended to proceed with the
5 insanity and the diminished capacity, I would certainly make
6 that available.

7 THE COURT: Well, here's the thing: Dr. Fort now has a
8 perfect right to have those reports Xeroxed. As long as he
9 based his opinion upon those reports or whether he did not base
10 his opinion upon those reports, if he read them, they had any-
11 thing to do with his opinion at all --

12 MR. BUBRICK: That's right, your Honor -- excuse me.

13 THE COURT: -- then they are entitled to a copy of those
14 reports, if anything in his opinion was influenced by those
15 reports.

16 MR. BUBRICK: Fine. That's why I am suggesting, your
17 Honor, if Dr. Fort will have that report here -- I asked him
18 if he would describe what he did with my reports, and if there
19 is anything in his report that when we get Dr. Fort's report
20 at the end of this week which shows that he considered and was
21 influenced in any respect by anything that I showed him and
22 your Honor says that the People are entitled to have those
23 reports, I will give him everything that is enumerated in Dr.
24 Fort's report that becomes material, that he took into consider-
25 ation.

26 THE COURT: Aside from that, when a man enters a plea of
27 not guilty by reason of insanity under 1026 under the Penal
28 Code, psychiatrists have to be appointed.

1 MR. BUBRICK: Yes, sir.

2 THE COURT: Now, I don't see, though, how those psychia-
3 trists were appointed and also could be appointed under 1017
4 of the Evidence Code, to furnish a confidential report, only
5 to the defendant, because 1017 says you are using that psychia-
6 trist to assist you in whether or not you will enter a plea of
7 not guilty by reason of insanity.

8 MR. BUBRICK: Right.

9 THE COURT: Here, you have already done so, see, so why
10 shouldn't the reports of Tweed and Bohr be made available to
11 them?

12 MR. BUBRICK: Because they were appointed as my agents,
13 your Honor.

14 THE COURT: No, not Tweed and Bohr.

15 MR. BUBRICK: I'm sorry, I thought -- I was of the
16 impression that they were appointed under those sections as
17 agents of mine.

18 THE COURT: No, the UCLA bunch were appointed as your
19 agents.

20 Yes, you were to hire John Suarez and his staff of
21 the neuropsychiatric institute at UCLA as agents of the defen-
22 dant.

23 MR. KAY: Your Honor, I might state I was present when
24 the two psychiatrists, Bohr and Tweed, were appointed, and they
25 were appointed by Judge Lucas after Mr. Watson entered his not
26 guilty by reason of insanity --

27 THE COURT: I don't believe that is proper, Mr. Bubrick,
28 after the plea of not guilty by reason of insanity is entered.

1 MR. BUBRICK: Your Honor, it seems to me we went into
2 chambers and talked about this. We came out and took Mr.
3 Watson's plea; then Judge Lucas appointed the doctors whose names
4 we had talked about in chambers.

5 MR. KAY: That's correct, after Mr. Watson had entered
6 his plea.

7 MR. BUBRICK: We couldn't very well appoint the doctors
8 before we made the plea of record.

9 MR. KAY: But 1017 says you can get some agent to help
10 you decide whether to enter the plea; but Mr. Watson entered
11 his plea, then Dr. Tweed and Dr. Bohr were appointed.

12 THE COURT: I think those reports should be made available,
13 Tweed and Bohr's.

14 MR. BUBRICK: All right. Dr. Fort has the original of
15 the Bohr report; it was the only one I had. It came the day
16 I left for San Francisco and --

17 THE COURT: He gave you only one copy?

18 MR. BUBRICK: One copy. I called last night, your Honor,
19 and I left a message with his answering service asking if they
20 wouldn't please get in touch with the secretary and mail me a
21 copy.

22 If it came in this morning, I will have it, but I
23 have had great difficulty in reaching Dr. Bohr by telephone.

24 THE COURT: Don't you think they are entitled to the
25 Tweed and Bohr reports?

26 MR. BUBRICK: I think at the time we introduced evidence
27 of it, if this is the defense we intend to proceed, I think
28 under 1026 we are entitled to it at that time, when we offer

1 that evidence; but I'm not going to quibble, your Honor. I
2 told them once I got Dr. Bailey's and Dr. Fort, if I still --
3 I will make everything available to them.

4 THE COURT: Has anyone heard from Dr. Bailey?

5 MR. BUGLIOSI: He should have his report in about a week, your
6 Honor; he's doing some very extensive research.

7 THE COURT: I read this Prudhomme case; I think that's
8 the latest expression, and while they overrule Pike and Jones,
9 yet they do so: We do not intend to suggest that the prosecu-
10 tion should be barred from any discovery in this or any other
11 case. A reasonable demand for factual information, as in Jones,
12 pertains to a particular defense or defendant and seeks only
13 that information which defendant intends to introduce at trial
14 may present no substantial hazard of self-incrimination and,
15 therefore, justify the trial judge in determining that under
16 the facts and circumstances/before him, it clearly appears that
17 disclosure cannot possibly tend to incriminate the defendant.

18 MR. BUBRICK: Your Honor, I think there has been a
19 District Court of the United States where the People sought
20 discovery and they held that the People have no right to dis-
21 covery in criminal cases.

22 MR. KAY: Except here, your Honor, we have specific
23 sections of the Code which deal with the right of discovery,
24 like 1017 and 912, the waiver of the privilege; and I think
25 that those sections would prevail.

26 MR. BUGLIOSI: I might add, your Honor, that even if
27 Mr. Bubrick decides not to pursue this insanity defense, if
28 we had access to these psychiatric reports, we couldn't use

1 any of the information in them, anyway.

2 MR. BUBRICK: I'm not so sure about that.

3 MR. BUGLIOSI: So I don't think any harm would result
4 to Mr. Manson one way or the other --

5 MR. BUBRICK: I'm glad to hear these slips of the tongue,
6 too, because I have trouble with "Watson" and "Manson," I
7 thought maybe it was a psychological quirk.

8 But, anyway, the point is, your Honor, that I
9 doubt very much if the People would be precluded from reaching
10 -- from using information that those reports reflect, because
11 if there is no longer any confidential relationship between
12 Watson and the therapist or the psychiatrist, I am satisfied
13 they could call all of those doctors for Watson's confessions,
14 assuming he confessed these crimes to those doctors.

15 THE COURT: No, they cannot, until you first introduce
16 that testimony.

17 MR. BUGLIOSI: 1017 specifically provides that.

18 THE COURT: They cannot until you introduce it, Mr.
19 Bubrick; I wouldn't be afraid of that.

20 MR. BUBRICK: When I put his mental state in issue, that's
21 correct; but I don't think it precludes a confession. If you
22 talk to a therapist or a psychiatrist you do so at your own
23 peril; I think that's what the cases hold.

24 MR. KAY: No, that's not true.

25 THE COURT: As a practical matter, Bohr and Tweed, you
26 are going to give them a copy, are you?

27 MR. BUBRICK: If you order me to, I will.

28 THE COURT: I am ordering you to.

1 MR. BUBRICK: All right.

2 THE COURT: As to the people that were appointed as your
3 agents, if Bohr refers to their reports at all in his report --

4 MR. BUBRICK: You mean "Fort"?

5 THE COURT: Fort -- then I shall make an order making
6 those reports available.

7 MR. KAY: Thank you, your Honor.

8 THE COURT: In fact, we can compel him to do it anyway,
9 if he used those reports, the same as any expert who takes the
10 stand and testifies, "I read the report of Dr. Jones and I
11 considered Dr. Jones' report."

12 MR. BUBRICK: There is no question about that.

13 THE COURT: So we have got the same thing that applies
14 here; so, in the meantime, you can have Bohr and Tweed --
15 that will be the order -- and we'll await Dr. Fort's report.

16 That will be coming, you say, by the end of the
17 week?

18 MR. KAY: Hopefully.

19 MR. BUGLIOSI: Dr. Bailey should have his report in soon,
20 too.

21 THE COURT: We will worry about that then; we are going
22 to trial, though, on the 2nd.

23 MR. BUBRICK: I will be ready.

24 THE COURT: All right.

25 MR. BUBRICK: Your Honor, I have talked on the record a
26 number of times about the possibility of associating counsel.

27 If I really decide, because of the pressure and
28 everything else involved, that I would really like some

1 assistance, would your Honor consider such an appointment of
2 one person to assist me?

3 I really haven't found anybody who really is anxious
4 to do it, I will be honest with you.

5 THE COURT: Have you tried Kanarek?

6 MR. BUBRICK: No, thank you.

7 I have even given up trying to solicit Mr. Vaughn's
8 assistance.

9 THE COURT: I saw Vaughn yesterday; I wish you had let
10 me know.

11 MR. BUBRICK: No, your Honor, I would give some thought
12 to somebody who had some knowledge --

13 THE COURT: Yes, and somebody who knows how to try a
14 case, to conduct himself in court.

15 When you tell me you actually need that help, Mr.
16 Bubrick, I will give it some serious consideration.

17 (The proceedings were concluded.)
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1 LOS ANGELES, CALIFORNIA, FRIDAY, JULY 30, 1971, 9:00 A. M.

2 --oOo--

3 THE COURT: People against Watson.

4 MR. BUBRICK: Defendant is present and ready before the
5 Court, your Honor.

6 THE COURT: All right.

7 MR. BUBRICK: Your Honor, this is the defense motion to
8 ask the Court for the association of Mr. Maxwell Keith as
9 attorney of record in this matter.

10 I have, ever since I have undertaken the defense
11 of this matter, your Honor, spent most weekends out of the city
12 interviewing people that I thought might be witnesses; and
13 while I haven't had a great deal of success, I have been able
14 to contact some people that I hope I will in the future be able
15 to bring into the court as witnesses.

16 However, I know from Mr. Bugliosi's courtesies that
17 there about 67 witnesses to be produced on the part of the
18 People.

19 There will be anywhere from 10 to 12, I think, on
20 behalf of the defendant.

21 Many of our witnesses, by way of defense, will be
22 doctors, and we will get involved, I imagine, quite expensively
23 in the medical defense.

24 Because of the numerous witnesses involved and the
25 task of keeping the record of their testimony and outlining it
26 and keeping it up to date, I feel that Mr. Watson's defense
27 would be best urged by the association of counsel, so that we
28 could split up the work presenting the factual matters and the

1 affirmative defense which will, as I say, involve production
2 of doctors and medical -- quite extensive medical testimony.

3 THE COURT: I suppose the district attorney has nothing
4 to say about that?

5 MR. BUGLIOSI: We have nothing to say about that. We
6 are very pleased, in fact, that Mr. Keith is going to associate
7 in, a very competent lawyer.

8 There is only one particular problem I can think
9 of: I am wondering whether Leslie Van Houton has to waive any
10 possible conflict of interest.

11 THE COURT: Is she going to testify?

12 MR. KEITH: No, your Honor.

13 THE COURT: She is not going to testify in this case?

14 MR. KEITH: No, your Honor.

15 THE COURT: Then I don't see where she'd have any con-
16 flict of interest.

17 MR. KEITH: I have given that issue considerable thought,
18 and I find no conflict of interest.

19 THE COURT: I think with the association of Mr. Keith,
20 for whom I, too, have a great respect, I think this trial will
21 be shortened considerably where both men can work together and
22 separately; and I think in the interest of justice and the
23 interest of Mr. Watson, I think the association should be
24 granted.

25 The Court will, therefore, grant the motion under
26 987.2, I think it is, Mr. Maxwell Keith is associated, if Mr.
27 Watson consents to it.

28 Is that agreeable to you, Mr. Watson?

1 THE DEFENDANT: Yes.

2 THE COURT: All right, so that will be done.

3 Now, another thing, Gentlemen, I have not issued
4 any gag orders. Personally, I don't feel we need a gag order,
5 and until the necessity arises for it, I do not intend to issue
6 a gag order; but I do expect all of you gentlemen to conduct
7 yourselves as officers of the court and if I find that anybody
8 is taking advantage in any way at all, I won't hesitate to
9 take measures and also issue a gag order, if and when the neces-
10 sity arises.

11 I hope it will not arise, because I know all of you
12 gentlemen. I have a great respect for all of you and I think
13 you all would conduct yourselves as officers of the court and
14 as lawyers.

15 I, therefore, will not issue a gag order. I hope
16 you gentlemen understand that.

17 Now, another thing, is there a keep-away order now
18 for Mr. Watson and Mr. Grogan?

19 MR. BUBRICK: I understand there is, your Honor.

20 THE COURT: Who is in charge of that?

21 THE BAILIFF: The jail administration, your Honor, takes
22 care of that.

23 THE COURT: All right.

24 Will you gentlemen see to it that that keep-away
25 order is in effect and that they are kept apart?

26 Will you gentlemen do that?

27 THE BAILIFF: Yes, sir.

28 THE COURT: All right, that takes care of that.

1 Now, another thing: I understand that if Mr. Watson
2 is kept here over the noon hour he doesn't get back until 4:00
3 o'clock. Is there any way of getting him back to the jail
4 facility or hospital facility at noontime?

5 THE BAILIFF: Yes, your Honor.

6 THE COURT: You can do that?

7 THE BAILIFF: Yes.

8 THE COURT: Is there anything else, Mr. Bubrick, that we
9 should take up at this time?

10 MR. BUBRICK: I don't believe so.

11 Can you think of any?

12 MR. KAY: Yes, your Honor.

13 I wonder if we could see your Honor in chambers
14 with Mr. Cook?

15 THE COURT: All right. Bring Mr. Watson in. You don't
16 need your machine.

17 (Proceedings were concluded.)
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1 LOS ANGELES, CALIFORNIA, MONDAY, AUGUST 2, 1971; 8:45 A.M.

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4 THE COURT: The People versus Charles Watson.

5 MR. CLIFTON: That Watson matter was set in here
6 previously. He is also known as Tex Watson.

7 It is now set in Department 47.

8 The subpoena was issued by the District Attorney
9 on July 13, 1971 on the charge of murder, returnable in this
10 court.

11 The witness David Hunnem has been served on that
12 subpoena. He is not present in court today, your Honor.

13 THE COURT: Would you call his name?

14 MR. CLIFTON: Hunnem, H-u-n-n-e-m.

15 THE COURT: David Hunnem.

16 You have a return of service executed?

17 MR. CLIFTON: I do, your Honor, executed by one of our
18 process servers.

19 THE COURT: It is now a quarter to 11:00.

20 The defendant having been ordered to appear at
21 9:00 o'clock, and he has failed to appear, a bench warrant is
22 issued for the apprehension of the witness.

23 Service on the bench warrant is returnable to
24 Department --

25 MR. CLIFTON: 47.

26 THE COURT: -- Department 47 in that regard in Case
27 No. A-253156.

28 The bench warrant is issued forthwith.

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

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(The following proceedings were had in chambers:)

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

MR. BUGLIOSI: Yes, that's right.

MR. KAY: Sure.

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

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

MR. KAY: They still do.

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

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

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

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

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

THE DEFENDANT: Yes.

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

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

no objection to your continuing on.

What about the defense attorneys?

MR. KEITH: Of course not.

MR. BUBRICK: No.

THE COURT: What about you, Mr. Watson?

THE DEFENDANT: No.

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

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

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

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

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

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

12 THE COURT: It is rather personal.

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

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

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

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

26 MR. BUGLIOSI: It is sensitive.

27 THE COURT: You may be antagonizing them.

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

2-1

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

3 MR. BUGLIOSI: Thank you.

4 THE COURT: Anything else?

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

7 THE COURT: I will permit general questions.

8 MR. BUGLIOSI: In open court or --

9 THE COURT: In open court, right here.

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

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

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

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

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

2-3

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

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

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

10 MR. BUBRICK: Yes.

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

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

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

22 MR. BUGLIOSI: Each side has 20 peremptories?

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

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

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

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

5 MR. BUGLIOSI: Yes.

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

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

9 MR. BUBRICK: I think so.

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

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

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

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

20 MR. BUGLIOSI: I guess that is it.

21 THE COURT: All right, gentlemen. We will get going.
22
23
24
25
26
27
28

3 fls.

3-1-R

(The following proceedings were had in open court:)

THE COURT: People against Charles Watson.

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

MR. BUGLIOSI: People are ready, your Honor.

THE COURT: Swear the prospective jurors, please.

(The prospective jury panel is sworn.)

THE COURT: Call the jury.

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

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

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

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

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

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

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

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

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

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

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

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

4f.

#4

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

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

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

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

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

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

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

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

4-2

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

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

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

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

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

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

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

4-3

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

That is the definition of reasonable doubt.

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

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

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

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

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

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

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

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

5 fls.

5-1-R

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

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

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

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

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

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

5-2-R

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

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

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

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

Mrs. Taylor, what is your difficulty?

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

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

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

MRS. TAYLOR: It helps a lot.

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

MRS. TAYLOR: Under those conditions, yes.

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

5-3-R

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

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

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

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

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

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

13 MRS. MORRISON: Right.

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

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

19 THE COURT: Mrs. Close?

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

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

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

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

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

5-4-R

1 THE COURT: Who else?

2 That is Mrs. Trainor?

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

6 THE COURT: All right, any other juror?

7 Mrs. Sullivan?

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

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

12 MRS. SULLIVAN: Yes.

13 THE COURT: And Mr. Cooper?

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

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

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

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

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

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

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

5-5-R

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

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

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

7 MR. BUGLIOSI: So stipulated.

8 MR. BUBRICK: So stipulated.

9 MR. KEITH: So stipulated.

5af.

1 THE COURT: Yes; what is your trouble?

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

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

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

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

15 THE COURT: Well, when could you know?

16 MR. RODRIGUEZ: This afternoon, very easily.

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

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

21 THE CLERK: Mrs. Vinson, also?

22 THE COURT: Yes, Mrs. Vinson.

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

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

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

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

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

5A-2

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

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

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

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

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

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

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

15 MR. SISMONDO: No, sir.

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

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

19 MRS. NEHEI: Nihei.

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

21 MRS. NEHEI: Yes.

22 THE COURT: Mr. Dittmer?

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

24 THE COURT: What is your trouble?

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

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

28 MR. DITTMER: Yes.

5A-3

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

3 MR. BUBRICK: So stipulated.

4 MR. KEITH: Yes, your Honor.

5 MR. BUGLIOSI: No objection, your Honor.

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

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

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

10 THE COURT: You are Lois Hall?

11 MRS. SIU: I am Marion Siu.

12 THE COURT: Would you exchange seats, please.

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

14 MRS. SIU: Marion Siu.

15 THE COURT: All right.

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

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

20 THE COURT: You could stay?

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

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

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

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

27 Gentlemen, may Mrs. Siu be excused?

28 MR. BUGLIOSI: So stipulated.

1 MR. BUBRICK: So stipulated.

2 THE COURT: You may be excused.

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

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

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

8 THE COURT: Who is that?

9 MR. ORTIZ: North American Rockwell.

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

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

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

15 MR. ORTIZ: I am afraid so.

16 THE COURT: Gentlemen, may he be excused?

17 MR. BUGLIOSI: So stipulated.

18 MR. KEITH: Yes, your Honor.

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

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

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

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

23 THE COURT: Manuel G. Prado?

24 MR. PRADO: Yes.

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

27 MR. PRADO: Yes, sir.

28 THE COURT: Good.

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

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

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

8 MR. PRADO: Yes.

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

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

12 THE COURT: All right.

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

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

#6

6-1-R

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

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

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

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

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

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

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

6-2-R

1 evidence that might be developed at the trial of this case?

2 (Jurors comply with request of the Court.)

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

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

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

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

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

18 (Affirmative response by the jurors.)

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

22 A JUROR: I honestly don't know.

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

25 MRS. SULLIVAN: I don't know.

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

28 MRS. SULLIVAN: Yes.

6-3-R

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

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

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

10 MRS. SULLIVAN: I guess I could.

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

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

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

19 MR. BUBRICK: No, your Honor.

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

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

24 MR. BUGLIOSI: Is there a defense stipulation?

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

26 THE COURT: All right.

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

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

6-5-R

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

2 THE COURT: You may be excused.

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

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

7 MR. BUGLIOSI: So stipulated.

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

9 Mrs. Freedman, did you understand my question?

10 MRS. FREEDMAN: Yes, I did.

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

14 MRS. FREEDMAN: Yes, I would.

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

19 MRS. FREEDMAN: No.

20 THE COURT: You could make that decision?

21 MRS. FREEDMAN: Yes.

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

25 MRS. FREEDMAN: Yes, I would.

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

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

6-6-R

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

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

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

10 MRS. FREEDMAN: Yes.

11 MR. BUBRICK: Nothing further.

12 THE COURT: A stipulation may be entered into?

13 MR. BUBRICK: Yes, so stipulated.

14 MR. BUGLIOSI: So stipulated.

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

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

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

21 MR. BUGLOSI: Right.

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

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

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

27 MRS. TAYLOR: No doubt.

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

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

3 MRS. TAYLOR: Yes, I would.

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

6 MRS. TAYLOR: Yes.

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

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

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

15 MR. BUBRICK: No.

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

17 MR. BUGLIOSI: Yes, so stipulated.

18 MR. BUBRICK: Yes.

19 MR. KEITH: So stipulated.

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

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

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

27 (Affirmative response by the jurors.)

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

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

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

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

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

12 MR. BRAXTON: Yes.

13 THE COURT: You would?

14 MR. BRAXTON: Yes.

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

17 MR. BRAXTON: No.

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

22 MR. BRAXTON: No.

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

26 MR. BRAXTON: Yes.

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

28 MR. BRAXTON: No.

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

2 MR. KEITH: May I inquire?

3 THE COURT: Yes.

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

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

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

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

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

15 MR. BUGLIOSI: As improper.

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

18 MR. BRAXTON: No.

19 MR. KEITH: Nothing further.

20 THE COURT: Stipulate he might be excused?

21 MR. BUBRICK: So stipulated.

22 MR. BUGLIOSI: So stipulated.

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

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

4 MRS. YAMANOUCHI: Yes.

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

6 MRS. YAMANOUCHI: My answer would be no.

7 THE COURT: You could impose the death penalty?

8 MRS. YAMANOUCHI: Yes.

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

10 MRS. YAMANOUCHI: Right.

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

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

17 THE COURT: Now, Mrs. Rios.

18 MISS RIOS: Correction -- Miss. ~~Yamanouchi~~

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

20 How would you answer those questions?

21 MISS RIOS: To the first one I could make a decision.
22 To the second one I could not.

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

27 MISS RIOS: I would automatically vote against.

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

6A-2

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

2 MISS RIOS: I cannot.

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

5 MISS RIOS: Yes, your Honor.

6 THE COURT: Anybody^{wish} to question the juror any further?

7 MR. BUBRICK: No questions.

8 MR. KEITH: No.

9 THE COURT: Stipulated she may be excused?

10 MR. BUGLIOSI: It may be so stipulated.

11 MR. BUBRICK: So stipulated.

12 THE COURT: Miss Rios may be excused.

13 Is that Mrs. --

14 MISS GAINES: Miss Gaines.

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

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

20 THE COURT: How about question No. 2?

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

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

25 MISS GAINES: No.

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

27 MISS GAINES: No, I have not.

28 THE COURT: Miss Gaines.

6A-3

1 MISS GAINES: No.

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

5 MISS GAINES: No.

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

7 MISS GAINES: No, I do not.

8 THE COURT: Call two more jurors, please.

9 THE CLERK: Yes, your Honor.

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

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

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

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

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

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

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

21 THE COURT: You could impose the death penalty?

22 MR. SCHULMAN: Yes.

23 THE COURT: Under certain circumstances; is that correct?

24 MR. SCHULMAN: Yes, your Honor.

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

28 Have you served as a juror before?

6A-4

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

4 THE COURT: In what way?

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

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

9 MR. SCHULMAN: Yes.

10 THE COURT: May Mr. Schulman be excused?

11 MR. BUGLIOSI: So stipulated.

12 MR. BUBRICK: So stipulated.

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

16 MRS. OBERRINDER: No.

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

19 MRS. OBERRINDER: Yes.

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

23 MRS. OBERRINDER: Yes.

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

26 MRS. OBERRINDER: Yes, I can.

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

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

6A-5

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

3 MR. CASH: Yes.

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

8 MR. CASH: Yes.

9 THE COURT: You do hold such conscientious objection?

10 MR. CASH: I do.

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

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

7 fls.

#7
1 THE COURT: Do you wish to question Mr. Cash any further,
2 gentlemen?

3 MR. BUBRICK: No, your Honor.

4 MR. KEITH: No.

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

6 MR. KEITH: So stipulated.

7 MR. BUBRICK: So stipulated.

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

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

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

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

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

18 MR. POLLAK: No, I do not.

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

21 MR. POLLAK: Yes, sir.

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

23 MR. POLLAK: No, I have not.

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

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

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

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1 MR. POLLAK: No.

2 THE COURT: All right.

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

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

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

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

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

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

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

26 THE COURT: You may.

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

7-3

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

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

5 MISS LOIS L. HALL

6 BY MR. BUBRICK:

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

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

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

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

22 A No, I have not.

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

25 A Southwest Los Angeles.

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

27 A I am a senior stenographer.
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7-4

1 Q Pardon?

2 A I am a senior stenographer.

3 Q For what sort of a firm?

4 A City of Los Angeles, Department of Airports.

5 Q Airports.

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

10 A No.

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

13 A Not with the Department of Airports, no.

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

16 A No.

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

19 A Burglary, auto theft.

20 Q I take it that was your car?

21 A That was my car.

22 Q I hope you got it back.

23 A I didn't.

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

25 MISS HALL: I did, I did.

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

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

7-5

1 it was completely stripped.

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

3 A It was a wreck.

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

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

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

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

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

12 A No.

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

15 A Yes.

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

18 A Oh, yes.

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

21 A No, I didn't.

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

4 A No.

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

8 A No.

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

13 A Yes.

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

15 A Yes.

16 Q Who would that be?

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

19 Q In what sort of a capacity?

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

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

24 A Yes.

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

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

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

7A-2

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

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

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

8 A Oh, no.

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

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

14 THE COURT: Excuse me, Mr. Bubrick.

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

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

23 Do you think you can follow that?

24 MISS HALL: Yeah, I think I could.

25 THE COURT: Thank you, Mr. Bubrick.

26 MR. BUBRICK: Thank you.

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

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

4 A No, just primarily Los Angeles police officers.

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

7 A No.

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

10 A No.

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

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

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

21 A No, I follow you so far.

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

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

28 A How young a girls?

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

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

5 Q No.

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

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

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

17 A Would it cause me to be prejudiced?

18 Q Against him, yes.

19 A Possibly.

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

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

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

3 A No, not specifically.

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

10 Do you understand that?

11 A I understand.

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

18 Does that confuse you or bother you?

19 A A little.

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

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

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

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

5 Do you understand that?

6 A I understand.

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

9 MR. BUBRICK: Fine.

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

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

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

17 (Recess.)

8-1-R

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

4 MR. BUBRICK: Thank you.

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

14 A Correct.

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

19 A I am not sure.

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

27 A No.

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

8-2-R

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

5 A Yes, I would try.

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

13 A I can.

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

23 A I follow you.

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

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1 over-all scheme of things?

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

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

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

6 A Yes.

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

9 A Yes.

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

12 A Yes.

13 Q You have a radio in the house?

14 A Yes.

15 Q Do you regularly subscribe to periodicals?

16 A No.

17 Q Do you get a newspaper?

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

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

20 A It all depends.

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

23 A Oh, I subscribe to a few.

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

27 A No, it is not those type magazines.

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

9-2-R

1 matter in the newspapers?

2 A Yes.

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

5 A The Herald and the Times.

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

9 A No, not really.

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

11 A Yes.

12 Q Regularly?

13 A Right.

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

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

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

20 A Right.

21 Q Which channel is that?

22 A 7.

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

25 A Yes.

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

28 A Oh, yes.

9-3-R

1 Q Or go home at night?

2 A Yes.

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

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

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

8 A Oh, yes.

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

12 A Television.

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

15 A Right,

16 Q And always on Channel 7?

17 A Primarily.

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

20 A No.

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

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

23 Q But you haven't sought them out?

24 A No.

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

28 A Oh, yes.

9-8-R

- 1 Q And with whom did you do that?
- 2 A Friends, relatives, acquaintances.
- 3 Q Fairly regularly?
- 4 A Well, when it was in the news, primarily, last
- 5 year.
- 6 Q That covered a period of about a year or so --
- 7 A Well, probably the first few months after the
- 8 murder.
- 9 Q Do you remember what those discussions were?
- 10 A Primarily the brutality involved.
- 11 Q Was that also your feeling, that they were brutal
- 12 killings?
- 13 A Yes.
- 14 Q You sort of winced when you said it. Did you
- 15 find that discussion and the reading material on that pretty
- 16 revolting?
- 17 A Yeah, it was.
- 18 Q Did you find it -- do you think you find it so
- 19 revolting that it might prejudice you to sit on this jury?
- 20 A Possibly.
- 21 Q Were you ever a visitor in any of the courtroom
- 22 proceedings in connection with the Tate-La Bianca proceedings?
- 23 A (Shakes head negatively.)
- 24 Q Did you know anybody who did visit the courtroom?
- 25 A No.
- 26 Q Did you know anybody who knew any of the people
- 27 who were involved in that trial?
- 28 A No.

9-5-R

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

5 A No, not firsthand.

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

9 A The Tate, primarily.

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

12 A Both.

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

15 A Yes, she was a witness.

10f.

#10

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

10-2

1 A She was a defendant also.

2 Q Anything else you remember about her?

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

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

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

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

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

10 Q How about Jay Sebring?

11 A He was a victim.

12 Q How about Mr. La Bianca?

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

14 Q Anything else that you remember about his death?

15 A Just that they were murdered.

16 Q How about Steven Parent?

17 A I don't recall that name.

18 Q How about Abigail Folger?

19 A She was a victim.

20 Q Leslie Van Houten.

21 A She was a defendant.

22 Q Anything else you remember about her?

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

25 Q And Sharon Tate?

26 A She was a victim.

27 Q Mary Bruner?

28 A I don't recall that name.

10-3

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

2 A No.

3 Q All right. How about Vincent Bugliosi?

4 A Yes, that is him.

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

6 the Tate-La Bianca murders?

7 A Yes.

8 Q Have you ever heard him as a speaker?

9 A No, I haven't.

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

11 speak on the subject matter?

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

13 with me.

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

15 to you?

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

17 followers lived for a time.

18 Q Does it have any other meaning to you?

19 A I believe that is where another victim, Shorty

20 something was supposed to have been murdered or something.

21 Q Shorty something may have been murdered?

22 A Yes.

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

24 trial, do you?

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

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

27 President Nixon in connection with the prior trial?

28 A Yes. I heard his statement.

10-4

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

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

6 Q Is that the way you felt about it?

7 A At the time.

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

11 A Yes.

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

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

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

19 A Yes, they are guilty.

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

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

23 THE COURT: Those who have been convicted?

24 THE JUROR: That have been convicted.

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

27 THE JUROR: Correct.

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

10-5

1 member of that group, do you not?

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

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

7 A Probably. I probably would.

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

10 A Right, probably connect them all.

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

14 A Definitely you would have to.

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

16 THE COURT: Yes.

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

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

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

27 MR. BUBRICK: Yes.

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

10-6

(The following proceedings were had in open court.)

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

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

MR. BUBRICK: Thank you.

Thank you very much, Miss Hall.

THE COURT: We appreciate your frankness, Miss Hall.

MR. BUBRICK: Yes, we certainly do.

JOSIE YAMANOUCHI

BY MR. BUBRICK:

Q Miss Yamanouchi?

A Yamanouchi.

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

A That's right.

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

A Southwest.

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

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

4 Q District Attorney investigators?

5 A Yes.

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

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

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

12 A Yes, I have been in fraud cases.

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

16 A Right, yes.

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

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

20 Q On behalf of the prosecution?

21 A That's right.

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

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

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

1 trial?

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

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

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

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

10 A Yes, that's right.

11 Q You heard that?

12 A Yes, presumed.

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

15 A Right, yes.

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

18 A No, I am retired now.

19 Q You are retired?

20 A Yes, housewife.

21 Q Is it Miss or Mrs.?

22 A Mrs. Yamanouchi.

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

24 A They are both grown up, both married.

25 Q Are they boys, girls?

26 A Son and daughter.

27 Q And is there a Mr. Yamanouchi?

28 A Yes.

1 Q What does he do, please?

2 A He's self-employed.

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

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

6 Q Not under foot, though?

7 A No.

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

10 A No.

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

13 A No, I have not.

14 Q Have you ever witnessed any crime?

15 A No.

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

18 A I don't remember.

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

23 A No, I am not.

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

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

28 Q Aside from --

1 A No.

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

4 A No.

5 Q -- subject matter of law?

6 A No.

11A

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11A-1-R

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

6 A I don't think so.

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

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

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

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

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

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

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

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

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

21 A Yes.

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

25 A Right.

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

27 A Yes.

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

1A2R

1 and to a moral certainty.

2 Do you understand that?

3 A Yes. Now, I understand that far, now --

4 Q That's all I want to make sure, that even in a
5 murder case, because there are people who have certain reaction
6 to murder cases, that you are still going to demand that the
7 People produce that amount of evidence.

8 A Right.

9 Q Now, do you have such a feeling about the general
10 subject matter of drugs, Mrs. Yamanouchi, that leads you to
11 believe that this defendant will be prejudiced in your mind --

12 A I don't think so.

13 Q I think you heard me tell Miss Hall that we realize
14 we are not going to settle any drug problems or drug issues
15 here, but we want to make sure that your feelings about the
16 general subject matter of drugs are not such that you will
17 close your mind, if it is introduced during the course of the
18 trial --

19 A I understand.

20 Q -- and you will not do that, will you?

21 A No, I will not.

22 Q Now, is the same true about the general subject
23 matter of sex?

24 May we assume that if you disapprove of the
25 sexual activities of the people involved in this trial, you
26 are not going to permit that to influence your thinking on the
27 issue of guilt or innocence as far as murder is concerned?

28 A I guess not.

11A3R

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

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

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

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

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

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

15 A No, because --

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

18 A Right, that's right.

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

20 A That's right.

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

23 A I understand that.

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

27 A No.

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

11A4R

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

3 A Right.

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

7 A I have lived here.

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

10 A Yes.

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

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

15 Q What papers do you read or take daily?

16 A Times and we have a Japanese paper.

17 Q Was it reported in the Japanese paper?

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

19 Q But you did read it in the Times?

20 A Yes.

21 Q And how about magazines, did you --

22 A Time Magazine, Reader's Digest.

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

25 A At first, I did.

12f.

#12

1 Q Then later on you sort of lost interest?

2 A Lost interest.

3 Q Did you ever watch it on television regularly?

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

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

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

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

12 A I have no particular station.

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

15 A No.

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

18 A Yes.

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

21 A I have not.

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

24 A You mean Tate-La Bianca?

25 Q The Tate-La Bianca killings.

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

1 to hear the details.

2 Q You did not discuss any details?

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

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

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

13 Q It won't bother you?

14 A No.

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

17 A No, never have.

18 Q Do you know anybody who was ever there?

19 A No.

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

22 A No.

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

25 A No.

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

1 A Yes, I know her name.

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

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

5 Q What do you mean she gave the permission?

6 THE COURT: "Information."

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

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

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

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

13 A No, never have talked about it.

14 Q So you really know very little --

15 A Very little.

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

18 A Right.

19 Q All right.

20 What about Charles Manson?

21 A He is the leader, the cult leader.

22 Q A cult leader?

23 A Yes.

24 Q Anything else you know about him?

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

27 Q All right.

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

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

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

8 A No.

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

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

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

14 A Now when you say that, yes.

15 Q Have you ever heard that expression before?

16 A No, I don't think so.

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

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

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

23 A A victim?

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

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

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

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

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

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

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

7 THE COURT: Our vanishing heroes.

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

10 A What?

11 Q Spahn Ranch.

12 A Yes, I have heard.

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

15 A That Manson and his family were residing there.

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

18 A I heard it.

19 Q Did you think it was a fair statement?

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

21 Q What?

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

24 Q Because he was the president?

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

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

28 A I guess my mind I sort of.

1 Q You sort of did?

2 A I think so at the time.

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

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

7 Q And you tend to agree with his appraisal?

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

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

12 A And I thought was it so?

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

16 THE COURT: No; unscrambling eggs.

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

19 THE JUROR: I know it.

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

22 THE JUROR: Right.

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

25 A Guilt?

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

28 A When it came to court you mean?

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

3 A They were found guilty.

4 Q Do you remember what punishment was assessed?

5 A I think they were found death.

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

8 A Yes, uh-huh, I think.

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

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

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

18 THE JUROR: Uh-huh.

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

21 THE JUROR: Yes.

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

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

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

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

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

4 THE JUROR: It has been there right along.

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

7 THE JUROR: I guess to be fair --

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

10 A I guess so.

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

14 A Yes.

15 MR. BUBRICK: Thank you, your Honor.

16 Thank you, Mrs. Yamanouchi.

17
18 JOHN DARCO

19 BY MR. BUBRICK:

20 Q Mr. Darco?

21 A Yes.

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

24 A Atwater.

25 Q The Atwater area district?

26 A Yes.

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

28 A Well, you could say north.

12A1R

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

4 A That is right.

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

7 A Yea, sir.

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

10 A No.

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

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

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

17 A Yes, I would say that.

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

20 A No.

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

24 A That is right.

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

28 A No.

12A2R

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

2 A No, never.

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

5 A Not that I can think of.

6 Q Not that you can recall at the moment?

7 A No.

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

10 A No, fortunately, no.

11 Q Unfortunately, no?

12 A I said fortunately, no.

13 Q Have you ever studied any law?

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

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

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

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

27 A That is right.

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

12A3R

1 occupation, sir?

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

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

7 A Our inventory always comes up short.

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

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

12 A No. It is minor.

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

19 A No.

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

25 A That is right.

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

12A4R

1 A That is right.

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

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

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

9 A I believe so.

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

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

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

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

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

23 Q So are some of the drugs.

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

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

2A5R

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

13-1QR

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

6 A That's right.

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

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

12 MR. BUBRICK: Fine.

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

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

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

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

13-2-R

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

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

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

22 A Yes, sir.

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

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

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

3-3-R

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

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

12 Is that clear, Mr. Darco?

13 A Yes, sir.

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

15 MR. BUBRICK: Thank you.

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

22 A No, not first degree.

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

13-4-R

1 A Yes, sir.

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

7 A I get the point.

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

13 A No.

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

20 A Yes, sir.

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

26 Do you follow?

27 A That's right.

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

13-5-R

1 take the recess?

2 THE COURT: Very well.

3 How about 1:30, gentlemen?

4 MR. BUBRICK: Fine.

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

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

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

12 Court will remain in session.

13 (Jury excused.)

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

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

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

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

23 THE COURT: Because I will allow the challenge.

24 MR. BUBRICK: Fine.

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

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

13-6-R

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

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

(Noon recess.)

14 f.

#14

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

2
3
4 THE COURT: People versus Watson.

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

8 You may proceed, Mr. Bubrick.

9 MR. BUBRICK: Thank you, your Honor.

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

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

15 A I did.

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

18 A I have.

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

21 A Yes, the Examiner.

22 Q Which one did you get by way of newspaper?

23 A Herald-Examiner.

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

26 A Yes.

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

14-2

1

A TV.

2

Q You watch it fairly regularly?

3

A The news, yes.

4

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

5

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

6

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

7

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

8

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

9

A That is correct.

10

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

11

A No.

12

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

13

A No, sir.

14

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

15

A Just casual conversation.

16

Q With whom?

17

A Oh, mostly my help down at work.

18

Q Your place of employment?

14-3

1 A That is right.

2 Q Did you ever form or express an opinion --

3 A No.

4 Q -- about the people who were involved in that

5 homicide?

6 A No.

7 Q Were you ever in court during any of the

8 proceedings?

9 A No, sir.

10 Q Did you ever talk to anybody who was in court?

11 A No, sir.

12 Q Did you know anybody who knew any of the victims

13 in that particular case?

14 A No.

15 Q Did you know anybody who knew anybody who testified

16 as a witness in that case?

17 A No.

18 Q Did you know anybody who knows this defendant or

19 ever talked to this defendant?

20 A No.

21 Q Do you remember anything at all about the name

22 Susan Atkins?

23 A Yes, she was -- she turned state's witness. That

24 is about all I know.

25 Q Do you think she was a witness for the prosecution?

26 A That is right, yes.

27 Q How about the defendant Charles Tex Watson. Do

28 you remember anything you might have read or heard about him?

14-4

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

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

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

6 Q How about Vincent Bugliosi?

7 A I know him here.

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

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

11 Q Pardon?

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

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

14 A Just a little.

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

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

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

21 A I sure did.

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

23 A No.

24 Q Assuming that there were any others.

25 A No.

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

28 A No. I just heard about it.

14-5

1 Q Do you remember what the statement was?

2 A Not in its entirety, no.

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

6 A At the time I remember what he said.

7 Q What did he say that you remember?

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

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

12 A Not necessarily, no.

13 Q What do you mean not necessarily?

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

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

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

21 Q You thought they had a poor case?

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

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

25 A Yes, in a sense.

15

26

27

28

#15

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

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

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

8 A No.

9 Q You have not?

10 A No, sir.

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

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

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

18 A I have never discussed it.

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

21 A Yes.

22 Q What was the outcome of that?

23 A They got the death sentence.

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

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

28 A I have never given it a thought.

15-2

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

5 A No.

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

8 A As ^{the} judge remarked, he is innocent until --

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

11 MR. DARCO: Presumed innocent, then.

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

15 A That's right.

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

18 A That's right.

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

21 A No, not necessarily.

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

25 A Yes, many times that can happen.

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

15-3

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

4 A Yes.

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

8 A That's right.

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

11 A That's right.

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

15 A That's right.

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

19 A Never gave it a thought,

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

22 A No.

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

26 A No.

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

15-4

1

A Yeah.

2

Q When was that?

3

A During the trial.

4

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

5

A No.

6

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

7

A No.

8

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

9

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

10

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

11

A It was so mentioned, yes.

12

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

13

A I don't believe so.

14

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

15

A Would you reword that again?

16

Q In view of everything that you have heard about the

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

6 A Regarding --

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

9 A That's right.

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

12 A That's right.

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

15 A That's right.

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

18 A That's right.

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

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

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

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

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

1 A No.

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

5 A No.

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

9 A I can follow the instructions.

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

12 A (Nods affirmatively.)

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

15 A No.

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

21 A Yeah.

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

25 A Yeah.

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

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

4 A (Shakes head negatively.)

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

6 A No.

7 Q A person referred to as a psychologist.

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

10 A Not in the entirety, no.

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

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

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

18 A No.

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6-1-R

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

3 A No.

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

6 A No.

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

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

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

14 A Yes.

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

18 A No.

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

21 A No.

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

24 A I think they have their place.

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

28 A No.

16-2-R

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

4 A Say that again.

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

8 A No.

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

21 A Yes.

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

25 A It would depend.

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

28 A It would depend on his presentation.

16-3-R

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

3 A No.

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

8 A No.

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

12 A It would be justly weighed.

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

16 A Yes.

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

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

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

16-4-R

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

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

13 A Yes.

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

16 A That is right.

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

20 A That is right.

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

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

16-5-R

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

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

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

8 THE COURT: Insofar as you are concerned, if you find
9 this defendant guilty of murder in the first degree, you auto-
10 matically will impose the death penalty; is that what you are
11 saying?

12 THE JUROR: Not if there is any question.

13 THE COURT: Question about what?

14 THE JUROR: Well, he says premeditated without malice
15 aforethought --

16 THE COURT: Let's see. Let us not confuse the penalty
17 phase with the guilt phase. Under the law, if after you
18 hear all the evidence --

19 THE JUROR: That is right.

20 THE COURT: -- you are convinced beyond a reasonable
21 doubt that this man willfully, deliberately, and with pre-
22 meditation and with malice aforethought killed someone, that
23 would be murder in the first degree,

24 All right. You would have no choice there, if
25 you found those to be the facts.

26 But you do have a choice on the penalty when it
27 comes to the penalty phase -- either death or life imprison-
28 ment. You would exercise only the choice of the death penalty,

16-6-R

1 is that what you are telling us, and you would not even con-
2 sider life imprisonment?

3 THE JUROR: Oh, I would consider life imprisonment, I
4 don't know what you are getting at myself.

5 THE COURT: Well, I am trying to make this as uncomplica-
6 ted as I can. What I am getting at is this: We don't want
7 people on the jury who would automatically vote against the
8 death penalty, regardless of what the evidence shows, and by
9 the same token, we don't want people on the jury who would
10 automatically vote for the death penalty, regardless of what
11 the evidence shows.

12 In other words, what we want here are jurors who
13 will conscientiously weigh the two penalties and then deter-
14 mine for himself which penalty should be imposed. That is
15 your duty. You must weigh the two alternates -- life imprison-
16 ment or death. We don't want anybody who will say, "I will
17 automatically do one or do the other without regard to what
18 I hear."

19 Do you understand what we are getting at now?

20 THE JUROR: Yes.

21 THE COURT: In other words, we want you to really exer-
22 cise a free choice, a free and untrammelled choice without any
23 guidelines, but you must exercise a choice. That is what we
24 want, people who will choose and not be hidebound one way or
25 the other.

26 THE JUROR: I am not hidebound in any way.

27 THE COURT: And you would give both penalties a choice.

28 THE JUROR: I would give them consideration, right.

16-7-R

1 MR. BUBRICK: Q With some fear of repeating myself,
2 your Honor, but to make sure, Mr. Darco, all I really tried to
3 give you was the definition of first degree murder and those
4 are some of the elements that you are going to have to find,
5 in order to find this defendant guilty of first degree murder,
6 and they require the murder has to be a deliberate one, it has
7 to be willful, it has to be premeditated, and it has to be
8 malice aforethought.

9 Those are at least four of the elements that you
10 are going to have to find before you can find the defendant
11 guilty of first degree murder.

12 Now, since the penalty phase of this trial only
13 comes into effect after you make such a finding, I want to
14 make sure, as the judge has asked you over and over again, that
15 you are not going to just automatically -- and that is the word
16 "automatically" -- you are not going to automatically impose
17 the death penalty because you have found the murder to be
18 willful, deliberate, premeditated and with malice aforethought.

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

20 Q You don't think you would what?

21 A After it has been re -- after it has been explained
22 a little differently, I don't think I would.

23 Q Is there any question in your mind about whether
24 you would or would not?

25 A No.

26 Q You are certain are you now that you will weigh
27 these matters and you will form some educated opinion based
28 on what you have heard?

16-8-R

1 A Yes.

2 Q And you are not telling us now that your mind is
3 such that if you find the murder that I have described to
4 you to have been committed, you are automatically going to do
5 one thing or the other?

6 A No.

7 Q You see, the law doesn't prefer one over the other.
8 That is why the law cannot be of any help to you. The judge
9 will only tell you what your duty as a juror is and then you
10 make the decisions.

11 You decide whether it is life or death and there
12 are no guides, no nothing that the Court can do to let you
13 find out what you think you ought to do. You are just going
14 to have to make that determination, based solely upon what
15 you heard and reach your own heart, your mind and your con-
16 science, to determine what the punishment would be.

17 Now, knowing that again, is your frame of mind
18 such that you feel the death penalty is the only proper punish-
19 ment for first degree murder?

20 A Not necessarily.

17f.

#17
1 Q Do you have any preconceived ideas, Mr. Darco, of
2 a factual situation that you would have to find to be true
3 before you would automatically impose the death penalty?

4 A Say that again?

5 Q Do you have any preconceived ideas of conditions
6 under which you would automatically impose the death penalty?

7 A No.

8 Q May I assume, then, that there is nothing in your
9 mind, such as, "If I find one, two, three, four to be true,
10 I automatically impose the death penalty"?

11 A No.

12 Q Do you have any preconceived ideas based on anything
13 you that you have heard or read about whether this case at
14 this moment is or is not a proper case for the death penalty?

15 A No.

16 Q In other words, so far as you are concerned there
17 is nothing that you know about this case either by way of
18 reading, television, book form or anything else that leads you
19 to believe that you would automatically impose the death penalty
20 in this case right now?

21 A No.

22 Q Let me ask you this, then, Mr. Darco: If you have
23 no preconceived ideas about the situation where you would impose
24 the death penalty, may I ask you if you would automatically
25 impose the death penalty if you found the defendant guilty of
26 two murders in the first degree?

27 A Not necessarily.

28 Q How about three murders in the first degree?

17-2

1 A Not necessarily.

2 Q Four?

3 A No, it would have to be according to the evidence.

4 Q Five murders in the first degree?

5 A One, two, four, five, it doesn't make no difference,
6 it wouldn't change my opinion.

7 Q That is all I want to make sure of, Mr. Darco.

8 You realize you are going to have, in this case --
9 I hate to use the word "option" -- I really don't know what it
10 is, but you are going to be called upon to cast at least seven
11 ballots. He is charged with seven counts of first degree
12 murder and you may, when all the evidence is in, find him
13 guilty of all seven, of one or any number of those murders,
14 but what I want to make sure is that the sheer number of
15 first degree murders that you can find this defendant guilty
16 of doesn't subject you to the frame of mind where you are
17 automatically going to do something.

18 A No.

19 Q And it is not?

20 Do you have any feeling, Mr. Darco, that the same
21 sort of punishment should be meted out as a matter of -- well,
22 should be meted out automatically to everybody who is involved
23 in the same crime?

24 A Not necessarily.

25 Q In other words, you don't feel that everybody
26 who commits the same crime should receive the same punishment,
27 knowing nothing else about the case?

28 A No.

17-3

1 Q Have you ever given any thought, Mr. Darco, or
2 do you know of any factual situation under which you would
3 impose only a life sentence, for example?

4 A No.

5 Q May I assume that you have never thought in the
6 past about a situation which you would have to find to be
7 present before you could impose a life sentence in a first
8 degree murder case?

9 A It was only up to a couple of months ago that I
10 thought the judge did the sentencing.

11 Q Well, the judge really does the sentencing in most
12 cases other than this, and he does impose the final sentence
13 in this; but it is the jury who decides what the kind of
14 punishment is.

15 Q BY THE COURT: Let me ask you this, Mr. Darco:
16 To be perfectly truthful and frank about it, before you got
17 into that jury box and realized that you have a choice between
18 the death penalty and life imprisonment, you never really gave
19 any thought as to what you would do in any given state of facts?

20 A No.

21 Q Is that about what the truth is?

22 A That's right.

23 Q BY MR. BUBRICK: Do you feel, Mr. Darco, that this
24 defendant has the burden of convincing you that he should get a
25 life sentence rather than death?

26 A Say that again.

27 Q Does this defendant have the burden of convincing
28 you that he should get a life sentence rather than the death

17-4

1 sentence?

2 A Not necessarily.

3 Q You realize neither side has the burden so far as
4 the punishment is concerned, that you decide what the punishment
5 is.

6 A That's right.

7 Q And as you sit there now you don't favor one type
8 over the other and the defendant doesn't start off in the
9 trial laboring under the handicap of having to convince you
10 that one rather than the other should not be applied to him?

11 A That's right.

12 Q Have you ever been a member of any organization that
13 sought to retain capital punishment in California?

14 A No.

15 Q Have you ever participated as an active participant
16 in a pro capital punishment movement?

17 A (Shakes head negatively.)

18 Q Are you friendly with any other people that you
19 know are actively pro capital punishment in California?

20 A Not that I know of.

21 Q Do you have any fear, Mr. Darco, that you might be
22 subjected to disapproval by your friends if you didn't bring
23 back a death penalty in this particular case?

24 A No.

25 Q You don't have a fear that once your friends know
26 you are on this kind of a jury, assuming that you stay on this
27 jury, that you are going to get all sorts of advice about what
28 you ought to do or ought not to do?

17-5

1 THE COURT: Along those lines, I might tell you that if
2 you are on this jury you are going to be directed and instructed
3 that you are not to communicate with anybody concerning this
4 case; you are not to speak to anybody, you are not to let
5 anybody else talk to you about this case, and I will tell you
6 that you are going to get that instruction.

7 Q Will you follow it, Mr. Darco?

8 A Yes.

17A

17A

1 Q BY MR. BUBRICK: Are you the kind of a person, Mr.
2 Darco, that is so easily swayed emotionally that shocking
3 matters of any sort may force you to impose the death penalty?

4 A No.

5 Q You don't think that if you see pictures which are
6 gruesome, and I will use that expression, that the mere sight
7 of those pictures, alone, would want to force you to impose
8 the death penalty?

9 A No.

10 Q Do you have any feelings that because of the
11 tremendous amount of publicity that this case has received and
12 knowing, as you do, what the other defendants in this other
13 matter got, that you would be forced to return the death
14 penalty?

15 A No.

16 Q Do you have any feeling that the public demands
17 that you return the death penalty in this case?

18 A No.

19 Q Do you have any feeling, knowing what you know about
20 this case and the manner in which these murders were committed,
21 that this is the kind of a crime that calls for retribution,
22 punishment for punishment's sake?

23 A No. -- you mean an eye for an eye?

24 Q Yes.

25 A No.

26 Q Do you believe in the old theory of an eye for an
27 eye, a tooth for a tooth?

28 A No.

17A-2

1 Q Let me ask you this question, Mr. Darco, and I
2 don't want to know specifically -- as long as you mentioned
3 "an eye for an eye or tooth for tooth" -- maybe we both did --
4 I don't want to know specifically what sort of a church or
5 religious organization, but do you belong to some sort of a
6 religious organization that has as one of its tenets the death
7 penalty or capital punishment?

8 A I don't get what you mean.

9 Q Well, do you belong to any church that believes in
10 the death penalty and preaches the death penalty?

11 A I have never heard it.

12 THE COURT: Is there such a church?

13 MR. BUBRICK: Yes.

14 THE COURT: Because I am on Mr. Darco's side, I never
15 heard of it.

16 MR. BUBRICK: Yes, there is.

17 THE COURT: I am sorry, go ahead.

18 THE JUROR: I am a Catholic and everytime I see them in
19 the movies it is the Catholic priest marching them down to the
20 electric chair.

21 Q BY MR. BUBRICK: Do you think that Catholocism has,
22 then, put its stamp of approval on the death penalty because the
23 priest does that?

24 A No, they are just noticeable, that's all.

25 Q The only point I want to make of this, Mr. Darco,
26 is that I had an experience once before, talking to a juror
27 such as I am talking to you, who said that eventually we would
28 learn that he was a member of a church that endorsed the death

1 penalty and he was very honest and very frank to tell the
2 court that he would do that because he would feel like a sinner
3 if he violated a tenet of the church; and that's the only
4 reason I am asking that question. I didn't mean to ask you
5 what church you belonged to, but I just wanted to make sure
6 that this facet of the trial, if we get to that, wouldn't cause
7 you any discomfort because of any religious belief you have
8 or because it might bring you into some argument with the
9 tenet of the church.

10 You realize, Mr. Darco, that every defendant in
11 every kind of a lawsuit is entitled to your individual opinion.

12 In other words, he has a right to expect that you
13 will reach whatever decision you will because of your own
14 independent thinking; and we will all expect that if you are
15 convinced that whatever position you originally hold is wrong
16 you will change it, whether it be to join the majority or the
17 minority; but what we want to make sure, Mr. Darco, is that
18 you believe and you tell us that you will give the defendant
19 the benefit of your own individual thinking in this case.

20 And you will do that, will you not?

21 A Yes, sir.

22 Q And you won't change that because you find it more
23 convenient to go home at an early hour because you may get
24 tired of this trial and want to bring it to an end, is that
25 correct; if you make a change it is only because you decided
26 you were wrong in your first impressions and you now feel
27 justified in changing.

28 A That's right.

1 Q You see, we need unanimity; that is, we have to
2 have a unanimous verdict if we are going to impose any sort
3 of punishment, so each juror, in that sense, is responsible
4 for his own verdict. You cannot slough the responsibility
5 off to somebody else and say, "You do it," because we have
6 got to get a ballot from each and every juror.

7 Knowing that, are you prepared, Mr. Darco, to sit
8 on a jury with this kind of responsibility?

9 A Yes.

10 Q Now, is there any reason at all, Mr. Darco, whether
11 I have touched on it, whether it has been suggested by anything
12 the judge has to say or anything you have heard or thought
13 or read about over the noon hour that leads you to believe
14 that you can't be fair and impartial to both sides in this
15 proceeding on all issues involved?

16 A No.

17 MR. BUBRICK: Thank you.

18 Now, your Honor, may I now defer to Mr. Keith for
19 a little bit?

20 THE COURT: Yes, sure.

21 Let me ask you this, the only reservation I have
22 is no two shall inquire of the same one.

23 MR. BUBRICK: No, your Honor, he will probably go --

24 MR. KEITH: No, your Honor, it is a long, arduous job
25 so we decided to trade off.

26 THE COURT: That's all right. We don't want any double
27 teaming.

28 MR. KEITH: Is it all right if he hands me a note if I

1 forget something?

2 THE COURT: It certainly is.

17B

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17B1R

LOUIS E. SISMONDO

1 Q BY MR. KEITH: Mr. Sismondo --

2 A Yes, that's correct.

3 Q What is your business or occupation, sir?

4 A I am a design engineer.

5 Q For what company?

6 A Western Concrete Structures; currently a purchasing
7 agent.

8 Q Is there a Mrs. Sismondo?

9 A Yes, there is.

10 Q Does she have an occupation outside the home?

11 A Not officially; she donates her time to the free
12 clinics.

13 Q I see. Are these --

14 A She's a nurse.

15 Q Is she a nurse by -- is she a registered nurse?

16 A She is a licensed nurse.

17 Q Has she ever been employed by a medical doctor
18 or a medical doctor specializing in psychiatry?

19 A No.

20 Q Are there any psychiatrists attached to the free
21 clinic for which she donates her time?

22 A Yes, I believe there are.

23 Q Does she do some work for them?

24 A Not directly, no; she is primarily involved with
25 applications of medicines and fulfilling doctors' requirements
26 as far as treatment of ill's and diseases, or what not.

27 Q She is not, then, I take it, directly involved
28 with the mental states --

17B2R

1 A No.

2 Q -- or the emotions of the patients --

3 A That is correct.

4 Q That attend the free clinics?

5 A That is correct.

6 Q Continuing on this line, is the free clinic a

7 place where young people who have been abusers or users of

8 drugs go for help?

9 A Yes, that is correct, yes.

10 Q And does she have anything to do in connection with

11 trying to, oh, let's say, get them on the road back?

12 A Yes, that is correct.

13 Q And what does she do in that capacity?

14 A Well --

15 Q Does she give them medication?

16 A Specifically, it is primarily up to the doctor to

17 make the recommendations, or whatever he determines is needed

18 to, you know, straighten them out or whatever, if they have

19 some physical ailment or something it has brought about the

20 cause of drug abuse and she carries out the doctors' orders.

21 Q I gather that she is interested, very interested

22 in the field of drug abuse?

23 A Well, that's secondary, because her primary interest

24 is just helping people that need help.

25 Q And does she discuss with you from time to time

26 over the dinner table or elsewhere --

27 A Yes.

28 Q -- her job --

17B3R

1 A That is correct.

2 Q -- at the free clinic?

3 And are you, yourself, interested in the drug
4 problem?

5 A Yes, that is correct,

6 Q Have you done some reading on that subject?

7 A Not specifically, no.

8 Q Have you, yourself, donated any of your time to
9 help such people who run afoul of nature's drugs?

10 A Timewise, no; material donations, yes.

11 Q In other words, I gather you have donated to the
12 free clinic where your wife works?

13 A Yes, in my capacity where I work I have access to
14 commodities at very good prices, so I make a personal contribu-
15 tion of obtaining the commodities and passing them on to the
16 clinic,

17 Q Would these be medications?

18 A Paper towels, things of this nature,

19 Q In the event in this case the evidence showed that
20 Mr. Watson, the defendant here, was an abuser of drugs and
21 narcotics, I dare say you wouldn't cast him aside because of
22 such evidence and reject any other evidence in his behalf
23 that may be offered in this case.

24 Do you understand?

25 A I wouldn't make any automatic presumptions, if
26 that's what you are getting at. I don't have any objection
27 or I don't have any preconceived notions about people that
28 have taken drugs or that do take drugs, if that is what you
are saying.

18f.

#18

1 Q You may find it very unfortunate that people do
2 become involved with drugs. I'm sure we all have that feeling.

3 A Yes.

4 Q And I am not suggesting that evidence of drug use
5 in this case would be irrelevant. It may be quite to the
6 contrary. What I am asking is if you would find it difficult
7 to give this defendant a fair trial on the issue of murder,
8 with which he is charged, in the event the evidence showed that
9 he was or had been a heavy user of dangerous drugs and
10 narcotics?

11 A I don't think that would enter my judgment.

12 Q In other words, you are telling us you would not
13 deny him the benefit of his defense?

14 A That is correct.

15 Q Solely because he was in the past, had been a drug
16 user?

17 A I wouldn't hold that against him if that is what you
18 are after.

19 Q Yes. That is what I am getting at.

20 A Yes.

21 Q Sometimes it takes a little while to get to the
22 point, but lawyers are that way.

23 Have you, to get back to more general questions,
24 have you or anybody near or dear to you ever been the victim
25 of a crime of violence?

26 A No.

27 Q Have you ever witnessed such a crime?

28 A Wait a minute. Let me step back a point. Yes, a

18-2

1 member of my family was a victim of a crime of violence.

2 Q What was the relationship?

3 A My wife.

4 Q Was she held up or something like that?

5 A No. She was assaulted when she was about 15 or
6 something.

7 Q You mean sexually assaulted?

8 A Yes.

9 Q Knowing that that happened to your wife, and I am
10 sure understanding your wife's reaction to that event, do you
11 feel that incident in some way would militate against your
12 giving this defendant a fair trial, bearing in mind he is
13 charged with seven crimes having to do with violence?

14 A No, I don't think so. I am certain it wouldn't.
15 I have taken this as it happened in the past even before I even
16 knew my wife and I have taken it as a matter of history.
17 Circumstances, whatever led up to it, were certainly beyond
18 my control and it was very unfortunate but there is nothing I
19 could do about it. I wouldn't hold a person --

20 Q You wouldn't hold what happened to your wife against
21 somebody else?

22 A No, certainly not.

23 Q Going on, do you number among your close friends
24 or relatives any members of law enforcement?

25 A Yes.

26 Q Such as police officers, District Attorneys?

27 A Yes.

28 Q And so on. Could you tell us about that relationship?

18-3

1 A Well, I live in southeast Torrance and I know the
2 current chief of police. I know the past chief of police. I
3 live across the street from a patrolman. I live down the
4 street from two or three. On the total staff of the Torrance
5 Police Department I probably know 15 to 20 officers and women
6 officers. I am a personal friend with the police chief in
7 the community I am from back in Pennsylvania and my uncle was
8 a District Attorney. Is there anything else?

9 Q District Attorney where?

10 A In Pennsylvania.

11 Q Is that where you are from?

12 A Yes.

13 Q How long have you lived in California?

14 A Since 1962.

15 Q With all of those relationships, would it make it
16 difficult for you to give the defendant here a fair trial
17 bearing in mind that the District Attorney is prosecuting this
18 case and there will be police officers to testify?

19 A Knowing policemen as I do, they are people just
20 like everybody else. I don't see that that would interfere
21 with my judgment on the testimony.

22 Q No. I am not suggesting that you are going to
23 lend more credence to the testimony of a police officer than
24 you would another witness. I don't think that that is going to
25 be a factor in this case really at all -- possibly, but
26 doubtfully.

27 What I am really getting at is you apparently have
28 had a longstanding and close relationship with many police

1 officers in high places and it is simply because often police
2 officers are on one side of the fence and everybody else is
3 on the other, that maybe you might tend to side for the
4 prosecution even though the evidence may not indicate that
5 that is the position you should take.

6 THE COURT: The gentlemen said he came from Pennsylvania.

7 THE JUROR: Well, yes, but quite a few of the friends
8 that I have on the police force are in this locale.

9 THE COURT: All right. But from what I read in the
10 papers some are on one side of the fence and some are on the
11 other.

12 MR. KEITH: I am with you now. I am so slow.

13 THE JUROR: I don't think -- I am not quite too sure if
14 I understand your question completely.

15 Q BY MR. BUBRICK: Would you be inclined to accept
16 the prosecution's view of the evidence?

17 A No.

18 Q You know they are going to argue to you in the
19 event you are selected as a trial juror?

20 A Certainly.

21 Q And they are going to argue their position. Mr.
22 Kay and Mr. Bugliosi -- naturally you expect them to do that
23 and would you be more inclined to accept their --

24 A Certainly not.

25 Q -- evaluation or interpretation of the evidence
26 over the defense's interpretation simply because you have had
27 a close and longstanding relationship with many law enforcement
28 people?

1 A No, absolutely not.

2 Q That is the thrust of that inquiry.

3 A To make my point more clear, as I said I have
4 known many policemen for quite a few years and I couldn't
5 lend any more credence to their testimony just because they are
6 law enforcement people or District Attorneys or whatever.

7 Q Incidentally, have you seen Mr. Bugliosi on
8 television?

9 A No. Today is the first time I have seen him.

10 Q You have never heard him speak?

11 A No.

12 Q We will get to another subject and that is the
13 publicity. You have heard about the Tate-La Bianca homicides
14 no doubt?

15 A Yes, that is correct.

16 Q And you are aware of the outcome of the case that
17 involved Charlie Manson and three young female defendants?

18 A I was aware of the outcome of the trial, that
19 they were found guilty, but I wasn't aware of the penalty put
20 forth to them. I understand from what has been said here today
21 it was death, but I was formerly unaware of that.

22 Q All right. The next question is: Assuming for
23 the sake of discussion that Mr. Watson, although he wasn't
24 tried in that other case, was in some manner involved in those
25 homicides, just assuming that, do you have such a preconceived
26 opinion
27 of his guilt or innocence in this case that it would take
28 evidence to erase it from your mind or could you erase any
opinion you may have right now without hearing any evidence

1 concerning Mr. Watson's culpability, if any?

2 A No, I don't believe so. In fact, when I came
3 into the courtroom I thought he was a member of counsel. In
4 all honesty I have no preconceived notion of his guilt or for
5 that matter even that of the others that were tried previously
6 except that they were found guilty.

7 Q You yourself had no opinion as to whether they were
8 guilty or innocent?

9 A No.

10 Q Have you ever discussed the Tate-La Bianca case
11 with any members of your family or friends?

12 A My wife.

13 Q Or police officer friends.

14 A No. We don't discuss things so much as shop talk,
15 so to speak. My association with police officers and whatnot
16 are on other levels. I am in a home owners group and we have
17 traffic problems and street improvements. Some of the members
18 of the police department, their children are on the same
19 baseball team as my youngster.

20 Q You are very civic minded, I gather?

21 A Somewhat, yes.

22 Q All right. The evidence in this case may well
23 show that Mr. Watson was sort of a hippy back in the 1969, '68,
24 led a communal style life, dressed not as he is today, wore a
25 beard, long beard, associated with, oh, the term has been
26 used here today as a cult, associated with a group of young
27 people in a commune at a place called the Spahn Ranch.

28 Now, would you refuse to give Mr. Watson the

1 benefit of his defense, the benefit of his testimony or
2 testimony in his behalf solely because at one time, or at one
3 time in his life he assumed the characterization commonly
4 called a hippy type?

5 A I have no reason to hold that against him at all.

6 Q Would you have any reason to hold it against Mr.
7 Watson because the morals -- let's say the evidence in this
8 case indicated that the moral values of the members of this
9 group were something less than you and I might ascribe to,
10 would you hold that against him to the point where you would
11 reject evidence offered in his behalf and therefore refuse to
12 give him a fair trial?

13 A No.

14 18A

18A1R

1 Q I am not suggesting either that some of this
2 evidence may not be material on certain issues in this case?

3 A I understand.

4 Q What I am asking you is simply because of his
5 life style that he was living back in 1968 and 1969, and
6 perhaps before that, you would automatically refuse to listen
7 to evidence offered in his behalf and convict him, just because
8 of his life style and the manner in which he lived?

9 A I would have no reason to hold that against him
10 at all.

11 Q We have covered the subject of drugs. I got on
12 that subject rather earlier than I anticipated because of your
13 interest and your wife's in that field. We will go the subject
14 of psychiatry, which we have also touched upon because of
15 your wife's connection with a free clinic. Has any member of
16 your family ever visited a psychiatrist or a psychologist, or
17 also include close friends or relations, or been in a mental
18 institution for that matter?

19 A Yes -- not in a mental institution as such but --

20 Q Well, I might --

21 A As such, yes, because of an incident involving my
22 wife in earlier years, she had to prescribe to psychiatric
23 treatment later.

24 Q Do you yourself, or does your wife believe that --
25 I think I already know your answer -- that psychiatrists can
26 be of help to people?

27 A Certainly.

28 Q You obviously don't feel that psychiatrists as a

18A2R

1 group or incompetent or charlatans or really not able to under-
2 stand or explain the workings or processes of a human mind?

3 A No.

4 Q You don't feel that way at all. You feel to the
5 contrary, I guess?

6 A If anyway, yes, to the contrary.

7 Q That is, it is difficult to generalize, I know,
8 because there are good psychiatrists and bad psychiatrists,
9 just as in every other field or profession or business, but
10 the best I can do is talk generally and generally speaking you
11 have a respect for psychiatrists?

12 A That is correct.

13 Q And do you believe that a good psychiatrist is able
14 to understand and explain the workings of a particular person's
15 human mind, at least as best as the art has advanced in the
16 present day time?

17 A I can agree with that, yes. I think they are of
18 a great help in certain cases.

19 Q Did I ask you if you read books or articles or
20 periodicals or articles in medical journals on the subject of
21 psychiatry? I forget.

22 A I don't recall if you did. But aside from --

23 Q I knew you were interested in it.

24 A Aside from the formal schooling I have had in
25 psychology associated with teaching, and just psychology classes
26 in general, in college, nothing aside from that.

27 Q Did you major in psychology in college?

28 A No. I was in engineering and in teaching.

18A3R

1 Q When did you come here from Pennsylvania?

2 A 1962, January of '62.

3 Q Do you believe that it is possible -- I won't go
4 any further than that -- you recall that one of the pleas in
5 this case is not guilty by reason of insanity?

6 A Yes.

7 Q Now, without asking you to prejudge any evidence
8 in this case, because we cannot do that, do you believe as an
9 abstract proposition that it is possible for someone to be
10 legally insane and not criminally responsible for their act?

11 A Yes, I do.

12 Q And by the same token, although perhaps not --
13 do you believe that it is possible for someone to have a dimin-
14 ished responsibility, not to the point of legal insanity, but
15 to have a lesser responsibility for their acts and conduct by
16 reason of mental disease or defect or the ingestion of drugs?

17 A Yes.

18 Q Or alcohol to excess?

19 A Yes.

20 Q As an abstract proposition, do you think it is
21 impossible for one person's mind to totally control and dominate
22 the mind of another to the extent that the person's mind that
23 is being dominated is virtually destroyed, in other words, no
24 more free will?

25 MR. BUGLIOSI: I think he is getting into the area of
26 prejudging.

27 THE COURT: Yes, I will sustain the objection to that
28 question. You tried.

18A4R

1 Q BY MR. KEITH: Now, we will discuss the subject
2 of the death penalty briefly.

3 As Mr. Bubrick told you, this is the only oppor-
4 tunity we have to find out how you feel about that subject.
5 I am sure you will understand that we certainly don't, or are
6 not going to talk about it with you because of any feelings on
7 our part about this case?

8 A Yes.

9 Q However, this being the only opportunity to inquire
10 about it, about the death penalty, let me ask you this: Do
11 you believe now that this is more likely to be a first degree
12 murder case than otherwise, simply because you have been told
13 that the prosecution will seek the death penalty, in the event
14 a first degree murder verdict is returned?

15 A I have no preconceived notion.

16 Q As an abstract proposition, are you in favor of
17 or are you opposed to the death penalty, or are you undecided,
18 assuming that you have given the subject some thought in the
19 past?

20 A Now, are you speaking specifically of the death
21 penalty or the death penalty in terms of the question of the
22 death penalty versus life imprisonment?

23 Q I prefaced my remark with "as an abstract proposi-
24 tion." I am not talking about this case.

25 A Okay. I think that the death penalty is the biggest
26 deterrent that we have against crime, against invasion from
27 Russia and quite a few things of that nature. We as a nation
28 wouldn't stockpile and tie ballistic missiles and atomic bombs

18A5R

19-R

1 if the death penalty didn't mean something.

2 Q Are you telling us that in the event you found this
3 to be a first degree murder case that you would -- and bearing
4 in mind that you have two choices if you are selected as a
5 trial juror and the case ever gets that far -- two choices,
6 life or death -- are you telling us that you would automatically
7 impose the death penalty in this case without any other con-
8 sideration, because you feel that the death penalty is a big
9 deterrent to crime --

10 A No.

11 Q -- and because it --

12 A Absolutely not; I don't make any --

13 Q -- and, rather, it has something to do with staying
14 off Russia, invading us?

15 A I don't make any automatic decisions, don't get me
16 wrong there. As such, I feel the death penalty, as a penalty,
17 is just improper; and that was my point.

18 Q You don't have any preconceived notions about its
19 propriety in this case --

20 A That's correct.

21 Q -- do you?

22 A What I was trying to say was, as the death penalty
23 is -- the debate is in process now as to whether to abolish it
24 or not to have it -- I understood your question to me, am I
25 in favor of it or not, I feel that it has a place in our
26 society and I am in favor of it; but I would not automatically --

27 Q You wouldn't impose it automatically?

28 A No.

19R-2

1 A No.

2 Q If you felt that this was a proper case for the
3 imposition of life imprisonment, if the case ever got that
4 far and you were selected as a trial juror, would you have the
5 courage to return a verdict of life imprisonment, even if you
6 felt that the death penalty might be a deterrent to crime and
7 you also felt that society at large might have to take a differ-
8 ent view of this case, not knowing the facts as you would, of
9 course?

10 A Not being concerned with society at large, I'd
11 rely on my own judgment; and I think I would make up my own
12 mind, as far as whether the penalty of life imprisonment or
13 death was justifiable in this particular case,

14 Q Without regard to what your friends or neighbors
15 or police office acquaintances may think about this case?

16 A No.

17 Q Or any other case?

18 A I don't think it's any of their business. If I
19 am on the jury, or whatever, I don't think it is any of their
20 business as to how I am thinking or what I am going to do.

21 Q I didn't suggest that you talk to them --

22 A Right.

23 Q -- but afterwards --

24 A I understand that.

25 Q -- after it was all over, someone might criticize
26 you for returning a verdict of life imprisonment?

27 A Well, but, it is my decision, not theirs.

28 Q So you would give us the benefit of your individual

193-R

1 opinion and judgment without regard to popular sentiment, whim,
2 caprice, arbitrariness or otherwise?

3 A Whatever.

4 Q In the event of a first degree murder conviction
5 in this case, would you automatically impose the death penalty
6 because there were seven dead bodies, instead of just one?

7 A No.

8 Q Would you automatically impose the death penalty
9 because you had seen a number of, as Mr. Bubrick told you,
10 gruesome pictures?

11 A No, sir; as I explained earlier, I wouldn't auto-
12 matically impose any --

13 Q Regardless of the gruesomeness of the case, that
14 wouldn't cause you to automatically impose the death penalty?

15 A No, sir. My-Lai was pretty gruesome, too.

16 Q Pardon me?

17 A My-Lai was pretty gruesome, too.

18 Q Yes, sir.

19 A And I don't think numbers really make any deter-
20 mination as to whether the death penalty or life imprisonment
21 applies. It is the specific case at hand.

22 Q And by the same token, you wouldn't automatically
23 find the defendant without -- find the defendant guilty of
24 first degree murder, simply because there were seven bodies,
25 would you?

26 A No, sir; that is correct.

27 Q You would listen to all the evidence and require
28 that the prosecution convince you beyond a reasonable doubt

19-4-R

1 that this was a first degree murder case; isn't that correct?

2 A Yes, sir.

3 Q And in the event that you entertained a reasonable
4 doubt that this was not a first degree murder case, would you
5 have the courage of your convictions and bring back a verdict
6 of some lesser degree?

7 A Yes, sir, if I thought it was applicable.

8 Q You understand that the defendant does not have
9 to prove his innocence --

10 A That is correct.

11 Q -- do you?

12 As a matter of fact, the defendant has no burden
13 whatsoever?

14 A Ever since I was knee-high to whatever, I have
15 always been aware of the fact that the person on trial is
16 supposedly innocent until proven guilty.

17 Q He is presumed --

18 A Presumed; and I have always adhered to that
19 philosophy, or whatever you want to call it.

20 Q Some people don't and that's the reason for my
21 questioning --

22 A I understand.

23 Q -- on this subject.

24 A Certainly.

25 Q I gather that, harking back to publicity for a
26 minute, I gather that you did not follow particularly the
27 events that took place in the previous trial?

28 A No, not particularly.

19-5-R

1 Q Where Charles Manson was on trial?

2 A No, I didn't; I didn't follow the trial. I was
3 aware of its existence and the approximate time that it was on.

4 Q Because of the notriety of that other case, do
5 you feel in any way that you would have difficulty giving
6 Mr. Watson a fair trial in this case, knowing --

7 A Not myself.

8 Q -- knowing that the people in that other case,
9 the defendants there were convicted of first degree murder?

10 A No, I don't personally feel I would have any
11 problem,

12 Q You can tell us now, can you not, that if selected
13 as a trial juror, you will keep an open mind throughout all the
14 presentation of the evidence in this case; you just won't listen
15 to the prosecution side of the case and then close your ears
16 as to what the defendant has to say about his defense?

17 A I would want to hear both sides in order to arrive
18 at a decision; and I certainly couldn't get a decision from
19 one side.

20 THE COURT: That is good commonsense.

21 The very nature of a trial is such that both sides
22 can't jump up simultaneously and speak at the same time; so
23 under our system of justice, the prosecution presents its
24 evidence first, then the defendant may present such evidence
25 as he cares to present and it is your duty to keep an open
26 mind until you have heard all the evidence and until I have
27 instructed you to go into that jury room to deliberate.

28 Q And would you do that, sir?

19-6-R

1 A Yes, sir.

2 Q BY MR. KEITH: Mrs. -- gee, I have forgotten --
3 MISS NIHEI: Miss.

4 THE COURT: Before we get to Miss Siu, suppose we have
5 our afternoon recess, Mr. Keith?

6 MR. KEITH: Fine, but it is "Miss Nihei," isn't it?

7 MISS NIHEI: Yes.

8 THE COURT: What happened to Siu?

9 MR. KEITH: There was another lady by that name and
10 she has been excused.

11 THE COURT: Yes.

12 MR. BUBRICK: No. 12, your Honor.

13 THE COURT: No. 12, and this is Mrs. Nihei?

14 MISS NIHEI: Miss.

15 THE COURT: All right.

16 Ladies and gentlemen of the jury, we will have our
17 afternoon recess at this time. Once more, do not form or
18 express any opinion in this case; do not discuss it among
19 yourselves, let no one else talk to you about this case and,
20 again, keep your minds open completely.

21 (Recess.)

20f.

#20

1 THE COURT: People against Watson. Let the record show
2 that all prospective jurors are in their places, all counsel
3 and the defendant are present. Mr. Keith, you may proceed.

4 MR. KEITH: Thank you, your Honor.

5
6 ALICE K. NIHEI

7 BY MR. KEITH:

8 Q Miss Nihei, do you have a business or occupation?

9 A I am an office supervisor for Pacific Telephone
10 Company.

11 Q Do you number among your close friends or relatives
12 any persons engaged generally in the field of law enforcement?

13 A No.

14 Q Have you ever been the victim yourself of a crime
15 of violence such as an assault or robbery?

16 A No, I haven't.

17 Q Has any members of your family or close friends
18 ever been so involved?

19 A None that I know of.

20 Q Have you ever been a witness to a crime involving
21 violence?

22 A No.

23 Q In what part of the county generally do you live,
24 Miss Nihei?

25 A The Wilshire-Hollywood district.

26 Q How long have you lived in this county?

27 A About 13 years.

28 Q And before that time where did you reside?

20-2

1 A State of Hawaii.

2 Q Were you born in Hawaii?

3 A Yes.

4 Q With respect to the publicity in this case, before
5 coming to court today were you aware of the outcome of the
6 so-called Tate-La Bianca case that was tried in this county
7 some months ago?

8 A Yes.

9 Q As a result of that awareness and anything else you
10 may have heard or read about that case, have you formed an
11 opinion about the guilt or innocence of Mr. Watson, bearing in
12 mind that the charges in this case arise out of those same
13 homicides?

14 A No, I haven't.

15 Q Have you ever talked to anyone about their views
16 of that case, that other case involving Charles Manson and
17 the female defendants?

18 A Yes, at the office and some close friends.

19 Q And did any of them express any opinions to you
20 about how they felt?

21 A They did.

22 Q But you yourself have no opinion one way or the
23 other about the guilt or innocence of this defendant now; is
24 that correct?

25 A Yes.

26 Q In other words, you are telling us that inasmuch
27 as Mr. Watson legally at this time is presumed to be innocent,
28 that you accept that presumption without any qualifications

20-3

1 whatsoever. Is that a fair statement?

2 A Yes.

3 Q Did you read newspaper accounts or hear television,
4 news broadcasts, concerning the events that transpired in that
5 other trial involving Mr. Manson?

6 A Yes, I did, in the L.A. Times, Life magazine,
7 television.

#21

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#21

1 Q But none of that news exposure, then, caused you
2 to form an opinion concerning the guilt or innocence of the
3 litigants to that prior case; is that correct?

4 A They had, you know, a trial, a just trial and
5 were convicted justly.

6 Q All right, so you have an opinion that the
7 defendants in the first Tate-La Bianca case were properly
8 convicted?

9 A As far as I know, yes.

10 Q Now, having such an opinion -- strike that.

11 Are you able to erase that opinion from your mind
12 when you are sitting here as a prospective juror in this case,
13 bearing in mind that many of the facts to which testimony will
14 be addressed and many of the events will be the same.

15 A (Nods affirmatively.)

16 Q You have to say yes or no.

17 A Yes.

18 Q So what you know about the case where Manson and
19 the three young girls were defendants and what you know about
20 the outcome of that case, you can assure us now it will not
21 affect your ability to serve as a fair and impartial trial
22 juror in this case?

23 A Right.

24 Q Miss Nihei, you have heard, by reason of the
25 questioning of other prospective jurors, that there may be
26 evidence in this case that the defendant here, Mr. Watson,
27 could at one time have been characterized as a hippie, lived in
28 a commune, that the moral values present in that commune, perhaps,

21-2

1 were not such as you and I would abide by or espouse.

2 You have also heard from questioning of other
3 prospective jurors that there may be evidence that Mr. Watson
4 not only used but abused drugs, illegally obtained drugs.

5 Now, I am not suggesting that such evidence may
6 not be relevant and may not have a bearing on the issues in
7 this case, but what I am asking you is, because of the life
8 style, assuming such is the case, of Mr. Watson during the
9 years 1968 and '69 and perhaps sometime prior thereto, would
10 you be inclined to reject evidence offered in his behalf and
11 not keep an open mind throughout the case solely because at
12 one time he was a hippie and used drugs extensively?

13 Do you understand the thrust of my question?

14 In other words, you wouldn't give him a fair trial
15 because --

16 A I would.

17 Q -- because of the manner in which he lived?

18 A I would give him a fair trial.

19 Q Regardless of his use or abuse of drugs, regardless
20 of his being a hippie, regardless of the communal type setting
21 in which he lived for a period of time?

22 A Yes.

23 Q This would not militate, in your mind, against
24 giving him a fair and impartial trial, which he is entitled to;
25 it would not, would it?

26 A No, it wouldn't.

27 Q Now, there may be in this case, if you are selected
28 as a trial juror, you may hear extensive psychiatric testimony

21-3

1 produced by both sides, both the prosecution and the defense.

2 Do you have any strong feelings one way or the
3 other about the field of psychiatry?

4 I will put it more specifically -- that's a little
5 too general, perhaps -- do you believe that the psychiatrist
6 who is a medical doctor, specializing in psychiatry, has a
7 function, a role, a significant role in our modern day society?

8 A Yes.

#22

#22

1 Q You don't therefore, I take it, believe that most
2 psychiatrists are really not competent to delve into the
3 processes of the human mind. They are really not competent
4 to evaluate and assess and form an opinion as to why or what
5 causes a person to do a certain thing or act in a certain way?

6 A No. I feel that psychiatrists, he has a degree and
7 he has studied in the field and he is competent in giving testimony.

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

10 A No.

11 Q Have you studied psychiatry in school, college,
12 or afterwards?

13 A No.

14 Q Have you read any books or literature concerning
15 psychiatry or psychology for that matter which is, of course,
16 a related field?

17 A Just five years ago. I didn't read a lot.

18 Q Would you be inclined, Miss Nihei, to automatically
19 find this defendant guilty of first degree murder simply and
20 solely because the evidence may show there are seven dead
21 bodies in this case?

22 A No.

23 Q Do you think it is possible, bearing in mind what
24 his Honor told you about degrees of homicide, first degree,
25 second degree and manslaughter, both voluntary and involuntary --
26 let me put it this way: Would you agree that someone's mental
27 capacity or mental ability may have considerable to do with
28 whether or not a particular homicide is first degree, second

22-2

1 degree or manslaughter, or would you find simply because
2 somebody has been killed that automatically the perpetrator
3 is guilty of first degree murder?

4 A No, I wouldn't say he was guilty of first degree
5 murder, not until the evidence has shown.

6 Q You would want to be shown by the evidence and
7 be satisfied within a reasonable doubt that this defendant
8 or any defendant charged with murder had the mental capacity
9 to commit first degree murder or second degree murder, would
10 you not?

11 A Yes.

12 Q And would you listen to medical evidence and other
13 evidence bearing on the subject of the mental capacity or
14 ability or state of mind, if you will, of this defendant in
15 determining that issue, in other words, the degree of the
16 offense?

17 A Yes, I would.

18 Q You would not close your mind to defense testimony,
19 would you, simply because the evidence may show that these
20 homicides were bizarre and gruesome?

21 A No.

22 Q Would you deny the benefit of the defendant going
23 forward with his defense, in other words, close your ears
24 and your mind to defense evidence, if the evidence showed
25 that the victims in this case received multiple stab wounds and
26 in some instances multiple gunshot wounds?

27 A I don't quite get that.

28 Q Would you refuse or reject any evidence proffered

22-3

1 by the defense on behalf of Mr. Watson --

2 A No, I wouldn't.

3 Q -- in the event the evidence in this case showed
4 that the victims met their death through multiple stab wounds
5 and gunshot wounds?

6 A No.

7 Q You might be shocked by some of the photographs
8 in this case. I don't know whether you will or not. But in
9 the event you are, would you let the gruesomeness of the
10 photographs override your judgment and your wisdom and simply
11 out of emotion find this defendant guilty of first degree
12 murder solely because of the shock value of the photography?

13 A No, I won't.

23

23R-1

1 Q Do you think, Miss Nihei, getting to the subject,
2 briefly, of the defendant's plea of not guilty by reason of
3 insanity, that it's possible for a defendant not to be respon-
4 sible for that crime because of legal insanity?

5 A Yes, I feel it is a possibility.

6 Q And along the same vein, do you think it possi-
7 ble, without knowing any of the facts of this case, of course,
8 that a defendant charged with murder could not be guilty of
9 first degree murder but some other degree, because of a
10 deficiency in mental capacity, caused by mental disease, mental
11 defect, alcoholism, ingestion of drugs, whatever the case may
12 be?

13 A Yes.

14 Q Is there anything about the nature of the charge
15 that makes you not want to sit as a trial juror in this case?

16 You may not be too excited about the prospect, but
17 what I am asking is, bearing in mind that the defendant is
18 charged with seven counts of murder, would those charges and
19 those charges alone, make it difficult for you to sit as a
20 fair juror in this case?

21 A No, it wouldn't.

22 Q Touching on the subject of the death penalty, you
23 have heard the questions asked of the prospective jurors and
24 this is the only chance, as you realize, that we have to
25 inquire about your state of mind on that subject, would you
26 automatically impose the death penalty, if you found this to
27 be a first degree murder case?

28 A No, I wouldn't.

23-2-R

1 Q You realize that there is two and possibly three
2 phases to this particular case. There is the trifurcated
3 trial, one on the issue of guilt or innocence and one on the
4 issue of insanity; and then if those matters are decided
5 adversely, a trial on the issue of life or death.

6 Now, would you automatically impose the death
7 penalty if you found the defendant guilty of first degree
8 murder and sane?

9 A No, I wouldn't.

10 Q You would weigh and consider all the facts bearing
11 on penalty, would you not, before reaching a conclusion --

12 A Yes.

13 Q -- including the defendant's background and
14 history and whatever evidence may be offered in his behalf
15 concerning penalty?

16 A Yes.

17 Q You would do that, would you not?

18 A (Nods head affirmatively.)

19 Q Would you automatically impose the death penalty
20 without regard to any other fact or circumstances, simply
21 because you found -- or you might find the defendant guilty of
22 first degree murder seven times --

23 A No.

24 Q -- bearing in mind there are seven bodies in this
25 case?

26 A No, I wouldn't.

27 Q And that the homicides were very bloody or that
28 there were knives or guns used or that there were multiple

23-3-R

1 stab wounds and multiple gunshot wounds?

2 This certainly would be, I am sure, the prosecu-
3 tion would tell you, a factor that you might consider; but,
4 solely, automatically impose the death penalty because of,
5 say, the multiplicity of stab wounds?

6 A No.

7 Q As an abstract, philosophical proposition, Miss
8 Nihei, are you opposed to the death penalty or are you
9 undecided on the subject or are you in favor of it?

10 A I am undecided.

11 Q In other words, if the subject of the abolition of
12 capital punishment were on the ballot and you were required
13 to vote right now, you wouldn't know how to vote, is that
14 right, right at this very moment? You'd want to have time to
15 consider this subject and think about it; is that what you
16 are telling us?

17 A Right.

18 Q Well, don't let me put words in your mouth.

19 At this time, you are not sure how you would vote
20 if the abolition of capital punishment were presented to you
21 on a ballot; is that a fair statement?

22 A I retract that statement. I would vote either
23 yes or no.

24 Q I know you would vote yes or no, but you don't
25 know which at this time?

26 A No.

27 Q Would you have the courage to return a verdict
28 of life imprisonment in this case, if you felt that that was

23-4-R

1 the proper penalty, even though you also felt that perhaps
2 you'd be subject to criticism from your friends or neighbors
3 or community?

4 Did you understand that question?

5 A Could you restate it?

6 Q I will rephrase it.

7 Let's assume, or let's suppose that you believe
8 that popular sentiment might be against you, if you believed
9 that this was the proper case for the imposition of life
10 imprisonment.

11 Would you still have the courage to bring back a
12 verdict of life imprisonment, despite what you believed that
13 public sentiment to be; that is, adverse to that position?

14 A I would.

24 f.

24R-1

1 Q Let me ask the same question about the guilt or
2 innocence phase of the case. Would you be willing to bring
3 back a verdict of something less than first degree murder,
4 even though you believed that popular sentiment, friends,
5 neighbors, or maybe community, might be against such a verdict,
6 if you found from all the facts that this was not a first
7 degree murder case?

8 A Yes.

9 Q You would have the courage of your convictions
10 then, would you not, despite what you believe popular senti-
11 ment to be, or if you believed it to be to the contrary?

12 A No. I would decide for myself. I wouldn't let
13 my friends.

14 Q In other words, you would give us the benefit of
15 your individual opinion, wouldn't you?

16 A Yes.

17 Q Without regard to what anybody else might think
18 about it?

19 A Yes.

20 Q By that I don't mean to imply, if you are selected
21 by a trial juror, you shouldn't freely and fully discuss the
22 facts and the law of the case with your fellow jurors. I
23 don't mean to imply that at all, but you would stick to your
24 individual opinion, would you not, after a full and thorough
25 discussion of the case with your fellow jurors?

26 A I certainly would.

27 Q Unless you were convinced by logic that your
28 original position was erroneous, then you would be willing

24R2

1 to change, wouldn't you?

2 A Yes.

3 Q But you wouldn't arrive at a verdict in this case
4 because of any extraneous factors or factors extraneous to the
5 trial, such as popular feeling, as I voiced before, and other
6 such considerations?

7 A No. I wouldn't let my friends or popular --

8 Q You wouldn't discuss the case with your friends
9 or anybody else while it was in progress, or during your
10 deliberations in any event, naturally. But you would give Mr.
11 Watson the benefit of your individual opinion, unfettered by
12 any considerations outside the courtroom and outside of the
13 jury room; isn't that correct?

14 A Yes.

15 Q Can you think of any reason, Miss Nihei, why you
16 might find it difficult to give this defendant a fair trial,
17 any reason either I have touched upon or haven't touched upon --
18 we can spend day after day talking to you and we have to have
19 complete candor from you, as I am sure you have given us, but
20 there may be some subject or some observation that I haven't
21 made or you haven't made that might make it difficult for you
22 to be fair to Mr. Watson.

23 A Well, I don't have any. I haven't really heard
24 about the case that much.

25 Q We have gone into the verbosity regarding that
26 other case. That is not going to affect your judgment. You
27 have told us that. Did I ask you, Miss Nihei, if you have
28 ever heard Mr. Bugliosi, the prosecutor, speak or talk about

24R3

1 the other case?

2 A I think I saw him on television once.

3 Q Was that during the trial of the Manson case?

4 A Yes, it was.

5 Q Nothing about his comments there that would cause
6 you to be prejudiced in favor of the prosecution?

7 A I don't think he said anything.

8
9 MEYER SCHACHTER,

10 BY MR. KEITH:

11 Q Mr. Schachter, what is your business or occupa-
12 tion?

13 A I am retired, sir.

14 Q What was your occupation before your retirement?

15 A Storekeeper.

16 Q What sort of a store was that, sir?

17 A It was --

18 Q A general store or --

19 A No, this was in New York. Call it a lunchroom.

20 Q How long have you lived in this county, Mr.
21 Schachter?

22 A Ten years.

23 Q Pardon me?

24 A Ten years.

25 Q And during that ten years, have you been retired?

26 A Yes.

27 Q Did you come here from New York, or did you go to
28 some other state in between?

24R4

- 1 A No, from New York.
- 2 Q Have you ever served as a juror in New York?
- 3 A Yes.
- 4 Q This is New York City?
- 5 A That is right.
- 6 Q Did you ever sit on any criminal cases on jury
7 service in New York?
- 8 A No.
- 9 Q You have sat on a criminal case here, though?
- 10 A I did.
- 11 Q Was that during this tour of duty or some previous
12 tour of duty?
- 13 A No. This was probably three years, over three
14 years ago.
- 15 Q Did you ever sit in a homicide case?
- 16 A No, sir.
- 17 Q How many criminal cases did you sit on during
18 your previous tenure?
- 19 A One.
- 20 Q What kind of a case was that? Don't tell us what
21 happened, but was it a robbery case or burglary case, if you
22 remember?
- 23 A It was a murder case.
- 24 Q It was a murder case?
- 25 A Yes.
- 26 Q And did the jury, of which you were a member, reach
27 a decision in that case?
- 28 A We did.

24R5
1 Q And did it involve the death penalty at all?

2 A I really don't remember how it turned out.

3 Q I'm not asking you how it turned out. I am just
4 asking you whether one of the issues in this case was life, in
5 that other case, was life imprisonment or death?

6 A I am sure -- it is very foggy in my mind what
7 happened.

8 Q Have you ever heard of this case?

9 A This particular case?

10 Q Yes, the Watson case?

11 A The only thing that I heard about Watson is that
12 he was apprehended in some other state, in Texas.

13 Q Are you telling us that because this is something
14 you heard today in court or did you know that before you came
15 to court?

16 A I knew that before.

17 Q Have you ever heard of the Manson case?

18 A Oh, yes.

19 Q And you read about that?

20 A Not so much, mostly television.

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#25

1 Q Incidentally, is there a Mrs. Schachter?

2 A Yes.

3 Q And is she employed outside the home?

4 A No.

5 Q And do you have children, Mr. Schachter?

6 A Yes.

7 Q They are grown, perhaps?

8 A Sure.

9 Q And what are their occupations?

10 A Well, I have only one son, and he works for the
11 U. S. Post Office.

12 Q Does he live out here or back in New York?

13 A He lives out here, yes.

14 Q And what part of the county do you reside in, sir,
15 generally?

16 A Well, if I told you the street, would you know?

17 Q No, I probably wouldn't know.

18 Well, do you live in Los Angeles or Hollywood or --

19 A No, Los Angeles.

20 Q And do you number among your close friends or
21 relatives any members of law enforcement?

22 A No.

23 Q Were you ever held up when you owned and operated
24 that lunch room in New York?

25 A No, never.

26 Q You have never been the victim of a crime --

27 A No, sir.

28 Q -- of violence, then?

25-2

1 A No.

2 Q Has any member of your family ever been such a
3 victim?

4 A No.

5 THE COURT: What part of New York was that, Mr.
6 Schachter?

7 A Brooklyn -- Brooklyn.

8 Q What part of Brooklyn?

9 A Borough Park.

10 THE COURT: Borough Park?

11 Q BY MR. KEITH: You know now, if you didn't before,
12 the outcome of that Manson case, don't you?

13 A Yes.

14 Q And would this in any way make it difficult for you,
15 knowing the outcome of that case, to give Mr. Watson a fair
16 trial in this case, bearing in mind that Manson was charged
17 with the same offenses that Mr. Watson is charged with?

18 A I wasn't that much interested in it.

19 Q You don't have an opinion, then, now, about the --

20 A No, sir.

21 Q -- culpability of this defendant, do you?

22 A No.

23 Q Did you ever discuss or have others discuss with
24 you the facts and circumstances or alleged facts and circumstances
25 of the Manson case?

26 A No, nobody around my place to discuss these things.

27 Q You weren't particularly interested in that matter,
28 then?

25-3

1 A No.

2 Q And there is nothing you can think of in connection
3 with the notoriety of the Manson case that would make it
4 difficult for you to serve as a fair juror in this case; is
5 that a fair statement?

6 A Oh, that's right.

7 Q Do you know anything about Mr. Manson as a result
8 of the notoriety of his case?

9 A What should I know?

10 Q Maybe you will find out something.

11 Well, if you are selected as a juror I dare say
12 you will find out something about it; but you don't know
13 anything about him right now and you care less; is that it?

14 A I don't care too much. I am not cops and robbers
15 interested in.

16 Q So you didn't pay any particular attention to that
17 other case; is that right?

18 A Not too much, no.

19 Q Now, as we have been telling the other prospective
20 jurors, the evidence may well show in this case that Mr. Watson
21 during '67, '68 and '69 led a rather unusual life style.

22 You heard us talk about his being a hippie and
23 taking a lot of drugs and living in a commune with a rather
24 unique set of moral values, if you call them moral values at
25 all -- and solely because of such evidence, if such evidence
26 is produced, would you so hold that kind of a life style of
27 Mr. Watson against him that you would not be in a position or
28 be able to give him a fair trial?

25-4

1 A I would say that what the judge in the beginning
2 set down, the guidelines, would be my guideline to the whole
3 thing.

4 Q Well, I am not sure I understand you, but I will
5 follow it up, if I may, with a few questions.

6 I am not suggesting that evidence of Mr. Watson's
7 manner of living may not be relevant and material in this case.
8 What I am asking you is would you reject any evidence or not
9 listen to any evidence offered in his behalf because you knew
10 or found out as a result of testimony from the witness stand
11 that Mr. Watson used a lot of drugs, lived like a hippie in a
12 commune and ran around with women.

13 Would those facts so prejudice you against him
14 that you couldn't, you wouldn't listen to the evidence offered
15 in his behalf?

16 A Not so, no, sir.

17 Q Or wouldn't pay any attention to what he has to
18 say or witnesses in his behalf have to say?

19 A That has nothing to do with this case.

20 Q Now, I am not saying that it may not have something
21 to do with it. I am just asking you if you would, if you
22 learned that Mr. Watson used a lot of dope, would you just
23 forget about him and say, "Forget about him, convict him because
24 he is a dope user," and for no other reason?

25 You wouldn't do that, would you?

26 A No.

27 Q And we have also discussed the subject of psychiatry
28 here, because I expect there will be testimony from both sides

25-5

1 concerning Mr. Watson's mental state, his capacity, his mental
2 capacity, his mental ability, whether or not he had what is
3 known in the law as diminished capacity, which simply means
4 lesser capacity or lowered capacity because of some mental
5 disease or defect, or the heavy ingestion of drugs or alcohol
6 or a combination.

7 Now, on the subject of psychiatry would you listen
8 to psychiatric evidence offered from both sides, or don't you
9 believe that psychiatrists have a proper role to play in our
10 society and simply reject their testimony out of hand?

11 A I have no personal knowledge of psychiatry as far
12 as I am concerned, but I hear people, some people are under
13 psychiatric treatment for years and think the world of it;
14 others make a joke.

15 I have no idea.

16 Q You don't have any preconceived ideas at this
17 time about the benefits that psychiatrists can offer to the
18 general public; you have no objection to anybody seeking
19 psychiatric help, do you?

20 A No, I hear people were helped by it.

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#26

1 Q You don't have a belief that psychiatrists simply
2 are not competent as a whole -- maybe some are, but generally
3 speaking that psychiatrists aren't competent to delve into
4 the processes of the human mind and come up with some answers
5 as to why we do things or don't do things, or the way our mind
6 works, or whether we have the capacity to think and premeditate
7 or whether we act in an unusual way in a given situation. You
8 are telling us that you have an open mind on that subject?

9 A Absolutely.

10 Q And that you don't feel that psychiatrists aren't
11 knowing
capable of what goes on in your mind?

12 A It is a big theory.

13 Q It is a big field, but if psychiatrists in this
14 case give their opinions with regard to certain subjects, are
15 you going to say "Well, that is just a wild theory," and reject
16 it?

17 A Oh, no.

18 Q Out of hand, or are you going to listen to it?

19 A They are knowledgeable.

20 Q Incidentally, Mr. Schächter, do you have the
21 feeling that the defendant here is more likely to be guilty
22 than innocent of first degree murder because you have heard
23 that the prosecution is seeking the death penalty?

24 A You have to rely on the evidence.

25 Q And you realize this is the only chance we have,
26 either side has to talk about the possibility of capital
27 punishment in this case and simply because you have heard that
28 Mr. Bugliosi and Mr. Kay are seeking it, it doesn't mean that

26-2

1 this is a death penalty case to you, does it?

2 A There are always two sides to the subject.

3 Q Do you believe that it is possible for an
4 individual charged with seven counts of murder to be legally
5 insane?

6 A It is possible.

7 Q Would you be willing to listen and evaluate such
8 evidence in the event --

9 A Absolutely.

10 Q Do you know of any reason why you couldn't give Mr.
11 Watson a fair trial on the issue of his sanity or insanity in
12 the event the case ever reaches that point?

13 A No, absolutely. I am openminded.

14 Q Do you know of any reason as you sit here now,
15 Mr. Schachter, why you might find it difficult to give Mr.
16 Watson a fair trial?

17 A No.

18 Q I haven't touched upon all subjects, I am sure,
19 that might bear on your qualifications to serve as an impartial
20 juror in this case. This would take days and we don't have that
21 kind of time. So I have got to rely on you to be candid with
22 us, as I am sure you will be, and tell us if you know of or
23 can think of any reason, almost in your subconscious mind since
24 we are talking about psychiatry, that might make it difficult
25 for you to be fair to us.

26 A No, I don't recall.
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26-3

JOSEPH J. POLLAK

BY MR. KEITH:

Q May I ask your business or occupation?

A I am semi-retired. I am a diamond tool engineer.

Q Has that been your occupation for most of your productive career?

A Most of my life, yes.

Q And how long have you lived in this county?

A 27 years.

Q And where were you from before that time?

A Brooklyn.

Q Do you know Mr. Schachter?

A No.

Q Ever eaten at his lunch room?

A No. I am not from Borough Park.

THE COURT: Brighton Beach?

THE JUROR: No, south Brooklyn, Prospect Park.

Q BY MR. KEITH: Is there a Mrs. Pollak?

A Yes.

Q Does she have an occupation outside the home?

A A very important occupation -- housewife.

Q Do you have any children, sir?

A I do and two great-grandchildren.

Q How many?

A Two.

Q What are the occupations of your children or grandchildren?

A My youngest daughter is a housewife. My oldest

1 daughter is my secretary.

2 Q You have two daughters?

3 A Yes.

4 Q Presumably some of their children are grown since
5 you have --

6 A My oldest daughter's son is in the armed service in
7 Germany and her other son is employed as a salesman in the
8 company of which I am president.

9 Q What is that company?

10 A Cast Gem, Incorporated. It is industrial diamonds.

11 Q Where is your place of business?

12 A On Western Avenue near Beverly.

13 Q Have you or any member of your family been the
14 victim of a crime of violence?

15 A Fortunately, no.

16 Q Do you or any members of your family number among
17 you as their close friends members of law enforcement in any
18 capacity?

19 A I have been wondering how I could answer that
20 question. I am a member of the Peace Officer's Shrine Club.

21 Q How long have you been a member of that organization?

22 A 1953.

23 THE COURT: That is not composed of all peace officers, by
24 the way.

25 THE JUROR: No -- a few of them.

26 Q BY MR. KEITH: So you do number among your friends,
27 inasmuch as you are both in the same organization, peace
28 officers?

1 A Yes.

2 Q Would your membership in the Peace Officer's
3 Shrine Club in any way affect your ability to be fair in this
4 case in the event you were selected as a trial juror?

5 A It would probably have the opposite effect.

6 Q You are going to have some inquisition on that
7 subject so I might as well ask you --

8 A Go right ahead. It wouldn't.

9 Q When you say it would probably have the opposite
10 effect, could you explain perhaps what you meant?

11 A Well, I once got a ticket and I made a mistake
12 of telling them at the Peace Officer's Shrine Club and it cost
13 me two fines.

14 Q You are telling me that you wouldn't be?

15 A Which?

16 Q You wouldn't be inclined to favor the prosecution
17 over the defense because of your affiliation with the Peace
18 Officer's Shrine Club?

19 A No, sir.

20 Q In all seriousness -- I realize we have been
21 somewhat facetious -- in all seriousness would you be inclined
22 not to favor the prosecution, in other words, to favor the
23 defense solely because of that affiliation?

24 A No.

25 Q You would be fair to both sides?

26 A According to the evidence.

27 Q Have you served as a trial juror before in either
28 a criminal or civil case? My notes don't show.

1 A No.

2 Q You have heard his Honor talk about certain aspects
3 of the law. You will follow his Honor's instructions regarding
4 the law scrupulously, will you not, regardless of any personal
5 feelings or beliefs?

6 A I will.

7 Q Any beliefs you may have as to what you think the
8 law ought to be?

9 A I will.

10 Q You have no quarrel with the presumption of
11 innocence, or the prosecution has the burden of proving their
12 case beyond a reasonable doubt and to a moral certainty, do
13 you?

14 A No, I do not have any quarrel with that.

15 Q You realize as the defendant sits here he is
16 presumed to be innocent?

17 A Yes.

18 Q We have been talking a good deal about pretrial
19 publicity attendant upon the Manson case that preceded this
20 one and is now over with. Were you exposed to any of that
21 publicity or notoriety?

22 A I was.

23 Q And as a result of such exposure have you formed any
24 opinion concerning the guilt or innocence of this defendant?

25 A I know very little about Mr. Watson. I do know
26 quite a bit about the Manson --

27 Q You did or you did not know?

28 A I knew very little about Mr. Watson.

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Q I heard you there but then you said --

A I knew quite a bit about the Manson trial.

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1 Q Is that because of -- well, did you ever attend a
2 trial as --

3 A Yes, I did.

4 Q How many times did you attend the Manson --

5 A Twice.

6 Q And was your purpose --

7 THE COURT: Did you see Mr. Bugliosi there?

8 THE JUROR: Yes, I did.

9 How could you avoid it?

10 Q He might have been a victim there.

11 A May I explain why I was there?

12 Q BY MR. KEITH: I was about to ask you that.

13 A My niece's fiance was the courtroom artist for
14 channel 7, I think it is, and it was at his instance that we
15 came down to see the trial.

16 Q Did you have any special or overriding interest
17 in that case?

18 A None whatever.

19 Q You attended that trial twice at the instance of
20 your niece's fiance, who was an artist --

21 A That's right.

22 Q -- for channel 7?

23 If that artist appears in court in this case -- I
24 don't know whether he will or not, but he may well -- would
25 this in any way affect your duty as a juror to give both sides
26 a fair trial?

27 A I don't see how it could have any effect.

28 Q I don't see, either, but you can't tell.

1 A No, it would not.

2 Q Did you also listen to television broadcasts and
3 read the newspapers about the Manson trial and its progression?

4 A I read very little about it in the newspapers.
5 I did watch television, perhaps, mainly to see Lignanti's
6 pictures.

7 Q What was his name, by the way?

8 A Bill Lignanti.

9 Q Do you have an opinion at this time as to whether
10 the verdicts in that case were just and proper, or haven't
11 you formed any such opinion?

12 A I haven't formed any opinion, but I take it for
13 granted that the jury found a just --

14 Q I gather you believe that the jury did their duty
15 as they saw fit in that case, but aside from that do you have
16 any opinions of your own based on your own exposure to the
17 publicity in that case and your own appearance on two occasions
18 at the trial, itself?

19 A I feel that they reached a just verdict.

20 Q Because of that feeling that you have just
21 expressed, do you think it would be difficult for you to give
22 Mr. Watson in this case, bearing in mind that he is charged
23 with the same homicides that Manson was charged with, a fair
24 trial?

25 A I believe that if the evidence is the same in Mr.
26 Watson's case, that I would have a tendency to find the same
27 kind of a verdict that the other jury found, the evidence being
28 the same.

1 Q Well, at this present time, however, as you sit
2 here now, can you erase from your mind, can you forget about
3 and start afresh without any opinion at all --

4 A I don't know of the other evidence.

5 Q -- about Mr. Watson's guilt or innocence, even
6 though you do have an opinion about the justness of the
7 previous verdict?

8 THE COURT: Mr. Keith, may I ask you this --

9 MR. KEITH: I will withdraw it; I got mixed up.

10 THE COURT: I want to ask you a question. In that case
11 was there any plea other than not guilty?

12 MR. BUGLIOSI: Your Honor, I don't know if that would be
13 relevant at this particular stage.

14 THE COURT: Well, for this reason, in view of Mr.
15 Pollak's answer that if the evidence was the same in that case,
16 or this case as it was in that case, he'd be inclined to find
17 him guilty; but I do not know whether in that case there were
18 any -- there was any other plea.

19 MR. BUGLIOSI: There may or may not have been, your Honor,
20 but I am not too sure it is relevant as far as this particular
21 jury is concerned because that just opens up a pandora's box
22 as to all types of distinctions, perhaps.

23 THE COURT: Well, I am just trying to get, clarify in
24 my own mind Mr. Pollak's thinking, and I think it might clarify
25 his thinking a bit, too.

26 MR. BUGLIOSI: I would object to any reference to any
27 pleas in the other case.

28 MR. KEITH: I can't very well explain to Mr. Pollak what

1 differences, if any, without asking him to prejudge the case.

2 THE COURT: Counsel, will you approach the bench, please?

3 (A discussion was had at the bench off the record.)

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

5 THE COURT: Mr. Pollak, having indicated that if the
6 evidence is the same at this case as it was in the Manson case
7 you would be inclined to find this defendant guilty, now,
8 there may be issues in this case which were not present in
9 the Manson case. There may be,

10 If there are, would you consider those issues?

11 A Yes.

28R1

1 THE COURT: You would consider the facts and the law
2 pertaining to those issues, is that correct?

3 THE JUROR: Yes.

4 THE COURT: In other words, as you sit there now, you
5 are not ready to say Watson is guilty of anything, are you?

6 THE JUROR: No.

7 THE COURT: And you will decide every issue presented
8 to you; is that correct?

9 THE JUROR: Yes.

10 THE COURT: I have no further questions.

11 MR. KEITH: Thank you, your Honor.

12 Q Would you be inclined not to give Mr. Watson a
13 fair trial, Mr. Pollak, in the event the evidence shows that
14 he lived in a communal style setting in a hippie-like fashion
15 and used drugs extensively? These are facts, in the event
16 such testimony is produced, may have a bearing on the issues
17 of this case. I am not discounting that.

18 What I am asking you is: Would you just reject any
19 evidence offered on his behalf because you didn't approve of
20 the manner in which he lived, or the people --

21 A Yes, I would.

22 Q -- he was associated with?

23 A Yes, I would reject my feelings against that.

24 Q You're answering it in the negative. You would
25 consider such evidence for whatever value you think it might
26 have on the issues presented to you in this case, but you
27 wouldn't deny the defendant the benefit of his defense,
28 simply because of his previous life style, would you?

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A No.

Q And with the respect to the subject of psychiatry, you have heard the questions that have been asked of the other prospective jurors, have you not, about their feelings about the psychiatric art or profession? Would your answers be substantially different?

A No.

Q Than the answers of any of the other jurors?

A No. I have a high regard for psychiatry.

Q So you wouldn't reject psychiatric testimony out of hand but you would listen to it and give it whatever weight you think it deserved?

A That is correct.

Q And you would consider it. You would consider the testimony offered by the medical profession in this case and not reject it out of hand, simply because you don't think much of psychiatrists as a whole. You would take a contrary view?

A Yes.

Q Do you believe, Mr. Pollak, that it is possible for an individual charged with murder to be legally insane at the time of the commission of the crime?

A I don't believe he can commit a murder unless he is.

Q What you are saying is that you accept the proposition that there is such a law as legal insanity in this case and in the event we reach that issue, you wouldn't find the defendant sane, simply because you had found him guilty of first degree murder, but you would listen to the medical

28R3

1 evidence bearing on the subject of sanity or insanity and make
2 up your mind, according to the evidence and not simply because
3 you believe there is no such thing in this state or anywhere as
4 legal insanity?

5 A Yes, I would.

6 Q It is your belief then, if someone is legally
7 insane, they should not be held responsible for their criminal
8 conduct?

9 A I believe each case should be considered individually.

10 Q I appreciate that, but what I am getting at is
11 as a philosophic and legal proposition you accept the law in
12 this state and someone who is found legally insane is not
13 legally responsible for any criminal conduct they may have
14 entertained?

15 A Is that the law in this state?

16 Q That is the law in this state, yes. You will
17 follow that law, won't you?

18 A I will, if that is the law of the state.

19 Q In other words, if you believe after hearing all
20 the evidence, if we reach that point in the trial, if you
21 believe that Mr. Watson was insane at the time of the commis-
22 sion of these offenses, you would have no hesitation to bring
23 back such a verdict? You would have the courage to do so?

24 A If it was proven, I would bring that kind of a
25 verdict back.

26 THE COURT: All right, Mr. Keith, Mr. Bubrick and
27 Mr. Keith, if you are challenging Jurors No. 1 and 2 for cause,
28 I will accept that challenge at this time.

28R4

1 MR. BUBRICK: We are, your Honor.

2 THE COURT: Mrs. Hall and Mrs. Yamanouchi will be
3 excused. Thank you for coming.

4 MR. BUGLIOSI: Your Honor, before you recess, could we
5 approach the bench.

6 THE COURT: Yes.

7 (Discussion at the bench, outside the record.)

8 THE COURT: Ladies and gentlemen of the jury we will
9 recess at this time until tomorrow morning at 9:30.

10 Once again, let me caution you, do not form or
11 express any opinion in this case. Do not discuss it among
12 yourselves or with anybody else.

13 Please keep your mind open and I am asking you
14 now, in fact, I am directing you to do all in your power to
15 avoid reading anything about this case or listening to any-
16 thing about this case on the radio or watching it on tele-
17 vision.

18 You may become jurors in this case and we want
19 you to be completely uninfluenced by any outside interference
20 of any kind. Please make every effort to avoid reading or
21 hearing about this case. Thank you.

22 (At 4:00 p.m., an adjournment was taken until
23 Tuesday, August 3, 1971, at 9:30 a.m.)
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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.
27
28

3R1

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. Vasquez, V-a-s-c-o-z.

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

20 THE COURT: Mr. Vasquez 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. VASQUEZ: Myself, I don't think I can.

27 THE COURT: Beg your pardon?

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

3R2
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: Simeon N. Suarez, S-u-a-r-e-z.

17 THE COURT: Mr. Simeon, 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."

3R3

1 THE COURT: May he be excused, gentlemen?

2 MR. BUGLIOSI: Yes, your Honor.

3 MR. BUBRICK: Yes, your Honor.

4 MR. KEITH: So stipulated.

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

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

7

8 CAROL L. SYQUIA,

9 BY THE COURT:

10 Q Would you pronounce your name for us, please?

11 A Syquia.

12 Q Is that Miss or Mrs.?

13 A Mrs.

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

16 A I asked my employer and she said, no.

17 Q What work do you do?

18 A I'm a supervisor.

19 Q Employed by whom?

20 A Pacific Mutual.

21 Q Pacific Mutual; that is the insurance company?

22 A Right.

23 Q And they said no.

24 A They said that I should ask to be excused.

25 Q A little unusual for Pacific Mutual to do that.

26 A Well, I just asked my manager.

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

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A This is my second day.

Q This is your second day?

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

Have you ever served as a juror before?

A No.

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

A What I have read in the papers.

Q That is on a former trial?

A Yes.

Q Did you hear all the questions put to all prospective jurors by defense counsel?

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

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

R5-2

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

TAr4

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

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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.

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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. of

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?

7R-4
1 A No, it wouldn't.

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

4 A Yes.

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

7 ALLEN L. TATUM, JR.,
8

9 BY MR. BUBRICK:

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

12 A Northeast.

13 Q And the nature of your business or occupation?

14 A I am a unit control supervisor for Barker Bros.

15 Q Sir?

16 A I am a unit control supervisor for Barker Bros.

17 Q Barker?

18 Is there a Mrs. Tatum?

19 A No, there isn't.

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

22 A That's correct.

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

25 A No, none.

26 Q How about a prosecutor's staff?

27 A None.

28 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 witness ⁱⁿ 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.

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

A No, it wouldn't.

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

A No.

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

A That's correct.

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

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

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

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

Q October of '69?

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

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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

BY MR. BUBRICK:

26

Q Now we go back to Mrs. Trainor,

27

A Yes.

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Q I think that's where we were.

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

A Southwest Los Angeles.

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

A I am retired.

Q What was your work?

A Waitress.

Q Is there a Mr. Trainor?

A No longer.

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

A Precision inspector.

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

A No, I have not.

Q Have you ever been a witness to a crime?

A No, I have not.

Q Have you ever testified in court?

A No, I haven't.

Q In connection with any proceeding of any sort?

A No.

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

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

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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 and, ^{it} 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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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.

#12 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 Hansen 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.

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#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 us 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. Rubrick 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.

14K-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.

THE COURT: All right. It is withdrawn. So it requires no explanation. Withdrawn.

Q BY MR. KEITH: I will ask you this and see what happens. Do you think it is possible that an individual who has committed a crime can be legally insane and not responsible legally for his acts?

A I think it is possible. Nothing definite, though, but it is possible.

Q What I am saying is a person who is legally insane or found to be legally insane in this state is not considered criminally responsible for what he has done or not done.

I think the best way to put it is: When faced with such a problem in court, would you follow his Honor's instructions on that subject and not reject them out of hand, because you may have difficulty believing in the concept of legal insanity?

A Yes, I would follow his Honor's instructions.

Q Getting back briefly to the issue of the death penalty, Mr. Rodriguez, and first degree murder. Do you think that this must be a first degree murder case because the prosecution has told you that it is seeking the death penalty?

A No. I would have to listen to the testimony.

#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. Oberinder?

A Yes.

Q Am I pronouncing your name correctly?

A That's correct.

Q And is there a Mr. Oberinder?

A Lieutenant Commander Oberinder was killed in action.

Q Second World War?

A That's right.

Q Do you have any children, Mrs. Oberinder?

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 Merritt 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.

27

28

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?

5

1 A No.

2 Q Or psychologists?

3 A No.

4 Q Has any close friend or member of your family

5 ever been treated or examined by a psychiatrist?

6 A No.

7 Q Or psychologist?

8 A No.

9 Q Have you read any books or literatures or articles

10 on the subject of psychiatry or psychology?

11 A Well, yes.

12 Q Or studied it in school, for that matter?

13 A Yes, psychology.

14 Q Have you read books on psychology?

15 A Just in school.

16 MR. BUGLIOSI: Does the Court wish to adjourn now.

17 THE COURT: How close, Mr. Keith, are you with being

18 through with Mrs. Oberrinder?

19 MR. KEITH: I would have another ten minutes.

20 THE COURT: We will recess at this time, ladies and

21 gentlemen of the jury. Once again, do not form or express

22 any opinion on this case. Do not discuss among yourselves

23 or with anyone else the case and keep your minds open. 1:30.

24 MRS. OBERRINDER: May I ask you a question?

25 THE COURT: What is on your mind?

26 MRS. OBERRINDER: Well, we don't say that we are even

27 on this jury, do we?

28 THE COURT: Not yet, no.



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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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