

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 104

HON. CHARLES H. OLDER, JUDGE

COPY

THE PEOPLE OF THE STATE OF CALIFORNIA,  
Plaintiff,

vs.

CHARLES MANSON, SUSAN ATKINS,  
LESLIE VAN HOUTEN, PATRICIA KRENWINKEL,  
Defendants.

151

No. A253156

REPORTERS' DAILY TRANSCRIPT  
Friday, November 20, 1970

APPEARANCES:

For the People:	VINCENT T. BUGLIOSI, DONALD A. MUSICH, STEPHEN RUSSELL KAY, DEPUTY DISTRICT ATTORNEYS
For Deft. Manson:	I. A. KANAREK, Esq.
For Deft. Atkins:	DAYE SHINN, Esq.
For Deft. Van Houten:	RONALD HUGHES, Esq.
For Deft. Krenwinkel:	PAUL FITZGERALD, Esq.

VOLUME 151  
PAGES 18064 to 18269

JOSEPH B. HOLLOMBE, CSR.,  
MURRAY MEHLMAN, CSR.,  
Official Reporters

I N D E X

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<u>DEFENDANT MANSON'S WITNESS:</u>	<u>DIRECT</u>	<u>CROSS</u>
MANSON, Charles	18,119	18183

E X H I B I T S

DEFENDANTS': IN EVIDENCE      DEFENDANTS': IN EVIDENCE

(The following exhibits have previously been identified.)

A	18,200	S	Withdrawn
B	Withdrawn	T	18,205
C	18,200	U	18,205
D	18,201	V	18,205
E	18,201	W	18,205
F	18,201	X	18,205
G	Withdrawn	Y	18,206
H	18,201	Z	18,206
I	18,201	AA	18,206
J	Withdrawn	BB	18,207
K	18,202	CC	18,207
L	18,202	DD	18,207
1-4A	18,203		
M	18,202	EE	18,207
N	18,202	FF	Withdrawn
O	18,202	GG	18,208
P	18,203	HH	18,208
Q	18,203	II	18,208
R	18,204	JJ	18,208

## I N D E X (CONTINUED)

	<u>DEFENDANTS'</u>	<u>IN EVIDENCE</u>	<u>DEFENDANTS'</u>	<u>IN EVIDENCE</u>
1				
2				
3	KK	18,208	AJ	18,208
4	LL	18,208	AK	18,208
5	MM	18,208	AL	18,208
6	NN	18,208	AM	18,208
7	OO	18,208	AN	18,208
8	PP	18,208	AO	18,208
9	QQ	18,208	AP	18,208
10	RR	18,208	AQ	18,208
11	SS	18,208	AR	18,208
12	TT	18,208	AS	18,208
13	UU	18,208	AT	18,208
14	VV	18,208	AU	18,208
15	WW	18,208	AV	18,208
16	XX	18,208	AW	18,208
17	YY	18,208	AX	Withdrawn
18	ZZ	18,208	AY	Withdrawn
19	AB	18,208	AZ	Withdrawn
20	AC	18,208	BC	18,209
21	AD	18,208	BD	18,209
22	AE	18,208	BE	18,209
23	AF	18,208	BF	18,209
24	AG	18,208		
25	AH	18,208		
26	AI	18,208		

1 LOS ANGELES, CALIFORNIA, FRIDAY, NOVEMBER 20, 1970

2 9:00 o'clock a.m.

3 - - - -

4 (The following proceedings were had in the  
5 chambers of the court, out of the hearing of the jury,  
6 all defendants and all counsel being present:)

7 THE COURT: All defendants and all counsel are  
8 present.

9 I called you back in here because I wanted to  
10 review again with you some of the matters we talked about  
11 yesterday.

12 Can you hear all right, Miss Atkins?

13 DEFENDANT ATKINS: No.

14 THE COURT: Turn off the air conditioner.

15 First, I want to find out if there has been  
16 any change in the thinking of any of the defendants with  
17 respect to their desire to testify.

18 Have you had a chance to think these matters  
19 over, Miss Atkins, and have you had any change in your  
20 thinking since yesterday?

21 DEFENDANT ATKINS: There has been no change.

22 THE COURT: You still desire to take the stand and  
23 testify?

24 DEFENDANT ATKINS: Yes.

25 THE COURT: Miss Krenwinkel?

26 DEFENDANT KRENWINKEL: Yes.

1 THE COURT: You still desire to testify?

2 DEFENDANT KRENWINKEL: Yes.

3 THE COURT: I cannot hear you.

4 DEFENDANT KRENWINKEL: Yes.

5 THE COURT: And Miss Van Houten, you still desire  
6 to testify?

7 DEFENDANT VAN HOUTEN: Yes.

8 THE COURT: All right.

9 MR. KANAREK: Your Honor, if I may proceed.

10 I would like to suggest to the Court that  
11 In Re Moseley is applicable here, your Honor.

12 In Re Moseley is a matter -- it is a case  
13 where it discusses the matter of what I term a de facto  
14 confession.

15 Now, if there is to be a change of plea,  
16 a change of plea can occur without using the usual  
17 stereotyped language --

18 DEFENDANT MANSON: We are not talking about a change  
19 of plea, Irving, that is in your mind. Don't mention a  
20 thing like that.

21 MR. KANAREK: What they are in effect doing is  
22 changing their pleas.

23 DEFENDANT VAN HOUTEN: How do you know. Jesus, you  
24 are all making all kinds of pretrial --

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1 THE COURT: Let me just review what I consider to  
2 be at least the theoretical alternatives to proceeding in  
3 view of what has occurred, and then I will tell you what  
4 I have decided to do.

5 DEFENDANT MANSON: Your Honor, may I say something  
6 before that?

7 THE COURT: All right.

8 DEFENDANT MANSON: I would like to testify too,  
9 if these people testify, because then I feel obligated  
10 to do the same, and I also feel obligated to explain this  
11 to the Court: That it was our intention to not divide a  
12 house and all stick together and offer one defense to the  
13 Court and be able to control our defense in the respect  
14 that it could be understood.

15 In many cases throughout this trial there has  
16 been miscommunication between attorneys and client, there  
17 has been miscommunication between clients and your Honor.

18 Respectfully, we wanted to come and abide  
19 by all the rules.

20 I know I have kind of made a little boy out  
21 of myself two or three times in jumping and screaming and  
22 shouting, but I felt that it was appropriate at the time.

23 I do think that we are capable of offering  
24 a defense to this Court. We are capable of establishing  
25 communication with the jury and the Judge and behaving  
26 ourselves and doing what we should.

1 We want very much to defend ourselves, but,  
2 under the circumstances, we have been kind of pushed in  
3 a corner to where we have to pretty much do what the  
4 attorneys say.

5 Not selling the attorneys short, I think the  
6 attorneys are very capable, but I also think the magnitude  
7 of this thing is beyond proportion, and that the  
8 philosophies and the generation gaps and the LSD, and the  
9 things that most common people have no knowledge of, it  
10 is hard to explain with words and symbols our understanding  
11 and our belief, you know, and the way that we reflect  
12 on each other, to the point where, like, if they get up  
13 and say something, they have got it generally from me,  
14 as when your children get up and say something, generally  
15 it is what they got from you.

16 So, the information and the data in their heads  
17 is mine, and I am responsible for them as much as you are  
18 for yours.

19 Right and wrong is relative to the way we  
20 think, and I think with the positive thought that if your  
21 Honor would appeal and reconsider, to let us stumble through  
22 with the assistance of these counsel and prepare a case  
23 in the proper way, we can paint a nice picture.

24 THE COURT: If you are asking to testify, Mr. Manson,  
25 you have that right.

26 You were here yesterday, you heard all the

1 things that were said, including my admonitions and warn-  
2 ings and cautions to the other defendants about the risks  
3 of testifying for a defendant in a criminal trial, did you  
4 not?

5 DEFENDANT MANSON: Yes, sir.

6 THE COURT: You heard all those things?

7 DEFENDANT MANSON: Yes.

8 THE COURT: And you understand what was said, do you?

9 DEFENDANT MANSON: Yes.

10 THE COURT: And you certainly will have the right to  
11 testify.

12 The only thing we are concerned with now is  
13 the manner of proceeding.

14 Now, just to settle the air and to clarify the  
15 record, as I indicated, I wanted to review the theoretical  
16 alternatives.

17 Some of them are not actually real alternatives  
18 for reasons which will become apparent, but this is the  
19 way I see the problem.

20 First of all, the Court could conduct an  
21 examination of the defense.

22 And I am assuming now that counsel feel the  
23 same way; that is, that they do not wish to interrogate  
24 their clients if they take the stand.

25 Has there been any change in the thinking of  
26 defense counsel?



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MR. FITZGERALD: No.

MR. HUGHES: No.

MR. SHINN: No change, your Honor.

3 fls.

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1 THE COURT: All right. In that case then one alterna-  
2 tive would be for the Court to conduct the examination in  
3 order for the defendants to bring out their story.

4 I have indicated previously that I think this is  
5 a highly undesirable method of proceeding. I do not intend  
6 to adopt it.

7 It is undesirable for a number of reasons which  
8 I stated in the transcript yesterday and possibly other  
9 reasons.

10 Secondly, the Court could dismiss counsel on  
11 motion of their respective defendants and permit the  
12 defendants to proceed in propria persona for the balance  
13 of the trial.

14 I don't think this is a real alternative for  
15 the reasons I have indicated many times in the past, and  
16 that is that I don't think the defendants are competent  
17 to represent themselves in this trial.

18 The trial simply is too complicated; there are  
19 too many difficult questions.

20 It requires experience and expertise, and the  
21 defendants simply do not have the ability to do so.

22 As a third alternative the Court could on  
23 motion of the defendants substitute new counsel for present  
24 counsel.

25 I believe that this alternative is undesirable  
26 for several reasons.

1 First, there has been no such motion to  
2 substitute.

3 Secondly, even if there were such a motion it  
4 would require a very lengthy continuance to permit new  
5 counsel to prepare themselves for trial.

6 It would undoubtedly place an undue burden on  
7 any counsel coming into the case. At this date the trial has  
8 been in progress for five months; the transcript is in  
9 excess of 18,000 pages, and it would be a terrible burden  
10 to bring a new attorney into the case and expect him to  
11 adequately and effectively represent anyone for the  
12 remainder of the trial.

13 In addition, if anyone of the defendants decided  
14 not to testify, it might very well prejudice that defendant's  
15 right to a speedy trial.

16 And finally the Court could simply permit each  
17 defendant to take the stand and make his statement to the  
18 jury in narrative form without requiring counsel to  
19 interrogate his client on the witness stand.

20 This would relieve counsel of the difficult  
21 position of having to examine a defendant when he believed  
22 in good faith the examination might incriminate that  
23 defendant.

24 It would permit the defendants to get their  
25 statements before the jury. Counsel would be retained in  
26 the case because they would be needed for the balance of

1 the trial in connection with preparation of jury instruc-  
2 tions, final arguments to the jury; if there is a penalty  
3 phase, in conducting the penalty phase.

4 If there are convictions, in connection with  
5 post conviction motions and other proceedings, and so forth.

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1 And insofar as the jury observed the Court  
2 order Mr. Shinn to interrogate his client yesterday, they  
3 can simply be instructed, and I would instruct them that  
4 they are to disregard that order, and Mr. Shinn's refusal,  
5 to draw no inferences from it, and then the matter could  
6 proceed.

7 I would request counsel to simply call their  
8 witness to the stand, ask him or <sup>her</sup> his name, and then let him  
9 make a statement.

10 Last night I was reviewing in connection with  
11 this problem among other things the American Bar Association's  
12 standards for criminal justice, and particularly that  
13 standard which is entitled the "Prosecution Function and the  
14 Defense Function."

15 Now, this particular situation is not covered.  
16 There is a situation covered in that, and of course I  
17 realize the standard does not have a force of law,  
18 but it does provide a valuable insight into the distilled  
19 wisdom of a number of experienced judges, and criminal  
20 lawyers in dealing with these problems.

21 In the particular instance that is covered in  
22 there is a situation where a criminal defendant wishes to  
23 take the stand and testify, and his counsel knows that he  
24 intends to testify falsely.

25 Now, of course we don't have that situation  
26 here. My understanding is from the defendant's statements

1 they want to take the stand and testify truthfully.

2 MR. FITZGERALD: We have no information, as attorneys,  
3 that they are going to make false statements.

4 THE COURT: I understand that.

5 MR. FITZGERALD: We are not representing to the  
6 Court we would in any sense be suborning perjury if we  
7 called them. I don't think that is the issue.

8 THE COURT: No, I am just saying this other example  
9 is showing what they recommended under that situation.

10 There it was said that the attorney's duty  
11 simply is to call the defendant to the stand, ask him his  
12 name and let him make a statement to the jury without  
13 interrogation, and additionally in that case, where the  
14 examination if it were conducted by the attorney would be  
15 suborning perjury or might be, the attorney would have  
16 the additional duty, in order to protect himself and the  
17 record, of somehow making a record out of the presence of  
18 the Court and the jury as to what he was doing and why he  
19 was doing it.

20 That, as I say, does not apply here.

21 I think the principle of simply calling the  
22 defendant to the stand and having him identify himself and  
23 then let him make his statement to the jury is applicable,  
24 and I would ask counsel now what their feeling is on that.

25 Would you be willing simply to do that?

26 MR. FITZGERALD: I think I can speak -- well, I will

1 speak for myself first.

2 I understand basically that the defendants  
3 have what your Honor has described as the fundamental  
4 constitutional right to testify.

5 I would prefer, however, not to call them as a  
6 witness, and I would prefer that their even being called as  
7 a witness on their own behalf be over our objection.

8 THE COURT: The record has been made, Mr. Fitzgerald,  
9 There cannot be any question but what you oppose their  
10 testifying, and that you so advised them.

11 There cannot be any ambiguity in the record.  
12 We have gone over it and over it and over it.

13 I believe that you do have the duty to go that  
14 far. I am willing to revise my thinking and revoke my order  
15 to Mr. Shinn.

16 I think perhaps that is going too far, in the  
17 light of the circumstances, and I am willing to so indicate  
18 to the jury that they are to disregard that.

19 But I do believe an attorney has at least the  
20 duty, in these circumstances where his client has indicated  
21 unequivocally that he intends and wants to testify, to  
22 call him and have him identify himself without asking him  
23 anything further.

24 MR. HUGHES: I think your Honor is asking the defense  
25 attorneys to be the vehicle for something which probably  
26 cannot occur unless the defense attorneys are willing to be

that vehicle.

1 THE COURT: Well, you can put it any way you like,  
2 Mr. Hughes,

3 I am asking you to do it and I think it is your  
4 duty to do it.

5 MR. MANSON: Your Honor, they worked awfully hard;  
6 they worked awfully hard in one direction, and I think  
7 yesterday kind of took the wind out of their sails a little  
8 bit.

9 It wasn't intentional on our part, but I know  
10 they have lost like a little zip this morning for some  
11 reason.

12 I think one or two of them might even be  
13 angry with us.

14 If we might have a chance to talk about this  
15 together, maybe we can straighten it out.

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1 MR. BUGLIOSI: I think everybody knows the whole  
2 story and I have evidence that Mr. Manson has asked the  
3 three girls to take the stand and confess and exonerate him.

4 THE COURT: Just a minute.

5 MR. BUGLIOSI: I have evidence.

6 THE COURT: Mr. Bugliosi, I don't know what kind of  
7 evidence you've got, but I think you are out of place at  
8 this point.

9 What difference does it make what reason they  
10 have for testifying?

11 MR. BUGLIOSI: Because I still feel the defense counsel's  
12 position not to call them to the stand to confess should  
13 prevail over their doing what Mr. Manson wants them to do.

14 THE COURT: Well, you are absolutely wrong under the  
15 law. If they insist on testifying they have that right to.

16 All I want to know from counsel now, are they  
17 willing to call their clients to the stand and have them  
18 identify themselves and permit them to make their statements,  
19 if that is what they want to do.

20 What about it, Mr. Fitzgerald?

21 MR. FITZGERALD: I would very respectfully refuse to  
22 call her as a witness, your Honor, if the Court please.

23 THE COURT: How about you, Mr. Shinn?

24 MR. SHINN: I refuse too.

25 MR. HUGHES: I respectfully also would refuse.

26 THE COURT: Mr. Kanarek?

3b-2

1 MR. KANAREK: I must respectfully refuse also.

2 THE COURT: Very well, then, I will do it. It is just  
3 that simple, gentlemen.

4 And again I tell you that I think it is your  
5 duty to do so, notwithstanding your belief it is a mistake  
6 on the part of the defendant to testify.

7 I think you have that duty to permit them to  
8 testify and to bring them to the stand for that purpose.

9 If you refuse to do it I will accept that.

10 I realize we are in an area that as far as I  
11 know there is no law, not to cover this particular situation.

12 I will simply call the defendants myself and  
13 have them identify themselves and let them make their  
14 statements to the jury.

15 DEFENDANT MANSON: Your Honor, may I reflect on you  
16 the attitudes of the lawyers in the rest of the trial may  
17 be tainted in regards to being forced to sit in on action  
18 they don't agree with.

19 THE COURT: Well, they are not going to be relieved  
20 from the case.

21 Their expertise is required in this case to  
22 protect the defendants throughout the rest of this trial.

23 MR. FITZGERALD: I think Manson has a good point.  
24 I hope that it will not involve my attitude, and I will make  
25 every conscious effort so that it does not involve my  
26 attitude.

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My position is I will do anything that is legally possible to see that not only my client but the rest of these people are exonerated.

Not only that, but in the unlikely event these defendants are convicted and we get into a penalty phase I will do my utmost to see that they don't receive the sentence of death.

That is my position. I am not going to assist in seeing anybody is convicted, and I am not going to assist in seeing that anybody gets the death penalty.

I will certainly do my best to see that they get life.

4 fls.

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1 THE COURT: I don't think you have any choice.  
2 I think this is counsel's absolute duty, notwithstanding his  
3 firm conviction that what his client is doing is a mistake.  
4 He is still in the case and he still has a right and a duty  
5 to the extent of his abilities and to the extent that he is  
6 able to, under the circumstances, to continue to represent  
7 that client.

8 MR. HUGHES: I think Mr. Manson's point is well taken.  
9 I think your Honor's position is going to be similar to  
10 shackling the leg of an attorney to a defendant who has gone  
11 out a window.

12 THE COURT: I have stated my position, Mr. Hughes,  
13 and I expect you, and I expect every other counsel in this  
14 case, to conduct yourselves in accordance with your duties  
15 as attorneys and to continue to represent these clients  
16 to the utmost of your abilities until the conclusion of this  
17 trial.

18 MR. SHINN: Your Honor, may I say something?

19 THE COURT: Yes.

20 MR. SHINN: Reading People vs. Robles, your Honor,  
21 the case is not a situation where the facts apply to this  
22 case.

23 I believe that the right of a defendant to take  
24 the stand is not an absolute right. It is a qualified, a  
25 conditional right.

26 THE COURT: We have covered this, Mr. Shinn. I am

1 convinced otherwise.

2 THE COURT: Anything else, gentlemen, before we  
3 resume?

4 MR. BUGLIOSI: Yes.

5 MR. HUGHES: Yes, your Honor.

6 I would like to make these objections that we  
7 have made in open court, to reiterate them in open court,  
8 so your Honor's ruling will not come sort of on a blank,  
9 on an apparent no-objection basis.

10 I believe we have a right to make these  
11 objections before the public.

12 THE COURT: I am simply going to bring down the jury  
13 and resume the trial. I will ask counsel if there is any--  
14 thing further.

15 If you say no, I will ask your clients if there  
16 is anything further, each individually. And if they want  
17 to take the stand, that will be the time for them to speak  
18 up and say, "I wish to testify," and I will have you come  
19 forward and be sworn and you can state your name and you can  
20 make your statement to the jury.

21 MR. KAY: Miss Atkins is already on the stand, so I  
22 don't think you would have to call her.

23 THE COURT: Well, that is true.

24 MR. BUGLIOSI: I request that these statements be  
25 submitted to the Court at first. Otherwise, how can we  
26 object? It is just going to be a rambling narrative.

1                   We are certainly entitled to know what they are  
2 going to testify to.

3           MR. HUGHES: I think we also may get into Aranda-  
4 Bruton problems on any one defendant. We don't know.

5           MR. BUGLIOSI: That's right.

6           THE COURT: There won't be any Bruton-Aranda problems  
7 when the defendant is testifying from the stand.

8           MR. HUGHES: Certainly there may very well be.

9           MR. BUGLIOSI: One defendant can say another defen-  
10 dant told her outside of court about a third defendant  
11 involved.

12           MR. HUGHES: That's right.

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1 MR. BUGLIOSI: In other words --

2 DEFENDANT ATKINS: We are not snitches, Mr. Bugliosi.

3 MR. BUGLIOSI: Susan Atkins can testify, just hypo-  
4 thetically, the day following the La Bianca murders,  
5 Leslie Van Houten told her --

6 DEFENDANT ATKINS: I don't believe in hearsay and I  
7 am not a snitch.

8 MR. BUGLIOSI: -- what Katie did at the La Bianca  
9 home.

10 MR. HUGHES: It is a problem.

11 DEFENDANT MANSON: You are coming up with the  
12 problems.

13 That is your problem.

14 MR. BUGLIOSI: Let's say that the day after the  
15 murders Leslie Van Houten told her what someone else did  
16 at the La Bianca house.

17 I think they should submit their statements to  
18 the Court, not just on the Aranda problem, but we can  
19 delete inadmissible testimony.

20 I believe in relaxing the rule to permit them  
21 to testify, but as to the scope, your Honor.

22 THE COURT: Counsel can object if it is inadmissible.

23 MR. KANAREK: I will object.

24 May I say, your Honor, the procedure is  
25 fundamentally wrong. We are turning our backs on American  
26 jurisprudence.

4a-2

1 It is an invasion of the right to effective  
2 counsel. It is a fundamental denial of due process. All  
3 of our laws of evidence, all of that, is going down the  
4 drain, your Honor.

5 The Due Process clause of the Fourteenth  
6 Amendment and California law does not countenance what  
7 your Honor is doing, and I state that there is no question  
8 about it, is is denying a fundamental right, the right to  
9 effective counsel, and it is denying a fair trial to the  
10 defendants. There is no question about it.

11 At this point, I agree with Mr. Bugliosi.

12 When I say I agree with him, just because we  
13 have had differences doesn't mean that on some occasions  
14 I don't agree.

15 I must agree with him in connection with the  
16 Aranda-Bruton problem for instance. That is a for  
17 instance. There is no question about it.

18 We are dealing with people here that are not  
19 trained in the law. It is not their fault that they are  
20 not trained in the law. A lot of this is not their fault.  
21 They are nice people, it is not detracting from them in  
22 any way, but there is no question but what the Aranda-  
23 Bruton problem would arise.

4b Fls.



4b-1

1 MR. BUGLIOSI: That is just one of the problems.

2 I don't know what they are going to testify to.

3 What they testify to might be inadmissible.

4 If a question were propounded to them, before they could  
5 answer it, I could object. But if they are going to be  
6 just speaking in narrative fashion, it is difficult.

7 DEFENDANT ATKINS: Is the truth inadmissible?

8 MR. BUGLIOSI: I think they should render a statement  
9 to the Court indicating what the nature of what they are  
10 going to testify to is.

11 I don't see any harm in that at all. I see  
12 absolutely no harm in it. I see a lot of benefits, but  
13 absolutely no harm.

14 THE COURT: Render a statement how?

15 MR. BUGLIOSI: Render a statement how?

16 THE COURT: Yes.

17 MR. BUGLIOSI: I think it should be typed out and  
18 given to the Court.

19 MR. HUGHES: They don't have any typewriters in  
20 Sybil Brand for them.

21 MR. BUGLIOSI: They have been writing letters through-  
22 out the trial.

23 Or it can orally be given to the Court.

24 THE COURT: Of course, they can testify out of the  
25 presence of the jury first. That would be one way that it  
26 could be handled.

1 MR. KANAREK: Your Honor, that would be violative of  
2 -- I am pointing out, you see, we come up against some  
3 basic fundamental principles. We either believe in our  
4 system of justice or we don't.

5 THE COURT: Don't make a speech, Mr. Kanarek. Get  
6 to the point.

7 MR. KANAREK: The point is that the prosecution  
8 cannot make discovery.

9 What is more discovery than to have a prior  
10 statement?

11 It is abundantly clear that the prosecution  
12 cannot make discovery, and this is in the nature of  
13 discovery.

14 MR. SHINN: Plus the fact that what they may say  
15 out of the presence of the jury, they may not say the  
16 same thing in front of the jury, your Honor. We don't  
17 have that guarantee.

18 THE COURT: I think we will just proceed, gentlemen.

19 MR. BUGLIOSI: I don't see why the Court feels that  
20 the defendants have a right to take the stand and say  
21 just anything they want up there.

22 DEFENDANT MANSON: We haven't got any other rights.

23 THE COURT: I don't say they have a right to say  
24 anything they want.

25 MR. BUGLIOSI: It is going to come out in front of  
26 the jury and I have no way of knowing what they are going

1 to say.

2 DEFENDANT MANSON: We are going to tell on you.

3 MR. BUGLIOSI: They might say that someone told them  
4 that X committed these murders.

5 DEFENDANT MANSON: Or you threatened to kill someone  
6 on the street corner, you threatened to kick their guts  
7 out.

8 MR. BUGLIOSI: Listen, Manson, you got by lucky.

9 THE COURT: That will be enough.

10 MR. FITZGERALD: The testifying defendants would like  
11 to have a few moments together before your Honor starts.

12 MR. BUGLIOSI: Wipe that smile off your face.

13 DEFENDANT MANSON: Physically?

14 MR. BUGLIOSI: That's right.

15 DEFENDANT MANSON: You little boy.

16 MR. BUGLIOSI: You are talking to the wrong person.

17 Tell your people to throw away their knives.

18 THE COURT: I think one of the inherent problems in  
19 this type of situation, as I say, I am unaware that it has  
20 ever occurred before under these specific circumstances,  
21 that is, the defendants, of course, not being trained in  
22 the law and giving a narrative version, are certainly not  
23 going to give the type of answers that would be  
24 elicited or the type of statements that would be elicited  
25 as answers to questions propounded by a skilled lawyer.  
26 But I don't see any solution out of that.

1 MR. BUGLIOSI: That solution, your Honor, is to  
2 submit a statement to you, and if there are areas that  
3 they intend to go into which are inadmissible, you just  
4 strike it, and they are not permitted to testify to it.

5 There is no harm to be done by that.

6 THE COURT: I don't think that I can compel them to  
7 submit a statement, and I am not going to do that.

8 MR. FITZGERALD: Are we ready to go?

9 MR. KANAREK: I might point out, there is no such  
10 thing --

11 THE COURT: Let the Clerk know when you are ready.

12 (Recess.)  
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1 (The following proceedings were had in open  
2 court, all defendants and all counsel being present, the  
3 jury not being present.)

4 THE COURT: All parties and counsel are present.  
5 You have something to take up before the Court, Mr. Kanarek?

6 MR. KANAREK: Yes, your Honor.

7 In view of the procedure, first of all, I  
8 would like to have your Honor realize --

9 Your Honor has previously issued an order that  
10 there was not to be any interrupting of witnesses.

11 Now, in that regard I would ask your Honor to  
12 take into consideration Cooper vs. Superior Court, which  
13 recognizes that some judicial orders are not valid.

14 Now certainly in the context of what your Honor  
15 is proposing to occur here, where there will be a narrative  
16 by --

17 THE COURT: Do you have a motion, Mr. Kanarek?

18 MR. KANAREK Yes.

19 THE COURT: What is it?

20 MR. KANAREK: My motion is that there not be narrative  
21 type of interrogation or narrative type of testimony.

22 Our law is replete with the fact that narrative  
23 type of testimony does not comport with the requirements.

24 Our motion is that there not be narrative  
25 interrogation or narrative testimony by any defendant.

26 That is the first motion, your Honor.

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MR. HUGHES: Join.

MR. BUGLIOSI: May I say a word, believe it or not the People of the State of California agree with Irving Kanarek, attorney-at-law.

THE COURT: Anything further?

MR. KANAREK: May I have a ruling on the motion, your Honor?

THE COURT: The motion is denied.

MR. KANAREK: Your Honor, then may I be deemed restrained by the Court?

THE COURT: You are not restrained by the Court, Mr. Kanarek, and I think you are now simply wasting time.

MR. KANAREK: I am not, your Honor, because this is going to take place before the jury, and what I think your Honor is doing --

I respectfully ---

THE COURT: If you have an objection that you think should be made, or a motion, you may make it at any time.

MR. KANAREK: Bruton and Aranda recognize --

THE COURT: Unless you have been told otherwise.

MR. KANAREK: You cannot unring the bell, your Honor, and certain things will be stated by these potential witnesses; that these things will get before that jury; then your Honor, what will you do? If there is a narrative, the words get out and certain things are said, inadmissible material.

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1 And I must object, your Honor, to the  
2 narrative approach.

3 My contention is it is a denial of fundamental  
4 due process under the Fourteenth Amendment, a denial of a  
5 fair trial.

6 There is no question about it, your Honor, we  
7 cannot change the rules because your Honor has deemed that  
8 this particular code -- I mean this particular statute --  
9 or constitutional right, the right to testify, must out-  
10 weigh all the rest of our law.

11 We must look at it, it is a relative right, your  
12 Honor, and it is not an absolute right.

13 There is no absolute right in that right to  
14 testify. It is not a right that must take place under any  
15 circumstances, your Honor.

16 And so my request is that we not have a narra-  
17 tive dissertation, a testimony that just goes on and on by  
18 a defendant witness.

19 That is my motion, your Honor.

20 MR. SHINN: I join in the motion, your Honor.

21 MR. HUGHES: Join in the motion.

22 MR. KANAREK: Now, as far as the restraint, what I  
23 am saying is this:

24 I know your Honor doesn't --

25 Previously your Honor has indicated  
26 I made objections which your Honor disapproved of.

1 THE COURT: No, I have never said that, Mr. Kanarek.

2 MR. KANAREK: Well, your Honor, what I am saying is  
3 how can I make a valid objection, and have it be something  
4 less than just a sterile uttering of words if a witness is  
5 going on and on and on, and who knows what the next utter-  
6 ance will be?

7 It is a denial of our -- of due process, of a  
8 fair trial.

9 Maybe in some countries they do it that way,  
10 probably -- I don't know for sure, maybe in France it is  
11 done. Maybe that is the best way to do it.

12 But at this stage of our proceedings we have  
13 not done it that way, and just to torture our procedure  
14 because of one particular provision of the Constitution,  
15 that there is a right to testify, it seems to me, your  
16 Honor, that we are forgetting and we are discarding and  
17 flushing down the drain all of the rest of our law and I  
18 think --

19 And furthermore --

20 I don't want to interrupt -- it's a problem,  
21 your Honor, because that is why I am asking your Honor if  
22 I be deemed restrained or gagged so that we can have it in  
23 the record --

24 If your Honor will deem that,  
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1 THE COURT: Mr. Kanarek, you are wasting time now.

2 You are not deemed gagged or restrained and  
3 you never have been.

4 The only thing that you have ever been required  
5 to do is to conduct yourself in accordance with the  
6 ethical and professional requirements of an attorney, to  
7 observe the Court's rules, and not to interrupt or disrupt  
8 the proceedings.

9 MR. KANAREK: May I ask guidance of the Court then?

10 How can I or any of us lawyers --

11 THE COURT: You have already been given guidance.

12 All right, Mr. Kanarek, that will be enough.  
13 Your motion is denied.

14 MR. KANAREK: Then I have another request, your  
15 Honor.

16 My request is -- my request is, once again,  
17 that in view of what has been represented as to what these  
18 three girls are going to say, it is my belief that In Re  
19 Moseley, 1 Cal 3rd page 913, the philosophy of that case  
20 is in line with what we are doing here.

21 Actually if these girls are to make judicial  
22 statements, which amount to a confession which can be  
23 deemed a confession, it is a change of plea.

24 Now, when there is a change of plea, there are  
25 certain requirements that the law makes.

26 One of them is that there is a motion for change

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1 of plea which is made by counsel.

2 Now, this is a de facto change of plea because  
3 if what they are going to say amounts to a confession,  
4 they are pleading guilty.

5 And then, if they plead guilty you don't  
6 plead guilty before a jury, you plead guilty before a  
7 judge.

8 And there are certain voir dire that must take  
9 place.

10 And therefore the lawyer has a very important  
11 function in that, because he has a right to protect the  
12 defendant, and so when you have this right, this right to  
13 testify, that bumps up against the right to have a lawyer  
14 at the time of confession, at the time of plea, when you  
15 plead guilty you are pleading guilty because in fact you  
16 are guilty, and cases hold that this is a confession.

17 Now, it has been indicated that there are to  
18 be confessions here, so why should the man that I  
19 represent be before the jury at the time that these other  
20 people confess?

21 That denies him a fair trial.

22 I maintain, your Honor, that there should be  
23 an adjournment of these proceedings so we can present to  
24 the Court points and authorities because I believe my  
25 position is sound legally.

26 It is a de facto confession that each of these

1 people evidently are going to go into, and if that is the  
2 case each of their lawyers should agree with the change of  
3 plea.

4 I think that outweighs the right to take the  
5 witness stand or the power to take the witness stand,  
6 especially in view of all these procedures, these artificial  
7 unusual procedures that are going to be invoked here.

8 And this amounts to a change of plea, a  
9 request by a defendant to change plea. That is what it is.

10 I maintain that, and I say it is a denial of  
11 fundamental rights guaranteed by the Fourteenth Amendment  
12 for your Honor to proceed.

13 MR. HUGHES: Join in the motion.

14 MR. FITZGERALD: I would like permission to address  
15 the Court so we can interpose objections now rather than  
16 in the presence of the jury, although if your Honor would  
17 prefer, we could interpose the objections in front of the  
18 jury.

19 Basically the defendants' counsel, myself,  
20 Mr. Shinn, Mr. Hughes and Mr. Kanarek have rested our case  
21 and we hope that that was an informed judgment, your Honor,  
22 not to put on any evidence.

23 Of course immediately subsequent to our  
24 resting, my client, Patricia Krenwinkel, Mr. Shinn's  
25 client, Susan Atkins, and Mr. Hughes' client, Leslie Van  
26 Houten indicated by way of a verbal request to the Court

1 that they be allowed to testify.

2 We had a good deal of discussion with your  
3 Honor in chambers and certainly among ourselves.

4 Your Honor has come to the conclusion, I think,  
5 that the defendants have a fundamental constitutional  
6 right to take the witness stand even over the objections  
7 of their attorneys.

8 We have discussed various procedures as to how  
9 the deposition or the testimony of the defendants should  
10 be taken.

11 We talked about yesterday counsel being asked  
12 to read questions that had been propounded by the defendants  
13 themselves.

14 Today we talked about the probability or the  
15 possibility of the respective attorneys, myself, Mr. Hughes,  
16 Mr. Shinn, actually calling their clients to the witness  
17 stand and allowing them to testify in a narrative form.

18 We have respectfully refused to call our  
19 clients to the witness stand and your Honor has indicated  
20 your Honor is of the opinion that the Court has the  
21 authority and the Court will allow the defendants to  
22 testify; that they will be called to the witness stand and  
23 will testify.

24 We simply want to interpose objections to  
25 the basic fact that the defendants are allowed to testify  
26 over the objection of their attorney, and as Mr. Kanarek

1 pointed out, the manner and method by which they are going  
2 to testify.

3 In regard to the first point, we feel that to  
4 allow the defendants to testify would be to deprive them of  
5 their right to adequate counsel under the Sixth Amendment.

6 If we are in fact, or if we are, arguendo,  
7 competent attorneys, certainly our advice in this matter  
8 should be respected.

9 And if the defendants insist on taking the  
10 witness stand over our objection, in a sense they are being  
11 denied that very fundamental constitutional guarantee to be  
12 represented by competent counsel.

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1 Mr. Kanarek has stated the nature and content  
2 of the objection in regard to the narrative form, to  
3 which we would all join.

4 MR. SHINN: May I be heard, your Honor?

5 THE COURT: Very well.

6 MR. SHINN: I feel, your Honor, that this procedure  
7 we are adopting right now is a denial of due process,  
8 your Honor. Especially when the Court is fully aware of  
9 what the defendants may testify to.

10 Now, I believe the Court cited yesterday  
11 People vs. Robles.

12 In People vs. Robles, the defendant took the  
13 stand, but the attorney and the Court thought he was going  
14 to put on a defense.

15 In this case, the Court is fully aware of  
16 what the defendants are going to testify to.

17 THE COURT: Fully aware from what source?

18 MR. SHINN: Fully aware of what they may testify to.

19 We informed the Court of what their intentions  
20 were, and the Court is fully aware that they are not going  
21 to get up there and put on a defense.

22 THE COURT: You have not done that.

23 MR. SHINN: I believe we have hinted to the Court  
24 that they may incriminate themselves.

25 THE COURT: That you have said.

26 MR. SHINN: Yes.

1                   And that is why I refused to allow them to  
2 testify.

3                   The right to testify, your Honor, is not an  
4 absolute right. It is a qualified, a conditional right.

5                   I believe the Court has a duty here to protect  
6 these defendants, knowing the facts that the Court has  
7 before the Court.

8                   MR. KANAREK: Mr. Bugliosi has indicated to the  
9 Court that he expects confessions, your Honor. This is  
10 in the record.

11                   These confessions, if they are to be confessions,  
12 they are pleas of guilty, and your Honor should then  
13 interrogate the defendants.

14                   THE COURT: You have covered that point.

15                   MR. KANAREK: Yes.

16                   I also make a motion that your Honor voir dire  
17 the jury to see what their state of mind is in connection  
18 with what we are doing here today; whether they have any  
19 advance information on it.

20                   I also ask that they be voir dired in connec-  
21 tion with what they may know concerning matters that have  
22 occurred outside of the courtroom and matters that have  
23 occurred in the media.

24                   I ask that they be voir dired.

25                   Furthermore, your Honor made much of Susan  
26 Atkins' purported confession in pretrial proceedings.

1 I think we are now short-circuiting and undermining every-  
2 thing that your Honor purported to do in the picking of the  
3 jury, because now Susan Atkins is going to take the witness  
4 stand and she is purportedly going to make a judicial state-  
5 ment in connection with the very matter that your Honor  
6 was so careful, that your Honor felt -- I don't believe that  
7 it was accomplished -- but your Honor purported to attempt  
8 to cleanse or keep the jurors' mind away from the subject  
9 matter that Susan Atkins will now testify to.

10 I think, your Honor, if your Honor will voir  
11 dire --

12 May I have a ruling on that motion, your Honor?

13 MR. HUGHES: Your Honor, I would join in the motion  
14 to voir dire the jury, and I would like to address some  
15 remarks to that.

16 THE COURT: All of your motions are denied, Mr.  
6a dls. 17 Kanarek.

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6a-1

1 MR. KANAREK: Then I make a motion for severance again,  
2 if I may, and ask that Mr. Manson be severed, and that we  
3 allow the jury to be instructed -- that we have argument  
4 as to Mr. Manson alone, apart from these three defendants,  
5 your Honor.

6 THE COURT: That motion is also denied.

7 MR. KANAREK: Then I make a motion for a mistrial,  
8 your Honor, on the ground that we have waived jeopardy,  
9 because, your Honor, there just will not be a fair -- there  
10 can't possible be a fair trial.

11 THE COURT: The record will also indicate, from our  
12 conference in chambers, that Mr. Manson stated this morning  
13 that he desired to testify also.

14 MR. KANAREK: Yes.

15 May I state, we left -- your Honor adjourned --  
16 I would like to state that your Honor's interrogation in  
17 this regard is a denial of a right to effective counsel  
18 under the Sixth Amendment. It invades the attorney-client  
19 relationship, and is a denial of due process under the  
20 Fourteenth Amendment.

21 We pride ourselves in having an independent  
22 Bar.

23 When a man has a lawyer, or a woman has a lawyer,  
24 they have a right to have a lawyer that is independent of  
25 the judiciary.

26 We can respect the Court, and we don't want to

1 invade the Court's province, but by the same token, the  
2 Court has no right to invade the province of the attorney-  
3 client relationship.

4 There is no such thing as contempt-of-lawyer.  
5 There is contempt of court. Maybe some day there will be  
6 contempt-of-lawyer.

7 THE COURT: All right, Mr. Kanarek.

8 MR. KANAREK: I ask for a mistrial on those grounds,  
9 your Honor.

10 THE COURT: Denied.

11 Yes, Mr. Hughes?

12 MR. HUGHES: I would join in Mr. Fitzgerald's, Mr.  
13 Shinn's and Mr. Kanarek's remarks in regard to this  
14 problem.

15 I believe that we are in a rocky new area.

16 Yesterday I stated to the Court that I felt that  
17 the Court was on the horns of a dilemma. I do not believe,  
18 your Honor, that those horns, either of them, are of the  
19 making, or any of them, I might say, are of the making of  
20 the defendants or counsel in this case. I believe that that  
21 dilemma is the making of this very Court.

22 This Court has consistently denied these  
23 defendants the right to represent themselves.

24 Yesterday it was unmistakably clear, when Miss  
25 Van Houten was interrogated by the Court, that she gave  
26 answers which most civil attorneys, if they walked into this

1 courtroom, would not have been able to answer.

2 She gave good answers to questions, difficult  
3 questions, which were propounded by this Court as to whether  
4 or not she could go pro per.

6b fls.

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1 I believe that it is clear that this Court has,  
2 on the one hand, wanted the defendants to hurtle themselves  
3 out the window, but has always demanded that someone be  
4 there to push them as they go.

5 Your Honor, I refuse to take part in any  
6 proceedings where I am forced to push a client out the  
7 window.

8 I believe, your Honor -- I do not know the  
9 questions -- but I believe and I am informed that we are  
10 going to have today judicial confessions before this Court,  
11 and I will refuse to take any part in helping the Court  
12 make those confessions or have those confessions come  
13 forth.

14 I believe that the position that the Court  
15 has put counsel and put the defendants in absolutely inter-  
16 feres with the attorney-client relationship. It inter-  
17 feres with the Sixth Amendment right to effective counsel.

18 Also, we are raising vast problems here in  
19 the Aranda-Bruton areas.

20 We have the problem that Susan Atkins may say  
21 something that Patricia Krenwinkel told her that Leslie  
22 Van Houten said.

23 We have no way, your Honor, of protecting against  
24 possible statements like that.

25 Your Honor is going ahead blindly, I suggest,  
26 and we have grave difficulties that are not even foreseen

1 at this moment by your Honor or by counsel or by the  
2 defendants, and I would ask that, at the very least,  
3 that we have an adjournment of these proceedings, at  
4 least until Monday of next week, so that we can resolve  
5 some of these problems, so that we can put them in the  
6 form of written motions, so that we can bring to the Court  
7 points and authorities.

8 Further, your Honor, I believe that it is  
9 clear from what has happened here, that the defendants,  
10 aside from making motions to act as their own attorneys,  
11 have never indicated any desire to substitute counsel,  
12 and I believe that the cases would require that before  
13 your Honor could hurtle them headlong into some sort of  
14 judicial confession from that stand over the objection of  
15 counsel.

16 It is just absolutely over my strongest objec-  
17 tion that any of these defendants, and especially Defendant  
18 Leslie Van Houten, be called to the stand.

19 I will not aid in any manner in that calling.

20 THE COURT: You are not.

21 They are not being called to the stand, Mr.  
22 Hughes. They are insisting on exercising their consti-  
23 tutional right to testify.

24 MR. HUGHES: And, your Honor has indicated, then,  
25 that in the absence of calling them to the stand, that  
26 your Honor is going to call them to the stand.

1 THE COURT: Simply for the purpose, at their request,  
2 of identifying themselves and giving them an opportunity to  
3 make their statement.

4 MR. HUGHES: I would suggest, your Honor, that is a  
5 procedurally backward manner in which to work, and it is  
6 clearly violative of every -- it is clearly violative of  
7 the Sixth Amendment right to effective counsel.

6c fls.

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6c-1

1 MR. KANAREK: I would join, your Honor, in Mr. --

2 MR. HUGHES: Hughes.

3 MR. KANAREK: -- Hughes' motion for a continuance of  
4 the trial.

5 MR. FITZGERALD: Mr. Shinn and I object to a continu-  
6 ance, your Honor.

7 MR. KANAREK: In any event, I make a motion for a  
8 continuance.

9 We have here a trial that has lasted for many  
10 months.

11 THE COURT: The motion is denied, Mr. Kanarek. Sit  
12 down. We are going to proceed.

13 Anything further from the prosecution?

14 MR. BUGLIOSI: The only thing I can say, your Honor,  
15 is that in my opinion a possible solution to this problem,  
16 which I think would be satisfactory, would be for the three  
17 defendants, the three girls, to submit to the Court a  
18 written statement concerning the scope of their narrative.

19 If there is anything in that narrative that  
20 violates Bruton or Aranda or any other rules of evidence,  
21 the Court can simply not permit them to testify.

22 As Mr. Kanarek has said, you cannot unring a  
23 bell. And no one knows exactly what they are going to  
24 testify to.

25 I am assuming that defense attorneys, when they  
26 say that, they mean it. No one in this court, apparently,

1 except the three defendants, know exactly what they are  
2 going to testify to.

3 To obviate this problem, which is fraught with  
4 all types of legal dangers -- and I am referring to the  
5 Appellate Court process right now -- I think the Court  
6 should compel the three defendants to submit to the Court  
7 a written statement on the scope and perimeters of their  
8 testimony.

9 No harm can come from this type of procedure,  
10 but I think that many benefits could be derived therefrom.

11 THE COURT: I don't think that the Court can compel  
12 the defendants to submit a written statement, Mr. Bugliosi.

13 However, it might assist the proceedings and  
14 offer a measure of protection if the defendants testified  
15 out of the presence of the jury first so that the statements  
16 could be heard by all counsel and the Court, and any  
17 inadmissible matter could be deleted.

18 MR. BUGLIOSI: I have no objection to that type of  
19 procedure.

6d fls. 19

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6d-1

1 THE COURT: Much as we did in the case of some  
2 of the other witnesses in this trial, but for different  
3 reasons.

4 I don't think that would be a violation of  
5 any constitutional right of the defendants to require them  
6 to testify out of the presence of the jury first, and  
7 then to testify in front of the jury, and I will adopt  
8 that procedure.

9 DEFENDANT ATKINS: Your Honor, I respectfully  
10 refuse to submit a prewritten --

11 THE COURT: I am not suggesting that you write out  
12 your statement, Miss Atkins.

13 What I am saying is that if you do insist on  
14 exercising your right to testify in front of the jury,  
15 that you first testify in court here in front of counsel  
16 and the Court outside of the presence of the jury.

17 DEFENDANT ATKINS: I would respectfully refuse to do  
18 that. If it cannot be done in front of the jury first,  
19 there is no sense in doing it.

20 It is for the jury. It is for the jury's  
21 ears. They are the ones that hold my life in their hands.

22 THE COURT: Well, that is true. But this procedure  
23 would simply permit inadmissible matter to be deleted  
24 from your statement to be made to the jury.

25 You don't have an absolute right to get up  
26 and say anything you like.

1           DEFENDANT ATKINS: In effect, what you are telling  
2 me is that the truth, in certain respects to this case,  
3 can be inadmissible.

4           I say anything and everything that has to do  
5 with this case must be spoken and must be spoken in the  
6 light of the truth.

7           THE COURT: And I am offering you that opportunity  
8 now to testify.

9           DEFENDANT ATKINS: Before the jury.

10          THE COURT: Well, if you are not willing to  
11 testify outside of the presence of the jury, you may very  
12 well not have a right to testify at all.

13          You are being offered that right.

14          DEFENDANT ATKINS: Then, again, you are stopping  
15 me from looking into the jury's eyes and telling them the  
16 truth.

17          I am the only one who knows what I am going  
18 to say.

19          THE COURT: Just a moment.

20          What I am offering you now is an opportunity  
21 to take the witness stand and testify as you have indi-  
22 cated you want to do.

23          DEFENDANT ATKINS: You told me in chambers that  
24 I would be allowed to get up and speak it in narrative  
25 form to the jury. You mentioned nothing to me prior to  
26 this proceeding right now.

1 THE COURT: You will be permitted to testify in  
2 front of the jury.

3 DEFENDANT ATKINS: After I say what I say here.

4 THE COURT: That's right.

5 DEFENDANT ATKINS: In order that you can remove  
6 what you want to remove from my statement.

7 Your Honor, that is not justice, that is  
8 not the truth, if you are going to take my truth and  
9 pull out what you want to pull out of it, just to pull  
10 it out because you think it is inadmissible. That is not  
11 justice.

12 My life is at stake. I am giving my life  
13 to the Court, in a sense, getting up on that witness  
14 stand.

15 I would like the jury to hear my words first.  
16 I am speaking to the jury. I am speaking the truth to  
17 the jury.

18 THE COURT: Are you declining to take the stand  
19 and testify out of the presence of the jury?

20 DEFENDANT ATKINS: Declining?

21 That is what you are pushing me to. You  
22 box me in a corner now.

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6e fls.

6e-1

1 THE COURT: I am not pushing you to do anything.

2 As you have been advised numerous times, you  
3 have a constitutional right not to testify.

4 DEFENDANT ATKINS: I have a constitutional right to  
5 testify in front of the jury. There is nothing in the  
6 Constitution that says I have to get up on that witness  
7 stand and tell the Court and Mr. Bugliosi outside the  
8 presence of the jury first what I am going to say so that  
9 you can pull it and rip it apart and ridicule it out of  
10 the presence of the jury.

11 I want to talk to the jury.

12 THE COURT: Are you declining to testify out of the  
13 presence of the jury?

14 DEFENDANT ATKINS: I am aware of the law, your Honor.

15 I am aware of the hearsay rule. I am not a  
16 snitch. All I am here to do is to tell the --

17 THE COURT: I am offering you an opportunity, Miss  
18 Atkins, in accordance with your request to testify.

19 Now, do you wish to take the stand and testify?

20 DEFENDANT ATKINS: I wish to take the stand and  
21 testify in front of the jury, and in no other way.

22 THE COURT: What about you, Miss Krenwinkel?

23 DEFENDANT KRENWINKEL: It seems, if I were to get up  
24 and give my truth, it is going to come from here.

25 I don't have it written down. I don't have it  
26 where I can take it and repeat it, you know.

1                    Whatever I should say to you, you know, it  
2 can possibly be changed, you know, by the time the jury  
3 gets here.

4                    What you are doing is trying to say that I  
5 have to take and put it as if I were to write it down,  
6 and make a complete, you know, a complete thought.

7                    I have that complete thought which I would  
8 like, you know, just to be able to get up and give my  
9 truth.

10                   I am aware of all the rules, and nothing would  
11 be out of line.

12                   I don't feel that it has to be gone into once  
13 or twice or three or four times, you know.

14                   I believe that what I would say would be, you  
15 know, within the context of your rules.

7 fls.

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1 THE COURT: I am offering you the opportunity now to  
2 take the stand and testify in the presence of the jury,  
3 following which you would be permitted to testify in front  
4 of the jury.

5 Now, are you saying that you will not testify  
6 out of the presence of the jury?

7 DEFENDANT KRENWINKEL: I am not saying that.

8 THE COURT: Well, then, you may come forward and  
9 testify at this time.

10 DEFENDANT KRENWINKEL: We'd gone through this. I  
11 thought we'd gone through this in chambers and you told  
12 us we are allowed to get up and be on the stand as all  
13 right.

14 THE COURT: You will be permitted to testify in front  
15 of the jury.

16 DEFENDANT KRENWINKEL: In front of the jury once,  
17 spontaneous.

18 DEFENDANT:MANSON: Do you want to call me?

19 THE COURT: I want an answer from Miss Krenwinkel,  
20 I'm offering you the opportunity to testify,  
21 Miss K<sup>k</sup>enwinkel. Do you want to take that opportunity?

22 DEFENDANT KRENWINKEL: In the presence of the jury?

23 THE COURT: I'm talking about out of the presence  
24 of the jury now.

25 DEFENDANT MANSON: Your Honor, I am prepared to  
26 testify.

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1 THE COURT: Out of the presence of the jury?

2 MR. MANSON: Any way you want it.

3 THE COURT: It isn't a question of what I want, Mr.  
4 Manson.

5 MR. KANAREK: Your Honor, may I say this.

6 DEFENDANT MANSON: In the jury or out of the jury,  
7 it's all right with me.

8 MR. KANAREK: Your Honor's interrogation of Mr.  
9 Manson invades the right to effective counsel.

10 THE COURT: You made that point, Mr. Kanarek.

11 MR. KANAREK: That's right.

12 THE COURT: I want to talk to Mr. Manson now.

13 Sit down, sir.

14 MR. KANAREK: What I'm saying is, your Honor --

7a fls. 15 THE COURT: All right, sit down, Mr. Kanarek.

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7b called  
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1 MR. KANAREK: Well, then, will your Honor deem that  
2 I have been bound and gagged?

3 THE COURT: No, you have not been.

4 When your client tells me he wants to testify,  
5 I'm going to ask him some questions.

6 MR. KANAREK: But in this context, your Honor, if  
7 I may make argument to the Court, in this context in the  
8 drama of these proceedings, in all that has occurred in  
9 connection with this, it is an invasion of the right to  
10 effective counsel.

11 THE COURT: You have made that point a number of  
12 times. You don't have to make it again.

13 MR. KANAREK: That's correct.

14 And the point I am making is if your Honor  
15 sends me off to jail, then how can I represent the man  
16 effectively in these very very important times in this  
17 trial, so what I'm saying is we can make the record.

18 Your Honor can deem that I am gagged, that I am  
19 bound, and then your Honor can go ahead and then that way I  
20 don't mind going to jail.

21 The deputies are my friends.

22 THE COURT: Nobody said anything about jail, Mr.  
23 Kanarek. You seem bent on going there, though.

24 MR. KANAREK: No, I'm not. I'm not, your Honor.

25 But I'm saying we are in courts of law, we know  
26 there are Appellate Courts. We can make the record by



1 having me deemed bound and gagged, then your Honor can go  
2 ahead and we have it.

3 THE COURT: All right, you made your point. Sit down,  
4 sir.

5 I have your point in mind.

6 MR. HUGHES: I would join in Mr. Kanarek's request.

7 MR. KANAREK: I would like to invoke Cooper vs.  
8 Superior Court.

9 THE COURT: I am going to invoke the aid of a bailiff  
10 if you don't sit down very quickly, Mr. Kanarek.

7c fls!

Help Mr. Kanarek into his seat.

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7C-1  
1 THE COURT: Now, Mr. Manson, you started to say  
2 something to the court.

3 DEFENDANT MANSON: Yes.

4 THE COURT: Is it your desire to testify at this  
5 time?

6 DEFENDANT MANSON: Yes.

7 THE COURT: Very well, you may take the stand.

8 MR. KANAREK: Your Honor, this is, of course, over my  
9 objection.

10 THE COURT: The record will so indicate.

11 MR. KANAREK: I have no power physically to restrain  
12 Mr. Manson from speaking, as your Honor recognizes,

13 The bailiff does your Honor's -- the bailiff  
14 is the bailiff of your Honor.

15 THE CLERK: Would you raise your right hand, please.  
16 Would you please repeat after me.

17 I do solemnly swear --

18 THE DEFENDANT MANSON: I do solemnly swear ---

19 THE CLERK: -- that the testimony I may give ---

20 THE DEFENDANT MANSON: -- that the testimony I may  
21 give --

22 THE CLERK: -- in the cause now pending --

23 DEFENDANT MANSON: -- in the cause now pending --

24 THE CLERK: -- before this Court --

25 DEFENDANT MANSON: -- before this Court --

26 THE CLERK: -- shall be the truth --

1 DEFENDANT MANSON: -- shall be the truth --

2 THE CLERK: -- the whole truth ---

3 DEFENDANT MANSON: -- the whole truth --

4 THE CLERK: -- and nothing but the truth ---

5 DEFENDANT MANSON: -- and nothing but the truth --

6 THE CLERK: -- so help me God,

7 THE DEFENDANT MANSON: -- so help me God.

8 THE CLERK: Be seated, please.

9 MR. MANSON: Hello God. ✓

10 THE CLERK: Would you please state your name.

11 THE WITNESS: Charles Manson, M-a-n-s-o-n.

12 MR. KANAREK: Your Honor, then is the procedure, it  
13 puts me in a very unusual position, your Honor, in that  
14 classically and historically a lawyer is supposed to  
15 interrogate a witness, especially a person that he repre-  
16 sents.

17 THE COURT: You may do that if you like, Mr. Kanarek.

18 MR. KANAREK: No, your Honor, I must respectfully  
19 decline.

20 THE COURT: Then permit Mr. Manson to make his  
21 statement.

22 MR. KANAREK: Then he is without counsel, your Honor.

23 THE COURT: Let's proceed.

24 Do you have anything you wish to say?

25 DEFENDANT MANSON: Yes, I do.

26 There has been a lot of charges and a lot of

1 things said about me and brought against me and brou  
2 against the co-defendants in this case, of which a lot  
3 could be cleared up and clarified to where everyone could  
4 understand exactly what the Family was supposed to have  
5 been, what the philosophies in regards to the Family, and  
6 whether or not there was any conspiracy to commit a murder,  
7 to commit crimes and to explain to you who think with your  
8 minds.

9 It is hard for you to conceive a philosophy of  
10 someone that may not think.

11 I have spent my life in jail, and without  
12 parents.

13 I have looked up to the strongest father figure,  
14 and I have always looked to the people in the free world as  
15 being the good people, and the people in the inside of the  
16 jail as being the bad people.

17 I never went to school, so I never grewed up  
18 in the respect to learn to read and write too good, so I  
19 have stayed in jail and I have stayed stupid, and I have  
20 stayed a child while I have watched your world grow up,  
21 and then I look at the things that you do and I don't  
22 understand.

23 I don't understand the courts, and I don't  
24 understand a lot of the things that are brought against me.  
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1           You write things about my mother in the news-  
2 paper that hasn't got anything to do with anything in  
3 particular.

4           You invent stories, and everybody thinks what  
5 they would do, and then they project it from the witness  
6 stand on the defendant as if that is what he did.

7           For an example, with Danny De Carlo's testimony.  
8 He said that I hate black men, and he said that we thought  
9 alike, that him and I was a lot alike in our thinking.

10           But actually all I ever did with Danny De Carlo  
11 or any other human being was reflect himself back at him--  
12 self.

13           If he said he did not like the black man I  
14 would say, "Okay." I had better sense than tell him I did  
15 not dislike the black man, I just listened to him and I  
16 would react to his statement.

17           So consequently he would drink another beer and  
18 walk off and he would pat me on the back and say, "Charlie  
19 thinks like I do."

20           But actually he does not know how Charlie  
21 thinks because Charlie has never projected himself.

22           But maybe the girls and women in your world  
23 outside, being by yourself for such a long time when you do  
24 get out, you appreciate things that you people don't even  
25 see, you walk over them every day.

26           Like in jail you have a whole new attitude, or

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1 a whole different way of thinking.

2 I don't think like you people. You people  
3 put importance on your lives.

4 Well, my life has never been important to anyone,  
5 not even in the understanding of the way you fear the things  
6 you fear and the things that you do.

7 I cannot understand you, but I don't try.  
8 I don't try to judge nobody.

9 I know that the only person I can judge is me,  
10 I judge what I have done and I judge what I do  
11 and I look and live with myself every day.

12 I am content with myself.

13 If you put me in the penitentiary, that means  
14 nothing because you kick me out of the last one.

15 I didn't ask to get released. I liked it in  
16 there because I like myself.

17 I like being with myself.

18 But in your world it's hard because your  
19 understanding and your values are different.

20 These children that come at you with knives,  
21 they are your children. You taught them. I didn't teach  
22 them. I just tried to help them stand up.

23 Most of the people at the ranch that you call  
24 the Family were just people that you did not want, people  
25 that were alongside the road, that their parents had kicked  
26 them out or they did not want to go to Juvenile Hall; so I

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did the best I could and I took them up on my garbage dump  
and I told them this, that in love there is no wrong.

I don't care, I have one law I live by and I  
learned it when I was a kid in reform school, it's don't  
snitch, and I have never snitched, and I told them that  
anything they do for their brothers and sisters is good,  
if they do it with a good thought.

7E

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It is not my responsibility. It is your responsibility. It is the responsibility you have towards your own children that you are neglecting, and then you want to put the blame on me again and again and again.

Over and over again you put me in your penitentiary. I did not build the penitentiary and I would not lock one of you up. I could not see locking another human being up.

You eat meat with your teeth and you kill things that are better than you are, and in the same respect you <sup>say</sup> how bad and even killers that your children are. You make your children what they are. I am just a reflection of every one of you.

I have never learned anything wrong. In the penitentiary I have never found a bad man. Every man in the penitentiary has always showed me his good side, and circumstances put him where he was. He would not be there; he is good; human, just like the policeman that arrested him is a good human.

I have nothing against none of you. I can't judge any of you. But I think it is high time that you all started looking at yourselves, and judging the lie that you live in.

I sit and I watch you from nowhere, and I have nothing in my mind, no malice against you and no ribbons for you.



7E-2

1 But you stand and you play the game of money.  
2 As long as you can sell a newspaper, some sensationalism,  
3 and you can laugh at someone and joke at someone and look  
4 down at someone, you know.

5 You just sell those newspapers for public  
6 opinion, just like you all are hung on public opinion, and  
7 none of you have any idea what you are doing.

8 You are just doing what you are doing for the  
9 money, for a little bit of attention from someone.

10 I can't dislike you, but I will say this to  
11 you, you haven't got long before you are all going to kill  
12 yourselves because you are all crazy.

13 And you can project it back at me, and you can  
14 say that it's me that cannot communicate, and you can say  
15 that it's me that don't have any understanding, and you can  
16 say that when I am dead your world will be better, and you  
17 can lock me up in your penitentiary and you can forget about  
18 me.

19 But I'm only what lives inside of you, each and  
20 every one of you.

21 These children, they take a lot of narcotics  
22 because you tell them not to.

23 Any child you put in a room and you tell them,  
24 "Don't go through that door," he never thought of going  
25 through that door until you told him not to go through the  
26 door.

7E3

1           You go to the high schools and you show them pills  
2 and you show them what not to take. How else would they  
3 know what it was unless you tell them?

4           And then you tell them what you don't want them  
5 to do in the hopes they will go out and do it and then you  
6 can play your game with them and then you can give attention  
7 to them, because you don't give them any of your love.

8           You only give them your frustration; you only  
9 givethem your anger; you only give them the bad part of you  
10 rather than give them the good part of you.

11           You should all turn around and face your  
12 children and start following them and listening to them.

13           The music speaks to you every day, but you  
14 are too deaf,, dumb and blind to even listen to the music.  
15 You are too deaf,, dumb and blind to stop what you are  
16 doing. You point and you ridicule.

17           But it's okay, it's all okay. It doesn't  
18 really make any difference because we are all going to the  
19 same place anyway. It's all perfect. There is a God;  
20 he sits right over here beside me; that is your God. This  
21 is your God.

22           But let me tell you something, there is  
23 another Father and he has much more might than you  
24 imagine.

25           If I could get angry at you I wouldtry to  
26 kill every one of you. If that's guilt, I accept it.

7E4  
1                   These children, everything they have done,  
2 they done for love of their brother.

3                   Had you not arrested Robert Beausoleil for  
4 something he did not do --

5           MR. BUGLIOSI: Your Honor, I am going to object.

6                   This is not proper testimony in or outside  
7 the presence of the jury.

8                   You are stating a legal conclusion as to  
9 the guilt or innocence of another defendant in another  
10 case.

11           MR. KANAREK: Your Honor, if we are to have equal  
12 protection of the law understood, Mr. Manson was going to  
13 make<sup>a</sup> statement over my objection, of course, and he is  
14 speaking.

15                   Now Mr. -- he is entitled -- he has not  
16 finished his narrative.

17                   Now, if there is to be equal protection of the  
18 law under the Fourteenth Amendment, Mr. Bugliosi should  
19 not interrupt him. Then we are going to do our -- whatever  
20 we are going to do, because he is stating things which  
21 Mr. Bugliosi doesn't like, Mr. Bugliosi is interrupting and  
22 I would ask the protection of the Court, your Honor, to  
23 order Mr. Bugliosi to obey the Court's order.

24           MR. BUGLIOSI: There hasn't been any order from the  
25 Court that Mr. Manson can just ramble on discursively,  
26 your Honor, as to inadmissible matters.

1                   That is the whole point of this proceeding now,  
2 to determine what his testimony is going to be.

3           THE COURT: I have heard enough.

4                   Do you have anything else to say, Mr. Manson?

5           THE WITNESS: I have killed no one and I have ordered  
6 no one to be killed.

7                   I don't place myself in the seat of judgment.

8                   I may have implied on several occasions to  
9 several different people that I may have been Jesus Christ,  
10 but I haven't decided yet what I am or who I am.

11                   I was given a name and a number and I was put in  
12 a cell, and I have lived in a cell with a name and a number.

13                   I don't know who I am.

14                   I am whoever you make me, but what you want is  
15 a fiend; you want a sadistic fiend because that is what you  
16 are.

17                   You only reflect on me what you are inside of  
18 yourselves, because I don't care anything about any of you,  
19 and I don't care what you do.

20                   I can stand here in front of this court and  
21 smile at you, and you can do anything you want to do with  
22 me, but you cannot touch me because I am only my love,  
23 and it is all for me, and I give it to myself for me, because  
24 I look out for me first and I like me and you can live  
25 with yourselves and your opinion of yourselves.

26                   I know what I have done.

7D4

1 If I showed someone that I would do anything  
2 for my brother, include giving my life for my brother in  
3 the battlefield, or give where else that I may want to do  
4 that, then he picks his banner up and he goes off and does  
5 what he does.

6 That is not my responsibility. I don't tell  
7 people what to do.

8 If we enter into an agreement to build a house,  
9 I will help you build the house and I will offer  
10 suggestions for that house, but I won't put myself on you  
11 because that is what made you weak, because your parents  
12 have offered themselves on you.

13 You are not you, you are just reflections, you  
14 are reflections of everything that you think that you know,  
15 everything that you think that you know, everything that  
16 you have been taught.

17 Your parents have told you what you are;  
18 they made you before you were six years old, and when  
19 you stood in school and you crossed your heart and pledged  
20 allegiance to the flag, they trapped you in truth because  
21 at that age you didn't know any lie until the lie was  
22 reflected on you.

23 No, I am not responsible for you. Your karma  
24 is not mine.

25 My father is the jail house. My father is your  
26 system, and each one of you, each one of you are just a

1 reflection of each one of you, you are just a reflection of  
2 each one of you, and you all live by yourselves, no matter  
3 how crowded you may think that you are in a room with a lot  
4 of people, you are still by yourselves, and you have to  
5 live with that self forever and ever and ever and ever.

6 To some people this would be hell; to some  
7 people it would be heaven.

8 I have mine, and each one of you will have to  
9 work out yours, and you cannot work out by pointing your  
10 fingers at people.

11 I have ate out of your garbage cans to stay out  
12 of jail.

13 I have wore your second-hand clothes.

14 I have give, everything I have away, everything.

15 I have accepted things and given them away the  
16 next second.

17 I have done my best to get along in your world  
18 and now you want to kill me, and I look at you, and I  
19 look how incompetent you all are, and then I say to myself,  
20 "You want to kill me, ha, I'm already dead, have been all  
21 my life."

22 "I've lived in your tomb that you built."

23 I did seven years for a \$37 check, I did 12  
24 years because I didn't have any parents, and how many  
25 other sons do you think you have in there? You have many  
26 sons in there, many, many sons in there, most of them are



7D6  
1 black and they are angry; they are mad and they are mad at  
2 me.

3 And I look and I say, "Why are you mad at me?"

4 He said, "I am mad at you because of what your  
5 father did,"

6 He said, "I want to take your head because of  
7 what your fathers did,"

8 And I look at him and I say, "Well," and I look  
9 at my fathers, and I say, "If there was ever a devil on  
10 the face of this earth I am him,"

11 And he's got my head anytime he wants it, as all  
12 of you do, too, anytime you want it.

13 Sometimes I think about giving it to you; some-  
14 times I'm thinking about just jumping on you and let you  
15 shoot me. Sometimes I think it would be easier than sitting  
16 here and facing you in the contempt that you have for your-  
17 self, the hate that you have for yourself, it's only the  
18 anger you reflect at me, is the anger that you have got for  
19 you.

20 I don't dislike you, I cannot dislike you; I  
21 am you. You are my blood. You are my brother. That is why  
22 I can't fight you.

23 If I could I would jerk this microphone off and  
24 beat your brains out with it because that is what you deserve,  
25 that is what you deserve.

26 Every morning you eat that meat with your teeth.

7D7  
1 You are all killers; you kill things better than you, and  
2 what can I say to you that you don't already know?

3 And I have known that there is nothing I can say  
4 to you; there is nothing I can say to any of you. It is you  
5 that has to say it to you, and that's my whole philosophy,  
6 you say it to you and I will say it to me.

7 I live in my world, and I am my own king in my  
8 world, whether it be in a garbage dump or if it be in the  
9 desert or wherever it be, I am my own human being.

10 You may restrain my body and you may tear my  
11 guts out, do anything you wish, but I am still me and you  
12 can't take that.

13 You can kill the ego; you can kill the pride;  
14 you can kill the want, the desire of a human being.

15 You can lock him in a cell and you can knock his  
16 teeth out and smash his brain, but you cannot kill the soul.

17 You never could kill the soul. It's always  
18 there, the beginning and the end. You cannot stop it,  
19 it's bigger than me. I'm just looking into it and it  
20 frightens me sometimes.

21 The truth is now, the truth is right here; the  
22 truth is this minute, and this minute we exist.

23 Yesterday -- you cannot prove yesterday happened  
24 today, it would take you all day and then it would be  
25 tomorrow, and you can't prove last week happened. You  
26 can't prove anything except to yourself.



7E-1

1 My reality is my reality, and I stand within  
2 myself on my reality,

3 Yours is yours and I don't care what it is,  
4 whatever you do is up to you, and it's the same thing with  
5 anybody in my family and anybody in my family is a white  
6 human being, because my family is of the white family.

7 There is a black family, the yellow family, the  
8 red family, a cow family and a mule family. There is all  
9 kinds of different families.

10 We have to find ourselves first, God second and  
11 kind, k-i-n-d, comes next, and that is all I was doing, I  
12 was working on cleaning up my house, something Nixon should  
13 have been doing. He should have been on the side of the  
14 road picking up his children, but he wasn't. He was in the  
15 White House, sending them off to war.

16 I don't know the different people that have got  
17 on the stand -- one friend said I put a knife to his  
18 throat.

19 I did. I put a knife to his throat.

20 And he said that I was responsible for all of  
21 these killings.

22 I do feel some of a responsibility. I feel a  
23 responsibility for the pollution; I feel a responsibility  
24 for the whole thing.

25 I feel a responsibility for you. I feel a  
26 responsibility for my reflection. I feel a responsibility

7E2  
1 for my love of my brother as much as my love of my brother  
2 will let me have a responsibility.

3 And I did put a knife to his throat, and here is  
4 what I said to him:

5 "Why do you lie to me? Can't you tell me the  
6 truth?"

7 I said, "The little lies that you tell me  
8 aren't important. Why must you lie to me?"

9 I said, "Don't you know in the penitentiary  
10 if you lie to somebody, someone in the penitentiary, they  
11 can just as easily kill you, cut your throat," I said,  
12 "If you lie to someone it gives them an excuse to kill  
13 you," I said, "If you never lie to anyone you never have  
14 anyone to kill you because you never have given them an  
15 excuse.

16 "If you always treat people right they have no  
17 call to come and hit you."

18 I survived 23 years in every torture chamber  
19 you have in this country, and I survived by bringing the  
20 good out in each human being I meet. You can call it fear;  
21 I am afraid I am a coward and I am brave; I am neither one.  
22 It don't make any difference.

23 And I look at the guys in jail. If you show  
24 them a good side and smile at them, they will show you a  
25 good side and smile back at you just like anyone else in  
26 the street.

7EW3  
1 So I tried to explain to Juan that if he did  
2 not lie and he did not cheat, that he did not leave himself  
3 open to be hurt, but if he lies, then he leaves himself  
4 open for that lie.

5 It's a creation against himself. It is a  
6 negative thought that he has about himself, and that he  
7 projects it at me, and I tell him I don't want to hear no  
8 lies.

9 So then it goes on to another witness, Dianne  
10 Bluestein.

11 Dianne Bluestein's parents kicked her out of  
12 the house when she was 13.

13 Dianne always liked to get attention from her  
14 father, around her mother's game.

15 So she would do things like drop coffee and  
16 spill things and do childish little things so her Daddy  
17 would come and spank her on the hand.

18 So she brought that problem to the ranch.  
19 She asked to be spanked several times.

20 She come close to burning the ranch up and I  
21 would tell her, "Would you quit doing that," I says, "If  
22 you don't stop doing that I'm going to spankyou. I'm going  
23 to whip you."

24 And she would keep doing it, so as any father  
25 would do I conditioned her mind with pain to keep her from  
26 burning the ranch down or to keep her from doing something

7E4  
1 that she may have done that would affect everyone.

2 I have done the best I know how, and I have  
3 given all I can give and I haven't got any guilt about  
4 anything because I have never been able to see any wrong.

5 I never found any wrong.

6 I looked at wrong, and it is all relative.  
7 Wrong is if you haven't got any money.

8 Wrong is if your car payment is overdue.

9 Wrong is if the TV breaks.

10 Wrong is if President Kennedy gets killed.

11 Wrong is, wrong is, wrong is -- you keep on;  
12 you pile it in your mind. You become belabored with it,  
13 and in your confusion --

14 I make up my own mind, I think for myself,  
15 I look at you and I say, "Okay, you make up your own mind,  
16 you think for yourself, then you see your mothers and your  
17 fathers and your teachers and your preachers and your  
18 politicians and your presidents lays in your brain with  
19 your opinions, considerations, conclusions, and I look at  
20 you and I say, "Okay, if you are real to you it's okay with  
21 me, but you don't look real to me. You only look like a  
22 composite of what someone told you<sup>you</sup>/are. You live for each  
23 other's opinion and you have pain on your face and you are  
24 not sure what you look like, and you wonder if you look  
25 okay."

26 And I look at you and I say, "Well, you look

7E5  
1 all right to me," you know, and you look at me and you say  
2 well, /<sup>I</sup>don't look all right to you.

3 Well, I don't care what I look like to you.

4 I don't care what you think about me and I  
5 don't care what you do with me.

6 I have always been yours anyway.

7 I have always been in your cell.

8 When you were out riding your bicycle I was  
9 sitting in your cell looking out the window and looking at  
10 pictures in magazines and wishing I could go to high school  
11 and go to the proms, wishing I could go to the things you  
12 could do, but oh so glad, oh so glad, brothers and sisters,  
13 that I am what I am.

14 Because when it does come down around your  
15 ears and none of you know what you are doing, you better  
16 believe I will be on top of my thought.

17 I will know what I am doing.

18 I will know exactly what I am doing.

19 If you ever let me go, before you kill me,  
20 and then I don't really particularly care anyway, because I  
21 still will be there and I will still know what I'm doing.

22 In my mind I live forever; in my mind I live  
23 forever, and in my mind I have always lived forever.

24 Truth is relative to the way you want to think.  
25 You can think it any way you want, but I have still not  
26 broken your rule.

E6  
1 I have not broken your rule because I learned  
2 a lesson a long time ago, this man is God.

3 If you don't believe he is God, you stand up  
4 in the courtroom and he will show you.

5 And if the deputies aren't enough, he will go  
6 out and get the Army and that is enough. He is the most  
7 powerful thing on the face of this earth, and I accept  
8 his power because I have no power greater than his.

9 THE COURT: We are going to take a recess at this  
10 time.

11 You may step down, Mr. Manson.

12 You may resume your statement after the recess.  
13 We will recess for 15 minutes.

14 (Recess.)  
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8-1

1 THE COURT: All parties and counsel are present.  
2 The jury is not present.

3 You may continue, Mr. Manson.

4 THE WITNESS: It is likened unto that you would  
5 bring yourselves and set yourselves on a witness stand,  
6 and then take the guilt that you have for your motive and  
7 prosecute me.

8 I am only what you made me. I am only a  
9 reflection of you.

10 I have done everything I have always been  
11 told. I have mopped the floor when I was supposed to mop  
12 the floor, and I swept when I was supposed to sweep.

13 I was smart enough to stay out of jail and  
14 too dumb to learn anything. I was too little to get a  
15 job there, and too big to do something over here.

16 I have just been sitting in jail thinking  
17 nothing. Nothing to think about.

18 Everybody used to come in and tell me about  
19 their past and their lives and what they did. But I could  
20 never tell anybody about my past or what my life was or  
21 what I did because I have always been sitting in that  
22 room with a bed, a locker and a table.

23 So, then it moves on to awareness, to how  
24 many cracks can you count in the wall? It moves to where  
25 the mice live and what the mice are thinking, and you  
26 see how clever mice are.

8-2  
1 And then, when you get on the outside, you  
2 look into people's heads. You take Linda Kasabian and you  
3 put her on the witness stand, and she testifies against her  
4 father.

5 She never has liked her father, and she has  
6 always projected her wrong off to the man-figure.

7 So, consequently, it is the man's fault again,  
8 and the woman turns around and she blames it on the man.  
9 The man made her do it. The man put her up to it.

10 The man works for her, the man slaves for her,  
11 the man does everything for her, and she lays around the  
12 house and tells him what he should do, because, generally,  
13 she is an extension of his mother. His mother told him  
14 what to do and she trained him for 20 years and passed him  
15 on to the wife. Then the woman takes him and tells him  
16 what to wear, when to get up, when to go to work.

8a fls. 17

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8a-1

1                   Then, when she gets on the stand and she wants  
2 to get out and wants to make some money and wants to be  
3 famous, here is her chance.

4                   So, she gets on the stand and she says when  
5 she looked in that man's eyes that was dying, she knew  
6 that it was my fault.

7                   She knew that it was my fault because she  
8 couldn't face death. And if she can't face death, that is  
9 not my fault.

10                  Why should she blame it on me? I can face  
11 death. I have all the time.

12                  In the penitentiary, you live with it, with  
13 constant fear of death, because it is a violent world in  
14 there, and you have to be on your toes constantly.

15                  So, it is not without violence that I live.  
16 It is not without fighting that I live. It is not without  
17 pain that I live.

18                  I look at the projection that comes from this  
19 witness stand often to the defendants. It isn't what  
20 we said, it is what someone thought we said.

21                  A word is changed, "In there" to "Up there,"  
22 "Off of that" to "On top."

23                  The semantics get into a word game in the  
24 courtroom to prove something that is gone in the past.  
25 It is gone in the past, and when it is gone, it is gone,  
26 Sisters. It is gone, Brother.

8a-2

1 You can't bring the past back up and postulate  
2 or mock-up a picture of something that happened a hundred  
3 years ago, or 1970 years ago, as far as that goes. You  
4 can only live in the now, for what is real now.

5 The words go in circles. You can say every-  
6 thing is the same, but it is always different. It is the  
7 same, but it is always different.

8 You can "but" it to death. You can say,  
9 "You are right, but, but, but."

10 You sat here for 19 days questioning that girl.  
11 She got immunity on seven counts of murder. She got, I  
12 don't know how much money she is going to make in maga-  
13 zines and things.

8b fls. 15

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8b-1

1                    You set her up to be a hero, and that is your  
2 woman. That is the thing that you worship.

3                    You have lost sight of God. You sing your  
4 songs to woman. You put woman in front of man.

5                    Woman is not God. Woman is but a reflection  
6 of her man, supposedly.

7                    But a lot of times man is a reflection of his  
8 woman. And if a man can't rise above a woman's thought,  
9 then that is his problem. It is not my problem. But you  
10 give me this problem when you set this woman against me.

11                    You set this woman up here to testify against  
12 me. And she tells you a sad story, how she has only  
13 taken every narcotic that it is possible to take. She  
14 has only stolen, lied, cheated, and done everything that  
15 you have got there in the book.

16                    But it is okay. She is telling the truth now.  
17 She is telling the truth now. She wouldn't have any  
18 ulterior motive like immunity for seven counts of murder.

19                    And then, comical as it may seem, you look at  
20 me, and you say "You threatened to kill the person if they  
21 snitch."

22                    Well, that is the law where I am from. Where  
23 I am from, if you snitch, you leave yourself open to be  
24 killed.

25                    I could never snitch because I wouldn't  
26 want someone to kill me. So, I have always abided by

8b-2

1 that law. It is the only law that I know of, and it is  
2 the law that I have always abided by.

3 But she will come up here and you enshrine her,  
4 you put her above you, and you strive to be as good as  
5 something below you.

6 It is circles that just don't make sense in my  
7 reality. But, of course, again, that is my reality and  
8 it has nothing to do with you, because you have got your  
9 reality and you have to live with what you believe in.

10 But this woman has got up here and she has  
11 testified. She said she wasn't sure, but maybe.

12 Then the magical mystery tour wouldn't be able  
13 to be explained to you.

14 A magical mystery tour is when you pick up  
15 somebody else and play a part. You may pick up a cowboy  
16 today and you go around all day and play like a cowboy.  
17 You put on a hat and you ride a horse.

18 That is all we have done. We have played like  
19 mom and dad. We have loved each other. We have done  
20 everything we could to stay outside the frame of the law,  
21 the shakedowns. Nothing has been stolen.

22 I have got better sense than to break the law.  
23 I give to the law what it has coming. It is his law. If  
24 I break his law, he puts me back in the grave again.

25 I haven't broken his law yet, but it seems like  
26 if somebody lays around and somebody needs to fulfill a

8b-3

1 spot, they snatch it up and say, "This will do. We will put  
2 this over here. We can hang this on him, or we can do this  
3 to that."

8c fls.

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8c-1

1 Then the words go into another meaning and  
2 another level of understanding.

3 Why a woman would stand up and project herself  
4 off into a man and say, "Actually he never told me any-  
5 thing, but I knew it all came from him."

6 Her assumption. Am I to be found guilty on  
7 her assumption?

8 Am I to be found guilty on your assumption?

9 You assume what you would do in my  
10 position but that doesn't mean that is what I did in my  
11 position. It doesn't mean that my philosophy is valid.  
12 It is only valid to me.

13 Your philosophies, they are whatever you think  
14 they are, and I don't particularly care what you think  
15 they are.

16 But I know this: That in your own hearts and  
17 your own souls, you are as much responsible for the  
18 Viet-Nam War as I am for killing these people.

19 I knew a guy that used to work in the stock-  
20 yards and he used to kill cows all day long with a big  
21 sledge hammer, and then go home at night and eat dinner  
22 with his children, and eat the meat that he slaughtered.  
23 Then he would go to church and read the Bible, and he  
24 would say, "That is not killing."

25 And I look at him and I say: That doesn't  
26 make sense what you are talking about.

1                   Then I look at the beast, and I say: Who is  
2 the beast?

3                   I am the beast. I am the beast. I am the  
4 biggest beast walking the face of the earth. I kill every-  
5 thing that moves. As a man, as a human, I take  
6 responsibility for that.

7                   As a human, it won't be long, God will ask  
8 you to take responsibility for it.

9                   It is your creation. You live in your  
10 creation. I never created your world, you created it.

11                   You create it when you pay taxes, you create  
12 it when you go to work. Then you create it when you  
13 foster a thing like this.

14                   Only for vicarious thrill do you sell a  
15 newspaper and do you cow-tow to public opinion. Just to  
16 sell your newspapers. You don't think about the truth.

17                   You take another Alka-Seltzer and another  
18 aspirin and hope that you don't have to think of the  
19 truth and you hope that you don't have to look at yourself  
20 with a hangover as you go to a helter skelter party and  
21 make fun of something that you don't understand.

8D

8d-1

1 THE COURT: Mr. Manson, the purpose of this hearing  
2 is to permit you to make a statement which you will be  
3 permitted to make in front of the jury.

4 In order to be admissible, that statement must  
5 have some relevance to the issues in this case.

6 You seem to be getting far afield.

7 Do you wish to direct your statement toward --

8 THE WITNESS: Yes, sir.

9 THE COURT: -- the matters concerning this case and  
10 the charges against you?

11 THE WITNESS: Yes, sir.

12 THE COURT: All right.

13 MR. KANAREK: Your Honor, if I may, I would object to  
14 your Honor's statement.

15 THE WITNESS: I thought you rested your case, Mr.  
16 Kanarek.

17 MR. KANAREK: Your Honor, on the basis that it is a  
18 denial of the right to counsel, effective counsel; and your  
19 Honor has violated your own edict that this is to be a  
20 narrative.

21 THE COURT: You may proceed, Mr. Manson.

22 THE WITNESS: The issues in this case? The issues  
23 in this case?

24 The issues are that Mr. Younger is Attorney-  
25 General, and I imagine he is a good man and does a good  
26 job. I don't know him. I can't judge him. But I know he



8d-2

1 has got me here. He set me in this seat.

2 Mr. Bugliosi is doing his job for a paycheck,  
3 That is in issue. He is doing whatever he is doing;  
4 whether he thinks it is right or not, I couldn't say. That  
5 is up to him.

6 The evidence in this case is a gun.

7 There was a gun that laid around the ranch.  
8 It belonged to everybody. Anybody could use the gun.  
9 There was approximately a hundred and fifty people going  
10 through that ranch; anywhere from cowboys to motorcycle  
11 people to people in the entertainment field. Lawyers.

12 Mr. Hughes has been over to my house several  
13 times before these trials. The police come by at least  
14 three times a week. They go through the house. They have  
15 seen the gun. It lays in the corner. People play with it  
16 like as if it was a toy.

17 Anybody could have picked that gun up and  
18 done anything they wanted to do with it.

19 I don't deny having that gun. That gun has  
20 been in my possession many times.

21 I traded that gun for Danny's milk truck to  
22 keep Bill Vance from shooting up the ranch, because he was  
23 mad and drunk, and the only way I could get the gun away  
24 from Bill was for the milk truck. That was the only way  
25 I could keep from fighting him. He was a lot bigger than  
26 I.

1                   The only way that I have been able to live  
2 on that side of the road was outside the law. I have  
3 always lived outside the law. When you live outside the  
4 law, it is pretty hard, you can't call The Man for  
5 protection. You have got to pretty much protect your own.

6                   You can't live within the law and protect your-  
7 self. You can't knock the guy down when he comes over and  
8 starts to rape one of the girls, or start to bring some  
9 speed or dope up there.

10                  You can't enforce your will over someone.  
11 But the gun was there, as a lot of other things were there.

12                  Like the rope was there. As on ranches with  
13 80 or 90 horses, generally ropes are around, and generally,  
14 when you take care of a horse ranch, you buy supplies,  
15 you buy rope.

8e fls.

8D-1  
1 So I went and bought a hundred and fifty feet  
2 of rope for the ranch. With a hundred and fifty feet of  
3 rope, you can tie up a lot of people with that. You can  
4 cut that rope off and use it for anything you want to use  
5 it for. The rope is rope. It belongs to itself. I  
6 bought it and brought it back to the ranch.

7 I gave everything I could think of to that old  
8 man and that ranch for permission to stay there, and I  
9 have given the people that stayed on that ranch my all.

10 When no one wanted to go out in front and  
11 fight, I would go out and fight. When no one else wanted  
12 to clean the toilet, I would go and clean them.

13 People would see me and they would see what  
14 I do and see the example that I set. They see when I  
15 am cleaning out a cesspool that I am happy and smiling and  
16 doing it and making a game out of it.

17 Like I was on a chain gang somewhere once upon  
18 a time and they come and pass the water. I make a game  
19 out of it or make a pleasure out of a job. We turn it  
20 into a magical mystery tour.

21 We speed down the highway in a 1958 automobile  
22 that won't go but 50, and an XKE Jaguar goes by, and I  
23 state to Clem, "Catch him, Clem, and we will rob him,  
24 or steal all of his money," you know.

25 And he says, "What shall we do?"

26 I say, "Hit him in the head with a hammer."

1 We magical mystery tour it.

2 Then Linda Kasabian gets on the stand and  
3 says: They were going to kill a man; they were going to  
4 kill a man in an automobile.

5 To you, it seems serious. But like Larry  
6 Kramer and I would get on a horse and we would ride over  
7 to Witchita, Kansas, and act like cowboys. We make it a  
8 game on the ranch.

9 Like Helter Skelter is a nightclub. Helter  
10 Skelter means confusion, literally. It doesn't mean any  
11 war with anyone. It doesn't mean that those people are  
12 going to kill other people. It only means what it means.

13 Helter Skelter is confusion. Confusion is  
14 coming down fast. If you can't see the confusion coming  
15 down around you fast, you can call it what you wish.

16 ~~It is not my conspiracy. It is not my music.~~  
17 I hear what it relates. It says, "Rise," it says, "Kill."

18 Why blame it on me? I didn't write the  
19 music.

8F

8F-1

1 I am not the person that projected it into  
2 your social consciousness, that sanity that you projected  
3 into your social consciousness today. You put so much in  
4 the newspaper and you expect people to believe what is  
5 going on.

6 I say back to the facts again. How many  
7 witnesses have got up here and projected only what they  
8 believe in?

9 What I believe in is right now. I don't  
10 believe in anything past now. I speak to you from now.

11 Because there is nothing here to worry about,  
12 nothing here to think about, nothing here to be confused  
13 over.

14 My house is not divided. My house is one  
15 with me, myself.

16 Then I look at the facts that you have  
17 brought in front of this court, and I look at the 12 facts  
18 that are looking at me and judging me.

19 If I were to judge them, what scale would  
20 that balance?

21 Would the scale balance if I was to turn and  
22 judge you? How would you feel if I were to judge you?  
23 Could I judge you?

24 I can only judge you if you try to judge me.  
25 That is the fact.

26 Mr. Bugliosi is a hard-driving prosecutor,



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polished education. Semantics, words. He is a genius.

He has got everything that every lawyer would want to have except one thing: a case. He doesn't have a case.

Were I allowed to defend myself, I could have proven this to you. I could have called witnesses and showed you how these things lay, and I could have presented my picture.

But I am inadequate in education, I don't have much schooling, and the judge has recognized this. So, I am forced to sit here and just amble on without the thought there.

The rope, the gun, the clothes. It was really convenient that Mr. Baggott found those clothes. I imagine he got a little taste of money for that.

I imagine that it just so happens, out of all that territory up there, Mulholland Drive, he just turned the corner and pop, he happened to see those clothes. Isn't that marvelous?

And the bloodstains? Well, they are not exactly bloodstains, they are Benzedine reaction.

What is a Benzedine reaction? We got into semantics. It is not a blood stain. If it is not a blood stain, it is not a blood stain. I call it a Benzedine reaction. That is somewhere else in another courtroom.

1 You are dealing with facts and positive  
2 evidence, if you are dealing with things that are  
3 relative to the issues at hand, then you look at the  
4 facts.

5 What else do you look at? Oh, the leather  
6 thong.

7 How many people have ever worn moccasins  
8 with a leather thong in it?

9 So, you have placed me in the desert with  
10 leather clothes on, and you took a leather thong from my  
11 shoe.

12 How many people could we go take leather  
13 thongs from?

14 That is in issue.

15 Then you move on and you say I had one around  
16 my neck.

17 I always tie one around my head when my hair  
18 is long. It keeps it out of my eyes. And you pull it  
19 down on your neck. And I imagine a lot of long-haired  
20 people do that.

21 There are so many aspects to this case that  
22 could be dug into and a lot of truth could be brought up,  
23 a lot of understanding could be reached.

24 It is a pretty hideous thing to look at seven  
25 bodies, 102 stab wounds.  
26

1           The prosecutor, or the doctor, gets up and he  
2 shows how all the different stab wounds are one way, and  
3 then how all the different stab wounds are another way;  
4 but they are the same stab wounds in another direction.

5           They put the hideous bodies on display and  
6 they say: If he gets out, see what will happen to you.  
7 Implying. I am not saying he did this. This is implied.

8           That could be cleaned up very well. A lot of  
9 diagrams are actually in my opinion senseless to the case.

10           Fingerprints with just enough points. We  
11 couldn't have stretched it. Maybe it was 11 points. Well,  
12 we will call this one a point. We will justify that by  
13 saying: Well, I am a ballistics expert. Naturally, we  
14 didn't take no pictures of this bullet. We ain't got no  
15 pictures, but we have got big cameras, thousands of  
16 dollars worth of cameras, but we didn't get a picture of  
17 that bullet.

18           Why? No attorney would bring it out.

19           If I could have questioned the ballistics man,  
20 maybe we could have brought out a few more things.

21           I am trying to stick as close as I can with  
22 the issues, but I can't.

23           Like the four filing cabinets. There is a  
24 hundred and how many exhibits? I don't know.

25  
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8h-1

1 Then there is Paul Watkins' testimony.

2 Paul Watkins was a young man who ran away  
3 from his parents and wouldn't go home.

4 You could ask him to go home, and he would  
5 say no.

6 He would say: I don't have no place to live.  
7 Can I live here?

8 And I'd say: Sure.

9 So, he looks for a father image. I offer  
10 no father image. I say: To be a man, boy, you have got  
11 to stand up and be your own father.

12 And he still hungers for a father image.  
13 So, he goes off to the desert and finds a father image.

14 When he gets on the stand -- I forget what  
15 he said, whether it had any relative value -- oh, I  
16 was supposed to have said to go get a knife and kill the  
17 Sheriff of Shoshone.

18 Go get a knife and kill the Sheriff of  
19 Shoshone? I don't know the Sheriff of Shoshone. I  
20 don't think I have been there but once.

21 I am not saying that I didn't say it,  
22 but if I said it, at the time I may have thought it was  
23 a good idea.

24 Whether I said it in jest or whether I said  
25 it in joking, I can't recall and reach back in my  
26 memory.

8h-2

1 I could say either way. I could say: Oh, I  
2 was just joking; or I could say I was curious. But to be  
3 honest with you, I don't recall ever saying: Get a knife  
4 and change of clothes and go do what Tex said. Or I don't  
5 recall saying: Get a knife and go kill the Sheriff.

6 I don't recall saying to anyone: Go get a  
7 knife and kill anyone or anything.

8 In fact, it makes me mad when someone kills  
9 snakes or dogs or cats or horses.

10 I don't even like to eat meat because that is  
11 how much I am against killing.

12 So, you have got the guy that is against killing  
13 on the witness stand, and you are all asking him to kill  
14 you. You are asking him to judge you. Because with my  
15 words, each one of your opinions or diagrams, your thoughts,  
16 are dying. What you thought was true is dying. What you  
17 thought was real is dying.

18 Because you all know, and I know you know,  
19 and you know that I know you know. So, let's make that  
20 circle.

21 You say: Where do we start from there? Back  
22 to the facts again. You say the facts are elusive in my  
23 mind. They just don't mean anything. The District Attorney  
24 can call them facts with words. This is a fact (indicating).  
25 This is a fact, this is a fact. He is a fact. They are  
26 facts. You are facts.

8h-3

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8i fls.<sup>5</sup>

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But the facts of the case aren't even relative, in my mind. They are relative to the 13th Century. They are relative to the 8th Century. They are relative to how old you are or what kind of watch you wear on your arm.

8i-1

1 I have never lived in time. A bell rings.  
2 I get up. The door opens and I go out. A bell rings  
3 and I go eat. A bell rings and I live my life with bells.  
4 I get up when a bell rings and I do what a bell says.  
5 I have never lived in time. When your mind is not in time,  
6 the whole thought is different.

7 You look at time as being man-made, and you  
8 say time is only relative to what you want to think it is.

9 If you want to think me guilty, then you can  
10 think me guilty, and it is okay with me. I don't dislike  
11 any of you for it.

12 If you want to think me not guilty, it is okay  
13 with me.

14 I know what I know, and nothing and no one  
15 can take that from me.

16 You can jump up and scream "Guilty," and you  
17 can say what a no good guy I am and what a devil, fiend  
18 eeky-sneaky slimy devil I am. It is your reflection and  
19 your right, because that is what I am; I am whatever you  
20 make me.

21 You see, it is what happens inside the Now  
22 that the words just lose meaning, because the words to me  
23 have no meaning.

24 A motion is more real than a word. The  
25 Indians spoke with it. They could explain to you with  
26 motions what they felt.

1                   This is what I intended to do if I could  
2                   represent myself, explain to/<sup>you</sup>what is inside of me,  
3                   how I feel about things.

4                   Because words are your words. You invented  
5                   the words, and you made a dictionary, and you gave me the  
6                   dictionary and you said: These are what the words mean.

7                   Well, this is what they mean to you, but to  
8                   someone else, they have got a different dictionary, and  
9                   things mean different things to different people, and to  
10                  match the symbols up as you talk back and forward.

11                  Then you put a witness up here to say what you said.

12                  I could never say what someone else said. I  
13                  could only say what I said.

14                  You tell me something and tomorrow, if I try  
15                  to repeat it, if I didn't have it written down, I couldn't  
16                  tell you what you said. Let alone a year ago, let alone  
17                  eight months ago, let alone a week ago.

18                  I am forgetful. I forget one day to the next.  
19                  I forget what day it is or what month it is or what year  
20                  it is.

21                  I don't particularly care because all that is  
22                  real to me is right now.

23                  But then, the case is real to me, and I say:  
24                  What do I have to do to make you people let me go back  
25                  to the desert with my children?

26                  You have your world. You are going to do

1 whatever you do with it.

2 I have got nothing to do with it. I don't  
3 have the schooling in it. I don't believe in your church.

8j fls. 4 I don't believe in anything you do.

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8J-1

1 I am not saying you are wrong, and I hope  
2 that you say I am not wrong for believing what I believe  
3 in.

4 Murder? Murder is another question. It is  
5 a move. It is a motion. You take another's life. Boom,  
6 and they are gone.

7 You say: Where did they go? They are dead.

8 You say: Well, that person could have made  
9 the motion. He could have taken my life just as well as  
10 I took his life.

11 If a soldier goes off to the battlefield,  
12 he goes off with his life in front. He is giving his  
13 life. Does that not give him permission to take one?  
14 No. Because then we bring our own soldiers back and try  
15 them in court for doing the same thing we send them to do.

16 We train them to kill, and they go over and  
17 kill, and we prosecute them and put them in jail because  
18 they kill.  
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And we put them in jail because they kill.

If you can understand it, then I bow to your understanding.

But in my understanding I wouldn't get involved with it.

My peace is in the desert or in the jail cell, and had I not seen the sunshine in the desert I would be satisfied with the jail cell much more over your society; much more over your reality, and much more over your confusion, and much more over your world, and your word games that you play.

We are all important; we all make lots of money; we are big shots, drive fine cars, have \$300 watches. We all sit here in our importance. We get a little guy, put him over there and he's generally littler than this guy, you don't get big tough guys in here.

If I was a big tough guy you couldn't hold me here, and like the bailiff tried to put me in the back. I wouldn't let him if I was big enough. I wouldn't let him. I would say "No," I am going to defend myself.

But I am not big enough so I have to do what I am told. That is what I always done anyway.

So you go on to facts and facts, and without recalling the facts, and looking at the evidence, and recalling the witnesses, I couldn't stick completely with the total reality of the case.

Gutierrez, Sergeant Gutierrez, a cauliflower



1 ear, experience, tough police officer with probably 20  
2 years of experience of interrogating people.

3 On top of his thought, several human beings  
4 lived for justice, law and order. He is a good human  
5 being, has a family and has children, believes in what he  
6 is doing, gets his pay check for it.

7 But at the same time he will take a child,  
8 17 years old, fragile-minded child, and he programs her  
9 with questions because the inference has always been on  
10 the question, the question implies. The answer is only  
11 relative to the question.

12 So most of their answers are intelligible or  
13 unintelligible; then she goes to a mental institution and  
14 she gets on the stand and she testifies and she says this:

15 "I'm only testifying" -- and it's written in  
16 the record -- "I'm only saying what is best for me. I  
17 am only testifying for what is best for me."

18 And each witness got up here and only  
19 testified for what was best for them, they did not testify  
20 for what was best for me. They testified for what was  
21 best for them, for their own benefit.

22 So you say okay, and then what else did she  
23 say? Then she said, "You only see <sup>in</sup> me what you want to see  
24 in me."

25 You only see in her what you put in her,  
26 because when you take LSD enough times you reach a state

1 of nothing. You reach a state of no thought.

2 An example of this, if you were to be standing  
3 in a room with someone and you were loaded on LSD, and the  
4 guy says, "Do you like my sport coat?"

5 And the guy would probably not pay any  
6 attention to him and say, "I bought this sport coat at  
7 Penney's," and then he still would not pay any attention  
8 to him. About two or three minutes later the guy loaded  
9 on LSD will turn around and say, "My, you have a beautiful  
10 sport coat." Because he is only reacting; he is only  
11 reacting to the individual terminology, the person that  
12 he has in the room.

13 As you put two people in a cell, so would they  
14 reflect and flow on each other like as if water would  
15 seek a level.

16 I have been in a cell with a guy 80 years old,  
17 and I listened to everything he said.

18 "What did you do then?"

19 And he explains to me his whole life, and  
20 I sat there and I listened, and I experienced vicariously  
21 his whole being, his whole life, and I look at him and he  
22 is one of my fathers.

23 But he is also another one of your society's  
24 rejects.

25

26

9A

9a-1

1                   And it is the same thing that has happened with  
2 Dianne Bluestein. You've got around her, and you've offered  
3 her a lot of fathering, a lot of strings to hold to, then  
4 you have offered her her suggestions, and you bought her  
5 dresses and you have taken her in and given her love in  
6 a foster home that she has always needed.

7                   Now, will you give her that when you find out  
8 she likes to make love, or are you going to look at her  
9 like she's a dirty little evil nasty girl, and kick her  
10 out of the house because you have thought like that and  
11 don't want to admit it?

12                   Will you lock her back up when you are through  
13 with her?

14                   Where does the garbage go, as we have tin cans  
15 and garbage alongside of the road, and oil slicks in the  
16 water, so you have people, and I am one of your garbage  
17 people. I am one of your motorcycle people. I am one of  
18 what you want to call hippies.

19                   I never thought about being a hippie. I don't  
20 know what a hippie is.

21                   A hippie is generally a guy that's pretty nice.  
22 He will give you a shirt, and a flower, and he will give you  
23 a smile, and he walks down the road.

24                   But don't try to tell him nothing. He ain't  
25 listening to nobody. He got his own thoughts. You try to  
26 tell him something and he will say "Well, if that's your

9a-2

1 bag."

2 He is finding himself. Yes, those children  
3 there were finding themselves. Whatever they did, if they  
4 did whatever they did, or whatever they did is up to them.  
5 They will have to explain to you that. I'm just explaining  
6 to you what I am explaining to you.

7 Everything is simple to me. It is what it is  
8 because that is what it is. It doesn't go any further.

9 What? That is all there is.

10 Why?

11 Why? Why comes from your mother. Your mother  
12 teaches you "Why, why, why?" You go around asking your  
13 mother why and she keeps telling you "Because, because,  
14 because," and she laces your little brain with because  
15 and:

16 "Because. Why? Because. Why?"

17 And you accept everything you are told because  
18 you don't know any different. If you had two mothers,  
19 one to tell you one thing and one to tell you another,  
20 then your mind might be left where mine was. If you had  
21 a dozen parents that you went around and couldn't believe  
22 anything you were told, but then you couldn't disbelieve  
23 anything you were told. And it's the same thing with this  
24 court.

25 I don't believe what these witnesses get up here  
26 and say, but I don't disbelieve them either.

1 I won't challenge them. If the guy says  
2 "Well, you're no good," I say "Okay. If that is what you  
3 want to believe, that's okay with me."

4 I don't care what you believe. I know what I  
5 am. You care what I think of you? Do you care what I  
6 think of you? Do you care what my opinion is? No, I  
7 hardly think so.

8 I don't think any of you care about anything  
9 other than yourselves because when you find yourselves,  
10 you find that everybody is out for themselves anyway.

11 It looks that way to me here, the money that  
12 has been made, the things that I cannot talk about, and I  
13 know I cannot talk about I won't talk about, and I will  
14 keep quiet about those things.

15 How much money has passed over this case? How  
16 sensational do you think that you have made this case?

17 I never made it sensational. I was hiding in  
18 the desert. You come and got me, remember? Or could you  
19 prove that? What can you prove?

20 The only thing you can prove is what you can  
21 prove to yourselves, and you can sit here and build a lot  
22 in that jury's mind, and they are still going to interject  
23 their personalities on you. They are going to interject  
24 their inadequate feelings; they are going to interject  
25 what they think.  
26



9B-1

1 I look at the jury and they won't look at me.  
2 So I wonder why they won't look at me.

3 I look at them. Have they judged me already?

4 Before the case was presented they would not  
5 look at me. They are afraid of me, and do you know why  
6 they are afraid of me? Because of the newspapers.

7 You projected fear. You projected fear.  
8 You made me a monster, and I have to live with that the  
9 rest of my life because I cannot fight this case.

10 If I could fight this case, and I could  
11 present this case, I would take that monster back and  
12 I would take that fear back. Then you could find some-  
13 thing else to put your fear on because it's all your fear.

14 You look for something to project it on,  
15 and you pick a little old scroungy nobody that eats out  
16 of a garbage can, that nobody wants, that was kicked out  
17 of the penitentiary; that has been drugged through every  
18 hell hole you can think of, and you drag him and put him  
19 into a courtroom.

20 You expect to break me? Impossible, you  
21 broke me years ago; you killed me years ago; I sat in a  
22 cell and the guy opened the door and he said, "You want  
23 out?"

24 I looked at him and I said, "Do you want  
25 out? Do you want out? You are in jail, all of you, and  
26 your procedure. The procedure that is on you? It's worse

than the procedure that is on me. I like it in there.

I like it in there, it's peaceful. I just don't like coming to the courtroom. I would like to get this over with as soon as possible, and I'm sure everyone else would like to get it over with, too.

Without being able to prepare a case, without being able to confront the witnesses and to bring out the emotions, and to bring out the reasons why witnesses say what they say, and why this hideous thing has developed into the trauma that it's moved into, would take a bigger courtroom, and it would take a bigger public, a bigger press, because you all, as big as you are, and you know what you are as I know what you are, and I like you anyway.

I don't want to keep rehashing the same thing over. There are so many things you can get into, your Honor, that I have no thoughts on.

It is hard to think when you really don't care too much one way or the other.

THE COURT: Your statement is purely voluntary, Mr. Manson, you don't have to say anything or any more if you don't want to.

MR. KANAREK: Your Honor, I want the record to reveal I cannot agree with your Honor's statement.

MR. FITZGERALD: It might be a convenient time to recess, your Honor, it's just a few minutes to 12:00.

THE WITNESS: I was released from the penitentiary

1 and I learned one lesson in the penitentiary, you don't  
2 tell nobody nothing.

3 You listen. When you are little you keep  
4 your mouth shut, and when someone says, "Sit down," you  
5 sit down unless you know you can whip him, and if you know  
6 you can whip him then you stand up and whip him and you tell  
7 him to sit down.

8 Well, I pretty much sit down. I have learned  
9 to sit down because I have been whipped plenty of times for  
10 not sitting down and I have learned not to tell people  
11 something they don't agree with.

12 If a guy comes up and he says, "The Yankees  
13 are the best ball team," I am not going to argue with that  
14 man.

15 If he wants the Yankees to be the best ball  
16 team, it's okay with me, so I look at him and I say,  
17 "Yeah, the Yankees are a good ball club."

18 And somebody else says, "The Dodgers are good."  
19 I will agree with that. I will agree with anything they  
20 tell me. That is all I have done since I have been out  
21 of the penitentiary.

22 I agreed with every one of you. I did the best  
23 I could to get along with you, and I have not directed one  
24 of you to do anything other than what you wanted to do.

25 I have always said this, you do what your  
26 love tells you and I do what my love tells me.



1 Now, if my love tells me to stand up there  
2 and fight, I will stand up there and fight if I have to.

3 But if there is any way that my personality  
4 can get around it, I try my best to get around any kind of  
5 thing that is going to disturb my peace, because all I want  
6 is to be just at peace, whatever that takes.

7 Now, in death you might find peace, and soon  
8 I may start looking in death to find my peace.

9 I have reflected in your society yourselves,  
10 right back at yourselves, and each one of these young girls  
11 was without a home.

12 Each one of these young boys was without a  
13 home.

14 I showed them the best I could what I would do  
15 as a father, as a human being to be responsible for them--  
16 selves, not to be weak and not to lean on me.

17 And I have told them many times I don't want  
18 no weak people around me. "If you are not strong enough  
19 to stand on your own, don't come and ask me what to do.  
20 You know what to do.

21 This is one of the philosophies that everyone  
22 is mad at me, because of the children. I always let the  
23 children go.

24 "You can't let the children go down there by  
25 themselves."

26 I said, "Let the children go down. If he

1 falls, that is how he learns, that is how you become  
2 strong, by falling."

3 They said, "You are not supposed to let the  
4 children do that. You are supposed to guide them."

5 I said, "Guide them into what? Guide them  
6 into what you have got them guided into? Guide them into  
7 dope? Guide them into getting raped on street corners?  
8 Guide them into the armies?"

9 I said, "No, let the children loose and follow  
10 them." That is what I did on the desert; that is what I  
11 was doing, following your children, the ones you didn't  
12 want, each and every one of them.

13 I never asked them to come with me; they asked  
14 me.

15 THE COURT: We are going to recess at this time,  
16 Mr. Manson, you may step down.

17 You may resume your statement after the noon  
18 recess.

19 The Court will recess at this time until  
20 1:45.

21 (Whereupon, a recess was taken to reconvene at  
22 1:45 p.m., same day.)  
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10-1

1 LOS ANGELES, CALIFORNIA, FRIDAY, NOVEMBER 20, 1970

2 1:53 o'clock p.m.

3  
4 (The following proceedings occur in open court.

5 All counsel and defendants present. Jury absent.)

6 THE COURT: All parties and counsel are present. They  
7 jury is not present.

8 MR. KANAREK: Your Honor, may I address the Court?

9 THE COURT: Yes.

10 MR. KANAREK: I gather that the record will reflect,  
11 your Honor, and I am sure, hopefully, your Honor doesn't  
12 object to my previous remarks in connection with Mr.  
13 Manson and in connection with the other three defendants,  
14 may they be deemed incorporated by reference here, just by  
15 way of reiteration, your Honor?16 THE COURT: I haven't the slightest idea of what you  
17 are talking about, Mr. Kanarek.18 MR. KANAREK: Your Honor, I believe what this Court  
19 is doing flies in the face of everything that our courts  
20 stand for, everything that lawyers stand for, in connection  
21 with effective right to counsel, in connection with the --

22 THE COURT: You have made this argument before.

23 MR. KANAREK: Yes. I just want to make sure that  
24 no one is going to say, in future proceedings, that I am  
25 acquiescing. That is the point.

26 The Attorney General now of the State of

10-2

1 California is Mr. Younger, or probably will be at some time  
2 in the future. You know, they can't have their cake and  
3 eat it at the same time.

4 I just want the record to reflect, may it be  
5 deemed that all my previous remarks are reiterated at this  
6 point in connection with Mr. Manson taking the stand, and  
7 in connection with our comments in chambers, and in connec-  
8 tion with the defendants.

9 I believe that these three female defendants,  
10 <sup>were</sup> certain remarks made concerning them, may they be  
11 deemed reiterated here?

12 THE COURT: Be deemed reiterated?

13 MR. KANAREK: Yes.

14 THE COURT: Do you want to incorporate them by  
15 reference? Is that what you mean?

16 MR. KANAREK: May I?

17 THE COURT: Very well.

18 MR. KANAREK: Thank you, your Honor.

11 fls.

11-1

1 THE COURT: Now, Mr. Manson, I want to remind you,  
2 sir, that if you desire to testify in front of the jury  
3 you will have to confine your testimony to matters that  
4 are relevant to the issues in the case.

5 Do you have anything further you wish to say?

6 MR. KANAREK: May I say this in regard --

7 THE COURT: Don't interrupt the proceedings, Mr.  
8 Kanarek.

9 MR. KANAREK: May I make a motion to the Court?

10 THE COURT: Very well.

11 MR. KANAREK: I would move that the Court not allow  
12 Mr. Manson to testify at this point because Mr. Manson is  
13 not a lawyer, and what is relevant and what is material  
14 many times --

15 THE COURT: If you are making an objection, it is  
16 overruled.

17 Let's proceed.

18 Do you have anything further to say, Mr. Manson?  
19

20 CHARLES MANSON,

21 called as a witness in his own behalf, having been first  
22 duly sworn, resumed the stand and testified further as  
23 follows:  
24

25 THE WITNESS: There's been a lot of talk about a  
26 bottomless pit. I found a hole in the desert that goes

11-2

1 down into a river that runs north underground, and I call it  
2 a bottomless pit because where could a river be going north  
3 underground?

4 You could even put a boat on it.

5 So I covered it up and I hid it and I called it --  
6 we all go out there with dune buggies and things, and I call  
7 it "The Devil's Hole," and we all laugh and we joke about it.

8 You could call it a family joke about the  
9 bottomless pit.

10 How many people you could hide down/<sup>in</sup>this hole?

11 Again, you have a magical mystery tour that  
12 most of the time there's 40 or 50 people at the ranch playing  
13 magical mystery tour.

14 Randy Starr thought he was a <sup>H</sup>ollywood stunt man;  
15 he had a car all painted up and like he never done any stunts.

16 Another guy was a movie star but he had never  
17 been in any movies, and everybody was just playing a part,  
18 you know, like most people get stuck in one part, but like  
19 we were just playing different parts every day.

20 One day you put on a cowboy hat and say shoot  
21 somebody, or the next, you might have a knife, be a knife  
22 fighter, or go off in the woods for a month or two to be an  
23 Indian, or just like a bunch of little kids playing.

24 Then you establish a reality within that reality  
25 of play acting.

26 And then you get to conspiracy. The power of

11-3

1 suggestion is stronger than any conspiracy that you could  
2 ever enter into.

3 The powers of the brain are so -- so vast,  
4 it's beyond understanding. It's beyond thinking. It's  
5 beyond comprehension.

6 So to offer a conspiracy might be to sit in  
7 your car and think bad thoughts about someone and watch  
8 them have an accident in front of you.

9 Or would it be a conspiracy for yourwife to  
10 mention to you 20 times a day "You know, you're going blind,  
11 George; you know how your eyes are; you're just going blind;  
12 we pray to God, and you're going blind, and you're going  
13 blind," and she keeps telling the old man he's going blind  
14 until he goes blind.

15 Is that a conspiracy?

16 Is it a conspiracy that the music is telling  
17 the youth to rise against the establishment because the  
18 establishment is rapidly destroying things? Is that a  
19 conspiracy?

20 Where does conspiracy come in? Does it come  
21 in that --

22 I have showed people how I think by what I  
23 do, not as much as what I say as what I do that counts,  
24 and they look at what I do and then they try to do it  
25 also, and sometimes they are made weak by their parents  
26 and cannot stand up.

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But is that my fault?

Is it my fault that your children do what they do?

Now, the girls were talking about testifying. If the girls come up here to testify and they said anything good about me, you would have to reverse it and say that it was bad.

You would have to say "Well, he put the girls up to saying that. He put the girls to not telling the truth."

Then you say the truth is as I am saying it, but then when it is gone, tomorrow it is gone, it changes, it's another day and it is a new truth, as it constantly moves thousands of miles an hour through space.

Hippie cult leader, actually, hippie cult leader, that is your words. I am a dumb country boy who never grew up.

I went to jail when I was eight years old and I got out when I was 32.

11a fls.



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I have never adjusted to your free world. I am still that stupid, corn picking country boy that I always have been.

If you tend to compliment a contradiction about yourself, you can live in that confusion. To me it's all simple right here, right now, and each of us knew what we did, and I know what I did, and I know what I'm going to do, and what you do is up to you.

I don't recognize the courtroom. I recognize the press and I recognize the people.

THE COURT: Have you completed your statement, Mr. Manson?

THE WITNESS: You could go on forever. You can just talk endless words. It don't mean anything.

I don't know that it means anything. I can talk to the witnesses and ask them what they think about things, and I can bring the truth out of other people because I know what the truth is, but I cannot sit here and tell you anything that I think is important in relation to anything because like basically all I want to do is try to explain to you what you are doing to your children,

You see, you can send me to the penitentiary; it's not big thing. I've been there all my life anyway.

What about your children, just a few, there is many, many more coming in the same direction; they are running in the streets and they are coming right at you.

1 THE COURT: Anything further?

2 THE WITNESS: No.

3 THE COURT: You may step down then.

4 MR. BUGLIOSI: May I cross-examine, your Honor?

5 MR. KANAREK: I will object to the District  
6 Attorney cross-examining on the basis that the law does  
7 not provide for any discovery of this type.

8 This is in the nature of discovery. It is  
9 discovery.

10 Our law -- your Honor has been very, very  
11 zealous about People vs. Robles, some isolated case, and  
12 some comments of the Court which were taken completely out  
13 of context, and which have no application, I submit, in  
14 this case.

15 And your Honor is defying the law of discovery  
16 where from the very beginning, if -- we can go back many,  
17 many years -- the courts have made it very plain that the  
18 District Attorney cannot/<sup>make</sup>discovery of a criminal defendant.

19 THE COURT: All right, Mr. Kanarek, that will be  
20 enough.

21 Your argument does not make any sense, sir.  
22 This is during the course of the trial, and discovery is  
23 permitted during the trial.

24 MR. KANAREK: But the jury is not here, your Honor.

25 THE COURT: That will be enough.

26 You may cross-examine.

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MR. KANAREK: May I finish, your Honor?

THE COURT: Sit down, sir.

MR. HUGHES: Join Mr. Kanarek's motion.

MR. KANAREK: May I be deemed gagged then?

THE COURT: Sit down.

CROSS-EXAMINATION

Q BY MR. BUGLIOSI: Just a few questions, ✓

Charlie, and then you can take your seat at the counsel table.

You say you are already dead, is that right, Charlie?

MR. KANAREK: I object, your Honor, it is not material, competent or relevant to any issue before the Court.

12-1

1 THE WITNESS: Are you trying to goad me into some-  
2 thing?

3 THE COURT: Overruled.

4 MR. BUGLIOSI: Q Did you say that you were  
5 already dead?

6 MR. KANAREK: May I have an objection? May I utter  
7 my objection?

8 THE COURT: Do you want a continuing objection, Mr.  
9 Kanarek?

10 MR. KANAREK: I don't think, in this case, I can  
11 have a continuing objection. It is too vital.

12 THE COURT: Make your objection.

13 MR. KANAREK: My objection is that it is not  
14 responsive, relevant or material.

15 His state of mind --

16 THE COURT: I don't want an argument. Just make the  
17 objection.

18 MR. KANAREK: Calling for conclusion and hearsay.

19 THE COURT: Overruled. You may answer.

20 MR. BUGLIOSI: Q Did you say you were already  
21 dead, Charlie?

22 A Dead in your mind, or dead in my mind?

23 Q Define it the way you want to.

24 MR. KANAREK: I object.

25 THE WITNESS: As any child will tell you --

26 MR. KANAREK: My objection --

1 THE COURT: You are interrupting.

2 MR. KANAREK: I haven't finished my objection.

3 THE COURT: Overruled.

4 MR. BUGLIOSI: Q How long have you been dead?

5 A You didn't let me answer the question, Mr.  
6 Bugliosi.

7 MR. KANAREK: I object.

8 MR. BUGLIOSI: I think it is your attorney that is  
9 preventing you from doing so.

10 THE COURT: Read the last answer.

11 (The record was read by the reporter.)

12 MR. KANAREK: Your Honor, if I may make this point?

13 THE COURT: No, you may not.

14 Proceed.

15 THE WITNESS: As any child will tell you, dead is when  
16 you are no more. It is just when you are not there. If you  
17 weren't there, you would be dead.

18 That is what one of the witnesses said. They  
19 killed the people that drove by in the car. Because they  
20 went away, they were gone, they were dead.

21 BY MR. BUGLIOSI:

22 Q To be precise about it, Charlie, to be precise--  
23 do you know what precise means?

24 A Yes.

25 Q Exact.

26 A Yes.

1 Q To be exact about it, you think you have been  
2 dead for close to 2000 years, don't you?

3 A 2000 years?

4 MR. KANAREK: I object to that question.

5 THE COURT: Overruled.

6 MR. KANAREK: I haven't made my objection.

7 THE WITNESS: Irving, will you please?

8 I can't be in the corner there. Would you  
9 please from here?

12a fls. 10

11 MR. KANAREK: May I make a point to the Court?  
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1 THE COURT: You are interrupting and you are  
2 disrupting, Mr. Kanarek.

3 Now, let the examination proceed.

4 You may make your objections as we go along,  
5 but you may not interrupt the witness or counsel or the  
6 Court.

7 MR. KANAREK: I was trying to enunciate a legal  
8 objection.

9 THE COURT: No. You are trying to disrupt. We  
10 all know what you are trying to do. Stop it. ✓

11 MR. KANAREK: May I be sworn, your Honor?

12 THE COURT: Let's proceed.

13 THE WITNESS: Mr. Bugliosi, 2000 years is relative  
14 to the second we live in.

15 If you step out of time, if you have never  
16 lived in time, you don't know time.

17 Time is like a story, like you change channels  
18 when you are watching TV.

19 You change channels and you are riding a  
20 horse. You change channels and you are a pirate.

21 Well, you change channels in your mind.

22 Your mind tells you what time it is.

23 It may be 10:30 to you. But to me, the clock never  
24 moves. To me it is the same. I always run on bells.

25 Q Suffice it to say, Department 104 is a long  
26 way from Calvary; is that true? ✓

1 MR. KANAREK: I object.

2 MR. BUGLIOSI: Q You have heard of Calvary,  
3 haven't you?

4 A I have never been to Calvary.

5 MR. KANAREK: Your Honor --

6 MR. BUGLIOSI: Q Haven't you told people you  
7 have?

8 A No.

9 I have experienced Calvary, but what you  
10 are talking about is the cross.

11 MR. KANAREK: I object.

12 MR. BUGLIOSI: Q The cross?

13 A Yes.

14 THE COURT: Let's get to something relevant.

15 MR. BUGLIOSI: Q You testified you wanted to go  
16 back to the desert with your children; is that right?

17 MR. KANAREK: I object, your Honor.

18 THE WITNESS: That is a very good question. I  
19 wouldn't object to it.

20 THE COURT: State your objection.

21 MR. KANAREK: On the ground that it is a solicitation  
22 of a conclusion.

23 What he testified to is in the record.

24 THE COURT: Overruled.

25 Proceed.

26 MR. KANAREK: I have another point to make, your



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Answer.

THE COURT. It does, Mr. Kasper, and remain quiet until the next question is asked.

MR. KASPER. In that right, you want to go back to the court with your children?

I would like to be good father and do what my children would like me to do.

Who are your children?

MR. KASPER. I object, your Honor, if I may.

THE COURT. Overruled.

MR. KASPER. My wife and I love me. My wife that will return my love.

12b-1

1 BY MR. BUGLIOSI:

2 Q Do you realize, Mr. Manson, that the only  
3 people who can set you free so that you can go back to  
4 that desert is the jury in this case? You realize that?

5 MR. KANAREK: I object, your Honor.

6 MR. FITZGERALD: That is not relevant.

7 THE COURT: Do you have any relevant cross-examina-  
8 tion, Mr. Bugliosi?

9 MR. BUGLIOSI: This is relevant.

10 THE COURT: Then get to it, sir.

11 MR. BUGLIOSI: Q I believe you testified for  
12 about an hour today; is that correct, Mr. Manson?

13 A I never paid any attention to what the time  
14 was.

15 Q You testified for quite a while.

16 You are aware that the jury in this case never  
17 heard one single, solitary word you said. Are you aware  
18 of that?

19 MR. KANAREK: I object.

20 MR. FITZGERALD: Immaterial and irrelevant.

21 MR. KANAREK: It is immaterial, and I would like  
22 to make a point to the Court.

23 THE COURT: Sustained.

24 Do you have anything further, Mr. Bugliosi?

25 MR. BUGLIOSI: One more question, your Honor.

26 THE COURT: All right.

1 BY MR. BUGLIOSI:

2 Q Mr. Manson, are you willing to testify in  
3 front of the jury and tell them the same things that you  
4 testified to here in open court today?

5 MR. KANAREK: Objection, your Honor.

6 THE WITNESS: Tell them the same things?

7 MR. KANAREK: I object.

8 THE COURT: Sustained.

9 You may step down.

10 THE WITNESS: Do you know how impossible that would be?

11 THE COURT: You may step down, sir.

12 Miss Atkins, do you care to testify?

13 DEFENDANT ATKINS: No.

14 THE COURT: Miss Krenwinkel?

15 DEFENDANT KRENWINKEL: No.

16 THE COURT: Miss Van Houten?

17 DEFENDANT VAN HOUTEN: No.

18 THE COURT: Is it still your desire, Miss Atkins,  
19 to testify before the jury?

20 DEFENDANT ATKINS: No.

21 THE COURT: You do not wish to testify in front of  
22 the jury?

23 DEFENDANT ATKINS: No.

24 THE COURT: Miss Krenwinkel?

25 DEFENDANT KRENWINKEL: No.

26 THE COURT: Miss Van Houten?

*miss the  
on Charles comments  
to the jury*

1 DEFENDANT VAN HOUTEN: No, your Honor.

2 THE COURT: Mr. Manson, do you wish to testify in  
3 front of the jury?

4 DEFENDANT MANSON: Your Honor, is it possible that  
5 we could read that back to the jury?

6 MR. KANAREK: Your Honor, if I may?

7 DEFENDANT MANSON: Would you quit interrupting me?

8 MR. KANAREK: May I, your Honor, just a moment?

9 THE COURT: Just a moment, sir. I am still talking  
10 to Mr. Manson.

11 Sit down until he is finished.

12 Is that what you want to do?

13 DEFENDANT MANSON: Sir?

14 THE COURT: What is it you want to do?

15 DEFENDANT MANSON: To repeat what I said would be  
16 like I didn't even say it. You know, to repeat it over  
17 twice.

18 THE COURT: I am asking you if you want to testify  
19 before the jury?

20 DEFENDANT MANSON: Testify before the jury? I  
21 have already relieved all the pressure I had. ✓

22 THE COURT: You don't want to testify; is that right?

23 DEFENDANT MANSON: Your Honor, I would really like  
24 to get it over with one way or the other.

25 THE COURT: Answer the question, sir.

26 I am trying to find out what you want to do.

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Do you want to testify in front of the jury?

DEFENDANT MANSON: I'd like to offer a whole defense.

THE COURT: Well, I understand your answer to be that you do not want to testify.

12c fls.

DEFENDANT MANSON: This testimony doesn't count?

20-1  
1 THE COURT: Does the defense have anything further?

2 MR. KANAREK: Yes.

3 I make a motion for a mistrial.

4 I make a motion, your Honor, there is no question  
5 that this jury, I can't believe that this jury will not  
6 know what went on in this courtroom today, no matter what.  
7 You can have a thousand deputies march these jurors off to  
8 the Ambassador Hotel, but there is no question but what  
9 those jurors are going to know what happened in this court-  
10 room today.

11 People know about it, your Honor, who are hun-  
12 dreds of feet up in the air in the new building over here  
13 that they are building, the new Criminal Courts edifice.  
14 People know about it who aren't anywhere near here.

15 THE COURT: Your motion for a mistrial is denied.

16 MR. KANAREK: Then I make a motion that the jury be  
17 voir dire'd to find out what they have heard about the  
18 proceedings in this courtroom.

19 THE COURT: Motion denied.

20 MR. HUGHES: Join in the motion.

21 MR. FITZGERALD: When I indicated the defendants  
22 rested, I ask that it be subject to the admission of  
23 certain defense exhibits in evidence.

24 I would move for the introduction into evidence  
25 of all defense exhibits except -- and I have in mind nine  
26 exhibits that we do not wish to enter -- however the Court

1 wishes to proceed?

2 THE COURT: You may list them again.

3 What was your first one?

4 MR. FITZGERALD: G. We do not wish that to be  
5 introduced into evidence.

6 THE COURT: What is the next one?

7 MR. FITZGERALD: Exhibit J we do not wish received  
8 into evidence.

9 THE COURT: Next?

10 MR. FITZGERALD: Exhibit P.

11 THE COURT: Next?

12 MR. FITZGERALD: Exhibit R, your Honor, as in the name  
13 Roger.

14 THE COURT: Next?

15 MR. FITZGERALD: Exhibit S.

16 THE COURT: Next?

17 MR. FITZGERALD: Exhibit T.

18 THE COURT: Yes?

19 MR. FITZGERALD: Exhibit AX. Actually, AX, AY and AZ,  
20 your Honor.

21 THE COURT: Do all counsel join?

22 MR. KANAREK: May we have a moment?

23 THE COURT: Join in that request as to the exhibits?

24 MR. HUGHES: Join, your Honor.

25 MR. SHINN: Join, your Honor.

26 MR. KANAREK: Your Honor, in view of what the Court

1 has done, I think at the moment --

2 THE COURT: All I want to know is do you join in that  
3 request to withdraw the exhibits.

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12D



12d-1

1 MR. KANAREK: I haven't looked at it precisely  
2 enough. I would like to go through it one by one.

3 I didn't know this was going to occur at this  
4 time in the proceedings.

5 I also have a motion, in view of what your  
6 Honor has done, I have a motion that June Emmer's  
7 conditional deposition be offered, and I offer that into  
8 evidence, the conditional deposition of June Emmer.

9 THE COURT: Identify the exhibit.

10 MR. KANAREK: Well, it is in the record.

11 THE COURT: You are going to have to identify it.  
12 I don't know where it is in the record.

13 MR. KANAREK: Yes, your Honor.

14 I had no idea that it would progress the way  
15 it has today in connection with these matters.

16 THE COURT: You don't know, at this point, what  
17 exhibits you want to offer?

18 MR. KANAREK: It is not an exhibit. It is part of  
19 a transcript.

20 THE COURT: Address yourself to the other exhibits.

21 MR. KANAREK: I suggest that we do what we did in  
22 connection with the prosecution's exhibits, go through  
23 them one by one, so that we can look at them with some  
24 kind of precision.

25 THE COURT: Do the People have any objection to the  
26 remaining defense exhibits?

12d-2

1 MR. BUGLIOSI: Defendants' Exhibit A, the cardboard  
2 box, doesn't seem to have any relevancy. It hasn't been  
3 connected up with any issue in the case.

4 We would oppose the introduction of Defendants'  
5 Exhibit A into evidence.

6 MR. HUGHES: That was a video tape box which was  
7 identified with Winifred Chapman relative to video tape  
8 which I believe, eventually, it was testified that video  
9 tapes were found in the Tate house.

10 MR. BUGLIOSI: There was no testimony that this  
11 particular box was found in the Tate house. It hasn't  
12 been connected up.

13 THE COURT: Do you have a transcript reference, Mr.  
14 Hughes, or whoever is arguing in support of this exhibit?

15 MR. HUGHES: I do not, your Honor.

16 It would be under Winifred Chapman's testimony,  
17 though.

18 I don't have a transcript reference at this  
19 moment.

20 THE COURT: Do you wish to be heard, Mr. Fitzgerald?

21 MR. FITZGERALD: Not on Exhibit A, your Honor, no.

22 THE COURT: Are you offering Exhibit A?

23 MR. FITZGERALD: Yes, but I would submit it.

24 My recollection is that of Mr. Hughes. Mr.  
25 Hughes, while he was cross-examining Winifred Chapman,  
26 identified as Exhibit A a black video tape box produced by

1 the Sony Manufacturing Company, and asked her if she had  
2 seen cardboard boxes similar to that in the Tate residence.

3 She indicated that she had not, your Honor.

13 fls.

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1 MR. KANAREK: I think it would go in on equal  
2 protection of the law, your Honor, in that Mr. Manson's  
3 thongs have also gone in just because they were similar,  
4 and this similarity, I believe is the same kind of  
5 similarity.

6 I think that should go into evidence because  
7 the jury can make some inferences from that.

8 MR. BUGLIOSI: Of course the thongs have immense  
9 significance whereas the cardboard box has no value in  
10 this case.

11 MR. KANAREK: It is up to the jury to decide that.

A Ev.

12 THE COURT: It will be received.

13 Are you offering B.

14 MR. KANAREK: B we are withdrawing.

15 MR. FITZGERALD: We would withdraw B, your Honor.

B withdraw

16 THE COURT: B is withdrawn.

17 MR. FITZGERALD: That is a road map of Los Angeles  
18 County. The testimony seemed to indicate it did not cover  
19 the portion of the City of Los Angeles in which we were  
20 interested.

21 THE COURT: Are you offering C?

22 MR. KANAREK: Yes.

23 MR. FITZGERALD: Yes.

24 THE COURT: Any objection?

25 MR. BUGLIOSI: No objection.

26 THE COURT: C is received.

C Ev.

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Any objection to D?

MR. BUGLIOSI: No objection.

THE COURT: D is received.

Any objection to E?

MR. BUGLIOSI: None.

THE COURT: E is received.

Any objection to F?

MR. BUGLIOSI: None.

THE COURT: F is received.

What about G, Mr. Fitzgerald?

MR. FITZGERALD: We withdraw that, your Honor, or we will withdraw it.

THE COURT: Do all counsel concur?

MR. SHINN: Yes, your Honor.

MR. HUGHES: Concur, your Honor.

MR. KANAREK: Yes, your Honor.

THE COURT: G is withdrawn.

Any objection to H?

MR. BUGLIOSI: No objection.

THE COURT: H is received.

Any objection to I?

MR. BUGLIOSI: None.

THE COURT: I is received.

Any objection to J?

MR. FITZGERALD: We will withdraw it, your Honor, as I previously indicated.

1 THE COURT: Do all counsel concur?

2 MR. HUGHES: Concur.

3 MR. SHINN: Concur.

4 MR. KANAREK: Concur.

5 THE COURT: J is withdrawn.

6 Any objection to K?

7 MR. BUGLIOSI: No objection.

8 THE COURT: K is received.

9 Exhibit L, according to my notes, consist of  
10 22 photographs of latent prints. Is that being offered?

11 MR. FITZGERALD: Yes, your Honor.

12 MR. BUGLIOSI: No objection.

13 THE COURT: L is received.

14 THE CLERK: Your Honor, there is an L-4A also?

15 THE COURT: Any objection to M?

16 MR. BUGLIOSI: No objection.

17 THE COURT: M is received.

18 Any objection to M?

19 MR. BUGLIOSI: No objection.

20 THE COURT: The photographs of latent prints, N  
21 is received.

22 Any objection to O?

23 MR. BUGLIOSI: No objection.

24 THE COURT: O is received.

25 Any objection to P?

26 MR. BUGLIOSI: That has been withdrawn.

1 MR. FITZGERALD: We will withdraw it.

2 THE COURT: Do all counsel concur?

3 MR. HUGHES: Yes.

4 MR. SHINN: Yes.

5 THE COURT: Mr. Kanarek, I would like an answer to  
6 the Court's inquiry.

7 MR. KANAREK: I'm sorry, your Honor. I apologize.  
8 I was talking to counsel.

9 Yes, I join, your Honor.

10 THE COURT: P is withdrawn.

11 Any objection to L-4A?

12 MR. BUGLIOSI: L-4A!

13 THE COURT: It is a latent print photo.

14 MR. BUGLIOSI: We already covered that. No objection  
15 to that.

16 THE COURT: L-4A is received.

17 Any objection to Q?

18 MR. BUGLIOSI: No objection.

19 THE COURT: It is received.

20 Do you wish to withdraw R?

21 MR. FITZGERALD: Yes, your Honor, it contains  
22 hearsay.

23 THE COURT: Do all counsel concur?

24 MR. SHINN: Join.

25 MR. HUGHES: Join.

26 THE COURT: Mr. Kanarek, I want an express answer.

1 MR. KANAREK: I'm sorry, yes, your Honor.

2 THE COURT: Don't be sorry, just listen and answer.

3 MR. KANAREK: Yes, your Honor, I apologize.

4 THE COURT: All right.

5 MR. KANAREK: I was speaking with Mr. Fitzgerald.

6 THE COURT: R is withdrawn.

7 Any objection to S?

8 MR. BUGLIOSI: No objection, but it has been with-  
9 drawn, I believe.

10 THE COURT: Do you wish to withdraw it?

11 MR. FITZGERALD: Well, yes, we will withdraw it.

12 That is a letter from Atascadero State Hospital.

13 It is immaterial.

14 THE COURT: Regarding Michael Hendricks?

15 MR. FITZGERALD: Right, your Honor.

16 THE COURT: Do you join?

17 MR. KANAREK: Yes, your Honor.

18 MR. HUGHES: Join.

19 MR. SHINN: Join.

20 THE COURT: S is withdrawn.

21 Do you wish to withdraw T?

22 MR. FITZGERALD: T is withdrawn, your Honor.

23 MR. HUGHES: Concur.

24 MR. SHINN: Concur.

25 THE COURT: Mr. Kanarek?

26 MR. KANAREK: Yes, your Honor.



1 THE COURT: I want an express answer from you, sir.

2 MR. KANAREK: Yes, your Honor.

3 THE COURT: I will not accept your silence as  
4 being indicative of anything.

5 MR. KANAREK: Yes, your Honor.

6 THE COURT: T is withdrawn.

7 Any objection to U?

8 MR. BUGLIOSI: No objection.

9 THE COURT: U is received.

10 Any objection to V?

11 MR. BUGLIOSI: No objection.

12 THE COURT: V is received.

13 W?

14 MR. BUGLIOSI: No objection.

15 THE COURT: W is received.

16 X?

17 MR. BUGLIOSI: No objection.

18 THE COURT: Received.

13a fls.

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13a-1

1 THE COURT: Exhibit Y?

2 MR. BUGLIOSI: No objection.

3 THE COURT: Received.

4 Z?

5 MR. BUGLIOSI: No objection.

6 THE COURT: Received.

7 AA?

8 MR. BUGLIOSI: No objection.

9 THE COURT: Received.

10 Do you have any objection to any of the double  
11 letter exhibits?

12 MR. BUGLIOSI: II, a Los Angeles Police Department  
13 brochure contains hearsay. I object to the introduction  
14 of that exhibit.

15 MR. FITZGERALD: II is a pamphlet concerning juvenile  
16 loitering read by Barbara Hoyt with and without her  
17 glasses to demonstrate the accuracy of her eyesight during  
18 cross-examination by Mr. Kanarek.

19 MR. KANAREK: Your Honor, I think --

20 THE COURT: Are you offering all of the double letter  
21 exhibits except X?

22 MR. FITZGERALD: I am, yes, your Honor.

23 MR. KANAREK: X and Y, your Honor, I'm withdrawing.

24 MR. FITZGERALD: We are objecting.

25 THE COURT: Objecting to what?

26 MR. KANAREK: I am not offering X and Y, your Honor.

1 MR. HUGHES: The other counsel are offering them,  
2 your Honor.

3 THE COURT: X and Y will be received.

4 AA is received.

5 BB is received.

6 CC is received.

7 DD is received.

8 EE is received.

9 FF is received.

10 GG is received.

11 HH is received.

12 II is received.

13 MR. KANAREK: FF, your Honor, is hearsay. We don't  
14 want FF.

15 MR. FITZGERALD: Excuse me, your Honor, and I  
16 apologize to the Court, I would like to make a motion  
17 to withdraw FF, that is a one-page typewritten report  
18 entitled "My conversation with Charles Manson," signed by  
19 Los Angeles Sheriff's Officer Deputy Olmstead.

20 THE COURT: All counsel concur?

21 MR. SHINK: Yes, your Honor, concur, your Honor.

22 MR. HUGHES: Concur, your Honor.

23 MR. KANAREK: Concur.

24 THE COURT: FF is withdrawn.

25 Then all of the double letter exhibits, KK,  
26 GG, we are withdrawing also.

1 MR. HUGHES: I think all counsel will concur with  
2 the withdrawing of GG.

3 THE COURT: Just a minute. All counsel concur on  
4 GG?

5 MR. HUGHES: Yes.

6 MR. SHINN: Concur.

7 MR. FITZGERALD: Concur.

8 MR. KANAREK: Concur.

9 THE COURT: It is withdrawn.

10 Are you withdrawing anything further down to  
11 AX?

12 MR. KANAREK: Just a minute.

13 MR. FITZGERALD: No, your Honor.

14 THE COURT: All of the double letter exhibits  
15 from and including JJ to and including AW are received.

16 Do you wish to withdraw AX?

17 MR. FITZGERALD: Yes.

18 THE COURT: Do all counsel join?

19 MR. HUGHES: I join.

20 MR. SHINN: I join.

21 MR. KANAREK: I join.

22 MR. FITZGERALD: We would like, your Honor, to  
23 withdraw also AY and AZ, they are all reports from the  
24 Los Angeles Police Department and contain hearsay.

25 THE COURT: Do all counsel join?

26 MR. KANAREK: Yes, your Honor, join.

GG WD

JJ to AW

1 MR. HUGHES: Join.

2 MR. SHINN: Join.

3 THE COURT: AX and AY and AZ are withdrawn.

4 What about BC, BD, BE and BF?

5 MR. BUGLIOSI: BF the People object, that is  
6 hearsay, your Honor.

7 The MMPI test from Patton State Hospital with  
8 respect to Dianne Lake contains hearsay.

9 MR. KANAREK: We have no objection to that being  
10 withdrawn.

11 MR. HUGHES: I object to that being withdrawn. It  
12 has critical items which Dianne Lake actually checked and  
13 which the doctor identified as having been checked by  
14 her.

15 MR. KANAREK: I don't think there is any foundation  
16 for it, your Honor.

17 This man said he did not know the MMPI.

18 MR. HUGHES: She was cross-examined extensively on  
19 that, your Honor, and he was --

20 THE COURT: BC is received, BD is received, BE is  
21 received and BF is received.

22 MR. KANAREK: Is what, your Honor?

23 THE COURT: Is received.

24 Any other offer?

25 MR. KANAREK: Yes, your Honor, I offer the  
26 statements of June Emmer, her conditional deposition,

and the conditional deposition of Mr. Marsh.

1  
2 I am not prepared because I did not know  
3 these proceedings were going to take place today, your  
4 Honor. I had anticipated other matters.

5 THE COURT: What is the relevancy of the conditional  
6 deposition?

7 MR. KANAREK: The conditional deposition of Mr.  
8 Marsh --

9 THE COURT: One thing at a time.

10 What about Mrs. Emmer's?

11 MR. KANAREK: Mrs. Emmer, your Honor, her deposi-  
12 tion proves that Linda Kasabian is a liar, which is most  
13 important on the issue of credibility.

14 It denies the defendant a fair trial.

15 That conditional deposition was taken before  
16 the Court and the conditional deposition of Mr. Marsh  
17 impeaches Linda Kasabian in connection with the taking of  
18 psilocybin.

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13b fls.

13B-1

1 MR. BUGLIOSI: There hasn't been any showing  
2 that either Mr. Marsh or Mrs. Emmer are unavailable, there-  
3 fore we object to the deposition being read to the jury.

4 MR. KANAREK: The fact of the matter is the District  
5 Attorney stipulated to the foundation when we took June  
6 Emmer's deposition.

7 There is no question about it, she is in the  
8 State of Florida and I will offer sworn testimony in  
9 connection with that.

10 Mr. Green, is Michael Green here?

11 (Observer rises in the audience.)

12 I offer sworn testimony of Mr. Michael Green,  
13 your Honor, in connection with that, on availability.

14 MR. BUGLIOSI: If she could come here before, your  
15 Honor, she can come here again.

16 Moreover, under the uniform rendition of  
17 witnesses act, she can be compelled to come here.

18 MR. KANAREK: That is not so, because the only way  
19 that can take place is if the defense pays her money.

20 That conditional act requires an order of this  
21 Court followed by an order --

22 THE COURT: Just a minute, Mr. Kanarek, are you  
23 contending that the prosecution stipulated to receiving the  
24 conditional deposition of June Emmer?

25 Just answer that yes or no.

26 MR. KANAREK: No, I am contending they stipulated

1 to the foundational requirements, your Honor.

2 THE COURT: What is the significance of that?

3 MR. KANAREK: They waived all foundational -- the  
4 proof of any foundational requirements in connection with  
5 that.

6 THE COURT: In connection with what?

7 MR. KANAREK: In connection with the admissibility of  
8 her deposition.

9 And furthermore, I offer your Honor the Penal  
10 Code. We have done what is necessary and I can show by  
11 Mr. Green --

12 THE COURT: I don't understand you yet, Mr. Kanarek.

13 Perhaps you can try again. Are you saying that  
14 the prosecution stipulated that the witness need not  
15 appear and that her deposition could be read to the jury?

16 MR. KANAREK: Yes, your Honor.

17 THE COURT: That is what you are saying.

18 MR. KANAREK: I say I believe this is what the  
19 prosecution --

20 THE COURT: You find the transcript reference and show  
21 it to me.

22 MR. HUGHES: I couldn't make any such representation  
23 as to that, your Honor.

24 MR. FITZGERALD: I am not making such  
25 representation as well.

26 MR. KANAREK: I am saying this is my memory, they



1 stipulated to foundational requirements being met,

2 THE COURT: I will give you an opportunity to find  
3 that transcript reference, Mr. Kanarek, and show me where  
4 the stipulation was entered into.

5 MR. KANAREK: Your Honor, in any event --

6 THE COURT: Don't you want the opportunity?

7 MR. KANAREK: It is not necessary. I will offer  
8 Mr. Green's sworn testimony to show she is presently in the  
9 State of Florida and he has spoken with her in recent days  
10 and she does not wish to return to California.

11 THE COURT: That would be not sufficient in any event.  
12 Besides which you say you have rested your case.

13 MR. KANAREK: Well, your Honor, we had rested but your  
14 Honor injected other factors --

15 THE COURT: Let's stay with this point.

16 MR. KANAREK: Well, it's my position that fundamental  
17 due process and a fair trial allow us to do things in view  
18 of what your Honor has allowed to occur --

19 THE COURT: I am giving you the opportunity to show  
20 me where any such stipulation was entered into, Mr. Kanarek.

21 MR. KANAREK: Well --

22 THE COURT: Now, what is your contention with respect  
23 to Mr. Marsh's conditional examination?

24 MR. KANAREK: Mr. Marsh is in the United States Army.

25 THE COURT: What about it?

26 MR. KANAREK: His depositions was taken conditionally.

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THE COURT: Are you contending there is a stipulation between the prosecution and you regarding the use of his conditional deposition?

MR. KANAREK: Your Honor, I don't purport to memorize the transcript.

THE COURT: Can you answer the question yes or no?

MR. KANAREK: No, I cannot, your Honor, no, I cannot in good faith.

I remember as to the deposition of June Emmer.

THE COURT: That is the only way I want the answer, and that is in good faith.

3c

13c-1

1 MR. FITZGERALD: As an officer of the court I have  
2 information that Mr. Marsh is in the vicinity of Los  
3 Angeles, and I affirmatively will so inform the Court.

4 The exact and precise whereabouts is unknown  
5 to me, but last night as a matter of fact I heard his  
6 voice on a telephone.

7 MR. KANAREK: Well, then, your Honor, if that is the  
8 case I would move for a continuance so that we can have Mr.  
9 Marsh here, and also in connection with June Emmer I would  
10 like to point out to the Court again that I don't memorize  
11 the transcript and I know there was some stipulation  
12 between either Mr. Stovitz or Mr. Bugliosi or both of them  
13 concerning foundational matters as to that deposition.

14 Now, what that exact stipulation was I don't  
15 purport to memorize and I am trying to answer the Court  
16 in good faith, and as directly as possible, but I am not  
17 going to make up a story.

18 I cannot say yes and I cannot say no because  
19 it just is not answerable that way, your Honor.

20 THE COURT: You knew you were going to rest, did  
21 you not?

22 MR. KANAREK: Yes, but your Honor --

23 THE COURT: You did rest.

24 MR. KANAREK: That's right, but I believe that  
25 certain things have occurred since that time that this  
26 jury knows about and I also, your Honor, I have here, if

13c-2

1 I may, I have a brief that the prosecution brought into  
2 this court, a picture of the men's rest-room out there  
3 where Linda Kasabian was,

4 I tell the Court in good faith that one of  
5 the --

6 THE COURT: Let's not get off on other subjects.

7 MR. KANAREK: Well, I have other evidence here,  
8 your Honor.

9 THE COURT: All right, I'm going to bring the jury  
10 back, gentlemen, and you can decide whether or not you  
11 want to rest or what you want to do.

12 We are going ahead with this trial.

13 MR. KANAREK: Well, your Honor, then I will ask --  
14 all right.

15 MR. FITZGERALD: I have indicated previously that  
16 we rest, and I intend to do so, at least on behalf of  
17 Patricia Krenwinkel in front of the jury at this time,  
18 your Honor.

19 MR. HUGHES: And, your Honor, I would also rest on  
20 behalf of Leslie Van Houten.

21 And furthermore, your Honor, I would oppose  
22 the introduction of anything else in Mr. Kanarek's -- like  
23 the declaration of June Emmer or the deposition of Mr.  
24 Marsh.

25 MR. KANAREK: That is why we have independent counsel,  
26 your Honor, and I am all for it.

13c-3

1 I believe Mr. Hughes is in good faith when he  
2 says he is representing his client, and I believe we should  
3 have independent counsel.

4 I must disagree with him, but I respect his  
5 position.

6 MR. SHINN: Susan Atkins rests.

7 THE COURT: What is your position, Mr. Kanarek?

8 MR. KANAREK: The record speaks for itself, your  
9 Honor, there is nothing for me to say.

10 THE COURT: Do you rest?

11 MR. KANAREK: I can only say I believe the record  
12 speaks for itself.

13 THE COURT: The record shows that you have rested.

14 MR. KANAREK: Well, then, I am making certain  
15 requests to the Court, your Honor.

16 I am not at this point relying --

17 MR. FITZGERALD: Could I approach the bench alone  
18 with opposing counsel just very briefly for a matter not  
19 concerned --

20 THE COURT: Alone with opposing counsel? I don't  
21 understand.

22 MR. FITZGERALD: I would request just a very very  
23 brief recess for one of the female defendants, your Honor,  
24 because of a matter of physical necessity.

25 THE COURT: The Court will recess for ten minutes.

13d fls. 26

13D-1  
1 (The following proceedings were had in the  
2 chambers of the Court out of the presence and hearing of  
3 the defendants and the jury, all counsel being present:)

4 THE COURT: The record will show all counsel are  
5 present.

6 The state of the record now is, gentlemen,  
7 that all parties have rested, and so I asked to call you in  
8 to discuss several things.

9 First of all, as you know, yesterday the  
10 defendants stood up, that is, the female defendants stood  
11 up after their respective counsel and Mr. Kanarek indicated  
12 they rested, and said they wanted to testify.

13 This was in front of the jury.

14 In view of the fact they have now changed their  
15 minds, do you want me to give the jury any instruction  
16 concerning that, that is, to disregard it, not to draw any  
17 inferences one way or the other in front of them.

18 If so, what instruction?

19 MR. KANAREK: May I say this, your Honor, I want this  
20 to be done in open court, what we are doing right now.  
21 I am not waiving the right to this being done in open court,  
22 your Honor.

23 I did not ask to come into chambers.

24 THE COURT: That's right, you were asked to come in  
25 by me.

26 MR. KANAREK: When the Judge orders me, your Honor,

1 yes, I respect the judicial order.

2 THE COURT: We are talking about procedural  
3 details. If you don't want to participate, sit there  
4 quietly and leave it to us.

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1 MR. KANAREK: I just wanted to make one point.

2 I believe that I have not rested. I have not  
3 rested.

4 Your Honor reopened. It is a de facto reopen-  
5 ing.

6 THE COURT: Are you ready to proceed?

7 MR. KANAREK: Yes.

8 THE COURT: Do you have some evidence this after-  
9 noon?

10 MR. KANAREK: Yes, I have.

11 THE COURT: All right.

12 MR. FITZGERALD: We object. I mean, I object to  
13 that.

14 THE COURT: He is going to have to make a motion  
15 in open court to reopen, and I want to hear the basis for  
16 his motion. It will not be automatic.

17 MR. FITZGERALD: All right.

18 MR. SHINN: I believe you stated this morning that  
19 you would admonish the jury that my remarks in court and  
20 Susan's remarks in court are not to be considered.

21 THE COURT: That is what I wanted to talk to you  
22 about in chambers, among other things.

23 Do you want such an instruction and, if so,  
24 what instruction do you want?

25 Do you want it done now, or do you want to  
26 wait until the jury is finally instructed at the close



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1 of the trial?

2 I am willing to listen.

3 MR. SHINN: I think we should do it at the earliest  
4 possible moment, while it is fresh in mind.

5 THE COURT: Do you have an instruction in mind?

6 MR. SHINN: Just to admonish the jury to disregard  
7 my remarks and Susan Atkins' remarks in court yesterday.

8 THE COURT: Well, I think I can make it even more  
9 innocuous than that.

10 I can simply say that I have, in the meantime,  
11 revoked my order to you, and they are to disregard both  
12 the order and your refusal to comply with it. So there  
13 won't be any --

14 MR. SHINN: That is satisfactory. As short as  
15 possible.

16 THE COURT: Now, after the defendants standing up  
17 and stating that they wanted to testify.

18 What instructions, if any, do you want on  
19 that?

20 MR. KANAREK: It is my belief, your Honor -- I would  
21 ask to do this in open court.

22 THE COURT: You have said that, Mr. Kanarek.

23 MR. FITZGERALD: His client didn't stand up in  
24 front of the jury and ask to testify, your Honor.

25 THE COURT: That is correct.

26 He did, however, this morning, state that he

1 wanted to testify, and he did, in fact, testify, and then  
2 he changed his mind about testifying in front of the jury.

3 MR. FITZGERALD: The jury has no knowledge of that.

4 THE COURT: I am not certain, at this point, whether  
5 they can recall accurately who stood up and said what.

6 MR. BUGLIOSI: The instruction might say if any  
7 defendant stood up and said anything, you are not to  
8 consider it for any purpose.

9 MR. HUGHES: As we left yesterday, your Honor,  
10 Susan Atkins was on the stand and had been sworn and had  
11 given her name.

12 THE COURT: There is no question about that.

13 She was not the only one that said she wanted  
14 to testify. They certainly all heard that.

15 MR. HUGHES: Indeed.

16 THE COURT: They may be in doubt as to whether Mr.  
17 Manson said it.

18 So, I think it should be a general instruction  
19 that should apply to all the defendants without naming  
20 anyone.

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1 MR. KANAREK: I would, of course, in any event, ask  
2 for an admonition. But it is my belief, your Honor --

3 THE COURT: Why don't you come up with a specific  
4 form that you propose, Mr. Kanarek, if you are asking for  
5 something?

6 MR. KANAREK: What I am asking for is a mistrial  
7 because of what happened.

8 But in response to the Court --

9 THE COURT: Are you requesting an instruction?  
10 If so, what?

11 MR. KANAREK: My request, your Honor, would be that  
12 your Honor admonish the jury that whatever they heard,  
13 whatever they last heard -- I guess it was yesterday -- it  
14 seems like a year ago from right now -- but whatever they  
15 heard, that they disregard everything that they heard.

16 But my belief is that mere admonishment not  
17 sufficing, even though I ask for that in any event, that  
18 your Honor --

19 THE COURT: Would you like to get to the point,  
20 Mr. Kanarek, or do you want to waste some more time?

21 MR. KANAREK: I think I have an obligation to ask for  
22 a mistrial on what occurred, your Honor.

23 THE COURT: I don't want to hear any more.

24 If you have an instruction that you want the  
25 Court to give, write it out and hand it to me.

26 The same applies to anyone else. If you have a

1 special instruction that you want the Court to give, I will  
2 be happy to give it. All you have to do is write it out in  
3 a form that is intelligible, and unless it is clearly wrong,  
4 I will give it.

5 MR. KANAREK: Can we work it out between the lawyers?

6 MR. FITZGERALD: No. We will be here until Memorial  
7 Day, 1980.

8 THE COURT: I think any one of you by himself can draft  
9 a proposed instruction which would cover all the defendants,  
10 and I will take the first one that comes along that makes  
11 any sense and covers the situation.

12 MR. KANAREK: Since Mr. Manson didn't stand up, your  
13 Honor, I would ask just a general instruction be given that  
14 whatever they heard and saw in the courtroom --

15 THE COURT: Fine. You write it out.

16 MR. KANAREK: Very well.

17 MR. HUGHES: What I would like to raise is a  
18 concern about the jury learning any facts about what  
19 occurred in the paper, in the headlines this morning, which  
20 said that the girls might confess.

21 THE COURT: I may give special instructions to the  
22 bailiffs covering the weekend and today.

23 Of course, they have standing instructions.  
24 There is not really much that I can do in the way of a  
25 special instruction, except to emphasize what has already  
26 been done and said.

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MR. MUSICH: I believe a lot of precautions were taken last night. When I was leaving the building, I believe the jury bus went some way that did avoid this newsstand on the corner.

I don't really wish to belabor this point, but the Bon-Ami job on that bus as it is now, you can see through it, and the windows do come up and down.

THE COURT: I don't think we can drive the jury around in an opaque tunnel. I don't think that is necessary.

MR. HUGHES: I just didn't want any appellate court --

MR. FITZGERALD: What is your point?

THE COURT: I will emphasize to the bailiffs -- and Sergeant Maupin is here right now --

MR. FITZGERALD: If you want some relief, tell him in plain English what you want.

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1 MR. HUGHES: I would ask that the jury sequestration  
2 be made more effective, your Honor.

3 If we are going to have windows painted over,  
4 that the painting-over be effective.

5 MR. KANAREK: May I have a ruling on my request for  
6 a mistrial as to what happened yesterday?

7 THE COURT: What number request for a mistrial is  
8 this now, Mr. Kanarek? About 375 during the course of  
9 the trial? I am losing track.

10 MR. KANAREK: Well, your Honor, I am just asking for  
11 a ruling.

12 Your Honor is, in fact, belaboring the record.  
13 All I am asking for is a ruling, because some Appellate  
14 Court will say: You didn't get a ruling. You made a  
15 motion and you didn't get a ruling.

16 THE COURT: You are going to get a ruling, Mr. Kanarek.  
17 Don't worry about that.

18 The motion is denied.

19 How much time will you gentlemen need for the  
20 preparation of jury instructions?

21 Incidentally, if the defendants are going to  
22 request any special or limiting instructions, they should  
23 be prepared, of course, in the usual form.

24 Does anyone have any estimate of how much time  
25 you might require?

26 MR. FITZGERALD: Is it implicit in your inquiry the

1 idea that the jury instructions will be submitted prior to  
2 argument?

3 THE COURT: Absolutely.

4 MR. FITZGERALD: Did they hear that?

5 Mr. Bugliosi?

6 MR. BUGLIOSI: Pardon? I am sorry.

7 MR. FITZGERALD: The Judge has indicated that the  
8 jury instructions will be submitted before argument.

9 MR. BUGLIOSI: Before argument?

10 THE COURT: Yes.

11 MR. BUGLIOSI: I have prepared most of them already.

12 My problem is, I would like to put the argument  
13 over. I need as many days as possible.

14 This has been an extremely surprising maneuver  
15 by the defense.

16 THE COURT: Let's take one step at a time.

17 How much time do both sides need in the  
18 preparation of their jury instructions?

19 MR. FITZGERALD: I'd like two days, your Honor.

20 THE COURT: I am not pushing anybody.

21 MR. BUGLIOSI: When you say two days, Paul, do you  
22 mean Saturday and Sunday?

23 MR. FITZGERALD: No. Two court days.

24 MR. BUGLIOSI: Two court days?

25 THE COURT: I think both sides should have all the  
26 time they reasonably require.

1 MR. FITZGERALD: I see.

2 MR. BUGLIOSI: Yes.

3 THE COURT: I am not pushing anyone. It is  
4 important.

5 MR. SHINN: I think three days would be sufficient.

6 MR. HUGHES: I don't know what the problem entails  
7 because I have never drafted jury instructions before.

8 MR. FITZGERALD: And you will need a considerable  
9 amount of time, Mr. Hughes.

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MR. HUGHES: Yes.

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1 THE COURT: The People will prepare most of the  
2 instructions, Mr. Hughes, but if you want any special  
3 limiting instruction limiting evidence for a particular  
4 purpose, as the jury has been admonished during the course  
5 of the trial on numerous occasions, if you want any  
6 particular instructions, then you will have to prepare those  
7 instructions.

8 It is not something that is done sui sponte by  
9 the Court.

10 MR. FITZGERALD: Irv?

11 MR. KANAREK: I can't respond to the Court.

12 MR. FITZGERALD: After closing, Irv.

13 MR. KANAREK: Several days. That would be all right,  
14 your Honor.

15 THE COURT: "Several" means what?

16 MR. SHINN: Three.

17 MR. KANAREK: Three or four days. Something like  
18 that.

19 MR. KAY: Thursday is a holiday this week, Thanksgiving.

20 THE COURT: We will work Friday because it is not a  
21 holiday, unless there is some reason for not working.

22 MR. FITZGERALD: We will find a reason.

23 MR. BUGLIOSI: We have saved an enormous amount of  
24 time.

25 I had anticipated the defense would be four or  
26 five weeks which, in turn, would have necessitated a week or

1 two of rebuttal.

2 So, we have saved almost two months by not  
3 putting on a defense.

4 I am not saying that we should squander the  
5 time, but we would be better prepared.

6 MR. FITZGERALD: I would be prepared with instructions  
7 and argument if we could have four court days, which,  
8 unfortunately, takes care of all next week.

9 THE COURT: Yes, it takes all of the week.

10 How do the rest of you feel?

11 MR. HUGHES: I would join with that.

12 THE COURT: Mr. Kanarek, do you have any thoughts on  
13 the subject?

14 MR. FITZGERALD: Kanarek is bothered because you  
15 haven't ruled as to whether he has rested.

16 THE COURT: Yes. I have assumed, for the purpose  
17 of this, that your motion will be denied. I am not  
18 ruling in advance, but I am trying to get an estimate of  
19 time.

20 You are not prejudicing anything by giving me an  
21 estimate of how much time you will need to prepare your  
22 jury instructions.

23 MR. KANAREK: I would say that is a fair estimate,  
24 your Honor, four days.

25 I would like to make a point to the Court.

26 I try, when I address a court, rather than just

1 give an answer, I try to be as factual and honest as possi-  
2 ble, and sometimes your Honor evidently misinterprets that.

3 THE COURT: Evidently.

4 MR. BUGLIOSI: Your Honor, could you put it over until  
5 the following Monday?

6 MR. MUSICH: November 30th.

7 MR. BUGLIOSI: For opening argument?

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1 THE COURT: We are going to have to get together and  
2 confer on the instructions.

3 I am not assuming, although I hope it would  
4 happen, that you all bring in your instructions in precisely  
5 the right number, kind and quality, and they are all  
6 accepted without objections or discussion.

7 That state of the art has not been reached in  
8 any case I have been in.

9 MR. MUSICH: Your Honor, maybe it would be possible,  
10 if all counsel, or the People and defense, file the  
11 instructions with the Court by, say, Wednesday, and then all  
12 counsel have an opportunity to review them and be prepared  
13 on Monday morning to accede or agree to certain instructions,  
14 or to object to them and suggest substituting wording,  
15 then arguing the law, and the Court can accept or deny, and  
16 then the Court would have an opportunity to prepare its  
17 own if there is any inappropriate instructions offered by  
18 either side.

19 MR. HUGHES: I get the feeling from what Mr. Fitzgerald  
20 has told me that I am going to have a difficult time making  
21 up these instructions, and I would ask that I not have to  
22 put them in until the last possible moment.

23 THE COURT: I don't think four normal working days is  
24 unreasonable to give to either side.

25 I think we can count on another two, possibly  
26 even three days, hopefully sooner, of conferring about the

1 instructions once they are all submitted.

2 Every time I think it is going to be a simple  
3 problem with no arguments, it turns out to be some kind of  
4 an unusual situation that no one has thought of before,  
5 and we get into problems which no one seems to anticipate.

6 That could happen here, although, on the face  
7 of it, it doesn't appear so with the state of the record as  
8 it now is. But who knows.

9 So, I think we should be prepared,

10 Let's put it this way: A week from Monday,  
11 subject to Mr. Kanarek's motion to reopen, of course,  
12 all of the instructions should be in the Court's hands,  
13 and you should be ready to sit down and confer here with  
14 the Court regarding the instructions.

15 We will continue that conference until such  
16 time as it has been resolved, and immediately thereafter  
17 we will commence the argument.

18 When I say immediately, I don't mean necessarily  
19 in the next five minutes; but certainly no later than the  
20 next day.

21 MR. FITZGERALD: That would be Monday, November the  
22 30th?

23 MR. KAY: Right.

24 MR. FITZGERALD: Incidentally, I think we are all  
25 concerned that it would be better if the defense and the  
26 prosecution make a joint motion for this in open court.

1 THE COURT: A joint motion for what?

2 MR. FITZGERALD: To continue until November 30th.

3 THE COURT: You mean, in front of the jury?

4 MR. FITZGERALD: No, it doesn't make any difference  
5 in front of the jury. Certainly in front of the spectators.

6 MR. BUGLIOSI: Really?

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1 MR. FITZGERALD: And I am perfectly willing to make  
2 that motion.

3 MR. BUGLIOSI: I don't care.

4 MR. FITZGERALD: I want to get the Court off the  
5 spot with certain politicians who are concerned about the  
6 amount of money this costs the taxpayer, and I will make  
7 that motion. They can attack me all they like.

8 THE COURT: I think that is a good idea.

9 MR. SHINN: Plus the fact that we can start again  
10 at 9:45, since we have caught up a lot of time, your Honor?

11 MR. BUGLIOSI: My arguments will be pretty long. I  
12 prefer to start at 9:00 in the morning and continue on  
13 the way we are.

14 THE COURT: I think we better continue, gentlemen.  
15 It seems to have worked out.

16 MR. KANAREK: Oh, boy.

17 THE COURT: I know it is a long day. Believe me.  
18 I am here the same amount of time you gentlemen are. I  
19 know it is a long day. It has been a long trial. I think  
20 we have to move it along.

21 MR. HUGHES: The particular hours does sort of get us  
22 congested on the freeway. If we could shift it in either  
23 direction but have the same block of hours, it would  
24 certainly help me.

25 I don't know how other counsel feel about it.

26 THE COURT: There is nothing to keep you from coming

1 down earlier, if you want to.

2 MR. HUGHES: I wouldn't mind getting here much  
3 earlier or much later, and even leaving much earlier or  
4 much later.

5 I don't mind the block of hours as much as I  
6 do the particular time in which they fall in relation to  
7 the freeway traffic.

8 THE COURT: Let's talk about argument, gentlemen,  
9 just for a moment.

10 What is your estimate of the duration of  
11 argument?

12 I am not holding anybody to it, but I certainly  
13 want to have a rough estimate.

14 MR. BUGLIOSI: I hate to say it, your Honor, but my  
15 opening argument could be as long as three, three and a  
16 half days, maybe four days.

17 THE COURT: That is an improvement. The last time  
18 you said over a week.

19 MR. BUGLIOSI: No. No. I am just talking about my  
20 opening argument.

21 I have a reputation that I have never yet even  
22 begun to bore a jury. Still, I might reach the point where  
23 I might do it in this case, because it is just a little  
24 too long.

25 I intend to summarize the highlights of each  
26 witness's testimony, which I think I have to do. Just



1 summarizing. But even doing that, your Honor, even  
2 summarizing their testimony, is really quite a task.

3 If you figure that Linda Kasabian took 18  
4 days on the stand.

5 THE COURT: Let's say four days.

6 MR. BUGLIOSI: Four days on opening and, hopefully,  
7 two and a half or three days on closing.

8 It depends on the issues that the defense  
9 raises.

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MR. FITZGERALD: Four days for the defense.

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1 MR. BUGLIOSI: A total of four?

2 MR. FITZGERALD: A total of four.

3 MR. BUGLIOSI: We are talking about two weeks then;  
4 two weeks or more of argument.

5 THE COURT: I would assume so.

6 That would take us up to about the middle of  
7 December, wouldn't it?

8 MR. BUGLIOSI: Yes.

9 In the event of convictions, we do intend to  
10 put on a very brief penalty phase. But I understand that  
11 the defense also intends to put on evidence during the  
12 penalty, if there is a conviction.

13 MR. FITZGERALD: Yes.

14 I personally intend to put on evidence, on the  
15 penalty phase, on behalf of Patricia Krenwinkel, if there is  
16 a penalty phase, by way of live witnesses, as well as quite  
17 a number of documents and exhibits, although I anticipate  
18 the total time would not be lengthy.

19 THE COURT: I would certainly urge all of you to  
20 consider the fact that Christmas comes in December and we  
21 have a jury that is sequestered.

22 MR. FITZGERALD: One of the considerations we took  
23 into account, your Honor, in resting was that very impor-  
24 tant consideration about the jury.

25 THE COURT: It is somewhat different than the average  
26 case. In fact, it is a good deal different, because the

1 jury knew when they started it was going to be a protracted  
2 trial and they certainly are conditioned to the fact that  
3 such is the case, and I think they have probably long since  
4 made up their mind that they are not going to be out of the  
5 trenches by Christmas. Except for what happened yesterday,  
6 they may have their hopes up again.

7 But notwithstanding the fact that they may have  
8 resigned themselves to the fact that they are going to be  
9 sequestered through the New Year, I think it would certainly  
10 be to everyone's advantage to get the case to the jury as  
11 soon as possible.

12 All right. Anything else?

13 MR. BUGLIOSI: I have one further point. I hope I am  
14 not opening up a barrel of worms.

15 I believe that the Court was right in inquiring  
16 the three girls to testify outside the presence of the jury  
17 before they testified in front of the jury. I believe that  
18 but I certainly don't know.

19 It is possible that an appellate court might  
20 say this was improper.

21 In the event that an appellate court would deem  
22 it improper, this particular procedure, then it might be  
23 advisable, at this stage of the proceedings, to ask the  
24 three girls the reason why they have decided not to testify  
25 in front of the jury, what is the reason? Is it because the  
26 Court was going to require that they first testify outside

1 the presence of the jury? Or is it just, an independent  
2 determination that they have changed their mind and they no  
3 longer want to testify in front of the jury?

4 That would cover any problem on appeal.

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1 THE COURT: I did ask them. When Mr. Manson sat  
2 down, I asked him if he wanted to testify before the jury,  
3 and he said, after some beating around the bush, that he  
4 did not.

5 MR. BUGLIOSI: Right. There is no problem with Mr.  
6 Manson.

7 THE COURT: I then asked Miss Atkins the same thing,  
8 if she wanted to testify before the jury, and she said no.

9 Now, this morning, when she was requested about  
10 that, I asked her if she wanted to testify before the jury  
11 and she said yes.

12 I told her that I wanted to hear her testimony,  
13 in that case, in the absence of the jury first. And she  
14 said she wouldn't do that, but she still wanted to testify  
15 in front of the jury.

16 So, I understood her answer this afternoon  
17 to be that she doesn't want to testify, period.

18 MR. BUGLIOSI: But this morning the inference was  
19 that the reason that she never wanted to testify in front  
20 of the jury was because the Court was going to require her  
21 to testify outside the presence of the jury first.

22 MR. MUSICH: There might be an inference or some claim  
23 that they might make an appeal.

24 I don't think the record in any way indicates  
25 that, or hopefully it doesn't, but this might be their  
26 claim at this time, or their impression at this time, or

1 it might be something that they will raise on appeal.

2 THE COURT: I will ask the question to him again in  
3 open court outside the presence of the jury, and I will  
4 make it plain to them that there are no conditions attached.  
5 If they want to testify, they can testify.

6 MR. SHINN: In other words, your Honor is now saying  
7 they can testify in front of the jury without testifying  
8 in the absence of the jury first?

9 MR. BUGLIOSI: I don't think the Court has to say  
10 that. I don't think the Court has to say that.

11 THE COURT: I have never told them that they couldn't  
12 testify in front of the jury if they didn't first testify  
13 out of the presence of the jury.

14 I simply gave them the opportunity this  
15 morning to testify out of the presence of the jury without  
16 telling them what would happen if they didn't.

17 MR. MUSICH: That is correct. That is my recollection.

18 THE COURT: I had concluded that if they refused,  
19 I was still going to let them testify in front of the  
20 jury.

21 MR. SHINN: But they got the impression that if they  
22 didn't testify in the absence of the jury, they could not  
23 testify in front of the jury. That is the reason they did  
24 not.

25 THE COURT: Then we will make it clear.

26 MR. SHINN: You will make it clear that they can

1 testify first in front of the jury?

2 THE COURT: That's right.

3 Mr. Manson has already testified out of the  
4 presence of the jury. He is aware of it.

5 MR. MUSICH: The record, I feel, doesn't show that  
6 the Court placed any additional requirement on their  
7 testifying, and I just wanted to make sure that is what it  
8 was.

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1 MR. KANAREK: I might say, your Honor, this is un-  
2 believable. The Court, I don't think has -- these kinds of  
3 decisions are made with lawyers consulting with clients after  
4 many hours and deciding back and forth.

5 Just to have an instantaneous statement,  
6 especially in view of the power and prestige of the Court  
7 and what the Court stands for in the eyes of the defendants,  
8 it is my belief, and I do so allege, that your Honor's  
9 interrogation of these defendants is a denial of the right to  
10 effective counsel. It denies them a fair trial. It makes  
11 decisions that should be made after consideration, after  
12 discussion between lawyer and client, it makes these  
13 decisions instantaneous.

14 The Court is taking the place of the lawyer, and  
15 doing it in open court, and there is no question that it  
16 invades the Sixth Amendment right to effective counsel that  
17 is guaranteed by the due process clause of the Fourteenth  
18 Amendment, and also by the California Constitution. And I do  
19 so allege and ask for no interrogation.

20 I don't think there should be anything further.  
21 Anything that has happened, has happened, and of course we  
22 opposed that.

23 MR. MUSICH: In response to Mr. Kanarek, I feel that  
24 the state of the record and the law is that the defendants  
25 have the right to testify in their own defense.

26 I think the Court was correct in its ruling in  
permitting the defendant to testify.



1           The claims by the defense as to whether or not  
2 they were going to incriminate or confess, I don't think,  
3 were anywhere borne out by Mr. Manson's testimony himself.

4           There is the exculpatory nature of his  
5 testimony. I think that is something that we all may not  
6 be able to guess at. And his constitutional right to  
7 testify is one that cannot be suppressed by the attorney.

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1 MR. KANAREK: Well, your Honor, Mr. Musich is  
2 opposite to the District Attorney's previous point,  
3 enunciated by Mr. Bugliosi in this record.

4 MR. MUSICH: That was only based on the innuendo  
5 that they were going to incriminate or confess.

6 MR. KANAREK: It wasn't innuendo, Mr. Musich. The  
7 record will reveal that their attorneys stated that.

8 MR. MUSICH: That is something we don't know, and I  
9 don't see how we can represent that as actual knowledge,  
10 especially in view of Mr. Manson's testimony this morning.

11 MR. KANAREK: Also Mr. Bugliosi's comments -- well,  
12 I have stated what -- I don't wish to belabor it.

13 THE COURT: Here is a proposed instruction to the  
14 jury regarding what happened yesterday. If you have any  
15 comments, please let me know.

16 Certain things were said yesterday by one or  
17 more of the defendants immediately after the defense  
18 counsel stated they rested their defense.

19 Later Miss Atkins took the witness stand and  
20 stated her name only and thereafter there was a conversation  
21 between the Court and her counsel, Mr. Shinn, regarding  
22 procedure.

23 The Court has since annulled its order to  
24 Mr. Shinn made at that time.

25 The jury is instructed to disregard all  
26 such statements by any of the defendants, the Court's

1 previous order to Mr. Shinn and Mr. Shinn's reply, and not  
2 to consider any of such matters for any purpose whatever.

3 MR. SHINN: That is satisfactory, your Honor.

4 MR. KANAREK: If your Honor is going to make that  
5 admonishment, that is the scene concerning which and because  
6 of which we ask for the mistrial that your Honor ruled on,  
7 just so the record will be very clear about it.

8 Is that a fair statement, your Honor?

9 THE COURT: Yes, the scene, I might point out,  
10 Mr. Kanarek, if it needs any pointing out, was created  
11 solely by the defendants.

12 MR. KANAREK: Then I would ask for an evidentiary  
13 hearing, your Honor has made an allegation --

14 MR. BUGLIOSI: Under the Crovedi case?

15 MR. KANAREK: -- I ask to be sworn.

16 THE COURT: That is denied, Mr. Kanarek.

17 Let's not waste any more time.

18 MR. KANAREK: Your Honor has made a charge, your  
19 Honor.

20 THE COURT: I made an observation of what happened.

21 Now, I am first going to resume in open court  
22 without the jury and I will ask each of the defendants if  
23 they desire to testify in front of the jury without any  
24 conditions, that is, without any conditions that they first  
25 testify out of the presence of the jury, so the record will  
26 be clear on that point.

1 MR. HUGHES: I really object to that, your Honor.

2 THE COURT: I think it's necessary because of the  
3 things that have been said by counsel right here in  
4 chambers.

5 I don't want -- I want to forestall the  
6 possibility that later the defendants will claim they were  
7 denied the right to testify except upon condition, which,  
8 of course, is not the case.

9 MR. HUGHES: May I interject:

10 At this point it is a very delicate turning  
11 point of relationship --

12 THE COURT: It may be very delicate, gentlemen, but  
13 the law is also clear that they have the right to  
14 testify.

15 I want to make sure that when they say no,  
16 they are saying no, knowingly and intelligently and not  
17 under the illusion there is some condition attached to it.

18 MR. HUGHES: I hope they don't say no now, and will  
19 say yes upon the instigation of this inquiry.

20 THE COURT: I have no idea what they will say.

21 MR. HUGHES: Nor do I.

22 THE COURT: Following that, Mr. Kanarek, I will give  
23 you an opportunity to make your motion to reopen.

24 MR. KANAREK: In connection with your Honor's  
25 interrogating the witnesses, that is --

26 THE COURT: It is not a question of interrogation,

1 Mr. Kanarek, I want to give them the opportunity to tell  
2 me without equivocation and with full understanding whether  
3 or not they have now decided, as they appear to have  
4 decided, that they do not want to testify, contrary to their  
5 previous express request and insistence to testify.

6 MR. KANAREK: That denies the right to effective  
7 counsel and makes the Court an advocate.

8 The Court injects itself into these  
9 proceedings.

10 THE COURT: All right, you said that enough times,  
11 Mr. Kanarek.

12 Then the jury will be brought back in. I will  
13 then admonish the jury when the jury is brought back in  
14 and then, depending on what happens with respect to  
15 Mr. Kanarek's motion, I will indicate to the jury that the  
16 defendants either rest or they don't rest, and then you  
17 can make the motion that you refer to, Mr. Fitzgerald.

18 MR. FITZGERALD: Would you prefer me making it in  
19 front of the jury? I would just as soon as not make it in  
20 front of the jury but I will make it in open court.

21 THE COURT: I think the jury is entitled at this point  
22 to know what is going on.

23 In other words, if we are going to put them back  
24 in a hotel for a week, I think they ought to have some  
25 explanation of why they are there, and not working.

26 We have a morale problem.

1 MR. FITZGERALD: If the prosecution does not want to  
2 join necessarily in the request, although it is to our  
3 mutual benefit -- so we don't want to be the bad guys.

4 THE COURT: Why don't you want to join?

5 MR. BUGLIOSI: I did not say we didn't want to join.

6 I was saying the defense cannot offer a joint  
7 motion for the prosecution.

8 MR. FITZGERALD: You offer it,

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1 THE COURT: If you can agree, one of you get up and  
2 say "It's been agreed by both sides that we need X number  
3 of days," or "that we should recess until such and such a  
4 date."

5 MR. FITZGERALD: Sure.

6 THE COURT: So before I grant the motion they will  
7 know what it is all about.

8 MR. FITZGERALD: My only point was I did not want it  
9 to appear that it was some sort of defense strategy.

10 THE COURT: Indicate what the time is going to be  
11 used for.

12 MR. FITZGERALD: I will.

13 MR. BUGLIOSI: I will make a motion, and you can also  
14 make a motion. We can both make the motion.

15 (The following proceedings were had in open  
16 court, all defendants and all counsel being present. The  
17 members of the jury are not present.)

18 THE COURT: All parties and counsel are present. The  
19 jury is not present.

20 Before the recess each of the defendants  
21 indicated that he or she did not want to testify before  
22 the jury, contrary to the previous expression to the  
23 Court that each of them did want to testify in front of  
24 the jury.

25 So that the record will be perfectly clear,  
26 and there will be no misunderstanding between the Court

15a-2

1 and each of the defendants, I want to be sure that you  
2 understand that you do have the right to testify in front  
3 of the jury if you so desire, without any conditions what-  
4 ever, that is, without testifying first out of the presence  
5 of the jury.

6 Do you each understand that?

7 Mr. Manson, do you, sir?

8 MR. MANSON: I wasn't paying attention, sir, I'm  
9 sorry.

10 THE COURT: Do you understand, Miss Atkins?

11 DEFENDANT ATKINS: Yes.

12 THE COURT: And does that in any way change your  
13 decision not to testify in front of the jury?

14 DEFENDANT ATKINS: No.

15 THE COURT: Do you understand, Miss Krenwinkel?

16 DEFENDANT KRENWINKEL: Yes.

17 THE COURT: Does that change your decision?

18 DEFENDANT KRENWINKEL: No.

19 THE COURT: Miss Van Houten, do you understand?

20 DEFENDANT VAN HOUTEN: Yes.

21 THE COURT: Does that in any way change your decision?

22 DEFENDANT VAN HOUTEN: No.

23 THE COURT: All right, and, Mr. Manson, you have  
24 already testified out of the presence of the jury, you do  
25 have the right to testify in front of the jury, if you  
26 insist on exercising that right.



15a-3

1 I simply want to know whether or not you wish  
2 to do so.

3 MR. MANSON: Well, would it be to say the same thing  
4 over again or testify about something different?

5 THE COURT: Well, the purpose of the hearing out of  
6 the presence of the jury was to permit counsel to know  
7 what you intended to say.

8 DEFENDANT MANSON: Uh-huh.

9 THE COURT: And to raise any objections and to be  
10 forewarned as to any material which might be otherwise  
11 inadmissible.

12 DEFENDANT MANSON: Your Honor, what I said before I  
13 already forgot what it was, so it would be all over a whole  
14 new thing, I wouldn't even know where it was coming from.

15 THE COURT: I don't want to know what you would say,  
16 Mr. Manson. All I want to know is have you changed your  
17 mind at this point?

18 DEFENDANT MANSON: No, I've said everything I want  
19 to say.

20 THE COURT: You are not asking to testify before the  
21 jury?

22 DEFENDANT MANSON: I would like to offer a defense  
23 though.

24 THE COURT: That is something you can take up with  
25 your attorney. I am concerned now with your previous  
26 expression to the Court that you wanted to testify.

15a-4

1           DEFENDANT MANSON: Judge Older, I never accepted this  
2 attorney, not for a second.

3           THE COURT: All right.

4           Now, do any of you have any misunderstanding of  
5 any kind, anything you don't understand or any question you  
6 wish to ask the Court regarding your request to testify,  
7 and your subsequent decision not to testify?

8           Do you have any questions at all?

9           Now is the time to ask them.

10          DEFENDANT MANSON: I have many questions.

11          THE COURT: All right.

12          DEFENDANT MANSON: I have the question that there is  
13 a whole defense that lies outside my testimony. There is  
14 reason to put on a defense to where it could be legible for  
15 the mind to understand, for the jury to comprehend on their  
16 level.

17           But it cannot be done just through straight  
18 statements or a speech of some sort.

19          THE COURT: This is something you should take up with  
20 your counsel, Mr. Manson.

21           Apart from the question of whether you personally  
22 want to testify, the control of your defense is in the hands  
23 of your counsel.

24          DEFENDANT MANSON: My counsel doesn't know the questions.  
25 He doesn't know the case.

26          THE COURT: Then I suggest that you cooperate with him

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to the best of your ability, if you have not already done so.

Mr. Kanarek, I believe you said you had a motion to make.

15b fls.

15b-1

1 MR. KANAREK: Yes, your Honor.

2 Your Honor, I don't think -- I think by what  
3 your Honor has done, your Honor has made a de facto  
4 reopening, I believe, on legal analysis this is true, if  
5 your Honor will allow me to finish.

6 Now, it is my position --

7 THE COURT: I am hoping you will start on something  
8 that is relevant.

9 Are you making a motion to reopen?

10 MR. KANAREK: I was prefacing that because I don't  
11 think I have to.

12 I think the Court reopened it by what the  
13 Court did.

14 THE COURT: Well, it is not now reopened, for your  
15 information, Mr. Kanarek.

16 MR. KANAREK: If the Court deems that to be the  
17 case, although I believe the record speaks for itself,  
18 that it is reopened, I do make a motion to reopen on these  
19 grounds, your Honor:

20 The District Attorney -- it is quite interest-  
21 ing, at page 17949, the District Attorney states:

22 "I think that if this happens there is almost  
23 reversible error per se on appeal.

24 "Their clients are being charged with seven  
25 counts of murder, and they are not putting on any  
26 defense."

1                   This is Mr. Bugliosi's argument, when he heard  
2 that we had rested.

3                   I am making the motion to reopen on several  
4 grounds.

5                   One ground is I have evidence that the District  
6 Attorney of Los Angeles County brought to this court a  
7 picture of a rest-room where Linda Kasabian allegedly  
8 was --

9                   THE COURT: Mr. Kanarek --

10                  MR. KANAREK: I am giving your Honor the offer of  
11 proof.

12                  THE COURT: You are making a motion to reopen.

13                  MR. KANAREK: Yes.

14                  THE COURT: All right, go ahead.

15                  MR. KANAREK: The motion to reopen, and I have here  
16 a picture of that rest-room -- it is the men's rest-room,  
17 and not the women's rest-room that Mr. Bugliosi had as part  
18 of his exhibits in connection with Linda Kasabian going  
19 to the rest-room out at, oh, near Roxford and the Golden  
20 State Freeway.

21                         May this be marked as an exhibit in connection  
22 with this motion?

23                         The offer of proof is that this picture which  
24 covers the same scene as at least one of the exhibits that  
25 the District Attorney had in this courtroom, that he showed  
26 to Linda Kasabian, this scene is the scene of the men's

1 rest-room, your Honor, not the women's rest-room.

2 THE COURT: What is the significance of that?

3 MR. KANAREK: The significance, your Honor, is this,  
4 that the jury, it is my belief, it is my belief that this  
5 lady, Linda Kasabian, was programmed. She was programmed--

6 THE COURT: What has this to do with your motion to  
7 reopen?

8 MR. KANAREK: I am giving your Honor the basis.

9 It attacks her credibility.

10 THE COURT: You want to offer the photograph, is that  
11 it?

12 MR. KANAREK: That is one of the items I wish to  
13 offer, yes.

14 THE COURT: What else?

15 MR. KANAREK: Another three photographs I wish to  
16 offer.

17 I have a series of photographs of that rest-room  
18 area, the men's room and the women's room from the outside,  
19 and I also --

20 THE COURT: How do you propose to lay the foundation  
21 for these photographs, Mr. Kanarek?

22 MR. KANAREK: With a lady that was actually here  
23 yesterday to testify. Her name is Carol Edwards.

24 She is a legal secretary. She works with the  
25 law firm of Fielder & Fielder on Hollywood Boulevard.

26 THE COURT: How is she going to authenticate the

1 photograph?

2 MR. KANAREK: She was there when they were taken. She  
3 was there when they were taken and I was there when they  
4 were taken.

5 Mr. Fielder, an attorney at law and Mrs.  
6 Fielder, an attorney at law were there.

7 THE COURT: If you were there when they were taken,  
8 was Mr. Bugliosi there?

9 MR. KANAREK: No, Mr. Bugliosi was not there.

10 THE COURT: Perhaps he will stipulate if you ask him.

11 MR. KANAREK: No, I have not asked him, your Honor.

12 But there are certain pictures here that  
13 would indicate furthermore that there were two toilet  
14 areas in the women's rest-room.

15 There is only one toilet area in the men's  
16 rest-room.

17 THE COURT: What else in addition to the pair of  
18 photographs do you have?

19 What is the significance of the photographs?

20 MR. KANAREK: The significance of the photographs is  
21 that Linda Kasabian, if you look at the detail of her  
22 testimony, she testified that this wallet was found at a  
23 certain place.

24 She testified, however, your Honor, in connection  
25 with the events, as far as going to that rest-room in the  
26 company of the police, she testified that this occurred many

1 many months after the event, and a long time after  
2 December the 10th, 1969, when the man who worked there  
3 allegedly found this wallet.

4 We have the situation wherein the prosecution,  
5 as far as these matters are concerned, have certain evi-  
6 dence before the Court which I think the credibility of  
7 which can be attacked by this evidence that I am suggesting  
8 to the Court.

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1 THE COURT: Not without some testimony.

2 MR. KANAREK: No, the only testimony that is required  
3 is that this is the same restroom, and the jury can make its  
4 inferences.

5 Mr. Bugliosi makes much about circumstantial  
6 evidence. I think the circumstantial evidence will show  
7 that there were two ladies' toilet areas in that restroom.

8 Linda Kasabian has identified one. She said  
9 this is the area. That is ambiguous in itself, because  
10 is it the one or is it the other.

11 There are two that are identical. I have pictures.  
12 I am prepared to have sworn testimony to show that in that  
13 restroom there are two areas.

14 Furthermore, it means -- in the men's restroom  
15 there is a toilet area very similar that has equipment in  
16 the bowl, part of the toilet that is similar to that in the  
17 ladies' portion -- that is, in the ladies' restroom.

18 MR. FITZGERALD: I have an objection that may short  
19 circuit the offer of proof, and that is that this infor-  
20 mation was available to Mr. Kanarek before he made his  
21 initial statement that he rested in front of the jury, and  
22 what Mr. Kanarek referred to was the Court's de facto  
23 reopening in this case in in any sense involve or revolve  
24 around the issue of that Standard gas station on Encinatis  
25 Boulevard in Sylmar.

26 Furthermore, although I may not have standing

1 to object to an attorney for a co-defendant reopening,  
2 and I think certainly one of the benefits of resting a case  
3 and not presenting evidence is to prevent the prosecution  
4 from putting on any evidence in rebuttal, and I am going to  
5 suggest to the Court at this time that if Mr. Kanarek is  
6 allowed to reopen at this late date, that any information  
7 he puts on, that the prosecution in any rebuttal be limited  
8 to Defendant Manson.

9 I am essentially asserting laches.

10 THE COURT: Do the People have any objection to the  
11 photographs?

12 MR. BUGLIOSI: Well, your Honor, People's 70 which has  
13 been received into evidence is a photograph of the toilet  
14 of the Standard Station on Encinatis, Page 5,307, et seq.,  
15 in the transcript, Linda Kasabian identified People's 70  
16 as being the photograph of the back of the toilet.

17 Charles Koenig, an attendant at the afore-  
18 mentioned gas station also identified People's 70 as being  
19 the photograph of the back of the toilet in the women's  
20 restroom.

21 So here we have the testimony of Linda and  
22 Charles Koenig that this photograph, People's 70, depicts  
23 the interior of the women's restroom.

24 I don't see any necessity for the defense to  
25 reopen their case to put on photographs of the men's  
26 restroom out there.

1 THE COURT: I don't see any relevance either. I am  
2 asking you if you have an objection.

3 MR. BUGLIOSI: Yes, I do.

4 THE COURT: What Mr. Kanarek apparently wants to show  
5 is that the gas station had both a men's and women's  
6 restroom. It is not too difficult to prove.

7 MR. BUGLIOSI: I will stipulate to that.

8 THE COURT: He wants further to show that the tank  
9 in the men's restroom contains similar equipment as shown  
10 in People's 7.

11 MR. BUGLIOSI: I will object on the grounds the  
12 defense has rested, number one, and number two, those  
13 photographs have no relevance.

14 The fact there is a men's restroom out there  
15 is totally irrelevant to the issues of this case.

16 THE COURT: Anything further, Mr. Kanarek?

17 MR. KANAREK: Pardon, your Honor?

18 THE COURT: Anything further?

19 MR. KANAREK: Yes, your Honor.

20 I asked the Court previously in connection  
21 with this that the --

22 Well, I would ask for a continuance to point  
23 out to the Court in the record where the testimony of --  
24 precisely where the testimony of June Emmer is, attacking  
25 the credibility of Linda Kasabian.

26 I believe the Court can take that into account.

1 THE COURT: Well, you have a copy of the transcript?

2 MR. KANAREK: Yes, your Honor, but I did not  
3 anticipate that these proceedings would be finished this  
4 speedily.

5 THE COURT: I am still not clear, Mr. Kanarek, as to  
6 what it is you are asking for.

7 MR. KANAREK: I am just asking that be read to the  
8 jury.

9 THE COURT: Her testimony?

10 MR. KANAREK: Her testimony, yes, of the conditional  
11 deposition.

12 THE COURT: Do you wish to be heard, Mr. Bugliosi?

13 MR. BUGLIOSI: Yes, your Honor. There was never a  
14 stipulation by the prosecution that that deposition could  
15 be read to the jury.

16 That was a conditional deposition, analogous  
17 to a perpetuation of testimony in a civil case, and it  
18 could be read into evidence if the defense could make an  
19 offer of proof, and actually put on evidence that  
20 Mrs. Emmer is not presently available. She is available.  
21 She is in Miami, Florida.

22 My information is that Florida is a member of  
23 the Uniform Rendition of Witnesses Act.

24 If she did not come back voluntarily she could  
25 be brought back by a process of the court, at the Superior  
26 Court expense. It would not cost the defense a penny.

1 Inasmuch as she is available to testify, that  
2 deposition simply cannot be read to the jury.

3 The same holds true for Mr. Marsh, apparently  
4 Mr. Fitzgerald said Mr. Marsh is presently in town.

5 MR. KANAREK: Well, your Honor, the fact is, as far  
6 as June Emmer is concerned, your Honor, I have sworn  
7 testimony that she is in Florida and that is -- you see,  
8 the foundation is that the person is about to leave the  
9 state, and did leave the state, and that is what she did,  
10 and I invite your Honor to read the record in this regard.

11 THE COURT: What record?

12 MR. KANAREK: At the time her deposition was taken,  
13 your Honor.

14 THE COURT: You have made no showing whatever,  
15 Mr. Kanarek, which would warrant a reopening.

16 As a matter of fact, you rested yesterday  
17 without putting on a single bit of evidence, although all  
18 of these facts were then known to you.

19 Nothing has happened since that would in any  
20 way change what you did yesterday, and you have made no  
21 showing of any kind so far as the gas station is concerned,  
22 no showing of relevancy whatever.

23 So far as the testimony of Mrs. Emmer is  
24 concerned, you made no showing that she is unavailable.

25 The motion to reopen is denied.

26 Mr. Murray, will you bring the jury in.

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1 (The following proceedings were had in open  
2 court, all defendants and counsel being present, all members  
3 of the jury being present:)

4 THE COURT: All parties, counsel and jurors are  
5 present.

6 Ladies and gentlemen, yesterday certain things  
7 were said by one or more of the defendants immediately after  
8 defense counsel stated they rested their defense.

9 Later Miss Atkins took the witness stand and  
10 stated her name only and thereafter there was a conversa-  
11 tion between the Court and her counsel Mr. Shinn regarding  
12 procedure.

13 The Court has since annulled its order to Mr.  
14 Shinn, made at that time.

15 The jury is instructed to disregard all such  
16 statements by any of the defendants, the Court's previous  
17 order to Mr. Shinn and Mr. Shinn's reply, and not to  
18 consider any of such matters for any purpose whatsoever.

19 Both sides have rested.

20 Do you have anything, Mr. Fitzgerald?

21 MR. FITZGERALD: I do, your Honor.

22 As Mr. Bugliosi has pointed out, your Honor,  
23 the decision of the defendants to rest this case came as  
24 somewhat of a surprise and in some quarters somewhat of a  
25 shock and it took some people rather unexpectedly.

26 In addition I think the defense resting in this

1 case has saved us some considerable amount of time.

2 The next phase of the case is now ready to  
3 begin, that is, the preparation of jury instructions and  
4 the preparation of final argument to the jury.

5 I have discussed this matter with all of the  
6 attorneys on both sides of the case, and we would urge the  
7 Court for some period of time in order that we might  
8 adequately prepare.

9 I would ask the Court to allow us in addition  
10 to the normal weekend holidays the next four court days.

11 In light of the holiday next week, we would  
12 ask that the Court entertain a motion to continue this  
13 case until Monday, November 30th, and I can assure the  
14 Court that at that time counsel on both sides will be  
15 prepared to proceed with the discussion of jury instruc-  
16 tions, and upon conclusion of that to proceed with argu-  
17 ment to the jury.

18 MR. BUGLIOSI: Well, Mr. Fitzgerald certainly cannot  
19 make any statement whatsoever with respect to the prosecu-  
20 tion in this case.

21 I believe he is representing Miss Krenwinkel  
22 and no one else.

23 MR. FITZGERALD: I'm sorry, it was amiss.

24 MR. BUGLIOSI: The prosecution also moves that the  
25 matter be put over to November 30th, your Honor. I think  
26 that both sides, not just the prosecution, but the defense



1 need time to prepare arguments and instructions to the  
2 jury, so we would respectfully suggest that the Court  
3 give us the entire week off for the preparation of  
4 argument and instructions.

5 THE COURT: Of course Thursday is Thanksgiving Day  
6 so it amounts to four court days.

7 MR. HUGHES: I join in the motion.

8 MR. FITZGERALD: Mr. Bugliosi does not represent  
9 Miss Krenwinkel.

10 THE COURT: The case will be recessed to Monday,  
11 November 30th at which time the Court will confer with  
12 both sides regarding instructions.

13 As soon as the instructions are settled counsel  
14 will be prepared immediately thereafter to commence their  
15 final arguments to the jury, following which the Court  
16 will instruct the jury, and the jury will retire for its  
17 deliberations.

18 I think the request by counsel is a reasonable  
19 request and under the circumstances it should be granted.

20 Accordingly, the request is granted.

21 I regret for the sake of the jury that they  
22 are by this order required to stay out of the Court another  
23 week without anything to do, but I think in the long run a  
24 great deal of time has been saved as a result of develop-  
25 ments in the last two days, conceivably several months.

26 The time will be well spent by counsel, and



1 it is not unusual in a case that is protracted that counsel  
2 will require some time from the Court before they are  
3 ready to proceed with their final argument.

4 Accordingly the request is granted. The  
5 Court will recess or adjourn until November 30th at  
6 9:00 a.m.

7 The Court will have to confer with counsel on  
8 November 30th regarding the instructions. I have no idea  
9 how long it will take before we finally agree that the  
10 instructions as submitted, and any amendments, are the  
11 appropriate ones.

12 Hopefully it will not take long, but if you are  
13 not called back into court immediately on November 30th you  
14 will understand that we are conferring and that you will be,  
15 as soon as we have arrived at the final jury instructions.

16 So, we will adjourn at this time then until  
17 November 30th at 9:00 a.m.

18 Remember the admonition, ladies and gentlemen,  
19 do not converse with anyone or form or express an opinion  
20 regarding the case until it is finally submitted to you.

21 (Whereupon an adjournment was taken in the  
22 herein proceedings until Monday, November  
23 30th, 1970, at 9:00 o'clock a.m.)  
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