

## SUPREME COURT OF THE STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff-Respondent,

vs.

CHARLES MANSON, SUSAN ATKINS, LESLIE  
VAN HOUTEN AND PATRICIA KRENWINKEL,

Defendants-Appellants.

NO. 2001

APPEAL FROM THE SUPERIOR COURT OF LOS ANGELES COUNTY

HON. CHARLES H. OLDER, JUDGE PRESIDING

REPORTER'S TRANSCRIPT ON APPEAL

APPEARANCES

For Plaintiff-Respondent:	THE STATE ATTORNEY GENERAL 600 State Building Los Angeles, California 90012
For Defendant-Appellant Charles Manson:	IRVING KANAREK, Esq.
For Defendant-Appellant Susan Atkins:	DAYE SHINN, Esq.
For Defendant-Appellant Leslie Van Houten:	LESLIE VAN HOUTEN In Propria Persona
For Defendant-Appellant Patricia Krenwinkel:	PATRICIA KRENWINKEL In Propria Persona

PRE-TRIAL

VOLUME 1

Pages 1 - 303

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Official Reporters  
211 West Temple Street  
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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT 103

WILLIAM E. KEENE, JUDGE  
GEORGE M. DELL, JUDGE

DEPARTMENT 104

CHARLES H. OLDER, JUDGE

DEPARTMENT 106

COLGOLDEN D. LUCAS, JUDGE

DEPARTMENT 107

WILLIAM E. KEENE, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

NO. A 253156

CHARLES MANSON, SUSAN ATKINS,  
LESLIE VAN HOUTEN, PATRICK KREMHINKEL,

Defendants.

REPORTERS' PRE-TRIAL TRANSCRIPT

AFFIDAVITS:

(See following page.)

ANNE F. SMITH, C.S.R.  
JULIUS ROLLER, C.S.R.  
LOIS R. JOHNSON, C.S.R.  
MARCEA KING, C.S.R.  
RUTH A. BAILEY, C.S.R.  
DOE L. SPENT, C.S.R.  
MERLE SANDERS, C.S.R.  
JAMES E. VAUGHN, C.S.R.  
JOSEPH B. HOLLONBE, C.S.R.  
Official Reporters

APPEARANCES:

For the People:

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BY: AARON H. STOVITZ and  
VINCENT T. BUGLIOSI,  
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For Deft. Manson:

IN PROPRIA PERSONA

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For Deft. Van Houten:

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IRA REINER, Esq.  
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RONALD HUGHES, Esq.

For Deft. Krenwinkel:

PAUL J. FITZGERALD, Esq.  
Rm. 38, 672 South Lafayette Park Place  
Los Angeles, California 90057

1 LOS ANGELES, CALIFORNIA; WEDNESDAY, DECEMBER 10, 1969 11:10 AM

2 \* \* \*

3  
4 (The following proceedings were had in  
5 Department 100 before the Honorable William E.  
6 Keene, Judge Presiding:)

7  
8 THE COURT: Excuse me a minute. Let's go to this  
9 case No. 5.

10 I understand the defendants are here now?

11 THE SAILIFF: Yes, your Honor.

12 THE COURT: All right. In this case No. 5., is  
13 your name Susan Atkins?

14 THE DEFENDANT ATKINS: Yes, it is.

15 THE COURT: Is your name Linda Kasabian?

16 THE DEFENDANT KASABIAN: (Nods head affirmatively.)

17 THE COURT: Is that your name?

18 THE DEFENDANT KASABIAN: Yes, it is.

19 THE COURT: Is your name Leslie Sankston?

20 THE DEFENDANT VAN HOUTEN: No, it is not.

21 THE COURT: What is your true name?

22 THE DEFENDANT VAN HOUTEN: Leslie Van Houten.

23 THE COURT: Leslie Van Houten?

24 THE DEFENDANT VAN HOUTEN: Yes.

25 THE COURT: Could you spell the last name, please.

26 THE DEFENDANT VAN HOUTEN: V-a-n H-o-u-t-e-n.



2  
1 MR. KAHANOWICZ: It shows Leslie Sankaton. May the  
2 indictment be so amended?

3 THE COURT: Yes. I'll order the amendment by  
4 interlineation to show the true name of Leslie Van Houten.

5 MR. BARNETT: I am Donald Barnett appearing for  
6 Miss Van Houten and I join in the motion to amend the  
7 indictment to show the true and correct name of the  
8 defendant.

9 THE COURT: Would you spell the last name again,  
10 please.

11 MR. BARNETT: I am Donald Barnett, b-a-r-n-e-t-t.

12 THE COURT: Not your name, your client's name.

13 MR. BARNETT: Leslie Louise Van Houten, V-a-n  
14 H-o-u-t-e-n.

15 THE COURT: May I have other appearances here at  
16 this time for any of the defendants?

17 MR. KAHANOWICZ: Counsel, do you have a copy of  
18 the indictment?

19 MR. FLEISCHMAN: Gary Fleischman appearing for the  
20 defendant Linda Kasabian, your Honor.

21 THE COURT: And Susan Atkins, do you have the  
22 money to hire a lawyer?

23 THE DEFENDANT ATKINS: No, I don't. I had a lawyer  
24 appointed.

25 THE COURT: In your case I will appoint the  
26 Public Defender to represent you in this matter.

1 MR. JAMES: At this time, your Honor, there is a  
2 conflict in this matter. There is a conflict. He will  
3 to be relieved at this time.

4 MR. FITZGERALD: Your Honor, if I may address the  
5 Court, the Public Defender's Office would like to state  
6 for the record that we represent one Robert Beausoleil,  
7 Superior Court No. A 667452. In that matter the office of  
8 the Public Defender represented Mr. Beausoleil in the  
9 Santa Monica Branch of the Los Angeles Superior Court.  
10 It is our information that there is, indeed, a conflict  
11 of interest that exists between a client of the Public  
12 Defender's Office, Mr. Beausoleil, and Miss Atkins.  
13 Therefore, we would ask that counsel be appointed pursuant  
14 to Penal Code Section 937a.

15 THE COURT: Mr. Richard Caballero, as I understand,  
16 in this matter you have represented this defendant in the  
17 other case; is that correct?

18 MR. CABALLERO: That is correct, your Honor.

19 THE COURT: If I offered to you at this time, Mr.  
20 Caballero, an appointment pursuant to Section 937a of the  
21 Penal Code, would you accept such an appointment?

22 MR. CABALLERO: Yes, your Honor.

23 THE COURT: All right. The Court in this case,  
24 upon the representations made to this Court by the office  
25 of the Public Defender, will declare a conflict of  
26 interest in this case and, Mr. Caballero, pursuant to

1 Section 987a of the Penal Code I'll appoint you to  
2 represent Defendant Susan Atkins.

3 Now, let me advise the three defendants  
4 who are here in court at this time as to what your  
5 constitutional rights are.

6 An indictment has been filed in this court  
7 upon which you will shortly be arraigned charging each of  
8 you with various counts of murder and conspiracy to  
9 commit murder.

10 Now, I would advise you first and foremost  
11 that you are each entitled to be represented by a lawyer  
12 at all stages of the proceedings. You are entitled to a  
13 speedy and public trial on the charges brought against  
14 you. And that is a right to a trial by a jury. You are  
15 there entitled to be confronted in open court by all  
16 witnesses who will be called to testify against you.  
17 You have the right to cross-examine those witnesses and  
18 you have the right to use the process of this court to  
19 subpoena any witnesses or any records that you need in  
20 your own behalf and in your defense.

21 You have the right to testify at the time  
22 of that trial, but you cannot be compelled to testify, you  
23 cannot be compelled to be a witness against yourself.

24 The charges in this case being such as they  
25 are, there will be no bail set in this case.

26 Miss Atkins, do you understand your

1 constitutional rights as I have outlined them for you this  
2 morning?

3 THE DEFENDANT ATKINS: Yes, I do.

4 THE COURT: Do you have any questions that you  
5 want to ask me about your constitutional rights?

6 THE DEFENDANT ATKINS: No.

7 THE COURT: Linda Kasabian, do you understand  
8 your constitutional rights as I have outlined them for  
9 you this morning?

10 THE DEFENDANT KASABIAN: Yes, I do.

11 THE COURT: Do you have any questions that you  
12 want to ask me about your constitutional rights?

13 THE DEFENDANT KASABIAN: No.

14 THE COURT: Leslie Sankston Van Houten, do you  
15 understand your constitutional rights as I have outlined  
16 them for you this morning?

17 THE DEFENDANT VAN HOUTEN: Yes.

18 THE COURT: Do you have any questions that you  
19 want to ask me about your constitutional rights?

20 THE DEFENDANT VAN HOUTEN: no.

21 THE COURT: All right. In this matter, I would  
22 ask counsel at this time, are you ready to enter a plea?

23 MR. CABELLERO: As to the Defendant Atkins, your  
24 Honor, may this matter go over to the 16th for plea?

25 MR. FLEISCHMAN: As to the Defendant Kasabian,  
26 your Honor, may the matter go over to the 22nd of

1 December?

2 MR. BARNETT: As to Defendant Van Houten, your  
3 Honor, I join with Counsel Fleischman and request  
4 December 22nd for the matter to go over for plea.

5 THE COURT: All right. In this case I'll order  
6 that those motions be granted. And all counsel will  
7 waive arraignment at this time as far as the three  
8 defendants are concerned?

9 MR. CABALLERO: Waive arraignment insofar as  
10 Susan Atkins is concerned.

11 MR. FLEISCHMAN: Waive arraignment on behalf of  
12 Defendant Linda Kasabian.

13 MR. BARNETT: So waived as to Defendant Leslie  
14 Van Houten.

15 THE COURT: People waive arraignment?

16 MR. KAHANOWICZ: Yes, your Honor.

17 THE COURT: All right. In this case I'll order  
18 that the arraignment and plea insofar as Defendant  
19 Atkins will be continued until the 16th day of this  
20 month.

21 I'll order that arraignment and plea as  
22 far as the other two named defendants in this indictment  
23 will be continued until the 22nd day of December in this  
24 department.

25 I'll set all matters in this department  
26 on those two dates \*\*

1           MR. CABALLERO: Your Honor, if it will facilitate  
2 the Court's calendar, I have no objection to the 22nd  
3 also, if that will assist the Court.

4           THE COURT: I'll leave it set as it now stands,  
5 on the 16th and the 22nd.

6           I'll set each matter in this court at  
7 11:00 o'clock in the morning on that date.

8           All right. Now, in this case also, before  
9 we proceed any further, I have an order that I want to  
10 read into the record at this time. It is an order re  
11 publicity. The order that I will order the Clerk of this  
12 court to file and place into this file reads as follows:

13           "It is apparent, and this Court is going  
14 to take judicial notice of the fact, that this  
15 case has received extensive news media coverage  
16 as a direct result of its apparent public  
17 interest; further, it is equally apparent to  
18 this Court by reading various newspapers and  
19 weekly periodicals that this news media coverage  
20 is not limited to the County of Los Angeles,  
21 but has been extensive not only in the entire  
22 State of California but in the nation as well,  
23 and of this fact the Court now takes judicial  
24 notice.

25           "This Court is of the firm conviction that  
26 the impossible task of attempting to choose



1 "between the constitutional guarantees of a  
2 free press and fair trial need not be made, but  
3 that they are compatible with some reasonable  
4 restrictions imposed upon pretrial publicity.  
5 It further appears to the Court that the  
6 dissemination by any means of public communica-  
7 tion of any out-of-court statements relating  
8 to this case may interfere with the constitu-  
9 tional right of the defendants to a fair trial  
10 and disrupt the proper administration of justice.  
11 Some of the defendants now being for the first  
12 time before this Court, this Court now exercises  
13 its jurisdiction and assumes its duty to do  
14 everything within its constitutional powers to  
15 make certain that each defendant does receive  
16 a fair trial, and now issues the following  
17 orders, a violation of which will be considered  
18 as a contempt of this court and will result in  
19 appropriate action to punish for such contempt.

20 "It is the order of this Court that no  
21 party to this action, nor any attorney connected  
22 with this case as defense counsel or as prosecu-  
23 tor, nor any other attorney associated with this  
24 case, nor any judicial attache or employee,  
25 nor any public official now holding office,  
26 including but not limited to any chief of police

1       \*or any sheriff, who has obtained information  
2       related to this action, which information has  
3       not previously been disseminated to the public,  
4       nor any agent, deputy, or employee of any such  
5       persons, nor any Grand Juror, nor any witness  
6       having appeared before the Grand Jury in this  
7       matter, nor any person subpoenaed to testify  
8       at the trial of this matter, shall release or  
9       authorize the release for public dissemination  
10      of any purported extrajudicial statement of  
11      the defendant relating to this case, nor shall  
12      any such persons release or authorize the release  
13      of any documents, exhibits, or any evidence,  
14      the admissibility of which may have to be  
15      determined by the Court, nor shall any such  
16      persons make any statement for public dissemination  
17      as to the existence or possible existence of  
18      any document, exhibit, or any other evidence,  
19      the admissibility of which may have to be  
20      determined by the Court. Nor shall any such  
21      persons express outside of court an opinion or  
22      make any comment for public dissemination as  
23      to the weight, value or effect of any evidence  
24      as tending to establish guilt or innocence.  
25      Nor shall any such persons make any statement  
26      outside of court for public dissemination as



1 "to the weight, value, or effect of any  
2 testimony that has been given. Nor shall any such  
3 persons issue any statement for public dissemination  
4 as to the identity of any prospective  
5 witness, or his probable testimony, or the  
6 effect thereof. Nor shall any such person make  
7 any out-of-court statement for public dissemination  
8 as to the weight, value, source, or effect  
9 of any purported evidence alleged to have been  
10 accumulated as a result of the investigation  
11 of this matter. Nor shall any such person make any  
12 statement for public dissemination as to the  
13 content, nature, substance, or effect of any  
14 testimony which may be given in any proceeding  
15 related to this matter, except that a witness  
16 may discuss any matter with any attorney of  
17 record or agent thereof.

18 "This order does not include any of  
19 the following:

20 "1. Factual statements of the  
21 accused person's name, age, residence,  
22 occupation, and family status.

23 "2. The circumstances of the  
24 arrest, namely, the time and place of  
25 the arrest, the identity of the arresting  
26 and investigating officers and agencies,

1 "and the length of the investigation.

2 "3. The nature, substance, and  
3 text of the charge, including a brief  
4 description of the offenses charged.

5 "4. Quotations from, or any  
6 reference without comment to, public  
7 records of the court in the case, or to  
8 other public records or communications  
9 heretofore disseminated to the public.

10 "5. The scheduling and result of  
11 any stage of the judicial proceeding held  
12 in open court in an open or public  
13 session.

14 "6. A request for assistance in  
15 obtaining evidence.

16 "7. Any information as to any  
17 person not in custody who is sought as  
18 a possible suspect or witness, nor any  
19 statement aimed at warning the public of  
20 any possible danger as to such person  
21 not in custody.

22 "8. A request for assistance in  
23 the obtaining of evidence or the names  
24 of possible witnesses.

25 "Further, this order is not intended to  
26 preclude any witness from discussing any matter

1 "In connection with the case with any of the  
2 attorneys representing the defendant or the  
3 People, or any representative of such attorneys,

4 "It is further the order of the Court  
5 that the Grand Jury transcripts in this case  
6 not be disclosed to any person (other than  
7 those specifically mentioned in Penal Code  
8 Section 938.1) until ten days after a copy  
9 thereof has been delivered by this Court to  
10 each defendant named in the indictment; provided,  
11 however, that if any defendant, during such time,  
12 shall move the Court that such transcript, or  
13 any portion thereof, not be available for  
14 public inspection pending trial, such time  
15 shall be extended subject to the Court's  
16 ruling on such motion.

17 "It is further ordered that a copy of  
18 this order be attached to any subpoena served  
19 on any witness in this matter, and that the  
20 return of service of the subpoena shall also  
21 include the fact of service of a copy of this  
22 order.

23 "This order shall be in force until this  
24 matter has been disposed of or until further  
25 order of this Court."

26 And this order re publicity is dated and

1 signed by me and I order the Clerk of this court to file  
2 the order in this case.

3 All right. The matter is now continued until  
4 the dates indicated, the 16th and 22nd of December,  
5 respectively.

6 (Whereupon, the proceedings were continued  
7 as heretofore indicated.)  
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LOS ANGELES, CALIFORNIA; THURSDAY, DECEMBER 11, 1969

11:00 A.M.

\*\*\* O \*\*\*

(The following proceedings were had in  
Department 100 before the Honorable William E.  
Keene, Judge Presiding:)

THE COURT: No. 10 is Charles Manson. Is he here  
now?

THE BAILIFF: Yes, your Honor.

THE COURT: Is your name Charles Manson?

THE DEFENDANT: Yes, sir, it is.

THE COURT: Mr. Manson, I want to advise you at this  
time first as to your constitutional rights.

I would advise you at this time, Mr. Manson,  
that an indictment has been filed in this court charging  
you with various counts of murder.

Now, these are your constitutional rights,  
Mr. Manson:

First, I would advise you that you have the  
right first and foremost to be represented by a lawyer at  
all stages of the proceedings. In the event that you are  
unable to employ the services of an attorney, this Court  
will appoint an attorney to represent you.

You have the right, Mr. Manson, to a speedy  
and public trial on the charges brought against you. And  
that's a right to a trial by jury.

1           You there have the right to be confronted in  
2 open court by all witnesses who will be called to testify  
3 against you. You have the right to cross-examine those  
4 witnesses and you have the right to use the process of  
5 this court to subpoena any witnesses or any records that  
6 you need in your own behalf and in your defense.

7           You have the right to testify at the time of  
8 that trial, but you cannot be compelled to testify, you  
9 cannot be compelled to be a witness against yourself.

10          This charge being such as it is in this case,  
11 you are not entitled to be released on bail.

12          Mr. Manson, do you understand your  
13 constitutional rights as I have advised you of them?

14          THE DEFENDANT: I understand what you said.

15          THE COURT: Do you have any questions that you want  
16 to ask me about your constitutional rights?

17          THE DEFENDANT: You mentioned that I could question  
18 witnesses.

19          THE COURT: You have the right, either you or acting  
20 through your attorney at the time of the trial, to be  
21 confronted in open court by all witnesses who will be  
22 called to testify against you. And you have the right to  
23 cross-examine those witnesses at the time of trial acting  
24 through your attorney.

25          THE DEFENDANT: Acting through my attorney?

26          THE COURT: Yes.

1 Do you have any other questions that you want  
2 to ask me about your constitutional rights?

3 THE DEFENDANT: (No audible response.)

4 THE COURT: Let me ask you this: Do you have the  
5 money to hire an attorney?

6 THE DEFENDANT: No.

7 THE COURT: I'll appoint the Public Defender of  
8 the County of Los Angeles to represent you.

9 MR. FITZGERALD: We would ask December 22nd for  
10 plea, your Honor.

11 THE COURT: Do you want to interview the defendant?

12 MR. FITZGERALD: Yes, your Honor.

13 THE COURT: Are you in a position at this time to  
14 declare a conflict of interest in this matter?

15 MR. FITZGERALD: No, we are not. We have received  
16 no official information. We have received a good deal of  
17 unofficial information by way of the media, but we have  
18 not as of this date documented any conflict of interest  
19 that may exist between this defendant and any other  
20 defendant represented by the Office of the Public  
21 Defender.

22 As your Honor knows, to this stage of the  
23 proceedings the Office of the Public Defender does not  
24 represent anyone in this case. It may well be that there  
25 is a conflict of interest. If there is, we would like to  
26 document that conflict of interest and we would bring it



1 to the Court's attention as soon as possible.

2 THE DEFENDANT: There is a conflict of interest.

3 THE COURT: Well, Mr. Manson, I'll let the Public  
4 Defender of the County of Los Angeles first make that  
5 determination after they have had a chance to discuss with  
6 you any possibility of a conflict of interest in the  
7 matter.

8 MR. STOVITZ: Your Honor, am I at liberty to hand  
9 the Public Defender a copy of the indictment at this  
10 time?

11 THE COURT: Yes, please do, and let's arraign the  
12 defendant.

13 THE DEFENDANT: Your Honor, may I say something?

14 THE COURT: Just a minute, Mr. Manson, let's go  
15 through the arraignment at this point.

16 MR. STOVITZ: Charles Manson, is that your true  
17 name, sir?

18 THE DEFENDANT: Yes, it is.

19 MR. STOVITZ: Do you have a middle name that you go  
20 by, sir?

21 THE DEFENDANT: Miller.

22 MR. STOVITZ: M-i-l-l-e-r?

23 THE DEFENDANT: Right.

24 MR. STOVITZ: You are here accused by the Grand Jury,  
25 Indictment No. A 253156, of seven counts of murder in  
26 violation of Section 187 of the Penal Code of California.



1 felonies, and one count of conspiracy to commit murder in  
2 violation of Section 162, Subdivision 1, and 167 of the  
3 Penal Code of California, also a felony.

4 Counsel, do you waive further reading of the  
5 indictment?

6 MR. FITZGERALD: We waive further detailed reading  
7 of the indictment and ask an opportunity to interview the  
8 client and review the case, your Honor.

9 May this case be continued until December 22nd  
10 for the entry of plea?

11 THE COURT: Counsel, your name, please?

12 MR. FITZGERALD: Paul J. Fitzgerald, Deputy Public  
13 Defender, asking as -- excuse me, are you referring to me,  
14 your Honor?

15 THE COURT: Well, go ahead and finish. I want to  
16 know what you are going to ask us. You started to say  
17 "acting as" --

18 MR. FITZGERALD: No.

19 THE COURT: All right, period.

20 MR. FITZGERALD: Paul J. Fitzgerald, Deputy Public  
21 Defender.

22 THE COURT: Your name?

23 MR. SCHAEFER: Fred Schaefer, S-c-h-a-e-f-e-r.

24 THE COURT: Did you want to explain your presence to  
25 the Court at this time?

26 MR. SCHAEFER: Yes, your Honor.

1 My presence here in court is requested by  
2 Mr. Hanson. I represented Mr. Hanson in connection with  
3 charges pending in Inyo County against him. He asked me  
4 to accompany him to this proceeding and to appear for the  
5 limited purpose of the arraignment and such continuations  
6 of the arraignment as may be requested.

7 THE COURT: Well, at this point I would thank you  
8 for coming from Inyo County to this court. In light of  
9 the fact that the Public Defender's office of the County  
10 of Los Angeles is not in a position at this point to  
11 declare a conflict of interest, in the event that there is  
12 such a conflict declared, they will be the attorney of  
13 record at this particular time.

14 I am going to grant the motion in this matter,  
15 Mr. Fitzgerald. I will put the matter over to the date  
16 that you have suggested, the 22nd day of this month, in  
17 this Department for further proceedings.

18 I would request, Mr. Schaefer, that you be  
19 present in this court on that date as well, if your  
20 calendar will so permit.

21 MR. SCHAEFER: Thank you, your Honor. I shall be  
22 here.

23 THE COURT: That will be the order.

24 All right. The defendant is ordered remanded  
25 to the custody of the Sheriff to be returned by the  
26 Sheriff to this court at 11:00 o'clock in the morning on

1 the 22nd day of December.

2 Let me further request that the clerk of this  
3 courtland to you, Mr. Fitzgerald, a copy of the order  
4 entered in this case yesterday and have the record reflect  
5 that you have now received a copy of that order.

6 MR. FITZGERALD: Yes. May the record reflect I have  
7 just been handed a copy of said order?

8 THE COURT: Thank you.

9 (Whereupon, the proceedings were continued  
10 to Monday, December 22, 1969 at 11:00 a.m. in  
11 Department 100.)  
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LOS ANGELES, CALIFORNIA; THURSDAY, DECEMBER 13, 1969 11:10 AM

\* \* \*

Upon the above case, the City of  
 Los Angeles being present to assist and repre-  
 sented by its counsel, Richard G. Sullivan, the  
 people being represented by Loren Flovin,  
 Deputy District Attorney, the following pro-  
 ceedings were had in Department 109 before the  
 Honorable William E. Hall, Judge presiding:

THE COURT: Is the case?

THE COURT: Is the case?

THE COURT: Is the case?

THE COURT: All right. I'll have the record  
 reflect your appearance here in court as produced by  
 your counsel, Mr. Sullivan.

This matter has been continued to this  
 date for settlement and plan. You are to file  
 at this time, Mr. Sullivan.

MR. SULLIVAN: Yes, your Honor.

THE COURT: Have you arranged the settlement, please,  
 and take the plan.

MR. SULLIVAN: Yes, your Honor. This may be the  
 defendant's last appearance in court. She has been  
 advised of her constitutional rights and has

1 THE COURT: Yes. But she has not been arraigned.

2 MR. STIVER: All right.

3 Also Atkins, Grand Jury Indictment No. A 233156  
4 charges you with seven counts of murder in violation of  
5 Section 187 of the California Penal Code.

6 In the eighth count you are charged with the  
7 felony of conspiracy to commit murder in violation of  
8 Sections 182, subdivision 1, and 187 of the Penal Code of  
9 California.

10 So those eight counts, how do you plead,  
11 guilty or not guilty?

12 THE DEFENDANT ATKINS: Not guilty.

13 MR. CARMICHAEL: Your Honor, the defendants would  
14 waive them and would respectfully request the date of  
15 trial in the second week of February.

16 THE COURT: Miss Atkins, you have the right to  
17 have this matter set for trial and brought to trial within  
18 60 days from the date that the indictment in this case  
19 was returned. The indictment in this case was returned  
20 in this department on the 6th day of December. Your  
21 attorney is suggesting that we set the matter down for  
22 trial on a date which would be beyond that 60-day period  
23 of time. He's indicating that you will waive your right  
24 to an earlier trial and you will agree to that trial  
25 setting.

26 Do you understand what I've told you?

1 THE DEFENDANT ANSWERS: Yes.

2 THE COURT: Will you waive your right to an  
3 earlier trial date and agree to a trial setting beyond the  
4 60-day period of time?

5 THE DEFENDANT ANSWERS: Yes.

6 THE COURT: All right. What I'll do in your matter,  
7 then, I'll set the matter down for trial -- would February  
8 9th be an acceptable date, Mr. Castellano?

9 MR. CASTELLANO: Yes, your Honor, it would.

10 THE COURT: Would that be acceptable with the  
11 People?

12 MR. STEVIA: No objection.

13 THE COURT: Mr. Castellano, you will join in the  
14 time waiver?

15 MR. CASTELLANO: Yes, your Honor.

16 THE COURT: People join?

17 MR. STEVIA: People join.

18 THE COURT: What I'll do is I'll set the matter  
19 for trial on this date, the 9th day of February, 1970.  
20 The matter is going to be set for trial in Department 107  
21 on that date.

22 In light of the fact that I am leaving  
23 Department 107 and in light of the fact that I have been  
24 assigned to Department 107, I want also record to be  
25 crystal clear that the trial setting in Department 107  
26 made by me this date is after consideration with the

1 Presiding Judge of this court, Joseph Capner, and my  
2 successor in this department, Department 100, George M.  
3 Dell, and after those conferences with the two judges  
4 that I have mentioned the matter is set for trial in  
5 that department on that date, Department 107, February 9,  
6 1970.

7 Now, Mr. Caballero, I'll have the record  
8 reflect that the Clerk of this court has now handed to  
9 you a copy of the transcript of the proceedings of the  
10 Grand Jury and I'm sure, Mr. Caballero, that you are  
11 aware of the Court's order in reference to that transcript?

12 MR. CABALLERO: Yes, your Honor, I am.

13 THE COURT: All right. Thank you. That's the  
14 date and place for trial.

15 MR. CABALLERO: Thank you, your Honor.

16 THE COURT: You're welcome.

17 (Whereupon, the proceedings were continued  
18 as hereinabove indicated.)  
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1 LOS ANGELES, CALIFORNIA; WEDNESDAY, DECEMBER 17, 1969

2 3:10 P.M.

3 -000-

4 (The following proceedings were had in  
5 Department 100 before the Honorable William B.  
6 Keene, Judge Presiding:)

7 THE COURT: All right. This case of People versus  
8 Charles Manson, et al.

9 Your name is Charles Manson?

10 THE DEFENDANT: Yes.

11 THE COURT: I will have the record reflect the  
12 appearance here in court of the defendant.

13 MR. FITZGERALD: May this case be advanced from  
14 December 22nd to today for the purpose of making a motion,  
15 your Honor?

16 THE COURT: Yes. The matter was set on calendar  
17 for the 22nd day of this month. Your motion to advance the  
18 matter to this day's calendar is granted.

19 MR. FITZGERALD: Your Honor, it is the understanding  
20 of the Office of the Public Defender that Mr. Charles  
21 Manson desires to relieve the Public Defender from  
22 representing him and substitute in place and in stead of the  
23 Public Defender certain attorneys of his choice.

24 THE COURT: Mr. Manson, is that your desire?

25 THE DEFENDANT: I would like to represent myself  
26 to start with and I would like Mr. Kaulbach and Mr.



1     Steinberg to help me, if possible.

2             THE COURT: In other words, you are asking the  
3     Court to allow you to act as your own attorney?

4             THE DEFENDENT: Yes, in conjunction with the  
5     attorneys I mentioned.

6             THE COURT: Mr. Manson, let me point out to you  
7     that in the event that you want to substitute in, at this  
8     point, attorneys of record to be your attorneys, then I  
9     will permit that substitution, if that is your personal  
10    desire.

11            At this point, I am not in any position to  
12    permit you to act as your own attorney, what you call in  
13    pro per.

14            If you want to substitute in attorneys at  
15    this point to represent you, then I will do so.

16            THE DEFENDENT: Your Honor, regarding the  
17    Constitution, I read in the Constitution that I had a voice  
18    and I would like to retain that voice, if I may.

19            THE COURT: You have that right, if the Court gives  
20    you that right, Mr. Manson, to proceed and to act as your  
21    own attorney.

22            THE DEFENDENT: Doesn't the Constitution give me  
23    that right?

24            THE COURT: It gives you that right if the Court  
25    declares you are competent to act as your own attorney.

26            THE DEFENDENT: I'm competent to stand and talk

1 with you.

2 THE COURT: That is not the same thing as being  
3 competent to stand trial and act as your own attorney.

4 THE DEFENDENT: That is the reason I would like  
5 to retain the other two gentlemen to help me.

6 THE COURT: At this time, Mr. Hanson, we will  
7 set this matter down for a further hearing to make a  
8 determination at that point as to whether or not you are,  
9 in fact, able to act as your own attorney in this matter.

10 I will continue the matter in this court  
11 on the same date that we previously had set it, which is  
12 the 28th day of this month.

13 THE DEFENDENT: Your Honor, may I give this to  
14 the Court?

15 THE COURT: Is there something you want to give me?

16 THE DEFENDENT: Yes.

17 THE COURT: Please hand it to your attorney.

18 I am a witness. To the attorney of record,  
19 which is the Office of the Public Defender. I have not yet  
20 retained the Office of the Public Defender. I have not as  
21 yet permitted you to act in this way.

22 You give it to your attorney, the public  
23 defender, who is to pay my fees, and let him read  
24 them and I will take the matter under advisement at that  
25 time.

26 At this time the action to substitute in

1 counsel is denied.

2 At this time the right of the defendant to  
3 act in pro per will be likewise denied.

4 The recess is continued until the 22nd day  
5 of this month, which is the day that it was originally set.

6 I will take the matter up further at that  
7 time.

8 THE COURT: In my visit with Mr. Hanson he  
9 said he would accept his attorneys at this time, Mr.  
10 Conklin and Lynch.

11 THE COURT: Your Honor, there is no way I can  
12 give up my own voice in this matter. If I can't speak, then  
13 our whole thing is done. If I can't speak in my own defense  
14 and announce freely in the courtroom, then it ties my hands  
15 behind my back, and if I have no voice then there is no  
16 chance in having a defense.

17 THE COURT: Mr. Hanson, I have explained to you  
18 what your constitutional rights are.

19 Your constitutional rights were explained  
20 to you the last time you were in this court and they  
21 consisted of the right to be represented by an attorney at  
22 all stages of the proceedings.

23 I explained to you, Mr. Hanson, that in the  
24 event you did not have the funds to secure the services of  
25 an attorney, that this Court would appoint one to represent  
26 you.

1 You have come into this court this  
2 afternoon and I was advised by the public defender that  
3 you wanted to calendar this matter so that they could  
4 substitute out and private counsel was to be substituted  
5 in to represent you.

6 You now come into court and state that it  
7 is your desire that you act as your own attorney with the  
8 assistance of counsel.

9 THE DEFENDANT: Yes.

10 THE COURT: Now, at this point I am not going to  
11 make that determination as to whether or not you are  
12 capable of acting as your own attorney. That will require  
13 some interrogation as to whether or not you are capable in  
14 that regard.

15 You have that right, if that is what you  
16 want to do, if the Court is satisfied that you are capable,  
17 in this type of case, to handle the matter in the fashion  
18 that you have described.

19 Now, Mr. McInerney indicates to the Court  
20 that you want to substitute them in; is that correct?

21 THE DEFENDANT: Your Honor, I would like to retain  
22 my voice. I would like to be able to have an attorney  
23 because I realize that this is going to be an intricate  
24 case and I have no experience and an understanding of the  
25 charges brought forth against me and the publicity and I  
26 have some knowledge of the law and, most of all, knowledge

1 of attorneys.

2 THE COURT: At this time, Mr. Manson, your motion  
3 to act in pro per is denied without prejudice to make the  
4 motion again on the 22nd day of this month.

5 At this time the Public Defender's motion  
6 to be substituted out as attorney of record in this matter  
7 is denied.

8 The matter is continued to the 22nd day of  
9 this month.

10 MR. STEINBERG: Your Honor, Lawrence Steinberg.

11 One of the problems that is raised by this,  
12 your Honor, is that it goes to the possible conflict here  
13 which was indicated in an earlier appearance.

14 It has been difficult for the Public  
15 Defender's Office in terms of any efforts to represent the  
16 interests of Mr. Manson in this proceeding, so that any  
17 order at this time which leaves the matter in this status,  
18 I think, leaves the defendant at this point unrepresented,  
19 and that is not said in any way as a slur or impugning any  
20 of the Public Defender's work. It is simply that there is  
21 a possible conflict here which has rendered it difficult,  
22 if not impossible, for the Public Defender's Office at this  
23 point to render to him services as counsel and he will  
24 continue to be unrepresented at a time when obviously there  
25 are many things which may be done or could be done and which  
26 need to be done, without going any further into detail.

1 THE COURT: I don't think there is a need for me  
2 to restate the status of the record at this particular time.  
3 I think the record is clear as to what has transpired.

4 The matter has been continued until the  
5 22nd day of this month, at which time we are going to hear  
6 the matter at 11:00 o'clock in the morning.

7 Now, it was only based on the position of  
8 the Public Defender that this matter has been advanced to  
9 this date to substitute out and substitute in private  
10 counsel that I calendared this matter in this court at this  
11 time.

12 The matter will be continued now until  
13 the 22nd day of this month. It will stand on calendar at  
14 that time and we will take the matter up at 11:00 o'clock  
15 in the morning.

16 MR. WITKOWSKI: I would apologize to the Court --

17 THE COURT: No need for any apology in the matter.

18 It will stand on the calendar, 11:00 o'clock  
19 in the morning, the 22nd of December.

20 MR. J. B. BROWN JR.: I don't see a problem, your Honor.

21 MR. BROWN wants to represent himself and  
22 having done so also represents his is a right that he  
23 unequivocally has. He has a right to retain Mr. Steinberg  
24 and myself as attorneys. He is asking for that in addition  
25 to representing himself. Jack Weisberg represented himself  
26 and also had another attorney. An individual who chooses



1 to represent himself can have ten counsel, eleven counsel,  
2 any number, to assist him in the capacity of -- legal  
3 capacity.

4 I think that is Mr. Manson's desire. Is  
5 that correct?

6 THE DEFENDANT: Yes.

7 THE COURT: Mr. McKissack, as you well know, whether  
8 or not a defendant is permitted to act in pro per will be  
9 determined by the Court after the Court is satisfied that  
10 the defendant is capable of acting in pro per.

11 MR. MC KISSACK: You are absolutely right.

12 THE COURT: That is the first thing that we have  
13 to arrive at, the first determination that the Court has  
14 to make, and then after having made that determination then  
15 we can talk about, at that time, whether or not counsel will  
16 be permitted to assist him in that capacity.

17 MR. MC KISSACK: He has indicated that he has  
18 retained us and we have agreed to represent him as his  
19 counsel. There is nothing equivocal in Mr. Manson's  
20 statements to the Court or statements to me that he wants  
21 Mr. Steinberg and myself as attorneys of record today.

22 Is that correct, Mr. Manson?

23 THE DEFENDANT: Well, I think the Judge has already  
24 said what he said. He is the man there.

25 THE COURT: The matter is continued until the 22nd  
26 at 11:00 o'clock in the morning, at which time we will

1 proceed further with this matter.

2 Be back here at that time.

3 12. NO MESSAGE: Thank you.

4 (Thereupon, proceedings were adjourned to  
5 December 22, 1960, at 11:00 a.m.)  
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LOS ANGELES, CALIFORNIA, FRIDAY, DECEMBER 19, 1969, 11:05 AM

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(Upon the above date, the defendant Leslie Van Houten being present, the People being represented by Aaron T. Skovitz, Deputy District Attorney, the following proceedings were had in chambers, the Honorable William D. Leene, Judge Presiding:)

THE COURT: Mr. Barnett, come on in.

Mr. Barnett: All right. This case of People versus Lanson, et al, case No. 293156, I'll have the record reflect that we are in chambers at this time for the purposes of turning over to counsel for defendant, Leslie Van Houten, a Mr. Ronald Barnett, the transcript of the Grand Jury proceedings.

I would have the record reflect that the defendant is personally present along with Mr. Barnett and the Deputy District Attorney representing the interested People.

Mr. Barnett, the purpose for this hearing was to give you at this time a copy of the transcript of the preliminary hearing, you being the attorney of record for the defendant.

And your name is Leslie Van Houten; is

1 that correct?

2 You will have to answer out loud.

3 THE DEFENDANT VAN HOUTEN: Yes, it is.

4 THE COURT: I neglected to ask you the last time  
5 you were in court, Miss Van Houten, if you want Mr.

6 Barnett to act as the attorney of record in this matter?

7 THE DEFENDANT VAN HOUTEN: No, I don't.

8 MR. BARNETT: May I be heard for the record?

9 THE COURT: Yes.

10 MR. BARNETT: When I first entered the case on  
11 behalf of Miss Van Houten, I reasonably expected that  
12 there would be an expression of financial support on the  
13 part of her family. Unfortunately, this has failed to  
14 materialize. I can now declare for the record that  
15 Miss Van Houten is indigent and she is without funds  
16 to employ her own counsel. I can also say for the  
17 record that I have worked very closely with Miss Van  
18 Houten for the last ten days and I have enjoyed her full  
19 confidence. I think we have enjoyed very effective  
20 dialogue. I think in view of the previously expressed  
21 position of the Public Defender's Office as far as a  
22 conflict of interest is concerned, I would certainly ask  
23 the Court to give me some consideration in the matter of  
24 a 937a appointment.

25 That's all I have to say, your Honor.

26 THE COURT: What is your desire in this matter,

1 Miss Van Bonten? Do you want Mr. Barnett to be your  
2 attorney of record?

3 THE DEFENDANT VAN HOUTEN: No, I don't.

4 THE COURT: Your answer is, "No, I don't"?

5 THE DEFENDANT VAN HOUTEN: Yes.

6 THE COURT: All right. At this time I am going  
7 to appoint the --

8 And you do not have funds to secure the  
9 services of an attorney?

10 THE DEFENDANT VAN HOUTEN: No, I do not.

11 THE COURT: All right. I'll appoint the Office  
12 of the Public Defender at this point to represent you  
13 in this matter and I am going to recess this matter  
14 temporarily at this point and I'm going to ask Mr. John  
15 Moore of that office to be called up to this courtroom.

16 MR. BARNETT: Could I ask the Court to take this  
17 matter under submission, your Honor? There is still some  
18 conversations to be had with the father of this young  
19 girl.

20 THE CLERK: I'll get him for you.

21 MR. BARNETT: And I have Mr. Harvey St. Jean of  
22 Miami, Florida, on standby who has expressed a desire  
23 to associate into this case. I think it would be in the  
24 best interest of this girl to have a competent and  
25 vigorous defense.

26 I've analyzed all the facts of this case.

1 I think she is entitled to it and I would ask the Court  
2 to take this matter under submission.

3 I think she's subjected to a lot of  
4 parental intermeddling in this case and she is confused.

5 THE COURT: I am satisfied, based upon what has  
6 transpired here in court, that you are now and should  
7 be relieved as attorney of record in this case and I am  
8 ordering that you are now relieved and I am appointing  
9 the Public Defender to represent her at this time.

10 MR. BARNETT: Thank you.

11 THE COURT: As soon as I have an opportunity to  
12 hear from the Office of the Public Defender as to whether  
13 or not they are declaring a conflict of interest in the  
14 matter, I'll take the matter up further at that time.

15 Thank you. You may remain here and we  
16 will be in recess at this time until such time as I get  
17 the Public Defender up here and we proceed further in  
18 this matter as soon as they arrive.

19 (Recess taken.)  
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1 LOS ANGELES, CALIFORNIA, FRIDAY, DECEMBER 19, 1969, 2:47 P.M.

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4 (The following proceedings were had in  
5 open court, Department 100, before the  
6 Honorable William B. Keene, Judge Presiding.)

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8 THE COURT: All right. In this case of People  
9 versus Hanson, et al, I'll have the record reflect the  
10 appearance here in court at this time of Miss Leslie Van  
11 Houten.

12 The Court would like to state at this time  
13 that the attorney previously of record in this case, Mr.  
14 Donald Barnett, was asked to come into court this morning  
15 at 11:00 o'clock for the purposes of turning over to  
16 Mr. Barnett the two volumes of the transcript of the  
17 Grand Jury proceedings. At that time a session was held  
18 in my chambers with Mr. Barnett. The defendant was  
19 personally present, as well as a representative from the  
20 District Attorney's Office.

21 At that time, after conversation with  
22 Mr. Barnett, it appeared to the Court that it was the  
23 desire of this defendant that Mr. Barnett not represent  
24 her, and she expressed that to the Court.

25 Mr. Barnett further indicated to me that  
26 the financial arrangements that he thought could be made

1 with the parents of this girl had not materialized and  
2 he further assured me at that time that the defendant was,  
3 in fact, indigent and did not have the money to hire an  
4 attorney.

5 In light of those statements by Mr. Barnett,  
6 and in light of the expressed desires of the defendant  
7 that Mr. Barnett not be her attorney of record, I ordered  
8 that he be relieved. At that time I appointed the Office  
9 of the Public Defender to represent this defendant because  
10 she does not have the funds to secure the services of an  
11 attorney.

12 Mr. James, I understand that your office  
13 has had a chance now to evaluate your office's position  
14 in this matter.

15 THE COURT: That's correct, your Honor. At this  
16 time we decline to accept the appointment under 987a  
17 of the Penal Code because at the present time we are  
18 representing another defendant in our office so we are  
19 asking to be conflicted out at this time.

20 THE COURT: All right. Mr. Marvin Part, are you  
21 in a position to take an appointment for the Court pursuant  
22 to section 987a of the Penal Code?

23 MR. PART: Yes, I am, your Honor.

24 THE COURT: And you will accept the representation  
25 of this defendant?

26 MR. PART: Yes, I will, your Honor.



1 THE COURT: All right. In this case, then,

2 Mrs. Van Houten, I am going to appoint Mr. Marvin Park

3 as your attorney of record.

4 I'll have the record reflect that the

5 clerk of the court has now named, Mr. Park, to you

6 a transcript of the proceedings in this case which

7 transmitted to front of the Los Angeles County Grand Jury.

8 It is in two volumes.

9 I'll also ask the clerk of the court to

10 hand to you a copy of my order in this matter respecting

11 statements as set forth in that order.

12 Now, as the attorney of record in this

13 matter, Mr. Park, I'll order this matter continued now

14 until Monday, which is the 22nd day of this month, and

15 that, at 11:00 o'clock in the morning. At that time

16 I would advise you that Mr. Hanson, a matter has been

17 continued to that date, as well as this statement's.

18 They are set on that date at 11:00 o'clock in the morning

19 for the purposes of arraignment and plea. And I'll order

20 that this matter be continued, at that, a agreeable with

21 you, to that same date, the same hour.

22 Mr. Park: That is agreeable, your honor.

23 THE COURT: All right. That will be the order,

24 then.

25 Mr. Park: Thank you, your honor.

26 THE COURT: Thank you, Mr. Park, for assisting



1 the Court.

2 (Whereupon, the proceedings were continued  
3 to December 22nd, 1969, in Department 100.)  
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LOS ANGELES, CALIFORNIA; THURSDAY, DECEMBER 12, 1969

11:00 A.M.

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(The following proceedings were had in  
Department 100 before the Honorable William E.  
Keene, Judge Presiding)

THE COURT: All right. 357, Charles Manson.

Your name is Charles Manson? Is that your  
name?

THE DEFENDANT: Yes, sir, it is.

THE COURT: All right. Mr. Manson, this matter was  
continued to this date. The record now reflects that we  
have as the attorney of record in this matter the Office  
of the Public Defender.

Counsel, may I have your name for the record,  
please?

MR. FITZGERALD: Yes. Paul J. Fitzgerald,  
representing the defendant. And in connection with his  
representation we have two motions, your Honor.

THE COURT: What are those motions?

MR. FITZGERALD: The first motion is to move to  
substitute in place and stead of the Public Defender  
Charles Manson in two ways, like McInnes and Lawrence  
Kratzberg.

In the alternative, the defendant moves to  
substitute in place and stead of the Public Defender

1 Luke McKissack and Lawrence Steinberg alone.

2 THE COURT: Mr. Hanson, is that your personal  
3 desire?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: In other words, you are asking this  
6 Court at this time to, first, substitute the Public Defender  
7 out of the case and substitute into the case you,  
8 personally, along with Mr. McKissack and Mr. Steinberg, or,  
9 in the alternative, you are asking this Court to substitute  
10 the Public Defender out and substitute into the case Mr.  
11 McKissack and Mr. Steinberg; is that correct?

12 THE DEFENDANT: No. The latter is wrong. The  
13 second -- the first one is --

14 THE COURT: What is your personal desire?

15 THE DEFENDANT: Well, my personal desire is to  
16 represent myself with the assistance of Mr. McKissack and  
17 Mr. Steinberg.

18 THE COURT: Well, are you asking that they be  
19 substituted in as counsel in this matter, or do you want  
20 to be substituted in only as your own attorney with them  
21 assisting you?

22 THE DEFENDANT: Well, I would like to have all attor-  
23 neys, if possible, but if I can't have them with a voice  
24 in the court it would be completely -- my understanding is  
25 there is two ways to do it; one way you can do it and  
26 have a voice, or you can have someone to assist you in

1 the counsel.

2 THE COURT: Well, Mr. Manson, at this point when you  
3 told me that you did not have the funds to secure the  
4 services of an attorney in this court when you were first  
5 in this court, I advised you at that time, since you did  
6 not have the funds to secure the services of an attorney,  
7 that I would appoint the Office of the Public Defender  
8 to represent you, which I did. They have now come in to  
9 this court and they are asking this court to substitute  
10 out of the case and they are asking that you be substituted  
11 in as your own attorney.

12 THE DEFENDANT: Yes, sir.

13 THE COURT: With some assistance of whatever lawyers  
14 you care to select.

15 THE DEFENDANT: Yes.

16 THE COURT: Is that correct?

17 THE DEFENDANT: Yes. Yes, sir.

18 THE COURT: All right. Now, is it your desire, then,  
19 to act as your own attorney in this matter?

20 THE DEFENDANT: Yes, it is.

21 THE COURT: Mr. Manson, I would assume that from the  
22 time that you have been in the Los Angeles County Jail,  
23 and tell me if I am in error, that you have been contacted  
24 by some attorneys, have you not?

25 THE DEFENDANT: Yes, various attorneys, yes.

26 THE COURT: And I have, for example, on file now a

37  
1 notice of a motion to proceed in pro per which was brought  
2 into this court and filed on December 19, 1969, by an  
3 attorney by the name of Deye Shinn.

4 THE DEFENDANT: Yes, sir.

5 THE COURT: He brought this matter in and he asked  
6 that it be filed on your behalf and he sets himself down  
7 in this petition which was filed as attorney for the  
8 defendant.

9 THE DEFENDANT: On that motion only.

10 THE COURT: Just for that motion?

11 THE DEFENDANT: Just for that motion.

12 MR. SHINN: Your Honor, may I be heard in this  
13 matter, your Honor?

14 THE COURT: Yes.

15 MR. SHINN: When --

16 THE COURT: He need your name, please, for the  
17 record.

18 MR. SHINN: Deye Shinn.

19 I indicated to Mr. Manson that I would file  
20 this motion and represent him only on this motion only,  
21 your Honor, and it was understood by Mr. Manson. Not as  
22 attorney of record for this trial.

23 THE COURT: All right. And you do not want Mr.  
24 Shinn as your attorney of record?

25 THE DEFENDANT: No, sir.

26 THE COURT: All right.

1 THE DEFENDANT: Not at present.

2 THE COURT: Now, I have this motion in front of me  
3 to proceed in pro per and that motion consists of one  
4 page. It has points and authorities consisting of four  
5 pages. And it has a declaration of Daye Shinn consisting  
6 of two additional pages. And, as I say, that was on file  
7 Friday.

8 Now, I have been handed a notice of motion to  
9 substitute counsel and declaration of points and authorities  
10 and this apparently was filed this morning and dated this  
11 morning and this motion apparently, Mr. Manson, is signed  
12 by you; is that correct?

13 THE DEFENDANT: Right, sir. They are both similar  
14 motions and the points of law are generally the same in  
15 both.

16 THE COURT: Well, they are not similar -- they are  
17 similar motions insofar as you are asking this Court to  
18 permit you to act as your own attorney. They are not  
19 similar because in the one that was filed first by  
20 Mr. Shinn there is no mention of Mr. Steinberg or  
21 Mr. McKissack as being attorneys of record in this case  
22 along with you.

23 THE DEFENDANT: That's the reason we filed the  
24 second one.

25 THE COURT: Which one of these two motions do you now  
26 want me to consider and rule upon?

1 THE DEFENDANT: I would like you to consider both.

2 THE COURT: Well, in what regard?

3 THE DEFENDANT: In the regards that me acting as my  
4 own counsel with assistance.

5 THE COURT: Mr. Manson, let me point out a procedure  
6 to you that at this point as to what you would be entitled  
7 to.

8 As I indicated to you initially, you were to  
9 be entitled to be represented by a lawyer at all stages of  
10 the proceedings. If you did not have the money to have a  
11 lawyer, then this Court would appoint one to represent you,  
12 which I did in the case of the Public Defender.

13 Based upon the activity of the Public Defender  
14 in other parts of this case, they had declared to this  
15 Court what they called a conflict of interest, that is, that  
16 they feel that they cannot represent you in this matter  
17 in light of some other representations that they may have  
18 undertaken in some other aspects or part of this case,  
19 or for some other reason --

20 THE DEFENDANT: Yes, sir.

21 THE COURT: -- which I have not at this point gone  
22 into.

23 I would anticipate that in this case as well,  
24 in the event that I would not permit you to act as your own  
25 attorney on this matter and would not substitute them out  
26 of the case, that they would declare a conflict of interest



1 in this case as well. That means that they feel they  
2 cannot represent you.

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: Now, if that does occur, then, of course,  
5 I would have the obligation of appointing a private  
6 attorney to represent you in this matter.

7 THE DEFENDANT: Your Honor, on my first appearance  
8 in court I asked to talk and everything was pretty con-  
9 fused and it was pretty busy and you kind of cut me off.

10 The second time I filed a motion which you  
11 would not accept and told me to give it to my attorney.  
12 I explained those points in my motion. I explained the  
13 points that now that I did have funds to retain an attorney  
14 -- also, the Public Defender said that he didn't want  
15 to submit the motion because it was written by hand. But  
16 at the time it was the only way I had to write it, by hand.  
17 I haven't had a typewriter and I have been without  
18 counsel.

19 I have listened to the counsel that have come  
20 up diligently and I have paid attention to every word that  
21 they have said and I have understood this for years that  
22 lawyers don't -- you know -- they play with people. And I  
23 am a person and I don't wish to be played with in this matter.

24 I wish to represent myself and I explained  
25 this in this first motion that was not handed to the Court  
26 and is not on record.

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But as far as I'm concerned, it's all one machine. I give my motion to the machine. If it doesn't accept it, it falls on you. He may say he is my attorney and this guy may say he is doing something, he is doing -- what they do, I don't know. The only thing I know is what I do.

THE COURT: I understand that, Mr. Hanson. But what I want to make sure is that you understand what your rights would be in this regard. And in making the suggestion to the Court at this time, and making a motion to the Court that you want to act as your own attorney, that's a very serious step that you are about to take if I permit you to do so.

You are, of course, entitled to be represented by a lawyer at all stages of the proceedings. You have the right to waive that right to be represented by a lawyer and you do have the right to appear as your own lawyer, if this Court is satisfied that you are making an intelligent waiver of that constitutional right and that you fully comprehend, understand, what the consequences are of acting as your own attorney.

Now, I would suggest this to you: If it is acceptable with you, in the event that the Public Defender would substitute out of this case, or declare a conflict of interest, I am perfectly willing at this point to appoint a lawyer to represent you in this matter only insofar,

1 Mr. Manson, as discussing with you the various offers of  
2 legal representation that you may have received and/or  
3 discussing with you the severity and the seriousness of  
4 your request to this Court that you be permitted to act as  
5 your own attorney.

6 THE DEFENDANT: Your Honor, I have been told that two  
7 attorneys have been appointed by the Court and accepted  
8 by two other of the defendants and it just so happens that  
9 the other two attorneys were with the District Attorney's  
10 Office not too long back. I could not accept a lawyer  
11 under any circumstances from the Court who, through past  
12 experience --

13 THE COURT: Did you understand what I have suggested  
14 to you and I am offering to you?

15 THE DEFENDANT: Yes.

16 THE COURT: I am not offering to you a lawyer to  
17 handle your case at this time, although you would be  
18 entitled to that if the Public Defender's Office declares a  
19 conflict. What I'm suggesting to you is that I appoint  
20 a lawyer who would not represent you in this case as far as  
21 the trial of the lawsuit is concerned. I'm suggesting only  
22 to you that I could appoint an attorney to discuss with  
23 you whether or not you should request this Court to act  
24 as your own attorney and proceed in pro per. That's what  
25 I'm offering you, Mr. Manson, at this time.

26 THE DEFENDANT: Yes, sir. I have done this with ten

1 attorneys.

2 THE COURT: With ten attorneys?

3 THE DEFENDANT: Yes. Every one that's come up, this  
4 has been the only topic of conversation.

5 THE COURT: Well, what I'm suggesting to you is the  
6 opportunity to discuss the matter with a lawyer --

7 THE DEFENDANT: With another lawyer.

8 THE COURT: -- that I would appoint who has no  
9 interest in representing you as far as the trial of the case  
10 is concerned. Insofar as his position would be concerned, he  
11 would be completely detached and discuss with you merely  
12 whether or not you should act in pro per or to evaluate  
13 whatever other offers of legal representation that you  
14 may have or may not have received. And I am perfectly  
15 willing to give you that opportunity before we proceed  
16 further as to whether or not you should act as your own  
17 attorney.

18 MR. MC KISACK: Sir, your Honor, Luke McKissack.  
19 We have done this: Mr. Steinberg and myself advised this  
20 man in preparing the motion at his request and we are here  
21 in court ready to assist him today. And I understand that  
22 that is his wish, to assist him in presenting his case to  
23 the Court as to why he feels he can act as one of his  
24 own counsel. So he already has retained attorneys.

25 THE COURT: Mr. McKissack, I am satisfied that based  
26 upon what I've seen here in this court by first one

1 attorney bringing me a petition, such as Mr. Chin did.  
2 and now the second petition, that this Court owes it to  
3 this defendant to at least make that offer to him, to  
4 offer him the use of a lawyer that I would appoint to  
5 evaluate what offers of legal representation you may or  
6 may not have received and particularly to discuss with you  
7 the advisability of asking this Court to proceed in pro per.

8 THE DEFENDANT: Your Honor, I am in a difficult  
9 situation. The news media has already executed and buried  
10 me. I am no longer on the defensive. I can't maintain a  
11 defense in this issue. The Constitution, in the position  
12 where I'm at, the Constitution really doesn't mean too  
13 much because if anyone is hypnotized, the people are  
14 hypnotized by the lies being told to them.

15 THE COURT: Mr. Hanson, may I interrupt you? Let me  
16 suggest to you that I don't want to discuss with you at  
17 this time the details of what this case may or may not be  
18 about. I want to talk to you in an abstract at this point --

19 THE DEFENDANT: Okay.

20 THE COURT: -- about an individual such as you  
21 charged in this indictment with the various counts of  
22 murder and the conspiracy to commit murder that you are  
23 charged with. Rather than getting into the details of the  
24 case at this time, which I do not want to do, I just want  
25 to make it perfectly clear to you as to what this Court is  
26 offering to you by way of legal representation.

1 THE DEFENDANT: What I was trying to do was to offer  
2 you this thought, your Honor: I have no other choice but  
3 to represent myself. There is no attorney in the world  
4 that can represent me as a person. I have to do it myself.

5 THE COURT: Well --

6 MR. SHIPLEY: Your Honor, George E. Shipley. I  
7 speak as a friend of the court.

8 I have been a friend and acquaintance of the  
9 defendant since 1957. At his request, conveyed to me  
10 through two attorneys, I have visited him at the County  
11 Jail infirmary several times. I have spent probably 10 or  
12 15 hours with him discussing this whole matter with him.  
13 I have informed him fully as to his constitutional rights.  
14 I have explained the choices to him. The defendant does  
15 not wish to have a court-appointed attorney.

16 The defendant, rightly or wrongly, has heard  
17 that the trial judge is ambitious to become the District  
18 Attorney and I say this only conveying to your Honor what  
19 the defendant has told me and that he fears that the  
20 person who may be appointed by the trial judge may convict  
21 him and try to convict him even though he's actually  
22 representing him.

23 Now, even though there may be completely wrong,  
24 the defendant wishes, he doesn't trust attorneys, he  
25 trusts me as a friend, but he doesn't -- I haven't asked  
26 to be his attorney, he hasn't asked me to represent him as



1 his attorney, but he does want to represent himself and  
2 in this proceeding he would like to be represented by  
3 Luke McKissack and William (sic) Steinberg on his motion  
4 that he be permitted to act in propria persona.

5 THE COURT: Thank you. Thank you, Mr. Shipley, as  
6 a friend of this court. I appreciate your comments to  
7 this Court.

8 Mr. Hanson, what I'm suggesting to you in this  
9 case is that you permit this Court to appoint a lawyer to  
10 talk to you who has no interest in the trial of your law-  
11 suit. I'm suggesting that you permit me to appoint this  
12 lawyer to discuss the matter with you for a day or two to  
13 evaluate all the offers of legal representation that  
14 I'm sure that you have. I'm suggesting that you also  
15 permit this Court to appoint a lawyer that I have great  
16 confidence in who could give you sound legal advice as to  
17 whether or not you are making a wise step in asking this  
18 Court to proceed in pro per.

19 THE DEFENDANT: Your Honor, I know it is not a wise  
20 step. But it is the only step that I have. You know, if  
21 a person has need of having his appendix --

22 THE COURT: You are going to have to speak up. This  
23 is Mr. Johnson. She is taking down everything that is  
24 said here in the court. She has to hear you.

25 You said something about an appendix.

26 THE DEFENDANT: If someone needs an operation and there



1 is not a doctor, you can get on the telephone and ask him  
2 what to do and then take his advice and do the best you can,  
3 you know. I realize that my life is at stake, and maybe  
4 four or five other people's lives are at stake. But it  
5 is a chance, only chance.

6 THE COURT: Are you telling me, then, Mr. Manson,  
7 that you don't want to accept the offer of an attorney that  
8 this Court would appoint for the limited purpose of  
9 discussing with you the advisability of your acting in  
10 pro per, your advisability of retaining counsel to  
11 represent you in this matter?

12 THE DEFENDANT: I couldn't refuse.

13 THE COURT: Would you like to discuss it with an  
14 attorney that this Court would appoint?

15 THE DEFENDANT: Not in particular, no.

16 THE COURT: I'm perfectly willing to make that  
17 appointment, if you want me to do so. I would give you  
18 the services of an attorney who has no interest in trying  
19 your lawsuit. I would give you the services of that  
20 attorney to discuss with you the various offers of legal  
21 representation that you would receive. And I would also  
22 give you that attorney to discuss with you the advisability  
23 of proceeding in pro per.

24 THE DEFENDANT: Well, your Honor, I know what he will  
25 say. He will say, "Don't do it."

26 THE COURT: I don't know what he is going to say.

1 I'm just saying, if you would like that, I would certainly<sup>4</sup>  
2 give you that opportunity.

3 As I understand it, the Public Defender's  
4 Office has not even discussed this matter with you.

5 THE DEFENDANT: Fred Schaefer, officially with the  
6 Public Defender's Office, has been very nice. He hasn't  
7 touted me on the no lawyers. He hasn't brought anybody  
8 in. He has no interest in it. He has been completely  
9 above-board in the whole thing. He's helped me quite a  
10 bit.

11 At first he advised me that it would be kind  
12 of silly and then we got to know each other a little bit  
13 better and he agrees with me it's about the only chance I  
14 have.

15 THE COURT: Mr. Hansen, do you want this Court to  
16 make that lawyer available to you so that you can discuss  
17 the wisdom of your course of action with an attorney such  
18 as that?

19 MR. STEINBERG: Your Honor, I am Lawrence Steinberg.

20 THE COURT: Discuss me. I understand that. I'll  
21 hear from you in just a minute, counsel. Let me hear  
22 from Mr. Hansen.

23 THE DEFENDANT: Your Honor, as I stated, the only  
24 thing I really want is I would like to represent myself.

25 THE COURT: Mr. Hansen --

26 MR. MC KISACK: Your Honor --

1 THE COURT: Wait until he finishes, counsel.

2 MR. NE WISSMAN: But your Honor --

3 THE COURT: Let me suggest that I'm making the  
4 inquiry of the defendant and I'll hear from counsel at the  
5 appropriate time. But please, Mr. Steinberg,  
6 Mr. Hallowach, if you will just wait until I talk to the  
7 defendant, then we will talk about who is going to  
8 represent him, whether or not he is going to act as his  
9 own attorney.

10 Mr. Hanson, I'm offering you the opportunity  
11 at this time to have this Court appoint a lawyer to dis-  
12 cuss not the trial of the lawsuit or not to try the lawsuit  
13 with you. I'm offering you the availability of a lawyer  
14 that I will appoint to discuss with you the wisdom of your  
15 suggestion that you act as your own attorney, and to  
16 discuss with you the various offers of legal representation  
17 that you have.

18 Now, if you want that lawyer, I will certainly  
19 appoint him. You can discuss the matter with him after  
20 you talk to that lawyer. Then you can come back into this  
21 court and make the motion to the Court that you act as  
22 your own attorney and proceed in pro per.

23 THE DEFENDANT: I will do that. I can do that?

24 THE COURT: Yes.

25 THE DEFENDANT: Okay, I'll talk to him.

26 THE COURT: Would you like me to do that?

1 THE DEFENDANT: Sure.

2 THE COURT: All right. Then the motion at this time --

3 MR. STEINBERG: May I be heard, your Honor?

4 THE COURT: The motion at this time that the Public  
5 D fender's Office be substituted out of this case is denied.

6 What is the position of the Public Defender's  
7 Office?

8 MR. FITZGERALD: There is, indeed, as your Honor  
9 pointed out, a conflict of interest that exists between  
10 Mr. Hanson and the other defendant, or the defendants,  
11 also being represented by the Office of the Public Defender,  
12 and we would ask that we be relieved, that is, the Office  
13 of the Public Defender be relieved on those grounds.

14 THE COURT: All right. I will declare a conflict  
15 of interest in this case and in light of the discussion I  
16 have had with Mr. Hanson at this time I will appoint an  
17 attorney --

18 MR. STEINBERG: Your Honor, may I be heard?

19 THE COURT: -- pursuant to Section 987c of the Penal  
20 Code for the limited purpose of discussing with Mr. Hanson  
21 the question of whether or not he should proceed in pro  
22 per.

23 I would also give him the opportunity to  
24 discuss with Mr. Hanson the question of whether or not -- or  
25 an evaluation of the various proposals of legal representa-  
26 tion that he has received.

31  
1 MR. STEINBERG: Your Honor, may I be heard?

2 THE COURT: Yes.

3 MR. STEINBERG: Thank you, your Honor.

4 I am Lawrence Steinberg. I feel that at this  
5 time the counsel (sic) has been unrepresented for practical  
6 purposes, not through any fault of the Public Defender's  
7 Office, but, nonetheless, unrepresented entirely since the  
8 commencement of this case.

9 I feel further that he has been unrepresented  
10 in this very proceeding at a time when he needed representa-  
11 tion very, very badly. I feel further that for practical --  
12 his need for counsel is extremely heavy. He doesn't even  
13 have a Grand Jury transcript. And at this point he is  
14 not going to get one.

15 There is extensive pre-trial publicity and  
16 an order which may seriously affect the rights of this  
17 gentleman and he is not afforded the opportunity to do  
18 anything about that.

19 There is a need for investigation, there is a  
20 need for prompt discovery.

21 Now, this defendant, Mr. Manson, has made it  
22 clear throughout that he didn't want an appointment under  
23 927a. And he has also made it clear, in an earlier motion  
24 in today's motion, and the last time in court and this  
25 time in court, that along with wanting his own role in  
26 the case as an attorney, which he does, he wants like

1 McMissack and myself, Larry Steinberg, as his counsel.

2 And I say that no part of that wish has been  
3 fulfilled at this time. He has no attorney of his choice.  
4 He has no representation of any kind. And his need for  
5 representation is desperate. His freedom of choice, your  
6 Honor, I submit, in all respect, is being entirely denied  
7 and his right to choice, to independent choice of counsel  
8 at this point, is also seriously affected by this  
9 procedure.

10 The other thing, your Honor: This defendant  
11 has repeatedly here said, "No, I'd sooner not have an  
12 attorney appointed even for a very limited purpose." And  
13 it was only after the fourth or fifth time, your Honor,  
14 that that question was put to him in various ways, and  
15 after counsel, Mr. McMissack and I, were not permitted to  
16 speak on the subject, only then did he finally yield and  
17 say that, well, all right, I guess I'll have to cooperate.

18 Mr. McMissack wishes as well to say a word.

19 MR. McMISSACK: Just a brief remark, your Honor.

20 Mr. Vanden this morning filed a motion which  
21 he signed and he asked that that motion be heard. And he  
22 said that that represented his point of view.

23 Your Honor asked him about this, ostensibly,  
24 conflicting motions and he stated that the reason that he  
25 filed the second motion is because the first motion is  
26 incomplete in that it did not totally express his desire.

1 The first motion filed by Mr. Shinn stated the  
2 grounds for him going in pro per. The second motion stated  
3 that he did not want to go solely in pro per and does not  
4 contend, and the points and authorities do not contend,  
5 that he should be going in pro per by himself. But he  
6 wants Mr. Steinberg and myself as counsel along with him.

7 Now, I was asked to visit Mr. Manson in the  
8 County Jail. I did not solicit him out. When I saw him  
9 in the jail Mr. Manson asked me to represent him in the case.  
10 He indicated that he wanted to go in pro per in conjunction  
11 with us. He has never varied from that contention. And  
12 I think that the motion that he filed today indicates  
13 that he would like some prompt action on the ability of  
14 himself to represent himself.

15 We have filed a motion, Mr. Manson has filed  
16 it, he has done it with Mr. Steinberg's aid and with my  
17 aid, and we are ready here today to represent him on the  
18 issue of whether or not he can represent himself and I  
19 think that's Mr. Manson's desire.

20 Is that correct, Mr. Manson?

21 THE DEFENDANT: I don't wish to fight with the Judge.

22 MR. MC KISSACK: Are you being forced to fight with  
23 the Judge?

24 THE DEFENDANT: It is not a question of force. It  
25 is a question of I do believe that my interest is in his  
26 mind. I believe that he is sincere in his offer. I'll



1 accept his offer, as I accept your offer. But, as I pay  
2 no attention to your offer, I'll pay no attention to his.

3 MR. MC KISSACK: I don't know where we are.

4 THE COURT: I don't understand, Mr. Manson, that  
5 last statement. When you say you are going to pay no  
6 attention to my offer, did you understand what my offer was?

7 THE DEFENDANT: Yes, sir, I did.

8 THE COURT: Well, let me state this to you,  
9 Mr. Manson: I am satisfied, on the basis of what you  
10 have told me, that you have had at least ten lawyers who  
11 have come to see you in the Los Angeles County Jail.

12 THE DEFENDANT: Yes, sir.

13 THE COURT: And I would also assume that at least  
14 some of those lawyers have expressed an interest in  
15 representing you in this matter.

16 Is that a fair assumption?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: All right. Now, what I'm offering you  
19 at this time, Mr. Manson, is that, satisfied in my own  
20 mind that all of these lawyers have come to you and said  
21 we want to represent you in the matter --

22 MR. MC KISSACK: That is not true in my case, your  
23 Honor.

24 THE COURT: Except for you.

25 MR. STEINBERG: I'd like to be heard in that regard  
26 as well.

1 THE COURT: Just a minute. Just a minute.

2 I'm just offering you the opportunity to have  
3 a completely new, fresh look at a lawyer who has no  
4 interest in representing your case as far as the trial is  
5 concerned. I'm just suggesting that in your own best  
6 interest, if you want it, I will appoint a lawyer and  
7 that lawyer will come to you and he will not represent you  
8 in the trial. But he will discuss with you as far as your  
9 motion to proceed in pro per. He can discuss with you the  
10 advisability of asking this Court to proceed in that  
11 fashion. He can discuss with you the advisability of  
12 proceeding in pro per along with legal advisors and he can  
13 discuss with you the possibility of retaining some counsel  
14 that has made an offer to you of representation.

15 THE DEFENDANT: Yes, sir. Let me explain something.

16 I sent for Mr. McKissack and Mr. Steinberg and  
17 George. ✓

18 George has been a friend of mine for a long  
19 time. And he got Mr. McKissack for me. They come down ✓  
20 and I have not accepted them as an attorney of record  
21 because I want to be the attorney of record.

22 I would take your advice and listen to your  
23 advice and listen to any attorney's advice. I've turned  
24 no one away. My ears have been open and I've listened  
25 to everything that everyone said. I've seen the games  
26 and the shams and the guys that wanted to get their picture

1 in the power and the publicity -- you know, I can see the  
2 whole thing. You know, I am aware of what is happening.  
3 That's the reason I don't accept a lawyer. That's the  
4 reason I want to defend myself.

5 THE COURT: And that's the reason, Mr. Manson, I am  
6 suggesting to you that we send a lawyer to you who has no  
7 interest in representing you but can give you some advice  
8 as to whether or not you should proceed in pro per, whether  
9 or not you should proceed in the fashion that you have  
10 suggested to the Court.

11 Now, if you want me to give you that legal  
12 advice, I will certainly put you in touch with a lawyer  
13 who I think can do that for you.

14 THE DEFENDANT: And that will not lock me in in any  
15 way?

16 THE COURT: No.

17 MR. J. C. KISSACK: What he means by that, your Honor, is  
18 will he be available to visit with the attorneys that have  
19 been advising him? He wants to make it quite clear that  
20 nobody is excluded from seeing him that he desires to see.

21 THE COURT: As I understand the procedure in the  
22 Los Angeles County Jail, when you indicate that you want  
23 to see a lawyer, that lawyer has been permitted to see you,  
24 isn't that correct?

25 THE DEFENDANT: Yes, sir.

26 THE COURT: The mere fact that you have told me that

1 you have seen at least ten lawyers, I am sure the sheriff  
2 is following that procedure in your case such as they  
3 follow in any case where a defendant is incarcerated in the  
4 Los Angeles County Jail.

5 Now, do you want me to take that action at  
6 this time?

7 THE DEFENDANT: If you want me to, I want you to.

8 THE COURT: No, it's not whether I want you to or  
9 not. I'm just saying that this is your opportunity and if  
10 you want me to do that I will do it.

11 THE DEFENDANT: If it is an opportunity, I wouldn't  
12 want to lose it. I should take advantage of all oppor-  
13 tunities.

14 THE COURT: So as not to delay this matter further,  
15 I will appoint counsel under Section 987e of the Penal  
16 Code for the limited purpose of discussing the matter with  
17 you and I'll put the matter over in this court for further  
18 proceedings on the -- well, we will do it within two days.  
19 Let's do it at 11:00 o'clock on the 24th of December so  
20 the matter cannot be delayed any further.

21 THE DEFENDANT: Is this another District Attorney?

22 THE COURT: Mr. Neuson, lots of lawyers who have  
23 engaged in the practice of criminal law start out in the  
24 practice of criminal law in the Office of the District  
25 Attorney, in the Office of the City Attorney, in the  
26 Office of the U.S. Attorney. This is where your lawyers

1 receive experience as far as the trial of criminal lawsuits  
2 are concerned. You will find that many of our very best  
3 criminal lawyers have received their initial experience  
4 in the Office of the District Attorney or in some other  
5 prosecuting agency. You will find this to be a place  
6 where experience is gained.

7 THE DEFENDANT: It sounds good from there; not from  
8 here.

9 THE COURT: So you will find that I could name you  
10 some lawyer that I'm sure that you have heard about who  
11 is excellent and a top-flight criminal lawyer who has  
12 started out in the District Attorney's Office, but the  
13 mere fact that he started out there in the District  
14 Attorney's Office does not mean that when he left the  
15 District Attorney's Office that he is not a criminal  
16 defense lawyer with the interest of the defendant at heart.

17 All right. I'll name the lawyer for you. He  
18 will come and see you this afternoon in the Los Angeles  
19 County Jail. I'll see you back here at 11:00 o'clock in  
20 the morning on the 24th. 11:00 o'clock in the morning on  
21 the 24th of December.

22 MR. STEINBERG: Your Honor?

23 THE COURT: Yes.

24 MR. STEINBERG: Has the lawyer been named at this  
25 point? I didn't catch that part of the proceedings.

26 THE COURT: No, he has not. I am going to discuss

1 the matter with the President of the Los Angeles County  
2 Bar Association and after a conference with him I will  
3 ask his assistance in naming somebody who will go and see  
4 the defendant.

5 (Whereupon, the proceedings were continued  
6 to 11:00 o'clock, Wednesday, December 24, 1969, in  
7 Department 100.)  
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LOS ANGELES, CALIFORNIA; WEDNESDAY, DECEMBER 24, 1969

11:15 A.M.

---Q---

(The following proceedings were had in  
Department 100 before the Honorable William B.  
Keene, Judge Presiding:)

THE COURT: All right. This case on our calendar,  
People versus Charles Manson.

THE CLERK: No. 9, your Honor.

THE COURT: All right. This case of People versus  
Charles Manson. Good morning, Mr. Manson.

THE DEFENDANT: Good morning.

THE COURT: This matter was continued on the Court's  
own motion to this date, Mr. Manson, so that you would  
have the opportunity and the benefit to confer with an  
attorney that this Court appointed for the limited  
purposes of discussing with you your suggestion to the  
Court that you wanted to proceed and act as your own  
attorney.

I should have the record further reflect that  
after you left the courtroom the last time that you were  
here, I think on Monday, that I, in fact, conferred with  
the President of the Los Angeles County Bar Association,  
and after a conference with Mr. Hufstadler, who is the  
President of the Los Angeles County Bar Association, I  
called upon Mr. Joe Ball and asked Mr. Ball if he would



1 accept an appointment under Section 987a of the Penal  
2 Code and go and talk to you and confer with you on the  
3 basis of what our conversation was last time that you were  
4 here.

5 I have had an opportunity to discuss with  
6 Mr. Ball the fact that he has, in fact, been to see you and  
7 I think also he had an opportunity to see you, I think,  
8 this morning.

9 THE DEFENDANT: Yes, sir.

10 THE COURT: I would say initially to you, Mr.  
11 Manson, that in my selection of sending Mr. Ball to you  
12 I've gone to a man that I consider one of the finest  
13 lawyers of this country. I would state to you further  
14 that I consider Mr. Ball to be a person who can give you  
15 the best possible legal advice on your suggestion that you  
16 want to waive your constitutional right and act as your  
17 own attorney. And I can only suggest to you, as past-  
18 president of the State Bar Association, and knowing  
19 Mr. Ball's experience, background, trial ability and  
20 absolute integrity, I could not send to you a lawyer that  
21 I have a higher regard for. And I could not send to you  
22 a lawyer that I think that any lawyer in this State or any  
23 judge in this State has a higher regard for than Mr.  
24 Joseph Ball.

25 And I further indicated to you at the time  
26 that I was sending Mr. Ball to you not as a lawyer who was

1 interested in trying your case but that I was sending him  
2 to you as a lawyer to give you sound advice and discuss  
3 the matter with you.

4 Now, is this correct, that you did have an  
5 occasion to discuss --

6 THE DEFENDANT: Yes, we did.

7 THE COURT: --your situation with Mr. Ball?

8 THE DEFENDANT: We had a nice talk, yes.

9 THE COURT: How did you get along with Mr. Ball?

10 THE DEFENDANT: Very nice. Very nice gentleman.

11 THE COURT: And I would have the record further  
12 reflect that Mr. Ball, pursuant to an appointment under  
13 Section 987a of the Penal Code, is here in court at the  
14 present time. And as the matter now stands, he is your  
15 attorney of record for the limited purpose of this hearing  
16 at this time.

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Let me ask you now at this time,  
19 Mr. Hanson, having had the benefit of discussing the  
20 matter with Mr. Ball, having had the benefit of his  
21 advice, what is your current frame of mind as to how you  
22 want to proceed at this time?

23 THE DEFENDANT: Mr. Ball understands probably maybe  
24 everything there is to know about law, but he doesn't  
25 understand the generation gap. He doesn't understand free  
26 love society. He does not understand people who are trying

1 to get out from underneath all of this. I don't think  
2 there is anybody that can give me a defense because I  
3 don't think I have a defense left. The lawyer for  
4 Mrs. Atkins got 50 --

5 THE COURT: Let me interrupt you from this standpoint:  
6 I didn't want at this point to get into a discussion with  
7 you as to your evaluation of the other lawyers involved.  
8 I'm just interested at this point as to how you wish to  
9 proceed.

10 THE DEFENDANT: Well, see, you are very clever. You  
11 bring a man that is respected and renowned and you offer  
12 him to me and then when I refuse, then you can hide behind  
13 this decision.

14 THE COURT: No, no.

15 THE DEFENDANT: You know?

16 THE COURT: This decision, Mr. Manson, is going to  
17 be mine. I am not hiding behind anyone's decision.

18 Let me also state to you at this time that  
19 the only concern that I have, and I ask you to accept the  
20 fact that it is a deep concern, is that you do receive a  
21 fair trial. And I have a further deep concern, and I have  
22 a constitutional obligation, to make sure that if you do  
23 decide to waive your constitutional right to be repre-  
24 sented by a lawyer, that you do so after the best advice  
25 that I can give to you.

26 THE DEFENDANT: Yes, sir.

1 THE COURT: That may be your decision, it may not be  
2 your decision. I would trust that that would not be your  
3 decision. I would trust that you would follow the advice  
4 that I would give to you and certainly my advice is that  
5 you not represent yourself. And I don't know at this point  
6 what your evaluation of Mr. Bell's advice was. The  
7 question for us now at this time is how we are going to  
8 proceed.

9 Are you going to proceed and act as your own  
10 attorney?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Or do you want this Court to assist you  
13 further in getting for you competent legal services?

14 THE DEFENDANT: I would like to go in pro per with  
15 Mr. Steinberg and Mr. Kissack (sic) to assist me.

16 THE COURT: That's your decision; is that correct?

17 THE DEFENDANT: Your Honor -- yes, sir. I respect  
18 your opinion as an opinion. All my life I've sat  
19 in front of judges and I've said, "Yes, sir," "Yes, sir,"  
20 and I've very meekly, all my life, been in jail saying,  
21 "Yes, sir," "Yes, sir," and by listening to words that  
22 trick my head, fool me, you know, like I have seen no  
23 justice in my life. Not from your bench. You know? I've  
24 seen love is sincerely in your mind but the robe that you  
25 wear means nothing to me.

26 THE COURT: All right, Mr. Manson.

1                   How long did you have a chance to talk with  
2 Mr. Ball yesterday?

3           THE DEFENDANT: Quite a while. Quite a while.

4           THE COURT: And you are satisfied that you had ample  
5 time to discuss the matter with Mr. Ball and there would  
6 be no further need for any further discussion with him  
7 along the lines of your making this ultimate decision as  
8 to whether or not you will act as your own attorney?

9           THE DEFENDANT: May I relate some of the discussions  
10 that we had?

11          THE COURT: Could you answer that question for me?

12          THE DEFENDANT: No, no need for more talk.

13          THE COURT: You have no further desire to talk with  
14 Mr. Ball?

15          THE DEFENDANT: No, sir.

16          THE COURT: All right. Mr. Ball, would you indicate,  
17 please, for the record, your appearance here and indicate,  
18 if you would, please, the opportunity and the length of  
19 time that you have had to discuss the case with Mr. Manson.

20          MR. BALL: Well, I visited Mr. Manson yesterday in  
21 the infirmary of the County Jail for more than an hour  
22 and I found him to be an able, intelligent young man,  
23 quiet-spoken and mild-mannered. And he expressed to me a  
24 feeling that he would be unable to get a fair trial because  
25 of the publicity that has been associated with this case.  
26 And I advised him that I thought there was some great

1 danger of that; that the case had been publicized to such  
2 an extent it would be very difficult to get a jury. But  
3 that I felt in the hands of a skillful lawyer who would  
4 represent him that he could get a fair trial. It wouldn't  
5 be easy, but it would be better than if he represented him-  
6 self in the matter.

7 We went over different problems of law and I  
8 found out he had a ready understanding of problems of law.  
9 Remarkable understanding. As a matter of fact, he has a  
10 very fine brain. I complimented him on the fact. I think  
11 I told you that I thought he had a high I.Q. Must have, to  
12 be able to converse as he did.

13 But he was resolute in his feeling that he  
14 should represent himself because the publicity he's had  
15 has pictured him rather badly. Papers and magazines.  
16 Outrageous publicity. Unbelievably bad.

17 And he feels that if he goes to trial and he is  
18 able to permit jurors and the Court to hear him and see him,  
19 they will realize he is not the kind of a man who would  
20 perpetrate horrible crimes.

21 He asked me what I thought of him and I told  
22 him I felt the same way that I had, that when I talked to  
23 him he's mild-mannered, he is not resentful of anything, he  
24 is not resentful against society, he is quiet, seems to be  
25 contented with his present position, but he is apprehen-  
26 sive that unless he can reach people who are to try him



1 through his own words that the horrible publicity he has  
2 will prejudice him.

3 And I must sympathize with him in that  
4 attitude because I don't think that there has ever been a  
5 case that has received worse publicity than that which  
6 Mr. Manson has received.

7 I did tell him, however, that I thought that  
8 in the hands of an able, experienced lawyer that perhaps  
9 he would set the pattern and that he would have a chance  
10 to show his quiet, benign personality to a jury through his  
11 lawyer. But he still believed that the best procedure for  
12 him is to represent himself.

13 And he again told me that this morning.

14 I think I've stated our conversation, Mr.  
15 Manson, haven't I?

16 THE DEFENDANT: Yes, you certainly have.

17 MR. BALL: And it was a friendly conversation. We  
18 shook hands when we left. And I told him that any time in  
19 the future if he wants to consult with me, just tell me to  
20 get in touch with him. I'll come to the jail and talk to  
21 him.

22 THE COURT: You are satisfied, Mr. Ball, that in the  
23 length of time you have had to talk with Mr. Manson, that  
24 an ample opportunity has been afforded to both you and  
25 Mr. Manson to discuss this waiver of this constitutional  
26 rights?



1 MR. BAIL: There is no question about it. He's  
2 familiar with his rights and he didn't agree with me on  
3 my advice and he gave me good reasons why he didn't.

4 I still believe that he should have a lawyer.  
5 I still believe he'd do better with a lawyer to handle the  
6 questioning of witnesses. But he doesn't think so. And  
7 as he told me this morning, he said, "If you knew me  
8 better, you might not believe so."

9 And I said, "I never had any doubt as to your  
10 ability." Because Mr. Hanson is a man with a fine brain,  
11 good intellect.

12 THE COURT: Mr. Hanson, let me make one thing  
13 perfectly clear as we proceed in this matter: That I am  
14 not at this point going to permit you to proceed acting  
15 as your own attorney and also allow to come into the court  
16 as counsel of record at this time any other attorneys.

17 Now, we will discuss at this time the fact that  
18 you will act as your own attorney, if that be your desire,  
19 and I think you make it amply clear to me on several  
20 instances that under no question that you want at this time  
21 an attorney to come in as an attorney of record. I will  
22 permit you to proceed in pro per, if that be your  
23 desire, with the understanding that you will be your own  
24 attorney, with the further understanding that no attorneys  
25 are going to be named in this case as co-counsel with you,  
26 so to speak.

1 Now, certainly acting as your own attorney, if  
2 that be your ultimate and final decision, and it is  
3 agreed with by the Court, then you certainly can have all  
4 of the advice that you want to have. You can certainly get  
5 the advice of any lawyers in any regard or in any way.  
6 But I reiterate, I am not going to get put into a position,  
7 nor do I think it a tenable position at this point,  
8 of having a defendant act as pro per with co-counsel.

9 So if you want to come into this case acting  
10 as your own attorney, I want you to understand that as we  
11 proceed,

12 I understand what your position is and what  
13 you want, but I want you to understand that that is the  
14 decision that I'm now about to make as to whether or not  
15 to permit you to proceed in pro per as your own attorney.

16 THE DEFENDANT: Before you make it, may I -- ?

17 THE COURT: Yes.

18 THE DEFENDANT: If you rule in this direction, it  
19 isolates me. I am not acquainted with the tricky little  
20 things that happen in the courtroom. I am not acquainted  
21 with how you take and sell your story to newspapers for  
22 money. The little things that's been going on in this  
23 trial, if the public knew about it. And if you isolate  
24 me, I have no way of letting anyone know about it.

25 THE COURT: Mr. Manson, I'm not isolating you in any  
26 way. I am merely suggesting that if you want to act as

1 your own attorney, and I am satisfied after we talk about  
2 it further that that is what you want to do, and that  
3 you are making an intelligent waiver of that constitutional  
4 right, you will be into this case as your own lawyer and  
5 that in no way is going to isolate you. You can get the  
6 advice, the assistance, of anyone that you care to. But,  
7 as I say, it will not be on the basis of three or four or  
8 five individuals with the ability to be co-counsel in the  
9 matter with each one attempting to call the shots. You  
10 are going to have to call the shots yourself.

11 THE DEFENDANT: I know that.

12 THE COURT: And you can have all of the advice that  
13 you care to by any lawyer that you want to select. But,  
14 as a technical matter, they will not come into this case  
15 as co-counsel with you. And if you want to call upon  
16 Mr. Steinberg, if you want to call upon Mr. McKissack, and  
17 if you want to call upon any other lawyer or any other  
18 expert that you care to as far as the defense of your case  
19 is concerned, that's fine. Certainly you have that right.  
20 But I want you to clearly understand that I will not per-  
21 mit you to come into this case as one attorney with two  
22 other attorneys coming in as co-counsel.

23 THE DEFENDANT: What about one other attorney coming  
24 in as co-counsel?

25 THE COURT: No. If you go in pro per, you will go  
26 in pro per by yourself, with then your getting whatever

1 assistance that you care to from any other lawyer or any  
2 other source that you care to. That's the decision that  
3 I'll ask for you to make at this time.

4 THE DEFENDANT: Your Honor, does it indicate in the  
5 Constitution that I can be represented with counsel and  
6 also ask questions myself?

7 THE COURT: No. If you come into this case, you  
8 will come into the case as your own attorney and we will  
9 leave it up to the trial judge at the time that the matter  
10 is tried as to how the trial itself will be conducted.

11 THE DEFENDANT: Will you be the trial judge?

12 THE COURT: I don't know at this point, Mr. Manson.  
13 The matter has been set in a department where I am going  
14 to be seated.

15 Let me in that regard -- Mr. Manson, let me  
16 make a statement to you: There are 134 judges on the  
17 Los Angeles Superior Court. I am one of 134. Any one of  
18 the 134 judges who are Superior Court judges of the County  
19 of Los Angeles can try your case.

20 Now, what judge tries your case is completely  
21 unimportant. It is not relevant, to use the terminology  
22 of that other generation that you spoke about earlier. It  
23 is not relevant and it is not germane as to who is going  
24 to represent you in this matter. The names of the lawyers  
25 are not important. What is important in this matter is  
26 that you get a fair trial and what is also important in

1 this matter is that you not give up a constitutional right  
2 of the right to be represented by a lawyer without  
3 reflecting on it and giving it some serious, deep thought.

4 THE DEFENDANT: The way you say it makes it sound  
5 very fatherly. You say, "Don't give up the constitutional  
6 right," but then at the same time if I get a lawyer I  
7 can't say anything. I sit like a dummy in the courtroom  
8 and I'm a victim to his whims.

9 THE COURT: Mr. Manson, I don't want to repeat. I  
10 have indicated to you that I've sent you, in my judgment,  
11 the finest -- one of the finest trial lawyers that I have  
12 ever seen. Now, I am certain that Mr. Ball in his dis-  
13 cussion with you explained to you that you are not giving  
14 up your voice in this trial. You have a constitutional  
15 right to testify at the time of this trial. You can't be  
16 compelled to testify and no one can make you be a witness.  
17 But if that is your decision, that you want to testify,  
18 then certainly that is your right and you will have the  
19 right at the time of the trial to testify.

20 I am over and over again telling you and giving  
21 you the best advice that I possibly can, that you should  
22 have a lawyer to represent you in this matter. But if you --

23 THE DEFENDANT: I agree with that. I agree with  
24 that. But I would still like to act as my own counsel.

25 Can Mr. Ball be my assistant in this matter?

26 THE COURT: We are not at that point.

1 THE DEFENDANT: Oh.

2 THE COURT: Mr. Ball would have to make that  
3 decision himself, if you decide to act as your own  
4 attorney.

5 THE DEFENDANT: Oh, I already decided that.

6 THE COURT: That's what you are going to do?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: And we are beyond that point?

9 THE DEFENDANT: There is nothing I can do.

10 THE COURT: All right. Mr. Manson, I don't know  
11 anything about you, other than what you have -- other than  
12 the times that you and I have met here in the courtroom.  
13 It is important for me to know something about your  
14 background before I can make that decision.

15 Can you tell me something about your back-  
16 ground? how far you went in school?

17 THE DEFENDANT: Fifth grade.

18 THE COURT: And where did you go to school?

19 THE DEFENDANT: In the reform school.

20 THE COURT: At that time, when you finished the fifth  
21 grade, were you able to read and write?

22 THE DEFENDANT: Not very well, no.

23 THE COURT: Have you since learned how to read and  
24 write?

25 THE DEFENDANT: Yes.

26 THE COURT: All right. Now, have you had any other

1 education other than the fifth grade? Any type of  
2 correspondence?

3 THE DEFENDANT: I like people and I listen.

4 THE COURT: Any other type of formal education?

5 THE DEFENDANT: None.

6 THE COURT: I notice in the petition, Mr. Manson,  
7 that was filed on your behalf by Mr. -- I presume that it  
8 was prepared by Mr. Steinberg and filed in your behalf?

9 MR. STEINBERG: No, your Honor. That was not filed  
10 by us in his behalf, that was filed by Mr. Hanson himself.

11 THE COURT: Mr. Steinberg, if you will excuse me,  
12 please, I will hear from you further. At this time this  
13 Court will conduct the inquiry of Mr. Hanson. And if I  
14 care to hear from you at that time, I will certainly  
15 permit you to do so, but I suggest to you at this time  
16 that you permit me to ask Mr. Hanson some questions without  
17 any interruption.

18 MR. STEINBERG: I will, your Honor, but I must point  
19 out that the man is at this point totally unrepresented  
20 in any way.

21 THE COURT: Mr. Steinberg, did you understand what I  
22 suggested to you very politely, that I am going to make an  
23 inquiry now of Mr. Hanson and it is the Court's  
24 prerogative to make this inquiry of Mr. Hanson by myself,  
25 and I would appreciate it that you do not interrupt the  
26 proceedings at this point unless I call upon you to clarify



1 some point. When this is concluded, then certainly I'll  
2 hear from you, if I think that that is necessary.

3 Now, Mr. Manson, in this petition that was  
4 filed on the 22nd day of December, I see that you have  
5 signed it and I presume that you read it before you signed  
6 it.

7 THE DEFENDANT: Yes, sir.

8 THE COURT: And I also note that in this petition  
9 it has a correction on Page 2 where it is set forth, that  
10 is why I have asked for and ask again for lawyers Luke  
11 McKissack and Lawrence William Steinberg to be allowed to  
12 represent me, and you crossed out the word "represent" and  
13 wrote in "help."

14 THE DEFENDANT: That meant help me in my representa-  
15 tion.

16 THE COURT: So you did read it and you did sign the  
17 petition?

18 THE DEFENDANT: Yes, sir, I did.

19 THE COURT: All right. Now, have you had an  
20 opportunity to study the law at all?

21 THE DEFENDANT: Well, I've lived with it for 22  
22 years.

23 THE COURT: And other than living with it, have you  
24 had occasion to study law?

25 THE DEFENDANT: I tried to fight a case once on  
26 appeal from McNeil Island. I got ten years for a check.

1 And I -- word to mouth, I became acquainted with a little  
2 bit of it.

3 THE COURT: Did you have an occasion during that time  
4 to have access to any legal books?

5 THE DEFENDANT: Yes.

6 THE COURT: And you did study the law at that time  
7 to a certain extent; is that correct?

8 THE DEFENDANT: Vaguely, yes.

9 THE COURT: And I am sure in this case at this point  
10 that you are aware of what you have been charged with in  
11 this indictment?

12 THE DEFENDANT: Yes.

13 THE COURT: And you are aware of the fact that it is  
14 a multiple-count indictment, are you not?

15 THE DEFENDANT: Multiple-count indictment? Yes, I  
16 am aware of that.

17 THE COURT: Do you know what the charges are?

18 THE DEFENDANT: Yes, I do.

19 THE COURT: What are they?

20 THE DEFENDANT: I forget the number, but I had it.  
21 It's murder.

22 THE COURT: How many counts of murder?

23 THE DEFENDANT: Seven counts and one conspiracy.

24 THE COURT: And the other count is a conspiracy to  
25 commit murder; you are aware of that?

26 THE DEFENDANT: Yes.

1 THE COURT: Are you aware, Mr. Hanson, as to what  
2 the penalty is in the State of California for the crime  
3 of murder in the event that it is murder in the first  
4 degree and so found by the trier of fact?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: What is it?

7 THE DEFENDANT: It's the gas chamber.

8 THE COURT: Or, in the alternative, what?

9 THE DEFENDANT: Life without parole.

10 THE COURT: Well, it's life imprisonment, or death  
11 in the gas chamber at San Quentin. You are aware of that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: And are you aware of the fact that if you  
14 are permitted to act as your own attorney in this matter,  
15 and in the event that there is a conviction in this matter,  
16 that that is a possibility as to what the ultimate sentence  
17 in this matter can be? Are you aware of that?

18 THE DEFENDANT: Yes, I am aware of that. I am also  
19 aware that I'm dead already. You know, the papers have  
20 me already dead. So --

21 THE COURT: Well, Mr. Hanson, as I have indicated to  
22 you, this case will be tried in a court of law. This case  
23 will not be tried, insofar as the trier of fact is  
24 concerned, by what may or may not have been written in  
25 newspapers, what may or may not have been seen on  
26 television. This case will be tried based upon the

1 evidence, the legally-admitted evidence, which comes into  
2 the courtroom at the time of the trial. That's what it  
3 will be tried upon.

4 I just want to make sure at this point that  
5 you do understand what the consequences are in the State of  
6 California in the event that you do find yourself con-  
7 victed of murder in the first degree in one, seven, or --  
8 the conspiracy count as well.

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Do you know what the definition of  
11 "murder" is? I speak now in the abstract. I just want to  
12 talk a little law with you at this time.

13 THE DEFENDANT: Definition of murder is when -- I  
14 haven't thought of that. Let's see. Definition of  
15 murder.

16 Well, I imagine there's a lot of definitions  
17 of murder. That's when you take someone's life.

18 THE COURT: Is there any specific intent involved  
19 in the crime of murder?

20 THE DEFENDANT: You have -- well, I imagine there's  
21 various -- you could have premeditated, you could have  
22 spontaneous, accidental. I imagine you could go on for  
23 quite a while.

24 THE COURT: Have you ever heard of a concept of  
25 unlawfully taking the life of another with malice afore-  
26 thought?

1 THE DEFENDANT: Lawfully taking the life of another  
2 with malice aforethought? No, I've never heard of that,  
3 lawfully.

4 THE COURT: I said unlawfully.

5 THE DEFENDANT: Oh, unlawfully taking -- I was  
6 trying to think about the case -- yes, unlawfully.

7 THE COURT: Unlawfully taking the life of another  
8 with malice aforethought.

9 THE DEFENDANT: That would be premeditated.

10 THE COURT: That's the definition of murder, and it  
11 is set forth in the indictment.

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Do you know what a conspiracy is?

14 THE DEFENDANT: Conspiracy is when two people get  
15 together and they talk about something.

16 THE COURT: Anything else by way of a definition of  
17 murder -- definition of conspiracy?

18 THE DEFENDANT: Well, it depends on what the law  
19 wants to deem conspiracy.

20 Now, you take those words and you do anything  
21 you want to do with them. You just add "if" or "but,"  
22 maybe, and justify anything that you'd.

23 THE COURT: I have suggested once again by these  
24 questions I have been asking, as I'm asking these  
25 questions, the complexity of a quest of murder in and of  
26 itself, I would also suggest to you at this time by

1 asking these questions when you have ex-defendants named in  
2 an indictment such as this in seven counts, and you have a  
3 count of conspiracy to commit murder, you have a very  
4 complex and difficult case that has to be tried.

5 THE DEFENDANT: Yes, sir. I realize that.

6 THE COURT: And I'm suggesting to you once again by  
7 these questions that you consider again my plea to you  
8 that you not proceed to act as your own attorney but that  
9 you do follow the advice of this Court and follow the  
10 advice of Mr. Bell and you permit a lawyer to represent  
11 you in this matter just by getting into, Mr. Hanson, the  
12 various definitions.

13 THE DEFENDANT: Your Honor, it's against my nature  
14 to push against anything. Basically, I'm a pacifist. And  
15 if someone tells me something, I do not argue. If someone  
16 tells me something two or three times I generally -- I  
17 accept it without fighting back.

18 For all my life, as long as I can remember, T  
19 I've taken your advice. Your faces have changed. You  
20 know, it's the same court, it's the same structure. You  
21 have taken me into your chambers and you have told me,  
22 "Well, you know, it's not me, it's just my job. And I  
23 understand that you don't have anybody; that you've got  
24 to go here just for a while." And they would put me in  
25 one place and put me in another. All my life I've just  
26 been put in little slots, your Honor. And I went along

1 with it. I've done everything I have been told to do  
2 and I've tried the best I can.

3 I have no other alternative but to fight you  
4 back any way I know how because you and the District  
5 Attorney and all the attorneys I have ever met are all on  
6 the same side. The police are on the same side and the  
7 newspapers are on the same side and it's all pointed against  
8 me, personally. The people, you know. Like, I have to  
9 do what I have to do, you know.

10 I understand your position and I understand  
11 where you are at it's hard for you to understand where  
12 I'm at.

13 THE COURT: Mr. Manson, let me ask you this, and  
14 let's go back again: I assume that what you are about to  
15 tell me is that you are not going to change your mind.  
16 You still want to act as your own attorney.

17 Let's go for a minute into the trial of the  
18 case itself.

19 Have you given any consideration to the  
20 procedure aspects of a trial such as this, that is, the  
21 selection, for example, of a jury, the intricate  
22 questions that should be asked by competent counsel to  
23 jurors who would be called upon to try a case such as this?

24 It takes lawyers many, many years of active  
25 practice in the courtroom handling criminal matters to  
26 properly impanel a jury who could impartially and fairly



1 decide this case based upon the evidence as it comes from  
2 the courtroom.

3 I'm sure that Mr. Ball has explained this to you.

4 THE DEFENDANT: Yes.

5 THE COURT: And you are aware of that aspect of it,  
6 just taking that aspect alone?

7 THE DEFENDANT: That aspect alone. Yes. I am so  
8 aware of it that that's the reason I wanted counsel to  
9 assist me.

10 See, he could explain to me what to do in the  
11 process.

12 THE COURT: As I've indicated to you, Mr. Hanson,  
13 by your being permitted to go in pro per, I am not pre-  
14 cluding assistance of counsel. You will have the assis-  
15 tance of any counsel that you can ask who will come and  
16 assist you.

17 I take it on the basis of your prior conver-  
18 sation there are no -- there is no dearth of attorneys  
19 who would not volunteer to assist you in this matter. So  
20 you will have that.

21 But, as I have indicated to you, and I  
22 reiterate, and I know we are repeating ourselves, that  
23 you will be the attorney in this matter and you will be  
24 calling the shots.

25 Now, the trial judge can make that determina-  
26 tion as to whether or not you can participate in part of

1 the trial and whether or not somebody else can participate  
2 in another part of the trial. That will be up to the trial  
3 judge to make those determinations.

4 THE DEFENDANT: Yes, I understand.

5 THE COURT: But I want you to understand the  
6 complexity of a trial such as this. And I start with the  
7 very first thing, in selecting 12 jurors to try you.

8 THE DEFENDANT: I do understand it. It's 200 years  
9 of confusion. It's 200 years of writing laws upon laws  
10 upon laws. They're still, in Washington, passing more  
11 right now.

12 THE COURT: All right. Let's take the second thing.  
13 A determination has to be made as to whether or not an  
14 opening statement should be made in a trial.

15 THE DEFENDANT: An open statement?

16 THE COURT: An opening statement.

17 THE DEFENDANT: Oh, an opening statement.

18 Who determines that?

19 THE COURT: Well, counsel has to determine that as to  
20 whether or not you should or should not make an opening  
21 statement.

22 See, it's not my job to attempt to give you  
23 in the few minutes that we have talked any type of a  
24 legal education. All I can do is point out to you some  
25 -- and these are just a very few --

26 THE DEFENDANT: Yeah.

1 THE COURT: -- of the intricacies of the trial of a  
2 murder trial and that's the second one.

3 Then you have got the problem of the  
4 witnesses. First, you have to prepare for trial and you  
5 have to prepare subpoenas and bring into court any wit-  
6 nesses that you care to have testify in this matter. And  
7 then you have to have the question of who is going to  
8 cross-examine certain witnesses who would be called on  
9 behalf of the People.

10 And I'm sure that Mr. Ball has explained to  
11 you, I'm sure Mr. Steinberg has explained to you, I'm  
12 sure Mr. McKissack has explained to you, and any other  
13 lawyers that have talked to you, about cross-examination  
14 of witnesses.

15 Have you considered that factor?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: All right. The making of objections  
18 during the course of the trial is vital to the trial of a  
19 lawsuit. The people, for example, may make some offer of  
20 evidence. They may ask a question which could be vital in  
21 the course of the trial. Someone has to make the appro-  
22 priate legal objections based upon legal grounds. And,  
23 Mr. Manson, there are so many legal objections that have  
24 to be made.

25 THE DEFENDANT: It's complicated.

26 THE COURT: Yes. And you have considered that

1 factor, I take it?

2 THE DEFENDANT: Yes, sir, I have considered it.

3 THE COURT: Then you get into the question of  
4 argument. After both sides have rested their case, someone  
5 has to argue the case.

6 Have you considered that?

7 THE DEFENDANT: Yes.

8 THE COURT: Here again, cases stand or fall some-  
9 times on the argument that is presented to the jury.

10 Have you considered that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: All right. Then you get into the  
13 question of what instructions of law are to be given to  
14 the jury. These are determined by the Court. But counsel  
15 for the People and counsel for the defendant offer jury  
16 instructions to the Judge who then considers them, some-  
17 times accepts them, sometimes rejects them. This is of  
18 the utmost importance in the trial of a lawsuit.

19 Have you considered that?

20 THE DEFENDANT: In part, yes.

21 THE COURT: Well, will you stop and take a minute  
22 and consider it now as to the complexity of a case of  
23 murder, to say nothing of a case of conspiracy to commit  
24 murder, to say nothing of a case with a several-count  
25 indictment of murder.

26 Will you consider that for a minute?

1 THE DEFENDANT: I've considered innocence and guilt  
2 and I know the difference between. I have no guilt. And  
3 that will show. And that's the only defense I've got at  
4 present.

5 THE COURT: Mr. Manson, I have barely suggested to  
6 you the complexity of a trial such as this --

7 THE DEFENDANT: Yes.

8 THE COURT: -- by just pointing out some of the  
9 procedural steps.

10 Have you considered, for example, the pro-  
11 ceedings which would go on before a trial, before the  
12 matter is actually brought to trial?

13 THE DEFENDANT: Yes.

14 THE COURT: There are preliminary motions which  
15 defendants have the right to make.

16 THE DEFENDANT: Yes.

17 THE COURT: Have you considered that?

18 THE DEFENDANT: Yes.

19 THE COURT: There are questions in a case where you  
20 have multiple defendants, whether it's this case or  
21 something else, or any other case, as to whether or not  
22 co-defendants can be tried together or should be tried  
23 separately, and there are motions for what we call  
24 severances.

25 Have you considered that?

26 THE DEFENDANT: Yeah. Discovery.

1 THE COURT: Discovery is another aspect of it and  
2 you have considered that as well?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Have you considered the fact that the  
5 Deputy District Attorney who will try this case on behalf  
6 of the People is a man who has tried -- I think that  
7 perhaps I've seen somewhere or heard somewhere that there  
8 will be two Deputy District Attorneys who will be assigned  
9 to try this case. These are very, very experienced trial  
10 lawyers who have spent many, many years in a courtroom  
11 working in front of juries, trying jury trials, murder and  
12 otherwise.

13 Have you considered that factor?

14 THE DEFENDANT: Yes.

15 THE COURT: Have you considered the factor at this  
16 point that other defendants who have been named in this  
17 indictment will, as far as I know at this point, be  
18 represented by a lawyer and that you would be the only  
19 defendant in this trial who is not represented by a lawyer?

20 THE DEFENDANT: Yes.

21 THE COURT: I take it, then, Mr. Mason, on the  
22 basis upon what you and I have now discussed, that I have  
23 not in any way dissuaded you from this step that you are  
24 about to take of giving up that constitutional right to be  
25 represented by a lawyer?

26 THE DEFENDANT: As a person, I like you and I



1 respect you. as a judge, I see you.

2 THE COURT: I need an answer to the question.

3 THE DEFENDANT: That was it. No. I haven't changed  
4 my mind.

5 THE COURT: I think without any question,  
6 Mr. Hanson, you understand that I am imploring you not to  
7 take this step; that I am imploring you to either name  
8 your own attorney, or, if you are unable to do so, to  
9 permit the Court to name one for you.

10 THE DEFENDANT: The Court is the very same thing  
11 that is trying to kill me. And you want to give me  
12 advice with one hand and put me in the gas chamber with  
13 the other. ✓ (VB mly)

14 THE COURT: Mr. Hanson, that is not in any way what  
15 you and I are discussing at this point. We are at the  
16 first key step, as far as your case is concerned, as to  
17 who is going to represent you. I have talked to you now --  
18 this is what? the third or fourth time you and I have  
19 met.

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And you and I have discussed it at  
22 length. You have made your position perfectly clear. I  
23 have sent to you, as I have indicated, the best legal  
24 advice that I could send to you. And if you know Joe Ball,  
25 as I think that you are capable of knowing him, when you  
26 talked to him this man talked straight from the shoulder.



1 He is, although an officer of this court, interested only  
2 in the rights of defendants to be represented and receive  
3 a fair trial.

4 Now, I've done everything I possibly can,  
5 Mr. Manson, to dissuade you from taking this step.

6 THE DEFENDANT: I can see that.

7 THE COURT: And you are satisfied you can see that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: All right. Now, based upon all we  
10 talked about, it is your decision that you are going to  
11 act as your own attorney?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: All right. Mr. Manson, I'm going to  
14 make a finding at this time that in the Court's mind,  
15 based upon our discussion, based upon the information  
16 that's been imparted to me here in open court by Mr. Bell,  
17 that you have now made an intelligent and a competent  
18 waiver of a constitutional right. It is, in this Court's  
19 opinion, a sad and tragic mistake that you are making by  
20 taking this course of action, but I can't talk you out of  
21 it. You are not going to be talked out of it. And I am  
22 not going to attempt any further to talk you out of it.

23 I am going to further find in this case that  
24 you are competent to represent yourself in this matter and  
25 I'm further going to find that you have a full and com-  
26 plete conception of the consequences of the act that you

1 are asking this Court at this time to rule upon, that is,  
2 permitting you to act as your own attorney.

3 I'm going to permit you, Mr. Manson, at this  
4 time to go in pro per, as we say. I will make that order  
5 at this time. I'll order that you be given pro per  
6 privileges in the Los Angeles County Jail pursuant to the  
7 policy memorandum which has been established by the judges  
8 of Los Angeles Superior Court.

9 To make it perfectly clear, I am not in any  
10 way, by taking this action today of refusing to allow you  
11 to be represented by -- not represented but by having  
12 co-counsel in as the attorney of record, I have not  
13 precluded their access to you. And certainly you can call  
14 upon any advice that you feel that you need in the  
15 preparation of your lawsuit.

16 I'd ask the clerk of the court at this time  
17 to hand to Mr. Manson the copy of the transcript of the  
18 Grand Jury proceedings and I would also ask the clerk of  
19 the court to hand to Mr. Manson at this time a copy of the  
20 publicity order that I put out on this matter.

21 Mr. Manson, also for your --

22 THE DEFENDANT: I would like to talk to you about  
23 that, if I may.

24 THE COURT: At this point I just want you to have  
25 the copies of the transcript of the Grand Jury proceedings  
26 and I want you to have a copy of the order.

1 MR. FITZGERALD: Your Honor, I have a copy of the  
2 proceedings I'd like to turn over to the clerk for  
3 transmission to Mr. Manson.

4 THE COURT: Yes. And I would have the record also  
5 reflect, Mr. Manson, that the clerk of the court has now  
6 handed to you a copy of the indictment setting forth the  
7 charges filed against you.

8 Do you have all the documents now?

9 THE DEFENDANT: Yes, I have.

10 THE COURT: Are you ready at this time to enter your  
11 plea?

12 MR. STEINBERG: Your Honor, may I be heard?

13 THE DEFENDANT: No, no. No. No.

14 MR. STEINBERG: May I be heard, your Honor?

15 THE COURT: Just a minute.

16 MR. STEINBERG: This man is unrepresented --

17 THE COURT: Just a minute. Just a minute. I thought  
18 you and I, Mr. Steinberg, had a working agreement, as far  
19 as my interrogation of the defendant is concerned. And  
20 he's indicated to me that he does not at this time desire  
21 to enter his plea.

22 THE DEFENDANT: I would like very much three weeks  
23 to read the transcript.

24 THE COURT: Three weeks, Mr. Manson?

25 THE DEFENDANT: Yes.

26 THE COURT: Three weeks from today would be the --

1 today is the 24th of December. That would be the 14th day  
2 of January. I'll permit you at this time, Mr. Manson,  
3 to -- I'll grant your motion to continue the matter until  
4 the 14th day of January and I'll calendar the matter in  
5 this department, Department 100, in front of  
6 Judge George Bell on that date at 11:00 o'clock in the  
7 morning. And that will give you the time that you have  
8 asked for to read the transcript, the two volumes that I  
9 have given to you.

10 THE DEFENDANT: Your Honor, I'd like to talk to you  
11 about the -- excuse me, I don't really know the legal word  
12 -- the gag order that was put on.

13 THE COURT: Mr. Manson, let me suggest this: I'm  
14 satisfied right now that we have taken one step at a time.  
15 I don't see any merit at this point in discussing with  
16 you the order restricting publicity or, to use your word,  
17 the gag order. And I will suggest to you that if you want  
18 to file any document or discuss the matter further, that  
19 you make that known to the Court through any type of a  
20 motion.

21 THE DEFENDANT: Are you going to make it difficult  
22 for me?

23 THE COURT: I beg your pardon?

24 THE DEFENDANT: Why don't you just let me say what  
25 I'd like to say? It will just take a second.

26 THE COURT: I don't think there is any need at this

1 point, Mr. Manson, to do that. I've got some other  
2 cases and I've spent now one whole hour discussing the  
3 matter with you. I've got another calendar and I wish I  
4 could take the time at this time to hear further from you.

5 Your matter is continued in this department,  
6 Department 100, to January 14th to give you the opportunity  
7 to read the transcript that you indicate that you want to  
8 read before entering a plea.

9 MR. STEINBERG: Your Honor, may I be heard?

10 THE COURT: Yes.

11 MR. STEINBERG: It is crucial that I be heard.

12 THE COURT: Mr. Steinberg.

13 MR. STEINBERG: Thank you, your Honor. Thank you,  
14 your Honor.

15 This man -- I come to speak of the  
16 Constitution and of the constitutional rights of Charles  
17 Manson. This man has a motion which pends before this  
18 Court. He has been unrepresented at all times this  
19 morning. When I attempted to intervene, I did not have  
20 that opportunity. The hearing on this -- which appoints  
21 him in this way -- is one which is again, itself, conducted  
22 totally without representation. And I say with clarity,  
23 and I want to say it now, and I want history to know it  
24 and the trial transcript to know it and the record of this  
25 case to know it, that there is grievous error being  
26 committed here.

1           The defendant has been unrepresented and the  
2 defendant had before this Court a motion which your  
3 Honor, I submit to you, has even yet not ruled upon,  
4 and has not heard counsel with regard to -- nor anyone  
5 with regard to it, if you please, and that is --

6           THE COURT: Mr. Steinberg, let me suggest to you --

7           MR. STEINBERG: Yes, your Honor.

8           THE COURT: Mr. Manson has made it amply clear to  
9 this Court that he does not want you to represent him. He  
10 does not --

11          MR. STEINBERG: That is not true, your Honor.

12          THE COURT: Wait a minute, Mr. Steinberg.

13               Mr. Manson has made it clear to me that he  
14 does not want to give up his right to act in pro per and  
15 have you represent him. If at any time -- if at any time  
16 during the various proceedings before this Court in which  
17 Mr. Manson was present he indicated to me that you were  
18 to be his attorney, that Mr. McKissack was to be his  
19 attorney, or any combination of other attorneys by your-  
20 self, this Court would have been delighted -- this Court  
21 would immediately have entered into the records of this  
22 case the fact that you were the attorney of record.

23               I have ruled, in my discussion with Mr. Manson,  
24 and in case it is not perfectly clear, that Mr. Manson's  
25 motion prepared by someone, typed by someone, signed by  
26 Mr. Manson, in which he requested of this Court that he be



1 permitted to proceed in pro per with you acting as co-  
2 counsel, and with Mr. McKissack acting as co-counsel, is  
3 denied.

4 MR. STEINBERG: And it has been denied, your Honor,  
5 without the slightest hearing by counsel, with only  
6 Charles Manson being permitted to speak, with counsel  
7 being entirely sent out of the hearing and not permitted to  
8 represent the rights of Charles Manson.

9 I say that this is a grievous error.

10 THE COURT: Mr. Steinberg, I have also made it  
11 perfectly clear, and I think that the record is clear,  
12 and I think we are now at the point of just repeating  
13 ourselves, that I in no way, by permitting this defendant  
14 to proceed in pro per, am precluding any attorneys, be  
15 those attorneys from your office, you, personally,  
16 Mr. McKissack, or anyone from his office, or any other  
17 attorneys that are going to assist this man in the trial of  
18 the lawsuit, he has that right. And all he has to do is  
19 to ask for anyone to come to see him where he is going  
20 to get that legal advice.

21 I further indicated that I am not going to  
22 permit a representation consisting of one defendant as  
23 pro per, consisting of two lawyers acting as co-counsel  
24 along with the defendant acting in pro per.

25 If you are concerned about the record, I'm  
26 certain that Mrs. Johnson has taken down every word that



1 has ever occurred in this courtroom and I suggest that the  
2 record is well preserved and your objections are also  
3 noted on the record.

4 MR. MC KISSACK: May I make one comment, your Honor,  
5 hopefully to persuade the Court to a different course?

6 I think Mr. Manson originally in addressing  
7 your Honor indicated that he wished to be his own attorney  
8 in conjunction with Mr. Steinberg and myself. Whether he  
9 used the phrase "advisory counsel," or "also attorney of  
10 record," he has made clear by precise delineation what the  
11 respective roles would be.

12 He has indicated to your Honor that he does not  
13 stand in the role of a lawyer in the sense that he can  
14 appreciate motions, in the sense that he has a thorough  
15 understanding of the technicalities of the law or the jargon  
16 of the law.

17 It is for that reason that he has asked the  
18 assistance of Mr. Steinberg and myself.

19 The interrogation of Mr. Manson this morning  
20 and responsive answers to those questions necessitated  
21 the assistance of Mr. Steinberg and myself because they  
22 involve these very same legal questions that Mr. Manson  
23 has pronounced on an earlier question unable to deal  
24 with.

25 So it is our feeling before this hearing  
26 adjourns today that we should have an opportunity to be

1 heard on this question. He has stated in the motion which  
2 has been filed that he takes the position legally, and we  
3 are prepared to urge it, that he is not waiving his  
4 right to counsel; instead, he is asserting it. He is  
5 asserting his right to go in pro per. And just as Jack  
6 Kirschke did, or as other people have done, he is claiming  
7 that by virtue of asserting that he also has the right to  
8 retain additional counsel, as any defendant may do in  
9 asking to retain us.

10 Therefore, your Honor, I feel, there has been  
11 a full, legal argument on the question and perhaps a  
12 novel one of whether the defendant may proceed at the same  
13 time in pro per if he qualifies. Not by virtue of being a  
14 defendant alone, but if he qualifies to represent himself  
15 to have additional counsel. To conclude that he cannot is  
16 to say if that defendant qualifies to be a lawyer, he is  
17 deprived of equal protection of the law because he is  
18 denied the same right that any other person would have if  
19 he were representing an individual and that is to have  
20 more than one lawyer.

21 This man is being told, even though he says  
22 he is shallow in legal education, he is shallow in the  
23 technicalities of the law. And when he says he wants to  
24 go in pro per, we cannot put it in a legal pigeon hole.  
25 He is saying that he cannot answer these questions without  
26 Mr. Steinberg and myself. And he is designating the

1 people that he wishes to work with and to have as attorneys  
2 in this case along with himself, but maintaining his  
3 voice.

4 Consequently, your Honor, we feel that  
5 Mr. Manson's total desires should be accommodated in the  
6 sense that his legal representations should be triumvirate,  
7 that Mr. Manson with the assistance of Mr. Steinberg and  
8 myself should represent Mr. Manson.

9 THE COURT: Your objections are noted, certainly,  
10 for the record. I think the Court's ruling is clear.  
11 The matter is continued until the 14th day of January.

12 Mr. Manson, you are your own lawyer.

13 (Whereupon, the matter was continued  
14 for further proceedings to Wednesday, January  
15 14, 1970, at 11:00 a.m. in Department 100.)  
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LOS ANGELES, CALIFORNIA; WEDNESDAY, JANUARY 6, 1970 AT 11:35 AM ✓

-000-

(The following proceedings were had in  
Department 107 before the Honorable William  
B. Keane, Judge Presiding:)

THE COURT: All right. This case of People versus  
Charles Manson, et al. Let's see. The matter is set  
in this department at this time insofar as two defendants  
are concerned. We first have the case of People versus  
Leslie Van Houten.

MR. PART: Yes, the defendant is present and  
ready, your Honor.

THE COURT: Your name is Leslie Van Houten;  
is that correct?

THE DEFENDANT VAN HOUTEN: Yes, it is, your Honor.

THE COURT: And the other defendant who is  
present here is Linda Kasabian.

Is that your name?

THE DEFENDANT KASABIAN: Yes.

THE COURT: I will have the record reflect, then,  
the appearance of the defendants, Linda Kasabian and  
Leslie Van Houten, and the appearances now, please.

MR. PART: Marvin L. Part, P-a-r-t, for the  
defendant Van Houten,

1 MR. FLEISCHMAN: Cary Fleischman for the  
2 Defendant Kasabian.

3 MR. GOLDMAN: Ronald Goldman for the Defendant  
4 Kasabian, your Honor.

5 MR. STOVITZ: People are present and ready,  
6 your Honor.

7 THE COURT: All right. The matter is set, then,  
8 insofar as Van Houten is concerned for some preliminary  
9 motions.

10 You may be heard on those at this time,  
11 Mr. Part.

12 MR. PART: Yes, your Honor.

13 I believe there is on file with the Court,  
14 and the District Attorney's Office has been served, a  
15 discovery motion on behalf of the Defendant Van Houten.

16 THE COURT: This is a notice of a motion -- a  
17 notice for pretrial discovery, a declaration of points  
18 and authorities. The motion consists of some three  
19 pages. The declaration of Marvin Part consists of some  
20 two pages. And there are two pages of points and  
21 authorities setting forth certain requests for pretrial  
22 discovery.

23 We have had occasion to discuss this with  
24 the counsel for both sides and would you state the  
25 position of the People in this case, Mr. Stovitz?

26 MR. STOVITZ: Yes, your Honor.

1 We feel that we may be able to avoid  
2 having a formal order of the Court on this matter. We  
3 will endeavor, within the next few days, to comply with  
4 all of the requests that are reasonable on this statement  
5 and if we can comply then we will have a stipulation of  
6 compliance with the further order of the Court that any  
7 information that we gather will be forthcoming to the  
8 defendant as set forth in his motion for discovery.

9 On the other hand, if we cannot get together  
10 on a stipulation for discovery, then we will abide by  
11 whatever orders the Court makes.

12 We feel that as far as points numbered  
13 1, 2 and 3 are concerned, they are easy to comply with.  
14 But the fourth one, the files of the District Attorney  
15 so that counsel may examine same for exculpatory evidence  
16 contained therein, it is an unlawful invasion upon the  
17 rights of the privacy of the District Attorney's files  
18 in that the work product of our office is not subject  
19 to discovery.

20 However, we do agree with the counsel's  
21 request that the Court may examine said files in in camera  
22 proceedings, so to speak, so that if there is anything  
23 exculpatory in the files that they can be made available  
24 to the Court.

25 So I think that for the most part the  
26 motion is in order and we will probably be able to get

1 together with counsel on a stipulated order on that  
2 basis.

3 THE COURT: Is that agreeable with you, Mr. Part?

4 MR. PART: Yes, it is, your Honor.

5 THE COURT: Would one week's time be enough?

6 MR. STOVITZ: I believe so, your Honor.

7 THE COURT: Would that be agreeable with you,  
8 Mr. Part?

9 MR. PART: Yes, your Honor.

10 THE COURT: All right. Suppose, then, as far  
11 as the notice of motion and the notice for a pretrial  
12 discovery is concerned, let's put the matter off calendar  
13 at this time, reserving the right to the Defendant Van  
14 Houten, and certainly the rights of any other defendants,  
15 to come back into this court and file any other addi-  
16 tional motions for discovery in the event that the  
17 arrangement that you make with the District Attorney's  
18 Office insofar as reviewing those items of evidence that  
19 they want to make available to you do not suffice for  
20 your purposes and that if they do suffice that will end  
21 the matter and you can proceed on that basis.

22 If not, then certainly you can come back  
23 into the court and file an additional motion for  
24 discovery which will then eliminate our going through  
25 this piece by piece at this point.

26 All right. Any other motions on behalf,



1 then, of the Defendant Van Houten?

2 MR. STOVITZ: What day is that continued to?

3 THE COURT: One week from today. That would be  
4 the --

5 THE CLERK: The 13th, your Honor.

6 THE COURT: That will be the 13th. This is the  
7 7th. That will be the 13th day of January. However,  
8 there will be no court hearing at that time. That will  
9 be merely an understanding and a stipulation between  
10 both the Office of the District Attorney and the office of  
11 Mr. Part that by that time you will make available to  
12 Mr. Part those items which he has requested, which you  
13 think do comply with his request, and that will be done  
14 on or before the end of the business day on the 13th day  
15 of January without any further need to come back to this  
16 court, with the understanding further that at that time  
17 Mr. Part may have whatever time is necessary to file  
18 with this Court any additional motions for discovery in  
19 the event that he feels that you have not complied with  
20 his request.

21 Mr. Part, what else do you have?

22 MR. PART: Your Honor, at this time the defendant  
23 would ask that a confidential psychiatrist be appointed  
24 under the applicable sections of the Evidence Code, which  
25 I believe are 730 and 1017.

26 I have a Superior Court check list and

1 if your Honor would allow me, I'd read the sections under  
2 which I'd like the doctor to examine the defendant.

3 THE COURT: All right. You are asking for a  
4 confidential report only for your purposes?

5 MR. PART: That's correct, your Honor.

6 Section 2, question of whether the  
7 defendant was sane at the time of the commission of the  
8 alleged offense.

9 Section 3, is the defendant presently  
10 able to understand the nature and the purpose of the  
11 proceedings taken against her.

12 Section 4, is she presently able to  
13 cooperate in a rational manner with counsel in presenting  
14 a defense.

15 Section 5, is she presently able to prepare  
16 and conduct her own defense in a rational manner.

17 Section 6, is she presently a mentally ill  
18 person.

19 Section 8, at the time of the commission of  
20 the alleged offenses, did she have the mental capacity to  
21 deliberate.

22 Section 9, the same as 8, the present mental  
23 capacity to premeditate.

24 10, the mental capacity to harbor malice.

25 And 11, the mental capacity to meaningfully and  
26 maturely reflect upon the gravity of her contemplated acts.

1 Many of these sections together being so-  
2 called diminished capacity.

3 THE COURT: Let me see that form.

4 That Item No. 6 that you mentioned, Mr. Part,  
5 is outmoded since Lanterman.

6 MR. PART: I think Item No. 5 is probably -- should  
7 not be included either. I checked that off without reading  
8 the last --

9 THE COURT: All right. No. 5, you eliminate your  
10 request for that?

11 MR. PART: So it would be 2, 3, 4, 8 through 11.

12 THE COURT: All right. The Court, then, pursuant  
13 to Sections 730, 1017 of the Evidence Code, will appoint  
14 Dr. Blake Skrdla to conduct a psychiatric examination on  
15 behalf of the Defendant Van Houten, asking Dr. Skrdla to  
16 report confidentially to Mr. Part his evaluation as to  
17 the defendant's condition pursuant to those items listed,  
18 Nos. 2, 3, 4, 7, with the specific intent to commit murder,  
19 8, 9, 10 and 11. And that motion is granted, Mr. Part.

20 MR. PART: Thank you, your Honor.

21 Next, I move to have the Court allow me to  
22 hire on a part-time basis, or retain on behalf of the  
23 Defendant Leslie Van Houten, William Stenberg, a private  
24 investigator, who was formerly a homicide sergeant with  
25 the Glendale Police Department and now a licensed  
26 investigator for the State of California, for an investigation

1 as far as the defendant's case is concerned.

2 THE COURT: How do you spell his name?

3 MR. PART: S-t-e-n-b-e-r-g, William Stenberg.

4 THE COURT: All right. That motion will also be  
5 granted, Mr. Part. I'll permit you to authorize the  
6 employment of Mr. Stenberg for the purposes of conducting  
7 the investigation that you deem necessary in this case.  
8 However, at this point I will put a financial limitation  
9 of \$750 on the amount to be expended with the understand-  
10 ing that if you feel that that amount is inadequate, you  
11 have the right to come back into this court and ask this  
12 Court to extend or to increase the amount of expenditure.  
13 But at this time it is understood, Mr. Part, that if  
14 anything further and above the amount of \$750 is expended  
15 on behalf of the defendant at this point it is without  
16 Court authorization. It will not be paid for by the County  
17 of Los Angeles.

18 MR. PART: Fine.

19 I have two other matters that are not in  
20 the boxes of motions but I'd like to put them on the  
21 record, if it please the Court.

22 Because of many developments concerning  
23 this case and opinions of different attorneys and people,  
24 and newspapers, and especially in view of what happened  
25 yesterday in Texas regarding the question of whether a  
26 defendant can get a fair trial in Los Angeles County,

1 in reference to the fact that there was an article printed  
2 in the Los Angeles Times, plus a rather lengthy article  
3 in Life Magazine, Newsweek and other periodicals, I'd like  
4 to make the statement for the record, and I'd also ask  
5 Miss Van Houten to make the statement with me, because  
6 everybody is watching the case and kind of looking over  
7 your shoulder.

8 I want everybody to realize that in the  
9 preparation of the case I've tried to touch all of the  
10 bases and I feel that because of my investigation of the  
11 case, my conversation with Miss Van Houten, and my  
12 experience in the past, I feel that taking the case outside  
13 of Los Angeles County would be injurious to her defense.  
14 I feel that a change of venue would sort of make this  
15 case into a road show. I feel that if it were taken into  
16 a small town, it would hinder Miss Van Houten's defense  
17 rather than help it.

18 I have discussed this frequently with  
19 Miss Van Houten. I have told her of my opinions and the  
20 reasons for my opinions. And at this time it is for the  
21 record we would like it placed on the record that she and  
22 I both agree that although people have spoken about change  
23 of venue, it is not our position to ask for a change of  
24 venue.

25 Will you stand up, dear.

26 Is that correct?



1 THE DEFENDANT VAN HOUTEN: Yes.

2 MR. PART: And have we discussed it many times?  
3 Is that right?

4 THE DEFENDANT VAN HOUTEN: Yes.

5 MR. PART: You concur with me that we will not ask  
6 for a change of venue in this case; is that right?

7 THE DEFENDANT VAN HOUTEN: Yes.

8 MR. PART: Thank you.

9 Now, for the second part, on the record,  
10 which again is not in the form of a motion, there has been,  
11 because of the fact that Miss Van Houten is only charged  
12 with the La Bianca murders, as well as the conspiracy to  
13 commit murder concerning the La Blancas, and not with the  
14 Tate murder, although there is a question of whether  
15 there be a severance asked on her behalf, I have also  
16 discussed this with my colleagues and at length with the  
17 defendant. And again, just for the purpose of showing  
18 that we have not overlooked this possibility in her  
19 defense, the defense for Leslie Van Houten has decided  
20 that they will not ask for a severance in her matter  
21 and ask that she be tried with all the other defendants.

22 Now, Miss Van Houten, have we discussed  
23 that thoroughly?

24 THE DEFENDANT VAN HOUTEN: Yes.

25 MR. PART: And at this time do you concur with me  
26 that we will not ask for a severance and wish to be tried

1 with everybody else in the case?

2 THE DEFENDANT VAN HOUTEN: Yes.

3 MR. PART: Thank you.

4 That's all that Miss Van Houten has to offer  
5 today, your Honor.

6 THE COURT: All right. Thank you, Mr. Part.

7 Mr. Fleischman?

8 MR. FLEISCHMAN: Yes, your Honor.

9 At this time we will move to dismiss the  
10 indictment under Section 995 -- strike that -- we will  
11 move to dismiss Counts VI, VII and VIII of the indictment  
12 under Section 995.2 and ask that a hearing be set as to  
13 that. We will also move under Section 995.1 to dismiss  
14 the indictment as to all counts and ask that a hearing be  
15 set.

16 I understand that two weeks will be  
17 satisfactory with the District Attorney's Office.

18 THE COURT: Is that correct, Mr. Stovitz?

19 MR. STOVITZ: Yes, your Honor, we would be  
20 prepared in two weeks.

21 MR. FLEISCHMAN: I might note, your Honor, that we  
22 will ask for an evidentiary hearing as far as the dismissal  
23 motion on 995.1.

24 THE COURT: All right. Your motion pursuant to  
25 Section 995, as to the first subsection, is to all Counts  
26 of the indictment; is that correct?



1 MR. FLEISCHMAN: That's correct, sir.

2 THE COURT: And then your motion as to 995,  
3 Subsection 2, is as to Counts VI, VII and VIII only; is  
4 that correct?

5 MR. FLEISCHMAN: That's correct, sir.

6 THE COURT: All right. I'll order a hearing  
7 pursuant to Section 995 of the Penal Code, as you have  
8 set it forth, insofar as Defendant Linda Kasabian is  
9 concerned, two weeks from today, which would be the --

10 THE CLERK: January 20th.

11 THE COURT: January 20th.

12 And I'll set that matter at 11:00 o'clock  
13 in the morning in Department 106 of this court in front  
14 of Judge Malcolm Lucas.

15 I could state for the record that it is  
16 the policy of this court that the motions pursuant to  
17 Section 995 of the Penal Code be heard by a judge other  
18 than the trial judge and that is the purpose for setting  
19 the matter in that department. I have conferred with  
20 Judge George Bell of this court and pursuant to that  
21 conference it was agreed that the matter would be set  
22 in Department 106 on that date for the purposes of that  
23 motion 995 of the Penal Code insofar as Defendant Linda  
24 Kasabian is concerned. That will be at 11:00 o'clock  
25 in the morning in Department 106.

26 Now, in regard to that, did you have anything

1 else that you wanted as far as the other --

2 MR. FLEISCHMAN: I would ask that the names and  
3 addresses of the Grand Jurors who were present at the  
4 time of her indictment be made available to the defense.

5 THE COURT: Yes, that motion will be granted.  
6 I'll permit you to have access to the names and addresses  
7 of the members of the 1969 Grand Jury for the possible  
8 purposes of subpoenaing them into court insofar as the  
9 evidentiary hearing is concerned. That would be under  
10 Subsection 1 of 995 of the Penal Code.

11 MR. FLEISCHMAN: Yes, sir.

12 THE COURT: All right. That motion is granted.

13 MR. FLEISCHMAN: If the Court please, at this  
14 time I would also make a motion and ask to be heard on  
15 the question of bail.

16 THE COURT: Before we take that matter up, let's  
17 arraign the defendant and take the plea. ✓

18 MR. FLEISCHMAN: All right.

19 MR. STOVITZ: Linda Kasabian, is that your true  
20 and complete name?

21 THE DEFENDANT KASABIAN: Yes, it is.

22 MR. STOVITZ: You have heretofore been indicted on  
23 indictment No. A 253156 charging you with seven counts  
24 of murder in violation of Section 187 of the Penal Code  
25 and one count of conspiracy to commit murder in violation  
26 of Sections 182 and 187 of the Penal Code.

1           Counsel, do you waive further reading of  
2 the indictment and you have received a copy of that  
3 indictment; is that correct?

4           MR. GOLDMAN: We have received a copy and we will  
5 waive further reading of the indictment.

6           MR. STOWITZ: And is the defendant ready to plead  
7 at this time, Counsel?

8           MR. GOLDMAN: Your Honor, in connection with the  
9 plea, this is a matter I believe we have discussed. At  
10 this time we are ready to plead on the condition that  
11 the record reflect, and your Honor so order, that we do  
12 not waive any of our rights to challenge the trial judge  
13 who may be appointed in this matter under Section 170.6  
14 of the Penal Code, and with the understanding that we  
15 have reserved all of our rights to make any challenge at  
16 the time the matter is set for trial, we will then enter  
17 our plea today.

18           THE COURT: With that understanding and that will  
19 be the order of the Court, you have not waived any rights  
20 insofar as any challenge that you care to file in this  
21 matter. I'll have the record so reflect and that will be  
22 the order.

23           MR. GOLDMAN: And I further understand, your Honor,  
24 that the matter will be set down for a setting date  
25 rather than a trial date at this time.

26           THE COURT: That's correct.

1 MR. STOVITZ: Linda Kasabian, you have heard the  
2 statements of your attorney?

3 THE DEFENDANT KASABIAN: Yes.

4 MR. STOVITZ: Are you not ready to plead?

5 THE DEFENDANT KASABIAN: Yes, I am.

6 MR. STOVITZ: To the charges contained in that  
7 indictment, namely, seven counts of murder and one count  
8 of conspiracy to commit murder, how do you now plead?

9 THE DEFENDANT KASABIAN: Not guilty.

10 THE COURT: The answer was "Not guilty."

11 Do you also at this time want to reserve  
12 the right to add any additional pleas to that of not  
13 guilty?

14 MR. GOLDMAN: Your Honor, we would ask the Court  
15 for its order that we reserve the right to enter any new  
16 or additional pleas that we may in time decide are  
17 necessary in the case.

18 THE COURT: That is granted. And that right is  
19 also reserved on behalf of the Defendant Linda Kasabian.

20 All right. Now, I've got the matter set  
21 insofar as Defendant Susan Atkins is concerned and also  
22 insofar as Defendant Leslie Van Houten is concerned for  
23 trial on February 9, 1970. Now, it appears to the Court  
24 and in conference with all counsel, or at least counsel  
25 here present in court this date, that that may well be  
26 an unrealistic trial date in bringing this case to trial.

1 Insofar as all the defendants are concerned in the event  
2 that the case is to be tried in its entirety as to all  
3 defendants.

4 That I will do in that regard, insofar as  
5 Defendant Kozabien is concerned, is that I'll order the  
6 matter set in this department on February 9, 1970, at  
7 9:00 o'clock in the morning for trial setting date on  
8 that day, rather than setting it for trial on that date  
9 and then continuing it.

10 I'll also agree at this time the trial  
11 date insofar as Defendant Leslie Van Houten is concerned,  
12 which we currently set on that date, February 9, 1970,  
13 and order the date of February 9th be designated now as a  
14 trial setting date rather than a trial date.

15 Insofar as Defendant Atkins is concerned,  
16 she is not present here in court at this time. The

17 matter will remain set on February 9, 1970, as the trial  
18 date insofar as that defendant is concerned with the  
19 understanding when she is in court on that date that the  
20 matter will ultimately be continued, it being agreeable  
21 with the defendant, and in the event that all defendants  
22 are to be taken to trial at the same time.

23 I'll, therefore, may we have a time waiver, it counsel  
24 is agreeable to that, on behalf of Leslie Van Houten  
25 THE COURT: Yes. We already have one insofar as  
26 Van Houten is concerned, but this is agreeable with you.

1 MR. EAST:

2 MR. EAST: That is agreeable and if it is necessary  
3 the defendant again waives time.

4 THE COURT: All right. Now, as far as Linda  
5 Kasabian is concerned, Miss Kasabian, you have the right  
6 to have this matter set for trial within 60 days from  
7 the date that the indictment was returned in this case.  
8 You have been here in court at this time and you have  
9 heard the discussions that have gone on and I am setting  
10 the matter now for a trial setting date of February 9,  
11 1970, with the understanding at that time we should have  
12 some indication as to just when the matter can realistically  
13 go to trial insofar as all defendants are concerned.

14 By taking this action at this time, I am,  
15 of necessity, going to have to set this matter for trial  
16 beyond that 60-day period of time. Will you personally  
17 waive your right to an earlier trial and agree to  
18 February 9th as a trial setting date in this case?

19 THE DEFENDANT KASABIAN: Yes, sir.

20 THE COURT: And Mr. Fleischman, you join in that  
21 waiver?

22 MR. FLEISCHMAN: I join in the waiver.

23 THE COURT: All right. Thank you.

24 Now, anything further?

25 MR. FLEISCHMAN: Yes. On behalf of the Defendant  
26 Kasabian, your Honor, I have spoken with the District



1 Attorney's Office about this matter at some length.

2 She is presently charged technically with  
3 a capital offense. I believe, and I don't want to speak  
4 for the District Attorney or his deputy, that the represen-  
5 tation has been made to me that they will not, or at least  
6 there will be some question as to whether they will, ask  
7 for the death penalty as to Mrs. Kasabian.

8 As your Honor knows, this young woman  
9 voluntarily surrendered herself on this charge. She was  
10 not apprehended. The radios broadcast that they were  
11 looking for her and she did turn herself in back in  
12 New Hampshire. She then waived extradition and came here,  
13 I believe, not more than 48 hours after she was -- she  
14 surrendered herself.

15 And I might note that she and I were in  
16 telephone communication several times at that time and it  
17 was without my advice that she came back here to face  
18 these charges. ✓

19 I have felt all along that, and we have  
20 talked about this also briefly, I don't want to try this  
21 case in any way right now, but the Grand Jury transcript  
22 indicates that Mrs. Kasabian was in no way inside either  
23 of these residences. And I do not believe the prosecutor's  
24 office is going to make the claim that she in any way did  
25 any physical act as far as any violence, physical act as  
26 far as the persons who were victims of these crimes.



1 I feel that in her condition it is  
2 extremely difficult for Mr. Goldman and I to prepare her  
3 defense while she is in the County Jail. She is in her  
4 seventh month of pregnancy. It is practically impossible  
5 for her to run anyplace in her condition, and that's the  
6 problem with setting bail. We would be much better able  
7 to assist her in her defense if she is able to be out  
8 on bail during the pendency of these proceedings, which  
9 could last many months.

10 We only have a trial setting date now in  
11 February. Two defendants are out of the State. Appeals  
12 are being taken from them. A third defendant has not  
13 yet entered a plea. The girl may be in custody for a long  
14 time pending trial. A member of her family, her husband,  
15 is here in this County. He is able to take care of her  
16 while the second baby is born, and I feel that there is  
17 no danger that she would -- there is certainly no danger  
18 of violence on her part, as is the case, perhaps, with  
19 other defendants and other cases who are out on bail or  
20 who have been reduced bail.

21 I feel that she is an appropriate candidate for  
22 bail and that there is a substantial, substantial question  
23 as to whether she -- this is, in fact, a capital case  
24 where she is concerned.

25 I'll submit the matter.

26 THE COURT: Mr. Stovitz.

1 MR. STOVITZ: We have not made any final determina-  
2 tion as to whether or not we will or will not seek the  
3 death penalty for Linda Kasabian, your Honor. I feel that  
4 at this point that this matter stands as a capital offense  
5 and that the trier of fact, be it the Court or jury,  
6 should be given an opportunity to vote on this matter.  
7 Therefore, I believe that under the code section, the Code  
8 reading if the offense is a capital offense that the bail  
9 may be denied, that bail should be denied by the Court  
10 at this time.

11 THE COURT: Mr. Fleischman, anything further?

12 MR. FLEISCHMAN: I'll submit the matter, your  
13 Honor.

14 THE COURT: The motion for a bail setting insofar  
15 as Linda Kasabian is concerned is denied.

16 Mr. Fleischman, in this matter --

17 MR. FLEISCHMAN: Yes, one item, your Honor, that  
18 had slipped my mind.

19 Witnesses at the County Jail, or persons  
20 that we bring to the County Jail to talk to Mrs. Kasabian,  
21 I believe I have brought two now, including her husband,  
22 their pictures are being taken. We don't care if they  
23 take the pictures of Mr. Goldman and myself, they have  
24 already done it, but we do object to pictures being  
25 taken of witnesses or persons that we bring to the County  
26 Jail to talk to Mrs. Kasabian. Some people hesitate to

1 have their pictures taken and I feel that may be an  
2 unfair burden on the defense, as long as she is going to  
3 be in custody for these many months, to have the picture  
4 of everybody that comes to the County Jail to see her,  
5 either as a visitor or as a witness with us, to have their  
6 pictures taken, and I would ask the Court for an order  
7 that pictures not be taken of persons coming to the County  
8 Jail, at least persons who come to the County Jail with  
9 either of her attorneys, Mr. Goldman and myself.

10 THE COURT: Well, I will grant that order if you  
11 will prepare it in writing that I can see it for my  
12 signature. And it seems to me that rather than the order  
13 itself, some arrangements can be made, and I will certainly  
14 order that they be made, with the Sheriff of this County  
15 to make such arrangements that you can take somebody into  
16 the County Jail to see your client without having to have  
17 the pictures taken of the persons who come in.

18 I agree with you. I think that is a burden  
19 on anyone that is coming to see her. And I'll make that  
20 order, if necessary. Take the matter up with the Sheriff  
21 and if arrangements cannot be made and you feel an order  
22 is necessary, draft the order and I'll sign it, if I find  
23 it to be in order.

24 MR. FLEISCHMAN: Very well.

25 THE COURT: All right. We will be in recess in  
26 this matter.

(Whereupon, the proceedings as to  
Defendant Van Houten were continued to  
February 9, 1970, in Department 107; the  
proceedings as to Defendant Kasabian were  
continued to January 20, 1970, in Department  
106 of the Superior Court.)

1 LOS ANGELES, CALIFORNIA, WEDNESDAY, JANUARY 14, 1976 11:00 AM ✓

2 -000-

3  
4 (The following proceedings were had in  
5 Department 100 before the Honorable George H.  
6 Bell, Judge Presiding:)

7  
8 THE COURT: All right. We will call No. 320,  
9 Charles Manson.

10 I take it you are Mr. Manson?

11 THE DEFENDANT MANSON: Yes, sir.

12 THE COURT: Well, the matter is here today for  
13 plea, Mr. Manson, and some other matters.

14 I know you filed a motion that I'll take  
15 up in due course, but are you ready to enter your plea  
16 at this time?

17 THE DEFENDANT MANSON: I would like a ruling on the  
18 motion first, if I may have that.

19 THE COURT: Well, I do not think we will do it  
20 that way, Mr. Manson, with all due respect.

21 THE DEFENDANT MANSON: Well, I can't be expected to  
22 plead without some -- I have to get some books in and I  
23 have to review a few more witnesses. There's a lot more  
24 I have to do before I plead.

25 THE COURT: Well, you see, that's one of the  
26 problems that you undertook when you decided to represent

1 yourself. And I don't think that it is necessary for me  
2 to rule on the motion before you decide whether you are  
3 ready to enter your plea or not, and I do not intend to  
4 rule on the motion until after the plea has been entered,  
5 at least it's the last thing on my mind at the moment.

6 I take it -- let's go back a little bit,  
7 then, Mr. Hanson, before we take up the matter of the  
8 plea.

9 Judge Lesno, I understand, and I have not  
10 ordered a transcript on this, I do not believe I need to,  
11 but I understand that he interrogated you at considerable  
12 length and that in addition to his interrogation he  
13 appointed Mr. Tall, the former president of the State Bar,  
14 to consult with you as to whether or not you should go  
15 in pro per, although it was your own decision.

16 Is it still your desire to represent your-  
17 self?

18 THE DEFENDANT HANSON: Certainly.

19 THE COURT: I would certainly use my --

20 THE DEFENDANT HANSON: Everyone says that.

21 THE COURT: -- utmost --

22 Well, I appreciate that.

23 THE DEFENDANT HANSON: I have two or three motions  
24 to file before the plea. I would like to enter a motion,  
25 an informal motion, for discovery which I would like to  
26 have read into the record.

1 THE COURT: No, you won't read it into the  
2 record.

3 THE DEFENDANT MANSCH: I can't read it?

4 THE COURT: If you want to file it, it may be  
5 filed. But I can tell you right now there won't be any  
6 discovery motion granted before the plea. In fact, if  
7 necessary, I'll enter a not guilty plea for you. I am  
8 sure you have no intention of pleading guilty. But this  
9 is one of the things that you undertook.

10 Now, you say you still want to represent  
11 yourself.

12 THE DEFENDANT MANSCH: Well, it looks like you are  
13 not going to let me.

14 THE COURT: Well, I'm not letting you do anything  
15 that an attorney can't do.

16 THE DEFENDANT MANSCH: Oh.

17 THE COURT: And if you are represented by an  
18 attorney, I would not grant any discovery, I would not  
19 rule on any special privileges, or any special collateral  
20 matters.

21 So this is one of the problems that I think  
22 Judge Keene took up with you previously. The fact that you  
23 are representing yourself, I think, is unfortunate. I  
24 don't want you to represent yourself. I'd much rather  
25 that you be represented by somebody who actually knows what  
26 he is doing. Judge Keene felt, and I have the greatest



1 regard for Judge Leane, and the greatest confidence in his  
2 ability, and so I'm sure he is right. He ruled that you  
3 had the capacity to waive your right to counsel and the  
4 right to represent yourself and the ability to represent  
5 yourself, as the Supreme Court and the other courts of  
6 this State have ruled. That doesn't mean that you are going  
7 to get any special privileges that someone who does not  
8 represent himself has. And as to the other defendants,  
9 once they are present, I find out if they are ready to  
10 plead and if they are not ready to plead for some reason,  
11 possibly because they haven't received the Grand Jury  
12 transcript, that's a pretty good reason, I grant a  
13 continuance.

14 THE DEFENDANT MANDEN: You mentioned special privi-  
15 leges.

16 THE COURT: Yes, sir.

17 THE DEFENDANT MANDEN: Those are in your mind. You  
18 know, I'm not asking for special privileges. I'm asking  
19 for the ones that I'm supposed to get.

20 THE COURT: I don't think you are supposed to have  
21 any discovery motion granted before you plead.

22 THE DEFENDANT MANDEN: There is no written law on  
23 that.

24 THE COURT: That's correct.

25 THE DEFENDANT MANDEN: You can put it in either way,  
26 you know.

1 THE COURT: In my discretion, I am denying it.

2 THE DEFENDANT MANSON: Okay. That's denied.

3 THE COURT: That's correct.

4 Let's hear the next one. I'll file the  
5 motion and it is denied without prejudice.

6 THE DEFENDANT MANSON: Certainly, certainly.

7 THE COURT: It simply will not be ruled on prior  
8 to the time that the matter is heard. I'll give you the  
9 reason for that, Mr. Manson.

10 THE DEFENDANT MANSON: You don't have to.

11 THE COURT: Oh, no, I think you ought to know.

12 We have a number of matters in this court,  
13 as you probably know, and I'm just not equipped to handle  
14 discovery proceedings in individual cases. Your case will  
15 be assigned to a trial court and that's where you make  
16 your motion for discovery. I am in no position to under-  
17 take the time. The trial court can do that. That's the  
18 reason we get a plea first. I can't assign you to a  
19 trial court until I have a plea entered, you see.

20 Let's hear the next one, sir.

21 THE DEFENDANT MANSON: Second, I want to get a couple  
22 of books in so I could read and see what I have to do,  
23 what needs to be done, I have the names of a couple  
24 of books on a writ here.

25 THE COURT: Well, go ahead.

26 THE DEFENDANT MANSON: Third, the phone calls. There

1 are so many people in the County Jail in the pro per tank,  
2 and there is not enough telephones to go around, that it's  
3 almost impossible to get three phone calls in a day.

4 The witnesses are photographed and they are asked questions  
5 to an extent that two or three run off and hide. You know,  
6 half the people are hiding because they are scared of you  
7 people.

8 There's a lot of things that -- For example,  
9 I'd like a tape recorder. A small Dictaphone-like tape  
10 recorder. I can't type. I haven't got a typewriter. And  
11 I can't type.

12 For, a small -- I'm not asking for a Hi-Fi  
13 set. I would just like a small recorder that I could  
14 transcribe whatever I'm reading out of the books and have  
15 it typed by my legal runner. They have the facilities  
16 outside to do these things. I do not inside. My hands  
17 are completely tied in there. I haven't had a chance to  
18 do anything, you know.

19 I filed this motion, asked that it be filed  
20 on the 8th. If you could have ruled on it on the 8th,  
21 then I could have entered a plea today. Now, you have  
22 held me up on this so, you know, you are tying my hands,  
23 you know.

24 THE COURT: I have tried to explain to you -- of  
25 course, you are just going into this matter of the motion  
26 again, and I have indicated to you that I do not think any

1 of these matters is necessary to the making of your plea  
2 at this time. Certainly, any of these matters may be  
3 relevant to the question of properly preparing your  
4 defense, and I'm sure that you will not be forced to go  
5 to trial before you actually are ready.

6 THE DEFENDANT MANSON: Will I be forced to go to plea  
7 before I am ready?

8 THE COURT: I can't -- I don't understand why you  
9 are not ready to plead.

10 THE DEFENDANT MANSON: Well, it seems that you won't  
11 rule on anything I have asked you.

12 THE COURT: I don't think that these matters are  
13 relevant as far as the matter of a plea is concerned.  
14 I've never yet seen it necessary in any case that a  
15 defendant be given any of the equipment that you mentioned  
16 or any attorney feel that he have equipment of that  
17 nature before entering a plea.

18 THE DEFENDANT MANSON: Is discovery generally before  
19 plea?

20 THE COURT: No. It is not before a plea,  
21 generally.

22 THE DEFENDANT MANSON: If I plead now, can I put  
23 a habeas corpus in after plea?

24 THE COURT: What kind of a habeas corpus?

25 THE DEFENDANT MANSON: Well, a 995.

26 THE COURT: Well, a 995 can be made -- of course,

1 you are quite correct. Under the law, as it stood until  
2 last November, as I recall, a 995 had to be made before  
3 a plea. That's no longer the case. If you want to make  
4 a 995 motion right now, even before plea, I'll be happy  
5 to set that for trial. 995 does not involve any discovery  
6 because the Court in considering a 995 motion is limited  
7 to what is in the transcript.

8 If you would prefer to have that now  
9 before a plea, I'll set it before plea. If you want to  
10 plead first, I can give you a trial date and also give  
11 you a 995 date, or, if you prefer, I'll set the 995 in  
12 a court other than a court in which the trial is set,  
13 which is generally the procedure that we follow.

14 THE DEFENDANT MASON: I have a motion here.

15 THE COURT: Let's hear the other motion.

16 THE DEFENDANT MASON: The motion is -- it's a  
17 strange motion, probably never been a motion like this  
18 before ever -- I've got --

19 THE COURT: Try me.

20 THE DEFENDANT MASON: Huh?

21 THE COURT: I said go ahead, try me. Let's find  
22 out.

23 THE DEFENDANT MASON: See, I'm kind of new to this,  
24 and it's not very easy for me to come up with what you are  
25 used to looking at.

26 This is one of three motions. This is

1 proceeding of habeas corpus. I don't even know how to  
2 pronounce it. I would like to have this entered into the  
3 record.

4 Now, first, your Honor, this may not make  
5 a lot of sense to you until I have the other two motions  
6 worked out, and I haven't got those worked out quite as  
7 yet because my hands are tied over there because I cannot  
8 get the things that are necessary to do the things that I  
9 have to do. You know, I haven't -- I haven't asked for  
10 anything way out of the ordinary, you know, like an  
11 investigator, you know, and some extended time to inter-  
12 view witnesses.

13 A witness comes in at ten minutes until  
14 3:00, and on the rules it says you can have unlimited  
15 time -- and on the first witness on the first visit. They  
16 come in ten minutes before they close the attorney room  
17 and they close the attorney room and that's gone, you know.

18 And then the other two are generally, you  
19 know, it takes a couple of times to get things lined up.

20 THE COURT: Well, if there's any question about the  
21 witness matter, I do not intend to pass on your motion  
22 until after we discover what is going on as to a plan.  
23 But I do intend -- I'm sure that any judge, and any  
24 defendant, would receive the same sort of treatment that  
25 in the event that you weren't getting enough time for  
26 interview of a necessary witness, you will receive it. I



1 am not going to give you a blanket order that you will have  
2 unlimited time to interview any and all witnesses without  
3 any further supplemental orders made. But any time you  
4 need additional time to interview a given witness, I can  
5 assure you you will receive that.

6 Let's proceed over to what motion you were  
7 talking about, though, Mr. Manson.

8 THE DEFENDANT MANSON: Well, I imagine you'd have to  
9 read it first.

10 THE COURT: Why don't you pass it up to me, then,  
11 sir.

12 THE DEFENDANT MANSON: Your Honor?

13 THE COURT: Yes.

14 THE DEFENDANT MANSON: Could I have a postponement on  
15 the plea until I have a chance to take these up a little  
16 higher maybe?

17 THE COURT: No.

18 THE DEFENDANT MANSON: Wherever they go?

19 THE COURT: No. I intend to rule on this matter.  
20 I'm not going to postpone the plea simply so that you can  
21 make an application, which I'm sure is going to be denied  
22 by the Board of Appeal.

23 THE DEFENDANT MANSON: All right.

24 THE COURT: Let me read the motion that you filed.

25 THE DEFENDANT MANSON: Then I'll let you enter a plea  
26 for me.



1 THE COURT: Well, I'll probably do that.

2 THE DEFENDANT MANSON: Okay.

3 THE COURT: Let me read the document that you want  
4 me to read.

5 Now, Mr. Manson, Nash and Mr. Moorehead,  
6 Mr. Austin, Mr. Townes, Mr. Collier and Mr. Shepard, are  
7 these individuals who you wish to have associated with  
8 you as your counsel?

9 THE DEFENDANT MANSON: Yes, sir, on the habeas corpus.

10 THE COURT: On the habeas corpus?

11 These are non-lawyers, I take it? ✓

12 THE DEFENDANT MANSON: Right.

13 THE COURT: These are fellow guests of the Sheriff? ✓

14 THE DEFENDANT MANSON: Right, yes, sir.

15 THE COURT: All right. Let me read the -- I have  
16 read the motion.

17 Now, let me read your affidavit.

18 Well, it certainly is an interesting  
19 document, and I would agree with you, I have never seen  
20 one, Mr. Manson, just like this one. ✓

21 THE DEFENDANT MANSON: Is that bad?

22 THE COURT: There is always a first time.

23 THE DEFENDANT MANSON: Well, I'm just starting.

24 THE COURT: Well, I'm sure you are. I'll be glad  
25 to hear anything you'd like to present on this, but I think  
26 you have stated it very clearly. You really don't want to

1 represent yourself to the exclusion of having some  
2 assistance, which is what you told Judge Keene. You  
3 asked to have Mr. Steinberg and Mr. Hollissack, or, in  
4 reverse order, I don't guess the order really matters,  
5 be co-counsel with you and you were denied that right.  
6 So you are no longer requesting that. But you wish to  
7 have these fellow inmates as your --

8 THE DEFENDANT LAMSON: Only on the habeas corpus.

9 THE COURT: What habeas corpus are we talking  
10 about?

11 THE DEFENDANT LAMSON: Well, that's one I'm working  
12 on that I haven't got done.

13 THE COURT: I see.

14 THE DEFENDANT LAMSON: I haven't had time or the  
15 equipment or --

16 THE COURT: Could you give me just some slight  
17 clue as to what matters the habeas corpus relates?

18 THE DEFENDANT LAMSON: Well, it will get into  
19 semantics quite a bit.

20 THE COURT: I see.

21 THE DEFENDANT LAMSON: And then it should enter into  
22 the Grand Jury being a little unconstitutional.

23 THE COURT: I see.

24 THE DEFENDANT LAMSON: Quite unconstitutional, in  
25 fact. And then it will probably get all the way to the  
26 Constitution and then the first ten or fifteen days without

1 a lawyer and -- your Honor, you will have to understand  
2 this, you know.

3 THE COURT: I'll try.

4 THE DEFENDANT HANSON: You do not become an attorney  
5 overnight. You know, I've had two weeks, you know, and  
6 in two weeks I generally fight going up and down the  
7 hallway to go to the attorney room, which takes an hour  
8 and a half, or to get a phone call in, which I have to  
9 stand in line for an hour and a half, or to see a witness  
10 or -- it's not exactly the easiest thing under the circum-  
11 stances. I think with a little understanding on the  
12 Court's part, if it has any, it would understand that I am  
13 doing my best, you know.

14 THE COURT: Oh, I'm sure you are, Mr. Hanson.

15 THE DEFENDANT HANSON: And I'm supposedly innocent,  
16 you know.

17 So, if I'm innocent, then shouldn't I be  
18 allowed to have these different things that I've asked  
19 you for?

20 THE COURT: Well, Mr. Hanson, let's start from the  
21 beginning.

22 In the first place, you were offered counsel.  
23 You are still offered counsel. I at this moment will be  
24 privileged to appoint counsel to represent you.

25 THE DEFENDANT HANSON: Certainly you would.

26 THE COURT: Yes, I would, indeed.

THE DEFENDANT HANSON: Put me in the gas chamber.

1 THE COURT: That's not the objective at all. The  
2 only objective is to see that you are properly represented.

3 At the same time, you are not the only per-  
4 son who is entitled to a fair trial. The entity -- call  
5 it a semantic entity, if you like, but the People of the  
6 State of California are entitled to a fair trial as well.

7 Granted, you don't become a lawyer in two  
8 weeks. I don't think you can possibly become a lawyer at  
9 all in the time that is awaiting you. It does not mean  
10 that you can't win some points, it doesn't mean that  
11 you can't possibly win your case. You are not going  
12 to become a lawyer and you are not going to have the skill  
13 of any qualified member of the bar. You've got an  
14 interest in this case.

15 There is an old proverb that I'm sure you've  
16 heard a million times, that a lawyer, and I underline that,  
17 a lawyer who represents himself has a fool for a client.  
18 I think that a layman who chooses to become a lawyer is  
19 certainly subject to the same principle.

20 Inasmuch as the People are entitled to a  
21 fair trial, at least a relatively speedy trial of this  
22 matter, I have no intention of continuing this matter  
23 indefinitely while you attain the skill of a lawyer.  
24 You are not just about to attain it. I would like to  
25 appoint somebody to represent you. I'll appoint the best  
26 lawyer I can think of to represent you.

1 THE DEFENDANT MANSON: Your Honor, behind the big  
2 words and behind the confusion and the numbers and the  
3 quotes and the robes, you hide the truth.

4 THE COURT: Not intentionally.

5 THE DEFENDANT MANSON: Not intentionally, you know.  
6 Like sometimes I wonder if you know what is going on.

7 THE COURT: Sometimes I do, too, Mr. Manson. I  
8 admit there is some self-doubt.

9 THE DEFENDANT MANSON: I have been looking in those  
10 books and they are so confused. The way you do things is  
11 just backwards from the way any sensible person would do  
12 it. I cannot judge it. All I have to do is try to become  
13 involved in the confusion. I have a child-like under-  
14 standing and I have an awareness and I can speak.

15 The Court sometimes may have to be a little  
16 lenient with me and understand that I am not a learned  
17 individual. And that's not asking too much because I am  
18 supposedly of the people, you know. And, like I just ask  
19 that I be allowed to try.

20 THE COURT: Well --

21 THE DEFENDANT MANSON: I may surprise you.

22 THE COURT: You may very well. I do not think you  
23 are going to surprise me. I'm not saying that you can't  
24 win your case. You are not going to surprise me.

25 I think you are making a serious mistake,  
26 however. These judgments, of course, are all very



1 tentative. I know of people who have represented them-  
2 selves who managed to obtain acquittals. Sometimes not-  
3 withstanding their own efforts, they manage to obtain  
4 acquittals. I say that with all seriousness. But, you  
5 see, I know you probably, from what you say, are confused  
6 by the system, whether or not sympathetic to it.

7 THE DEFENDANT HANSON: Your Honor --

8 THE COURT: Yet, we in the black robes do our  
9 thing, too, Mr. Hanson.

10 I really would like to ask you to think  
11 about the matter of counsel a little longer.

12 Are you willing to do that, or are you just  
13 absolutely firm on your views, that either you do it your  
14 way or no other way?

15 THE DEFENDANT HANSON: I don't think there is any other  
16 way I can do it, you know. Like --

17 THE COURT: I have in mind a case, I'm not going  
18 to mention any names of counsel in particular, but I have  
19 in mind a recent case where an individual, whom everybody  
20 thought to be guilty, or at least the press had pretty  
21 well condemned this individual who was tried, he had counsel  
22 appointed by the Court, or if he wasn't appointed by the  
23 Court, at least he was available for appointment by the  
24 Court, and he was acquitted, much to great surprise. I  
25 do not know if this person had thought about representing  
26 himself, but just think of what you have got to contend

1 with.

2 THE DEFENDANT MASON: Your Honor - -

3 THE COURT: You've got to contend with all the  
4 high-powered people the District Attorney's Office can  
5 put on this case.

6 THE DEFENDANT MASON: That's good. You know, I read  
7 in the paper all the things I say and I haven't spoke a  
8 word.

9 THE COURT: I'll take your word for it. You haven't  
10 -- as far as I'm concerned, you haven't said a thing except  
11 to me just now.

12 THE DEFENDANT MASON: Yeah. I read of what I've done  
13 and I've been to the desert, you know. I have 50 witnesses.  
14 You know, that's a lot of witnesses, you know, that have  
15 the truth in their head.

16 THE COURT: Don't you think you'd be better off  
17 if you had a lawyer?

18 THE DEFENDANT MASON: I have the truth, you know.

19 THE COURT: Sometimes it helps to be able to follow  
20 through with your ideas and have somebody who can actually  
21 interview these people and set up your defense. You want  
22 to do it from the County Jail. It's not impossible but  
23 it's pretty tough.

24 THE DEFENDANT MASON: It is. It certainly is. You  
25 know, like I'm not hiding anything. And like I think a  
26 court of law should be just a place where you come to



1 prove the truth, not where you come to prove that you know  
2 more numbers than someone else, or that you have more  
3 school than someone else, or that you talk way over the  
4 jury, or you talk way over the people. It's to where we  
5 come back down to earth a little bit for the people that  
6 do not understand a lot of things that you understand.  
7 Things that, you know, that I, you know, that I -- your  
8 realities, not mine, and my realities, not yours. I've  
9 lived in a ditch, you know, and you've lived on the  
10 street.

11 THE COURT: Don't you think, though, that somebody  
12 who is familiar with the realities of the jurors is going  
13 to be at a little bit better position --

14 THE DEFENDANT MASON: Certainly.

15 THE COURT: -- to present your reality than you  
16 are yours?

17 THE DEFENDANT MASON: No. I think the jurors are  
18 pretty much down to earth people. I think the lawyers and  
19 the judge talk way over the jury's head. But the father  
20 figure that sets in the role above everybody influences  
21 the jury and he is on the prosecutor's side now anyway.

22 THE COURT: You are entitled to your opinion.

23 THE DEFENDANT MASON: Yes, sir.

24 THE COURT: Well, Mr. Mason, really, Judge Keene  
25 has decided that you have the capability of representing  
26 yourself. And I suppose that's correct. If anybody can

1 represent himself, I have a very serious question whether  
2 any person does have the objective ability to represent  
3 himself in any case more serious than a small claim or a  
4 traffic ticket. He's made that determination and I am  
5 not inclined at this time to overturn it.

6 I am not going to grant your motion to have  
7 associate non-lawyer counsel on the habeas corpus. At the  
8 same time, that doesn't prevent you from utilizing anything  
9 that you get from them in preparing any writ of habeas  
10 corpus you've got. They simply will not be recognized by  
11 the Court. And I will not recognize them and bring them  
12 in. So, really, it is not necessary for you to even file  
13 the motion because you can have the help of any of these  
14 people when you can contact. I think you are entitled to  
15 that.

16 Anything that anyone wants to present to  
17 you, you can utilize in preparing your writ, but the motion  
18 is denied. You won't have any other prisoners associated  
19 as counsel on this case.

20 THE DEFENDANT WITNESS: Okay. Is the motion -- is my --

21 THE COURT: Your discovery motion, I hadn't ruled  
22 on as yet. I really had preferred to hold that. I will  
23 rule on it if you insist, however.

24 THE DEFENDANT WITNESS: I have one for the P.A.

25 THE COURT: All right. You just want the D.A. to  
26 see it.

1 THE DEFENDANT MANSON: Well, yes. It's just a note  
2 asking for statements and recordings and laboratory reports  
3 and photographs.

4 THE COURT: Well, those matters will be presented  
5 to you. The D.A. may as well have it so he knows what he  
6 is required to produce in due course.

7 Mr. Stovitz, you have received whatever Mr.  
8 Manson has presented. But I'm not going to rule on any  
9 discovery matters at this time.

10 I am willing to rule on your pro per motion,  
11 if you insist on that.

12 Where is this tape recorder going to come  
13 from, Mr. Manson?

14 THE DEFENDANT MANSON: It's actually not a tape  
15 recorder, it's just a small little tape machine to dictate --  
16 Dictaphone machine-like.

17 THE COURT: I see.

18 THE DEFENDANT MANSON: And it's only in regards to --  
19 that I can't type very well and I do not spell too good  
20 either. In fact, my spelling is atrocious. But -- and  
21 then he'll have it, you know, transcribed.

22 THE COURT: May I ask you a question? And believe  
23 me, I do not mean this to be insulting or patronizing in  
24 any way.

25 Is there any question about your ability  
26 to read and write, Mr. Manson?

1 THE DEFENDANT LAMSON: That depends on which level of  
2 understanding that you are at, you know, and what you want  
3 to read and what you want to write.

4 THE COURT: Well, you certainly speak at a high  
5 level of understanding. Some of the concepts, perhaps,  
6 are a little esoteric, but your command of language and  
7 your phrasing are --

8 THE DEFENDANT LAMSON: Esoteric?

9 THE COURT: -- are certainly excellent. I just  
10 ask you whether you read -- do you write with the same  
11 fluency?

12 THE DEFENDANT LAMSON: No, no.

13 THE COURT: Are you able to read?

14 THE DEFENDANT LAMSON: Yes, I can read. Slowly.

15 THE COURT: Well, I say that very sincerely  
16 because in the event that I was satisfied, at least you  
17 have the basic ability to read and write, notwithstanding  
18 any orders that Judge Stone has made, I'd vacate those  
19 right now on Say as self-representation is concerned.

20 So you want to use this item which you --  
21 the tape recorder -- simply to facilitate the notes.

22 THE DEFENDANT LAMSON: Yes, sir.

23 THE COURT: The notes that you have in your mind  
24 because it is more convenient and you don't type very well.

25 THE DEFENDANT LAMSON: Yes. And the look is a simple  
26 look, just how to cross-examine witnesses.

1 THE COURT: Where is that book going to come from?

2 THE DEFENDANT HANSON: I've got it already. It's  
3 in Mr. Chan's office. A friend of mine bought it for me.

4 THE COURT: I'll order that you be allowed to  
5 have the book without any -- there is no question as to  
6 that. You will be authorized the book.

7 THE DEFENDANT HANSON: The phone calls -- I under-  
8 stand that they are going to put some more phones in.  
9 There's three phones for I think it's 40 people, and each  
10 person gets a half an hour a day, so that's a conclusion  
11 (sic) of about -- and you are in there about seven hours,  
12 six hours, maybe nine hours, and it kind of clashes,  
13 doesn't work too well.

14 THE COURT: Well, in other words, you are saying  
15 you are not even able to use the three phone calls that  
16 you've got a day right now?

17 THE DEFENDANT HANSON: Right now, that's the way it  
18 stands, yes.

19 THE COURT: Well, inasmuch as they are putting  
20 on phones in, that request -- I haven't ruled on the  
21 tape recorder yet -- that request is denied without  
22 prejudice and I'll find out from the Sheriff whether the  
23 additional phones have come in. If it develops that in  
24 the conduct of your defense you are just not able, even  
25 though you can get on the phone, you are not permitted  
26 to make the additional phone calls that you would want to

1 make, and I'm satisfied that you need them, they will be  
2 authorized.

3 Now, as to the matter of photography, let  
4 me tell you what Inspector Welch has told me, and this  
5 is the reason why I didn't rule on your request right  
6 away, incidentally. When those requests were made for  
7 an execution of privileges, I speak to one of the sheriffs  
8 in authority in the jail and he later laid out what their  
9 problem is and what their position is.

10 In this is the situation as to the photo-  
11 graphy in that no person is allowed to see a  
12 prisoner unless that person is identified, and a large  
13 number of people wish to see you; that it hampers the  
14 entry of the witness to come in to see you unless they  
15 have identification. And the statement was made to me  
16 that these police photographs have been taken so that a  
17 person who previously has been in to see you and has been  
18 identified may not be reidentified. ✓

19 Inspector Welch told me that if you want  
20 this practice stopped, even though it may involve some  
21 delay in our witness coming in to see you, the Sheriff  
22 has no particular interest in making these photographs.

23 The Sheriff's witness well, most of those people,  
24 like it was referred to me in the County Jail, it was said,  
25 well, a lot of those old looking people were out there.  
26 He didn't know whether to let them in. But those old



1 looking people are my brothers. I kind of look odd some-  
2 times myself. But they are people and they are my witnesses.

3 And then when they come up, if, like a couple  
4 of them don't even have ID, they don't drive cars, they  
5 live in sleeping bags wherever they are at. They don't  
6 have addresses like you might have an address. They've  
7 got an address along the roadside, wherever they happen  
8 to be. And they come up and then the camera is pointed  
9 at them and it kind of scares them, you know.

10 And not only that, everybody that is  
11 involved in this has been put in jail for two or three  
12 months and put through strenuous interrogation and played  
13 with in the mind quite frequently so some of the people  
14 aren't willing to test themselves to see if they are  
15 strong enough to go under the stress of the District  
16 Attorney's Office.

17 THE COURT: Well, Mr. Manson, this is one matter  
18 that I'm perfectly willing to leave to you. If you want to  
19 have the photography of these witnesses discontinued,  
20 realizing it may result in delay as far as seeing the  
21 witnesses are concerned, I'll grant the motion.

22 THE DEFENDANT MANSON: Yeah, well, then, see, that  
23 says, well, if you don't do that, then we will just kind  
24 of goof you around.

25 THE COURT: I can't, excepting in limited cases,  
26 tell the Sheriff how to run his facility.



1 THE DEFENDANT HANSON: Yeah.

2 THE COURT: If I feel he is abusing his discretion,  
3 I'll tell him so. I'll make an order on it. In this  
4 particular case, I am not at all convinced that there is  
5 any abuse of discretion on the part of the Sheriff.

6 THE DEFENDANT HANSON: I'm not implying there is.  
7 I'm just implying it's regular procedure.

8 THE COURT: It seems to me that the photographing  
9 of the witnesses is not unreasonable.

10 THE DEFENDANT HANSON: It's brand new. They just  
11 started that.

12 THE COURT: Well, ordinarily there aren't that many  
13 people who want to come in to see somebody, or who have  
14 an, at least, unusual type of appearance.

15 THE DEFENDANT HANSON: I can't get around that, can I?

16 THE COURT: You can't. Which would you prefer? Would  
17 you want to vacate the photography and see if this causes  
18 undue delay?

19 THE DEFENDANT HANSON: No. I just rather let the  
20 Sheriff do what he wants to do.

21 THE COURT: Motion of photography is denied, as  
22 to curtailing photography, the motion as you have made  
23 it.

24 The matter of unlimited time to interview  
25 witnesses here is what the pro per policy states and what  
26 the Sheriff tells me is enforced, that the first interview

1 is quote unlimited end quotes, as you say. But the  
2 second interview is limited to 30 minutes. And any time  
3 you feel you need more time to interview a specific witness,  
4 if you will make a request and simply support it, I don't  
5 want you to tell me what your defense is, I don't want  
6 you to tell me any secrets, but if you will simply indicate  
7 that you need more time with a specific witness, I'll  
8 approve it.

9 THE DEFENDANT MARSON: Fine.

10 THE COURT: So No. 5 is granted to the extent  
11 that I have indicated that I will grant additional time  
12 to interview any necessary witnesses upon a specific request.

13 I haven't heard from you on this, Mr.  
14 Stovitz. I assume if there is anything on which the  
15 District Attorney wants to be heard, you will let me know.

16 MR. STOVITZ: Yes, your Honor.

17 THE COURT: As to the licensed investigator, I  
18 suppose we are getting ahead of ourselves somewhat, but I  
19 think you are entitled to have an investigator if you want  
20 one. At the same time, I want to put some dollar amount  
21 on this so that it doesn't become astronomical. It might  
22 very well otherwise.

23 Could you -- here again, ordinarily I  
24 would request that you indicate what you have in mind,  
25 generally. I don't want you to give away a defense.  
26 At this point, I will authorize you to be granted the

1 services of a licensed investigator. I am going to put  
2 at this point a \$750 ceiling on it. If there is anything  
3 further, I want to know what you have in mind. And you  
4 don't need to make the motion in open court unless you  
5 want to. If you want to communicate directly to me,  
6 so that it won't be a matter of record necessarily, so  
7 that you don't have to be concerned necessarily about  
8 everyone knowing who you are going to interview or who  
9 the investigator is going to contact, you can do that.

10 I would suggest that you exercise -- that  
11 you talk to whatever investigator is hired, that you have  
12 him use some discretion on the amount of bills that he  
13 runs up, because if it gets to be too high, the County may  
14 not pay it and he may be acting at his own risk. But  
15 subject to the Court's determination of necessity and the  
16 reasonableness, at this time I'll authorize an investigator  
17 and I will set the \$750 top, very frankly, because that's  
18 the same amount that was set for a co-defendant in the  
19 case who has counsel.

20 THE DEFENDANT WATSON: Yes, sir.

21 THE COURT: As to the tape recorder, at this time  
22 I'm denying that motion without prejudice.

23 THE DEFENDANT WATSON: Could I say something before  
24 you do that?

25 THE COURT: Yes, sir. I will hear from you. I'm  
26 glad I said without prejudice.

1 THE DEFENDANT (NANSON): This is the most important  
2 one in regards to me.

3 Your Honor, we have already established that  
4 I am kind of slow in the curricular field, activity,  
5 whatever you want to call it.

6 MR. STOVITZ: May I suggest in this regard, your  
7 Honor, that seeing as he does have a licensed investigator,  
8 that if the investigator brings in the tape recorder,  
9 removes it, takes it with him, that we would have no  
10 objection.

11 THE COURT: You would have no objection as to  
12 that?

13 MR. STOVITZ: However, we would not want it to  
14 be as his personal property in there because it can be an  
15 abuse to the other inmates. They will want tape recorders.  
16 And some will want Hi-Fi recorders. And there will be an  
17 abuse of the pro per privileges.

18 But seeing as your Honor has appointed an  
19 investigator, we have no objection to the investigator  
20 bringing in a tape recorder, having him tape what he wants  
21 and then removing it with him.

22 THE COURT: Well, go right ahead, Mr. Nanson. How  
23 does that, at least --

24 THE DEFENDANT (NANSON): I don't want a tape recorder to  
25 listen to music. I want a tape recorder to go to work  
26 with as a tool, like you would use a pencil or like you

1 would use a typewriter. Most of the men are allowed to  
2 have typewriters in because they type and they read  
3 rapidly and they spell very good. My spelling and my  
4 grammar is bad and I need this tape recorder in order --  
5 if I want to make up a discovery motion, I have to make it  
6 up and search through the books and go through all the  
7 things they have to go through.

8 You know, these little things, they have  
9 little cartridges, you put them in --

10 THE COURT: I haven't used one of those, but I  
11 think I know the type.

12 THE DEFENDANT LAMSON: It is not really a tape  
13 recorder. What I want is one of those little speaking  
14 machines. And they run on batteries and it is not -- it is  
15 not too expensive or too bad to act for, I don't think. It's  
16 not a gigantic thing. It's a very small thing.

17 THE COURT: Well, I'll tell you, I had intended  
18 to deny it without prejudice, as I said. This is the one  
19 item I want to think about for a little while. I want to  
20 talk to the jail personnel again and I'll make my determination  
21 and I'll notify you as to that. I'll make my decision  
22 by the end of the day.

23 THE DEFENDANT LAMSON: Your Honor, may I say one more  
24 thing?

25 THE COURT: Yes, you may.

26 THE DEFENDANT LAMSON: You know, times change rapidly.

1 you know. New things are everyday -- computers, we live  
2 in a world of computers, computers and data making  
3 machines and machines are a big part of your whole  
4 system. You've got a machine around your neck, you know,  
5 and we speak through them. And we -- you know, they give  
6 you a cell and they give you pencils and they give you  
7 paper and they give you a stack of books and they say,  
8 all right, you could make, go ahead. And you don't have  
9 any -- you know, those things are important.

10 THE COURT: I've got your point and you speak very  
11 persuasively and, as there are some problems about the  
12 tape recorder. There are potential problems which I don't  
13 suggest exist in your case. There is a problem of the  
14 invasion of privacy of other inmates.

15 THE DEFENDANT HANSEN: They have earplugs for that.

16 THE COURT: That may be, but when you are entitled  
17 to have a tape recorder it becomes much more difficult to  
18 deny a tape recorder to some other inmate. You have  
19 placed yourself in the position, not the position in which  
20 you find yourself, I still believe in the presumption of  
21 innocence, but you have placed yourself in a position of  
22 representing yourself. The County is, well, is willing  
23 to provide you with paper, pencils, typewriter, and is  
24 also willing to provide you with a lawyer. That's something  
25 you don't want, excepting under your own specifications.

26 THE DEFENDANT HANSEN: Of course, it's cheaper and more



1 honest.

2 THE COURT: I think you'd be much better off with  
3 a lawyer than a tape recorder. I'd even appoint a pretty  
4 lawyer, if you want. They are prettier than tape recorders.

5 THE DEFENDANT MARSON: We can take the word security  
6 and we can stretch it as far as you wish. You know, I  
7 know that the Sheriff won't like the idea. You know, the  
8 prosecutor doesn't like the idea.

9 THE COURT: The prosecutor is willing to go further  
10 than the Sheriff has, on a matter of fact. ✓

11 THE DEFENDANT MARSON: Well, I was going to ask him  
12 if he would call the whole thing off. It would save a lot  
13 of trouble.

14 THE COURT: Appoint all these people? Never,  
15 Mr. Marson. 1

16 THE DEFENDANT MARSON: Yeah, we've got to have --

17 THE COURT: Let me, seriously -- let me think  
18 about it a little longer. I don't want to hold out a  
19 carrot. I am inclined to grant it as an aid with the  
20 investigator, but I will think about it. I will rule on  
21 it later today.

22 I have ruled on everything else at this  
23 point. Now that we've covered this matter and there are  
24 other matters that you want to bring up before I try to  
25 get back to the question of plea?

26 THE DEFENDANT MARSON: I'd like a couple of weeks, if



1 I could.

2 THE COURT: Defend you please?

3 THE DEFENDANT WARDEN: Yes.

4 THE COURT: All right. I'll go along with it.

5 What date? Two weeks from today?

6 THE DEFENDANT WARDEN: Yes, sir.

7 THE COURT: All right. The matter is continued  
8 until two weeks from today. I don't think that's unreasonable.  
9

10 THE DEFENDANT WARDEN: Thank you, your honor.

11 THE COURT: Continued until January 28th. We will  
12 set that at 11:00 o'clock.

13 MR. STOVINE: May I --

14 THE COURT: Yes.

15 MR. STOVINE: First of all, Mr. Warden --

16 THE WARDEN (MR. WARDEN): Yes.

17 MR. STOVINE: -- you have refused our right to  
18 have our attorney present here in court today.

19 THE DEFENDANT WARDEN: No, no. That was the issue  
20 that was brought up in court last week.

21 THE COURT: Well, let me --

22 THE DEFENDANT WARDEN: Now, I say, sir: It's in the  
23 record --

24 THE COURT: You can say so. But I do intend to  
25 make some further research, even though the matter is  
26 going to be continued.

1           As far as I'm concerned, and I am fully  
2           satisfied of what happened before, you were presented with  
3           alternatives, neither of which you were willing to fully  
4           accept. And I am of the same view as Judge Reese. I  
5           would not, and I will not, appoint co-counsel or associate  
6           counsel for a person who appears in propria persona. That  
7           does not mean that such a person may not have the assistance  
8           of investigators, attorneys and other individuals. But they  
9           will not be counsel of record at any time.

10           At any time within reason I might change my  
11           mind -- not if we were in the middle of a jury trial -- but  
12           at any time within reason, if you wish to reconsider the  
13           matter of the appointment of counsel, I assure you, I know  
14           you know I'd be happy about it, it would be with great  
15           happiness that I would appoint counsel for you.

16           As far as waiving your right to counsel  
17           expressly, I think you have done so by operation of law  
18           inasmuch as you are no longer --

19           THE DEFENDANT MANSON: Well, that's kind of tricky  
20           in there, see.

21           THE COURT: Well, of course it's tricky. We are  
22           very tricky in the law.

23           THE DEFENDANT MANSON: Yeah, I noticed that. Twenty  
24           years it took me to snap. The man asked me if I waived  
25           my constitutional right. I told him no, I didn't waive  
26           my constitutional right. I asked for my constitutional

1 right. Because in the Constitution it states that I can  
2 represent and talk for myself with counsel.

3 THE COURT: It is not your desire at this point,  
4 however, to give up your constitutional right to represent  
5 yourself and to be replaced in that connection by counsel  
6 representing you under the conditions set by the court,  
7 which is complete representation.

8 THE DEFENDANT MASON: If there is any constitutional  
9 rights left, I would like to take full advantage of them.

10 THE COURT: Well, let me suggest to you that there  
11 is one right that you are giving up, however, and you are  
12 doing that by operation of law by requesting this continu-  
13 ance. You do have a right to be brought to trial within  
14 60 days after the grand indictment is found.

15 THE DEFENDANT MASON: Yes, sir.

16 THE COURT: That's a little terminology that the  
17 Legislature bestowed on us. But the indictment was  
18 found when it was filed and that is December 8th. You  
19 have a right to be brought to trial within 60 days after  
20 that date.

21 Now, by requesting these continuances, you  
22 are making it unlikely that the case can be brought to  
23 trial within the 60-day period. There is going to be  
24 good cause for a continuance beyond the 60-day period.

25 THE DEFENDANT MASON: See what you are doing!

26 THE COURT: Well, so.

1 THE DISTRICT ATTORNEY: You are making this into the  
2 record.

3 THE COURT: All right.

4 THE DISTRICT ATTORNEY: You are making this into the  
5 record. I am sorry to hear that.

6 THE COURT: Well, you are right. You don't expect  
7 me to continue this matter for plus until February 7th and  
8 then ask for a trial date of February 6th and get a dis-  
9 missal. It is not going to work that way.

10 THE DISTRICT ATTORNEY: You are going to do me a  
11 favor and then come in, then change to for is.

12 THE COURT: No. All that I'm suggesting to you is  
13 that I am ready, willing and able, if you enter a plea  
14 today, to set the matter within the 60-day period.

15 THE DISTRICT ATTORNEY: Yes, sir.

16 THE COURT: However, in view of the fact that you  
17 probably will need more time, in any case, in view of the  
18 fact the matter has been continued until today for this  
19 proceeding, in view of the fact that you have another two  
20 weeks before you plead, you are making it very unlikely that  
21 the case can be brought to trial within the 60-day period.  
22 I just want you to understand that.

23 I think there is nothing further before the  
24 court at this time unless you have something, Mr. Attorney.

25 MR. ATTORNEY: Well, Mr. Justice, you do have  
26 receiving a copy of the grand jury indictment; is that

1 correct?

2 THE DEFENDANT WILSON: Yes.

3 MR. STEVENS: You do admit receiving a copy of  
4 the Grand Jury transcripts; is that correct.

5 THE DEFENDANT WILSON: Are you allowed to question me?

6 THE COURT: Yes, he may question you.

7 THE DEFENDANT WILSON: Okay.

8 THE COURT: I'm granting his leave.

9 Have you received a copy of the Grand Jury  
10 transcripts?

11 THE DEFENDANT WILSON: Yes, sir.

12 MR. STEVENS: Now, do you desire to make a motion  
13 under 602 and have the Court set that matter for some  
14 time in the future, or do you want to put that matter off  
15 until after the plea.

16 THE DEFENDANT WILSON: Well, I was trying to make a  
17 discovery motion in.

18 THE COURT: Mr. Wilson, I can assure you, if  
19 that's the purpose, I'm not going to grant a discovery  
20 motion in the interim.

21 THE DEFENDANT WILSON: Okay.

22 THE COURT: I have no objection to granting  
23 discovery. You will not be precluded from discovery. If  
24 the People want to disclose anything to you in the  
25 interim, they can. But I do not feel it is a necessary  
26 function of this matter to have hearings

1 on discovery motions.

2 THE DEFENDANT WATSON: Well, that's the reason I did  
3 it informally.

4 THE COURT: To operate on the screening system,  
5 you see. We got overloaded, in here and we get rid of  
6 them as fast as we can. Of course, in your case it's  
7 taking a little bit longer than the average.

8 THE DEFENDANT WATSON: I wish the world would do just  
9 what you said. Get rid of them as quickly as possible.

10 THE COURT: You can have the two weeks, if you  
11 would like to go ahead and have me set this matter. If  
12 you are going to wait a 905, I will do it. If you want to  
13 plead, I'll set it for trial. If you want to plead and  
14 make a 905 motion, I'll do both. But I am willing to  
15 give you the two weeks, since that's what you asked for.

16 Is that still what you want?

17 THE DEFENDANT WATSON: Yes, sir.

18 THE COURT: All right.

19 MR. CRAWFORD: January 26th

20 THE COURT: Continued for all purposes to  
21 January 26th at 11:00 o'clock.

22 Thank you very much.

23 THE DEFENDANT WATSON: Thank you.

24 (Whereupon, the proceedings were continued  
25 until January 26th, 1970, in Department 100.)  
26



LOS ANGELES, CALIFORNIA, MONDAY, JANUARY 19, 1970, 2:45 P.M.

-000-

(The following proceedings were had  
in Department 107 before the Honorable  
William B. Moore, Judge Presiding.)

THE COURT: This case of People vs. Leslie  
Janlouca.

MR. PAUL: Yes, your honor.

THE COURT: This matter is in this court for a  
substitution of attorneys.

Your name, please?

MR. ALLEN: I'm neither. That is n-e-e-l-a-n-e-r.

THE COURT: This matter is going to be transferred  
forthwith to Department 100 for further proceedings in that  
department on your motion. All motions in this matter  
other than the trial itself are to be heard in that depart-  
ment. I will transfer it to that department for whatever  
hearing is necessary at that time in this matter.

MR. ALLEN: Thank you, your honor.

MR. PAUL: Thank you, your honor.

(Whereupon, proceedings were transferred  
to Department 100 forthwith.)

1 LOS ANGELES, CALIFORNIA, MONDAY, JANUARY 13, 1970, AT 3:00 PM

2 -OFF-

3 (Upon the above date, the following  
4 proceedings were had in chambers, Department  
5 100, before the Honorable George L. Ball,  
6 Judge Presiding:)

7  
8 THE COURT: I would like the record to reflect that  
9 in the absence of the real party in interest, so to speak,  
10 Miss Van Houten, that Mr. Part, who is presently attorney  
11 of record, and Mr. Reiner, who has presented a signed  
12 substitution of attorneys, are present in court with the  
13 reporter.

14 I thought we should put this on the record  
15 and I prefer to have it in chambers. The defendant has  
16 been requested out and I would expect that she will be here  
17 very shortly, possibly within five or ten minutes.

18 I had presented to me a number of documents.  
19 First, a substitution of attorney, which is executed by  
20 Miss Van Houten. At least, I have no reason to doubt that it  
21 is her signature placed thereon. And likewise, signed  
22 by Mr. Reiner but not executed by Mr. Part. That does have  
23 attached to it an attorney retainer agreement, again  
24 appearing to bear the signatures of Miss Van Houten and  
25 Mr. Reiner, which I have no reason to doubt are authentic.

26 Then I have some other documents submitted to

1 to me by Mr. Part in support of an order which he has  
2 sought to preclude Mr. Rainer from visiting with Miss  
3 Van Houten.

4 What I would like to do, gentlemen, is, if  
5 you have no objection, I do have some matters I would like  
6 to ask you about jointly and severally.

7 This is not a regular in-court proceeding.  
8 Judge Keene, since at least at this stage he is the trial  
9 judge, thought it preferable that the matter be sent to  
10 another judge and that's why I have it.

11 I may want to make some inquiry of Miss  
12 Van Houten in the absence of both counsel. Here again,  
13 the only purpose is to find out what she wants to do and  
14 whether or not her choice appears to be free and voluntary,  
15 once we find out what she wants to do.

16 I do have in mind something that was told me  
17 by Judge Keene, which is simply that when Miss Van Houten  
18 originally appeared in court an attorney named Donald  
19 Barnett, if I am not mistaken, represented that he  
20 represented her and then thereafter it developed that he  
21 had not been retained and it was at this point that Mr.  
22 Part was appointed.

23 Is that correct? I think this is the  
24 defendant. Is that right?

25 MR. PART: That's the right attorney and the  
26 right defendant. That's correct.

1 THE COURT: This is simply what Judge Keene told  
2 me so in an effort to be scrupulously correct, I do want to  
3 inquire into this before any order is made, and I say this  
4 only for the record. I know counsel are aware of it. The  
5 fact that there has been a written substitution as yet does  
6 not affect the change of counsel inasmuch as prior counsel  
7 has not yet consented and there has been no order made by  
8 the Court declaring the substitution to be in effect. So  
9 that's the reason for these formalities.

10 May I ask first, Mr. Part, are you at this  
11 point agreeable to the substitution as presently -- as  
12 requested by Mr. Reiner?

13 MR. PART: No, I am not.

14 THE COURT: Have you gentlemen had the opportunity  
15 to see the respective items filed by each other as yet?

16 MR. REINER: Yes.

17 MR. PART: Yes.

18 THE COURT: You have seen them?

19 MR. REINER: If I might just apologize for --

20 THE COURT: Be glad to hear from you, Mr. Reiner.

21 MR. REINER: I might apologize for the lack of  
22 formality in the documents I filed without being blue-  
23 backed nor is the declaration with it. I had no intention  
24 of filing it this afternoon but bumped into Mr. Part in  
25 107 and he was preparing to file these other matters, so  
26 I just at that moment decided I would file it right then.

1 This is the reason for the absence of the blue back.

2 THE COURT: That's no problem. Actually, the less  
3 documents that are blue-backed in a criminal file the  
4 better, especially the file that is going to have the size  
5 of this one by the time we are through.

6 May I inquire, when was it first that you were  
7 advised that there would be this application for a  
8 substitution?

9 MR. PART: Well, Sunday -- no, this was Saturday.

10 MR. REINER: Saturday.

11 MR. PART: Saturday I received a call from my  
12 answering service. My answering service stated that Mr.  
13 Reiner was calling and he was in a phone booth and wanted  
14 to talk to me.

15 I guess it must have been Mr. Reiner who  
16 talked to me and said that he had received a letter from  
17 Leslie Van Houten requesting that he come down to see her  
18 at Sybil Brand and asked my permission.

19 I said no, that I had received information  
20 that he was one of the Manson Family lawyers and I felt  
21 there was a conflict of interest and I said, "No, I will  
22 not allow you to see her."

23 And he asked that if he couldn't see her by  
24 himself, would I go down and see her with him. And I said  
25 no, I would not.

26 He said, "Thank you," and that was the end

1 of the conversation.

2 Then, as I always do on the weekend, either  
3 Saturday or Sunday, I went down to Sybil Brand to interview  
4 Leslie and as I was walking into Sybil Brand I was stopped  
5 by Mr. Reiner. I have never seen him before and didn't  
6 know what he looked like. And he told me that he had just  
7 seen Leslie and that he had been retained.

8 Then I went inside to see Leslie and she  
9 said that Mr. Reiner had come in, spoken to her from between  
10 five and ten minutes, and that she had retained Mr. Reiner.

11 She gave -- I asked her some questions and  
12 she gave me some reasons.

13 THE COURT: That's essentially what you have in your  
14 declaration.

15 Mr. Reiner, is there anything that you would  
16 differ with?

17 MR. REINER: Yes. The chronology runs something  
18 like this: About two weeks ago, perhaps it was even three  
19 weeks ago, I first had an inquiry from friends of Leslie  
20 Van Houten to the extent that -- well, the inquiry was  
21 whether I would be willing to represent her. Well, to be  
22 more accurate, whether I'd be willing to go down and talk  
23 to her. And I told them that I would not talk to her  
24 because she was represented presently by counsel unless I  
25 had something in writing that it would be a request that I  
26 go down there and talk to her. I told them that once I had



1 something in writing I would call on Mr. Part and show him  
2 this letter and ask that he be present the first time  
3 I talked to her.

4 After that, for the next couple of weeks I  
5 continued to receive, oh, at least half a dozen, perhaps  
6 even a dozen, I did not keep track of the requests by  
7 various friends of hers. And in one case a person that was  
8 not acquainted -- who was not a friend of hers but just  
9 was acquainted with her by the fact that they were also in  
10 jail and since were out, indicating that she had personally  
11 talked to them and asked me to come down and each time I  
12 said because of the nature of the case and because of the  
13 type of publicity the case has received with many attorneys  
14 attempting to participate, that I would not consider going  
15 to see her until I had the letter.

16 By and by I did receive a letter and this was  
17 Saturday. When I did receive the letter, which is attached --

18 THE COURT: Yes.

19 MR. REINER: -- I called up Mr. Part and I  
20 identified myself and introduced myself to Mr. Part. He  
21 was already familiar with my name and he was aware of the  
22 fact that she had wanted to see me. She had had a previous  
23 conversation with Mr. Part where she had told him that she  
24 wanted to see me and he had attempted to dissuade her from  
25 doing so.

26 So when I called Mr. Part, I indicated that

1 I had this written communication from her and I asked if he  
2 had any objections to me seeing her, and I certainly didn't  
3 mind if he was present at the time that I went in to see her.

4 Well, he said that he did object to me seeing  
5 her. He did not want to be present. And I asked for  
6 any reasons that he might have and he said that he didn't  
7 feel that he really wished to go into any reasons. And  
8 it was a very short, amicable conversation.

9 So I went over to the jail anyways and requested  
10 to see her with the written communication from her that she  
11 did want to see me.

12 I talked to her. We had a conversation. I  
13 don't recall how long it was. I think it was longer than  
14 five or ten minutes, but not a great deal longer. She  
15 indicated that she was dissatisfied. She went into various  
16 reasons which I don't think are necessary to go into here  
17 as to why she was dissatisfied.

18 She asked me if I would represent her. We  
19 talked and I agreed to represent her. Then at that time  
20 she signed -- I wrote up an attorney -- just an informal  
21 retainer agreement while we were in the attorney interview  
22 room, which is attached there. And she signed it and then  
23 I left. And when I was leaving I met Mr. Part and we had  
24 that conversation as I informed you of what occurred.

25 THE COURT: Let me just make one thing of record.  
26 It is my understanding that it is your desire, that is,  
that you are willing to represent Miss Van Houten on a

1 retained basis. This is not a suggestion of replacement  
2 under 987a.

3 MR. REINER: That is correct.

4 THE COURT: Upon the basis of your retention, counsel  
5 -- excuse me, just a moment. It may be Miss Van Houten  
6 who is here.

7 Miss Van Houten is here but let's just keep  
8 her outside for the moment. I just wanted to get the back-  
9 ground here.

10 This is not intended to be any sort of  
11 personally embarrassing cross-examination. In fact, I like  
12 to think it is not cross-examination. It's simply a  
13 judicial inquiry by way of foundation before we see the  
14 defendant.

15 But I am questioning -- first, I do have some  
16 questions I'd like to ask Mr. Part and I don't want you or  
17 Mr. Reiner for that matter, Mr. Part, to tell me anything  
18 that you feel may be privileged. But there are some  
19 allegations which I think I have to make some inquiry about.

20 Let me ask this first of Mr. Reiner: Is this  
21 a case where you would anticipate receiving compensation  
22 from someone, or is it a matter you are simply willing to  
23 handle without compensation?

24 MR. REINER: I am willing to handle it without  
25 compensation. I do not anticipate receiving compensation  
26 from Miss Van Houten. And I do not anticipate receiving

1 compensation from any other source.

2 THE COURT: Well, that, I suppose, answers my  
3 question. And here again I've never thought I was such on  
4 cross-examination and this is not intended to be cross-  
5 examination. I just want to be sure that we have covered  
6 the bases, so to speak.

7 Do you have any agreement or understanding  
8 with anyone whomever for compensation in the event that  
9 you do represent Miss Van Houten?

10 MR. REINER: No agreement with any person.

11 THE COURT: Now, I suppose I should ask this of Mr.  
12 Part: And this is with reference to some of the statements  
13 in your declaration which are understandably conclusory  
14 as to there being a conflict of interest between Mr. Hanson  
15 and other defendants, well, specifically this defendant.

16 I don't want you to disclose anything that  
17 is privileged. Apart from the fact that the published  
18 testimony of Susan Atkins, and presumably that to which she  
19 would testify if she were called as a witness, was that  
20 Hanson -- I don't like to use these newspaper terms like  
21 master-mind, brains, source, whatever they were, but apart  
22 from the fact that he allegedly, according to the defendant  
23 Atkins, suggested the commission of the crime, and allegedly  
24 had some domination over the other defendants, including  
25 Van Houten, is there anything --

26 Well, I've stated it very badly. But

1 essentially, is that the basis of the conflict, or are  
2 there other items that at least could be discussed in  
3 generality, if you feel you could properly discuss them,  
4 Mr. Part?

5 MR. PART: Well, that's one of the major contentions.  
6 And I see your hesitation because you have to struggle  
7 around any kind of communication I might have had with the  
8 defendant.

9 THE COURT: This may get in the press eventually  
10 and I hope it won't, frankly. I do not want it to be in  
11 the press. If there is a substitution, there is a substitution.  
12 Period. But, in general, that's the reason I have  
13 hesitated in making that statement. This is the general  
14 basis of the claimed conflict, I take it.

15 MR. PART: That's one of many bases. There are  
16 probably four or five different reasons where her position  
17 is diametrically opposed to that of Charles Manson.

18 I wish that there was not so much of a  
19 privilege. I have an hour tape recorded between myself  
20 and the defendant that --

21 THE COURT: Well, it may be -- it may be necessary  
22 to hear that tape. I don't know. I did authorize Mr. Part  
23 to make a tape and you are probably aware of this, Mr.  
24 Reiner, maybe not. I did authorize Mr. Part to bring a  
25 tape recorder in to Sybil Brand Institute.

26 MR. REINER: Yes.

1 THE COURT: For the use of a psychiatrist, very  
2 frankly, at least that was the representation. I didn't  
3 speak to Mr. Part about it. He presented an affidavit and  
4 an order. It appeared to me to be appropriate. And based  
5 on that I allowed him to do so.

6 MR. PART: Well, let me just elaborate a little bit  
7 on that. I went down and talked to Leslie at the very out-  
8 set and she was quite candid with me and talked to me. And  
9 from what I heard, I felt that I had to have somebody to  
10 hear it, also. So I brought my partner down, Mr. Geragos,  
11 and we talked to her on other occasions. Then I felt that  
12 this was such an unusual conversation and her position was  
13 so unusual that I felt that I could see that some -- that  
14 there was going to be some type of medical defense.

15 So I felt that what I wanted to do was I  
16 wanted to get her conversation on tape before I ever opened  
17 my mouth about M'Naughton, or any kind of a defense she  
18 might have. I wanted to get a pure conversation from her.

19 Now, when the doctor, Dr. Skrdla, was  
20 appointed, I have had Dr. Skrdla in my office and I played  
21 the tape for him on this occasion, plus I had my  
22 investigator fill him in on some of her childhood back-  
23 ground materials, and Dr. Skrdla was to go to Sybil Brand  
24 this Sunday and, amongst other things, was to have given  
25 an opinion to me, confidentially, as to whether the  
26 defendant was sane at the time and insane now in some



1 diminished capacity situation.

2 She informed me, of course, that Mr. Reiner  
3 told her not to speak to the doctor and the doctor called  
4 my office today and told me that he went down there and  
5 she refused to speak to him on Mr. Reiner's instructions.  
6 So I don't have the benefit of his report.

7 But I do have that tape recording. And just  
8 maybe -- I don't want to skip around -- my main contention  
9 is this: On the basis of investigations, conversations with  
10 her parents, the statements that she makes on the tape  
11 recording, what I've done on the case, and I don't want  
12 to sound mystical, I know the papers do anything to sell a  
13 paper or a magazine, but this girl will do anything that  
14 Charles Manson or any member of the so-called Manson Family  
15 says. And I have included a few things here in the  
16 affidavit.

17 What I would like to do is, I would like to  
18 have an actual hearing on whether this girl has the capacity  
19 at this time to make such a free choice, presenting what  
20 documentary and oral evidence that I have on the matter.

21 THE COURT: Well, that may very well be, but I think  
22 we are getting a little ahead.

23 MR. PART: I'm sorry if I went beyond you.

24 THE COURT: That's all right.

25 MR. REINER: If I could --

26 THE COURT: Yes, Mr. Reiner, go right ahead.

1 MR. REINER: I just want to respond.

2 First of all, with respect to the psychiatrist  
3 visiting her Sunday. When I had the conversation with her  
4 Saturday, at which time she signed the retainer agreement,  
5 she told me that the psychiatrist was scheduled to visit  
6 her on Sunday and I told her since she was in the process  
7 of changing attorneys that it would be advisable to wait  
8 until there had been a change of attorneys so that the new  
9 attorney could discuss the matter with the psychiatrist  
10 before talking to her. That was the nature of that type of  
11 conversation.

12 With respect as to whether there is a conflict,  
13 whenever there is more than one defendant in a criminal  
14 case there is always the possibility of conflict just built  
15 right into it. There is no question about that. However,  
16 I do not represent Mr. Manson; I have never represented  
17 Mr. Manson. I have interviewed Mr. Manson just roughly a  
18 dozen times. I haven't kept track. But I have been to the  
19 County Jail a number of times and have talked to him.

20 THE COURT: In what capacity, if I may ask, Mr.  
21 Reiner?

22 MR. REINER: He asked to see me and I was talking to  
23 him along the possibility of assisting him and that has  
24 never worked out. So I will not be assisting him.

25 He was talking to a number of attorneys,  
26 including myself, not limited to myself.

1 And in talking to him we discussed the facts  
2 of the case in general terms, not in terribly specific  
3 terms, but we did discuss the facts of the case.

4 THE COURT: Before -- Go ahead. Finish what you had  
5 to say and then I'll ask what questions I have.

6 MR. REINER: And it was -- well, I suppose I have,  
7 in a sense, finished my response.

8 THE COURT: Well, I did not mean to shut you off by  
9 any means because this is the primary consideration -- one  
10 of the two primary considerations I have.

11 MR. REINER: But I have explained it to her, by the  
12 way, the whole situation of the conflict and what is meant  
13 by a conflict and how it is possible during the course of  
14 a trial as facts are developed that the interest of one  
15 person may be adverse to the interest of another person.  
16 That is why it is very difficult for an attorney represent-  
17 ing -- for an attorney to represent more than one person in  
18 a case.

19 She has said, based on the facts as she claims  
20 the facts are, that there is no factual conflict between  
21 herself and Mr. Manson; that they are both not guilty.

22 But notwithstanding that, I indicated to her  
23 that I would not be representing Mr. Manson at the trial;  
24 that I would be representing her. And so there would not  
25 be a conflict during the course of the trial and there is  
26 no conflict that harks back to prior representation of

1 Mr. Manson.

2 THE COURT: Well, there is no question, of course,  
3 if you represented her you would have to be free to attack  
4 Mr. Manson's position if you felt it advisable to Miss  
5 Van Houten to do so.

6 Is there anything learned from Mr. Manson that  
7 might be used against him? I mean -- Don't answer that  
8 question. But what I'm concerned about, at least, is the  
9 possibility that in discussing matters with him you may have  
10 received some information which might be privileged which  
11 you should consider privileged or might consider privileged  
12 as between yourself and Manson which might not be used,  
13 whereas that might be of help to Miss Van Houten?

14 This is at least one of the things I am  
15 primarily concerned about, Mr. Reiner.

16 MR. REINER: No. There isn't anything that Mr.  
17 Manson has told me that could be in conflict -- that would  
18 result in revealing a confidential communication that might  
19 be contrary to the interests of Miss Van Houten because we  
20 did not discuss the facts of the case. And Mr. Manson,  
21 I understand, has not discussed the facts of the case with  
22 any of the attorneys who have visited him, other than in  
23 the most broad and general terms. These conversations that  
24 he's had with all attorneys have had to do with many other  
25 matters, with procedural matters.

26 THE COURT: Do you have any idea what Mr. Manson's

1 reaction would be to your representation of Miss Van Houten?

2 MR. REINER: He would not be opposed to it. He was  
3 one -- but not the only person -- but one person that asked  
4 me if I would be willing to represent any other person in  
5 the case when he had made clear his decision that he was  
6 going to represent himself and that he was not going to  
7 have the assistance of an attorney. He then asked me if I  
8 would be willing to represent any other person and from  
9 there it went on into subsequently this retainer agreement.

10 THE COURT: Well, along the same line, I do not  
11 know what this specific item has reference to, this matter  
12 of so-called Family Lawyers. Here again, this is not an  
13 inquiry, but I'd like to know if you feel free to tell  
14 me, Mr. Part, on what general facts the allegation is based  
15 that someone has indicated that Mr. Reiner may be one of  
16 the so-called Manson Family lawyers.

17 MR. PART: Yes. The Manson Family, as I understand  
18 it, and I understand we are only speaking informally, is  
19 intending to put on a package defense, either guilty or  
20 not guilty, and draw all of the people together in that  
21 type of a -- for lack of a better word -- maneuver.

22 Now, Mr. Reiner was the first attorney, I  
23 believe, aside from Mr. Schaefer who was the Public Defender  
24 in, I guess it was, Inyo County where Mr. Manson was first  
25 arrested that ever talked to Mr. Manson when he was in  
26 Los Angeles. He talked to him the day afterwards, I believe.



1 Perhaps in the company of Mr. Schaefer. I don't have those  
2 facts yet.

3 Now, there are a number of girls that were  
4 arrested at the time and let out of jail who are in the  
5 so-called commune or Manson Family.

6 The girls are now living at 13150 Chandler  
7 Street and the residence next door there is a girl named --  
8 who I'll deal with -- called Lynn Fromme, whose nickname  
9 is Squeaky. I have in my possession a copy of a telegram --  
10 my investigator has in his possession, he is out here --  
11 a copy of the telegram that Squeaky wrote or sent to  
12 Patricia Krenwinkel, who is in Alabama, advising her that  
13 when she got back to Los Angeles to contact Mr. Reiner.

14 When I found from the District Attorney, through  
15 a discovery proceeding, that one of the girls in the case  
16 who had been questioned made a statement that would injure  
17 Leslie Van Houten, I was interested in finding out some  
18 information about this girl who I felt might have had a  
19 mental problem.

20 I was contacted by this same Squeaky who had  
21 sent the telegram with Mr. Reiner's name on it, and -- this  
22 Lynn Fromme -- and she told me that she was having trouble  
23 getting inside the County Jail and would I take her in to  
24 see Leslie. And I asked her where this girl was whose name  
25 was Dianne Lake or Bluestein, known as Snake, and she said  
26 that she thought she was in a mental institution.



1 That interested me because I felt I could  
2 perhaps disqualify the statement because the girl might not  
3 qualify as a witness. So I took Lynn Fromme inside the jail.

4 And now these girls are living at this  
5 address and also living at the address there is a man  
6 named Harold True. And Harold True used to live at a  
7 home next door to the LaBiancas where they once had this  
8 acid trip that led to perhaps the LaBiancas as the scene  
9 of the second occurrence. He is living there right now.

10 And Squeaky, or Lynn Fromme, came into the  
11 jail, talked to the girl, Leslie, pulled out a card with  
12 Mr. Reiner's name on it and said, "We think --" these  
13 words: "We think that you ought to have another lawyer."  
14 And Leslie said, "No, I already have a lawyer." And she  
15 said, "We think that you need another lawyer." And she  
16 said, "No, I have a lawyer." And she said, "We think that  
17 you should contact this man to get him as your lawyer, and  
18 we have the money, if you know what I mean." At that time  
19 she looked at the card and memorized it.

20 Now, that was during the day. And I came  
21 back that evening when I talked to her. And I said, "We'll  
22 appreciate it if you wouldn't call another lawyer because  
23 it would only complicate the situation." She said, "I'll  
24 do anything that Charlie wants me to do. And if I do  
25 something -- if I don't do something that the Family wants  
26 me to do, it will be all over with us."

1 Now, I also have letters from -- that she  
2 wrote to the Family, that indicate that she was satisfied  
3 with what I was doing in the case and she indicated to  
4 myself, my partner and the investigator, that she was  
5 satisfied up until the time that Squeaky, who certainly is  
6 a member of the so-called Family, came to her with Mr.  
7 Reiner's name.

8 Now, I feel that Mr. Reiner having visited  
9 Mr. Manson on many occasions, and whose name was being  
10 sent by members of the Family to people who are still out  
11 of State, not having been extradited, whose name was brought  
12 up again to the girl, and right before my very eyes was  
13 virtually ordered to call him in, I feel that although he  
14 states that there is no conflict, there is. Because the  
15 girl is, like I said before, I don't want to use the term  
16 hypnotic trance, because that's been bandied about, but  
17 this girl has no will left of her own when it comes to Manson  
18 and the Family. And I feel she has no power to make a  
19 choice of what is in her best interests.

20 I felt her best interests were to contrast  
21 her with Manson, because Manson, if you even read the Times  
22 newspapers, had a situation where he might have been  
23 responsible for seven or eight murders. Well, this girl,  
24 to the best of my knowledge, at any time all she ever did  
25 was perhaps stab somebody who was already dead.

26 But the girl, because of this hold that Charles

1 Manson and the Family has over her, doesn't care whether  
2 she is tried together or gets the gas chamber, but she just  
3 wants to be with the Family. That's what conflicts.

4 THE COURT: I think we are getting a little beyond  
5 what I wanted to ask about.

6 Is it correct that the girl is only a defendant  
7 in one of the incidents, the LaBiancas?

8 MR. PART: Only a defendant in the LaBianca  
9 incident, plus the conspiracy to kill the LaBiancas.

10 THE COURT: She is not a defendant in the Tate  
11 transaction at all?

12 MR. PART: Not at all.

13 THE COURT: Go right ahead.

14 I wanted to ask you, Mr. Reiner, if you would  
15 just help me to the extent you can, as to what Mr. Part  
16 has said.

17 MR. REINER: If I might respond to the remarks by  
18 Mr. Part.

19 It is true, I came into the case very, very  
20 early. I think I was the very first attorney to see  
21 Mr. Manson other than his attorney from Independence, Mr.  
22 Schaefer..

23 At all times I have been trying to avoid  
24 having my name associated with the case, not for any shyness  
25 on my part but because of the manner in which many other  
26 counsel have been associated with the case. I have avoided

1 having my name used. The fact that Mr. Farc knows that I  
2 was seen simply comes from checking the record and finding  
3 that I had visited him. But I kept that quiet at all times.

4 In conferring with Mr. Manson, the primary  
5 thrust of our conversation had to do with whether I would  
6 represent him. Mr. Manson, as he's indicated here in  
7 Department 100 to both Judge Keene and yourself, feels  
8 very strongly about representing himself. And he was  
9 trying to persuade me as we went along to assist him in a  
10 rather nebulous manner where he would act as counsel and I  
11 would just simply be in a <sup>to</sup> ~~no~~ passing-type position.

12 I refused at all times to do that and that's  
13 why it finally came down to the point where he asked me if  
14 I wouldn't work in that capacity and I finally said that  
15 I would not and he finally said that he did not want to  
16 consider any other type of relationship because he was  
17 determined to represent himself. And it was then that he  
18 for the first time asked if I would represent any of the  
19 other defendants, with whom he has a very close relation-  
20 ship obviously. And it was then that I said I would talk  
21 to them and would consider it, but obviously couldn't  
22 make any kind of commitment without talking to someone  
23 first.

24 Later I learned that he did send, or had other  
25 people send, a telegram to Krenwinkel and I'm not sure  
26 whether a telegram was sent to Mr. Watson in Texas. I think

1 one was, but I don't know. Both of these, or one of these,  
2 telegrams, whichever it is, were sent without my knowledge  
3 and I learned about them sometime after they were sent.  
4 I don't know if it was a few days or a week later when I  
5 first learned about it. And then he asked me at that time  
6 if I would be willing to represent Miss Van Houten, and  
7 I've gone into that before. I said only if she had sent  
8 a letter to me.

9 There is no question but that these people are  
10 very close. They use the word "Family." Use it just in  
11 its -- I don't know in what sense but they are obviously  
12 very, very close. There is no question but that Charles  
13 Manson would have his interests and he would be concerned  
14 with her interests and she would be concerned with his and  
15 she is concerned with her own. There is no question about  
16 that.

17 As to whether it is something in the nature of  
18 an order, this, I think I can say, nothing was said to me  
19 by either Mr. Manson, by any of the friends who are now  
20 living at this Chandler address -- By the way, I did not  
21 even know that they lived on Chandler. I have a phone  
22 number for these people but I didn't even know their  
23 address. There was nothing that has been said, directly or  
24 indirectly, to me by any of these persons to suggest that  
25 it is anything in the nature of an order.

26 And in talking to her I questioned her carefully

1 about that and she said that she was unhappy with Mr. Part.  
2 And if I -- well, I did not go into this earlier, but Mr.  
3 Part has mentioned it and so I might touch on one thing that  
4 she was concerned about, and that is that after Mr. Part  
5 had obtained the authorization for a court appointed  
6 psychiatrist to examine her to determine her state of mind  
7 at the time that the crimes were committed, he was inter-  
8 viewed on radio and at this time he said, and I quote,  
9 this is pretty much of a direct quote, Mr. Part, in  
10 response to a question by the interviewer, said, "Well, I  
11 cannot go into the reasons why I asked the Court to appoint  
12 a psychiatrist, but you can pretty well figure out from the  
13 fact that I am interested in her state of mind at the time  
14 of the crimes that she said something to me along those  
15 lines during the time that I interviewed her."

16 So she, when this came back to her, obviously  
17 interpreted this the way many people would interpret it, that  
18 Mr. Part had, in fact, announced publicly that she had,  
19 during her conversations with him, stated that she was  
20 present at the time the crimes were committed. And she was  
21 terribly upset about this because she felt that this was not  
22 something she wished to have stated publicly.

23 And I don't know if that was the very  
24 beginning of her dissatisfaction with him, but it certainly  
25 is a very important point. And right now she is irrevoc-  
26 ably dissatisfied with Mr. Part. I can absolutely assure you



1 that -- and the Court can confirm this in conversations  
2 with her -- that there is no way in the world that she would  
3 accept Mr. Part as her attorney. Because of that and  
4 because of other matters.

5 She has asked him to confer with Mr. Manson  
6 as to aspects of the case and he's told her that he does  
7 not want to talk to Mr. Manson. Now, he may have good  
8 professional reasons for that. I won't criticize him with  
9 respect to that, though I would with respect to the other  
10 matter. But she feels strongly about this.

11 So irrespective of whether I will be substituted  
12 in as counsel, which is her present intention, she is  
13 determined that Mr. Part will not be her attorney.

14 THE COURT: All right. Well, thank you.

15 May I inquire, Mr. Reiner, have you represented  
16 any individuals, and I know the term "Manson Family" is  
17 pretty loose, but this group of individuals who have been  
18 described, have you represented any of them in the past?

19 MR. REINER: In no criminal, civil or any other  
20 matter.

21 THE COURT: Well, I tell you what I'd like to do now,  
22 gentlemen. Without foreclosing anything else that we are  
23 going to do, this is a little irregular, the whole matter  
24 is highly irregular, I would like to ask Miss Van Houten  
25 a few questions myself without either counsel being  
26 present. I can assure you everything I say will be made

1 a matter of record by the reporter. If you want a transcript  
2 of it, you will be able to order one. I am going to order,  
3 however, that this not be disclosed to the press, at least  
4 for the time being, and I want her to tell me, without dis-  
5 closing anything that may in any way be incriminating. I  
6 won't let her tell me anything that may be incriminating,  
7 but I want her to explain to me in her words what she  
8 actually wants.

9 This doesn't foreclose the sort of hearing that  
10 you have mentioned, Mr. Part, and it does not foreclose  
11 anything that you feel may be appropriate, Mr. Reiner.  
12 But --

13 Oh, and I don't intend any duress. I won't  
14 even wear my robe. Not that that makes any difference,  
15 particularly.

16 I would like to have the reporter and the  
17 deputy sheriff, female, I assume, present with the reporter  
18 while I ask her to confirm certain foundational things as  
19 to whether or not that's her writing on the letter, her  
20 writing on the substitution.

21 I've got no reason to doubt that it is, Mr.  
22 Reiner. I've known both of you for a long time and so this  
23 is just something I have to satisfy myself about.

24 MR. REINER: I appreciate it.

25 THE COURT: I don't want there to be any aura of  
26 duress due to the fact that both counsel, each of whom I am

1 sure is trying to do the very best he can for this girl.

2 So let me start out with just Miss Van Houten,  
3 if we may.

4 (Whereupon, counsel exit chambers, after  
5 which the following proceedings were had, the  
6 defendant Leslie Van Houten being present in  
7 the company of Deputy Sheriff Slagle.)

8 THE COURT: Hello.

9 THE DEFENDANT VAN HOUTEN: Hello.

10 DEPUTY SLAGLE: Do you want me to wait outside?

11 THE COURT: No, come on in, please, Deputy Slagle.

12 You may sit down, if you like.

13 You are Miss Van Houten, is that right?

14 THE DEFENDANT VAN HOUTEN: Yes.

15 THE COURT: I have a few questions I'd like to ask you,  
16 Miss Van Houten, and I've told whoever your attorney is  
17 at the moment, I've told both Mr. Part and Mr. Reiner, what  
18 I intend to do. Neither of them has voiced any objections  
19 to it.

20 I just don't want you to be in a position where  
21 you feel that there is any coercion or duress because  
22 neither Mr. Part or Mr. Reiner is here. I'm not going to  
23 ask any questions about the merits of the case, nothing  
24 that you say will be used in any way for any purpose  
25 excepting to allow me to decide who you want to have to  
26 represent you.

1 That's the only purpose, you understand.

2 THE DEFENDANT VAN HOUTEN: Okay.

3 THE COURT: In the first place, I've got no question  
4 as to this but I just want to verify it, I'm holding a  
5 substitution of attorneys which does have the name of  
6 Leslie Van Houten on it and --

7 THE DEFENDANT VAN HOUTEN: Yes.

8 THE COURT: And also a copy of a retainer agreement  
9 which has the same name and also the name of Mr. Reiner,  
10 as does the other document.

11 Are those your two signatures?

12 THE DEFENDANT VAN HOUTEN: Yes, they are.

13 THE COURT: On the two documents?

14 THE DEFENDANT VAN HOUTEN: And the letter, also.

15 THE COURT: Oh, yes, yes, you are quite right. There  
16 is also a letter. That's the name Sankston. That is a  
17 true copy of the letter that you sent Mr. Reiner; is that  
18 correct?

19 THE DEFENDANT VAN HOUTEN: Yes, it is.

20 THE COURT: Miss Van Houten, I just want to verify,  
21 and just tell me in your own words, what you want done  
22 about your defense. I will ask some questions, but who  
23 do you want to represent you?

24 THE DEFENDANT VAN HOUTEN: Ira Reiner. I think it's  
25 R-e-i-n-e-r. I'm not sure of the spelling.

26 THE COURT: You understand that if Mr. Reiner

1 represents you it won't be on the basis of a court  
2 appointment but it will be on the basis of a privately  
3 retained counsel?

4 THE DEFENDANT VAN HOUTEN: Yes, I do.

5 THE COURT: Which would mean whatever arrangement  
6 you work out with him would be between you and Mr. Reiner  
7 generally.

8 THE DEFENDANT VAN HOUTEN: Yes.

9 THE COURT: Now, he has told me that he does not  
10 expect to receive any compensation for representing you;  
11 that he has no agreement with you or with anybody else  
12 to pay him anything. And I don't interpret that as fore-  
13 closing his being compensated by some source if that  
14 develops later, but as it now stands is that your under-  
15 standing as well, that he is willing to represent you with  
16 no actual understanding as to compensation by you or  
17 anybody else?

18 THE DEFENDANT VAN HOUTEN: Yes.

19 THE COURT: Do you have any suspicion that someone  
20 may be paying him other than yourself; that any arrangements  
21 may have been made with anyone else?

22 That's not a good word. Let me withdraw that,  
23 please.

24 Do you have any reason to believe that any other  
25 person has made any arrangement with Mr. Reiner?

26 THE DEFENDANT VAN HOUTEN: Not that I know of.

1 THE COURT: I'm not going to require you to answer  
2 any question that I ask. You understand that. You are  
3 free not to answer anything that I ask you. So if you  
4 don't want to, just stop.

5 This is not intended as any reference on Mr.  
6 Reiner. Mr. Reiner used to be a city attorney, prosecuting  
7 cases in my court when I was on the Municipal Court. And  
8 he is married to a deputy city attorney. ✓

9 Are you aware of those facts?

10 THE DEFENDANT VAN HOUTEN: Yes.

11 THE COURT: I started to say -- I really digressed a  
12 little bit -- I have no reason to doubt anything he would  
13 tell me but I feel an obligation to ask you about some of  
14 these items inasmuch as I think both Mr. Reiner and Mr.  
15 Part, respectively, want to do their very best for you. It  
16 is just a case of who is going to represent you.

17 I don't want to go into the merits of this case  
18 at all, but do you understand that in any criminal case  
19 where there is more than one defendant there is a possibility  
20 of what we call a conflict of interest?

21 THE DEFENDANT VAN HOUTEN: Yes.

22 THE COURT: And, for example, in this particular  
23 case Mr. Manson and other defendants are charged with both  
24 of these so-called transactions. You are only charged as  
25 to one of the transactions. I don't know what the  
26 evidence in the case will show, if anything, but, of course,



1 I read the newspapers, too.

2 You do appreciate that at least there is the  
3 possibility of a conflict of interest between your own  
4 best interest, Leslie Van Houten's best interest, that is,  
5 and Charles Manson's best interest?

6 THE DEFENDANT VAN HOUTEN: Yes.

7 THE COURT: You do know that Mr. Reiner has -- he's  
8 told me -- has learned nothing from Mr. Manson. I mean,  
9 I want to be fair about this. He has told me that Mr.  
10 Manson has not discussed the facts of the case with him,  
11 but are you aware of the fact that Mr. Reiner has visited  
12 with Mr. Manson on several occasions and the possibility  
13 of Mr. Reiner representing Mr. Manson in some capacity  
14 has been discussed?

15 THE DEFENDANT VAN HOUTEN: Yes.

16 THE COURT: You do know that?

17 THE DEFENDANT VAN HOUTEN: Yes.

18 THE COURT: Do you think that would in any way --  
19 well, strike that.

20 Do you think it is conceivable that your  
21 attorney, whoever he might be, might, in representing you,  
22 feel that it is necessary to make some sort of attack  
23 on the position of another defendant?

24 Excuse me a moment. Let's just take a  
25 moment's recess in the case.

26 (Brief recess off the record.)

1 that's interested in your case. Maybe you haven't seen a  
2 few. There are a few members of the Bar who aren't on the  
3 list.

4 All right. Let's go on down to the next one.  
5 I don't think there's been any arbitrary or improper  
6 deprivation of the right to see any witness or any attorney,  
7 for that matter.

8 THE DEFENDANT: I didn't think you would, really. I  
9 knew it would be just going through the motions.

10 THE COURT: Well, I think we have gone through the  
11 motions. For the first two, I have granted your motions  
12 subject to constitutional protection for the other people.

13 Now about this abuse of personnel? Are we  
14 talking again about the broken window in the vehicle? I  
15 am quoting: "Inasmuch" --

16 THE DEFENDANT: We're talking about the two months I  
17 was held incommunicado before I was indicted.

18 THE COURT: Where were you held incommunicado?

19 THE DEFENDANT: In Independence, with 15 other people  
20 who were kept in solitary confinement.

21 THE COURT: I suggest you take that complaint to the  
22 Independence County Grand Jury.

23 THE DEFENDANT: It has nothing to do with this, has  
24 it?

25 THE COURT: I don't know that it's got to do with  
26 anything. I am simply trying to see that your rights are

40  
1 protected against your strong desires here in this court.

2 Next you indicate that the Sheriff has  
3 threatened to illegally detain people on unwarranted charges.  
4 Would you mind telling me what that's about? Page 6 --

5 THE DEFENDANT: One girl --

6 THE COURT: Page 11. A member of the Sheriff's.  
7 Okay. If you know what it is, tell me about it.

8 THE DEFENDANT: Three people come up to be witnesses,  
9 and in joking, the Sheriff said, "This is the girl with the  
10 fingerprints on the gun," and the girl didn't know what to  
11 do; so she left because she didn't want to have her finger-  
12 prints put on no gun.

13 THE COURT: Would you be happy if I ordered the  
14 Sheriff not to joke?

15 THE DEFENDANT: Not to joke?

16 THE COURT: Yes.

17 THE DEFENDANT: Yeah.

18 THE COURT: In fact, that's apparently what it's all  
19 about.

20 THE DEFENDANT: Uh-huh. Okay.

21 THE COURT: Next?

22 THE DEFENDANT: The limit of three witness interviews  
23 established by the Sheriff is illegal and unconstitutional.  
24 I need to interview some witnesses 10 or 15 times, and  
25 others only once after I have interviewed a prospective  
26 witness; right? But I do not know how many I need until I --

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1 THE COURT: All you have to do is go through the legal  
2 procedure.

3 THE DEFENDANT: Legal procedure?

4 THE COURT: That's right, and the reason for it, very  
5 simply, is this, Mr. Hanson: You have gotten so much  
6 company in there, I don't know how you can possibly prepare  
7 this case for trial, if you are going to see everybody who  
8 comes in, and I think there has to be some practical limit,  
9 at least in one field. Now, if you need to see anybody once,  
10 twice, three times, five times, if it's a legitimate matter  
11 of your defense, then you will be permitted to see that  
12 person. You will not be turned down.

13 But as far as I am concerned, this pro per  
14 policy memorandum does have a legitimate purpose. It was  
15 adopted after careful consultation and thought, and I don't  
16 see anything unconstitutional or unreasonable about it. All  
17 we are talking about is generalities.

18 THE DEFENDANT: Yeah, but the Sheriff has changed it.

19 THE COURT: I don't know how it's been changed.

20 THE DEFENDANT: Well, the one that the Court put out,  
21 it never put a limit on witnesses.

22 THE COURT: I believe, if I'm not mistaken --

23 THE DEFENDANT: You are mistaken.

24 THE COURT: -- that there is a provision. I don't  
25 have it in front of me, but my understanding is that the  
26 first -- it's set forth right in the policy memorandum that

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1 the first interview is unlimited and that the second is a  
2 half-hour and that the third and subsequent ones will be  
3 allowed only on order of the Court. Now, maybe I'm wrong  
4 about that.

5 THE DEFENDANT: No. You're wrong.

6 THE COURT: Okay. Well, I've been reversed before;  
7 so I'm sure I can be reversed at this level. I'll take --

8 THE DEFENDANT: I hope so.

9 THE COURT: I'll check it out.

10 THE DEFENDANT: Yes. All right. We got --

11 THE COURT: All I suggest is that when you need more  
12 interviews than you have been allowed with any particular  
13 witness, you let the Sheriff know and the Sheriff will let  
14 me know. Let's proceed, Mr. Manson.

15 THE DEFENDANT: Your Honor, I will have to admit  
16 there's a lot I don't understand, you know, and that's with  
17 the words that I have and the books that I got to do it with.

18 THE COURT: Well, even though the result may be  
19 inevitable, Mr. Manson, as certain other things are in life,  
20 you do seem to be enjoying it.

21 THE DEFENDANT: We can't say that yet, can we, or  
22 have you judged it?

23 THE COURT: I am not talking about the ultimate  
24 result as far as the case is concerned. I am talking about  
25 the fact that you are going to have a trial whether you  
26 want one or not, and you do seem to be enjoying everything

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1 that has transpired up to this point.

2 THE DEFENDANT: You know I asked for counsel. I  
3 asked for counsel to assist me, you know, and according  
4 to the Constitution of California it says that I can't have  
5 a counsel.

6 Either I appear by myself or I appear by myself  
7 with counsel. Then I look in the book and it says that the  
8 California Constitution recognizes the United States  
9 Constitution first, but according to your own book, the  
10 California Constitution, it's not constitutional according  
11 to the United States Constitution.

12 THE COURT: Well --

13 THE DEFENDANT: Now, wait a minute.

14 And I don't pledge allegiance to the beast  
15 bear. If I have to pledge allegiance to anything, I'll  
16 pledge allegiance to the flag, but like both -- it's the  
17 whole thing doesn't even jibe.

18 THE COURT: What are we talking about specifically?  
19 The United States Constitution says you have the right to  
20 counsel.

21 THE DEFENDANT: I have a right to prepare, which you  
22 could call it that, but I don't, defend in person and be  
23 assisted with counsel.

24 THE COURT: I would be most happy if you would avail  
25 yourself of that right. The decisions of this State, and  
26 I do not know of any United States constitutional



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1 interpretations, any authoritative interpretations that are  
2 any different, indicate that you've got a choice.

3 You want to go pro per. All right. You can  
4 go pro per, but that means you don't have the right to have  
5 co-counsel of record while you are your attorney and they  
6 are your attorneys, too. Certainly you've got the right to  
7 be represented by counsel.

8 THE DEFENDANT: I have it here. Would you like to  
9 hear it?

10 MR. STOVITZ: May the record reflect that Mr. Manson  
11 is reading from a book of some type?

12 Would you identify the book that you are  
13 reading from, Mr. Manson.

14 THE DEFENDANT: "We the people of the United States  
15 of America, Constitution of California."

16 MR. STOVITZ: What page, Mr. Manson?

17 THE DEFENDANT: I'm on 129.

18 MR. STOVITZ: Thank you, Mr. Manson.

19 THE COURT: Read it, Mr. Manson.

20 THE DEFENDANT: It says: "To appear and defend in  
21 person and with counsel."

22 THE COURT: Yes. I assume that's what you were  
23 referring to earlier. That is from the State Constitution.

24 THE DEFENDANT: Then let me refer you to this page.

25 THE COURT: Go ahead.

26 THE DEFENDANT: 127.

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1 THE COURT: Okay.

2 THE DEFENDANT: "The United States" -- Or let's see.  
3 "The United States" -- "The State of California is an  
4 independent part of the American Union, and the Constitution  
5 of the United States is the supreme law of the land."

6 THE COURT: Well, the part you first read me, however,  
7 is from the California Constitution --

8 THE DEFENDANT: Right.

9 THE COURT: -- not the United States Constitution.

10 THE DEFENDANT: Now, wait a minute. The part I just  
11 read is from your own Constitution, California. It says --

12 THE COURT: Correct. Both of those are from the  
13 State Constitution.

14 THE DEFENDANT: All right. Why not come over here  
15 where it says in the United States Constitution and let me  
16 have a lawyer that will assist me and not take my voice  
17 away from me?

18 THE COURT: Well, you are not having your voice taken  
19 away from you, under any circumstances, with or without  
20 counsel, but the fact that you are represented by counsel  
21 means that the motions and the arguments and the objections  
22 are made by counsel; doesn't mean you haven't got a voice  
23 to your own counsel. It doesn't mean you can't testify in  
24 your own behalf. It does mean that you are not going to  
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26 The provision that you read me from the State

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1 Constitution has been interpreted to mean that you have a  
2 right to appear and defend in person and by counsel. That's  
3 been interpreted to mean that you have a right to be present  
4 at all stages of the proceedings and that you have a right  
5 to be represented by counsel at all stages of the proceedings,  
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7 that you can take over the work of the attorney and  
8 represent yourself. That's what it means. It doesn't mean  
9 that you can be your own lawyer and have your own -- and  
10 have a separate lawyer or two separate lawyers as well.

11 I think that you are making a very serious  
12 mistake in wanting to represent yourself. I have seen many  
13 pro per defendants, many of whom have considerably more  
14 ability than you do.

15 THE DEFENDANT: Thank you.

16 THE COURT: I have yet to see -- Well, I'm trying  
17 to level with you.

18 THE DEFENDANT: Yeah, you're honest.

19 THE COURT: I have yet to see one do a decent job.  
20 There have been some who have done a good job, who haven't  
21 appeared in my court, and I know from hearsay that they've  
22 done a very capable job. I will say that. I have yet to  
23 see somebody who represents himself in pro per who does  
24 himself justice or defends himself properly, but that's  
25 your decision.

26 THE DEFENDANT: Yeah.

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1 THE COURT: Judge Keene decided that you were capable,  
2 and I think he was correct in deciding that you were capable  
3 of appreciating the magnitude of the task involved,  
4 appreciating the risk that was involved and that you were  
5 making an intelligent waiver of counsel, I must add with a  
6 legal term known as a caveat, if anybody can properly  
7 appreciate the risks involved and can properly waive the right  
8 to counsel.

9 I think that there has been sufficient interroga-  
10 tion so that you have. That doesn't mean that you can do a  
11 decent job representing yourself. I don't think you can,  
12 but that's not the test that Judge Keene applied, and under  
13 the law as he interpreted it I think that it is a correct  
14 interpretation of the law; it was proper to let you go in  
15 pro per. I think it's unfortunate.

16 Are there any other matters you'd like to bring  
17 up, Mr. Manson --

18 THE DEFENDANT: Yes.

19 THE COURT: -- before we set this matter for hearing  
20 and for trial?

21 THE DEFENDANT: Yeah. Could you take the gag order  
22 off of me?

23 THE COURT: No, I can't take the gag order off of  
24 you and I won't take it off of you.

25 THE DEFENDANT: Well, now, here we say -- we go to  
26 Section 9, page 129. It says that I have a right to speak

1 freely.

2 I know everything that this man does. People  
3 come and tell me everything he does. He speaks freely.  
4 He goes and tells the people, "This guy cuts their ears off.  
5 He cuts their ears off. He's a no-good guy, this guy."

6 THE COURT: The District Attorney has complied, inso-  
7 far as I have been able to tell, and the other judicial  
8 officers have complied, insofar as I have been able to tell,  
9 with the order that was made, and I have no intention of  
10 seeing that that order is lifted.

11 THE DEFENDANT: Yeah, Your Honor. The only way I  
12 know what you're going to decide is when I read the paper.

13 THE COURT: You are going to know about it today.

14 THE DEFENDANT: Yeah, yeah, yeah, because I can't  
15 say nothing, you know.

16 THE COURT: Anything further, Mr. Hanson?

17 THE DEFENDANT: Yeah. Well, you've got me tied up  
18 pretty good.

19 THE COURT: Okay. Well, that's probably a good time  
20 to set it for trial and hearing. As to the matter of the --

21 THE DEFENDANT: I have another motion.

22 THE COURT: All right. Let's hear it.

23 THE DEFENDANT: I want discovery that I haven't  
24 really had a chance to look at.

25 THE COURT: Well, I told you, of course, in advance  
26 that I wasn't going to make any order for discovery in this

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1 court.

2 THE DEFENDANT: I'm giving it to you.

3 THE COURT: Let me take a look at it, then. I  
4 suppose one of our many bailiffs will be good enough to  
5 bring it up.

6 MR. STOVITZ: I was just served with this motion  
7 today at 1:30, Your Honor. I haven't had an opportunity  
8 to look at it.

9 THE COURT: I am not going to rule on it now. It  
10 will be ruled on, but I'm not going to rule on it now.

11 The matter is going to be transferred to the  
12 trial court which will properly have jurisdiction in the  
13 matter.

14 THE DEFENDANT: I have another one --

15 THE COURT: Yes, sir?

16 THE DEFENDANT: -- that I haven't really got into  
17 too good. I'm still working on the points and authorities,  
18 but I'm going to hand you a Writ of Habeas Corpus.

19 THE COURT: That's a good one.

20 THE DEFENDANT: Yeah.

21 MR. STOVITZ: Are both for the Court, Mr. Hanson, or  
22 one copy?

23 THE DEFENDANT: No; one copy is for you.

24 THE COURT: That's one of my favorites. That's  
25 known as "The great writ," Mr. Hanson.

26 THE DEFENDANT: I have another one that will tie the



1 other two up. See, I give you one to warn you about this  
2 one.

3 THE COURT: I see.

4 THE DEFENDANT: And then I'm going to give you the  
5 other one to tie the first two together, but I can't give  
6 you what I've been researching until I research it.

7 THE COURT: Well, the habeas corpus, it seems to me --

8 THE DEFENDANT: Will be denied, too?

9 THE COURT: Well, if you want a ruling, I am going to  
10 deny it, but here is my suggestion: It appears to me that  
11 to at least some extent it could coincide with your rights  
12 under Penal Code Section 995, and what I'm going to do is,  
13 on behalf of the defendant, I am going to set a -- I am going  
14 to deem that a motion to set aside the indictment has been  
15 made under Section 995, and I am going to assign the  
16 petition for the Writ of Habeas Corpus and the 995 hearing  
17 to a court so it can be determined.

18 On the face of it, I don't think you have  
19 stated sufficient facts to justify relief, as a habeas  
20 corpus, but it may be that it can come in as a possible  
21 attack on the -- in the indictment and validity of confine-  
22 ment; so I will set those down for hearing and I'll set those  
23 down in a court distinct from the trial court.

24 Now, you got another one, too, Mr. Hanson?

25 THE DEFENDANT: Oh, I could go on and on and on.

26 THE COURT: I am sure you could.

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1 I don't think it's necessary to rearraign the  
2 defendant under the aka.

3 THE DEFENDANT: I didn't think it was.

4 THE COURT: And the petition for the Writ of Habeas  
5 Corpus, the press will know what I am referring to when they  
6 see the documents.

7 THE DEFENDANT: You know, when I get in this little  
8 book, when I get in this little book, it's really an out-  
9 standing book. Have you ever read it?

10 THE COURT: As a matter of fact, I think I have.

11 MR. STOVITZ: Your Honor.

12 THE COURT: Yes? Anything else, Mr. Stovitz?

13 MR. STOVITZ: I would just like to remind the Court  
14 that Mr. Manson keeps speaking about his rights; the People  
15 also have rights and we are now declaring our right to go  
16 to trial within 60 days of the date of the last hearing, and  
17 the last time that Mr. Manson stops moving around in court,  
18 we insist upon going to trial within 60 days of that date.

19 THE COURT: Well, I intend to set the matter and it  
20 may be that the matter will have to be continued. I am  
21 setting it for trial within the 60-day period after the  
22 indictment was found, as a matter of fact.

23 I am setting the matter for trial as to Mr.  
24 Manson in Department 107, February the 9th. So that there  
25 is no question about it, that's before Judge Keene, before  
26 whom the other co-defendants who have had settings so far

are set.

I will set the hearing on the motion to set aside the Information in Department 106; likewise the habeas corpus. That's before Judge Lucas. That will be set on a date prior to February the 9th; set on February the 6th.

I have a strong feeling that you won't -- if the motion is denied, if you are ready to go ahead, I mean assuming you are ready to go ahead on the 106 motion, the motion in 106, and that it's heard on that date, if it's granted, of course, that's the end of it unless the People take an appeal. If the motion is denied, I have a strong feeling that you won't be eager to go to trial on February the 9th. However, that is the date.

THE DEFENDANT: You do?

THE COURT: Yes, sir.

MR. STOVITZ: February the 9th, then, Your Honor, for the 995 motion?

THE COURT: No, no. February 6th for the 995 motion and the so-called Writ of Habeas Corpus, set in Department 106, February the 6th at 9 o'clock. February the 9th for trial, or for trial setting as the case may be, in Department 107.

Defendant is remanded.

THE DEFENDANT: See, Your Honor, I knew that you would just do with me whatever you want to do, anyway.

THE COURT: Well, you got your wish.

1 THE DEFENDANT: It wasn't a wish,

2 (At 3:05 p.m. proceedings were adjourned,  
3 and further proceedings as to Defendant  
4 Charles Manson were set for February 6,  
5 1970, at 9 a.m., in Department 106.)

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1 that's interested in your case. Maybe you haven't seen a  
2 few. There are a few members of the Bar who aren't on the  
3 list.

4 All right. Let's go on down to the next one.  
5 I don't think there's been any arbitrary or improper  
6 deprivation of the right to see any witness or any attorney,  
7 for that matter.

8 THE DEFENDANT: I didn't think you would, really. I  
9 knew it would be just going through the motions.

10 THE COURT: Well, I think we have gone through the  
11 motions. For the first two, I have granted your motions  
12 subject to constitutional protection for the other people.

13 Now about this abuse of personnel? Are we  
14 talking again about the broken window in the vehicle? I  
15 am quoting: "Inasmuch" --

16 THE DEFENDANT: We're talking about the two months I  
17 was held incommunicado before I was indicted.

18 THE COURT: Where were you held incommunicado?

19 THE DEFENDANT: In Independence, with 15 other people  
20 who were kept in solitary confinement.

21 THE COURT: I suggest you take that complaint to the  
22 Independence County Grand Jury.

23 THE DEFENDANT: It has nothing to do with this, has  
24 it?

25 THE COURT: I don't know that it's got to do with  
26 anything. I am simply trying to see that your rights are

protected against your strong desires here in this court.

Next you indicate that the Sheriff has threatened to illegally detain people on unwarranted charges. Would you mind telling me what that's about? Page 6 --

THE DEFENDANT: One girl --

THE COURT: Page 11. A member of the Sheriff's. Okay. If you know what it is, tell me about it.

THE DEFENDANT: Three people come up to be witnesses, and in joking, the Sheriff said, "This is the girl with the fingerprints on the gun," and the girl didn't know what to do; so she left because she didn't want to have her fingerprints put on no gun.

THE COURT: Would you be happy if I ordered the Sheriff not to joke?

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15 of America, Constitution of California."

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17 THE DEFENDANT: I'm on 129.

18 MR. STOVITZ: Thank you, Mr. Manson.

19 THE COURT: Read it, Mr. Manson.

20 THE DEFENDANT: It says: "To appear and defend in  
21 person and with counsel."

22 THE COURT: Yes. I assume that's what you were  
23 referring to earlier. That is from the State Constitution.

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15 pro per. I think it's unfortunate.

16 Are there any other matters you'd like to bring  
17 up, Mr. Manson --

18 THE DEFENDANT: Yes.

19 THE COURT: -- before we set this matter for hearing  
20 and for trial?

21 THE DEFENDANT: Yeah. Could you take the gag order  
22 off of me?

23 THE COURT: No, I can't take the gag order off of  
24 you and I won't take it off of you.

25 THE DEFENDANT: Well, now, here we say -- we go to  
26 Section 9, page 129. It says that I have a right to speak

1 freely.

2 I know everything that this man does. People  
3 come and tell me everything he does. He speaks freely.  
4 He goes and tells the people, "This guy cuts their ears off.  
5 He cuts their ears off. He's a no-good guy, this guy."

6 THE COURT: The District Attorney has complied, inso-  
7 far as I have been able to tell, and the other judicial  
8 officers have complied, insofar as I have been able to tell,  
9 with the order that was made, and I have no intention of  
10 seeing that that order is lifted.

11 THE DEFENDANT: Yeah, Your Honor. The only way I  
12 know what you're going to decide is when I read the paper.

13 THE COURT: You are going to know about it today.

14 THE DEFENDANT: Yeah, yeah, yeah, because I can't  
15 say nothing, you know.

16 THE COURT: Anything further, Mr. Hanson?

17 THE DEFENDANT: Yeah. Well, you've got me tied up  
18 pretty good.

19 THE COURT: Okay. Well, that's probably a good time  
20 to set it for trial and hearing. As to the matter of the --

21 THE DEFENDANT: I have another motion.

22 THE COURT: All right. Let's hear it.

23 THE DEFENDANT: I want discovery that I haven't  
24 really had a chance to look at.

25 THE COURT: Well, I told you, of course, in advance  
26 that I wasn't going to make any order for discovery in this

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1 court.

2 THE DEFENDANT: I'm giving it to you.

3 THE COURT: Let me take a look at it, then. I  
4 suppose one of our many bailiffs will be good enough to  
5 bring it up.

6 MR. STOVITZ: I was just served with this motion  
7 today at 1:30, Your Honor. I haven't had an opportunity  
8 to look at it.

9 THE COURT: I am not going to rule on it now. It  
10 will be ruled on, but I'm not going to rule on it now.

11 The matter is going to be transferred to the  
12 trial court which will properly have jurisdiction in the  
13 matter.

14 THE DEFENDANT: I have another one --

15 THE COURT: Yes, sir?

16 THE DEFENDANT: -- that I haven't really got into  
17 too good. I'm still working on the points and authorities,  
18 but I'm going to hand you a Writ of Habeas Corpus.

19 THE COURT: That's a good one.

20 THE DEFENDANT: Yeah.

21 MR. STOVITZ: Are both for the Court, Mr. Hanson, or  
22 one copy?

23 THE DEFENDANT: No; one copy is for you.

24 THE COURT: That's one of my favorites. That's  
25 known as "The great writ," Mr. Hanson.

26 THE DEFENDANT: I have another one that will tie the

1 other two up. See, I give you one to warn you about this  
2 one.

3 THE COURT: I see.

4 THE DEFENDANT: And then I'm going to give you the  
5 other one to tie the first two together, but I can't give  
6 you what I've been researching until I research it.

7 THE COURT: Well, the habeas corpus, it seems to me --

8 THE DEFENDANT: Will be denied, too?

9 THE COURT: Well, if you want a ruling, I am going to  
10 deny it, but here is my suggestion: It appears to me that  
11 to at least some extent it could coincide with your rights  
12 under Penal Code Section 995, and what I'm going to do is,  
13 on behalf of the defendant, I am going to set a -- I am going  
14 to deem that a motion to set aside the indictment has been  
15 made under Section 995, and I am going to assign the  
16 petition for the Writ of Habeas Corpus and the 995 hearing  
17 to a court so it can be determined.

18 On the face of it, I don't think you have  
19 stated sufficient facts to justify relief, as a habeas  
20 corpus, but it may be that it can come in as a possible  
21 attack on the -- in the indictment and validity of confine-  
22 ment; so I will set those down for hearing and I'll set those  
23 down in a court distinct from the trial court.

24 Now, you got another one, too, Mr. Hanson?

25 THE DEFENDANT: Oh, I could go on and on and on.

26 THE COURT: I am sure you could.

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1 I don't think it's necessary to rearraign the  
2 defendant under the aka.

3 THE DEFENDANT: I didn't think it was.

4 THE COURT: And the petition for the Writ of Habeas  
5 Corpus, the press will know what I am referring to when they  
6 see the documents.

7 THE DEFENDANT: You know, when I get in this little  
8 book, when I get in this little book, it's really an out-  
9 standing book. Have you ever read it?

10 THE COURT: As a matter of fact, I think I have.

11 MR. STOVITZ: Your Honor.

12 THE COURT: Yes? Anything else, Mr. Stovitz?

13 MR. STOVITZ: I would just like to remind the Court  
14 that Mr. Manson keeps speaking about his rights; the People  
15 also have rights and we are now declaring our right to go  
16 to trial within 60 days of the date of the last hearing, and  
17 the last time that Mr. Manson stops moving around in court,  
18 we insist upon going to trial within 60 days of that date.

19 THE COURT: Well, I intend to set the matter and it  
20 may be that the matter will have to be continued. I am  
21 setting it for trial within the 60-day period after the  
22 indictment was found, as a matter of fact.

23 I am setting the matter for trial as to Mr.  
24 Manson in Department 107, February the 9th. So that there  
25 is no question about it, that's before Judge Keene, before  
26 whom the other co-defendants who have had settings so far

are set.

I will set the hearing on the motion to set aside the Information in Department 106; likewise the habeas corpus. That's before Judge Lucas. That will be set on a date prior to February the 9th; set on February the 6th.

I have a strong feeling that you won't -- if the motion is denied, if you are ready to go ahead, I mean assuming you are ready to go ahead on the 106 motion, the motion in 106, and that it's heard on that date, if it's granted, of course, that's the end of it unless the People take an appeal. If the motion is denied, I have a strong feeling that you won't be eager to go to trial on February the 9th. However, that is the date.

THE DEFENDANT: You do?

THE COURT: Yes, sir.

MR. STOVITZ: February the 9th, then, Your Honor, for the 995 motion?

THE COURT: No, no. February 6th for the 995 motion and the so-called Writ of Habeas Corpus, set in Department 106, February the 6th at 9 o'clock. February the 9th for trial, or for trial setting as the case may be, in Department 107.

Defendant is remanded.

THE DEFENDANT: See, Your Honor, I knew that you would just do with me whatever you want to do, anyway.

THE COURT: Well, you got your wish.



1 THE DEFENDANT: It wasn't a wish,

2 (At 3:05 p.m. proceedings were adjourned,  
3 and further proceedings as to Defendant  
4 Charles Manson were set for February 6,  
5 1970, at 9 a.m., in Department 106.)

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