

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. 2002

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 90012For 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 PersonaFor Defendant-Appellant
Patricia Krenwinkel:PATRICIA KRENWINKEL
In Propria Persona

PT VOLUME 2

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J. Hollombe, CSR
Murray Mehlman, CSR
Official Reporters
211 West Temple Street
Los Angeles, California 90012

LOS ANGELES, CALIFORNIA, TUESDAY, FEBRUARY 3, 1970, 9:00 AM

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(Upon the above date, the following
proceedings were had in Department 107
before the Honorable William B. Keene,
Judge presiding:)

THE COURT: In the matter of this case number three,
which is Susan Atkins --

MR. CABALLERO: Yes, your Honor.

The defendant is present with counsel, Richard
Caballero.

THE COURT: Your name is Susan Atkins?

THE DEFENDANT ATKINS: Yes, it is.

THE COURT: All right. I will have the record
reflect your appearance here in court represented by your
attorney, Mr. Caballero.

This matter is apparently on calendar for
next Monday, the 9th of February.

MR. CABALLERO: Yes, your Honor.

I would request permission at this time to
advance it from that date to this date for the purpose of
making a motion to continue.

THE COURT: That motion is granted. I will order
the matter advanced to this date's calendar for the motion.

MR. CABALLERO: Yes, your Honor. We respectfully
request a continuance to approximately March 30th. This

1 case has a lot of documents here. There are a lot of
2 witnesses that have to be interviewed, plus the defendant
3 has another matter set in the middle of March in Santa
4 Monica.

5 I would ask, therefore, for a continuance
6 for the purpose of further preparation. I have notified
7 the District Attorney.

8 MR. STOVITZ: No objection, your Honor.

9 MR. CABALLERO: The defendant will waive time.

10 THE COURT: When is the Hinman matter set?

11 MR. STOVITZ: March 30th in this court, your Honor.

12 THE COURT: That is your suggested date, Mr.
13 Caballero?

14 MR. CABALLERO: Yes, it is, your Honor.

15 THE COURT: That is agreeable with the People?

16 MR. STOVITZ: No objection, your Honor.

17 THE COURT: What is the status, now, insofar as the
18 other defendants are concerned? Is there a 995 coming up?

19 MR. STOVITZ: A 995 on Mr. Manson is set for
20 February 6th in Department 106. Mr. Manson's trial date is
21 set in this court for February 9th, and the other two defend-
22 ants have their trial setting date for February 9th in this
23 court.

24 THE COURT: Have you discussed this possible date
25 with either Mr. Fleischman or Mr. Part?

26 MR. STOVITZ: Yes. I know that Mr. Fleischman, due

1 to Mrs. Kasabian's condition, wants a later trial date.

2 I also know that there is a motion brewing in
3 the Van Houten case for change of counsel, so that I am
4 certain that if there is a change of counsel, new counsel
5 will not be prepared to go to trial until probably the end
6 of March.

7 THE COURT: What do you hear from the District of
8 Alabama?

9 MR. STOVITZ: From the District, on February 16th
10 they will have a hearing on that date and at that time we
11 anticipate that the circuit judge will turn down the writ
12 of habeas corpus.

13 THE COURT: That is February 16th?

14 MR. STOVITZ: Yes. Alabama just has one appellate
15 court for criminal cases. They do not have an intermediary
16 criminal court and this is in the appellate court now in
17 Alabama.

18 THE COURT: Is it still the intention of the People,
19 at least at this point, to attempt to get this entire matter
20 together?

21 MR. STOVITZ: Yes, your Honor.

22 THE COURT: Miss Atkins, as I have previously
23 indicated to you, and if I have not I will do so at this
24 time, at this point you have the right to have this matter
25 come to trial at an early date. You have a right to have
26 the matter set for trial within sixty days from the date

1 this indictment was filed. I believe that we went into it
2 at the time you were in Department 100 and the matter was
3 set for trial in Department 107 on the 9th of February.

4 Due to reasons set forth by your attorney, Mr.
5 Caballero, I am inclined to grant this motion to set the
6 matter for trial on the 30th day of March. By setting the
7 matter on that date I am, of course, going beyond the
8 statutory period of time.

9 Will you, once again, personally waive your
10 right to an earlier date and agree to that date?

11 THE DEFENDANT ATKINS: Yes, your Honor.

12 THE COURT: Mr. Caballero, do you join in the waiver?

13 MR. CABALLERO: I join in the waiver.

14 THE COURT: Mr. Stovitz, do the People join in the
15 waiver?

16 MR. STOVITZ: People join, your Honor.

17 THE COURT: Let's set the matter in this department
18 for trial on that date. That is March 30th, a Monday. That
19 will be in Department 107 for trial.

20 I will order that the defendant be remanded to
21 the custody of the Sheriff to be returned to this court on
22 that date.

23 MR. STOVITZ: Counsel has some ex parte motions. I
24 have seen them. We have no objection to them if your Honor
25 wants to take them up at the conclusion of the calendar.

26 THE COURT: What are they?

1 This is a motion, Mr. Caballero, for you to
2 record interviews with the defendant at Sybil Brand
3 Institute?

4 MR. CABALLERO: Yes, your Honor.

5 THE COURT: The motion will be granted.

6 What other matter? A copy of a letter pertain-
7 ing to your status in this case?

8 MR. CABALLERO: Yes, your Honor.

9 THE COURT: So the record in this case will be clear,
10 I understand your position at this time is that the record
11 should reflect that you are no longer appointed pursuant to
12 Section 987a of the Penal Code but you are Miss Atkins'
13 attorney on your own right?

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

15 THE COURT: We will have the record, then, so
16 reflect, and you will be the attorney of record but not
17 pursuant to Section 987a of the Penal Code. And your motion,
18 as I have indicated, permitting you to record interviews
19 with the defendant is granted.

20 MR. CABALLERO: Thank you, your Honor.

21 THE COURT: Anything further?

22 MR. CABALLERO: Nothing further.

23 THE COURT: All right.

24 MR. STOVITZ: Thank you, your Honor.

25 (Whereupon, proceedings were continued
26 to Monday, March 30, 1970, at 9:00 A.M.)

1 LOS ANGELES, CALIFORNIA, FRIDAY, FEBRUARY 6, 1970

2 9:00 A. M.

3 --- 0 ---

4 THE COURT: I will call the matter of the People
5 versus Charles Manson.

6 MR. MANSON: Good morning, your Honor.

7 THE COURT: Good morning, Mr. Manson.

8 Let the record reflect that the defendant and
9 counsel are present.

10 This matter is before the Court on the defend-
11 ant's motion to set aside the indictment under Section 955
12 of the Penal Cod and also there is a petition for a writ
13 of habeas corpus.

14 MR. MANSON: Your Honor, may I speak?

15 THE COURT: You may speak, Mr. Manson, when the
16 Court has completed its statement.

17 Let the record reflect that the Court has read
18 and considered the defendant's motion to set aside the in-
19 dictment under 995 of the Penal Code, the brief in support
20 of a motion under 995 of the Penal Code and points and
21 authorities thereto.

22 In addition thereto, the Court has read and
23 considered the petition for a writ of habeas corpus filed
24 on January 28th.

25 Likewise, the Court has read and considered
26 the documents filed by the People that are entitled, "State-

1 ment of facts and points of authorities in opposition to
2 the defendant Charles Manson's motion under Section 995 of
3 the Penal Code", and the points and authorities in opposi-
4 tion to the defendant Manson's petition for a writ of habeas
5 corpus.

6 Gentlemen, let us proceed initially on the
7 defendant's motion to set aside the indictment under Section
8 995 of the Penal Code.

9 Do you have additional arguments in this mat-
10 ter, Mr. Manson?

11 (Mr. Manson did not respond.)

12 THE COURT: Do the People have any argument?

13 MR. STOVITZ: Has Mr. Manson indicated he has no
14 argument?

15 MR. MANSON: No I have not indicated I don't have
16 any argument.

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

18 MR. MANSON: I would like to withdraw the motion
19 with Mr. Shinn's name on top.

20 THE COURT: Is that a document bearing your signa-
21 ture?

22 MR. MANSON: Yes, it is incomplete.

23 THE COURT: It was filed on February 5?

24 MR. MANSON: Yes, sir.

25 THE COURT: You may proceed.

26 MR. MANSON: Also, I would like to have the writ of

3
1 habeas corpus heard if possible.

2 THE COURT: The Court intends to hear that, Mr. Man-
3 son.

4 Let the Court attempt to clarify your request
5 regarding the setting aside of the motion under 995.

6 It is your request now that you are withdraw-
7 ing your motion under Section 995?

8 MR. MANSON: I would like for the motion for the 995
9 to be set aside until the first matter is taken care of.

10 We can't go on the next matter until the first
11 one is taken care of.

12 I haven't moved off my first position yet and
13 I wouldn't move off my first position until we have had a
14 decision from you to me. If you give me that decision,
15 then we'll go to the second matter.

16 THE COURT: Mr. Manson, until the Constitution makes
17 different arrangements, the Court is in the position of
18 deciding the procedure and the order in which matters will
19 be heard.

20 This morning we are going to hear initially a
21 motion to set aside the indictment under Section 995 of the
22 Penal Code.

23 The Court will repeat to you: Do you wish to
24 make any additional arguments other than those contained in
25 your submitted filed documents?

26 MR. MANSON: I just came from solitary confinement

4
1 and I'm really not in a very good position this morning
2 and I am a bit nervous.

3 The District Attorney has answered the habeas
4 corpus prematurely, before that was granted a hearing. He
5 answered it and all I would like to do is to have an answer
6 on the habeas corpus.

7 You see I can only go as fast as I can and if
8 the Court wishes to go any faster, it would have to move
9 right around me.

10 THE COURT: The Court will repeat to you that we
11 will get to a full determination of your petition for a
12 writ of habeas corpus. The Court is going to proceed in-
13 itially on the motion to dismiss, to set aside the indict-
14 ment pursuant to Penal Code Section 995.

15 The Court will again inquire: Do you wish to
16 be heard further on this particular motion?

17 MR. MANSON: I think the Court is saying you are
18 going to do anything you want to do, is that it?

19 THE COURT: Mr. Manson, this is not a twenty ques-
20 tions session. The Court is not going to respond to your
21 questions.

22 You may place any interpretation you wish on
23 the Court's statement. The Court is simply here to do two
24 things which have been assigned to it; The first is to
25 make a determination on the merits of your motion to set
26 aside the indictment; The second is to make a determination

5
1 on your petition for a writ of habeas corpus.

2 The Court has chosen to proceed initially on
3 your motion to set aside the indictment under Section 995.
4 Do you wish to be heard on that matter?

5 MR. MANSON: I would like to have the 995 set aside.

6 THE COURT: By that, do you mean you wish to withdraw
7 your motion?

8 MR. MANSON: Not until you give me a decision on the
9 habeas corpus.

10 THE COURT: The Court will proceed on the motion to
11 set aside the indictment under Section 995.

12 Do the People wish to be heard?

13 MR. STOVITZ: No, your Honor.

14 We have read Mr. Manson's brief. We have re-
15 sponded, covering all the applicable points of law. The
16 Grand Jury does not have to have evidence beyond a reason-
17 able doubt in order to find an indictment. I believe the
18 Grand Jury did hear sufficient evidence to cause them to
19 file an indictment; and that evidence is sufficient to take
20 Mr. Manson to trial on all the charges against him.

21 MR. MANSON: There was no evidence in that trans-
22 script.

23 You read the transcript. It was a frightened
24 girl's testimony and she said I played the guitar. She said
25 I liked everybody and I told everybody to do what they
26 wanted to do.

6
1 She made one statement that of course hurt me
2 in the eyes of someone who wouldn't understand what she was
3 saying. She said I told her to do what Tex said. I never
4 tell anyone to do what anyone else says. I tell them to do
5 what they want to do, that everybody should do what they
6 want to do.

7 Also, as I say, there is nothing bad in there
8 about me in the whole transcript. There is nothing bad.

9 You can take words that aren't in there and
10 conclude two facts, and you can build on those words for-
11 ever. That is what you have done with the laws. You have
12 built on them so much that no one, not even you, knows what
13 they mean.

14 Not even this man (indicating Deputy District
15 Attorney Stovitz).

16 You have got the mark of the beast on your
17 flad. Your men wear in on their foreheads. You have the
18 beast on their foreheads.

19 THE COURT: The Court suggests that you stick to
20 the proceedings before us which is the motion to set aside
21 the indictment under Section 995.

22 Do you wish to be heard further on that motion?

23 MR. MANSON: The indictment speaks for itself. You
24 hide it from the public. Your hide your books from the
25 public. You hide your laws from the public and you skip
26 over what you don't want to hear.

7
1 You skip over what might be good for the de-
2 fendant and then you go ahead with your procedures anyway.

3 You say, "my procedure is all wrong. My
4 numbers and words don't mean anything."

5 It is only your numbers and words that mean
6 something.

7 THE COURT: I take it that you are objecting to these
8 procedures?

9 MR. MANSON: I object to the whole Court. I object
10 to the whole thing.

11 THE COURT: The record will reflect your objections.

12 The record should also reflect the Court has
13 read and considered the Reporter's Transcript of the Grand
14 Jury proceedings of December 5, 1969 and December 8, 1969.

15 It is correct that the Court at this time is
16 not determining the guilt or innocence of the defendant. The
17 standard employed in a motion to set aside an indictment or
18 information under Section 995 is whether or not there is
19 sufficient evidence in the record to create in the mind of
20 a reasonable man a strong suspicion of the guilt of the de-
21 fendant.

22 MR. MANSON: You mean - - -

23 THE COURT: That is the standard, not whether he is
24 guilty beyond a reasonable doubt.

25 MR. MANSON: Have you read that transcript, your
26 Honor?

1 THE COURT: I have just stated I read and considered
2 it.

3 Do you wish to be heard further?

4 MR. MANSON: Could we give it to the public and let
5 the public hear it?

6 THE COURT: Do you wish to be heard further in regard
7 to your motion to set aside the indictment under Section 995
8 of the Penal Code?

9 MR. MANSON: I have never asked for a 995. I asked to
10 demur to the plea. The Judge has entered a plea for me.

11 THE COURT: All right, the Court has indicated that
12 it has read and considered the transcript of the Grand Jury
13 proceedings.

14 The Court finds there is sufficient evidence
15 to create in the mind of a reasonable person a strong sus-
16 picion that the defendant is connected with the crime.

17 Therefore the motion to set aside the indict-
18 ment under Section 995 of the Penal Code is denied.

19 Now, Mr. Manson, you have filed a writ of habeas
20 corpus. The Court has previously indicated it has read and
21 considered that writ and in addition it has considered and
22 read the response filed by the People.

23 Do you wish to be heard in regard to that writ?

24 MR. MANSON: Yes, I wish to say it is a Constitutional
25 right that anyone can file a petition for anyone.

26 I would like to have the other people that are

1 assisting me assist me, if that is possible.

2 THE COURT: Do the People wish to be heard?

3 MR. STOVITZ: I take it from that statement that
4 Mr. Manson wants some lay persons to assist him, or is it
5 lawyers to assist him, or who is to assist him?

6 I found it a little difficult to find the real
7 issue in the writ of habeas corpus. Before I respond to
8 that issue, may it be clarified whether he wants an attorney
9 to assist him? If that is the issue then I believe the
10 matter rests within the discretion of the Court and the
11 Court can proceed in that matter as the Court sees fit.
12 We do not take any part in that proceeding.

13 If Mr. Manson wants lay persons to help him in
14 his defense, we will oppose that position vehemently.

15 THE COURT: Mr. Manson?

16 MR. MANSON: I imagine he will oppose anything I say,
17 that is his position.

18 THE COURT: Perhaps we should clarify the record as
19 to what you mean.

20 Do you wish to have counsel appointed to repre-
21 sent you in regard to your petition, or is it your wish to
22 have laymen, the people who signed this petition, to assist
23 you?

24 MR. MANSON: He has answered that petition so in
25 answering he has indicated there is something in it. He
26 acknowledged it but he only answered it to me. He didn't

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1 answer it to the other parties. Not only has he answered
2 it, but he answered it prematurely. It shouldn't have
3 been answered.

4 THE COURT: In regard to your writ of habeas corpus--

5 MR. MANSON: You see what I am contending is that
6 the indictment is illegitimate, that the obtaining of the
7 indictment was unconstitutional.

8 Has a man the power to take one person's
9 testimony and indict another person and bring him in and
10 drag him before the world and everybody points their fin-
11 gers at him and say bad things just because one girl said
12 something bad about one guy?

13 It doesn't make sense to me that this man
14 would have the power to take and crucify me in the news
15 media over one girl's testimony.

16 And her testimony wasn't that bad. She never
17 said anything bad about me. She just stated the way she
18 felt, the way she thought.

19 I wouldn't deny what that girl said, because
20 that girl is saying what she wanted to say.

21 There are a lot of people saying things about
22 you, but do you deny them? Let them say them. It doesn't
23 hurt me in any way. The fact is that this man can take a
24 person's testimony without no facts --- the Court is sup-
25 posed to deal in facts --- you have no facts, not one fact,
26 do you?

11
1 You have a frightened girl's testimony and she
2 is afraid of losing her baby.

3 THE COURT: All right, Mr. Manson. I think you are
4 straying somewhat from the matters that are before the
5 Court at this time.

6 You have previously ^{been} denied the right to file
7 documents in which you have associated other laymen. There-
8 fore, the petition for the writ of habeas corpus on Page K,
9 lines 13 to 24, that portion of the petition will be strick-
10 en. Those are the lines that contain the signature of other
11 individuals, apparently other defendants who are in custody
12 and ---

13 MR. MANSON: You are going to strike lines out of my
14 writ?

15 Let's take lines out of your writ.

16 THE COURT: I have stricken those particular lines.

17 Now Mr. Manson, let's discuss the merits of
18 your petition for habeas corpus.

19 Do you wish to be heard concerning the petition
20 for habeas corpus?

21 MR. MANSON: I have some points of law, your Honor.

22 THE COURT: You may be heard.

23 MR. MANSON: Well, my Constitutional rights have been
24 suspended in the County Jail for a while.

25 THE COURT: This petition has been filed since Jan-
26 uary 28th, Mr. Manson.

1 MR. MANSON: I don't even have a pencil. What do
2 I have to do? I just told you I just come from solitary
3 confinement.

4 I have no pencil. I have no papers. My books
5 aren't here.

6 THE COURT: Do the People wish to be heard in this
7 matter?

8 MR. STOVITZ: Is it the defendant's position that
9 he wants a continuance to hear this petition for a writ
10 of habeas corpus?

11 I think the defendant should know he can file
12 for a writ of habeas corpus at any time, if he would just
13 enlighten the prosecution and the Court as to what grounds
14 he seeks this petition so that we might see whether it is
15 a meritorious petition or whether he is just seeking a
16 delay.

17 MR. MANSON: A delay?

18 MR. STOVITZ: I think he is just attempting to delay
19 this matter. He has sought delays before this.

20 I think we ought to go on with the matter at
21 hand so that we can have an early trial setting.

22 MR. MANSON: Let's have an early trial setting. Let
23 us go tomorrow or Monday. That's a good day for a trial.

24 THE COURT: Do you wish to be heard further in re-
25 gard to your petition for a writ of habeas corpus?

26 MR. MANSON: I have put in my petition. You have

1 just got done scratching things out of them.

2 THE COURT: Your petition for a writ of habeas corpus
3 is denied.

4 The next Court appearance for you, Mr. Manson,
5 will be in Department 107 on February 9th for trial setting.
6 That will be before Judge Keene.

7 We will be in recess.

8 MR. MANSON: Is that within the sixty days?

9 THE COURT: Mr. Manson, you are acting as your own
10 attorney. You have asked for that right. You have been
11 granted that privilege.

12 With that privilege goes certain duties and that
13 is the duty to conduct your own defense. You'll have to
14 make these determinations for yourself.

15 We'll be in recess.

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LOS ANGELES, CALIFORNIA, FRIDAY, FEBRUARY 6, 1970; 2:45 P.M.

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(Upon the above date, in Department No. 100, the HON. GEORGE M. DELL, Judge presiding, the People not being represented, Defendant Van Houten being present and represented by counsel, Marvin L. Part, and counsel Ira K. Reiner also being present, the following proceedings were had:)

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(The following proceedings were had in chambers:)

THE COURT: I'd like the record to reflect that Defendant Leslie Van Houten is present in chambers, with the Court, with her attorney of record Marvin Part, Mr. Ira Reiner whom she indicates she wishes to have replace Mr. Part, and with other court attaches.

I have received, pursuant to the prior order, the confidential reports from Drs. Skrdla, Golden, and Markman, all pursuant to Section 730 of the Evidence Code. I have read and considered these reports. There were copies of some of the reports, which I have destroyed. The originals will be ordered filed and sealed, and not to be opened without Court order.

I have discussed the contents of these reports with Messrs. Part and Reiner, and I have made them available

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1 to Mr. Part and Mr. Reiner, who have each seen the reports.

2 Based on the matter within the reports, I find
3 that there is no doubt as to the Defendant Van Houten's
4 present sanity, and there is no basis for holding any hearing
5 as to her present sanity under Penal Code Section 1368.

6 There has been an extended prior conversation
7 with Messrs. Part and Reiner off the record. And although
8 I don't purport to summarize the entire conversation, Mr.
9 Reiner did state the following matters:

10 First, that he read the story -- an interview of
11 a Mr. Francis Salazar, that is the correct name, was in the
12 Los Angeles Times today with reference to Mr. Salazar
13 possibly taking over the entire defense of the Manson case
14 and the other defendants. Mr. Reiner says he has no
15 association or acquaintance with Mr. Salazar. I don't know
16 whether you indicated you ever met him or not.

17 MR. REINER: I have never met him nor spoken to him
18 nor received any communication from him, nor any person on
19 his behalf.

20 THE COURT: Mr. Reiner has indicated that although his
21 representation of Miss Van Houten may be part of the common
22 strategy, in case of any conflict at all between the
23 interests of Miss Van Houten and Mr. Manson, he would
24 represent his client, namely, Miss Van Houten.

25 He's indicated further that he has no fee
26 arrangement with any person other than Miss Van Houten; that

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1 he would not accept any fee from Mr. Manson if such fee were
2 tendered, and specifically, he has no such arrangement with
3 Mr. Manson. Is that correct?

4 MR. REINER: That is correct. Perhaps I should state
5 that in its most complete form.

6 THE COURT: I'd prefer you state it.

7 MR. REINER: I have no fee arrangement whatsoever with
8 Miss Van Houten. I have no fee arrangement with Charles
9 Manson. And I have no fee arrangement with any person what-
10 soever. As it stands right now, I fully anticipate that I
11 will be representing Miss Van Houten without fee.

12 If it should turn out that I receive a fee at
13 some later date, that's all very good. However, I have at
14 this point no expectation of any fee, not even as to a
15 possible source of a fee, and I'm not seeking it at this
16 time.

17 THE COURT: Thank you very much. I have further
18 indicated that if there is nothing further presented -- and
19 Mr. Part indicated there were some matters he had
20 contemplated he might present, but he has decided not to.
21 I have indicated further that if there is nothing further
22 presented, I will grant the motion for a substitution,
23 conditioned only on the consent of Mr. Manson, or at least
24 his failure to object, inasmuch as there have been shown of
25 record so many personal confrontations or, if I can use that
26 term, at least personal visits from Mr. Reiner to Mr. Manson.

4-MK
1 Is there anything else at this time that should
2 be presented, Mr. Reiner or Mr. Part?

3 MR. PART: Not that I know of.

4 MR. REINER: Nothing I can think of.

5 THE COURT: I can't think of anything further. We will
6 recess briefly. We will resume in the courtroom. I did
7 indicate that I wouldn't want to proceed with Mr. Manson in
8 chambers. I would want to have him in open court, inasmuch
9 as he is pro per, and I'm sure the gentlemen of the press
10 will be interested in this matter.

11 I'm going to direct that neither of the attorneys,
12 nor the defendant, discuss this matter with the press, make
13 any statements about it, other than simply to indicate that
14 Miss Van Houten indicated she wished to retain her own
15 personally selected attorney, and to have the court-
16 appointed attorney replaced. That will be the extent of it.
17 I don't think we should go into these other matters. Thank
18 you very much.

19 MR. REINER: I think perhaps we do have some addi-
20 tional proceedings.

21 THE COURT: All right.

22 MR. REINER: Let me state this: There is some
23 question as to what constitutes work-product. I have no
24 interest in any of Mr. Part's work-product, any of his
25 legal research, or any opinions, theories, or the like, that
26 he may have reduced to writing. But there is material Mr.

5-MK

1 Part has which is not work-product, such as tape-recorded
2 interviews with the defendant, to which he is no longer
3 entitled, and any materials that have been turned over to
4 him by the District Attorney. I don't know if any have
5 been; I'm just assuming that perhaps there have been. I
6 think all of these should be turned over to counsel.

7 THE COURT: I will be glad to hear your position.

8 MR. PART: As far as I'm concerned, the defendant and
9 I brought exactly everything I think he's entitled to. He's
10 entitled to the transcript, the indictment. As far as any
11 conversations that I have had with her, there's no difference
12 between a recorded conversation, and me writing down what
13 she said. As far as things I have learned from the District
14 Attorney's office as a result of a discovery motion, the
15 discovery is open to Mr. Reiner. He can find out anything
16 he wants.

17 THE COURT: Is this a matter of notes that you may
18 have, or anything physical that has been turned over to you
19 by the District Attorney's office?

20 MR. PART: I haven't got anything physical. The day
21 that I was going to go up and look at the stuff -- I have
22 really perused through it. They haven't given me any
23 exhibits.

24 DEFENDANT VAN HOUTEN: Mr. Part has, I think, three
25 tape-recordings that I made with him. I'd like them turned
26 over to my new attorney.

1 THE COURT: We have passed that for the moment. We'll
2 talk about tape-recordings for a moment. The only physical
3 items, then, that you would have would be the tape-
4 recordings?

5 MR. PART: That's all I have.

6 THE COURT: I think that ought to be turned over.

7 MR. PART: To whom?

8 THE COURT: They'll have to be turned over to Mr.
9 Reiner, I'm afraid.

10 MR. PART: I don't know why he should have the tape-
11 recordings. He would give them to the Court and have them
12 destroy them.

13 THE COURT: I think there's a distinction. Something
14 that's in handwriting or discussion or in your own notes is
15 a matter of your own impressions, and that of course is
16 completely subjective, or at least partially subjective, and
17 I would never ask an attorney to turn over matters of that
18 sort.

19 Copies of correspondence are another matter.
20 Those are no longer completely subjective, and I think the
21 tape-recordings are even further removed from matters that
22 are subjective. Even though they are conversations, they
23 may not be admissible at all, but these are matters that just
24 can't be reproduced in any way at this time, and I feel that
25 although certainly you are entitled to compensation for your
26 time, reasonable compensation, and compensation for any

7-MK

1 materials you have expended, as far as the physical value of
2 the recording itself, these were matters that were used by
3 the psychiatrists, and they are impressions. The psychia-
4 trists may very well be witnesses, although not on this
5 particular aspect, on later matters.

6 I just can't conceive of withholding them from
7 the new attorney of record. They would be extremely material
8 in the defense. I think it's essential that they be turned
9 over. I will so order. I'm assuming that the order is made
10 as I have indicated, an additional order.

11 MR. REINER: May I inquire as to whether there are any
12 copies of the tapes that you possess?

13 THE COURT: There are no copies, are there, Mr. Part?

14 MR. PART: No, just three cassettes.

15 THE COURT: If it will make you less disturbed to turn
16 them over to the Court, you can turn them over to me.
17 Either to be turned over to me, or to Mr. Reiner, whichever
18 you prefer. If they are turned over to me, I will turn them
19 over to you, Mr. Reiner, as soon as it's convenient.

20 MR. PART: Next week sometime?

21 THE COURT: Sure, by the end of next week. One week
22 from today, if that's agreeable.

23 MR. REINER: One further thing I'm somewhat concerned
24 about, and that is perhaps some person has listened to these
25 tapes who is not subject to Judge Keene's order.

26 THE COURT: Psychiatrists are the only ones I know of.

8-MK

1 MR. PART: Psychiatrists, my partner, and the
2 investigator.

3 THE COURT: Your partner won't say anything. The
4 investigator, I'm sure is --

5 MR. PART: He's not going to say anything.

6 THE COURT: Of course, your partner won't. I have not
7 heard them, and will not hear them, that's a promise.
8 Thank you very much.

9 (The following proceedings were had in
10 open court with Defendant Charles Manson also
11 present, acting in propria persona:)

12 THE COURT: This is the case of People against Leslie
13 Sankston, also known as Leslie Van Houten, which is her
14 true name.

15 The defendant is present, her attorney of record,
16 Mr. Marvin Part, is present, and we are here on a motion for
17 substitution of counsel. Mr. Charles Manson, who is the
18 co-defendant, is likewise present, for reasons that will
19 become apparent shortly.

20 I'd like the record to reflect that there have
21 been prior hearings on this matter, and fairly extensive, in
22 chambers with counsel -- that is, Mr. Part, who is of record,
23 and Mr. Reiner, whom Miss Van Houten has indicated she
24 wishes to replace Mr. Part as attorney of record.

25 I have indicated, based on the evidence which
26 has been presented to me so far, that the substitution may

9-MK

1 properly be granted, conditional on one thing only, and
2 that's where you come into the picture, Mr. Manson.

3 The Sheriff's records reflect that Mr. Reiner
4 has visited you a number of times. Mr. Reiner has indicated
5 that he has never had any discussion of the actual facts of
6 the matter with you, and that although he did visit you
7 initially with the possible view toward assisting you in your
8 defense, he has not been retained as your attorney. He feels
9 there is no conflict between representing Miss Van Houten
10 and having had conversations with you in the past.

11 At the same time, there is the possibility of a
12 conflict, and whenever there is a situation where an
13 attorney -- because you are both an attorney and a client,
14 for the purpose of this case -- it's all right to talk to an
15 attorney generally, but not to a client of somebody else.
16 There's always the possibility, where an attorney has had
17 conversations with two possible clients, that he may be in
18 a position where he can't represent one of them, or possibly
19 either one of them.

20 So I asked you to be brought down here to find
21 out whether you personally have any objection to Mr. Reiner
22 representing Miss Van Houten. That's the reason you're here.
23 I wonder if you'll be good enough to tell me what your views
24 are.

25 DEFENDANT MANSON: I don't have any.

26 THE COURT: No views at all?

10-MK

1 DEFENDANT MANSON: None.

2 THE COURT: Well, you may think it's funny, I don't.
3 I put it this way: This is no trap, Mr. Manson. Unless it's
4 clear that you have no objection, I'm not going to grant the
5 substitution.

6 DEFENDANT MANSON: I have no objection. That's up to
7 Les.

8 THE COURT: That's what I want to know. You
9 personally have no objection to Mr. Reiner representing Miss
10 Van Houten?

11 DEFENDANT MANSON: No.

12 THE COURT: I'm not suggesting this in the form of any
13 trap. Believe me, it isn't. You understand, he has talked
14 to you, he has talked to her, he's going to represent her,
15 and her interests are going to have to come first. You have
16 no objection to that, is that correct?

17 DEFENDANT MANSON: Not at all.

18 THE COURT: All right. That being the case, since Mr.
19 Manson has previously been granted the right to proceed in
20 propria persona, since Miss Van Houten has indicated that she
21 wants Mr. Reiner to represent her, since there's no valid
22 legal reason to refuse the request, the motion will be
23 granted.

24 I do want to indicate -- this is largely for the
25 gentlemen of the press who are going to cover this matter --
26 that in the first place, there's no suggestion and no

11-MK

1 implication that Mr. Part has been anything other than a
2 thorough and conscientious and capable counsel in this
3 matter. The sole, valid basis for the substitution is that
4 Miss Van Houten is entitled to have counsel of her choice.
5 She has retained Mr. Reiner. She prefers to have him
6 represent her, in the place of the court-appointed attorney,
7 Mr. Part.

8 The second thing is that I have directed the
9 defendant herself, and I have directed Mr. Reiner and Mr.
10 Part, to make no further statements with reference to this
11 matter other than what I have just indicated.

12 And finally, just so Mr. Reiner will not be
13 unfairly accused any more than Mr. Part of any wrongdoing in
14 this case, Mr. Reiner indicates he does not, and has not,
15 met Mr. Francis Salazar whose story appeared in the press
16 this morning. I think in all fairness, I should make that
17 statement, inasmuch as that was stated in chambers, and I
18 think it's rather evident Mr. Part doesn't know him either.

19 That's about the extent of the proceeding today,
20 unless there's anything that either counsel has.

21 I also would like to indicate the District
22 Attorney was notified of this proceeding, and I don't think
23 it was necessary for him to appear. He isn't here. The
24 District Attorney is present in the rear. I see Mr. Stovitz.
25 I do think that the District Attorney was notified with
26 reference to each stage of the prior proceeding, but this is

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a matter which is really essentially between the defendant and her counsel and the Court, and it's perfectly proper for the District Attorney to be present, but I assume he has no particular interest in the matter today. Mr. Stovitz is indicating with a shake of the head, he agrees with me.

Thank you very much. We are in recess. All matters that are presently calendared as to either of the defendants remain on calendar on the same dates. Thank you very much.

(At 3:15 P.M. the proceedings were recessed.)

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1 LOS ANGELES, CALIFORNIA; MONDAY, FEBRUARY 9, 1970, 9:30 A.M.

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3 (Upon the above date, the defendant Linda
4 Kasabian being present and represented by her
5 counsel, Gary Fleischman and Ronald Goldman, the
6 defendant Leslie Van Houten being present and
7 represented by her counsel, Ira Reiner, the
8 People being represented by Aaron Stovitz and
9 Vincent Bugliosi, Deputy District Attorneys of
10 Los Angeles County, the following proceedings
11 were had before the Honorable William B. Keene,
12 Judge Presiding in Department 107:)

13
14 THE COURT: All right. The case of People versus
15 Manson, et al, I'll have the record reflect the appearance
16 here in court at this time of defendant Leslie Van Houten
17 and Linda Kasabian.

18 Let me have the appearances here for the record,
19 please.

20 MR. FLEISCHMAN: Gary Fleischman appearing with
21 Ronald Goldman for the defendant Linda Kasabian.

22 MR. REINER: Ira Reiner appearing, your Honor, for
23 the defendant Leslie Van Houten.

24 THE COURT: This matter is in this court at this
25 time for trial setting and also there are some motions for
26 pretrial discovery filed in this case on behalf of defendant

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1 Linda Kasabian.

2 Let me take that matter up first insofar as
3 the motion for pretrial discovery.

4 Do the People wish to be heard on the motion
5 filed on behalf of defendant Kasabian?

6 MR. STOVITZ: Yes, your Honor.

7 We were served with this motion and also the
8 order allowing pretrial discovery.

9 On page one of the order, line thirty-one, the
10 analysis of the physical evidence, we do not know what the
11 defendant means by that, whether they want to have their own
12 chemist analyze, or what. We are going to object to the
13 Court ordering that.

14 On page two, line two, the names of witnesses,
15 we have no objection to but the addresses and telephone
16 numbers of witnesses we would like to be heard on that and
17 aside from the addresses and telephone numbers we have no
18 objection to paragraph one, paragraph two, paragraph three,
19 paragraph four and paragraph five, the arrest report since
20 August the 16th, 1969, we will furnish. I don't know what
21 other arrest reports counsel wants.

22 Every other -- every other paragraph is
23 agreeable. We have no objection to that order as such.

24 We will also abide by the previous stipulation
25 that was entered into with Miss Van Houten's counsel, that
26 as we get new evidence in this case we will make that

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1 available to counsel as soon as possible, at least two days
2 before we intend to produce that evidence, or to call the
3 witness, unless there is some emergency situation and then
4 we will take it up with the Court and counsel. Investigation
5 is continuing and new evidence is being gathered at all
6 times.

7 THE COURT: Mr. Fleischman, do you want to be heard
8 on this matter?

9 MR. FLEISCHMAN: Mr. Goldman, your Honor.

10 THE COURT: All right.

11 MR. GOLDMAN: If I may.

12 Taking them up in the same order as Mr. Stovitz
13 has mentioned, as far as the analysis of physical evidence
14 is concerned, of course, at this stage we don't know what
15 physical evidence there may be but I believe that we have a
16 right, if there is any physical evidence in connection with
17 our defendant, to make our own analysis. We are not asking
18 that that evidence be turned over to us but that our experts
19 be permitted to come in and make whatever analysis may be
20 necessary or appropriate of that evidence that is being held.

21 THE COURT: Mr. Goldman, let me make this suggestion:
22 We have previously made arrangements with one other defendant
23 that exhibits or copies of them that are filed with this
24 Court by the District Attorney's Office, you can come up to
25 this court and take those exhibits down to the District
26 Attorney's Office and view them there along with some member

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1 of the District Attorney's staff. You can have free access
2 to them and after you have had a chance to review those
3 exhibits that have been filed here with the court, in the
4 event that there is any further need or any further request
5 that you have or orders that you want from the Court, after
6 you have had a chance to see the exhibits, then certainly
7 you can come back into this court and request of the Court
8 that type of order.

9 For the time being, would that suffice for your
10 purpose?

11 MR. GOLDMAN: That would suffice as long as -- if
12 the Court is not going to include the analysis portion of
13 this, it would be without prejudice to renewing our request.

14 THE COURT: Certainly. But I think, first, that your
15 suggestion is that you take a look at the exhibits and see
16 what they are and what would be the valid approach.

17 MR. GOLDMAN: That's fine.

18 THE COURT: Why don't you proceed on that basis.
19 Certainly without any prejudice to come back into court
20 and renew any other motions that you care to.

21 MR. GOLDMAN: Fine.

22 THE COURT: The procedure is that you can come up
23 to the court, check them out here from the court, along with
24 a representative of the District Attorney's Office, go down
25 to a room that they will make available for you, then you can
26 take a look at them and then at that time if it is not

1 sufficient for your purposes, come back into court and we
2 can proceed further.

3 MR. GOLDMAN: Yes. We intend to re-record the
4 recordings which are available here, and I understand there
5 are some items of evidence that are not with the court,
6 items of physical evidence, and I assume we will be permitted
7 to inspect those items.

8 MR. STOVITZ: Yes. They are still with the Police
9 Department, your Honor. And, of course, counsel will call
10 the court and make an appointment ahead of time so that we
11 can have an investigator ready.

12 MR. GOLDMAN: Surely.

13 THE COURT: Fine. Then with that understanding, then,
14 between counsel as far as this motion is concerned,
15 work it out with the District Attorney's Office. If you
16 need a court order, then we can proceed on that basis.

17 MR. GOLDMAN: Well, it is your Honor's intention not
18 to rule on the order at all until we have inspected the
19 evidence?

20 THE COURT: Well, just take it under submission.
21 See what they've got. See how those arrangements work out
22 and there may not be any need for any order. I will take it
23 under submission. If you feel you need an order or you
24 want to expand on the order you submitted to the Court,
25 then we can take the matter up.

26 MR. GOLDMAN: That is agreeable, your Honor.

6
1 THE COURT: All right. Those exhibits are here.
2 Just give us some advance notice. We can handle it on
3 that basis.

4 As far as a trial setting is concerned insofar
5 as defendants Van Houten and Kasabian are concerned, you
6 gentlemen want to be heard on that?

7 MR. FLEISCHMAN: Yes, your Honor. We have discussed
8 this. My client tells me, and her doctor confirms it, that
9 her baby is due the first week in April. And therefore I
10 believe we are in agreement that it would be impossible to
11 go to trial that week in this building, and that the 27th
12 of April, I believe, is convenient to the Court's calendar.
13 It is agreeable to the District Attorney's Office and I
14 believe our co-counsel.

15 MR. STOVITZ: If there is a full and complete time
16 waiver by the defendant Kasabian and she fully understands
17 that she has a right to go to trial within sixty days. we
18 have no objection to that date of April 27th as to Linda
19 Kasabian, your Honor.

20 THE COURT: Mr. Reiner, do you want to be heard?

21 MR. REINER: Yes, your Honor. The date previously
22 discussed with the District Attorney's Office was March the
23 30th. However, I have no objection to the date of April
24 the 27th if there is a desire at this time to have the
25 matters consolidated.

26 THE COURT: What is the feeling of the People insofar

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1 as consolidation of the case?

2 MR. STOVITZ: At this point, your Honor, I think
3 that counsel, after seeing -- going through the motions of
4 discovery, Mr. Reiner will see that there are statements made
5 by his client to a witness. Those statements may be a bar
6 to a joint trial unless the defendants specifically waive
7 their rights under the Aranda case.

8 If Mr. Van Houten -- Miss Van Houten does not
9 object to going to trial with the other defendants on the
10 joint indictment, bearing in mind that she's only charged
11 with three counts, we have no objection to a joint trial.

12 Counsel, of course, has just gotten into the
13 case but I'm sure he's aware of the contents of the Grand
14 Jury transcript and once he becomes aware of the police
15 reports and crime reports in this case he may see fit to
16 move for a severance.

17 However, if counsel wants April the 27th, we
18 have no objection to April the 27th.

19 THE COURT: What about the March 30th date that we
20 now have set for trial insofar as one of the defendants is
21 concerned?

22 MR. STOVITZ: That is as far as Susan Atkins and Mr.
23 Beausoleil on a separate matter. I recall counsel in that
24 case, Mr. Caballero, telling me that he would have no
25 objection to a further delay because he also has a trial set
26 on March 11th for Miss Atkins in Santa Monica. So I'm certain

8
1 that he would not object to a further delay.

2 THE COURT: Now, can the People be ready on the 30th
3 of March?

4 MR. STOVITZ: We could be ready on the 30th of March,
5 yes, your Honor.

6 However, if your Honor is agreeable to April
7 the 27th, it is agreeable with us.

8 We have in mind the fact that there are two
9 defendants that are still -- one in Texas and one in Alabama
10 -- and we will not know until April the 16th how slow the
11 processes of justice will move in Texas -- February 16th

12 THE COURT: We have a situation, also, another
13 defendant is acting in pro per who is not here at this point.
14 I don't know what his feelings are going to be as far as the
15 April 27th date is concerned. My guess is there may not be
16 a waiver in that case.

17 MR. STOVITZ: If there is no waiver in that case,
18 we'll be ready to go to trial whenever Mr. Manson would be
19 ready and I believe, also, in his case we should not expect
20 him to waive his rights under Aranda because he may not
21 fully understand the Aranda case acting in pro per.

22 I believe that this case does have Aranda
23 problems throughout, your Honor, and there will be
24 statements of co-defendants introduced in the trial and I
25 believe that in an abundance of caution we should allow Mr.
26 Manson, unless he specifically reads and understands the

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1 Aranda case, not to have a joint trial with the others.

2 MR. REINER: Excuse me, your Honor, may I request
3 that we confer at the bench?

4 THE COURT: Yes. Just a minute.

5 A plea was entered on behalf of defendant
6 Manson by Judge Dell --

7 MR. STOVITZ: On April -- January 28th, your Honor.

8 THE COURT: Three days in January, twenty-eight days
9 in February, thirty-one, sixty days following the 29th of
10 March, and the following Monday would be the 30th of March,
11 which would be within that sixty-day period of time.

12 Yes, you gentlemen want to approach the bench?

13 MR. REINER: Thank you, your Honor.

14 (Conference was had at the bench, not reported.)

15 THE COURT: All right. In this case the Court is
16 going to set the matter down for trial insofar as defendant
17 Linda Kasabian and defendant Leslie Van Houten are concerned
18 on the 30th day of March at this time.

19 As I indicated at the bench, if there is a
20 problem as far as the physical condition of the defendant
21 Kasabian on or about that time, we will just have to meet
22 that at that time. But this matter will be set for trial on
23 that date, the 30th day of March, in this department.

24 MR. FLEISCHMAN: May the record reflect, your Honor,
25 I think it does at prior hearings, that we have not and do
26 not waive any right to make a motion such as an Aranda

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1 motion in the matter.

2 THE COURT: I think that all rights are reserved for
3 all defendants in that regard. Certainly they will be
4 reflected in the record.

5 So insofar as these two defendants are
6 concerned, defendants Van Houten and Kasabian, the matter will
7 be set for trial on March 30th along with defendant Atkins
8 in this department at 9:00 a.m.

9 MR. STOVITZ: Should we have a personal time waiver,
10 your Honor?

11 THE COURT: I think I have taken a time waiver from
12 both of these defendants previously.

13 MR. STOVITZ: I know, your Honor. Out of an
14 abundance of caution --

15 THE COURT: Is that date agreeable with you, Mrs.
16 Kasabian?

17 THE DEFENDANT KASABIAN: Yes.

18 THE COURT: And, Miss Van Houten, is that date
19 agreeable with you?

20 THE DEFENDANT VAN HOUTEN: Yes, it is.

21 THE COURT: All right. That will be the date, then.
22 March 30th, this department.

23 MR. FLEISCHMAN: I think Mrs. Kasabian said yes,
24 but I think her saying will be yes if she is able to come
25 to court at that time because of the baby. Is that correct,
26 Mrs. Kasabian?

11

1 THE DEFENDANT KASABIAN: Yes.

2 THE COURT: I think that's understood.

3 MR. FLEISCHMAN: Right.

4 THE COURT: That will be the order, then.

5 As soon as Mr. Manson arrives we will take up
6 his part of this as well.

7 (Whereupon, proceedings as to defendants
8 Leslie Van Houten and Linda Kasabian were con-
9 tinued to Monday, March 30th, 1970, at 9:00 a.m.)
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1 LOS ANGELES, CALIFORNIA, MONDAY, FEBRUARY 9, 1970, 10:15 A.M.

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3 (Upon the above date, the defendant Manson
4 appearing in propria persona, the People being
5 represented by Aaron Stovitz and Vincent
6 Bugliosi, Deputy District Attorneys of Los
7 Angeles County, the following proceedings
8 were had before the Honorable William B. Keene,
9 Judge Presiding, in Department 107:)

10
11 THE COURT: All right. The case of People versus
12 Manson, I will call the matter again. I will have the
13 record reflect the appearance in court of the defendant,
14 Mr. Manson, and representatives of the Office of the
15 District Attorney.

16 This matter, Mr. Manson, is in this court at
17 this time for a trial setting. That is the purpose of your
18 having been brought to this court this date.

19 Is it your intention, Mr. Manson, to proceed
20 with your announced policy of representing yourself in this
21 matter?

22 THE DEFENDANT MANSON: Yes, it is.

23 THE COURT: No changes in that?

24 THE DEFENDANT MANSON: No changes.

25 THE COURT: You recall, I'm sure, our lengthy
26 conversations on several occasions when I implored you not
to follow this course of action? ✓

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1 THE DEFENDANT MANSON: Yes, sir, I do.

2 THE COURT: Have you had a chance, now, to evaluate
3 your ability to act as your own attorney?

4 THE DEFENDANT MANSON: I have had a chance, your
5 Honor, to evaluate the Court's pressure to keep me from
6 acting as my own attorney.

7 THE COURT: All I want to make sure at this point,
8 Mr. Manson, is that there has been no change as far as your
9 announced position and it is still your intention to proceed
10 and act as your own attorney.

11 THE DEFENDANT MANSON: Yes, sir.

12 THE COURT: Mr. Manson, the matter is in this court,
13 as I have indicated, for a trial setting.

14 I will now set the matter for trial on the 30th
15 day of March.

16 THE DEFENDANT MANSON: Yes.

17 THE COURT: And that will be at 9:00 o'clock in the
18 morning.

19 THE DEFENDANT: Your Honor, may I enter something
20 into the record?

21 THE COURT: Yes.

22 THE DEFENDANT MANSON: I filed four motions for
23 discovery. I would like to formally file another motion for
24 discovery.

25 I would like a change of venue and I would like
26 some associate counsel, if possible, and I would like to

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1 make a motion to dismiss under 1382, Section 2, and I would
2 like to give you adequate notice of another habeas corpus
3 that I would like to file tomorrow.

4 THE COURT: Mr. Manson, as far as your notice for
5 discovery is concerned, I do, in fact, have two motions that
6 have been filed.

7 I have one motion that was filed apparently on
8 your behalf by a Daye Shinn. ✓

9 THE DEFENDANT MANSON: Yes, sir.

10 THE COURT: And that's on his letterhead and that
11 is entitled Notice of Motion for Pretrial Inspection of
12 Statement of Defendant and Witnesses, Points and Authorities
13 and Declaration.

14 And then I have another one that is filed by
15 you in pro per and this is entitled a Motion for Discovery
16 and Inspection.

17 Now, you say you filed two others?

18 THE DEFENDANT MANSON: I filed two oral -- I filed
19 one oral and then I gave the District Attorney an informal
20 motion.

21 MR. STOVITZ: It's a handwritten copy entitled
22 Discovery. This was presented in open court on January the
23 14th, 1970. The Court at that time stated that it would
24 not act on this matter because a trial date had not been
25 set and a plea had not been entered at that time.

26 We are ready to proceed on all the defendant's

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1 motions for discovery, your Honor.

2 THE COURT: What is the position of the People
3 insofar as the defendant's motion for discovery?

4 MR. BUGLIOSI: Your Honor, I have here a document
5 signed by Mr. Manson. It is a Motion for Discovery and
6 Inspection.

7 The People will object to several of the items.
8 Mr. Manson, in his first request, wants the
9 original notes of the investigating officers and of the
10 arresting officers in this case and I have been advised
11 that the original notes were incorporated into police reports
12 which will be made available to Mr. Manson, but the original
13 notes have since been destroyed, as is the custom, of course,
14 with most police officers. They incorporate the notes into
15 the reports.

16 THE COURT: What document are you referring to now?

17 MR. BUGLIOSI: A Motion for Discovery and Inspection,
18 your Honor signed by Mr. Manson, sent to him -- sent to
19 us by him while he was pro per over at the County Jail.

20 THE COURT: Is that a two-page document?

21 MR. BUGLIOSI: Two-page document. He has 13 items
22 which he is requesting.

23 THE DEFENDANT MANSON: Your Honor, is it procedure to
24 enter a plea from the bench?

25 THE COURT: You mean on your behalf as Judge Dell
26 did?

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1 THE DEFENDANT MANSON: Yes. I never waived the plea.
2 I filed a demurrer.

3 THE COURT: I'm sure that Judge Dell explained all
4 that to you at the time, Mr. Manson.

5 Let me see the documents you have. I don't
6 have that copy.

7 Yes, I do.

8 MR. BUGLIOSI: You do have it?

9 THE COURT: Yes.

10 All right. Go ahead, as far as this
11 document is concerned.

12 MR. BUGLIOSI: People have no objection to request
13 number two, three, four and five and number six.

14 Mr. Manson mentions electronic surveillance
15 of him or any and all other co-defendants.

16 I can tell the Court that there has been none
17 of that in this case, so obviously we cannot comply with
18 that request.

19 Number seven is a continuation of number six,
20 again referring to all evidence, oral and pyshical come at,
21 by or derived from electronic surveillance.

22 We cannot comply with that inasmuch as there
23 was no electronic surveillance.

24 Number eight, all intercepted telephone calls,
25 there has been none of that so we cannot comply with that
26 request.

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1 Number nine, no objection with the exception
2 of the addresses of all witnesses. I don't know why Mr.
3 Manson has to have their addresses.

4 I notice that another defendant, co-defendant,
5 Mrs. Kasabian, wanted the telephone numbers.

6 We will furnish Mr. Manson with the names of
7 all prospective witnesses and any statements that they may
8 have made. He can have access to all of those reports.

9 Number ten seems to be redundant. Seems to
10 state essentially the same thing as number nine. So we
11 would object to number ten on the ground that it's redundant.

12 Number twelve, any and all other evidence now
13 in the District Attorney's possession favorable to the
14 accused. This, of course, is a legal judgment, which, at
15 least at this stage of the game, the prosecution is not in
16 a position to make, your Honor. The Court has the power to
17 decide which evidence is or is not favorable to the
18 defendant, so we would object to number twelve. It calls
19 for a legal determination on the part of the prosecution.

20 I might say this to Mr. Manson, that there is
21 presently more information available to him than he has
22 requested in this document.

23 Miss Van Houten, co-defendant Miss Van Houten,
24 has made a similar motion for discovery and the prosecution
25 has turned over all of our documents and all of our evidence
26 to the Court. It is presently in the Court's file and Mr.

7
1 Manson, of course, should also have access to those
2 documents and that evidence.

3 I repeat, there is more evidence available to
4 him than he has requested in this particular document.

5 There is no need to restrict Mr. Manson to his
6 requests. I think he should be entitled to all the evidence
7 that was shown and is available to all the co-defendants in
8 the case.

9 THE COURT: What about the documents that were filed
10 on Daye Shinn's legal stationery?

11 MR. BUGLIOSI: This was a motion to set aside the
12 Indictment under Section 995, your Honor.

13 THE COURT: No. This is a Motion for Pretrial
14 Inspection.

15 MR. BUGLIOSI: May I have the Court's copy of that?

16 THE DEFENDANT MANSON: Judge Keene, weren't we
17 supposed to go to trial today?

18 THE COURT: No. This was for a trial setting, Mr.
19 Manson.

20 THE DEFENDANT MANSON: Naturally I object to that.

21 THE COURT: All right.

22 MR. BUGLIOSI: This document here requests hardly
23 anything. It is an extremely scanty request. We can give
24 him everything he wants in here with the exception, again,
25 of the telephone numbers and addresses.

26 He wants signed or unsigned statements of

8
1 potential witnesses and documents and exhibits to be used
2 by the prosecution. He surely can have that but, again,
3 we would vehemently resist furnishing Mr. Manson with
4 addresses, and particularly telephone numbers, of
5 prospective prosecution witnesses, your Honor.

6 THE COURT: All right, Mr. Manson. Your motion for
7 pretrial discovery is granted in the document filed with
8 this court February 3, 1970.

9 I will grant your motion for pretrial discovery
10 as you have it set forth in your points number two, three,
11 four, five, nine and ten, limiting nine and ten to only
12 the names of potential witnesses, and number thirteen will
13 be granted.

14 In the document filed on January 28th on Mr.
15 Shinn's legal stationery, that motion seems to be a
16 duplication of the second one filed, but insofar as it is
17 not a duplication, that motion will be granted, again
18 limiting your request for names of potential witnesses only.

19 In addition to that, Mr. Manson, I will order
20 the District Attorney's Office to furnish you with the
21 various other items of pretrial discovery that other
22 defendants have asked for which is not encompassed in your
23 two motions so that you will have access to all those
24 documents as well.

25 Copies of these documents will be made for
26 you and furnished to you for your pretrial inspection.

9
1 All right, Mr. Manson. The matter, as I have
2 indicated is set --

3 MR. STOVITZ: Before we get off that, unlike the
4 other defendants who have ability to come to this court,
5 we will then transport these documents to the defendant in
6 his cell.

7 I will contact the captain over there to find
8 out what is a convenient date for this.

9 How soon do you want these, Mr. Manson?
10 Within a week? Within four days? Within five days? How
11 soon do you want -- anticipating it will probably take me
12 about eight hours to go through these.

13 What day aren't you booked up?

14 THE DEFENDANT MANSON: Everything has been at your
15 leisure. Why change it?

16 THE COURT: Well, let's order that they be furnished
17 to him within seven days from today and we will transport
18 them to the Los Angeles County Jail pro per tank so you will
19 have an opportunity to go over those various exhibits and
20 motions.

21 Now, Mr. Manson, ~~insofar as~~ your other
22 motions that you indicated that you wanted to make at this
23 time, you indicated that you wanted to make a motion for
24 change of venue?

25 THE DEFENDANT MANSON: Well, I am just entering it
26 into the record. I know they are all going to be denied.

1 THE COURT: Let's just get the motions that you care
2 to make at this time.

3 Did you indicate that there is a motion for a
4 change of venue that you want to argue?

5 THE DEFENDANT MANSON: Yes.

6 THE COURT: All right. That motion -- you're going
7 to --

8 THE DEFENDANT MANSON: No, I'm just making it oral.

9 THE COURT: You don't want to argue?

10 THE DEFENDANT MANSON: Well, I have never really
11 been able to argue anything else.

12 THE COURT: If you want to make that motion, I will
13 calendar that motion for a hearing.

14 THE DEFENDANT MANSON: It's up to you, your Honor.
15 I know I don't have the judgment here.

16 THE COURT: Do you want to make a motion for a
17 change of venue?

18 THE DEFENDANT MANSON: Yes.

19 THE COURT: Do you want to argue the motion?

20 THE DEFENDANT MANSON: If necessary, why, I could
21 argue about it.

22 THE COURT: I will set the matter down for a motion
23 for a change of venue.

24 What other motions do you want to make?

25 THE DEFENDANT: I would like to have a dismissal
26 today. Today was supposed to be my trial date.

11
1 Everything that has been denied, the District
2 Attorney always says I am stalling for time, but now that
3 it's time, somebody else seems to be stalling for time.

4 THE COURT: Mr. Manson, you have the right to be
5 brought to trial within a sixty-day period of time after
6 all preliminary motions have been handled, and a review of
7 the file indicates to me that Judge Dell entered a plea
8 on your behalf of not guilty on the 28th day of January.

9 THE DEFENDANT MANSON: Yeah. That is because I was
10 stalling for time, is what they said.

11 THE COURT: He entered a plea for you on that date.

12 Now, the law provides that you would have a
13 right to be brought to trial within sixty days from that
14 date, and sixty days from that date would be the 29th day
15 of March, which is a Sunday, so I am going to set the matter
16 for trial on the 30th day of March, which is the sixtieth
17 day following the day that Judge Dell entered your plea,
18 so that date is now set for trial.

19 Your motion for dismissal of the charges here
20 at this time is denied.

21 Now, what other motions do you want to make?

22 THE DEFENDANT MANSON: Well, I have a habeas corpus
23 that I would like to give notice that I am going to file
24 tomorrow.

25 THE COURT: All right. You may file any petition for
26 writ of habeas corpus but that will have to be done in

12 1 writing. You can file that.

2 THE DEFENDANT MANSON: There's a lot I could tell you
3 about but I think it would go into deaf ears so I'll just
4 shut up.

5 THE COURT: So you want to make a motion for a
6 change of venue?

7 THE DEFENDANT MANSON: Yes.

8 THE COURT: What I will do in your motion, I will
9 set that matter for hearing in Department 106 one week from
10 today.

11 One week from today is the 16th day of
12 February.

13 Make that motion in Department 106 on that
14 date. Be prepared to argue it.

15 The matter is set in this Department March 30th
16 for trial. That will be at 9:00 o'clock in the morning.

17 MR. STOVITZ: The motion for change of venue was
18 what date, your Honor?

19 THE COURT: One week from today. That is the 16th
20 day of February. That will be in Department 106.

21 It's the order of the Presiding Judge that all
22 pretrial motions of that nature be handled in that
23 department.

24 MR. STOVITZ: Your Honor, before your Honor recesses
25 this matter, we have had a little difficulty in locating
26 some of these witnesses that appear in court today.

I would like your Honor to order the following

1 witnesses to return to this courtroom on March the 30th,
2 1969 (sic), and that your Honor's order is to constitute
3 a subpoena so that an actual physical document called a
4 subpoena will not be necessary.

5 I will call the names of the witnesses with
6 the addresses that I have listed and I will have the order
7 re publicity for witnesses served upon them at that time,
8 if it's agreeable with your Honor.

9 THE COURT: Yes.

10 MR. STOVITZ: John Flynn.

11 I have an address, sir, of you of 12000 Santa
12 Susana.

13 Mark S. Ross, 28 Clubhouse, Venice.

14 THE DEFENDANT MANSON: Your Honor, may I indicate
15 that these are my witnesses. That he won't let me have the
16 addresses of his witnesses, but he's got everything on mine.

17 THE COURT: Just a minute.

18 MR. STOVITZ: Nancy Pitman, 23803 Harbor Vista
19 Drive.

20 Lynn Fromme. I don't have an address for you
21 but I think Mr. Manson knows how to get in touch with you.

22 Paul Watkins.

23 Susan Bartel.

24 Catherine Share. You have already been
25 subpoenaed but I think your subpoena is for February 9th,
26 so this will be for March 30th.

1 And Sandra Good.

2 Your Honor, reflect that the people's names
3 that are called have all been served with an order re
4 publicity for witnesses.

5 We'll ask your Honor to order all of those
6 witnesses back for March the 30th, 1970, in this department.

7 THE COURT: All right. To these individuals who
8 have been in court this morning and have been identified
9 and have received the order re publicity in this matter,
10 I would order each defendant -- each witness who is here
11 present to be back in this court, Department 107, on the
12 30th day of March at 9:00 o'clock in the morning and that's
13 without further notice or subpoena.

14 (Whereupon, the proceedings were continued
15 to Monday, February 16, 1970, in Department 106.)
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LOS ANGELES CALIFORNIA, MONDAY, FEBRUARY 16, 1970

9:00 A. M.

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THE COURT: Good morning, ladies and gentlemen.

I will call the matter of the People versus Charles Manson.

In the matter of People versus Charles Manson, let the record reflect the defendant is present and counsel for the People are present.

Let the record reflect further that the Court has read and considered the defendant's documents filed herein.

The first document is entitled "Notice of Motion and Declaration In support Thereof and Points and Authorities" in which the defendant requests:

No. 1, the Court make an order finding that the defendant is an indigent person;

No. 2, the Court make an order granting the defendant funds to have conducted for him a public survey by a reputable public-opinion polling organization as to the widespread and unfavorable publicity which has been generated over the defendant and this case in Los Angeles County.

No. 3, an order granting the defendant funds to have conducted a public survey in all counties in the State of California.

1 The second document also entitled "Notice of
2 Motion, Declaration in Support thereof, and points and
3 Authorities" requests the Court to make an order:

4 No. 1, to dismiss the action on the ground
5 that a fair an impartial trial cannot be had anywhere in
6 California because of the widespread and unfavorable
7 publicity in all media, and for an evidentiary hearing
8 as to such publicity;

9 No. 2, if such order for dismissal be not
10 granted, for its order for dismissal until such time, if
11 any, as a fair trial becomes possible, on the same ground
12 stated in 1 above, and for an evidentiary hearing thereon;

13 No. 3, if the relief sought in 1 and 2 above
14 be not granted, for its order granting a change of venue
15 from the County of Los Angeles, State of California, in
16 the same ground as stated in 1 above, and for an evidentiary
17 hearing as to such publicity.

18 The next document is entitled "Supplemental
19 Argument for Dismissal On Grounds That a Fair and Impartial
20 Trial Cannot Be Had Anywhere in California Because of the
21 Widespread, Unfavorable Publicity."

22 The Court has read and considered this seven-
23 page document. In addition thereto the Court has read
24 and considered "People's Opposition to Defendant Manson's
25 Motion For Change of Venue, With Points and Authorities."

26 Let us begin preliminarily on the initial

1 request first for the order finding the defendant is an
2 indigent person, and second, for an order granting a
3 public survey in Los Angeles County, and third for a
4 public opinion survey in all Counties in California.

5 Mr. Manson, the Court has considered the
6 documents that you have filed. Do you wish to be heard
7 further in regard to your initial documents?

8 MR. MANSON: Your Honor, I think it is evident to
9 most people the effect that the television and the papers
10 have on the people, and as I was saying, there has never
11 been a ruling that I could find in any of the books and
12 I think it's about time that someone made one.

13 Because the Court is pretty much stuck with
14 the publicity as well as I am. Even if there is no case,
15 you couldn't very well grant a dismissal. Everyone would
16 say, "Well, that guy, there must be something wrong with
17 him, you know.

18 You know there has been more publicity on this,
19 even more than the guy that killed the President of the
20 United States. I think it's not anywheres like anything
21 we have ever done in this country.

22 You know it is getting so far out of proportion
23 that actually to me it is a joke, but actually the joke
24 might cost me my life.

25 It might be a joke to a lot of people, and a
26 lot of people have made a lot of money, but I think it is

D
1 very serious.

2 I think a hearing should be called so we could
3 get these very same people who wrote these articles and
4 find out from them where they get their information to
5 write the articles, who feeds them the information to write
6 the articles.

7 The media is used by the District Attorney
8 to try a man before trial. To me, I don't think the issue
9 should just be decided here. I think there should be a
10 hearing on it.

11 THE COURT: All right, let me ask you, Mr. Manson,
12 do you have an offer of proof, or can you indicate to the
13 Court what witnesses you would be calling and the purpose
14 for calling the witnesses?

15 MR. MANSON: Well, the one in Life Magazine for the
16 machine gun turrets on the dune buggies, and the photo-
17 graphs where they are supposed to be digging for graves.

18 I would like to attack the gag order.

19 Judge Dell gives his statement to the press,
20 and the District Attorney gives his statement to the press.

21 Then they get every privilege and right I'm
22 supposed to have in the County Jail suspended because I
23 talked to them on the telephone.

24 THE COURT: Referring to newspaper reporters?

25 MR. MANSON: Somebody called me on the telephone and
26 I talked to him. You know I talk to everybody because I

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1 feel I have nothing to hide, but the same indicent has
2 prevented me -- you know -- I'm not supposed to be allowed
3 to do this.

4 But I got a side too. I have got a side to
5 my story. You know like they say I am a vicious demon
6 overnight, and actually I am not.

7 THE COURT: All right, thank, Mr. Manson.

8 Let us hear from the People.

9 MR. STOVITZ: Your Honor asked Mr. Manson as to his
10 request that he be declared an indigent person. I have
11 heard no evidence that he is an indigent person. There is
12 merely the bare allegation that has been made in some
13 document that he has filed with the Court, though the
14 People were not served with it.

15 I will submit that Mr. Manson was questioned
16 by Judge Keene and he told Judge Keene at that time that
17 he does have funds.

18 Now, in the absence of anything to the con-
19 trary I will submit that the defendant is not indigent.

20 However, if the defendant wants to have a
21 hearing as to whether or not he is indigent or he has
22 funds, whether he has various sources of funds, I do not
23 oppose such a hearing.

24 THE COURT: Mr. Manson?

25 MR. MANSON: Your Honor, when I first came to Court
26 I was asked if I had any money to retain a lawyer, at which

1 time I was afraid that the Court was going to give me a
2 lawyer and sew me up, and I presented a statement to the
3 Court where I said in these words, "that I may have
4 resources in story form, and that I could draw money from
5 it and get a lawyer."

6 Now, there are a lot of firms that have
7 offered me a certain amount of money or a lawyer for a
8 story, but I decided not to -- I decided to stay poor
9 rather than sell a story to the likes of them.

10 So it's the same thing as it always was
11 between us. It's just the words. You can take a word and
12 twist it and it doesn't mean the same thing that you said,
13 I said, "I may have resources." I didn't say I did. In
14 fact, I haven't been able to draw very much money from the
15 County Jail, you know, for the legal supplies.

16 THE COURT: The Court does note that on December
17 22nd you stated as follows, among other things:

18 "The second time I filed a motion which you
19 would not accept and told me to give it to my attorney.
20 I explained these points in my motion. I explained the
21 points that now that I did have funds to retain an attorney
22 -- also, the Public Defender said that he didn't want to
23 submit the motion because it was written by hand."

24 I believe at that particular point it was
25 your statement that caused the Court to feel that you did
26 have money. You stated there: "I explained the points

1 that now that I did have funds to retain an attorney."

2 MR. MANSON: At that point I was negotiating with
3 a person who was going to give me quite a bit of money
4 for a story, like I said. It was between the lawyer
5 McKissack and some writer with Life Magazine.

6 Anyway, they were going to put some money
7 in a trust fund for an attorney for me and we were right
8 in the process of that.

9 I could have had that if I wanted it, but then
10 I told them I would rather be without it, that I would just
11 go without it.

12 THE COURT: The record should also reflect that
13 the Court has read and considered the People's 1, a series
14 of documents for most of the counties throughout the State
15 of California relating to various publicity and newspaper
16 reports regarding this case, and incidentally, Mr. Manson,
17 the Court did note in examining that variety of material
18 that one time an attorney who at least was reported to be
19 a friend of yours, if not your attorney, namely George
20 Shibley, said that you were going to raise funds by selling
21 records.

22 Do you wish to make any statement relative
23 to that and to your present indication of indigence?

24 MR. MANSON: That is at a complete standstill. It
25 seems that the newspapers and the effect that the news-
26 papers have had on the people that they don't want --

1 nobody wants to handle it. Nobody wants to distribute it.
2 I shouldn't say that completely because there are a few
3 people out there trying to make some tapes. I think last
4 week they were trying to get \$100.00 to press a few records.

5 THE COURT: All right, let's move on for the moment
6 to your request for a public opinion poll and survey, first
7 of all of the County of Los Angeles, and secondly as to
8 all counties in the State of California.

9 Do you wish to be heard as to that request?

10 MR. MANSON: Well, I think it would show the Court,
11 I believe the Court already know but it would serve as
12 evidence for a juror in relation to the hypnotic effect
13 the written word and the television would have on the
14 average person that they would pick as a juror.

15 It is phenomenal. I was with a guy once
16 that didn't like a certain person, the President, and when
17 the President got killed in the three days they ran
18 nothing on the television but the assassination, it took
19 him three days to change his mind and he put all his hate
20 on President Johnson and President Kennedy was a good guy
21 then.

22 You can convince anybody of anything if you
23 just push it at them all of the time. They may not believe
24 it 100%, but they still draw opinions from it and
25 especially if they have no information to draw other
26 opinions from.

I
1 If I'm not allowed to give them information,
2 the only information they have is the information in the
3 newspapers or the television, or that someone might have
4 said something.

5 Now, In reality none of these things are true.
6 And it would be a good thing for the jury, to explain to
7 the jury.

8 MR. STOVITZ: I cannot see where an opinion poll
9 would help either side. The final test is the twelve
10 people we put in the jury box, asking them whether they
11 have heard anything about the case and whether they were
12 influenced by what they heard.

13 I think we are all aware that public-opinion
14 polls have been inaccurate because they are not actually
15 surveys, but they are just whoever the interviewer seeks
16 to interview.

17 I feel even if Mr. Manson had an independent
18 public-opinion poll conducted, it still would be immaterial
19 to the final issue, that is whether or not twelve citizens
20 in this county can give the defendant a fair and impartial
21 trial and the people a fair and impartial trial.

22 MR. MANSON: That's a nice argument and it only
23 goes for his opinion. I'm not asking for his opinion.
24 I'm asking for twelve people who when they see the poll
25 and the effect that has been caused by the poll, then they
26 realize the effect it has caused upon them. When they look

I
1 at that, they can see the very same thing has happened
2 maybe in their minds.

3 In other words, it has stimulated their minds
4 in relation to what the mass media has done, what effect
5 the mass media has over people.

6 THE COURT: All right, is the matter submitted as to
7 the public-opinion survey?

8 MR. STOVITZ: Submitted, your Honor.

9 MR. MANSON: Yes.

10 THE COURT: The Court does note there is a suggestion
11 in the Hearlon report which is referred to in the leading
12 California case, the Maine case, that a public-opinion
13 poll be taken, and the Court also knows that in the Alger
14 hiss-Whittaker Chambers case, there was a public-opinion
15 poll taken but that was not allowed into evidence because
16 of some dispute as to the authenticity of the survey.

17 The Court is going to find that a public-
18 opinion survey is not necessary.

19 The Court does not feel at this time it
20 has to reach the question of whether the defendant is
21 indigent insofar as public-opinion polls go.

22 The Court finds it is neither necessary nor
23 appropriate, considering the fact that the publicity in
24 regard to this case has been substantial and pervasive
25 throughout the entire state. The Court does not feel that
26 a survey would be of assistance to the Court in any way.

1 We have your second motion, Mr. Manson, which
2 is first of all for an order dismissing the action on the
3 ground a fair and impartial trial cannot be had anywhere
4 in California because of the widespread and unfavorable
5 publicity in all media.

6 Next, if such order is not granted an order
7 for dismissal until such time, if any, as a fair trial
8 becomes possible.

9 Then, Number 3, if the relief sought in 1 an
10 2 above be not granted, for its order granting a change of
11 venue from the County of Los Angeles.

12 Do you wish to be heard as to those three
13 items?

14 MR. MANSON: Your Honor, I think the motions reflect
15 probably everything I would say on it, with the exception
16 of what I've already said.

17 I know there has been no ruling ever made
18 on this.

19 THE COURT: Let me ask you, Mr. Manson, let me ask
20 you for purposes of clarification as to your motion, I'm
21 referring to item number 2, "If such order for dismissal
22 be not granted, for its order for dismissal until such
23 time, if any, as a fair trial becomes possible," do you
24 by that particular language request that there be a contin-
25 uance, perhaps a lengthy continuance in this matter?

26 If that is your intent, you know you have the

K
1 right to a speedy trial, to be tried within sixty days from
2 the filing of the indictment, would you waive and give up
3 that right so that a continuance could be granted?

4 What is your intent? I'm not entirely clear?

5 MR. MANSON: No, your Honor.

6 THE COURT: Are you saying, "No," you would not give
7 up your right to a speedy trial?

8 MR. MANSON: No, I don't believe I would give up
9 that right, no, sir.

10 I wouldn't like to stay in the County Jail
11 for four or five years. I think that bail would probably
12 be out of the question.

13 No, I wouldn't give up that right, I am sorry.

14 THE COURT: You do understand that a continuance,
15 at least, is a suggested alternative in the Reardon Report
16 and that was mentioned in the Shepard versus Maxwell case
17 as well as the Maine case in California.

18 However, it does require a constitutional
19 waiver on your part. If you are unwilling to waive your
20 rights to a speedy trial, then of course the Court is
21 unable to consider such an alternative.

22 I am not indicating to you that I would grant
23 it or deny it, but the Court is unable to consider it, if
24 you do not waive or indicate your willingness to waive your
25 right to a speedy trial.

26 I'm just asking you, if you understand the

1 point.

2 MR. MANSON: The only way a continuance would help
3 me would be if it was over a period of two or three years.

4 A continuance for six months would serve no purpose at all,
5 and further a continuance that long would't be in the best
6 interests of the other defendants that are involved in
7 this, and mine also.

8 THE COURT: At the moment the Court is not concerned
9 with their rights. The Court is concerned with your rights
10 and you should be concerned primarily with your rights.

11 MR. MANSON: Okay.

12 THE COURT: Then, let's go to item number 3. Do
13 you wish to be heard on the order requesting a change of
14 venue from the County of Los Angeles?

15 MR. MANSON: Well, I think that is a very trivial
16 motion -- I think that is the word I should use.

17 You know -- we all know that, it doesn't seem
18 it could be done anywheres.

19 When I mentioned that motion, it was in
20 conjunction with about four motions I made to Judge Keene
21 and he picked that one out to give me a hearing on it.

22 I wanted it entered into the record, if
23 possible, for a later date, because I'm just going by the
24 procedure in the books. It says I have to do so and so,
25 and I've been trying to stick with it as much as I can and
26 get as much into the record as you are supposed to get into

1 the record as you are supposed to get into the record.

2 So actually that motion would probably speak
3 for itself also.

4 THE COURT: All right, do the People wish to be
5 heard?

6 MR. STOVITZ: As far as the motion to change the venue
7 from the County of Los Angeles to another county, we have
8 filed with the Court the exhibit containing newspaper
9 articles that have run in every county of the State.

10 It appears to have been covered by the major
11 wire services, and the accounts that are reflected here in
12 our two Los Angeles newspapers and our so-called major
13 newspapers up and down the state.

14 I feel that the Court acted wisely in issuing
15 the gag order, that the police have not issued any state-
16 ments concerning any declarations that any of the defendants
17 made, and the police have not issued any inflammatory
18 remarks and that the newspapers have been fair not only here
19 in this County but in the rest of the State.

20 Therefore, a change of venue would only cause
21 the defendant to have a trial by the same fair people --
22 in fact, it would be fairer here in Los Angeles County
23 because we have a wider base of jurors to draw from.

24 Therefore, I think if there is some type of
25 scale to weigh these matters, the scale should be weighted
26 in favor of keeping it here in Los Angeles.

That fact that the defendant wants an indefinite delay and doesn't want an indefinite delay, would dispel that motion completely.

I feel it is completely out of order. The defendant has not been, as he says, condemned or tried in the newspapers.

His trial will be in court, whenever he gets around to saying he is ready to go to trial, and at that time we can determine from the selection of the jurors whether they are prejudiced against him.

I feel from the few people I have talked to about this, that people read in the newspapers what they want to read. Some people read the war stories. Some people read the crime stories. Some people read the sport stories.

I'm sure we can find twelve jurors who have not formed any opinion about this matter and who would allow the facts to govern their decision in this case right here in the County of Los Angeles.

Therefore, I urge the Court to deny Mr. Manson's motion to dismiss for for a change of venue.

THE COURT: All right, the Court, in addition to People's Exhibit 1, is going to take judicial notice of the case of People versus Beausoleil and also People's Exhibit No. 3, which is a Life Magazine article contained in the December 19, 1969 Life Magazine, as well as People's

1 Exhibit 2, which are certain articles from the County of
2 Sacramento, in particular an article in the "Parade"
3 magazine, a Sunday supplement type of magazine, entitled
4 "The Manson Family Murders," by Lloyd Shearer.

5 The Court has noticed, among other things,
6 an editorial in the Sacramento, California Sacramento
7 Union, an editorial contained therein in the December 26th
8 1969 issue, a part of which, I think, is of interest and
9 I'm going to read from it. It reads as follows:

10 "The claim by defendant Charles Manson that
11 news media have already tried and convicted him in the
12 Sharon Tate murder case has a familiar and disturbing ring.

13 "It is familiar because hardly any criminal
14 case of special notoriety reaches the courtroom these days
15 without the issue of pre-trial publicity being raised to
16 argue that the defendant's right to a fair trial has been
17 abridged.

18 "It is disturbing because the news media,
19 law enforcement officers, attorneys and judges are still
20 without a workable set of guidelines to govern the
21 handling of information about cases of unusual public
22 interest.

23 "To solve such problems by a change of venue,
24 transferring a trial to a distant community is becoming
25 less feasible with the growth of communication in our
26 society. It is doubtful if there is any corner of the

1 State of California where a jury could be assembled from
2 among people who have not read or heard of the Tate murders
3 and the bizarre background of those charged with the crime."

4 The Court feels that those are certainly
5 accurate observations.

6 The Court is going to make the following finding:

7 There has been extensive and pervasive
8 publicity by all media regarding this case and the
9 defendant Charles Manson both in Los Angeles County
10 and throughout the entire state, if not indeed throughout
11 the entire nation.

12 The Court finds that because of the number of
13 the defendants in this case, the extent of the publicity,
14 the question of the security of the prisoners, and the
15 intense interest of the public and of the press and the
16 Court's problems inherent in a case of this nature, that
17 the case could not be tried properly in any but one of
18 California's eight largest counties. As previously stated,
19 the Court has found the publicity relating to this
20 defendant is equally extensive and pervasive in those
21 counties as well as outside the state, and therefore a
22 change of venue, even if warranted, would be ineffectual.

23 The Court would like to note that in the
24 Reardon Report, it does take into consideration that such a
25 situation might exist. On page 75, the Reardon Report
26 states:

1 "A change of venue may also require the
2 sacrifice of state or federal constitutional rights,
3 as well as waiver of jury trial, and will undoubtedly be
4 ineffective if the case is one of wide notoriety."

5 Certainly this case can be described as
6 falling within that category.

7 The People's brief I think is in point here.

8 "The case of Maine versus Superior Court"
9 with the citation,"set forth the standard to be applied
10 by a trial judge in the State of California in determining
11 if a change of venue must be granted in a criminal case
12 where it is alleged that extensive pretrial publicity
13 would prejudice a defendant's constitutional right to a
14 fair trial.

15 "The Maine Court expressly adopted the Reardon
16 Report of the American Bar Association in delineating the
17 standard to be used in California. Section 3.2(c) of the
18 Reardon Report, entitled, 'Standards for Granting the
19 Motion,' provides: 'A Motion for change of venue or
20 continuance shall be granted whenever it is determined
21 that because of the dissemination of potentially prejudicial
22 material, there is a reasonable likelihood that in the
23 absence of such relief, a fair trial cannot be had.'

24 "The Maine Court on page 363 of the opinion
25 stated that the foregoing standard set forth in the Reardon
26 Report was fashioned after the rules laid down by the United

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1 States Supreme Court in the case of Shepart versus Maxwell,
2 384 U.S. 333 wherein the United States Supreme Court
3 stated on Pages 363, 'Where there is a reasonable likelihood
4 that prejudicial news prior to the trial will prevent a
5 fair trial, the judge should continue the case until the
6 threat abates or transfer it to another county not so
7 permeated with publicity.'

8 "There can be no question that the so-called
9 Tate-LaBianca murders have received widespread, extensive
10 publicity in the radio, T. V. and news medial in the
11 Los Angeles area. However, the nature of the case is such
12 that it has likewise received extensive publicity in every
13 other county in the State of California."

14 The question then is then in view of the
15 extensive and pervasive publicity regarding this case
16 that the likelihood is just as great that a fair trial
17 can be held in the County of Los Angeles as it could be
18 in any other county.

19 The Court finds there is not a reasonable
20 likelihood in the absence of the relief requested by the
21 defendant, that a fair trial cannot be had.

22 The Court would observe that extreme care
23 has been taken by the trial judge to protect the rights
24 of the defendant for a fair trial. On December 10, 1969,
25 the trial judge issued an order restricting the dissemina-
26 tion of information by a variety of people including officers

1 of the court and law enforcement officials as well as
2 others.

3 I have every reason to believe that the Los
4 Angeles Superior Court and the trial judge will continue
5 to protect the rights of the defendant in this matter.
6 The Court has had to act to protect the rights of the
7 defendant, even against his own perhaps ill-advised actions.

8 The Court took judicial notice, the supervising
9 judge of the criminal courts has found it necessary to at
10 least temporarily revoke the defendant's telephone privi-
11 leges because the defendant was giving out unauthorized
12 telephone interviews, possibly to his own detriment.

13 In addition to the order restricting publicity,
14 the trial judge has a number of procedures that he may
15 utilize in the selection of a fair and impartial jury and
16 jury panel.

17 Some of the suggested procedures are as
18 follows, in addition to the change of venue and continuance:

19 The examination of prospective jurors on voir
20 dire to ascertain the extent of possible prejudice;

21 The sequestration of the jury;

22 The admonition to the jury to avoid news
23 reports relating to the case during the course of trial;

24 The cautioning of media representatives with
25 respect to the reporting of certain matters;

26 The examination of individual jurors with

respect to possible exposure to potentially prejudicial information during the course of trial;

The ordering of a mistrial on the basis of such exposure;

The setting aside of a conviction for failure of the trial court to take one or more of the steps listed above when circumstances require it.

The Court also notes that the Penal Code Section 1076 of the State of California presently represents the Legislative intent at least partially in regard to the matter before us. It reads as follows:

"No person shall be disqualified as a juror by reason of having formed or expressed an opinion upon the matter or cause to be submitted to such jury, founded upon public rumor, statements in public journals, circulars or other literature or common notoriety; provided, it appear to the court, upon his declaration under oath or otherwise, that he can and will, notwithstanding such an opinion, act impartially and fairly upon the matters to be submitted to him."

The Court does find that the issue of a continuance in this matter is moot by the defendant's indication that he would not waive his right to a speedy trial. The Court would note parenthetically that the Court believes that the continuance in this matter would be ineffective because of the public interest in this matter

1 and that there would undoubtedly be a revival or a renewal
2 of the publicity that has been previously had.

3 Therefore, for the reasons previously stated,
4 the Court is going to deny the motion to dismiss perman-
5 ently, and deny the motion to dismiss as phrased by the
6 defendant "until such time, if any, as a fair trial becomes
7 possible," and further will deny the motion to transfer
8 the cause outside of the County of Los Angeles.

9 MR. STOVITZ: I believe the Court used the word
10 "persuasive" and you meant to use the word "pervasive."

11 THE COURT: Yes, I did, and "persuasive is ordered
12 stricken and the word "pervasive" will be substituted in
13 its stead.

14 Is there anything further?

15 MR. STOVITZ: Your Honor, Mr. Manson does have an
16 order for a discovery that was granted by Judge Keene and
17 if I may consult with Mr. Manson and I notice Mr. Reiner
18 is here who represents another defendant, concerning Mr.
19 Manson's availability today, I will be happy to have
20 these documents and tape recordings and what we have
21 delivered to Mr. Manson. We have a jury room in Department
22 110 available, and if the Sheriff's office feels that they
23 can arrange sufficient security, we could use that jury
24 room to have Mr. Manson look at these exhibits on a
25 so-called introductory basis and then he could see which
26 ones he wants copied and we could then copy the ones he

1 wants.

2 If I might have a few moments to confer with
3 Mr. Manson and Mr. Reiner.

4 THE COURT: Is that satisfactory with you, Mr.
5 Reiner?

6 MR. REINER: Yes.

7 THE COURT: Mr. Manson?

8 MR. MANSON: Do you have a habeas corpus there?

9 THE COURT: I have no writ of habeas corpus before me.

10 MR. MANSON: May I bring that matter up?

11 THE COURT: Let's determine the question of your
12 cooperation between yourself and Mr. Reiner regarding
13 the use of the jury room over this discovery matter.

14 Mr. Reiner, would you be able to assist Mr.
15 Stovitz and Mr. Manson as they have described?

16 MR. REINER: Yes.

17 THE COURT: Mr. Manson, is that satisfactory with you?

18 MR. MANSON: Yes.

19 THE COURT: I will await the determination from the
20 Sheriff's office as to whether the jury room is sufficient
21 from a security point of view for this conference.

22 MR. MANSON: Your Honor, may I put on two motions
23 for transcript. I don't know any way to get those tran-
24 scripts. I have tried.

25 The position I am in, I can't even make a
26 phone call and I don't have any mail coming in my direction

1 at all. I'm kind of cut off. I need those transcripts like
2 I have a motion in front of Judge Keene and that is going
3 to count on the last transcript, and can I have the last
4 transcript?

5 THE COURT: I will say this, Mr. Manson, the Court
6 has just certain limited motions that you have made before
7 the Court. It doesn't have any notice of these matters
8 that you have brought up before it.

9 The Court would suggest that you renew the
10 motion before the trial judge and he will make a deter-
11 mination on it. The Court will not rule on those particular
12 motions at this time.

13 MR. MANSON: You wouldn't rule on the habeas corpus?

14 THE COURT: I do not have a writ of habeas corpus
15 before me.

16 MR. MANSON: Nor on the phone calls?

17 THE COURT: No.

18 MR. MANSON: May I ask one more questions?

19 THE COURT: You may.

20 MR. MANSON: There are a lot of things -- it's hard
21 to hold my thoughts. I will think about it when I get back
22 to the cell.

23 THE COURT: All right, we will be in recess.

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LOS ANGELES, CALIFORNIA, TUESDAY, FEBRUARY 24, 1970

11:15 A.M.

(The following proceedings were had
in Department 100, the Honorable George Dell,
Judge, Presiding.)

THE COURT: No. 10. I will call that one now, too.

Patricia Krenwinkel.

MR. FITZGERALD: Yes, sir, the defendant is present.

THE COURT: All right, we will proceed with calling
the matter at this time.

This is Case No. A-253156, the People of the
State of California against Patricia Krenwinkel, defendant.

Is that your true name, Patricia Krenwinkel?

THE DEFENDANT: Yes, it is.

THE COURT: Do you presently have an attorney, Miss
Krenwinkel?

THE DEFENDANT: No, I do not.

THE COURT: Do you have the means to employ an
attorney at this time?

THE DEFENDANT: No, I do not.

THE COURT: I don't know what the status of the
Public Defender would be in this case. I know that Mr.
Fitzgerald just indicated to me at the bench with Mr.
Stovitz, that Miss Krenwinkel had asked to see him, and

2 1 that he had had a conversation with her.

2 And I know there are other matters discussed
3 that I won't go into at this time, and of course, I am
4 sure matters discussed that I am not aware of.

5 But could you inform me at this time what the
6 view of the Public Defender's office would be if the
7 Court appointed the Public Defender to represent Miss
8 Krenwinkel, Mr. Fitzgerald? Would there be a conflict?

9 MR. FITZGERALD: Certainly, your Honor.

10 First of all, I did have the opportunity to
11 talk with Miss Krenwinkel concerning certain aspects of
12 her case.

13 I talked with her at the Sybil Brand Institute
14 on the evening of February 21st.

15 I indicated to Miss Krenwinkel that the Office
16 of the Public Defender would tentatively agree to represent
17 her.

18 As your Honor is aware there is a conflict of
19 interest problem that pervades this entire case as the
20 result of the Public Defender representing a person or
21 persons who may be involved in some manner or means.

22 However, the Public Defender -- and I have
23 discussed this matter with Mr. Moore -- at the present time
24 the Public Defender would not declare a conflict.

25 We would accept an appointment.

26 We would like an opportunity to review the

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1 proceedings before the Grand Jury and other information to
2 determine if there is a conflict of interest that exists
3 between clients represented by the Office of the Public
4 Defender and this defendant, and we would like an
5 opportunity to document that conflict.

6 In the event there is a conflict of interest
7 we would certainly inform the Court at the earliest
8 opportunity.

9 THE COURT: Miss Krenwinkel, Mr. Fitzgerald did hand
10 to me a document which you earlier presented to him which is
11 entitled A Notice of Motion to Proceed in Propria Persona,
12 and A Motion to Associate Cocounsel of record, and A
13 Declaration of Points and Authorities.

14 I have had the opportunity very, very briefly
15 to look through the document.

16 I don't pretend that I have read every word,
17 nor researched every citation that you have set forth.

18 My position, very frankly, has been this, up
19 to this point, and I suspect it would be the same in your
20 case, that if a person is qualified -- if the Court feels
21 he is qualified to proceed in propria persona in accordance
22 with the requirements of the higher courts, then, of
23 course, I would permit that person to proceed in propria
24 persona.

25 If a person wishes to have counsel and can
26 retain his own counsel he, of course, may do so.

4 1 If he does not have the funds to retain counsel
2 the Court will appoint the Public Defender.

3 If he does not have the funds to retain counsel,
4 and the Public Defender feels there is a conflict of
5 interest, which there may very well be in this case since
6 the Public Defender felt he could not represent Mr. Manson,
7 I suspect strongly he might not be able to represent you,
8 then the Court would be willing and obligated to appoint
9 private counsel at county expense under Section 987(a) of
10 the Penal Code.

11 Although there are some decisions which permit
12 a person to represent himself and to have associate co-
13 counsel of record, I have never felt that that is a wise
14 policy.

15 I have not permitted that sort of representation
16 in the past and I do not believe I would do it in this case,
17 although I would review the matter carefully before I made
18 a decision.

19 I will give you your statement of rights which
20 I intend to, but at this point, for the limited purpose of
21 interviewing the defendant, discovering whether or not there
22 is a conflict of interest, and thereafter informing the
23 Court of his views, I will appoint the Public Defender and
24 we will specifically appoint Deputy Public Defender Paul
25 Fitzgerald.

26 I am not rejecting the defendant's motion at

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1 this time, I am simply going to continue hearing on the
2 motion to the same date as to which the defendant will
3 return, and we will set that in a few minutes as soon as I
4 give the defendant her statement of rights.

5 I wish at this time to advise you, Miss
6 Krenwinkel, that you have the following constitutional
7 rights:

8 You are entitled to a speedy and public trial.

9 I might state parenthetically in this case that
10 as to certain co-defendants who are presently in the
11 jurisdiction of this Court, you are probably aware that
12 the matter has been set for trial on March 30th.

13 You are further entitled to a trial by a jury.

14 You have the right to be confronted by all the
15 witnesses testifying against you, and you have the right to
16 cross-examine those witnesses.

17 You have the right to the compulsory process of
18 the court to obtain witnesses in your favor.

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

22 You have a right to testify in your own behalf.

23 However, you cannot be compelled to be a witness
24 against yourself.

25 In all cases except capital cases you are
26 entitled to be admitted to liberty at reasonable bail.

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1 However, a defendant charged with an offense punishable with
2 death cannot be admitted to bail if proof of his guilt or
3 the presumption thereof is great.

4 Now, generally speaking, Miss Krenwinkel, do
5 you believe that you understand these rights as I have
6 outlined them for you?

7 THE DEFENDANT: Yes, I do.

8 THE COURT: At this stage do you have any questions
9 about these constitutional rights that you would wish to
10 ask me?

11 THE DEFENDANT: No.

12 THE COURT: Will the District Attorney be good enough
13 to hand to Mr. Fitzgerald who is appointed at this time a
14 copy of the Indictment?

15 MR. STOVITZ: Yes, your Honor.

16 I have an Indictment that charges Patricia
17 Krenwinkel with seven crimes -- counts of murder. Five
18 counts committed on or about the 9th day of August, 1969,
19 and two counts committed on or about the 10th day of
20 August, 1969.

21 One count of conspiracy to commit murder
22 occurring on or about August 8th through August 10th of
23 1969.

24 And, counsel, I hand you a copy of that
25 Indictment.

26 MR. FITZGERALD: At this time the defendant is not

1 ready to enter a plea, your Honor.

2 We would waive further reading of the
3 Indictment at this time for this purpose.

4 We would ask that your Honor continue this
5 matter in order that I might ascertain the items you have
6 previously mentioned.

7 THE COURT: What date would you like on this, Mr.
8 Fitzgerald?

9 MR. FITZGERALD: I have previously discussed it with
10 Mr. Stovitz. Actually, I would prefer that the matter go
11 over two weeks.

12 I understand that he will object to any
13 setting beyond one week, so, under the circumstances, one
14 week would seem to be agreeable.

15 I might point out to the Court that if, in the
16 event we determine there is a conflict of interest at an
17 earlier date we will so inform the Court immediately, and
18 then it will be up to the Court.

19 THE COURT: We can advance the matter if need be.
20 Let's put the matter as of this time over till -- frankly
21 I would -- well, one week from today is all right.
22 March the 3rd at 9:00 o'clock in this court.

23 We will probably hear it on the 11:00 o'clock
24 calendar, or maybe even the 2:00 o'clock. Depending on
25 the volume, but tentatively it will be on our 9:00
26 o'clock calendar.

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1 If there is any change in the time we will
2 advise counsel, and it is the matter of arraignment and
3 plea tentatively, and also the defendant's motion to
4 proceed in propria persona. In the event that she wishes
5 to urge that matter on the Court at that time I will be
6 prepared to proceed.

7 MR. STOVITZ: I might say that Mr. Fitzgerald has
8 previously received a copy of the Grand Jury transcript.

9 If he wants to review it again we will furnish
10 him another copy.

11 He gave his copy to Mr. Manson, I believe. ✓

12 Is that right?

13 MR. FITZGERALD: Well, actually Mr. Moore read the
14 transcript. I never actually have read the transcript and
15 I would be interested in reading the transcript.

16 MR. STOVITZ: We will make our copy available to
17 Mr. Fitzgerald.

18 THE COURT: You will see to it, then?

19 MR. STOVITZ: Yes.

20 MR. FITZGERALD: So I may be in a position to advise
21 my client will your Honor conduct a hearing to determine
22 her status as her own attorney?

23 THE COURT: In the event such a hearing is to be
24 conducted I will conduct it.

25 It may be during the interim she may change
26 her mind and not want to proceed on the motion, in which

9 1 case no hearing will be necessary.

2 In the event, though, that she does still wish
3 to urge the motion we will have a hearing and I will
4 conduct it.

5 MR. FITZGERALD: Thank you, your Honor.

6 THE COURT: Thank you, very much.

7 Thank you, Miss Krenwinkel.

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9 (Whereupon, an adjournment was taken
10 until Tuesday, March 3, 1970.)
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LOS ANGELES, CALIFORNIA, TUESDAY, MARCH 3, 1970

11:17 A.M.

(The following proceedings were had
in Department 100, the Honorable George Dell,
Judge, Presiding.)

THE COURT: No. 319, Patricia Krenwinkel.

This matter was last continued following the
appointment of the Public Defender.

I had appointed the Public Defender initially
for a limited purpose of consulting with Miss Krenwinkel
and explaining her rights to her inasmuch as she had
indicated a desire to proceed as her own lawyer with the
condition that she have associate counsel, and I wanted
the Public Defender further to determine whether or not
there was any conflict of interest which would disable
him from representing Miss Krenwinkel if the Court held
that she was not competent to represent herself.

I would ask at this time, Mr. Fitzgerald, what
recommendation you would make to the Court in that
connection.

MR. FITZGERALD: Well, in inverse order?

THE COURT: Whichever you prefer.

MR. FITZGERALD: The Public Defender's office
carefully examined Miss Krenwinkel's case and the cases of

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1 several other persons represented by the Office of the
2 Public Defender and we have come to the conclusion that
3 there is not a conflict of interest existing between Miss
4 Krenwinkel and any other defendant represented by the
5 Public Defender's office, nor do we feel there will be a
6 conflict between this defendant and any other witness who
7 may testify.

8 In respect to your Honor's first observation,
9 I have, indeed, had an opportunity to consult with Miss
10 Krenwinkel, and I did so on approximately five occasions.

11 She, for the Court's information, was returned
12 to Los Angeles pursuant to extradition from Mobile,
13 Alabama.

14 She arrived in Los Angeles on February 20,
15 1970, and from February 20th, 1970 to today, March 3rd,
16 she has had an opportunity to discuss with five separate
17 and distinct attorneys certain aspects of this case.

18 In addition, I have met with her on five
19 separate occasions and discussed various rights and
20 obligations of the parties in this case.

21 As your Honor pointed out the defendant did
22 file with the Court on her last appearance a document
23 indicating that she was making two motions: One, to
24 proceed as her own counsel with counsel. To proceed in
25 pro per, as it is, with an attorney assisting her.

26 Additionally, she asked in the event that

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1 motion was denied that she be allowed to represent herself.

2 In addition to the motion that was filed on
3 her last appearance, I assisted the defendant in the
4 preparation of a Superior Court form, that is a Petition
5 to Proceed in Pro Per.

6 I discussed at length the various rights and
7 obligations set out in that form.

8 I discussed with her legal defenses.

9 I discussed with her possible punishment.

10 I discussed with her her education, her
11 background, and any legal training she had.

12 Without getting into the merits of whether
13 Miss Krenwinkel is capable of representing herself I
14 would like to point out that throughout all my interviews
15 I was persuaded that she was a very intelligent, very
16 sensitive, very perceptive girl.

17 While she has been in the Los Angeles County
18 Jail, since February 20th, she has not had access, your
19 Honor, to any legal materials other than the advice of
20 counsel.

21 She has not had an opportunity to study law,
22 as it were.

23 However, in discussing each and every aspect
24 of this case, and including the relatively sophisticated
25 problems involved in a charge of conspiracy, I found her
26 to be intelligent. I found her to be reasonable. I found

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1 her to be conversant with the concepts.

2 I also, of course, discussed with her the
3 advisability of her going pro per, as I am sure other
4 counsel have.

5 She seems very well aware of the consequences
6 involved, and throughout those times of discussions she has
7 been very persistent in her desire to go pro per.

8 THE COURT: Thank you, very much, Mr. Fitzgerald.

9 Miss Krenwinkel, I-myself stated somewhat what
10 your position was last week, and I have read the motion,
11 and of course, I read the petition which Mr. Fitzgerald
12 had handed up to me, the one to which he just referred.

13 I notice there have been some deletions from
14 the petition.

15 MR. FITZGERALD: Yes, if I might -- I'm sorry to
16 interrupt the Court --

17 THE COURT: Yes.

18 MR. FITZGERALD: I should have mentioned that to the
19 Court.

20 There were several places on the form wherein
21 the form seemed to indicate that if the defendant chose to
22 represent herself she would not be allowed the assistance
23 of counsel.

24 Inasmuch as that position was inconsistent with
25 the motion filed with the Court, we discussed the matter
26 and she decided that she could not agree to that.

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1 Under those circumstances I directed her to
2 delete those portions of the form and to affix her
3 initials at the end.

4 THE COURT: Well, that really is the express point
5 that I want to ask.

6 Is the defendant at this time asking solely for
7 leave to proceed in propria persona with the right to have
8 the assistance of counsel who would actually be participat-
9 ing counsel not just an individual who might advise her
10 but one who would participate in a trial, or is she asking
11 for that first and in the event that that is not granted
12 is she still asking leave to proceed in propria persona
13 even though she would not have associate counsel if the
14 Court made that determination?

15 MR. FITZGERALD: Yes, your latter statement is
16 correct. She is asking not for the assistance of counsel
17 while pro per. She is actually asking to be associated
18 with participating counsel, and in the alternative, in the
19 event that that motion is denied she is asking to
20 represent herself for all purposes.

21 THE COURT: Is that correct, Miss Krenwinkel?

22 THE DEFENDANT: Yes.

23 THE COURT: That is your position?

24 THE DEFENDANT: (Nods head.)

25 THE COURT: Well, let's start at the outset.

26 I will not grant you the right to represent

1 yourself and have associate counsel.

2 I have carefully considered this matter and I
3 think this admittedly is within the discretionary powers of
4 the Court to permit a defendant who represents himself or
5 herself to have counsel as well. In other words, for a
6 person to be represented by counsel and also to represent
7 himself.

8 But I am not going to make that sort of order
9 so it comes down to an either/or situation.

10 If I do grant the order that you have
11 requested, you would be representing yourself. You would
12 not have counsel appointed to advise you at the time of
13 trial -- I am quoting and paraphrasing a portion of what
14 was deleted -- and that by giving up your right to have
15 private counsel appointed you would have to conduct your
16 own defense without the aid of counsel.

17 That would be the order that I would make if
18 I do grant leave for you to proceed in propria persona.

19 Is that what you would prefer rather than
20 having counsel represent you, Miss Krenwinkel?

21 THE DEFENDANT: Yes, it is.

22 THE COURT: Well, let me ask you a few questions in
23 addition to those that appear on the questionnaire and which
24 have been answered.

25 I take it that in view of Mr. Fitzgerald's
26 representation he assisted you in preparing this Petition,

16 1 but you have read everything that was on it and you have
2 authorized, actually, physically made the deletions, and
3 you are familiar with everything else that is on this
4 Petition --

5 THE DEFENDANT: Yes.

6 THE COURT: -- is that correct?

7 THE DEFENDANT: Yes.

8 THE COURT: Have you ever represented yourself in any
9 matter whatever even as lowly as a traffic ticket?

10 THE DEFENDANT: No, I have not.

11 THE COURT: Have you ever observed a jury trial?

12 THE DEFENDANT: No, I have not.

13 THE COURT: Have you ever studied --

14 Well, I was going to ask you if you ever studied
15 law. I have discovered some people have studied law in
16 San Quentin and others have told me they studied law in
17 high school but have you ever taken any course involving
18 law at all in any institution?

19 THE DEFENDANT: No, none whatsoever.

20 THE COURT: Now, this Petition sets forth certain
21 matters, and I am sure that Mr. Fitzgerald was most
22 helpful in answering some of these questions, but I do want
23 to expand somewhat on these.

24 One of these sections involves the procedure
25 that is involved in a trial. The part that was deleted --
26 I'll read the whole statement, because this is the way that

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it would have to apply if you are permitted to represent yourself.

"I understand if I am permitted to represent myself it will be necessary for me, without the assistance of counsel, to conduct my own trial consisting of but not limited to --"

Let me read some of these matters on making preliminary motions.

Do you have any idea what preliminary motions might be involved in this case, Miss Krenwinkel?

THE DEFENDANT: Right now without having access to legal books I would probably say that this would deal much with that of my 995 motion, or a change of venue motion, or first preliminary motions that would take place in order to, you know, to make it run throughout the trial.

THE COURT: I see.

You understand, don't you, that because there is a trial date set doesn't mean the matter is going to go ahead on that date, but there has been a date set for various codefendants in this case in Department 107 next door in the event the trial is scheduled to go on March 30th.

THE DEFENDANT: Um-hmm. Yes, I do.

THE COURT: Do you think there is any possibility that you could be ready to proceed on that date if you

18 1 represented yourself?

2 THE DEFENDANT: Yes. Well, I guess I would have to be.

3 THE COURT: Well, are you aware of whether or not you
4 would have the right to request a severance from the other
5 defendants in this case?

6 THE DEFENDANT: I don't understand what you just said.

7 THE COURT: Well, I will try to state it in less
8 legalistic terms.

9 Do you know at this time whether or not you
10 would be forced to go ahead with Mr. Manson and Miss
11 Van Houten and Miss Kasabian and any other defendants who
12 might be involved?

13 Do you know whether you would have to go to
14 trial with them or whether or not you would have the right
15 to be tried possibly by yourself?

16 THE DEFENDANT: Well, I should imagine I would be
17 tried with them.

18 THE COURT: I see.

19 Have you ever heard of a so-called challenge for
20 cause to a juror?

21 THE DEFENDANT: Yes, the lawyers which I have
22 consulted with started to explain just, you know, as much
23 as they could about making it, but not too much. They
24 said something like that would be where you would have a
25 juror, if they would in some way seemed to have either a
26 prejudice in the case or something that would keep them

19 1 from being a rightful person to, you know, some way in
2 connection with their thoughts would keep them from giving
3 a truthful verdict in the case.

4 THE COURT: Have you ever heard of a so-called
5 peremptory challenge of a juror?

6 THE DEFENDANT: That is when you -- I believe in a
7 case I was told you have 20 -- 20 peremptory challenges.
8 Which means, you know, the prosecution and the defendant
9 each -- the prosecution and the defendant, the other side,
10 both have a chance to take -- to eliminate so many jurors
11 because of certain, you know, of any of their feelings
12 that might cause it to be an unfair jury.

13 THE COURT: Do you have to give any reason to excuse
14 a juror peremptorily, that is, as a peremptory challenge?

15 THE DEFENDANT: I don't believe so. I am not sure
16 of that.

17 THE COURT: This little procedure isn't supposed to
18 be a Bar exam or even a mini Bar exam. I don't expect you
19 to answer every question right. A lot of attorneys
20 wouldn't.

21 I am concerned just to find out how much you
22 do know from the manner in which you answer these
23 questions.

24 As a matter of fact -- and I don't pretend to
25 answer every one of these questions myself -- but just as
26 a matter of interest, in a capital case, so-called capital

20

1 case, of course you indicated on the questionnaire you
2 know this is that sort of case. Each side is entitled to
3 20 peremptory challenges, and then each individual juror
4 has five separate challenges.

5 If all the defendants can't agree to an
6 individual challenge, then there is no joint challenge,
7 but you'd still have your five separate challenges.

8 So in a case where you have six defendants
9 there could conceivably be as many as 50 challenges that
10 the defendants would have among them jointly, and severally,
11 and the District Attorney would also have 50 challenges.

12 I just mention this -- I don't intend to
13 comment on each one of these questions, but I thought you
14 might like to know that.

15 Have you ever heard of a so-called hearsay
16 rule? If you haven't heard of it I will spell it because
17 it may seem a little easier to visualize. H-e-a-r-s-a-y,
18 all one word.

19 THE DEFENDANT: Well, I don't know any rules about
20 it. I know that hearsay is what someone else says that
21 someone said.

22 And I was told that under the charge of
23 conspiracy it's allowed to be brought into evidence.

24 If it was not -- if there was no conspiracy
25 charge hearsay evidence does not have any -- does not have
26 any -- is not used as evidence in a regular court hearing.

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I believe that is correct.

THE COURT: Do you know of any other so-called exceptions to the hearsay rule other than possibly in a conspiracy?

THE DEFENDANT: No, I don't.

THE COURT: Do you know what procedure you would follow if you wanted to find out what evidence the District Attorney had against you other than what is in the Grand Jury transcript?

Of course, you would be entitled to read that but do you know what procedure you would follow to find out anything else that the District Attorney might be planning to use in evidence against you?

THE DEFENDANT: At this time, no, I don't.

THE COURT: And here again this is not a trick question, I just wondered, have you heard of a case that came down a couple of years ago called the so-called Witherspoon case, Witherspoon versus Illinois?

Does that name of itself mean anything to you?

THE DEFENDANT: No, it does not.

THE COURT: Do you have any impression at this time as to what sort of views a person might have to have as to capital punishment to prevent him from sitting on a jury if the District Attorney wanted to keep him off the jury?

Do you have any knowledge at all about that or any belief?

22

1 THE DEFENDANT: I know that a juror -- when they are
2 interviewing jurors -- the juror can be, I guess, could be
3 perempted from the jury if he would not believe in the
4 death penalty.

5 THE COURT: Have you had any discussion with any of
6 the attorneys you talked to about the principles of so-
7 called conflict of interest between defendants?

8 THE DEFENDANT: No, not actually between defendants.
9 They had mentioned that conflict of interest -- that has
10 been brought out so far as in the Public Defender's office--
11 other defendants involved in the case saying there was some
12 kind of relationship between something that would cause a
13 conflict of some kind which would keep them from giving
14 justice.

15 THE COURT: Well, I'm trying to articulate and not
16 very well.

17 Just a few weeks ago in this court I had a
18 similar, somewhat similar discussion with one of the co-
19 defendants in the case, and at that time I quoted a very
20 worn out, much exhausted phrase, a lawyer who represents
21 himself has a fool for a client.

22 Or the other way around, a person who insists on
23 being his own lawyer has a fool for a lawyer.

24 I wasn't really trying to be cute. The reason
25 for that particular bit of philosophy is principally the
26 lack of objectivity when you represent yourself.

1 I recall a very well known criminal lawyer who
2 represented himself in a divorce case once and I had the
3 misfortune to be the Judge in the case.

4 I remember other individuals who represented
5 themselves even with legal educations, and no matter how
6 good a lawyer the person is, just seems unable to detach
7 himself from his own ego and to look at the matter
8 objectively as a good lawyer can.

9 Now, with reference to this case it is
10 entirely conceivable that it would be to the interest of
11 one or more of the defendants to have a certain type of
12 defense that the other defendant doesn't have. One
13 defendant might have an --

14 I don't really know very much about this case,
15 frankly. I haven't read a great deal about it. I haven't
16 read the book that one of the co-defendants is alleged to
17 have written.

18 I haven't read the Grand Jury transcript.

19 So I know mostly what has been in the public
20 press and that's all.

21 It might very well be in the interests of one
22 of the defendants to claim that that defendant wasn't there
23 at all.

24 It might be to the interest of the other
25 defendant to claim that if he or she was at the scene that
26 what was done was not committed by that person.

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It might be in the interest of another to claim that he or she was compelled into committing any act that might have been committed.

It might be in the interests of a defendant to blame another defendant for what took place.

Sometimes it is to the interest of all defendants to take the same position, but quite often it is for the interest of a defendant to claim that no matter what somebody else did that that particular defendant didn't commit a crime.

That's what we mean when we discuss conflict of interest.

Without an attorney who gives you independent legal advice and represents you and is able to be objective, it seems to me to be extremely difficult to decide where there is a conflict.

Of course, I have been talking, not asking questions, but has anything that I have said made any impression as far as changing any of your views about whether or not you should represent yourself, Miss Krenwinkel?

THE DEFENDANT: No, your Honor.

THE COURT: I don't think I need to ask any more questions.

I feel that I am prepared to make a finding at this time.

25

1 Mr. Fitzgerald, is there anything that you
2 would want to present?

3 I haven't asked Mr. Stovitz whether there is
4 anything he would like to ask, and, of course, I will hear
5 from Miss Krenwinkel if she has anything further.

6 MR. FITZGERALD: May I have just a moment?

7 THE COURT: Of course.

8 (A conversation was had between counsel
9 and the defendant.)

10 MR. FITZGERALD: She would ask permission to address
11 the Court.

12 THE COURT: Yes. I may have some more questions
13 after all. Why don't you go ahead, Miss Krenwinkel? I
14 will be very happy to hear from you.

15 THE DEFENDANT: Your Honor, I just wish to say I do
16 realize the severity of the crimes of which I am charged,
17 but I feel there is a lot of complications in the case and
18 I do not wish to give up my voice.

19 THE COURT: That sounds almost exactly like what
20 Mr. Charles Manson said when he was standing only ten
21 feet from where you are only a few weeks ago.

22 Were those words perhaps suggested by him,
23 Miss Krenwinkel?

24 THE DEFENDANT: No, they were not.

25 MR. FITZGERALD: She has from our initial visit
26 indicated a desire to retain some control which she

1 describes as a voice in the case.

2 I take that to mean that she is, because of the
3 treacherous and tremendous publicity in this case, and
4 because certain things in connection with her custody and
5 arrest, she is, I think, perhaps from her point of view,
6 naturally distrustful of attorneys in spite of the fact
7 that they are officers of the court.

8 And I think it is in that respect that she
9 wishes to retain control over her own destiny, so to speak;
10 that at some point during the trial an attorney does
11 something that is not in her best interests that she could
12 have a way, a line of communication with the Court.

13 THE COURT: Well, let me ask just a few additional
14 questions, although I have a pretty good idea what the
15 answer would be, but the record should be clear.

16 Of course, it is implicit in what you have
17 indicated before that you have never cross-examined a
18 witness or even testified in court.

19 Do you know how the jury is informed of what
20 the law is so that it can make a decision after a case is
21 submitted to a jury?

22 THE DEFENDANT: No, I don't -- as of yet not being
23 able to be with any law books and only just a few
24 conferences with the lawyers which I spoke to -- be unable
25 to make, you know, any -- to discuss everything else. Also,
26 be very hard because I have not been allowed to take any

1 notes or bring them back up with me to read or study,
2 which has made it very hard also.

3 THE COURT: Have you heard of the so-called
4 bifurcated system that we use for trials in this state
5 where the penalty is possibly a death penalty?

6 THE DEFENDANT: No, I haven't.

7 MR. STOVITZ: May I be heard, your Honor?

8 THE COURT: Yes, Mr. Stovitz, I will listen to you.

9 MR. STOVITZ: I would just like to speak to the
10 Court and have your Honor and Miss Krenwinkel listen.

11 I am sure counsel will explain to her that the
12 People will not go any easier on her because she
13 represents herself.

14 Secondly, I'd like it well known that in the
15 event that she desires to represent herself and at the last
16 moment decides to bring in an attorney to represent her
17 that that attorney probably seek a continuance and we will
18 oppose the continuance; that it is our desire to have a
19 joint trial in this case.

20 That there will be statements of other co-
21 defendants used in the case.

22 Whether or not they come within the conspiracy
23 exception, or whether they could be blocked by the Aranda
24 rule is quite a technical matter.

25 And that the People will insist upon going to
26 trial on March 30th, which is the date that the other

1 defendants are set for.

2 THE COURT: Thank you, Mr. Stovitz.

3 Does anything that Mr. Stovitz said, who will
4 be the prosecutor, or at least one of the prosecutors in
5 the case, cause any change in the views you expressed,
6 Miss Krenwinkel?

7 THE DEFENDANT: No, it does not, your Honor.

8 THE COURT: All right, thank you.

9 I am ready to make some observations and then
10 make a ruling in the case.

11 In my opinion the defendant is an intelligent
12 young lady, of certainly better than average intelligence
13 the way she answers the Court's questions forthrightly.
14 She is not evasive, and I think she really does wish to
15 represent herself.

16 At the same time I feel in the exercise of my
17 discretion -- in fact, very frankly I don't think I have
18 even any discretion in this matter, I think if I have
19 decided otherwise it would be a gross abuse of my
20 discretion.

21 It is my finding that the defendant does not
22 have the competency to represent herself.

23 She does not have competency to waive counsel,

24 That if she did represent herself it would
25 result in significant prejudice to herself.

26 I have in mind the cases of the State Supreme

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1 Court on this issue which I believe to be controlling.
2 Specifically, the most recent cases are People against
3 Daniels, 71 Cal. Advance Reports at Page 1165. And
4 specifically at Pages 1187 and 1188.

5 The Court has in mind the fact that in that
6 case there was a second defendant with an apparent
7 conflict of interest and a separate attorney.

8 Here there are multiple defendants, and from
9 the face of it and everything I know about the case there
10 is insuperable conflict of interest between at least one
11 defendant and other defendants.

12 "Multiple counts --" I'm quoting from the case--
13 "-- involving highly technical points," which
14 is certainly true in this case, "-- and the
15 possibility of the death penalty," which is likewise
16 true in this case.

17 And the Daniels case -- actually it is People
18 against Daniels and Simmons, two defendants, the Supreme
19 Court in holding that the trial Judge did not err in
20 refusing to permit the defendant to represent himself,
21 made the following observation:

22 "When Simmons' ignorance of rules of
23 procedure and evidence was added to this
24 picture --" The picture I have just quoted, which
25 is even more applicable in this case than it is in the
26 Simmons and Daniels case, "-- the trial Court

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could reasonably conclude that a miscarriage of justice might well result if he attempted to conduct his own defense.

"We have previously voiced our deep concern to protect the right to the assistance of counsel against hasty and improvident waiver."

I quote more recently the case of People against Floyd. Again, that was two defendants, one named Floyd and one named Milton. That is in one California Reports 3d beginning the citation at Page 694, and specifically the material at Pages 703 and 704, the Court points out:

"The Court had adequate opportunity to observe and to listen to Milton, and adequate ground to decide that he could not intelligently waive the right to counsel nor represent himself."

The Court points out that the charges were serious in that case, murder and robbery, with the prosecution seeking the death penalty, that the defendant was only 21 years of age at the time of trial, that he had no prior adult record of convictions, and had a tenth or eleventh grade education.

In this case the defendant, I am sure, is more intelligent than Milton and has had one semester of

31 1 college, but otherwise the similarity is quite clear.

2 In that case there was a plea of not guilty by
3 reason of insanity.

4 In this case, without expressing any doubt as
5 to anyone's sanity, it seems to me that any independent
6 counsel would just be grossly negligent in his duties if
7 he didn't at least request a psychiatric examination of
8 any defendant he represents in this case.

9 I have yet to see a defendant who requested a
10 psychiatric examination of himself or herself.

11 I want to quote the most significant part of
12 the decision in the Milton case:

13 "Had a defendant like Milton represented
14 himself in a death penalty case this Court
15 would have been required to reverse any
16 conviction resulting from those proceedings
17 based on the fundamental denial of due process.

18 "There was no error in refusing to allow
19 Milton to represent himself."

20 In good conscience I find it impossible to
21 allow this defendant to represent herself with the result-
22 ing significant prejudice to herself, significant prejudice
23 to the prosecution, in the event that there was a
24 conviction, because it would inevitably have to be
25 reversed.

26 The motion is denied.

1 The Public Defender has previously been
2 appointed for a limited purpose, and at this time he is
3 appointed for all purposes to represent the defendant.

4 MR. FITZGERALD: We would waive a formal reading of
5 the Indictment and we are ready at this time to enter a
6 plea.

7 THE COURT: I want to make one further observation.

8 I don't want to prejudice the Public Defender's
9 position in this case by saying anything good about him.

10 If it is Mr. Fitzgerald who is going to
11 represent you you will not find a better lawyer anywhere.

12 I make that observation.

13 I don't know if he is going to be the one to
14 represent you.

15 That is at least a piece of dictum which
16 probably will do his position in the case no good, but the
17 Court is saying something good about the Public Defender's
18 office.

19 Let's proceed.

20 MR. STOVITZ: Patricia Krenwinkel, you are hereby
21 accused by the Grand Jury Indictment No. A-253156 of seven
22 counts of murder in violation of Section 187 of the Penal
23 Code, and one count of conspiracy to commit murder in
24 violation of Section 182 and 187 of the Penal Code, all
25 occurring on or about August 8th through August 10th of
26 1969.

33
1 Your attorney has been handed a copy of that
2 Indictment together with a copy of the Grand Jury transcript
3 consisting of two volumes.

4 Counsel, does the defendant waive further
5 reading of that Indictment?

6 MR. FITZGERALD: The defendant hereby waives a formal
7 reading of the Indictment and she is ready at this time to
8 enter a plea.

9 MR. STOVITZ: Patricia Krenwinkel, to the seven counts
10 of murder how do you plead, guilty or not guilty?

11 THE DEFENDANT: Not guilty, your Honor.

12 MR. STOVITZ: To the charge of conspiracy to commit
13 murder as alleged in Count VIII of the Indictment how do
14 you now plead, guilty or not guilty?

15 THE DEFENDANT: Not guilty.

16 MR. FITZGERALD: We would at this time, your Honor,
17 like to notice for two motions.

18 The defendant at this time would make a motion
19 pursuant to Penal Code Section 995 Subdivision 2 to
20 dismiss the Indictment for lack of reasonable and probable
21 cause.

22 Also, we would like to notice a motion
23 pursuant to Penal Code Section 1034 for removal of the
24 action from the County of Los Angeles to some other county,
25 change of venue motion.

26 MR. STOVITZ: May I be heard, your Honor?

34

1 THE COURT: Yes, I will hear you.

2 MR. STOVITZ: There is a Change of Venue Motion that
3 is now pending in Department 106 in connection with Linda
4 Kasabian scheduled for March 10th, 1970.

5 May we, for the convenience of the Superior
6 Court, schedule this motion at that time or sometime
7 earlier?

8 THE COURT: If there is no objection rendered I
9 would prefer that in order to accommodate all parties that
10 the matter be set in the same court.

11 MR. FITZGERALD: We have no objection to setting it
12 on March 10th.

13 However, that is only a week away and we have a
14 considerable amount of evidence to review.

15 THE COURT: It may be set over on a later date.

16 MR. FITZGERALD: Fine.

17 THE COURT: How about the following week? Continue
18 this matter, as a matter of fact?

19 MR. FITZGERALD: Well, if the Court pleases, we have
20 no objection to your setting it in 106 on the 10th with
21 the Kasabian matter and would hopefully be ready, but we
22 may not be.

23 THE COURT: That is agreeable. No problem about a
24 continuance if you need one.

25 Both motions are assigned to Department 106.

26 The matter is set for trial --

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In the event the trial is to proceed and the motions are denied -- the matter is set for trial in Department 107 on March 30th with the co-defendants subject to any right you may have to make any appropriate motions if any are needed.

MR. FITZGERALD: Thank you.

THE COURT: Thank you very much.

MR. STOVITZ: Thank you, your Honor.

THE COURT: We will take a short recess while persons interested in this case leave the courtroom.

(Whereupon, an adjournment was taken until Tuesday, March 30, 1970.)

1 LOS ANGELES, CALIFORNIA; FRIDAY, MARCH 6, 1970, 2:10 P.M. ✓

2 -oOo-

3 (Upon the above date, the defendant
4 Manson appearing in propria persona, the
5 People being represented by Aaron Stovitz and
6 Vincent Bugliosi, Deputy District Attorneys
7 of Los Angeles County, the following proceedings
8 were had before the Honorable William B. Keene,
9 Judge Presiding in Department 107:)

10
11 THE COURT: All right. This case of People versus
12 Manson, I'll have the record reflect the appearance of the
13 defendant, the presence of both Mr. Stovitz and Mr.
14 Bugliosi.

15 Mr. Manson, you've filed with this Court a
16 document on the 4th day of March, 1970, which you entitled
17 a Notice of Motion to Compel Reasonable and Effective
18 Representation, Depositions and Commission for Modernization
19 of Trial Procedure.

20 This is a document that consists of some
21 seventeen pages and someone has apparently prepared for you
22 a memorandum of points and authorities consisting of some
23 two pages -- three pages, which I have read and considered.

24 You ask that the matter be set down in this
25 court for a hearing and that's the purpose for my setting
26 the matter in court this afternoon, Mr. Manson.

2
1 However, your document filed in this court has
2 precipitated me to undertake a complete review of the file
3 in this case since I first met you in Department 100 back
4 in December of last year.

5 Have you read this motion, Mr. Manson?

6 THE DEFENDANT MANSON: Certainly I've read it.

7 THE COURT: Did you read it and understand it?

8 THE DEFENDANT MANSON: These are basically my
9 thoughts. Not as many words as I know. I am not capable
10 of making a motion as good as this but basically this is my
11 thinking.

12 THE COURT: Can you actually read, Mr. Manson?

13 THE DEFENDANT MANSON: Certainly.

14 THE COURT: Can you?

15 THE DEFENDANT MANSON: Sure.

16 THE COURT: And you can actually write; is that right?

17 THE DEFENDANT MANSON: Yes. Not real good but I can.
18 You know, enough to get along.

19 THE COURT: Let's take page five.

20 Do you have a copy of the document there?

21 THE DEFENDANT MANSON: Uh-huh.

22 THE COURT: Take page five. Read me from line eight
23 through line twelve.

24 THE DEFENDANT MANSON: From line eight through line
25 twelve.

26 That I ask the Court will you require under
the consideration of fairness and equality that the Deputy

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1 District Attorneys in charge of the trial be incarcerated
2 for a period of time under the same circumstances that I
3 have been subject to prior to their entering this -- or,
4 entering the courtroom.

5 MR. STOVITZ: I have the word "conditions," your
6 Honor, on line eleven rather than "circumstances."

7 THE COURT: That is good, Mr. Manson, except for
8 that one "condition" -- that one word, "condition."

9 Are you serious in asking this Court that
10 question?

11 THE DEFENDANT MANSON: I mentioned this in order for
12 the District Attorney and the courtroom to take a look
13 through my eyes.

14 You know, like the situation that I am in,
15 being held in the County Jail, it is almost impossible for
16 me to -- to offer any sort of defense.

17 The phone calls -- I'm not privileged with
18 phone calls. I'm not privileged with anything but twenty-
19 five or thirty times taking my clothes off a day, and my
20 attention being broke about twenty or thirty times a day.

21 You know, Mr. Keene, I say this to the Court
22 in all sincerity. There is a Constitution. You know, I
23 wasn't aware of the Consitution until I was arrested this
24 time. And I look at the Constitution and I don't see the
25 Court nor the District Attorney protecting their Constitution.

26 It's not me that's on trial here as much as

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1 this Court is on trial, also. It's on trial for the
2 atmosphere that's created in a procedure stricken mechanized
3 jail that is so mired down with procedures and security
4 and -- that you can't -- you can't move around, you can't
5 move around without the subliminal effects and the under
6 effects of the dehumanizing, "Stand over there. Not there,
7 over here. Get over there and take your clothes off. Do
8 this. No, you can't do that. Yes, you can do this. No,
9 you can do this today but tomorrow we change the rule. You
10 can't do that tomorrow. You can't bring witnesses in.
11 You can't pass that out. Let me read that." And I say,
12 "I don't want you to read this." And they say, "We read
13 everything that goes in and out of here."

14 THE COURT: Mr. Manson, let's take page sixteen.
15 Read me from line three to line six.

16 THE DEFENDANT MANSON: I think it would be a good
17 experience for the District Attorney just to go in there
18 for a couple of days. He could see what pressures are
19 being administrated.

20 What line, sir?

21 THE COURT: Three to line six. That's your third
22 request.

23 THE DEFENDANT MANSON: That I respectfully request
24 that I be free to travel to any place I should deem fit
25 in preparing my defense consistent only with the minimum
26 necessary security precautions.

5
1 THE COURT: You're serious in that request, also?

2 THE DEFENDANT MANSON: Serious in the respect that if
3 we all would be -- if we would all be real with ourselves
4 and look at the publicity and look at the case and look
5 that I no longer have a defensive position, that anyone
6 that could possibly say that you could find a fair jury,
7 would be impartial himself to even make such a statement,
8 considering of the over-all picture, I think it wouldn't
9 be unfair to offer some sort of bail, to offer some sort
10 of freedom of -- For example, I have three witnesses that
11 I am afraid to call into the County Jail. If I call them
12 into the County Jail, they're on inspection. And every
13 witness that I have called in the County Jail so far
14 Mr. Stovitz has taken the liberty to question and go over
15 with the witness anything that I may have said to that
16 person.

17 These people are afraid, your Honor. They're
18 afraid. They're afraid of the case. They're afraid of the
19 situation. They're afraid of the publicity. They're
20 afraid of the name that I have. And it would take someone
21 with a very understanding of the long hairs and the
22 generation gap to get to these people and talk with them
23 and ask them to come in and offer their testimony. Now, I
24 can't send someone to do that.

25 THE COURT: All right, Mr. Manson. I am satisfied
26 in your taking this time to read to me a couple of portions

6
1 of this document that you filed that you were, in fact,
2 serious when you signed this document and sent it to the
3 Court.

4 THE DEFENDANT MANSON: May I interject one more thing,
5 your Honor?

6 THE COURT: Let me interject a few things here on
7 the record that I want to say.

8 As I indicated, Mr. Manson, when I received
9 this document I read it and I was appalled that that type
10 of a document would be filed in a case such as this and
11 making those requests, which I think to anybody were out-
12 landish.

13 Now, as a result of this, when I did read it,
14 I took the time to completely review the file in this case,
15 as I have indicated to you, from the date that I first met
16 you back in December in Department 100. And I am sure you
17 will recall the number of times, and I trust that you will
18 recall the number of times that you were in Department 100
19 before I permitted you to act as your own attorney.

20 And you were in -- to refresh your memory, as
21 a review of the file indicates to me, and I have gone over
22 it and made some notes, that you were in the court on
23 December 11th, December 17th, December 22nd.

24 In a review of the transcripts -- I have not
25 only reviewed the file, I have reviewed the transcripts of
26 what has been said by the Court, what has been said by the

7
1 various attorneys who appeared, and certainly what has been
2 said by you, and, as I say, the Court. I have read the
3 transcripts not only of what has transpired in my court
4 but also what has happened in the courts presided over by
5 Judge Dell and Judge Lucas.

6 THE DEFENDANT MANSON: Your Honor --

7 THE COURT: I want to review this with you because
8 I want you to clearly understand --

9 THE DEFENDANT MANSON: Yeah, I think I can see where
10 you're headed.

11 THE COURT: You listen to me and if we wind up in
12 the same place, fine.

13 THE DEFENDANT MANSON: Okay.

14 THE COURT: On December 22nd you indicated to me that
15 you had the funds to hire an attorney. That was on
16 December 22nd.

17 On December 24th, when I did grant you the pro
18 per privileges, this was after our many conversations about
19 the pitfalls that I felt that you were going to fall into
20 if I did permit you to go in pro per. I implored you at
21 that time not to take a step which I felt was a tragic step.
22 I went so far as appointing Mr. Joseph Ball to give you what
23 I considered to be sound advice, as I know Mr. Ball's
24 reputation, and after all that I'm sure you will recall that
25 morning you and I had further conversation and I permitted
26 you at that time to act as your own attorney.

8 1 At that time I gave you, at your request, three
2 weeks to enter your plea.

3 I gave you the transcript, at that time, of the
4 proceedings in front of the Grand Jury and then at that time
5 I then came to Department 107 and Judge Dell was my
6 successor in the master calendar court.

7 However, I have not lost contact with this case
8 because I have had some further proceedings with it.

9 Now, after I left Department 100 and now again
10 reviewing the file, I find that you filed on the 14th day of
11 January a document that is --

12 THE DEFENDANT MANSON: I apologize.

13 THE COURT: -- that is outlandish. You filed a motion
14 to associate fellow prisoners. This was ruled on by Judge
15 Dell and I'm sure that Judge Dell restrained himself at the
16 time he made his ruling in that type of a document where you
17 sought to incorporate something that you called (X) Felo DE
18 SE (X). The X's at that time were in parentheses,
19 which somehow came out as The Family of Infinite Soul, Inc.

20 At that time other documents have been filed
21 with the court prior to the time that you were in front of
22 Judge Dell, and this was the three weeks that I gave you
23 to consider the transcript and enter your plea.

24 You signed a document indicating that you
25 did not know how to type; that your grammar was limited. This
26 was in support of your seeking some type of a tape recorder.

9
1 You wanted some type of a licensed investigator paid for by
2 the County of Los Angeles after you told me that you had the
3 funds to hire your own lawyer.

4 Judge Dell ruled on these motions that you had
5 made, or someone had made on your behalf, which you signed.

6 You at that time requested an additional two
7 weeks to plead to this charge. Judge Dell granted you that
8 additional two weeks, so you had a total of five weeks to
9 study the transcript and enter your plea.

10 Now, five weeks later back on the 29th -- 28th
11 day of January, you made another appearance in Department
12 100, and as I have indicated to you, I have read your
13 performance in court at that time. I have had a chance to
14 evaluate your appearance in Judge Dell's court, your
15 appearance in Judge Lucas's court, and, of course, I know of
16 your appearances over which I have presided.

17 Now, at that time there were other documents
18 that I have reviewed here that you filed. After Judge Dell
19 had denied for you the right to associate as counsel these
20 apparent inmates in the Los Angeles County Jail, you then
21 sought to demur again to the indictment and you did so in
22 the name of (X) Felo DE SE (X) again.

23 You signed some document about the interviewing
24 of witnesses. You filed some type of a motion for pretrial
25 discovery. You filed a writ of habeas corpus in which you
26 put into that writ an aka, and that is you are also known

10
1 as Jesus Christ.

2 This was signed, along with you, by these
3 gentlemen that I assume are your fellow inmates in the Los
4 Angeles County Jail pro per module, Messrs. Nash, Moorehead,
5 Austin, Townes, Collier and Sheppard.

6 You specifically at that time asked Judge Dell
7 to give you a motion under Section 995 of the Penal Code.

8 Judge Dell, as I review the file, ruled on two
9 of your motions. He denied your demurrer. He gave you
10 certain privileges in the pro per module above and beyond
11 those which are granted to the usual prisoner.

12 He told you that your motion for a pretrial
13 discovery would have to be taken up with the trial court,
14 which is what the procedure of this court is, and he set
15 for you in Judge Lucas's court on the 6th day of February
16 a writ of habeas corpus motion to be heard there. That's
17 the one where you put your name in along with your other
18 fellow members of the corporation, Family of Infinite Soul,
19 and set the 995 hearing.

20 Now, I have reviewed the file on February 6th,
21 that's in 106. I think that was the first time that you
22 met Judge Lucas.

23 At that time you came into court without any
24 paper, you didn't have any pencils, you didn't have any books,
25 and you told Judge Dell (sic) apparently that you just
26 got out of the disciplinary tank and you and Judge Lucas

11

1 then had some proceedings which were recorded by the court
2 reporter, transcribed, and which I have read and considered.
3 I have read and considered that transcript.

4 Now, you told Judge Lucas at that time, after
5 having told Judge Dell that you wanted a motion under 995,
6 that you didn't want a motion under 995.

7 THE DEFENDANT MANSON: No, the motion for 995 was
8 suggested. I asked to demur the plea.

9 THE COURT: I won't take the time now, Mr. Manson,
10 to read to you what your words were in Judge Dell's court.

11 THE DEFENDANT MANSON: I said I want one of those, too.

12 THE COURT: Yes. All right. Now, your performance
13 in that court, after having told Judge Lucas that you never
14 asked for a 995, is, in my opinion, hopelessly inadequate
15 as far as someone who is charged with the charge that you
16 are charged with and the seriousness of this offense, and
17 yet apparently it was Daye Shinn at this point because I
18 see his letterhead, his legal letterhead throughout the
19 file, prepared for you and filed a motion to dismiss the
20 Information -- to dismiss the Indictment under 995, and that
21 is about an eight-page motion that I have also read and
22 considered.

23 You -- In just reviewing what has happened to
24 you since I granted you pro per privileges, Mr. Manson, what
25 you've turned into as far as your court appearances are
26 concerned is some type of an errand boy where you take into

12

1 the courtroom the various motions that are prepared for you
2 by people, and I don't know who has been preparing these
3 motions for you.

4 I am satisfied on the basis of what you told
5 me here, one, that you told me that you can read, that you
6 can read. I trust that your statement is correct that you
7 do understand what has been filed, although I don't under-
8 stand much of it.

9 At any rate -- and the hearing that you had
10 with Judge Lucas, your motions were denied, and then the next
11 thing that is in the file is some document for discovery
12 that was signed by you and dated February 3, and that's --
13 I don't know who prepared that for you, but that's also in
14 the file.

15 All right. The next thing that I find in the
16 file as I go through it is that I saw you on February 9th and
17 at that time you made several demands totally inconsistent.
18 I think also indicative of your ability to represent your-
19 self.

20 You came into this court and you demanded that
21 we go to trial on that date of February 9th. That's on one
22 hand.

23 On the other hand, at the same time you
24 demanded discovery, which you got. This Court gave you more
25 discovery than you asked for, consistent with all other
26 defendants in this case.

1 You asked for a change of venue. You asked for
2 associate counsel, You asked for a dismissal. You gave
3 me notice that another writ of habeas corpus would be filed
4 tomorrow and you wanted to engage me in a question and
5 answer period as to the correctness of Judge Dell entering
6 a plea of not guilty for you at the time that you would not
7 enter the plea on your own behalf when asked to do so by
8 Judge Dell.

9 We set the matter for trial at that time in
10 this court on the 30th day of this month and your objections
11 to that were noted in the record, and then we had the
12 proceedings in this court where the District Attorney stood
13 up and called upon the various people who were in the back
14 of the courtroom who were potential witnesses and asked me
15 to order that those witnesses be ordered to return to this
16 court on the 30th day of March, and I did so, and the record
17 reflects at that time your inability to understand, I think,
18 the concept that witnesses are not People's witnesses or
19 defendant's witnesses, as such, but certainly witnesses,
20 many times, are called on behalf of both sides to a lawsuit.
21 Nothing unusual in that procedure, although you certainly
22 seemed to think so by your performance in court on that date
23 in my reading of the transcript.

24 The next thing that's in the file in going
25 through it is your ineptness, again, I think clearly shown
26 of your ability to act as an attorney in attempting to order
transcripts of proceedings that have gone on in this matter.

1 Here, again, having told the Court that you, in fact, had
2 funds to hire a lawyer, although you subsequently filed
3 conflicting documents in that regard asking for a declara-
4 tion of indigency.

5 You did indeed file another petition for a
6 writ of habeas corpus on February 11th, and that's the one
7 you told me was going to be filed on February 9th when you
8 were in this court on the one hand demanding that you go to
9 trial, on the other hand demanding that you have a change of
10 venue, that you have discovery.

11 On the petition for a writ of habeas corpus
12 that I read and considered and summarily denied, you
13 indicated to the Court in your petition, which you signed,
14 that you were incapable of following the most fundamental
15 and rudimentary rules and regulations of the Sheriff's
16 Office in running the Los Angeles County Jail.

17 Things such as eating. Things such as taking
18 a shower. And then you made a suggestion to Peter Pitchess,
19 et al, and to the County of Los Angeles and the Superior
20 Court that proceedings be established in the Los Angeles
21 County Jail for an evidentiary hearing everytime any one of
22 the thousands of inmates in the Los Angeles County Jail
23 breaks a minor rule of that institution.

24 You talk in that petition for a writ of
25 habeas corpus of manful hearts which must rebel. You talked
26 about the glorious leaders of the thirteen colonies, and

1 that petition for writ of habeas corpus was denied.

2 Going through the file again you next appeared
3 in the courtroom of Department 106, Judge Lucas, on the 16th
4 of February.

5 The transcript in that procedure consists of
6 some twenty-seven pages, which I have read, and that
7 transcript reflects your performance at that time.

8 This is the hearing that I trust that you recall
9 where you asked for a public opinion poll conducted of all
10 Los Angeles County, and then you wanted one conducted of the
11 State of California at County expense.

12 Next, you had the motion for a change of venue,
13 which at this point you termed as trivial, to use your word.
14 You said in the transcript, "I trust that's the right word
15 that I want to use."

16 You -- Once again, reading the transcripts,
17 it indicates that you can go into court, you can carry a
18 document prepared for you by someone else and then when you
19 get into the courtroom you can't pursue yourself -- or,
20 can't pursue the point any further by any type of meaning-
21 ful, logical argument on that particular subject.

22 You say in these proceedings, "The document
23 will speak for itself." And you have no further comments
24 to Judge Lucas when he invited you to give him some
25 indication, offer of proof, as to what you had in mind as
26 far as the change of venue is concerned.

16
1 Next, we have motions to dismiss, motions of
2 all types that have been filed and signed by you.

3 The most encouraging thing I found in the later
4 stages of your petitions and motions is that you had dropped
5 the request that they be filed in the name of the corporate
6 family body that you and your fellow inmates attempted to
7 structure.

8 And then finally we get to this document that
9 precipitated this hearing this afternoon, this seventeen-
10 page document which you have indicated to me that you have
11 read and considered and filed with this court in all
12 seriousness.

13 Mr. Manson, when I permitted you back in --
14 THE DEFENDANT MANSON: May I respond before you go
15 any further?

16 THE COURT: I don't think there's any point at this
17 point to respond because I want to tell you what I have
18 concluded; tell you at this point what I'm basing my
19 conclusions on.

20 I want to tell you, at this point, what I
21 have concluded based upon your performance in Department 100,
22 your performance in Department 106, and your performance
23 in Department 107.

24 At the time that I permitted you to go and act
25 as your own attorney, in pro per, I felt that I had a
26 constitutional obligation.

1 THE DEFENDANT MANSON: You still do.

2 THE COURT: To permit you -- I agree. I have a
3 constitutional obligation to permit you to act as your own
4 attorney, if I am satisfied, based upon your conduct, that
5 you are capable of making an intelligent waiver of your
6 right to act as an attorney, but there's a corollary that
7 goes with that, Mr. Manson, which I've always known, and that
8 is to observe your performance prior to trial, to determine
9 by what you've attempted to do in these various courtrooms
10 to determine whether or not you are, in fact, capable of
11 making that determination that you want to waive that
12 constitutional right and act as your own attorney.

13 Now, in my review of the file and my review
14 of your conduct since I initially permitted you to do so,
15 I am satisfied that you cannot act as your own attorney.

16 I am satisfied, based upon a complete review of
17 everything that I have seen in this file, my personal
18 observations of you, my reading your performances in other
19 courtrooms, that if you went to trial in a courtroom in
20 front of a jury on charges as complex and as serious as
21 those with which you are faced, it would be a fundamental,
22 absolute denial of due process. And based upon what you
23 have done as far as your attempts to act as your own lawyer,
24 it becomes crystal clear to me and abundantly clear to me
25 that you are incapable of acting as your own attorney.

26 Now, this, incidentally, is not just my opinion.

1 I have had occasion, as I felt that I must, to discuss your
2 conduct in the courtrooms of Judge Dell and Judge Lucas,
3 two members of this court that I highly respect, and it is
4 their considered judgment that you are incapable of acting
5 as your own attorney and that your performances and your
6 conduct since the time I permitted you to do so clearly
7 indicate that to them.

8 Now, those are the only three judges in this
9 County that you have appeared in front of and we are all in
10 unanimous agreement that it would be a fundamental violation
11 of due process if I permitted you to continue acting as
12 your own attorney.

13 So in conclusion, Mr. Manson --

14 THE DEFENDANT MANSON: You're going to conclude before
15 I get to say anything?

16 THE COURT: I will permit you to be heard. Go ahead.

17 THE DEFENDANT MANSON: The things that you've said
18 are the things that you've said. I can't deny what you say,
19 and I won't try. But again I'll ask the Court if the Court
20 will look through my eyes and look through where I'm at in
21 the situation.

22 You give me three weeks. Very gracious. You
23 give me three weeks to become an attorney.

24 Now, nobody else will help me. I asked for
25 assistant counsel. It says in the Constitution of the United
26 States that I am allowed assistant counsel.

1 If your Honor -- if your Judge will remember,
2 I told you that I didn't think I was capable of being a
3 lawyer, that all I wanted to do was maintain my voice, and
4 that's all I've asked for.

5 Now, I was forced to take the position of a
6 lawyer, and which it's all right if -- rather than lose my
7 voice, I'll go pro per and I will do my best with the mumble
8 jumble of words and confusion to make sense with it. To
9 me, it doesn't make any sense.

10 What it says in the Constitution, it doesn't
11 say the same thing in the law books. What it says in one
12 precedent, it's different on the next page. You know, from
13 day to day I wonder if you people know what you're doing.

14 You cast shadows on me and you say that I'm not
15 capable of defending myself. Sir, I cast shadows on you. I
16 wonder if you're capable of knowing what it is to defend
17 yourself.

18 THE COURT: Mr. Manson --

19 THE DEFENDANT MANSON: Wait a minute, now. Wait a
20 minute.

21 THE COURT: Mr. Hanson --

22 THE DEFENDANT MANSON: I didn't interrupt you.

23 THE COURT: Mr. Manson --

24 THE DEFENDANT MANSON: Let me finish.

25 THE COURT: Mr. Manson --

26 THE DEFENDANT MANSON: I'm a man, too, Mister.

1 THE COURT: Mr. Manson --

2 THE DEFENDANT MANSON: I have a voice. Do you hear
3 it?

4 THE COURT: Mr. Manson, this is one further
5 indication of your inability --

6 THE DEFENDANT MANSON: My inability.

7 THE COURT: -- to act as your own attorney.

8 THE DEFENDANT MANSON: My inability.

9 THE COURT: Because in this courtroom this Court
10 will dictate who will speak and when they will speak, and I
11 will indicate to you at this time, Mr. Manson, that those
12 rules will be heeded and when I speak, or when a judge of
13 this court speaks, you're to remain silent and you're not
14 to tell the judge to wait for a minute. You're to listen
15 to the judge and he's to speak, and I'm not going to engage
16 with you, at this time, in any type of debating contest.

17 I've indicated to you what my observations are
18 based upon this record, and this record is clear. A
19 transcript has been made of every proceeding that has
20 occurred in your case, as far as you are concerned or any
21 of the co-defendants.

22 THE DEFENDANT MANSON: Put the ambition that's in
23 your heart on that paper, and you go wash your hands.
24 They're dirty.

25 THE COURT: Mr. Manson, your status, at this time,
26 of acting as your own attorney is now vacated.

1 One other thing I wanted to say and put in the
2 record, which I failed to do. At my request, there is a
3 document that I want ordered filed by the Sheriffs, three
4 pages, indicating what your conduct has been while you have
5 been in the Los Angeles County Jail pro per tank.

6 I think I failed to indicate that I wanted that
7 in the record, which also reflects --

8 THE DEFENDANT MANSON: Am I bound and concluded?

9 THE COURT: -- your inability to abide by the very
10 rules that we have provided or permit people to act as their
11 own attorney in the event they are capable of doing so.

12 Your status as --

13 THE DEFENDANT MANSON: This doesn't mean anything to
14 you, does it?

15 THE COURT: Your status, Mr. Manson, is now changed.

16 Your status as acting as your own attorney is
17 now vacated. You are no longer acting as your own attorney.

18 This Court will now find, based upon the
19 information contained in the file, that you are perhaps, as
20 you allege, indigent. At least I will make that finding,
21 that you do not have the funds to secure the services of
22 an attorney. And if in the event there is any change in
23 that, as far as any money expended by the County of Los
24 Angeles, insofar as your defence in paying for the attorney
25 that I am about to appoint to represent you, it will be
26 equated in the future.

1 At this time I am going to appoint an attorney
2 to represent you pursuant to Section 987a of the Penal Code.

3 THE DEFENDANT MANSON: I won't accept him.

4 THE COURT: That may or may not be the case.

5 The attorney that I am going to appoint at
6 this time is a recognized highly capable trial lawyer and
7 I am going to appoint him to represent you in this matter.
8 His name is Charles Hollopeter.

9 THE DEFENDANT MANSON: I won't accept him, your Honor. ✓

10 THE COURT: He will be your attorney of record.

11 THE DEFENDANT MANSON: Sorry.

12 THE COURT: Mr. Manson --

13 THE DEFENDANT MANSON: You can kill me but you
14 can't give me an attorney. I won't take one. ✓

15 THE COURT: He is going to be your attorney and we
16 will proceed on that basis.

17 Mr. Manson, in the event -- you better hear
18 me out --

19 THE DEFENDANT MANSON: You've thrown your own rules
20 away.

21 THE COURT: You better hear me out.

22 In the event that you select your own attorney
23 and in the event that you want to come into this court and
24 indicate to the Court that it is your personal wish that an
25 attorney of your own choosing is to be substituted in and
26 Mr. Hollopeter is to be substituted out, I'll hear that type
of motion, but that is the only type of motion I am going

1 to hear. If you want to select your attorney, you select
2 the attorney and I'll substitute Mr. Hollopeter out and
3 substitute whatever attorney you select into this case.

4 Do you understand that? Do you understand
5 that you have that right?

6 THE DEFENDANT MANSON: I understand I have a right
7 to speak in my own defense.

8 THE COURT: Do you understand what I have told you
9 about Mr. Hollopeter? He is now your attorney of record.

10 THE DEFENDANT MANSON: What you say one day you
11 don't mean tomorrow.

12 THE COURT: Do you understand, also, that you have
13 the right, if you want to choose an attorney, to come into
14 this court and make a motion to substitute that attorney,
15 or attorneys, into the case. And if I find that that is a
16 valid request and they are attorneys who can handle this
17 case, I will certainly substitute them in and Mr. Hollopeter
18 out.

19 THE DEFENDANT MANSON: Judge Keene, may I sincerely
20 say something?

21 THE COURT: I think that the hearing is now at an
22 end, Mr. Manson.

23 Mr. Hollopeter is your attorney. He will come
24 to see you in the Los Angeles County Jail.

25 THE DEFENDANT MANSON: There is no love in your
26 courtroom. ✓

24
1 THE COURT: Your status as a pro per --

2 SANDY GOOD: You are a mockery of justice.

3 THE COURT: -- is now revoked.

4 THE DEFENDANT MANSON: There is no God in this
5 courtroom.

6 CATHERINE SHARE: You are a mockery of justice.
7 You're a joke.

8 MARK ROSS: (Loud laughter.)

9 THE COURT: Would you please take those four people,
10 I want their names --

11 CATHERINE SHARE: There is no justice in the
12 courtroom.

13 THE COURT: I am going to find that these four
14 people are in direct contempt of this Court.

15 CATHERINE SHARE: You said the court was over.

16 MARK ROSS: You said the court was over, your Honor.
17 We were under the impression you dismissed us.

18 SANDY GOOD: You wouldn't let him speak anymore, so
19 we can speak.

20 THE COURT: May I have, please, your name; the first
21 young lady.

22 CATHERINE SHARE: Catherine Share.

23 THE COURT: I find that you are in direct contempt
24 of this Court by this outlandish outburst. I find you in
25 contempt of this Court --

26 CATHERINE SHARE: And everyone.

1 THE COURT: -- and I sentence you at this time to
2 five days in the Los Angeles County Jail, and I order you
3 remanded to the custody of the Sheriff forthwith.

4 Now, your name, with the beard?

5 MARK ROSS: With the beard? Mark Ross.

6 THE COURT: Mr. Ross, I find that by your outlandish
7 conduct in this court, you are in direct contempt of this
8 Court.

9 MARK ROSS: I certainly am in contempt of this Court.

10 THE COURT: I find that you are so. I order that
11 you be remanded to the Los Angeles County Jail for five
12 days for being in direct contempt of this Court, and you are
13 remanded to the custody of the Sheriff.

14 Young lady, your name?

15 SANDY GOOD: Sandy Good.

16 THE COURT: Sandy Good, I find that by your
17 outlandish conduct in this court, reported by the court
18 reporter, that you are in direct contempt of this Court.
19 And I order you remanded to the Los Angeles County Jail for
20 five days for being in contempt of this Court.

21 SANDY GOOD: All right. May I say your conduct has
22 been most outlandish.

23 THE COURT: May I have your name, please?

24 CATHY GILLIS: Cathy Gillis.

25 THE COURT: Did you say something? I'm not sure
26 whether you did or did not. If you did say something, I will

26
1 give you the opportunity now to repeat it.

2 Did you say anything? I heard the other three
3 but I didn't hear you. Did you say anything to this Court?

4 If you want to say -- Tell me at this point
5 what you have to say. Go ahead and say it.

6 CATHY GILLIS: I have nothing to say to you.

7 THE COURT: All right. In your case I'm not so sure
8 whether you did say anything, you merely stood up with the
9 other three. So in your case at this point I will not
10 find that you are in contempt of this Court. I will excuse
11 you at this time from the courtroom.

12 In the event that you come back into this
13 courtroom, your conduct as a lady will be expected and you
14 will not, at any time, interrupt the proceedings of this
15 Court.

16 You are now excused.

17 CATHY GILLIS: Thank you.

18 THE COURT: And I suggest that you walk out of the
19 courtroom at this time and not make any further statement.

20 You're now excused. Miss Gillis, would you
21 please leave the courtroom silently.

22 Court's in recess.

23 (Whereupon, the proceedings were continued.)
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25
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1 LOS ANGELES, CALIFORNIA, TUESDAY, MARCH 10, 1970

2 DEPARTMENT NO. 106

HON. MALCOLM M. LUCAS, JUDGE

3 0

4 THE COURT: I'll call the matter of Linda Kasabian
5 first.

6 Let the record show that she is not present.

7 MR. FLEISCHMAN: That is correct, your Honor.

8 As your Honor is aware, Mrs. Kasabian is in
9 the hospital, and we would like to ask that the motion go
10 over for two weeks.

11 THE COURT: Mr. Stovitz, is that agreeable with you?

12 MR. STOVITZ: Does your Honor have any indication
13 from Mr. Fitzgerald as to when he is going to schedule his
14 motion?

15 THE COURT: I have received no notification from
16 Mr. Fitzgerald.

17 MR. STOVITZ: I was talking to him and he said that
18 he would wish at least two weeks.

19 THE COURT: Do you have any objection to this motion
20 going over two weeks?

21 MR. STOVITZ: No, not at all.

22 THE COURT: You say that the defendant is in the
23 hospital?

24 MR. FLEISCHMAN: Yes, your Honor, we requested that
25 she be examined by the jail physician and he has taken
26 her to the hospital. That is the reason she is unable to

1 be here today.

2 THE COURT: Very well, we'll continue this matter
3 over then until March the 24th at 9:00 A. M. in this
4 Department.

5 A bench warrant will be issued and held for
6 Linda Kasabian to insure jurisdiction until that date.

7 MR. FLEISCHMAN: At 9:00 A. M. in this Department?

8 THE COURT: Yes, March 24th at 9:00 A. M. in this
9 Department.

10 MR. FLEISCHMAN: Thank you, your Honor.

11 THE COURT: You are welcome.

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1 LOS ANGELES, CALIFORNIA, WEDNESDAY, MARCH 11, 1970, 2:15 P.M. ✓

2 -oOo-

3 (The following proceedings were had in chambers:)

4 THE COURT: I want to put something on the record
5 at this time.

6 I want the record first to reflect that we
7 are in chambers at this time and that the parties that
8 are here present are at least some of the lawyers at this
9 point that are attorneys of record in the case that I have
10 asked you to come down here on for the purpose of a hearing
11 on a substitution of attorneys that has been filed in this
12 case.

13 I will have the record reflect that we have
14 here from the Office of the District Attorney Messrs.
15 Stovitz and Bugliosi.

16 We have here on behalf of Susan Atkins at this
17 time Richard Caballero and Daye Shinn who is asking this
18 Court to be substituted in as attorney of record. ✓

19 We have Mr. Paul Fitzgerald here who is
20 representing defendant Krenwinkel.

21 MR. FITZGERALD: That is correct.

22 THE COURT: And we have Mr. Charles Hollopeter here
23 who at this point is representing Mr. Manson.

24 As I understand the motion this afternoon, it
25 is a motion, insofar as Daye Shinn is concerned, to be
26 substituted in place and stead of Mr. Caballero as the ✓

2
1 attorney of record for Susan Atkins, and I am going to have
2 a hearing shortly hereafter out in the courtroom for the
3 purpose of ascertaining whether or not there is any
4 possibility of a conflict of interest occurring, Mr. Shinn,
5 in substituting you in as the attorney of record in light
6 of the fact that I know you have represented Mr. Manson in
7 certain phases of his case when he was acting as his own
8 attorney, and I note from the record and a review of the
9 record that you have, in fact, filed various documents
10 on your legal stationery in his behalf.

11 You also indicated to me at the time that you
12 and Mr. Caballero and the representative of the District
13 Attorney's Office came into court to file a written
14 substitution of attorneys that you had on at least one prior
15 occasion had a conversation with defendant Krenwinkel, and
16 it is for that purpose that I asked her to be personally
17 present so that she can be advised as to any possibility of
18 a conflict of interest and can personally waive it if that
19 is her frame of mind.

20 Now, in that regard, Mr. Hollopeter, what is
21 the position of Mr. Manson? Is there going to be any
22 objection to Mr. Shinn being substituted in?

23 MR. HOLLOPETER: I don't think so, your Honor.

24 THE COURT: What about the position insofar as
25 defendant Krenwinkel is concerned?

26 MR. FITZGERALD: There is no objection.

3

1 THE COURT: All right. Now, the other thing that I
2 want to discuss with you gentlemen, and I think it need be
3 said at this point, I have been concerned recently with the
4 public statements that are being -- that have been made by
5 counsel in this matter to the press and to television, and
6 my purpose here at this point is to indicate that from here
7 on out I am going to give fair warning to all counsel in this
8 case that any further deviations from this Order Re Publicity
9 will be watched by this Court, and if I feel that there are
10 any violations of this Order Re Publicity I will take the
11 appropriate action that I think is necessary at this point
12 to guarantee a fair and impartial trial for both sides of
13 this case. That is, the side of the People and the side of
14 the defendant -- defendants, plural.

15 I obviously am in no position to monitor every
16 television show that occurs. I am in no position to read
17 all statements that may be made to the press. But I have a
18 feeling at this time that this order that you have each had
19 in this case is not being strictly adhered to and that there
20 are -- or at least there tends to be at this point certain
21 violations of this order. And my purpose at this point, to
22 make it crystal clear, is I am going to read this Order Re
23 Publicity to you and I want you gentlemen to listen to it and
24 I am going to attempt, at this point, to underline certain
25 phrases that I think that you as officers of this court and
26 attorneys of record in this matter must, of necessity, heed.

4
1 Reading from the Order -- and so that there will
2 be no question, each and every one here has heard this order
3 because I am going to personally read it to you, and from
4 here on out this order is going to be adhered to strictly
5 by every attorney permitted to come into this case, or who is
6 in at the present time.

7 The Order reads:

8 "It is apparent, and this Court is going to
9 take judicial notice of the fact, that this case
10 has received extensive news media coverage as a
11 direct result of its apparent public interest;
12 further, it is equally apparent to this Court by
13 reading various newspapers and weekly periodicals
14 that this news media coverage is not limited to the
15 County of Los Angeles, but has been extensive not
16 only in the entire State of California but in the
17 Nation as well, and of this fact the Court now takes
18 judicial notice. This Court is of the firm
19 conviction that the impossible task of attempting to
20 choose between the constitutional guarantees of a
21 free press and fair trial need not be made, but that
22 they are compatible with some reasonable
23 restrictions imposed upon pretrial publicity. It
24 further appears to the Court that the dissemination
25 by any means of public communication of any out-of-
26 court statements relating to this case may interfere

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1 "with the constitutional right of the defendants to
2 a fair trial and disrupt the proper administration
3 of justice. Some of the defendants now being for
4 the first time before this Court, this Court now
5 exercises its jurisdiction and assumes its duty to
6 do everything within its constitutional powers to
7 make certain that each defendant does receive a
8 fair trial, and now issues the following orders, a
9 violation of which will be considered as a contempt
10 of this Court and will result in appropriate action
11 to punish for such contempt.

12 "It is the order of the Court that no party to
13 this action, nor any attorney connected with this
14 case as defense counsel or as prosecutor, nor any
15 other attorney associated with this case, nor any
16 judicial attache or employee, nor any public official
17 now holding office, including but not limited to any
18 chief of police or any sheriff, who has obtained
19 information related to this action, which information
20 has not previously been disseminated to the public,
21 nor any agent, deputy or employee of any such
22 persons, nor any grand juror, nor any witness having
23 appeared before the Grand Jury in this matter, nor
24 any person subpoenaed to testify at the trial of
25 this matter, shall release or authorize the release
26 for public dissemination of any purported

extrajudicial statement of the defendants relating to this case, nor shall any such persons release or authorize the release of any documents, exhibits, or any evidence, the admissibility of which may have to be determined by the Court, nor shall any such person make any statement for public dissemination as to the existence or possible existence of any document, exhibit, or any other evidence, the admissibility of which may have to be determined by the Court. Nor shall any such persons express outside of court an opinion or make any comment for public dissemination as to the weight, value or effect of any evidence as tending to establish guilt or innocence. Nor shall any such person make any statement outside of court for public dissemination as to the weight, value or effect of any testimony that has been given. Nor shall any such persons issue any statement for public dissemination as to the identify of any prospective witness, or his probable testimony, or the effect thereof. Nor shall any such person make any out-of-court statement for public dissemination as to the weight, value, source or effect of any purported evidence alleged to have been accumulated as a result of the investigation of this matter. Nor shall any such person make any statement for public dissemination

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1 "as to the content, nature, substance, or effect of
2 any testimony which may be given in any proceeding
3 related to this matter, except that a witness may
4 discuss any matter with any attorney of record or
5 agent thereof.

6 "This order does not include any of the
7 following:

8 "1. Factual statements of the accused person's
9 name, age, residence, occupation and family status.

10 "2. The circumstances of the arrest, namely,
11 the time and place of the arrest, the identity of
12 the arresting and investigating officers and
13 agencies, and the length of the investigation.

14 "3. The nature, substance, and the text of the
15 charge, including a brief description of the offenses
16 charged.

17 "4. Quotations from, or any reference without
18 comment, to, public records of the Court in the case,
19 or to other public records or communications
20 heretofore disseminated to the public.

21 "5. The scheduling and result of any stage of
22 the judicial proceeding held in open court in an
23 open or public session.

24 "6. A request for assistance in obtaining
25 evidence.

26 "7. Any information as to any person not in.

8
1 "custody who is sought as a possible suspect or
2 witness, nor any statement aimed at warning the
3 public of any possible danger as to such person
4 not in custody.

5 "8. A request for assistance in the obtaining
6 of evidence or the names of possible witnesses.

7 "Further, this order is not intended to
8 preclude any witness from discussing any matter in
9 connection with the case with any of the attorneys
10 representing the defendant or the People, or any
11 representative of such attorneys.

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

24 "It is further ordered that a copy of this
25 order be attached to any subpoena served on any
26 witness in this matter, and that the return of

9 1 "service of the subpoena shall also include the
2 fact of service of a copy of this order.

3 "This order shall be in force until this
4 matter has been disposed of or until further order
5 of Court."

6 Now, I want you gentlemen, all of you gentlemen,
7 I will have Mr. Reiner in, he is the only other attorney of
8 record, along with Mr. Fleischman, have them come into court
9 so that we can again for the record read it to them, from
10 here on out I will expect each and every attorney involved
11 in this case to heed this order strictly.

12 MR. HOLLOPETER: Your Honor, may the clerk furnish
13 us with a copy?

14 THE COURT: Yes, Mr. Hollopeter. I believe you are
15 the only one who has not had an Order served upon you and I
16 will order that a copy of that Order be given to you.

17 MR. SHINN: I don't have a copy.

18 THE COURT: Mr. Shinn, you are not, at this point,
19 attorney of record.

20 I'm sure having been in this court on numerous
21 proceedings on behalf of your client in this case that you
22 were aware, were you not, of the Order?

23 MR. SHINN: To a certain extent.

24 MR. STOVITZ: Your Honor, there is an order re
25 publicity for witnesses, which is a two-page document, which
26 I believe is in the file, and if need be, we can make copies

1 of this two-page order to be served upon the witnesses. I
2 believe it would be much better to serve the witnesses with
3 that rather than with the four-page document.

4 THE COURT: Yes. That is the order of the Court
5 insofar as service of a copy of this order on each witness
6 who is going to be served in this matter.

7 As I have indicated, gentlemen, this is a fair
8 warning. I am talking now to the prosecutors and I am
9 talking now to each defense counsel.

10 All right. Now, the second thing that concerns
11 me is evidence here, some rumors, which have just come to
12 my attention that the transcript of the Grand Jury proceedings
13 in this matter is being disseminated and has, in fact, been
14 sold to one national publication, and I would respectfully
15 point out that this court order which has been in effect
16 since this case first came into the jurisdiction of the
17 Superior Court is still in effect. That that transcript of
18 the Grand Jury proceedings in this matter is not, at this
19 point, public and is not to be disseminated to anyone by
20 any officer, agent, or otherwise of this court.

21 Mr. Shinn, I have heard rumors that you have
22 had a copy of the transcript of the Grand Jury proceedings
23 in your possession.

24 Are those rumors true?

25 MR. SHINN: Yes, I have a copy.

26 THE COURT: Have you at any time, Mr. Shinn, you

11

1 yourself or any agent on your behalf attempted to sell the
2 transcript of the Grand Jury proceedings in this case?

3 MR. SHINN: Not that I know of, your Honor.

4 THE COURT: Well, it's not a question of whether or
5 not you know. Have you personally done so?

6 MR. SHINN: No.

7 THE COURT: Have you sold a copy of the transcript
8 of this proceeding to anyone?

9 MR. SHINN: No, your Honor.

10 THE COURT: To your knowledge, has a copy of the
11 transcript of the Grand Jury proceedings in this matter been
12 sold to anyone?

13 MR. SHINN: Not to my knowledge, no.

14 THE COURT: And do you know of any agent, any person,
15 who has been authorized or who had had a copy of the Grand
16 Jury proceedings who has sold it or attempted to sell it?

17 MR. SHINN: Not that I know of, your Honor.

18 THE COURT: Well, do you have any information that
19 you can give to this Court at this time so that I can learn
20 whether or not, in fact, that has occurred?

21 MR. SHINN: Well, the only information I can give
22 to the Court at this present time when I was walking into
23 jail one day a woman stopped me and said, "Are you Mr.
24 Shinn?" I said, "Yes." She said, "I have a copy of the
25 Grand Jury transcript that I'm supposed to deliver to you,"
26 because she was going into jail for forty-five days and --

12

1 THE COURT: Going into jail for what?

2 MR. SHINN: She was going to go in for something,
3 I don't know. She stated she was doing her time and she
4 said, "I was supposed to deliver this transcript to you."
5 That was not my copy. I've got my copy.

6 THE COURT: Where did you get a copy of the trans-
7 cript of the Grand Jury proceedings?

8 MR. SHINN: From Charlie. ✓

9 THE COURT: By "Charlie," you mean Mr. Manson?

10 MR. SHINN: Mr. Manson.

11 THE COURT: He gave you a copy of the transcript?

12 MR. SHINN: Yes.

13 THE COURT: You have maintained that transcript in
14 your possession?

15 MR. SHINN: Yes. I've got it in my office.

16 THE COURT: You have not disseminated any copies or
17 furnished any copies of the Grand Jury proceedings to
18 anyone; is that correct?

19 MR. SHINN: No. Ira Reiner has a copy.

20 THE COURT: He has a copy of the transcript?

21 MR. SHINN: Yes.

22 THE COURT: What other copies have you disseminated
23 to anyone?

24 MR. SHINN: That is the only one.

25 THE COURT: Have you attempted to disseminate any
26 copies to anyone?

1 MR. SHINN: No.

2 THE COURT: Does any other counsel here in chambers
3 at this time have any information to give to this Court as
4 to whether or not a copy of this Grand Jury proceeding has
5 been sold or furnished or disseminated to any publication
6 which is going to publish this transcript?

7 Mr. Caballero?

8 MR. CABALLERO: No, your Honor. This is the first
9 My transcript has been lying in a
10 I went out to bring it here
11 says, and just
12 to Mr. Shinn.
13 Peter, do you have any

MR. FIDELITY: None at all.

THE COURT: And, Mr. Fitzgerald, do you have any
information?

MR. FITZGERALD: No, I do not.

THE COURT: I'm concerned because if these rumors
20 are true that the transcript is to be published in a
21 national publication I am concerned with whether or not
22 that would affect the trial, and I am asking each
23 here as an officer of the court to give me
24 information you have as to whether
25 so so that the Court can at
26 join the publication

14 1 which would be in direct violation of this order that I
2 have previously issued and dated December 10, 1969.

3 MR. STOVITZ: I had heard a rumor to this effect
4 approximately a week ago from Mr. Compton of our office.
5 At that time I instituted somewhat of an investigation
6 myself.

7 We did receive the original transcript. We
8 made three copies. One copy was delivered over to Captain
9 Hugh Brown of the Los Angeles Police Department so that he
10 could familiarize himself with the contents of the transcript
11 and use it for the interviewing of witnesses.

12 Another copy has been used to give to Judge
13 Lucas so that he could use it for the 995 motion, and the
14 third copy is in our office.

15 Now, Mr. Leon Salter of the Public Defender's
16 Office was furnished a copy of the Grand Jury transcript.
17 I believe he was furnished it by virtue of a court order
18 for discovery in the Beausoleil case.

19 THE COURT: Mr. Salter has been authorized by this
20 Court to keep in his personal possession and to read a
21 copy of the transcript of the Grand Jury proceedings for
22 the purpose of learning whether or not there is any
23 information contained therein that would be of assistance
24 to him in the defense of defendant Beausoleil.

25 MR. STOVITZ: As far as my own self is concerned,
26 I have not sold nor attempted to sell nor in any way

15 1 contracted to sell a copy of the Grand Jury transcript to
2 anyone.

3 THE COURT: Mr. Caballero, what is the situation
4 insofar as yourself is concerned as far as the transcript
5 of the Grand Jury proceedings which was furnished to you?

6 MR. CABALLERO: I believe I stated my position,
7 your Honor. Would you like me to restate it?

8 THE COURT: Please.

9 MR. CABALLERO: I stated -- You asked if anybody
10 had heard about this and I said this is the first I had
11 heard about it, just now. My transcript has been kept in
12 the file in my office all this time until yesterday when I
13 removed it for the purpose of bringing it here because I
14 thought there would be a substitution of attorneys and I
15 wanted to give this to Mr. Shinn, so I left it in the brief-
16 case and brought it here today and gave it to Mr. Shinn.
17 That is the extent of it. I have no knowledge that this
18 was ever even done.

19 THE COURT: Mr. Hollopeter, I take it you have
20 received a copy of the transcript of the Grand Jury
21 proceedings?

22 MR. HOLLOPETER: Yes, I've got the copy that I have,
23 which is now in my office. I obtained it from the jailor.
24 It had been taken from Mr. Manson when Mr. Manson lost his
25 pro per privileges. It was placed in property and on the
26 first occasion I saw Mr. Manson I was given the transcript,

16
1 two volumes.

2 THE COURT: Thank you.

3 MR. BUGLIOSI: I have the D.A.'s copy, the original,
4 and it has been under lock and key ever since I received a
5 copy.

6 THE COURT: Do you have any information to give to
7 the Court at this time about knowledge that a copy of the
8 transcript of the Grand Jury proceedings has been sold to
9 a national magazine?

10 MR. BUGLIOSI: No, your Honor.

11 THE COURT: Mr. Fitzgerald, what is the situation
12 as far as you are concerned?

13 MR. FITZGERALD: I also have no knowledge whatsoever.
14 I have been contacted by no one and authorized no one. I
15 have no information about any dissemination of the material
16 contained in the transcript.

17 THE COURT: And I take it that you were given a
18 copy by Judge Dell?

19 MR. FITZGERALD: A copy, indeed.

20 THE COURT: And, Mr. Shinn, do you have any further
21 information to give to the Court in regard to the
22 information that I have --

23 MR. SHINN: I have nothing further.

24 THE COURT: You are satisfied, then, that you have
25 no further information in any way, shape or form to give
26 to this Court as far as the dissemination of a copy of the

17
1 transcript of the Grand Jury proceedings is concerned?

2 MR. SHINN: That's right, your Honor.

3 MR. FITZGERALD: I might inquire, this is the
4 first time I had heard this rumor, I wonder if your Honor
5 would care to divulge the publication that reputedly --

6 THE COURT: Other than saying it is a national
7 publication at this time, no. I am going to pursue the
8 matter further insofar as attempting to ferret out further
9 information and see if this Court can take the necessary
10 action if this rumor is true to enjoin the publication from
11 publishing the transcript of the Grand Jury proceedings.

12 MR. FITZGERALD: I might suggest that if that is
13 the case, your Honor, and you have a genuine suspicion that
14 this is happening, perhaps agents from the publication
15 ought to be brought to court and your Honor ought to inquire
16 of them as to the source or the lead.

17 THE COURT: I intend to make whatever inquiry I can
18 to determine whether or not there is any turth or fact in
19 this rumor because at this point the order is still in
20 effect, and insofar as defendant Watson is concerned, he
21 has not gone before this Court, the transcript at this point
22 is still sealed by this Court.

23 That is the only purpose that I wanted to hold
24 this meeting with you gentlemen this afternoon.

25 I have indicated that I will have the other
26 defendants involved in this matter come into chambers and I

18 1 will read to them the order once again.

2 I am asking each and every lawyer who is in
3 this case now to read the order and to adhere to the order
4 and any statements that you make in front of any TV camera
5 you are to bear this order in mind, and if it comes to my
6 attention that anyone has violated this order, as I have
7 indicated, the appropriate action will be taken by this
8 Court.

9 All right. Let's go out and order the
10 substitution. Thank you gentlemen.

11 (Whereupon, proceedings in chambers were
12 concluded.)
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1 LOS ANGELES, CALIFORNIA; WEDNESDAY, MARCH 11, 1970 2:43 P.M.

2 -oOo-

3 (Upon the above date, the defendant
4 Manson appearing in court with his counsel,
5 Charles Hollopeter, the defendant Krenwinkel
6 appearing in court with her counsel, Paul
7 Fitzgerald, the defendant Atkins appearing
8 in court with counsel Richard Caballero and
9 Daye Shinn, the People being represented by
10 Aaron Stovitz and Vincent Bugliosi, Deputy
11 District Attorneys of Los Angeles County,
12 the following proceedings were had in Department
13 107 before the Honorable William B. Keene,
14 Judge Presiding:)

15
16 THE COURT: All right. In this case of People versus
17 Manson, et al, I'll have the record reflect the appearance
18 in court of the defendant Manson, represented by Charles
19 Hollopeter, defendant Susan Atkins, represented by Richard
20 Caballero.

21 Is your name Patricia Krenwinkel?

22 THE DEFENDANT KRENWINKEL: Yes.

23 THE COURT: I'll have your appearance noted here in
24 court represented by deputy public defender Mr. Paul
25 Fitzgerald, the presence of Mr. Bugliosi and Mr. Stovitz
26 from the District Attorney's Office.

1 In this matter the matter has been calendared
2 in this court this afternoon for a motion which was filed
3 in writing by defendant Atkins, and, Mr. Caballero, would
4 you make the motion at this time.

5 MR. CABALLERO: Yes, your Honor.

6 In this case I have filed with the Court a
7 formal motion signed by myself and my client and Mr. Daye
8 Shinn for substitution of attorneys, relieving me as attorney
9 of record for Miss Atkins and substituting in attorney Mr.
10 Shinn.

11 I have no objection; my client has no
12 objection. I understand that Mr. Shinn is willing to
13 accept the assignment as the attorney, your Honor, and I
14 would at this time ask to be relieved as counsel of
15 record for defendant Susan Atkins.

16 THE COURT: Mr. Shinn, it is my understanding,
17 based upon the documents filed in this court and the
18 statements made to the Court by Mr. Caballero, that you
19 desire to be substituted in as attorney of record for Susan
20 Atkins; is that correct?

21 MR. SHINN: That is correct, your Honor.

22 THE COURT: And, Miss Atkins, is this your personal
23 desire?

24 THE DEFENDANT ATKINS: Yes, it is.

25 THE COURT: Do you want Mr. Caballero to substitute
26 out as your attorney of record and you want Mr. Shinn to

1 substitute in as your attorney of record?

2 THE DEFENDANT ATKINS: Yes, I do.

3 THE COURT: Mr. Shinn, would you please state to
4 the Court, before I make a ruling at this time, as to the
5 nature and extent of your contact with any other defendants
6 in this case before I order the substitution?

7 MR. SHINN: Yes, your Honor.

8 As to Patricia Krenwinkel, I believe I visited
9 her about once or twice, your Honor, and all during this
10 conversation, I believe it was about a half an hour, nothing
11 was discussed pertaining to the case or whether or not I
12 should represent her.

13 And I did visit Mr. Manson for about three
14 months, and these visits lasted for about an hour, an
15 hour and a half. And I did discuss various motions with Mr.
16 Manson, and the Court is well aware of the fact that I did
17 file some of the motions in his behalf, and that's the
18 extent of my visits with Mr. Manson.

19 THE COURT: As an officer of this court, Mr. Shinn,
20 do you feel that there is any possibility, remote as it may
21 be, by your conduct within this case and your conduct --
22 your contact with defendant Charles Manson and Patricia
23 Krenwinkel, that there would be any conflict of interest in
24 this matter as a result of that or those associations?

25 MR. SHINN: Absolutely not, your Honor.

26 THE COURT: Mr. Hollopeter, is this substitution of

1 attorneys agreeable with you on behalf of defendant Manson?

2 MR. HOLLOPETER: Yes, your Honor, it's satisfactory.

3 THE COURT: Mr. Fitzgerald, do you have any objection
4 or any comments that you want to make to the Court in
5 reference to this possible conflict of interest?

6 MR. FITZGERALD: I have no objection but I do have
7 a comment.

8 On March the 6th of this year I caused to be
9 executed a letter directed to Peter J. Pitchess, the Sheriff
10 of Los Angeles County, to the attention of Captain Carpenter,
11 who is the commander of the Sybil Brand Institute at the
12 Los Angeles County Jail for Women.

13 Paragraph two of that letter is as follows:

14 "On March 4, 1970, Miss Krenwinkel was
15 served at the Los Angeles County Jail with a
16 Summons and Complaint for Wrongful Death,
17 filed in the Superior Court of the State of
18 California, under Civil No. 969326."

19 This is a wrongful death action allegedly
20 arising -- well, it is an action that has been filed by
21 attorneys purporting to represent the estate of Leno
22 LaBianca.

23 "Miss Krenwinkel is presently without
24 counsel in this civil case, and in connection
25 therewith desires to speak with attorney Daye
26 Shinn."

1 I personally saw that that letter was delivered
2 to Captain Carpenter. I also had a discussion with Mr.
3 Shinn in regard to the nature of the conversation he was
4 going to hold with my client.

5 Mr. Shinn informed me, and my client later
6 informed me, that that interview consi -- that short
7 interview consisted solely of aspects of representation in
8 the civil matter.

9 We have no objection to Mr. Shinn substituting
10 in as attorney of record for Susan Atkins, at this time.

11 THE COURT: And you can see no conflict of interest
12 that could arise as far as Mr. Shinn coming in as attorney
13 of record for Susan Atkins in light of the civil action you
14 have now advised the Court of?

15 MR. FITZGERALD: That is correct.

16 THE COURT: What is your status, Mr. Shinn, insofar
17 as any civil actions that may have been filed in any cases
18 involving the defendants who are named in this criminal case?

19 MR. SHINN: Well, your Honor, I am representing the
20 Family Jams, Incorporated.

21 THE COURT: You're representing what?

22 MR. SHINN: Family Jams.

23 THE COURT: What is the Family Jams?

24 MR. SHINN: It's a corporation set up to sell music
25 and records and all of that.

26 THE COURT: What other representations have you

1 made or do you intend to make insofar as any civil action
2 is concerned?

3 MR. SHINN: That is the only one and I told Miss
4 Krenwinkel that I may answer in her behalf because I
5 answered the complaint for the Family Jams, Incorporated,
6 which is the same complaint.

7 THE COURT: And you can conceive of no possible
8 conflict of interest; is that correct?

9 MR. SHINN: Yes, your Honor.

10 THE COURT: Mr. Manson, Miss Atkins and Miss
11 Krenwinkel, I want you to clearly understand what this
12 procedure is this afternoon, to determine whether or not you
13 personally agree to Mr. Shinn coming in as the attorney of
14 record in this case on behalf of defendant Atkins.

15 Miss Atkins, as you have learned here in court
16 today, if you did not already know so, Mr. Shinn, in this case,
17 has had extensive conduct -- excuse me, extensive contact
18 with defendant Manson.

19 He has interviewed him and apparently discussed
20 at length certain aspects of this case with him, as well as
21 the aspects of a civil action that apparently is on file
22 in Los Angeles County.

23 Now, this Court can conceive of many, many
24 ~~possible conflicts of interest that could arise to your~~
25 detriment by permitting Mr. Shinn to substitute into this
26 case as your attorney of record.

1 There is the -- I just couldn't begin to relate
2 for you the number of possible conflicts of interest which
3 could develop in this case because I do not, at this point,
4 want to go into any of the facts of this case.

5 Apparently you have been advised by your
6 attorney, Mr. Caballero, and by Mr. Shinn, that there would
7 be no conflict of interest and you are willing to waive any
8 possible conflict of interest in this matter --

9 MR. CABALLERO: May I interrupt the Court, your
10 Honor?

11 THE COURT: -- and agree, insofar as this Court
12 permitting Mr. Shinn to come in as your attorney of record?

13 Before you answer that, yes, Mr. Caballero?

14 MR. CABALLERO: I have not advised my client that
15 there would be no conflict. I have not gone into that with
16 her. I have asked her to examine that carefully. My advice
17 has not been that there would be no conflict of interest.
18 The Court's comment should not be she has been advised by
19 myself. Maybe by Mr. Shinn, but not by myself.

20 THE COURT: Then Mr. Shinn has advised you as to
21 that possibility, has he, Miss Atkins?

22 THE DEFENDANT ATKINS: Yes, he has.

23 THE COURT: I didn't hear you.

24 THE DEFENDANT ATKINS: Yes, he has.

25 THE COURT: Now, for example, the Supreme Court of
26 this State has raised some serious questions as to the

1 possible conflict of interest that could arise in a
2 situation such as this.

3 Statements may well have been made to Mr. Shinn
4 by one of the other defendants in this case in the course of
5 his discussions with either Mr. Manson or Miss Krenwinkel,
6 which could possibly affect his representation of you
7 in this case. This is just one possibility that I can con-
8 ceive of.

9 There is the other possibility of trial
10 strategy that may, at this point, have been agreed upon by
11 Mr. Shinn and other attorneys who are now attorneys of
12 record in this case.

13 There may be a change of attorneys of record in
14 this case in the future that could pose many problems, it
15 could pose many conflicts. These are just two that I can
16 point out to you.

17 THE DEFENDANT MANSON: How come you're against me?

18 THE COURT: Wait a minute, Mr. Manson.

19 In this case, Miss Atkins, I am pointing out
20 these possibilities to you.

21 Will you waive any possible conflict of interest
22 that may result in this matter and agree that Mr. Shinn can
23 be your attorney of record?

24 THE DEFENDANT ATKINS: Yes.

25 THE COURT: All right, Mr. Manson, the same applies
26 to you. I want --

1 THE DEFENDANT MANSON: I think we're all going to
2 need as much help as we can get.

3 THE COURT: Mr. Manson, let me explain to you that
4 the same situation is apparent to the Court in Mr. Shinn
5 coming in now at this point and representing one of the
6 other defendants in this matter, as you have heard, and I
7 am -- need not relate to you the number of times because you
8 know the number of times that Mr. Shinn has discussed the
9 aspects of this case with you.

10 THE DEFENDANT MANSON: Mr. Shinn is very clever. I
11 like him.

12 THE COURT: I didn't hear you.

13 THE DEFENDANT MANSON: I like Mr. Shinn.

14 There isn't anyone here I dislike.

15 THE COURT: What I am pointing out to you, Mr.
16 Manson, is that the same possible conflict of interest which
17 could be to your detriment could well arise in this case
18 by my permitting the substitution of attorneys with Mr. Shinn
19 coming into this case, insofar as his representation of
20 defendant Atkins, and I want you to understand that there--

21 THE DEFENDANT MANSON: You're making him very
22 uncomfortable. Could he go sit down?

23 THE COURT: -- there is that possibility.

24 Do you personally waive any conflict of interest
25 that may develop in this case and do you personally consent
26 to my permitting Mr. Shinn to come in as attorney of record

1 for Miss Atkins?

2 THE DEFENDANT MANSON: Well, are you going to shoot
3 me?

4 THE COURT: I beg your pardon?

5 THE DEFENDANT MANSON: Are you going to shoot me?

6 THE COURT: No, I am not going to shoot you, Mr.
7 Manson, but I'd like an aswer to the question, please.

8 THE DEFENDANT MANSON: What was the question?

9 THE COURT: The question was will you personally
10 waive any possible conflict of interest that may develop in
11 this case by permitting Mr. Shinn, after his contact with
12 you, his discussions with you --

13 THE DEFENDANT MANSON: God bless me.

14 THE COURT: -- in permitting him to represent Miss
15 Atkins --

16 THE DEFENDANT MANSON: I hope he's not mad at me.

17 THE COURT: I beg your pardon?

18 THE DEFENDANT MANSON: I hope he's not mad at me.
19 I'm not mad at him. He should be mad at me, if anybody's
20 mad, with what I've done to him.

21 THE COURT: Mr. Manson, it's a simple process that
22 we're going through at this time.

23 I want you to understand that when you talk to
24 one lawyer, as apparently you have to Mr. Shinn, as
25 extensively as it may or may not have been, that you certainly
26 have told him something which may result in a detriment to
you if he comes in and represents defendant Atkins at this

1 point.

2 Now, will you waive that conflict of interest
3 and will you personally agree that he may come in as attorney
4 of record for defendant Atkins?

5 THE DEFENDANT MANSON: Certainly.

6 THE COURT: And you will waive any possible conflict of
7 interest, Mr. Manson?

8 THE DEFENDANT MANSON: I couldn't think of any, unless
9 it might be on his part. I hope it isn't.

10 THE COURT: He has indicated to this Court that there
11 is no conflict of interest, in his opinion.

12 I have suggested to you, I have suggested to
13 Miss Atkins, I can conceive of many, many possible conflicts
14 of interest.

15 The obvious one is whatever you may have said
16 to Mr. Shinn in the course of his filing in this court many
17 documents on your behalf, that if he now represents another
18 defendant in this case it could be detrimental to you. That
19 is one possibility. I can't go into the others because I
20 don't know that much about this case. I'm only asking
21 whether or not you will waive any possible conflict of
22 interest and permit the Court to allow Mr. Shinn to come in
23 as attorney of record.

24 THE DEFENDANT MANSON: Certainly.

25 THE COURT: Your answer is that you will waive any
26 possible conflict of interest?

1 THE DEFENDANT MANSON: Certainly.

2 THE COURT: It is agreeable with you that Mr. Shinn,
3 although he has talked to you extensively, will now
4 represent a co-defendant; is that correct?

5 THE DEFENDANT MANSON: I don't dislike him, either.
6 In fact, I think he's very nice.

7 THE COURT: Mr. Manson, your answer to my question
8 I'd like clearly on the record.

9 I pointed out to you there's a possibility of
10 a conflict of interest in Mr. Shinn coming into the case
11 representing Miss Atkins.

12 THE DEFENDANT MANSON: In height maybe you're taller.

13 THE COURT: Beg your pardon?

14 THE DEFENDANT MANSON: In height, taller.

15 THE COURT: That I am taller than you are?

16 THE DEFENDANT MANSON: In height maybe a little taller
17 than I am. That's all right with me.

18 THE COURT: That's not really relevant, Mr. Manson,
19 to the question that I have now put.

20 Will you waive any possible conflict of interest
21 by virtue of Mr. Shinn coming in and representing Miss
22 Atkins?

23 THE DEFENDANT MANSON: Sure. I think he will help
24 Miss Atkins.

25 THE COURT: Your answer is, "Sure --," what?

26 THE DEFENDANT MANSON: Yes, sir. I think he will

1 help Miss Atkins.

2 THE COURT: You will waive any possible conflict of
3 interest or detriment to you by letting him come in at this
4 point; is that right?

5 THE DEFENDANT MANSON: I have another question to
6 answer?

7 THE COURT: Yes. Do you waive any possible
8 detriment to you, any conflict of interest, in permitting
9 him to come into this case?

10 THE DEFENDANT MANSON: Who makes the rules up here?

11 THE COURT: In this case I'm making the ruling as to
12 whether or not Mr. Shinn should come in as the attorney of
13 record.

14 Now, he's representing some apparent interest
15 of yours in some type of a civil action.

16 He has also, as you well know, acted on
17 your behalf by preparing for you various legal documents
18 for filing in this case.

19 He has discussed this case, I'm sure, at
20 length, or at least some aspects of it at length.

21 He knows something about you. He knows some-
22 thing about this case based upon what you have told him.

23 I have indicated to you, Mr. Manson, on several
24 occasions that I can conceive of a certain conflict of
25 interest if I permit him to come in. It may be to your
26 detriment.

1 If you will personally waive any conflicts of
2 interest I will go on to the next defendant and see whether
3 or not she has any objection to Mr. Shinn coming in.

4 Will you waive your -- any possible conflict
5 of interest that may result and agree that Mr. Shinn can
6 now stop representing you and start to represent Miss Atkins?

7 THE DEFENDANT MANSON: I have a choice?

8 THE COURT: Yes, you have a choice. Either Mr.
9 Shinn comes into this case with your personal consent to
10 represent Miss Atkins, or he doesn't.

11 Will you waive any possible conflict of interest,
12 Mr. Hanson, and agree that Mr. Shinn can come into this
13 case representing Miss Atkins?

14 THE DEFENDANT MANSON: I agree. You know what?
15 Everybody can just get up and go somewhere else.

16 THE COURT: I beg your pardon?

17 THE DEFENDANT MANSON: You can just all stand up and
18 go somewhere else.

19 THE COURT: Mr. Hanson, let's get to the point, now.

20 As I have indicated to you many times now, and
21 I'm sure that you understand, there's a possibility that
22 this could accrue to your detriment, this could be detrimental
23 to you by letting him come in now and start to represent
24 another defendant.

25 THE DEFENDANT MANSON: In other words, he can come in
26 and shoot me.

1 THE COURT: That has nothing to do with it.

2 Will you waive any possible detriment, any
3 possible conflict of interest, insofar as you're concerned,
4 and permit Mr. Shinn to come into this case?

5 THE DEFENDANT MANSON: Words don't mean anything.

6 THE COURT: I beg your pardon?

7 THE DEFENDANT MANSON: Words don't mean anything.

8 THE COURT: All right. Do you have any objection;
9 let's use another word, then.

10 THE DEFENDANT MANSON: Objection. Do you dislike
11 me?

12 THE COURT: Do you have any objection to Mr. Shinn
13 coming into this case?

14 You'll have to answer, Mr. Manson, because I've
15 got to get on with some other business that I have.

16 THE DEFENDANT MANSON: Well, have them get up and
17 leave. I don't have anything to do with what you're doing.
18 I'm not holding you there.

19 THE COURT: Mr. Manson, if you have any objection,
20 if you don't tell me at this point that you personally will
21 waive any objection to him coming in to represent Miss
22 Atkins, I'm not going to permit him to do so.

23 THE DEFENDANT MANSON: It's you that's got the
24 pencil pointed at me now. I'm not going to agree to
25 substitute out.

26 THE COURT: All right. You do not agree that he

1 shall come in as attorney --

2 THE DEFENDANT MANSON: Everybody's got their own thing.
3 I can't tell anybody what to do. I can't tell that man
4 up there what to do.

5 THE COURT: All right. I take it, then, that you do
6 not at this point agree that this lawyer may come in to
7 represent Miss Atkins?

8 THE DEFENDANT MANSON: Here. You take my glasses and
9 I'll take yours and you look at the Judge and I'll look at
10 the Judge --

11 THE COURT: In this case, then, I --

12 THE DEFENDANT MANSON: -- and I'll bet you see him
13 different than I do. And I'm not mad at him in either frame
14 that I see him in. I have nothing against you whatsoever.

15 THE COURT: All right. I'm not satisfied, Mr.
16 Manson, at this point --

17 THE DEFENDANT MANSON: Okay. Let me --

18 THE COURT: -- that you do not have an objection
19 to Mr. Shinn coming in. And we are going to conclude the
20 hearing at this time and I am not going to permit the
21 substitution of attorneys. Mr. Shinn will not come in as
22 attorney of record for Miss Atkins unless you tell me right
23 now that you have no objection and you will waive any
24 possible conflict of interest.

25 THE DEFENDANT MANSON: There is nothing wrong with
26 you taking care of her; is that right?

1 THE COURT: Mr. Manson, let me ask you one last
2 time because I am not going to pursue this hearing any
3 further.

4 If you do not tell me at this point that you
5 have absolutely no objection to Mr. Shinn coming in as the
6 attorney of record and that you willwaive any possible
7 conflict of interest, we are going to conclude the hearing
8 andMr. Caballero will remain as the attorney of record
9 in this matter under appointment by this court.

10 THE DEFENDANT MANSON: Wait a minute. Is the
11 policeman going to keep her locked up?

12 THE COURT: Mr. Manson, would you answer the
13 question, please?

14 THE DEFENDANT MANSON: I have no objection.

15 THE COURT: All right. Miss Krenwinkel, have you
16 understood what I have explained to Miss Atkins and to Mr.
17 Manson?

18 THE DEFENDANT KRENWINKEL: Your Honor, I have no
19 objection.

20 THE COURT: Have you understood what I have told
21 the other two defendants in this case?

22 THE DEFENDANT KRENWINKEL: Yes.

23 THE COURT: Do you understand that there might be
24 some possible detriment to you, there might be some possible
25 conflict in your case if I permit Mr. Shinn to come in?

26 Do you understand that?

1 THE DEFENDANT KRENWINKEL: Yes, I do.

2 THE COURT: And you will waive any possible conflict
3 and you personally will agree that he can come in as
4 attorney of record?

5 THE DEFENDANT KRENWINKEL: Yes, surely.

6 THE COURT: People want to be heard in this matter?

7 MR. STOVITZ: The only point that I wanted to make,
8 your Honor, is that since we were last in this court the
9 Public Defender has made a motion for a change of venue,
10 which is now set for March the 24th. We still have the trial
11 date of March the 30th as the date set for trial.

12 I'd like to have the assurance of Mr. Shinn
13 that whatever date is the date for trial, that he will be
14 prepared to go to trial and that if a continuance is
15 necessitated because of his, quote, lack of preparation,
16 if he is not prepared, then that continuance will be one
17 that we will seek for all defendants. We intend to try all
18 the defendants jointly, the three defendants here now, plus
19 Miss Van Houten, plus Linda Kasabian, at the same time.

20 We would just like that fact to be known so
21 that there will not be any musical chairs played as far as
22 the trial date is concerned.

23 We would like to have that trial date arrived
24 upon at the earliest possible time so that we can start
25 preparing for that trial date.

26 THE COURT: Mr. Hollopeter, let me hear from you in

1 just a minute.

2 What is your answer to that question, Mr. Shinn?

3 MR. SHINN: Your Honor, it is my understanding that
4 the trial is now set for the 30th.

5 THE COURT: That's correct.

6 MR. SHINN: I informed Mr. Stovitz I would be ready
7 to go to trial on the 30th.

8 THE COURT: You would be ready to go to trial on the
9 30th?

10 MR. SHINN: Yes, your Honor.

11 THE COURT: Mr. Hollopeter, did you want to be heard?

12 MR. HOLLOPETER: Your Honor, if I were to remain
13 silent I think it could be construed as acquiescing in
14 everything that the District Attorney said.

15 I think it is entirely possible that Mr. Manson
16 will move this Court for a severance. I am not prepared to
17 make that motion at this time and I cannot at this time
18 represent I will make that motion, but I suggest that it is
19 a distinct possibility. And that being the case, I want to
20 put the District Attorney on notice that we are not standing
21 by silently and just assuming that this case will go to
22 trial as to all defendants necessarily.

23 MR. FITZGERALD: I am, also, not acquiescing by
24 silence.

25 THE COURT: Let me say this: Insofar as the trial
26 date is concerned, it will remain set in this department on

1 the 30th day of March.

2 I will anticipate, as far as any counsel in
3 this matter is concerned, that in the event that you
4 anticipate any type of a motion, either for severance or if
5 there is to be any motion for a continuance, that you advise
6 this Court at the earliest possible date that you intend to
7 make that or any other motions.

8 Mr. Shinn, I am going to grant the request of
9 defendant Atkins. I am satisfied that she personally has
10 waived any possible conflict of interest that may develop.
11 I am satisfied that the other two defendants who are here
12 in court have waived any possible conflict of interest,
13 and I'll permit you, at this point, to be substituted in
14 as attorney of record for defendant Atkins.

15 Mr. Caballero, you are now relieved as attorney
16 of record in this matter.

17 MR. CABALLERO: Thank you.

18 THE COURT: I would ask that you turn over to Mr.
19 Shinn your copy of the transcript of the Grand Jury
20 proceedings.

21 MR. CABALLERO: I have, your Honor.

22 THE COURT: You will do so?

23 MR. CABALLERO: Yes, I did a few moments ago.

24 THE COURT: You have already done so.

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

26 THE COURT: Yes.

1 MR. SHINN: Your Honor, it's my understanding that
2 in behalf of Susan Atkins there were no motions filed and
3 I would ask at this time that we be permitted to file some
4 motions before March the 30th, your Honor.

5 THE COURT: Well, Mr. Shinn, you file any written
6 motions that you want with the Court. I will rule on them
7 as soon as I have them before me.

8 MR. SHINN: It's my understanding, then, that
9 other defendants have motions that are going to be heard on
10 March the 24th, I believe.

11 THE COURT: Well, file, Mr. Shinn, any written
12 motions that you want. Get it before me and I'll rule on it
13 as soon as I have it before me.

14 The matter is now adjourned.

15 The substitution of attorneys is granted.

16 THE DEFENDANT MANSON: Your Honor, may I be heard?
17 I've got three hundred gallons of gas in the
18 desert.

19 (Whereupon, the proceedings on this
20 date were concluded.)
21
22
23
24
25
26

1 LOS ANGELES, CALIFORNIA, MONDAY, MARCH 16, 1970, 11:15 A.M.

2 -oOo-

3
4 (The following proceedings were had in
5 Department 100 before the Honorable George M.
6 Dell, Judge Presiding:)

7 THE COURT: No. 10, Patricia Krenwinkel.

8 All right. The record will indicate that
9 the defendant is present with her attorney, Mr. Paul
10 Fitzgerald of the Public Defender's Office.

11 I don't know if the District Attorney is
12 present. Mr. Bugliosi is here.

13 Well, in this matter the defendant filed
14 in Department 107, the trial court, an affidavit under
15 Section 170.6 of the Code of Civil Procedure.

16 That was filed last Thursday, March 12th. It
17 was filed in the statutory form set forth in that section
18 of the Code and was executed by Mr. Fitzgerald.

19 Judge Keene informed me that the affidavit
20 had been filed. He indicated to me that he had some
21 doubt whether the affidavit was timely filed. And in view
22 of that fact, he preferred that I handle the matter in
23 this court. He has indicated that if he were satisfied that
24 it was timely, he would have granted the motion. And,
25 accordingly, it was transferred to this court.

26 I contacted Mr. Fitzgerald and indicated

1 I had done some research. I had some views which were
2 not absolutely firm views, by any means, and I asked him
3 whether he wanted to appear with his client. He indicated
4 he had preferred to, so the matter was placed on our
5 calendar for today.

6 I also notified the District Attorney to
7 be present as well.

8 Under Section 170.6 of the Code of Civil
9 Procedure, although the form is that of alleging prejudice,
10 this is a piece of legislation that has a long history.
11 The purpose of the statute was to give an attorney or a
12 client a so-called peremptory challenge against a judge.
13 There was a prior statute, Section 170.5, which was earlier
14 declared unconstitutional, inasmuch as it appeared that the
15 power to grant a peremptory challenge cannot constitutionally
16 be conferred by the Legislature and it had to be tied to
17 some rational grounds, such as prejudice.

18 There is a provision under Section 170,
19 subdivision 5, a separate statute of the Code of Civil
20 Procedure, which permits the presentation of actual
21 prejudice by a Judge in the manner set forth in that
22 statute. That's entirely distinct from Section 170.6.

23 If the affidavit -- or ather, to be
24 exactly correct -- if the motion to disqualify a Judge
25 under that section is timely made, and if it is
26 supported by an affidavit as required by that section,

1 then the motion must be granted and the Judge against
2 whom the motion is directed has no jurisdiction to
3 proceed further. At the same time, if it is not timely,
4 it may -- in fact, should be -- stricken from the files.

5 I'll be glad to hear the position of either
6 and/or both counsel on the matter before I express any
7 views and before I make my ruling on the matter.

8 Mr. Fitzgerald, would you care to be
9 heard first, since you are the moving party?

10 I would say this: I don't decide cases
11 on technicalities, if I can avoid it, and I will not
12 decide this issue on the very technical ground that it
13 could be decided upon. There is a case which held that
14 where an affidavit of this nature was filed in plenty of
15 time, but no motion was ever made to disqualify the
16 trial judge, that the affidavit was a nullity. I assume
17 that if that issue were raised, and if the intent of
18 counsel were otherwise clear, there would still be plenty
19 of time to file a formal motion, either written or oral,
20 and accordingly the issue will not be decided on the
21 ground of the absence of an actual written or an oral
22 motion. I'll assume that such motion is made at this
23 time and that the absence of that motion would not be
24 crucial under the circumstances, so that's no issue.

25 Go right ahead, Mr. Fitzgerald.

26 MR. FITZGERALD: Well, I'm somewhat in the dark

1 as to the precise issue involved. I am led to believe,
2 however, that it is the timeliness of the motion that is
3 in issue.

4 THE COURT: That's the issue; the only issue.

5 MR. FITZGERALD: I think it might be helpful to
6 review just very basically the procedural history of the
7 case insofar as this defendant, Patricia Krenwinkel, is
8 concerned.

9 My records indicate that on the 24th day
10 of February, 1970, the Public Defender was appointed to
11 represent Miss Krenwinkel for a rather limited purpose.
12 The matter was continued until the date of March the 3rd.
13 On March the 3rd in this court the Public Defender was
14 appointed for all purposes. At that time a motion was
15 made pursuant to Penal Code Section 995, subdivision 2,
16 to dismiss the indictment, and also there was a motion
17 pursuant to Penal Code Section 1033, to remove the
18 action from the County of Los Angeles. That matter was
19 set before Judge Malcolm Lucas in Department 106 on
20 March 10th.

21 On March 10th the matter was continued.
22 And when I refer to "the matter," I'm talking about the
23 motion to dismiss the indictment.

24 THE COURT: Haven't we just omitted one thing,
25 Mr. Fitzgerald? Wasn't there a not guilty plea also
26 on March 3rd?

1 MR. FITZGERALD: Yeah, I'm sorry, your Honor,
2 there certainly was. There was a plea of not guilty
3 entered. The motion to dismiss the indictment and the
4 motion to change of venue was set, as well as the trial
5 date. There was a trial date set on March 30, 1970, in
6 Department 107.

7 On March the 10th the motion to change
8 venue and the motion to dismiss the indictment was
9 continued until March the 24th.

10 On March the 12th the affidavit heretofore
11 referred to was filed with the Clerk of the Court in
12 Department 107.

13 Now, as I read 170.6 of the CCP, (2),
14 it appears that the relevant language is as follows:

15 "When the Judge assigned to try the
16 cause is known at least ten days before the
17 date set for trial, the motion shall be made
18 at least five days before that date. If
19 directed to the trial of a cause where there
20 is a master calendar, the motion shall be
21 made to the Judge supervising the master
22 calendar not later than the time the cause
23 is assigned for trial."

24 Now, it was, and, of course, is, my under-
25 standing that the motion was timely filed. That is to say,
26 that it was filed in Department 107, the trial court,

1 18 days before the trial date, which is certainly five
2 days or more before the date of the trial hearing.

3 I might also note that there has been, to
4 my knowledge, as to this defendant, no contested issue of
5 law or fact litigated in Department 107.

6 Now, it is my contention that Department
7 100 of the Superior Court is not a master calendar as
8 that term is used in the latter portion of 170.6 of the
9 Civil Code of Procedure. And in support of that observa-
10 tion, that Department 100 is not a master calendar,
11 I would like to quote very briefly from the case of
12 Mowrer versus Superior Court in 3 Cal. App. 3rd, page 223,
13 and I am particularly referring to a footnote at the
14 bottom of page 226. This is a case not involving an
15 affidavit of prejudice. It is a case involving a contempt
16 matter. However, the Court in bank, and the Court is the
17 Second District, Division 3 of the District Court of
18 Appeal, stated as follows:

19 "Under the master calendar program
20 utilized in the central criminal courts in
21 Los Angeles County, three or four new cases
22 are pre-set on the daily calendar in each
23 criminal department between 30 to 60 days
24 from the date of the plea in the master
25 calendar court (Department 100).

26 "On the day set for trial each trial

1 "Judge calls his own calendar and tries to
2 dispose of the cases set in his court. If
3 he does, he is expected to call the office
4 of the criminal courts coordinator for another
5 case. On the other hand, if he is engaged in
6 trial, or for any reason cannot dispose of
7 all his cases, his clerk will advise the
8 office of the criminal courts coordinator,
9 who may then transfer the other cases to
10 an open court."

11 I might indicate that in my experience of
12 five years trying cases and appearing in this court,
13 as well as others, exclusively in the Central District
14 of Los Angeles, that that is a fair statement. This
15 court and your Honor assigns cases here each day for
16 trial in trial departments. Frequently your Honor sets
17 three or four original trial matters in each criminal
18 department.

19 In addition, each court has its own
20 continued cases that may or may not be on that particular
21 day. In addition, the Court has a calendar that may or
22 may not consist of hearing motions pursuant to Penal
23 Code Section 995, 1538.5, and may also consist of
24 probation and sentence matters and numerous pre- and post-
25 trial matters.

26 It is frequently the case, and I think we

1 could all agree that it is frequently the case, that a
2 court to which a case is assigned will not necessarily be
3 heard in that court because of our so-called overflow
4 system. As a result of perhaps some court being engaged
5 in trial on the date set for trial, or for some other
6 reason, the matter might be referred out to some other
7 judge or court. Consequently, and the point is, I think,
8 that one does not know in advance who the trial judge may
9 or may not be. In a sense, each individual trial court,
10 some 20-odd felony trial departments, act as their own
11 master calendar.

12 Now, in contradistinction to Department 1
13 of the Superior Court, which, I think, acts as a quote
14 true unquote master calendar system wherein parties and
15 litigants, counsel and witnesses, appear in Department 1
16 for the day of trial. That's the civil master calendar.
17 And they are actually referred out to a judge.

18 Now, certainly, were that the case, I
19 think an affidavit must be filed in the master calendar.
20 But I don't think that this court, Department 100, is a
21 master calendar.

22 Now, perhaps it would be improper for me
23 to state my opinion, or to state conclusions based on
24 the matter of experience. And if your Honor objects to
25 me making a statement, I have in advance contacted Harold
26 Frediani, the Superior Court coordinator, who would be

1 willing to testify as to the practice and procedure in
2 regard to Department 100 and the filing of motions
3 pursuant to 170.6. I think, however, we could agree that
4 in almost -- the overwhelming majority of cases affidavits
5 are filed in the trial departments in Los Angeles.

6 Now, it is our contention, and I would so
7 state as an officer of the Court, that I, as Miss Kren-
8 winkel's counsel, moved as expeditiously as possible
9 at the earliest possible opportunity after I made appear-
10 ances in the action and discovered the facts that
11 constituted the grounds for disqualification. And I was
12 frankly in quite a dilemma. I was afraid and I feared
13 legally that if any preliminary motions were made in
14 Department 100 before Judge Keene, that those matters
15 may be contested by counsel for the plaintiff. If they
16 were contested, then an affidavit pursuant to 170.6 would
17 not lie at a later time.

18 So, acting out of an abundance of caution,
19 suspecting that Judge Keene might, indeed, be the trial
20 judge, although the case was simply assigned to his
21 court rather than to him personally, suspecting that he
22 might be the trial judge and not wanting to make any
23 preliminary motions before him, but yet faced with the
24 trial date some three weeks away, I felt it incumbent
25 to file it at that time so that the matter could be
26 transferred to another court for various preliminary

1 motions, including but not limited to discovery and other
2 preliminary motions.

3 If the problem appears to be that the
4 affidavit was filed in the wrong court, I would at this
5 time offer to tender to the Court an affidavit pursuant
6 to Civil Code of Procedure 170.6 that is identical in all
7 respects as the one heretofore filed, except that it bears
8 the date 16 March 1970, and the record certainly will
9 reflect that I am attempting to file that in Department
10 100.

11 THE COURT: Very well. Thank you, Mr. Fitzgerald.

12 I wonder whether the People wish to be
13 heard on this matter.

14 MR. BUGLIOSI: People will submit the matter,
15 your Honor.

16 THE COURT: Well, I don't think it is necessary
17 to call Mr. Frediani as a witness, nor is it necessary
18 to take any testimony from anybody else. The Court will
19 take judicial notice of the procedures utilized in
20 Department 100 and the procedures utilized in the trial
21 courts operating under the supervision of the judge in
22 Department 100.

23 I would make the following observations
24 as far as our procedure is concerned and what my under-
25 standing of the law is. Of course, the basic purpose
26 of Section 170.6, perverted though it may be from time

1 to time, and I'm not referring to this case, is to enable
2 each side, sometimes it's hard to tell just what a side
3 is, as the case of Pappa vs. Superior Court, but to enable
4 each side the opportunity to eliminate one judge rather
5 peremptorily without making any showing whatever excepting
6 the showing required under the statute, which is simply
7 signing a form.

8 The purpose, of course, is to -- or, rather,
9 to implement that purpose, it is desired that such motion
10 be made as expeditiously as possible.

11 Now, of course, it is correct that Depart-
12 ment 100 and Department 1 do not operate in quite the
13 same way. For one thing, we don't have the space in
14 Department 100 that Department 1 does, and secondly, our
15 experience for the past few years in the criminal courts
16 indicates that a greater volume of cases can be disposed
17 of, that's both for the interest of the defendants and
18 the People and the taxpayers, by utilizing individual
19 calendars in each trial court than using simply one
20 calendar only from which all cases are sent out.

21 Nevertheless, I have never felt there was
22 any doubt that this is a master calendar system.

23 In the case of People versus Genser, G-e-n-s-e-r,
24 250 Cal. App. 2d, 351, the case was assigned from the
25 then master calendar judge to Judge John Aiso.

26 Now, our procedure is customarily to assign

1 cases to individual departments rather than specifying the
2 name of the judge. But with extended cases there is no
3 question as to who the judge is going to be unless he is
4 eliminated through a timely affidavit of prejudice or
5 otherwise.

6 After the case had been assigned to Judge
7 Aiso, now Justice Aiso of the Court of Appeal, counsel
8 determined he wished to file a motion under Section 170.6.
9 The Judge held that the affidavit was not promptly filed.
10 In holding that the trial judge was correct in striking
11 the affidavit as not timely filed, the Court of Appeal --
12 I think I'll quote -- the Court of Appeal made the
13 following observation:

14 "At bench no affidavit was filed at time
15 of assignment in the master calendar department
16 and in spite of the conference after assignment
17 between all counsel and the judge, at which
18 conference the grounds later asserted as indica-
19 tive of prejudice were made clear, no motion
20 for disqualification was made until after part
21 of two days was spent hearing motions and
22 selecting the jury."

23 Under the Genser case there is more than
24 one issue involved, so it is not quite a case of entrusting
25 one clear express precedent which is identical with this
26 particular case. But certainly one of the grounds relied

1 on by trial court, or rather by the Court of Appeal, is
2 the matter of making the motion in the master calendar
3 court prior to the time that the case is assigned for
4 trial.

5 There are several other cases that appear
6 to reach the same result. In most cases the issue is
7 not expressly raised because most judges, once an
8 affidavit is filed, would just as soon not hear the case.
9 Whether or not there is any grounds at all, there are
10 plenty of other cases to hear and he might just as well
11 try another case as strike the affidavit.

12 I would cite, though, as similar cases,
13 People versus Hernandez, 242 Cal. App. 2d, 351, in which
14 the Court relies, in holding that the affidavit was not
15 timely, when the motion to disqualify is made, the motion
16 shall be made to the judge supervising the master calendar
17 not later than the time that the cause is assigned for
18 trial.

19 There is the case of People against Kennedy,
20 256 Cal. App. 2d, 755, a San Diego County case, in which
21 a similar result was made, and in this case, somewhat
22 more analogous to our present facts inasmuch as on
23 April the 18th, 1966, the case was assigned out by the
24 master calendar judge as of June the 3rd and the Court
25 held that the affidavit was not timely filed nor the
26 motion promptly filed.

1 In this case I would certainly grant that
2 the affidavit is more timely filed and the motion more
3 timely filed than in most of the appellate cases. Never-
4 the less, it is my view that the motion is not timely
5 filed.

6 I will make a few observations but I am
7 going to hold that the affidavit and motion are not timely
8 filed and that the affidavit is to be stricken.

9 MR. FITZGERALD: I wonder if I might answer at
10 least one item that you --

11 THE COURT: There isn't anything to answer at
12 this point, Mr. Fitzgerald. I gave you an opportunity to
13 explain your position, I have explained mine. I am going
14 to strike the affidavit. I am going to tell you why I've
15 done it. I've already done so in part, but I think it
16 accomplishes nothing at this point because I have no
17 intention of changing my ruling. I am going to point out
18 some of the consequences that impel me to this decision.
19 I am going to contrast some of the matters that you have
20 mentioned with the practice that I've experienced. But
21 I do not intend to change my ruling.

22 I would agree with your statement to the
23 extent that at least in many cases where a motion is
24 made to disqualify a judge the motion is made in the
25 trial court. One reason that those motions are entertained,
26 as I've indicated, and this is based on my own personal

1 experience, is the weight of business. Another reason is
2 when a motion may legitimately be made in a trial court,
3 because our procedure is to change assignments at the
4 end of the year.

5 So it is certainly understandable and
6 highly proper that if the case were assigned to Department --
7 we will pick a fictitious department -- Department 125
8 toward the end of the year, when it wasn't known who was
9 going to be in Department 125, or where the case was
10 continued to a date when the judge had changed, that the
11 attorney wishing to make the motion would never have had
12 a chance to challenge that particular judge.

13 As far as my practice is concerned, it's
14 been uniform. I have refused to honor an affidavit and
15 the motion filed in a trial court where it was directed
16 against me where I have been the judge from the time that
17 the motion -- where I have been the judge from the time
18 that the case was originally assigned, as was discernible
19 from official county and court records, and where I have
20 remained the judge right up to the time that the motion
21 was made.

22 There is only one case in which I have
23 honored such a motion and that was due to a very technical
24 question on whether I was actually the trial judge, since
25 the term "set for trial," is used in the statute, or
26 whether I was only hearing a motion. In that case I

1 construed the terminology liberally and I permitted the
2 motion to be made. That's the only one.

3 Not that there have been that many motions,
4 as I'm sure you know, but I have refused to honor any
5 others because I felt that they were not timely.

6 As far as this case is concerned, there
7 has been no question from the beginning, and this is the
8 last defendant so far to enter her plea, there have been
9 five defendants in which she has been the last, there has
10 been no question as to who the trial judge is going to be.

11 So it is not just a case of not knowing who
12 the judge was going to be. It's been Judge Keene from the
13 beginning. I feel that if I honor this particular
14 challenge -- I don't believe that I am required to under
15 the law -- then I think we will have a situation which
16 will make it almost impossible to predict who the judge
17 is going to be.

18 Mr. Manson may be in a special circumstance.
19 He has had a change of counsel. I just don't know about
20 that situation and I'm not drawing any conclusions about
21 it. The situation may conceivably be the same as to
22 somebody else who has change of counsel. I don't know
23 because there is no law whatever on the issue of what
24 happens when a change of counsel takes place.

25 But as to a case where after four prior
26 defendants have been assigned to the same court, same

1 defendant for trial, same date, and a fifth defendant
2 does not make a motion in the master calendar court,
3 knowing who the trial judge is going to be, it is my
4 view that such motion is not timely, it must be
5 stricken, and it is stricken on the Court's own motion.

6 The matter is returned to the calendars
7 of Departments 106 and 107 for further proceedings in
8 those courts as previously set.

9 I would recommend that if counsel seriously
10 disagrees with the Court's position, that a writ of
11 mandate or writ of prohibition, and the courts recognize
12 either, be filed with the Appellate Court at the earliest
13 possible time.

14 We will take a very short recess while
15 those persons interested in only this case have an
16 opportunity to clear the courtroom and then we will
17 proceed on the other matters on the Court's calendar.

18 (Whereupon, at 11:55 the above-entitled
19 proceedings were concluded and adjourned on
20 this date.)
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23
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1 LOS ANGELES, CALIFORNIA; THURSDAY, MARCH 19, 1970, 9:30 A.M.

2 -oOo-

3 (Upon the above date, the defendant
4 Manson being present with counsel, Charles
5 Hollopeter and Ronald Hughes, the defendants
6 Leslie Van Houten and Susan Atkins being
7 present with counsel Ira Reiner, the
8 defendant Patricia Krenwinkel being present
9 with counsel Paul Fitzgerald, Deputy Public
10 Defender of Los Angeles County, the People
11 being represented by Aaron Stovitz, Deputy
12 District Attorney of Los Angeles County, the
13 following proceedings were had in Department
14 107 before the Honorable William B. Keene,
15 Judge Presiding:)

16
17 THE COURT: Good morning, ladies and gentlemen.

18 All right. This case of People versus Manson,
19 et al, I'll have the record reflect the appearance of
20 defendant Manson represented by his attorney, Mr. Hollopeter,
21 defendant Krenwinkel represented by Deputy Public Defender
22 Paul Fitzgerald, defendant Atkins is present and, Mr. Reiner,
23 it's my understanding that for the purpose of this hearing
24 only you and Mr. Shinn have agreed that you can represent
25 Miss Atkins; is that correct?

26 MR. REINER: That is correct, your Honor.

1 THE COURT: Is that agreeable with you, Miss Atkins,
2 that Mr. Reiner, for the purposes of this hearing only, will
3 represent you in this matter?

4 THE DEFENDANT ATKINS: Yes.

5 THE COURT: And also have the record reflect the
6 appearance of defendant Van Houten represented by her attorney,
7 Mr. Ira Reiner.

8 This matter is in this court at this time for
9 some motions that have been filed initially on behalf of
10 defendant Manson.

11 There is a notice of a motion for a psychiatric
12 examination of this defendant filed in writing with a
13 declaration of Mr. Hollopeter indicating that the examination
14 is asked for pursuant to Section 730 of the Evidence Code
15 and 1017 of the Evidence Code.

16 Mr. Hollopeter, that motion will be granted.

17 The Court will appoint Dr. Abe to conduct that
18 psychiatric examination of the defendant. That examination
19 will be pursuant to Section 730 and 1017 of the Evidence
20 Code. That will be a confidential report rendered only to
21 you.

22 I will ask Dr. Abe to examine the defendant in
23 our form pursuant to numbers -- our Superior Court form
24 appointing doctors to conduct psychiatric examinations.

25 The questions I will ask Dr. Abe to report to
26 you will be No. 2, No. 5, No. 6, No. 7, No. 8, specific
intent to commit murder, No. 9, 10, 11 and 12.

1 MR. STOVITZ: Was that 9, your Honor?

2 THE COURT: 9, 10, 11, 12. Nos. 2, 5, 6 and 7 and 8.

3 MR. HOLLOPETER: Your Honor, do those include a
4 determination as to present sanity?

5 THE COURT: Yes. This is a 1026 P.C. examination,
6 it's a 10 -- 1368 examination, and it's whether or not the
7 defendant had the specific intent -- mental capacity to
8 form the specific intent to commit murder. Did the defendant
9 at the time of the commission of the alleged offense have
10 the mental capacity to deliberate and to premeditate and
11 to harbor malice. Further, did the defendant have the mental
12 capacity to meaningfully and maturely reflect upon the
13 gravity of his contemplated acts, and, if so, to what extent
14 could he so reflect.

15 The form questions, I think, will suffice for
16 your purpose.

17 As I have indicated, that will be a confiden-
18 tial report by Dr. Abe to you and to you alone.

19 MR. HOLLOPETER: Thank you.

20 THE COURT: All right. There are two other motions
21 now before the Court.

22 There is a motion for a severance --

23 THE DEFENDANT MANSON: Your Honor, may I speak, please?

24 THE COURT: Just let me finish, Mr. Manson.

25 THE DEFENDANT MANSON: I would like to change
26 this counsel before these motions go any further because
I haven't agreed with any of the motions and I asked him not

1 to file the motions, so at this time I would like to change
2 counsel.

3 THE COURT: What is your motion in that regard?

4 THE DEFENDANT MANSON: I find it hard in my under-
5 standing to conceive one man representing another. I think a
6 man represents himself, if he is a man.

7 I've tried to convey and establish a reality
8 with this Court and it's been very hard. It's to the point
9 to where I failed to acknowledge you the last time I was
10 in court because the time before last you failed to
11 acknowledge me, and in order for this Court to come to a
12 thought and to establish any kind of justice according to
13 this Constitution, you know, we must establish a reality
14 between the both of us.

15 THE COURT: Mr. Manson, just tell me this one thing.
16 Do you have an attorney that you are asking this Court to
17 substitute in as attorney of record in this matter?

18 THE DEFENDANT MANSON: If I'm forced with an attorney.
19 I don't want an attorney. I would like to represent myself.

20 THE COURT: We've been through all that, Mr. Manson.

21 THE DEFENDANT MANSON: Yeah, I realize that. I would
22 like Mr. Reiner to help me obtain my pro per status back
23 once again.

24 THE COURT: That motion is denied.

25 All right. Now, there is a notice for a motion
26 for a continuance in this matter that has been asked for on

1 behalf of defendant Manson and, also, Mr. Fitzgerald, you
2 have filed a notice for a motion for a continuance on behalf
3 of defendant Krenwinkel; is that correct?

4 MR. FITZGERALD: That is correct. I'd like to
5 join in Mr. Hollopeter's motion to continue the matter.

6 THE COURT: Mr. Reiner, what is your position insofar
7 as defendants Van Houten and Krenwinkel -- Van Houten and
8 Atkins are concerned?

9 MR. REINER: Your Honor, with respect to defendant
10 Atkins, in talking to Mr. Shinn, he has indicated that he
11 does not have a motion before the Court for a continuance
12 so we would not take a position on that.

13 THE COURT: You say he does not have a motion before
14 the Court?

15 MR. REINER: I have been informed by Mr. Shinn that
16 he does not have a motion before this Court for a continuance.

17 THE COURT: Did he indicate to you whether or not he
18 personally has any objection to a continuance?

19 MR. REINER: We didn't go that far in the conversa-
20 tion. He is not, at this time, making a motion for a continu-
21 ance and if he intends to make a motion he will do so very
22 shortly. But at this point he has not made a motion and
23 does not intend making one.

24 THE COURT: What about defendant Van Houten?

25 MR. REINER: With respect to Miss Van Houten, we do
26 not have a motion before the Court nor do we intend -- as of

1 today, we do not request a continuance.

2 MR. STOVITZ: I spoke with Mr. Shinn yesterday, your
3 Honor, at approximately 3:00 o'clock. He told me that he
4 wanted a continuance in this case. That he is set for trial
5 on April 23, 1970, in Miss Atkins' case, A58031 (sic), now
6 presently set in Santa Monica.

7 He is also set for trial on March the 26th,
8 1970, in the case of People versus Steve Grogan, A110922, now
9 set in Van Nuys.

10 He stated that the Steve Grogan case would take
11 approximately four to five days. That the Atkins case
12 would take about two to three weeks. If the case were to
13 be continued that he would like this case continued to
14 either around April the 20th or some time after the Atkins
15 case.

16 MR. RETNER: Your Honor, if I may be heard on that.

17 The conversation that I had with Mr. Shinn was
18 subsequent to the conversation that Mr. Stovitz had with Mr.
19 Shinn. I spoke with Mr. Shinn some time in the middle of
20 last night. Notwithstanding of that, irrespective of that,
21 I am appearing on behalf of Mr. Shinn and these were Mr.
22 Shinn's indications at that time and they are his
23 indications today.

24 THE COURT: Mr. Hollopeter, you've indicated in your
25 written motion that you desire approximately thirty days to
26 prepare this matter for trial?

1 MR. HOLLOPETER: I would think so, your Honor, yes.

2 THE DEFENDANT MANSON: Your Honor, last week you said
3 I could change lawyers. Have you changed your mind this week?

4 THE COURT: I have not, Mr. Manson. As I've
5 indicated to you, Mr. Manson, if it is your desire to
6 substitute in an attorney of your choice in this matter, then
7 I would consider that motion at such time that it's made.

8 The only motion that you've made was the motion
9 that you wanted to substitute Mr. Reiner in to seek to re-
10 obtain a pro per status.

11 I've indicated to you previously that that
12 motion is denied.

13 THE DEFENDANT MANSON: Well, then, what do I do? I
14 have to take a lawyer? In other words, this Constitution
15 doesn't mean anything to you?

16 THE COURT: Mr. Manson, we're going to proceed on the
17 basis that Mr. Hollopeter is your attorney.

18 THE DEFENDANT MANSON: I object to Mr. Hollopeter
19 being my attorney.

20 THE COURT: I understand that.

21 THE DEFENDANT MANSON: May I have Mr. Reiner as an
22 attorney?

23 THE COURT: Mr. Manson, this is in the nature of a
24 formal motion. If you want to substitute Mr. Hollopeter
25 out and want to substitute an attorney in, then you discuss
26 that with any attorney that you care to. But that --

1 THE DEFENDANT MANSON: All right. I have a formal
2 motion here.

3 THE COURT: That attorney can certainly put a
4 motion in writing to this Court asking to be substituted in
5 as the attorney of record and indicating his willingness to
6 substitute in.

7 THE DEFENDANT MANSON: All right. I have that here.

8 THE COURT: Let me see what you have.

9 Have you shown it to Mr. Hollopeter? Show it
10 to Mr. Hollopeter first and then I will take a look at it.

11 THE DEFENDANT MANSON: Most of my motions were
12 denied on the presumption that I was stalling for time but
13 it doesn't appear that I'm stalling for time now. It
14 appears that someone else is stalling for time. You couldn't
15 admit your mistakes --

16 THE COURT: All right, Mr. Manson, give me the
17 courtesy to read this motion that you have before this Court.

18 All right. You have indicated in this motion
19 that you desire to substitute in as the attorney of record
20 in this matter a Mr. Ronald Hughes.

21 THE DEFENDANT MANSON: Right.

22 THE COURT: In place and in stead of Mr. Hollopeter.

23 That is your desire?

24 THE DEFENDANT MANSON: That is my desire.

25 THE COURT: Where is Mr. Ronald Hughes? Is he here
26 in the courtroom?

1 MR. HUGHES: Here, your Honor.

2 Could we have a recess while I talk to the
3 defendant?

4 THE COURT: You are Mr. Ronald Hughes?

5 MR. HUGHES: Yes, I am.

6 THE COURT: Have you discussed this with Mr. Manson?

7 MR. HUGHES: I have, your Honor.

8 THE COURT: And are you agreeing in this case that you
9 can be substituted in on the case in place and stead of
10 Mr. Hollopeter?

11 MR. HUGHES: May I speak with the defendant for a few
12 moments, your Honor?

13 THE COURT: Certainly. We'll take a short recess in
14 the matter so that you and Mr. Manson can confer. I'll
15 reconvene the matter as soon as you have had a chance to do
16 so.

17 All right. We'll be in brief recess in this
18 matter.

19 (A recess was taken.)

20 THE COURT: In this case of People versus Manson, et
21 al, I will again have the record reflect the appearance of
22 those defendants previously enumerated this morning with the
23 counsel and representations as the record was previously
24 made and, I trust, clear.

25 MR. HOLLOPETER: Your Honor, may I address the Court?

26 THE COURT: Yes.

1 MR. HOLLOPETER: Your Honor, I don't wish the Court
2 or anyone to understand that I am opposing the motion for
3 a substitution of counsel, but I suggest, your Honor, that
4 it might be appropriate to defer acting upon that motion
5 until the completion of the psychiatric examination.

6 THE COURT: Mr. Hughes, what --

7 MR. HUGHES: Well, I'm ready to take this case at
8 this time, your Honor, and ready to substitute in in place
9 and in stead of Mr. Hollopeter, and it would be my desire to
10 do that at this time.

11 THE COURT: Substitute in as the attorney of record in
12 this matter for Mr. Manson?

13 MR. HUGHES: That is correct, your Honor.

14 THE COURT: Will you be prepared to proceed to trial
15 with this matter, Mr. Hughes, if I permit the substitution?

16 MR. HUGHES: At this moment I would like to continue
17 briefly as to exactly when we are going to trial until
18 tomorrow or Monday.

19 THE COURT: Well, I can see no reason why, if I
20 substitute you in at this time. There is a pending motion
21 apparently joined in by at least one of the co-defendants
22 to continue this matter. Mr. Hollopeter has indicated
23 approximately thirty days. Mr. Stovitz indicated and
24 suggested to the Court a date of April 20th, which is
25 approximately thirty days from today.

26 If I permit you to substitute in in this matter,

1 as I've indicated to Mr. Manson, he has that right to
2 substitute in an attorney of his choice, and I am inclined
3 to grant that motion.

4 MR. HUGHES: We would be forced to go with the
5 continuance, if necessary, so as not to sever from the
6 other defendants at this time.

7 THE COURT: Well, I don't quite understand what that
8 answer was.

9 In other words, if I permit you to substitute
10 in as attorney of record in this matter and set the matter
11 at this time for a date of approximately thirty days hence --

12 MR. HUGHES: We will be forced to go along with that
13 continuance because we don't want to sever.

14 THE COURT: In other words, these motions that were
15 filed on behalf of defendant Manson by Mr. Hollopeter, the
16 motion for a severance and the motion for a psychiatric
17 examination, if you come in as attorney of record, will be
18 withdraw; is that correct?

19 MR. HUGHES: I would -- we would maintain the
20 severance motion from Miss Atkins' case and we would feel
21 forced to remain with the other defendants, however.

22 THE COURT: Well, suppose we agree at this time, Mr.
23 Hughes, that the case is going to be continued until, say,
24 April 20th, which is a Monday. If you substitute in in this
25 case, on that date will you be prepared to go to trial?

26 MR. HUGHES: I have no other cases pending, your

1 Honor, and from that standpoint I would be prepared to go
2 to trial.

3 I believe that Mr. Manson feels that he is
4 prepared to go to trial on the 30th as it was originally
5 set. However, I would have to go along -- I feel forced to
6 go along with any continuance to April -- what was it? --
7 the 20th.

8 THE COURT: I don't want to force you, Mr. Hughes,
9 into doing anything. You've used that word now on several
10 occasions.

11 You're asking this Court to be substituted in
12 as attorney of record. I have indicated to Mr. Manson that
13 he would have the right to choose an attorney of his choice.
14 If this is what Mr. Manson wants and you are agreeing to
15 come in as attorney of record, then certainly that is his
16 right, but I do intend to have this matter brought to trial.

17 MR. HUGHES: It's my feeling, your Honor, that a lot
18 of people are being forced into a lot of things just by the
19 very actions of this Court.

20 It is my belief that Mr. Manson all along has
21 been denied counsel of his choice originally back in
22 Department 100 where you were presiding when you wouldn't
23 allow Mr. Steinberg and Mr. McKissack to take active
24 representation of Mr. Manson's case. And I think that you
25 forced Mr. Manson all along into various positions which are
26 untenable but necessary to go along with. And for these

1 reasons I believe that if we did go for a continuance to
2 April 20th that we would be being denied a speedy trial.
3 However, I will go to that date and I will agree to that
4 date and I will be ready that date, but I believe that it is
5 denying Mr. Manson a right to a speedy trial. This Court
6 has consistently denied this defendant his rights.

7 THE COURT: Well, do you want to go to trial on this
8 case on the 30th day of March when the matter is currently
9 set? Will you be prepared to go to trial?

10 MR. HUGHES: I would not be prepared to go to trial
11 on that date.

12 THE COURT: So the record, Mr. Hughes, is perfectly
13 clear, I want you to clearly understand, you made reference
14 to two other lawyers, Mr. McKissack and Mr. Steinberg. The
15 only basis and the basis of my ruling was at that time,
16 which I stand on, that I did not at any time deny Mr. Manson
17 the right to have Mr. McKissack and Mr. Steinberg act in
18 any capacity that he chose to have them other than the fact
19 that I denied the concept that we would have three attorneys,
20 one a defendant acting in pro per and two other attorneys
21 as co-counsel.

22 I think the subsequent events in this case have
23 indicated that that would have been a rather impossible
24 situation, but at no time did I ever forbid Mr. Steinberg or
25 Mr. McKissack to assist Mr. Manson in the preparation of
26 any documents that he cared to have prepared to appear with

1 in any court or any assistance that he should call upon.

2 The only ruling that I made at that time, and I
3 think the record is perfectly clear, was that they would not
4 come into the case as co-counsel with Mr. Manson acting in
5 pro per.

6 MR. HUGHES: I don't believe the record has ever been
7 clear on any point in this case, your Honor.

8 THE COURT: Mr. Hughes, if you will just stand right
9 there for a minute so we can have a conversation and get
10 this matter clear.

11 Do I understand that what you're saying that if
12 I permit you at this point to substitute in in this matter
13 that you could not be prepared to go to trial on the 30th
14 day of March when it's set and a continuance would be
15 necessitated?

16 MR. HUGHES: I could not be prepared to go on the
17 30th of March, but I feel that by -- that I am being forced
18 into a continuance and that this is to the detriment of Mr.
19 Manson. He is being denied the right to a fair and speedy
20 trial.

21 THE COURT: If I permit you --

22 MR. HUGHES: Especially to a fair trial, your Honor,
23 considering the type of representation that's gone on in
24 this case.

25 THE COURT: Do you want to come in as the attorney of
26 record for Mr. Manson?

1 MR. HUGHES: Yes, I do.

2 THE COURT: And are you prepared to go to trial on
3 the 30th of March?

4 MR. HUGHES: No, I'm not.

5 THE COURT: Are you asking this Court if you are
6 permitted to come in as attorney of record in that matter
7 that we set the matter at a date sometime in the future so
8 that you can be prepared to go to trial?

9 MR. HUGHES: On the basis of what I've said, yes.

10 THE COURT: Is the 20th day of April an acceptable
11 date with you and will you be prepared to go to trial on
12 that date?

13 MR. HUGHES: That is an acceptable date. However, I
14 would wish at this time to reserve all motions, especially
15 the motions under affidavits of prejudice, both actual
16 prejudice and the peremptory prejudice. I would reserve
17 all other motions.

18 I believe that Mr. Manson has not been
19 represented right back to the very beginning of the
20 foundation and roots of this case back in December, and that
21 in his -- in the Court forcing Mr. Manson back in December
22 to go proper, that the subsequent action taking that status
23 away, of actually denying him counsel, I wish to reserve
24 every motion that there is.

25 THE COURT: Some motions, in this Court's opinion,
26 would be untimely made.

1 I will permit you to come in as attorney of
2 record in this matter. You can certainly file whatever
3 motions that you care to and your remarks as far as
4 reserving any motions are certainly in the record, but I
5 am attempting to get this matter to trial, Mr. Hughes. My
6 intention is to bring the matter to trial at such time as
7 all counsel are prepared to go to trial.

8 Now, we have an indication in here, insofar as
9 Mr. Fitzgerald is concerned, that he is asking for a
10 continuance and you have indicated to the Court that you do
11 not want a severance insofar as his client is concerned.

12 MR. HUGHES: That is correct.

13 THE COURT: Mr. Fitzgerald, what is your situation
14 insofar as the 20th of April, which has been suggested here
15 by Mr. Stovitz?

16 MR. FITZGERALD: We would hope to be ready at that
17 time and certainly would make every reasonable and diligent
18 effort to do so in the case.

19 THE COURT: Is that at this point a realistic date
20 insofar as you're concerned?

21 MR. FITZGERALD: I think it is, under the circumstances.

22 THE COURT: Would that date be agreeable with the
23 District Attorney?

24 MR. STOVITZ: Yes, your Honor, that would be very
25 satisfactory.

26 THE COURT: Mr. Reiner, what about your client, Miss

1 Van Houten? What is your situation insofar as that date is
2 concerned and as far as she is concerned?

3 MR. REINER: Your Honor, with respect to Miss
4 Van Houten, so as to avoid the possibility of a defacto
5 severance, we will then go along and join with the continuance
6 to April 20th.

7 With respect to Miss Atkins, our position would
8 be the same.

9 THE COURT: In other words, you would go along with
10 that continuance?

11 MR. REINER: Yes. We would join in the continuance
12 to April the 20th so as to avoid the possibility of
13 severance.

14 And I might indicate to the Court, as the
15 Court I'm sure is aware of, Miss Atkins is set for trial
16 on April 23rd in another court so there is apt to be some
17 conflict there. But I assume we will be starting on April 20th
18 in this court and the other matter will then trail.

19 THE COURT: Now, Mr. Manson, we're back to the point
20 again where you have filed with this Court a notice of motion
21 to substitute counsel of record, substitute Mr. Hollopeter
22 out and substitute Mr. Hughes in.

23 You've heard the discussion I've had with Mr.
24 Hughes. He's indicated to the Court that he would be
25 agreeable to come into this case and to agree to a
26 continuance date of the 20th day of April.

1 Now, one, is it your personal desire? Do you
2 want Mr. Hughes to come into this case as your attorney of
3 record?

4 THE DEFENDANT MANSON: I have no choice.

5 THE COURT: That is not my question, Mr. Manson.

6 The question is is that what you want? You
7 certainly have a choice. You have every choice that you care
8 to have. You can have Mr. Hollopeter remain as your
9 attorney of record. You can select any attorney that you
10 care to choose. You have apparently chosen Mr. Hughes to
11 be your attorney of record and if you personally want him
12 to come in in this case as your attorney of record to
13 represent you in this matter, I'm prepared to rule on that
14 motion at this time, but it's not a matter that you have
15 no choice. You do have a choice.

16 THE DEFENDANT MANSON: I do?

17 THE COURT: Yes.

18 MR. HUGHES: I would say this, your Honor, that it's
19 going to be my intention and my desire to maintain as
20 strong a voice for Mr. Manson in this case as is possible
21 and I am going to seek to have this pro per status returned.
22 If that is returned, I will either hope to act as co-counsel
23 with him or I will -- if it is returned altogether I will
24 be willing to at that time substitute out to have Mr.
25 Manson act as his own attorney.

26 THE COURT: Mr. Hughes, you can file with this Court

1 any motions that you care to insofar as asking this
2 Court to substitute Mr. Manson in as his own attorney but
3 I would indicate to you at this time based upon Mr. Manson's
4 prior conduct in attempting to represent himself that I have
5 previously ruled, in this Court's opinion, he is not
6 capable of representing himself in this case, considering
7 the complexity of this case and considering the co-
8 defendants in this case.

9 THE DEFENDANT MANSON: Your Honor, you always
10 interrupted.

11 THE COURT: Mr. Manson --

12 THE DEFENDANT MANSON: Everything I've ever -- You're
13 doing it again.

14 THE COURT: Mr. Manson, let me suggest this: If
15 you're going to substitute Mr. Hughes in with the thought that
16 he's going to get you pro per privileges, I might suggest to
17 you that you might be disappointed, so if you want Mr.
18 Hughes to come into this case as your attorney of record
19 with the understanding that he will represent you in this
20 matter and the case will go to trial on the date that we
21 have tentatively selected, the 20th of April, if that's
22 what you want, I'll permit him to come in as the attorney
23 of record.

24 THE DEFENDANT MANSON: Your Honor, the reason that I
25 have never been able to represent myself properly is because
26 you and Mr. -- the other judges, haven't let me -- haven't
let me -- look at me --

1 THE COURT: Mr. Manson --

2 THE DEFENDANT MANSON: Look here. Look at me. I'm
3 a person. I can talk to you if you'd let me.

4 THE COURT: Mr. Manson, we'd better make one thing
5 perfectly clear. This court will be run by me and not by
6 you.

7 Now, I've asked you a question. This is not
8 a time for a speech. The choice is yours and if you want
9 me to substitute Mr. Hollopeter out of this case and
10 substitute Mr. Hughes in, if that's what you want, I'll
11 permit that substitution, but I want you to be perfectly
12 clear in your making this motion that I want you to hold
13 out no false hopes that by putting Mr. Hughes into this
14 case and substituting Mr. Hollopeter out that your pro per
15 status is going to be returned. I don't want you to be
16 disappointed and I don't want you tell me that you want
17 Mr. Hughes to come into this case with that thought in mind.

18 THE DEFENDANT MANSON: Your Honor, believe me, I do
19 this with understanding, with wisdom and knowledge of self.
20 I'm forced to accept Mr. Hughes --

21 THE COURT: Mr. Manson --

22 THE DEFENDANT MANSON: -- but here's your Constitution. ✓

23 (Whereupon, defendant Manson throws a
24 booklet into the wastebasket.)

25 THE COURT: Mr. Manson, just have a seat right there.

26 THE DEFENDANT MANSON: That is your foundation. That
is --

1 MR. HUGHES: Would the record reflect that the
2 defendant has thrown the Constitution into the wastebasket.

3 THE DEFENDANT MANSON: I was going to throw it at you
4 but I thought I might hit you. I didn't want to hit you.

5 THE COURT: Mr. Manson, answer the question. Do you
6 want Mr. Hughes to come into this case as attorney of record?

7 THE DEFENDANT MANSON: I have no other choice. Yes.
8 Yes. Yes. Yes. Yes.

9 THE COURT: It's not that you do not have another
10 choice. You have another choice. You can choose any
11 attorney that you want to.

12 THE DEFENDANT MANSON: How's a mouse going to
13 represent a lion?

14 THE COURT: Just answer the question.

15 THE DEFENDANT MANSON: One man can't represent
16 another man. It's impossible. I couldn't represent you.

17 THE COURT: Mr. Manson, I'm not going to permit the
18 substitution to come in. I'm not going to order the
19 substitution. Mr. Hollopeter is going to remain your
20 attorney of record and we're going to proceed to trial in
21 this matter.

22 THE DEFENDANT MANSON: I said, "Yes," fifteen times,
23 your Honor.

24 THE COURT: In other words, what you are saying to me
25 at this time is that you want me to substitute Mr.
26 Hollopeter out and you want Mr. Hughes to be substituted in
in this case as your attorney of record?

1 THE DEFENDANT MANSON: Yes.

2 THE COURT: All right. Now, will you personally
3 agree to this continuance that they have suggested until
4 the 20th day of April?

5 THE DEFENDANT MANSON: Yes.

6 THE COURT: You'll waive your right to an earlier
7 trial and agree to that date; is that correct?

8 THE DEFENDANT MANSON: No, I haven't waived my right
9 for an early trial.

???

10 THE COURT: Do you waive your right to between the
11 30th of April when the matter is now set -- 30th of March
12 until the 20th of April?

13 THE DEFENDANT MANSON: I'll waive it.

14 THE COURT: Mr. Hughes, I'll permit you to become
15 attorney of record. I'll substitute Mr. Hollopeter out of
16 this case with the thanks of this Court, Mr. Hollopeter, for
17 your assistance in this matter. I know it has been a trying
18 experience for you and I am most pleased and gratified to
19 receive your assistance.

20 MR. HOLLOPETER: Thank you, your Honor.

21 MR. HUGHES: At this time, your Honor --

22 THE COURT: Before, Mr. Hughes, before I conclude this
23 matter I want it also to be perfectly clear and I want you
24 to understand that this substitution of attorneys in this
25 matter is not, in your case, pursuant to Section 987a of the
26 Penal Code.

1 MR. HUGHES: I am quite aware of that, your Honor. I
2 don't believe that I would have accepted a 987a from this
3 Court in any event.

4 THE COURT: And so it's perfectly clear, whatever
5 arrangements you may have made with Mr. Manson, those
6 arrangements are between you and Mr. Manson, and in no way
7 will the County of Los Angeles reimburse you for any
8 services that you may render in this case on behalf of Mr.
9 Manson.

10 MR. HUGHES: I'm quite prepared, your Honor, to handle
11 the case on my own without the services of the County of
12 Los Angeles.

13 THE COURT: Now, in this case, then, Mr. Hollopeter,
14 you are now substituted out. Mr. Hughes, you will be the
15 attorney of record in this matter.

16 Mr. Hughes, have you received a copy of the
17 publicity order that was filed early in this case?

18 MR. HUGHES: No, I have not, your Honor.

19 THE COURT: Do we have a copy of that so that Mr.
20 Hughes can be given a copy?

21 THE DEFENDANT MANSON: Your Honor --

22 THE COURT: Now, Mr. Manson, Mr. Hughes is your
23 attorney. You will speak through him. If you want to say
24 anything to the Court, you talk to Mr. Hughes. He will talk
25 to me.

26 MR. HUGHES: Your Honor, at this time I would like to

1 withdraw the earlier motion for a psychiatric examination of
2 the defendant.

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

4 The Court will now order vacated the motion
5 filed on behalf of Mr. Manson that a psychiatric examination
6 be conducted by Dr. George Abe. That motion is withdrawn.
7 The order of this Court appointing Dr. Abe is now vacated.

8 Now, what about this motion for a severance
9 that is on file at this time? This is a --

10 MR. HUGHES: Has anyone else joined in that motion,
11 your Honor?

12 THE COURT: Not to my knowledge.

13 MR. HUGHES: Your Honor, then at this time we would
14 withdraw that motion as to severance.

15 THE COURT: The motion for a severance filed on
16 behalf of defendant Manson is now by his new attorney of
17 record withdrawn.

18 MR. HUGHES: At this time I'd ask that Mr. Hanson be
19 allowed to speak.

20 THE DEFENDANT MANSON: Be allowed to what?

21 THE COURT: Be allowed to speak?

22 MR. HUGHES: Yes.

23 THE COURT: That motion is denied. You are the
24 attorney of record, Mr. Hughes.

25 MR. HUGHES: He has a paper that he wants to read.

26 THE COURT: Mr. Hughes, you are the attorney of

1 record. We are going to proceed in this case on that basis.
2 Mr. Manson can confer with you. If you have anything to
3 address to this Court after you have conferred with Mr.
4 Manson, I will listen to you at that time.

5 Now, the case insofar as defendant Krenwinkel
6 is concerned is ordered continued until the 20th day of
7 April, and, Mr. Fitzgerald, that date is agreeable with you;
8 is that correct?

9 MR. FITZGERALD: That is correct.

10 THE COURT: Miss Krenwinkel, that date is personally
11 agreeable with you and you will waive your right to an
12 earlier trial and agree to the 20th day of April; is that
13 correct?

14 THE DEFENDANT KRENWINKEL: Yeah, I guess so. Yes.

15 THE COURT: Miss Atkins, will you waive your right
16 to an earlier trial and personally agree to that date, the
17 20th day of April?

18 THE DEFENDANT ATKINS: My lawyer isn't here. I don't
19 know what he'd say about it.

20 THE COURT: You have indicated to me, Miss Atkins,
21 that for the purposes of this hearing today that Mr. Ira
22 Reiner, who is going to represent you, Mr. Reiner has
23 indicated that he has conferred with your attorney, Mr.
24 Shinn. Mr. Shinn has indicated to Mr. Reiner in some
25 conversation that Mr. Reiner can represent your interests at
26 this time, so your attorney is here for the purposes of this
hearing.

1 THE DEFENDANT ATKINS: Okay.

2 THE COURT: Now, if you want me to continue this
3 matter over so that Mr. Shinn can come in, I will do so.
4 However, at this point, Mr. Reiner is representing you, you
5 are represented by counsel, and this was agreeable with you.

6 MR. REINER: Excuse me, your Honor.

7 THE DEFENDANT ATKINS: Okay. I have no objection.

8 THE COURT: You waive your right to an earlier trial
9 and agree to that date?

10 DEFENDANT ATKINS: Yes.

11 THE COURT: Miss Van Houten, will you also waive your
12 right to an earlier trial and agree to that date of April
13 20th?

14 THE DEFENDANT VAN HOUTEN: Uh-huh.

15 THE COURT: And, Mr. Reiner, on behalf of your client,
16 Miss Van Houten, on behalf of Miss Atkins, would you
17 represent for the limited purposes of this hearing that you
18 will join in that waiver?

19 MR. REINER: Yes, your Honor, I'll join.

20 THE COURT: All right. The matter is currently set
21 for trial on that date, April 20, at 9:00 a.m. in the
22 morning in this department.

23 MR. STOVITZ: May I make just one statement for
24 counsel. We sent other counsel a letter indicating that the
25 items for discovery were lodged with the clerk of this
26 court. I understand that this court will be in recess until
some time after March 30th, or, until March 30th, and the

1 court actually will be dark. We, therefore, are going to
2 remove those items for discovery back to our office and
3 keep them there for the period until the court resumes.
4 We will make them available to you, Mr. Hughes, as we have
5 in the past.

6 MR. HUGHES: Your Honor, at this time I wish to
7 object to the items of discovery ever having been before
8 the Court.

9 MR. STOVITZ: They were never before the Court. They
10 were lodged in the clerk's files and no one but attorneys
11 and their authorized representatives have seen them except
12 Mr. Manson has seen them personally when we brought them
13 to the jury room for him.

14 MR. HUGHES: May I inquire, your Honor, at this time,
15 have you seen the items of discovery?

16 THE COURT: I haven't looked at anything in this case,
17 Mr. Hughes. The --

18 THE DEFENDANT MANSON: (Laughter.)

19 THE COURT: The exhibits were -- Mr. Manson. Mr.
20 Manson.

21 THE DEFENDANT MANSON: I'm sorry.

22 THE COURT: I will anticipate, Mr. Manson, that from
23 here on out you will conduct yourself as a gentleman in this
24 courtroom and --

25 THE DEFENDANT MANSON: You better start it first.

26 THE COURT: And that this type of conduct will not

1 continue in the future, or if it does continue in the
2 future, this Court will have to take appropriate action.

3 THE DEFENDANT MANSON: No one's afraid of you, Mr.
4 Keene.

5 THE COURT: Mr. Manson, as I have indicated to you,
6 you are not acting as your attorney. Your attorney in this
7 case is Mr. Hughes.

8 This matter is now in recess. The case is set
9 for trial on the 20th day of April in this department at
10 9:00 o'clock in the morning.

11 (Whereupon, proceedings were continued to
12 Monday, April 20, 1970, at 9:00 o'clock a.m.)

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1 LOS ANGELES, CALIFORNIA, MONDAY, MARCH 23, 1970

2 9:00 A. M.

3 DEPARTMENT NO. 106

--- 0 --- HON. MALCOLM M. LUCAS, JUDGE

4 THE COURT: In the matter of Patricia Krenwinkel.

5 Let the record show that the defendant is
6 present with her attorney, Mr. Fitzgerald of the Public
7 Defender's office.

8 Counsel, you you state your name and
9 appearance for the record?

10 MR. MEYERS: Louis W. Meyers, III, of Flint and McKay,
11 appearing for the Los Angeles Herald-Examiner.

12 THE COURT: This is a motion to quash subpoenas
13 in this matter. The Los Angeles Herald-Examiner is the
14 moving party and said motion is now before the Court.

15 The moving party has submitted points and
16 authorities supporting their motion to quash.

17 Do you wish to respond, Mr. Fitzgerald?

18 MR. FITZGERALD: Just very briefly, your Honor.

19 I think the Court can take judicial notice of
20 the fact inasmuch as the Public Defender is the attorney
21 of record, the defendant Patricia Krenwinkel is an indigent
22 and there is some representation in the affidavits attached
23 to the motion indicating that the materials in the
24 possession of the Herald-Examiner are available at a cost
25 or charge to the defendant.

26 Additionally, I might indicate that it has

1 already been alleged by counsel that these matters, the
2 items which are requested in the subpoena duces tecum, are
3 relevant and necessary as far as the motion to change venue
4 is concerned. I don't think that counsel was misled as
5 to the nature of the hearing to be held on the 24th.

6 With that, I will submit it.

7 THE COURT: Well, I must say, Mr. Fitzgerald, I am
8 concerned with what I assume is the obvious equal avail-
9 ability of these materials for the Public Defender's of-
10 fice as to the Herald-Examiner. If there is a financial
11 problem, of course the Court can approve, if for some
12 reason an investigator from the Public Defender's office
13 cannot or is unable to research these items, the Court
14 can approved th employment of a particular research people,
15 but if they are available at the Los Angeles Library and
16 they have these particular documents and also the research
17 has already been done to a degree by Linda Kasabian in the
18 exhibit submitted by her. Perhaps that is not as extensive
19 as your request here, but I think, Mr. Fitzgerald, it does
20 seem that the burden should lie, where the materials are
21 equally available to both parties, as easily available
22 to the moving party as to the responding party, that the
23 burden should lie with the moving party to do the necessary
24 work, and certainly there would be every assurance that the
25 research would be done properly.

26 The number of items listed here, I'm referring

1 to the list given by the moving party, and I think the
2 moving party would be in a much better position to assess
3 which are the particular items which you are interested
4 or not interested in.

5 I appreciate that creates a problem. Their
6 matter is coming up tomorrow. I assume if you need more
7 time, the Court will grant you more time.

8 But I do feel that the subpoena duces tecum
9 should be quashed, that the Public Defender should do that
10 particular job.

11 MR. MEYERS: Excuse me for interrupting, your Honor,
12 but the District Attorney informs me that all the newspaper
13 articles are in his possession from December 2nd on and
14 that would eliminate hours of research required by the
15 Public Defender. I assume that they are in this building
16 and they would certainly alleviate a great deal of that
17 research.

18 THE COURT: Well, there has been an exhibit by the
19 People which included all of the Herald-Examiners from a
20 certain date. The Court is unable to state with certainty,
21 but there are a number of items in that particular exhibit,
22 People's A, I believe it is, and I'm sure the People could
23 cooperate. If they have additional copies of those parti-
24 cular newspapers, they would make it available to the de-
25 fendant.

26 But the motion to quash the subpoena duces

1 tecum will be granted.

2 Mr. Fitzgerald, is that going to affect your
3 ability to be ready tomorrow?

4 MR. FITZGERALD: Well, actually, I have dealt with
5 almost every major television station in Los Angeles as
6 well as every newspaper and periodical. I might say all of
7 the media have been extremely cooperative with the except-
8 ion of the Herald-Examiner.

9 THE COURT: Well, I think perhaps you should stop
10 buying the Herald-Examiner.

11 MR. FITZGERALD: As a matter of fact, I was trying
12 to assist the Herald-Examiner by having them bring the
13 newspaper articles in. I don't see where I have any
14 alternative but to subpoena representatives of their
15 news staff and their editorial staff as to the contents
16 that are in the newspaper.

17 THE COURT: That matter is not immediately before us.
18 I am aware of a clipping service the People used in the
19 preparation of People's A.

20 I think that at least is an equally efficient
21 way to obtain this documentation -- I think that in such a
22 say you could obtain this documentation more efficiently
23 and more rapidly than possibly what you are suggesting.

24 As indicated, the Court doesn't know exactly
25 what you have in mind at the moment. I assume that
26 Flint & McKay are on retainer for the Herald-Examiner and

1 that they will be able to return and combat whatever new
2 subpoena you may issue.

3 I believe that it is probable that the Los
4 Angeles Public Library can provide you or your investigator
5 much more rapidly the documentation you have mentioned,
6 that you would achieve your results more rapidly and
7 efficiently than by the route you have suggested.

8 I believe I have said enough, and of course,
9 you are entitled to do what you think is best, but I
10 certainly do have the feeling that if you proceed in that
11 manner that Flint and McKay will be prepared to resist such
12 subpoenas.

13 MR. FITZGERALD: We will do our very best to
14 incorporate these articles as well as we can, but I would
15 like to point out that the Los Angeles Public Library
16 does not maintain copies of all of the Herald-Examiner
17 editions, nor do they maintain copies of headlines of
18 such editions which are very important in demonstrating the
19 main claim as to the prejudicial character of the publicity.

20 As your Honor pointed out, Mr. Goldman's
21 Exhibit A which is a combined exhibit containing articles
22 from the Los Angeles Herald-Examiner, the Hollywood Citizen
23 News and the Los Angeles Times, that there are some copies
24 of the Herald-Examiner and that there are some of the
25 Herald-Examiner headlines and also the District Attorney
26 has^a/somewhat incomplete file of the Herald-Examiner.

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1 I would like to present the entire Herald-
2 Examiner file to your Honor, that is to say, I would like
3 to present to you each and every article that has appeared
4 in the Herald-Examiner from the date of August 9th up to
5 and including March 20th.

6 The reason I went back to August 9th was to
7 demonstrate the frequency and character of the publicity
8 that surrounded the initial revelation -- the initial
9 disclosure of the homicide and the publicity that attended
10 the event itself.

11 Then as we work up to the time the arrests
12 are made, there are other articles and stories concerning
13 these matters and these defendants.

14 I will do everything within my power, frankly
15 I would like to proceed tomorrow almost at all costs.

16 There are so many things that must be done in
17 this case that perhaps -- I have talked to Mr. Silberts and
18 perhaps we can enter into some type of stipulation. At
19 this point I don't want to have the matter continued. At
20 this point I don't intend to make a motion to continue, and
21 I don't hope to do so tomorrow.

22 THE COURT: Very well, Mr. Fitzgerald. We will see
23 you tomorrow, then.

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LOS ANGELES, CALIFORNIA, TUESDAY, MARCH 24, 1970

10:00 A. M.

DEPARTMENT NO. 106

--- O --- HON. MALCOLM M. LUCAS, JUDGE

THE COURT: I will call the matter of Patricia Krenwinkel.

MR. HUGHES: Your Honor, I ask to be recognized.

THE COURT: For what purpose?

MR. HUGHES: I communicated with the Court on Thursday for the purpose of putting Mr. Manson on calendar to join in this motion for change of venue.

I would ask the Clerk at this time to order the Sheriff to have Mr. Manson brought over for this hearing.

I was told by the Clerk yesterday morning at roughly 11:00 o'clock that your Honor had said that any motion which Mr. Manson had already made previously, that I would not be allowed to make that motion again.

THE COURT: Do the People wish to be heard in this matter?

MR. STOVITZ: Your Honor, if Mr. Hughes would like to renew the motion for any additional points, we would have no objection. Perhaps Mr. Manson did not fully argue the motion for change of venue, so we would have no objection.

Perhaps what we can do as a matter of saving time is that we have Mr. Hughes join in the argument and then

1 before your Honor rules one way or the other we can have
2 Mr. Manson brought to court and we can have a stipulation
3 that Mr. Manson's personal appearance was not necessary.

4 If Mr. Manson was not willing to enter into
5 that stipulation, then perhaps Mr. Hughes could repeat his
6 argument, or perhaps the Court Reporter could read it to
7 Mr. Manson.

8 MR. HUGHES: It's my feeling that the defendant
9 should be present at the motion which is being made in his
10 behalf. He has a right to be here, and I would ask that he
11 be brought over so that I could make or join in this motion
12 on behalf of Mr. Manson. I would request that he be brought
13 over forthwith.

14 THE COURT: All right, will counsel approach the
15 bench, please?

16 (Off the record discussion at the bench.)

17 THE COURT: Very well, we will have Mr. Manson
18 brought over just as soon as possible, and in the interim
19 let us proceed with the motion to dismiss on behalf of
20 Patricia Krenwinkel.

21 First, let the record reflect the Court has
22 received a document entitled "Substitution of Attorney"
23 signed presumptively by the defendant and by Chief Deputy
24 Public Defender John Moore, with the substitution being
25 accepted by Paul Fitzgerald.

26 Patricia Krenwinkel, you have signed that

3
1 substitution of attorney, is that correct?

2 MRS. KRENWINKEL: Yes, I have.

3 THE COURT: And what do you understand to be the
4 legal import of such a substitution?

5 MRS. KRENWINKEL: That I should be giving up the
6 Public Defender, who I had, substituting a private attorney,
7 Mr. Fitzgerald. ✓

8 THE COURT: Is that your wish?

9 MRS. KRENWINKEL: Yes.

10 THE COURT: You understand by having Mr. Fitzgerald
11 as your provate attorney, you will no longer have the
12 resources, financial and otherwise, of the Public Defender's
13 office to assist you in the trial of your case?

14 MRS. KRENWINKEL: Yes, I understand that.

15 THE COURT: And have you discussed the ramifications
16 of this with Mr. Fitzgerald?

17 MRS. KRENWINKEL: Yes, I have.

18 THE COURT: Do you understand that, if you wish,
19 the Public Defender's office could appoint another attorney
20 to represent you from the Public Defender's office and to
21 continue with them, rather than proceeding with Mr. Fitz-
22 gerald as a private attorney?

23 Do you understand that?

24 MRS. KRENWINKEL: Yes.

25 THE COURT: And should the Public Defender's office
26 at a subsequent date declare a conflict of interest, if

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1 there was that determination, you could have at that time
2 a private attorney appointed for you.

3 Do you understand that also?

4 MRS. KRENWINKEL: Yes, I do.

5 THE COURT: All right, then, understanding those
6 matters, is it still your wish to substitute the Public
7 Defender's office out of the case and substitute Mr. Paul
8 Fitzgerald into the case as a private attorney?

9 MRS. KRENWINKEL: Yes.

10 THE COURT: Thank you.

11 Mr. Fitzgerald, do you wish to add anything?

12 MR. FITZGERALD: So the record might be clear,
13 I did tender to the office of the Public Defender my
14 resignation this morning, and as of the acceptance of that
15 resignation by Mr. John Moore, Chief Deputy Public Defender,
16 I have lost my status as a Deputy Public Defender and I am
17 now simply another member of the private bar in California.

18 In this connection I wish to pursue the
19 obligation I have to Mrs. Krenwinkel, and I would ask that
20 the Court accept the substitution of attorneys, substitu-
21 ting in place and in stead of Richard Buckley, the Public
22 Defender, as counsel Mr. Paul Fitzgerald as private at-
23 torney.

24 THE COURT: Do the People wish to be heard?

25 MR. STOVITZ: No, your Honor.

26 THE COURT: The substitution is accepted and

K5
1 approved.

2 You are attorney of record as a private
3 attorney, Mr. Fitzgerald.

4 We will not proceed with the defendant's
5 motion pursuant to Penal Code Section 995 to dismiss.

6 Let the record reflect in this matter the
7 Court has read and considered the documents submitted by
8 counsel in regard to this particular motion, and has
9 likewise read and considered the Reporter's Transcript
10 of the Grand Jury proceedings of December 5, 1969 and
11 December 8, 1969.

12 You may proceed, Mr. Fitzgerald.

13 MR. FITZGERALD: It is the defendant's position
14 that the indictment does not contain reasonable and
15 probable cause to bind this defendant over to stand trial
16 in the Superior Court in Los Angeles County.

17 In pertinent part, Penal Code Section 939.6,
18 Subdivision B thereof, provides the Grand Jury shall
19 receive only evidence that would be admissible over
20 objection at the trial of the action.

21 I have carefully reviewed both volumes of the
22 transcript of the proceedings before the Grand Jury and
23 there is contained in those two volumes inadmissible
24 evidence concerning, among other things, the personal life
25 of one of the witnesses, Susan Denise Atkins, and there are
26 innumerable examples of inadmissible hearsay and conver-

K6

1 sations that are not related to any conspiracy, nor are they
2 properly admissions nor confessions.

3 There are substantial portions of the
4 proceedings that deal with the witness' children and with
5 various social relationships she engaged in, from a
6 period well in advance of the date of the alleged homicide
7 in this case.

8 I think that your Honor, in reading this
9 transcript, noticed the same inadmissible hearsay and the
10 same irrelevant and immaterial and in some cases prejudic-
11 ial material that was introduced into evidence, and I
12 assume your Honor in ruling on this motion has made for
13 yourself the proper objections in determining this motion
14 solely on the basis of admissible evidence.

15 I think the test, although there is some
16 question about it in California, I think the test which is
17 somewhat different in ruling on a motion where there has
18 been a Grand Jury indictment as opposed to a motion where
19 there has been a preliminary hearing and the District
20 Attorney has proceeded against a defendant by way of
21 Information.

22 I think this case illustrates and is a classic
23 example of the abuse that can be engaged in when a Grand
24 Jury indicts someone rather than a Magistrate hearing
25 evidence.

26 Now, Penal Code Section 939.8 provides that

K7
1 the Grand Jury shall find an indictment, when all of the
2 evidence before it, taken together, if uncontradicted or
3 uncorroborated, would in itself warrant a conviction by a
4 trial jury.

5 Now, that sets out a somewhat different
6 standard than the reasonable and probable cause standard
7 used by a Magistrate, or a Judge of the Superior Court in
8 reviewing the ruling of a Magistrate.

9 In reviewing, where there has been a prelimin-
10 ary hearing and an Information, the Court need only find
11 reasonable and probable cause, but I think that here as
12 set out in the statute, which is a strict delegation by
13 the State Legislature, the Court must actually in this case
14 find more than that.

15 The Court must find that if the evidence is
16 uncontradicted the evidence would warrant a conviction.
17 In this case presumable, in this case presumably the
18 conviction would be one where there would be seven separate
19 and distinct counts of murder and one count of conspiracy
20 to commit murder, and I submit the prosecution has failed
21 to meet that burden in almost every single respect.

22 I concede obviously that the People have
23 demonstrated criminay agency as to the homicide of all of
24 the victims, and I don't contend to the contrary.

25 I feel that the connection of Mrs. Krenwinkel
26 to those homicides is indeed tenuous, if not non-existent.

1 The sole connection of Mrs. Krenwinkel to the
2 so-called Tate homicides would be Counts 1, 2, 3 and 4 and
3 5 of the Information, is based solely on the testimony of
4 Susan Denise Atkins. Now, ordinarily a Court cannot de-
5 termine the competency of a witness pursuant to a motion
6 under Section 995, Subdivision 2. Ordinarily a Court must
7 assume that the witness is competent.

8 I think a problem would be, however, that the
9 Court is bound by the competency of the witness where there
10 has been a preliminary hearing, that is to say, where there
11 has been an opportunity afforded counsel for defendant to
12 actually cross-examine a witness for the prosecution. Now
13 obviously, there was no opportunity inasmuch as the Grand
14 Jury proceedings in Los Angeles County and in most places
15 are secret proceedings and counsel are not allowed to be
16 present.

17 Susan Denise Atkins was not cross-examined.
18 In her direct testimony she indicates, however, several
19 places in the transcript, there are several places during
20 her testimony that she was unaware of whether she was
21 discussing the events that really happened -- reality, in
22 other words -- as opposed to events that may have hap-
23 pened, fantasy on the other hand.

24 She demonstrates particularl in regard to
25 admissions allegedly made by Mrs. Krenwinkel to her that
26 she is not indeed sure that Mrs. Krenwinkel actually made

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1 those statements. Now, I am sure that the veracity of
2 those statements, as counsel for the People, Mr. Bugliosi,
3 pointed out, and it is contained in the Grand Jury tran-
4 script, that she need not concern herself with the under-
5 lying truth of the statements, that it was simply her
6 function as a witness before the Grand Jury to relate as best
7 she could and she was to recall the events that were
8 related by her.

9 But I think inasmuch as counsel was deprived
10 of an opportunity to cross-examine, and I think one can
11 reasonably say that had cross-examination been afforded
12 defendant Krenwinkel or any of the other defendants, that
13 it would have been clearly demonstrated that she was not
14 a competent witness and in many respects her testimony was
15 inherently improbable.

16 I submit to the Court further that there is
17 absolutely -- well, before I move on that the sole con-
18 nection of Mrs. Krenwinkel to the Tate homicides are the
19 statements of Miss Atkins. In addition to the so-called
20 connection of Mrs. Krenwinkel to the so-called La Bianca
21 homicides, there were statements allegedly made by Mrs.
22 Krenwinkel to Miss Atkins which could probably be denomi-
23 nated as admissions, and, as your Honor well knows, in
24 California at the trial stage of the proceedings, admissions
25 are to be viewed with caution. I think inasmuch as Miss
26 Atkins, as has been pointed out, was somewhat unclear as

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1 to what statements or admissions Mrs. Krenwinkel made and
2 she was somewhat unclear as to the truth of the admissions,
3 I think your Honor can probably strike that from the tran-
4 script.

5 Without that tenuous connection there is no
6 connection with this matter. I am not assuming with those
7 statements of Miss Atkins there is any connection either.
8 I am simply saying that without them there is absolutely
9 no connection.

10 In regard to the last count of the indictment,
11 the conspiracy count, while the People demonstrated the
12 overt acts that they alleged in the indictment, they cer-
13 tainly haven't proved it, nor have they raised any substan-
14 tial question as to whether there was a conspiracy or illeg-
15 al agreement.

16 There has been no prior planning, or no prior
17 articulated agreement between or among the defendants in
18 connection with either of the two distinct homicides here.
19 I think in its entirety the indictment, the proceedings
20 before the Grand Jury, fail to sustain the indictment.

21 THE COURT: Thank you, Mr. Fitzgerald.

22 Do counsel for the People wish to reply?

23 MR. STOVITZ: Yes, your Honor.

24 I think that counsel has fallen into the
25 error many attorneys fall into, and that is arguing the
26 sufficiency of a case and the worth of the evidence,

K11
1 rather than the evidence itself.

2 The argument of counsel might be more ap-
3 propriate if it were made to a trial jury or to a trier
4 of the fact, if your Honor were the trier of the fact; but
5 on a motion under 995 your Honor must assume that all of
6 the Grand Jurors whose names appear in the Grand Jury tran-
7 script viewed Miss Atkins as she was testifying and they
8 determined from their view that she was competent.

9 Otherwise they certainly would not have
10 accepted her testimony.

11 We can assume that they are reasonable and
12 logical people.

13 I think counsel is also, frankly, somewhat
14 confused as to the actual language of the Penal Code and
15 what the cas has interpreted that language as meaning.

16 The test on a review of the Grand Jury in-
17 dictment is the same as the test for a preliminary hearing,
18 and although the Code says that the jury must be satisfied
19 of the convincing nature of the evidence, that means the
20 jury must be satisfied there is probable cause.

21 I submit, your Honor, that we have no question
22 of corroboration of an accomplice, because that is not
23 necessary at a Grand Jury hearing. The corroboration of
24 the accomplice must take place at the trial, and that is
25 true with respect to the statements that Miss Atkins made
26 at the Grand Jury proceedings.

I believe her words were in substance,
"I don't know if this is really what happened at the LaBianca house, but this is what Mrs. Krenwinkel told me happened." Of course, there is a difference between what she believes, and what Mrs. Krenwinkel told her. At that point Mr. Bugliosi was very careful to have Miss Atkins relate only what Mrs. Krenwinkel told her, and that is what she said.

I think the evidence not only is sufficient for the purpose of this motion, but it is overwhelming and it stands uncontradicted at this time.

I submit the motion should be denied.

THE COURT: Thank you, Mr. Stovitz.

Do you wish to reply, Mr. Fitzgerald.?

MR. FITZGERALD: I will concede that there are a number of judicial decisions interpreting the Code language. I referred to the claim that Miss Atkins was somewhat unclear as to what she testified to, but Mr. Stovitz does not believe that her testimony was unclear.

I think that the proper standard for a Grand Jury indictment is the standard that the Grand Jury should be convinced of the defendant's guilt inasmuch as none of the procedural safeguards are afforded to the defendant by the Grand Jury.

With that, I'll submit the matter.

THE COURT: As counsel knows, we are not at this

1 particular hearing determining the guilt or innocence of
2 the defendant in this matter. We are simply determining
3 whether or not there is sufficient to hold her for trial.

4 The Court has read and considered the Report-
5 er's Transcript and the Court does not feel that under
6 the present existing law that the Court is able to de-
7 termine the credibility or reliability of the particular
8 witnesses in the transcript. That is the finding of the
9 Grand Jury and they have made their determination by
10 issuing their indictment.

11 The Court feels that within the indictment
12 there is sufficient evidence to create in the mind of a
13 reasonable man a strong suspicion -- not guilt beyond a
14 reasonable doubt necessarily -- but a strong suspicion
15 of the guilt of the defendant.

16 Therefore the motion to dismiss will be denied.

17 We will take a fifteen - minute recess and will
18 then proceed with the motion for a change of venue.

19 MR. STOVITZ: Thank you, your Honor.

20
21 (Short recess)

22
23 THE COURT: I will call the matter of People versus
24 Charles Manson and Patricia Krenwinkel.

25 Let the record reflect that both defendants
26 are present with their respective counsel, and that this

K14

1 matter is before the Court on a motion for change of venue
2 by both the defendant Charles Manson, and Patricia Kren-
3 winkel.

4 Are counsel ready to proceed at this time?

5 MR. HUGHES: Ready at this time.

6 I will ask at this time that Mr. Manson also
7 be allowed to argue these motions.

8 THE COURT: That motion is denied.

9 Let the record reflect that the Court has read
10 and considered the documents submitted by both counsel in
11 regard to the motion for a change of venue.

12 Is there a stipulation that counsel wishes
13 to enter into?

14 MR. STOVITZ: There is.

15 Mr. Fitzgerald, would you state it for the
16 Court?

17 MR. FITZGERALD: Yes, perhaps inasmuch as the stipu-
18 lation relates to the exhibits, I wonder if we might go
19 through and mark the exhibits if they haven't been marked
20 as yet. Then we'll enter into the stipulation in connection
21 therewith.

22 Is that agreeable?

23 MR. STOVITZ: I think they have already been marked.
24 I looked at them and they have numbers on them.

25 MR. FITZGERALD: Are you talking about the exhibits
26 that have been entered in the case of People versus Beau-

1 soleil, A-057452?

2 MR. STOVITZ: That is correct. They are all marked
3 with the numbers on them.

4 I was just picking out certain ones, but if
5 you like, I'll put them all in the box and make sure they
6 are there.

7 MR. FITZGERALD: Yes, please.

8 It is hereby stipulated between the defendant
9 and the plaintiff that this Court may receive into evidence
10 Defendant's Exhibits A-1, A-2, A-3, A-4, A-5, A-6, A-7,
11 A-8, A-9, A-10, A-11, A-12, A-13, A-14, that have previously
12 been received into evidence in the Los Angeles Superior
13 Court case of the People of the State of California versus
14 Robert Kenneth Beausoleil, A-057,452. Said exhibits are
15 to be received into evidence by reference.

16 MR. STOVITZ: So stipulated as to that.

17 MR. HUGHES: Defendant Manson will join in that
18 stipulation.

19 THE COURT: Thank you.

20 The Court accepts the stipulation.

21 MR. FITZGERALD: It is also stipulated that defend-
22 ant's A-1 are true and accurate copies of scripts of news-
23 casts televised by television station KNXT-Channel 2 on
24 the dates and times indicated on said scripts.

25 That defendant's A-2 are true and accurate
26 copies of scripts of newscasts televised by television

K 16

1 station KNBC - Channel 4 on the dates and times indicated
2 on said scripts.

3 MR. STOVITZ: So stipulated.

4 THE COURT: We have not heard from Mr. Hughes?

5 MR. HUGHES: I will join in that stipulation on
6 behalf of the defendant Manson.

7 THE COURT: Thank you. The Court accepts the stipu-
8 lation.

9 MR. FITZGERALD: It is stipulated by and between the
10 parties that defendant's A-3 are true and accurate copies
11 of scripts of newscasts televised by television station
12 KTLA - Channel 5 on the dates and times indicated on said
13 scripts.

14 MR. STOVITZ: So stipulated.

15 MR. HUGHES: So stipulated.

16 THE COURT: The Court accepts the stipulation.

17 MR. FITZGERALD: Do you think it would be of merit
18 to let me read the entire stipulation and then we can have
19 a stipulation covering it?

20 MR. STOVITZ: That is satisfactory.

21 THE COURT: Mr. Hughes?

22 MR. HUGHES: That is fine with us, your Honor.

23 MR. FITZGERALD: It is stipulated between and by the
24 parties that:

25 Defendant's A-4 are true and accurate copies
26 of scripts of newscasts televised by television station

K17

1 KABC - Channel 7 on the dates and times indicated on said
2 scripts.

3 That defendant's A-5 are true and accurate
4 copies of scripts of newscasts televised by television
5 station KHJ TV - Channel 9 on the dates and times indicated
6 on the said scripts.

7 That defendant's A-6 are true and accurate
8 copies of scripts of newscasts televised by television
9 station KTTV - Channel 11 on the dates and times indicated
10 on said scripts.

11 That defendant's A-7 are true and accurate
12 copies of scripts of newscasts televised by television
13 station KCOP - Channel 13 on the dates and times indicated
14 on said scripts.

15 That is the portions of said scripts that
16 refer to film segments (usually indicated by the letters
17 SOY) the subject matter of said film segment relates to the
18 topic indicated by the lead-in to said film segments and
19 that the length of said film segments are indicated on
20 the scripts by the numbers which indicate time in minutes
21 and seconds.

22 That said scripts are of newscasts originating
23 in Los Angeles County only.

24 That defendant's A-8 are true and accurate
25 copies of scripts of newscasts broadcast by radio station
26 KNX on the dates and times indicated on said scripts.

K18
1 That defendant's A-9 are true and accurate
2 copies of scripts of newscasts broadcast by radio station
3 KFJB on the dates and times as indicated on said scripts.

4 That defendant's A-10 are true and accurate
5 copies of scripts of newscasts broadcast by radio station
6 KABC on the dates and times as indicated on said scripts.

7 That defendant's A-11 are true and accurate
8 copies of scripts of newscasts broadcast by radio station
9 KNHC on the dates and times as indicated on said scripts.

10 That defendant's A-12 are true and accurate
11 copies of scripts of newscasts broadcast by radio station
12 KFI on the dates and times as indicated on said scripts.

13 That defendant's A-8, A-9 and A-10 contain
14 samples of one newscast broadcast on the day indicated
15 and that KNX Radio would broadcast said script three times
16 a day. That KFJB Radio would repeat said script approxi-
17 mately 20 to 24 times a day and that KABC Radio would
18 broadcast said script approximately three or four times
19 daily.

20 That the following witnesses are deemed to
21 have been called, sworn and testified to the size of the
22 viewing audience for the following stations:

23 That Mr. Gary Litaker is deemed called, sworn
24 and testified that he is Program Manager of KNXT - Channel
25 2, CBS, and that KNXT has 16 hours of news weekly and he is
26 informed that they have 1,018,000 viewers for the early

1 news and 413,000 viewers for the evening news.

2 That Mr. George Butke is deemed called, sworn
3 and testified that he is Station Manager for KNBC - Channel 4
4 and that he is informed that KNBC 5:00 to 6:00 P.M. newscast
5 has a rating of 6 based upon the last 80 quarter hours and
6 that this means they reached 203,000 television homes and
7 the total adults viewing the show were 270,000. That the
8 6:30 P.M. news based on 76 quarter hours rated 6 which meant
9 218,000 homes were reached and approximately 307,000 adults
10 observed the newscast. That the 11:00 P. M. to 11:30 P.M.
11 news based on 38 quzrter hours reached approximately 218,000
12 television homes with 307,000 adult persons viewing.

13 That Mr. Stan Chambers is deemed called, sworn
14 and testified that he is News Manager of KTLA - Channel 5
15 and that he is informed that according to the American Re-
16 search Bureau that the latest rating of each of their two
17 one hour shows was 3 and that this means that approximately
18 3 percent of the total television sets in the area where
19 reached by their studio and that there are approximately
20 3 1/2 million sets in their viewing area and that this means
21 approximately 100,000 persons view each of their telecasts.

22 That Mr. Burbridge is deemed called, sworn and
23 testified that he is Assistant Director of Research for
24 KABC - Channel 7, and that KABC has two - one hour newscasts
25 daily and that he is informed according to the American
26 Research Bureay that they carry a rating of 5 and that means

555
for the early news they reach approximately 170,000 homes
and that the total viewers are approximately 229,000 and
that the late news reaches 168,000 homes and has approxi-
mately 228,000 adult viewers.

That Mr. McGovern is deemed called, sworn
and testified that he is a member of the Sales Department
for KHJ TV - Channel 9 and that KHJ TV has one newscast
between the hours of 9:30 and 10:00 P. M. and that he is
informed according to the American Research Bureau that
the newscast is rated 3 which means they reach approximately
111,000 homes and approximately 158,000 television adult
viewers per newscast.

That Mrs. Jan Tucker is deemed called, sworn
and testified that she is secretary to the Program Director
of KCOP - Channel 13 and that KCOP has two newscasts daily,
one at 12 noon to 12:30 P. M. and one from 11:30 P. M. to
11:45 P. M. and that she is informed according to the Ameri-
can Research Bureau that the 12:00 Noon to 12:30 P. M. news
reaches 32,000 homes and has approximately 42,000 viewers
and that the 11:30 P.M. to 11:45 P. M. news reaches approxi-
mately 13,000 homes and has approximately 14,000 viewers.

That Mike Silverstein is deemed called, sworn
and testified that he is Research Director for KNX Radio
and that he is informed that KNX Radio's average number of
listeners per quarter hour period is 58,000.

That Herb Humphrey is deemed called, sworn

K 21

1 and testified that he is Managing Editor of KFWB and that
2 he is informed that KFWB has approximately 1,000,000
3 listeners per week.

4 That Mr. Jack London is deemed called, sworn
5 and testified that he is Director of Local Radio News for
6 KABC Radio and that he is informed that the average number
7 of listeners in any one quarter hour period during the
8 week is 82,400.

9 That Mrs. Margit Joldich is deemed called,
10 sworn and testified that she is employed by the Los Angeles
11 Times and that she is informed that the daily circulation
12 of the Los Angeles Times is 975,491 and the Sunday circu-
13 lation is 1,308,711.

14 That Mr. Myers is deemed called, sworn and
15 testified that he is Circulation Editor of the Herald-
16 Examiner and that he is informed that the daily circulation
17 of the Herald-Examiner is 519,391 and that Sunday circu-
18 lation is 490,134.

19 That Mr. Voss is deemed called, sworn and
20 testified that he is employed by the Santa Monica Evening
21 Outlook and that he is informed that the daily circulation
22 of the Evening Outlook is 42,250.

23 That Larry Allison is deemed called, sworn
24 and testified that he is employed by the Independent Press-
25 Telegram as Managing Editor and that he is informed that
26 the daily circulation of the Independent Press-Telegram

K 22

is 160,000.

1 That a representative of the Hollywood Citizen
2 News is deemed called, sworn and testified that he is
3 employed by the Hollywood Citizen News and that he is
4 informed that the daily circulation of that newspaper is
5 between 40,000 to 50,000 and weekly publication is 500,000.

6 Is it so stipulated, counsel?

7 MR. STOVITZ: So stipulated on behalf of the People

8 MR. HUGHES: So stipulated on behalf of the defend-
9 ant Manson.

10 THE COURT: The Court accepts the stipulation.

11 MR. FITZGERALD: The original of that document has
12 been filed by the Court signed by counsel for Mrs. Kren-
13 winkel.

14 MR. STOVITZ: It also has been signed by a repre-
15 sentative of the People, Mr. Bugliosi.

16 THE COURT: Mr. Hughes, do you wish to affix your
17 signature to this stipulation?

18 MR. HUGHES: Yes, sir.

19 (Mr. Hughes signs document.)

20 MR. FITZGERALD: May I at this time serially review
21 the additional exhibits that I have presented to the Court?

22 THE COURT: Very well.

23 MR. FITZGERALD: I have a copy of a document that
24 has been marked previously as Defendant's AA or double A
25 for identification, and that is a copy of a movie advertise-
26

ment of the Los Angeles Times, Calendar Section, Sunday,
March 8, 1970.

Defendant's Exhibit BB or double B purports
to be a photocopy of an article from the Los Angeles Maga-
zine of February 19, 1970, entitled "Could Your Daughter
Kill?"

In connection with double B, the article I
just mentioned, may it be stipulated by and between the
parties that the circulation of the Los Angeles Magazine
February 19, 1970 issue is approximately 62,000?

MR. STOVITZ: If counsel has researched that, we will
stipulate.

MR. HUGHES: So stipulated.

THE COURT: The Court accepts the stipulation.

MR. FITZGERALD: I have as double G or CC a sheaf
of documents that purport to be photocopies of articles
that appeared in the Los Angeles Times beginning with the
date of August 9, 1969 to and including March 14, 1970.

Defendant's DD or double D is another sheaf
of documents which has been marked collectively and that
purports to be photocopies of the Long Beach Independent
Post-Telegram.

THE COURT: Press Telegram.

MR. FITZGERALD: Yes, Press Telegram, excuse me.
That begins with the date of August 9, 1969 through and
including March 10, 1970.

K 24

1 I had previously marked and delivered to the
2 Court an exhibit next in order double E or EE and that
3 purports to be a photocopy of the December 12 issue of
4 the Los Angeles Herald and the December 12 issue of the
5 Hollywood Citizen News, and I would at this time withdraw
6 that exhibit because it is a duplication and it simply
7 would be cumulative.

8 Also there has been marked defendant's next
9 in order FF or double F, copies of articles from the Santa
10 Monica Outlook. Those are original newspapers beginning
11 with the date August 9, 1969 through March 10, 1970. Those
12 articles do not purport to reflect any articles that ap-
13 peared in that newspaper on the following days -- the dates
14 I am about to commence to give, copies of newspapers were
15 not available. Those dates are December 8 -- strike that.

16 August 18 and August 30 of 1969.

17 September 10 and 24 of 1969

18 October 1, 17 and 22 and 29 of 1969.

19 November 5 and 7 of 1969.

20 December 3 and 5 of 1969.

21 The defendant's next in order is, I believe,
22 a six-page document and these purport to be articles from
23 the Los Angeles Times dated December 14, 1969 entitled
24 "Susan Atkins' Story of Two Nights of Terror."

25 This is a cumulative exhibit but for refer-
26 ence I would like to mark that separately though it is

K 25

1 contained as well in Defendant's Exhibit CC or double C.

2 Next in order is an exhibit that I had deliver-
3 ed to the Court marked HH or double H and that is a paper
4 book copyrighted by Susan Atkins and Lawrence Hiller en-
5 titled "The Killing of Sharon Tate."

6 I will ask that be withdrawn because, as the
7 Court earlier suggested, a large exhibit is going to be
8 introduced in evidence which will contain that book.

9 The defendant's next in order is double I or
10 II, which are scripts from KABC TV - Channel 7, I believe.

11 Defendant's next in order is an Exhibit JJ or
12 double J, which appears to be headline editions and front
13 pages and in some cases other than front pages from the
14 Hollywood Citizen News for the following dates:

15 August 11, 15, 18 and 21 of 1969.

16 September 9, 20 and 26 of 1969.

17 October 10, 13, 14 and 24 of '69.

18 November 6, 1969.

19 December 2, 3, 5, 6, 9, 10, 11, 12, 15, 16,
20 17, 22, 26, and 29 of 1969.

21 That exhibit also contains front pages of the
22 Valley Times edition. I am informed and believe that the
23 Valley Times and the Hollywood Citizen News are connected
24 financially, if not in fact.

25 The dates of the Valley Times are August 20,
26 December 18, December 20, December 24, 1969 and January 5,

1970.

1 Defendant's next in order is KK or double K,
2 and that is a document which collectively represents scripts
3 from KCOP - Channel 13, from August 9, 1969 through and
4 including December 1, 1969, and again from January 14, 1970
5 through and including March 10, 1970.

6 In connection with that exhibit may it be
7 stipulated by and between parties that if Daniel B. Tom-
8 pkins, News Editor, were called, sworn and testified he
9 would testify that these scripts are true and accurate
10 scripts that were used in the regular course of business
11 on KCOP?

12 MR. STOVITZ: So stipulate on behalf of the People

13 MR. HUGHES: So stipulate on behalf of defendant
14 Manson.

15 THE COURT: The Court accepts the stipulation.

16 MR. FITZGERALD: By way of stipulation, I would like
17 to point out to the Court that the exhibits that Mr. Stovitz
18 took out of the box on the left hand side of the table are
19 Defendant's A-1 through, I believe, A-14.

20 MR. STOVITZ: I think it is through A-12.

21 MR. FITZGERALD: Those were the exhibits that were
22 previously filed in the case of People versus Beausoleil.
23 There are also three newspapers on the 14th, the 15th and
24 the 16th which were also introduced. I will not offer those
25 unless for some reason counsel wants those.
26

K 27

1 MR. STOVITZ: No, I withdraw my stipulation as to
2 those.

3 MR. FITZGERALD: I would like to have the next
4 designation LL or double L for a document the series of
5 documents that has been presented to the Court previously
6 by attorney Richard Goldman and Gary B. Fleischman, at-
7 torneys at law, in connection with a motion pursuant to
8 Penal Code Section 1033, which purports to be a copy of
9 newspaper articles and a copy of the book and a copy of at
10 least two national news articles.

11 MR. STOVITZ: No objection to that.

12 THE COURT: Do you have any objection to that, Mr.
13 Hughes?

14 MR. HUGHES: No objection, your Honor.

15 MR. FITZGERALD: All right, thank you.

16 I believe that concludes the exhibits that I
17 have to offer.

18 I ask the Court's indulgence, as there are a
19 lot of exhibits here, and if I come up with something else
20 I will momentarily point it out.

21 THE COURT: Very well.

22 Do you wish these exhibits received in evidence
23 at this time?

24 MR. FITZGERALD: Yes, may they be received in
25 evidence?

26 THE COURT: Is there any objection ?

1 MR. STOVITZ: None on behalf of the People, and of
2 course it's understood it is for this motion only and not
3 for the truth or falsity of what is contained in there.

4 MR. FITZGERALD: Obviously not.

5 So there will be no problem, may it also be
6 stipulated that these articles purport to be true and
7 accurate copies of what is contained therein?

8 MR. STOVITZ: Yes.

9 MR. HUGHES: So stipulated.

10 MR. FITZGERALD: I might point out to the Court
11 that these collected articles arbitrarily have the designa-
12 tions AA, BB, CC, DD, EE, etcetera, so there wouldn't be
13 any conflict with the exhibits that may be entered into in
14 evidence on behalf of the defendant at the time of the
15 trial, but as somebody pointed out there may be more than
16 26 exhibits that may be introduced on behalf of the defend-
17 ant at the time of the trial.

18 I have no objection to the Court changing the
19 designation of these exhibits in order they may not be
20 confused with exhibits at the time of the trial.

21 THE COURT: Does anybody have any objection to
22 their being marked Special Defendant's Exhibits AA, BB,
23 and so on, for the motion for change of venue?

24 MR. FITZGERALD: I have no objection.

25 MR. STOVITZ: We have no objection either.

26 THE COURT: Mr. Hughes?

1 MR. HUGHES: No objection.

2 I will ask that these exhibits be incorporated
3 on behalf of the defendant Manson.

4 THE COURT: Very well, they will be so incorporated
5 and they will be so marked as indicated.

6 Mr. Hughes, do you join in the stipulation
7 that these items are true and correct copies of what they
8 purport to contain?

9 MR. HUGHES: Yes, I'll join in that stipulation.

10 THE COURT: Do you have any objection to the ad-
11 mission of the items into evidence?

12 MR. HUGHES: No objection, your Honor.

13 THE COURT: They will be received for the purposes
14 of this hearing only, as marked.

15 MR. STOVITZ: Now, with relation to the People's
16 evidence, first of all we ask the Court to take judicial
17 notice of the population of the County of Los Angeles.
18 I believe the last official count was 7,000,000 residents
19 in the County of Los Angeles.

20 THE COURT: Is there any objection to the Court
21 taking judicial knowledge that the population of the County
22 of Los Angeles is 7,000,000?

23 MR. FITZGERALD: I will offer to so stipulate.

24 MR. HUGHES: So stipulated.

25 THE COURT: Thank you. The Court accepts that
26 stipulation.

1 MR. STOVITZ: Now, then, on behalf of the People
2 we would like to offer into evidence the exhibits that
3 have been previously referred to at the Robert Beausoleil
4 case, which I believe was marked People's Exhibit 1, and
5 that was the publicity relating to the Manson trial carried
6 out in the Northern California newspapers such as the San
7 Francisco and Sacramento papers. I have a summary of those
8 articles with the dates and the outline of the coverage.
9 I have show that to counsel. May that be marked as People's
10 Exhibit 1?

11 THE COURT: It will be so marked.

12 MR. STOVITZ: People's Exhibit 2 is a magazine story
13 that was carried in the Sacramento Bee and it covers a
14 great many of the articles that appeared in Sacramento
15 together with the headlines, "The Manson Family Murder,"
16 by Lloyd Shearer. May that be People's Exhibit 2?

17 THE COURT: It will be so marked.

18 MR. STOVITZ: People's Exhibit 3 is already in as
19 a defendant's exhibit but we will offer it again, and that
20 is the Life Magazine article of December 19, 1969.

21 Of course, these three are by reference,
22 having been previously received at the Beausoleil trial
23 hearing.

24 Now at the previous time that Mr. Manson was
25 before the Court, we had prepared an exhibit showing the
26 newspaper coverage up and down every County in the State

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1 of California, I have shown that to Mr. Hughes and Mr.
2 Fitzgerald and I now offer this in as People's Exhibit 4,
3 which is this box containing all the newspaper articles from
4 December 2nd up until approximately February 10.

5 MR. HUGHES: So stipulated.

6 MR. FITZGERALD: So stipulated.

7 THE COURT: That will be Exhibit 4.

8 MR. STOVITZ: I now have a letter that was written
9 dated March the 17th, 1970 and that was sent out to ap-
10 proximately 300 radio stations outside of the County of
11 Los Angeles and approximately 50 television stations out-
12 side of the County of Los Angeles, and I have shown counsel
13 each a copy of this. May this be marked as People's Ex-
14 hibit next in order?

15 THE COURT: People's 5, it will be so marked.

16 MR. STOVITZ: Now, we have received only a scarce
17 reply to that letter whether it be because of the postal
18 strike or whether it be because of the time element, but
19 I have shown Mr. Fitzgerald the number of letters that I
20 have received in reply to our letter. I have an envelope
21 containing all of these letters, and I would like the
22 envelope and its contents to be marked People's Exhibit 6.
23 The letters go on to say, and I will read one which is
24 typical. This is from KEZY and it is dated March the 18th.

25 "Radio KEZY in its prime news covering
26 is concerned primarily with the news concerning

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1 Orange County and that area immediately adjacent
2 to our primary area. KEZY in covering events
3 leading up to and including all proceedings
4 in the case has been through the use of only
5 UPI" -- which is the United Press International--
6 "Wire Services and UTO Audio Service. To assist
7 you in making a determination of a fair trial
8 for the defendant, we can only refer you to
9 the above mentioned services of United Press
10 International.

11 "I can assure you that no other materials
12 of any type were used other than in reference
13 to this case."

14 That is a typical reply from the stations that
15 use the United Press International.

16 We also have a typical reply from the stations
17 that use the Associated Press.

18 This one is from KPAT from Berkeley.

19 "KPAT Radio has given this case a bare
20 minimum of coverage since it's not of local
21 interest. Whatever was given was Associated
22 Press wire and consisted only of a sort of a
23 factual detail as to the report of events.
24 There were no commentators or interviewers
25 by any of the defendants as far as this station
26 is concerned."

1 This is a letter that was received from KPAT
2 which is an FM music station.

3 Another station, a Madera station, KHOT,
4 which uses the Associated Press Reports.

5 The letter read:

6 "All our coverage is through the facilities
7 of the Associated Press. We simply release it
8 verbatim without additional commentary. We had
9 no interviews or commentaries of any kind."

10 Included within these letters are also maps
11 of the areas they cover. I might state, your Honor, that
12 these letters have been received and they are typical of
13 the coverage from up and down stations throughout the State,
14 all the way from Northern California right down to the
15 Mexican border and the radio stations are very repetitive
16 in the type of coverage that occurs.

17 I might just very briefly mention that the
18 UPI Service coverage seems to be greater than the AP Service
19 coverage.

20 I also might state that one station just uses
21 UPI and another station uses AP and I cannot remember in
22 the replies that we received so far any one station using
23 both coverages.

24 These stations go all the way from Northern
25 California down to the Mexican border. In addition to
26 radio broadcasts we received replies from two television

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1 stations and one television station was able to send the
2 actual script.

3 I will introduce these including the letter
4 from the San Diego Television Station that has the script.

5 I might say that the length of the coverage or
6 the prime time is also included, and I would like to have
7 this received as People's Exhibit Number 7.

8 THE COURT: It will be so marked.

9 MR. STOVITZ: We also have a reply from KSBW tele-
10 vision station as they did not include a script but there
11 again they include the time of the broadcast and the
12 length of the broadcast and they stated that their tele-
13 vision station uses tapes directly from KNBC Burbank and
14 UPI which of course is the United Press International.

15 I would like to have that marked as People's
16 Exhibit 8.

17 THE COURT: It will be so marked.

18 MR. STOVITZ: I believe, counsel, you will stipulate
19 that these exhibits may be received into evidence?

20 MR. FITZGERALD: That is correct.

21 MR. STOVITZ: As representative of the coverage
22 throughout the State of California?

23 MR. FITZGERALD: So stipulated.

24 MR. HUGHES: So stipulated.

25 THE COURT: Thank you.

26 The Court accepts the stipulation

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1 MR. STOVITZ: We have no additional evidence, your
2 Honor, at this time.

3 THE COURT: All right, will counsel please approach
4 the bench?

5 (Off the record discussion at the bench)

6 THE COURT: All items that have been marked will
7 be received into evidence.

8 The Court will state that the Court has had
9 an opportunity to read, and the record will reflect that
10 the Court has read everything except the exhibits referred
11 to as items 6, 7 and 8. The Court will read that during
12 the recess as we are now going to recess until 1:30 this
13 afternoon.

14 (Whereupon an adjournment was taken until
15 1:30 P. M. the same day, Tuesday, March 24, 1970)
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LOS ANGELES, CALIFORNIA, TUESDAY, MARCH 24, 1970

2:00 P. M.

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THE COURT: I will call the case of People versus Charles Manson and Patricia Krenwinkel.

Let the record reflect that the defendants are present with their respective counsel, and the People are represented by the same Deputy District Attorneys who were here heretofore.

Let the record further reflect that the Court has read and considered all of the exhibits submitted by the People and by the defendants in this case, the Court, as previously indicated, having examined some of the exhibits earlier.

Do you wish to proceed at this time, Mr. Fitzgerald?

MR. FITZGERALD: Thank you, your Honor.

I will keep my remarks as brief and as germane as possible. I will give you an advance outline of how I intend to proceed. I would first like to state the grounds -- I would like to state the applicable and relevant law and I would like to point out what I consider the important facts.

First I would like to call the Court's attention to the nature, the frequency and the character of the publicity that has attended the case. I would like

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your Honor, to point out to the Court the conclusion which I hope follows from those remarks.

I don't think it is necessary to give any citations for the law I intend to refer to, during my remarks.

I'm going to refer to Sheppard versus Maxwell, Maine versus The Superior Court, People versus O'Bryan, Smith versus Superior Court, and Fain versus Supreme Court.

All those cases with the exception of Sheppard versus Maxwell are California cases.

I would also like to refer from time to time to the Reardon Report which is formally known as the Bar Association Project on Minimum Standards Relating to Fair Trial and Free Press, dated January, 1966.

It is our contention that the ground of these motions are made pursuant to Penal Code Section 1033. We're asking that this action be removed from the County of Los Angeles on the ground that there exists and has existed in Los Angeles a climate of excessive prejudicial and inflammatory publicity so that it has rendered nugatory the Sixth Amendment application of a fair and impartial trial. We contend to try the case in Los Angeles County would be to violate the Sixth Amendment and the due process clause of the Fourteenth Amendment.

Though this motion is made basically as to the

1 defendant Krenwinkel, each and every defendant in this
2 case is entitled to a fair and impartial trial and we
3 believe that the publicity which has accompanied this case
4 from its very inception has been so pervasive and so
5 inflammatory and so prejudicial that it's impossible that
6 each and every one of these defendants could receive a fair
7 and impartial trial in the County of Los Angeles.

8 We believe that under the Sixth Amendment
9 they are entitled to such a fair and impartial trial and
10 they could not receive it in the County of Los Angeles.

11 Now it has been said, and I believe I heard
12 Judge Keene correctly when on approximately December 11th
13 of 1969 he said in the Calendar Court inasmuch as this case
14 has been attended by excessive publicity that he felt it
15 was necessary to promulgate what the press later referred
16 to as a gag order.

17 He felt he needed to do this because the Court
18 had to control the dissemination of the information in
19 connection with this case, otherwise the defendants would
20 not be able to receive a fair trial.

21 Judge Keene did not comment on the nature of
22 the publicity that had preceded his order.

23 Before I appeared here today, I have carefully
24 reviewed the remarks your Honor made in connection with
25 the motion Mr. Manson made in this court regarding the
26 change of venue. In your remarks at the conclusion of his

1 motion, you pointed out that you felt you would take judicial
2 notice of the extensive publicity that has attended this
3 case.

4 When Judge Keene used the words "excessive"
5 I think that is by definition "too much".

6 The publicity that has been connected with
7 this case has been greater than that which would be per-
8 missible and still afford the defendant a fair trial.

9 We have entered into stipulations that the
10 Los Angeles Times, for example, has a circulation of
11 975,491 and in their Sunday editions of 1,308,711.

12 We have entered into a stipulation that
13 Channel 2 has 1,000,000 viewers for their evening news,
14 that Channel 4 has 270,000 from 5:00 to 6:00 P. M. and
15 from 6:30 P. M. to 7:30 P. M. 308,000, and from 11:00
16 to 11:30 P. M. 307,000 viewers.

17 We have entered into a stipulation that Channel
18 5 has a viewing audience of approximately 100,000 persons
19 daily.

20 We have entered into a stipulation that KFWB
21 Radio has an audience of 1,000,000 listeners per week.

22 We have entered into a stipulation that the
23 Herald Examiner has 519,391 readers daily and a Sunday
24 circulation of 490,134.

25 How many people beside the 1,308,711 people
26 who buy the Los Angeles Times on Sunday see that paper

1 without purchasing it is unknown. The same is true for the
2 Sunday circulation of the Herald Examiner of 490,134.

3 How many people are the beneficiary of what
4 is called "pass-on readership" is unknown.

5 The only circulation figures are verified
6 circulation figures, but certainly as a matter of knowledge
7 we all know that when a particular exciting or prurient
8 story is in the press that circulation is increased, that
9 there is a tremendous pas-on readership.

10 The Long Beach Press Telegram has a daily
11 circulation of 160,000, and those are just samples, and
12 of course that is not a complete list of all of the
13 newspapers in the County of Los Angeles. I am informed
14 but I don't want to vouch for the accuracy of the state-
15 ment, I have heard that there are 73 newspapers within the
16 County of Los Angeles.

17 We don't have the 73 newspapers. We just have
18 a sample of the major newspapers.

19 It is our contention that it is absolutely
20 impossible with such a widespread dissemination of radio
21 and television and newspaper publicity that any substantial
22 part of the population of Los Angeles County have not
23 heard of this case. I think it would be almost absolutely
24 impossible to put twelve people into a jury box and not
25 find a juror who hasn't either listened to the radio
26 broadcasts, or to the television newscast, or who had read

1 a newspaper or a periodical which did not have something
2 concerning this case.

3 If we did get such a person, I think we would
4 be almost forced to the conclusion that such a person
5 either couldn't see, couldn't hear, or couldn't read.

6 I think the publicity has been so fantastical-
7 ly widespread that it has permeated everybody.

8 Now, I suppose that wouldn't be bad if it
9 weren't for the nature of the publicity in this case.
10 I think basically, when we are talking about publicity
11 in this case it falls into three major categories:

12 The first category is the publicity that
13 surrounded the killings themselves, surrounding the
14 initial revelations, and then moved on to the solving of
15 the crime and reporting the progress or lack of progress
16 of the police in their investigations.

17 That is the first category.

18 The second category began around December 2nd,
19 1969 when Chief Davis held a news conference and announced
20 the arrest or the imminent arrest of certain suspects in
21 this case. If the publicity at this point hadn't been
22 prejudicial, it certainly became prejudicial when Chief
23 Davis held that news conference.

24 Chief Davis clearly and emphatically stated
25 to the public through the media that they had solved the
26 case and that the defendants about to be named did per-

1 petrate the so-called Tate and La Bianca homicides.

2 It is inconceivable that from that point on
3 that the defendants could receive a fair trial.

4 The third are or the major area of publicity
5 has concerned the court proceedings beginning approximately
6 on the date that the defendants were taken before the
7 Grand Jury and continued up to today.

8 If I may return back to the first category,
9 the publicity that surrounded the events themselves, in
10 the Sheppard case the United States Supreme Court saw fit
11 to make quite an analysis of the publicity in the Sheppard
12 matter, and I think that is somewhat apropos in this case.

13 The Court said the Sheppard case involved
14 murder, mystery, society and sex and suspense combined in
15 such a manner so as to intrigue and captivate the public
16 fancy to a degree unparalleled in recent annals.

17 This case involves movie stars, sex. It
18 involves youth and hippies. It involves narcotics,
19 mysticism and magic and murder.

20 From its very inception when news was not
21 available, the news media speculated or else the news
22 media had people speculate as to the various prurient
23 aspects of this case. Psychologists and psychiatrists
24 were asked questions about the case. People in various
25 walks of life were asked what their theories were.
26 Various theories were mentioned in the press after the

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1 Tate killings such as the Tate killings were caused by
2 queers, or that apparently there was some sex orgy taking
3 place and persons were forced into degrading acts and
4 rebelled and retaliated by killing all the people
5 present.

6 There was widespread speculation as to the
7 character and amount of certain types of narcotics that
8 were found within the home. There was some speculation
9 as to the erotic and sexual nature of the reading material
10 that was perhaps or perhaps not read by some of the
11 victims in the case.

12 There was speculation made as to Sharon Tate's
13 spouse, Roman Polanski, who was a prominent movie pro-
14 ducer and, to quote the press, of bizarre and peculiar
15 movies of the like of "Rosemary's Baby" and "A Knife in
16 the Water," and so on.

17 From that point on the interests of the popu-
18 lation of Los Angeles County was focused and intrigues by
19 this immensely sort of titillating and at the same time
20 intriguing sort of prurient morass of a kind of terror
21 and misfortune.

22 But I think the substantial prejudice to the
23 defendants is in the publicity that took place after
24 December 2nd, 1969.

25 Now, the cases are here.

26 In the case of Maine and Fain and Smith

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1 versus Superior Court and the rulings in California that
2 prejudice need not be shown, the defendant need not show
3 that the publicity was in fact prejudicial -- that standard
4 was also adopted by the Reardon Report when they adopted
5 the standards of the reasonable likelihood of a fair trial.

6 That was the test. The test is not prejudice.

7 So we stand here before your Honor and ask
8 your Honor to change the venue in this case even if we have
9 not demonstrated the one single element of prejudicial
10 publicity in connection with this case.

11 But I think our case is vastly stronger than
12 that. I think we can demonstrate that the publicity was
13 of the most ruthless and treacherous kind. I think we
14 can demonstrate it is just indescribably prejudicial, and
15 I would like to present a few aspects of it.

16 Here are some samples, these are headlines
17 and unfortunately it is very easy for counsel to take
18 headlines out of a newspaper rather than take them off a
19 television station.

20 I don't mean that by presenting headlines I
21 am forgetting about the tremendous impact that the radio
22 and the television has. I am simply citing these headlines
23 as an example of the prejudicial character of the publicity
24 that has attended this case.

25 "Hidden cave may have secret cult bodies."

26 "Murders multiply, total to date 12."

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1 "Cult killings may reach 14."

2 "Hinman girl killers."

3 "Susan Atkins' story of two nights of murder."

4 "Manson group linked to possible 9 deaths."

5 "Tate suspect described as messiah of sex
6 and sadism."

7 "Savage myatic cult blamed for 5 Tate murders."

8 This publicity relating to Charles Manson and
9 my client implied that because they are members of some
10 hippie cult, that they are responsible for numbers of
11 unsolved murders -- this is absolutely unparalleled in
12 history. It's just absolutely impossible to visualize the
13 terrible prejudice these defendants suffered by just being
14 charged with seven or eight murders which is then extra-
15 polated to possibly fourteen or fifteen murders that
16 were unsolved, and to put in the press pictures of
17 bulldozers looking for bodies when there weren't any
18 charges made or any arrests made -- it is just absolutely
19 inconceivable.

20 They have linked Mr. Manson and his group of
21 followers, and I am adopting their language, to every
22 unsolved murder in California. Every murder involving
23 some poor unfortunate victim, frequently where the motive
24 has been some form of sexual assault, with not one shred of
25 evidence, not one shred of truth, Nor has the defendant
26 Mr. Manson nor Mrs. Krenwinkel or any one of the multiple

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1 defendants in this case been afforded any opportunity to
2 respond to those charges at all. It is simply a crime
3 by accusation. We don't try people on that kind of evidence
4 in America. We don't try people in the newspapers or
5 the corner bar, but that is what has been done. Every
6 juror who steps into the jury box must now say to himself,
7 "Well, there may be nine, but what about the bodies at
8 the bottom of the cliff or at the bottom of that well?"
9 What about the little girls in San Jose or what about the
10 couple in San Diego?" The defendants are too inextricably
11 bound up with killings and it is almost impossible to
12 vitiate the taint. It is almost impossible to clean the
13 Augean stables and to cast these accusations off.

14 Charges, we know, are easy to make, and once
15 they are made extremely difficult to disprove. How can
16 Mr. Manson, Mrs. Krenwinkel or any of these defendants,
17 once this climate has been established which will be the
18 climate in which this case will be tried, how can they
19 ever hope to assert their innocence?

20 Now, let's take a look, even as prejudicial
21 as the publicity is, not only have they linked Mr. Manson
22 with other crimes, and I'm going to refer to Mr. Manson
23 and it is essentially my position that Mrs. Krenwinkel is
24 linked by the press, by the media, with Mr. Manson to such
25 an extent that she is automatically guilty by association
26 with this man.

47
1 Let's take a look at what this man is charged
2 with. Not only is he charged with other murder offenses
3 but he is charged with numerous other crimes in the media.
4 He is charged with being a thief. He is charged with
5 operating some form of an organized crime syndicate to
6 convert Volkswagons to dune buggies, without one shred of
7 evidence, without one formal charge being made. Not only
8 is he accused of being a thief, but he is accused of
9 several other crimes. They have accused him of pimping and
10 they have accused him of numerous other prurient acts of
11 misconduct. In addition to this, he is charged with other
12 crimes. They have charged Mr. Manson with violating every
13 single one of the Ten Commandments starting with the Tenth
14 Commandment, "Thou shalt not worship false gods."

15 They have said that Manson called himself
16 Jesus, that he claims to be the Savior. They have charged
17 him with sexual offenses, they have charged him with covet-
18 ing other people's wives and stealing and capturing women.

19 They have charged him with bearing false
20 witness against his neighbor.

21 When they got through they were charging him
22 with all these other offenses by innuendo, and the press
23 and the media have charged him with all these violations
24 of the Ten Commandments. They even have gone one step
25 further and attempted to stir up social prejudice against
26 this man. In addition to all of these, he is charged as

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1 being a man who believes in violence as an instrument of
2 social change, or he believes in violence because he is a
3 violent man himself. They have made this man into the
4 worst aspects of our entire society. They have made
5 Mr. Manson's followers into some sort of right wing hip-
6 pies. They have made them into hippies by wearing long
7 hair, living together, not having the kind of reverence for
8 cleanliness that is usual in our society, and for living
9 in a communal sexual situation. In a sense, they have
10 accused him of being a minuteman. They accused him of
11 mounting machine guns on dune buggies and of trying to
12 precipitate a race war.

13 They have taken from every aspect of our
14 society the worst possible aspects of any human beings in
15 our society and combined them into one man.

16 Now, it has been said that the American media
17 coverage of crime news is offensive and it panders to the
18 lowest tastes for the most basic commercial reasons. In
19 this case there is not even a sound rationale -- I don't
20 think anybody could even justify this kind of publicity
21 on the ground that it makes money. I don't think any man
22 who is interested in only in making money or only in looking
23 after his own personal well-being would ever make the
24 statements that were done in this case for money. This
25 was done as some sort of a vendetta and the People in that
26 vendetta are not alone, but it has resulted in extreme pre-

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1 judicial publicity.

2 Every single item and every single article
3 and every single piece that I have been able to find on
4 radio or television or in a periodical -- not one single
5 item out of the mass of several hundred thousand -- not one
6 single item have I seen that is speculating that Mr. Man-
7 son or Mrs. Krenwinkel or any of the others -- not one of
8 the articles that I have seen have put forward the proposi-
9 tion that a man is presumed to be innocent until he is guilty
10 and until his guilt is proven beyond a reasonable doubt.
11 We have not in this case heard one shred of evidence yet,
12 yet there is not one courageous journalist -- not one
13 creative or courageous member of the media who so much as
14 speculates that perhaps the charged persons are innocent
15 or that any of the defendants in this case are innocent.

16 In addition we have further here examples of
17 the most incredible kind of prejudicial publicity. In
18 the Reardon Report it said that the prettial release of a
19 confession of a codefendant is one of the most virulent
20 forms of publicity. They say a confession is perhaps the
21 most incriminating publicity that can be disseminated and
22 it seems highly likely to remain impressed on the mind
23 of the reader. If a person hears a confession, he cannot
24 cast it out of his mind.

25 Now, previously I referred to the vast circu-
26 lation of the Los Angeles Times. The Los Angeles Times

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1 saw fit on a Sunday in December, December 14, 1969, to print
2 presumably for money, although there was some allegation
3 that they engaged in an act of theft, but they saw fit to
4 publish the exclusive details of the Susan Atkins story
5 of two nights of murder at a time when she wasn't subject
6 to any cross-examination, when she had not as yet -- strike
7 that -- apparently the story is based on an interview be-
8 fore she ever appeared in any court proceedings in Los
9 Angeles County, and I am sure your Honor is well acquainted
10 with that. Well, I have just run out of adjectives. It
11 is just unbelievable, an almost absolute deprivation of a
12 fair trial. In the confusion itself, it contains, you know,
13 a source of materials of its own destruction because Susan
14 Atkins says in her story that she has difficulty determining,
15 she says, what is true and what is false,
16 she says, what is reality or whether she is in some fantasy.
17 Yet that was printed in order to prosecute Charles Manson,
18 Patricia Krenwinkel, Tex Watson and Susan Atkins herself.
19 If the release before trial of a confession is prejudicial,
20 then the actual printing verbatim of a confession in a major
21 metropolitan newspaper like the Los Angeles Times is by
22 definition prejudicial. At least one million, perhaps
23 more, saw this story. In regard to that there has been
24 received into evidence a paper book published by the news-
25 paper -- by the New American Library, "The Killing of Sharon
26 Tate," which has been distributed in Los Angeles County.

In connection with that book I have submitted

1 to the Court two declarations of an affidavit of an in-
2 vestigator for the Public Defender's office, Robert Long,
3 which in part reads as follows:

4 "That on March the 12th, 1970, he called
5 by telephone the New American Library, Inc. at
6 1301 Avenue of the Americas, New York, telephone
7 area code 212 - 595 - 3800, and spoke with a
8 female person, a Brenda McCallum, who identified
9 herself as a public information officer of the
10 New American Library. In response to questions
11 regarding the ownership and management of the
12 New American Library she stated that the New
13 American Library was a wholly-owned subsidiary
14 of the Times-Mirror Corporation of the County
15 of Los Angeles, Sidney Kramer, President."

16 In otehr words, the New American Library is
17 a wholly owned subsidiary of the Los Angeles Times and
18 of the Los Angeles Times Corporation, the very corporation
19 that published Susan Atkins' story of two nights of murder.

20 I would question whether that raises an
21 inference that they indeed did steal this story from
22 Mr. Shiller or any foreign news syndicate but had some
23 private arrangements to print this story and to print the
24 book. Whatever the reason or the arrangements was, they
25 did print this story and they did publish this book, and
26 that is an example of the extreme prejudicial publicity

1 that has been surrounding this case.

2 Now, if that were only one example, perhaps
3 we could chalk it up to a media that wasn't self-policing
4 or something like that nature, but actually in this case
5 what we have seen is the media become an adversary. We
6 see that the Channel 7 news is in there, actually going
7 in attempting to gather evidence against the defendant.
8 They are not fair and impartial, simply sitting there and
9 reporting events. They have actually gone out to search
10 for more murder weapons or bloody clothing or further
11 possible victims. How can these defendants achieve some
12 sort of, or how can the public hope to realize from Chan-
13 nel 7 television a fair and accurate broadcasting or the
14 events that took place, when they are indeed adversaries
15 themselves?

16 I feel that the publicity in this case, well,
17 if we review it, I think it is apropos to take a look at
18 the case of Smith versus Superior Court. That case in-
19 volved a Harbor Commissioner who was charged with various
20 crimes by way of indictment in Los Angeles County.

21 The initial investigation was initiated by
22 a member of the media, the Los Angeles Times, and finally
23 because of the excessive publicity of the Los Angeles Times
24 finally a change of venue was granted and the case was
25 taken to another County.

26 In addition to the enormous circulation of the

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1 Los Angeles Times and the Herald-Examiner, in other areas
2 of Los Angeles County there are other newspapers and
3 periodicals circulating which have quite a circulation.
4 An example of this is the Los Angeles Magazine which
5 presented an article called "Could Your Daughter Kill?"
6 and after readin an article like that, I don't see how a
7 juror could make a factual determination and distinguish
8 the factual situation involved in this case and the things
9 that were cited in an article like that.

10 In looking at this publicity, I think the
11 publicity has been greater in this case than in the Smith
12 case. I think the factual situation in this case has
13 created an amount of publicity which has been inherently
14 greater than the factual situation in the Smith case.

15 As I read Smith versus Superior Court, I'm
16 not exactly sure which reason was paramount in the Court's
17 mind in granting the change of venue, but it would cert-
18 ainly appear to me that that case is factually distinguish-
19 able from this case. I'm alluding now to the facts in
20 this case, and of course I really don't want to make a
21 comparison and I recognize the Court may find a number
22 of distinctions between Manson and Smith.

23 I almost neglected the third area of public-
24 ity, and that was the publicity that surrounded the court
25 proceedings themselves. In the case of Fain versus Sup-
26 erior Court in Stanislaus County, one of the things the

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1 Court pointed out was that every minor or trivial court
2 appearance, every procedural aspect of the case was widely
3 heralded in the papers. I'm trying to find an example.
4 I know there is one here. There has been banner headlines
5 in the Los Angeles papers every time there is a court
6 appearance in this case.

7 "Manson wins delay."

8 Every time the defendants appeared in court
9 or every time a defendant changed an attorney or every
10 time a defendant did any one of the minor procedural
11 things that one does in cases, and I'm sure your Honor
12 would be willing to take judicial notice that there are many
13 press here attending the case, and that has been true all
14 the way through, and it has been very, very extensively
15 reported.

16 THE COURT: Mr. Fitzgerald, referring to the Fain
17 case, the Fain case occurred in Stanislaus County, a County
18 with a population of 184,600, and I believe it is the 21st
19 County in size in the State of California.

20 There was nothing in that particular decision
21 that would indicate that there was publicity elsewhere but
22 in Stanislaus County or perhaps some minimal peripheral
23 publicity in the neighboring Counties.

24 Do you agree with that?

25 MR. FITZGERALD: I'm aware obviously that the pro-
26 secution is going to urge upon this Court that the publi-
city in this case has been pervasive and uniform throughout

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1 the State of California, I would certainly concede that
2 as far as I know the publicity surrounding the Fain case
3 was just in Stanislaus County. I do understand that its
4 population is roughly 184,000, but I don't know the aud-
5 ience or the circulation of the newspapers, but I presume
6 it would be in a corresponding ratio to their population
7 as in Los Angeles County.

8 We take the position that the massive circu-
9 lation figures of the Los Angeles Times and the Herald-
10 Examiner in this County, that due to that this County is
11 just as permeated in the Manson case as Stanislaus County
12 was in the Fain case.

13 I think it is obvious that this case has
14 received nationwide publicity as well as in every County
15 in California. I have also reviewed some documents pro-
16 duced in evidence by the prosecution. One of those is the
17 publicity from all the newspapers in Orange County and I
18 don't remember reviewing the publicity in every single
19 County of California, but I took a close look at the pub-
20 licity in Orange County and if we wipe out the Times and
21 the Herald Examiner and the television stations originating
22 in Los Angeles County, just examining the publicity in Orange
23 County, I think we will find it is visibly different. The
24 publicity and the wire service copy, the UPI copy and the
25 AP copy, they tend to have shorter stories, fewer photo-
26 graphs. They tend to be more conservative than in Los

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1 Angeles, and they don't speculate, they do not have the
2 feature material that the papers in Los Angeles have.

3 They don't have the background material.
4 I think that is understandable. I think that is true
5 of most other Counties, other than Los Angeles.

6 As Mr. Stovitz has reported to the Court
7 earlier today by reading from a letter from the radio
8 station they just used wire service copy.

9 The media in Los Angeles has immediate access
10 to the courts, they have almost immediate access to the
11 defendants. They have immediate access to the Spahn
12 Ranch. It is easier for them to present publicity. I
13 think that is because the crime took place here, the crime
14 took place someplace near Beverly Hills and it involved
15 people that were part of the industry that was germane
16 to Southern California. I think the defendants themselves
17 are alleged to have resided in Southern California as
18 well as the victims. There has been intensive publicity
19 in Southern California but perhaps no place as much as in
20 the County of Los Angeles itself.

21 Certainly the publicity in the Northern
22 Counties, certainly there has been publicity in the
23 Northern Counties, but certainly not to the degree and
24 the extent that we have had here, because the interest
25 is here in Los Angeles County.

26 I had thought of presenting to the Court a
poll, a public opinion poll which was certainly authorized

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1 and suggested by the Reardon Report and also by Maine
2 versus Superior Court. I had some doubts about that in
3 my mind for reasons I wouldn't go into, and I also read
4 your Honor's remarks where your Honor had told Mr. Manson
5 earlier in connection with the motion to change venue
6 that the publicity was so extensive that a poll wouldn't
7 reveal anything of value.

8 Assuming arguendo that the conclusion of
9 your Honor is a correct conclusion, we don't have any
10 way of actually determining the innate prejudice of the
11 material unless we do it on the bvolume of the publicity,
12 and I think the volume is far greater in the County of
13 Los Angeles than anywhere else.

14 Further, I think, in terms of the publicity
15 it has been almost unremitting from the date of the offense
16 until the present time.

17 I think the publicity has gone on to such
18 an estent that it would make a mockery of justice and
19 would render the trial a mere formality and we couldn't
20 find twelve individuals whl possibly hadn't read the
21 publicity in the newspapers or watched it on television,
22 and we respectfully ask and urge this Court to change the
23 venue to some other County.

24 THE COURT: Thank you, Mr. Fitzgerald.

25 Mr. Hughes?

26 MR. HUGHES: At this time I would like to reserve
my statement until after the District Attorney has answer-

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1 ed Mr. Fitzgerald's, I believe, very good motion and argu-
2 ment.

3 THE COURT: Very well.

4 Do the People wish to be heard?

5 MR. BUGLIOSI: No one has ever accused me of being
6 a mind reader, but I believe that my good friend Paul
7 Fitzgerald got so carried away with himself that for a
8 moment I thought he was going to ask the Court not to
9 transfer the case out of Los Angeles County, but to have
10 the Court in sympathy with Mr. Manson and let him walk
11 out of the court right now and join his family. In fact,
12 I looked around to my left and right and I wanted to see
13 if anyone was weeping at Mr. Fitzgerald's oratory, and if
14 Mr. Manson was indeed the rather pathetic individual that
15 Mr. Fitzgerald made out.

16 Your Honor, Mr. Fitzgerald spoke quite
17 intensively and he talked about a lot of things, but I
18 submit that he blinded his eyes and he looked the other
19 way at the real issues in this case.

20 Number 1, he completely disregarded that
21 the First Amendment to the United States Constitution
22 refers to freedom of the press.

23 Number 2, he completely disregarded who
24 committed these Tate - LaBianca murders. Now, these mur-
25 ders themselves were among the most savage, nightmarish
26 murders in the recorded annals of this community, and the

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1 citizens of this community immediately after the murders
2 were fearful about further murders being committed, and
3 the citizens of this community had a right to know about
4 these murders and the press had a right to cover these
5 murders extensively. I'm not talking about who the
6 murderers are. I'm talking about the murders themselves.

7 The press has a right under the First Amend-
8 ment to the full expression of that constitutional right.

9 The second point that Mr. Fitzgerald com-
10 pletely overlooked but later in response to the Court's
11 inquiry he did reply partially, but in the main he over-
12 looked the law in this area. The law, of course, is Shep-
13 pard versus Maxwell, the United States Supreme Court case
14 that involved the celebrated Dr. Sheppard trial in Cleve-
15 land, Ohio, about a decade ago. That is the law, and of
16 course Sheppard versus Maxwell has been followed in
17 California by the Maine case and by Smith versus Superior
18 Court and also by People versus O'Bryan.

19 The Sheppard case said where a particular
20 County is inundated by publicity then the trial Judge
21 on the particular case should do one of two things. The
22 first alternative, Number 1, is that he should continue
23 the case until the threat of prejudicial publicity is over,
24 or he should transfer the case to another County that has
25 not been permeated by publicity. That is the law.

26 Will all due deference to my good friend,

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1 Mr. Fitzgerald, I don't think that he has addressed him-
2 self to the law applicable to this particular motion.

3 There is no question that the Tate-LaBianca
4 murders have received widespread and extensive publicity
5 in Los Angeles County.

6 If I were to deny that I would not be stating
7 the truth. However, I would like to point out that a
8 great deal of this publicity was contributed by the de-
9 fendants themselves. A great deal of this publicity
10 was furnished by Mr. Manson and the other co-defendants
11 and the other members of his family. For example, counsel
12 has referred to this story in the Los Angeles Times, but
13 I would like to point out that was a story written by
14 Susan Atkins. Similarly as to this book, "The Killing
15 of Sharon Tate," Mrs. Atkins played a large part in the
16 arrangements resulting in the publication of that book.
17 I would like to point out that these were not the prose-
18 cution's words, but that these were the defendant's words,
19 and it was published by the defendants, for whatever reasons
20 they saw fit.

21 I also understand that Mr. Manson has a
22 record album and it is in the process of being distributed.

23 However, Let's get back to the main point.
24 Mr. Stovitz and I, the prosecutors, we concede and we're
25 not quarreling with the fact that the Tate - LaBianca
26 murders have received very pervasive publicity in the County

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1 of Los Angeles, but this does not mean, as the Sheppard
2 case indicates, that it automatically requires the Court
3 to transfer the case to another County. It does not mean
4 that at all.

5 With respect to the first alternative that
6 is set forth in the Sheppard case, I'm referring to con-
7 tinuing the case until the threat of prejudicial publicity
8 abates, none of these defendants have indicated in any
9 fashion whatsoever that they are desirous of giving up or
10 waiving their constitutional right to a speedy trial. So
11 the first alternative that is set forth in the Sheppard
12 case is not applicable to the particular facts of this case.

13 With respect to the second alternative, and,
14 I submit, the most important one, although the case has
15 received extremely widespread publicity in Los Angeles
16 County, the nature of the case is such that it has likewise
17 received extensive publicity not only in the State of Cali-
18 fornia but it has been the story on page one throughout
19 the entire nation, and I understand even in Europe and in
20 several Far Eastern countries. I am told that most of
21 the major European newspapers have made reservations at
22 the trial for their correspondents.

23 I don't think that there is any question that
24 this particular trial has received as much or more publi-
25 city as any trial within memory, or perhaps, in the United
26 States history. So since there is simply no other County

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1 in the State of California that has not been permeated
2 with this publicity, then Mr. Stovitz and I argue that
3 the Court can and should properly deny the defendants'
4 motion to transfer the case out of this County.

5 We submit such a denial will not be in viola-
6 tion of the dictates of the commandments of the Sheppard
7 case. If we had a situation where there were other Counties
8 which had not been permeated with the publicity and the
9 publicity had strictly focused in Los Angeles County, we
10 would have another story. But let's assume that there
11 are some other Counties that have not received as much
12 publicity as Los Angeles County. If this case were to
13 be transferred to this particular County it would not be
14 tried overnight. There would be an interlude between
15 the date of the transfer and the date of the commencement
16 of the trial, perhaps a one-month interlude, and within
17 that one month period unquestionably, undoubtedly, there
18 would be extensive publicity on the case in that parti-
19 cular County, and rightfully, because I'm talking again
20 about the First Amendment to the United States Constitution,
21 freedom of the press.

22 Although it is not a constitutional considera-
23 tion, I would ask the Court to consider the major job,
24 the monumental job of the physical mechanics of transfer-
25 ring this case from Los Angeles County to another County --
26 it would be monumental.

1 I want to make one further point, and then
2 I will close.

3 I think the thrust of Mr. Fitzgerald's
4 argument is that he has taken it as a foregone conclusion
5 that just because there is considerable publicity his
6 clients cannot receive a fair trial. I am reminded of
7 a British barrister who once said that a jury consisted
8 of twelve people of average ignorance. I don't subscribe
9 to that. I don't believe that at all.

10 I am confident that the defendants and the
11 prosecution can find twelve people chosen from this com-
12 munity who will fairly and impartially try this case.
13 I believe that we can find a jury composed of citizens
14 of this community who will undertake, and give their word
15 to so undertake, to try this case on the evidence that
16 comes from the witness stand under oath and the instructions
17 that the Court gives them.

18 It's going to be a long trial. There are
19 going to be twenty four eyes on this witness stand and
20 I sincerely believe this jury when it goes back in the
21 jury room to deliberate, that they are going to do their
22 best, based solely on the evidence that comes from the
23 witness stand under oath, and they're not going to decide
24 this case on the stories in the newspapers or on the pre-
25 sentation in the television news media.

26 I have that much confidence in the jury system.

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1 The jury system has been subject to attacks from all quar-
2 ers of society, but no one has yet come up with a better
3 system to determine the guilt or innocence or fate of a
4 fellow man.

5 So the People respectfully request that your
6 Honor deny Mrs. Krenwinkel's and Mr. Manson's motion for
7 change of venue and keep the case here in Los Angeles
8 where it belongs. I submit if the Court does this it will
9 in no way, on the facts of the case, in no way violate the
10 commandments of the Sheppard versus Maxwell case.

11 THE COURT: Mr. Fitzgerald, do you wish to reply,
12 or should we hear from Mr. Hughes?

13 MR. FITZGERALD: I'll defer temporarily to Mr.
14 Hughes.

15 MR. HUGHES: Your Honor, Mr. Bugliosi said that Mr.
16 Fitzgerald was about to ask for the impossible, for a
17 motion for this Court to dismiss the indictment against
18 these defendants. I felt that his argument was stirring,
19 and I will ask at this time that the Court consider such
20 a motion for Mr. Manson. We do have here a basic funda-
21 mental precept of the Constitution that a man is entitled
22 to a fair and impartial trial.

23 The very things that have come down in the
24 press and the way they have come down, it is clear that
25 what has come down -- they have mug shots that have ap-
26 peared of Mr. Manson, the rap sheets have appeared in the
papers of Mr. Manson, the things that the Chief of Police

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said on December 2nd, these things have come down at the hands of the prosecution and it is the prosecution that is denying Mr. Manson and the other defendants in this case a fair trial.

I will ask at this time for a dismissal of these indictments. I will ask for a dismissal of these indictments against this defendant on the basis that a fair and impartial trial cannot be had anywhere in the State of California.

Your Honor, I would also like to say that going back to December 10th, when Judge Keene issued his order re publicity, which the newspapers referred to as a gag rule in this case, that at that time all of the bad publicity had come down against Mr. Manson, and there was nothing to stop the tidal wave of publicity which the prosecution had unleashed. There was nothing, no gag rule which kept these good ladies and gentlemen from the press from going out and reprinting all of the terrible stories that have appeared and at that point on December 10th that this publicity order completely cut off this defendant from communicating with the outside world and completely in derogation of his right to free speech under the First Amendment, and had Judge Keene believed that Mr. Manson had in some way communicated with the press, which I am certainly not stopping him from communicating with the press. I am certain that the prosecution has not been

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1 stopped from communicating with the press. Your Honor is
2 not stopped from communicating with the press. Mr. Bugli-
3 osi has never stopped communicating with the press, nor
4 has Mr. Stovitz stopped communicating with the press.

5 But Mr. Manson, in derogation of his right
6 to free speech and to take his side to the community, is
7 not only cut off but is kept incommunicado in violation
8 of his very basic right to confer with witnesses, to have
9 three telephone calls a day, which were stopped when he
10 was thrown into the hole because Judge Keene believed,
11 without a hearing, that he had made some comment to the
12 press, perhaps a comment as innocent as "I like ice cream."

13 Your Honor, I find this preposterous. I am
14 here speaking for Mr. Manson when indeed he should be
15 allowed to speak, he should be allowed to have his voice
16 hear in court and he should be allowed to talk to the
17 press freely. These people here are very anxious to talk
18 to Mr. Manson, yet they are kept from doing so.

19 With that, I rest.

20 THE COURT: Thank you, Mr. Hughes.

21 Mr. Fitzgerald?

22 MR. FITZGERALD: Mr. Bugliosi suggested that per-
23 haps the defendants could save themselves by agreeing that
24 this matter, that their case may be continued until such
25 time as the publicity substantially abates. I think that
26 would be speculation and I doubt if that could be achieved.

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1 Even if you put this case over five years I doubt if the
2 publicity would really abate. Perhaps it would drop in
3 two or three years, perhaps the publicity would substant-
4 ially abate in two or three years, but once there was an
5 announcement that the trial was about to take place, I think
6 the publicity would be on again in full force and swing,
7 and I seriously doubt that it would ever substantially abate
8 to the degree that the defendants could be afforded a fair
9 trial.

10 That forces the defendant to make a choice
11 between two substantial rights, obviously. One is the
12 right to a speedy and public trial, and the other is to
13 a fair and impartial trial.

14 I think that to force upon the defendants
15 that sort of choice is actually impermissible. I think
16 that Mr. Bugliosi is treading on a very, very thin line.
17 He concedes that the publicity in this case has been
18 extensive. He concedes that the publicity has been per-
19 vasive. He should go one step further and agree that the
20 publicity has been prejudicial.

21 If, indeed, the defendants have been deprived
22 in advance of their fair trial in every one of the Counties
23 of the State of California, I believe that this Court
24 ought to seriously entertain a motion to dismiss because
25 I don't think that in America we are to this point where
26 we are willing to say that the media alone or that the

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1 media in conjunction with the police or in conjunction
2 with the District Attorney can by releasing pretrial
3 publicity deprive the defendants of a fair trial and that
4 he has no remedy.

5 If the defendant has no remedy to this pre-
6 judicial publicity, I think that we in America are very
7 remiss and perhaps we ought to dismiss this case and void
8 all the actions and conduct that has taken place in advance
9 of today.

10 We cannot start over. We cannot start over
11 on a clean slate. It has been done and it cannot be wiped
12 off the slate.

13 In regard to Mr. Bugliosi's comments about
14 the book, "The Killing of Sharon Tate," that was done in
15 cooperation with the media, obviously. His second example
16 was that Mr. Manson had a record album, purportedly of
17 songs. Well, I don't think that songs by Mr. Manson are
18 going to make any difference in this case. I don't think
19 that Mr. Manson has been attacking the prosecution or Mr.
20 Bugliosi or saying that he committed fourteen murders or
21 anything of the things that have been discussed, the charges
22 and the things that have been leveled against him and the
23 other defendants.

24 THE COURT: Gentlemen, is the matter submitted?

25 MR. BUGKIOSI: Yes, your Honor.

26 MR. FITZGERALD: Submitted, your Honor.

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1 MR. HUGHES: Submitted.

2 THE COURT: In response to the motion to dismiss
3 made by counsel for Mr. Manson, the Court does not certainly
4 feel that this is the appropriate remedy in a case of this
5 type or in a case of any type such as this.

6 The result would be to reward and urge the
7 commission of the most bizarre crimes and then after that
8 commission to seek public emphasis thereon and then to urge
9 that because of that fact that there should be a dismissal.

10 I'm reminded of a story told by my sterling Court
11 Reporter. It is an old story but I think it is applicable,
12 of the man who is alleged to have murdered his mother and
13 father and then comes before the court and demands mercy
14 because he is an orphan.

15 I don't think the motion to dismiss is
16 appropriate under these circumstances.

17 The Court would certainly be unreasonable if
18 it did not recognize that there has been extensive and
19 pervasive publicity. I will agree with counsel there has
20 been as much publicity in this case as any other case
21 that the Court is familiar with, both in Los Angeles County
22 and in the other Counties of the State of California, and
23 also outside the State of California, throughout the nation,
24 and even outside of the nation, in other parts of the
25 world. There are references of cocktail parties in Warsaw
26 where the main topic of conversation was this particular

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1 though
2 case even/only one or two or three lines appeared in the
3 particular newspapers in Warsaw.

4 The particular exhibits that counsel have
5 submitted shows that there has been very, very extensive
6 publicity.

7 The Court has previously found and will repeat
8 that finding, that because of the number of defendants in
9 this case and the necessary personnel and security that is
10 involved in a trial of a case of this magnitude, and be-
11 cause of the widespread notoriety of the case and the
12 extensive and intensive public interest and press interest
13 and the general problems inherent in a case of this nature,
14 that the case can only be tried in the eight largest Counties
15 in the State of California. Parenthetically, it is of
16 interest that in the Fain case that the defendant escaped
17 from that County Jail, indicating the security perhaps was
18 inadequate there.

19 Of course, that does not indicate an escape
20 cannot happen in any County, but considering the tremendous
21 number of problems involved, it is the Court's finding that
22 the case must be tried in one of the eight largest Counties
23 of the State of California.

24 The Court has carefully examined all of the
25 exhibits that have been exhibited to it and feels that there
26 is substantially equal publicity in all of the Counties
referred to by the Court and perhaps throughout the entire

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1 State.

2 Therefore, even if a change of venue was
3 warranted, it would be ineffectual.

4 In order to change the site of this trial from
5 Los Angeles County to any of the eight largest Counties it
6 would simply be a change in the area of intensive publicity.

7 The Court further is not giving up on the
8 powers that remain with the trial Court to assure the
9 selection of a fair and impartial jury. I'm confident
10 that the trial Judge will through the various methods
11 available to him will assure that the selection of a fair
12 and impartial jury is completed.

13 Therefore, the Court is going to find that
14 there is not a reasonable likelihood that in the absence of
15 the relief requested this change of venue to another County,
16 that a fair and impartial trial cannot be had in the County
17 of Los Angeles.

18 That will be the ruling of the Court,
19 gentlemen.

20 MR. FITZGERALD: If your Honor please, I have four
21 documents I would like to hand them to the Clerk for trans-
22 mittal to your Honor. There is attached a notice of motion
23 of pretrial discovery and an order to be signed by your
24 Honor in the event that your Honor is satisfied with the
25 deletions that are contained therein.

26 If your Honor would like to review the matter,

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1 both sides have no objection if your Honor signs an ex
2 parte order.

3 MR. STOVITZ: We have no objection to an ex parte
4 order. However, we do oppose certain of the items requested.
5 For instance, the address of persons expected to be called
6 as witnesses. We will object to that. ✓

7 The address of persons interviewed and not
8 going to be called as witnesses. We object to that, be-
9 cause, as your Honor knows from the articles in the news-
10 paper, there was an extensive investigation before any
11 suspects were arrested. We feel that the people who aided
12 the police in that investigation should not be interviewed
13 or disturbed in any way, because they cannot lend anything
14 to the defense. ✓

15 We intend to bring a witness down and we will
16 make that witness available 24 hours before trial. In the
17 event the defendant is not able to interview that witness,
18 we will cooperate with the defendant as we have with the
19 other defendants in making available all of these reports
20 as previously noted here.

21 We have those exhibits all collected and our
22 office would be willing to turn them over to Mr. Fitz-
23 gerald. We object to making copies of photographs but
24 will give them tape recordings and all the original state-
25 ments so they can make copies if they desire.

26 THE COURT: Mr. Fitzgerald, are these deletions

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1 satisfactory with you?

2 MR. FITZGERALD: No, but I don't want to make an
3 issue over everything. So perhaps I won't rely on the
4 order as authority for the proposition that I am entitled
5 to what Mr. Stovitz has just announced. If there are some
6 other items that he doesn't feel I am entitled to, and if
7 I feel that I am entitled to it, and there are items of
8 information I think I am entitled to, I will petition the
9 Court.

10 THE COURT: May I suggest, Mr. Fitzgerald, that I
11 will sign the order making the deletions as indicated by
12 Mr. Stovitz. If you, upon examination of the various
13 evidentiary matters find that you must again petition,
14 for example, for the names of all witnesses interviewed
15 and/or copies of the photographs, for example, you may then
16 renew your motion and it will be considered in this
17 department.

18 Is that satisfactory?

19 MR. FITZGERALD: That is satisfactory.

20 THE COURT: With that understanding, the Court will
21 sign the order.

22 MR. HUGHES: Your Honor, I believe that on March
23 the 16th, Judge Keene made an order concerning the tran-
24 script of all proceedings had heretofore as well as the
25 present proceedings and the proceedings to come.

26 I would ask for the defendant Manson copies of

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1 those transcripts be made available to him through his
2 attorney.

3 THE COURT: Was that motion made before Judge Keene?

4 MR. HUGHES: I was not attorney of record at that
5 time, your Honor. I don't know how that got into the file.

6 MR. FITZGERALD: I think what Mr. Hughes is
7 referring to is an order that was issued by Judge Keene
8 directing the Court Reporter to make copies of these
9 proceedings, to prepare an original and one copy of all
10 proceedings and apparently that is for the use of the Court,
11 although I am not sure.

12 If copies of those proceedings are to be made,
13 they would obviously be helpful to the defendants. I will
14 join Mr. Hughes' motion, although I am not prepared at
15 this time to make any particular representations as to
16 their need. All I can say is that they obviously would
17 be very helpful.

18 THE COURT: Speaking for this Court, I would say
19 that I have no objection to such an order. I think it is
20 more appropriate to bring it up before the trial Judge
21 who will return on Monday, and I might suggest that you
22 renew that motion before Judge Keene.

23 MR. HUGHES: Your Honor, Mr. Manson would like to
24 address this Court, though this afternoon you have indi-
25 cated that he could not. However, I would ask your Honor
26 to allow him to address the Court.

THE COURT: The only ground on which Mr. Manson may speak is if he wishes to substitute attorneys or make ether objections about his representation. You are his attorney of record in this matter, and you may speak on his behalf.

MR. HUGHES: If your Honor feels that he is going to gag Mr. Manson throughout the duration of this trial --

THE COURT: Mr. Manson is not being treated differently than any other defendant who comes before the Los Angeles County Superior Court or any other Superior Court of this State. He has an attorney and the attorney may speak for him. He is not being gagged. I don't think that the use of that term is appropriate.

However, you may be heard further.

MR. HUGHES: Yes, if the Court feels that it is not going to allow Mr. Manson to speak at any stage during any of these proceedings, I will ask to be relieved as counsel.

THE COURT: I will ask you to renew that motion before Judge Keene when he returns. This Court has taken these matters up only for certain limited pretrial motions. The Court is not prepared at this time to rule.

The Court would suggest that you make a written motion to that effect and notice it for hearing before Judge Keene, and I'm sure that Judge Keene will rule on this matter.

Of, if you wish to have it heard before Judge

1 Keene returns, which I understand will be on Monday, you
2 may notice a motion before the Supervising Judge, Judge
3 Dell, and I'm sure that Judge Dell will be glad to hear
4 this motion.

5 MR. STOVITZ: Is the Court in recess?

6 THE COURT: Yes, we will recess now.

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