

COPY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 104

HON. CHARLES H. OLDER, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

vs.

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

Defendants.

110
No. A253156

REPORTERS' DAILY TRANSCRIPT
Thursday, October 1, 1970
P. M. SESSION

APPEARANCES:

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

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LOIS R. JOHNSON,
~~JANET L. JOHNSON~~, CSR.,
MURRAY MEHLMAN, CSR.,
Official Reporters

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LOS ANGELES, CALIFORNIA, THURSDAY, OCTOBER 1, 1970

2:07 P.M.

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(The following proceedings are had in open court, all counsel and defendants present, the jury absent:)

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

This was the time set, gentlemen, as you know, for the continued proceedings with respect to the inquiry into the competency of Mr. Michael Hendrix, and the Court has asked Dr. Abe and Dr. Meyers to be present.

Have you each received copies of the doctors' reports?

MR. FITZGERALD: We have, your Honor.

MR. BUGLIOSI: Yes, sir.

THE COURT: Do any counsel wish to examine Dr. Abe with respect to his report?

MR. SHINN: May we have a minute, your Honor?

MR. FITZGERALD: Yes, I would like to, if I may.

THE COURT: Dr. Abe, would you come forward, please.

THE CLERK: Would you raise your right hand, please.

Would you please repeat after me.

I do solemnly swear --

THE WITNESS: I do solemnly swear --

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

1 THE WITNESS: -- that the testimony I may give --

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

3 THE WITNESS: -- in the cause now pending --

4 THE CLERK: -- before this Court --

5 THE WITNESS: -- before this Court --

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

7 THE WITNESS: -- shall be the truth --

8 THE CLERK: -- the whole truth --

9 THE WITNESS: -- the whole truth --

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

11 THE WITNESS: -- and nothing but the truth --

12 THE CLERK: -- so help me God.

13 THE WITNESS: -- so help me God.

14 THE CLERK: Would you be seated, please, Doctor.

15 Would you please state and spell your name.

16 THE WITNESS: George Y. Abe, M.D. The last name is
17 spelled A-b-e.

18 THE CLERK: Thank you.

19
20 GEORGE Y. ABE,

21 called as a witness by and on behalf of the People, being
22 first duly sworn, was examined and testified outside the
23 presence of the jury as follows:
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DIRECT EXAMINATION

1
2 BY MR. FITZGERALD:

3 Q Dr. Abe, are you a medical doctor, licensed to
4 practice in the State of California?

5 A Yes, I am.

6 Q By whom are you employed?

7 A By the State of California.

8 Q In what capacity?

9 A I am the medical director of the Metropolitan
10 State Hospital.

11 Q That is an institution for the diagnosis, care
12 and treatment of the mentally ill and emotionally disturbed
13 in California?

14 A Yes.

15 Q Are you a psychiatrist?

16 A Yes, I am.

17 Q Would you briefly state for the Court your
18 qualifications?

19 A I graduated --

20 MR. BUGLIOSI: I will stipulate that he is very
21 qualified, your Honor.

22 I don't think we should consume a lot of court
23 time on this.

24 MR. FITZGERALD: All I intended to do, your Honor, was
25 for him to state his qualifications on the record. I would
26 then ask him if, pursuant to court order, did he examine

1 Michael Hendrix, and did he form any conclusions; and if
2 so, what are they.

3 MR. BUGLIOSI: Your Honor --

4 MR. FITZGERALD: As a matter of fact, if the Court
5 would like to conduct the examination, I just want the
6 report to get into the record.

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1 THE COURT: There isn't any question about Dr. Abe's
2 qualifications. He's testified probably hundreds of times
3 in the Superior Court on psychiatric matters.

4 Can't we have a stipulation to that?

5 MR. FITZGERALD: Certainly.

6 MR. BUGLIOSI: I'll stipulate to that.

7 MR. FITZGERALD: I'd offer to stipulate that Dr.
8 Abe is an expert in the field of the diagnosis, care and
9 treatment of the mentally, emotionally -- of the mentally
10 and emotionally ill.

11 MR. KANAREK: And just one step further, that he is
12 an expert in connection with the task the Court has assigned
13 him. That will probably cover all kinds of --

14 MR. BUGLIOSI: I'll stipulate that he's qualified;
15 that he has qualified as an expert in prior trials.

16 MR. FITZGERALD: It is so stipulated.

17 THE COURT: Very well.

18 May we have a stipulation with respect to his
19 report in this case? May that be received in evidence,
20 gentlemen?

21 MR. FITZGERALD: Yes.

22 MR. BUGLIOSI: So stipulated.

23 MR. FITZGERALD: Could we mark it as a special
24 court exhibit?

25 THE COURT: Do you know what the next number is?

26 It will be marked as Special Exhibit No. 3.

1 BY MR. FITZGERALD:

2 Q Now, Dr. Abe, were you appointed by the Los
3 Angeles County Superior Court on or about September 22,
4 1970, under Section 730 of the Evidence Code to examine one
5 Michael Hendricks in the Los Angeles County Jail?

6 A Yes.

7 Q And at the time of your examination, the
8 purpose of your examination was outlined to you, was it not?

9 A Yes, it was.

10 Q And did you examine him?

11 A Yes, I did.

12 Q And based on that examination -- strike that.

13 In addition to examining Mr. Hendricks, were
14 certain documents transmitted to you from the Clerk of
15 Court?

16 A Yes.

17 Q Did you review those documents?

18 A Yes.

19 Q Did those documents pertain to/mental and
20 psychological history of the subject Michael Hendricks?

21 A What was transmitted to me was the testimony
22 of Michael Hendricks. And I came here to read the
23 Atascadero and Youth Authority records.

24 Q And you did read those, I take it?

25 A Yes.

26 Q As the result of interviewing and examining

1 Mr. Hendricks, and reviewing the material you have just
2 referred to, did you form some opinion?

3 A Yes, I did.

4 Q What was your opinion?

5 A I felt that Mr. Hendricks has a schizophrenic
6 mental illness and I felt that it was rather difficult for
7 me to be able to determine his statements in terms of what
8 is real and what is unreal.

9 Q Was his schizophrenia manifested by vague
10 reasoning, inappropriate affect, delusions of being able
11 to procrastinate to future and vague auditory hallucinations?

12 A Yes.

13 Q It is your opinion, then, that it is difficult
14 for Mr. Hendricks to separate reality from unreality; is
15 that right?

16 A Yes.

17 Q Did you form the opinion, therefore, that Mr.
18 Hendricks' competency in perceiving and relating events
19 that took place during July and August of 1969 is not
20 entirely reliable?

21 A Yes.

22 MR. FITZGERALD: I have no further questions.

23 MR. HUGHES: No questions.

24 MR. KANAREK: I have no questions, your Honor.

25 May it be deemed that his report is in evidence
26 subject to some examination for -- I don't think that's

1 occurred yet.

2 MR. BUGLIOSI: It's already been done, Mr. Kanarek.

3 MR. KANAREK: In evidence? I think it's in the
4 file.

5 THE COURT: It was marked for identification,
6 Special Exhibit 3. May it be stipulated into evidence?

7 MR. BUGLIOSI: So stipulated.

8 MR. KANAREK: So stipulated.

9 MR. FITZGERALD: Yes, it is so stipulated that
10 Special Exhibit 3 be received into evidence.

11 MR. KANAREK: Then I have no questions in view of
12 that stipulation, your Honor.

13 THE COURT: Any questions?

14 MR. SHINN: No questions.

15 THE COURT: Mr. Hughes?

16 MR. HUGHES: I believe by stipulation I was not going
17 to examine this witness in any event, your Honor.

18 MR. BUGLIOSI: Just a few questions.

19 CROSS-EXAMINATION

20 BY MR. BUGLIOSI:

21 Q Doctor, would you elaborate on what you mean
22 when you say that Mr. Hendricks' competency in perceiving
23 and relating events during July and August of 1969 is
24 not entirely reliable?

25 A It is primarily based upon --
26

1 Q Elaborate on what you mean by that; not on
2 how you based that conclusion.

3 A It was based upon -- well --

4 Q Go ahead, go ahead.

5 A Okay. This is the way I can give it to you.

6 Q Go ahead.

7 A I asked him as to his perceptions, the things
8 that he told me about that had occurred while he lived
9 with the Manson Family. And he made some statements.

10 And I asked him, "Well, what is the basis for
11 your statements?" And on these occasions he was -- tended
12 to be rather vague and he wasn't able to give me any basis
13 for his opinions or statements.

14 And I noticed that this was true throughout
15 the examination in terms of other things, also. This is
16 why I felt that whatever statements he makes he may have
17 to be checked, because I couldn't tell whether there was
18 any basis for it or not.

19 Q You didn't form a conclusion that any statement
20 he made to you was foundationless?

21 A No. I had no basis for that. But in terms of
22 his being able to -- shall we say simply back up the
23 statements that he makes, he wasn't able to do so. He'd
24 become very vague and evasive, as a rule.

25 Q Did he ever make any statement to you from
26 which you drew the inference that he did not see what he

1 purported to see?

2 A Under any circumstances?

3 Q Well, concerning July and August of 1969.

4 A Well, I asked him whether or not he felt that
5 the Tate-La Bianca incidents were a product of the Manson
6 Family. And he said, "Yes."

7 And so I asked him, "Well, what is the basis
8 for your belief?"

9 And all he could tell me was that, "It's
10 because Charlie had told me that they were going to cut
11 a bloody path all the way to the desert."

12 This is the only statement he would give me.

11 fls.

1 Q Well -- go ahead.

2 A Then, eventually, it came about that it was a
3 suspicion on his part.

4 Q Well, we are having a long trial here now,
5 Doctor. I know you are aware of that -- and it will have
6 to be determined whether or not Mr. Hendrix's statement was
7 correct or incorrect by the jury. That is not what I am
8 concerned about.

9 MR. KANAREK: Your Honor, I must object to that
10 statement because --

11 THE COURT: He can frame the question the way he
12 wants to, Mr. Kanarek. You don't have to agree with him.

13 MR. BUGLIOSI: Q So, it is entirely probable,
14 in fact, that what he told you is correct; isn't that right,
15 Doctor?

16 A It could be.

17 Q Right.

18 Now, what I want to know is this: Did he tell
19 you that he saw anything in July or August of 1969 from
20 which you drew the inference that he did not see what
21 he said/^{he}saw?

22 A Well, I can't refute those points because I
23 don't know the facts. All I am saying is, in trying to
24 follow through at least on a reasonable basis, I wasn't
25 able to get any reasons for his, except rather vague,
26 evasive kinds of answers to what he alleged to have seen.

1 Q You felt that he didn't have a good enough
2 explanation as to the connection between the Manson Family
3 and these murders, Doctor?

4 A No, that wasn't the point at issue.

5 I think, as is true throughout, whether it was
6 the Manson Family or other areas, this kind of thinking
7 appeared to exist. I don't know. For example, I don't
8 know whether he actually ate glass, which he told me he
9 did, but I asked him why he did so, and his answer was
10 because he wanted to see what it tasted like.

11 Okay. That is fine. But on asking him further:
12 What did it taste like? he wasn't able to give me any
13 answer on this.

14 He said, "Well, it tasted good."

15 And I said, "What do you mean?"

16 And this is the kind of answer that I constantly
17 got from him, where he seemed to be evasive, not because --
18 I don't think it was a conscious evasion or anything like
19 that, but this is his mental capacity.
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1 Q When you say his observations during July and
2 August are not entirely reliable, you mean that they are
3 more unreliable than reliable, or more reliable than un-
4 reliable?

5 A I can't tell you that. I don't know the facts
6 in this case.

7 All I can do is give you my impression in terms
8 of what his reliability is.

9 Now, I don't think because of his illness and
10 the way he thinks, the chances are that things, some things,
11 are not reliable. Some things might be. But I can't separate
12 what is reliable and what is unreliable for you.

13 Q When you say "perceive," are you including
14 in that something other than a visual observation?

15 You say "his competency in perceiving events."

16 A It could be touch, you know, the senses that
17 we have which we use to perceive with.

18 Q Let's take this hypothetical situation, and I
19 am not trying to be cute with you or anything like that,
20 but let's assume that in July or August of 1969 someone
21 held up a gun or a revolver in Mr. Hendrix's presence,
22 showed it to him; and let's assume that his eyes were fixed
23 on that revolver.

24 Let's assume all these things, and that he
25 looked at it and felt it, touched it and talked about it.

26 Do you think there is a very good possibility

1 that if you or I were to ask him, shortly after that
2 event, what he saw in front of him, that he might say
3 something like an alligator or a bus, or something like
4 that?

5 MR. KANAREK: I will object as an improper hypothetical
6 question, your Honor.

7 MR. BUGLIOSI: I want to find out what he means when
8 he says his perception is not entirely reliable. I don't
9 quite understand what the doctor means.

10 MR. KANAREK: There is no foundation for it, and it
11 is assuming facts not in evidence.

12 Is Mr. Bugliosi, in this question, saying
13 shortly after?

14 THE COURT: The trier of the fact is not present.
15 It is a hearing out of the presence of the jury. I think
16 the example is an appropriate one for the doctor to comment
17 on.

18 Overruled.

19 MR. BUGLIOSI: Q Do you understand my question,
20 Doctor?

21 A Yes, I do.

22 No, the chances are that he would call it a gun
23 rather than an alligator.

24 Q The chances are that he would call it a gun
25 vis-a-vis anything else; right?

26 He would call it a gun as opposed to anything

1 other than a firearm? In other words, he wouldn't call it
2 a candy bar either, would he?

3 A So far as I know him, I don't think he would.

4 MR. BUGLIOSI: No further questions.

5 MR. KANAREK: May I?
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1 THE COURT: I will ask a few questions, Mr. Kanarek.

2 MR. KANAREK: Certainly.

3
4 EXAMINATION

5 BY THE COURT:

6 Q Doctor, in your opinion, did Mr. Hendricks,
7 in July and August of 1969, have the ability to perceive
8 an event with substantial accuracy?

9 A I believe partially he could, yes.

10 Q I am talking now about his perception rather
11 than a question of credibility in the sense of whether or
12 not he was telling the truth when he described the event.

13 I am talking now purely about perception, the
14 ability to perceive.

15 A Yes, I believe he could.

16 On the basis of the example as given by Mr.
17 Bugliosi about if it is a gun, he will call it a gun.

18 Q And is it true that your doubts relate to
19 whether or not he is now telling the truth about what you
20 have asked him rather than his ability to perceive a
21 particular event?

22 A Yes, that is what I may be saying.

23 THE COURT: Any other questions, gentlemen?

24 MR. FITZGERALD: Yes.
25
26

11b-2

EXAMINATION

BY MR. FITZGERALD:

Q Doctor, in your report, on page 3, under the section "Opinion," the second paragraph, you state as follows:

"It is difficult to separate reality and unreality in Mr. Hendricks' perceptions during the months of July and August of 1969."

Is that correct?

A Yes, that is correct.

Q And did you also say, in the last sentence:

"It is felt, therefore, that Mr. Hendricks' competency in perceiving and relating events during July and August of 1969 is not entirely reliable"?

A Yes.

Q Are you changing those two opinions?

A Well, maybe where I am hung up here is in terms of perception and credibility, perhaps.

I know he daydreams a lot. I know that he can, most likely, feel the daydreams are true.

Q Let's substitute the term "reliable" for "believable." That would then put it into the area of credibility.

And let me ask you this: Would you believe Mr. Hendricks as to events he perceived during the months of July and August, 1969?

1 A I myself would not. I would need further
2 substantiating evidence to corroborate what he says.

3 Q Is vagueness a characteristic of schizophrenia?

4 A Yes.

5 Q Is it a common symptom?

6 A Yes, fairly common.

7 Q Are hallucinations common symptomology of
8 schizophrenia also?

9 A It can be, yes.

10 MR. FITZGERALD: I have nothing further.

11 THE COURT: Anything further?

12 MR. SHINN: No questions.

13 MR. KANAREK: Yes, your Honor.

14
15 EXAMINATION

16 BY MR. KANAREK:

17 Q Doctor, you have stated with regard to your
18 opinion, you stated, you used the words "vague auditory
19 hallucinations within my head."

20 Is it your opinion that he actually hears
21 voices at the present time?

22 A I think it is possible, although I am not
23 quite a hundred percent sure.

24 This is the quotes within the statement that
25 he made to me. And I asked him further about it, and
26 he became rather vague about this except to say that

1 it was just like the conversation he has with anyone else.
2 It is with an unknown voice within his head sort of answer.

3 Now, these are the kinds of things he told me
4 about. I don't know whether he actually has them or not.

5 I think the basis for my reasoning is not
6 just that factor alone, but no matter which way I turn
7 with him I just can't get any good reasoning to substantiate
8 his beliefs and thoughts.

9 Also, too, on occasions, when eating glass,
10 for example, you know, he was smiling, and I asked: Well,
11 didn't you cut yourself?

12 He says, "No, I didn't. I rounded off the
13 corner and I ate the glass."

14 And all the while he was relating this he was
15 smiling. Cutting his wrist? The same situation.

16 I perceived from this that he had an inappro-
17 priate affect, and these are the kinds of things that made
18 me arrive at the diagnosis of schizophrenia.

19 So, there is more than just a matter of
20 hallucination, and even his delusions, I don't know
21 whether they are actual or not, but there were other
22 symptoms present which were more objective. I felt in
23 my own opinion that he was schizophrenic.

12 fls.

2-1
1 Q And, Doctor, as part of your diagnosis, did you
2 take into consideration the statement by him that he saw
3 little men at the end of the bed that he talked to?

4 You read that in one of the reports?

5 A Yes, I remember reading that, but I didn't ask
6 him about that.

7 Q And, Doctor, directing your attention --
8 Mr. Bugliosi's question to you had to do with his ability
9 to perceive in July and August of '69. Mr. Bugliosi's
10 question related to that. Do you recall his question?

11 A Yes, I believe it did.

12 Q It had to do with whether in July and August of
13 '69, if a gun was held up to him, would he see a gun --
14 would he have been able to tell in 1969 that he saw a gun?

15 A Yes.

16 Q Now, my question is, would you say that with
17 the passage of time, and he -- let's hypothesize that he
18 will be asked in this courtroom whether in July and August
19 of 1969 he saw a gun -- would his ability to perceive, as it
20 related to people in this courtroom, would that ability be
21 changed by the passage of time, whatever it was, in --
22 immediately after some kind of an object was shown to him?

23 A I gather what you are inquiring is what is the
24 status of his memory? Is this correct?

25 Q Well, I don't know. Is that what I'm --?

26 What I'm asking, in connection with his ability

12-2

1 to relate from the witness stand his perception of something
2 that occurred in July and August of '69. Now it's today,
3 October 1st, 1970. Now, will the passage of time have any
4 effect upon his ability to convey what, in fact, occurred
5 in his presence in July and August of 1969?

6 A I think it's possible that the time could,
7 since he tells me some areas where he does not remember, it's
8 very possible he may not remember things. Also, I have
9 noticed that there may be a conflict in his statements.
10 I asked him how many times did he go back to the ranch to
11 live and he said he didn't remember.

12 Subsequently, I found out that he apparently
13 lived there six times.

14 Now, I don't know whether this is correct or
15 not, but apparently he has some sort of figure in mind.
16 But when I talked to him he didn't remember how often he
17 went back to the ranch.

18 So what I'm getting at is it's possible that his
19 memory at that moment may not be sufficiently there to be
20 able to relate his perceptions. It's possible.

21 Q Of what occurred, in fact --

22 A Yes, back in July or August.

23 MR. KANAREK: Thank you, your Honor.

24 Thank you, Doctor.

25 THE COURT: Anything further?

26 MR. FITZGERALD: Nothing further.

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1 MR. BUGLIOSI: No questions.

2 THE COURT: You may step down, Doctor. Thank you.

3 Is Dr. Meyers outside? Dr. Meyers?
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THOMAS J. MEYERS,

called as a witness, having been first duly sworn, was
examined and testified as follows:

THE CLERK: Would you raise your right hand, Doctor.

Would you please repeat after me:

I do solemnly swear --

THE WITNESS: I do solemnly swear --

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

THE WITNESS: -- that the testimony I may give --

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

THE WITNESS: -- in the cause now pending --

THE CLERK: -- before this court --

THE WITNESS: -- before this court --

THE CLERK: -- shall be the truth --

THE WITNESS: -- shall be the truth --

THE CLERK: -- the whole truth --

THE WITNESS: -- the whole truth --

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

THE WITNESS: -- and nothing but the truth --

THE CLERK: -- so help me God.

THE WITNESS: -- so help me God.

THE CLERK: Would you please be seated.

Doctor, would you please state and spell your
name.

THE WITNESS: Thomas J. Meyers, M-e-y-e-r-s.

THE COURT: May we have the same stipulation with

1 respect to qualifications and the doctor's report?

2 MR. FITZGERALD: It is so stipulated.

3 MR. BUGLIOSI: So stipulated.

4 THE COURT: The report will be received in evidence,
5 then, as Special Exhibit No. 4.

6 MR. FITZGERALD: That's right, your Honor. It is
7 a five-page document dated September 28, 1970.

8 THE COURT: Any questions?

9 MR. FITZGERALD: Well, so the record is clear,
10 although he is somewhat of an adverse witness, I'll, on
11 direct examination, bring out the relevant facts.

12
13 DIRECT EXAMINATION

14 BY MR. FITZGERALD:

15 Q Dr. Meyers, were you appointed pursuant to a
16 court order to interview one Michael Hendricks in the Los
17 Angeles County Jail for the purposes of determining
18 whether or not he was competent as a witness to testify
19 as to events that occurred during July and August of
20 1969?

21 A Yes.

22 Q Did you perform an examination on the person
23 of Mr. Hendricks?

24 A Yes.

25 Q Did you also read or review certain materials
26 that were directed to your attention by the Clerk of Court?

1 A Yes. I read the preliminary transcript. Or
2 at least the transcript which -- of Mr. Hendricks'
3 hearing.

4 Q Were you also availed of files from Atascadero
5 State Hospital and the California Youth Authority pertaining
6 to Michael Hendricks?

7 A Yes. I read them just now.

8 Q And as the result of examining Mr. Hendricks
9 and as/ the result or reviewing those materials, have you
10 formed some opinion?

11 A Yes.

12 Q What is your opinion?

13 A It's my opinion that Mr. Hendricks was quite
14 capable of knowing what he was doing in the period
15 indicated, that is, from June until August, 1969.

16 Q And I take it your opinion, then, is that he
17 is competent to testify as a witness in regard to events
18 that he observed during July and August, 1969?

19 A That's correct.

20 Q Did you form the opinion that Mr. Hendricks
21 was suffering from schizophrenia?

22 A No. I didn't think he was schizophrenic. I'm
23 of the opinion that he's probably a sociopath with schizoid
24 characteristics.

25 Q Is the term "sociopath" sometimes used
26 interchangeably with the term "psychopath"?

1 A Yes.

2 Q Did you find any evidence of delusions or
3 hallucinations in your examination of Mr. Hendricks?

4 A No. No. He gave no manifestations of them at
5 the time I examined him.

6 Q Did the files of the Atascadero State Hospital
7 and the California Youth Authority reflect any evidence of
8 delusions or hallucinations?

9 A Yes. There is a record that he has had auditory
10 hallucinations.

11 Q Did the files upon which you have based, in
12 part, your opinion contain information indicating that Mr.
13 Hendricks on one or more occasions had attempted to commit
14 suicide?

15 A Yes.

16 Q Correct me if I'm wrong, but I believe on one
17 occasion it was by way of eating glass from a light bulb
18 and on another occasion it was as the result of cutting
19 his wrists with a sharp instrument or knife or razor blade
20 or something?

21 A Yes. I'm not sure whether they had actual
22 evidence that he ate the glass, but, at any rate, he said
23 that he ate it.

24 Q Did your examination reveal that Mr. Hendricks
25 was grandiose in his thinking and did he think he had
26 powers that others didn't possess?

1 A Yes.

2 Q Did he believe that he could read other people's
3 minds?

4 A I did not elicit this information from him.

5 Q Did you find that his recent and remote memory
6 was impaired?

7 A Well, his memory was not impaired at the time
8 at which I examined him. It wasn't the most efficient
9 memory there was. But if you took time with him he
10 usually could come up with an answer relative to the
11 events involved.

12 Q In the Atascadero State Hospital file, I believe,
13 there is a report dated July 21, 1970, purportedly prepared
14 by a Dr. M. J. Reimringer in which the summary and diag-
15 nostic impression is as follows:

16 "He is cooperative with normal speech.
17 Affectively, he is silly. He has many abnormal
18 mental trends such as believing he can predict

1 arriving at a conclusion as to whether or not Mr.
2 Hendricks would be competent to testify as to events that
3 occurred during July and August, 1969?

4 A Well, I do now, yes.

5 Q And there is also contained in the California
6 Youth Authority file a report by a William J. Hansen,
7 Medical Doctor, who appears to be a staff psychiatrist.

8 His psychiatric diagnosis is brief and is as
9 follows:

10 "Personality disorder severe, schizoid
11 personality manifested by shyness, oversensitivity,
12 seclusiveness, avoidance of close and competitive
13 relationships and eccentricity, tendency toward
14 engrowthment in fantasy and daydreaming, inability
15 to express ordinary aggressive feelings, detachment
16 from disturbing experiences and conflicts. An
17 underlying and psychotic thought process should be
18 kept in mind.

19 "Prognosis: Guarded."

20 Did you read that report and did you take it
21 into consideration in forming your opinion?

22 A Yes. And I think it's a pretty good descrip-
23 tion of him.

24 Q Is that report, the report I just read of
25 William J. Hansen and the report of M. J. Reimringer,
26 consistent with your analysis and opinion?

I feel that probably the sociopathic trends here are dominant rather than schizophrenic trends.

A Yes, I think they are. And I think they are impaired largely because of distractions from within him.

A Well, I don't think it's impaired to that extent.

The tasks which are presented to him on an examination do not have the interest or the stimulating appeal that an actual behavior event would have. And he could fail on a test, whereas he would not fail in observing the events that were going on around him.

12B

1 Q Now, did it come to your attention, either as
2 the result of interviewing Mr. Hendrix or as the result of
3 reviewing the files from the California Youth Authority or
4 Atascadero, or did it come to your attention through reading
5 the transcript you were provided with and the declaration
6 of myself, that Mr. Hendrix had a fixation or a fascination
7 with firearms?

8 A Well, I got that from him directly.

9 Q Now, let's take this set of facts: Let's
10 assume for a moment that Mr. Hendrix was going to testify in
11 this trial in regard to firearms. Would your opinion as to
12 his competency in that limited area, the area of firearms,
13 be different than your general opinion in terms of his
14 competency?

15 A Well, perhaps it would. Because in the matter of
16 firearms he considers himself to be quite an expert. And
17 I'm afraid he would elaborate and exaggerate to some
18 extent.

19 Q I believe one of the reports in the files
20 refers to some grandiose feelings on his part that he is a
21 master criminal?

22 A Yes, I think that's correct.

23 Q Is that also related to his fascination with
24 firearms?

25 A Yes. The fascination with firearms -- I think
26 the only way you can understand it is in terms of its

1 symbolic value. I suppose it would be, yes.

2 Q Well, very briefly, what is the symbolic
3 significance of firearms?

4 A This boy, and that's what he is, has a very
5 weak masculine identification. And firearms not only
6 represents to him fulfillment or compensation for this, but
7 also represent a power that he, himself, does not actually
8 feel or have.

9 In other words, it's almost a grandiose
10 exaggeration to counterbalance an opposing weakness.

11 MR. FITZGERALD: Thank you, Doctor.

12 I have no further questions, your Honor.

13 MR. SHINN: Yes, your Honor.

14
15 CROSS-EXAMINATION

16 BY MR. SHINN:

17 Q Doctor, you examined Mr. Hendrix at the County
18 Jail?

19 A Yes.

20 Q And approximately how long did you take in
21 examining Mr. Hendrix?

22 A He came into the interview room at 9:00 o'clock
23 and I dismissed him at 11:05.

24 Q In other words, approximately about two hours?

25 A Yes.

26 Q And did he relate any events of the months of

1 July and August?

2 A Yes. I went over in detail with him as much
3 detail as I could get out of him.

4 Q And did he tell you about telepathy?

5 A No.

6 Q Never stated that he could read minds by
7 telepathy?

8 A No.

9 Q What would you call that, if a person states
10 to you that he could read minds by telepathy? Would you
11 call that an hallucination or --

12 A Not necessarily. Because there are a great
13 many people who feel they can do that.

14 Q Well, could you channel that into a delusion
15 or hallucination sometimes, or a --

16 A Well, you would have to have more than that,
17 because this is almost an outgrowth of metaphysical
18 thinking. And a great many people in our population are
19 metaphysicists.

20 Q And did he tell you that he was more or less
21 the leader of the world, Mr. Hendrix, in your conversation?

22 A No, he didn't tell me anything like that.

23 Q What if he told you that he was a leader of
24 the world?

25 A No.

26 Q Would you classify that as a delusion or

1 hallucination or what?

2 A Well, if he told me that, I would certainly ask
3 him for some elaboration as to just what the world meant to
4 him.

5 Q And if this explanation was not satisfactory
6 to you, would you classify that as an hallucination or a
7 delusion or what?

8 A If it became obvious that he felt that he
9 literally believed himself to be the leader of the world
10 as we know it, then we would certainly have to think that
11 this was an outright grandiose delusion.

12C-1

1 Q And what if he told you that he could pick
2 winners in a horse race?

3 A Well, I don't know as that would be a delusion.

4 Q What would you classify that as, if he couldn't
5 explain how he could pick a winner of horse races?

6 A I've had many people tell me that same thing
7 and I felt their thinking was a little -- their judgment
8 was bad, but I wouldn't consider it to be actually a delusion.

9 Q Well, would it be classified as something else,
10 like an hallucination?

11 A I think it would be an error in judgment and a
12 distorted idea of one's ^{own} capability.

13 Q Well, that could possibly sometime be called
14 an hallucination or a delusion, is that correct, to a certain
15 degree?

16 A Oh, I can imagine a context in which it might be,
17 yes.

18 Q And, now, did Mr. Hendrix tell you that he
19 hears voices in his head?

20 A No, he denied that he did.

21 Q Well, if he told you that he heard voices in his
22 head and he couldn't explain it, what would you call that?
23 Would that be hallucinations or delusions?

24 A If he told me that, I, of course, would have to
25 investigate it rather thoroughly because this would suggest
26 that he was experiencing auditory hallucinations.

1 Q All these questions I asked you regarding
2 your conversation with Mr. Hendrix, if, in fact, these were
3 related to you, would your opinion as to -- your statement
4 in this report on Page 4, stating that -- near the bottom of
5 the page you stated that there is no evidence of psychotic
6 process such as delusions, hallucinations or bizarre content.

7 You stated that, did you not?

8 A Yes.

9 Q Well, assuming that you had a conversation with
10 all these questions I asked you what he said, would your
11 opinion be different?

12 A See, I could not get such information from
13 Mr. Hendrix. He would not admit it. He would not
14 acknowledge it. He gave no evidence that he was experiencing
15 such phenomena.

16 And if I were to tie the history of such
17 experiences with other details, I'd say it was possibly
18 another part of his elaborations. You might say a little
19 game that he was playing.

20 Q But that he would come close to hallucinations
21 and delusions; is that correct?

22 A If they were actually true, yes.

23 MR. SHINN: I have nothing further, your Honor.

24 Thank you.

25 THE COURT: Any questions?

26 MR. KANAREK: Yes.

CROSS-EXAMINATION

1
2 BY MR. KANAREK:

3 Q Doctor, then, your statement is if he were
4 experiencing auditory hallucinations, you would have to
5 seriously consider changing your opinion and conclusions;
6 is that right?

7 A If he were, yes, I would have to consider that
8 he was undergoing a psychotic process.

9 Q If he actually saw little men sitting at the end
10 of his bed, for instance, little green men, who spoke to
11 him, if he told you that this was so, you would have to
12 change your opinion, right?

13 A Yes. Of course, that wouldn't be consistent,
14 you see, with the picture.

15 Q But you would certainly have to investigate
16 further.

17 A Yes, indeed.

18 Q Now, Doctor, you have stated here he has a
19 great need for ego enhancement and support for his masculine
20 identification.

21 Would you say that his testimony in a case
22 wherein he thought that his testimony was very important,
23 that he was the center of attraction in a courtroom such as
24 this, would such a setting satisfy his need for ego
25 enhancement or tend to satisfy that?

26 A Well, it would certainly contribute to it.

1 Whether it would satisfy anything or not remains to be seen.
2 But I think it would certainly be a pleasurable experience.

3 Q And is it possible, or would you say there is
4 reasonable medical probability, that in such a setting he
5 would be less than candid in connection with his testimony?

6 A I think he would try to make the most of the
7 situation.

8 Q And try to put it on thick, right?

9 A I would suspect he would.

10 MR. KANAREK: Thank you, your Honor.

11 THE COURT: Doctor, in your opinion, in July and
12 August of 1969, did Mr. Hendrix have the ability to
13 perceive an event with substantial accuracy?

14 THE WITNESS: Yes, your Honor.
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13-1
1 THE COURT: Any questions, Mr. Bugliosi?

2 MR. BUGLIOSI: No, your Honor.

3 THE COURT: Anyone else?

4 MR. SHINN: No.

5 MR. KANAREK: No.

6 MR. FITZGERALD: No.

7 THE COURT: You may step down, Doctor. Thank you.

8 Do any of you gentlemen wish to be heard on
9 this subject?

10 MR. FITZGERALD: Well, I would like to simply point
11 out -- and we have been over this matter before, and I won't
12 belabor the Court with it at all -- but I would like to
13 point out that the files of two California institutions
14 reveal that this witness has some mental or emotional
15 problems; that he has attempted to commit suicide on two
16 occasions.

17 He is currently in a California institution for
18 the purpose of diagnostic studies in the area of
19 schizophrenia and other mental illness.

20 We have two doctors here that are apparently
21 split, but have testified to an essential rather aggravated
22 mental illness.

23 My understanding of the testimony of this
24 witness is that it will relate to firearms and firearms
25 almost solely. I think that this is in the area of his
26 grandiose feelings; it is in the area of his masculinity

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1 and inferiority and inadequacy; and I think that in this pre-
2 cise area, in the opinion, I think, of both doctors, his
3 testimony would be unreliable.

4 And I would ask that your Honor find him
5 not competent to testify.

6 THE COURT: Anyone else?

7 MR. FITZGERALD: I have nothing further.

8 MR. SHINN: No.

9 MR. KANAREK: I don't wish to belabor it, your
10 Honor.

11 MR. BUGLIOSI: I think under Section 701 of the
12 Evidence Code, your Honor, he is certainly competent to
13 testify.

14 THE COURT: Well, after considering the doctors'
15 reports and hearing their testimony, I see no reason to
16 change the finding I made earlier as to Mr. Hendrix's
17 competency under the Evidence Code to testify as a witness.

18 This, of course, does not imply any conclusion
19 on the part of the Court as to the credibility of such
20 testimony, but only as to his bare competency to testify.

21 Accordingly, I find, again, that he is
22 competent to testify as a witness.

23 Are you prepared to proceed now with Mr. Flynn?

24 MR. BUGLIOSI: Yes, your Honor.

25 THE COURT: We will take our afternoon recess at
26 this time and then we will resume with the jury and Mr. Flynn.

(Recess.)

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1 (The following proceedings were had in open
2 court, all defendants, counsel and jurors present.)

3 THE COURT: All parties, counsel and jurors are
4 present.

5 You may continue, Mr. Kanarek.

6 DEFENDANT MANSON: Oh, the old gray mare, she ain't
7 what she used to be, she is a judge now.

8 You are a woman, Judge.

9 THE COURT: Mr. Manson --

10 DEFENDANT MANSON: You don't have the authority. You
11 are a woman.

12 THE COURT: Mr. Manson, I will have to remove you from
13 the courtroom if you don't stop it.

14 DEFENDANT MANSON: Stop what?

15 Why don't you stop doing what you are doing.

16 THE COURT: I order you to stop talking right now.

17 DEFENDANT MANSON: You have ordered me to stop living.
18 You won't let my lawyers visit me. You won't let me have
19 any mail. I can't get any action in the attorney room. My
20 lawyer can't even come in the lockup. I am allowed to talk
21 to him at the bench for five minutes a day.

22 How am I supposed to prove a case and prove
23 anything to these people?

24 THE COURT: All right, remove Mr. Manson from the
25 courtroom.

26 MR. BUGLIOSI: Your Honor, may we approach the bench

13a-2

1 on this?

2 THE COURT: Very well.

3 (Whereupon all counsel approach the bench and
4 the following proceedings occur at the bench outside of the
5 hearing of the jury:)

6 MR. BUGLIOSI: I agree with the Court, your Honor, that
7 if he is going to continue talking, he has to be removed.
8 However, he may have been at the end of his comment. If he
9 was, I would prefer to have him in court throughout all of
10 the testimony of Mr. Flynn.

11 THE COURT: Well, I agree. I would too, Mr. Bugliosi.
12 But he didn't stop when I ordered him to stop and he
13 continued talking.

14 MR. BUGLIOSI: I agree with the Court, but I wonder
15 if we could take a little short recess --

16 THE COURT: I don't have to wait forever to take
17 action.

18 This is what I am going to do. I am going to
19 permit Mr. Kanarek to see Mr. Manson in the lockup and
20 discuss the matter with him, and if he is willing to come
21 back into court and conduct himself in accordance with the
22 rules, and remain silent and not speak out as he has, then
23 we will be able to continue with him in the courtroom.

24 And I certainly will admonish the jury to
25 disregard his remarks, whatever they meant.

26 Do any of the other counsel have any suggestions?

13a-3

1 I don't want to remove Mr. Manson from the
2 courtroom, but obviously we can't continue a trial if he
3 is speaking out and making remarks of various kinds in front
4 of the jury.

5 MR. FITZGERALD: Let me say this, your Honor, to put
6 this statement that he made to the Court somewhat in perspec-
7 tive.

8 When we attorneys came back into the courtroom
9 from the rest-room, we were informed by the two bailiffs in
10 the court that there had been a change in procedure, if not
11 a change in the rules, and that, henceforth, no attorney,
12 other than Mr. Kanarek, would be allowed to go into the
13 lockup; and my understanding was that Mr. Kanarek also would
14 not be allowed to go into the lockup to speak with Mr. Manson,
15 that all conferences between clients and their attorneys
16 would have to take place in open court at the counsel table.

13b fls.

1 The two bailiffs also informed us -- I was
2 somewhat unclear -- but they informed us about materials
3 being cleared through Mr. Kanarek before they were
4 transmitted to Mr. Manson.

5 I think that is what Mr. Manson was reacting
6 to, this problem; and this, of course, has been a source
7 of irritation to Mr. Manson, his treatment in jail vis-a-vis
8 his attorneys.

9 Now, I am certain that your Honor will not
10 argue with the statement that I am about to make.

11 I think that Mr. Manson, when he addressed the
12 Court, was seated. He was not standing. He addressed the
13 Court in a voice that could be heard by your Honor and could
14 be heard by me, and I am sure it could be heard by the
15 spectators, but it was not in a loud, screaming, yelling
16 voice.

17 That is all I want to say.

18 THE COURT: All that is true.

19 Of course, when a defendant persists in talking
20 directly at the Judge during the trial, it is disruptive,
21 whether he is talking in a conversational tone which is
22 heard by the jury or whether he is shouting.

23 As I say, I am perfectly willing to have you
24 talk with him, Mr. Kanarek, and try to persuade him that
25 he can accomplish nothing by this except to have himself
26 removed.

1 I am perfectly willing to have him come back
2 if he is willing to behave himself.

3 MR. KANAREK: May I go into the lockup and talk to him,
4 then?

5 THE COURT: Yes.

6 MR. BUGLIOSI: As long as we are here at the bench,
7 your Honor, just briefly.

8 Would the Court admonish Mr. Kanarek to cease
9 and desist with his accusatory remarks in front of the jury.

10 If I did this, it would be highly improper.
11 If I were to ask the witness: "Isn't Mr. Kanarek programming
12 you?" And, "Are you trying to please Mr. Kanarek?" I
13 could never get by with it.

14 I am not concerned with what he says on the
15 record, but I don't want him to imply something to the jury
16 without showing indignation. I have to show my indignation
17 to the jury or else it is kind of an acquiescence.

18 I can object in a gentlemanly tone, and the
19 Court will probably sustain the objection, but I have to
20 show to the jury that I am very upset and very disturbed,
21 and I have to act the way I am, innocent.

22 THE COURT: I don't agree with you.

23 If Mr. Kanarek, or any other counsel, says any-
24 thing that I think is improper, depending on what it is, he
25 is going to be admonished in front of the jury, and it
26 doesn't require any reaction of a like kind or some other

1 conduct on the part of other counsel.

2 If I seem not to see it, you can certainly call
3 my attention to it. But I don't see how I could not see it
4 or hear it.

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13c-1

1 MR. BUGLIOSI: This your view, your Honor, and I am
2 a pretty experienced, capable trial lawyer and I have my own
3 view as to what the jury is thinking about.

4 My view is that it is harmful to me when he
5 does these things.

6 I would just ask the Court to tell Mr. Kanarek
7 to try the lawsuit without trying me.

8 He does this with every witness, your Honor.
9 He did it with Linda Kasabian, he has done it with Juan
10 Flynn, he did it with Danny DeCarlo. The other attorneys
11 don't do it.

12 THE COURT: In rereading the transcript of this
13 morning, I don't find anything that Mr. Kanarek said that
14 triggered you off.

15 MR. BUGLIOSI: Maybe I am oversensitive, your Honor,
16 and maybe my remarks today weren't totally justified, but
17 he has made so many remarks about me.

18 Like, your Honor, when Linda Kasabian was on
19 the stand --

20 THE COURT: I don't want to hear about that now.
21 If it is important, we can discuss it later in chambers.
22 We are here at the bench at the moment and I want to get
23 on with the trial.

24 I admonish all counsel again, I don't want
25 colloquy in front of the jury. If something needs to be
26 discussed, if the point is important, come to the bench;

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1 but I don't want constant processions to the bench on
2 trivial matters. You are not to make comments, you are
3 not to do things, that are obviously improper.

4 We will take a brief recess, Mr. Kanarek.
5 Will you let the Clerk know when you are ready.

6 MR. KANAREK: May I go in the lockup, your Honor?

7 THE COURT: Yes.

8 MR. KANAREK: Thank you.

9 MR. HUGHES: Will we come back to the bench before we
10 resume?

11 THE COURT: Just tell the Clerk when you are through.

12 MR. FITZGERALD: The reason Mr. Hughes is asking about
13 whether we are coming back to the bench is this: I have
14 carefully thought over the matter of what occurred this
15 morning over the noon hour and, as your Honor knows, I am
16 very hesitant to move for a mistrial, but I think that the
17 colloquy that took place between Mr. Kanarek and Mr. Bugliosi
18 is just one of a whole series of colloquies, and I think the
19 cumulative effect has now reached a point where the
20 defendants cannot receive a fair trial, and on behalf of
21 my client, I am going to move for a mistrial.

22 I think that the disparaging remarks that have
23 been made on both sides, and of course, I think from my
24 particular point of view and perspective, the remarks made
25 by Mr. Bugliosi impugning the character of Mr. Kanarek as
26 a defense attorney, cannot help/harm my client, as well as

1 the whole defense team, the whole group of defendants and
2 their attorneys.

3 MR. HUGHES: I wish to join.

4 MR. SHINN: I wish to join also.

5 THE COURT: I am not going to grant a mistrial.

6 While there has been some colloquy between
7 counsel, I think it is perfectly obvious that the friction
8 between the attorneys has nothing to do with the merits
9 of the case.

10 I can't see any prejudice resulting to either
11 side, although it certainly is unseemly on the part of
12 both counsel.

13 MR. SHINN: Join that motion.

14 (Whereupon all counsel return to their respec-
15 tive places at counsel table and the following proceedings
16 occur in open court within the presence and hearing of the
17 jury:)

18 THE COURT: Ladies and gentlemen, we are going to
19 take a brief recess.

20 I will ask you to remain in the jury box, and
21 I admonish you to disregard all of the remarks that Mr.
22 Manson made to the Court.

14 fls. 23 (Recess.)
24
25
26

14-1

1 (The following proceedings were had in chambers
2 outside the presence and hearing of the jury:)

3 THE COURT: All right. All counsel are present.

4 Did you wish to bring up something, Mr. Kanarek?

5 MR. KANAREK: Yes, your Honor.

6 I would like to have Mr. Manson at least be
7 able to hear what's going on, your Honor.

8 THE COURT: Well, you mean he's not going to -- he's
9 not willing to come back into the courtroom and to behave
10 himself?

11 MR. KANAREK: Well, I can't -- I certainly can't
12 subscribe to your Honor's language as to that. But I can
13 say that -- I mean, I don't -- I can't make a representation --

14 THE COURT: Well, say something that makes some
15 sense, Mr. Kanarek. Is he going to come back into the
16 courtroom?

17 MR. KANAREK: Well, no -- not -- I can't make the
18 representations to the Court that he would --

19 THE COURT: Has he affirmed to you that he is
20 willing to come back out and remain quiet --

21 MR. KANAREK: No, I can't --

22 THE COURT: -- as I've ordered him to do?

23 MR. KANAREK: I can't make that representation to
24 the Court.

25 THE COURT: Does that mean no?

26 MR. KANAREK: Well, yes, your Honor, I guess that

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1 would be a fair inference. Yes, your Honor.

2 THE COURT: Well, that's the inference I'm drawing,
3 Mr. Kanarek, from your words.

4 MR. KANAREK: Well, that is --

5 THE COURT: I take it from what you say that he has
6 indicated that he is not willing to comply with the
7 Court's order.

8 MR. KANAREK: Well, your Honor, what I'm saying is he
9 feels quite unhappy about your Honor's ruling, or the
10 Court's -- maybe it was the Sheriff doing it without your
11 Honor's knowledge -- for instance, when we go into the lock-
12 up --

13 THE COURT: I'm not interested in that.

14 MR. KANAREK: Yes.

15 THE COURT: All I want to know is, is he willing to
16 proceed in open court and comply with the Court's orders
17 to remain quiet?

18 MR. KANAREK: No. I can't say that that is so, your
19 Honor. But I would ask that he at least be allowed to hear.

20 THE COURT: Is that speaker connected?

21 THE BAILIFF: Yes, your Honor, I believe it is!

22 THE CLERK: We can test it to make sure, Judge,
23 that it is operating properly.

24 THE COURT: We will test it to make sure it is
25 operating before we resume.

26 MR. HUGHES: Is he able to hear these proceedings?
Is there a microphone in here?

1 THE CLERK: Not in these proceedings.

2 THE COURT: No.

3 MR. KANAREK: I'd like to make this point, your
4 Honor: I don't believe that what Mr. Manson did -- when
5 you look at --

6 THE COURT: He wasn't removed, Mr. Kanarek, so the
7 record will be perfectly clear, for what he said, but what
8 he continued to do after I told him not to.

9 MR. KANAREK: Yes, your Honor. I believe --

10 THE COURT: Now, if he's willing to stop it, he can
11 come back into the courtroom at any time. Let there be
12 no question about that.

13 MR. KANAREK: Yes.

14 THE COURT: That's why I'm asking you, I ask you
15 again, and all I get is evasive answers from you, as to
16 whether or not he is willing to come back and be quiet.

17 MR. KANAREK: Well, your Honor, I can't say that that
18 is so, no. I can't make that representation to the Court.
19 I can't say that he --

20 THE COURT: There's another evasive answer. You
21 can't say yes or no, apparently.

22 MR. KANAREK: Well, your Honor, I cannot, no -- I cannot
23 represent to the Court what Mr. Manson is going to do when
24 he comes into the courtroom.

25 THE COURT: I realize that you don't have any
26 direct control over what he does or says. I'm trying to

1 find out from you what his indication was during your
2 conference.

3 MR. KANAREK: That much would not be the case, right,
4 that he would not comply.

5 THE COURT: Now, if you think that it would be
6 desirable and you would like me to, I'm perfectly willing to
7 have him come in here in chambers and I'll tell him again.
8 I don't know why it should be necessary. I certainly made
9 it clear to him.

10 MR. KANAREK: Well, I might say this, your Honor.
11 Also putting a deputy in there --

12 THE COURT: Of course, as the record will indicate,
13 this has happened before. He's been advised that he could
14 come back whenever he was willing to comply.

15 MR. KANAREK: Yes, your Honor. The fact of the
16 matter is, putting a deputy in the -- for instance, right
17 now they put a deputy in the lockup with him.

18 THE COURT: Well, that has nothing to do with what
19 we are talking about.

20 MR. KANAREK: Well, it affects his state of mind,
21 your Honor. That's what -- it affects his state of mind.
22 Obviously, the man -- we have had a good situation there
23 where we could talk about the case and talk about it in
24 the lockup. Your Honor -- maybe it wasn't your Honor --
25 but someone ad hoc, maybe it was the Sheriff, the
26 Sheriff all of a sudden said no more talking in the lockup.

1 Everything has to be --

2 THE COURT: That has nothing to do with what we're
3 talking about.

4 MR. KANAREK: I'm showing your Honor why it
5 happened.

6 THE COURT: Well, that's --

7 MR. KANAREK: I'm showing your Honor why it happened.

8 THE COURT: Why it happened is because Mr. Manson
9 seems to be not willing to comply with the Court's order
10 to remain quiet when he's in the courtroom. That's why it
11 happened.

12 Well, I'm going to ask Mr. Manson to come in
13 here. Because I want the record to be perfectly clear that
14 he is free to return to the court whenever he is willing to
15 comply with the rules.

16 Would you bring in Mr. Manson?

17 MR. KANAREK: Your Honor, may the record reflect
18 -- I don't believe that Mr. -- what Mr. Manson did was
19 sufficient to withdraw him from the courtroom, your Honor.

20 THE COURT: Mr. Kanarek, if Mr. Manson had simply
21 made a brief statement and stopped, I would not have
22 removed him. But he made a brief statement and stopped and
23 I told him not to continue or he would be removed and then
24 he proceeded to go on with another rather long, involved
25 statement. It appeared to me that he was going to continue
26 even further.

1 Now, if such was not the case, all he has to do
2 is say so.

3 MR. KAY: Your Honor, if I may be heard a minute.

4 Your Honor is probably not aware of this, but
5 I just came in from out at the hall and a couple of press
6 people have statements that Mr. Manson and Leslie Van Houten
7 have released to the press about Mr. Bugliosi's contempt
8 of the \$50 fine. And part of it is in the handwriting --
9 it appears to be Miss Van Houten's, from what I've seen of
10 her writing, and it is signed by Mr. Manson and it is in
11 the hands of the press.

12 THE COURT: Where did they get it?

13 MR. KAY: I don't know where they got it from.

14 MR. BUGLIOSI: What does it say?

15 THE COURT: Well, it's obvious that one of the
16 counsel, in my opinion, and I am in no position to accuse
17 anybody, but it seems most reasonable to me, since the
18 only contact that these defendants have with anyone, other
19 than court personnel and the Sheriff's Department, is
20 with their own attorneys, that some one of the counsel is
21 passing things and giving out information.

22 MR. FITZGERALD: I released no such information or no
23 such statement to the press.

24 THE COURT: As I say, I'm not accusing anybody. But
25 I'm simply giving you my thought at the moment. Because
26 I can't conceive of any other answer to it.

1 MR. HUGHES: Nor did I. I know of no note that went
2 out with Leslie's writing. But I'm --

3 MR. KAY: I don't know who sent it out. I'm saying
4 I saw it. It's on a piece of yellow paper and signed by
5 Mr. Manson. And part of it appears to be, from what I've
6 seen of Miss Van Houten's handwriting, the major part of it.
7 And then there's about two sentences at the bottom which
8 appear to coincide with the signature of Mr. Manson. And
9 it's signed "Manson."

10 THE COURT: Well, in the first place, since the
11 matter was conducted at the bench, Mr. Manson wouldn't
12 even know about it unless some counsel told him.

13 All right. Mr. Manson, would you sit down,
14 please?

15 The record will show Mr. Manson is present
16 along with all counsel.

17 I brought you in, Mr. Manson, so that there
18 won't be any misunderstanding between you and me regarding
19 what happened in the court.

20 I did not remove you from the courtroom because
21 you made a statement and then stopped. But after you
22 stopped and I ordered you not to make any further statements,
23 you then continued. And it appeared to me that you were
24 going to continue to talk even further out loud to me and
25 in front of the jury.

26 I cannot permit you to prejudice your own

1 case even though you may be willing to do so. Nor can I
2 permit you to disrupt the trial.

3 Now, if you are willing to go back and resume
4 the proceedings and remain quiet, then you are certainly
5 welcome. And you have the right to remain in the court-
6 room. And I will see that you do.

7 DEFENDANT MANSON: I have the right?

8 THE COURT: The right to remain in the courtroom.

9 DEFENDANT MANSON: Is that the only one I have?

10 THE COURT: Well, that's the only one we are talking
11 about at the moment.

12 DEFENDANT MANSON: That's the only one that's apparent
13 to me. The esoteric false face that we are putting out
14 to the public is crumpling, falling very fast. You are not
15 on top of your thought. You are not even close to your
16 thought.

17 Do you expect me to be a part of it by
18 sitting there and playing monkey, sitting moot?

19 This man, I'm no better than his emotions.
20 Nor am I any better than this man's inadequacies.

21 THE COURT: By "this man," who are you referring to?

22 DEFENDANT MANSON: By my attorney or any attorney that
23 you might hand me and say represents me.

24 You know, like, your Honor, I've done everything
25 possible to be an obedient child to my father, you know.
26 And, like, if you don't see it, you better wake up. You

1 better wake up, brother. It's bigger than me and you.
2 I'm just a little teeny nobody. And you're tearing your
3 thing up behind me. It's your laws that you're throwing in
4 the trash can.

5 And the procedure that you are developing in
6 that County Jail, I don't get any visits, I don't get any
7 mail. The only thing I don't get is whipped. And I'm lucky
8 I don't get whipped two or three times a day. And I look
9 for it. I look for it.

10 See, there's a case being fought outside this
11 courtroom, too. You're awareness stops when you go home
12 and go to bed. I don't stop. My awareness goes on and on
13 and on and I'm on top of my thoughts. And you better let
14 me bring you my thought before it gets too much for you.

15 THE COURT: Mr. Manson, all I want to know is do you
16 want to go back into the courtroom and comply with the
17 Court's rules, or do you want to remain in the lockup?

18 DEFENDANT MANSON: The Court changes its rules every
19 day.

20 THE COURT: No. This rule has not changed since the --

21 DEFENDANT MANSON: The lockup is much more to my
22 liking under the present circumstances. I don't get no
23 particular thrill out of sitting there and getting tangled
24 with your emotions.

25 THE COURT: Had you completed what you were going to
26 say in the courtroom when I had you removed?

1 DEFENDANT MANSON: I said what I said in order to get
2 to the lockup and I think your Honor knows that.

3 THE COURT: Well, that was the impression I had.
4 That's why I had you removed. Because I thought that you
5 were going to keep it up until I did remove you.

6 DEFENDANT MANSON: Yeah. Well, you see, when you
7 cut me off from my attorney, what little bit of client-
8 attorney privilege I did have is slowly dwindling with the
9 word "procedure" being used as the valve to screw it down.
10 I can't visit in the attorney room like any other
11 prisoner. There is a special proceedings. Then there's
12 more procedure when I come down here in the lockup.

13 Now they can't even come in the lockup and,
14 you know, for what reason? Is there some reason?

15 THE COURT: No one is keeping you from conferring
16 with your attorney whenever you want to, Mr. Manson. We'd
17 better be clear about that.

18 DEFENDANT MANSON: At the counsel table in the middle
19 of trial.

20 THE COURT: You are entitled to confer with your
21 attorney at all reasonable times and in privacy.

22 DEFENDANT MANSON: We can act like --

23 THE COURT: No one has denied that to you.

24 DEFENDANT MANSON: We can act like to the world that
25 this is my attorney but you and I know different. Everyone
26 in this room knows different.

1 THE COURT: You selected him.
2 DEFENDANT MANSON: He is his own attorney.
3 THE COURT: You selected him.
4 DEFENDANT MANSON: He's your boy.
5 THE COURT: You selected him, Mr. Manson.
6 DEFENDANT MANSON: He's your boy.
7 THE COURT: What does that mean? What is that supposed
8 to mean?
9 DEFENDANT MANSON: He's your boy. When you tell him
10 to shut up, he shuts up, doesn't he?
11 THE COURT: I don't tell anybody to shut up.
12 DEFENDANT MANSON: Okay.
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1 THE COURT: Mr. Kanarek has followed my instructions
2 just as other counsel have.

3 DEFENDANT MANSON: Your Honor, I would have all the
4 respect in the world for your law if you had any respect
5 for it.

6 THE COURT: Well, what we're going to do now, Mr.
7 Manson, just so there won't be any misunderstanding and
8 game playing, is we're going to go back into the courtroom
9 and we are going to go along, I'm going to give you an
10 opportunity to comply with the Court's orders to remain
11 quiet and not disrupt this trial. However, I'll tell you
12 again I don't have any choice. If you insist on speaking
13 out and continuing to speak out during the course of the
14 trial in front of the jury, I will have to have you removed.
15 And you will stay removed until such time as you are willing
16 to affirm to your counsel or to the Court that you are
17 willing to come back into the court and comply with the
18 rules.

19 A speaker will be provided in the lockup so
20 that you can hear the proceedings.

21 DEFENDANT MANSON: You can save yourself some trouble
22 and me, too, if you just put me in the lockup. Then we
23 won't be embarrassed.

24 THE COURT: Well, it's^{not} going to be quite that easy
25 because I detect some game playing going on here.

26 DEFENDANT MANSON: You detect game playing?

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1 THE COURT: I'm not going to place this court in
2 the position of having any misunderstanding with you
3 as to what happened, or what is going to happen. If you
4 are bent on disrupting this trial, you are going to have
5 to do it right out there in front of everybody and on the
6 record so there isn't the slightest misunderstanding.

7 Do you understand, sir?

8 We are not going to have any games here.

9 DEFENDANT MANSON: All right.

10 THE COURT: No misunderstanding about what your
11 intentions are.

12 DEFENDANT MANSON: There is a record here. You have
13 the power over me at this point. You have all of your power
14 over me at this point. And I must do what you say. And I
15 must succumb to what you tell me to do. And this I have
16 tried to conform with.

17 I have done my best to be as sensible a human
18 being as possible.

19 If you went up and went through two days of
20 what I go through in that County Jail, you would go home
21 and cry to your mother.

22 Now, I sit out here in this courtroom and I'm
23 not allowed to represent myself or stand up and speak for
24 myself. The questions that I ask to be asked don't get
25 to the witness. I make a list of seven questions. If one
26 of them gets asked, I'm lucky.

14a-3

1 The things that the witness say are taken out
2 of context and I could bring them back into focus if I
3 was allowed to speak for myself.

4 And as your Honor can probably hear with his own
5 ears, I have a voice and I can speak.

6 I'm not asking for anything unreasonable. Is
7 it unreasonable not to have to labor under the pressure of
8 the inadequate security?

9 If anything -- if anybody finds anything
10 anywhere in that jail, it's automatically mine. If anybody
11 has a sawblade, it's let's put the blame on Charlie. If
12 anybody has something, it's always me.

13 You've got your whole thing on me right now.
14 Your whole procedure is on me. Man standing there watching
15 me 24 hours a day. Every place I go, shakedown, walk
16 through this, walk through that. And one section doesn't
17 tell the other section the truth. And if they make a
18 mistake they cover it over by saying something else or
19 somebody else.

20 And then I look at the motion and I say, "Whose
21 motion is it?" It's yours. It's your motion I am living
22 in. It's your rule.

23 THE COURT: Mr. Manson, we are way off the subject.

24 DEFENDANT MANSON: Okay. You know, I'm asking you for
25 a little leeway. You are asking me to keep conforming this
26 way but you never give an inch back in the other direction.

14a-4

1 Do you have an authority to make a step back-
2 wards? Exercise your authority and tell them to give me
3 a break. Let me see my attorney in the lockup room.

4 What's wrong with me talking to attorneys in
5 the lockup room? It's been that way for 50 years. Why do
6 we need to change it overnight. Why can't I visit an
7 attorney across from the attorney room? Why can't I hand
8 papers like everybody else back and forwards? They're
9 your laws. Will you obey them, too?

10 THE COURT: All right, gentlemen.

11 DEFENDANT MANSON: Okay. It doesn't reach, does it?
12 It only comes one way.

13 THE COURT: I heard what you said, Mr. Manson.

14 MR. HUGHES: Those remarks of Mr. Manson in which
15 I believe he's asking to represent himself, I would sub-
16 scribe to, your Honor. Because in my dealings with
17 Mr. Manson in the lockup, and at the time that I was his
18 attorney, and at the counsel table, I found that Mr. Manson
19 is able in this case to ask much more cogent and meaningful
20 questions than any of the other attorneys in this case.
21 And I find that I'm day by day more astounded at the
22 previous rulings of this Court in not allowing Mr. Manson
23 to represent himself. And I join in his motion and I
24 believe it was one that he be allowed to represent himself.
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15 fls.

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1 THE COURT: I will agree with one part of your
2 statement, Mr. Hughes. Day by day I am more astounded.

3 Now, let's go back into court, gentlemen.

4 Is there anything that I said, Mr. Manson, that
5 you don't understand? Do you have any questions you want
6 to ask me before we go back into court?

7 DEFENDANT MANSON: It is oftentimes --

8 THE COURT: Let me say one more thing.

9 I have said this to you before and I will say
10 it again because it is true. I don't see any possible
11 way in the world that you can help yourself by disrupting
12 this trial. No way at all. All you can do is prejudice
13 yourself.

14 So, if you have a grievance -- and I am not
15 saying you don't honestly believe that you have a
16 grievance -- but if you have one, this is not the way to
17 have it righted.

18 DEFENDANT MANSON: The picture that I am looking at,
19 oftentimes a brave man has a hard time being meek, but a
20 meek man sometimes has a hard time being brave.

21 I am not a fighter and I am not a boisterous
22 type of human being, as you may have been led to believe.

23 I know that I have to fight you for your bene-
24 fit. I see what is behind me, you know. I see what has
25 been laying in the penitentiary for the last 40 years.
26 My awareness has been on a subliminal world, and I have

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15-2

seen things brewing that you don't see.

Now, I come to you and I say: Look, this is beginning to happen here, this is happening there.

And then you say to me: Well, sit down, little boy. Because you place yourself so far above me that you can't even see me. You don't stop and slow down to look at me and see that I am a human being with truth in me.

I am not after money, I am not after stature, I am not after anything other than just to prove to you that I didn't do any wrong, even though I may have seen everything that happened and could bring the truth forward to save my face, and to save your face also, because your faces are hanging out.

THE COURT: All right.

MR. FITZGERALD: So that I understand what is happening. Are we going back into open court with Mr. Manson?

THE COURT: Yes.

MR. FITZGERALD: All right.

DEFENDANT MANSON: Is my attorney still barred from the lockup room?

THE COURT: What do you mean by barred from the lockup room?

DEFENDANT MANSON: They are not allowed to come in the lockup. This is one reason -- this is what really set me off this morning.

THE COURT: You always have the right to confer with

15-3

1 your attorney at all reasonable times, and in privacy,
2 without being overheard, and the present rules will continue.

3 DEFENDANT MANSON: I hope I didn't sing off key.

4 THE COURT: I didn't hear you?

15a fls.

5 DEFENDANT MANSON: I hope I didn't sing off key.
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1 THE COURT: By that you mean you intend to sing in
2 court?

3 DEFENDANT MANSON: Well, I can hum. That will
4 probably do it.

5 I know if I talk you can gag me, that if I
6 fight, you can chain me, but if I hum.

7 THE COURT: If you disrupt the trial, Mr. Manson, it
8 is very simple, I don't want to do it, but as I told you
9 on numerous occasions in the past when the matter has
10 come up, I will have to have you removed from court.

11 DEFENDANT MANSON: Okay. I am not there anyway.

12 THE COURT: So the choice is yours.

13 DEFENDANT MANSON: I am not there anyway, your Honor.
14 I just sit there like a dummy. There is no sense in me
15 being there.

16 THE COURT: We will go back into court, then.

17 (The following proceedings were had in open
18 court. All defendants, counsel and jurors present:)

19 THE COURT: All parties, counsel and jurors are
20 present.

21 You may continue, Mr. Bugliosi.

22 DEFENDANT MANSON: I would like everyone to know I
23 am not represented in this trial.

24 THE COURT: Mr. Manson --

25 DEFENDANT MANSON: I do not have a lawyer.

26 THE COURT: Mr. Manson, I order you to stop talking

15a-2

1 in open court or I will have to remove you from the court-
2 room as I have indicated to you, sir.

3 DEFENDANT MANSON: I am not allowed to speak up for
4 myself.

5 THE COURT: All right.

6 Have Mr. Manson removed from the courtroom.

7 DEFENDANT ATKINS: You are just a woman, that is all.

8 DEFENDANT VAN HOUTEN: You are a woman.

9 DEFENDANT KRENWINKEL: That is all you are, a woman.

10 (Leslie Van Houten, Patricia Krenwinkel and
11 Susan Atkins sing.)

12 THE COURT: Remove them.

13 DEFENDANT KRENWINKEL: You are just a woman.

14 DEFENDANT ATKINS: You judge you and I will judge me.

15 DEFENDANT VAN HOUTEN: I think your tie is for you to
16 be led around by.

17 THE COURT: We will have to take a recess, ladies and
18 gentlemen. I want to make sure that the speaker is operating
19 in the jury room upstairs where these young ladies will be
20 until such time as they are brought back in the courtroom.

21 I admonish the jury not to consider any of
22 these remarks for any purpose whatever, and I advise counsel
23 that the defendants may return to the courtroom at any time
24 when they are willing to affirm their willingness to comply
25 with the Court's orders.

26 In view of the hour -- it is now 4:00 o'clock --

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1 we will adjourn for the day.

2 Do not converse with anyone, ladies and
3 gentlemen, or form or express any opinion regarding the
4 case until it is finally submitted to you.

5 The court will adjourn until 9:45 tomorrow
6 morning.

7 You are ordered to return at that time, Mr.
8 Flynn.

9 You may step down now.

10 (Whereupon at 4:00 o'clock p.m. the court
11 was in recess.)
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