

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 106

HON. RAYMOND CHOATE, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,  
Plaintiff,

vs.

CHARLES MANSON,

Defendant.

139

No. A-267861

REPORTERS' DAILY TRANSCRIPT

Tuesday, September 7, 1971

VOLUME 39APPEARANCES:

For the People:

JOSEPH P. BUSCH, JR., District Attorney  
BY: ANTHONY MANZELLA,  
Deputy District Attorney

For Defendant Manson: IRVING A. KANAREK, Esq.

RETZ

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I N D E X

<u>PEOPLE'S WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
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RETZ, Frank	6052	6114	6128	6129
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E X H I B I T S

<u>COURT'S SPECIAL EXHIBITS:</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
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1 LOS ANGELES, CALIFORNIA, TUESDAY, SEPTEMBER 7, 1971

2 10:10 A.M.

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4 THE COURT: Good morning, ladies and gentlemen.

5 (Murmurs of "Good morning, your Honor," by the  
6 members of the jury.)

7 THE COURT: I'm very happy to see you all here and  
8 apparently in good health. I'm glad we have all survived  
9 the last two weeks and I hope everybody is ready to be atten-  
10 tive and listen carefully to the evidence.

11 Good morning, counsel.

12 MR. MANZELLA: Good morning, your Honor.

13 MR. KANAREK: Yes, may we approach the bench?

14 THE COURT: Yes.

15 The Court orders that the record show that  
16 Mr. Manson is present with Mr. Kanarek. All of the jurors and  
17 alternates are present.

18 You may approach the bench.

19 MR. KANAREK: With the reporter, your Honor.

20 THE COURT: Yes, with the reporter.

21 (Whereupon, the following proceedings were had at  
22 the bench among Court and counsel, outside the hearing of the  
23 jury.)

24 MR. KANAREK: Your Honor, first I would like to state  
25 that I have personally subpoenaed Linda Kasabian to court. I  
26 personally filed -- served Linda Kasabian to come to court.

27 THE COURT: I don't think anybody can hear you over  
28 there. Raise your voice.

1 MR. KANAREK: I personally have subpoenaed Linda  
2 Kasabian in court today. She has not appeared, at least to  
3 the best of my knowledge she is not here. Of course, I wish  
4 to have this at the bench, and I wish to point this out to the  
5 Court. And I ask the Court to issue a bench warrant for her,  
6 for her appearance here. I don't wish to inconvenience the  
7 lady. She's been given --

8 THE COURT: Was she served --

9 MR. KANAREK: No, I subpoenaed her.

10 THE COURT: You served a subpoena?

11 MR. KANAREK: Personally, personally. I served her  
12 personally. And I order -- I ask that your Honor have her  
13 here. I don't want to inconvenience her, but I think the  
14 Court can take judicial notice of the fact she was given  
15 immunity of seven counts of murder and a count of conspiracy to  
16 commit murder.

17 And, furthermore, there's very --

18 THE COURT: Do you have the return of service on your  
19 subpoena?

20 MR. KANAREK: I don't have it at this instant.

21 THE COURT: Get your return of service.

22 MR. KANAREK: But I do represent to the Court I do have  
23 my -- the declaration that I have executed. I don't have it  
24 this instant, but I can give it to the Court momentarily.

25 I would like to point out to the Court Linda  
26 Kasabian committed perjury --

27 THE COURT: Now, that's a matter of argument.

28 MR. KANAREK: I just wanted to point that out, a very

1     salient --

2           THE COURT: Well, let's not go astray from why you  
3     approached the bench. The reason you approached the bench was  
4     to have me issue a warrant for her; is that correct?

5           MR. KANAREK: Yes, your Honor.

6           THE COURT: And if you will get your affidavit of  
7     service in to the Court, then --

8           MR. KANAREK: I will.

9           THE COURT: -- then I will consider issuing it.

10          MR. KANAREK: I don't want to inconvenience her. Your  
11     Honor can issue it and hold it as your Honor does in many  
12     cases.

13          THE COURT: Let's discuss that.

14          MR. KANAREK: I do ask -- I am invoking the jurisdiction  
15     of the Court and I would like to invoke the Fourteenth  
16     Amendment, due process, and -- due process at this earliest  
17     possible time, especially since Linda Kasabian has been granted  
18     the favors by the prosecution. It is just incredible.

19          THE COURT: Let's not lapse into argument.

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1 MR. KANAREK: Actually, your Honor, it wound up, in  
2 connection with the publicity, we made a motion to sequester  
3 the jury.

4 During the interim period -- and I'm not saying  
5 this out of any reflection for the Court at all -- I under-  
6 stood that your Honor was in Lake Tahoe --

7 THE COURT: I was camping, and I have not read the  
8 newspaper until -- the newspaper accounts of other trials and  
9 other events.

10 MR. KANAREK: Well, this is not out of reflection  
11 upon the Court, but it's just -- I'm sure that the Court has  
12 no personal knowledge of this, because the Court rightfully  
13 took its vacation and went where the Court certainly had  
14 every right to. But I am mentioning this, and I would like  
15 to mention it in some detail.

16 And I have, because I am sure -- in the other  
17 instances, the Court was present in the Los Angeles area.  
18 Here, we have the -- the Court -- and I do have --

19 THE COURT: Why are you bringing this to my attention  
20 at this time?

21 MR. KANAREK: Well, there are several reasons. Because  
22 I am asking -- I am asking your Honor to declare a mistrial;  
23 and also, in the alternative -- and/or -- well, actually, in  
24 the alternative, to sequester the jury.

25 But I think it's too late, in any event, and I  
26 ask for a mistrial. There are -- events have occurred --  
27 for instance, people who are alleged to be Mr. Manson's  
28 friends were arrested in connection with the holdup --

2-2

1 alleged holdup -- of a gun store in Hawthorne, that got  
2 widespread --

3 THE COURT: Go ahead.

4 MR. KANAREK: -- publicity in the Los Angeles area,  
5 not only in the press, all of the press, including the --  
6 the smaller papers, the Los Angeles Times and the Herald-  
7 Express -- the Herald-Examiner, but also on TV and radio.

8 Another event which occurred was an alleged plot  
9 by Mr. Manson and his friends to escape from the County Jail.  
10 This came out in the gigantic headlines, two inches high, in  
11 the Herald --

12 THE COURT: A plot to escape?

13 MR. KANAREK: From jail. Which purportedly involved --  
14 involved a situation where your Honor and Mr. Manzella were  
15 to be taken as hostages.

16 I don't want to belabor it, because it's all in  
17 the -- in the exhibits that I would like to present to the  
18 Court at another time.

19 THE COURT: Outside of the presence of the jury?

20 MR. KANAREK: Well, of course, I hope your Honor would  
21 declare a mistrial, and then it would be irrelevant.

22 I would rather not do that at this time in the  
23 presence of the jury, and in the unlikely event your Honor  
24 does not declare the mistrial.

25 Also, furthermore, Mr. Grogan's mistrial occurred  
26 in Judge Call's court, and there was -- the reason that  
27 occurred, purportedly, was because of the fact that -- was  
28 because of the fact that Mr. Retz -- there was a conspiracy

2-3

1 in connection with the killing -- or proposed killing of Mr.  
2 Retz.

3 Judge Call declared a mistrial, and Mr. Busch  
4 deigned to take on Mr. -- or Judge Call in the press and on  
5 TV and on radio, and indicated how wrong -- it's the first  
6 time in 20 years he has ever stated that a judge was wrong,  
7 and all kinds of language like that.

8 And so it's clear -- I am -- that this jury,  
9 knowing of these matters, these publicity matters and over  
10 and above that, the Tex Watson case, which has received  
11 widespread publicity, headlines, wherein Mr. Watson claims  
12 that Mr. Manson ordered him to do these various things, and --  
13 on TV and radio; and it's -- the publicity made it abundantly  
14 clear that -- that, from that trial, the viewpoint of those  
15 people was that Mr. Manson was the one responsible, telling  
16 people what to do and all of that.

17 And we have the same kind of theory in this case.  
18 Mr. Manson cannot possibly get a fair trial. It's a --

19 THE COURT: Well --

20 MR. KANAREK: To proceed with this trial would be a  
21 denial of due process and equal protection under the 14th  
22 Amendment. And we do so allege, and we ask for an evidentiary  
23 hearing.

24 THE COURT: This morning, the Court did read a compila-  
25 tion of clippings from the local press, which clippings were  
26 gathered for me. And I did read about the Hawthorne robbery  
27 and the arrest of people who were alleged to have been  
28 connected with Mr. Manson.



1 I did read news accounts to the effect that there  
2 was supposed to be a plot to assault this courtroom, by  
3 Manson followers, and the plot involved an anticipated or  
4 planned kidnapping of Mr. Manzella and of me.

5 I have read also concerning the mistrial that was  
6 granted in the case of People vs. Grogan, and some clippings  
7 about the Watson case.

2a fls.

2a

1 MR. KANAREK: May I ask that your Honor voir dire the  
2 jury? That they have this evidentiary hearing?

3 THE COURT: I believe it's a justifiable request, to --

4 MR. KANAREK: It's our position, in any event --

5 THE COURT: -- to ask the jury whether or not they have  
6 heard, read or seen about any of these accounts --

7 MR. KANAREK: Notwithstanding --

8 THE COURT: -- during the course of the last two weeks.

9 MR. KANAREK: Yes, your Honor. Notwithstanding whatever  
10 the jurors may state, I ask for a mistrial in any event. I  
11 can't -- because it's impossible for Mr. Manson to receive a  
12 fair trial.

13 THE COURT: Well, until such time as I've determined from  
14 the jury just what the states of minds are of the individual  
15 members, whether they have read, heard or seen any such  
16 material as you have made reference to, the Court does not  
17 believe that a ruling would be proper.

18 There's no basis for a mistrial, that I can see at  
19 this point, until such time as --

20 MR. KANAREK: Well, I --

21 THE COURT: -- I have inquired of the jury. Because I  
22 cannot presume that they have read, heard or seen these things.

23 And as a matter of fact, I would assume that they  
24 have followed the Court's instructions to avoid any reference  
25 by the news media to Mr. Manson.

26 I would hope that they have done that.

27 MR. KANAREK: But your Honor, it's our view that -- it's  
28 our view that Mr. Busch made his statement concerning

1 Mr. Call in order to intimidate your Honor.

2 THE COURT: Concerning Judge Call?

3 MR. KANAREK: Yes. It's our view that he did this to  
4 intimidate your Honor, knowing, as he did this, that we were  
5 going to make this motion that we are now making. And it's  
6 most unethical, improper, illegal state action of the -- of  
7 the worst sort. And he did -- he issued that statement, I  
8 believe, to intimidate your Honor; because he knew full well,  
9 with all these events occurring, that I would make this motion.

10 And it's my belief -- I state that.

11 THE COURT: Well --

12 MR. KANAREK: To make your Honor look bad, if your Honor  
13 denies the -- if your Honor grants the mistrial, to make your  
14 Honor look bad in advance. It was a very, very -- it was a  
15 scurrilous attempt to -- to invade the integrity of this Court,  
16 when he made that statement publicly.

17 THE COURT: Well, I don't know what Mr. Busch's motive  
18 was in making the statement which you attribute to him.

19 MR. KANAREK: It was widely --

20 THE COURT: But in any event, it would have no effect  
21 upon this Court.

22 Mr. Manzella?

23 MR. MANZELLA: Yes, your Honor. I wanted to advise the  
24 Court and counsel that Mary Brunner is now in custody in the  
25 Los Angeles County Jail, under booking number 1656222; and she  
26 is available for cross-examination.

27 MR. KANAREK: I can't accept that factual finding, that  
28 she is available for cross-examination. I mean, I --

1 THE COURT: Well, the --

2 MR. KANAREK: I accept Mr. Manzella's representation that  
3 she is in the County Jail. But I don't -- I --

4 THE COURT: There's a bench warrant outstanding for her  
5 from this court, and the Court would order that the --

6 MR. KANAREK: Well, the reason I --

7 THE COURT: -- that Mary Brunner be brought here tomorrow  
8 morning. ✓

9 MR. KANAREK: The reason I say that, your Honor, about  
10 the, quote, availability, end quote, is because I am sure that  
11 Mr. Manzella, if she is brought to this courtroom, is going to  
12 try to impeach her on bias and prejudice, by trying to show  
13 that she participated in certain events to get Mr. Manson out  
14 of jail.

15 I mean, I imagine he would bring that before the  
16 jury, in any event.

17 THE COURT: I doubt that the Court would permit such a  
18 course of action, even if Mr. Manzella made an attempt to  
19 present such evidence.

20 But at least, you are representing to the Court  
21 that she is available for further cross-examination, if counsel  
22 wishes; is that correct?

23 MR. MANZELLA: Yes, your Honor.

24 THE COURT: It was the Court's information that she  
25 had been arrested as a result of this City of Hawthorne  
26 robbery which Mr. Kanarek mentioned in connection with the  
27 press reports.

28 In any event, we'll have her in court tomorrow --

1 probably before the jury assembles here -- and you may have  
2 access to her, if you wish, either of you, to converse with  
3 you regarding the possible reopening of direct or cross.

4 MR. KANAREK: Your Honor?

5 THE COURT: As to the question of mistrial, I suppose  
6 that your request to examine the jury should be disposed of  
7 right away; that we should go right to that point. So --

8 MR. KANAREK: Your Honor?

9 THE COURT: So let's go get to that.

10 MR. KANAREK: May the exhibits that I will subsequently  
11 file with the clerk -- that is, the newspapers -- may they be  
12 deemed to be at this time? I don't want to do it now, because --

2b

2b-1

1 THE COURT: The Court will hear from you regarding  
2 their introduction at a later time.

3 MR. KANAREK: I have them here, but I just don't want  
4 to flash them in front of --

5 THE COURT: I think you've covered most of those things.  
6 You needn't present them to me for the purpose of this ques-  
7 tioning, because I believe that you've covered most of the  
8 things about which I read this morning.

9 MR. KANAREK: Well, your Honor may even have the --  
10 have some of the clippings that I have, some of the newspaper  
11 clippings.

12 THE COURT: I assume I do. Most of it came, I noted  
13 from the Herald-Examiner.

14 Was that your recollection of it?

15 MR. KANAREK: Yes. But there -- but there are items  
16 in the Times, too, of course.

17 THE COURT: Yes. Now, I did, during the course of  
18 the -- of the period of my vacation, read articles in the  
19 Times.

20 MR. KANAREK: Which your Honor had delivered where you  
21 were?

22 THE COURT: They were available.

23 MR. KANAREK: I see.

24 THE COURT: I was camping where there was no access by  
25 ordinary road or vehicle.

26 MR. KANAREK: But the Los Angeles Times was there?

27 THE COURT: But the Los Angeles Times was available at  
28 a Safeway store in South Tahoe, so I did see that.

2b-2

1                   What procedure do you suggest? Shall we simply  
2 take it in open court?

3       MR. KANAREK: Yes.

4       THE COURT: All right. Let's proceed.

5       MR. KANAREK: Thank you, your Honor.

6       MR. MANZELLA: Your Honor, is there any -- you are just  
7 going to ask each juror individually, whether they have read  
8 or heard anything, or ask the panel as a whole if any of them  
9 have read anything?

10       MR. KANAREK: I would ask for individual voir dire. This  
11 is of such moment --

12       THE COURT: That's what I intended to do, just as a  
13 group, and find out whether or not any of them have read it.  
14 I don't intend to prolong this. The --

15       MR. MANZELLA: Yeah. Okay.

16       THE COURT: If any of them have read it, then I intend  
17 to inquire about that particular juror's state of mind.

18       MR. KANAREK: Well --

19               (Whereupon, the following proceedings were had  
20 in open court, within the hearing of the jury:)

21       THE COURT: Ladies and gentlemen of the jury, can you  
22 hear me?

23               (Jurors indicating affirmatively.)

24       THE COURT: Is there anyone who cannot hear me?

25               (No affirmative response.)

26       THE COURT: During the period of the recess, I have  
27 been informed that there has been publicity in the news  
28 media in Los Angeles County, and in other counties, and the

1 Court is aware, from what it has read in newspapers, that  
2 there has been publicity.

3 And it's the purpose of the Court at this time  
4 to inquire of you ladies and gentlemen as to whether or not  
5 you have heard, seen or read anything during the course of  
6 the last two weeks, concerning Mr. Manson or this trial or  
7 any other trial with which Mr. Manson might be alleged to  
8 have been associated.

9 And so I'll ask all of you at this time whether,  
10 during the course of the last two weeks -- and if you have an  
11 affirmative response, raise your hand, then I'll question  
12 you individually and apart from the group -- whether, during  
13 the course of the last two weeks, you have heard, seen or  
14 read anything via any of the news media concerning Mr. Manson,  
15 touching upon this trial or any other trial alleged to have  
16 involved Mr. Manson?

3 fls.



3-1

1 Is there anyone of you who has heard, seen or  
2 read such material?

3 (Whereupon, there was a show of hands by members  
4 of the jury.)

5 THE COURT: Mrs. Luster, Mr. Mayer, Mr. Jenkins,  
6 Mr. Thompson, Mr. Rico, and Mr. Williams.

7 JUROR NO. 6: Wilson.

8 THE COURT: And Miss Heller.

9 Anyone else?

10 (No response.)

11 THE COURT: Now, the others of you, I take it, have not  
12 heard, seen or read anything whatever that made any reference  
13 whatever to Mr. Manson, I would judge, from your not having  
14 raised your hand.

15 Mr. Werner.

16 ALTERNATE JUROR NO. 3: Yes.

17 THE COURT: You wished to -- you did raise your hand?

18 ALTERNATE JUROR NO. 3: Yes.

19 THE COURT: Is there anyone else now who recalls that  
20 he or she has heard, seen or read anything whatever from any  
21 of the news media in which Mr. Manson has been mentioned?

22 Do we have a courtroom available where we can  
23 put the respective jurors?

24 Let's do it this way, we have, undoubtedly, a  
25 jury assembly room. The Court will order that all the jurors  
26 be taken to a jury deliberation room, our deliberation room,  
27 if we have it available, and it is not being used by another  
28 courtroom, and then I should like to have each of the jurors

3-2

1 who has raised his or her hand brought down individually and  
2 I'll ask you about what you may have heard, seen or read,  
3 other questions.

4 Counsel, approach the bench.

5 (Whereupon, the following proceedings were  
6 had at the bench among Court and counsel, outside  
7 the hearing of the jury:)

8 THE COURT: You have, either of you have any questions  
9 that you would suggest that the Court put to the group as a  
10 whole now before we send them to the deliberation room?

11 MR. KANAREK: No, your Honor. I would like -- I would  
12 ask to be allowed to inquire myself --

13 THE COURT: Well, when the --

14 MR. KANAREK: No. But --

15 THE COURT: You mean, when I bring the individuals down?

16 MR. KANAREK: Yes.

17 THE COURT: It was a question which had to be phrased  
18 in such a way, I think, in order to find out with some  
19 specificity whether anything at all had been read concerning  
20 Mr. Manson. It had to be put that way, the way the Court  
21 put it, but if either of you have a suggestion as to how it  
22 could be put without going into any detail at this moment --

23 MR. MANZELLA: You mean for the panel as a whole, your  
24 Honor?

25 THE COURT: Yes.

26 MR. MANZELLA: I don't think you can ask anything else,  
27 really.

28 THE COURT: Do you?

3-3

1 MR. KANAREK: No -- well, I know I would welcome --  
2 I did move previously that your Honor do that, that your Honor  
3 do what your Honor is doing. Of course, it is our request  
4 to voir dire each of the jurors whether they have raised  
5 their hands or not.

6 THE COURT: I don't think there is any point in voir  
7 diring those individuals who have not raised their hands.

3a fls.

3a-1

1 MR. KANAREK: As your Honor knows, there is a gag order  
2 on as well as a publicity order, and it is our belief that as  
3 a result of state action the publicity order was actually  
4 violated in the Herald Examiner regarding the alleged plot of  
5 Mr. Manson and friends to escape. There is, also, a mention  
6 in the Herald Examiner that the Sheriff's investigators were  
7 furnishing Mr. Blackburn with the information. It is also a  
8 part of our investigatory hearing that Mr. Blackburn be  
9 called to the stand and interrogated concerning it because it  
10 is our belief this was disseminated in the community as a  
11 result --

12 THE COURT: The Court may pursue that at a later time,  
13 but I don't think it is germane to the question that the  
14 defendant has asked that we examine on at this point.

15 (Whereupon, the following proceedings were had  
16 in open court within the presence and hearing of the  
17 jury:)

18 THE COURT: Mr. Kuczera, do you have a deliberation  
19 room?

20 THE BAILIFF: Yes, in Department 103.

21 THE COURT: All right, fine.

22 You may take the jurors to the deliberation room  
23 for Department 103, and we'll leave -- ask Mrs. Luster to  
24 remain and the rest of the jurors to leave.

25 THE BAILIFF: Yes, sir.

26 THE COURT: All right.

27 (Whereupon, the jury retired from the courtroom  
28 with the exception of Juror No. 1, Mrs. Luster.)

1 THE COURT: All right, the record will show that all of  
2 the jurors have left the courtroom with the exception of  
3 Mrs. Luster, Juror No. 1.

4 Joyce.

5 (Whereupon, the clerk approached the bench  
6 and conferred with the Court.)

7 THE COURT: Mrs. Luster --

8 Joyce, would you hand Mrs. Luster that microphone.  
9 Pull it straight up.

10  
11 EXAMINATION

12 BY THE COURT:

13 Q You will recall the oath you first took when you  
14 first entered this courtroom before the Court began to voir  
15 dire you, to question you concerning your qualifications as  
16 a juror?

17 A I do.

18 Q That oath still pertains?

19 A Yes.

20 Q Do you understand that?

21 A Yes.

22 Q You have indicated in response to the Court's  
23 questions that you have read, heard or seen something in  
24 connection with Mr. Manson or this case or that mentioned  
25 Mr. Manson or this case?

26 A Yes.

27 Q Or some other case, perhaps, involving Mr. Manson,  
28 allegedly involving Mr. Manson.

1           Would you tell us what you heard, seen or read in the last  
2 two weeks, then, just very briefly?

3           A       I don't know the date, but it was something about  
4 a robbery of guns and the reason for it.

5           Q       What did you see, just headline or did you read the  
6 entire article?

7           A       Well, may I -- can I -- can I go into a little  
8 detail about the reason I read it?

9           Q       Yes, you may.

10          A       I went on a trip to Oakland on my vacation for  
11 -- for -- I left Friday. And I left my husband at home. And  
12 I drove up to see my children. And, as I said, he stayed at  
13 home.

14                  So Saturday I hadn't paid any attention to the  
15 headlines. I heard the headlines. I heard the news about this  
16 thing, but I hadn't paid any attention to it.

17                  All the papers were saved at my house when I got  
18 back, but I had to come back Sunday unexpectedly.

19          Q       When you're speaking of Sunday, you're speaking of  
20 Sunday, the 22nd of August?

21          A       My husband almost got killed and I had to get back.

22          Q       No!

23          A       There was a shooting. The girl fell on my floor.  
24 And I was upset. This thing pertains to me. This gun business.  
25 I don't see any protection on me. And I don't think it is  
26 worth my life, and I'm really upset.

27                  There was two girls shot right by my apartment. My  
28 husband happened to open the door and she ran in the apartment,

1 one of the girls, and he slammed the door, which is the only  
2 reason why he didn't get shot. The boy was still looking for  
3 the girl, because she was in my house and this girl died.  
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3b

3b-1

1 Q Where did that occur?

2 A In my house.

3 Q What place is that?

4 A 3939 Stevely. He shot her in Apartment 10. I am in  
5 Apartment 12.

6 When she ran, she saw my husband at the door, and  
7 she ran right past him and ran in the house and hid. And then,  
8 I -- after he called me, I came home. I had to rush home,  
9 because he was sick. And then, I -- when I saw the papers and  
10 all of this thing going on, I just took all of this and read  
11 it. And I said this is not worth it, all of this stuff is not  
12 worth it.

13 Q You mean by that --

14 A When I read about this other business, too -- I had  
15 heard it. I wouldn't have paid any attention to it, but when  
16 I heard the news -- the headlines -- I heard the newscasts,  
17 I turned it off, you know. But when this thing happened at  
18 my house, and I see how nonsensical these things are, I read  
19 it to see what was going on.

20 Q Oh, I see.

21 A See. I just went in to detail to see what my life  
22 is all about, though I promised the Court I wasn't going to  
23 read anything. But I had a reason to read it.

24 Q In other words, you were so concerned about the  
25 shooting at your house --

26 A Right.

27 Q -- which was not in any way connected with the --

28 A No, that's right.



??

1 Q You're talking about the Hawthorne gun shop robbery;  
2 is that what you are talking about?

3 A No -- yes, yes.

4 Q That's the article you read, even though you  
5 promised the Court --

6 A Right.

7 Q -- and the Court had instructed you not to read it?

8 A Right, right.

9 Q And the reason you read it was because you were  
10 so concerned about the shooting, which was not in any way  
11 connected --

12 A No, that's right.

13 Q -- but because it was a shooting, and there was a  
14 shooting in Hawthorne, you read the article?

15 A I read -- the papers were there, and I said, well,  
16 what about this other thing. This thing is getting too bad.  
17 Everything is bad, you know. We were upset. We were terribly  
18 upset. I just came home. I --

19 Q I can see from looking at you, you are very upset.

20 A And before I came in here I had gone to the doctor  
21 for high blood pressure. I was off from work two or three  
22 days, and I have an appointment with a doctor. I can't take  
23 this.

24 Q As a result of this?

25 A As a result of everything, I can't take this.

26 Q Is your -- did you read any of the other articles?

27 A No, I just read about the 140 guns, what they were  
28 going to be used for.

1 Q I see. And what did you read that they were to be  
2 used for?

3 A To come and get Manson out.

4 Q Is that what -- they were to be used, as you  
5 understood it, for what purpose?

6 A To get -- to release him from court.

7 Q To take Mr. Manzella and the Court, the Judge  
8 hostage; is that it?

9 A It didn't say. I didn't read that. They just said  
10 they were going to release Mr. Manson.

11 Q I see.

12 A I didn't see anything about the -- the other part.  
13 I didn't read that. I just read one paper.

14 Q Now, what is your personal situation now? Has that  
15 been resolved in any way as far as your health is concerned?

16 A You mean about -- what?

17 Q The blood pressure and so forth?

18 A I haven't gone to the doctor yet. I just got home  
19 Sunday. I didn't go to the doctor. But I take the medication.

20 Q Did you, after this incident at your home, which  
21 caused you to return on the 22nd, did you then go back to  
22 Oakland?

23 A No, I didn't go any place. I've just been home.

3c-1

1 Q I see.

2 A No, I wasn't able. I was hardly able to drive  
3 home.

4 Q Well, is your state of mind now such, Mrs. Luster,  
5 that as a result of your having read that article that you  
6 could not follow the Court's instruction to decide this case  
7 only on the evidence that's produced here and the Court's  
8 instructions of law?

9 A I could decide the case, as far as what I have  
10 heard, the same way that I would have decided it all the time.  
11 But that doesn't keep the fear out of me. Me sitting here  
12 deciding that --

13 Q Are you afraid now?

14 A Yes, I am afraid.

15 Q What are you afraid of?

16 MR. MANZELLA: Excuse me, your Honor. Excuse me. This  
17 inquiry, if I may just say this, is supposed to be directed  
18 just at publicity. I was wondering if we could defer inquiry  
19 on the other matter, the matter the Court is going into now  
20 until after we've inquired of all of the jurors with regard  
21 to publicity. It is just a suggestion I am making, your  
22 Honor.

23 MR. KANAREK: Your Honor, what we are interrogating on  
24 is -- may we approach the bench?

25 THE COURT: Well, there is no necessity to. The Court  
26 believes we must determine the individual states of mind of  
27 each of the jurors.

28 BY THE COURT:

1 Q What are you afraid of, Mrs. Luster, as a result  
2 of having read this?

3 A Well, when I walk through -- when I walk -- I  
4 notice that when all the witnesses come in, they're taken to  
5 the rest-room with some law enforcement officer or somebody.  
6 When we come through, I see a lot of people. I don't know  
7 who these people are.

8 Q You mean you are afraid?

9 A There is no protection for me in here. I don't  
10 see anybody protecting me.

11 Q You are afraid as a result of this news story  
12 that there may be some shooting in the courtroom?

13 A I won't use the word "may be," I just say it  
14 could be. I'm not getting paid to do that. I don't have  
15 anything to do -- to protect myself with.

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1 Q Well, is that what your -- basically, that's what  
2 you are afraid of, that there might be some shooting, which  
3 would cause you some harm?

4 A It could be. I -- with my state of mind, my state  
5 of mind, from what I -- what I've gone through, and what people  
6 will do, I -- I wouldn't say they won't be done.

7 THE COURT: As a result of this -- this occurrence in  
8 your neighborhood, --

9 A Sure.

10 Q -- in your home; is that what you --

11 A Sure. When I least expect -- the people that you  
12 lease expect it from. These were nice people. But they just  
13 went off.

14 Q Do you mean in -- in your --

15 A The man that did the killing was a nice man.

16 Q Are you talking about the situation around your  
17 neighborhood?

18 A In my home, yes.

19 Q Well, what I'm asking, basically, I suppose --

20 A I am nervous every time I come in here. I'm  
21 nervous.

22 Q Would this nervousness -- would this feeling on  
23 your part, would it cause you to be prejudiced against Mr.  
24 Manson --

25 A No.

26 Q -- in making any decision that you may be called  
27 upon to determine in this case?

28 A No. I would still go by the evidence that -- that

4-2

1 has been presented here, and -- I would be as fair as  
2 possible with this evidence that I have had, that has been  
3 shown me or given to me.

4 And when I hear the other side, I would be just  
5 as fair with both sides as I could. I mean, I'm not that way.

6 It's just being nervous. That has nothing to do  
7 with him. Me -- anything against him. It's just me being  
8 nervous, period. Whether I will be -- would be able to fall  
9 out here or not, I don't know. I mean, as I say, they wouldn't  
10 have to kill me. I would just fall over dead from high blood  
11 pressure.

12 THE COURT: The Court understands, and the Court notices  
13 that you are visibly affected. I can understand how you might  
14 be, as a result of what did occur in your home.

15 Mr. Kanarek, do you wish to ask any questions?

16 MR. KANAREK: I have no questions. I --

17 THE COURT: Mr. Manzella?

18 MR. MANZELLA: No, no questions, your Honor.

19 THE COURT: Thanks, Mrs. Luster.

20 Mr. Manzella -- or rather, Mr. Kuczera, would you  
21 get Mrs. Luster back to the jury deliberation room? And the  
22 Court will ask Mr. Mayer to be brought in.

23 All right. Mrs. Luster, the Court will talk  
24 to you later.

25 JUROR NO. 1: Thank you.

26  
27 EXAMINATION OF

28 MR. STANLEY L. MAYER

4-3

1 BY THE COURT:

2 Q Mr. Mayer, the Court wishes to ask you why, in  
3 response to its questions, you raised your hand.

4 What have you heard, seen or read about what I've  
5 talked about?

6 A Well, I've seen a headline or two. I have heard  
7 a thing or two on the radio.

8 Q Can you tell us what -- anything specific that you  
9 might remember?

10 A Yes.

11 Q Concerning the headlines?  
12 Let's start with those.

13 A Something about Manson Followers -- and the same  
14 on the radio -- Attempt to Rob a Store of Guns.

15 And something about attempting to free Mr. Manson.

16 Q Is there anything more that you can recall now?

17 A Well, I also remember a headline -- no, I take  
18 that back. I think it was on the radio. It was something  
19 about a mistrial of one of the cases that you previously  
20 mentioned.

21 Q The case of People vs. Grogan?

22 A I believe that's it, yes.

23 Q Well, let me ask you: As a result of what you have  
24 heard in that radio news report, and as a result of what you  
25 read in the headlines, do you believe that your state of  
26 mind is any different than when you began this trial?

27 A No, it's not.  
28

4a fls.

1 Q Can you still determine this case based solely  
2 on the evidence that's produced here by either side, and the  
3 Court's instructions of law?

4 A Yes, I could.

5 Q Has this -- have these headlines -- or this state-  
6 ment over the radio -- in any way raised any prejudice in  
7 your mind against Mr. Manson?

8 A No, it hasn't.

9 THE COURT: Do either of you gentlemen have any questions?

10 MR. MANZELLA: No questions, your Honor. Thank you.

11 MR. KANAREK: No questions, your Honor.

12 THE COURT: All right. Thank you, Mr. Mayer.

13 Would you return to the deliberation room?

14 MR. KANAREK: Thank you, Mr. Mayer.

15 THE COURT: Mr. Williams? Do you want to bring Mr.  
16 Williams in?

17 THE BAILIFF: You mean Mr. Wilson, sir?

18 THE COURT: Juror No. 4, yes.

19 Just have a seat down there at the end.

20  
21 EXAMINATION

22 BY THE COURT:

23 Q The record will show Mr. Williams --

24 A Wilson, Wilson.

25 THE COURT: Mr. Wilson? Thank you.

26 -- Mr. Wilson to be present. No other jurors are  
27 present.

28



1 Mr. Wilson, you raised your hand as a result of the  
2 Court's questioning.

3 The Court would ask you certain questions now about  
4 what you may have heard, seen or read, and you must consider  
5 that you are under oath --

6 A Yes, your Honor.

7 Q -- as -- since you took that oath? You remember  
8 that oath that you took --

9 A Yes.

10 Q -- at the beginning of this procedure, when you  
11 first walked into this courtroom?

12 A Yes, sir.

13 Q You must consider that you are still under oath.

14 The Court inquires now: Why did you raise your  
15 hand? What have you seen, heard or read, in other words?

16 A Your Honor, nothing in detail. Only as I would be  
17 going in the Post Office, I think on one occasion, the paper --  
18 it's a newsstand there, and you go -- and going into the --  
19 the employees' entrance, well, quite naturally, the headline's  
20 up there.

21 I read nothing, and I do as you say: "Don't read;  
22 don't listen."

23 But the headline was there. And I intended to tell  
24 the truth. That's why I raised my hand.

25 That's the only thing. But nothing in detail.

26 Q Was it one instance or more?

27 A One instance that I can recall. Just one.

28 Q And what -- what was the headline? Can you recall

1 that?

2 A I didn't -- I didn't -- I just glanced at it, some-  
3 thing about a robbery of guns, something like that.

4 Q Was Mr. Manson's name in the headline?

5 A No. I didn't -- I don't recall seeing his name. I  
6 don't recall seeing his name.

7 Q How did you --

8 A It sounded -- because I just glanced, you know.  
9 Just as you be going in, you see something of a headline.

10 Q Did you learn that that was somehow or another  
11 connected with Mr. Manson, or allegedly connected with  
12 Mr. Manson?

13 A No, because I didn't -- I didn't do nothing in  
14 detail. I just saw only that, and I went into the Post  
15 Office.

16 Q How is it that you are now raising your hand --  
17 how do you know that it is allegedly connected with Mr. Manson?  
18 Had you heard something else, or --

19 A Well, in -- sitting on the primary, you hear people  
20 talking. You know, you hear clerks talking what they have  
21 read.

22 Q You mean in your work, you mean?

23 A In my work.

24 Q I see.

25 A Just a lot of clerks, and we be sticking mail in,  
26 and the guy over there, he's talking about, "Did you hear this?  
27 Did you hear that?"

28 Q Well, what else did you hear concerning that?

1 That is, that led you to believe that it was connected with  
2 Mr. Manson?

3 A Well, the guy -- like on the primary --  
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1 Q The primary is what? That's your job?

2 A That's my job. A bunch of people -- a bunch of  
3 people sitting at a bunch of cases, just casing mail.

4 Q In other words, sorting mail?

5 A Sorting mail.

6 Q So you were on the primary sorting rack or sorting  
7 area --

8 A Yes.

9 Q -- and you heard somebody talking about --

10 A Yes, they made a comment.

11 Q What did you hear?

12 A Nothing in detail. I can't even -- I can't even say  
13 it word for word, because when they started talking, and they  
14 said -- like I heard them bring up Mr. Manson's name, well, I  
15 just got up and walked away.

16 THE COURT: Mr. Kuczera, would you turn that mike up,  
17 please?

18 THE BAILIFF: Yes, sir.

19 THE COURT: Thank you.

20 Q When you heard them talking about Mr. Manson in  
21 connection with the Hawthorne gun robbery, --

22 A Yes.

23 Q -- you walked away?

24 A Yes. I got up and went on into the -- just walked  
25 away.

26 Q All right. Let me ask you this:

27 As a result of having read that headline or as a  
28 result of hearing these things, do you have any prejudice against

1 Mr. Manson?

2 A I don't have any prejudice against Mr. Manson.

3 Q Would you still decide this case, basing your  
4 decision --

5 A Yes, sir.

6 Q -- only on the evidence?

7 A Only on the evidence.

8 Q And the Court's instructions of law?

9 A That's right.

10 Q Would you let this in any way -- this reference  
11 that you have read in the headlines, and have heard from your  
12 fellow workers -- in any way enter your mind?

13 A No, I haven't thought of -- I haven't thought of  
14 this one way or the other, because like I say, I'm not  
15 interested. I don't read that kind of stuff.

16 And I just happened to see this at the headline.  
17 I could have easily said I didn't, but to be truthful about  
18 it, I held my hand up, because I did see that.

19 THE COURT: Either counsel have any questions?

20 MR. MANZELLA: No, your Honor. Thank you.

21 MR. KANAREK: No questions.

22 THE COURT: All right. Thank you, Mr. Wilson.

23 MR. KANAREK: Thank you, Mr. Wilson.

24 JUROR NO. 6: You're welcome.

25 MR. KANAREK: Your Honor, may I -- is it --

26 THE COURT: Mr. Wilson is still present in the courtroom.

27 MR. KANAREK: Oh, I see. I was just going to ask for --

28 THE COURT: Be sure to return them to the deliberation

1 room.

2 And we will ask Mrs. Jenkins to come in.

3 Now, did you have some --

4 MR. KANAREK: Yes. A recess. Would it be possible to  
5 have a recess?

6 THE COURT: It's 11:00 o'clock. The Court will take a  
7 ten-minute recess.

8 MR. KANAREK: Thank you, your Honor.

9 THE COURT: Let's see. Did the deputy Public Defender  
10 arrive in the courtroom yet?

11 All right. We'll take a ten-minute recess.

12 (Mid-morning recess.)

13 (Proceedings had on unrelated matters.)

14 THE COURT: All right. The record will show that  
15 Juror No. 7, Mrs. Jenkins, is in the box.

16 Mr. Wilson, Mrs. Holt, is Juror No. 6, is he not?

17 THE CLERK: Yes.

18 THE COURT: All right. The record will show that  
19 Mr. Manson is present.

20 Where's Mr. Kanarek?

21 Mr. Kuczera -- off the record.

22 (Whereupon, a discussion off the record ensued.)

23 THE COURT: Now, the record may show that Mr. Kanarek  
24 is present with his client, Mr. Manson. Mrs. Jenkins is in  
25 the box.

26  
27 EXAMINATION

28 BY THE COURT:

1 Q Mrs. Jenkins, you will regard yourself as being  
2 under the same oath that you took previously, when you first  
3 entered this courtroom. And you remember that, do you, that  
4 oath --

5 A Yes.

6 Q -- for the qualification of jurors? You under-  
7 stand that?

8 A Yes.

9 Q You raised your hand when I asked you whether you  
10 had read, heard or seen anything during the course of the  
11 recess.

12 What had you heard, seen or read?

13 A Well, I was over to some friend's house, and I heard  
14 on the news that part, by -- it was by accident, really --  
15 that part of the -- some of the Manson Family had tried to  
16 rob a surplus store.

4c-1

1 Q A surplus store in Hawthorne?

2 A Yes. And this is all that I had heard. I didn't  
3 hear the details. But I heard this.

4 Q Did -- when that came on, when that program came  
5 on, did you make an attempt to obey the Court's order and  
6 ignore it, or did you just sit --

7 A Well, at first, I didn't know exactly what --  
8 because we were talking --

9 Q Yes.

10 A And then all of a sudden, you know, the conversa-  
11 tion died down, and I just heard this part.

12 And so they looked at me kind of funny and cut  
13 it off.

14 Q Cut it off?

15 A Yeah.

16 Q While you were there?

17 A Yes.

18 Q Did they know that you were involved as a juror  
19 in this case?

20 A Well, they knew that I was on this case.

21 Q Yes.

22 And you did hear the name Manson?

23 A I heard Manson Family.

24 Q I see. Let me ask you: As a result of having  
25 heard this, has it changed your state of mind about your  
26 qualifications as a juror?

27 A No.

28 Q Can you still decide this case fairly and



4c-2

1 impartially?

2 A Yes.

3 Q Would it raise -- did it raise any prejudice  
4 in your mind against Mr. Manson, hearing that?

5 A No.

6 Q Will you still decide the case as you stated  
7 you would at the beginning, basing your decision solely on  
8 the evidence in the case, and the Court's instructions of  
9 law?

10 A Yes.

11 THE COURT: Any questions? Any question?

12 MR. MANZELLA: No. Thank you.

13 MR. KANAREK: Just --

14 Q BY THE COURT: Have you heard, seen or read  
15 anything else in connection with Mr. Manson?

16 A No, this is all.

17 THE COURT: Thank you, Mrs. Jenkins. Would you --

18 MR. KANAREK: Thank you, Mrs. Jenkins.

19 THE COURT: Would you return now to the jury  
20 deliberation room?

21 Let's have Mr. Thompson.

22 THE BAILIFF: Yes, your Honor.

23  
24 EXAMINATION OF

25 MR. JONATHAN THOMPSON

26 BY THE COURT:

27 Q Mr. Thompson, you remember the oath that you  
28 took when you first came into this courtroom?

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A Yes, sir.

Q You will regard yourself as being under that same oath.

A Yes.

Q During the Court's questioning of the jurors, while they were in the box, you raised your hand.

Why did you raise your hand? What have you heard, seen or read?

A I raised it because of the fact my wife mentioned something about the plan in which the group was --

Q Get that a little closer, would you?

A (Continuing) -- the plan in which the group was going to try to take Manson out of the courtroom. And she --

Q Your wife mentioned that to you?

A Yes. Because she told me, she said, "You better be careful."

So I says, "You know, I'm not supposed to listen."

And she said, "You better listen to this, then."

Q And your wife -- your wife told you that you'd better listen to that; is that right?

A Yes.

Q You didn't deliberately seek this information from her?

A No, sir. She -- she had heard something about a robbery, and then after she saw this plan, then she told me about that.

But she know that I'm not supposed to be seeing

4c-4

1 the information and so forth. So that was the only thing  
2 that I --

3 Q You recall that I advised you -- instructed  
4 you that you were to determine this case only on the  
5 evidence and the Court's instructions of law?

6 A Yes, sir.

7 Q Is your frame of mind still such that you can  
8 do that?

9 A Yes, sir.

10 Q Would you in any way have any prejudice against  
11 Mr. Manson as a result of what your wife has said?

12 A No, sir.

13 Q Are you in any way afraid, so that it would  
14 affect you in any way?

15 A No, sir, I'm not.

16 Q Had you heard, seen or read anything else?

17 A No, I haven't.

18 THE COURT: All right.

19 Mr. Kanarek, any questions?

20 MR. KANAREK: No, your Honor.

21 THE COURT: Mr. Manzella, any questions?

22 MR. MANZELLA: No. Thank you.

23 MR. KANAREK: Thank you, Mr. Thompson.

24 JUROR NO. 8: Thank you, sir.

25 THE COURT: Thank you, Mr. Thompson.

26 Mr. Rico.

27 THE BAILIFF: They're on their way down now, your Honor.

28 THE COURT: Rico, Heller and Werner are the remaining

4c-5

jurors and alternates.

EXAMINATION OF  
MR. EMILIO J. RICO

BY THE COURT:

Q Good morning, Mr. Rico.

A Good morning, sir.

Q Mr. Rico, you must regard yourself as being under the same oath that you took when you first entered this court. You remember that oath, do you not?

A Yes, sir.

Q All right. You raised your hand when I was asking you -- or asking the jurors as a group about whether or not they had heard, seen or read anything.

Could you tell us what you had heard, seen or read?

A Well, this was a -- before the news stories, they have like a news flash, and they give, you know, like a rundown on it.

Q Yes.

A And it was something to do with Mr. Manson's Family, that had held up a surplus store or something like that.

It was just a flash. And then another one was something about Mr. Watson, that -- had confessed to something, and said that Mr. Manson had made him do what he did.

That's all. I didn't -- you know, I didn't

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5 fls.

listen to all the news, but it was just like a flash before  
the news starts.

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1 Q The Watson case concerning the Tate-La Bianca  
2 matter?

3 A Right.

4 Q And the news flash concerned the Hawthorne  
5 surplus store?

6 A Yes, I believe so.

7 Q And these were things which you --

8 A Now, before I could turn the TV off or anything,  
9 it was over with. It just said it --

10 Q You didn't deliberately --

11 A No, I did not.

12 Q -- seek those news articles?

13 A No. At 10:00 o'clock it said they were going to  
14 tell everything about it. It was like a flash. That's all.  
15 That's all I heard, you know. I don't know whether I should  
16 have raised my hand or not.

17 Q Well, you recall that you were one of those that  
18 stated you would base your judgment on the case and solely  
19 on the evidence that's produced and on the Court's instruc-  
20 tions of law?

21 A Right.

22 Q Has that -- seeing those references to Mr. Manson,  
23 has that in any way changed your mind?

24 A No, sir.

25 Q Has it raised any prejudice against Mr. Manson?

26 A No, it hasn't.

27 Q Which would cause you to decide the case in any  
28 other way than on the evidence and on the law?

1 A No, sir.

2 Q Do you still think you can be fair and impartial?

3 A I believe so.

4 Q When you say "I believe so" --

5 A I am. I am.

6 Q You're sure?

7 A I'm sure, but, you know --

8 Q You're sure about it?

9 A I'm sure about it.

10 THE COURT: Any questions, gentlemen?

11 MR. MANZELLA: No.

12 MR. KANAREK: No, thank you.

13 Q BY THE COURT: Now, is there anything else that  
14 you have heard, seen or read?

15 A No, sir.

16 THE COURT: Thank you, Mr. Rico.

17 Send the next juror in, if you would, please.

18

19

20

EXAMINATION OF  
ANTON L. WERNER

21 BY THE COURT:

22 Q Mr. Heller --

23 A Werner.

24 Q Mr. Heller, you have --

25 A No, sir, it is Werner.

26 Q I'm sorry, it is Mr. Werner.

27 Mr. Werner, you remember the oath you first took  
28 when you came into this courtroom?

1 A Yes, sir.

2 Q You must still consider yourself to be under oath  
3 then; you understand that?

4 A Yes, sir.

5 Q Now, the Court wishes to inquire of you why you  
6 raised your hand when the Court asked the questions that  
7 it did? What have you heard, seen or read?

8 A Well, I saw the headlines in the paper about  
9 the robbery and the gang, and also about taking you for a  
10 hostage.

11 Q In other words, you read --

12 A I didn't read it, but then --

13 Q You read the headlines?

14 A And then --

15 Q You read the headlines in the news about the  
16 Hawthorne surplus store gun robbery?

17 A Yeah, that is correct.

18 Q Have you heard, seen or read anything else?

19 A No. I never read anything, but the people were  
20 discussing one night about the Manson case, so -- about the  
21 robbery and stuff going on.

22 Q Who was discussing it?

23 A It was relatives that came over Friday night.

24 Q I see, and did you engage in the discussion?

25 A No, I didn't.

26 Q Pardon?

27 A I didn't engage in it.

28 Q Pardon?



1 A They'd ask questions and I'd tell them --  
2 Q You told them about your obligation?  
3 A Yeah, and that's how it is. And I said it is  
4 slow.

5 Q And your obligation --

6 A But I never discussed the case.

7 Q You did not?

8 A No.

9 Q Let me ask you this, has your mind changed in  
10 any way, Mr. Warner, from what it was when you entered upon  
11 your duty and obligation as a juror here?

12 A No, it hasn't changed.

13 Q Would you have any prejudice against Mr. Manson  
14 as a result of having read that article and having heard  
15 these comments about your associates?

16 A No, sir.

17 Q Will you decide this case, basing your decision  
18 only upon the evidence and the Court's instructions of law?

19 A Yes, sir.

20 Q Is there anything else that you may have heard,  
21 seen or read or heard talked about?

22 A No, that's all. Just Friday night.

23 Q When did that occur, then? Last Friday night,  
24 you say?

25 A Last Friday night.

26 THE COURT: Mr. Kanarek or --

27 MR. KANAREK: Yes.

28 THE COURT: -- Mr. Manzella?

1 MR. MANZELLA: No questions, your Honor.

2 MR. KANAREK: One point.

3 BY MR. KANAREK:

4 Q You said you heard something about the Court and  
5 Mr. Manzella?

6 A Yeah, about taking them for hostages, breaking in.

5a fls.

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5a-1

1 Q And these people were discussing that?

2 A Yeah.

3 Q In your home?

4 A Yes.

5 MR. KANAREK: Thank you, sir.

6 BY THE COURT:

7 Q When they began to discuss this, did you stay and  
8 listen or did you cease the conversation or cause it to halt  
9 in any way?

10 A I didn't cause it to halt, but I never bothered to  
11 talk to them or anything.

12 Q You didn't cause it to cease?

13 A No.

14 Q But you overheard what they were saying?

15 A I overheard what they were saying.

16 Q Would this affect your judgment in any way concerning  
17 this case?

18 A No, sir.

19 THE COURT: All right, thank you, then, Mr. Warner.

20 ALTERNATE JUROR NO. 3: All right.

21 THE COURT: Mrs. Heller, then.

22

23

EXAMINATION OF

24

MRS. ANNE M. HELLER

25

BY THE COURT:

26

27 Q Mrs. Heller, you must regard yourself as being  
28 under the same oath that you took when you first came into  
this courtroom and the voir dire examination began of you; you

1 understand?

2 A Yes, your Honor.

3 Q You raised your hand when I asked you those  
4 questions that I put to the group as a whole.

5 Why did you raise your hand?

6 A I was at a friend's house and they had the TV on,  
7 and when that came on I just walked in the kitchen and I just  
8 disregarded it.

9 Q What came on?

10 A Uh, "Robbery, gun robbery."

11 Q The Hawthorne Surplus Store robbery?

12 A Yes, that's what it was. So I just walked out.

13 Q How much of it did you hear? A minute --

14 A Oh, no, not much of it. Just gun robbery, and the  
15 Manson Family. When I heard that, I walked in the kitchen and  
16 that was it.

17 Q You simply heard Hawthorne Surplus Store gun  
18 robbery and the Manson Family was connected with it?

19 A I heard the name "Manson," and then I walked out.

20 Q I see. Would this affect your judgment so that you  
21 would be prejudiced against Mr. Manson?

22 A None, whatever.

23 Q Would it affect your judgment, Mrs. Heller, to such  
24 an extent that you could not be fair and impartial?

25 A No, your Honor.

26 Q Would you still decide this case, basing it --  
27 basing any decision that you might be caused to make in this  
28 case solely upon the evidence and the Court's instructions?

1 A Yes, your Honor.

2 THE COURT: Any questions, gentlemen?

3 MR. MANZELLA: No, your Honor.

4 Q BY THE COURT: Anything more that you may have  
5 heard, seen or read?

6 A No. No, your Honor.

7 THE COURT: Thank you, Mrs. Heller.

8 MR. KANAREK: Thank you, Mrs. Heller.

9 THE COURT: Now, I believe there was one more juror. I'm  
10 not sure. I may have seen his hand, because I was under the  
11 impression that Mr. Williams was one of those that was  
12 supposed to be called back.

13 MR. KANAREK: Yes, sir.

14 THE BAILIFF: It will be about ten minutes, your Honor.

15 THE COURT: Very well.

16 (Short recess.)

17 THE COURT: It is the Court's information that Mr.  
18 Williams, Juror No. 4, did not raise his hand. He so responded  
19 to Mr. Kuczera, so that corresponded with what you,  
20 Mr. Manzella, and Mr. Kanarek had seen.

21 MR. MANZELLA: Yes, your Honor.

22 THE COURT: I was mistaken.

23 I'll --

24 MR. KANAREK: Your Honor --

25 THE COURT: Anything further on this?

26 MR. KANAREK: Yes. I would like to call Mr. Blackburn  
27 as a witness.

28 THE COURT: The Court does not believe that's necessary

1 at this time.

2 Anything further now with respect to the  
3 examination of the jury?

4 MR. KANAREK: Not of the jury, but we do ask for an  
5 evidentiary hearing that we requested previously.

6 THE COURT: The motion is denied for an evidentiary  
7 hearing in respect to whether or not there has been a  
8 violation of the Court's publicity order.

9 MR. KANAREK: May I have a moment, your Honor?

10 THE COURT: The Court will simply at this time handle  
11 your motion for a mistrial and will hear argument from you or  
12 hear anything further that you might have to offer in  
13 respect to --

14 MR. KANAREK: I do have --

15 THE COURT: You do have some clippings.

16 MR. KANAREK: I do have some exhibits here.

5b-1

1 THE COURT: The record will show that the jurors are  
2 entirely removed from the courtroom.

3 You have a pile of papers six inches deep in  
4 front of you, there, and we don't want to burden the Clerk  
5 with that. Can you clip that --

6 MR. KANAREK: I wanted your Honor to see these, since  
7 your Honor wasn't in the Los Angeles area, to get the context  
8 and the affect. These matters are -- here, for instance,  
9 this "MANSON PLOT" Sunset Edition of the Herald-Examiner  
10 dated Monday, August 30, 1971, and in this article, which  
11 was written by Mr. Blackburn, he purports to have information  
12 from sources according to the investigator and clearly these  
13 people are within the publicity order and it is a clear  
14 violation of state action, invading Mr. Manson's right to a  
15 fair trial.

16 I mean, it is clearly, uh --

17 THE COURT: Well, you wish to introduce those based  
18 on your motion to have this Court examine Mr. Blackburn on  
19 the issue as to whether or not anyone has violated the  
20 publicity order?

21 MR. KANAREK: No.

22 THE COURT: You wish to introduce it likewise on your  
23 motion for a mistrial?

24 MR. KANAREK: It is our position that state action is  
25 involved here. It goes beyond just the mere intent --

26 THE COURT: Well, are you introducing it for the mere  
27 purposes of --

28 MR. KANAREK: Well, yes.

1 THE COURT: -- your motion for a mistrial?

2 MR. KANAREK: And for an evidentiary hearing.

3 THE COURT: Yes.

4 MR. KANAREK: To show that state action -- to show that  
5 the prosecution has gone ahead -- law enforcement people in  
6 the District Attorney's office have deliberately gone ahead  
7 with Mr. Blackburn to subvert Mr. Manson's right to a fair  
8 trial.

9 THE COURT: All right. How about the issue as to whether  
10 or not the Court should declare this mistrial based upon exposure  
11 of the jury to publicity? Do you have any further argument in  
12 respect to it?

13 MR. KANAREK: No argument, your Honor. I think these  
14 exhibits speak more eloquently than anyone.

15 THE COURT: How many exhibits do you have? Do you wish  
16 to take them as a group? If you do -- rather than take the  
17 whole papers, the want ads and all the extraneous matters --  
18 just simply take those pages on which the pertinent articles  
19 are involved and perhaps cut them out and give them to the  
20 Clerk?

21 MR. KANAREK: Yes, be glad to.

22 THE COURT: How many do you wish to offer? Do you wish  
23 to take them as a group and label them next in order?

24 MR. KANAREK: Yes, certainly, whatever is convenient  
25 to the Court and Clerk.

26 THE COURT: We'll label them as your next in order,  
27 then, in connection with your motions, and that would be the  
28 Defendant's --



1 THE CLERK: Special M.

2 THE COURT: -- M-1 through however many you have there.

3 M-1 through  
4 MR. KANAREK: Thank you, your Honor.

5 THE COURT: Let me see them, would you, please.

6 There are some articles in this group that I  
7 have not read and, therefore, since it is part of your motion,  
8 it is incumbent upon the Court to, I think, read and consider  
9 those articles along with anything else that is pertinent to  
10 your motion.

11 MR. KANAREK: The clippings that your Honor has  
12 previously been furnished, may they be marked as an exhibit  
13 to go along with the file that your Honor indicated that your  
14 Honor had previously read?

15 THE COURT: Yes. The Court sees in just looking at what  
16 you have compiled here, that there are none of those clippings  
17 that are not in here, so I would ask you now to simply mark  
18 for me or cut out for me what you wish for me to read of those  
19 exhibits here and of these newspaper articles.

20 MR. KANAREK: Certainly.

21 THE COURT: The Court will be in recess until 2:00  
22 o'clock.

23 MR. KANAREK: Thank you, your Honor.

24 THE COURT: I'll return these to you now so you can  
25 work on them now and give them to me.

26 (Whereupon, as the Defendant Manson was being  
27 taken by the bailiff to the holding tank, the following  
28 proceedings were had:)

5c fls.

5c-1

1 THE DEFENDANT: May I speak to you?

2 THE COURT: Yes, with your attorney present.

3 Mr. Kanarek, would you please approach the bench?  
4 The defendant has indicated he would like to speak with the  
5 Court.

6 (Whereupon, the following proceedings were had at  
7 the bench among Court and counsel, with the Defendant Manson  
8 being present:)

9 THE DEFENDANT: It seems we created a monster here. I  
10 tried to express to the Court maybe two or three weeks ago  
11 -- a week ago -- I am absent in time, but not too long ago,  
12 that there was some things that I was not a party to or  
13 responsible for, you know. I seem to be getting in the middle  
14 of a lot of things. If I cared to do anything to you or  
15 Mr. Manzella, I would do it myself. I am not mad at anyone.  
16 I don't have anything to do with Mr. Busch. I didn't know  
17 Mr. Busch than -- you know. I am dead in all of these thoughts.  
18 There is a lot of people in the Family -- I guess we got one.  
19 I never had one before I got arrested. But it seems I am  
20 forced to have one, These people -- I can't be responsible for  
21 all their actions. It just keeps piling on and on and on. I  
22 am dead in this thought. I don't care if the sun don't come  
23 up tomorrow. It doesn't mean that much to me. You know, I am  
24 content in whatever I am doing. And --

25 THE COURT: The Court realizes that you are in custody  
26 and you could not possibly be responsible for many of the things  
27 that the press attributes to you, but the Court would say this  
28 to you, and Mr. Kanarek, that even though I have read these

1 articles, I certainly have no prejudice against you as a result  
2 of having read those or as a result of having read anything,  
3 anything I have read or heard on television.

4 THE DEFENDANT: I see the whole thing. I have lived in  
5 that jail house all my life. I am at home. You are just  
6 doing it to yourselves. You are not doing anything to me. You  
7 kicked me out of the last penitentiary. You people are crazy.

8 THE COURT: All right, anything else?

9 THE DEFENDANT: No, everything is all right. Everything  
10 is perfect.

11 THE COURT: All right, see you at 2:00 o'clock.

12 (Whereupon, a recess was taken to reconvene  
13 Tuesday, September 7, 1971 at 2:00 p.m.)  
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1 LOS ANGELES, CALIFORNIA, TUESDAY, SEPTEMBER 7, 1971 2:16 P.M.  
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4 - - - - -

5 THE COURT: The record will show Mr. Kanarek to be  
6 present with Mr. Manson, Mr. Manzella for the People.

7 The jurors and alternates are not in the court-  
8 room.

9 Is there anything further, gentlemen, that you wish  
10 to submit to me? The Court has read Defendant's A-1 through  
11 -26.

12 MR. MANZELLA: Your Honor?

13 MR. KANAREK: Nothing further, your Honor.

14 THE COURT: Any further argument?

15 MR. MANZELLA: Your Honor, the People would ask the  
16 Court to call in the other jurors individually, the ones who  
17 did not raise their hands in answer to the Court's general  
18 question; to call each of those jurors in individually, to give  
19 Mr. Kanarek the opportunity to perhaps ask a question, if he  
20 has any questions to ask of those jurors.

21 MR. KANAREK: Your Honor, I -- if they would -- if they  
22 would reiterate what they have already said, it would be a --

23 MR. MANZELLA: The point is --

24 MR. KANAREK: -- a negatory act.

25 My point is, as I've indicated to the Court, if  
26 they just make the self-serving statements as they undoubtedly  
27 will, since they did not raise their hand, since they said they  
28 heard nothing --

THE COURT: You don't wish to examine?

1 MR. KANAREK: Well, I do, but I am not going to -- I  
2 am not going to -- it's our belief that there would be -- that  
3 their response would be that --

4 THE COURT: Well, in view of those beliefs, do you wish  
5 to have those jurors present so that you may directly ask  
6 them any questions? Or do you just simply wish to -- as you  
7 apparently indicated to me; I'm not sure -- withdraw any  
8 request to question them --

9 MR. KANAREK: Well --

10 THE COURT: -- individually?

11 MR. KANAREK: It puts me on the horns of a dilemma. We  
12 have an ongoing trial --

13 THE COURT: Well, you may do so. But I am asking you to  
14 take either one horn or the other.

15 MR. KANAREK: I understand that. And I choose not to  
16 do that, at this point --

17 THE COURT: All right.

18 MR. KANAREK: -- because of --

19 THE COURT: All right. Well, ask them --

20 MR. KANAREK: -- because of what I view the Court's  
21 position to be. I think it would be useless to do that.

22 MR. MANZELLA: Your Honor, my point was, briefly, that  
23 the Court's question to the panel as a whole, of necessity,  
24 was a general question. And questioning these other jurors  
25 individually might make it clearer exactly what the Court  
26 was asking in that general question.

27 THE COURT: All right. The Court realizes that the  
28 question that I had to put to them of necessity had to be

1 rather general, although it had to refer to Mr. Manson, and  
2 it may have been misunderstood.

3 Let's see. Let's take Mrs. Nieves -- no, it's  
4 Mr. Nieves. Let's ask him to come in. And after Nieves,  
5 Mr. Williams, Miss Sierra; then Mrs. Love, Mr. Hunt, Mr.  
6 Garcia, Hills and Banks.

7  
8 EXAMINATION OF

9 MR. ALBERT S. NIEVES

10 BY THE COURT:

11 Q Mr. Nieves, did you fully understand the question  
12 that I asked you this morning?

13 A Yes, I did.

14 Q When you were part of the group?

15 A Right.

16 Q Then do you have anything whatever to add verbally  
17 to your apparent response, that you have not seen, heard or  
18 read anything concerning Mr. Manson?

19 A No. I wasn't in town in the first place.

20 Q Pardon?

21 A I wasn't in town in the first place. I spent two  
22 weeks water-skiing.

23 Q Where did you do that?

24 A One week at Pine Flats; and the other one on the  
25 Colorado River.

26 Q All right. So you have heard, seen or read nothing  
27 in connection with Mr. Manson during this entire recess?

28 A No, nothing whatever.

6a fls.

6a-1

1 THE COURT: Any questions, gentlemen?

2 MR. KANAREK: No questions.

3 Thank you, Mr. Nieves.

4 THE COURT: Thank you, Mr. Sierra.

5 Mr. Nieves, rather. We'll have Miss Sierra in  
6 shortly.

7 I'm sorry. Did you have any questions --

8 MR. MANZELLA: No, your Honor.

9 THE COURT: -- Mr. Manzella?

10 MR. MANZELLA: No.

11  
12 EXAMINATION OF

13 MISS MARY RUTH SIERRA

14 BY THE COURT:

15 Q Miss Sierra, just on the chance that some of the  
16 jurors might have misunderstood the Court's questions this  
17 morning put to the group as a whole, I now wish to ask you for  
18 your personal response.

19 Have you seen or read anything during the period of  
20 the last two weeks concerning Mr. Manson?

21 A Well, as soon as I see the name "Manson," I don't  
22 -- I stop, you know.

23 Q I see. Well, had you heard, seen or read anything  
24 at all during the last two weeks?

25 A No. My brother is saving me the papers, so I  
26 don't read the papers.

27 Q I see. He saves you papers, and you are going to  
28 look at them after the trial is over?

1 A Yeah, after the trial. Yeah.

2 Q Oh. All right. I think that's what I suggested to  
3 the jury several times; if they're curious, they should just --

4 A Yes. I would be tempted to read it.

5 THE COURT: All right. Any questions from either of you  
6 gentlemen?

7 MR. MANZELLA: No, your Honor.

8 MR. KANAREK: No. Thank you, Mrs. --

9 THE COURT: Thank you, Miss Sierra.

10 MR. KANAREK: -- Sierra.

11 THE COURT: Where are we now? Love?

12 THE BAILIFF: Love.

13

14 EXAMINATION OF

15 MRS. LUELLA LOVE

16 BY THE COURT:

17 Q Mrs. Love, you can just be seated at that first seat  
18 at the opening, if you wish, please.

19 I just wanted to make sure that there was no mis-  
20 understanding regarding the question that I put to the group  
21 of jurors this morning, or the questions that I put to them,  
22 when you were all assembled here as a group.

23 Do you understand?

24 A Yes.

25 Q And I want you now orally to respond to those  
26 questions or this question:

27 Have you heard, seen or read anything whatever  
28 concerning Mr. Manson during the last two weeks?



1 A No.

2 THE COURT: All right. Gentlemen, anything further?

3 MR. MANZELLA: No questions.

4 MR. KANAREK: No questions.

5 THE COURT: Thank you, Mrs. Love.

6 MR. KANAREK: Thank you, Mrs. Love.

7 May I just ask one --

8 BY MR. KANAREK:

9 Q Mrs. Love, are you aware of any other trials going  
10 on at the present time in Los Angeles County concerning  
11 matters allegedly involving Mr. Manson?

12 A Well, I have heard of some, when I was in here  
13 before.

14 Q I see.

15 THE COURT: Perhaps you'd better be seated, please.

16 MR. KANAREK: Well, no. Just at this time --

17 THE COURT: Take the microphone. I couldn't hear you from  
18 here.

19 Thank you, Mrs. Love. What was your answer to  
20 Mr. Kanarek's question? I didn't hear you.

21 JUROR NO. 9: I did hear of some before, before the  
22 recess.

23 Q BY MR. KANAREK: At this time, do you -- do you --  
24 is your state of mind such that you believe there are any  
25 trials concerning matters involving Mr. Manson going on  
26 presently in Los Angeles County?

27 A Do I believe?

28 Q Yes.

1           A       I don't know.

2           Q       You don't know whether there --

3           A       I haven't even heard about it or thought about it.

4       MR. KANAREK: Thank you. Thank you.

5       THE COURT: Thanks, Mrs. Love.

6               Mr. Hunt?

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EXAMINATION OF  
DANIEL W. HUNT

BY THE COURT:

Q Good afternoon, Mr. Hunt.

A Good afternoon.

Q The Court just simply wished to have your oral response to the questions that I put this morning, just because there might possibly have been some misunderstanding when I put the questions to the group. And I would like to ask you now whether, during the two-week recess, you have heard, seen or read anything at all concerning Mr. Manson?

A No, I have not, your Honor, and I have proof.

(Whereupon, Juror No. 11 removed a pair of sunglasses.)

I was offered a newspaper and I refused to even look at the headlines, and this is the result.

Q You have a black eye?

A That's correct.

Q Well, you're carrying the Court's admonition to a fine point, and the Court appreciates it.

A Thank you.

THE COURT: Do you have any questions?

MR. KANAREK: Yes.

BY MR. KANAREK:

Q Would you tell us the events surrounding that?

A Well, a friend -- supposed to be a friend -- there was a group of us in the place having a drink and there was something in the newspaper that he wanted me to see and I spoke

7-2

1 up and I said, "Well, I cannot read a newspaper. Save the  
2 paper and I will read it at a later date."

3 So when I looked around, he mumbled that I was  
4 looking down on him, see. So I walked on to the back of the  
5 room and when I looked up somebody said, "Look out, Hunt," and  
6 there he was. When I looked out, it was --

7 THE COURT: It was too late?

8 JUROR NO. 11: It was.

9 THE COURT: Anything further, gentlemen?

10 MR. MANZELLA: No.

11 MR. KANAREK: No.

12 THE COURT: Thank you, Mr. Hunt.

13 MR. KANAREK: Thank you, Mr. Hunt.

14 THE COURT: Garcia. Bennie Garcia.

15 THE BAILIFF: He was questioned this morning.

16 THE COURT: Was he? Was he one of those that was  
17 questioned this morning? Was he?

18 MR. MANZELLA: No.

19 MR. KANAREK: No.

20 THE COURT: No, I don't believe so.

21 THE BAILIFF: He is upstairs. Can we take another one  
22 in the meantime?

23 THE COURT: All right, do you have another one outside?  
24 Banks or Hills?

25 THE BAILIFF: Yes.

26  
27 EXAMINATION OF

28 MRS. WANDA L. BANKS

1 BY THE COURT:

2 Q Your name for the record?

3 A Mrs. Banks.

4 Q Mrs. Banks, I simply want to inquire from you,  
5 so that we can hear your verbal response because you are under  
6 oath at this time as to those questions that I put to you this  
7 morning.

8 In other words, what I am asking you now is  
9 whether you have, during the course of the last two weeks,  
10 heard, seen or read anything concerning Mr. Manson?

11 A No, I have not.

12 THE COURT: All right, any questions?

13 MR. MANZELLA: No, your Honor.

14 THE COURT: Mr. Kanarek?

15 MR. KANAREK: Thank you, Mrs. Banks.

16 THE COURT: Hills. Hills or Garcia.

17  
18 EXAMINATION OF  
19 MRS. OTEAL HILLS

20 BY THE COURT:

21 Q Good afternoon, Mrs. Hills.

22 A Good afternoon.

23 Q We've asked you to come in separately and apart  
24 from the other jurors to get your verbal response to the  
25 questions I put to you this morning in the event there should  
26 be any misunderstanding. In other words, what I am asking you  
27 now is whether, during the last two weeks, you have heard,  
28 seen or read anything concerning Mr. Manson?

1 A No, I haven't.

2 THE COURT: Gentlemen?

3 MR. MANZELLA: No questions.

4 MR. KANAREK: Thank you, no questions. Thank you.

5 THE COURT: Thank you.

6 Now, Mr. Garcia, I think, is the remaining juror.

7 THE BAILIFF: Sammie Williams is here. Sammie Williams,  
8 your Honor.

9 THE COURT: Williams has not been called. He should be  
10 called, and so should Garcia. I don't think I called  
11 Williams either the first or second time, so there are two  
12 jurors remaining.

13  
14 EXAMINATION OF

15 SAMMIE C. WILLIAMS

16 BY THE COURT:

17 Q Mr. Williams, the Court has called you in this  
18 afternoon simply to inquire of you whether you understood  
19 what was said this morning concerning publicity, exposure to  
20 publicity?

21 Did you understand those questions?

22 A Yes, sir, I did.

7a fls.  
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7a-1

1 Q To have your verbal response for the record now,  
2 did you, during the last two weeks, hear, see or read any-  
3 thing whatever concerning Mr. Manson?

4 A Frankly, no, sir.

5 Now, I do read, see, but -- the last couple of  
6 weeks I've been off. Well, I've been pretty busy.

7 Q So have you --

8 A No.

9 Q Have you, during the last two weeks, heard, seen  
10 or read anything concerning Mr. Manson?

11 A Nothing concerning Mr. Manson, because what I  
12 tell you, for one reason, my oath; and

13 No. 2, I work until 3:30, and I've been doing  
14 some extra work, see, after leaving my job.

15 Q Post Office?

16 A No, sir, carpenter work. I've been doing some  
17 repairing -- alteration for a lady, see.

18 Q I see.

19 A And so when I get in at night, well, I'm too tired  
20 to read, so I go to bed. And my wife, she helps me in  
21 avoiding television.

22 THE COURT: Mr. Kanarek, Mr. Manzella, any questions?

23 MR. MANZELLA: No questions.

24 MR. KANAREK: No questions. Thank you, Mr. Williams.

25 THE COURT: Thank you, Mr. Williams.

26  
27 EXAMINATION OF

28 BENNIE D. GARCIA

1 BY THE COURT:

2 Q Good afternoon, Mr. Garcia.

3 Just in the event there may have been any misunder-  
4 standing this morning, the Court wishes to put the question to  
5 you and to have your oral response on the record.

6 Have you, during the last two weeks, heard, seen  
7 or read anything concerning Mr. Manson?

8 A No, I haven't, your Honor. We have the paper  
9 delivered to our home and, in accordance with the Court's  
10 instruction, why, my wife cuts out those things, and then  
11 she leaves it.

12 THE COURT: All right, any questions?

13 MR. MANZELLA: No, your Honor.

14 MR. KANAREK: No, your Honor.

15 THE COURT: Now, I think that does include an examina-  
16 tion of all the jurors, alternates and all the jurors.

17 Any further argument, gentlemen?

18 MR. KANAREK: No, your Honor.

19 THE COURT: All right, the motion for a mistrial is  
20 denied. The Court is satisfied --

21 MR. MANZELLA: I would like to be heard with regard to  
22 one juror, your Honor.

23 THE COURT: Let's see if you wish to be heard after I  
24 have commented.

25 MR. MANZELLA: All right.

26 THE COURT: The Court has listened to these jurors and  
27 watched them as they have responded to the Court's questions  
28 and to counsel's questions. And I am convinced that except



1 in one case that the exposure to any publicity was unintentional  
2 on the part of the jurors and I'm convinced, except  
3 in one case, that there's no likelihood that what the jurors  
4 have been exposed to will affect their judgment in the case.

5 The Court is convinced that the jury remains fair  
6 and impartial and that the jury will base its judgments  
7 called for in the case solely upon the evidence and the  
8 Court's instructions of law.

9 However, the Court invites any comment from either  
10 counsel as to the situation in the state of mind of Mrs. Luster.  
11 She has had a shooting occur in her neighborhood, apparently  
12 in front of her house, and the person as a result of that  
13 shooting has apparently died in her living room. And she did  
14 appear to the Court to be quite emotionally upset when she was  
15 responding to the Court's questions this morning.

16 I'll hear your comment, Mr. Manzella.

17 MR. MANZELLA: Your Honor, it appears that at least  
18 Mrs. Luster's reading of the newspaper articles, no matter  
19 what her reasons, amounts to at least a technical violation  
20 of the Court's admonition.

21 THE COURT: She has violated the Court's admonition not  
22 to read the newspaper.

23 MR. MANZELLA: Yes, your Honor, and it would appear the  
24 reason for that violation, it seems to me, is irrelevant,  
25 and because of the violation of the Court's admonition that  
26 she must be excused.

27 MR. KANAREK: Is counsel finished?

28 MR. MANZELLA: Yes.

1 MR. KANAREK: Well, this -- the violation of the  
2 Court's admonition would be --

3 THE COURT: It is really beside the point, isn't it?

4 MR. KANAREK: That would be a contempt --

5 THE COURT: It is.

6 MR. KANAREK: It is. And it is our view, it is our  
7 view -- it is our position, since your Honor is not granting  
8 the relief being requested here, that we would oppose this  
9 lady being released. We oppose -- I think she is more candid  
10 than the rest.

7b fls.

1 THE COURT: Well, she has had something unusual happen  
2 to her. And she states she is afraid. And she states that,  
3 nevertheless, being afraid of firearms and what might happen  
4 as the result of the use of firearms, that she can be fair  
5 and impartial in making any decision that she is called  
6 upon to make in this case.

7 MR. KANAREK: That's correct.

8 THE COURT: However, I am concerned about her emotional  
9 state. It was quite demonstrable while she was being asked  
10 questions that she was crying and that she was upset.

11 MR. KANAREK: Well, my father is passed away. If your  
12 Honor should dwell upon that subject, I might become emotional,  
13 too. In other words, the subject that made her emotional  
14 has involved something that purportedly has nothing to do  
15 with this trial.

16 Now, based upon -- based upon what the Court's  
17 rulings have been, again, it is -- it is a Hobson's choice  
18 kind of thing, the horns of a dilemma type of thing. We  
19 oppose this lady being released, being ordered released from  
20 jury duty. It is our view it would be a violation of equal  
21 protection and due process, as well as statutory and the case  
22 law of the State of California for your Honor to release this  
23 lady, because she stated -- and your Honor has taken many,  
24 many times the representations of jurors, potential jurors  
25 and so forth, as to their state of mind -- she said she would  
26 be fair and impartial. And so there's no reason to single  
27 her out from anyone else. And I do oppose your Honor  
28 releasing this lady or ordering this lady to be released from

1 jury duty. It would be denying Mr. Manson a fair trial.

2 THE COURT: Well, I don't believe so. In the cases  
3 where these jurors, various jurors and prospective jurors  
4 have expressed to me their resolutions to be impartial and  
5 their abilities to be fair and impartial, I believe them.  
6 That is in the cases of those jurors who are now in the box.  
7 And there were some whom I did not believe who stated during  
8 the course of the selection of the jury that they could be  
9 fair and impartial. And in this case, because of Mrs. Luster's  
10 emotional state --

11 MR. KANAREK: I have another motion before your Honor  
12 makes any ruling.

13 THE COURT: Yes.

14 MR. KANAREK: It is a motion to sequester the jury.  
15 Now, your Honor indicated --

16 THE COURT: In this case -- let me finish -- because  
17 of Mrs. Luster's state of mind, I am uncertain as to her  
18 ability to remain fair and impartial.

19 MR. KANAREK: That's no --

20 THE COURT: She has expressed a fear of gunplay in the  
21 courtroom, a fear because of a lack of protection of her  
22 person, while other people involved in the trial are  
23 protected. She named or did state that witnesses were  
24 accorded some protection by officers but she was not. It  
25 seems to me, in that state of mind, that it would be quite  
26 unlikely that she could remain fair and impartial or that she  
27 is fair and impartial.

28 MR. KANAREK: Well, your Honor --

1 THE COURT: Accordingly, the Court will excuse Mrs.  
2 Luster at this time.

3 I am not, however, because of her emotional  
4 state, going to take any steps against her in respect to the  
5 contempt in disobeying the admonition of the Court. That would  
6 be a sufficient cause, perhaps, in itself, for her to be  
7 relieved. But I am inclined to agree that the more relevant  
8 matter is her current state of mind.

9 MR. KANAREK: I don't think -- I'm sure your Honor feels  
10 that is -- or, feels that he is not a psychiatrist, and I do ask  
11 that doctors be appointed to examine --

12 THE COURT: The motion is denied.

13 MR. KANAREK: We do oppose her release.

14 THE COURT: I understand that, and it is clear on the  
15 record. So, accordingly, I am going to release Mrs. Luster  
16 and excuse her from further service in this case. That would  
17 leave three alternates.

18 MR. KANAREK: I would like to point out to the Court,  
19 and re-emphasize the principle of Marion vs. Beto. I think  
20 that's the case where the excusal of one juror improperly in  
21 a capital case --

22 THE COURT: The Court realizes that. That if I have  
23 improperly excused this juror that it would be grounds for  
24 a reversal. But the Court believes that Mrs. Luster is  
25 being properly excused.

26 I hadn't heard any argument from either of you  
27 in respect to Mrs. Luster before the Court made its ruling,  
28 but do either of you have anything to say about any of the

1 other jurors?

2 MR. MANZELLA: No, your Honor.

3 MR. KANAREK: It is our view they all should be excused.  
4 If you are going to take the protestations or the self-serving  
5 statements or whatever, or the statement of one juror like  
6 this, your Honor, and -- in other words, there is a premium  
7 on lack of candor. A juror who wishes to remain and wishes to  
8 crucify Mr. Manson for persons -- for reasons of their own,  
9 all they have to do is verbalize that they make no response  
10 or something like that, and that is manifestly unfair.

11 THE COURT: Would you call Mrs. Luster in to the court,  
12 please?

13 THE BAILIFF: She is right outside.

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8 fls.

8-1

## EXAMINATION OF

MRS. LILLIAN LUSTER

BY THE COURT:

Q Mrs. Luster, the Court realizes that you have suffered, as a result of your husband's traumatic experience, a considerable emotional shock. And I could observe, from the way you reacted this morning when I was questioning you, that you did appear to be under considerable nervous strain. And I do wish you well, upon your seeing your doctor, as you stated that you would.

I must tell you that you are in violation of the Court's admonition -- and, as you freely admitted, and I believe that you knew -- but you said that you were unable to resist looking at the newspapers --

A (Indicating affirmatively.)

Q -- because of the circumstances.

Now, I am taking that into consideration, and the Court is not acting to, in any way, punish you or even chastise you at this time, because I do realize that this was an emotional situation, and I can understand it.

However, because of your state of mind, the Court will relieve you as a juror. The Court thanks you very much. You have, as I have been able to note, during the course of these weeks, you have been very attentive.

And I certainly appreciate the sense of responsibility that you must have, which permitted you to assume these obligations as a juror.

I am sorry that this incident did occur. The Court

1 at this time, then, will excuse you from further attendance  
2 in this trial.

3 JUROR NO. 1: Thank you.

4 THE COURT: All right.

5 MR. MANZELLA: Your Honor, on behalf of the People, I  
6 would like to thank Mrs. Luster for her service as a juror in  
7 this case as well.

8 MR. KANAREK: Thank you. Thank you, Mrs. Luster.

9 THE COURT: Good luck, Mrs. Luster.

10 Take the three names of the alternates for now  
11 and select one.

12 Let's have all the jurors present when you do that.

13 THE CLERK: Put them in the box?

14 THE COURT: Put them in the box, and draw one of the  
15 three.

16 (Whereupon, the members of the jury entered the  
17 courtroom, and the following proceedings were had:)

18 THE COURT: The record will show that the jurors and  
19 alternates are present, with the exception of Mrs. Luster.

20 The defendant is present with Mr. Kanarek.

21 Ladies and gentlemen, the Court has relieved  
22 Mrs. Luster of further service in this case, and now the Court  
23 will request that the Clerk select one of the names of the  
24 three alternates.

25 THE CLERK: Mrs. Hills.

26 THE COURT: All right. Mrs. Hills? You now are Juror  
27 No. 1, then.

28 Would you take the -- take your seat, Mrs. Hills,



1 where Mrs. Luster was?

2 MR. KANAREK: Your Honor, I believe your Honor misspoke.  
3 I believe it was inadvertent, but there are four alternates.

4 I just wanted --

5 THE COURT: Thank you, thank you, Mr. Kanarek.

6 Did you select that --

7 THE CLERK: Yes.

8 THE COURT: -- one name from four?

9 THE CLERK: Yes.

10 THE COURT: From the four alternates, then?

11 THE CLERK: Yes.

12 THE COURT: I did misspeak.

13 MR. KANAREK: Yes. That's all I -- thank you.

14 THE COURT: Thank you, Mr. Kanarek.

15 Is there anything further that you gentlemen wish  
16 to say at this time?

17 MR. KANAREK: No, your Honor.

18 MR. MANZELLA: No, your Honor.

19 THE COURT: At the bench or otherwise?

20 MR. KANAREK: No, your Honor.

21 THE COURT: All right. Let's proceed, then.

22 MR. MANZELLA: All right.

23 The People call Mr. Frank Metz.

24 THE COURT: Do all of you have your notebooks and pen or  
25 pencils? Is there anyone who doesn't?

26 (No affirmative response.)

27 THE CLERK: Would you raise your right hand, please,  
28 to be sworn?

1           You do solemnly swear that the testimony you may  
2 give in the cause now pending before this Court shall be the  
3 truth, the whole truth, and nothing but the truth, so help you  
4 God?

5           THE WITNESS: Yes, I do.

6  
7                           FRANK RETZ,  
8 called as a witness by and on behalf of the People, testified  
9 as follows:

10          THE CLERK: Please take the stand and be seated.

11          THE BAILIFF: Just state and spell your full name.

12          THE WITNESS: My name is Frank Retz; R-e-t-z.  
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## DIRECT EXAMINATION

1  
2 BY MR. MANZELLA:

3 Q Mr. Retz, do you know a man by the name of  
4 George Spahn?

5 A Yes, I do.

6 Q And when did you first meet Mr. Spahn? What year?

7 A Either 1967 or '68.

8 Q Now, sometime after meeting Mr. Spahn, did you  
9 purchase some property in the area of the Spahn Ranch in  
10 Chatsworth?

11 A Yes, I did.

12 Q And from whom did you purchase that property?

13 MR. KANAREK: Irrelevant and immaterial.

14 THE WITNESS: Mrs. --

15 THE COURT: Just a minute. The objection is sustained.

16 THE WITNESS: Mrs. Mary --

17 THE COURT: Just a minute. When I sustain an objection, --

18 THE WITNESS: Oh, I'm sorry.

19 THE COURT: -- you don't have to answer, Mr. Retz.

20 Q BY MR. MANZELLA: All right. Mr. Retz --

21 THE COURT: Wait for the next question.

22 Q BY MR. MANZELLA: Mr. Retz, what property  
23 did you purchase?

24 A I purchased the west side of the Spahn Movie Ranch.

25 Q And was this property which was adjoining the  
26 Spahn Movie Ranch?

27 A That's correct.

28 Q And approximately what was the -- strike that.

8a-2

1                   What was the acreage of the property you  
2 purchased?

3           A       27-1/2 acre.

4           Q       27-1/2?

5           A       That's right.

6           Q       And when did you buy that property?

7       MR. KANAREK: Irrelevant and immaterial, your Honor.

8       THE COURT: Sustained.

9       MR. MANZELLA: Your Honor, may we approach the bench?

10      THE COURT: You don't have to answer that, Mr. Retz.

11      MR. MANZELLA: May we approach the bench, your Honor,  
12 for an offer of proof?

13      THE COURT: All right. You may.

14               (Whereupon, the following proceedings were had  
15 at the bench, not within the hearing of the jury:)

16      MR. MANZELLA: We are trying to show, from the testi-  
17 mony of this witness, that he was part of the -- he and his  
18 actions and his desires with regard to his property and the  
19 property of the Spahn Ranch were part of the motive for the  
20 killing of Donald Shea.

21               Among other things, we want to establish --

22      THE COURT: Well, the question to which an objection was  
23 raised was: When was the property acquired?

24      MR. MANZELLA: Right.

25      THE COURT: And that --

26      MR. MANZELLA: This is to establish that -- the  
27 testimony would be -- strike that.

28               The testimony would be that the property was

3a-3

1 purchased on -- in May of 1969; that they went into escrow  
2 on June 30th of 1969; and that on that date -- and he recalls  
3 that date specifically, because that was the date that escrow  
4 was opened on the property -- that an incident occurred between  
5 -- well, strike that.

6 That he found Mr. Manson and members of the Manson  
7 Family in a -- in a farmhouse on his property; that he called  
8 the Sheriff's Office and told Manson that he wanted him --

9 THE COURT: That's related to this other incident which  
10 has been spoken of by the officer?

11 MR. MANZELLA: This is another incident.

12 THE COURT: Still another?

13 MR. MANZELLA: Right. On June 30th. The incident that  
14 Deputy Wachsmuth testified to was on August 24th of 1969.

15 This incident occurred on June 30th.

16 THE COURT: I see.

17 MR. MANZELLA: And I am attempting to -- the offer of  
18 proof is that the witness would establish the presence of  
19 the Manson Family on his ranch, and that he talked to  
20 George Spahn about getting rid of the Manson Family; that  
21 he talked to George Spahn about hiring Shorty Shea or Donald  
22 Shea as a watchman to get rid of the Manson Family.

23 And that's the purpose of the testimony. And I  
24 think the date of when he purchased the property is relevant,  
25 because it -- it establishes when he began his ownership of  
26 the property.

27 And it also establishes the date that he had the  
28 first incident with Mr. Manson and members of the Manson

8a-4

1 Family.

2 MR. KANAREK: But this is irrelevant and immaterial  
3 as to Mr. Manson, your Honor. It has no probative value.  
4 Mr. Manson can't be saddled with those facts.

5 MR. MANZELLA: Mr. Manson was present, your Honor.  
6 That's the point.

7 MR. KANAREK: And also, it's not the best evidence.  
8 The escrow is the best evidence.

9 I'll object on the grounds that it's hearsay, and  
10 it's conclusion, and not the best evidence.

11 The Evidence Code -- if you want to prove that  
12 up, you can prove it up with instruments.

8b fls.

8b-1

1 MR. MANZELLA: Your Honor, that's ridiculous, --

2 MR. KANAREK: It's not ridiculous.

3 MR. MANZELLA: -- to require the formal papers to be  
4 brought in, instead of just asking a witness when he bought  
5 certain property.

6 MR. KANAREK: Well, that --

7 THE COURT: The question of his title is certainly not in  
8 contention in this --

9 MR. KANAREK: Well, it is as far as --

10 THE COURT: -- lawsuit.

11 MR. KANAREK: The Evidence Code doesn't make any  
12 distinction on best evidence. Just because you -- you --  
13 counsel makes some -- some kind of --

14 MR. MANZELLA: Your Honor, we are not attempting to prove  
15 the contents of the escrow agreement, --

16 MR. KANAREK: But you are trying to prove --

17 MR. MANZELLA: -- or the purchase contract. We are  
18 merely trying to prove when the -- the date that he was on  
19 the property, and that he was there-- he was looking over the  
20 property to determine the acreage of the property, because  
21 that's when he was purchasing the property.

22 And this is when he found -- as he was touring the  
23 property and checking it, examining the property -- that's  
24 when he found Manson and the Family in the farm house, and  
25 when he chased them out and so on.

26 THE COURT: Well, I am more concerned about your  
27 ultimate goal in this course of questioning of Mr. Retz.

28 You wish to put into evidence the statements of

1 Retz to Spahn, or Spahn to Retz, concerning what Spahn wished  
2 to do toward hiring --

3 MR. MANZELLA: No.

4 THE COURT: -- Shorty Shea?

5 MR. MANZELLA: No. What Mr. Retz -- Retz's statement to  
6 Mr. Spahn, with regard to what Retz wanted to do about hiring  
7 Shorty Shea.

8 MR. KANAREK: Well, Mr. Manson cannot be saddled with  
9 that. That's no -- you have to show --

10 MR. MANZELLA: And we will --

11 THE COURT: In other words, --

12 MR. MANZELLA: -- connect it up.

13 THE COURT: -- you claim that it would be an exception to  
14 the hearsay rule, in that it shows an expression of intention  
15 on Retz's part --

16 MR. MANZELLA: That's right.

17 THE COURT: -- to retain --

18 MR. MANZELLA: Exactly, your Honor.

19 THE COURT: -- to retain or hire Shorty Shea?

20 MR. MANZELLA: Yes, your Honor. That he did in fact  
21 seek to hire Shea as a watchman, to get rid of Manson and the  
22 Family; and that we will prove through other witnesses that  
23 Manson knew about the fact that Shea was going to be hired by  
24 Retz to rid the property of the Manson Family.

25 THE COURT: I think it's reasonable under the circum-  
26 stances, then, to allow him -- I'll permit him to answer as  
27 to when he acquired the property.

28 MR. KANAREK: Well, your Honor, that's irrelevant and



1 immaterial as to his -- his conversation with Mr. Spahn is  
2 irrelevant, immaterial, hearsay, --

3 MR. MANZELLA: If --

4 MR. KANAREK: -- as to what he intends to do, whether he  
5 intended to go to Europe or hire Mr. Shea. Mr. Manson is not  
6 saddled with that conversation.

7 MR. MANZELLA: Your Honor --

8 MR. KANAREK: It's a conversation which cannot be used  
9 against Mr. Manson.

10 MR. MANZELLA: Your Honor, we will show that Mr. Retz  
11 intended to hire Shea as a watchman. We will show that Shea  
12 received the offer.

13 We will show that Manson knew about the offer to  
14 Shea, and that that formed part of the motive for the  
15 killing of Donald Shea.

16 MR. KANAREK: But your Honor, he may -- but we still have  
17 the rule -- the law -- we still have the Evidence Code, that  
18 that cannot be used.

19 He can't go in and prove a conversation between  
20 Mr. Retz and Mr. Spahn, for this purpose.

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1 THE COURT: Why not?

2 MR. KANAREK: Because -- because it -- it's irrelevant,  
3 and it's immaterial as to Mr. Manson. It doesn't -- it  
4 doesn't -- Mr. Manson can't be saddled with that conversation.

5 MR. MANZELLA: He can, your Honor, if we prove that  
6 Mr. Manson knew about the intention of Retz to hire Shea.

7 THE COURT: All right. I will permit it.

8 I will sustain the objection to this question,  
9 even though I have said that it's admissible, because I think  
10 it does -- it probably does call for a conclusion.

11 Perhaps the title papers would be the best evidence  
12 as to when he specifically acquired the property.

13 MR. MANZELLA: Okay. All right.

14 THE COURT: But the general line of questioning, the  
15 Court believes, is not improper.

16 MR. MANZELLA: All right. Thank you, your Honor.

17 (Whereupon, the following proceedings were had in  
18 open court, within the hearing of the jury:)

19 Q BY MR. MANZELLA: Now, Mr. Retz, at some point  
20 after you met George Spahn in 1967 or 1968, did you begin  
21 negotiating with Mr. Spahn for the purchase of the Spahn Ranch?

22 A That's correct.

23 Q Can you pull that microphone at all closer to you,  
24 Mr. Retz?

25 THE COURT: Just lean forward, Mr. Retz.

26 THE WITNESS: Okay. Yes.

27 Q BY MR. MANZELLA: Now, was that before or after  
28 you purchased the adjoining property?

1 A Before.

2 Q And do you know the acreage of the Spahn Ranch?

3 A Yes, I do.

4 Q And what is that?

5 A Exactly 27-1/2.

6 Q Acres?

7 A Acres.

8 Q Now, while you were carrying on negotiations with  
9 Mr. Spahn, did you meet with him on one occasion or on more  
10 than one occasion?

11 MR. KANAREK: That's irrelevant and immaterial.

12 THE WITNESS: More than.

13 MR. KANAREK: Your Honor? Would your Honor ask the  
14 witness not to answer until your Honor rules?

15 THE COURT: The objection is overruled.

16 Mr. Retz, if there is an objection, wait until  
17 after the Court has made a ruling in respect to that objection,  
18 and then you may answer or not, depending on how the Court  
19 rules.

20 THE WITNESS: Okay.

21 Q BY MR. MANZELLA: You met with him on more than one  
22 occasion?

23 A Yes.

24 Q And where did you meet with Mr. Spahn?

25 A In his home.

26 Q Was that on Spahn Ranch?

27 A Yes.

28 Q And for how long, approximately, did you carry

1 on these negotiations with George Spahn?

2 MR. KANAREK: Irrelevant and immaterial, your Honor.

3 THE COURT: Overruled.

4 THE WITNESS: (No response.)

5 Q BY MR. MANZELLA: You can answer the question, if  
6 you can, Mr. Retz.

7 A For about -- since last January, when I bought the  
8 ranch.

9 Q And when you say "last January," --

10 A Yes.

11 Q -- of what year are you referring to?

12 A 1971.

13 Q That's when you bought the Spahn Movie Ranch?

14 A That's right.

15 Q Now, prior to that time, prior to the time you  
16 actually bought the ranch, did you carry on negotiations with  
17 Mr. Spahn?

18 A All the time.

19 MR. KANAREK: Irrelevant and immaterial, your Honor.

20 THE COURT: The answer may remain. The objection is  
21 overruled.

22 MR. MANZELLA: I'm sorry. I didn't hear the answer.

23 THE WITNESS: Yes.

24 Give me again the question.

25 Q BY MR. MANZELLA: Did you carry on negotiations  
26 with Mr. Spahn before you bought the ranch in January of 1971?

27 A Yes.

28 Q Now, when you were carrying on negotiations, you

1 have already said that you met with Mr. Spahn at Spahn Ranch;  
2 is that correct?

3 A Correct.

4 Q And if you can tell us, approximately how many  
5 times did you go out to Spahn Ranch?

6 MR. KANAREK: That's irrelevant and immaterial, your  
7 Honor.

8 THE COURT: Sustained.

9 MR. MANZELLA: May we approach the bench for an offer of  
10 proof, your Honor?

11 THE COURT: Yes, you may.

12 No, permission is withdrawn. You may continue  
13 with your questioning.

8d-1

1 Q BY MR. MANZELLA: Now, after you met George Spahn  
2 in 1967 and 1968, how often did you go out to Spahn Ranch?

3 MR. KANAREK: Asked and answered; and also, irrelevant  
4 and immaterial.

5 THE COURT: Sustained.

6 THE WITNESS: Sometime every day.

7 Q BY MR. MANZELLA: All right, Mr. Retz. You can't  
8 answer that question.

9 THE COURT: That's stricken, ladies and gentlemen. That  
10 answer is stricken.

11 The objection is sustained.

12 Q BY MR. MANZELLA: Did you go out to Spahn Ranch  
13 during the year 1968?

14 A Yes, I did.

15 Q Did you go out to Spahn Ranch during the year 1969?

16 A Yes, I did.

17 Q Now, directing your attention to the defendant in  
18 this case, Mr. Charles Manson, do you know him?

19 A Yes, I do.

20 Q Now, do you recall when it was that you first met  
21 Mr. Manson?

22 MR. KANAREK: That's irrelevant and immaterial, your  
23 Honor.

24 THE COURT: Overruled. You may answer.

25 THE WITNESS: It was approximately in the early Spring,

26 Q BY MR. MANZELLA: Of 19--

27 A I am unable to say the date or the month, exactly.

28 Q And was it -- was the year 1969?

1 MR. KANAREK: Leading and suggestive, your Honor.

2 THE COURT: Overruled. You may answer.

3 THE WITNESS: Yes.

4 Q BY MR. MANZELLA: And where was Mr. Manson when you  
5 met him?

6 A At the Spahn Ranch.

7 Q And were there other people there with Mr. Manson?

8 A Yes.

9 Q Now, directing your attention to the date of June  
10 30th of 1969, do you recall that date?

11 MR. KANAREK: That's leading and suggestive, your Honor.

12 THE WITNESS: Yes.

13 THE COURT: The objection is overruled.

14 The answer may remain.

15 Q BY MR. MANZELLA: And how do you remember that  
16 date?

17 MR. KANAREK: That's irrelevant and immaterial, your  
18 Honor, as to how he happens to remember it.

19 THE COURT: Overruled.

20 THE WITNESS: That's the date when I went to the escrow  
21 with Mrs. Kelly.

22 Q BY MR. MANZELLA: All right. Mrs. Kelly was the  
23 person from whom you purchased the property adjoining Spahn  
24 Ranch?

25 A That's correct.

26 Q And was that the date that you went into escrow?

27 A That's right, yes.

28 Q Now, were you and Mrs. Kelly on that property that

1 you eventually purchased on June 30th, 1969?

2 A Yes.

3 Q And what were you doing there on that date?

4 MR. KANAREK: That's irrelevant and immaterial, and it  
5 doesn't go to -- reach any issue in the Indictment, your  
6 Honor.

7 THE COURT: Sustained.

8 You need not answer that.

9 Q BY MR. MANZELLA: Did you see Mr. Kelly on the --  
10 Mr. Manson on the Kelly property on June 30th, 1969?

11 MR. KANAREK: Irrelevant --

12 THE WITNESS: Yes, I did.

13 MR. KANAREK: -- and immaterial, your Honor.

14 THE COURT: The objection is overruled.

15 The answer may remain.

16 THE WITNESS: Yes, I did.

17 Q BY MR. MANZELLA: And where was Mr. Manson when you  
18 saw him?

19 A He was in the farmhouse.

20 Q And is the farmhouse -- strike that.

21 Is the farmhouse on the Kelly property?

22 A Yes, correct.

23 Q And how -- strike that.

24 Where is the farmhouse in relation to Spahn Ranch?

25 A Almost on the border.

26 Q Between what was the Kelly property and the Spahn  
27 Ranch?

28 A That's correct.



1 Q Now, was Mr. Hanson alone in the farmhouse, or was  
2 he with other people?

3 MR. KANAREN: Irrelevant and immaterial, prejudicial  
4 value outweighs any probative value.

5 MR. MANZELLA: It goes to motive, your Honor.

6 THE COURT: Counsel's remarks -- Mr. Manzella's remarks  
7 are stricken, but the objection is overruled.

8 You may answer the question.

9 THE WITNESS: When I opened the door, it was about 20  
10 people in, all lying on the floor, and --

11 Q BY MR. MANZELLA: And Mr. Hanson was one of these  
12 people?

13 A Yes.

8e-1

1 Q Now, did you say something to Mr. Manson and these  
2 people when you came upon them?

3 MR. KANAREK: Irrelevant, immaterial, hearsay, your  
4 Honor.

5 THE WITNESS: Yes, I did.

6 MR. KANAREK: Your Honor, the prejudicial value outweighs  
7 any probative value.

8 THE COURT: The answer as it is may remain.

9 The objection is overruled.

10 Q BY MR. MANZELLA: And what did you say to them?

11 MR. KANAREK: Irrelevant, immaterial, hearsay; preju-  
12 dicial value outweighs any probative value, your Honor.

13 THE COURT: The objection is sustained.

14 MR. MANZELLA: May we approach the bench for an offer  
15 of proof, your Honor?

16 THE COURT: Yes, you may.

17 (Whereupon, the following proceedings were had at  
18 the bench, outside the hearing of the jury:)

19 THE COURT: You are offering this for what purpose?  
20 To show his --

21 MR. MANZELLA: Motive.

22 THE COURT: -- to show his intentions, show Mr. --

23 MR. MANZELLA: To show motive.

24 THE COURT: On the part of --

25 MR. MANZELLA: Yes. My offer of proof is that Mr. Retz  
26 told Manson to get out, to get off his property; and that  
27 Manson said he had no right to tell him to leave.

28 It goes to motive, the same situation as if

8e-2

1 somebody said, "I want you out of my house," to a person who  
2 later came back and shot the person for throwing him out of the  
3 house.

4 It's the same thing. It goes to motive.

5 THE COURT: Well, do you contend that Retz later on  
6 did hire Shorty Shea?

7 MR. MANZELLA: We contend that Shea was killed before  
8 he was hired, but that -- but that the negotiations -- or,  
9 the conversation with George Spahn, in which Retz told Spahn  
10 that he wanted to hire Shea, and to tell Shea about it,  
11 occurred after the August 16th raid; and that Shea was dead  
12 by September 1st of 1969.

13 So in other words, we are not talking about a  
14 remote situation. We are talking about a situation in which  
15 -- of August 16th, 1969.

16 But what I am attempting to show right now is  
17 that Retz --

18 THE COURT: Retz didn't want Manson --

19 MR. MANZELLA: That Retz told Manson several times to  
20 get off his property; not to come on his property; and that  
21 for that purpose, he was hiring Shea. And that this motive --  
22 it's not a situation in which -- we are not claiming it's a  
23 situation in which Retz told Mr. Manson to get off his  
24 property just once. It's a situation in which he  
25 continually told Manson to get off his property.

26 THE COURT: Are you stating that Retz told Manson that  
27 he was hiring Shea?

28 MR. MANZELLA: No, not at this point. He never told

8a-3

1 Manson that he was hiring Shea.

2 But we are showing that Retz threw Manson off his  
3 property and told him to get off his property, several times.

4 THE COURT: Then how --

5 MR. MANZELLA: And we will show that --

6 THE COURT: How is the motive -- how did you intend to  
7 show that? That Manson knew that Shea was in any way involved  
8 with Retz' order that he, Manson, vacate the property?

9 MR. MANZELLA: By Manson's own statements, that this is  
10 one of the reasons Shea was killed.

11 MR. KANAREK: Well, you can't use that. You can't have --  
12 you can't prove the corpus, your Honor, with the statements of  
13 the defendant.

14 MR. MANZELLA: I am not trying to prove the corpus.

15 THE COURT: But he is not showing the corpus.

16 MR. KANAREK: Evidently, that's part of his corpus,  
17 because he is trying to prove these as -- as some kind of  
18 basis to show that Shorty Shea is dead. He is now --

19 MR. MANZELLA: No, that's not true.

20 MR. KANAREK: He is now offering evidence --

21 THE COURT: No.

22 Well, go ahead.

23 MR. KANAREK: He is now offering evidence that --  
24 certainly, it -- these -- these statements cannot be admis-  
25 sions, because even from the prosecution viewpoint, looking  
26 at the indictment, these are matters that occurred before  
27 Mr. Shea died.

28 So they couldn't possibly be admissions. They

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9 fls.

1 have to be something to prove the case in chief.

2 And it's irrelevant, it's immaterial, and it's  
3 prejudicial, and it cannot be used.  
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1 MR. MANZELLA: We are not offering this testimony on  
2 the corpus. We are offering it on the connection of Mr. Manson  
3 to the death -- we're offering the testimony as part of the  
4 motive of Mr. Manson to kill Shea.

5 MR. KANAREK: That is double-talk, your Honor. That last  
6 statement of counsel has to be, because you can't have it both  
7 ways. Either it is relevant or material or it isn't. It  
8 just can't be used. It has to come in on some legal question.

9 THE COURT: I think it is.

10 MR. MANZELLA: Because --

11 THE COURT: I think it is relevant concerning the  
12 People's theory.

13 MR. KANAREK: How is it going to -- the fact that this man --

14 THE COURT: It shows Mr. Manson's knowledge of Mr. Retz's  
15 inclination to keep him off of his property and ties in with  
16 the statement that the People expect to elicit that Mr. Manson  
17 knew that Mr. Shea was employed by Retz to accomplish this on  
18 behalf of Retz.

19 Is that what you are saying?

20 MR. MANZELLA: Yes, your Honor.

21 MR. KANAREK: But, your Honor, the only way Mr. Manson's  
22 statement later on can be used is as an admission.

23 MR. MANZELLA: That's correct.

24 THE COURT: That's --

25 MR. KANAREK: All right, now, you can't. That stands on  
26 its own two feet as an admission. You can't -- you can't use  
27 this irrelevant and immaterial evidence to prove that right now  
28 -- right now they are proving the corpus of Mr. Shorty Shea.

1 They can't use that irrelevant, immaterial, prejudicial evidence  
2 to prove that Shorty Shea is dead. If they want to use an  
3 admission of Mr. Manson by some witness, that's a different  
4 matter, but this is -- this is absolutely irrelevant and  
5 immaterial. Because by counsel's own statement, Mr. Retz is  
6 not going to testify that Mr. Shea -- that he ever told  
7 Mr. Manson he's hiring Mr. Shea. Maybe he can do that with  
8 some other witness, but that is -- this testimony here, the  
9 fact that he was going to hire Shorty Shea has to be saddled  
10 somehow on Mr. Manson and you can't do it if the man never  
11 told it to Mr. Manson.

12 THE COURT: Mr. Retz is simply going to testify that he  
13 ordered Mr. Manson to leave the place?

14 MR. MANZELLA: Correct.

15 THE COURT: And he's not going to go into any details  
16 in connection with it?

17 MR. MANZELLA: No.

18 THE COURT: The Court thinks that you can ask him that  
19 without going into any of the other instances or the details  
20 of those instances.

21 MR. MANZELLA: Right.

22 THE COURT: Ask him whether or not --

23 MR. MANZELLA: Here is what I intend to ask him,

24 One, about this incident;

25 Two, about the August 24th incident that Deputy  
26 Wachsmuth testified to; and

27 Thirdly, did he ever at any time find Mr. Manson  
28 on his property and did he tell Mr. Manson to leave.

1 THE COURT: All right, I am in accord with you, Mr.  
2 Kanarek, and agree with you that without a corpus, an  
3 admission cannot be utilized or considered.

4 MR. MANZELLA: Your Honor, at some point we're going to  
5 have to get to the point -- what I am offering, I am offering  
6 this witness' testimony not on the issue of corpus, I am  
7 offering it on the issue of guilt.

8 THE COURT: The Court understands why you are offering  
9 it. The Court understands that Mr. Manson at some time later  
10 on made some statement which would be an admission.

11 MR. MANZELLA: Confession. And --

12 THE COURT: Confession.

13 MR. MANZELLA: A confession, and as part of that confession  
14 he said that Retz was going to hire Shea and that Squeaky told  
15 him that Retz had hired Shea to get rid of the Family.

16 THE COURT: I had assumed it was an admission from what  
17 you said.

18 MR. MANZELLA: Not from Retz. That testimony is not  
19 coming from Retz.

20 THE COURT: I understand.

21 What you intend to offer would be -- I didn't know  
22 that it was a part of the alleged confession.

23 MR. MANZELLA: Yes, your Honor.

24 THE COURT: But I think that in order to show motive,  
25 that the People can, if the Court permits it to come in out  
26 of order. The Court will do it.

27 MR. MANZELLA: All right. Thank you.

28 MR. KANAREK: Oh, your Honor, may we take a recess at



1 this time?

2 THE COURT: All right.

3 (Whereupon, the following proceedings were had in  
4 open court within the presence and hearing of the jury:)

5 THE COURT: We'll take a short recess, ladies and  
6 gentlemen.

7 Remember the admonition, you are not to converse  
8 amongst yourselves, nor with anyone else, nor permit anyone  
9 to converse with you on any subject connected with this matter,  
10 nor are you to form or express any opinion on the matter until  
11 it has finally been submitted to you.

12 About ten minutes, if you would, please.

13 You may step down and come back in ten minutes.

14 (Short recess.)

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1 THE COURT: The record will show the defendant to be  
2 present with his counsel. The jurors and alternates are  
3 present.

4 You may proceed.

5 MR. MANZELLA: Your Honor, there is a motion pending  
6 before the Court.

7 THE COURT: Would you approach the bench?

8 MR. MANZELLA: Yes, your Honor.

9 (Whereupon, the following proceedings were had  
10 at the bench among Court and counsel, outside the  
11 hearing of the jury:)

12 MR. MANZELLA: Your Honor, I forgot about the motion.  
13 Mr. Kanarek made a motion to sequester the jury before the  
14 last recess.

15 THE COURT: That's correct. Let's handle it after we  
16 conclude tonight.

17 Is that all?

18 MR. MANZELLA: That's all, your Honor.

19 THE COURT: Very well.

20 (Whereupon, the following proceedings were  
21 had in open court within the presence and hearing  
22 of the jury:)

23 MR. MANZELLA: Mr. Retz, would you take the witness  
24 stand, please.

25  
26 FRANK RETZ,

27 resumed the stand and testified further as follows:  
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## DIRECT EXAMINATION (Continued)

BY MR. MANZELLA:

Q Now, Mr. Retz, directing your attention to the date of June 30, 1969, when you came upon Mr. Manson and others in the family house on the Kelly property.

Did you say anything to Mr. Manson?

A Yes.

MR. KANAREK: Hearsay, irrelevant and immaterial.

THE COURT: Overruled.

A Yes, I did.

Q BY MR. MANZELLA: And what did you say to Mr. Manson?

MR. KANAREK: Hearsay, irrelevant and immaterial, your Honor.

THE COURT: Overruled. You may answer.

A To get out of my property.

Q BY MR. MANZELLA: Now, did Mr. Manson say anything to you when you told him to get out?

MR. KANAREK: Irrelevant, immaterial, the prejudicial value outweighs the probative value. No foundation, your Honor. Hearsay.

THE COURT: Sustained.

Q BY MR. MANZELLA: Did you call --

THE COURT: Well -- very well, I'll sustain it. Go ahead.

Q BY MR. MANZELLA: Did you call the Los Angeles County Sheriff's Office?

MR. KANAREK: Irrelevant, immaterial, conclusion.

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1 THE COURT: The objection is overruled.

2 A Yes, sir, I did.

3 Q BY MR. MANZELLA: And did the sheriffs arrive?

4 A Yes, they did.

5 Q On -- did you speak to them?

6 A Yes.

7 Q And at sometime thereafter did Mr. Manson and  
8 this other group of people leave the Kelly property?

9 A Not right away.

10 Q I'm not --

11 A No.

12 Q Mr. Retz, just listen to my question.

13 Sometime after that did Mr. Manson and the rest  
14 of the people that were with him leave the Kelly property?

15 A That day or sometime after, another day, I didn't--

16 Q Well, I'm talking about that same day.

17 A The same day?

18 Q Yes, did Mr. Manson and the rest of the people  
19 you saw in the farmhouse with Mr. Manson, did they eventually  
20 leave the property that day?

21 A No, they didn't.

22 Q All right. Now, did you go to the Kelly property  
23 once or more than once during the time that you were consider-  
24 ing buying the property?

25 MR. KANAREK: That's irrelevant and immaterial, your  
26 Honor.

27 THE COURT: Sustained.

28 Q BY MR. MANZELLA: Mr. Retz, after June 30, of 1969,

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1 did you -- strike that.

2 After June 30, 1969, did you spend time on the  
3 property which you had purchased from Mrs. Kelly?

4 MR. KANAREK: That's irrelevant and immaterial.

5 THE COURT: Overruled. You may answer.

6 A Yes, I did.

7 Q BY MR. MANZELLA: And how much time did you spend  
8 on the property?

9 A At least 50 percent of my time.

10 Q Were you out on the property every day?

11 A Almost every day.

12 Q Now, after June 30th, 1969, when you were out on  
13 the property almost every day, did you see Mr. Manson there?

14 A Yes, I did.

15 Q On one occasion or more than one occasion?

16 A More.

17 Q And can you tell us approximately how many  
18 occasions?

19 A It is hard to say. More occasions.

20 Q And was Mr. Manson alone on these occasions or  
21 was he with other people?

22 A With other people..

23 Q Now, on these occasions did you ever talk to Mr.  
24 Manson?

25 A Yes, I did.

26 Q What did you tell him on these occasions?

27 MR. KANAREK: Irrelevant, immaterial, hearsay,  
28 conclusion, your Honor. The prejudicial value outweighs any

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1 probative value.

2 THE COURT: The objection is overruled.

3 Q BY MR. MANZELLA: What did you tell him on these  
4 occasions?

5 A Tell him to leave my property.

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1 Q Now, after June 30th of 1969, did you have any  
2 conversations with George Spahn?

3 A Yes, I did.

4 Q Where did you have those conversations with George  
5 Spahn?

6 A Most on Spahn.

7 Q On the Spahn Ranch?

8 A Yes.

9 Q And on those -- strike that.

10 During those conversations did you talk to  
11 Mr. Spahn about buying Spahn Ranch?

12 MR. KANAREK: Object on the grounds of hearsay, no  
13 foundation, irrelevant and immaterial.

14 THE COURT: Sustained.

15 MR. MANZELLA: May we approach the bench for an offer of  
16 proof?

17 THE COURT: No, you may not.

18 Q BY MR. MANZELLA: Did you talk to Mr. Spahn about  
19 the presence of Mr. Manson and other people on your property  
20 which you had purchased from Mrs. Kelly?

21 A No.

22 MR. KANAREK: Object, no foundation, hearsay, irrelevant  
23 and immaterial, leading and suggestive.

24 THE COURT: The objection is sustained as to form.

25 MR. MANZELLA: All right.

26 Q Did you know -- strike that.

27 The persons that you saw with Mr. Manson on your  
28 property on June 30, 1969, had you seen those persons on

1 Spahn Ranch?

2 A Yes, I did.

3 Q And did you know those persons by one name or one  
4 term?

5 MR. KANAREK: Objection, your Honor, that's conclusion  
6 and hearsay.

7 THE COURT: Sustained.

8 Q BY MR. MANZELLA: Now, when you had the conversation  
9 with Mr. -- strike that.

10 When you had the conversations with Mr. Spahn after  
11 June 30, 1969, was anyone else present other than you and  
12 Mr. Spahn?

13 A Sometime, yes.

14 Q And who was present?

15 A The girl that was most with him, was Linda, Squeaky.

16 Q Squeaky?

17 A Yes.

18 Q And was Squeaky present on some occasions or on all  
19 occasions that you talked to Mr. Spahn?

20 A Not on all of them. If she was here, then she was  
21 present.

22 Q You mean if she was on the ranch, she was present?

23 A That's right.

24 MR. KANAREK: Well, that's a conclusion. I ask it be  
25 stricken. That he couldn't possibly know.

26 THE COURT: The answer "not on all of them," may remain.  
27 The other portion of it is stricken, ladies and gentlemen.

28 Q BY MR. MANZELLA: Was she there? Was Squeaky



1 present at the conversations on most of the occasions to which  
2 you spoke to Mr. Spahn?

3 MR. KANAREK: That's ambiguous, your Honor.

4 THE COURT: Overruled.

5 THE WITNESS: Most.

6 Q BY MR. MANZELLA: All right. Directing your  
7 attention to the photograph which has been marked People's 52  
8 for identification, do you recognize the person who is shown  
9 in this photograph?

10 A Yes, I do.

11 Q And by what name do you know that person?

12 A Linda or Squeaky.

13 Q Squeaky?

14 A Uh-huh.

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1 Q Now, Mr. Retz, at any time did you tell Mr. Manson  
2 to get off Mr. Spahn's property?

3 MR. KANAREK: Your Honor, I --

4 THE WITNESS: Yes, I did.

5 MR. KANAREK: That calls for a conclusion, your Honor,  
6 as to his knowledge of where the property line is.

7 THE COURT: Sustained. The answer may be stricken.

8 MR. MANZELLA: On that ground, your Honor? That he didn't  
9 know where the property line was?

10 I'm sorry. I'll withdraw the question.

11 THE COURT: Very well.

12 Q BY MR. MANZELLA: All right. Mr. Retz, did you  
13 have a conversation with Mr. Spahn sometime after June 30th,  
14 1969, about the presence of Mr. Manson and the people with him  
15 on Spahn Ranch?

16 MR. KANAREK: Leading and suggestive; no foundation;  
17 hearsay; it's irrelevant and immaterial, and the prejudicial  
18 value outweighs the probative value, your Honor.

19 THE COURT: The objection is overruled.

20 You may answer.

21 THE WITNESS: Yes, I did.

22 Q BY MR. MANZELLA: And was that after June 30th of  
23 1969?

24 A Yes.

25 Q And during that conversation, did you ask anything  
26 of Mr. Spahn?

27 MR. KANAREK: That's calling for a conclusion. It's  
28 also hearsay. There's no foundation. Your Honor, it's

1 irrelevant; it's immaterial.

2 THE COURT: The objection is sustained.

3 Q BY MR. MANZELLA: Who was present during that  
4 conversation? Strike that.

5 I'll withdraw that question.

6 Was Squeaky present during that conversation with  
7 Mr. Spahn?

8 A It depends on which conversation.

9 MR. MANZELLA: Your Honor, may we approach the bench?

10 THE COURT: No, you may not. Continue with your  
11 questioning.

12 MR. MANZELLA: All right.

13 Q After June 30th of 1969, during one of the  
14 occasions when you saw Manson and Mr. -- Mr. Manson and the  
15 people with him on Spahn Ranch, did you have conversations  
16 with Mr. Manson, or did you talk to Mr. Manson?

17 A Oh, yes, I did.

18 Q And was that on one occasion or on more than one  
19 occasion?

20 A More.

21 Q And this is on George Spahn's Ranch; is that correct?

22 A That's correct.

23 Q And what did you say to Mr. Manson on those  
24 occasions?

25 MR. KANAREK: Hearsay, your Honor; foundation;  
26 irrelevant and immaterial.

27 THE COURT: Overruled.

28 MR. KANAREK: And the prejudicial value outweighs the

1 probative value.

2 THE COURT: Overruled. You may answer.

3 THE WITNESS: I told him to leave the ranch, because  
4 George Spahn asked me to clean the ranch up of the Manson  
5 Family, and he gave me even power of attorney.

6 Q BY MR. MANZELLA: To do that?

7 A His attorney called me up, and I tried to do it.

8 Q Now --

9 MR. KANAREK: Your Honor, may that last portion be  
10 stricken, about the --

11 THE COURT: Was that part of what you said to Mr. Manson?

12 THE WITNESS: That's right.

13 THE COURT: The motion to strike is denied.

14 Q BY MR. MANZELLA: All right. Prior to that time,  
15 had you had a conversation with Mr. Spahn about the presence  
16 of the Manson Family on Spahn Ranch?

17 MR. KANAREK: That's hearsay, --

18 THE WITNESS: Correct.

19 MR. KANAREK: -- your Honor, conclusion, irrelevant and  
20 immaterial; no foundation.

21 THE COURT: The objection is overruled.

22 The answer may remain.

23 Q BY MR. MANZELLA: And was Squeaky present during  
24 that conversation?

25 A Yes, she was.

26 Q Now, Mr. Retz, when did you take possession of the  
27 property adjoining the Spahn Ranch?

28 A Possession?

1 Q Yes.

2 A I had an option on the Spahn Ranch --

3 Q No. No, let me interrupt you.

4 When did you take possession of the property which  
5 was next to the Spahn Ranch, which was the Kelly property?

6 A In May, '69.

7 Q Now, directing your attention to the date of  
8 August 16 of 1969, do you recall that date?

9 A I don't remember dates.

10 Q All right. Do you recall -- or, did you become  
11 aware of a raid or series of arrests which were made at  
12 Spahn Ranch on August 16th of 1969?

13 A I knew that, but I don't know exactly the date.

14 Q All right. But you did become aware of the raid  
15 on Spahn Ranch by Sheriff's deputies; is that correct?

16 A Yes.

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1 Q All right. Now, after that raid, did you have a  
2 conversation with George Spahn on Spahn Ranch?

3 A Yes, the very next morning.

4 Q The morning after the raid?

5 A That's correct.

6 Q And who was present at that conversation?

7 A It was nobody -- myself and George.

8 Q Was Squeaky present at that conversation?

9 A No.

10 Q Now, would you tell us what you said to Mr. Spahn?

11 MR. KANAREK: Hearsay, your Honor; no foundation;  
12 irrelevant, immaterial; prejudicial value outweighs the  
13 probative value.

14 THE COURT: The objection's overruled. You may answer.

15 MR. KANAREK: Well, your Honor --

16 THE WITNESS: I told Mr. Spahn, "There is no other way  
17 to clean that thing out, than to hire a guard, and I going to  
18 hire one."

19 Q BY MR. MANZELLA: You were going to hire a  
20 guard?

21 A I promised Mr. Spahn.

22 Yes.

23 THE COURT: The Court will strike the response, "There  
24 is no other way to clean the thing up." That is stricken.  
25 The jury is admonished to disregard that.

26 Q BY MR. MANZELLA: Did you tell --

27 MR. KANAREK: It's our motion to strike the entire  
28 answer, your Honor.

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1 THE COURT: The other portion of it may remain,  
2 including the defendant's last answer, in response to Mr.  
3 Manzella's --

4 MR. KANAREK: Your Honor said "defendant."

5 THE COURT: Strike that. The witness' answer may  
6 remain to the last question; and the last portion of his  
7 answer, other than the words stricken in the previous  
8 answer, may remain.

9 Q BY MR. MANZELLA: All right. Did you tell Mr.  
10 Spahn that you wanted to hire a guard?

11 A I did.

12 MR. KANAREK: That's leading and suggestive, your  
13 Honor, besides being hearsay and conclusion; and irrelevant  
14 and immaterial.

15 THE COURT: Well, it's asked and answered, but the  
16 answer may remain in.

17 The objection is overruled.

18 Q BY MR. MANZELLA: During that conversation with  
19 George Spahn, the day after the Spahn Ranch raid, did the  
20 name of any person come up with regard to what you had said  
21 to George about hiring a guard?

22 MR. KANAREK: Object on the grounds of hearsay, conclusion,  
23 your Honor. It's irrelevant and immaterial; improper founda-  
24 tion.

25 THE COURT: Sustained.

26 Q BY MR. MANZELLA: All right. Mr. Retz, did you  
27 tell Mr. Spahn that you were going to hire any particular  
28 person as a guard?

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MR. KANAREK: Irrelevant, immaterial, your Honor.  
No foundation; hearsay.

THE COURT: The objection is overruled.

You may answer the question.

THE WITNESS: I didn't tell Mr. Spahn for a particular person, but Mr. Spahn offered me, and he says he got a person for me.

MR. KANAREK: I ask that that be stricken, your Honor,  
on --

THE COURT: The answer is stricken.

Q BY MR. MANZELLA: All right.

Mr. Retz, after -- strike that.

During the conversation you had with Mr. Spahn about hiring a guard, did you eventually tell him -- did you eventually tell him that you were going to hire a person whose name he had suggested?

MR. KANAREK: Object, your Honor. There are a multitude of reasons that that --

THE COURT: The objection is sustained.

Q BY MR. MANZELLA: All right.

Now, Mr. Retz, during the conversation you had with Mr. Spahn, was Squeaky present?

A (No response.)

Q Did you hear the question?

A Yes, I heard, but when we had that day, or the day after, conversation Squeaky was not present. It was probably eight days later when we really came into the deal, that I going to hire a guard.

10b Fla.

MR. MANZELLA: All right.



10b-1

1 MR. KANAREK: Well, I ask that that last statement be  
2 stricken, your Honor. It's not even responsive to the  
3 question. It's a gratuitous --

4 MR. MANZELLA: I have no objection to striking the  
5 statement.

6 THE COURT: It may be stricken. It is stricken.

7 Q BY MR. MANZELLA: All right. During the period  
8 after the Spahn Ranch raid, did you have more than one  
9 discussion with Mr. Spahn with regard to the hiring of a guard?

10 A Yes.

11 MR. KANAREK: Your Honor, I object on the grounds of  
12 hearsay and conclusion; improper foundation. We are entitled  
13 to know who is present.

14 THE COURT: The objection is overruled. The answer may  
15 remain in.

16 Q BY MR. MANZELLA: And during any of those conver-  
17 sations, was Squeaky present?

18 A Yes.

19 Q Was she present on one occasion or more than one  
20 occasion, when you had those conversations with George Spahn?

21 A On more.

22 Q On more than one?

23 A Yes.

24 Q All right. Now, during the conversations at which  
25 time Squeaky was present, after the Spahn Ranch raid, did you  
26 talk about hiring a particular person as a guard?

27 MR. KANAREK: Leading and suggestive.

28 THE COURT: Overruled.

1 MR. KANAREK: Hearsay, your Honor; irrelevant and  
2 immaterial; no foundation for it. Calling for a conclusion.

3 THE COURT: The objection is overruled.

4 You may answer that.

5 THE WITNESS: Yes.

6 Q BY MR. MANZELLA: All right. And what did you tell  
7 Mr. Spahn about hiring a guard in Squeaky's presence?

8 MR. KANAREK: Well, your Honor, we -- we object on the  
9 grounds of foundation and hearsay; conclusion.

10 THE COURT: I'll sustain it.

11 Q BY MR. MANZELLA: Did these conversations that took  
12 place after the Spahn Ranch raid occur before, say, the first  
13 week in September, 1969?

14 MR. KANAREK: Leading and suggestive --

15 Q BY MR. MANZELLA: In other words, during the last  
16 half of August of 1969?

17 MR. KANAREK: Leading and suggestive, your Honor; no  
18 foundation; hearsay, conclusion.

19 THE COURT: The objection is overruled.

20 You may answer it.

21 THE WITNESS: I don't remember exactly the date, but it --

22 Q BY MR. MANZELLA: All right. I am not asking you  
23 for the date.

24 A Yeah.

25 Q Let me ask it this way;

26 During what period of time during the -- after the  
27 Spahn Ranch raid did these conversations occur?

28 MR. KANAREK: That's assuming facts not in evidence, your

1 Honor.

2 THE WITNESS: Eight days, 14 days.

3 THE COURT: Overruled.

4 THE WITNESS: Three weeks. I'm not sure.

5 Q BY MR. MANZELLA: It was within a week to two weeks  
6 after the Spahn Ranch raid?

7 A Something like that.

8 MR. KANAREK: Your Honor, that's assuming facts not in  
9 evidence. That's leading and suggestive by Mr. Manzella.

10 THE COURT: The objection is overruled, and the answer  
11 may remain.

12 Q BY MR. MANZELLA: All right. Would you tell us  
13 what you told Mr. Spahn with regard to hiring a guard, in the  
14 presence of Squeaky?

15 MR. KANAREK: Object, your Honor. Hearsay; no foundation;  
16 calling for a conclusion; it's irrelevant and immaterial, and  
17 the prejudicial value outweighs the probative value.

18 THE COURT: The objection is sustained as to foundation.

19 Q BY MR. MANZELLA: Where were the conversations held,  
20 Mr. Retz?

21 A Spahn's home.

22 Q All of these conversations were held at Mr. Spahn's  
23 home; is that correct?

24 A Yes.

25 Q Mr. Spahn at that time was an elderly man; is that  
26 right?

27 A That's correct.

28 Q And was he blind at that time?

1 A Yes.

2 Q And he didn't move away from his home too much; is  
3 that correct?

4 A No.

5 Q That is --

6 A That is correct. That is correct.

7 Q And during the conversations you had with Mr. Retz --  
8 strike that.

9 (Continuing) -- that you had with Mr. Spahn, during  
10 this period of time when Squeaky was present, was anybody else  
11 other than you and George Spahn present?

12 A Sometimes. Sometimes not.

13 Q And when someone else was present, who was that  
14 person?

15 A Some girls, who -- or boys -- was around in the  
16 home.

17 Q And do you know their names?

18 A Some of them. Some of them I don't. They came and  
19 go.

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1 Q Were these people that lived with Mr. Manson at  
2 Spahn Ranch?

3 A Yeah.

4 MR. KANAREK: Object. Leading and suggestive, your  
5 Honor, and also calling for a conclusion.

6 THE COURT: The objection is overruled.

7 The answer may remain on the record.

8 Q BY MR. MANZELLA: All right. Would you tell us  
9 what you said to Mr. Spahn in the conversation with regard to  
10 hiring a guard, when Squeaky was present?

11 MR. KANAREK: Object on the grounds of calling for a  
12 conclusion; improper foundation; hearsay; it's irrelevant and  
13 immaterial; and the prejudicial value far outweighs the  
14 probative value.

15 There were purportedly several conversations, and he's  
16 lumping it all together in -- in a question which asks this  
17 witness to synopsise a series of events, a series of  
18 conversations.

19 THE COURT: I'll sustain the objection on the last  
20 ground.

21 Q BY MR. MANZELLA: All right. Mr. Retz, how many  
22 conversations did you have with Mr. Spahn after the Spahn  
23 Ranch raid, with regard to hiring a guard? Approximately how  
24 many did you have?

25 A Four, five.

26 Q All right. Now, Squeaky was not present at each of  
27 those; is that correct?

28 A No.

1 Q That is correct, she was not present?

2 A That's correct.

3 Q On about how many occasions was Squeaky present?  
4 During how many of those four or five total conversations was  
5 Squeaky present?

6 A She was on two occasions present, when Mr. Spahn  
7 told me that he had the man for me.

8 Q All right.

9 MR. KANAREK: Your Honor, may that last portion be stricken?

10 THE COURT: After "She was on two occasions present,"  
11 the balance of the statement may be stricken.

12 Q BY MR. MANZELLA: All right. On those two  
13 occasions, would you tell us what the conversation was with  
14 regard to hiring a guard?

15 MR. KANAREK: I'll object on the grounds of foundation,  
16 your Honor; hearsay; conclusion; it's irrelevant and immaterial,  
17 and the prejudicial value outweighs the probative value.

18 There are two -- two separate conversations, and  
19 this manner of questioning asks the witness to lump them  
20 together.

21 THE COURT: The objection is sustained on that latter  
22 ground.

23 Q BY MR. MANZELLA: All right. Do you recall the  
24 conversation you had the first time that Squeaky was present?

25 A Yes.

26 Q All right. Would you tell us what the conversation  
27 was?

28 MR. KANAREK: Object on the grounds of hearsay, your

1 Honor; conclusion; irrelevant and immaterial; and the  
2 prejudicial value outweighs the probative value.

3 THE COURT: The objection is overruled.

4 You may answer.

5 THE WITNESS: First, the conversation was: Mr. Spahn  
6 told me that he have a -- that he have Shorty as a man for the  
7 right job.

8 Q And was Shorty a man you knew otherwise as Donald  
9 Shea?

10 A That's correct.

11 Q And did you say anything more about hiring a guard  
12 or about hiring Shorty on that occasion, the first occasion?

13 A I agreed with Mr. Spahn and told him to send him  
14 to me.

15 Q Now, on the second occasion, what was said about  
16 hiring a guard, or about Shorty?

17 MR. KANAREK: Leading and suggestive, your Honor; hearsay;  
18 conclusion; irrelevant and immaterial, and the prejudicial  
19 value outweighs the probative value.

20 THE COURT: The objection is overruled.

21 You may answer.

22 THE WITNESS: I came out, and I said, "How come Shorty  
23 didn't show up?"

24 And he said, "I don't see him around."

25 So he -- "As soon as he comes, I am going to send  
26 him to you."

27 MR. KANAREK: I ask that all of that statement be  
28 stricken, your Honor, and I would like to approach the bench.

1 THE COURT: Sustained. The Court strikes the last  
2 remarks -- the last answer.

3 MR. KANAREK: May I approach the bench, your Honor?

4 THE COURT: The Court has previously admonished the jury  
5 that the jury is to disregard anything that it has ordered  
6 stricken.

7 Q BY MR. MANZELLA: Now, during the first conversation  
8 at which Squeaky was present, would you tell us what you told  
9 George Spahn?

10 MR. KANAREK: Asked and answered, your Honor.

11 THE COURT: Overruled.

12 MR. KANAREK: And also the other objections I have  
13 enunciated.

14 THE COURT: You may answer.

15 THE WITNESS: I guess I answered that already.

16 MR. MANZELLA: All right. Strike that.

17 Q Would you tell us what was said during that  
18 conversation?

19 MR. KANAREK: That's assuming facts not in evidence,  
20 and asked and answered.

21 THE COURT: Sustained.

22 Q BY MR. MANZELLA: Was something else said by you  
23 with regard to hiring Donald Shea, or Shorty, during that  
24 first conversation?

25 MR. KANAREK: Asked and answered, your Honor. The man  
26 has stated that.

27 THE COURT: The objection is overruled.

28 You may answer.



1 THE WITNESS: Yes. We -- we was talking about how to  
2 keep that --

3 Q BY MR. MANZELLA: Well, I want to know who -- look;  
4 I'm sorry for interrupting you.

5 A Yeah.

6 Q But I want to know what else, if anything, you said  
7 about hiring Donald Shea, or Shorty, as a guard.

8 MR. KANAREK: Object on the grounds --

9 THE WITNESS: Well, I --

10 MR. KANAREK: I object on the grounds of hearsay, your  
11 Honor, and conclusion; and irrelevant and immaterial.

12 THE WITNESS: I said, "I know him for a period of time;  
13 and if George thinks it's the right man, I am going to give him  
14 a job."

15 THE COURT: The Court overrules the objection. The  
16 answer, which came in after the objection, however, may remain.

17 Q BY MR. MANZELLA: And did you say anything to  
18 Mr. Spahn about paying Shorty?

19 A Yes.

20 MR. KANAREK: Leading and suggestive, your Honor.

21 THE COURT: Overruled.

22 Q BY MR. MANZELLA: And what did you say in that  
23 regard?

24 A That I going to pay him and feed him and put him  
25 in the rear house and so on.

11

1 Q The rear house on your property?

2 A Yes.

3 Q And did you tell George Spahn what you wanted  
4 Shea to do, what you wanted Shorty to do?

5 MR. KANAREK: Object, your Honor.

6 May I have a continuing objection on hearsay,  
7 conclusion and foundation? It is irrelevant and it is  
8 immaterial.

9 THE COURT: Sustained.

10 MR. MANZELLA: May we approach the bench, your Honor?  
11 I would appreciate the opportunity to approach the bench.

12 THE COURT: All right, the Court will hear from you.

13 (Whereupon, the following proceedings were had at  
14 the bench among Court and counsel, outside the hearing of the  
15 jury:)

16 MR. MANZELLA: The purpose of this whole line of  
17 questioning was to show that Shea was going to be hired to  
18 remove Manson and the Family from Retz's property, from  
19 Spahn's Ranch.

20 THE COURT: And Mr. Manson knew about it?

21 MR. MANZELLA: Now, we're going to show, through another  
22 witness, that Mr. Manson did have knowledge through Squeaky  
23 that Shea was hired for that purpose. Since Squeaky was  
24 present in this conversation, it is obviously our theory that  
25 Squeaky learned of this conversation about the hiring of Shea  
26 to get rid of Manson and the Family and that she told Manson  
27 about it.

28 THE COURT: I understand that, from --

1 MR. MANZELLA: And that's why I am asking him if he told  
2 or said during this conversation what -- why he wanted to hire  
3 Shea.

4 THE COURT: It is not offered, in other words, to show  
5 the truth of the matter as stated; is that correct? It is  
6 simply offered to --

7 MR. MANZELLA: Well, it is a -- it really doesn't say  
8 anything. Shea was never hired. It is our contention he was  
9 killed.

10 THE COURT: It is merely to show Manson's possible  
11 motive.

12 MR. MANZELLA: Right. It is to show that, in fact,  
13 Shea was going to be hired and that this man did intend to  
14 hire Shea to get rid of Manson and the Family, and that Squeaky  
15 was present during that conversation and Manson did learn of  
16 that through Squeaky.

17 THE COURT: It is merely to show the state of mind of  
18 Manson during this time?

19 MR. MANZELLA: To show that and the person relayed this  
20 information to Manson was present during the statements made  
21 by this witness, that he intended to hire Donald Shea to remove  
22 Manson and the Family from the ranch.

23 MR. KANAREK: You can't do that, your Honor.

24 THE COURT: Why can't you?

25 MR. KANAREK: Well, you have to show that Mr. Manson --  
26 that Mr. Manson was privy to this conversation. You have to  
27 show that Mr. Manson was there.

28 THE COURT: Don't you think that it is a possible -- one

1 of the possible inferences that a member of the Family,  
2 namely Squeaky, conveyed that to Mr. Manson?

3 MR. KANAREK: That's one of the vices of this prosecution  
4 and the District Attorney's whole approach. There is no --  
5 there are many, many --

6 THE COURT: All right, speaking of this specific question  
7 and problem of evidence here.

8 MR. KANAREK: There is not -- there is no law -- there  
9 is no rule of evidence that allows the state of mind to be  
10 one or two steps removed. And to show a state of mind, you  
11 have to show that person was privy to the conversation. The  
12 law does not contemplate --

13 THE COURT: Well, they intend to show --

14 Go ahead.

15 MR. KANAREK: The law does not contemplate some kind of  
16 one removed-type of state of mind exception that counsel is  
17 trying to infer here.

18 THE COURT: Now, you have -- Mr. Manzella, you have  
19 already gone into the conversation?

20 MR. MANZELLA: Uh-huh.

21 THE COURT: It has been related to the jury that he and  
22 Spahn were discussing Mr. Shea's duties as a guard to keep  
23 Mr. Manson off --

24 MR. MANZELLA: He hasn't testified to that.

25 THE COURT: -- off the property.

26 Well, I think --

27 MR. MANZELLA: He answered that question non-responsively  
28 in answer to another question I asked and you struck the answer.

1 It is not in evidence.

2 THE COURT: All right, I'll permit it.

3 MR. KANAREK: Well, but, your Honor, you can't -- just  
4 because two people have a conversation, say, on San Fernando  
5 Road, discussing Mr. Shea, doesn't mean Mr. Manson can be  
6 saddled with that. We can't lose our perspective just because  
7 it happens to be somebody Mr. Manson purportedly knows. You  
8 can't do that.

9 THE COURT: It shows Mr. Retz's intention to hire  
10 Mr. Shea on behalf of himself and apparently on behalf of  
11 Spahn and --

12 MR. KANAREK: There has to be a legal showing Mr. Manson  
13 knew that.

14 MR. MANZELLA: We are going to show that, your Honor.

15 MR. KANAREK: You can't do that by bringing in this  
16 conversation in connection with someone other than Mr. Manson.  
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1 THE COURT: In view of the People's representation that  
2 they will show that Mr. Manson learned of the intention to  
3 hire Shea, I will permit it.

4 MR. KANAREK: Then, I ask for an offer of proof as to  
5 how he's going to show it, your Honor, so that we don't --

6 THE COURT: He's already --

7 MR. KANAREK: I ask for an offer of proof as to who is  
8 going to testify that they heard Squeaky tell Charles Manson  
9 about these purported conversations between Mr. Retz and Mr.  
10 Spahn.

11 MR. MANZELLA: I don't think anyone is going to testify  
12 to that. You weren't listening to my offer of proof.

13 My offer of proof, is Mr. Manson's own statement  
14 through the testimony of Paul Watkins and through the  
15 testimony of Juan Flynn and through the testimony of, I  
16 believe, one other witness, will show that on certain  
17 occasions he made the statement as a part of a confession that  
18 Retz was going to hire Donald Shea to get rid of him. Shea  
19 was calling the police down on the ranch and that that's  
20 the reason he was killed.

21 Also, Johnny Swartz will testify that Manson told  
22 him when Swartz asked him -- asked Manson, "Where's Shea,  
23 I haven't seen him around?" That Manson said to Swartz,  
24 "I got Shorty a job with a friend of mine in San Francisco  
25 and it is a better job than the one Frank Retz offered him  
26 as a job." That's my offer of proof.

27 MR. KANAREK: Your Honor, then -- based on that offer  
28 of proof that no one is going to testify that Squeaky or

11a-2

1 Lynne -- whatever the name of this girl is -- told Mr. Manson  
2 that, all of this has to be stricken. You can't -- there is  
3 no way --

4 THE COURT: The Court will permit it, but the Court  
5 will ask you to restrict your questions to Mr. Retz, to that  
6 line of inquiry that you are seeking.

7 Very well.

8 (Whereupon, the following proceedings were had  
9 in open court within the presence and hearing of the  
10 jury:)

11 THE COURT: You may ask your next question.

12 Q BY MR. MANZELLA: During that conversation when  
13 Squeaky was present, did you say anything about why you were  
14 going to hire Donald Shorty Shea?

15 MR. KANAREK: Your Honor --

16 A Yes.

17 MR. KANAREK: -- improper foundation, irrelevant and  
18 immaterial, and prejudicial. And the prejudicial value far  
19 outweighs any probative value.

20 THE COURT: Overruled. He has answered it. The answer  
21 may remain.

22 Q BY MR. MANZELLA: And what did he say in that  
23 regard?

24 MR. KANAREK: Object on the grounds of hearsay, conclusion,  
25 irrelevant and immaterial, no foundation, prejudicial value  
26 outweighs the probative value.

27 THE COURT: Overruled. You may answer.

28 A I said I have to clean that place out from debris

11a-3

1 and people. People came in shooting around and hunting.  
2 Even we have some accidents on the property.

3 Q BY MR. MANZELLA: All right, Mr. Retz, I just  
4 want to know what you told Mr. Spahn. Did you refer to Mr.  
5 Manson?

6 MR. KANAREK: Objection, your Honor, leading and  
7 suggestive, and also a conclusion and all the other objec-  
8 tions we enunciated.

9 I hate -- I don't like to keep repeating them.

10 THE COURT: You needn't do so. I think you have made  
11 your objections clear, but the --

12 MR. KANAREK: But this is --

13 THE COURT: The Court will overrule the objection.

14 Q BY MR. MANZELLA: Did you refer to Mr. Manson?

15 A Yes.

16 Q All right. And what did you tell Mr. Spahn?

17 MR. KANAREK: Objection, your Honor, on foundation.

18 A I told Mr. --

19 MR. KANAREK: And irrelevant and immaterial.

20 THE COURT: The objection is overruled. You may answer.

21 A I told Mr. Spahn that I don't want now Mr. Manson--  
22 I like to clean the place up and not even -- everyone has to  
23 stay off of the property.

24 Q BY MR. MANZELLA: I'm sorry, what did you say with  
25 regard to Mr. Manson? I didn't understand that.

26 MR. KANAREK: Well, your Honor, that's -- may the record  
27 be read as to what he said?

28 A I --



11a-4

1 MR. KANAREK: Well, your Honor, I would request that the  
2 record be read.

3 (Whereupon, the record was read by the reporter  
4 as follows:

5 "A I told Mr. Spahn that I don't want now  
6 Mr. Manson -- I like to clean the place up and not  
7 even -- everyone has to stay off of the property.")

8 THE COURT: The Court will permit you to answer.

9 A Give me again the question.

11b fls.

11b-1

1 Q BY MR. MANZELLA: What did you --

2 MR. KANAREK: May it be read, your Honor?

3 THE COURT: The reporter will read it to you.

4 (Whereupon, the record was read by the reporter  
5 as follows:

6 "Q All right, and what did you tell Mr. Spahn?"

7 A I told Mr. Spahn I would like to clean the place  
8 up from debris and keep everyone out. That includes also  
9 Mr. Manson and everyone, because we had some accidents on  
10 the property.

11 Q All right, thank you. I'm sorry to interrupt you.  
12 Now, was Squeaky present during the entire conver-  
13 sation that you have just told us about?

14 A By that conversation, she was present.

15 Q Now, directing your attention to the date of  
16 August 24, 1969.

17 On that date were you present when Mr. Manson and  
18 a girl were arrested on your property?

19 A I couldn't say exactly the date, but it was around,  
20 yes.

21 Q This is after the Spahn Ranch raid?

22 A Yes.

23 Q Now, did you go with the deputy sheriff to where  
24 Mr. Manson and the girl were?

25 A That's correct.

26 Q Where was Mr. Manson and the girl?

27 A Again, in the house.

28 Q The same farmhouse?

11b-2

1 A Yes.

2 Q This is the one that's on the border near Spahn  
3 Ranch?

4 A That's right.

5 Q And were you present when -- strike that.

6 Was the officer who arrived, the deputy sheriff?

7 A Yes.

8 Q Were you present when he took Mr. Manson and the  
9 girl into custody?

10 A Yes.

11 MR. MANZELLA: May I have a moment, your Honor?

12 THE COURT: Yes, you may.

13 (Pause.)

14 Q BY MR. MANZELLA: Now, Mr. Retz, did you ever talk  
15 to Shorty Shea about hiring him as a guard?

16 MR. KANAREK: Object, your Honor, irrelevant, immaterial,  
17 calls for hearsay. It is conclusion. The prejudicial value  
18 outweighs any probative value, and there's no foundation.

19 MR. MANZELLA: I'll withdraw the question.

20 THE COURT: The objection is sustained, and you may  
21 ask your next question.

22 MR. MANZELLA: Yes, thank you, your Honor.

23 May I have a moment?

24 Q Now, Mr. Retz, did you ever hire Donald Shorty  
25 Shea as a guard?

26 MR. KANAREK: Irrelevant, immaterial, no foundation,  
27 your Honor. The prejudicial value outweighs the probative  
28 value.

11b-3

1 THE COURT: Sustained.

2 Q BY MR. MANZELLA: Did you -- strike that.

3 Had you seen Shorty Shea at any time on the ranch  
4 or prior to the conversation you had with Mr. Spahn about  
5 hiring him as a guard?

6 A No.

7 Q Had you ever met Shorty Shea personally?

8 A Oh, yes, yes.

9 Q Where did you meet him?

10 A At Spahn Ranch.

11 Q Now, did you see him after you spoke with Mr.  
12 Spahn about hiring him as a guard?

13 A No.

14 MR. KANAREK: That's prejudicial, your Honor. There  
15 are probably a million people that haven't seen Mr. Shea. The  
16 prejudicial value outweighs the probative value, clearly.

17 THE COURT: The answer may remain.

18 MR. KANAREK: Unless there is a showing --

19 THE COURT: The answer may remain.

20 Q BY MR. MANZELLA: Did you see Mr. Shea at any  
21 time -- strike that.

22 Then, I take it you saw Mr. Shea -- when you saw  
23 him on Spahn Ranch, you saw him prior to the conversation you  
24 had with George Spahn?

25 A Yes, before.

26 Q Did you ever see Mr. Shea again?

27 A No.

28 MR. KANAREK: Object, the question has been asked and

lib-4

1 answered. The prejudicial value outweighs the probative value.

2 THE COURT: The answer may remain. The objection is  
3 overruled.

4 Q BY MR. MANZELLA: Now, after June 30, of 1969, the  
5 date that you went into escrow on the Kelly property --

6 A Yes.

7 Q -- did you have a conversation with George Spahn  
8 about buying Spahn Ranch?

9 MR. KANAREK: Irrelevant and immaterial, and asked and  
10 answered.

11 THE COURT: Sustained.

12 Q BY MR. MANZELLA: During the conversations that  
13 you had with George Spahn about buying Spahn Ranch, was  
14 Squeaky present during any of those conversations?

15 MR. KANAREK: That's been asked and answered, your  
16 Honor.

17 THE COURT: Sustained.

18 MR. KANAREK: The subject matter has been covered  
19 thoroughly.

20 MR. MANZELLA: I don't believe it has, your Honor.

21 THE COURT: Well, the objection is sustained.

22 It is not sustained on that latter ground.

23 MR. MANZELLA: What ground was that, your Honor?

24 THE COURT: The Court believes it assumes a fact not  
25 in evidence.

26 MR. MANZELLA: Well, your Honor, if -- strike that.

27 Sorry.

28 Q Mr. Retz, did you ever talk to George Spahn after

11b-5

1 June 30, 1969, about buying Spahn Ranch?

2 MR. KANAREK: Irrelevant and immaterial, asked and  
3 answered.

12 fls.

4 THE COURT: Sustained. The Court can't see the  
5 relevancy of that. Sustained.  
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1 MR. MANZELLA: May I have a moment, your Honor?

2 THE COURT: Yes, you may.

3 (Pause in the proceedings while a discussion off  
4 the record ensued at the counsel table between Mr.  
5 Manzella and Mr. Whiteley.

6 Q BY MR. MANZELLA: All right.

7 Mr. Retz, when you saw -- on those occasions when  
8 you saw Mr. Manson on the Kelly property -- and the dates I'm  
9 talking about are from the spring of 1969 to August of 1969 --  
10 did you ever see Mr. Manson driving any vehicle on the Kelly  
11 property?

12 A Yes.

13 Q And did you ever see any other people driving any  
14 other -- any other members of the Manson Family driving  
15 vehicles on the Kelly property?

16 A Yes.

17 MR. KANAREK: That's assuming facts not in evidence,  
18 about the Manson Family.

19 MR. MANZELLA: The witness referred to those people as  
20 the Manson Family.

21 MR. KANAREK: It's ambiguous.

22 THE COURT: Sustained. The objection will be sustained.

23 Q BY MR. MANZELLA: Mr. Retz, you used the term  
24 Manson Family during one of your prior answers. To whom were  
25 you referring when you referred to the Manson Family?

26 MR. KANAREK: Irrelevant and immaterial, your Honor.

27 THE COURT: The previous answer, the "Yes" that Mr.  
28 Retz uttered, is stricken, ladies and gentlemen.

12-2

1 The objection to this question is overruled.

2 You may answer, Mr. Retz.

3 THE WITNESS: (No response.)

4 THE COURT: Do you wish to have the question read back  
5 to you?

6 THE WITNESS: Yeah.

7 THE COURT: All right, Mr. Williams.

8 (Whereupon the record was read by the reporter  
9 as follows:

10 "Q Mr. Retz, you used the term Manson  
11 Family during one of your prior answers... To whom  
12 were you referring when you referred to the Manson  
13 Family?"

14 THE WITNESS: Other people who was on the Spalm Ranch,  
15 when they associated with Manson, I figure they are the Manson  
16 Family.

17 Q BY MR. MANZELLA: All right. Did you ever see  
18 any other members of the Manson Family riding vehicles or  
19 driving vehicles on your property, the Kelly property?

20 A Yes.

21 Q Was that on one occasion or more than one  
22 occasion?

23 A More.

24 Q Can you give us an approximation of how many  
25 occasions?

26 A Many. Many.

27 Q I beg your pardon?

28 A Many occasions.



12-3

1 Q All right.

2 Mr. Retz, on August 24th of 1969, when you were  
3 present, when the deputy sheriff arrested Mr. Manson and the  
4 girl, did you and Mr. Manson exchange words during and after  
5 the arrest?

6 A Yes. I --

7 Q Don't say what they were.

8 A All right.

9 MR. MANZELLA: All right. Thank you. I have no  
10 further questions, your Honor.

11  
12 CROSS-EXAMINATION

13 BY MR. KANAREK:

14 Q Mr. Retz -- Mr. Retz, did you know that Mr. Manson  
15 gave Mr. Spahn some \$6,000 to save the Spahn Ranch from  
16 income taxes or other taxes?

17 MR. MANZELLA: Objection, your Honor. That assumes a  
18 fact not in evidence.

19 MR. KANAREK: We are talking about negotiations, your  
20 Honor. He opened up the subject of negotiations for sale  
21 of the ranch, and we have a right to go into those conversa-  
22 tions.

23 THE COURT: Just a minute. I didn't hear the ground  
24 for the objection.

25 MR. MANZELLA: The objection is that it assumes a fact  
26 which is not in evidence.

27 MR. KANAREK: I am asking him. This is cross-examination.

28 THE COURT: Excuse me. Will you let me rule?

12-4

1 MR. KANAREK: I'm sorry.

2 THE COURT: The objection is sustained.

3 Q BY MR. KANAREK: Well, did you and Mr. Spahn, in  
4 your conversation -- in your conversations; I'm sorry --  
5 discuss monies that Mr. Manson had given Mr. Spahn?

6 A No.

7 Q Did Mr. Spahn ever discuss with you any obliga-  
8 tions that he owed, due to his possession of the Spahn Ranch?

9 A Yes, we did.

12a fls.

12a-1

1 Q And did -- and did Mr. Spahn tell you anything  
2 concerning the status of the taxes of the Spahn Ranch during  
3 your negotiations?

4 A No.

5 Q Well, was taxes one of the items that you -- that  
6 you discussed with Mr. Spahn?

7 A No.

8 Q You weren't concerned about the taxes when you were  
9 buying this property, Mr. Retz?

10 MR. MANZELLA: Objection, your Honor.

11 THE WITNESS: No.

12 MR. MANZELLA: It's argumentative.

13 THE COURT: The answer may remain. The objection is  
14 overruled.

15 Q BY MR. KANAREK: You say you had no -- did you  
16 cause the taxes -- I'll withdraw that.

17 Did you do any research in the Hall of Records as  
18 to the status of the property, as far as taxes were concerned?

19 A Yes, we did.

20 Q And how much taxes were owed at the time of the  
21 escrow?

22 MR. MANZELLA: Objection, your Honor. It calls for  
23 hearsay.

24 THE WITNESS: I couldn't tell you, because --

25 THE COURT: Well, just a minute. There's no question  
26 pending. The objection is sustained.

27 THE WITNESS: I couldn't tell offhand.

28 THE COURT: The objection was sustained. You needn't

1 answer.

2 THE WITNESS: Thank you. I'm sorry.

3 Q BY MR. KANAREK: Mr. Retz, what was your financial  
4 outlay to Mr. Spahn for the Spahn Ranch?

5 A I won't tell you that.

6 Q You defrauded Mr. Spahn, Mr. Retz, in connection  
7 with this; is that a fair statement?

8 MR. MANZELLA: Your Honor, that's argumentative. The  
9 People --

10 THE COURT: Sustained.

11 MR. MANZELLA: -- would object.

12 Q BY MR. KANAREK: You took --

13 THE COURT: The objection is sustained.

14 Q BY MR. KANAREK: Mr. Retz, you knew that Mr. Spahn  
15 was blind and infirm and incapable of negotiating, as far as  
16 the sale of this property is concerned; is that right?

17 MR. MANZELLA: Your Honor, I object to the question on the  
18 grounds that it's compound.

19 THE COURT: Sustained. The objection is sustained.

20 Q BY MR. KANAREK: Mr. Retz, directing your attention  
21 to your state of mind and your thinking, would you say that  
22 Mr. Spahn was something like 80 or 90 years old?

23 A 82.

24 THE COURT: How would that affect his state of mind?

25 MR. KANAREK: Pardon?

26 THE COURT: The objection is -- the Court will make its  
27 own objection to the question.

28 Q BY MR. KANAREK: Do you know of your own knowledge

1 how old Mr. Spahn was at the time that you had these  
2 negotiations with him, Mr. Retz?

3 A (No response.)

4 MR. KANAREK: May I have an answer, your Honor?

5 THE COURT: You may answer that.

6 THE WITNESS: Yes, I did.

7 Q BY MR. KANAREK: How old?

8 A 62.

9 Q And Mr. Spahn hardly moved -- could hardly move, he  
10 was so infirm; is that right?

11 A That's not so.

12 Q He moved very, very little from his -- from his  
13 home; is that right?

14 A That's correct.

15 Q And in your dealings with Mr. Spahn, did he have a  
16 lawyer?

17 A Yes.

18 Q Who was his lawyer?

19 A Donald Ruff.

20 Q Who's that?

21 A Donald Ruff.

22 Q How do you spell that?

23 A R--

24 Q Yes?

25 A R-u-f-f.

26 Q And during your negotiations with Mr. Spahn, did  
27 you speak to his lawyer?

28 A Yes, I did.

1 Q You were good friends with his lawyer; right?

2 A That's correct.

3 Q You and his lawyer are pretty tight; right?

4 MR. MANZELLA: Objection, your Honor.

5 THE WITNESS: (Laughing.)

6 THE COURT: The objection is sustained.

7 MR. MANZELLA: Mr. Kanarek is harassing the witness.

8 Q BY MR. KANAREK: You and Mr. Spahn's supposed  
9 lawyer are friends; right?

10 MR. MANZELLA: Objection. The question has been asked  
11 and answered.

12 THE COURT: The objection is sustained. It's immaterial.

13 Q BY MR. KANAREK: Now, Mr. Retz, in connection with  
14 Mrs. Kelly, how old is Mrs. Kelly?

15 MR. MANZELLA: Objection. It's not relevant.

16 THE COURT: The objection is sustained.

12b

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12b-1

1 Q You say you purchased land from Mrs. Kelly; right?

2 A (No response.)

3 Q Mr. Retz, do you hear me? Do you understand the

4 question?

5 A Yes.

6 THE COURT: You may answer it.

7 THE WITNESS: Yes.

8 Q BY MR. KANAREK: You purchased land from Mrs. Kelly?

9 A That's correct.

10 Q And when was it that you purchased the land from

11 Mrs. Kelly?

12 A May, '69.

13 Q And it was about that time that you were also

14 negotiating with Mr. Spahn, right?

15 A That's correct.

16 Q And your state of mind was that you wanted Mr.

17 Manson and these people off of the ranch, because you didn't

18 want the good deal that you had spoiled; is that right,

19 Mr. Retz?

20 MR. MANZELLA: Objection, your Honor. It's argumentative

21 as to what a "good deal" was.

22 THE COURT: Overruled.

23 THE WITNESS: For your information, I paid a very high

24 price for that land, a very high price.

25 Q BY MR. KANAREK: Would you tell the ladies and

26 gentlemen of the jury, and all of us, what you -- would you

27 answer the question, please, Mr. Retz?

28 A Yes.

1 MR. KANAREK: May the question be read, your Honor?

2 THE COURT: Do you remember the question?

3 THE WITNESS: Yes.

4 THE COURT: You may answer.

5 THE WITNESS: I didn't pay enough; that's what -- what  
6 was the question.

7 MR. KANAREK: That wasn't the question. May the  
8 question be read to him, your Honor?

9 THE COURT: Yes.

10 (Whereupon, the record was read by the  
11 reporter as follows:

12 "Q And your state of mind was that you  
13 wanted Mr. Manson and these people off of the  
14 ranch, because you didn't want the good deal that  
15 you had spoiled; is that right, Mr. Retz?")

16 THE WITNESS: That's not.

17 Q BY MR. KANAREK: Pardon?

18 A That's not.

19 Q That's not. Well, you say now that you paid a  
20 good price for the property. Would you tell us what the  
21 price was?

22 A I wouldn't tell you this.

23 MR. KANAREK: Well, your Honor, the witness has -- has  
24 stated a -- has made a statement, an ambiguous statement.  
25 We are entitled to know, so that the jury can determine whether  
26 this is a good price or not.

27 THE COURT: The question is immaterial.

28 The Court will sustain its own objection.



1 Q BY MR. KANAREK: As a matter of fact, Mr. Retz, Mr. --  
2 you dispossessed Mr. Spahn from the property; is that right?

3 A No.

4 Q Mr. Spahn has a little shack --

5 THE COURT: Will counsel approach the bench? I'm sorry  
6 for interrupting you, Mr. Kanarek.

7 MR. KANAREK: Yes, your Honor.

8 (Whereupon, the following proceedings were had at  
9 the bench, outside the hearing of the jury:)

10 THE COURT: Mr. Kanarek, you objected when Mr. Manzella  
11 began to ask about negotiations between this witness and  
12 Mr. Spahn concerning the purchase of Mr. Spahn's property, and  
13 the Court sustained the objection, I think two or three times.

14 MR. KANAREK: No, the Court overruled --

15 THE COURT: Now, that may be the reason why Mr. Manzella  
16 has kept quiet, while you have, in the Court's opinion,  
17 explored an area which I believe to be immaterial.

18 I think that your questions were pertinent to show  
19 bias or prejudice against Mr. Manson, your last questions  
20 concerning his state of mind about the transaction.

21 That's certainly an area which you can explore.  
22 But I don't wish you to pursue this. We are not going to try  
23 a fraud case before this jury.

24 MR. KANAREK: No. But your Honor overruled the  
25 objection. I didn't want anything to go in concerning  
26 negotiations. Your Honor overruled my objection and allowed --

27 THE COURT: No.

28 MR. KANAREK: -- and allowed him to discuss it.

1 THE COURT: No, the Court sustained your objection to  
2 the questions concerning the negotiations between Mr. Spahn  
3 and this witness for the purchase of Mr. Spahn's land, as I  
4 recall.

5 MR. KANAREK: No. As I recall --  
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12c-1

1 MR. MANZELLA: That's correct.

2 MR. KANAREK: I -- I believe that --

3 THE COURT: But in any event --

4 MR. KANAREK: I believe your Honor allowed the escrow  
5 date and all of that to go in.

6 THE COURT: Well, that was concerning the Kelly land.

7 MR. KANAREK: Yes, but your Honor --

8 MR. MANZELLA: The Kelly Lang, did you say?

9 MR. KANAREK: No, your Honor, I don't believe, heard  
10 right. There are two parcels here, and your Honor allowed  
11 into evidence matters concerning the Spahn Ranch.

12 This man has purchased the Spahn Ranch.

13 THE COURT: Purportedly.

14 MR. MANZELLA: That's right. He said he took possession  
15 of the Spahn Ranch in January, 1971.

16 MR. KANAREK: That's correct. Your Honor allowed that  
17 in.

18 MR. MANZELLA: That one question.

19 THE COURT: Yes, I did allow that in. But is it --  
20 I've forgotten the lady from whom he purchased the --

21 MR. KANAREK: Mrs. Kelly.

22 MR. MANZELLA: I thought you said Kelly Lang.

23 THE COURT: Kelly Lang?

24 MR. MANZELLA: Yes. She's a weather forecaster or  
25 something on TV.

26 MR. KANAREK: KABC.

27 THE COURT: Never heard of her. Keep your mind on the  
28 subject.

12c-2

explora?

1 MR. KANAREK: She flies around in a helicopter, I think.

2 THE COURT: You did discuss the termination of the  
3 escrow and the entry into the escrow of the Kelly transaction.

4 MR. MANZELLA: Right.

5 THE COURT: But I think the exploration of this purchase  
6 and the terms of the purchase of the Spahn Ranch are -- should  
7 not be explored

8 MR. KANAREK: Well, your Honor --

9 THE COURT: You have touched upon --

10 MR. MANZELLA: Your Honor, --

11 THE COURT: -- possible bias or prejudice of this man  
12 toward Mr. Manson. But that can be done, if you wish to  
13 explore it any further, without going into it in more detail.

14 MR. KANAREK: Well, if we --

15 THE COURT: Into the question of whether or not there  
16 was a fraud.

17 MR. MANZELLA: Your Honor, I want the question answered,  
18 of how much he paid for Spahn's property.

19 THE COURT: I assumed that you did.

20 MR. KANAREK: But --

21 THE COURT: Because you did keep quiet during all of  
22 this.

23 But nevertheless, the Court has to maintain some  
24 control of the --

25 MR. MANZELLA: Your Honor, I think it's relevant,  
26 because Mr. Kanarek has -- what Mr. Kanarek has brought out,  
27 as the Court says, goes to his bias against Mr. Manson.

28 And I think the price that he paid for the ranch

12c-3

1 is also relevant along the same lines.

2 And I want to confer with the witness. He has  
3 already answered the question at the Grogan trial, and I don't  
4 know why he doesn't want to answer it here.

5 And I think it's relevant along the same lines.

6 THE COURT: Did you wish to have me -- have him answer  
7 it?

8 MR. KANAREK: Well, yes, your Honor. What I am saying is  
9 that I'd like to be able to proceed and ask these questions.

10 MR. MANZELLA: You see, your Honor --

11 THE COURT: Well, what I'm directing your attention to  
12 is that I am not trying a fraud case, and I don't want the  
13 jury to determine a fraud case.

14 But you can explore the question of this man's  
15 bias.

16 MR. KANAREK: That's the point.

17 THE COURT: And it's obviously based upon his --  
18 his discomfort with Manson and Manson's associates on the  
19 property, which he was about to acquire.

20 I don't think you need anything more than that.

21 Let's go.

22 (Whereupon the following proceedings were had in  
23 open court, within the hearing of the jury:)

24 THE COURT: Mr. Williams, would you read the last  
25 question, please?

26 (Whereupon the record was read by the reporter  
27 as follows:

28 "Q As a matter of fact, Mr. Retz, Mr. -- you

12c-4

1 "dispossessed Mr. Spahn from the property; is that  
2 right?

3 "A No.

4 "Q Mr. Spahn has a little shack --")

5 THE REPORTER: And at that point, you interrupted,  
6 your Honor.

13 fls.

13-1

1 THE COURT: Mr. Kanarek, you may continue.

2 MR. KANAREK: Yes.

3 Q Now, sir, directing your attention to this -- when  
4 you say you caused Mr. Manson to be arrested when -- to be  
5 arrested, when you say you saw the girl in the farmhouse,  
6 was that girl Stephanie Schram?

7 A I don't know her name.

8 Q You've spoken with the District Attorney and the  
9 police officer concerning this matter on several occasions,  
10 at least?

11 A Yeah.

12 Q Did the name Stephanie Schram come up at all?

13 A I don't remember.

14 Q You don't remember that?

15 A No.

16 MR. KANAREK: Thank you, Mr. Retz.

17  
18 REDIRECT EXAMINATION

19 BY MR. MANZELLA:

20 Q Mr. Retz, will you tell us how much per acre you  
21 paid for the Spahn Ranch?

22 A \$7,000.

23 Q Per acre?

24 A Per acre.

25 Q That's for 27-1/2 acres?

26 A That's correct.

27 MR. MANZELLA: Thank you, no further questions.

28 THE WITNESS: And for the Kelly, we paid 10,000 --

13-2

1 THE COURT: No, there is no question pending.

2 THE WITNESS: I just wanted to say we paid 10,000.

3 THE COURT: The last answer is stricken.

4  
5 REGROSS-EXAMINATION

6 BY MR. KANAREK:

7 Q You intended to subdivide it and make a bundle  
8 of money on it, didn't you, Mr. Retz?

9 A No, we can't.

10 Q You purchased that property just as a keepsake?  
11 You don't intend to make money on it?

12 A No. No, I don't intend to make money on it.

13 THE DEFENDANT: You paid 400, and that's all.

14 MR. MANZELLA: Thank you.

15 Q BY MR. KANAREK: How much of the money did you  
16 actually pay, Mr. Retz, that you have spoken of here. How  
17 much have you actually laid out of your pocket? Not very  
18 much, have you? Three or four hundred?

19 A Oh, no, \$125,000.

20 Q Pardon?

21 A 30% we paid down.

22 Q Right. And some of this amount -- there were  
23 27 acres times 7,000, a number of acres --

24 THE DEFENDANT: All the crooks are in jail? All the  
25 crooks are in jail?

26 THE COURT: Take Mr. Manson out.

27 THE DEFENDANT: All the criminals are in jail? That's  
28 where your crooks are, right there.



(Whereupon, the Defendant Manson made a motion towards the witness.)

THE DEFENDANT: We tried to save that old man's property.

(Whereupon, the Defendant Manson was escorted from the courtroom by the bailiff to the holding tank.)

THE WITNESS: May I say something?

THE COURT: You may not respond except to a question.

MR. MANZELLA: I have no further questions.

THE COURT: Any further questions?

MR. KANAREK: Thank you, Mr. Retz.

MR. MANZELLA: May Mr. Retz be excused now?

THE COURT: Thank you, Mr. Retz.

THE WITNESS: May I leave now?

THE COURT: Yes, you may leave now. Thank you, Mr. Retz.

THE WITNESS: Thank you.

MR. KANAREK: He left rather hurriedly, may the record reflect, your Honor.

THE COURT: The Court is envious of his energy. I'm sure all the jurors are, too.

All right, ladies and gentlemen, it is now 20 minutes of 5:00 and we'll recess today.

MR. MANZELLA: Your Honor --

THE COURT: Remember the obligation you have, ladies and gentlemen, and that is not to converse amongst yourselves or with anyone or permit anyone to confer with you or converse with you on any subject connected with this case, nor are you

1 to form or express any opinion on the matter until it has  
2 finally been submitted to you.

3 Remember that it is your solemn obligation and  
4 it is your duty to refrain from exposing yourself -- to do  
5 more than that, to take active steps to see that you are not  
6 exposed to any news media report concerning Mr. Manson,  
7 to any conversation concerning Mr. Manson.

8 The Court appreciates your efforts that you have  
9 made in that respect and the Court wishes for you to continue  
10 to take every step that you can reasonably take to keep from  
11 hearing anything, seeing anything concerning Mr. Manson.

12 Thank you.

13 Good night, and I'll see you tomorrow morning at  
14 9:45.

15 MR. MANZELLA: Your Honor, I have some witnesses I  
16 would like to have ordered back.

17 THE COURT: All right.

18 MR. MANZELLA: They're next door, and they're being  
19 brought in now.

20 THE COURT: Good night, ladies and gentlemen, and leave  
21 your notes right on your chairs.

22 (Whereupon, the jury retired from the courtroom  
23 at 4:43 o'clock p.m., and the following proceedings were  
24 had:)

25 THE COURT: All right, do you wish some witnesses  
26 ordered back?

13a-1 1 MR. MANZELLA: Yes, your Honor, I just wanted to wait  
2 until they all got in here.

3 Yes, it is Mr. Sammy Launer, Delma Baker, and  
4 Mr. Jerry Binder, your Honor. Could they be asked to return  
5 tomorrow morning?

6 THE COURT: All right, gentlemen, you are ordered to  
7 return tomorrow morning at 9:45.

8 MR. MANZELLA: 9:45.

9 THE COURT: To this courtroom.

10 And, now, the Court did not rule previously on  
11 Mr. Kanarek's motion to sequester the jury. I'll hear your  
12 argument in regard to it, if you have anything further,  
13 Mr. Kanarek.

14 MR. KANAREK: The record, I think, speaks eloquently,  
15 your Honor.

16 THE COURT: Well, the Court --

17 MR. KANAREK: Again, it is a Hobson's choice, but again  
18 that's our motion.

19 THE COURT: The Court does not believe that sequestering  
20 the jury is necessary. The Court believes that the record  
21 demonstrates, as a matter of fact, that the jury has managed  
22 to control the situation fairly well. The jury has, with the  
23 exception of the one juror, refrained from reading any news-  
24 paper reports. There has been thrust upon some of the jurors  
25 the television reports or partial television reports, partial  
26 radio reports, but the Court believes that those jurors who  
27 have heard those matters would not be affected, nor would  
28 their judgments be affected in this case.

1           The Court believes that the sequestration of the  
2 jurors is not called for at this time and, therefore, denies  
3 the motion.

4           THE DEFENDANT: (Calling out from inside the retaining  
5 tank) Your Honor, can I speak to you in regards to that  
6 lawyer and the telephone calls?

7           THE COURT: Mr. Kanarek, your client wants to speak to  
8 the Court. Do you wish to have him speak to me now in your  
9 presence and on the record?

10          MR. KANAREK: Yes. Yes.

11          THE COURT: I'll hear from him at the bench.

12          MR. MANZELLA: Your Honor, may I have a moment? I have  
13 got some witness matters to take care of.

14          THE COURT: The Court would prefer that you remain here.  
15 It will only take a short time.

16                Would you come forward?

17          MR. MANZELLA: All right.

18                (Whereupon, the following proceedings were had at  
19 the bench among Court and counsel, with the defendant Manson  
20 present:)

21          THE DEFENDANT: The call, your Honor, the attorney,  
22 Mr. Beckler.

23          THE COURT: Yes, Mr. Beckler.

24          THE DEFENDANT: I called Mr. Beckler.

25          THE COURT: The same man you talked to before?

26          THE DEFENDANT: He seemed to be pretty busy. He's a  
27 pretty busy fellow in his world and I called the second time  
28 and asked him if he would come to the County Jail and visit

1 me, and I had no response.

2 I was under the impression, if the Court would give  
3 me some phone calls, maybe in a couple of weeks, maybe I can  
4 latch on somebody and get them involved in this. It is hard  
5 to find someone, because the press has created so much  
6 confusion with it that it is almost impossible to find any  
7 reality in the whole thing.

8 THE COURT: Well, the Court wouldn't grant your request  
9 for phone calls to explore the legal field for a lawyer.  
10 I will grant an additional phone call or two this week, if you  
11 wish.

12 THE DEFENDANT: Appreciate it.

13 THE COURT: So that you can contact Beckler himself.

14 THE DEFENDANT: Well, I contacted him, himself.

15 THE COURT: Did he indicate to you that he was not  
16 interested in speaking to you?

17 THE DEFENDANT: He indicated that somebody had just come  
18 in and that he didn't have time right now and to have some  
19 more words with you.

20 THE COURT: That he wanted to speak to the Court again?

21 THE DEFENDANT: He didn't indicate any direction.

13b

1 THE COURT: Do you wish -- are you under the same  
2 impression in respect to your representation with Mr. Kanarek?

3 THE DEFENDANT: I can't --

4 THE COURT: Are you asking that the Court select another  
5 lawyer?

6 THE DEFENDANT: I can't seem to get any witnesses in to  
7 talk with. They've closed that off completely. I can't --  
8 there's nothing. They are sitting on me so heavy, you know,  
9 it is just impossible, through ventilators and things, you  
10 know.

11 THE COURT: Well, you didn't answer my question directly.

12 THE DEFENDANT: Well, if you are sitting on him, then  
13 he's sitting on me, then. I can't --

14 THE COURT: The Court is in no way sitting on Mr. Kanarek.

15 THE DEFENDANT: Well, somebody is.

16 THE COURT: And will not do so.

17 MR. KANAREK: Well, I think I can indicate to the Court  
18 that just -- Mr. Manson's unhappiness, especially in view of  
19 these recent purported events, it -- the County -- and, of  
20 course, I guess it is -- I am the -- I am the foil, but the  
21 fact is because of recent events the Sheriff has made -- has  
22 made certain orders concerning certain people.

23 THE COURT: You mean you're more or less the focus of  
24 discontent, as you put it?

25 MR. KANAREK: Yes. It is like the attorney-client  
26 relationship is somewhat like the husband-wife relationship.

27 THE DEFENDANT: There is none.

28 MR. KANAREK: And from time to time --

1 THE DEFENDANT: There has been none.

2 MR. KANAREK: And, the fact is, because of the recent  
3 events, the Sheriff has issued, has made certain orders con-  
4 cerning certain individuals and Mr. Manson has desires to  
5 speak with these individuals, and I would ask your Honor to  
6 allow Mr. Manson to speak with these people, to allow those  
7 people to come and visit with Mr. Manson at the convenience of  
8 the Sheriff and the convenience of Mr. Manson, and so that he  
9 can consult with these people.

10 THE DEFENDANT: This adds to the confusion. Let me state  
11 it as simply as humanly possible.

12 There has been no relationship between any attorney  
13 and myself because I have never been able to establish any  
14 line of truth with an attorney. It doesn't seem to be any  
15 truth there. I have labored under this. I can't get a piece  
16 of paper with my name written on it down through the attorney  
17 room, you know. I can't get a piece of paper out of the  
18 County Jail. I can't get a communication going to the outside  
19 world in any respect. That's one reason I mentioned phone  
20 calls.



14-1

1 THE COURT: We will permit you again to call Mr. Beckler,  
2 who was -- has heretofore been appointed under 987(2) to  
3 examine that specific area that we once had spoken about,  
4 in connection with one of these counts of the indictment.  
5 But --

6 MR. KANAREK: May I state this?

7 THE COURT: Could you be specific about --

8 MR. KANAREK: Yes, your Honor.

9 THE COURT: -- what you are talking about in connection  
10 with the witnesses?

11 MR. KANAREK: Yes. And because I am following the  
12 Court's orders --

13 THE COURT: Not witnesses, but --

14 MR. KANAREK: Well, the paper -- in other words, I am  
15 following the Court's orders with respect to the transmission  
16 of the papers, documents; I -- I'm following that, and the  
17 Court's orders, and also following the Sheriff's Department's  
18 request --

19 THE COURT: Good.

20 MR. KANAREK: -- in connection with witnesses. But this  
21 has engendered, between Mr. Manson and myself, a little bit  
22 of differences of opinion, because I wish -- I wish to follow  
23 the Court's orders; and at the same time, I wish to -- I wish  
24 to do -- to do certain things on behalf of Mr. Manson.

25 And so I am right in the middle, because your  
26 Honor has made it very explicit that there is to be no  
27 transmission of information by way of documents or otherwise,  
28 and your Honor has made this point very clear.



14-2

1 And in trying to -- trying to do the Court's --  
2 to follow the Court's orders, Mr. Manson --

3 THE DEFENDANT: He has done that. He has done  
4 everything you tell him to do.

5 MR. MANZELLA: Can I interrupt for just a moment?

6 THE COURT: Yes.

7 MR. MANZELLA: Your Honor, if I don't make a phone call  
8 by 5:00 o'clock, I am going to have to drive three witnesses  
9 home.

10 THE COURT: I will excuse you.

11 MR. MANZELLA: Could you do that? Thank you.

12 (Whereupon Mr. Manzella left the area of the  
13 bench, and the following proceedings were had in  
14 his absence:)

15 THE COURT: Yes.

16 Mr. Kanarek is under some very strict orders by  
17 the Court, and I have made it clear that if he violates those  
18 orders, that I would consider it his breach of -- consider it  
19 a breach of duty as an officer of this court, and --

20 THE DEFENDANT: What does that do to me?

21 THE COURT: And likewise, he would be guilty of contempt.

22 THE DEFENDANT: Well, he does what you say, a lot more  
23 than he does what I say. So he's yours, isn't he?

24 THE COURT: Well, he's --

25 THE DEFENDANT: He's all yours.

26 THE COURT: He's obliged to carry out that order.

27 THE DEFENDANT: Seems to be all yours.

28 THE COURT: I'll see everybody tomorrow at -- 9:45 a.m.

14-3

1 right?

2 MR. KANAREK: Yes, sir.

3 THE COURT: I'll see you then.

4 (Whereupon, at 4:48 o'clock p.m., an adjournment  
5 was taken until 9:45 o'clock a.m. of the follow-  
6 ing day, Wednesday, September 8, 1971.)