

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 FOR THE COUNTY OF LOS ANGELES

3 DEPARTMENT NO. 106.

HON. RAYMOND CHOATE, JUDGE

4 THE PEOPLE OF THE STATE OF CALIFORNIA,

5 Plaintiff,

6 vs.

7 CHARLES MANSON,

8 Defendant.

153
No. A-2678619
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13 REPORTERS' DAILY TRANSCRIPT

14 Friday, October 1, 1971

15 VOLUME 5316
17
18 APPEARANCES:

19 For the People:

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

21 For Defendant Manson: IRVING A. KANAREK, Esq.

22 DEFENSE: LCH
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2627 COPY
28MARY LOU BRIANDI, C.S.R.
ROGER K. WILLIAMS, C.S.R.
Official Court Reporters

I N D E X

| <u>DEFENDANT'S WITNESS:</u> | <u>DIRECT</u> | <u>CROSS</u> | <u>REDIRECT</u> | <u>RECROSS</u> |
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| RICH, Charles A. X. | 8030 | | | |
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LOS ANGELES, CALIFORNIA, FRIDAY, OCTOBER 1, 1971

10:32 A.M.

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THE COURT: The case of People versus Manson.

The record will show that the jurors and alternates are all present. Mr. Kanarek is present for the defendant, and Mr. Manzella for the People.

Will counsel approach the bench?

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

THE COURT: Mr. Kanarek, will you determine from your client whether he will desist from interrupting the proceedings? If he will today, then he may be out in the courtroom.

MR. KANAREK: Very well.

(Whereupon, a discussion off the record ensued at the detention room door between Mr. Kanarek and the defendant.)

MR. KANAREK: He will, yes, your Honor. Mr. Manson will -- represents that he will not interrupt the proceedings.

THE COURT: All right. Then he may come out, then.

(Whereupon, a further discussion off the record ensued at the detention room door between Mr. Kanarek and the defendant.)

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

THE COURT: All right. The record will show the defendant

1 to be present.

2 Mr. Kanarek, you may call your next witness.

3 MR. KANAREK: Mr. Charles Rich, your Honor.

4 THE CLERK: Would you raise your right hand, please?

5 You do solemnly swear that the testimony you may
6 give in the cause now pending before this Court shall be the
7 truth, the whole truth, and nothing but the truth, so help you
8 God?

9 THE WITNESS: I do.

10
11 CHARLES A. X. RICH,
12 called as a witness by and on behalf of the defendant, having
13 been sworn, was examined and testified as follows:

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

15 THE BAILIFF: State and spell your full name, sir.

16 THE WITNESS: Charles A. X. Rich; Rich, R-i-c-h.

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18 DIRECT EXAMINATION

19 BY MR. KANAREK:

20 Q Mr. Rich, where do you reside?

21 A At CMC East.

22 Q Would you tell us, what does that mean?

23 A It's a prison. California Men's Colony.

24 Q And where is that located?

25 A San Luis Obispo.

26 Q Here in California, --

27 A Yes.

28 Q -- County of San Luis Obispo; right?

1 A Right.

2 Q Now, would you tell us how long, if at all, have
3 you known Mr. Manson, Charles Manson?

4 A Oh, about 15, 16 years.

5 Q And during these 15 or 16 years that you've known
6 Mr. Manson, would you tell us where you were and where Mr.
7 Manson was when you knew him?

8 A Well, to explain that thoroughly to this courtroom,
9 I would like to ask this courtroom for three or four minutes
10 of its time, uninterrupted, if that's possible.

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1 THE COURT: Just answer the question, Mr. --

2 THE WITNESS: Oh, yes, sir.

3 And jails, prison.

4 Q BY MR. KANAREK: Would you tell us the prisons
5 and the jails?

6 A Oh, numerous of them.

7 Q Name them as best you can, Mr. Rich.

8 A Oh, Los Angeles County Jail, state prisons,
9 federal penitentiaries, reform schools.

10 Q Would you tell us -- break it down for us a
11 little bit. That is, tell us from about what year to what
12 year? In what institution?

13 A Well, that would be kind of hard. My last
14 institution I was in, I was there five years and I didn't
15 see Charles for that length of time. He was in the federal
16 joint, I believe, at that particular time.

17 It is hard to go back, just year after year
18 after year. I've been in prison since 1955, in and out.

19 Q Yourself?

20 A Yes.

21 Q Well, then, could you name the prisons, then,
22 if you can't name the dates with precision? Name the
23 prisons.

24 THE COURT: Would you clarify your question?

25 Q BY MR. KANAREK: Would you name the prisons that
26 you know Mr. Manson has been in?

27 A Well, we went in County prison here, right here
28 in Los Angeles.

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1 Q Was that for approximately a year or something
2 like that?

3 A Correct. Over a year.

4 Q Now, what about --

5 A Over a year.

6 Q What about McNeil Island?

7 A We were in McNeil together.

8 Q That's a federal penitentiary?

9 A Right.

10 Q How long were you there with Mr. Manson?

11 A Uh, close to two years.

12 Q Can you name any others?

13 A Oh, you just choose your pick.

14 Q San Quentin -- well, you just tell me, Mr. Rich,
15 whichever ones they are.

16 A Well, I say it is hard to go back through them
17 years like that, you know.

18 Q I see, very well.

19 Now, what is your full name, Mr. Rich?

20 A Charles A. X. Rich.

21 Q Now, in the time that you have seen Mr. Manson in
22 prison, would you say that you -- what has been your relation-
23 ship with Mr. Manson?

24 A Well, I've always got along with him.

25 Q What has been your observation as to Mr. Manson's
26 relationship with other people?

27 A He got along with everybody that he's in contact
28 with.

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1 Q In the prisons, right?

2 A Right.

3 Q Now, can you tell us what your observations have
4 been concerning Mr. Manson?

5 MR. MANZELLA: Objection, your Honor, the way the
6 question is phrased, it is vague and ambiguous, and appears
7 to be irrelevant.

8 MR. KANAREK: I'm not trying to lead the witness, your
9 Honor.

10 THE COURT: Sustained.

11 MR. KANAREK: I want --

12 Q BY MR. KANAREK: You have had -- you have had
13 the opportunity of observing Mr. Manson in these years that
14 you have known him, right?

15 A Right.

16 Q Have you been able to observe him in relationship
17 to other people?

18 A Right.

19 Q Well, just tell us what you have observed.

20 MR. MANZELLA: Same objection on the same grounds,
21 your Honor.

22 THE COURT: Same ruling. The objection is sustained.
23 You needn't answer the question.

24 MR. KANAREK: Well, your Honor, may we approach the
25 bench?

26 THE COURT: No, you may not.

27 THE WITNESS: I believe what you are trying to say,
28 Mr. Kanarek --

1 THE COURT: Just a minute, Mr. Rich, he can put the
2 question to you.

3 Q BY MR. KANAREK: Have you observed Mr. Manson's
4 conduct in these years that you have known him?

5 A I have.

6 Q Would you tell us what it is, what you have
7 observed?

8 MR. MANZELLA: Objection, your Honor. Same objection
9 on the same grounds.

10 THE COURT: Sustained. The objection is sustained.

11 MR. KANAREK: Well, then, I would like to approach the
12 bench, if I may, your Honor.

13 THE COURT: All right, you may.

14 (Whereupon, the following proceedings were had
15 at the bench among Court and counsel, outside the
16 hearing of the jury:)

17 MR. KANAREK: What's that, your Honor? What is your
18 Honor showing me?

19 THE COURT: 1100 of the -- are you attempting to prove
20 something concerning Mr. Manson's character?

21 MR. KANAREK: Pardon?

22 THE COURT: Are you attempting to prove something
23 concerning Mr. Manson's character?

24 MR. KANAREK: No, your Honor.

25 THE COURT: What's your offer of proof in respect
26 to this, then? I'm showing you Section 1100 of the Evidence
27 Code.

28 MR. KANAREK: Well, I understand that. But, uh, when I

1 say I'm not trying to prove his character --

2 THE COURT: This is not a character witness as such?

3 MR. KANAREK: Well, I don't know exactly how to term
4 it.

5 THE COURT: Well, give us -- give me an offer of
6 proof, then. What do you intend to prove by this man by
2 fls. 7 reason of general questions?

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1 MR. KANAREK: Well, this man --

2 THE COURT: The reason that you think these general
3 questions are permitted -- or should be permitted.

4 MR. KANAREK: Well, you -- I suppose, in a way, you
5 could term it character. But --

6 THE COURT: Well, then --

7 MR. KANAREK: But your Honor has allowed in evidence
8 concerning Mr. Manson and the so-called Manson Family -- do
9 you understand?

10 THE COURT: Well, let me hear from you as to what you
11 intend to prove with this witness.

12 MR. KANAREK: Well, I'll try to lay a further foundation,
13 then, your Honor.

14 THE COURT: Well, what do you intend to prove?

15 MR. KANAREK: Well, I --

16 THE COURT: You don't need need any further foundation.
17 You've laid a foundation to the effect that --

18 MR. KANAREK: Well, the People --

19 THE COURT: Well, you do need one or two questions of a
20 foundational nature: Is he acquainted with Mr. Manson's
21 reputation in the prison community, for -- well, whatever
22 quality you wish to talk about.

23 MR. KANAREK: All right.

24 THE COURT: You can elicit opinion from him as to
25 Mr. Manson's reputation.

26 MR. KANAREK: Well, I -- I suppose, in a way, it is --

27 THE COURT: And you can also -- as you know -- go into
28 any specific act which is relevant and material.

1 But the Court believes that the objection's well
2 taken as to such a general question.

3 MR. KANAREK: Very well, your Honor. I'll try.

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

6 Q BY MR. KANAREK: On many occasions, Mr. Rich, you
7 have seen Mr. Manson in the presence of other people in prison;
8 is that right?

9 A Right.

10 Q And you've heard Mr. Manson talk, and you've seen
11 how he's acted; is that right?

12 A Right.

13 Q Did you observe whether or not Mr. Manson tried
14 to dominate people?

15 MR. MANZELLA: Objection, your Honor. This does not
16 appear to be relevant.

17 MR. KANAREK: It's relevant, most -- the prosecution has
18 brought in this Manson Family thing, your Honor, and we have a
19 right to prove matters by someone who knows Mr. Manson over a
20 long period of time, as to whether or not this trait of
21 character is in fact fictitious or whether it exists.

22 MR. MANZELLA: The other grounds for my objection is
23 that no foundation has been laid.

24 THE COURT: Mr. Kanarek, I have asked you before not
25 to argue your point in the presence of the jury, but to ask
26 permission to approach the bench, and I have told you that
27 numerous times.

28 I'm sorry. Mr. Manzella?

1 MR. MANZELLA: I said: The other grounds for my
2 objection, your Honor, were that no foundation has been laid
3 for that question.

4 MR. KANAREK: Well --

5 THE COURT: Sustained on that ground.

6 Q BY MR. KANAREK: You've -- you have seen Mr.
7 Manson, you have told us, Mr. Rich, speak to people on many
8 occasions; right?

9 A Right.

10 Q And do you know Mr. Manson's reputation in the
11 prison community, as far as his character for attempting to
12 dominate people is concerned, Mr. Rich?

13 A Definitely so.

14 Q Would you tell us: What is that reputation?

15 A The guy don't have no reputation for dominating
16 nobody. He's a cream puff. The guy ain't got enough sense to
17 lead a man to a drink of water.

18 MR. KANAREK: I'm sorry. May that last be read back?
19 I didn't hear.

20 Q BY MR. KANAREK: Mr. Rich, it's difficult to hear
21 you with your hands over --

22 A I say: That guy doesn't have enough sense to lead
23 a man to a drink of water.

24 Q What do you mean by that?

25 A That guy can't lead nobody nowhere.

26 Q Well, would you tell us -- summarize for us your
27 observations of Mr. Manson's relationship with these people in
28 prison?

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1 MR. MANZELLA: Objection, your Honor. It calls for
2 hearsay; it's irrelevant; and there's no foundation for that
3 question.

4 THE COURT: Objection sustained.

5 Q BY MR. KANAREK: Now, you -- your name is
6 Charles A. X. Rich, --

7 A Correct.

8 Q -- is that correct?

9 A That is correct.

10 Q What does the "X" stand for?

11 A Ex-slave, ignorant so-called nigger for white
12 America.

13 Q And in connection with your residence in the
14 institutions that you have inhabited, have you had occasion
15 to observe people -- other than Mr. Manson?

16 MR. MANZELLA: Objection, your Honor.

17 THE WITNESS: Repeatedly.

18 MR. MANZELLA: It's not relevant.

19 THE COURT: The objection is sustained, and the answer
20 is stricken.

21 Q BY MR. KANAREK: You recognize, Mr. Rich, what
22 a leader is; is that correct?

23 A Correct.

24 Q In the prison communities, where you have been
25 with Mr. Manson, would you term Mr. Manson a leader?

26 MR. MANZELLA: Objection, your Honor. It calls for an
27 opinion, and there is no foundation for it.

28 MR. KANAREK: Well, your Honor, then I would like to --

1 THE COURT: Excuse me just a minute, Mr. Kanarek.

2 MR. KANAREK: I'm sorry.

3 THE COURT: Don't argue again.

4 MR. KANAREK: I'm sorry.

5 THE COURT: The objection is overruled.

6 You may answer the question.

7 THE WITNESS: I think you can get the answer a whole
8 lot better. Just call for his jacket. I'm quite sure the
9 prisons would send it down here to the court.

10 THE COURT: That answer is stricken.

11 Put the question again.

12 MR. KANAREK: Well, may it be read, your Honor, so
13 there is no question about it? Because your Honor overruled
14 the objection, and I would just like to make sure --

15 THE COURT: All right.

16 MR. KANAREK: May it be read?

17 THE COURT: It may.

18 (Whereupon the record was read by the reporter
19 as follows:

20 "Q In the prison communities, where you have
21 been with Mr. Manson, would you term Mr. Manson a
22 leader?"

23 THE WITNESS: Definitely not.

24 Q BY MR. KANAREK: Would you describe Mr. Manson's
25 relationship with other people? How he conducted himself?

26 MR. MANZELLA: Objection, your Honor. It's not
27 relevant.

28 MR. KANAREK: Then --

1 THE COURT: Sustained.

2 MR. KANAREK: Then may we approach the bench, your
3 Honor?

4 THE COURT: No, you may not.

5 MR. KANAREK: Well, I would like to make argument, in
6 view of the prosecution case, your Honor.

7 THE COURT: No, you may not.

8 Q BY MR. KANAREK: You've heard the term "Manson
9 Family," Mr. Rich, from time to time?

10 A Yes, I have.

11 Q Would you tell me what, if anything, you know
12 about the Manson Family?

13 MR. MANZELLA: Objection, your Honor. It's not rele-
14 vant.

15 THE COURT: Sustained.

16 MR. KANAREK: Then may we approach the bench?

17 THE COURT: Yes, you may.

18 THE WITNESS: (Unintelligible utterance.)

19 (Whereupon the following proceedings were had
20 at the bench among Court and counsel, outside the
21 hearing of the jury;)

22 MR. MANSON: The prosecution --

23 THE COURT: Does this man purport to have any particular
24 knowledge, special knowledge about the Manson Family?

25 MR. KANAREK: Well, the point is, we have a right to
26 rebut this presumption that is -- that permeates anything
27 concerning Mr. Manson, that there is a Manson Family.
28 Whether there is or there isn't -- and I notice your Honor

1 is smiling about that -- here is someone who knows this man
2 intimately, has seen him in association with other people.

3 And we have a right -- they have asked these
4 conclusionary kinds of questions, and --

5 THE COURT: Do you mean there was a Manson Family in
6 jail? In prison?

7 MR. KANAREK: Might be. Might be. We have a right to
8 show -- it isn't limited by any kind of geography.

2b fls.

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1 THE COURT: You may pursue --

2 MR. KANAREK: This is defense.

3 THE COURT: You may establish the foundation in connec-
4 tion with that, then, as to whether he is a dominating type of
5 person. I think that's a trait of character that you've
6 inquired about.

7 Whether he's a -- has a character of leadership,
8 you may inquire about that.

9 But to ask him -- this man about what he knows
10 about the Manson Family -- which, so far as the Court has been
11 able to determine, is a group that's been identified as having
12 been in the Chatsworth-Spahn Ranch-Barker Ranch area, it seems
13 to me to be proceeding without having laid any foundation.

14 MR. KANAREK: All right. Thank you.

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

17 Q BY MR. KANAREK: Would you name some of the people
18 that Mr. Manson knows, that you know?

19 MR. MANZELLA: Objection, your Honor. It's not relevant.

20 THE COURT: Overruled.

21 THE WITNESS: Oh, George Harp, Hekima.

22 Q BY MR. KANAREK: By "Hekima," do you mean Ernest
23 Shepard?

24 A Right.

25 Q Ernest -- I think -- X. Shepard?

26 A Right.

27 Q Thank you.

28 A Joe Jenkins. Foots Lipman.

1 Q Would you spell that, that name?

2 A Lipman; L-i-p-m-a-n.

3 THE REPORTER: And the first name?

4 THE WITNESS: Foots; I think it's F-o-o-t-s.

5 That's what they call him. I don't know whether
6 that's his real name or not.

7 Horace Silver; Kenny De Como; quite a few others
8 that I know that he knows, that I am familiar with; but all I
9 know 'em by is nicknames, not their real names.

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1 Q Well, describe or give the names as best you can,
2 Mr. Rich.

3 A Well, Jake is a brother, black man, so-called,
4 Negro, a guitar player.

5 As a matter of fact, he taught that guy how to play
6 quite a bit on that guitar that he knows how to play.

7 THE COURT: Just name the names, Mr. Rich, if you can
8 remember any more.

9 THE WITNESS: I can't recall just right offhand what the
10 guys' real names are. I just know them by their nicknames.

11 THE COURT: Proceed with your next question, then.

12 Q BY MR. KANAREK: Now, Mr. Rich, in connection with
13 Mr. Manson, and these people that -- that he has lived with,
14 that you have spoken of, would you describe for us -- can you
15 give us a little detail what Mr. Manson has done in their
16 presence?

17 MR. MANZELLA: Objection, your Honor, as not relevant.
18 No foundation has been laid for that.

19 THE COURT: Sustained, Mr. Kanarek.

20 Q BY MR. KANAREK: Have you ever heard Mr. Manson
21 get up and make, uh, uh, any kind of, uh, speech to these
22 people in prison?

23 MR. MANZELLA: Objection, your Honor, it doesn't appear
24 to be relevant.

25 THE COURT: Sustained.

26 Q BY MR. KANAREK: Did Mr. Manson ever try to tell
27 these people what to do?

28 A He couldn't.

1 Q Pardon?

2 A He couldn't.

3 Q Pardon?

4 A He couldn't.

5 Q Would you explain that?

6 MR. MANZELLA: Objection, your Honor, and I'll ask the
7 answer be stricken. It calls for a yes or no answer, and the
8 answer is not responsive.

9 THE COURT: The objection is late. The answer may
10 remain.

11 Q BY MR. KANAREK: Would you explain your last answer?

12 A He doesn't have any sense. Who would want to
13 listen to that guy.

14 Q Pardon?

15 A Who would want to listen to him.

16 Q In other words, in the prison atmosphere that you
17 are speaking of, you have observed no one paying any attention
18 to Mr. Manson, is that right?

19 A Absolutely right.

20 Q Now, would you tell us, Mr. Rich, have you been
21 convicted of a felony?

22 A Yes, I have.

23 Q Would you tell us what felonies, if more than one,
24 you have been convicted of?

25 A Well, just pick your shot, outside of murder.

26 Q What's that?

27 A I say, just pick your shot, outside of murder.

28 Q Would you tell us --

1 A Grand Theft, Kidnap, Attempted Robbery and Burglary,
2 and Assault.

3 Q And are you presently doing time for a --

4 A Assault.

5 Q -- a dispute you had with police officers and
6 deputy sheriffs?

7 A Yes, I am.

8 Q Wherein you did not inflict any injury on anybody?

9 A No.

10 THE COURT: You needn't answer that. It is immaterial.
11 The answer is stricken.

12 Move it along, Mr. Kanarek.

13 MR. KANAREK: Yes, your Honor.

14 Q BY MR. KANAREK: At the present time you are
15 serving time for assault, alleged assault upon police officers,
16 is that right?

17 A Correct.

18 Q Is that the only sentence which you are now serving?

19 MR. MANZELLA: Objection, your Honor, it doesn't
20 appear to be relevant.

21 THE COURT: Sustained.

22 Q BY MR. KANAREK: Now, you say that you were present
23 when Mr. Manson was taught by someone to play the guitar, is
24 that it?

25 MR. MANZELLA: Objection, your Honor, it is not relevant.

26 THE COURT: Sustained.

27 Q BY MR. KANAREK: You have had occasion to speak with
28 Mr. Manson since he's been arrested in October of 1969, is

1 that right, Mr. Rich?

2 A Yes.

3 MR. MANZELLA: Objection, your Honor, it is not relevant,
4 and ask that the answer be stricken.

5 THE COURT: Sustained, and the answer is stricken.

6 MR. KANAREK: Well, then, may I approach the bench on
7 that, your Honor?

8 THE COURT: No, you may not.

9 The record may show that Mr. Manson has voluntarily
10 gotten up and left the courtroom to go back to the detention
11 tank.

12 The record should show that Mr. Manson is not
13 in the courtroom at this time.

14 Q BY MR. KANAREK: You have heard the term Manson
15 Family, is that correct, Mr. Rich?

16 A Uh, Mr. Kanarek, without the presence of the man
17 that I am going to talk about, I'm not going to do any more
18 testifying.

19 THE COURT: The question would appear to be immaterial
20 in any event.

21 MR. KANAREK: Well, then, may I approach the bench on that,
22 your Honor?

23 THE COURT: You may not.

24 MR. KANAREK: Pardon?

25 THE COURT: You may not. Ask your next question.

26 MR. KANAREK: May I approach the witness a moment,
27 your Honor?

28 THE COURT: Yes, you may.

1 (Whereupon, Mr. Kanarek approached the witness
2 stand and conferred with the witness, outside the hearing of
3 the jury:)

4 (Whereupon, Mr. Kanarek conferred with the clerk,
5 outside the hearing of the jury:)

6 MR. KANAREK: Your Honor, I wonder if we can have a
7 recess. There are certain exhibits I want that I am told are
8 in another courtroom.

9 THE COURT: You may approach the bench to explain to the
10 Court what you have reference to.

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1 (Whereupon, the following proceedings were had
2 at the bench among Court and counsel, outside the
3 hearing of the jury:)

4 THE COURT: What exhibits do you want and why do you
5 want them?

6 MR. KANAREK: These are exhibits of the so-called
7 Manson Family that have been in jail that this man has been
8 in contact with.

9 THE COURT: It would not be material in the Court's
10 opinion.

11 MR. KANAREK: It is most material. They have been
12 allowed to testify about a conspiracy charge.

13 THE COURT: Why is it material?

14 MR. KANAREK: Well, it is material to show Mr. Manson's
15 relationship with these people. They have tried to say there
16 is some kind of domination. I have asked this witness if
17 he has observed Mr. Manson in the presence of those people
18 and whether there was any domination. This is a conspiracy
19 charge.

20 THE COURT: While they were in jail?

21 MR. KANAREK: Yes.

22 THE COURT: Your motion is denied. I can't see that
23 it would be material.

24 MR. KANAREK: Well, we have a right to rebut this
25 inference of domination. Where else would there be better
26 domination.

27 THE COURT: Let's proceed.

28 MR. KANAREK: I have a right to interrogate on that,

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1 your Honor.

2 THE COURT: You may put the question to the witness.

3 MR. KANAREK: But I need the exhibits.

4 THE COURT: The Court would not permit you to delay
5 the matter.

6 MR. KANAREK: I'm not trying to delay anything.

7 THE COURT: You had plenty of time to acquire the
8 exhibits.

9 MR. KANAREK: They were in the other courtroom.

10 THE COURT: You had plenty of time to acquire them,
11 and you have not acquired them. Let's proceed. Ask the
12 question. The Court doesn't believe it is material or
13 relevant, in any event.

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

17 THE COURT: Ask your next question.

18 Q BY MR. KANAREK: Mr. --

19 Well, in view of the Court's orders, your Honor,
20 I would ask that this witness be excused for a short period
21 of time so that I can obtain --

22 THE COURT: Your request is denied. If the Court
23 excuses him, the Court is going to order that he be excused
24 permanently, if you do not proceed at this time with asking
25 such questions as you may wish to ask concerning what you
26 intend to prove.

27 Q BY MR. KANAREK: Mr. Rich, without looking at
28 pictures, do you know all of the people that the prosecution

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1 has alleged are members of the Manson Family?

2 A Yes, I have.

3 Q Pardon?

4 I'm saying, without looking at pictures, you
5 don't know everyone that's been at the Spahn Ranch, do you?

6 A No, I don't.

7 Q Without looking at these pictures you couldn't
8 identify people and tell us what relationship, if any, you
9 may have observed with Mr. Manson, right?

10 A No, that is correct.

11 MR. KANAREK: Well, your Honor, I allege due process,
12 equal protection dictates that we be allowed to show these
13 to this gentleman, your Honor.

14 THE COURT: Ask your next question.

15 MR. KANAREK: Very well, in view of the Court's orders,
16 I don't have any questions at this time, your Honor, if I
17 can't have those pictures.

18 THE COURT: People.

19 MR. MANZELLA: I have no questions, your Honor.

20 (Whereupon, the Court conferred with the Clerk
21 up at the bench, out of the hearing of the jury:)

22 THE COURT: I'll grant your request for a recess for
23 ten minutes.

24 MR. KANAREK: Thank you, your Honor.

25 THE COURT: During the recess, ladies and gentlemen,
26 you are admonished that you are not to converse amongst
27 yourselves, nor with anyone else, nor permit anyone to
28 converse with you on any subject connected with this matter,

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1 nor are you to form or express any opinion on it until it
2 is finally submitted to you.

3 About ten minutes.

4 fls.

4 (Short recess.)
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1 THE COURT: The record will show that the jurors and
2 alternates are present; Mr. Kanarek is present for the
3 defendant.

4 MR. KANAREK: Yes, your Honor. May I approach the
5 witness, your Honor?

6 THE COURT: You may.

7 MR. KANAREK: Thank you, your Honor.

8 Q I show you a picture, which I think is denominated
9 People's Exhibit 50 in this case, Mr. Rich, and ask you:

10 Do you recognize who is in that picture?

11 A That's Tex Watson, with his hair long, and un-
12 clean and unshaved.

13 Q And is that a man that you saw in the Los Angeles
14 County Jail?

15 A Yes, it is.

16 Q When did you see this man in the Los Angeles
17 County Jail, Mr. Rich?

18 A When they extradited him, and they first brought
19 him in through the jail.

20 Q And you saw him right here in Los Angeles, --

21 A Yes, sir.

22 Q -- Tex -- Charles "Tex" Watson?

23 A Right.

24 Q Thank you. Did you ever see Mr. Manson try to
25 dominate this man?

26 MR. MANZELLA: Objection, your Honor. That type of
27 evidence --

28 THE COURT: Sustained.

1 MR. MANZELLA: -- is not admissible.

2 MR. KANAREK: Thank you. Thank you, Mr. Rich.

3 THE COURT: Is that all?

4 MR. KANAREK: Yes, your Honor, in view of the Court's
5 orders.

6 THE COURT: I don't understand that. Would you approach
7 the bench?

8 MR. KANAREK: Yes.

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

12 MR. KANAREK: Number 50, Exhibit 50, was Tex Watson, your
13 Honor. Mr. Watson --

14 THE COURT: So I gather.

15 MR. KANAREK: -- was not in the series of pictures --
16 Joyce --

17 THE COURT: Well, you have the series of pictures which
18 you have requested, just before this recess; is that correct?

19 MR. KANAREK: Yes, that's correct. Now, Tex Watson --

20 THE COURT: You indicated to me before the recess that
21 you were going to use the series of pictures, and therefore
22 we procured them --

23 MR. KANAREK: Well, not --

24 THE COURT: -- procured them from the other court, so
25 you would have them available.

26 MR. KANAREK: I thought Tex Watson was in that group.
27 It turns out that Tex Watson was not in that group of pictures.

28 THE COURT: All you wanted to ask about was Exhibit 50?

1 MR. KANAREK: I wanted him to identify Tex Watson in the
2 courtroom, in the presence of the jury, yes, your Honor.

3 THE COURT: I see. Now, what has the Court's orders
4 to do with your not continuing any further direct examination?

5 MR. KANAREK: Because your Honor will not allow me. Your
6 Honor is saying I can't -- your Honor is not allowing me to
7 interrogate as to whether he dominated this man.

8 The whole thing is, the Manson Family -- your
9 Honor is refusing to let me question on that.

10 THE COURT: On the issue of whether or not Mr. Manson is
11 of a dominating character, --

12 MR. KANAREK: But they have been --

13 THE COURT: -- you have been allowed the right to proceed,
14 to examine, to ask somebody whether Mr. Manson dominated
15 somebody else -- which I think actually calls for a conclusion.
16 But you can ask for an opinion. But the opinion has to be --
17 you can ask for an opinion as to character; you can't go into
18 specific acts.

19 You are familiar with 1100 and 1102?

20 MR. KANAREK: I understand. But in the posture of this
21 trial -- for instance, your Honor has -- has --

22 THE COURT: Do you really understand?

23 MR. KANAREK: Certainly I understand.

24 THE COURT: Well, the Court is not precluding you from
25 inquiring as to this man's knowledge of Mr. Manson's reputation
26 or character. Do you understand that?

27 MR. KANAREK: I understand that. But what I am saying
28 is --

1 THE COURT: All right.

2 MR. KANAREK: -- that the thing that I think is a
3 violation of equal protection is that the prosecution is
4 allowed to use these broad terms like "Manson Family,"
5 "all the people at the ranch," and over objections as to
6 ambiguity and immateriality and relevancy; and your Honor has
7 allowed it, time after time. And when I try to get into
8 specifics, your Honor --

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1 THE COURT: What are you trying to establish by this
2 man's testimony?

3 MR. KANAREK: That Mr. Manson hasn't dominated anybody.

4 THE COURT: How can you ever hope to prove that?

5 MR. KANAREK: Well --

6 THE COURT: But you can prove -- you can elicit this
7 man's opinion of Mr. Manson's character in that respect,
8 Mr. Manson's reputation --

9 MR. KANAREK: I --

10 THE COURT: -- in that respect. Do you understand
11 that?

12 MR. KANAREK: I understand. But I understand that
13 when the prosecution puts on witnesses, and -- and your
14 Honor has allowed them to speak about the "Manson Family,"
15 a conclusion, without -- your Honor has not limited it to
16 foundation, foundation as to the prosecution's witnesses.

17 Not once have they been forced to say, "Do you
18 know Mr. Manson's reputation in connection with these
19 matters?"

20 Your Honor has allowed specifics to come out.
21 Your Honor has allowed them to use the term "Manson Family,"
22 which is an amorphous kind of indefinite category.

23 THE COURT: All right. What do you wish to prove
24 with this man?

25 MR. KANAREK: Just what I said.

26 THE COURT: What?

27 MR. KANAREK: That Mr. Manson doesn't dominate people.

28 MR. MANZELLA: I would like to state the grounds for

4a-2

1 my objection. The grounds are that, under Section 1102,
2 only opinion evidence and reputation evidence is admissible
3 to prove the defendant's character to commit the kind of crime
4 with which he is charged.

5 Under Section 1102, in the last paragraph of the
6 comment -- on Section 1102, the last paragraph of the comment
7 is several pages after the section -- the comment expressly
8 states that specific acts of conduct are not admissible
9 to -- to prove the defendant's character, to show his
10 innocence of the crime charged.

11 THE COURT: Well, if the evidence is offered by Mr.
12 Manson to prove his conduct in conforming with such a
13 character or trait of character, then he can, under 1102,
14 present such evidence of his character or trait of character,
15 in the form of opinion or evidence of his reputation.

16 You understand that, Mr. Kanarek?

17 MR. KANAREK: I understand that, your Honor.

18 THE COURT: All right. Then you may proceed to examine
19 in respect to that.

20 MR. KANAREK: Well, I -- I understand it. I understand.
21 But I am saying -- what I am saying is that your Honor, in
22 connection with the prosecution, has allowed broad -- has
23 allowed specific --

24 THE COURT: I am interested not in your comments again,
25 which are ample and set forth at length on the record now,
26 about what I have allowed the prosecution to do.

27 What I am interested in now is whether you wish
28 to proceed with your examination --

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MR. KANAREK: Not if --

THE COURT: -- to show character or --

MR. KANAREK: Well, not if I --

THE COURT: -- Mr. Manson's character or a trait of
character?

MR. KANAREK: No, not if --

4b fls.

THE COURT: Not if you are bound by 1102?

4b-1

1 MR. KANAREK: But I think the Court also has been bound
2 by 1102 in its -- when I have objected on foundation, and your
3 Honor has overruled it. Your Honor has allowed the "Manson
4 Family" to be grouped -- to be categorized many, many times;
5 and I have objected, because it's such --

6 THE COURT: Yes. Very well, Mr. Kanarek. Then you
7 don't wish to cross-examine --

8 MR. KANAREK: Not if --

9 THE COURT: Rather, you don't wish to examine him any
10 further?

11 MR. KANAREK: Not with the Court's restrictions.

12 THE COURT: The restrictions I am imposing are the
13 restrictions which are set forth in the Evidence Code.

14 MR. KANAREK: Well, I -- as I say, I -- we differ.

15 THE COURT: All right. That's all.

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

18 THE COURT: Is there any cross-examination?

19 MR. MANZELLA: No, your Honor.

20 THE COURT: You may step down.

21 MR. KANAREK: Thank you. Thank you, Mr. Rich.

22 THE WITNESS: Thank you.

23 THE COURT: Call your next witness.

24 MR. KANAREK: Uhh --

25 THE COURT: Call your next witness.

26 MR. KANAREK: Well, your Honor, may we --

27 (Pause in the proceedings while a discussion
28 off the record ensued at the counsel table between

4b-2

1 Mr. Kanarek, Mr. Manzella, and Sergeant Whiteley.)

2 MR. KANAREK: May we approach the bench, your Honor?

3 THE COURT: Yes, you may.

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

7 MR. KANAREK: Your Honor, evidently, we don't have a
8 witness to call at this time. I contemplated --

9 THE COURT: Why not?

10 MR. KANAREK: Well, uh --

11 THE COURT: The Court informed you yesterday that --

12 MR. KANAREK: I understand that, your Honor. But the
13 lady is not here.

14 THE COURT: Which lady?

15 MR. KANAREK: Linda Kasabian is not here.

16 THE COURT: Is this your only remaining witness?

17 MR. KANAREK: No, it's not my only remaining witness.

18 THE COURT: All right. The Court informed you that
19 there was a good likelihood that she would not be here, and
20 that you should be ready to proceed with other witnesses.

21 MR. KANAREK: Well, I know that, your Honor. I under-
22 stand that.

23 THE COURT: Well, where are the other witnesses?

24 MR. KANAREK: Well, I don't have any at this instant.
25 I can only advert to previous proceedings in this case,
26 where the prosecution has gotten up and indicated that, and
27 your Honor has -- has not made anything out of it, and merely
28 -- and accepted that.

4b-3

1 And I -- I can only state, the time that we've
2 consumed is very, very small, compared to the time the
3 prosecution has consumed.

4 Now, if Linda Kasabian was here, we could -- and
5 we subpoenaed her, of course.

6 THE COURT: How much longer do you anticipate your
7 defense will take?

8 MR. KANAREK: It won't be much longer. It won't be
9 much longer.

10 THE COURT: Well, what? A week?

11 MR. KANAREK: Oh, I don't believe so.

12 THE COURT: A matter of days?

13 MR. KANAREK: I think it would, yes, your Honor. I
14 think I can make that representation to the Court.

15 THE COURT: What are your problems in making contact
16 with Linda Kasabian?

17 MR. MANZELLA: She doesn't have a phone, your Honor.
18 She lives in a rural area, in New England, and we've contacted
19 both the constable of the area in which she lives and the
20 District Attorney's office of the area, and -- in which she
21 lives.

22 The constable is sending people out there to
23 contact her, and has had a man wait out there for a time,
24 periodically, to contact her.

25 The District Attorney's office there is -- has
26 sent a man to her mother's home. The mother advises us that
27 the girl, Linda Kasabian, visits her mother on weekends; and
28 we have a representative of the District Attorney's Office of

4b-4

1 whatever county that is at her mother's home, to bring her
2 to the airport as soon as she contacts her mother.

3 And if the constable doesn't --

4 THE COURT: Then you have no way of knowing whether she
5 will be here Monday morning?

6 MR. MANZELLA: Well, I'm pretty sure she will be here
7 Monday morning, because of the fact that she contacts her
8 mother on weekends.

9 THE COURT: I am -- in view of your statement, I am
10 not as certain that you will have her here as perhaps you are.

11 So I would tell Mr. Kanarek, once again, to be
12 ready with other witnesses on Monday morning.

4c fls.

13 MR. KANAREK: Oh, I will, your Honor.
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1 THE COURT: I have ordered her here. She may well be
2 in contempt of court by reason of the fact that Mr. Kanarek
3 served her. She was served in a courtroom, and there is some
4 dispute about whether or not the Court was in session, --

5 MR. KANAREK: No.

6 THE COURT: -- but the Court believes that even should
7 that court have been in session, that she was still properly
8 served, since there was -- and she has no immunity, since
9 there was no subpoena issued to bring her from New England. She
10 came as a result of a telephone call.

11 Therefore, not being under subpoena, at the time
12 that she was served by Mr. Kanarek, she should be -- she
13 should be produced, the Court believes, and so orders.

14 So, do your utmost to have her here on Monday
15 morning.

16 MR. MANZELLA: Yes, your Honor.

17 THE COURT: All right. We will recess at this time,
18 then, if this is what you wish.

19 MR. KANAREK: Yes. Thank you, your Honor.

20 THE COURT: All right.

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

23 THE COURT: We must recess at this time, until Monday
24 morning, ladies and gentlemen. During the recess, you are
25 admonished that you are not to converse amongst yourselves nor
26 with anyone else, nor permit anyone to converse with you on
27 any subject connected with this matter, nor form or express
28 an opinion on it until it's finally been submitted to you.

1 But remember, too, the admonition that I have
2 given to you before, concerning publicity about Mr. Manson.
3 You are not to read, hear, see or view anything in connection
4 with Mr. Manson, this trial, or any other trial in which
5 Mr. Manson might be involved.

6 I hope you all have a pleasant weekend, and that
7 you return well and happy on Monday morning.

8 I'll see you at 9:30. 9:30.

9 (Whereupon, at 11:38 a.m., the members of the jury
10 exited the courtroom, whereupon the following proceedings
11 were had at the bench:)

12 THE COURT: This morning, before I took the bench, I
13 received a telephone call from a probation officer, Mrs. Brown,
14 who was here appearing at one of the recent sessions of the
15 court.

16 And there was a -- she indicated to me that she
17 knew of the whereabouts of Shorty Shea.

18 MR. KANAREK: Who did?

19 THE COURT: Mrs. Brown. So she said that she and another
20 deputy probation officer had gone to 823 --

21 MR. KANAREK: 817?

22 THE COURT: 817 Burlington; and that she had inquired
23 there, and they found some Mexican-American people, but --
24 who spoke little English; but they had found somebody who
25 spoke English, and said that there was a man living at
26 823 Burlington who answered the description.

27 As a result of that, they called me. Miss Brown
28 called me.

1 MR. KANAREK: Uhm-hmm.

2 THE COURT: And so this morning, I asked the District
3 Attorney's Office to investigate it. And the report came
4 back that they had gone to 823, and that the man did resemble
5 Mr. Shea somewhat, but that he had lived there for 12 years
6 and was a house painter.

7 Do you have any other information? Did your
8 investigator give you any further information about what
9 Miss Brown had indicated?

10 MR. MANZELLA: Paul?

11 Can Sergeant Whiteley tell you directly, your
12 Honor?

13 THE COURT: Yes.

14 MR. MANZELLA: Would you tell the Judge the information
15 you got on that 823 South Burlington? And the description of
16 the person and the -- his background?

17 SERGEANT WHITELEY: His name is Alphonso Midway. He is
18 36 years old. He is a sign painter --

19 THE COURT: That was the same name that Miss Brown gave
20 me. She indicated that that was his name, but that she
21 believed that he might be Shorty Shea, because he did answer
22 to the description.

23 She didn't have a picture on her, but she --
24 Go ahead.

25 MR. WHITELEY: The neighbors say that this man has
26 lived at this location for 12 years continuously.

27 THE COURT: And what is his occupation?

28 SERGEANT WHITELEY: He's a sign painter in Beverly Hills.

1 THE COURT: Oh, I see. All right. I thought that
2 perhaps we should make you aware of what had transpired.

3 MR. KANAREK: Thank you, your Honor. Thank you.

4 (Whereupon, at 11:43 a.m., an adjournment was
5 taken until Monday, October 4, 1971 at 9:30 a.m.)
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