

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.

173

No. A-267861

REPORTERS' DAILY TRANSCRIPT

Tuesday, November 16, 1971

VOLUME 73

PENALTY PHASE

APPEARANCES:

For the People:

JOSEPH P. BUSCH, JR., District Attorney

BY: ANTHONY MANZELLA,

Deputy District Attorney

For Defendant Manson: IRVING A. KANAREK, Esq.

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I N D E XDEFENDANT'S WITNESSES: DIRECT CROSS REDIRECT RECROSS

MANZELLA, Anthony 10,382

E X H I B I T SDEFENDANT'S: FOR IDENTIFICATION IN EVIDENCE

HH - Photograph, Exhibit
No. 206 by reference
case No. A253156

10308

II - Photograph, Exhibit
No. 204 by reference

10308

JJ - Photograph, Exhibit
No. 205 by reference

10309

KK - Photograph , Exhibit
No. 209 by reference

10315

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LOS ANGELES, CALIFORNIA, TUESDAY, NOVEMBER 16, 1971

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THE COURT: I want to apologize, ladies and gentlemen, for getting such a late start. I had some minor difficulties this morning, some medical difficulties and all sorts of problems, and consequently we're getting a late start.

Mr. Kanarek.

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

(Whereupon, Mr. Kanarek conferred with the defendant through the screen of the holding tank door.)

THE COURT: Yes.

MR. KANAREK: Mr. Manson --

THE COURT: Does he wish to be in the courtroom?

MR. KANAREK: No, he says he does not, your Honor.

THE COURT: And he won't promise that he will comport himself properly, then?

(Whereupon, Mr. Kanarek again conferred with the defendant Manson through the screen of the holding tank door.)

THE DEFENDANT: (Through the screen.) No. No.

THE COURT: I heard the answer, and, therefore, he can remain in -- he can remain in the detention cell, then.

Let's proceed, then.

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

THE COURT: Both counsel are present.

1 Mr. Kanarek is in the process of reading the
2 testimony of Miss Van Houten given previously in the Tate-
3 La Bianca case.

4 MR. KANAREK: Your Honor, would it be convenient for
5 me to sit on the witness stand?

6 THE COURT: If you would prefer, the Court would allow
7 you to do that, yes, you may.

8 MR. KANAREK: Thank you, your Honor.

9 (Whereupon, Mr. Kanarek assumed the witness stand.)

10 MR. KANAREK: I believe we were reading about the
11 night in the La Bianca home. I may repeat one question just
12 out of abundance of caution to make sure I covered it.

13 "Q And whatever--is your state of
14 mind such that you believe that whatever knife
15 you used is the knife that came from the La Bianca
16 home?

17 "A Yeah, it was a weak knife.

18 "By a weak knife, what do you mean?

19 "A Well, it bent.

20 "In other words --" uh --

21 "Q In other words, it was not like a
22 strong -- like a buck knife is strong.

23 "And the knife that you used is a knife
24 that maybe you would use to -- to cut bread with?

25 "A The same thing like the one you would
26 use to cook with.

27 "Q By weak, you mean a very thin blade?

28 "A That is what it seemed to me to be.

1 "Q The kind of blade that when you put
2 it down on its point, it would tend to bend easily;
3 is that what you are telling us?

4 "A Yes.

5 "Q Now, directing your attention to your
6 state of mind and your thinking.

7 "Let us say a couple of minutes before you
8 actually first stabbed Mrs. La Bianca, what was
9 going through your mind at that time, Leslie?

10 "A I couldn't begin to tell you what was
11 going through my mind at that time. I don't know.

12 "Q What would be your statement as to the
13 reason that Mrs. La Bianca was stabbed by you?

14 "A The reason? It just happened. You
15 could -- I could probably think of a whole lot of
16 reasons if I wanted to, but it just happened.

17 "Q Well, when you say 'think of a lot of
18 reasons' you mean --

19 "A In other words, you see --

20 "In other words, you see you keep
21 asking me for things you want me to say but I
22 am not going to say them because they were not there.

23 "Q Miss Van Houten, I am not -- there is
24 no particular thing --

25 "A Then, I answered your question.

26 "Q Well --

27 "A So why go any further?"
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1 "Q Let's make it clear, Miss Van Houten.
2 I am not asking you any question because I want
3 any particular answer.

4 "When I ask you a question, I want you to
5 just tell me the way it is.

6 "A Well, I told you.

7 "Q All right. Then, are you telling us,
8 Miss Van Houten, that in fact there was no reason?

9 "A It just happened.

10 "Q When you say it just happened, you
11 mean --

12 "A That is my answer, Mr. Kanarek. You
13 heard me.

14 "Q All right. Now, therefore, at the
15 time --" Oh, that was --

16 "Q Now, just before -- just before you
17 and Mrs. La Bianca came close together, she had a
18 lamp in her hand; is that right?

19 "A She had it in her hand a couple of
20 times.

21 "Q And did you take the lamp out of her hands?

22 "A I knocked it out.

23 "Q And was there some reason you knocked
24 the lamp out of her hand?

25 "A Because it appeared to me she was going
26 to strike me with it.

27 "Q And so at that instant, no matter
28 what happened before, the reason that you removed

1 "this item from her hand --

2 "A You see, now, you are making up the
3 reason, just like I told you.

4 "THE COURT: That will be enough. Wait for
5 the question.

6 "Q Leslie, I am merely asking you to tell
7 me. That's all I am asking you to do, is just tell
8 me.

9 "A Well, you are telling me.

10 "THE COURT: Just a moment.

11 "MR. KANAREK: No, no. I am not --

12 "Q Leslie, you can answer the question
13 in any way that you can that is the correct answer.
14 That is all I am asking you, Leslie. I am not
15 asking you for any particular reason. I am asking
16 you merely to tell us what the reason was.

17 "What was the reason that you took the lamp
18 or removed the lamp from the immediate vicinity or
19 from the hands of Mrs. La Bianca?

20 "A I told you why.

21 "THE COURT: Have you answered the question?

22 "THE WITNESS: I answered it about five
23 minutes ago.

24 "It appeared she was going to hit me.

25 "Q Now, at this time, who was in room
26 besides you and Mrs. La Bianca, Leslie?

27 "A I think Patricia might have been there.
28 I'm not sure.

1 "Q And do you know where Tex was at
2 this time?

3 "A No, I do not.

4 "Q Now, have you ever had occasion,
5 while you were on -- actually -- had actually
6 taken LSD, have you ever had the occasion when
7 something happened, and you did not know whether
8 it happened or not, whether it in fact happened,
9 when the LSD was taken?

10 "A If you see something happen, it is --
11 it has happened.

12 "Q Well, have you ever -- since you have
13 been taking LSD -- thought something happened, and
14 then found out later that it did not happen the
15 way you thought it happened while you were under
16 LSD?

17 "A I don't understand your question.

18 "Q Do you know the difference between a
19 dream and something actually happening?

20 "A While you are dreaming, it is real.

21 "Q I agree with you wholeheartedly,
22 Leslie. When you are dreaming, it is real; right?

23 "A Sure.

24 "Q And in your mind, while under the
25 influence of LSD, if you dreamt it, that you were
26 being -- that you were in danger, you would react
27 accordingly; is that right? It would be real at
28 that time to your mind?

1 "A. Yes.

2 "Q. And on occasion, when you are under
3 the influence of LSD, it is like being in a
4 dream; is that correct?

5 "A. You said that."
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1 "Q I am asking you, Leslie. I am not
2 saying anything.

3 "A I told you before, I cannot describe
4 LSD to you. And you keep trying to give it back
5 to me.

6 "I cannot tell you what it is like, Mr.
7 Kanarek.

8 "Q Well, have you ever had a dream when
9 you were not on LSD, Leslie?

10 "A I usually dream every night I go to
11 sleep.

12 "Q All right. Now, do things that you
13 see in those dreams, are they similar to what you
14 feel in your mind when you are under the influence
15 of LSD, and not physically asleep?

16 "A Mr. Kanarek, take a tab of acid and
17 see what it is like. I cannot describe it to you.

18 "When you see it -- what you see is what you
19 see.

20 "Q I see.

21 "A You know, it is not -- you're making
22 it out to be something really far out. No.

23 "Q Leslie, as you sit there on the witness
24 stand, is it your state of mind that you understand
25 that these ladies and gentlemen of the jury are here
26 to hear what you have to say and answer the questions
27 we ask you?

28 "I am not saying anything, Leslie. It is not

1 "what I say. It is what you say that counts.

2 "This ballgame depends upon what you say,
3 Leslie, not what I say.

4 "THE COURT: Ask your next question,
5 Mr. Kanarek.

6 "Q Do you understand, Leslie?

7 "A All you ask me is yes or no, and you
8 fill in all the description in your own question,
9 which is your mind.

10 "You just want me to sit up here and say
11 'Yes -- no -- yes -- no.'

12 "I am not going to do that.

13 "Q I don't want you to do that.

14 "A Okay. Then don't ask me any more
15 questions like that.

16 "THE COURT: Do you have any more examination?

17 "MR. KANAREK: Yes, your Honor.

18 "THE COURT: Get on with it, Mr. Kanarek.

19 "Now -- now, Leslie, my question is: Would
20 you -- and I'll now ask a question which doesn't
21 require a yes or no answer -- would you compare
22 for us what you see in your mind when you are
23 on LSD and not physically asleep with what you see
24 in your mind when you are dreaming and are physically
25 asleep?

26 "A There is no comparison. And I won't
27 do it.

28 "Q All right. When you say there is no

1 "comparison, what do you mean by that?

2 "A. You ask me to compare. I am telling
3 you: I can't.

4 "Q. You cannot do that?

5 "Now, after you left the La Bianca home,
6 you went back to the Spahn Ranch; is that correct?

7 "A. Yes.

8 "Q. And in going back to the Spahn Ranch,
9 Leslie, you went back with Tex; is that correct?

10 "A. Yes.

11 "Q. What did you and Tex talk about on the
12 way going back to the Spahn Ranch?

13 "A. Nothing.

14 "Q. Well, at some time you and Tex and
15 Katie left the La Bianca home; right?

16 "A. Yes.

17 "Q. Now, in leaving the La Bianca home,
18 did all three of you leave together?

19 "A. Yes.

20 "Q. And was there any conversation between
21 you or among the three of you after you left the
22 La Bianca home?

23 "A. If there was, I don't remember it.

24 "Q. While you were in the La Bianca home,
25 while you were in there, Leslie, did you have any
26 conversation with Tex?

27 "A. Mr. Kanarek, if I had, I certainly
28 wouldn't remember what it was."

2b-1

1 "Q Well, I can only ask the question,
2 Leslie.

3 "Is it true -- tell these ladies and
4 gentlemen -- is it true, have I ever discussed
5 this case with you other than in this courtroom?

6 "A Not that I can recall.

7 "Q Well, in fact, I haven't.

8 "Would you think about that for a moment?

9 "Have I ever spoken with you concerning
10 this case, other than --

11 "A You gave me a couple of points on
12 behalf of your defense. Other than that, I didn't
13 pay any attention.

14 "Q When did that occur?

15 "A Once or twice, in this back room here,
16 you know.

17 "Just a flying thing -- just a flying
18 thing, 'Good afternoon, Mr. Kanarek.' Just a
19 flying thing -- just a flying thing, 'Good after-
20 noon, Mr. Kanarek.'

21 "'Hi.'

22 "'Dit,' -- d-i-t -- dit, dit, dit.'

23 "Nothing that I ever paid any attention
24 to.

25 "Q In other words, when we met on occasion --

26 "A No, we never talked before. Now --"

27 No.

28 "No, we never talked before. No, we never

1 "Q So that the people on the jury will
2 know, Leslie, on occasion the lawyers and the
3 defendants have met briefly after court for about
4 five or ten minutes; is that correct?

5 "A Yes.

6 "Q All right. Now, other than that --

7 "A No, we have never spoken.

8 "Q All right. Now, at some time -- at
9 some point in time, you became aware of Tex in
10 the living room with the man, Mr. La Bianca; is
11 that correct?

12 "A I don't know if Tex was in the living
13 room.

14 "I became aware of a man laying on the floor.

15 "Q And --

16 "A I don't know where Tex was while I was
17 in that house.

18 "Q Well, when you left the house, you
19 left with Tex?

20 "A Tex was there.

21 "Oh, wow. In the house, I was aware of my-
22 self and what I was doing. I didn't pay attention
23 to anybody else.

24 "Q I see. I see.

25 "A I only have my eyes, and I see what
26 I see. I don't pay attention to what you do or
27 anyone else does unless it affects me.

28 "MR. KANAREK: I see.

1 "May I approach the witness, your Honor?

2 "THE COURT: You may.

3 "(Mr. Kanarek approaches the witness.)"

4 MR. KANAREK: Excuse me. I have to get an exhibit,
5 your Honor.

6 (Whereupon, a discussion off the record ensued
7 at the clerk's desk between Mr. Kanarek and the clerk.)

8 MR. KANAREK: (Reading)

9 "Q I show you People's Exhibit 206 and
10 ask you: Do you see those words Helter Skelter
11 that appear to be on a refrigerator door?"

12 Your Honor, may the jury quickly pass this among
13 them? This is the exhibit -- may it be marked by reference --
14 it's People's 206, in A-253 156.

15 THE COURT: Since it's referred to in the testimony as
16 having been --

17 MR. KANAREK: Yes. Thank you.

18 (Pause in the proceedings while the exhibit was
19 passed among the members of the jury.)

20 THE COURT: You may go ahead.

21 "Q I show you People's Exhibit 206 and
22 ask you: Do you see those words Helter Skelter
23 that appear to be on a refrigerator door?

24 "A Yes."

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1 "Q Other than in that picture, have
2 you ever seen those words before?"

3 Thank you.

4 "A I might have scanned my eyes across
5 them. I don't remember, you know, right now,
6 recalling the flash of seeing them. But I must
7 have seen it there if it was there.

8 "Q In the kitchen?

9 "A Sure.

10 "Q Did you enter the kitchen at all
11 yourself?

12 "A I don't remember what I entered and
13 what I didn't enter. I was all over the house.

14 "Q I see. Did you discuss, or have you
15 discussed with anyone, the purpose of why the
16 words Helter Skelter were written on this
17 refrigerator?

18 "A I have had lots of people ask me why
19 Helter Skelter was written there.

20 "Q And would you tell us why Helter
21 Skelter was written there?

22 "A I don't know. Any number of reasons.

23 "We listened to the Beatles album. The
24 suggestion was in the air.

25 "Like when a thought comes to you, and your
26 mind is in a complete one with anything that you
27 do, then it is going to come down. It just happens.
28 It comes out.

1 "Q You heard Katie testify in court?

2 "A Yes.

3 "Q You heard Katie speak about this
4 Helter Skelter?

5 "A Yes.

6 "Q Katie told you why that was written
7 on the refrigerator, why she wrote it on the
8 refrigerator?

9 "A I don't think Katie has ever told me
10 why she has done anything, you know. Katie does
11 whatever she does. I am not going to ask her
12 why.

13 "Q Directing your attention to the words
14 'Death To Pigs' that is on People's --

15 "A I have seen the picture before,
16 Mr. Kanarek.

17 "Q -- People's 204. Right."

18 Your Honor, may this be in evidence by reference,
19 People's 204, in case A-253 156?

RCD
REF

20 THE COURT: Yes. It may be received by reference.

21 MR. KANAREK: May I --

22 THE COURT: And the jury may examine it.

23 MR. KANAREK: Thank you, your Honor.

24 (Pause in the proceedings while the members of
25 the jury examined the exhibit.)

26 THE COURT: These pictures will take the next number
27 or letter, whatever, --

28 THE CLERK: HH.

1 THE COURT: HH and II, respectively, those last two
2 that the jury have looked at.

3 But they are received by reference to the file
4 in the other Superior Court case.

5 MR. KANAREK: Thank you.

6 "A I have seen the picture before, Mr. Kanarek.

7 "Q -- People's 204. Right.

8 "Did Katie tell you why she wrote those
9 words on the place that it appears to be?

10 "A No.

11 "Q Directing your attention to the word
12 'Rise' which is on People's 205.

13 "Did Katie tell you why that was written
14 where it appears to be?"

15 MR. KANAREK: Your Honor, may this exhibit, which is
16 People's 205 in A-253 156 be marked in evidence?

17 THE COURT: All right. It will be marked as JJ, JJ by
18 reference.

19 MR. KANAREK: May I pass it to the jury now?

20 THE COURT: You may.

21 MR. KANAREK: Thank you.

22 (Pause in the proceedings while the members of
23 the jury examined the exhibit.)

24 MR. KANAREK Thank you.
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1 "Q Directing your attention to the word
2 'Rise' which is on People's 205.

3 "Did Katie tell you why that was written
4 where it appears to be?

5 "A. No. But a couple of times, I have
6 thought about why, and I figured perhaps because at
7 Gary's, there had been the original writing on the
8 wall.

9 "Like I say, it is a thought that goes into
10 the air. It gets picked up and it comes back out
11 again. But why, or planning it, that doesn't
12 happen.

13 "Q And as far as your thinking goes, the
14 place that that car was stopped was a place chosen
15 by Linda Kasabian?

16 "A See, now you are saying that.

17 "Q I am asking you that. You can answer
18 that yes or no.

19 "A. I don't know if it was a place chosen
20 by Linda.

21 "She was driving the car. It stopped in
22 front of that house. I don't know if Linda chose
23 it.

24 "I don't know if someone else in the car said,
25 'Why don't we stop here?'

26 "I could have said, 'Why don't we stop here?'

27 "I don't know who chose it. We were one
28 thought that night.

1 "Q I see.

2 "A There wasn't -- you can't put it on
3 my own --

4 "There wasn't -- you can't put it on any one
5 person, Mr. Kanarek. It doesn't belong to one
6 person.

7 "Q I understand how you feel, Leslie.
8 But in a courtroom, for some strange reason of law,
9 we have to segregate what each individual person
10 says. And that is the only reason I am asking you.

11 "A And that is why I don't understand you.

12 "I don't separate in my mind.

13 "Q In other words, in your mind, every one
14 in that car was, as you put it, one that night;
15 right?

16 "A Sure.

17 "Q Was there any discussion that night
18 concerning Harold True?

19 "A I never heard his name mentioned until
20 we came inside this courtroom.

21 "Q Now, after the car stopped, after
22 Linda Kasabian stopped that car where she did stop
23 it, did Tex get out of the car?

24 "A Both of them got out.

25 "Q Who is both of them?

26 "A Linda and Tex.

27 "Q Linda and Tex?

28 "A Yes.

1 "Q And for some period of time, they
2 disappeared from your view?

3 "A Yes.

4 "Q Linda and Tex disappeared from your
5 view for some period of time?

6 "A Yes.

7 "Q For about what period of time? And
8 I know -- I say this knowing that you don't know
9 too much about time and all that.

10 "A Then why do you ask me?

11 "I don't know.

12 "Q Because we want your best estimate,
13 Leslie. That is all we are asking for is your
14 best estimate. That is all. No one here is expect-
15 ing anything more than just the best that you can
16 put out. That is all we ask.

17 "A It didn't seem like a long, long time.
18 It just seemed like an amount of time.

19 "Q I see. May I ask you this? When you
20 are under LSD, when you are under the influence of
21 LSD, is there something about distance that has a
22 way of becoming greater or lesser under the
23 influence of LSD?

24 "By that, I mean if you are under the influence
25 of LSD and looking where I am right now, does that
26 distance under the influence of LSD appear to be
27 the same as it does in reality when you are not
28 under the influence of LSD?

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"A. I never measure distance.

"Q. So you have no way --

"A. Things don't become, you know, dis-
torted like this, you know. Unless you want it
to."

3-1

1 "Q I see.

2 "Well, in any event, Linda Kasabian and
3 Tex left the car and returned after some period of
4 time, the time period you're not aware of, is that
5 right?

6 "A Yes.

7 "Q Did both of them then return or just
8 Linda?

9 "A Linda returned and said that Tex was
10 going to stay. So Patricia and I said, 'Well,
11 we will stay, too.'

12 "Q I see.

13 "So when Linda returned, you didn't know
14 where Tex was?

15 "A I don't know if that is a direct quote.
16 That is what, you know, happened.

17 "Q Then, you went into this La Bianca house.
18 How did you know to go into the La Bianca house?
19 Who directed you there?

20 "A A finger pointed to a driveway.

21 "Q And who pointed to the driveway?

22 "A Must have been Linda. I didn't pay too
23 close attention to things.

24 "Q At the time you left the home, the La
25 Bianca home, were the three of you together when
26 you left? You are telling us that, right?

27 "A I have told you that about five times now.

28 "Q All right.

3-2

1 "Now, do you know what street you went to?
2 Did you go to some main street to get a ride?

3 "A I don't know any of the streets in that
4 area.

5 "Q With whom or do you know the kind of
6 car it was that you got a ride in?

7 "A No.

8 "Q All three of you rode in the same car?

9 "A Yes.

10 "Q I show you a door.

11 "May I approach the witness, your Honor?

12 "THE COURT: Yes.

13 "(Mr. Kanarek approaches the witness.)

14 "Q People's 209, Leslie, and ask you have
15 you seen that door before? Do you recall, is that
16 the door of the La Bianca home?

17 "A It could be."

18 Oh, Joyce -- oh, I'll proceed. It doesn't seem
19 to be here right now.

20 "Q People's 209, Leslie, and ask you, have
21 you seen that door --"

22 Oh, thank you.

23 May I pass this, your Honor? I ask that this
24 be admitted as People's --

25 THE COURT: If you wish. That would be KK.

26 THE CLERK: Yes.

27 THE COURT: KK by reference.

28 MR. KANAREK: People's 209 in case No. 253156.

D's KK.

3-3

1 Thank you, your Honor.

2 THE COURT: That is a photograph, a small black and
3 white photograph of a door.

4 (Whereupon, the picture was passed throughout
5 the jury.)

6 MR. KANAREK: Thank you.

7 "Q People's 209, Leslie, and ask you, have
8 you seen that door before, do you recall?

9 "Is that the door in the La Bianca home?

10 "A It could be. I don't know.

11 "Was that supposed to be the front door?

12 "Q I don't know, Leslie, I am asking you.

13 "A I don't know.

14 "It could be a door -- I mean, it is a
15 door, but I don't even hardly recall the house. I
16 really couldn't even hardly tell you what it looked
17 like now.

18 "Q When, Leslie, when was it that you found
19 out the names of the people in the La Bianca house?

20 "A When Detective Patchett questioned me in
21 Inyo County.

22 "Q That was after you were arrested and
23 brought back from Inyo, right?

24 "A That is when I was questioned in Inyo
25 County.

26 "Q Oh, you were questioned in Inyo County?

27 "A Yes.

28 "Q And up until that time did you know that

3-4

1 "anyone had passed away in the La Bianca house --
2 home?

3 "And up until that time did you know that
4 anyone had passed away in the La Bianca home?

5 "A I left two people laying there bleeding.

6 "Q Right, and you never found out their
7 names until Sergeant Patchett told them to you, is
8 that right?

9 "A Yes.

10 "Now, did Sergeant Patchett tell you that
11 the main purpose of this investigation was to get
12 Charles Manson?"

13 Uh --

14 "Q --"

15 MR. MANZELLA: Your Honor, excuse me, I don't think it
16 is necessary or appropriate to read questions sustained,
17 since we're only interested in the testimony of Leslie Van
18 Houten.

19 THE COURT: That would seem to be a reasonable request,
20 Mr. Kanarek.

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

23 THE COURT: No, I think not. Read her testimony as
24 she was permitted to testify.

25 MR. KANAREK: Well, very well, your Honor, I would
26 like to make a point to the Court on that, if I may?

27 THE COURT: I don't think it is necessary to make
28 any such point.

3-5

1 "Q Was Sergeant Patchett the first one that
2 spoke to you, Leslie?

3 "A Uh --

4 "Q The first law enforcement officer that
5 spoke to you?

6 "A A couple -- a while before a couple came
7 up they just wanted to know, you know, our real names
8 and things like that.

9 "He is the first one that questioned me
10 about any homicides where he like gave me his name
11 and a card in case I changed my mind kind of thing.

12 "Q Who was present, Leslie, at that conversa-
13 tion?

14 "A Detective McGann -- I mean, not McGann,
15 I mean Detective Patchett, Detective Sartuche, and
16 one other one, but I don't remember -- he was, you
17 know, a big guy.

18 "Q Mr. Gutierrez, do you know Mr. Gutierrez
19 here?

20 "A Yeah, I know him, but he was not there.
21 He was in and out of other rooms all the time.

22 "He didn't ever talk to me.

23 "Q I see. All right, you had a conversation
24 at that point.

25 "When was the next conversation that you
26 had?

27 "When was the next conversation that you
28 had with these police officers or any police officers

3-6

1 "after that, after that first one?

2 "A Oh, after that first one I think Mr.
3 Bugliosi -- I don't know if that was you or not,
4 some came, and we refused to speak to them before
5 that time, before they kept me in there for
6 hours, and they would not let me out, and they
7 kept telling me about, you know, this, and they
8 were going to do that and I was the head ringleader
9 of such-and-such, you know, on and on with all these
10 wild stories.
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1 "I told them no, I did not want to be
2 bothered with all of their crazy thoughts.

3 "Then they shifted us up here, and then
4 they brought us to Sybil Brand, and Detective McGann
5 started pulling me down.

6 "Q To your knowledge were any of the conver-
7 sations that you had with these law enforcement
8 officers tape recorded?

9 "A No, they have never mentioned anything
10 about a tape recorder.

11 "Q You don't know whether they had a recorder
12 on them or not, is that right?

13 "A No, they never said, 'I know, 'This is a
14 tape recorded conversation.'

15 "Q You see, Mr. Hollombe, the court
16 reporter in front of you.

17 "A There was no one in there like that either.

18 "Q No one like that either?

19 "A No.

20 "Q At any of the conversations with you?

21 "A No, they were just casual.

22 "Q Now, to your knowledge how did Bobby
23 Beausoleil get hold of that Volkswagen that you
24 identified?

25 "Do you know how he came to possess
26 and drive that Volkswagen?

27 "A Bobby Beausoleil drives a Volkswagen?

28 "Q You remember the Volkswagen, that you

3-8

1 "spoke of yesterday?

2 "A I said I drove it.

3 "Q I see, but to your knowledge Bobby
4 Beausoleil never drove that, is that correct?

5 "A He might have.

6 "Q That is, to your knowledge, though, he
7 never did?

8 "A I didn't pay any attention to who drove
9 what cars.

10 "Q To your knowledge do you know what car
11 Bobby Beausoleil was in when he was arrested?

12 "A When I folded up his suitcase, when I
13 thought he was leaving I -- or, you know, his
14 roll, I thought he was leaving in the white one, but
15 I don't know if he did or not.

16 "I did not see him drive out.

17 "Q Your state of mind was that he was going
18 in that smaller car, what you call the white car,
19 when he left the Los Angeles area, is that right?

20 "A Yes.

21 "Q Now, when you spoke to these police
22 officers that you have spoken of here in the court-
23 room, the ones that you mentioned, did any of them
24 discuss with you Bobby Beausoleil?

25 "A Patchett did.

26 "Q He discussed Bobby Beausoleil with you,
27 right?

28 "A Yes. I don't know if it was so much

1 "Bobby as --

2 "Let me see -- yeah, the first time
3 Patchett came up it was mostly just to find out,
4 like, you know, who was at the ranch, who did what,
5 and 'What about Gary Hinman?' and I told him I
6 didn't know anything.

7 "And then he, you know, that was just
8 about the gist of that.

9 "And then when I talked to Detective
10 McGann, he was on me about the Tate, you know --
11 those are what they talked about.

12 "Q And in the conversations that you have
13 spoken of just now, Bobby Beausoleil's name was
14 mentioned, right?

15 "A It must have been if they mentioned
16 Gary Hinman, but I don't remember, you know, the
17 exact questions.

18 "Q Did they in that Thanksgiving Day
19 period of 1969 show you that picture that has the
20 word 'Political Piggy' in it?

21 "A I haven't seen any pictures until I came
22 inside this courtroom.

23 "I wouldn't look at any.

24 "Q When these police officers spoke with you,
25 did they have any pictures in their hands?

26 "A Oh, wait, they had mugs, you know, like
27 of Steve and Squeaky -- you know, everybody, just
28 a bunch of mugs.

"And I just looked at the mugs.

3a fls.

1 "But like weapons, houses, people, like
2 that, I didn't see any.
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1 "Q You did not see any pictures like the
2 pictures of the inside of a house or anything
3 like that?

4 "They did not show you those?

5 "A No.

6 "Q Did they ask you in their questions,
7 did they ask you why the La Bianca people were --

8 "A I told you they did not talk to me
9 about La Bianca.

10 "Q You said at some time you were -- I
11 think it was Officer Patchett told you the names
12 of people who passed away in the La Bianca home,
13 right?

14 "A Once he mentioned them, he said --

15 "Q Was the subject matter of motive --
16 was the subject matter of motive discussed with
17 you in connection with the passing away of the
18 people in the La Bianca home?

19 "A No.

20 "Q Was the subject matter of race war --
21 go ahead.

22 "A No subject matter was discussed of
23 anything because we never got any further than,
24 'Do you know anything?'

25 "Like I say, we just ended up looking at
26 each other for three hours, you know.

27 "Q Now, directing your attention, Leslie,
28 to the subject matter of black people.

1 "Do you have any hatred in your heart for
2 people of the black race?

3 "A No.

4 "Q Directing your attention to Sadie and
5 Katie, to your knowledge have they ever stated
6 that they hate black people?

7 "A I have never heard either of them state
8 that.

9 "Q Directing your attention to Charles
10 Manson, had Mr. Manson ever told you that he hated
11 black people?

12 "A If Charlie hated black people, he would
13 hate himself.

14 "Q And why did you say that, Leslie?

15 "A Sometimes he would talk about the
16 penitentiary, and in the penitentiary they were
17 like his father. They schooled him.

18 "Q Manson -- you heard this from Mr. Manson
19 himself, telling you this, is that right?

20 "A Once in a while when Charlie would
21 get talking about the penitentiary it would happen.

22 "He never said, you know, 'Sit down and
23 listen to this.'

24 "Q And did Mr. Manson tell you that as a
25 small boy he was thrown into reformatories and jails,
26 and that these reformatories and jails, and jail
27 atmosphere, were in fact his father.

28 "Did he ever --

1 "A. He did not state it that way, but
2 that is the impression I got.

3 "Q. In what way did he state it?

4 "A. I can't tell you exactly how he
5 would say it.

6 "Q. Just the substance, Leslie, just tell
7 us the substance of what he said.

8 "A. 'I have been locked up all my life;
9 I have been inside the bars.'

10 "And 'The system itself is my father
11 because I never had exactly one person to be a
12 reflection other than the court system and those
13 that put me inside the bars.'

14 "MR. KANAREK: Thank you, Leslie.

15 "THE COURT: Any questions, Mr. Bugliosi?

16 "Q. --"

17 "BY MR. BUGLIOSI:

18 "Q. Where did Gary Hinman live?

19 "A. In Topanga.

20 "Q. What type of house does he have?

21 "A. He had a wooden shingle.

22 "MR. KEITH: I did not hear the answer.

23 "THE COURT: Read the answer.

24 "THE REPORTER: 'He had a wooden shingle.'

25 "THE WITNESS: That is the way it appeared
26 to me.

27 "BY MR. BUGLIOSI:

28 "Q. One-story, two-story?

1 "A. We had to walk up some stairs to get
2 in.

3 "Q. And you have only been there once?

4 "A. Yes.

5 "Q. And your name is not Mary Brunner, is
6 it?

7 "A. No, my name is Leslie Van Houten.

8 "Q. Did you ever tell anyone prior to your
9 testimony on the witness stand that it was you who
10 was along with Sadie and Bobby at Gary Hinman's
11 house?

12 "A. I never told any of you guys.

13 "Q. Did you ever tell anyone?

14 "A. I talked to Patricia about it.

15 "Q. Did you ever tell anyone other than
16 Patricia?

17 "A. People found out. I don't know if I
18 myself told them.

19 "Q. Actually it was Mary Brunner who was
20 inside the residence, not you, isn't that correct?

21 "A. That is what you say."

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"Q Well, you can answer that yes or no.

"A No.

"Q About how old is Gary Hinman?

"A He was a young man, younger -- about not--

"I would not say one that you would call exceptionally young. He had been through some experiences.

"Q How do you know he had been through some experiences?

"A Because it shows on someone's -- because it shows on someone's face.

"Q The lines on their face?

"A Lines.

"Q The expression on their face, you mean?

"A Sure.

"Q And where were you when Sadie stabbed Gary Hinman?

"A I believe I was in the patio room.

"Q What were you doing there?

"A Probably resting.

"Q Were you by yourself?

"A Yeah.

"Q Where is the patio room in relation to the living room where Gary was?

"A Down some stairs and through a little door.

"Q Did you hear Gary scream at all?

"A I heard some noises.

1 "Q What type of noises?

2 "A Loud.

3 "Q You heard a wild sound?

4 "A No. You know, like noises when some-
5 body's breath is being taken away.

6 "Q Like they were being stabbed to death?

7 "A Yeah.

8 "Q Did you do anything about it when you
9 heard those sounds?

10 "A I went in.

11 "Q And what did you see?

12 "A Sadie and Gary, and writing on the wall.

13 "Q Where was Sadie in relation to Gary?

14 "A She was more or less over him.

15 "Q Did -- did she have a knife in her hand?

16 "A I don't know where the knife was.

17 "Q Was Gary still alive?

18 "A I can't say if he was or not. He did not
19 appear to be.

20 "Q Did you do anything to help Gary?

21 "A No.

22 "Q Did you say anything to Sadie?

23 "A 'Let's get out of here.'

24 "She was pretty, you know, far out. She
25 just kept staring, so I just took her and we left.

26 "Q You did not call the police?

27 "A No.

28 "Q Why not?

1 "A Why should I?

2 "Q Didn't you feel that the police should
3 be contacted, since Gary Hinman was apparently dead?

4 "A I felt that if it was wrong, Sadie would
5 get it back in her own way.

6 "I feel like God is supposed to be the
7 main judge. God didn't make the law of this land.

8 "Q What do you mean, Sadie would get it back
9 in her own way?

10 "A If what Sadie had done had been the wrong
11 thing, somehow she would get it back.

12 "Q In equal measure?

13 "A Sure.

14 "Q Do you feel --

15 "A Or however -- or however --"

16 I'm sorry.

17 "Q In equal measure?

18 "A Sure.

19 "Q Do you feel --

20 "A Or however -- or whatever measure it was
21 to balance out what she had done.

22 "Q You feel, then, that in terms of equal
23 measure, you should suffer the death penalty for
24 murdering Rosemary --"

25 Let's see. All right. The question was allowed.

26 "Q You feel, then, that in terms of equal
27 measure, you should suffer the death penalty for
28 murdering Rosemary La Bianca?

1 "THE WITNESS: Would you repeat the question?

2 "Q Well, you indicated that Sadie -- you
3 felt Sadie would get in return what she did.

4 "And I'm asking you if you feel that
5 for murdering Rosemary La Bianca you should receive
6 the death penalty?

7 "A That would be your decision.

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4a fls.

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1 "Q Well, you have opinions on things,
2 don't you?

3 "A What?

4 "Q You have opinions on things, don't
5 you, Leslie?

6 "A I have my own opinion of things.

7 "Q Right. Don't you have an opinion as
8 to whether you should receive the death penalty
9 for murdering Rosemary La Bianca?

10 "A I have thought about that, too, and
11 like -- then you are playing the judge.

12 "If it were to happen, then it were to
13 happen. There is nothing I can do.

14 "Q Where was Bobby Beausoleil when Sadie
15 was stabbing Gary Hinman?

16 "A I don't know. I told him to leave.

17 "Q Did you tell him why he should leave?

18 "A Because the -- because the house was
19 funny. And I wanted to get him out of there.

20 "Q What was funny about the house?

21 "A A man laying in the living room with
22 his ear cut.

23 "Q So you said, 'Bobby, you'd better get
24 out of here'?

25 "A Yes.

26 "Q And Bobby followed your instructions
27 and left; is that correct?

28 "A He took my advice.

1 "Q Did Bobby usually follow your
2 instructions?

3 "A Sometimes. Sometimes not.

4 "Q Why didn't you get out of there
5 with Bobby?

6 "A Why didn't I get out of there with
7 Bobby?

8 "Q Yes.

9 "A Because Sadie is my sister, and I am
10 going to stay with her.

11 "Q I thought you were hopelessly in love
12 with Bobby Beausoleil.

13 "A Yes. Sure I am.

14 "Q So why didn't you leave with him,
15 then?

16 "A I answered your question, Mr. Bugliosi.

17 "Q Didn't you say that you went to Gary
18 Hinman's because you wanted to be with Bobby?

19 "A Bobby asked me to go, so I went.

20 "Q And you wanted to be with him; right?

21 "A Yes.

22 "Q So when he left Gary Hinman's house,
23 how come you didn't likewise leave with him, to
24 be with him?

25 "A I had a situation at that house that I
26 had to take care of.

27 "Q What did you do to take care of it?

28 "A I was trying to talk sense into Katie,

1 "to get her to take Gary to the hospital.

2 "Q I thought you said you were in the
3 patio, kind of dozing off.

4 "A That was at the point where he was
5 killed.

6 "It happened during two days, Mr. Bugliosi.

7 "Q Why do you want to tell this web of
8 lies ---"

9 That was sustained.

10 "Q Did you offer to testify at Bobby
11 Beausoleil's trial?

12 "A No, I didn't.

13 "Q Why not?

14 "A He told me not to say anything.

15 "Q Did you offer?

16 "A Sure. When he called me up on the
17 phone.

18 "Q Did you call him up on the phone?
19 Did you go to visit him and offer to testify in
20 his behalf?

21 "A I didn't go to visit him, and I didn't
22 call him up.

23 "Q Why not?

24 "A Number one, I didn't have any I.D.
25 to go visit the men's county jail; and number two,
26 you can't call up the jail house and talk to the
27 prisoners.

28 "Q I understand the first thing you said

1 "was that you had no idea that you could visit
2 someone in jail?

3 "A I.D. Saying who I was, saying how
4 old I was. I had none.

5 "Q You were very much in love with Bobby
6 Beausoleil; is that correct?

7 "A I love him, yes. I love him.

8 "Q And you knew he was arrested for
9 Gary Hinman's murder; is that correct?

10 "A Yes."

4b

4b

1 "Q And according to what you are saying
2 now, he wasn't even present at the time of the
3 murder; isn't that correct?

4 "A Yes.

5 "Q And you made no effort to go down and
6 see him?

7 "A Other girls at the jail went to see him.

8 "Q What about you?

9 "A I personally didn't.

10 "I talked to him on the telephone when he
11 would go to court. He would call me up.

12 "Q But you made no effort to contact him
13 by yourself?

14 "A I might have wrote a couple of letters.

15 "Q Did you contact his attorney and offer
16 to testify for him?

17 "A I didn't even know his attorney, and I
18 wouldn't have offered to contact his attorney any-
19 way, because I don't particularly trust attorneys.

20 "Q After Gary Hinman's death, you say you
21 got together with a group of girls and decided to
22 do something?

23 "A I spoke with Patricia and Sadie, and
24 then different thoughts went around the ranch.

25 "No particular group got together and started
26 planning stuff.

27 "Q Charlie never had any time for these
28 thoughts, did he? He was just playing his guitar

1 "during all this period?

2 "A. He was off and on at the ranch, between --

3 "He was off and on at the ranch, between
4 Devil's Canyon.

5 "Q. Yes -- right. So what did you and
6 Patricia and Sadie talk about?

7 "A. What happened at Gary's.

8 "Q. What did you decide to do about it?

9 "A. Not right then, because Bobby hadn't
10 been arrested.

11 "Q. What did you decide to do, if anything,
12 after he was arrested?

13 "A. We thought about a bail.

14 "Q. First-degree murder doesn't have a
15 bail.

16 "A. Then we thought about a good attorney.
17 And it was a thought.

18 "So, if the money came alone, --" That's what it
19 says here:

20 "So, if the money came alone, we would try
21 to hold onto it.

22 "Then we thought we would do copy-cat cases.

23 "Q. Who decided to do that?

24 "A. It wasn't like one person saying,
25 you know, an idea. It was just a group of thoughts
26 put into one thought.

27 "Q. It all came out simultaneously?

28 "A. I am not going to try to pretend like

1 "I remember conversations.

2 "Q So it was you and Sadie and Patricia,
3 then, who decided to do some copy-cat killings?

4 "A I said a lot of different people. It
5 wasn't like three of us alone. There were others.

6 "Q Who else?

7 "A Linda was there. She became involved
8 in it. Mainly, probably, because she was a friend
9 of Sadie's. I don't know, because I didn't talk
10 with her that much.

11 "We asked Gypsy, but Gypsy just completely
12 went off and went into the woods.

13 "Q Did you ask Charlie?

14 "A We didn't ask, really, any of the men.

15 "Q Well, Tex went along and Clem went
16 along the night of the La Bianca murders.

17 "A They didn't know they were going to
18 be people killed --

19 "They didn't know there were going to be
20 people killed that night.

21 "Q Did you know?

22 "A No.

23 "Q Why didn't you ask any of the men?

24 "A Because Sadie had killed Gary Hinman.
25 Why should I involve some men in it?

26 "Q I don't mean to involve men in it.
27 I mean just to ask them what to do.

28 "A The minute you tell someone something

1 "about something like that, they become
2 involved.

3 "Q Well, you say Charlie was there with
4 a sword chopping off Gary Hinman's ear. So he was
5 involved, wasn't he?

6 "A Not with the killing."

4c

4c-1

1 "Q But he was there inside Hinman's
2 residence; right?

3 "A Yes.

4 "Q But you didn't want to ask Charlie
5 what to do about Bobby Beausoleil's arrest?

6 "A Ask Charlie what to do?

7 "Q Right.

8 "A I never asked Charlie what to do.

9 "Q You never asked him for any advice
10 or anything like that?

11 "A If ever I would ask Charlie for advice,
12 he would give me back exactly what I asked him.

13 "Q Are you at one thought now with
14 Charles Manson?

15 "A Am I at one thought?

16 "Q With Charles, Charles Manson?

17 "A If Charlie is at the thought I am at,
18 then it is one thought.

19 "Q What thought are you at right now?

20 "A What thought am I at right now?

21 "Q Yes.

22 "A A thought far greater than you could ever
23 comprehend, Mr. Bugliosi.

24 "Q And that thought is to do a job on that
25 witness stand for Charlie?

26 "A That is your thought.

27 "That is your thought.

28 "Q What is your thought?

1 "A. I am up here telling you the
2 truth.

3 "Q. You say you are telling the truth
4 now on the stand; is that correct?

5 "A. Yes.

6 "Q. You heard Sadie testify last week,
7 did you not?

8 "A. Yes, I did -- I heard her.

9 "Q. And you heard her testify that before
10 this trial started, she told me and she told her
11 attorney, Richard Caballero, and she told Virginia
12 Graham and Roni Howard that Charles Manson ordered
13 these murders.

14 "Did you hear her testify to that?

15 "A. I heard Sadie testify to that, and I
16 heard women all over the jail tell me some far-out
17 stories.

18 "Q. Just answer the question. You are no
19 dummie. Just answer the question.

20 "You heard Sadie say that?

21 "A. I heard her say that. I don't recall
22 -- okay.

23 "I don't recall her testimony that well from
24 last week.

25 "Q. Now, isn't it true, Leslie, that
26 before this trial started, you also told someone
27 that Charles Manson ordered these murders?

28 "A. You know, Mr. Bugliosi, the picture --

1 "Q You can answer that yes or no.

2 "A I am not going to answer it yes or
3 no unless I can explain it myself.

4 "Q First, answer yes or no, and then
5 explain it.

6 "A First, I will explain myself."

7 And then the Court said:

8 "Answer the question."

9 "You can --

10 "MR. BUGLIOSI: You can answer the question.
11 Then you can explain.

12 "THE WITNESS: No. No.

13 "THE COURT: Your answer is no to the
14 question? Is that what you are saying?

15 "THE WITNESS: I am telling you I will answer
16 the question on my terms.

17 "THE COURT: All right. Answer the question
18 on your terms.

19 "THE WITNESS: Then, would you repeat the
20 question?

21 "BY MR. BUGLIOSI:

22 "Q Isn't it true that before this trial
23 started, you also told someone that Charles Manson
24 ordered these murders?

25 "A I had a court-appointed attorney,
26 Marvin Part, who was insistent on the fact that I
27 was --

28 "MR. KEITH: One moment. May the Court --

1 "MR. KANAREK: I ask that the question be allowed
2 to be answered.

3 "THE COURT: Are you saying something,
4 Mr. Keith? I don't hear it.

5 "MR. KEITH: It sounds like we might be
6 getting into a privileged communication here.

7 "MR. BUGLIOSI: If it is, she has the right
8 to waive it.

9 "THE COURT: It is her privilege.

10 "MR. KEITH: But she --"

11 THE COURT: You needn't give all the argument. Just
12 give Miss Van Houten's testimony.

13 MR. KANAREK: All right. Very well, your Honor.

14 The Court finally --

15 "Overruled.

16 "You may answer.

17 "THE WITNESS: I have lost the complete
18 question and where I left off.

19 "THE COURT: Reframe the question."

20 THE COURT: We will recess at this time. You have
21 been sitting there for about an hour, or longer.

22 During the recess, you are admonished not to
23 discuss this case among yourselves, nor with anyone else,
24 nor permit anyone else to converse with you on any subject
25 connected with this matter, nor form or express any opinion
26 on the matter until it has finally been submitted to you.

27 About ten minutes.

28 (Recess.)

5-1

1 THE COURT: You may proceed.

2 The record will show that all the jurors are
3 present.

4 MR. KANAREK: Oh, yes.

5 "THE WITNESS: I have lost the complete
6 question and where I left off.

7 "THE COURT: Reframe the question.

8 "BY MR. BUGLIOSI:

9 "Q Before this trial started,
10 you told someone that Charles Manson ordered
11 these murders, and you started to answer about
12 Marvin Part.

13 "You may continue.

14 "A Okay.

15 "MR. KANAREK: I object to Mr. Bugliosi's
16 statement.

17 "THE WITNESS: Mr. Kanarek, will you shut up
18 so I can answer this question?

19 "I had a court-appointed attorney by
20 the name of Marvin Part. He had a lot of different
21 thoughts, which were all his own, on how to get me
22 off.

23 "He said he was going to make some
24 tape recordings and he told me the gist of what
25 he wanted me to say.

26 "And I said it.

27 "Q What did you tell Mr. Part?

28 "A I don't remember now. It was a long

5-2

1 "time ago.

2 "Q You told Mr. Part that the second night
3 Charles Manson was with you, Tex, Clem, Sadie --

4 "A I followed Sadie's --

5 "Q -- and Linda; isn't that true?

6 "You told him that, didn't you?

7 "A I followed Sadie's thought precisely.

8 "I said everything that Sadie said in
9 the true confessions that came out in the L. A.
10 Times. Just like Linda did up here, too, Mr.
11 Bugliosi.

12 "THE COURT: Have you finished your answer?

13 "THE WITNESS: I don't even know the question.

14 "MR. BUGLIOSI: Q You told Mr. Part that
15 when you stopped in front of the La Bianca residence,
16 Mr. Manson got out of the car alone and entered the
17 La Bianca residence.

18 "Didn't you tell him that?

19 "A That is what Sadie said, and he asked
20 me, 'Isn't that right?'

21 "Q Isn't that what you told Mr. Part?

22 "Did you tell Mr. Part that?

23 "A See, Mr. Bugliosi, I see what you are
24 trying to do right now.

25 "Q Did you tell Mr. Part that?

26 "A Sure I told him that.

27 "Q Did you tell him that Charlie came back
28 to the car and told you, Tex and Katie to get out of

5-3

1 "the car and go up there and kill the people?

2 "Did you tell Mr. Part that?

3 "A I don't remember if I told him that.

4 I don't remember if I told him that.

5 "Q You told him something like that, didn't
6 you?

7 "A You say I did.

8 "Q Did you?

9 "A I don't remember.

10 "Q BY MR. BUGLIOSI: Leslie, what did you
11 tell Mr. Part?

12 "A I don't remember what I told him.

13 "Q You have no idea?

14 "A Those tapes were made over a year and
15 a half ago.

16 "Q What did you tell Mr. Part about Mr.
17 Manson's involvement in these murders?

18 "A It was more like Mr. Part told me.

19 "THE WITNESS: Mr. Part told --

20 "THE COURT: Uh --

21 "THE WITNESS: It is more like Mr. Part told me.

22 "Q BY MR. BUGLIOSI: Well, what did you say?

23 "A 'Yes, no, no, yes, no, no, yes, yes, yes,
24 yes.'

25 "Q But you did tell Mr. Part then that Mr.
26 Manson went into the home, is that correct, the
27 La Bianca home, by himself?

28 "A Mr. Part might have told me that.

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"Q Oh, really?

"A Sure. It seemed he told the whole world that.

"Q Was Mr. Part with you the second night?

"A Mr. Bugliosi, you know Mr. Part wasn't with me the second night.

"THE WITNESS: I don't remember.

"Q You have no idea, is that right?

"A I have no idea. You probably heard the tapes.

"Mr. Part was very free with him. He played them for many people.

"Q Did you tell Mr. Part that Charles Manson wanted to start a race war by these murders?

"A I don't remember.

5-5

1 "Q You could have?

2 "A There was a possibility.

3 "Q You were also represented by Ira Reiner,
4 at one time, is that correct?

5 "A Yes.

6 "Q Did you tell Mr. Reiner that Mr. Manson
7 was along the second night?

8 "A I don't believe I even --

9 "Q Why did you tell Mr. Part that Mr. Manson
10 was behind these murders, but not the Los Angeles
11 Police Department?

12 "How come you did not tell them that?

13 "A Because Mr. Part said, 'Let's make these
14 tapes, Leslie, on the grounds what Susan Atkins said
15 was true, and we will play them for some psychiatrist,
16 and see if you are crazy.'

17 "That is why.

18 "Q So Mr. Part did all the testifying and
19 you didn't say 'Boo', is that correct, Leslie?

20 "A I said 'Yes, no, maybe.'

21 "And then he said 'Did you think Charles
22 Manson was Jesus Christ?'

23 "'Yes.

24 "'Did you think Charles Manson was
25 the devil?'

26 "'Yes.'

27 "'Did you think' -- you know, whatever
28 the picture was at that time. I went along with it

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5a fls.

"because he was going to do one of those insane things. That is why I fired him, too, he was too close to you."

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1 MR. KANAREK: Your Honor, I think I got the
2 answer -- I'd better read that again. I think I got the
3 answer mixed up.

4 THE COURT: You may.

5 MR. KANAREK: (Reading.)

6 "Q So Mr. Part did all of the testifying
7 and you didn't say 'Boo', is that correct, Leslie?

8 "A I said 'Yes, no, maybe.'

9 "And then he said 'Did you think Charles
10 Manson was Jesus Christ?'

11 "'Yes.'

12 "'Did you think Charles Manson was the
13 devil?'

14 "'Yes.'

15 "'Did you think' -- you know, whatever
16 the picture was at that time. I went along with
17 it because he was going to do one of those insane
18 things. That is why I fired him, too, he was too
19 close to you.

20 "Q Why did you go along the second night?

21 "A I wanted to go for a ride.

22 "Q A ride through The Monster?

23 "A Yeah.

24 "Q Wasn't Charlie going to have a guitar
25 concert that night back at the ranch?

26 "A A guitar concert?

27 "Q Didn't he used to play the guitar for
28 the Family at night?

5a-2

1 "A If there was a guitar around.

2 "It was not a planned every-night
3 event that you had to be at or else, like you
4 have made it sound.

5 "Q On this night, then, you preferred
6 to go for a ride rather than listen to Charlie,
7 is that correct?

8 "A Yes.

9 "MR. BUGLIOSI: She answered yes.

10 "THE WITNESS: Even if he was around, I don't
11 even know if he was around.

12 "He could have been somewhere else.

13 "Q Why did you enter the La Bianca
14 residence?

15 "A Because I wanted to.

16 "Q Why did you want to?

17 "A Because Tex was going to stay and I
18 wanted to stay with Tex.

19 "Q Sadie was in the car, right?

20 "A Sure.

21 "Q Why didn't you stay with Sadie?

22 "(No response.)

23 "You said at the Hinman residence you
24 wanted to stay with your sister Sadie.

25 "Why didn't you stay with her inside
26 the car in front of the La Bianca residence?

27 "A Because I wanted to go with Tex.

28 "Q Why?

1 "A Because. That is the only answer to
2 why, because.

3 "Q What is the first thing that happened
4 after you entered the La Bianca residence?

5 "A There they were, sitting.

6 "Q Who is 'they'?

7 "A Mr. and Mrs. La Bianca.

8 "Q Did you have any idea what was going to
9 happen inside the residence when you entered?

10 "A No.

11 "Q What was your state of mind when you
12 saw Mr. La Bianca and Mrs. La Bianca seated inside
13 the residence, did you think something was wrong?

14 "A Not wrong. I thought it was strange.
15 I never walked into a situation like that before.

16 "Q Did you think you, Tex and Katie were
17 just going to visit the La Biancas, pay them a
18 social visit or something like that?

19 "A I didn't know who lived in the house
20 when we entered it.

21 "Q But did you think that you three were
22 going to visit these people, whoever they were?

23 "A More than likely, yeah.

24 "Q You were going to visit strangers in
25 the middle of the night?

26 "A I figured somebody knew them.

27 "Q Did you ask Tex if Tex knew them?

28 "A No, it was obvious nobody knew them

1 "when we walked in.

2 "Q So why didn't you get up and leave then?

3 "A I hadn't thought about getting up and
4 leaving.

5 "Q And you didn't have a knife on you at
6 that time?

7 "A No.

8 "Q Did Sadie have a knife on her at that
9 time?

10 "A I don't think so.

11 "Q What about Tex?

12 "A I can't remember any weapons.

13 "Q What did you, Tex, Katie and Mr. and
14 Mrs. La Bianca talk about?
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1 "A Nothing.

2 "Q You just sat there and looked at each
3 other?

4 "A She said 'I will give you anything.'

5 "Q She said that to you?

6 "A That is all she said. She looked at
7 the two of us girls as we walked in and said
8 'I'll give you anything.'

9 "Q Did you wonder why she wanted to give
10 you something?

11 "A No, I give things away all the time.

12 "Q Did you ask her why she wanted to give
13 you something?

14 "A No.

15 "Q Did Mrs. La Bianca look frightened?

16 "A She looked like she wondered what was
17 going on.

18 "Q Did you tell her what was going on?

19 "A No, I didn't know what was going on.

20 "Q You just found yourself there, huh,
21 Leslie?

22 "A Yes, just like I find myself right
23 up here.

24 "Q Well, you were directed to take the
25 stand, weren't you?

26 "A By whom?

27 "Q You know by whom, you don't have to
28 ask me.

1 "A Myself.

2 "Q Did you direct yourself to take the
3 stand?

4 "A Enough was mentioned by me in my
5 testimony that I was going to appear.

6 "Q By whom?

7 "A By myself.

8 "Q I thought you said you just found
9 yourself up there.

10 "A I found myself up here, sure, I found
11 myself in that house because I put myself there.
12 I decided to go into that house.

13 "Q And you wanted to go to visit, is that
14 right?

15 "A I wanted to go into the house.

16 "Q I thought you wanted to go for a drive
17 that night.

18 "How come you decided you wanted to go
19 visit people?

20 "A You mean you never walked down the
21 street and saw a men's shop you wanted to walk
22 into, and, say, a restaurant and want coffee?

23 "Did you plan that when you started to
24 walk down that street, Mr. Bugliosi?

25 "Q The knife you got from the kitchen at
26 the La Bianca residence, how big was the blade?

27 "A I don't remember.

28 "Q What type of knife was it?

1 "A It seemed like a kitchen knife.

2 "Q A breadknife?

3 "A I don't recall.

4 "Q Do you remember whether it was a thin
5 blade?

6 "A There were a lot of knives, I remember
7 there was a little one, like that, at the end.

8 "Q Serrations?

9 "A You know, like you use on French bread.

10 "Q Uh-huh.

11 "A There was another one that you use to
12 slice steak.

13 "And there was -- there could have been
14 one of those ones that you pound it down to make it
15 tender.

16 "There was --"

17 THE COURT: All right, we'll take a recess now.

18 During the recess you are obliged not to converse
19 amongst yourselves, nor with anyone else, nor permit anyone
20 to converse with you on any subject connected with the
21 matter, nor form or express any opinion on it until it is
22 finally submitted to you.

23 We'll recess until 2:00 o'clock.

24 During the recess the Court will permit you to
25 be unsequestered, free. So the Court congratulates you on
26 being released from custody.

27 You are due back here at 2:00 o'clock.

28 Remember the admonition now that we have --

1 I have heretofore given you, and that we have discussed
2 concerning publicity. See you at 2:00 o'clock.

3 (Whereupon, at 12:00 o'clock noon a recess was
4 taken, the herein proceedings to be resumed at
5 2:00 o'clock p.m. of the same day.)
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LOS ANGELES, CALIFORNIA, TUESDAY, NOVEMBER 16, 1971

2:16 P.M.

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THE COURT: The record will show that all the jurors and alternates are present; both counsel are present.

You may proceed, Mr. Kanarek.

MR. KANAREK: Thank you, your Honor.

I think, your Honor, I was at Page 24,231.

THE COURT: Incidentally, what was the date of that? Mr. Williams has indicated it was some time early this year, from his record.

MR. KANAREK: That's correct, your Honor. I asked Joyce to get the minute orders of the Tate-La Bianca case, and I think from that, we can determine the date that Leslie Van Houten was on the witness stand.

THE COURT: The stipulation was that it was in the fall of '70, but actually, it was --

MR. KANAREK: I can -- I will ferret it out from the minute orders.

THE COURT: -- February or so?

MR. KANAREK: Probably.

THE COURT: Of '71?

MR. KANAREK: Probably, your Honor.

THE COURT: Go ahead.

MR. KANAREK: Thank you.

"The knife -- the knife that you got from the kitchen at the La Bianca residence, how thick was the blade?

1 "A I don't remember.

2 "Q What type of knife was it?

3 "A It seemed like a kitchen knife.

4 "Q A bread knife?

5 "A I don't recall.

6 "Q Do you remember whether it was a
7 thin blade?

8 "A There were a lot of knives. I
9 remember there was a little one like that at the
10 end.

11 "Q Serrations?

12 "A You know, like you use on French
13 bread.

14 "Q Uh-huh.

15 "A There was another one that you used
16 to slice steak; and there was -- there could even
17 have been one of those ones that you pounded down
18 to make it tender.

19 "There were all kinds. I don't remember
20 which knife I used.

21 "Q Why did you go and get a knife?

22 "A I didn't.

23 "Q Did someone give you a knife?

24 "A Patricia went out in the kitchen
25 and got the knives.

26 "Q Then why did you start stabbing
27 Rosemary La Bianca?

28 "A It just started happening. I didn't

1 "think about it.

2 "Q Well, why did you stab her, as
3 opposed to stabbing the bed? How come you
4 chose her as opposed to the wall, the bed?

5 "A Because she was the one that kept
6 screaming out, 'Police.' 'I won't call the
7 police. I won't call the police.'

8 "The bed wasn't screaming nothing.

9 "Q And these screams by Rosemary
10 bothered you?

11 "A You said that.

12 "Q Did they bother you, the screams?

13 "A They started a reaction of trying
14 to quiet it.

15 "Q Why didn't you just leave the
16 residence instead of stabbing her to death?

17 "A I don't know.

18 "Q In other words, you just found yourself
19 stabbing her; is that correct?

20 "A Yeah.

21 "Q Are you saying, then, Leslie, that
22 you can just decide to kill someone for no reason
23 at all?

24 "A I didn't decide it.

25 "Q Are you --" No.

26 "Q Are you saying, then, that you can just
27 kill someone for no reason at all; is that what you
28 are saying?

"A I am saying: Somebody got killed.

"Q Why did you stab Rosemary La Bianca?"

Then Mr. Bugliosi -- I'm sorry. Uh --

"THE COURT:" -- after an objection -- "Did
you understand the question?"

"THE WITNESS: The one I just answered?"

"THE COURT: Yes. Speak up so the reporter
can hear you.

"THE WITNESS: I answered it, but I don't
even remember what it was now."

6a

6a-1

1 "THE COURT: Did you understand it when you
2 answered it?

3 "THE WITNESS: I guess so, if I answered it.
4 But I don't remember what the question was.

5 "Q You don't know why you stabbed Rosemary
6 La Bianca; is that correct?

7 "A It happened.

8 "Q And you don't know why it happened?

9 "A I have been trying to think of why it
10 happened. I don't know why it happened.

11 "Q It just happened?

12 "A It just happened.

13 "Q My next question, then -- in other words,
14 you can kill someone at any time for no reason
15 whatsoever; is that correct?"

16 The answer of the witness:

17 "I will ask you that.

18 "Q If you have no reason for killing Mrs.
19 La Bianca, my question is: Apparently, then, for
20 no reason whatsoever, at any time you can kill
21 anyone; is that correct?

22 "A Can you?

23 "Q I'm asking you, Leslie. You are the
24 one who said you had no reason for killing Rosemary
25 La Bianca.

26 "(No response.)

27 "Let me ask you again: Is it true, then,
28 Leslie, that at any time, at any given time, you can

6a-2

1 "kill anyone for no reason whatsoever? Is that true
2 about you?

3 "A About me personally?

4 "Q Yes, right.

5 "A Anybody can kill anything they can kill.
6 Anybody can.

7 "Q Are you sorry that you murdered Rosemary
8 La Bianca?

9 "A Sorry? Sorry never meant anything. It's
10 just a five-letter word people use.

11 "Q Have you ever shed one tiny little tear
12 that you murdered Rosemary La Bianca?

13 "A I have shed a lot of tears.

14 "Q Have you ever shed any tears that you
15 murdered her?

16 "A Not that I can remember.

17 "Q Do you know what the word 'sorry' means?

18 "A I know it doesn't do anything.

19 "Q Do you know what the word 'sorry' means?

20 "A It is something you say that doesn't
21 mean anything.

22 "Q Words don't mean anything?

23 "A Words are a way to communicate. But what
24 good does 'I'm sorry' do?

25 "Q I am not asking you --

26 "A What does 'I'm sorry' mean? What good
27 does it do? It's just happening -- it's just
28 something you say, if you are not willing to look

6a-3

1 "at what has happened.

2 "Q I am not asking you what good does it
3 do. I am asking you if you are sorry that you
4 murdered Rosemary La Bianca.

5 "You haven't answered that question yet.

6 "A I am asking you: What good would it do
7 to say 'I'm sorry'?

8 "'I'm sorry' doesn't mean anything. It
9 happened.

10 "Q Do you feel bad about it?

11 "A It happened. I don't feel bad about
12 anything that happened. That doesn't bring her
13 back, either.

14 "Q Why did you wipe fingerprints off things
15 at the La Bianca residence?

16 "A Because every time something happens like
17 that, you always wipe off fingerprints. Every movie
18 I've ever seen, they are always wiping off finger-
19 prints.

20 "Q So, in other words, you were just living
21 some movie script; is that what you are saying?

22 "A Most of the things I think about, I have
23 seen on TV, throughout my childhood. I am nothing
24 but everything I ever looked at.

25 "Q And you saw people get murdered on
26 television, so you decided to do a little bit of
27 it yourself; is that correct?

28 "A I have never made that comparison.

6a-4

1 "Q You wiped off fingerprints, because you
2 didn't want to get caught; isn't that right, Leslie?

3 "A I never tried to run. If I was afraid of
4 getting caught, I would have taken you up on the
5 immunity.

6 "THE COURT: What was the answer?

7 "THE COURT: What was that answer?

8 "THE WITNESS: I said --

9 "THE COURT: Just a moment.

10 "(The answer was read by the reporter.)

11 "Q What part of Rosemary La Bianca's body
12 did you stab?

13 "A Thinking back, I'm not sure if I stabbed
14 her while -- I know I stabbed her when she was down
15 a lot, over and over again.

16 "Q How many times did you stab her?

17 "A I don't know.

18 "Q More than 20?

19 "A I wasn't counting, Mr. Bugliosi. The
20 knife was going in and going out. It was going in
21 and going out.

22 "Q Was blood coming out of the wounds
23 where you were stabbing?

24 "A No.

25 "Q What part of her body did you stab her?

26 "A Her back.
27
28

7 fls.

7-1

1 "Q I show you People's 237.

2 "You notice there are a lot of stab
3 wounds here on the back?

4 "A Yes.

5 "Q Were some of those stab wounds inflicted
6 by you?

7 "A (Indicating) They could have been.
8 But more these.

9 "MR. KEITH: May the record reflect where the
10 witness is pointing on the picture?

11 "MR. BUGLIOSI: Yes.

12 "She is pointing to the buttocks area
13 also. Both areas.

14 "Q There are some stab wounds on the back
15 and in the buttocks area.

16 "Now, what part of Rosemary La Bianca's
17 body did you stab? Did you stab both the back and
18 the buttocks?

19 "A I could have done a couple on the back,
20 but I know it was mostly down here. (Indicating.)

21 "Q But you could have also stabbed her
22 in the back; is that correct?

23 "A I could have.

24 "Q Did you stab her on her chest?

25 "A No.

26 "Like I say, I am not -- those are the
27 wounds I remember.

28 "Q Did you stab her before she fell to the

7-2

1 "ground or the floor?

2 "A At that time, everything was happening
3 so fast, I don't know if I did or not.

4 "Q Did you stab her in the neck?

5 "A I could have. I had a knife.

6 "Q I imagine she stopped screaming for the
7 police long before you finished stabbing her, isn't
8 that right?

9 "A Yes.

10 "Q Why did you keep stabbing her then?

11 "A Because I was obsessed with the knife.

12 "Q What do you mean by that, you were
13 obsessed with the knife?

14 "A Once it went in, it just kept going in
15 and in and in.

16 "Q Then at one point you feel that Rosemary
17 La Bianca died; is that correct?

18 "A I figured she was dead when we left
19 the house.

20 "Q And you continued to stab her after
21 she was dead?

22 "A More than likely.

23 "Q Did you hitchhike back from Los Feliz
24 Boulevard to the ranch?

25 "A I don't know what street it was. I
26 don't know the area.

27 "Q How many blocks away from the La Bianca
28 residence did you get a ride?

1 "A I don't know that either.

2 "We walked for a while.

3 "Q When you were talking to Sergeant
4 Patchett and Sergeant McGann, why didn't you tell
5 them that you were involved in the La Bianca
6 murders?

7 "A Because it was none of their business.

8 "Q Why did you tell Mr. Part, then, that you
9 and Mr. Manson were involved in the murders?

10 "A I told you. He told me all those, Mr.
11 Bugliosi.

12 "You will notice I fired him right
13 away, too.

14 "MR. BUGLIOSI: No further questions."

15 Then, further examination by Mr. Keith.

16 "Q What were the circumstances under which
17 you told your former attorney, Mr. Part, that Mr.
18 Manson ordered or directed these murders?

19 "A Mr. Part was appointed for me by the
20 Court because I had fired some other guy.

21 "He said, you know, 'I will get you out.'

22 "Q This is Mr. Part saying this?

23 "A Yes.

24 "He was going to claim that I was nuts.

25 "And he said: 'We will make these tapes,
26 Leslie, and we will take everything that Susan Atkins
27 said in her story, and then we will put it on tapes
28 and play it for some psychiatrist to see if you are

1 "crazy."

2 "Q Where was this? At Sybil Brand?

3 "A Yes. We made them inside the little
4 room at Sybil Brand.

5 "And he gave the tapes to his investi-
6 gator, and his investigator gave the tapes to
7 everybody.

8 "Q How do you know his investigator gave
9 the tapes to everybody? Is that what he told you?

10 "A My father heard them once. And
11 Mr. Part used to tell me how he and Mr. Bugliosi
12 would go to cocktail parties, and that he was the
13 best of friends with the DA, and all this.

14 "And I just didn't like it, so I fired
15 him.

16 "Q Who told you that Mr. Part and Mr.
17 Bugliosi went to cocktail parties?

18 "A Mr. Part.

19 "A Christmas party is what it was. Last
20 year.

21 "Q Now, how long did you and Mr. Part
22 talk for the benefit of these tapes?

23 "A Until the tape was run out, and then
24 he would leave.

25 "Q There was more than one conversation?

26 "A There was three tapes.

27 "Q Do you have an estimate of how long the
28 three tapes ran?

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"In other words, how long you talked?

"A It was one of those little tiny
Japanese recorders, he said.

"Q That isn't quite what I was making
inquiry about.

"I wanted to know about how long it
took.

"A It was about this big around. (Indicating.)

"Q Do you have any recollection of how long
you talked into the tapes?

"A No.

7a fls.

7a-1

1 "Q Could it have been an hour or two
2 hours altogether?

3 "A It could have.

4 "You know, however long it takes to run
5 a tape that big on a Japanese tape recorder.

6 "Q Did Mr. Part ask you a great many
7 questions, or did he let you --

8 "A He mostly made statements and said,
9 'Isn't that true?'

10 "Q Do you know if those tapes were still
11 in existence?

12 "A Mr. Reiner was supposed to destroy
13 them.

14 "Q You don't know that for a fact,
15 though, do you?

16 "A I don't know for a fact anything that
17 goes on other than what I see inside the jail and
18 when I come to court.

19 "I don't know what you discussed at the
20 bench, I don't know a lot of things that you people
21 do.

22 "Q I was simply asking you whether you
23 knew for a fact whether Mr. Reiner had destroyed
24 the tapes.

25 "A He told me, but I don't trust him.

26 "I don't trust - there are very few people
27 that I trust.

28 "Q Mr. Part told you he was going to have

1 "the tapes played before a psychiatrist?

2 "A Yes.

3 "Q That was for the purpose of deter-
4 mining whether the psychiatrist thought you
5 were insane or mentally ill?

6 "A Yes.

7 "Q Did Mr. Part tell you that he thought
8 you were mentally ill?

9 "A Of course not.

10 "He said it would be a way out. Which I
11 couldn't understand either.

12 "Q Do you feel you are mentally ill?

13 "A Do I feel I am mentally ill?

14 "Q Yes.

15 "A No.

16 "MR. KEITH: I don't have anything further.

17
18 "FURTHER EXAMINATION

19 "BY MR. SHINN:

20 "Q Leslie, you said that Marvin Part was
21 your attorney at one time?

22 "A Yes, he was.

23 "Q This was an attorney that the Court
24 appointed for you, is that correct?

25 "A Yes, he was.

26 "Q And it was not an attorney of your
27 choice?

28 "A No.

1 "Q Okay. When did he take this tape
2 recording of you?

3 "Do you know the date? Was it after
4 December 5th?

5 "A No, I don't remember. I remember he
6 was my attorney around Christmas time, I guess it
7 was a year ago, the first Christmas since I have
8 been locked up.

9 "Q In other words, this was after, say,
10 December 5th, correct?

11 "A It was around Christmas time.

12 "Q Christmas time. That would be around
13 the 25th, 26th of December, 1969?

14 "A It was after I had been arrested, I
15 mean indicted, because I had been to a court
16 hearing where I had another attorney.

17 "Q Now, I believe you stated that Marvin
18 Part was a, what, a former District Attorney?

19 "A I think I was told that. He just
20 felt like a District --

21 "I did not feel comfortable around him. He
22 felt like a District Attorney.

23 "Q Did you know that he was a former
24 Deputy District Attorney?

25 "A Now that you mention it, I believe
26 that I was told that when I met him.

27 "Q Okay, now, during your conversation
28 with Mr. Part did he tell you that he knew

1. "Mr. Bugliosi?

2. "A. Yeah, he said they were good friends,
3. and they had cocktails together, you know, one
4. big happy family.

5. "Q. Okay, so now when he took this case,
6. sometime around December 25th, 1969, this tape
7. recording of your conversation --

8. "A. Are you asking me if I made it?

9. "Q. Yes, I mean, did he take this tape,
10. take a tape recording?

11. "A. There were three tapes. We would do
12. a side a day whenever he would come up.

13. "He was my attorney. Shortly thereafter I
14. fired him.

15. "Q. Now, did he mention to you whether
16. or not he heard some other tapes of other defen-
17. dants when he talked to you?

18. "A. I don't remember.

19. "Q. Do you recall whether or not he
20. stated that he read something about this case?

21. "A. Anybody in L.A. read something about
22. the case.

23. "Q. I'm asking you if Mr. Marvin Part told
24. you that he read something about the case either in
25. the newspapers, or a book or a newspaper?

26. "A. I kept asking him to bring in the
27. Grand Jury, and he said he wasn't through reading
28. it.

1 "Q You mean the Grand Jury transcript?

2 "A Yes.

3 "Q Now, did he tell you what he was
4 going to do with these tapes? Was he going to
5 sell them?

6 "A No. He said he was going to take them
7 to some psychiatrist.

8 "Q You mean that is what he told you?

9 "A Yes.

10 "Q Did he mention anything about writing
11 a book or selling it to a magazine?

12 "A No."

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1 "Q Was your state of mind that he was
2 going to play it for a psychiatrist at the time
3 that he had it taped?

4 "A Yes. Then I told him to destroy them
5 because they weren't the truth.

6 "Q In other words, you told him that what you
7 told Mr. Part was not the truth; is that correct?

8 "A I told him what Katie had said in the
9 papers, but I put myself where Sadie had put me.

10 "Q In other words, you stated, or you said,
11 substantially the same as Sadie said; is that right?

12 "A Identical.

13 "Q Identical?

14 "A Yes.

15 "Q In other words, did you read it some
16 place?

17 "A Yes. Sure.

18 "Q Where did you read it?

19 "A Up in Cell 5200. I read the Susan
20 Atkins' confession that got me indicted.

21 "Q In other words, then, you were trying
22 to conform your story with Susan Atkins' story?

23 "A Sure.

24 "Q Not knowing whether or not it was true
25 or false?

26 "A I knew it.

27 "Q You knew what?

28 "A It was false.

1 "Q And did you tell this to your attorney,
2 Mr. Marvin Part?

3 "A Sure. But he didn't want to hear it.

4 "He wanted to give me a crazy -- you know,
5 whatever you do when someone is insane.

6 "He didn't want to hear it. He liked the idea
7 of it all being Charley's fault.

8 "Q So your state of mind was such that when
9 you fired him, he was not helping you; is that
10 correct?

11 "A Not helping me?

12 "He was, you know, like with a lot of attorneys,
13 I go to talk to them, and they are saying, 'Sure,
14 honey, it is okay. It is okay.'

15 "But you know, they are going out in the
16 free world, and you don't know what they are doing
17 out there.

18 "And he would come back and say, 'I just
19 talked to the D.A. We were at a party together.'

20 "And I would say, 'That is nice.'

21 "Q Did he tell you at any time that this
22 conversation which he taped would be confidential?

23 "A He told me he wouldn't play it for anyone.
24 And then all of a sudden he had an investigator
25 brought in.

26 "And I said, 'Well, what is the point of
27 this?'

28 "And he said, 'Well, we need to investigate

1 "things, this and that.' And I said, 'I will tell
2 you whatever you want to know.'

3 "And he said, 'This guy has got to investigate
4 and I played it for him, and he played for your
5 father, and we took the tape here and there.'

6 "And I said, 'Wait a minute, wait a minute.
7 Why don't you just destroy it?'

8 "Q In other words, if you knew at the time
9 that he was taping your conversation, if you knew
10 that he would play it for everyone else, you would
11 not have made the tape recording?

12 "A Heavens, no, I would not have. I
13 would have taken an immunity way before then."

14 And that's the end of Mr. Shinn's examination.
15 Further examination by Mr. Kanarek.

16 "Q Did Mr. Part tell you, Leslie, how
17 he got the tape recorder into the County Jail?

18 "A I believe he was granted a court
19 order.

20 "Q By the Superior Court to bring it in?

21 "A Yes.

22 "Then Mr. Reiner tried later to get another
23 one, and they wouldn't let him get one in.

24 "Q In connection with these tapes,
25 would you tell us the conversation that went on
26 between yourself and Mr. Part concerning this race
27 war?

28 "A I don't remember, Mr. Kanarek. They

1 "were made over a year and a half ago.

2 "I don't even remember word for word what
3 we discussed this morning.

4 "Q Well, was it tapes made up more or
5 less of your saying yes or no, or giving answers
6 to questions where the questions suggested their
7 own answers?

8 "A Yes.

9 "Q Is that right?

10 "A Yes.

11 "Like all of you ask questions that
12 suggest your own answers.

13 "Q And Mr. Part, in other words, didn't
14 say: Well, please tell me your story, or tell me
15 what happened. He asked questions, and then asked
16 you to --

17 "A Some of it would be narrative.

18 "Like: How do you feel about your childhood?
19 You know. We had been through that bit.

20 "And when it got down to the nitty-gritty
21 of the case, it all followed Sadie's little con-
22 fession that was in the paper."

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1 "Q And did he have anything in front of
2 him as he spoke to you?

3 "A A tablet that he would write on, or it
4 had notes.

5 "Q And no one else was present except Mr.
6 Part and yourself?

7 "A Not that I know of.

8 "Q Is that correct?

9 "A Not that I know of. I can't remember.
10 Sometimes he would bring investigators but I don't
11 think anyone was ever present when the tapes were
12 made.

13 "Q And then at one point did you tell Mr.
14 Part that whatever was set out in these tapes was
15 untrue?

16 "A I just made it very clear that I didn't
17 like the idea of doing it, and I hoped that he would
18 not ever show them to anybody.

19 "He promised me: Well, this is strictly
20 confidential, you know. It is just me and you.

21 "And I'd say: Well, okay. Then we
22 will go ahead with it.

23 "Q All right, did you tell him that what
24 you had -- that what he -- that the gist of the
25 conversation was untrue?

26 "A Sure.

27 "Q And when you told him --

28 "A You see, attorneys are this way. You

7c-2

1 "tell them one thing and they say, 'Yes, let's
2 imagine it another way.'

3 "THE COURT: Wait for the question.

4 "Q And when you told him that something
5 was untrue, what did he tell you?

6 "A Well, let's just say for instance that
7 it is, and, you know, you just go along with it,
8 and we'll play it for the psychiatrist, and I think
9 we can do this and that and the other.

10 "And I was going, well, I didn't under-
11 stand, but sure I would go along with it.

12 "Q Did Mr. Part tell you anything about a
13 play that he wrote, the title of which was 'The Family
14 That Slays Together Stays Together.'

15 "A Mr. Part wrote that after I fired him.

16 "Q He wrote that little skit, right?

17 "A That is what I heard from my new
18 attorney, Ira Reiner.

19 "I guess Mr. Part's ego was hurt when
20 I fired him, so he just went all off.

21 "Q And wrote that skit?

22 "A I don't know if he wrote the skit.

23 "Q That is what you heard?

24 "A I heard that he sang a song at one of
25 the Bar Association dinners where he said 'The Family
26 That Slays Together Stays Together.'"

27 Uh, that is the --

28 THE COURT: That is the end of her testimony?

7c-A 3

1 MR. KANAREK: Yes, your Honor.

2 THE COURT: Anything further?

3 MR. MANZELLA: No, your Honor, but I think we can
4 stipulate that the testimony was given in February, 1971.
5 I noted it was so dated in one of the pages of the
6 transcript in February, 1971.

7 THE COURT: You may step down.

8 MR. KANAREK: If Mr. Manzella so represents, your
9 Honor, he has studied the file, I'll so stipulate, your
10 Honor.

11 MR. MANZELLA: So stipulated.

12 MR. KANAREK: Your Honor, at this time I would like to
13 call Mr. Manzella, if I may.

14 THE COURT: Call Mr. Manzella?

15 MR. KANAREK: Yes, if I may.

16 THE CLERK: Please raise your right hand.

17 You do solemnly swear the testimony you may
18 give in the cause now pending before this court shall be
19 the truth, the whole truth, and nothing but the truth,
20 so help you God?

21 THE WITNESS: I do.

22
23 ANTHONY MANZELLA,
24 called as a witness by and on behalf of the defendant,
25 having been first duly sworn, was examined and testified
26 as follows:
27

28 DIRECT EXAMINATION

7c-4

1 BY MR. KANAREK:

2 Q Now, Mr. Manzella, throughout this trial we've
3 -- even though we've been on opposite sides of the bench,
4 we call ourselves by our first names, is that right?

5 A I think that's irrelevant, Mr. Kanarek.

6 Q Very well, I'll call you Mr. Manzella, then.

7 Would you tell us, Mr. Manzella, how does the
8 District Attorney determine who to ask or what person should
9 get the death penalty and what person should not? Would
10 you tell us the policy of your office in that regard?

11 MR. MANZELLA: I would like to make an objection to
12 the question, Mr. Kanarek, on the grounds it is not relevant.

13 MR. KANAREK: Your Honor, I believe --

14 THE COURT: The objection is sustained.

15 MR. KANAREK: Then, I would like to approach the
16 bench in view of the absolute discretion of the jury. The
17 jury has the absolute --

18 THE COURT: I don't understand that last comment, but
19 I'd rather have you argue it at the bench than before the
20 jury.

21 MR. KANAREK: Yes, your Honor.

22 THE COURT: The objection is sustained, and you may be
23 heard on the record.

24 MR. KANAREK: Thank you.

25 (Whereupon, the following proceedings were had
26 at the bench among Court and counsel, outside the hearing
27 of the jury.)

28 MR. KANAREK: It is my belief, your Honor, that this is

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1 a decision that goes to the absolute discretion, and
2 something that is pertinent in the absolute discretion of
3 the jury.

4 In other words, I think we are entitled to
5 place before the jury what the District Attorney does in
6 connection with choosing who they shall ask the jury to
7 kill, who they do not ask the jury to kill.

8 And I think this is -- in view of the absolute
9 discretion the jury has, it is most relevant and most
10 material, because it could go to a jury deciding that this
11 life and death decision is made up of -- by human beings,
12 by people in the District Attorney's office.

13 THE COURT: Okay, the Court sustains the objection.

14 Do you have any comment?

15 MR. KANAREK: What, to that one question?

16 MR. MANZELLA: No, not in view of the Court's sustain-
17 ing the objection.

18 THE COURT: The Court believes that that or a similar
19 question is immaterial.

20 MR. KANAREK: As to how a decision is made?

21 THE COURT: Yes.

8 fls.

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1 MR. KANAREK: I think --

2 THE COURT: According to the instructions of the jury,
3 we'll tell the jury the law concerning the death penalty, and --

4 MR. KANAREK: Right. But in view of the absolute
5 discretion, your Honor, I think that it's pertinent -- in fact,
6 this -- during the Tate-La Bianca trial, for whatever it may
7 be worth -- I know it's not binding, because there is no
8 appellate decision on it -- but in my view -- and I wish the
9 Court would seriously consider it -- this is a decision which
10 I think that we have a right to -- we have a right to argue
11 to the jury, as to --

12 THE COURT: Of course, it asks a Deputy District
13 Attorney a question which is a loaded question; and the answer
14 could presumably be very prejudicial to a defendant.

15 MR. KANAREK: Well, I --

16 THE COURT: But aside from that, the --

17 MR. KANAREK: Well, everything -- these matters --
18 there's a balancing process. I had --

19 THE COURT: But aside from that --

20 MR. KANAREK: But I think their opposition to this
21 decision, which is in effect playing God, so to speak, because
22 of the fact that they then decide who -- who shall -- who they
23 shall ask the jury to kill, or who they shall ask the jury not
24 to kill, I think this is most --

25 THE COURT: You've said that.

26 Mr. Manzella?

27 MR. MANZELLA: Briefly, your Honor, I think that the
28 basic reason why the question is improper -- and the line of

1 questioning is improper -- is because, essentially, it calls
2 upon the witness to make a -- it calls upon an attorney in the
3 case to make a personal -- to state a personal opinion, as to
4 the evidence in the case, and his beliefs and conclusions with
5 regard to the case.

6 And we all know that it's highly improper for an
7 attorney to state his personal opinion with regard to a case,
8 whether it be the issue of guilt or the issue of penalty.

9 And essentially, that's what that question calls
10 for.

11 MR. KANAREK: That's beside the --

12 MR. MANZELLA: For a personal opinion.

13 MR. KANAREK: That's beside the point, though, in this
14 case; because we have the unique situation where it's up to
15 the absolute discretion of the jury, and -- and it may well be
16 that people on that jury would think that this kind of a
17 decision by the District Attorney, made arbitrarily, made for
18 political reasons, made because the case is in the public eye
19 and the District Attorney -- and the District Attorney --

20 THE COURT: The Court sustains the objection.

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

23 THE COURT: Anything further, Mr. Manzella?

24 MR. KANAREK: If I may ask a couple of questions?

25 Q Mr. Manzella, in a situation where
26 a homicide -- or first-degree murder -- is alleged,
27 would you tell us how immunity is decided upon in
28 the District Attorney's Office?

1 MR. MANZELLA: Again, Mr. Kanarek, I would like to
2 object on the grounds that the --

3 THE COURT: Sustained.

4 MR. MANZELLA: -- it's not relevant.

5 THE COURT: The Court sustains the objection.

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

8 THE COURT: No, you may not.

9 MR. KANAREK: Pardon?

10 THE COURT: No, you may not.

11 Q BY MR. KANAREK: Is there a policy in the District
12 Attorney's Office, as to who shall be given immunity, when
13 there are multiple defendants in a charge of first-degree
14 murder?

15 MR. MANZELLA: Again, I would like to object on the
16 grounds that it's not relevant.

17 THE COURT: Yes, Mr. Kanarek. It's not relevant.

18 MR. KANAREK: May we approach the bench on that, your
19 Honor?

20 THE COURT: No, you may not. The objection is sustained.

21 Q BY MR. KANAREK: Would you tell us, Mr. Bugliosi,
22 who, in the District Attorney's Office, besides --

23 THE COURT: I think, Mr. Kanarek, you are still trying
24 that other case.

25 MR. KANAREK: No.

26 THE COURT: This is Mr. Manzella.

27 MR. KANAREK: Oh, I'm sorry.

28 (Laughter.)

1 MR. KANAREK: I apologize. I apologize.

2 What did I say, your Honor?

3 THE COURT: You called him Mr. Bugliosi.

4 MR. KANAREK: I'm sorry. I apologize.

5 I am sure that --

6 THE COURT: You have been reading that other transcript,
7 and it's understandable.

8 MR. KANAREK: Yes.

9 THE COURT: Go ahead and rephrase your question.

10 Q BY MR. KANAREK: Mr. Manzella, would you tell us
11 who in the District Attorney's Office decided that Mary
12 Brunner should get immunity in connection with the matters that
13 have been placed before this Court?

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1 MR. MANZELLA: Again, Mr. Kanarek, I would like to
2 object on the grounds that I don't think it's relevant.

3 THE COURT: The Court sustains the objection.

4 MR. KANAREK: Well, may I make argument on that, your
5 Honor?

6 THE COURT: No, you may not.

7 Q BY MR. KANAREK: May I ask who in the District
8 Attorney's Office decided that Linda Kasabian should get
9 immunity?

10 MR. MANZELLA: Again, Mr. Kanarek, I would like to
11 object on the same grounds.

12 THE COURT: Sustained.

13 Mr. Kanarek, the Court requests that -- that you
14 not ask any similar questions.

15 MR. KANAREK: Very well, your Honor. May I make argu-
16 ment at the bench, your Honor?

17 THE COURT: No, you may not.

18 MR. KANAREK: Thank you. Thank you, Mr. Manzella.

19 THE COURT: Are you ready with your next witness?

20 MR. KANAREK: Yes, your Honor -- excuse me just a
21 moment.

22 (Pause in the proceedings while a discussion off
23 the record ensued at the counsel table between Mr. Kanarek
24 and Mr. Manzella.)

25 MR. KANAREK: We have a stipulation, Mr. Manzella and
26 I, your Honor, that no gunshots were fired at the La Bianca
27 home in connection with the passing away of Leno La Bianca
28 and Rosemary La Bianca.

1 MR. MANZELLA: So stipulated, your Honor.

2 THE COURT: Very well. The Court receives that
3 stipulation.

4 MR. KANAREK: No -- that's right.

5 THE COURT: The stipulation, of course, ladies and
6 gentlemen, is an agreement between counsel as to what the
7 facts -- or as to what the evidence is, rather; and no
8 further evidence need be produced on that.

9 MR. KANAREK: We further have the stipulation, your
10 Honor, that --

11 (Pause in the proceedings while a discussion off
12 the record ensued at the clerk's desk between Mr. Kanarek and
13 the clerk.)

14 MR. KANAREK: Your Honor, I have here two pictures
15 that are People's 104 and People's 105 in case No. A-253 156.

16 And we have the stipulation that the writing of
17 the word "pig" on the front door of the Sharon Tate home was
18 placed there on the night that Sharon Tate and the four other
19 people passed away, the night of August the 8th and the
20 morning of August the 9th, 1969.

21 (Pause in the proceedings while a discussion off the
22 record ensued at the counsel table between Mr. Kanarek and
23 Mr. Manzella.)

24 MR. MANZELLA: So stipulated, your Honor.

25 (Pause in the proceedings while a discussion off
26 the record ensued at the counsel table between Mr. Kanarek and
27 Mr. Manzella.)

28 MR. KANAREK: May that be read back, your Honor, what I

1 said?

2 THE COURT: Mr. Williams, do you want to read it for
3 Mr. Kanarek, please?

4 (Whereupon, the record was read by the reporter
5 as follows:

6 "And we have a stipulation that the writing
7 of the word 'Pig' on the front door of the Sharon
8 Tate home was placed there on the night that
9 Sharon Tate and the four other people passed away,
10 the night of August the 8th and the morning of
11 August the 9th, 1969."

12 MR. MANZELLA: So stipulated.

13 MR. KANAREK: So stipulated, your Honor.

14 THE COURT: All right. The Court receives that
15 stipulation.

16 MR. KANAREK: May these be passed just briefly at this
17 time?

18 THE COURT: And they may be received by reference as
19 your next exhibits in order, whatever that might be.

20 THE CLERK: LL and MM.

21 THE COURT: LL and MM. And they may be passed to the
22 jurors.

23 MR. KANAREK: Thank you, your Honor.

24 (Pause in the proceedings while the members of
25 the jury examined the exhibits.)

26 THE COURT: Have those gotten around there to everyone?
27 Have you seen them, Mrs. Banks?

28 MR. KANAREK: Yes, they have.

LL
MM

1 THE COURT: All right.

2 Then we'll take a short recess at this time.

3 During the recess, you are admonished that you
4 are not to converse amongst yourselves nor with anyone else,
5 nor are you to allow anyone else to converse with you on any
6 subject connected with this matter, nor are you to form or
7 express any opinion on the matter until it is finally submitted
8 to you.

9 You may be wondering when we are going to break
10 today, because some of you may want your relatives to pick you
11 up at a certain time.

12 I'll call it at 4:00 o'clock, so that you can get
13 -- so you can make some phone calls now.

14 We'll take about 15 minutes.

15 (Mid-afternoon recess.)
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1 THE COURT: All right. Both counsel are present, the
2 record should show. All the jurors are present.

3 We are ready to proceed.

4 Mr. Kanarek? It's your proposal now to read
5 further testimony, Mr. Kanarek?

6 MR. KANAREK: Yes, your Honor. This is --

7 THE COURT: And the testimony you wish to read is
8 testimony from what case?

9 MR. KANAREK: From the Bobby Beausoleil case, your
10 Honor.

11 THE COURT: And it's whose testimony?

12 MR. KANAREK: The testimony of Mary Brunner.

13 THE COURT: In the proceedings before --

14 MR. KANAREK: Before Judge Keene; and on the motion
15 for a new trial.

16 THE COURT: On what date?

17 MR. KANAREK: I don't know the exact date, but it
18 could be in the summer of 1971 -- or in the -- or in that
19 period of time.

20 MR. MANZELLA: If I may, according to the transcript,
21 it began on May 12th of 1970, the motion for new trial.

22 MR. KANAREK: I'm sorry. 1970.

23 MR. MANZELLA: May 12, 1970.

24 THE COURT: The motion for a new trial began on
25 May 12th, 1970?

26 MR. MANZELLA: Yes, according to the first page of
27 Volume 9 of the transcript.

28 THE COURT: The Judge took this evidence in the motion

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1 for new trial in the month of May, 1970?

2 MR. MANZELLA: So stipulated.

3 THE COURT: And it's the testimony of --

4 MR. KANAREK: Mary Brunner.

5 THE COURT: -- Mary Brunner?

6 MR. MANZELLA: So stipulated.

7 MR. KANAREK: Your Honor?

8 THE COURT: Do you need something?

9 (Whereupon, a discussion ensued at the bench
10 between the Court and Mr. Kanarek which was not
11 audible to the reporter.)

12 THE COURT: Why don't you go ahead and read it?

13 MR. KANAREK: All right.

14 Page 2626, after -- well, after being sworn in
15 as a witness;

16 "THE CLERK: Would you be seated and state
17 your name?

18 "THE WITNESS: Mary Theresa Brunner.

19 "THE COURT: Miss Brunner, by your appearance
20 here in court this morning, I assume that you antici-
21 pate giving some testimony in this hearing in this
22 court; is that correct?

23 "THE WITNESS: That's correct.

24 "THE COURT: Let me point out the serious
25 ramifications of what you are about to do --"

26 MR. MANZELLA: Excuse me, Mr. Kanarek. I'm sorry to
27 interrupt you.

28 Your Honor, it was my understanding we were

8b-3

1 going to read the testimony of Miss Brunner. This is --

2 MR. KANAREK: Yes, your Honor. But may I -- to show
3 her state of mind, I think it's relevant to have what the
4 Court told her, so that the jury will have the full picture
5 of -- of her state of mind.

6 THE COURT: Under section 1291, I believe, all you
7 could read would be her former testimony.

8 MR. KANAREK: May I approach the bench on that, your
9 Honor? Because it's most important --

10 THE COURT: No, I don't believe so. I think that if --
11 if counsel is willing to stipulate to the foundation, as
12 he indicated to me off the record that he was -- and as both
13 of you did -- then it would pertain, I should think, only
14 to her testimony; and not to her -- to anything else.

15 MR. KANAREK: Well, your Honor, I don't wish to have
16 to call the Court, the Judge, to -- to have before the jury
17 what she actually heard before she testified from the Court.
18 I think that goes to her state of mind.

19 It's not offered for the truth of the matter
20 asserted.

21 THE COURT: The Court believes it would be irrelevant
22 in any case.

23 MR. KANAREK: Your Honor does not wish me to approach
24 the bench and argue it?

25 THE COURT: The Court doesn't wish to hear any argu-
26 ment in connection with it. Just read her testimony given
27 on the date stated.

28 MR. KANAREK: The questions were asked by Mr. Beausoleil,

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1 who was acting as his own attorney.

2 "Q In my kind of language, and in your kind
3 of language, I will restate what Mr. Keene -- or
4 Judge Keene -- has just told you."

5 Uh -- well -- well, your Honor, I want to follow
6 the orders of the Court.

7 Do you wish to read this? It's part of her
8 testimony, however.

9 (Whereupon, Mr. Kanarek handed the volume of
10 the transcript to the Court, which volume the Court
11 perused.)

8c fls.

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1 THE COURT: All right. Beginning at line 3 of 2631,
2 you may proceed.

3 MR. KANAREK: Thank you, your Honor. The Court --
4 just for the continuity here, probably, your Honor --

5 "Q BY MR. BEAUSOLEIL: In my kind of
6 language and your kind of language, I will
7 restate what Mr. Keene -- or Judge Keene --
8 has just told you.

9 "THE COURT: There's no need to do that. I
10 have advised her as to what her constitutional
11 rights are, and she has indicated to me that she
12 understands what her constitutional rights are.

13 "Now, you direct whatever questions
14 that you care to ask her -- ask of her.

15 "I might also suggest and point out
16 to you, Miss Brunner, that if you do testify
17 in this manner, in response to any questions
18 asked of you by Mr. Beausoleil, the Court
19 will ask you to answer all questions directed
20 to you not only by Mr. Beausoleil but Mr. Katz.

21 "Do you understand that?

22 "THE WITNESS: Yes.

23 "THE COURT: In other words, you can't pick
24 and choose the questions that you are going to
25 answer. Do you understand that?

26 "THE WITNESS: Yeah, I understand that.

27 "THE COURT: Go ahead, Mr. Beausoleil.

28 "Q Mary, you are fully aware, aren't you,

8c-2

1 "that -- you are fully aware, aren't you?

2 "A I've got it.

3 "Q You are fully aware of the fact that
4 very likely that they will charge you with murder;
5 isn't that correct?

6 "A Yes, that's correct -- that's right.

7 "THE COURT: Mr. Beausoleil, I have indicated
8 I have advised this witness of what the ramifica-
9 tions are, and the consequences of her testifying
10 here in court this morning.

11 "Now, go ahead and ask her any questions,
12 but don't repeat the questions I have already
13 asked her.

14 "MR. BEAUSOLEIL: In laying the ground
15 work for her testimony, your Honor, I would ask
16 the Court to allow me to question this witness
17 in my own manner.

18 "THE COURT: You may question this witness,
19 Mr. Beausoleil, and you will also follow the
20 directions and the orders of the Court.

21 "Now, ask your questions of this
22 witness.

23 "Q Are you also aware of the fact that,
24 beyond being charged with murder, that you could
25 be charged with perjury?

26 "A Yeah, that occurred to me.

27 "Q And very probably violation of
28 probation; isn't that correct?

8c-3

1 "A Well, I let my PO know -- well, she
2 should know where I am going.

3 "THE COURT: What was that answer?

4 "THE WITNESS: I left a message with my
5 probation officer.

6 "Q BY MR. BEAUSOLEIL: And that you were
7 subpoenaed here -- and that you were subpoenaed
8 here?

9 "A And that I was subpoenaed here.

10 "Q Now, you have spoken to me personally
11 on the phone, haven't you?

12 "A Yes.

13 "Q In the last couple of weeks, two or
14 three times; isn't that correct?

15 "A That's true.

16 "Q How did I acquire your phone number?"
17 Oh, objection sustained.

18 "Q Did you somehow give your phone number
19 to me, to have me call you?

20 "A Yes.

21 "Q How was that done?

22 "A By a letter to the ranch, to be given
23 to you.

24 "Q And you told me at that time that there
25 was no pressure put on you; isn't that correct?

26 "A That's right.

27 "Q And that everything in this affidavit
28 that you signed, you have done completely freely

8c-4

1 "and voluntarily; isn't that correct?

2 "A That's right.

3 "Q And that in fact, that it was written
4 before Sandra Good or Lynn Fromme arrived in
5 Wisconsin; isn't that correct?

6 "A It was handwritten. It wasn't typed
7 up.

8 "Q And then later, Miss Fromme -- Squeaky --
9 typed it up for you; isn't that correct?

10 "A One of them did.

11 "Q Added a legal heading and things like
12 that; is that correct?

13 "A That's correct -- that's right.

14 "MR. BEAUSOLEIL: May I approach the witness?

15 "THE COURT: Yes.

16 8d fls.
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8D

1 "Q I have in my hand at this time
2 People's Exhibit 61, which appears to be an
3 affidavit signed by Mary Brunner on May 21,
4 1970, and notarized by Owen E. Reese.

5 "Would you -- Mary, would you take a look
6 at this affidavit, a copy of this affidavit, and
7 would you tell me if that appears to be what was
8 sent in the mail?

9 "A Yeah, that's it.

10 "MR. BEAUSOLEIL: And I also have here --
11 what is the exhibit number, classification number
12 of the second affidavit which was signed on June 1,
13 1970?

14 "THE COURT: Where are the originals?
15 Do you have them, Mr. Katz?

16 "MR. KATZ: I have some of them, your Honor.
17 I can't find People's 61.

18 "MR. BEAUSOLEIL: There is a 61.

19 "MR. KATZ: I don't have the other referred-
20 to affidavit.

21 "MR. BEAUSOLEIL: Well, we haven't got the
22 classification, your Honor.

23 "THE COURT: Just a minute. What exhibit
24 do you have?

25 "MR. BEAUSOLEIL: I have ---"

26 THE COURT: You needn't read all of that.

27 MR. KANAREK: Yes.

28 THE COURT: Just read her testimony.

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1 MR. KANAREK: Very well, your Honor.

2 "Q Now, I have here another affidavit
3 which appears to be signed by you on June 1st.

4 "This is your signature?

5 "A Yes.

6 "Q And would you read the statement
7 and tell me if that is true?

8 "A 'I, Mary Theresa Brunner, do hereby
9 swear that an affidavit regarding testimony given
10 by me at the trial of Robert Kenneth Beausoleil
11 and before the Grand Jury and dated May 21, 1970,
12 was written and signed by me voluntarily. No
13 pressure, force, or even encouragement was put
14 on me by anyone to write, sign or send said
15 affidavit.'

16 "Q Was that statement true?

17 "A Yes.

18 "THE COURT: Let me state for the record
19 that the original affidavit has been ordered filed
20 and is part of the Court file.

21 "Q I'm not sure if I asked you. Is this
22 statement true, the affidavit from May 21, 1970?
23 Is that statement true?

24 "A Yes.

25 "Q I have in my possession an envelope
26 addressed to Leon Salter, care of Public Defender's
27 Office, 1725 Main Street, Santa Monica, California,
28 90041, which is the zip code. Return address to

1 "Mary Brunner, 1329 Milton Street, Madison,
2 Wisconsin, zip code 53715.

3 "It appears to be stamped, postmarked the
4 1st of June, 1970, sent Special Delivery Air Mail.

5 "I also have here, which I understand was
6 enclosed in the envelope, a letter starting with
7 'Mr. Salter' and dated May 31, 1970, and has
8 handwriting on it.

9 "Do you recognize this handwriting?

10 "A. It's mine.

11 "Q. And this is the original?

12 "A. That's right.

13 "Q. What you state in that letter is that --
14 is everything that you stated in that letter true?

15 "A. Yes.

16 "Q. I believe the best place for us to start
17 is December 4. Do you recall that date?

18 "A. Yes.

19 "Q. And what happened on that date?

20 "A. Starting when?

21 "Q. Let's say on December 4. Sometime
22 on December 4, you made contact with a Lieutenant
23 Brown; isn't that correct?

24 "A. He called me first --

25 "Q. He called --

26 "A. -- at work."

8e

1 "Q And from that point on, would you
2 in a narrative form tell us what happened?

3 "A Yeah. He told me that there were a
4 couple of people here from California that wanted
5 to see me, and I was at work, and I asked them
6 would it be okay if I called them up as soon as I
7 got home from work. Okay, you know, and he said,
8 yeah, that would be all right.

9 "Q Let me go back over that just a second.

10 "You say that a couple of people from
11 California; isn't that correct?

12 "A He didn't say who it was at that time.

13 "Q Did he even imply to you with any words
14 that it might be police officers?

15 "A I don't really recall. I just know it
16 was from the Sheriff's Department.

17 "Q Do you recall exactly what he said to
18 you on the phone, or any of what he said to you on
19 the phone?

20 "A Actually, all I remember him saying
21 is that there were a couple of people there from
22 California that wanted to talk to me.

23 "Q Okay. Proceed.

24 "A And then I told them I'd call them back
25 at 4:30 when I got off work, and then I called two
26 attorneys, neither of whom I could reach at the
27 moment; and then I tried to have -- I asked them
28 to call me back; and before either of them called

1 "me back, Lieutenant Brown came to work to talk
2 to my boss and arrange for me to get off right
3 then and there -- right then; and then he took me
4 up to the Holiday Inn Restaurant to Meet Mr.
5 Mr. Guenther and Mr. -- and Whiteley.

6 "Q When you first met with Lieutenant
7 Brown, did he at any time read any rights to you?

8 "A No.

9 "Q When you left with Lieutenant Brown,
10 did you have any inkling of who you were going to
11 see?

12 "A He may have told me at that time, that
13 it was a couple of people from the Sheriff's
14 Department.

15 "Q He might have; you're not sure?

16 "A He did, either at work or on the way
17 out to the restaurant.

18 "Q Once he had you in the car; is that
19 correct?

20 "A Sometime between getting me out of the
21 office at work and before we got to meet them, he
22 told me about it.

23 "Q And then you said you arrived at the
24 Holiday Restaurant?

25 "A Holiday Inn.

26 "Q The restaurant at the Holiday Inn?

27 "A Right.

28 "Q There you made the acquaintance of

1 "Sergeant Paul Whiteley and Deputy Guenther; is
2 that right?

3 "A That's right.

4 "Q From the Homicide Sheriff's Department
5 in Los Angeles?

6 "A Right.

7 "Q From that point, would you proceed in
8 your testimony?

9 "A First of all, they offered me a drink,
10 and I took one. And I think it was Whiteley said
11 that --

12 "Q Just a moment. You said they offered
13 you a drink?

14 "You said they offered you a drink?

15 "A Yeah.

16 "Q Was that hard liquor?

17 "A Yes, that's right.

18 "Q And you took a hard liquor drink?

19 "A And I took a hard liquor drink.

20 "Q So you took a drink. Did you have just
21 one, or did you have --

22 "A I had two.

23 "Q You had two drinks?

24 "A That's right.

25 "Q What were you drinking?

26 "A Manhattans, I believe.

27 "Q That's a pretty powerful drink?

28 "A I believe so.

1 "Q Did it make you high at all?

2 "A Yeah.

3 "Q In other words, you're not accustomed
4 to drinking?

5 "A I don't hardly ever drink.
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9-1

1 "Q And then while you were drinking these
2 Manhattans what did Deputy Guenther and Sergeant
3 Whiteley say to you?

4 "A They said that they had found my
5 fingerprints at the Hinman house. That they had
6 witnesses who had definitely placed me in a stolen
7 car.

8 "Q Did they name those witnesses?

9 "A No.

10 "Q Not at that time?

11 "A Not ever. Not ever, but a stolen car.

12 "He said that you had been doing a lot
13 of talking about me and Sadie was doing a lot of
14 talking about me.

15 "Q Let me go back to this a little bit.

16 "You say, 'They' told you. Who was
17 speaking?

18 "A Whiteley most of the time.

19 "Q That is Sergeant Whiteley? That is that
20 man there in the green coat?

21 "A Yes.

22 "MR. BEAUSOLEIL: Will the record so reflect
23 that she is pointing to Sergeant Whiteley from
24 Homicide.

25 "THE COURT: Yes, it may.

26 "BY MR. BEAUSOLEIL:

27 "Q And he told you, he mentioned my name
28 to you, in other words?

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"A Yes.

"Q And he mentioned Sadie's name?

"A Yes.

"Q Sadie Mae Glutz?

"A Yes.

"Q Susan Denise Atkins?

"A Yes. He was probably calling her Susan most of the time.

"Q Did he sometimes say Sadie, too?

"A I don't really recall.

"Q And in what way did he say that I was using your name?

"A Like saying that I committed the Hinman murder. That you were putting the blame of the Hinman murder on me.

"Q Did he say that I was putting all the blame on you?

"A He never got really specific about it.

"Q But he said that I was putting the blame on you?

"A Yes.

"Q What about Sadie, did he say Sadie also was putting the blame on you?

"A He didn't really say anything to -- he just said that you two were putting me responsible in a large part for the Hinman murder. I don't know how much of a part.

"Q Now, let me backtrack just a little bit.

9-3

1 "Before you had a conversation with --
2 before Sergeant Whiteley began speaking to you
3 along those lines that you have just been testifying
4 to, neither one of the officers, Sergeant Guenther,
5 Sergeant Whiteley, or Lieutenant Brown, either,
6 had read any rights to you; is that correct?

7 "A That's right.

8 "Q Proceed.

9 "A I don't really know where I was at.

10 "Q You testified that Sergeant Whiteley
11 was telling you that I had put all the blame --
12 that I had put the blame on you; isn't that
13 correct?

14 "A That's correct.

15 "Q And Sadie had also done that?

16 "A And Sadie had done that, and he said
17 that he knew that you had done the murder and
18 that I knew -- he told me that I knew that you
19 had done the murder and that in exchange for
20 my telling him about you killing Gary I would
21 get immunity, I'd get my probation dropped,
22 my restitution dropped, I could get custody of
23 the baby again.

24 "Q What did he tell you the consequences
25 were if you did not give him the statement?

26 "A If I didn't give him a statement my
27 probation would be violated. I'd be arrested
28 for Gary's murder. I could forget about seeing

9-4

1 "Bear.

2 "Q You said -- what was that again? Could
3 you tell us exactly what happened?

4 "You said something to the effect that
5 you could forget about seeing Bear?

6 "A Seeing the baby.

7 "Q First, Bear, who's Bear?

8 "A My son.

9 "Q Your son, and how old is your son?

10 "A Two years.

11 "Q Is that his nickname, Bear?

12 "A That's right.

13 "Q Is that just part of the nickname or
14 is that a complete nickname?

15 "A Oh, he's got other nicknames.

16 "Q Would you tell the Court the nicknames
17 of the child.

18 "A His full name is Sunstone.

19 "Q And the last name?

20 "A Sunstone Hawk.

21 "Q And he was referred to, at least when
22 he was an infant, as Pooh Bear; isn't that correct?

23 "A That's right.

24 "MR.KATZ: Perhaps, your Honor, for the record,
25 could we have the spelling by Miss Brunner of those
26 names?

27 "MR. BEAUSOLEIL: I'll spell it.

28 "THE COURT: Spell the names of the baby for

9-5

"the record.

9a fls.

"THE WITNESS: S-u-n-s-t-o-n-e H-a-w-k.

9a-1

1 "BY MR. BEAUSOLEIL:

2 "Q And Pooh Bear, would you spell Pooh Bear,
3 please.

4 "A That is spelled a lot of different ways.
5 Some people spell it P-o-o-h B-e-a-r and some
6 P-u B-e-a-r.

7 "Q I hope Mr. Katz is satisfied.

8 "Now, you say that Sergeant Whiteley
9 said something to the effect that you could forget
10 about seeing Bear.

11 "Would you in more detail tell us what
12 was going on.

13 "A Well, it's like the Court already has
14 custody of him and I just won't get it again.

15 "Q Now, in reference to not being able
16 to see Bear, you were also told before this
17 that you might be charged with murder, is that
18 correct?

19 "A That's right.

20 "Q Was there anything implied between the
21 murder charge and the custody of the child?

22 "A The two sort of go hand in hand.

23 "Q Could you tell me how Sergeant Whiteley
24 or Deputy Guenther, whoever it was telling you this,
25 put them hand in hand, if they did?

26 "A If I'm arrested for murder, I'm going
27 to the California courts and Bear is not going to
28 be anywhere around.

9a-2

1 "Q Is that pretty much a quote?

2 "A That is a rephrasing.

3 "Q Rephrasing, but that is what they told
4 you; is that correct?

5 "A Yes.

6 "Q Was there any other conversation --
7 let me ask you -- I'll withdraw that last question.

8 "Did either officer get emotional
9 during that conversation?

10 "A Guenther -- at one time Whiteley left
11 the room and Guenther got quite emotional and I
12 got crying.

13 "Q Did you get emotional, too?

14 "A I started to cry, yes.

15 "Q What was Deputy Charles Guenther
16 saying to you? What was he doing when he got
17 emotional?

18 "A He was -- he was telling me how
19 wonderful they were being, really trying
20 to save me from a mess and how all you people
21 were putting things on me and how rotten
22 everyone out here had been, you know, how --
23 about what you were supposed to have done with
24 Gary, and it was -- and he was just telling me
25 how hard they were trying to see to it that I
26 could stay back East and start a new life,
27 you know, that sort of business, and, you know,
28 get my son and how I really ought to go along

1 "with them.

2 "Q You stated several times they mentioned
3 your son. Did they mention your son several times?

4 "A They did because they know how a baby
5 would affect me.

6 "Q A reference to how you feel about your
7 child, how do you feel about your child?

8 "Let me rephrase that question.

9 "You love your child very much, don't
10 you?

11 "A Yes.

12 "Q I would imagine that he probably means
13 more to you than anything else in the world; isn't
14 that correct?

15 "A Than most anything else.

16 "Q Anything means more to you?

17 "A Yeah.

18 "Q Could you tell the Court what it is?

19 "A It means more to me, Bobby, that I undo
20 what I did to you.

21 "Q When you say that -- to undo, what you
22 did, what you did, did you not tell the truth at
23 that time?

24 "A That's right.

25 "Q I'll continue. I'll go back to where
26 we were and we were talking about how you felt
27 about your child. You love him dearly; isn't that
28 correct?

1 "A That's right.

2 "Q You'd do what you could to protect him
3 from any kind of harm; wouldn't you?

4 "A Yes.

5 "Q You'd do what you could to keep him
6 near you; wouldn't you?

7 "A Yes.

8 "Q Just about anything?

9 "A Just about. Just about.

10 "Q You feel it is the best thing for him to
11 be in the custody of his mother?

12 "A Yes.

13 "Q At this time, or do you think he would
14 be better -- it would be better for him if he was
15 in your custody?

16 "A You said in the custody of his mother,
17 that's me.

18 "Q I'm sorry. In the custody of your
19 mother.

20 "A Right at this moment, you know, there
21 is nothing that -- you know, I tried to change that
22 but I wouldn't because it was stopped.

23 "Q What do you mean by it was stopped?

24 "A I tried to get custody back of him
25 but I couldn't.

9b fls.

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9b-1

1 "Q That was promised to you; is that
2 correct?

3 "A No, this was last December I tried but
4 it was stopped from this end. It was okayed by the
5 Social Work Department but it was stopped by
6 someone else.

7 "Q Do you know who that someone else is?

8 "A No one volunteered that they did it,
9 no. I can imagine who did it.

10 "Q How often are you allowed to see your
11 child now?

12 "A Every other weekend, sometimes every
13 weekend.

14 "Q Just on the weekends?

15 "A Yes.

16 "Q I understand you live 185 miles away
17 from your child; is that correct?

18 "A Yeah.

19 "Q And you don't have a car?

20 "A That's right.

21 "Q You work how many days a week?

22 "A Five.

23 "Q Five days a week.

24 "What hours?

25 "A 8:00 to 5:00.

26 "Q 8:00 to 5:00. That doesn't leave
27 you much time except weekends; isn't that correct?

28 "A That's correct.

1 "Q You can't take the child away from
2 the house of your mother; isn't that correct?

3 "A I can't do what, now?

4 "Q Can you or can you not take Bear away
5 from the house of your mother's house just for
6 even an outing?

7 "A Yeah, I have taken him out on
8 weekends.

9 "Q On weekends?

10 "A Yeah.

11 "Q Does that happen very often?

12 "A It happens regularly when I'm there.
13 I'm not there regularly.

14 "Q Has your mother banned you from the
15 house at any --

16 "Q In other words, all right, it's in
17 evidence that you were banned away from the house
18 of your mother for a certain period of time. How
19 long was that?

20 "A It was about a week only.

21 "Q Mary, would you like or appreciate the
22 fact that -- or did you -- let me rephrase that
23 question.

24 "Do you have any objection or how
25 do you feel about being represented, at least
26 temporarily, by Mr. Dave Shimm."

27 That question was sustained.

28 "Q I believe we were somewhere back in

1 "December 4th and you were having a conversation
2 with Sergeant Whiteley and Deputy Guenther --"

3 Oh, that --

4 "Q I believe we were somewhere around --
5 you said that they had threatened to, if you did
6 not give them information or make a statement to
7 them of some kind, that you would be charged with
8 the murder of Gary Hinman, that I was putting all
9 the blame on you and Sadie was putting all the
10 blame on you, and that --

11 "If you remember --

12 "If my memory is in good working order
13 I believe you were talking about Deputy Guenther
14 being emotional.

15 "A That was part way, you know, through
16 the afternoon at that restaurant when he got --
17 when Whiteley left the room and Guenther started
18 talking to me.

19 "THE COURT: What did you and Officer Guenther
20 say at that time?

21 "THE WITNESS: At that time I don't think I
22 said much of anything."

23 "Q BY THE COURT:

24 "What did he say?

25 "THE WITNESS: He was telling me how wonderful
26 they were being to me and how everybody out here
27 was ratting on me and bad-mouthing me and how if
28 I felt anything for my son that I owed it to him

1 "to give a statement against Bobby.

2 "THE COURT: Did that end the conversation
3 then, between you and Deputy Guenther?

4 "THE WITNESS: Around this time I got to
5 crying and Whiteley came back in the room.

6 "THE COURT: Now, tell us what was said.

7 "THE WITNESS: This is really when this part
8 of the interview was almost over and I'd have to
9 get back even further to tell what was said between
10 Guenther and Whiteley and me.

11 "THE COURT: Have you told us all that was
12 said between the three of you?

13 "THE WITNESS: No.

14 "THE COURT: Go ahead and tell us that.

15 "THE WITNESS: After Whiteley and Guenther
16 told me what they were going to do if I didn't
17 give the statement, then they -- they then
18 interviewed -- what you call it -- questioned
19 me about what I knew or was supposed to know
20 about what happened at the Hinman house.

9c fls²⁰

9-c

1 "THE COURT: And what did you tell them at
2 that time?

3 "THE WITNESS: At that time I told them that
4 -- I gave them at that time basically what I gave
5 this Court in April.

6 "THE COURT: What else was said in that
7 meeting?

8 "THE WITNESS: The question is so broad I
9 really can't answer it.

10 "THE COURT: Have you told all that was said
11 in a conversation that you can now recall?

12 "THE WITNESS: This morning? You mean have
13 I right now this morning told you what was said in
14 the conversation that I can recall? Is that your
15 question?

16 "THE COURT: Yes. In substance, have you
17 told us everything that was said?

18 "THE WITNESS: No.

19 "THE COURT: Continue then, tell us what else
20 was said at that time.

21 "THE WITNESS: It's so hard to put it in
22 order.

23 "They started talking about Bobby and then
24 they started talking about -- asking me if Bobby
25 had knives -- a knife, and I answered that there were
26 lots of knives. And they described to me Bobby's
27 knife and asked me if he had that type of knife and
28 I said yeah.

1 "THE COURT: What else was said?

2 "THE WITNESS: They asked me if -- they
3 asked me if -- they asked me if we had gone to the
4 Hinman house and about if there had been a fight.

5 "THE COURT: I didn't hear you.

6 "THE WITNESS: About if there had been a
7 fight.

8 "THE COURT: What did you say?

9 "THE WITNESS: I said there had.

10 "THE COURT: What did you tell them?

11 "THE WITNESS: I told them that Bobby had a
12 fight with Gary. I told them the whole testimony
13 that I gave in April.

14 "MR. BEAUSOLEIL: --

15 "THE COURT: How long did this conversation
16 take in its entirety?

17 "THE WITNESS: I was with Whiteley and
18 Guenther from about 3:30 in the afternoon until
19 about 10:00 o'clock at night.

20 "THE COURT: 3:30 until 10:00 o'clock at
21 night?

22 "THE WITNESS: Yes.

23 "THE COURT: Have you told us all the conversation
24 as you now recall it?

25 "THE WITNESS: Do you want me to repeat my
26 testimony that I gave in April? Is that what
27 you want me to do?

28 "THE COURT: Is that what you told the

1 "officers at that time?

2 "THE WITNESS: Basically, yes.

3 "THE COURT: All right, tell us what you
4 said, what you told the officers.

5 "THE WITNESS: I told the officers that
6 Bobby killed Gary. That is the main thing I told
7 the officers.

8 "THE COURT: What else did you tell them?

9 "THE WITNESS: I told them that Bobby and
10 Gary had a fight. I told them that Charlie cut
11 Gary with a sword. I told them we had been in
12 that house for a couple of days, Bobby and Sadie
13 and I.

14 "THE COURT: Was this statement true?

15 "THE WITNESS: Parts of it.

16 "THE COURT: All right, what parts were true
17 and what parts were not?

18 "THE WITNESS: Bobby didn't kill Gary.

19 "THE COURT: Who killed Gary?

20 "THE WITNESS: I don't have to answer that.

21 "THE COURT: Yes, you do have to answer that
22 and --

23 "THE COURT: -- you are ordered to answer
24 that by this Court.

25 "THE WITNESS: I'll take the Fifth Amendment
26 on that.

27 "THE COURT: You may not take the Fifth
28 Amendment. As I indicated to you, you cannot pick

1 "and choose what questions you were going to
2 answer.

3 "THE WITNESS: I have the right not to
4 incriminate myself.

5 "THE COURT: I've ordered you to answer
6 that question as to who killed Gary Hinman.

7 "THE WITNESS: I'm telling you that I don't
8 have to incriminate myself, as you told me.

9 "THE COURT: As I indicated to you, you do
10 not have a chance to pick and choose what questions
11 you are going to answer and what questions you are
12 not going to answer.

13 "As I have indicated to you, if it was your
14 desire to testify in this matter we are going to
15 get to the truth and you are going to testify and
16 you tell me in your own words truthfully what
17 occurred in that Hinman house to the best of your
18 knowledge and I want the truth.

19 "THE COURT: Go ahead and tell me what occurred.

20 "You tell me what happened in your own words
21 in the Hinman house to the very best of your
22 knowledge starting from the beginning as to when
23 you arrived, what occurred, and tell me now, if you
24 recall, just what occurred.

25 "THE WITNESS: What I would have to answer
26 to that question would be self-incriminating and
27 I am not going to answer it.

28 "THE COURT: In other words, you refuse to

1 "answer any questions as to what occurred in
2 the Hinman house on the night, or, the two days
3 during which he met his death; is that correct?

4 "THE WITNESS: That's correct.

5 "THE COURT: You refuse to answer any
6 questions as to what occurred in that house?

7 "THE WITNESS: You've told me -- your question
8 was that I tell you everything that went on. That
9 was your question?

10 "THE COURT: Yes, that's what I want.

11 "THE WITNESS: And if that is your question
12 I can't answer that because it would be self-
13 incriminating.

14 "THE COURT: I am instructing you to answer
15 the question.

16 "THE WITNESS: I've answered it.

17 "THE COURT: You refuse to answer the question
18 as to what went on in the Hinman house that night?

19 "THE WITNESS: That's right.

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1 "THE COURT: Mr. Beausoleil, any further
2 questions of this witness?

3 "MR. BEAUSOLEIL: Yes, I have a number of
4 them, your Honor.

5 "BY MR. BEAUSOLEIL:

6 "Q Now, on December 4th, you said that
7 Whiteley left -- I mean, I'm referring to when
8 you had the interview at the restaurant, the
9 Holiday Inn, and you testified that Sergeant
10 Whiteley left the room and Officer Guenther got
11 emotional; isn't that correct?

12 "A Yes.

13 "Q Now, what type of an emotion did he
14 show you? Did he raise his voice? Did he yell at
15 you?

16 "A No, he got -- at that time he got very
17 soft-voiced and very earnest and very, you know,
18 looks you real deep in the eye and says, 'We're
19 really doing the best we can for you,' type stuff,
20 'and you better appreciate this' type of emotion.

21 "Q Okay, that's this time, right?

22 "A Yes.

23 "Q Now, you made a statement to the
24 investigators at this time; is that correct?

25 "A To Whiteley and Guenther are you speaking
26 about?

27 "Q Yes.

28 "A Yes.

1 "Q And they had not read your rights
2 to you; isn't that correct?

3 "A That hadn't been brought up.

4 "Q And your original statement to them,
5 you told them that I had slashed Gary's ear; isn't
6 that correct?

7 "A I think I blamed it on Charlie.

8 "Q What?

9 "A I think I blamed it on Charlie.

10 "Q The entire thing, or what was it?

11 "A The slashing of Gary's ear, I think
12 I blamed it on Charlie.

13 "Q In other words, it was basically what
14 you testified to --

15 "A At your trial, yes.

16 "Q You have testified to the fact that
17 the officers had said to you that I have put the
18 blame on you and that Sadie had put the blame on
19 you, and you had two drinks and you were a little
20 bit tipsy and emotional and they had brought up
21 your baby several times; isn't that correct?

22 "A That's right.

23 "Q And they also brought up the fact
24 that if you were charged with murder you wouldn't
25 be able to see your baby. Did they make that fact
26 quite clear to you?

27 "A Yes, that was quite clear.

28 "Q And they said to you that if -- did

1 "they ever mention the gas chamber to you?

2 "A No, I don't believe so.

3 "Q They mentioned the murder charge?

4 "A They mentioned the murder charge.

5 "Q Did they mention to you the violation
6 of probation at all?

7 "A They said that somebody in California,
8 they said 'they,' you know, whoever 'they' is,
9 had been wanting to violate my probation already.
10 As far as I know it was impossible that I had
11 violated my probation but they had been planning
12 on violating my probation, but Whiteley and
13 Guenther had come to talk to me to see about giving
14 them a statement to keep them from violating my
15 probation.

16 "Q Now, the way I understand it, as you
17 testified earlier in these proceedings, that at
18 first you didn't implicate Charlie, isn't that
19 correct?

20 "A That's right.

21 "Q And then you testified that Sergeant
22 Guenther got angry at you, or emotional with you,
23 and told you to get him involved, something like
24 that?

25 "A When we were down at the Sheriff's
26 Station later on, you know, it was being -- I
27 don't know if this part was recorded or not, I
28 don't remember.

1 "He told me that I was hedging on Charlie
2 and he knew Charlie was guilty of more than
3 I was blaming him for and it was insinuated,
4 and I can't exactly recall how he did it, but
5 that if I didn't bring Charlie into it now that
6 this whole business of immunity for me would be
7 dropped.

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1 "Q Was there a tape recorder at the
2 Sheriff's Department when you were being inter-
3 viewed?

4 "A Yes.

5 "Q Was there -- at any time did anyone
6 turn the tape recorder off?

7 "A I don't know. It couldn't have been
8 running at this time, because -- because it wasn't
9 in my statement.

10 "Q Mary, have you read this statement?

11 "A Yes.

12 "Q Have you read it several times?

13 "A Before your trial, I did.

14 "Q And you saw things in there that were
15 missing; is that correct?

16 "A Things that I had left out, you mean?

17 "Q No, things that you had said that were
18 not put in it; is that correct?

19 "A I can't think of it right now, Bobby,
20 because so much was -- you know, so much happened
21 and so much got said that night that when I got home
22 that night, you know, I really didn't know what I had
23 said.

24 "You know, I could remember the main parts,
25 but when I read that statement, I imagine it was a
26 couple of months later, then I knew really what I
27 said.

28 "Q Now, when they took you to

1 "the Sheriff's Department in Wisconsin after
2 speaking to you at the restaurant, at the Holiday
3 Inn Restaurant, did they read your rights to you?

4 "A No.

5 "Q They at no time on December 4th read
6 your rights to you; is that correct?

7 "A I'm sure I never heard them.

8 "Q Now, because of the fact that they were
9 telling you that I was blaming you for the murder
10 of Gary Hinman, and you testified -- well, I'll
11 rephrase that question.

12 "You have testified to the fact that I was
13 implicating you and that -- they said that I was
14 implicating you, and that they knew that it was
15 really me that did it; isn't that correct?

16 "A That's right.

17 "Q They stated to you that the -- that
18 they knew that my putting the blame on you wasn't
19 true; is that correct? Or something to that effect?

20 "THE WITNESS: Something to the effect that
21 they knew that you were the guilty one, and that I
22 couldn't have been doing the things that I was
23 supposed to have been -- you know, that -- you
24 know, they wanted you -- that I am supposed to
25 have been -- you know, that -- you know, they
26 wanted you, not me.

27 "Q They wanted you to make a statement
28 to them against me, so that you could get immunity,

1 "and they could convict me; is that correct?

2 "A. That's right.

3 "Q. Now, had you not received threats
4 of a murder charge being put upon you, and that
5 if you had a murder charge put upon -- if you
6 had a murder charge put onto you, you wouldn't
7 be able to see Bear again, and that your probation
8 would be violated, would you have made that
9 statement?

10 "A. No.

11 "Q. Would you have made that statement if
12 it had not been said to you that I was implicating
13 you?

14 "A. I wouldn't have made it.

15 "Q. And let me ask you this: At that time
16 when they told you that I had implicated you and
17 put the blame on you, were you angry at me?

18 "A. Yes.

19 "Q. Yes, you were. And you were sort of
20 getting back at me at that time, weren't you?

21 "A. Yes.

22 "Q. And the statement you gave them was
23 false?

24 "A. That's true.

25 "Q. When was the next time -- now, we
26 will leave December 4th at this time -- when was
27 the next time you came into contact with any
28 prosecutors, or Sergeant Guenther or Sergeant

1 "Whiteley, or anyone regarding anything to do
2 with this case?

3 "A It was -- Whiteley and Katz came to
4 Madison.

5 "Q That is Mr. Katz, the Deputy District
6 Attorney?

7 "A That's right.

8 "Q And Officer Whiteley?

9 "A That's right.

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1 "Q They came to Wisconsin?

2 "A Madison. It must have been sometime
3 in March, because I was going to come out here
4 and see a lawyer, and they didn't want me to.

5 "THE WITNESS: I'll say that different."

6 The Court sustains --

7 "THE WITNESS: --" No; that was sustained.

8 "Q Did Mr. Katz or Officer Whiteley ever
9 tell you that you could not see a lawyer?

10 "A They told me that I couldn't see Daye
11 Shinn.

12 "Q They told you you couldn't see Daye
13 Shinn?

14 "A That's right.

15 "Q Which was a lawyer of your choice;
16 isn't that correct?

17 "A That's correct. Any other lawyer
18 would be acceptable.

19 "Q But Daye Shinn?

20 "A But not Daye Shinn. Conflict of
21 interest or something. But the Public Defender
22 was acceptable.

23 "Q The Public Defender was acceptable,
24 but you could not see Daye Shinn?

25 "A That's right.

26 "Q According to Officer Guenther or
27 Officer Whitley?

28 "A One of those two.

1 "Q You don't know which --

2 "You don't recall which one said that, to
3 your knowledge?

4 "A No. We went to another restaurant
5 with a lawyer I had in Madison.

6 "Q Was this a lawyer of your own choice?

7 "A The one in Madison, yes. But he told
8 me he really couldn't give me too much advice,
9 because he didn't know California law. And he
10 didn't know exactly how he'd stand in California.

11 "Q You wanted to get a California lawyer;
12 is that correct?

13 "A That's right.

14 "Q And they told you anybody but Daye
15 Shinn; is that correct?

16 "A First, I was told that if I came to
17 California, I would be arrested when I stepped off
18 the plane for murder. This wasn't by them; this was
19 by my P.O.; and then I got word that they were coming
20 to see me.

21 "Then we went out to the restaurant, the four
22 of us, my lawyer and these two; and we discussed my
23 coming to California to see a lawyer, and my Madison
24 lawyer said that -- you know, I certainly had that
25 right. And they talked about not seeing Daye Shinn,
26 because there would be a conflict of interest.

27 "Was it your opinion that there would be a
28 conflict of interest, or was it someone else's

1 "opinion?

2 "A The conflict of interest never
3 occurred to me.

4 "Q In other words, it was someone else
5 that said that to you?

6 "A Yes.

7 "Q And do you remember the date this was,
8 when Deputy District Attorney Burton Katz and
9 Sergeant Paul Whiteley came to see you in Wisconsin?

10 "A No, I don't know the date.

11 "Q About how long was this after December
12 4th?

13 "A It was in March sometime.

14 "Q March? And what was said to you?

15 "A We discussed my coming out to see a
16 lawyer, and it would be okay if I came out to see
17 any lawyer, you know, other than Daye Shinn; and
18 any -- and my Madison attorney arranged for me to
19 get another attorney. He arranged for Hugh Manes.
20 And to keep away from the ranch.

21 "Q Did they discuss your willingness or
22 unwillingness to testify?

23 "A I don't really recall. It might have
24 been brought up, because I know that it was in
25 question right then; the fact that I wanted to see
26 a California lawyer brought that into question then.
27 It probably was discussed. It was discussed between
28 me and Manes, I know; so I don't really recall

1 "when this happened, if it happened, with them
2 or not.

3 "Q At that time did you leave Wisconsin
4 with them?

5 "A No.

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"Q You stayed in Wisconsin?

"A Yes.

"Q And how long did they stay and speak to you?

"A Pardon me?

"Q About how long did they stay -- stay and speak to you?

"A Just for about an hour that day.

"Q Was that at work or was that -- another restaurant, you say?

"A That's right.

"Q Now, some time later, did you once again see any officers again pertaining to this case?

"A Not until I came out here in April.

"Q In April? And in whose company did you come out from Wisconsin?

"A Pardon me?

"Q In whose company did you come out from Wisconsin?

"A Roger Smith.

"Q Roger?

"A Roger Brown.

"Q Roger Brown. Is that Lieutenant Brown?

"A Right.

"Q Sometime in April, did you make the acquaintance or did you see a Brenda McCann and Lynn Fromme?

"A In April?

10b-2

1 "Q In April, yes.

2 "A Yeah.

3 "Q Did they talk to you anything about trying
4 to talk you out of testifying, or anything like that?

5 "A No. At that time I had already decided
6 not to testify.

7 "Q You didn't even discuss it; is that
8 correct?

9 "A It didn't need discussing.

10 "Q In other words, you were just visiting;
11 they had just come to see you as friends; is that
12 correct?

13 "A Yes.

14 "Q How long have you known Lynn Fromme?

15 "A About three years.

16 "Q About three years. Would you consider
17 that a long three years?

18 "A Yeah.

19 "Q You are very close with Lynn; is that
20 correct?

21 "A Yes.

22 "Q At that time, did you go anywhere in
23 April? Did you go anywhere with Lynn and Barbara?

24 "A Just around Madison.

25 "Q Around Madison? You didn't leave the
26 state with Brenda or --

27 "A No.

28 "Q When was the next time -- in April, you

10b-3

1 "say, was the next time you saw any officers
2 pertaining to this case; is that correct?

3 "A That's right.

4 "Q And did you and Lieutenant Brown have
5 any discussions on the way out here?

6 "A Not really.

7 "Q Did you sleep most of the way out here?

8 "A I pretended to.

9 "Q Who was the next officer pertaining to
10 this case -- or police officer, or an officer from
11 the District Attorney's office?

12 "A When we got to the airport, we were met
13 by Whiteley and Guenther.

14 "Q They were expecting you?

15 "A Oh, yes.

16 "Q What was the next thing that happened?

17 "A We went to a hotel and ate; and I recall
18 the next thing of any importance that happened, that
19 we came up to the -- we came here; not to this
20 courtroom, but some other place, their office.

21 "And Mr. Manes came and I was given
22 another copy of the testimony, and I was asked
23 by Mr. Stovitz the questions in it, you know,
24 the questions that he was going to ask me in
25 court.

26 "Q You say they gave you a copy of your
27 statement?

28 "A The one I made in December.

10b-4

1 "Q Did you have one previous to that?

2 "A I had one, but I had given it to Mr.

3 Manes.

4 "Q You had one -- when was this made
5 available to you, the first one?

6 "A When they came in March.

7 "Q Were there any instructions when this
8 was given to you?

9 "A No, No, it wasn't given to me. It
10 was given to my Madison attorney, and he gave it
11 to me.

12 "THE COURT: Excuse me just a minute.

13 "Miss Brunner, in this case I have had
14 testimony from you, and this was received in front
15 of the jury, that Mr. Beausoleil actually killed
16 Gary Hinman.

17 "THE WITNESS: That's right.

18 "THE COURT: I have also had testimony in this
19 case, and the jury heard the testimony from Mr.
20 Beausoleil, that he did not kill Gary Hinman; but
21 that Charles Manson killed Gary Hinman. And Mr.
22 Beausoleil testified to that under oath.

23 "You have now signed an affidavit that
24 your testimony given in front of the jury was
25 untrue.

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1 Now, the only way in which I am going to be able
2 to determine whether or not that testimony that you gave was
3 untrue is to have you testify at this time as to what you now
4 contend is the truth -- if, in fact, in any way your testimony
5 in front of the jury was untrue. That is the only way I am
6 going to be able to make that determination.

7 "Now, as I have indicated to you when we
8 started this procedure, as long as you took the
9 witness stand and decided that you were going
10 to testify, that you would have to testify.

11 "Now, once again, I am instructing you to
12 tell me under oath what transpired in the Gary
13 Hinman house at the time that you first arrived.
14 Start from the beginning, and tell me what
15 happened.

16 "THE WITNESS: If I get into that, I will
17 be incriminating myself."

18 THE COURT: We will take a recess at this time, ladies
19 and gentlemen.

20 You are admonished that during the recess you
21 are obliged not to converse amongst yourselves nor with
22 anyone else, nor permit anyone to converse with you on any
23 subject connected with the matter, nor form or express any
24 opinion on the matter until it is finally submitted to you.

25 Remember the obligation that you are not to
26 read, hear or see any publicity -- any article or any release
27 from any of the publicity media concerning Mr. Manson or
28 concerning this trial.

1 Goodnight. And I'll see you tomorrow morning at
2 9:30.

3 (Whereupon, at 4:03 p.m., an adjournment was
4 taken in this case until tomorrow morning, Wednesday,
5 November 17, 1971 at 9:30 a.m.)
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