

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.

BRUCE MCGREGOR DAVIS,

Defendant.

224

No. A 267861

REPORTERS' DAILY TRANSCRIPT

Monday, January 17, 1972

VOLUME 24APPEARANCES:

For the People:

JOSEPH P. BUSCH, JR., District Attorney  
BY: ANTHONY MANZELLA  
and  
STEPHEN R. KAY,

For Defendant Davis: GEORGE V. DENNY, III

BAILEY (CROSS : REDIRECT) ✓

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PEOPLE'S WITNESSES:      DIRECT      CROSS      REDIRECT      RECROSS

E X H I B I T S

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51 - Photograph	3479	
52 - Photograph	3479	
70 - Photograph	3479	
73 - Photograph	3479	
77-A through 77-AA - Photographs	3479	3647

I N D E X

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DEFENDANT'S EXHIBITS:                      For Identification      Evidence

E - Photostatic copy of a three-  
page document entitled "Agreement"      3517                      3520

1 LOS ANGELES, CALIFORNIA, MONDAY, JANUARY 17, 1972 10:10 A.M.

2 - - - -

3  
4 THE COURT: All right. In the case of People vs.  
5 Davis, the record will show that all jurors are present.

6 Good morning, ladies and gentlemen.

7 (Whereupon, murmurs of "Good morning, your Honor"  
8 were heard from the members of the jury.)

9 THE COURT: Good to see you all again.

10 Mr. Chavers, will you be wanting sometime today?

11 JUROR CHAVERS: No, your Honor. It will be 1:30  
12 Thursday.

13 THE COURT: Thursday?

14 JUROR CHAVERS: Yes.

15 THE COURT: The record will show Mr. Davis to be  
16 present. All -- let's see. Mr. Manzella is present for the  
17 People; Mr. Denny for the defendant.

18 (Proceedings had on an unrelated matter.)

19  
20 ELLA JO BAILEY,  
21 having been previously duly sworn, resumed the stand and  
22 testified further as follows:

23 THE COURT: State your name again for the record.

24 THE WITNESS: Ella Jo Bailey.

25 THE COURT: All right, Mr. Denny. You may proceed.

26 MR. DENNY: Thank you.

27  
28 CROSS-EXAMINATION (Continued)

1 BY MR. DENNY:

2 Q Miss Bailey, let's go back to a little unfinished  
3 business from yesterday. I want to read you your cross-  
4 examination -- not yesterday, but Friday.

5 "Q All right. You've testified here that  
6 Sadie took some rags and clothes and put them in  
7 a fireplace; is that right?

8 "A Yes.

9 "Q Did anybody tell her to do that?

10 "A No.

11 "Q Sure?

12 "A Yes. It was his -- it was her idea."

13 Do you recall that testimony?

14 A Yes.

15 Q And that's the truth?

16 A Yes.

17 Q And you are sure of that?

18 A Yes.

19 Q Well, what I was looking for Friday was this.  
20 Do you remember a long conversation again with Sergeant  
21 Whiteley and Burt Katz -- or Burton Katz, Deputy District  
22 Attorney, in Room 649 of the Hall of Justice on February 18,  
23 1971, at approximately 10:00 a.m.?

24 A Yes.

25 Q You do remember that now?

26 A Yes.

27 Q Somebody has refreshed your recollection as to  
28 that particular conversation now?

1 A Yes.

2 Q You didn't remember it last Thursday and Friday,  
3 did you?

4 A No.

5 Q How do you remember it now?

6 A Just by your asking about it.

7 Q Well, you have gone over the notes from that  
8 conversation, over the weekend, haven't you?

9 A No.

10 Q You haven't gone over any notes over the weekend?

11 A No.

12 Q Or since Thursday or Friday?

13 A No.

14 Q Or any transcripts?

15 A No.

16 Q Or Sergeant Whiteley's notes?

17 A No.

18 Q All right. Well, let's see if I can refresh  
19 your recollection from these notes, then.

20 Going to page 3, did you state to them, in sub-  
21 stance or effect, the following?

22 "Ella states that Vance, Mary, Sadie  
23 and herself decided that Mary and Ella would drive  
24 the bus to Santa Barbara, where it would be  
25 abandoned.

26 "Vance told Sadie to burn everything  
27 that had blood on it. Sadie said the gloves and  
28 a white three-cornered scarf had blood on it. These

1 items were in the bus.

2 Vance told Sadie to burn everything that had  
3 blood on it."

4 Do you remember telling them that?

5 A No. Sadie's the one that told Bill about the  
6 clothes that were in the back of the bus.

7 Q Assuming she told him that, since he couldn't  
8 know it, since he wasn't there in the bus, after she told  
9 him, isn't it a fact that he told her to burn the clothes?

10 A No.

11 Q And you didn't tell the officer and Deputy  
12 District Attorney Burton Katz that?

13 A I don't believe so.

14 Q Now, do you know so? You've testified under  
15 oath now. Now, you say you don't believe. Which is true?

16 A No.

17 Q All right. I think at about the close of  
18 Friday's session, we were talking about the fact that you'd  
19 spent an awful lot of time talking with Deputy District  
20 Attorney Katz; isn't that right? Or a number of conversa-  
21 tions with him, interviews?

22 A Not with -- not with Katz; not very many.  
23  
24  
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26  
27  
28

As fls.

AA-1

1 Q How many?

2 A Maybe three, three or four.

3 Q And Mr. Manzella, how many?

4 A I don't know.

5 Q Can you guess?

6 A No.

7 Q Can you state for a fact?

8 A No.

9 Q Can you state when any of them were?

10 A No.

11 Q You have no recollection of that?

12 A Of any of them?

13 Q Yes.

14 A Yes, I can recollect some.

15 Q How many?

16 A I don't know.

17 Q Well, is there anything like notes that would help

18 you refresh your recollection as to dates, times, number?

19 A No.

20 Q Well, they have been quite recently, haven't they,

21 some of them?

22 A I've talked to him a few times before I've come

23 into court, yes.

24 Q Yes. When was the most recent?

25 A Last week. Friday, I believe.

26 Q After the close of Friday's session?

27 A No.

28 Q Do you mean the Friday before that?



AA-2

1 A No. Before the session.

2 Q Oh, before the session. I see.

3 When was the time before that?

4 A I don't know.

5 Q You have no recollection of things that recent?

6 MR. MANZELLA: Objection. It's not relevant, and --

7 THE COURT: Sustained.

8 MR. MANZELLA: -- it's argumentative.

9 Q BY MR. DENNY: You've talked to investigators

10 from the Sheriff's department on a number of times, haven't

11 you?

12 A Yes.

13 MR. MANZELLA: The question's been asked and answered,

14 your Honor.

15 THE COURT: Yes, it has.

16 Q BY MR. DENNY: And Miss Bailey --

17 THE COURT: The answer may remain in the record, however.

18 The answer may remain. It has been asked, of course,

19 previously.

20 Go ahead.

21 Q BY MR. DENNY: When an appointment was set up to

22 discuss this case with me and with Mr. Kanarek, Mr. Manson's

23 attorney, up on the 10th floor of the Old Hall of Records,

24 in the Sheriff's Homicide Department, you refused to talk to

25 us, didn't you?

26 A Yes. I was given a choice.

27 Q And you chose not to?

28 A And I chose not to.

AA-3

1 Q And you were given a choice by whom?

2 MR. MANZELLA: Objection, your Honor. That --

3 THE COURT: Sustained.

4 MR. MANZELLA: -- assumes that the law does not give  
5 her a choice.

6 MR. DENNY: Well, your Honor, she is --

7 THE COURT: The objection is sustained.

8 MR. DENNY: All right.

9 Q Now, you indicated, I think, in response to some  
10 of Mr. Manzella's questions, that your sight is just as good  
11 now as it was back on your days -- back in your days on the  
12 ranch?

13 A I don't remember saying that, but yes, it is.

14 Q All right. Although you were not wearing your  
15 glasses at the time you were one of the Manson girls; is that  
16 right?

17 A Yes, that's right.

18 Q All right. And again, showing you the exhibit  
19 that's heretofore been marked as a People's exhibit, No. 37,  
20 People's exhibit, will you start from the left here,  
21 (indicating) A, B, C, along the top row, who is A?

22 A Susan Atkins.

23 Q And B?

24 A Charles Manson.

25 Q And C?

26 A Mary Brunner.

27 Q And D?

28 A Robert Beausoleil.

AA-4

1 Q And B?

2 A Bruce Davis.

3 Q All right. By the way, would you take off your  
4 glasses?

5 MR. DENNY: May I approach the witness a moment, your  
6 Honor?

7 THE COURT: Yes, you may.

8 MR. DENNY: May I see those glasses a moment?

9 You don't mind if we put these on the clerk's  
10 desk just a moment, do you?

11 MR. MANZELLA: The People would ask that the witness be  
12 allowed to keep her glasses and do what she wishes to do with  
13 her glasses, your Honor.

14 THE COURT: Yes. You should put them back.  
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1-1

1 MR. DENNY: Well, may I ask, your Honor, that she not  
2 place them back on for a moment?

3 THE COURT: All right.

4 Q BY MR. DENNY: Now, Miss Bailey, you were fairly  
5 familiar with most of the people at the ranch among the  
6 Family, is that right?

7 MR. MANZELLA: Objection, the question is vague and  
8 ambiguous.

9 THE COURT: Sustained.

10 Q BY MR. DENNY: Well, you knew people by sight,  
11 didn't you?

12 MR. MANZELLA: Objection, vague and ambiguous.

13 THE COURT: Sustained.

14 Q BY MR. DENNY: Did you know the members of the  
15 Manson Family by sight during the time that you lived with  
16 them?

17 A Yes.

18 Q And you could recognize them if you saw them  
19 again?

20 A Yes.

21 Q And you could recognize pictures of them just  
22 as you have recognized the pictures in People's 37, is that  
23 correct?

24 A I'm not sure if I would recollect everyone.

25 Q Well, let's try.

26 Your Honor, I have a series of photographs here  
27 previously marked in evidence under People's symbols. I  
28 wonder if they may be similarly marked at this time, if the

1-2

1 People have no objection?

2 MR. MANZELLA: People have no objection, your Honor.  
3 I'm looking for the exhibit number.

4 MR. DENNY: Well, I --

5 MR. MANZELLA: I believe it was Exhibit 77, People's 77,  
6 your Honor.

7 MR. DENNY: Well, there are a number: People's 51,  
8 People's 52, People's 70, People's 73, People's 77-A through  
9 Z, and 77-AA. May they be so marked for identification at  
10 this time?

11 THE COURT: So ordered.

12 Q BY MR. DENNY: Now, ma'am, I'm standing right at  
13 the same place where I was standing, back at the railing  
14 here, when you identified the pictures of Mr. Manson and Mr.  
15 Davis and the rest; is that correct?

16 THE COURT: The record will show that should be about  
17 20 feet away.

18 Q BY MR. DENNY: I'm showing you People's 51.  
19 Who is that?

20 A I can't see.

21 MR. MANZELLA: Objection, your Honor. The People would  
22 object to what Mr. Denny is doing on the grounds it has no  
23 probative value. It is not relevant.

24 THE COURT: Sustained.

25 MR. DENNY: Your Honor, may we approach the bench?

26 THE COURT: Yes, you may.

27 (Whereupon, the following proceedings were had  
28 at the bench among Court and counsel, outside the

1           hearing of the jury:)

2           MR. DENNY: Your Honor, certainly it has probative  
3   value and it's relevant --

4           MR. KAY: Keep your voice down, George.

5           MR. DENNY: She's testified she could see certain  
6   things, particularly in regard to a gun and a knife and she  
7   identified Mr. Davis as having a gun and a knife when she  
8   was about 20 to 30 feet away from him shortly before the  
9   people are supposed to have left to go to the Hinman home.  
10   She's testified that she did not have glasses at the time.  
11   She's testified that her eyesight now is as good as it was  
12   then. She has been able to identify at that distance, with  
13   her glasses, other photographs. And whether she's able to  
14   identify them with her glasses or not, she certainly should  
15   be able to identify at 20 feet the faces and pictures which  
16   are the same size and shape as the pictures that she has  
17   previously identified. If she cannot do so, it is probative  
18   as to the fact she could not see what she said she saw at  
19   the time she said she saw it in the portion of her direct  
20   testimony.

21           MR. MANZELLA: My objection, your Honor, is that it has  
22   no probative value and its prejudicial effect outweighs its  
23   probative value and it is not relevant.

24                   No. 1, it is an attempt to conduct a test under  
25   the conditions which Mr. Denny has not established were the  
26   same as those during the events to which Miss Bailey has  
27   testified.

28                   Miss Bailey identified people at a distance of

1 20 feet, not from photographs, and I think it is obvious  
2 there is a substantial difference between identifying a  
3 photograph and a person at 20 feet.

4 All of us would much rather or could more clearly  
5 identify someone we know from a distance of 20 feet in person  
6 than we would a photograph of that person.

7 And there's been no showing that the photographs  
8 of these people, the people that are shown in the photographs,  
9 are the same as they were when Miss Bailey saw them during  
10 the events to which she's testified. So it has no probative  
11 value at all.

12 MR. DENNY: Well, your Honor --

13 THE COURT: That sounds correct to me.

14 MR. DENNY: Your Honor, it is no -- it is not correct  
15 at all.

16 If the Court please, she has identified at this  
17 distance with her glasses people whom the People are certainly  
18 happy to have her identify whether they were the same when  
19 she saw them or not. She's identified those pictures of  
20 Atkins, Brunner, Beausoleil, Manson and Davis.

21 Now, it is certainly relevant and probative as to  
22 her ability to see, merely her ability to see. I can hold  
23 up fingers and ask her if she can see. There would be no  
24 difference in holding up fingers and asking her to see, if  
25 she can see now, and determine her ability to see and --

26 MR. KAY: People --

27 MR. MANZELLA: People --

28 THE COURT: You may do that.

1 MR. DENNY: I submit we should be able to do more than  
2 that. It is extremely probative to say she lived with these  
3 people, she knew these people and day in and day out for a year  
4 and ten months whether she can identify these people.

5 MR. KAY: But she didn't identify them as pictures out  
6 at Spahn Ranch. That's the difference.

7 MR. DENNY: Just a moment, you bring a picture right up  
8 to her face and say, "Can you identify this person?" I could  
9 say that's not probative, that's not relevant. I'm asking her  
10 to do the same thing --

11 MR. MANZELLA: Though we didn't ask her to identify  
12 pictures just to see if she can see. We asked her to identify  
13 pictures to determine who they were.

14 MR. KAY: We have no objection to their bringing the  
15 pictures --

16 MR. DENNY: Sure, you don't. Then, she can see.

17 MR. KAY: See, you're giving her a test and, then, it is  
18 improper.

19 MR. DENNY: I'm just standing back a few more feet than  
20 you.

21 THE COURT: I think a test under certain circumstances is  
22 proper to determine whether her eyesight without glasses is good  
23 or bad at this moment. I don't recall that she said that her  
24 eyesight was the same.

25 MR. DENNY: Yes, she did, your Honor. I just laid that  
26 foundation before I started this.

27 THE COURT: I don't know that she said it was the same.

28 MR. DENNY: She did, your Honor.



1 THE COURT: She may have had some doubts in respect to  
2 that.

3 MR. DENNY: No.

4 THE COURT: Or she assumed that it was.

5 MR. DENNY: She said, "I don't think Mr. Manzella  
6 asked me that, but it is just as good now as it was then."

7 THE COURT: All right, assuming that that's true, I  
8 think you do have a right to make a test, but I don't think  
9 that this is a proper test.

10 MR. DENNY: Well, your Honor, I'm not solely testing her  
11 on whether she can recognize people walking, moving people,  
12 solely on the issue of her ability to see my client with a gun  
13 at the time testified to. She's testified to a lot of things  
14 that she has been able to see. A car driving ten feet and  
15 fifteen feet away from her, going out, and identifying the  
16 people in there.

17 THE COURT: That's true.

18 MR. DENNY: She's testified to a good deal about what  
19 she could see, and certainly we have a right to determine if  
20 she can see at any given distance things.

21 Now, the difference in holding up my fingers and  
22 holding up a picture is pure --

23 MR. KAY: Pure or great.

24 MR. DENNY: -- pure circumstance. It isn't very great.

25 THE COURT: The Court believes it is. I think the  
26 comment that has been made by Mr. Manzella to the effect it  
27 can't be determined whether these people look the same as when  
28 she saw them.

1 MR. DENNY: Well, your Honor, the People have used  
2 these things, they've used these things to have -- to have  
3 Juan Flynn identify them. They've used these things to have  
4 Ruby Pearl identify them. And there's been, certainly, no  
5 big squawk from the People about using these very pictures.

6 THE COURT: The Court will sustain the objection.

7 However, I will not sustain an objection to  
8 a test, other tests of her ability to see. So if you wish to  
9 proceed in that line --

10 MR. DENNY: Thank you, your Honor.

11 THE COURT: -- while she's on cross, you may.

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

14 Q BY MR. DENNY: What am I holding in my hand?

15 A Pardon?

16 Q What am I holding in my hand?

17 A I don't know.

18 Q Can't you determine at all what I am holding?

19 A I believe you are holding a felt marking pen.

20 Q How many?

21 A Two.

22 MR. DENNY: May the record --

23 Q Oh, by the way, what color are they?

24 A Green and red.

25 MR. DENNY: May the record reflect, your Honor, I am  
26 holding one felt marking pen with a green top and a white body  
27 and one red grease pencil with a red body and red grease lead.

28 THE COURT: So ordered. Yes, the record may so show.

1 MR. DENNY: May the record further show I am standing  
2 at the same place where she identified the pictures of  
3 Mr. Manson, et cetera, from 20 feet distance from the witness  
4 stand.

5 THE COURT: Yes, the record may so show.

6 Q BY MR. DENNY: And you can certainly tell how many  
7 fingers I'm holding up at this point, can't you?

8 A Yes, four.

9 Q Fine.

10 By the way, you can recognize your old friends in  
11 these photographs, can't you, if they are brought close enough  
12 to you?

13 A Yes.

1b

1 Q You've gone through it before, haven't you?

2 A I don't know if I have seen those photographs.

3 Q Well, let me come up to you and see if you recall  
4 having seen these photographs?

5 THE COURT: You may put on your glasses.

6 THE WITNESS: Thank you.

7 MR. DENNY: Well, your Honor, I would appreciate if she  
8 can determine whether she can identify these people from the  
9 photographs without her glasses, first.

10 MR. MANZELLA: Your Honor, the People would object to  
11 that procedure. There seems to be no reason for it.

12 On the grounds previously stated, we object to that  
13 procedure, your Honor. The Court has already ruled on that  
14 motion.

15 THE COURT: It appears to be well taken. Sustained.

16 Q BY MR. DENNY: Showing you 51 for identification,  
17 who is that?

18 A Gypsy, Catherine Share.

19 Q You have no trouble recognizing her with your  
20 glasses on there, do you?

21 A No.

22 Q Do you remember doing this at the grand -- I'm  
23 sorry, at another hearing?

24 A No.

25 Q All right. Who is that?

26 A Lynn Fromme.

27 Q It is 52.

28 Showing you 73, who is that?

1 A Danny De Carlo.

2 Q You have trouble recognizing him?

3 A It is not a very clear photograph.

4 Q Showing you People's 70 for identification, who is  
5 that?

6 A I don't recognize it.

7 Q 77-A, who is that?

8 A I only know her as Little Patty.

9 Q All right. 77-B?

10 A I don't know him.

11 Q Are you sure that's a him and not a her?

12 A I'm pretty sure.

13 Q All right. 77-C?

14 A Susan Atkins.

15 Q 77-B?

16 A Robert Beausoleil.

17 Q 77-E?

18 A Bill Vance.

19 Q 77-F?

20 A Juan.

21 Q Juan?

22 A Juan Flynn, I believe.

23 Q All right.

24 Now, all of these pictures that you have seen,  
25 do they look substantially like the people portrayed in them  
26 looked when you were living with them?

27 MR. MANZELLA: Objection, that's vague and ambiguous, your  
28 Honor, covering all the pictures she's seen.

1 MR. DENNY: I'm asking all the pictures you have seen  
2 thus far.

3 THE COURT: All the pictures of the persons she's  
4 recognized?

5 MR. DENNY: Yes.

6 THE COURT: Yes, you may answer that.

7 THE WITNESS: Would you repeat the question?

8 Q BY MR. DENNY: Do all of the pictures that you have  
9 seen thus far that you have recognized appear to portray the  
10 people shown in those pictures just about the way you remember  
11 them when you were living with them?

12 A Pretty well.

13 Q 77-H?

14 A I don't know her by name.

15 Q You recognize her by features?

16 A I recollect seeing her a few times, not very  
17 often.

2 fol

2-1

1 Q 77-I?

2 A Linda Kasabian.

3 Q 77-J?

4 A Sherry Cooper.

5 Q 77-K?

6 A Brenda McCann.

7 Q 77-L?

8 A Steve Grogan.

9 Q 77-M?

10 A Ruth Morehouse.

11 MR. MANZELLA: I'm sorry. Your Honor, I think we've  
12 got the letters mixed up on those photographs.

13 MR. DENNY: I think we have, too.

14 THE COURT: The last one you called was 77-M.  
15 Ruth Morehouse.

16 MR. MANZELLA: I think the mixup begins with 77-G,  
17 your Honor.

18 THE COURT: That far back?

19 MR. MANZELLA: Yes, I'm afraid so.

20 MR. DENNY: Let me check. May I have just a moment,  
21 your Honor?

22 THE COURT: Yes, you may.

23 (Pause in the proceedings while a discussion  
24 off the record ensued at the counsel table between  
25 Mr. Denny and the defendant.)

26 THE COURT: What did you have in mind now?

27 Q BY MR. DENNY: Let's go back to -E.

28 A Bill Vance.

1 Q -F?  
2 A Juan Flynn.  
3 Q -G?  
4 A The girl, I don't recognize.  
5 Q -H?  
6 A Linda Kasabian.  
7 Q -I?  
8 A Sherry Cooper.  
9 Q -J?  
10 A Brenda McCann.  
11 Q -K?  
12 A Steve Grogan.  
13 Q -L?  
14 A Ruth Morehouse.  
15 Q -M?  
16 A Paul -- I'm not sure what his last name is.  
17 Q Watkins?  
18 A Yes.  
19 Q -N?  
20 A I don't know her by name.  
21 Q Well, do you recognize her by her features?  
22 A I'm not real sure -- I -- I can't really recall  
23 if I've seen her.  
24 Q -O?  
25 A He was a ranch hand. I just knew him by the  
26 name Larry. Little Larry.  
27 Q Little Larry. -P?  
28 A Bruce Davis.



1 Q -Q?  
2 A I don't know him.  
3 Q You don't recognize him at all?  
4 A No.  
5 Q -R?  
6 A I recognize the picture. I can't remember the  
7 name.  
8 Q You do recognize the face, though?  
9 A Yes, I do.  
10 Q Is that also a Larry?  
11 A Yes, I believe it is.  
12 Q Larry Jones?  
13 A That sounds right. I'm not sure what his last  
14 name is.  
15 Q Was he one of the cowboys there?  
16 A Yes, he was pretty much a cowboy.  
17 Q -S?  
18 A Patty Krenwinkel.  
19 Q -T?  
20 A Sandy Good.  
21 Q -U?  
22 A Myself.  
23 Q -V?  
24 A Cathy Gillis.  
25 Q -W?  
26 A Mary Brunner.  
27 Q -X?  
28 A Leslie Van Houten.

1 Q -Y?

2 A I just know her by the name Beau.

3 Q -Z?

4 A Dianne Lake.

5 Q -AA?

6 A I don't recognize that photograph.

7 Q All right, ma'am.

8 Now, other than the individuals that you say you  
9 do not recognize at all, the photographs appear, again, to  
10 show the people and you recall having seen them during the  
11 time you lived with them?

12 A Yes, pretty much.

13 Q By the way, Manson was sort of the teacher of  
14 the group, wasn't he?

15 A Yes.

16 Q And among the other things he taught was that it  
17 was all right to lie to the authorities; is that right? To  
18 the police?

19 A Yes.

20 Q You didn't lie to each other?

21 A No.

22 Q But it was perfectly permissible to lie to the  
23 authorities, if it was worth while to your own purposes;  
24 that's what he taught, isn't that right?

25 A In giving names and things like that, yes.

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28  
2a fls.

2a-1

1 Q And in giving false information about yourself;  
2 is that right?

3 A Yes.

4 Q And false information about others; is that right?

5 A I don't know what you mean by "others." No.

6 Q If it fit your purposes, it was all right to give  
7 false information about others?

8 MR. MANZELLA: Objection. It's vague and ambiguous.

9 THE COURT: Sustained.

10 Q BY MR. DENNY: Well, that's what he taught you,  
11 didn't he?

12 A He taught that it was all right to give false  
13 information, that's true.

14 Q All right. By the way, what was the name that you  
15 gave when you were arrested in Cleveland?

16 A I believe it was the name on the credit card,  
17 Martha Rees.

18 Q Martha Rees?

19 A Yes.

20 Q And that was a credit card that you --

21 MR. MANZELLA: Objection, your Honor. It doesn't appear  
22 to be relevant.

23 THE COURT: I'll let him finish his question.

24 Q BY MR. DENNY: That's the credit card that you  
25 testified that you took when you took the Swartz -- Johnny  
26 Swartz's truck?

27 A Yes.

28 Q And used it all the way across country with

2a-2

1 Mr. Vance; is that right?

2 MR. MANZELLA: That doesn't appear to be relevant,  
3 your Honor.

4 THE COURT: Sustained.

5 Q BY MR. DENNY: Well, is that the credit card through  
6 which the Tacoma police traced you and Mr. Vance?

7 MR. MANZELLA: Objection. That doesn't appear to be  
8 relevant.

9 THE COURT: The objection is sustained.

10 MR. DENNY: Your Honor, she's --

11 THE COURT: It calls for a conclusion.

12 Q BY MR. DENNY: If you know.

13 MR. MANZELLA: Again, the same objection.

14 THE COURT: Sustained.

15 Q BY MR. DENNY: Well, you've testified that the  
16 Tacoma police traced you and your connection with the Manson  
17 Family through Mr. Vance; --

18 MR. MANZELLA: Objection.

19 Q -- you testified to that effect?

20 MR. MANZELLA: That calls for a conclusion, and does  
21 not appear to be relevant, your Honor.

22 MR. DENNY: She has so stated, your Honor.

23 THE COURT: The objection is sustained. Move on.

24 Q BY MR. DENNY: Now, the guns that you have  
25 mentioned, that were in the possession of Mr. De Carlo as the  
26 armorer, they were generally kept in one location; is that  
27 right?

28 A Uh -- when they were being stored, I'd say that's

1 true.

2 Q And where were they generally stored?

3 A In the bunkhouse.

4 Q In the bunkhouse or in the undertaking parlor?

5 A I don't know about the undertaking parlor. I  
6 never -- I don't remember ever hearing that mentioned, really.

7 Q Well, that's where Danny set up his gun shop,  
8 wasn't it?

9 A Well, if it was, I called it the bunkhouse.

10 Q Well, where was the bunkhouse, in relationship to  
11 the rest of the buildings along the boardwalk?

12 A Right next to the office.

13 Q And where was the office?

14 A The last building on the boardwalk, nearest the  
15 corrals.

16 Q So it was the office, and then the bunkhouse, and  
17 then what?

18 A I'm not sure.

19 A room I didn't use, I don't believe.

20 Q And De Carlo was drunk a good deal of the time,  
21 wasn't he?

22 A No, I don't really think you could say that.

23 Q Well, you did say that to Officer Whiteley and  
24 Deputy Guenther and Deputy District Attorney Katz, on May  
25 15th, didn't you?

26 A That Danny De Carlo was drunk a lot on the ranch?

27 Q Yes.

28 A No, I didn't say that.

1 Q Did you tell them that he didn't take orders  
2 very much from Charlie?

3 A (Pause.) I'm not sure, but that would be kind of  
4 true.

5 Q He didn't take orders very much from Charlie, did  
6 he?

7 A No.

8 Q And neither did Bill Vance, did he?

9 A No.

2b fol

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1 Q They were kind of loners, weren't they?

2 A Yes.

3 Q All right. Let me -- directing your attention  
4 to these now famous Whiteley notes of May 15, 1970, approximately  
5 2:28 p.m., Tacoma City Jail, page 5, did you state to Mr.  
6 Whiteley and Mr. Guenther and Mr. Katz and your -- and in  
7 the presence of your attorney, Mr. Deutscher, "Danny DeCarlo  
8 came summer of '69. Biker. Never listened to Charlie.  
9 Drank all the time."

10 Do you recall telling them that?

11 A No. I don't think that's -- that's accurate.

12 Q Well, what's inaccurate about it, ma'am? Was he  
13 a biker?

14 A Yes.

15 Q Did he come in the summer of '69?

16 A Yes.

17 Q And you stated that he never listened to Charlie.

18 A Pretty much, that's true.

19 Q So the only thing that's wrong is --

20 A Really.

21 Q -- "drunk all the time"?

22 A Yeah. Drunk all the time. That -- that -- no,  
23 that's a lot of time. And I know Danny DeCarlo wasn't  
24 drunk all the time on the ranch.

25 MR. KAY: Well, I'm going to object to that, because  
26 Mr. Whiteley's notes don't say that. The notes say that  
27 he drank all the time. It didn't say he was drunk, according  
28 to what Mr. Denny just read.

2b-2

1 THE COURT: The objection is overruled. The answer  
2 is in the record.

3 MR. DENNY: Well, "drunk" is what I think I read, if  
4 I misread it the first time. My reading of it is "drunk  
5 all the time."

6 THE COURT: Let's move on. Ask your next question.

7 Q BY MR. DENNY: By the way, these promises that  
8 you say have been made to you by the prosecutor's office  
9 here and the prosecutor's office up there, you've indicated  
10 that you would receive immunity from prosecution regarding  
11 this case, and you would have the charge that was pending  
12 against you, that you --

13 MR. MANZELLA: I'm objecting to Mr. Denny's summariza-  
14 tion of the testimony, your Honor. I believe the jury can  
15 determine what the testimony has been so far.

16 MR. DENNY: Well, I have to state that to state the  
17 last part of my question, your Honor.

18 THE COURT: Overruled. You may go ahead -- within  
19 reason.

20 MR. DENNY: Thank you, your Honor. I hope it will be  
21 within reason.

22 Q (Continuing) -- and the forgery charge would be  
23 dropped that you were charged with up in Tacoma.

24 Were you also promised that any other outstanding  
25 or pending charges against you would not be filed in Tacoma?

26 A I don't know.

27 Q What do you mean, you don't know?

28 A Well, I saw that agreement in Tacoma, and I



1 haven't reread it since. I really don't recollect what it  
2 says.

3 Q Well, I'm not asking you what the agreement says.  
4 I am asking you for your recollection of anything that was  
5 said to you, that may or may not be reflected in that  
6 agreement, about a promise by the prosecutor in Tacoma,  
7 Pierce County, not to press any other charges that might  
8 be outstanding against you in connection with forgeries.

9 A I really don't recall.

10 Q Is there anything that would refresh your  
11 recollection on that?

12 A If you read the agreement.

13 Q Do you think it would be in the agreement?

14 A I imagine if it was said, it would be.

15 Q Everything that was said about immunity or  
16 dropping charges was in that agreement; is that right?

17 A If it was part of the agreement, I imagine it  
18 would be written out as such.

19 Q All right. And it was sometime in May that you  
20 first told the police about your connection with the Manson  
21 Family; is that correct?

22 A Yes, about that time.

23 Q You're sure of that?

24 A Well, I was arrested in March. It might have  
25 been -- you know, a little bit sooner when they talked to  
26 me. I'm not sure of the date.

2c fls.

2c-1

1 Q Well, let me read to you from your testimony back on  
2 August 12th, Page 5149.

3 "Q But at some time you spoke to the  
4 police, right?

5 "A Yes.

6 "Q And the police -- when was the first  
7 time you spoke to the police?

8 "A Concerning Mr. Hinman?

9 "Q Yes.

10 "A Was in March of 1970.

11 "Q That was in -- that was in Tacoma,  
12 Washington?

13 "A Yes.

14 "Q Who arranged that meeting?

15 "A Who arranged the meeting?

16 "Q Yes.

17 "A I believe the District Attorney up  
18 there.

19 "Q The District Attorney up there arranged  
20 the meeting. This was after you were in trouble with  
21 forgery?

22 "A Yes."

23 And then there was -- there were some objections.

24 And then:

25 "Q BY MR. KANAREK: At some time the District  
26 Attorney in Tacoma, Washington -- the Pierce County  
27 District Attorney; right?

28 "A Yes.

1 "Q The Pierce County prosecutor spoke with  
2 you concerning Mr. Hinman; right?

3 "A Yeah -- he spoke with me concerning the  
4 police that were coming up from L. A. that were going  
5 to speak with me.

6 "Q Right. And he told you that, right?

7 "A He told me they were coming, yes.

8 "Q And that's after you were in custody,  
9 right?

10 "A Yes.

11 "Q And so you didn't contact the police  
12 concerning Mr. Hinman, the police contacted you?

13 "A That's right.

14 "Q And so, then, at that time the person  
15 that you spoke to was an officer of Pierce County,  
16 and what was his name?

17 "A Mr. Hubert was the detective, and Gene  
18 Olson the District Attorney.

19 "Q That was -- when did you first speak with  
20 him?

21 "A I can't remember the exact time.  
22 Perhaps a week or two after I was in custody."

23 Do you recall that?

24 A Yes.

25 Q Well, which was it? Was it a week or two  
26 after you were in custody, or was it two months after you were  
27 in custody, that you spoke with the officers first about  
28 Mr. Hinman?

1 A About --

2 MR. MANZELLA: Objection. It's vague and ambiguous,  
3 as to what officers Mr. Denny's referring to.

4 MR. DENNY: Any officers.

5 MR. MANZELLA: Your Honor, I'll also object on the  
6 grounds that in Miss Bailey's testimony read by Mr. Denny,  
7 she said that she spoke to the Tacoma authorities about the  
8 L. A. officers coming up two weeks after her arrest.

9 And here she has testified that she spoke to  
10 Sergeant Whiteley some time after that.

11 MR. DENNY: Well, let me withdraw that question.

12 THE COURT: Your objection is that it's not inconsistent?

13 MR. MANZELLA: Yes, your Honor. Mr. Denny asks: Which  
14 is it? And the question assumes facts which are not in  
15 evidence in this case; she's saying -- she's not talking about  
16 the same thing.

17 THE COURT: Well, your objection is a little late.

18 MR. MANZELLA: She hasn't answered it yet, your Honor.

19 THE COURT: I thought you meant to the previous  
20 question.

21 MR. MANZELLA: The question that was just asked.

22 THE COURT: All right. The objection --

23 MR. DENNY: I'll withdraw the question.

24 THE COURT: -- is sustained.

25 Q BY MR. DENNY: Let me direct your attention to the  
26 testimony you gave in this case, on just Wednesday, January  
27 12th, 1972, starting at Page 3122, Line 12.

28

2d-1

1 "Q You only started talking about your  
2 relationship with the Manson Family to the police  
3 after you were under arrest for a felony; isn't that  
4 right?

5 "A Yes, after I was questioned about it.

6 "Q Well, were you questioned about it by  
7 the police up in Tacoma, Washington?

8 "A I was questioned about my connection with  
9 Bill Vance first.

10 "Q And did the police tell you how they knew  
11 you had some connection with Bill Vance?

12 "A Yes.

13 "Q Did you have something on you at that  
14 time which indicated any connection with Bill Vance?

15 "A No.

16 "Q Did they indicate to you there was a want  
17 out for you?

18 "A No."

19 MR. MANZELLA: Your Honor, I hate to interrupt Mr.  
20 Denny's questioning. I like to wait until the question is  
21 over. But I don't see the purpose of reading all this  
22 testimony.

23 MR. DENNY: Well --

24 MR. MANZELLA: I really don't see the purpose of it.  
25 He has asked her about a day. This doesn't -- this testimony  
26 doesn't appear to have anything to do with the date.

27 MR. DENNY: The second page --

28 THE COURT: It's a long question, Mr. Denny. Let's

2d-2

1 get to it.

2 The objection, however, is overruled.

3 Q BY MR. DENNY: (Reading.)

4 "Q So, it was in your discussion with the  
5 police about your connection with Bill Vance that  
6 you unburdened yourself to the Tacoma police about  
7 your connection with the Manson Family?

8 "A No, it wasn't at that time.

9 "A --" oh, strike that.

10 "Q A good deal later?

11 "A Yes.

12 "Q After March 13, 1970, ma'am, when did  
13 you start to feel that it might be beneficial to  
14 unburden yourself about your connection with the  
15 Manson Family?

16 "A When it was brought to my attention that  
17 they knew about my connection with the Manson Family.

18 "Q Oh. And when was that?

19 "A I believe it was sometime in May.

20 "Q And had you been in custody all that time?

21 "A Yes.

22 "Q You don't like it in custody, do you?

23 "A No.

24 "Q So --"

25 MR. MANZELLA: Your Honor, again, I have to object to  
26 this. This is ridiculous, to read all this testimony, which  
27 has nothing to do with the testimony --

28 MR. DENNY: I've got to read about five more lines,

2d-3

1 your Honor, which is --

2 MR. MANZELLA: I object to it, no matter how many lines  
3 he has got left. It's silly to read all this testimony, your  
4 Honor.

5 MR. DENNY: Well, I have to --

6 THE COURT: It does appear to the Court to be unnecessary,  
7 Mr. Denny.

8 Will you get to the question, please, rather than  
9 simply reading the testimony which the jury has already heard?

10 MR. DENNY: Well, your Honor, this lady doesn't like to  
11 answer things out of context, and I have to put it in context.

12 MR. KAY: We move that that be stricken, that statement  
13 of Mr. Denny's.

14 MR. DENNY: Well, she keeps saying they're out of  
15 context, your Honor, and that's why I --

16 MR. MANZELLA: She hasn't said that at all.

17 THE COURT: Gentlemen, if you have any remarks to make,  
18 I'll let you make them at the bench.

19 But the objection is well taken, Mr. Denny. There  
20 seems to be no point in prefacing a question with three or  
21 four pages of testimony.

22 Now, the Court will ask you to conclude your  
23 question.

24 I will overrule the objection.

25 MR. DENNY: Thank you.

26 Q The last question, Miss Bailey -- and again,  
27 reading from your testimony --

28 "Q So, from March 13 until sometime in May,

1           you stayed in custody; and only started to unburden  
2           yourself about your association with the Manson Family  
3           after the police knew about it anyway; is that right?

4           "A     Yes, that's correct."

2e fls.



2e-1

1 Is that correct?

2 MR. MANZELLA: Is what correct? The question is  
3 vague and ambiguous. He has read pages of testimony.

4 MR. DENNY: Just the question I last read.

5 THE COURT: Do you understand the question?

6 THE WITNESS: No.

7 Q BY MR. DENNY: Is it correct, ma'am, that the  
8 first time you ever spoke to the officers was sometime in late  
9 May -- or sometime in May? Strike that.

10 THE COURT: Concerning Mr. Vance?

11 MR. DENNY: Concerning Mr. Hinman.

12 MR. MANZELLA: The question is vague and ambiguous, and  
13 I object on that ground.

14 I have no idea what that question means now.

15 THE COURT: Restate it, please.

16 Q BY MR. DENNY: Miss Bailey, when was it that you  
17 first talked to the police officers of the department of the  
18 police in Tacoma, Washington, about Mr. Hinman? When?

19 A I believe it was in May.

20 Q So that when you testified that it was a couple of  
21 weeks after you were arrested in March, when you so testified  
22 in the trial against Charles Manson, that was incorrect, --

23 A That I spoke --

24 Q -- is that right?

25 A -- about Mr. Vance at that time.

26 Q No, that you spoke about Mr. Hinman at that time.

27 MR. MANZELLA: No, that's argumentative, your Honor. I  
28 don't know --

1 THE COURT: Sustained.

2 Well, the answer may remain in the record. The  
3 objection's overruled.

4 Q BY MR. DENNY: Now, at this meeting, you were  
5 represented by counsel, Mr. Deutscher; is that right?

6 MR. MANZELLA: Objection. Vague and ambiguous, as to  
7 what meeting Mr. Denny's speaking of.

8 THE COURT: Sustained.

9 Q BY MR. DENNY: All right.

10 At the first meeting that you had with Sergeant  
11 Whiteley, Deputy Guenther, Deputy District Attorney Burton  
12 Katz, you were represented by Mr. Deutscher on May 15, 1970;  
13 is that right?

14 A Yes.

15 Q And he explained to you, didn't he, that  
16 arrangements had been made for you to talk with the authori-  
17 ties?

18 MR. MANZELLA: Objection. Calls for hearsay.

19 MR. DENNY: This goes to her state of mind.

20 MR. MANZELLA: We have already covered her state of mind,  
21 your Honor.

22 MR. DENNY: I don't think we've covered her state of mind  
23 on this.

24 THE COURT: I will overrule the objection.

25 You may answer.

26 THE WITNESS: (No response.)

27 THE COURT: Do you understand the question?

28 THE WITNESS: I'm not sure what the question is.

1 MR. DENNY: Could you reread it, Mr. Williams?

2 (Whereupon, the record was read by the  
3 reporter as follows:

4 "Q And he explained to you, didn't he,  
5 that arrangements had been made for you to talk  
6 with the authorities?"

7 THE WITNESS: Yes.

8 Q BY MR. DENNY: And it was your state of mind,  
9 before you talked to them, that you would insist on some kind  
10 of guarantee of immunity from any prosecution in the Hinman  
11 case; is that correct?

12 A (Pause) Yes, I believe that's correct.

13 Q And you had your attorney there to make sure that  
14 that happened, that you got some kind of guarantee of immunity  
15 before you talked to them; isn't that correct?

16 MR. MANZELLA: Objection. Argumentative.

17 THE COURT: Sustained.

18 Q BY MR. DENNY: Well, ma'am, was one of your  
19 purposes in having your attorney there to make sure that you  
20 would be granted immunity from any prosecution in the Hinman  
21 case before you talked to the officers?

22 MR. MANZELLA: Irrelevant and argumentative.

23 THE COURT: Overruled. You may answer.

24 THE WITNESS: I don't know. Mr. Deutscher was there  
25 mostly because he had been brought in about the forgery. Now,  
26 I -- I did talk to him about the Hinman, but I don't know  
27 that -- you know, we made any specific statements or -- you  
28 know, had any terms drawn up ahead of time.

I don't know that.

2f-1  
1 Q Well, the subject of immunity was brought up soon  
2 after the officers were there, in that meeting of May 15, wasn't  
3 it?

4 A I don't know how soon after they got there it was  
5 brought up.

6 Q Well, it was brought up close to the first thing,  
7 wasn't it?

8 MR. MANZELLA: Objection. The question's been asked  
9 and answered, your Honor.

10 THE COURT: Sustained.

11 Q BY MR. DENNY: Well, is it your -- all right.

12 Going to your testimony in the -- on the date  
13 of August 12th, 1971, starting at line 25 on --

14 MR. MANZELLA: I object to the testimony being read,  
15 your Honor. There's no -- that calls for hearsay.

16 THE COURT: Would you show it to counsel?

17 MR. DENNY: Page 5151, starting at line 25, to 5152,  
18 line 7.

19 (Pause in the proceedings while Mr. Denny  
20 exhibited the transcript to Mr. Manzella.)

21 MR. MANZELLA: The People would object to it on the  
22 grounds it is not relevant, your Honor.

23 THE COURT: All right. I suppose I have to look at it,  
24 then. Bring it up here, would you?

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

28 THE COURT: What is it, Mr. Denny?

2f-2

1 MR. DENNY: It's a question by Mr. Kanarek as to when  
2 she first discussed anything having to do with getting off  
3 the criminal charge.

4 THE COURT: And is it contradictory of what she's  
5 stated?

6 MR. DENNY: Yes, it is.

7 MR. MANZELLA: No, it is not. She has said she doesn't  
8 know, and she has already answered the question.

9 MR. DENNY: All right.

10 "Did you discuss with him anything  
11 concerning getting off of your criminal charge?

12 "Yes, they told me about an agreement  
13 that would be made if I agreed to testify.

14 "They told you that initially, first  
15 thing, right?

16 "I believe that came up soon after  
17 they were there. I don't know if it was the first  
18 thing mentioned.

19 "Close to the first thing mentioned?

20 "A (Nods head.)"

21 MR. KAY: That's not inconsistent.

22 MR. MANZELLA: That's exactly what she has been testi-  
23 fying to here, over and over again, and has already testi-  
24 fied to in this trial.

25 THE COURT: She says, "I don't know if it was the first  
26 thing mentioned," but she does say that "It came up soon."

27 MR. MANZELLA: The fact that she nods her head is not  
28 admissible, your Honor. That's not an admissible response.

2f-3

1 THE COURT: That was probably my fault in not ascer-  
2 taining whether --

3 MR. MANZELLA: That's not an affirmative answer. The  
4 court reporter's observations are not --

5 THE COURT: Well, the Court will permit you to read  
6 down through line 5 of page 5152, beginning with line 24 on  
7 the previous page.

8 MR. DENNY: Thank you, your Honor.

9 THE COURT: But there has been a great deal of time  
10 spent concerning that conversation. And this is pretty old  
11 stuff.

12 I think that it's time that we --

13 MR. MANZELLA: Sustaining the objection, your Honor,  
14 would cut off the consumption of time on this repetitious and  
15 irrelevant material.

16 THE COURT: I realize that. And I do realize that it  
17 is repetitious. But it is cross-examination, and the Court  
18 will permit it.

19 MR. DENNY: Thank you, your Honor.

3 fls.

3-1

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

Q BY MR. DENNY: All right, reading page 5151, starting at line 25.

"Now, when -- when you first spoke with the police, Mr. Guenther and Mr. -- uh -- Mr. Whiteley and Mr. Katz, did you, uh -- did you discuss with them anything concerning getting off of your criminal charge?

"A Yes, they told me about an agreement that would be made if I agreed to testify.

"Q They told you that initially, first thing, right?

"A I believe they came up soon after they were there. I don't know if it was the first thing mentioned."

Do you remember so testifying?

A Yes.

Q And was it about the first thing or about the first thing mentioned?

A Yes.

Q All right.

Now, let me direct your attention to your testimony on Thursday, January 13, 1972, before this jury.

Page 3250. Starting at line 1.

THE COURT: You've been sitting a long time now, ladies and gentlemen, I'll give you a short recess.

3-2

1 During the recess you are obliged not to converse  
2 amongst yourselves, nor with anyone else, nor permit anyone  
3 to converse with you on any subject connected with the matter,  
4 nor form or express any opinion on the matter until it is  
5 finally submitted to you.

6 (Morning recess.)

7 THE COURT: Case of People vs. Davis.

8 The record will show that all the jurors are  
9 present. The defendant is present. All counsel are present.

10 State your name for the record.

11 THE WITNESS: Ella Jo Bailey.

12 Q BY MR. DENNY: All right, going back to your  
13 testimony of January 13th, in the morning, Thursday.

14 Do you recall the following questions and answers:

15 "Q Well, let's see if we can refresh your  
16 recollection a little bit.

17 "All right, going to page 3137 of this  
18 transcript:

19 "Q And they didn't tell you they'd drop the  
20 charges until the 16th, is that right, or was it on  
21 the afternoon or late in the conversation on the 15th?

22 "A I don't remember what day it was.

23 "Q It was at least after the initial conver-  
24 sation with them where you spilled the story to them;  
25 is that right?

26 "A Yes.

27 "Q Was there a discussion about immunity  
28 at the same time?



1 "A Yes.

2 "Q Now, did they tell you that there's a  
3 court procedure, a proper court procedure, where  
4 you apply to the Superior Court to be granted  
5 immunity under statutory provisions for that?"

6 And there were some objections in there as  
7 reported here.

8 "All right.

9 "Q Were you advised about getting immunity  
10 through a statutory procedure to do so?"

11 "The Court overrules that objection."

12 Still quoting here from 3250.

13 "THE WITNESS; I don't recollect their  
14 wording about, you know, any procedures that they  
15 would have to go through to grant me immunity. I  
16 don't recall.

17 "Q Well, now, what do you recall about  
18 the conversation of immunity? Tell us the conversa-  
19 tion, what you said and what anybody else said.

20 "A Okay.

21 "I asked them, you know, if I testified  
22 at the trial, you know, what would happen to me. And  
23 they told me if I testified completely and truthfully  
24 at Charles Manson's, at Bruce Davis' trial, and  
25 Susan Atkins' trial, and at Mary Brunner's trial  
26 that they would grant me immunity from any charge  
27 that was outstanding against me in the case or in  
28 connection with any of this.

1 "Q In connection with the Hinman case?

2 "A Yes."

3 And going on reading:

4 "Do you remember that?

5 "A Yes.

6 "Q So was the conversation on May 16, 1970?

7 "A Yes. It was after the first conversation  
8 with them.

9 "Q All right. But it was, then, on the 16th  
10 of May, then, is that right?

11 "A Yes."

12 Which day was it?

13 MR. MANZELLA: I'm sorry, your Honor, I object on the  
14 grounds it is vague and ambiguous. I don't know what "it" is.

15 MR. DENNY: Well, let me rephrase it.

16 THE COURT: The objection is sustained.

17 Q BY MR. DENNY: Which day was it that the officers  
18 spoke to you about immunity, early -- first thing in the  
19 conversation on the 15th or late on the 16th?

20 A I believe we discussed it on both days.

21 Q When did you discuss it on the 15th?

22 A I don't recollect it. It is a long time ago.

23 Q It is, isn't it?

24 A Yes.

3a fls.

3a-1

1 Q Any events that happened in July of 1969, are  
2 even longer ago, aren't they?

3 A Yes.

4 Q But you remember them very well, don't you?

5 A Yes, I do.

6 Q And you remember that the officers promised you  
7 immunity if you testified at Mary Brunner's trial, is that  
8 right?

9 A Yes, I thought that was part of the agreement.

10 Q You swore under oath that that's what they told  
11 you before this jury, isn't that right?

12 MR. MANZELLA: The question has been asked and answered.

13 THE COURT: Sustained.

14 MR. DENNY: Your Honor, I have a photostatic copy that's  
15 been presented to me by the prosecutors of a three-page  
16 document entitled "Agreement." May this be marked Defendant's  
17 next in order?

18 THE COURT: It would be --

19 MR. DENNY: I think --

20 THE COURT: -- Defendant's what, E?

21 Let me check here.

22 Defendant's E.

23 MR. DENNY: May I mark "E" up in the right-hand corner  
24 of the blue back?

25 THE COURT: You may mark it E for identification.

26 MR. DENNY: Thank you, your Honor.

27 And will counsel stipulate that this is a photo-  
28 static copy of the original which they possess at this time?

Deft  
E ID

3a-2  
1 MR. MANZELLA: So stipulated.

2 MR. DENNY: May I approach the witness, your Honor?

3 THE COURT: Yes, you may.

4 Q BY MR. DENNY: Now, Miss Bailey, since we talked  
5 about this back on Wednesday or Thursday, you've had a chance  
6 to go over this agreement, isn't that right?

7 MR. MANZELLA: Objection, your Honor. The agreement  
8 between the District Attorney's Office and Miss Bailey has  
9 been covered. The question has been asked and answered.

10 THE COURT: Sustained.

11 Q BY MR. DENNY: Well, let me show you the agreement.

12 MR. MANZELLA: Objection. I don't think it is necessary,  
13 your Honor. The agreement's been covered.

14 MR. DENNY: The agreement has not been covered, your Honor.

15 MR. MANZELLA: Miss Bailey has testified to what her  
16 knowledge of what the agreement is between the District  
17 Attorney's Office and herself.

18 THE COURT: It has been stipulated that the agreement may  
19 be introduced?

20 MR. MANZELLA: No, your Honor.

21 THE COURT: All right, the objection is overruled.

22 Q BY MR. DENNY: Would you look at that agreement,  
23 please, if you haven't seen it since you testified about it and  
24 look at it carefully.

25 (Whereupon, there was a pause in the proceedings  
26 while the witness perused the document.)

27 THE COURT: May I see that?

28 THE WITNESS: Yes.

3a-3

1 THE COURT: Go ahead, Mr. Denny.

2 Q BY MR. DENNY: Is that your signature that appears  
3 on the third page?

4 A Yes.

5 Q Were you present when the other parties signed  
6 that document?

7 A Yes.

8 Q And they signed several copies of it in your  
9 presence, is that correct?

10 A Yes.

11 Q And you signed several copies, is that correct?

12 A Yes.

13 Q And did you retain a copy?

14 A No.

15 Q And did your lawyer, to your knowledge?

16 MR. MANZELLA: Objection, not relevant. Calls for  
17 hearsay.

18 THE COURT: The objection is sustained.

19 Q BY MR. DENNY: Now, ma'am, Paragraph No. 1 says  
20 you agree to testify truthfully --

21 MR. MANZELLA: Objection. Object to the reading of the  
22 document, your Honor. It is not relevant. The agreement  
23 has been covered.

24 THE COURT: Sustained.

25 MR. DENNY: Well, I'd ask that it be received into  
26 evidence at this time.

27 MR. MANZELLA: The People object. It is cumulative.  
28 The agreement has been covered. It is her state of mind of

3a-4

1 the agreement that's important.

2 MR. DENNY: It is the agreement that's important, too.  
3 It contradicts her testimony.

4 MR. MANZELLA: I object to that and ask that the jury be  
5 advised to disregard it.

6 THE COURT: Yes, Mr. Denny's remark is stricken, ladies  
7 and gentlemen.

8 MR. DENNY: Well, I ask it be received in evidence.

9 THE COURT: And may I request of both counsel, tell both  
10 counsel, again, once more, that if you wish to argue, argue  
11 in the presence of the Court only. Not in front of the  
12 jury. You can argue your case at the end of the case, at the  
13 end of the evidence you can argue whether or not it contra-  
14 dicts her testimony, Mr. Denny, and your remark in that  
15 respect is stricken.

16 However, the Court will permit it to be received  
17 into evidence as People's -- as Defendant's E.

18 Q BY MR. DENNY: Now, Miss Bailey, having looked  
19 at that document, does that refresh your recollection that  
20 nothing was said about testifying in the case of People versus  
21 Mary Brunner?

22 MR. KAY: Well, your Honor, I'll object on the parol  
23 evidence rule. The document speaks for itself.  
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1 THE COURT: On that ground, the objection is overruled.

2 Q BY MR. DENNY: Does that refresh your recollec-  
3 tion, ma'am?

4 MR. MANZELLA: Objection, there's been no testimony  
5 that her recollection needs refreshing, your Honor.

6 THE COURT: Sustained.

7 Q BY MR. DENNY: Did you just testify about five  
8 minutes ago that somehow your recollection had been refreshed?  
9 You thought that Mary Brunner had been mentioned but now you're  
10 sure she hadn't?

11 A I don't recollect testifying to that.

12 Q All right. Now, going back to that May 15th or  
13 May 16th --

14 By the way, on seeing that particular document,  
15 does that refresh your recollection at all as to the date on  
16 which it was signed?

17 It doesn't bear a date, ma'am, so that's not  
18 going to help you.

19 A No.

20 Q So you can't remember again whether it was on  
21 the 15th or 16th, is that right?

22 A This agreement wasn't signed on the 15th or  
23 16th.

24 Q When was that agreement signed?

25 A The day I was released.

26 Q And that was June 2nd, is that correct?

27 A On or around that date, yeah.

28 Q You testified, too, that you don't recall how much

3b-2

1 the bail was, is that right --

2 A That's right.

3 Q -- on that charge, that forgery charge?

4 MR. MANZELLA: Objection, the question has been asked  
5 and answered.

6 THE COURT: Sustained, it has --

7 Q BY MR. DENNY: By the way --

8 THE COURT: -- it's been asked and answered.

9 Q BY MR. DENNY: -- would it refresh your recollec-  
10 tion if I told you a thousand dollars?

11 A No, it wouldn't.

12 Q And that on June 2nd you were then released on  
13 your personal recognizance; does that refresh your recollec-  
14 tion?

15 A No.

16 Q And you were arrested under the name of Susan  
17 Ann Jackson?

18 A Yes.

19 MR. MANZELLA: Objection, the question has been asked  
20 and answered.

21 THE COURT: The answer is stricken. The question has  
22 been asked and answered.

23 Q BY MR. DENNY: Who is Charles Jackson?

24 MR. MANZELLA: Objection, it is not relevant.

25 THE COURT: Well, sustained.

26 Q BY MR. DENNY: Well, Charles Willis Jackson, do  
27 you recall?

28 MR. MANZELLA: Objection --



3b-3

1 THE COURT: Let me rule.

2 Do you withdraw the question?

3 MR. DENNY: I'm sorry, I'll rephrase it.

4 Q Do you recall Willis Charles Jackson was charged  
5 with you on that forgery, was he not?

6 MR. MANZELLA: Objection.

7 THE COURT: Sustained.

8 Q BY MR. DENNY: Was there a deal made, an addi-  
9 tional deal not written out there that when you agreed to  
10 testify they would not only agree to drop the charges against  
11 you, after you testified, but they would drop all of the  
12 charges then pending against your co-defendants?

13 A I don't know if, uh, it was discussed with me.  
14 I don't recollect.

15 Q Now, are you sure of that, ma'am?

16 MR. MANZELLA: Objection, the question has been asked  
17 and answered.

18 THE COURT: Sustained.

19 Q BY MR. DENNY: Well, you do know that the charges  
20 were dropped on June 2nd against all of your co-defendants,  
21 don't you know that?

22 MR. MANZELLA: The question has been asked and answered.

23 MR. DENNY: The question has not been asked and  
24 answered.

25 MR. MANZELLA: Yes, she has answered it last week.

26 THE COURT: You may answer it.

27 THE WITNESS: I was under the impression that some of  
28 those charges were dropped before I ever made or before I

1 signed this agreement. I don't know when, the co-defendants,--  
2 uh, when their charges were dropped. Not to recollect each  
3 person, no, I don't remember.

4 Q BY MR. DENNY: Well, you wanted to make sure that  
5 the charge against you for forgery would be dropped after you  
6 testified, isn't that right?

7 MR. MANZELLA: Objection, the question has been asked  
8 and answered.

9 THE COURT: Sustained.

10 Q BY MR. DENNY: Well, you wanted to make sure of  
11 that because you were guilty of that charge, isn't that right?

12 A Yes.

13 Q And you knew the penalty for that charge in the  
14 State of Washington was 20 years in State Prison, up to 20  
15 years in State Prison; is that right?

16 A Yes.

17 Q And you wanted to make sure you didn't go to  
18 State Prison for 20 years, isn't that right?

19 A Yes.

20 Q Now, when this Devil's Canyon conversation took  
21 place, you remember the one we're testifying to, when Hinman's  
22 name was first brought up?

23 A Yes.

24 Q And when you first brought his name up, right?

25 A Yes, that's correct.

26 Q Was it brought up that his family owned a factory  
27 in the East and that he probably had money invested in stocks?

28 A There was talk about stocks. I don't know if, uh--

1 I can't recollect the exact conversations. There was talk  
2 about stocks and bonds.

3 Q Well, is your memory hazy on whether there was  
4 conversation about a factory in the East?

5 MR. MANZELLA: Objection, it is argumentative.

6 THE COURT: Sustained.  
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1 Q Well, does it --

2 THE COURT: I'll strike that, strike that ruling. You  
3 may answer.

4 Is your memory hazy in respect to that point?

5 THE WITNESS: At this time, yes.

6 Q BY MR. DENNY: Well, would it help to refresh your  
7 recollection from the testimony of the Mary Brunner trial which  
8 is as follows:

9 "Q -- " Page 71, Line 18 --

10 MR. MANZELLA: Excuse me, I believe you misspoke your-  
11 self, Mr. Denny.

12 MR. DENNY: I did. The testimony of Mary Brunner at  
13 the Grand Jury hearing.

14 "Has there been some --"

15 MR. MANZELLA: I would object to the reading of it. If  
16 he wants to refresh the witness's recollection, he can show it  
17 to her.

18 MR. DENNY: May I do so, your Honor?

19 THE COURT: You may.

20 Q BY MR. DENNY: Would you read Page 71, starting at  
21 Line 18, down through Line 25.

22 A (Reading.)

23 Q Have you read it, read that?

24 A Yes.

25 Q All right.

26 "Q Had there been some mention of the  
27 first conversation that you told us about in  
28 Devil's Canyon about stocks and bonds?"

3c-2

1 MR. MANZELLA: Objection, your Honor, that's not proper.  
2 There's been no -- the witness hasn't testified about whether or  
3 not it refreshes her recollection.

4 Q BY MR. DENNY: I'll --  
5 Well, does that refresh your recollection?  
6 I'll withdraw the reading.  
7 Does that refresh your recollection, having read it,  
8 ma'am?

9 A I don't know if it does or not.

10 Q Well, did you testify in September before the Grand  
11 Jury as follows: --

12 MR. MANZELLA: Calls for hearsay, your Honor. She's  
13 testified here.

14 MR. DENNY: This is an inconsistent statement.

15 THE COURT: All right, you may read it.

16 Q BY MR. DENNY: "Had there been some mention  
17 at the first conversation that you told us about in  
18 Devil's Canyon about stocks and bonds and deeds?

19 "A Yes. There was a little bit of  
20 discussion on it and an estimate of how much money  
21 everyone felt Mr. Hinman might have. And it was  
22 brought up that his family owned a factory in the  
23 East and he probably had -- that perhaps he had  
24 money invested in stocks."

25 Do you remember so testifying?

26 A Yes.

27 Q Was that the truth?

28 A Yes.

1 Q At that time?

2 A Yes, I believe so.

3 Q Was it the truth on July, 1969?

4 A What do you mean?

5 Q I'll withdraw the question.

6 Well, you knew that his family owned a business  
7 back East, didn't you?

8 A Yes.

9 Q You're the one that brought up that his family  
10 owned a factory back East at that meeting?

11 A No, I don't recollect that I made mention of the  
12 factory.

13 Q Well, who made mention of it?

14 A I don't know.

15 Q Well, did Charlie first mention stocks?

16 A I recollect, uh, that stocks and bonds were  
17 mentioned. But, uh, who said it, I don't recall.

18 Q Well, did you make the following statement to  
19 Sergeant Whiteley, Mr. Guenther, Mr. Katz, on May 15, 1970:

20 "Don't know, maybe me. How about Gary  
21 Hinman? Charlie: Yeah, he's single, owns that  
22 house. Has stocks and bonds. Maybe we can  
23 talk him out of it."

24 Did you make that statement to him?

25 A Those are Grogan's statements. Those aren't  
26 completed sentences. I don't recollect, Mr. Denny.

27 Q Well, in sum and substance did you tell them  
28 that as soon as you mentioned Gary Hinman, Charlie said, yeah,

1 in effect, he's got that house and he's got some stocks?

2 A I know Charlie, uh, responded.

3 Q Did you make that statement, ma'am?

4 A No.

5 Q Did you make anything like that statement?

6 A I don't know what "anything like that" would mean.

7 Q Anything that might cause the officer to write  
8 that statement down in his notes?

9 A I don't know.

10 MR. MANZELLA: That calls for speculation on the part of  
11 the witness.

12 THE COURT: Sustained.

13 Q BY MR. DENNY: Well, it was you who suggested that  
14 Gary might have money, at any rate?

15 MR. MANZELLA: Objection, the question has been asked and  
16 answered.

17 THE COURT: Sustained.

18 Q BY MR. DENNY: Who was it that suggested that  
19 Gary might be talked into joining the Family voluntarily and  
20 turning over his assets?

21 MR. MANZELLA: Objection, question has been asked and  
22 answered.

23 THE COURT: Overruled. You may answer.

24 THE WITNESS: I didn't hear the last of your question,  
25 Mr. Denny.

26 MR. DENNY: Miss Briandi, would you read it?

27 (Whereupon, the question was read by the reporter  
28 as follows:

1 "Q Who was it that suggested that Gary  
2 might be talked into joining the Family vol-  
3 untarily and turning over his assets?")

4 THE WITNESS: I don't recall who said it.  
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1 Q BY MR. DENNY: Well, you said it, didn't you?

2 A I don't remember.

3 Q Directing your attention to your testimony on  
4 August 12th, 1971, page 5143, question by Mr. Kanarek,  
5 starting at line 18.

6 "Well, was there a discussion as to how  
7 the money would be obtained, Miss Bailey?

8 "A No.

9 "Q All right. Now, you --

10 "A I take that back. Yes, there was. It  
11 was suggested that perhaps Gary would come with our  
12 Family.

13 "Q And you suggested that Gary might come  
14 with the Family?

15 "A Yes.

16 "Q And you suggested that he might come with  
17 the Family and then -- how would this bring money to  
18 the Family?

19 "A Anyone that came with the Family gave  
20 everything that they had to the Family.

21 "Q And, so, it was your thought that he  
22 would then sell his house and give it to the Family,  
23 is that the idea?

24 "A Yes."

25 Do you remember so testifying?

26 A Yes.

27 Q So it was you who suggested that he might come  
28 with the Family?

3d-2

1 A I felt that he would, yes.

2 Q Not Charlie?

3 A I don't know. There was further discussion after  
4 I mentioned the name but I don't -- but I can't recall at  
5 this time. There was quite a bit of talk after the name  
6 was mentioned. And I can't recollect all that was said.

7 Q Well, wasn't it Charlie who suggested he come  
8 with the Family?

9 MR. MANZELLA: The question has been asked and answered.

10 THE COURT: Sustained.

11 Q BY MR. DENNY: Well, let me direct your attention  
12 to your testimony at the Grand Jury hearing in September in  
13 the Mary Brunner case. Page 58, line 15.

14 "Q Was there any discussion of the manner of  
15 obtaining money from Gary Hinman? Was that discussed  
16 in these two conversations that you mentioned?"

17 The two conversations. I don't want to have  
18 to go all the way back to pages -- but talking about the  
19 conversation, now, in Devil's Canyon -- well, we'll get to  
20 that.

21 "Was that discussed in these two conversa-  
22 tions that you mentioned?

23 "A Yes. First of all, it was suggested  
24 that perhaps he just be approached and he might  
25 willingly give his money to the Family and perhaps  
26 come with us."

27 MR. MANZELLA: Objection, your Honor, this calls for  
28 hearsay. The witness stated she doesn't recall.

3d-3  
1 MR. DENNY: - I think she testified that she was the  
2 one who suggested it.

3 THE COURT: All right, the Court overrules the objec-  
4 tion.

5 Q BY MR. DENNY: All right.

6 "He might willingly give his money to  
7 the Family and perhaps come with us.

8 "Q Who was it, if you know, who made that  
9 particular suggestion?

10 "A Well, I know Charles Manson mentioned it.

11 "Q Was that at the first conversation?

12 "A Yes.

13 "Q And was that in Devil's Canyon, is that  
14 right?

15 "A Yes."

16 Do you recall so testifying?

17 A Yes.

18 Q Well, did you suggest it first or did Charlie  
19 suggest it first?

20 A That he might come willingly? What are you  
21 asking? I'm not sure.

22 Q Yes, that he might come with the Family and  
23 give his money and worldly possessions over to the Family.  
24 Who suggested that first in that conversation?

25 A Well, if I recollect, it was a discussion between  
26 several people. And it was probably mentioned right around  
27 the same time by both of us.

28 Q I see. Well, it is true, in any event, that as

1 far back as 1968, Charlie had sent you and Mary to Gary's  
2 house to get him to join the Family, isn't that right?

3 A Yes.

4 Q By the way, you said you remembered two specific  
5 dates in July and August. I believe it was July-August of  
6 '69, one, the day when you left the ranch; when was that?

7 A The 28th.

8 Q Of July?

9 A Yes.

10 Q And you said the other was the date when you  
11 were arrested in Ohio; when was that?

12 A I didn't give the exact date. I said I remembered  
13 it was in August now. At the time I probably remembered the  
14 date.

15 Q I know you didn't give the date. I'm asking you  
16 what was the date. You said you remembered it.

17 A I said I remembered at the time I was arrested.  
18 I was sure that I was aware of the date that I was arrested  
19 on. Not that I can say the date now.

3e-1

1 Q All right, going to Page 3255 of your testimony on  
2 Thursday, January 13, morning session. Starting at Line 3.

3 "Q That's the only particular date that  
4 you were particularly aware of in that two-month  
5 period of July and August, 1969, is that right?"

6 And that was referring to the date you left again,  
7 the date of July 28.

8 "A No, I wouldn't say that's really true.  
9 It is two and a half years later now. I don't  
10 recall the dates I remembered at the time, but I  
11 definitely was aware of the date I was arrested  
12 in Ohio at the time. I was aware of that date. "

13 A At the time.

14 Q But you're not now?

15 A No, I don't recall the date I was arrested on right  
16 now.

17 Q Now, you've testified, I think, previously, that  
18 except for the girls that were taking care of the babies and  
19 watching George Spahn, Charlie emphasized that everyone else  
20 be present at the campfire at Devil's Canyon for meals.

21 A That's true.

22 Q For meals, for dinner.

23 A For meals?

24 Q For dinner.

25 A There wasn't much dinner in Devil's Canyon, no. I  
26 don't think that's correct.

27 Q Well, did you -- well, just a moment.

28 Oh, at the campfire.

3e-2

1 A Yes.

2 Q All right. So, it wasn't at meal time that every-  
3 body had to be present, is that right?

4 A No, it wouldn't be a certain time at night  
5 designated to eat.

6 Q You mean the people in the group ate just kind of  
7 in shifts, whenever they wanted to?

8 A There wasn't that much food in Devil's Canyon to  
9 eat. People were eating plants and things like that. There  
10 were no prepared meals brought in and served.

11 Q All right. So that then sometime later in the  
12 evening, as it got dark and the campfire was built, the  
13 people would kind of filter in, is that right?

14 A Yes.

15 Q And listen to Charlie talk, is that right?

16 A Yes, in part.

17 Q That's mainly what the group did, was listen to  
18 Charlie talk, is that right?

19 A Gathered around the campfire, that might be true.

20 Q All right. Now, you mentioned a few people who  
21 cared for the babies. I am -- strike that.

22 Who cared for George Spahn? Who was it that  
23 cared for the babies?

24 A I believe it was Beau and Little Patty who were  
25 taking care of the babies at that time.

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1 Q And which were the babies that were there at that  
2 time?

3 MR. MANZELLA: I don't see the relevance of that, your  
4 Honor.

5 THE COURT: Sustained.

6 MR. DENNY: Well, may we approach the bench for one  
7 moment on that, your Honor?

8 THE COURT: Yes, you may.

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

12 MR. DENNY: I'm almost through.

13 THE COURT: Oh, I am not chiding you about that.

14 MR. DENNY: All right. Fine. The relevance of this  
15 is that Mary Brunner had a baby at that time, and the  
16 question is whether she would be staying with the baby and  
17 not be at the campfire site, as testified to by this witness.

18 THE COURT: Oh, you can ask her that, because you've  
19 already gotten into the question of where Mary Brunner was.  
20 And she's stated that she -- at one time, that she was in-  
21 correct in placing Mary Brunner where she had placed her  
22 in the course of her testimony.

23 But you can ask her, directly asking her about  
24 what babies were involved.

25 All right.

26 Now, the Court doesn't -- the Court doesn't  
27 mean to in any way cause you to limit your cross-examination,  
28 but --

1 MR. DENNY: Well, I should be able to get through,  
2 if we can get rolling, hopefully, by just about 12:00 o'clock,  
3 your Honor.

4 THE COURT: All right. Fine.

5 MR. DENNY: I'm going to try.

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

9 Q BY MR. DENNY: Miss Bailey, Mary Brunner had a  
10 baby at that time, didn't she?

11 A Yes.

12 Q And she sometimes cared for that baby, didn't  
13 she?

14 A Yes, she sometimes did.

15 Q And do you remember whether she cared for that  
16 baby on July 21st?

17 A No, I don't remember.

18 Q Or July 22nd?

19 A No.

20 Q July 23rd?

21 A I don't remember.

22 Q 24th?

23 A (No audible response.)

24 Q 25th?

25 A I don't remember.

26 Q 26th?

27 A I don't remember.

28 Q You don't remember where she was on those dates,



1 either, do you?

2 A Not every minute of the day, no.

3 Q Around the evening time?

4 MR.MANZELLA: The question has been asked and answered,  
5 your Honor.

6 THE COURT: Overruled. You may answer that.

7 THE WITNESS: No, I don't remember.

8 Q And, again, what was the date of that campfire  
9 discussion, when Gary Hinman's name was first brought up?

10 A Oh, it was the 25th.

11 Q And you were sure she was there on that day?

12 A Yes. I remember working with Mary over in the  
13 woods.

14 Q You are sure she was at that campfire --

15 A Yes.

16 Q -- discussion, when Hinman's name was brought up?

17 A Yes.

18 Q You are positive.

19 Now, you mentioned on direct that you had seen  
20 Shorty Shea around the ranch.

21 Do you remember when?

22 A No, I really don't.

23 Q Well, did you see him in June; do you recall?

24 A I don't recall.

25 Q Well, do you recall the last time you saw him  
26 around the ranch?

27 A No. The times that I remember were shortly  
28 after we were first on the ranch. He used to come up and

1 talk to George Spahn.

2 Q He wasn't working there then?

3 A No.

4 Q Did you ever see him working on the ranch?

5 A No.

6 Q He'd just come and visit; is that right?

7 A Yeah.

8 Q You'd see him there on occasion?

9 A Yeah.

10 Q All right. By the way, Charlie tended to bully,  
11 to threaten people, didn't he, a lot?

12 MR.MANZELLA: Objection. Calls for a conclusion.

13 Q BY MR. DENNY: Well, you know --

14 THE COURT: Sustained.

15 MR. DENNY: I will withdraw that.

16 Q You know what it is to threaten somebody to  
17 hurt them?

18 A Yes.

19 Q And Charlie used to do this; isn't that right?

20 A Yes.

21 Q And he did it to you; is that right?

22 A Yes.

23 Q And he also bragged a lot about the things that  
24 he had done, hurting people; is that correct?

25 A He used to talk about it, yes.

4a fls.

4a-1

1 Q He used to brag he'd killed a Black Panther -- a  
2 guy in a narcotic transaction; is that right?

3 MR. MANZELLA: That's objected to -- excuse me. That --  
4 objection; that calls for hearsay.

5 MR. DENNY: This goes to her state of mind, your Honor.

6 THE COURT: The objection is overruled.

7 You may answer.

8 THE WITNESS: He didn't say "Black Panther" and he  
9 didn't say "over any narcotic" things.

10 Q BY MR. DENNY: All right.

11 A And he didn't say "kill."

12 Q He didn't say "killed"?

13 A No.

14 Q You're sure of that?

15 MR. MANZELLA: Objection. It's not relevant.

16 THE COURT: Sustained.

17 MR. MANZELLA: I ask that the answer be stricken.

18 Q BY MR. DENNY: Well, did you tell Sergeant  
19 Whiteley, in sum and substance and effect --

20 MR. MANZELLA: Your Honor, I object on the grounds that  
21 it's not relevant what she told Sergeant Whiteley. The whole  
22 subject is irrelevant.

23 THE COURT: Sustained.

24 Q BY MR. DENNY: Well, you've mentioned that you  
25 spent some time sleeping up on the roofs of the Spahn Ranch  
26 buildings; is that correct?

27 A Yes.

28 Q During part of that summer?

4a-2

1 A Yes.

2 Q And that was because you were fearful of some  
3 Black Panthers coming into the camp; isn't that right?

4 A I don't know about Black Panthers.

5 Q But it was fearful -- you were afraid of some  
6 Black Panthers coming; is that right?

7 A I don't recall, you know, the word "Panthers"  
8 being used.

9 There was fear of black people coming to revenge,  
10 yes.

11 Q For this person that Charlie had stated that he had  
12 killed; is that right?

13 A Said that he had shot.

14 Q Said that he had killed; isn't that right?

15 A Said that he had shot.

16 Q All right. Did you tell Sergeant Whiteley, on  
17 May 15th, 1970, in the presence of the other people we've  
18 already mentioned, "Charlie said, after killing Negro,  
19 'Everyone of you are going to have to kill; not me.'"

20 A No, no. I didn't say that.

21 Q You are misquoted again by Sergeant Whiteley; is  
22 that right?

23 MR. MANZELLA: Objection. It assumes that Sergeant  
24 Whiteley was quoting her.

25 THE COURT: Sustained.

26 Q BY MR. DENNY: You didn't tell him anything, in  
27 substance and effect, like that?

28 A I told him that Charlie came back, saying that

4a-3

1 he had shot a black person; that he had -- that four bullets  
2 had gone off, and only one had struck the person.

3 But I didn't say that he said he killed him, be-  
4 cause he didn't say that. He said that he shot someone.

5 Q All right. So, again, if Sergeant Whiteley --

6 MR. MANZELLA: Objection. It calls for conclusion and  
7 speculation.

8 THE COURT: Let him finish the question.

9 MR. DENNY: Mr. Manzella's correct, your Honor.

10 Q Indeed, you found out that Charlie hadn't killed  
11 the man, didn't you?

12 MR. MANZELLA: Objection. It's irrelevant.

13 THE COURT: Sustained.

14 Q BY MR. DENNY: Well, now, at these Family  
15 conferences, whether they were dinners or campfire meetings or  
16 whatever, you've indicated Charlie did most of the talking;  
17 is that right?

18 A Yes.

19 Q And the girls didn't question him, and the men  
20 seldom did; isn't that right?

21 A Generally speaking, that's correct.

22 Q All right. In other words, he wasn't often  
23 challenged by anyone on what he was talking about; is that  
24 right?

25 A Yeah. Well, when you say "not often," that's  
26 correct.

27 Q All right. And the others were just sort of --  
28 would just sort of indicate their agreement in some way, or

4a-4

1 shut up and say nothing; is that right?

2 A Um-hum.

3 Q Your answer --

4 THE COURT: That means "yes," is that right? "Yes"?

5 THE WITNESS: Yes.

6 MR. DENNY: All right. Your Honor, I am not going to  
7 be able to make it, unfortunately, by 12:00 o'clock, as I  
8 thought I would.

9 THE COURT: All right.

10 MR. DENNY: Would this be a good time to stop?

11 THE COURT: All right. We can stop now.

12 Ladies and gentlemen, will you reassemble at  
13 1:45? We'll take our recess until then.

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

19 We will see you at 1:45.

20 And you are excused until 1:45, Miss Bailey.

21 (Whereupon, at 11:59 A. M., an adjournment was  
22 taken in this matter until 1:45 P. M. of the same day.)  
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1 LOS ANGELES, CALIFORNIA, MONDAY, JANUARY 17, 1972, 2:02 P. M.

2

3

THE COURT: In the case of People versus Davis.

4

Mr. Davis is present. All counsel are present and the jurors, the jurors and alternates are likewise present, the record may show.

6

7

Miss Bailey on the witness stand.

8

Go ahead, Mr. Denny.

9

10

ELLA JO BAILEY,

11

called as a witness by and on behalf of the People, having been previously duly sworn, was examined and testified further as follows:

12

13

14

CROSS EXAMINATION (Continued)

15

BY MR. DENNY:

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Q Miss Bailey, I believe you mentioned to us some time back that you had been told that if you committed perjury and Bruce Davis or Charles Manson or Susan Atkins was convicted and went to the gas chamber because of your perjurious testimony, you could be executed, too; you did tell us that, right?

22

A Yes.

23

24

Q And that was suggested to you at this May 15-16 meeting up in Tacoma?

25

A Not at that time.

26

27

Q When was that suggested to you?

28

A I don't recall the exact date. It was quite recently.

1 Q So that as of that time, at least, nobody had  
2 mentioned anything about perjury to you, is that right?

3 A Yes.

4 Q They did mention something about perjury to you?

5 A No.

6 Q And they didn't include anything about perjury  
7 in this agreement, either, did they?

8 A No.

9 Q And you're not worried about perjury now, are you?

10 A No.

11 Q Because as far as you can see, there's no way that  
12 anybody can prove perjury against you anyway?

13 A Because I believe that I am telling you the truth.

14 Q Just the way you were telling the truth in your  
15 testimony against Mr. Manson?

16 A Yes.

17 Q Just the way you were telling the truth in your  
18 testimony against Miss Brunner and the Grand Jury?

19 A Yes.

20 Q Just the way you were telling the truth to  
21 Sergeant Whiteley and Deputy Guenther and Mr. Burton Katz of  
22 the District Attorney's Office on May 15th and 16th, 1970, in  
23 the Tacoma jail?

24 A Yes, as best I can recall at the time.

25 Q Well, then, are you stating that your testimony,  
26 your recollection has been enhanced somewhat since that time?

27 A Uh, yes, because in Washington I hadn't thought  
28 about these people or the incident, you know, prior to the time



1 I -- or just when I knew they were coming, was the first time I  
2 gave it any thought, you know, after all that time. So, yes,  
3 I've remembered a lot since then.

4 Q And the officers had helped you to remember,  
5 haven't they?

6 MR. MANZELLA: Objection, it is argumentative and it is  
7 vague and ambiguous as to what the word "help" means.

8 MR. DENNY: Withdraw the question.

9 Q The Sheriff's deputies have assisted you in  
10 remembering things, haven't they?

11 MR. MANZELLA: Same objection, your Honor.

12 MR. DENNY: I'll stand by that.

13 THE COURT: Sustained.  
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1 Q BY MR. DENNY: Well, has somebody helped you to  
2 refresh your recollection, since May 15th and 16th, 1970?

3 A Yes. I suppose every time that I have been  
4 asked to think about it again, it has refreshed my memory  
5 about it.

6 Q And who has asked you to think about it again?

7 A Each of the people that you've mentioned before.

8 Q Sergeant Whiteley, Deputy Guenther, Deputy D.A.  
9 Burton Katz?

10 A Yes.

11 Q And they ask you to remember a little bit more  
12 and a little bit more, and you oblige; is that right?

13 A I remember what I can; that's all.

14 Q What they want you to; isn't that right?

15 A I suppose I do try to remember what they ask,  
16 yes.

17 Q Because you know, if you remember what they want  
18 you to, that will help you get off your charge --

19 MR. MANZELLA: Objection --

20 Q BY MR. DENNY: -- up in Washington, and this one  
21 down here; isn't that right?

22 MR. MANZELLA: Objection. That assumes a fact not in  
23 evidence. She did not say that she remembers what we want  
24 her to.

25 THE COURT: Overruled. You may answer the question.

26 THE WITNESS: Would you repeat the question?

27 MR. DENNY: Would you read it back, Mr. Williams?

28 (Whereupon the record was read by the reporter

6-2

as follows:

"Q Because you know, if you remember what they want you to, that will help you get off your charge ... up in Washington, and this one down here; isn't that right?"

MR. MANZELLA: Objection. That's argumentative.

MR. DENNY: Goes to her state of mind.

THE COURT: Overruled. You may answer.

THE WITNESS: I don't know of any charge down here.

Q BY MR. DENNY: Like conspiracy to commit robbery and murder of Gary Hinman?

A I wasn't charged with that.

Q You made good and sure that you wouldn't be by getting that document signed, giving you immunity from that charge; isn't that true?

MR. MANZELLA: Objection. The question has been asked and answered.

MR. DENNY: I believe it was --

THE COURT: Sustained.

Q BY MR. DENNY: Now, when you saw Mary and Sadie in what you call creepy-crawly clothes, as you've testified to this jury, you knew that they were dressed to go out and rob or steal something; isn't that true?

A Well, I wouldn't assume so just because of the clothes they had on, no.

Q Let me read your testimony before the Grand Jury in the Brunner case. Page 63, starting at line 15.

"Q How were these parties dressed?

1 "A The fellows were dressed in buckskin  
2 clothes, and the girls had on what we call a  
3 creepy-crawlers, or just dark clothing.

4 "Q Why were they called 'creepy-crawlers'?

5 "A They were clothes that Charles Manson said  
6 they should put on when they had a caper. If it was  
7 dark, they should wear dark clothes, so as not to be  
8 spotted.

9 "Q What does 'to do a caper' mean?

10 "A Where you are going to rob -- when you are  
11 going to rob or steal something.

12 "Q Were both Mary Brunner and Susan Atkins  
13 wearing these dark clothes?

14 "A Yes."

15 You knew they were going out to rob and steal,  
16 didn't you?

17 A No. That wouldn't be the only time that someone  
18 would have occasion to wear dark clothes.

19 Q But you knew on that occasion they were going out  
20 to rob and steal, didn't you? And kill?

21 A No.

22 Q You knew for several days, Miss Bailey, before  
23 that fateful Friday, July 25th, 1969, that Gary Hinman was  
24 marked for a visit by someone from the Manson Family, to get  
25 money from him, didn't you?

26 A Yes. I knew they were going to get -- try to get  
27 money from Mr. Hinman.

28 Q And you were the one who had suggested your

1 friend Gary Hinman's name, hadn't you?

2 A Yes.

3 Q And that was the same Gary Hinman who thought so  
4 much of you that he had asked you to marry him; is that  
5 right?

6 MR. MANZELLA: Objection. Calls for speculation.

7 THE COURT: Sustained.  
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1 Q BY MR. DENNY: And in your presence, Miss Bailey,  
2 Charlie had said, "If he doesn't give you his property  
3 voluntarily, kill him."

4 Isn't that right?

5 A I don't recall Charlie saying that in my presence,  
6 no.

7 Q And you were happy enough to let Sadie Glutz  
8 take your place because you were just a little bit squeamish  
9 about bloodying up your own hands with Gary's blood; isn't  
10 that right?

11 MR. MANZELLA: Objection. It's argumentative.

12 THE COURT: Sustained.

13 Q BY MR. DENNY: Well, it was all right to let some-  
14 one else do your dirty work, that you felt would occur; isn't  
15 that right?

16 MR. MANZELLA: Objection --

17 THE WITNESS: I thought Gary would come with the Family.

18 Q BY MR. DENNY: Freely and voluntarily?

19 A Yes.

20 Q You had gone up there several times before with  
21 Mary --

22 A Not several times, no.

23 Q Well, when you told Sergeant Whiteley that, he was  
24 in error, then?

25 MR. MANZELLA: Objection --

26 THE WITNESS: I said I had been there before.

27 Q BY MR. DENNY: And that Charlie had sent you and  
28 Mary up several times during 1969 to get him to join the Family;

ca-2

1 isn't that right?

2 A 1968, I had been there a few times.

3 Q To get him to join the Family?

4 A Yes.

5 Q And he wouldn't do it?

6 A Not at the time.

7 Q And you didn't have any reason to suspect that he  
8 would, on July 25th or 26th, 1969, did you?

9 A I felt that he might.

10 Q At the point of a gun? Or a knife?

11 MR. MANZELLA: Objection. Argumentative.

12 THE COURT: Sustained.

13 MR. DENNY: It goes to her state of mind.

14 THE COURT: The objection is sustained.

15 Q BY MR. DENNY: Well, you did nothing to stop this  
16 particular caper, did you?

17 A I couldn't have stopped Charlie Manson.

18 Q You knew about it for several days, didn't you?

19 A Not several days.

20 Q Well, you've testified that several days elapsed  
21 between the time that this was mentioned at the campground  
22 site and the time that they left; isn't that right?

23 A The matter of talking over money and -- and that;  
24 but not of killing him, no.

25 Q And from the time you fingered him, if you will,  
26 until the departure of Johnny Swartz's Ford car, you made no  
27 effort to warn your old friend, Gary Hinman, --

28 MR. MANZELLA: Objection as argumentative.

1 Q BY MR. DENNY: -- about what was in store for him,  
2 did you?

3 MR. MANZELLA: Objection. Argumentative.

4 THE COURT: Sustained.

5 Q BY MR. DENNY: Well, let me rephrase it.  
6 You didn't do a blessed thing to warn Gary  
7 Hinman, --

8 MR. MANZELLA: Objection, --

9 Q BY MR. DENNY: -- did you?

10 MR. MANZELLA: -- argumentative.

11 Q BY MR. DENNY: Well, let me leave out "blessed."  
12 You didn't do a thing at any time from the time  
13 you first put the finger on him as a person to get money  
14 from, until the time that Ford left, did you?

15 A Charlie told me he'd kill me if I left the ranch.  
16 No, I didn't do anything.

17 Q Charles told you that he'd kill you?

18 A If I left the ranch.

19 Q He told you that lots of times. He told all the  
20 girls that; isn't that right?

21 And that's a compound question. Let me ask it just  
22 one at a time.

23 He told you that personally lots of times, didn't  
24 he?

25 A Not lots of times, no.

26 Q Many times?

27 A No.

28 Q More than once?



1 A More than once, yes.

2 Q All right. And you left the ranch, didn't you?

3 A Yes.

4 Q You left the ranch to go get gas with Bill Vance?

5 A That was an errand that Charlie sent us on.

6 Q You left the ranch to go get things down at the  
7 radio shop, right?

8 A Yes, at Charlie's request.

9 Q And you had left the ranch before that? You and  
10 Bill Vance?

11 A At Charlie's request, yes.

12 Q At Charlie's request. And you could have taken off  
13 any time, couldn't you?

14 A No, I wouldn't say that.

15 Q You did, didn't you, on July 28th? You took off?

16 A Yes.

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1 Q Now, Miss Bailey, you kept yourself right up to  
2 date on what was going on at the Hinman home, through the  
3 whole hideous weekend, didn't you?

4 MR. MANZELLA: Objection. That's vague and ambiguous.

5 THE COURT: Sustained.

6 Q BY MR. DENNY: You kept yourself up to date, as  
7 best you could, be it information from the others -- phone  
8 calls, et cetera -- as to what was going on at Gary Hinman's  
9 house; isn't that true?

10 A I heard several conversations over the weekend,  
11 yes.

12 Q All right. And you were right there, up and  
13 waiting with Bill Vance, when that bus came back, weren't  
14 you, --

15 MR. MANZELLA: Objection. Assumes --

16 Q BY MR. DENNY: -- from Gary Hinman's home?

17 MR. MANZELLA: Objection. Assumes she was waiting.

18 THE COURT: Overruled.

19 MR. DENNY: This is cross-examination.

20 THE COURT: You may answer that.

21 THE WITNESS: I wasn't waiting for that. I just  
22 happened to be awake at the time that the bus drove up.

23 Q BY MR. DENNY: With the killers inside; right?

24 A Susan Atkins and Mary Brunner were in the bus.

25 Q Well, that's right. You didn't see Bobby come  
26 in. You don't know how he arrived, do you, personally?

27 A No, I don't.

28 Q All right. You don't know whether he came in

1 that Fiat or not, do you, --

2 A No, I don't.

3 Q -- personally? All right.

4 And you eagerly listened as Mary and Sadie  
5 described the details of the robbery and murder of Gary  
6 Hinman, didn't you?

7 MR. MANZELLA: Objection. The word "eagerly" makes it  
8 argumentative.

9 THE COURT: Sustained.

10 MR. DENNY: I'll withdraw that "eagerly."

11 Q You listened closely --

12 A Yes, I listened.

13 Q -- to all the details, as they described them to  
14 you?

15 MR. MANZELLA: Objection. The word "closely" is  
16 argumentative.

17 MR. DENNY: I will withdraw the word "closely".

18 THE WITNESS: I listened to what Mary and Sadie said,  
19 yes.

20 Q BY MR. DENNY: All right. And you even discussed  
21 with them your idea to drive Gary's microbus up to Santa  
22 Barbara, to get rid of it?

23 A That wasn't my idea, to drive the bus to  
24 Santa Barbara.

7 fls.

7-1

- 1 Q But you joined in that discussion quite willingly?
- 2 A I joined in the discussion, yes.
- 3 Q And you were talked out of that part of the plan
- 4 by Mary, who put you wise to the fact that the cops were
- 5 gathering down below the hill, isn't that right?
- 6 MR. MANZELLA: Objection, argumentative.
- 7 THE COURT: Sustained.
- 8 Q BY MR. DENNY: Well, you were talked out of that
- 9 part of the program, weren't you?
- 10 A It was decided not to take the bus to Santa
- 11 Barbara, that's correct.
- 12 Q And that was a joint decision on the part of all
- 13 of you; Mary, Sadie, Bill Vance and you, is that right?
- 14 A I don't know who made the decision.
- 15 Q But you joined in that decision and that discus-
- 16 sion, is that right?
- 17 A Yes.
- 18 Q And, at least according to what you've told this
- 19 jury, you even counted the ill-gotten goods of that weekend's
- 20 caper right down to the penny?
- 21 A Yes, I did.
- 22 Q To see what had been gotten from your friend
- 23 Gary Hinman, is that right?
- 24 A It was a habit of mine to count money.
- 25 Q Especially dead people's money?
- 26 A No.
- 27 Q But you did that night, didn't you?
- 28 A I counted the money in the purse.

7-2

1 Q And you helped to hide and wipe down your dead  
2 friend's microbus, isn't that right?

3 A Yes.

4 Q Then, you ran for the hills because you thought  
5 the cops had discovered his bloody body and were onto you and  
6 going to discover you with the fruits of that crime, right?

7 A Yes.

8 Q And you kept right on running the next day,  
9 stealing Johnny Swartz' truck with Bill Vance, your boy  
10 friend, right?

11 A Yes, we left in the bus -- in the truck.

12 Q And you ran, Miss Bailey, because you knew that  
13 you were guilty from first to last of conspiracy --

14 A No, I ran --

15 Q -- to murder Gary Hinman, isn't that right?

16 A I ran because I was afraid Charles Manson would  
17 kill me if he found me. That's why I ran.

18 Q But you knew -- you also ran because you knew  
19 you were guilty of conspiring to rob and murder Gary Hinman,  
20 isn't that right?

21 A I wasn't thinking about anything like that. I  
22 was afraid of the Family, that's all.

23 Q You were afraid of the cops catching you, weren't  
24 you?

25 A When I was alone, yes.

26 Q When you were with Bill Vance, isn't that right?

27 A No. No. I was afraid of the Family. I wasn't  
28 afraid of the police.

7-3  
1 Q And you used phony names from then until you  
2 were finally caught and apprehended up in Tacoma, Washington,  
3 and identified as a Manson Family member; is that right?

4 A No.

5 MR. MANZELLA: Objection, asked and answered. I'll  
6 withdraw the objection.

7 Q BY MR. DENNY: And now you're going to go<sup>scot-</sup>  
8 free in exchange for your honest and truthful testimony in  
9 this case, is that right?

10 MR. MANZELLA: Objection, assumes a fact not in  
11 evidence; that is, that she could be charged with the murder  
12 or the conspiracy to murder Gary Hinman.

13 THE COURT: It is argumentative, sustained.

14 MR. DENNY: Your Honor, I have no further questions  
15 of this witness.

16 THE COURT: Redirect.

17 MR. MANZELLA: Thank you, your Honor.  
18

19 REDIRECT EXAMINATION

20 BY MR. MANZELLA:

21 Q Miss Bailey, in the last few questions that Mr.  
22 Denny asked you this afternoon, you said that you could not  
23 have stopped Charlie. You could not have stopped Charlie.  
24 What did you mean by that?

25 A There was nothing I could do to, uh, stop  
26 Charlie from doing what he was going to do.

27 Q You had been with Charles Manson and other members  
28 of the Family since September of 1967, is that correct?

7-4

1 A Yes.

2 Q During the time that you were with Charles  
3 Manson and the other members of the Family, had anyone ever  
4 stopped Charlie from doing anything he wanted to do?

5 MR. DENNY: I'll object to that as calling for specula-  
6 tion and conclusion.

7 THE COURT: Sustained.

8 Q BY MR. MANZELLA: In your opinion had anybody  
9 ever stopped Charlie from doing anything he wanted to do?

10 MR. DENNY: I'll object to that as vague and ambiguous,  
11 and also calling for speculation and conclusion.

12 THE COURT: Sustained.

13 Q BY MR. MANZELLA: Now, Miss Bailey, when the  
14 Family went to Devil's Canyon, did Charles Manson, in your  
15 presence, say anything to other members of the Family with  
16 regard to staying at Devil's Canyon?

17 This is in the latter part of July, 1969?

18 A Well, he -- he wanted everyone to be there  
19 because they had been spotted by the fire patrol.

20 MR. DENNY: I'll object to "because" -- everything  
21 after "because," as not responsive.

22 THE COURT: Sustained.

23 Q BY MR. MANZELLA: He wanted everybody to be  
24 there?

25 A Yes.

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7a-1

1 Q And in your presence did he tell other members of  
2 the Family that he wanted them at Devil's Canyon?

3 A Yes, and not to leave either.

4 Q Did anybody disobey Charles Manson?

5 A Well, the first few days that we were there, the  
6 fellows pretty much --

7 MR. DENNY: I'll object to that as not responsive to the  
8 question. It is a yes or no answer. Move that be stricken.

9 THE COURT: Sustained. It is stricken.

10 Do you wish to have it reread?

11 Q BY MR. MANZELLA: After Charles -- I'll rephrase it.  
12 After Charles Manson told every -- the members of  
13 the Family that he wanted them at Devil's Canyon, did anybody  
14 disobey him?

15 A No.

16 Q During the time that you were living with the  
17 Family on Spahn Ranch, did the Family, the entire Family,  
18 including Charles Manson, get together almost every day in a  
19 group?

20 A Well, not really every day, but it was common.

21 Q I'm sorry, I didn't hear you.

22 A Not every day, but it was very common to meet in a  
23 group.

24 Q Can you tell us about how often?

25 A Well, there was a time when they were working on the  
26 dune buggies that, uh, not everyone did meet all the time be-  
27 cause they were doing other things, but it was pretty much every  
28 day.



7a-2

1 Q And on those occasions when the Family got  
2 together as a group, did anyone speak to the Family as a group?

3 A Charles Manson.

4 Q And when Mr. Manson spoke to the Family as a group,  
5 did any one interrupt him when he was speaking?

6 A People usually listened.

7 Q When the members of the Family began sleeping on  
8 the roofs of the buildings at Spahn Ranch, did you ever hear  
9 anyone in your presence tell the members of the Family to sleep  
10 on the roofs?

11 A Yes.

12 Q Who told the members of the Family to do that?

13 A Charles Manson.

14 Q And when the members of the Family were sleeping on  
15 the roofs of the buildings at Spahn Ranch, did they have any  
16 weapons with them?

17 A Yes, there was a guard kept every night.

18 Q And where was the guard kept?

19 A There were several fellows, usually at least two or  
20 three on the roofs with guns.

21 Q And is that on the roofs of --

22 A Of the boardwalk buildings.

23 Q Those are the buildings in the photographs you've  
24 already identified for us?

25 A Yes.

26 Q That's the Longhorn Saloon, the Rock City Cafe,  
27 the office and the bunkhouse and the other buildings?

28 A Yes.

7a-3

1 Q When did that start, Miss Bailey?

2 A I believe it was in June.

3 Q Of the summer of 1969?

4 A Right. It was in the summer.

5 Q And is that the first time that guards have been  
6 posted on the roofs of the buildings at Spahn Ranch?

7 A Yes.

8 Q When did you first see the guns on Spahn Ranch?

9 A It was that summer.

10 MR. DENNY: Just a moment. Just a moment, I'll object  
11 to that as vague and ambiguous. What guns?

12 THE COURT: Sustained.

13 Q BY MR. MANZELLA: You've testified about guns that  
14 you've seen on Spahn Ranch. When did you first see those guns  
15 on Spahn Ranch?

16 A It was that summer.

17 Q About the same time the guards --

18 A Yes.

19 Q -- Mr. Manson posted the guards?

20 A Yes.

21 Q By the way, did Bill Vance carry a knife or a gun?

22 A No.

23 Q Where did you first see -- strike that.

24 Danny De Carlo was a member of a motorcycle gang,  
25 was he not?

26 A Yes, he was.

27 Q And when he came to the ranch, did he bring guns  
28 with him or after he arrived at the ranch to live, did he begin

1 bringing guns to the ranch with him?

2 A Yes.

3 Q About what time was that?

4 A Well, that wouldn't have been too much sooner.  
5 It would have been either May or June.

6 Q 1969?

7 A Yes.

8 Q It was about the same time as the rest of these  
9 things began to happen, is that correct?

10 A Yes.

11 Q And when did you have the conversation with Charles  
12 Manson about the shooting that you testified to earlier?

13 A Well, it was, uh -- it was several weeks prior to  
14 the Devil's Canyon, when we were camped at Devil's Canyon.

15 Q Would it have been late June or early July?

16 A Late June.

17 Q Late June, of 1969, is that correct?

18 A Yes.

19 Q Now, during the -- this period of time in May and  
20 June of 1969, did the members of the Family begin carrying any  
21 kinds of weapons on the ranch?

22 A The men in the Family began carrying buck knives.

23 Q And did you ever see anything being done, within  
24 your personal observation, with regard to the making of ammuni-  
25 tion?

26 A Yes.

27 Q Where did you see that being done?

28 A In the Rock City Cafe.

7a-5

1 Q What was being done in that regard?

2 A Uh, bullets were being made.

3 Q Who was participating in that?

4 A Danny De Carlo and Ruth Morehouse and Sherry  
5 Cooper and I was also there.

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1 Q When did this activity begin at Spahn Ranch?

2 A Well, it would have either been June or July.

3 Q 1969?

4 A Yes.

5 Q Now, Mr. Denny asked you a question about whether  
6 or not Charles Manson trusted you.

7 Did Charles Manson ever say anything to you about  
8 his attitude towards you?

9 A Yes, he felt that it, uh --

10 MR. DENNY: Just a moment, I'll object to that. It is  
11 just a yes or no question. That's been answered already.

12 Q BY MR. MANZELLA: What did he say in that regard?

13 A He felt that I, uh -- he thought that I would  
14 leave.

15 Q He thought you would leave the Family?

16 A Yes. He told me that about a year ahead.

17 Q What did he say about that?

18 A He told me that I'd leave the Family three times.

19 MR. DENNY: Just a moment, I'll object to hearsay and  
20 move the answer be stricken.

21 MR. MANZELLA: Your Honor, I believe it is necessary to  
22 go into this because that question was raised on cross-examina-  
23 tion.

24 MR. DENNY: I'll withdraw my objection, your Honor, for  
25 the purpose of her state of mind, if that's --

26 THE COURT: Are you withdrawing --

27 MR. DENNY: Yes, I am.

28 THE COURT: I was about to strike the answer.

1 MR. DENNY: May I have the question and answer reread,  
2 your Honor?

3 The prior two or three questions and answers.

4 (Whereupon, the record was read by the reporter  
5 as follows:

6 "Q What did he say in that regard?

7 "A He felt that I, -- uh, he thought that  
8 I would leave.

9 "Q He thought you would leave the Family?

10 "A Yes. He told me that about a year ahead.

11 "Q What did he say about that?

12 "A He told me that I'd leave the Family  
13 three times.")

14 THE COURT: The objection is withdrawn?

15 MR. DENNY: Yes, it is, your Honor.

16 Q BY MR. MANZELLA: Well, what was the amount  
17 involved in the credit card forgery in Tacoma, Washington?

18 A \$155.

19 Q Now, when the police officers came up to see you,  
20 Sergeant Whiteley, and the other officers came up to see you  
21 in Tacoma, Washington, in May, 1970, did they talk to you about  
22 Bill Vance?

23 A Yes.

24 Q And did they tell you that they were trying to  
25 locate Bill Vance through you?

26 A Yes. Yes.

27 Q And that they were trying to do that through you?

28 A Yes.

1 Q Did you initiate or begin the contact with police  
2 officers with regard to your infor -- with regard to your  
3 connection with the Manson Family? Did you initiate those  
4 communications of that contact?

5 A I don't believe so. I don't think -- I don't  
6 really remember.

7 Q Did you tell the officer -- strike that. Did  
8 you communicate with officers that you wanted to talk to --  
9 officers about your connection with the Manson Family?

10 A Yes.

11 Q Now, over this past weekend -- well, strike that.  
12 Other than when you've been on the witness stand,  
13 has anyone shown you or asked you to read the notes of  
14 Sergeant Whiteley?

15 A No, I don't believe so.

16 Q And has anyone ever shown you any notes or  
17 typewritten reports and asked you if that's what you said,  
18 other than while you've been on the witness stand?

19 A I just saw one written report which I was asked  
20 to make corrections in.

21 Q Other than that one -- this is a typewritten  
22 report?

23 A Yes.

24 Q Other than that, has anyone shown you any notes  
25 or any other documents and asked you to make corrections?

26 A No.

27 Q Now, when you left the Family in -- that Monday  
28 in late July, 1969, from then until May of 1970, when you were

1 interviewed by Sergeant Whiteley and the other officers in  
2 Tacoma, did you make an attempt to keep fresh in your mind the  
3 events of that July, 1969?

4 A No, I did my best to forget everything that  
5 happened.

6 Q Why was that?

7 A I didn't ever want to associate with any of the  
8 people in the Family again.

9 Q Why was that?

10 A It wasn't how I wanted to lead my life after that  
11 point.

12 Q Now, Miss Bailey, did you at any time tell anyone  
13 to kill Gary Hinman?

14 A No.

8 fls.



8-1

1 Q Did you agree with anyone that Gary Hinman should  
2 be killed?

3 A No.

4 Q Did you advise anyone to kill Gary Hinman?

5 A No.

6 Q Did you encourage anyone to kill Gary Hinman?

7 A No.

8 Q Did you plan with anyone to kill or how to kill  
9 Gary Hinman?

10 A No.

11 Q Now, you testified on cross examination that in  
12 June of 1969, you began to live separately on the ranch with  
13 Bill Vance.

14 A Yes.

15 Q And why did you begin to live separately on the  
16 ranch?

17 A Because there was too much violence and talk about  
18 violence on the ranch. All -- all the guys except Bill Vance,  
19 pretty much, were carrying knives and there were a lot of guns  
20 around.

21 And I didn't choose to be with these people.

22 Q Well, prior to the time that Sergeant Whiteley  
23 and the other officers spoke to you in Tacoma, Washington,  
24 in May of 1970, did Sergeant Whiteley or anyone else tell you  
25 the -- what I might refer to as "the facts" of this case, the  
26 Hinman killing?

27 MR. DENNY: I'll object to that as calling for hearsay.

28 THE COURT: Sustained.

8-2

1 Q BY MR. MANZELLA: Did anyone tell you -- Sergeant  
2 Whiteley or anyone else -- tell you what the officers believed  
3 they knew as a result of their investigation? Did anyone  
4 tell you the facts of this case?

5 A I really don't recollect.

6 Q Now, on that weekend -- Friday, Saturday and  
7 Sunday, July 25th, 26th and 27th -- was there any one thing  
8 which was a topic of conversation on the ranch?

9 MR. DENNY: I will object --

10 THE WITNESS: Yes.

11 MR. DENNY: -- to that as calling for hearsay.

12 THE COURT: Overruled. The answer may remain.

13 THE WITNESS: Yes.

14 MR. DENNY: Well, your Honor, by -- all right. If it's  
15 a yes or no.

16 Q BY MR. MANZELLA: And did that conversation concern  
17 Gary Hinman?

18 A Yes.

19 MR. DENNY: Well, your Honor -- just a moment, please.

20 Again, I am going to ask that that answer be  
21 stricken. Of whom are we speaking? Co-conspirators? Anybody?

22 MR. MANZELLA: I believe Mr. Denny's right.

23 THE COURT: The objection will be sustained.

24 MR. MANZELLA: I'll reframe that.

25 MR. DENNY: May the answer be stricken?

26 THE COURT: Yes, the Court will strike the last answer,  
27 "Yes."

28 Q BY MR. MANZELLA: I'm sorry, Miss Bailey. I am

8-3

1 referring to members of the Manson Family on the Spahn Ranch  
2 on the -- on that weekend.

3 MR. DENNY: And I'll object to that as also calling for  
4 hearsay.

5 MR. MANZELLA: Your Honor, I would like to approach the  
6 bench and argue it. It does deal with a few questions I  
7 intend to ask.

8 THE COURT: All right. You may.

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

12 THE COURT: Why are you offering this? For her state  
13 of mind?

14 MR. MANZELLA: I believe it is for her state of mind;  
15 but here's specifically why I am offering it:

16 Mr. Denny has brought out in the statements that  
17 Miss Bailey made to Sergeant Whiteley in May and September of  
18 1970 certain things which were in his notes.

19 Now, many of the things which were in the notes  
20 of Sergeant Whiteley -- things which Ella Bailey told him that  
21 she knew about what had happened at the Hinman house, and  
22 things that she knew had happened on Spahn Ranch with regard  
23 to the killing of Gary Hinman -- now, these -- a lot of these  
24 things were not things that she saw or heard.

25 THE COURT: Were what?

26 MR. MANZELLA: Some of these things were not things  
27 that she saw or heard. For example -- I'm trying to think of  
28 an example offhand -- oh, that Gary -- in Sergeant Whiteley's

8-4  
1 notes, for example, it says that Bobby was hit over the head  
2 with the gun.

3 MR. KAY: That Gary was hit?

4 MR. MANZELLA: That Gary was hit over the head with the  
5 gun.

6 Now, we know that Ella Bailey was not there and did  
7 not see that. But that's contained in her notes -- in Sergeant  
8 Whiteley's notes.

9 My point is this: That although -- what I am  
10 trying to show is that the Hinman -- the events surrounding the  
11 killing of Gary Hinman were a topic of conversation on the  
12 ranch that weekend; and that many of the things which Miss  
13 Bailey said to the officers were the result of her information  
14 which she had received from many other members of the Manson  
15 Family.  
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1 MR. DENNY: Which is clearly hearsay.

2 THE COURT: And of things which she claimed --

3 MR. MANZELLA: Well, I am not going into any of the  
4 specific things; but they were not things that she claimed  
5 to have seen or heard; and that -- for example, it says in  
6 the notes that Bruce and Bobby -- Bruce and Charlie left  
7 the ranch, and she -- and she admits that she never saw  
8 Bruce and Charlie leave the ranch.

9 But she was told that Bruce and Charlie -- and  
10 Charlie got a phone call, and that Squeaky, I believe it was,  
11 answered the phone, and it was Bobby, and that Bobby was  
12 having trouble, and that he said Gary wasn't cooperating.

13 You know, this was stuff that was a topic of  
14 conversation. What I am trying to show is her state of mind  
15 at the time the officers interviewed her, which was that they  
16 were not calling for testimony from her; that she was relat-  
17 ing to them everything she knew about the case and not merely  
18 things which she saw or heard, but everything she knew about  
19 the case.

20 Now, what I intended to bring out was that the  
21 Manson -- among the members of the Manson Family that  
22 weekend, at Spahn Ranch, the events at Gary Hinman's home  
23 and the events concerning Gary Hinman were a topic of  
24 conversation -- were being spoken about -- during that  
25 weekend.

26 MR. DENNY: Well --

27 MR. MANZELLA: And that at the time that she was inter-  
28 viewed by Sergeant Whiteley, that she recalled --

8a-2

1 THE COURT: How do you think that such conversation is  
2 admissible?

3 MR. MANZELLA: I'm not asking for the conversation. I'm  
4 asking her --

5 MR. DENNY: For the topic of conversation.

6 MR. MANZELLA: -- for the topic of conversation.

7 MR. DENNY: Which is just the same thing.

8 MR. MANZELLA: No, it isn't, because it doesn't say  
9 anything. It doesn't say that anybody did anything. It's  
10 not hearsay.

11 It's just -- all I am asking her --

12 MR. DENNY: It is not even an admission, so it's just  
13 something that's said --

14 MR. MANZELLA: It's to her state of mind. That's why I  
15 say it's not even hearsay, really, because we are not saying  
16 that anybody did anything.

17 We are just saying, "You know, what was the name  
18 that was mentioned?

19 "Gary Hinman."

20 That's not being offered for the truth of what  
21 was said, because it doesn't say anything.

22 MR. DENNY: Then it's irrelevant.

23 THE COURT: Well, her credibility --

24 MR. MANZELLA: And it's relevant on her credibility,  
25 her state of mind, because at the time she was interviewed  
26 by the officers, she had in her mind all of this information  
27 that was -- that she knew about from these conversations.

28 THE COURT: Her credibility has been attacked by means

8a-3

1 of these notes.

2 MR. MANZELLA: Right.

3 THE COURT: Do you intend to put Sergeant Whiteley on?

4 MR. DENNY: I certainly do.

5 MR. MANZELLA: We intend to put Sergeant Whiteley on  
6 right after --

7 THE COURT: Well, your testimony might properly fall  
8 in place after -- by your theory, after Sergeant Whiteley's  
9 come on.

10 MR. MANZELLA: Well, we intend to use Sergeant Whiteley  
11 to corroborate a lot of the things that she's testified to,  
12 but --

13 THE COURT: I think she is able to explain -- that she  
14 would be able to explain why there were these discrepancies,  
15 apparent discrepancies.

16 MR. DENNY: Well, instead of asking --

17 THE COURT: Because you have --

18 MR. DENNY: Well, she --

19 Your Honor, she's --

20 THE COURT: You have elicited from her --

21 MR. DENNY: She is not able to explain Sergeant Whiteley's  
22 notes. Sergeant Whiteley can testify as to what he took down  
23 and why he took it down. And I expect Sergeant Whiteley will  
24 do so.

25 THE COURT: Yes.

26 MR. DENNY: And Sergeant Whiteley can testify as to  
27 whether, when he put quotes around various things, he was  
28 quoting directly from what she said she had seen and heard.

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And when he put down, "I heard that," or when he wrote, "I was advised that --" why he did that.

But we are talking about now the notes. And the only testimony that's relevant there are the notes themselves and Sergeant Whiteley's testimony pertaining to them.

8b fls.



8b-1

1 MR. MANZELLA: No, that's wrong. The notes are not  
2 relevant, because she has no knowledge of the notes.

3 What's relevant is what she says she said to  
4 Sergeant Whiteley in May.

5 MR. KAY: That's right.

6 MR. DENNY: That's exactly right.

7 MR. MANZELLA: That's what relevant, not the notes.

8 MR. DENNY: That's exactly right. And what she says,  
9 she has said time and time again. She has said she didn't  
10 know that.

11 When I quoted the notes to her, she said time  
12 and again, "No, I didn't say that. I was misquoted. He  
13 misconstrued what I said,"

14 Now, that's as far as she can go. She can't then  
15 try to bolster herself up by saying, "I said certain things  
16 this way and certain things that way, because I had heard  
17 certain things from certain people."

18 MR. KAY: Why can't she say that?

19 MR. MANZELLA: There's no reason she can't say that.

20 MR. DENNY: Well, she has obviously said that already.

21 MR. KAY: No, she hasn't. You haven't let her.

22 MR. MANZELLA: She hasn't. If she says it on cross-  
23 examination, then I am entitled to go into it on direct -- on  
24 redirect, because it's the subject of cross-examination.

25 If she hasn't said it, I am entitled to go into  
26 it because we are entitled to rehabilitate her on redirect.

27 THE COURT: Well, she has responded largely in -- in  
28 answer to questions about that conversation with Sergeant

1 Whiteley, that -- well, she just didn't say it that way.  
2 That's about the way she answered.

3 MR. MANZELLA: That's right. That's right.

4 Well, there was one other thing. On cross-examina-  
5 tion this afternoon, I believe Mr. Denny brought out that the  
6 Hinman -- the events at the Hinman home were a topic of conver-  
7 sation at the ranch. And in fact, asked, "Were you kept up to  
8 date --"

9 MR. KAY: That's right.

10 MR. MANZELLA: -- "during the weekend?"

11 MR. DENNY: And you objected and --

12 MR. MANZELLA: No. I objected to the words "closely"  
13 and -- and something else. And then you asked the question,  
14 asked it again, and the answer was -- the answer remained.

15 MR. DENNY: All right. But that's still --

16 MR. MANZELLA: And I am entitled to go into that, just  
17 as a matter of covering on redirect what was covered on cross.

18 THE COURT: I will let you ask that one question,  
19 without any details -- without going into any details of  
20 conversations.

21 MR. DENNY: During the period of alleged conspiracy.  
22 But not afterwards, because that's what my question specifically  
23 related to, that weekend.

24 MR. MANZELLA: Well, that's what my question related to.  
25 I said: "Friday, Saturday and Sunday, July 25th, 26th and  
26 27th."

27 THE COURT: All right. I will permit you to go that  
28 far.

1 MR. MANZELLA: Thank you.

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

5 THE COURT: You may ask your question again, Mr.  
6 Manzella.

7 BY MR. MANZELLA:

8 Q Miss Bailey, among members of the Family at  
9 Spahn Ranch that weekend, in July, 1969, Friday, Saturday and  
10 Sunday, was there one thing which might be called a topic of  
11 conversation among the members of the Family?

12 A Yes.

13 Q And were you present among the persons during this  
14 conversation, these conversations?

15 A Yes, a lot of them.

16 Q And what was the topic of conversation that  
17 weekend at the Spahn Ranch, among the members of the Family?

18 A What was happening at Gary Hinman's.

19 Q Now, when you were interviewed by Sergeant Whiteley  
20 in May and September of 1970 -- strike that. Strike that.  
21 I'll withdraw that.

22 Some of the things that you heard during conversa-  
23 tions with regard to Gary Hinman at the ranch that weekend,  
24 were they things that you had not seen and heard yourself?

25 A Yes.

26 Q Now, when you were interviewed by Sergeant Whiteley  
27 in May and September of 1970 -- and as you remembered more  
28 of what had occurred that weekend and what you had observed

1 that weekend and during the month of July -- did you tell  
2 Sergeant Whiteley -- did you give Sergeant Whiteley some of  
3 the information which you heard from others?

4 MR. DENNY: Just a moment. I'll object as leading and  
5 suggestive, your Honor.

6 THE COURT: Sustained.  
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1 Q BY MR. MANZELLA: Did you tell Sergeant Whiteley  
2 in May and September of 1970 only those things which you had  
3 seen and heard yourself, or did you include things which had  
4 been the subject of the conversations that weekend?

5 MR. DENNY: That's leading and suggestive, also, your  
6 Honor.

7 And I would object on that ground.

8 THE COURT: The objection is sustained.

9 Q BY MR. MANZELLA: Miss Bailey, in May and  
10 September of 1970, when you were interviewed by Sergeant  
11 Whiteley, did he ask you to tell him only those things you had  
12 seen or heard?

13 MR. DENNY: That calls for hearsay.

14 MR. MANZELLA: It goes to her state of mind, your  
15 Honor. And that's what I am inquiring about.

16 MR. DENNY: I don't think --

17 THE COURT: Overruled. You may answer.

18 THE WITNESS: No. I told him a lot that had happened on  
19 that Saturday, a lot of things that I had heard about then and  
20 at other times.

21 Q BY MR. MANZELLA: And when you say things that you  
22 had heard about, are you referring to things that you had  
23 heard from members of the Manson Family; is that correct?

24 A Yes.  
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1 Q Now, you said that in -- strike that.

2 In May of 1970, when you were interviewed by  
3 Sergeant Whiteley and the other officers the first time in  
4 Tacoma, Washington, what was your attitude, if any, towards  
5 Charles Manson at that time?

6 A I was still afraid of him.

7 Q What were you afraid of? I mean, what were you  
8 afraid would happen?

9 A That he would be able to locate me somehow.

10 Q Was anyone -- had any members of the Manson Family  
11 attempted to locate you prior to that time?

12 MR. DENNY: I'll object to that as calling for hearsay.

13 THE COURT: Sustained.

14 Q BY MR. MANZELLA: Do you know Sue Bartell --  
15 strike that.

16 You've already testified that you knew Sue Bartell.

17 Was Sue Bartell a member of the Manson Family?

18 A I don't know her.

19 Q I'm sorry.

20 Did you receive a letter from someone who identified  
21 herself as Sue Bartell?

22 MR. DENNY: I'll object to that as calling for best  
23 evidence and hearsay.

24 THE COURT: The objection is sustained.

25 MR. MANZELLA: Your Honor, we're offering that for the  
26 witness's state of mind with regard to that May, 1970,  
27 conversation. I believe it was gone into on cross examination.

28 MR. DENNY: Same objection.

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1 THE COURT: Sustained, same ruling.

2 MR. MANZELLA: On both grounds, your Honor, hearsay and  
3 best evidence?

4 THE COURT: Yes.

5 Q BY MR. MANZELLA: Now, Miss Bailey, at the Grand  
6 Jury proceeding on September 13, 1971, you were asked the  
7 question with regard to the Volkswagen microbus, and you were  
8 asked if you drove the bus, and you answered yes.

9 Did you mean that you personally drove the bus from  
10 the back house to the eucalyptus trees?

11 A No. I meant that I was -- if the question was  
12 asked, it was put: "Were you driving in the bus?" and I  
13 meant, "Yes, I was riding along." I didn't drive the bus.

14 Q And in August of 1971, when you testified in the  
15 case of People versus Manson, did you not testify that Mary  
16 drove the bus?

17 A Yes, I did, I believe.

18 Q And in February of 1971, did you tell Deputy District  
19 Attorney Burton Katz that Mary drove the bus?

20 A Yes, I did.

21 Q Now, at the Devil's Canyon camp site, Mr. Denny  
22 asked you whether or not -- or asked you who was present at the  
23 Devil's Canyon camp site during the conversation which you  
24 brought up the name of Gary Hinman. And you named several  
25 people and did not name Bruce Davis.

26 Can you tell us why? This is on cross examination.  
27 Tell us why?

28 A Oh, it is often easy to forget someone's name when

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1 you're listing a whole bunch of peoples. And I had named him as  
2 someone who had been there on all previous occasions that I had  
3 been asked and, so, it was just a slip of my mind at the time  
4 Mr. Denny asked.

5 Q Did you tell Sergeant Whiteley in May of 1970 that  
6 Mr. Davis was there?

7 A Yes, I did.

8 Q And on September 23, 1970, did you tell Sergeant  
9 Whiteley that Bruce Davis had been at the camp site?

10 A Yes.

11 Q And at the Manson trial in August of 1971, did you  
12 tell the jury in that case that Mr. Davis was there?

13 A Yes, I did.

14 Q Now, Miss Bailey, on direct examination in answer  
15 to my question with regard to People's 30, which is the 9-  
16 millimeter Radom pistol --

17 I've examined the gun, your Honor, it is not  
18 loaded.

19 -- you testified that, in answer to my question,  
20 "It appears to be the gun that Bruce Davis was carrying that  
21 night."

22 What did you mean by that?

23 A That it appears to be a gun, you know, that he was  
24 carrying. It looks like the gun he had.

25 Q Now, have you ever denied the fact that you were  
26 the one that brought up the name of Gary Hinman at the Devil's  
27 Canyon camp site?

28 A No.



9-4

1 Q And on September 23 -- or rather in September of  
2 1970, in Tacoma, did you tell Sergeant Whiteley that you  
3 thought you were the one that brought up the name of Gary  
4 Hinman?

5 A Yes.

6 Q And in the Manson trial in August of 1971, did you  
7 testify that you were the one that brought up the name of  
8 Gary Hinman?

9 A Yes.

10 Q Has anyone among law enforcement agencies or the  
11 prosecutor's office ever told you that you were not to say that  
12 you were the one that brought up the name of Gary Hinman?

13 A No.

14 Q Was that the first time that the name of Gary  
15 Hinman had been brought up among the members of the Family?

16 A No.

17 Q You've already testified with regard to 1968, when  
18 Charles Manson sent you to the Hinman home.

19 Had Gary Hinman been out to the ranch that summer  
20 of 1969?

21 A Yes.

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1 Q And did you see him when he came out to the ranch?  
2 A Yes.  
3 Q Was this on one occasion or more than one occasion,  
4 if you recall?  
5 A I really -- I can't recall how many times he was  
6 there. He came to visit, but it was infrequently.  
7 Q Do you ever recall what he did when he came to the  
8 ranch?  
9 A No, other than just talk to the people there.  
10 Q And had you heard Mr. Manson on prior occasions  
11 mention the name of Gary Hinman as somebody who had money?  
12 A Yes.  
13 Q Now, again, still referring to the Devil's Canyon  
14 campfire, the week of Gary Hinman's death.  
15 You said that kidnaping was mentioned and later so  
16 was killing or murder at the Grand Jury hearing in the Brunner  
17 case in September of 1971.  
18 Were any names other than Gary Hinman's name  
19 mentioned at that Devil's Canyon camp site that evening?  
20 A Yes.  
21 Q What other names were mentioned?  
22 A I only can recall Terry Melcher.  
23 Q Terry Melcher's name?  
24 A Yes.  
25 Q What was said about Terry Melcher?  
26 A That he was -- uh, that he was young. That he was  
27 Doris Day's son. And that he had a lot of money and that it  
28 was felt that he'd be harder to convince to come into the

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1 Family and so kidnaping might be necessary.

2 Q The conversation at the Devil's Canyon camp site,  
3 did that conversation -- strike that.

4 And did you tell Sergeant Whiteley about that on  
5 September 23, 1970?

6 A Yes.

7 Q Now, in answer to one of Mr. Denny's questions, you  
8 said that you thought -- it was thought by the members of the  
9 Family that were present that Gary Hinman would not be a  
10 problem.

11 Why was that?

12 MR. DENNY: Just a moment, may I have that question  
13 repeated?

14 THE COURT: You may read it,

15 (Whereupon, the question was read by the reporter  
16 as follows:

17 "Q Now, in answer to one of Mr. Denny's  
18 questions you said that you thought -- it was  
19 thought by the members of the Family that were  
20 present that Gary Hinman would not be a problem.

21 "Why was that?")

22 MR. DENNY: Well, I'll object to what she thought, "Why  
23 was that," why other people thought something is certainly  
24 calling for speculation.

25 MR. MANZELLA: I'll withdraw the question. It wasn't  
26 clear.

27 THE COURT: Sustained.

28 Q BY MR. MANZELLA: Miss Bailey, during the conversa-

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1 tion at Devil's Canyon campfire or camp site, I'm sorry, you  
2 said in answer to one of Mr. Denny's questions that it was  
3 said by the members of the Family there that Gary Hinman would  
4 not be a problem, Terry Melcher might be a problem.

5 MR. DENNY: I'll object.

6 Q BY MR. MANZELLA: What was said in that regard?

7 MR. DENNY: I'll object to that as assuming facts not  
8 in evidence. She didn't answer that to me.

9 THE COURT: Sustained.

10 Q BY MR. MANZELLA: What was said about Gary Hinman?

11 MR. DENNY: Well, again, by whom? I'll object to that  
12 as calling for hearsay.

13 THE COURT: Sustained.

14 Q BY MR. MANZELLA: You were asked by Mr. Denny  
15 whether you thought that Gary Hinman would come with the  
16 Family. Why did you think that Gary Hinman would come with  
17 the Family?

18 A Because he was a rather effeminate man. I didn't  
19 think he'd pose any opposition to any of the men in our  
20 Family.

21 Q Did the other members of the Family at the  
22 Devil's Canyon camp site that evening agree with that?

23 A Yes.

24 MR. DENNY: Just a moment, I'll object and move the  
25 answer be stricken as again calling for hearsay.

26 THE COURT: Yes, the answer is stricken. The objection  
27 is sustained.

28 Q BY MR. MANZELLA: And did you -- strike that.

1 When did you last see Bill Vance?

2 A In August of 1969.

3 Q And have you seen him since then?

4 A No.

5 Q Have you received any communications from him?

6 MR. DENNY: I'll object.

7 THE WITNESS: No.

8 MR. DENNY: All right.

9 Q BY MR. MANZELLA: Now, in May of 1970, when you  
10 were interviewed by Sergeant Whiteley in Tacoma, Washington,  
11 did you tell him something about you heard that somebody left  
12 the ranch?

13 MR. DENNY: Just a moment, I'll object to that as calling  
14 for hearsay.

15 THE COURT: Sustained.

16 Q BY MR. MANZELLA: Did you tell Sergeant Whiteley  
17 in May of 1970, in Tacoma, Washington, that you had heard  
18 that somebody left the ranch?

19 MR. DENNY: Object to that as calling for hearsay.

20 MR. MANZELLA: Your Honor, I'm asking her if she told  
21 Sergeant Whiteley something. We're going into the statements  
22 of witnesses on prior occasions.

23 THE COURT: I don't understand. You can approach the  
24 bench. It sounds like hearsay to me.

25 THE WITNESS: Can I get a drink of water?

26 THE COURT: We'll take a recess. You have been sitting  
27 there for quite some time. We'll take a recess for about 10  
28 or 15 minutes.

1           During the recess you are admonished that you are  
2 not to converse amongst yourselves, nor with anyone else, nor  
3 permit anyone to converse with you on any subject connected  
4 with this matter, nor are you to form nor express any opinion  
5 on the matter until it is finally submitted to you.

6           About 10 or 15 minutes.

7           (Whereupon, the jurors retired from the courtroom  
8 and the following proceedings were had:)

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1 THE COURT: All right, the record will show the jurors  
2 are out of the courtroom.

3 MR. MANZELLA: Your Honor, Mr. Denny questioned Miss  
4 Bailey on a prior -- what he alleged was a prior inconsistent  
5 statement.

6 THE COURT: Yes.

7 MR. MANZELLA: Something about she heard somebody left  
8 the ranch.

9 THE COURT: Yes.

10 MR. MANZELLA: What I am doing is asking her to attempt  
11 to explain, if there is any apparent inconsistency between what  
12 she testified to here at this trial and what she said to  
13 Sergeant Whiteley on -- in May of 1970.

14 THE COURT: I assumed it was that, but -- and she has a  
15 right to explain the apparent inconsistency.

16 MR. DENNY: Well, your Honor, she would have the right to  
17 explain that particular one that I pointed out to her, which  
18 was --

19 THE COURT: And I think -- I was going to say, I think it  
20 should be pointed out what you are talking about.

21 MR. MANZELLA: I did. I said, "Did you tell Sergeant  
22 Whiteley in May of 1970 that you heard somebody left the  
23 ranch?"

24 Now, I'll have to make it more clear when, but  
25 I'm referring to that weekend in late July, 1969, did you tell  
26 Sergeant Whiteley in May, 1970, that during that weekend you  
27 had heard somebody left the ranch.

28 THE COURT: Well, I think if you firm up that type of

1 question so that it is pointed out what you're discussing, an  
2 inconsistency, in asking her to explain it, it would be --

3 MR. MANZELLA: I don't see why I should point it out, your  
4 Honor. I don't think it is an inconsistency.

5 MR. DENNY: Your Honor, the question that I asked her  
6 previously was referring to the note, and I read the whole note.

7 "Charlie wanted me to go to Gary's house and get  
8 money. They were going to take a gun. I was picked to go and  
9 Bill V. told Charlie I wasn't going. Charlie said Bobby,  
10 Mary and Sadie were going to go. They took a German gun. It  
11 belonged to Bruce. Gary was to sign over his house and car  
12 titles. I heard they left."

13 MR. MANZELLA: You see --

14 MR. DENNY: Now, that's what I read. And that's what she  
15 can explain if she wants to, but not that she heard some other  
16 thing that they left.

17 MR. MANZELLA: Well, yes, she can, because that's the  
18 problem with this, because these notes were not written by Ella  
19 Jo Bailey, they are written by Sergeant Whiteley. They're not  
20 her statements. They were notes of Sergeant Whiteley. That is  
21 what I have been objecting to. Therefore, there is nothing  
22 in any of the evidence so far that says she would say this --  
23 there is no evidence she would say these things. I'm asking  
24 her if she said something like this. There's nothing magical  
25 about this until we get to Sergeant Whiteley's testimony, be-  
26 cause they are not Ella Bailey's notes. They're Sergeant  
27 Whiteley's. I'm asking her if she told Sergeant Whiteley that  
28 during that weekend she heard somebody left the ranch. That's



1 how she can -- she will, if she can, explain any apparent  
2 inconsistency.

3 THE COURT: All right, I see your point.

4 Well, with the correction that we've spoken about,  
5 the Court will permit that kind of question.

6 MR. DENNY: Well, does the Court mean by referring to  
7 this specific portion of the conversation that I quoted?

8 THE COURT: The Court believes that -- so there would be  
9 no misunderstanding in the jury's mind, it would be better to do  
10 it that way.

11 MR. MANZELLA: Well, the problem is, your Honor,  
12 Mr. Denny created whatever impression that may have been  
13 created in the Court's mind that these notes were taken in any  
14 kind of order or that they were quotes of Ella Bailey.

15 MR. DENNY: I didn't create it, Sergeant Whiteley did.

16 MR. KAY: Wait until he testifies.

17 MR. MANZELLA: That's just it, they're not. They're  
18 not at all.

19 In fact, there are three pages or four pages of  
20 notes for the May interviews. And --

21 THE COURT: Well, this is --

22 MR. MANZELLA: I can't pinpoint it --

23 MR. DENNY: I've got 22 pages.

24 THE COURT: Well --  
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1 THE COURT: Well, unless you pinpoint it --

2 MR. MANZELLA: -- except to pinpoint it to May of 1970.

3 THE COURT: It would certainly be hearsay to go into  
4 that conversation, wouldn't it?

5 MR. MANZELLA: I don't understand why, if Mr. Denny has  
6 been allowed to bring out that she -- to ask her --

7 THE COURT: He has been able to go into it by way of a  
8 prior inconsistent statement.

9 MR. MANZELLA: Right. And I am going into the same  
10 statement.

11 THE COURT: Well, I sustained the objection to it --  
12 or would have sustained the objection to it, because I  
13 felt that it was not an explanation of a prior inconsistency  
14 which had been brought out.

15 Now --

16 MR. MANZELLA: She said that she did not tell Sergeant  
17 Whiteley the --

18 MR. DENNY: "I heard they left."

19 MR. MANZELLA: -- what's written down in the notes.

20 And what I am asking her is:

21 What did you tell Sergeant Whiteley with regard  
22 to that?

23 And the way I pinpoint it is, "Did you tell  
24 Sergeant Whiteley that you had heard that weekend that some-  
25 body left the ranch?"

26 Presumably, the answer will be: "Yes."

27 And then I will ask her --

28 MR. DENNY: Well --

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1 MR. MANZELLA: -- "to what were you referring?"

2 THE COURT: How do you --

3 MR. MANZELLA: See, Mr. Denny is trying to show that  
4 she was referring to Bruce Davis, to Robert Beausoleil, Mary  
5 Brunner and Susan Atkins.

6 What I'm trying to show is that she was referring  
7 to Charles Manson and Bruce Davis, later on that weekend,  
8 when they went to the house, and Manson cut Hinman and Davis  
9 held the gun on him.

10 MR. DENNY: Well, your Honor --

11 THE COURT: It seems to me that the May conversation  
12 and the September conversation have been gone into extensively;  
13 that any inconsistencies should be explainable.

14 But, in the Court's opinion, it has to be some-  
15 what pinpointed, or the --

16 MR. MANZELLA: Right. I agree.

17 THE COURT: -- or neither the Court nor anyone will  
18 know what you are talking about.

19 MR. MANZELLA: Well, I think that's pinpointed. That's  
20 how I pinpointed it, by asking her if she said these things.

21 MR. DENNY: Your Honor, may I suggest that if he wants  
22 to have her explain what appears to be a prior inconsistent  
23 statement, that the prior inconsistent statement, which is  
24 now in evidence -- that I just read to the Court -- be read  
25 to her? And she be given the opportunity to explain it?

26 Secondly, I would --

27 MR. MANZELLA: That prior inconsistent statement is not  
28 in evidence, your Honor. She denied making it.

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1 MR. DENNY: But it is in evidence, at any rate, whether  
2 she denied it or not.

3 MR. MANZELLA: No, it isn't. No, it isn't, because a  
4 prior inconsistent statement is not in evidence until, one,  
5 the witness admits making the statement; or, two, you have  
6 independent proof that the statement was made by the witness.

7 And you don't have either up to this point.

8 MR. DENNY: All right. Secondly, your Honor --

9 THE COURT: Again, gentlemen, you are rather out of  
10 order in view of the fact that you haven't put Sergeant  
11 Whiteley on to --

12 MR. MANZELLA: Well, see, that's not my problem, your  
13 Honor. That's Mr. Denny's problem. He's the one that says  
14 that it's in evidence.

15 THE COURT: And Sergeant Whiteley has not yet testified.

16 MR. MANZELLA: So that means that none of that's in  
17 evidence yet.

18 MR. DENNY: Your Honor, again, if I may make one further  
19 point on this? And then I will be very quiet and let the  
20 Court take a well-deserved recess.

21 I believe the People are in bad faith in having  
22 her at this point attempt to explain away that particular  
23 conversation by saying, "No, I meant I later heard somebody  
24 say that Charlie and Bruce left," because of what appears  
25 right after that in these notes, a copy of which Mr. Manzella  
26 has.

27 And I would like to read it to the Court. It  
28 says:

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1 "I heard they left. Then a phone  
2 call. I heard Gary had grabbed the gun and wasn't  
3 cooperating. Charlie asked Bruce if he would go  
4 to Gary's house and Bruce said okay."

5 And then it goes:

6 "Mary drove with Sadie in the van to  
7 the back house. Both told us how it happened.  
8 Then Mary and I wiped the van down."

10a fls.

9 Right in chronological order.  
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1 THE COURT: Well, you have been reading from the notes,  
2 Sergeant Whiteley's notes.

3 MR. DENNY: The notes of May 16th, 1970.

4 MR. MANZELLA: They're the notes of May 15th.

5 MR. DENNY: No, they're the notes of May 16th, --

6 MR. MANZELLA: You're wrong.

7 MR. DENNY: -- 1970, at 12:46 P. M.

8 Well, that's the order I got them in.

9 MR. MANZELLA: Well, that's -- that's a shame, because  
10 they're the notes of May 15th of 1970.

11 MR. DENNY: Well, I have three pages of notes which are  
12 the last three pages of notes, that Sergeant Whiteley gave me,  
13 in that order, which I have numbered Pages 21, 22 and 23,  
14 starting with "\$27, Sadie had money. Charlie said \$27, and  
15 we got his cars, before said Gary had stocks." And then --  
16 and the next entry is 5-16-70, 12:46 P. M. "Ella Jo Bailey.  
17 Charlie, Bruce, Sadie, Mary, Bobby --" and then it goes on to  
18 the next page: "Last '68, went to Hinman's house, sent by  
19 Manson to get Gary to join Family." And goes on over again  
20 into that matter I've previously read.

21 THE COURT: All right. The Court will permit the  
22 question if -- with the change that you've indicated that you  
23 will make --

24 MR. MANZELLA: What change was that, --

25 THE COURT: -- in the question.

26 MR. MANZELLA: -- your Honor?

27 THE COURT: That you were more specifically pinpointed,  
28 point out what she -- what you mean by the question.

1 MR. MANZELLA: All right. Fine.

2 (Mid-afternoon recess.)

3 THE COURT: All jurors and alternates are present.

4 All counsel and the defendant are present.

5 Please continue.

6 Q BY MR. MANZELLA: Miss Bailey, in May of 1970,  
7 when you were interviewed by Sergeant Whiteley and the other  
8 officers, did you tell them that, over that weekend in July,  
9 Friday, Saturday and Sunday of 1969, that you had heard that  
10 somebody left the ranch?

11 MR. DENNY: I'll object again as calling for hearsay, as  
12 indicated to the Court earlier in our discussion -- unless  
13 it's properly prefaced.

14 THE COURT: Sustained.

15 Q BY MR. MANZELLA: All right. Miss Bailey, during  
16 that weekend, Friday, Saturday and Sunday, the 26th -- the  
17 25th, 26th and 27th of July, 1969, had you heard that somebody  
18 left the ranch?

19 MR. DENNY: I will object to that as calling for hear-  
20 say.

21 THE COURT: Sustained.

22 Q BY MR. MANZELLA: Miss Bailey --

23 THE COURT: Strike that -- well, sustained. The objec-  
24 tion is sustained, yes.

25 Q BY MR. MANZELLA: All right. During the May  
26 interview with Sergeant Whiteley -- that is, May of 1970 --  
27 I'll withdraw that. I'm sorry.

28 Mr. Denny asked you a question on cross examination

1 with regard to whether or not you had told Sergeant Whiteley  
2 that you had heard that somebody left the ranch.

3 Do you recall that? On cross examination?

4 A I don't recall the question.

5 Q All right. Now, did you tell Sergeant Whiteley,  
6 in May of 1970, that you had gone to Gary Hinman's house in  
7 1968?

8 A Yes.

9 Q And did you tell Sergeant Whiteley in May of 1970  
10 that you had been sent there by Charles Manson?

11 A Yes.

12 Q And did you tell Sergeant Whiteley in September of  
13 1970, in Tacoma, that you did not see Bruce leave with the  
14 gun?

15 MR. DENNY: Object to that, and move the answer -- I'm  
16 sorry; there's no answer in.

17 Object to that as calling for hearsay.

18 MR. MANZELLA: Your Honor, I believe we offer it as a  
19 prior consistent statement.

20 MR. DENNY: Well, I have seen no --

21 THE COURT: Will you approach the bench?

22 MR. DENNY: I would like to, your Honor.  
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10b-1

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

MR. MANZELLA: Mr. Denny pointed out --

THE COURT: You think it's admissible under Section 791 as a prior consistent statement?

MR. MANZELLA: Yes, your Honor. Mr. Denny pointed out -- or asked Miss Bailey whether or not -- I think he referred to Mr. Katz' notes, February of 1971, the statement that Miss Bailey had made to him with regard to Beausoleil having the gun, and --

MR. DENNY: And the knife.

MR. MANZELLA: And I intend to offer the statement that Miss Bailey told Sergeant Whiteley that Bobby, Mary and Sadie took the German automatic belonging to Bruce, and that the gun had been kept in the gun room; that she didn't see him leave with it, but that she knows -- but that she -- but that she knows that they took the gun, and -- meaning that she didn't see Bruce leave, and she has never said that she saw Bruce leave.

In other words, she has not identified Bruce as the driver of that vehicle, but that she did see Bruce with the gun, before they left; but that she did not see Bruce leave with the gun.

THE COURT: How is that a prior consistent statement, with anything that's inconsistent in her testimony now?

MR. MANZELLA: Well, Mr. Denny --

THE COURT: Is it or is it not?

10b-2

1 MR. DENNY: No.

2 MR. MANZELLA: Well, because she testified -- because  
3 Mr. Denny has brought out a statement of -- taken by Mr.  
4 Katz, in which he claims that she said that Beausoleil had  
5 the gun.

6 THE COURT: I recall that. I recall that now, that  
7 there was some statement to that effect: Beausoleil's  
8 having it in his possession -- or, at least, you asked her,  
9 did you not, Mr. Denny?

10 MR. DENNY: Well, I asked her on cross-examination from  
11 this very note, the same thing. I can point to my notes for  
12 cross-examination.

13 And I asked her, "Did you state to Sergeant  
14 Whiteley in May, 19 -- May 15th, 1970, 'Took German auto  
15 belonging to Bruce; kept in gun room. Didn't see him  
16 leave with it, but know he took the gun.'"

17 MR. MANZELLA: I don't remember that question being  
18 asked, though.

19 MR. DENNY: Well, I asked it, specifically, and I'll  
20 show you right here in my cross-examination where I did ask  
21 it.

22 THE COURT: When did you ask it? On Friday?

23 MR. DENNY: No, today. I'm almost sure it was today.

24 It may have been -- it may have been Friday.

25 THE COURT: Well, but you don't agree that it is a prior  
26 inconsistent statement? Or --

27 MR. DENNY: No, it's inconsistent with her present  
28 testimony. Her present testimony was that she saw Bruce

10b-3

1 with the gun, and she saw Bobby Beausoleil with a sheath  
2 knife, and they were standing, talking together in front of  
3 the saloon.

4 And then she saw Bobby and Mary and Sadie. And  
5 this is certainly inconsistent with that.

6 "Took German auto belonging to Bruce,  
7 kept in gun room. Didn't see him leave with it,  
8 but know he took the gun."

9 MR. MANZELLA: And my position is that that's consistent  
10 with her testimony here, because she never claimed to have  
11 seen Bruce Davis leave.

12 In other words, she identifies Beausoleil, Atkins  
13 and Brunner in the car. In other words, she saw Davis with the  
14 gun before they left, and she never saw Davis leave; she  
15 knows he took the gun, because she saw it with him earlier,  
16 and then he made the statement the following day -- or rather,  
17 that following Monday -- that he had held the gun on Gary  
18 while Manson slashed him with the sword.

19 My position is that that is consistent with her  
20 testimony at this trial, and is prior to the statement that  
21 Mr. Denny brought out, from February of 1971, because this was  
22 taken in September.

23 MR. DENNY: I don't see that this is in any way a prior  
24 consistent statement. That is, consistent with her present  
25 testimony.

26 MR. KAY: Well, if you --

27 MR. DENNY: It's closer to an inconsistent statement  
28 than a consistent statement, when she says, "Didn't see him

1 leave with it, but know he took the gun."

2 MR. MANZELLA: She has never claimed at this trial  
3 or any trial -- any proceeding that she saw Bruce leave with  
4 the gun. She is not claiming that. She never has.

5 THE COURT: I think that's true, as I recall the evi-  
6 dence.

10c fls.

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1 MR. KAY: Mr. Denny, if you claim that you asked her the  
2 question, why do you object if we ask her the question? The  
3 same question?

4 MR. DENNY: Because it's in the context that you are  
5 putting it as a prior consistent statement.

6 I asked her as a prior inconsistent statement, and  
7 I think the Court properly let me do it, and I don't --

8 MR. MANZELLA: Well, the Court's not ruling on that.

9 MR. DENNY: Well, I am asking the Court to rule on it.

10 MR. MANZELLA: The Court's not ruling on -- the Court's  
11 ruling only preliminarily whether it's inconsistent or  
12 consistent. He is not making a final determination.

13 That's for the jury.

14 MR. DENNY: It's a question of law for the Court  
15 initially.

16 MR. MANZELLA: Well, initially, yeah. But that doesn't  
17 preclude the People from arguing it's a consistent statement.

18 MR. DENNY: Yes, if it's not admissible under 791 as a  
19 prior consistent statement.

20 THE COURT: "Prior consistent statement of a witness.  
21 Evidence of a statement --" according to 791 -- "of a statement  
22 previously made by a witness that is consistent with his  
23 testimony at the hearing is inadmissible to support his  
24 credibility unless it is offered after:

25 "(a) Evidence of a statement made by him that is  
26 inconsistent with any part of his testimony at the hearing has  
27 been admitted for the purpose of attacking his credibility, and  
28 the statement was made before the alleged inconsistent state-

1 ment -- "

2 MR. MANZELLA: Right.

3 MR. KAY: Right.

4 MR. MANZELLA: That's exactly what I'm arguing.

5 MR. DENNY: There's no question that this thing was made  
6 before, since according to my notes, as they were given to  
7 me, they were made -- or, it was made in May.

8 I am a -- I was a little surprised in --

9 MR. MANZELLA: It was made in September.

10 MR. DENNY: I'm surprised that it was made in September,  
11 now, instead of May.

12 MR. MANZELLA: All right.

13 MR. DENNY: But even so, it is not a prior consistent  
14 statement. It is not consistent with her present testimony.

15 MR. MANZELLA: Where can you point out that it's  
16 inconsistent?

17 MR. DENNY: Where she says she didn't see him leave  
18 with it.

19 MR. KAY: That's what she says now. She never said she  
20 saw him leave with it.

21 THE COURT: Yes, I think it is consistent.

22 MR. MANZELLA: By the way, I don't believe I objected to  
23 any questions about this sort of thing, so the Court never did  
24 rule on whether it was consistent or inconsistent.

25 THE COURT: The Court will permit it.

26 MR. KAY: Thank you, your Honor.

11-1

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

Q BY MR. MANZELLA: Miss Bailey, in September, 1970, did you tell Sergeant Whiteley that in substance that with regard to that Friday evening, July 25, 1969, that they took a German automatic belonging to Bruce which had been kept in the gun room? That you didn't see him leave with it, but you know that Bruce took the gun?

A Yes.

Q Now, Miss Bailey, at any of the proceedings at which you've testified, have you ever claimed that you saw Bruce Davis as the driver of Johnny Swartz' Ford that evening?

A No.

Q Prior to the time you saw the four people leaving in Johnny Swartz' Ford, prior to that time, did you see Bruce Davis with that gun?

A Yes.

Q Did you see him leave with the gun?

A No.

Q Have you ever claimed that you did see Bruce Davis leave with the gun?

A No.

Q Have you ever told anyone at any trial proceeding or interview that you could identify Bruce Davis as the driver of Johnny Swartz' Ford?

A No.

Q Did you tell Sergeant Whiteley in September of

11-2

1 1970 that Bobby had a fancy knife?

2 A Yes.

3 Q Did you tell Sergeant Whiteley in September of  
4 1970 that later that weekend Sadie and Mary drove up in Gary's  
5 bus?

6 A Yes.

7 MR. MANZELLA: May I have a moment, your Honor?

8 THE COURT: Yes, you may.

9 (Whereupon, there was a pause in the proceedings.)

10 Q BY MR. MANZELLA: Now, Miss Bailey, prior to the  
11 time that you had spoken to Sergeant Whiteley or any officer  
12 with regard to this case, had Sergeant Whiteley or anyone else  
13 told you -- strike that,

14 Had Sergeant Whiteley or any other law enforcement  
15 officer told you about -- or told you that chanting beads or  
16 Buddhist prayer beads had been found near the body of Gary  
17 Hirman?

18 MR. DENNY: Object to that as calling for hearsay.

19 MR. MANZELLA: Your Honor, I would like to be heard on  
20 that. We're asking her if any law enforcement officer told  
21 her about that.

22 THE COURT: All right, I'll hear you at the bench.

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

26 THE COURT: All right, let's get the question.

27 (Whereupon, the question was read by the  
28 reporter as follows:



11-3

1 "Q Now, Miss Bailey, prior to the time that  
2 you had spoken to Sergeant Whiteley or any officer  
3 with regard to this case, had Sergeant Whiteley or  
4 anyone else told you -- strike that.

5 "Had Sergeant Whiteley or any other law  
6 enforcement officer told you about -- or told you that  
7 chanting beads or Buddhist prayer beads had been found  
8 near the body of Gary Hinman?"

9 MR. MANZELLA: Your Honor, what I am trying to do is  
10 show corroboration for her statement -- testimony with regard  
11 to Bruce Davis' statement with regard to the Hinman killing  
12 by showing that through her testimony and testimony of  
13 Sergeant Whiteley and perhaps other officers that no one  
14 told her of the results of their investigation was about,  
15 the chanting beads and so on and so forth, to show --

16 THE COURT: You're not offering this statement for the  
17 truth of the matter it might contain?

18 MR. MANZELLA: Of course not, to show that she could  
19 not --

20 THE COURT: Just as to whether or not it had been said?

21 MR. KAY: Uh-huh.

22 MR. MANZELLA: To show that she could not have  
23 fabricated Bruce Davis' confession.

24 MR. DENNY: Your Honor --

25 MR. MANZELLA: -- from what the law enforcement officers  
26 told her.

27 Let me just point this one final thing out  
28 before Mr. Denny argues, and that is this:

1           Has Mr. Denny asked -- or say she was given a  
2 report or something to show she was told about this case,  
3 he would certainly be entitled to bring that out that she  
4 had fabricated the confession of Bruce Davis, because she  
5 knew about the beads and knew about him, oh, being struck  
6 over the head and so on. He would be entitled to bring that  
7 out, not for the truth of it, but to show her state of mind  
8 as to whether or not she knew about these things before she  
9 told the officers about Bruce Davis' confession.

10           THE COURT: Why do you believe it is hearsay in the  
11 light in which it is offered?

12           MR. DENNY: Can't help but think of the old saying,  
13 "People speak with forked tongue." They've just spent a  
14 good deal of time, over my strenuous objections, of what she  
15 had heard from all the members of the Manson Family during  
16 the weekend of July 25, 26, 27 as to the fact that this was  
17 common rumor, common knowledge, common talk with all the  
18 members of the Manson Family, and she certainly could have  
19 picked it up at that time. And to say simply she didn't hear  
20 it from the officers is not to say that she couldn't have  
21 fabricated it.

22           MR. MANZELLA: Fine, if you want to bring that out,  
23 fine, bring it out. The Court limited me with regard to what  
24 I could ask with members of the Manson Family --

25           MR. DENNY: And properly so, and the Court should  
26 limit you here.  
27  
28

11a: fls.

11a-1

1 MR. MANZELLA: Yes, but I'm not offering it for the  
2 truth of the matter asserted.

3 MR. DENNY: You're offering it -- it's hearsay, to  
4 show whether or not the officers said something to her so  
5 that she could have that information when she said it back.

6 MR. KAY: It is not hearsay. It is not offered for the  
7 truth of the matter asserted.

8 MR. MANZELLA: And I expect her answer to be no, of  
9 course.

10 MR. DENNY: No, of course.

11 MR. MANZELLA: Which is not hearsay.

12 MR. DENNY: It's not relevant.

13 MR. MANZELLA: It is not relevant? I've established the  
14 relevance, since the answer is no, there is no hearsay.

15 THE COURT: Since there is the inference her story is  
16 fabricated and this is the effort on the part of the People  
17 to rehabilitate her in that respect and I can see why it's  
18 offered, all right, I'll overrule the objection.

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

22 THE COURT: Would you read the question, Miss Briandi?

23 (Whereupon, the question was read by the reporter  
24 as follows:

25 "Q Now, Miss Bailey, prior to the time that  
26 you had spoken to Sergeant Whiteley or any officer  
27 with regard to this case, had Sergeant Whiteley or  
28 anyone else told you -- strike that.

11a-2

1 "Had Sergeant Whiteley or any other law  
2 enforcement officer told you about -- or told you that  
3 chanting beads or Buddhist prayer beads had been found  
4 near the body of Gary Hinman?")

5 THE WITNESS: No.

6 Q Had Sergeant Whiteley or any other law enforcement  
7 officers told you that Gary Hinman had received a wound to his  
8 face?

9 A No.

10 Q Had Sergeant Whiteley or any other law enforce-  
11 ment officer told you that a bullet or bullets had been found  
12 at Gary Hinman's home?

13 A No.

14 Q Had Sergeant Whiteley or any other law enforce-  
15 ment officer told you that a -- when the body was discovered,  
16 a blanket was covering the body up to the neck?

17 A No.

18 Q Had Sergeant Whiteley or any other law enforce-  
19 ment officer told you that when it was recovered, the 9  
20 millimeter Radom had no grips on it?

21 A No.

22 Q Had Sergeant Whiteley or any other law enforcement  
23 officer told you that when Gary Hinman's body was wound it  
24 had two wounds to the top -- strike that. It had a wound to  
25 the top of the head and a wound behind the ear?

26 A No.

27 Q Or that it had any wounds to the head?

28 A No.

11a-3

1 Q Has Sergeant Whiteley or any other law enforce-  
2 ment officer told you that the --

3 MR. DENNY: Mr. Manzella, I'm going to object to the  
4 question before you get it out, as far as "has." If you  
5 talk about had they, before her statement of May, 1970,  
6 I have no objection.

7 MR. MANZELLA: All right, fine.

8 Q Prior to the May, '70, 1970 interview with  
9 Sergeant Whiteley, had he or any other law enforcement officer  
10 told you that when they discovered the body that they dis-  
11 covered the kitchen table had been broken and a chair had  
12 been knocked over in the kitchen?

13 A No.

14 Q All right, had Sergeant Whiteley or any -- strike  
15 that.

16 Had Sergeant Whiteley or any other law enforce-  
17 ment officer told you those things before the September, 1970,  
18 interview?

19 A No.

20 Q Had they -- had Sergeant Whiteley or any other  
21 law enforcement officer or prosecutor, and I'm including  
22 prosecutor in these questions as law enforcement officers --  
23 would that change your answer knowing that I am including  
24 prosecutors?

25 A No.

26 Q Has Sergeant Whiteley or any law enforcement  
27 officer or prosecutor told you any or all of these seven  
28 things that I have enumerated prior to the time you spoke to

11a-4

-- were interviewed by Mr. Katz in February of 1971?

A No.

Q All right. And prior to the time that you testified in the trial of People vs. Charles Manson in August of 1971, had Sergeant Whiteley, any law enforcement officer, any prosecutor, told you any or all of those seven things? That is, about the chanting beads, the wound to Gary Hinman's face, a bullet found at the house, a blanket over the body, a Davis -- strike that -- that the 9 millimeter Radom pistol had no grips on it when it was recovered, that Gary Hinman's body had wounds to the top of his head, and that a kitchen table had been broken and a chair had been knocked over at the location?

A No.

Q And prior to your testimony at this trial --

A No, sir.

Q Had anybody told you, Sergeant Whiteley, any law enforcement officer or prosecutor told you those facts?

A No.

11b fls.

11b-2

1 THE COURT: All right, I'll hear from you.

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

5 MR. MANZELLA: Your Honor, Mr. Kay --

6 THE COURT: Let me get the question straight, now, what  
7 was the last question?

8 MR. MANZELLA: I was asking her if she told Sergeant  
9 Whiteley about statements that Bruce Davis had made to her on  
10 Monday, July 28th, and I was about to ask her what she had told  
11 Sergeant Whiteley. I believe Mr. Kay has pointed out to me --  
12 I didn't realize that Mr. Denny had examined her on the  
13 confession. And Mr. Kay pointed out to me that Mr. Denny  
14 did examine her about the confession and -- implying that  
15 her testimony with regard to the confession was false.

16 And I have statements from the May, 1970, inter-  
17 view and the statements from the September, 1970, interview,  
18 and they are consistent with her testimony here. And for that  
19 reason I think they would come in under Section 791 of the  
20 Evidence Code because they are consistent with the testimony  
21 here.

22 I had forgotten that Mr. Denny did question her  
23 with regard to Bruce Davis's confession.

24 MR. KAY: 791(b), too..

25 THE COURT: Under 791(b), it would come in in view of the  
26 fact there is an intimation that it's influenced her -- the  
27 statement is influenced by bias or motive to have herself  
28 exculpated here.

11b-1

1 Q Now, when you were interviewed in May of 1970,  
2 at that time did you recall some of the things to which you've  
3 testified here?

4 A Yes.

5 MR. DENNY: Asked and answered, and move the answer be  
6 stricken.

7 THE COURT: Overruled. And the answer may remain.

8 Q BY MR. MANZELLA: Did you recall all of the things  
9 to which you've testified here?

10 MR. DENNY: Asked and answered, objection.

11 Q BY MR. MANZELLA: At that time, in May of 1970.

12 MR. DENNY: Asked and answered.

13 THE COURT: Overruled, you may answer.

14 A No, I didn't remember all the things at that time  
15 that I remembered now.

16 Q BY MR. MANZELLA: And did you, in May of 1970,  
17 tell Sergeant Whiteley about those statements that Bruce Davis  
18 had made to you on Monday, July 28?

19 A Yes.

20 Q Did you tell Sergeant Whiteley at that time that  
21 Bruce Davis had told you that he had gone to --

22 MR. DENNY: Just a moment, I'll object that this is not a  
23 prior consistent statement.

24 THE COURT: Sustained.

25 MR. MANZELLA: May I have a moment, your Honor?

26 THE COURT: Yes.

27 MR. MANZELLA: Your Honor, I would like to be heard  
28 briefly on the last objection, if I may.



1 At 791(b) requires that the statement be made before  
2 the bias, motive for fabrication or other improper motive is  
3 alleged to have arisen.

4 Now, what would you say about that?

5 And, of course, 791(a) requires that the  
6 consistent statement be made before the alleged inconsistent  
7 statement.

8 MR. MANZELLA: Yes.

9 Well, Mr. Denny has questioned her about the  
10 confession itself. Now, you see, the problem is --

11 THE COURT: In what respect is it --

12 MR. MANZELLA: Consistent?

13 THE COURT: -- consistent?

14 MR. MANZELLA: Or prior?

15 THE COURT: And prior.

16 MR. MANZELLA: Okay, it is consistent in that there's  
17 nothing in it that she has not testified to in either statement,  
18 in either May or September of 1970. There's nothing in either  
19 statement that's inconsistent with what she testified to with  
20 either confession.

21 And, secondly, it is prior to, because I don't  
22 remember what statement Mr. Denny was talking about when he  
23 questioned her about the confession, but if he was talking  
24 about the September statement, the May statement is prior to  
25 that. If he's talking about the May statement, I can bring  
26 out everything that she told Sergeant Whiteley with regard  
27 to the confession.  
28

11b-3

12: fol

12-1

1 MR. DENNY: Well, you still haven't gotten over the  
2 problem of whether there's no motive to fabricate. The whole --  
3 the whole thing is, she's now a person who is implicated in the  
4 crime herself, and she's purporting to relate, in May, at the  
5 earliest, a confession of Bruce Davis.

6 MR. MANZELLA: Um-hmmm.

7 MR. DENNY: And if you are trying to show that is a  
8 prior inconsistent statement, there is certainly a motive to  
9 fabricate there, if you are trying to show that it's consistent  
10 with her present testimony now.

11 MR. MANZELLA: Um-hmmm.

12 MR. DENNY: And the same in September. So, I don't think,  
13 under the Evidence Code, it can come in.

14 MR. MANZELLA: Well, to show a prior -- 791, I believe, is  
15 broken down into two separate and distinct sections. One is a  
16 motive to fabricate, the other is a prior consistent statement.

17 MR. DENNY: But in any case, you must show, as a sine  
18 qua non to both of them, that the prior consistent statement  
19 was made at a time when there was not motive to fabricate.

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

21 MR. KAY: No.

22 MR. MANZELLA: All you have to show, under 791, was that  
23 the -- any prior consistent statement, was that the consistent  
24 statement was made before the inconsistent statement.

25 MR. KAY: Section 791, Subdivision A, does not say any-  
26 thing about the fact that it has to be made before the reason  
27 for bias --

28 MR. DENNY: But I haven't introduced any statement; I

12-2

1 haven't introduced any --

2 MR. MANZELLA: Well, you questioned her about --

3 MR. DENNY: Certainly, I questioned her, but I haven't  
4 introduced another statement.

5 THE COURT: What inconsistency did he bring out?

6 MR. DENNY: I didn't bring out any inconsistency.

7 MR. MANZELLA: I don't think he has brought out any  
8 inconsistencies. But I still have the right --

9 MR. DENNY: Then you are stuck with it.

10 MR. MANZELLA: -- to introduce statements made before  
11 statements that he says that she made.

12 MR. DENNY: That would only be under (b), then. And  
13 under (b), you have to show that --

14 MR. MANZELLA: No, wait a minute.

15 THE COURT: Wait a minute. You still have a right to do  
16 what?

17 MR. MANZELLA: In other words, I don't have to agree that  
18 he has brought out an inconsistent statement. All I have to  
19 show is that there's an apparent inconsistency -- or that he's  
20 attempted to show that she has made an inconsistent statement.

21 And if I can show that prior to that time, she made  
22 a statement consistent to her testimony at trial, I can bring  
23 that out.

24 THE COURT: Doesn't 791 refer to --

25 MR. DENNY: 791 --

26 THE COURT: -- to a statement that's inconsistent?

27 MR. DENNY: Inconsistent. Under 791 (a), I would have  
28 had to have introduced a prior inconsistent statement --

12-3

1 THE COURT: That's true.

2 MR. DENNY: -- before the People would be able to  
3 introduce a consistent statement.

4 I have not done so. Therefore, the only way to  
5 get it in would be under 791 (b).

6 THE COURT: I don't recollect any inconsistency --

7 MR. DENNY: The only thing I questioned --

8 THE COURT: -- on cross concerning that point.

9 MR. DENNY: The only thing I questioned her on, your  
10 Honor, was concerning the slash on the ear, as to whether it was  
11 the left ear.

12 THE COURT: Yes, I remember that.

13 MR. DENNY: That's all.

14 MR. KAY: And also, the chanting beads you questioned her  
15 about.

16 MR. MANZELLA: Yes. Mr. Denny asked her if she told  
17 Sergeant Whiteley that she had been -- that -- whether Davis had  
18 told her that Manson had slashed him on the left side of the  
19 face.

20 THE COURT: Yes.

21 MR. MANZELLA: And I would be entitled to go into the  
22 entire conversation, at that point, with regard to that point.

23 MR. DENNY: She said: "No." Her answer was: "No" --  
24 I'm sorry. She said: "Yes." Her answer was: "Yes."

25 THE COURT: Now, I don't recall --

12a fol

26 MR. MANZELLA: I don't, either. I remember something  
27 about that, but I don't remember how you asked the question.  
28

12b-1

1 MR. DENNY: Well, I asked her, "Do you mean to say you  
2 remember specifically he said the slashing was on the left  
3 side, not the right? Or just not slashed him on the face,  
4 but slashed him on the left side?"

5 And she says: "Yes."

6 THE COURT: What side was it, actually?

7 MR. KAY: The left.

8 MR. DENNY: It was the left side, your Honor.

9 MR. MANZELLA: Um-hmm.

10 MR. DENNY: You hack a guy with a sword, right-handed  
11 (indicating), and --

12 THE COURT: That's not inconsistent.

13 MR. DENNY: They're not introducing any consistent --

14 THE COURT: I think you have to show the inconsistency  
15 which you are trying to combat with the consistent statement  
16 under 790.

17 MR. MANZELLA: I thought Mr. Denny had attempted to  
18 bring out an inconsistent statement.

19 MR. DENNY: I did not. I don't have an inconsistent  
20 statement.

21 THE COURT: I think that's true. I think the objection  
22 should be sustained.

23 MR. MANZELLA: Okay.

24 MR. DENNY: Thank you, your Honor.

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

28 THE COURT: Go on with your next question.

12b-2

1 MR. MANZELLA: Yes. Thank you, your Honor.

2 Q Now, Miss Bailey, I don't know if I -- I don't  
3 recall if I asked you this question or not.

4 But prior to your testimony here at this trial,  
5 had Sergeant Whiteley, any law enforcement officer or any  
6 prosecutor told you about the chanting beads?

7 A No.

8 MR. DENNY: That has been asked and answered. The  
9 same answer.

10 MR. MANZELLA: Has it?

11 MR. KAY: Yes.

12 MR. MANZELLA: I'm sorry.

13 THE COURT: That's all right. The objection is over-  
14 ruled. It may remain in.

15 Q BY MR. MANZELLA: Had Sergeant Whiteley, prior  
16 to your testimony at this trial -- well, strike that.

17 Miss Bailey, you -- you testified that money was  
18 being discussed. On cross-examination you testified that  
19 money was being discussed frequently at the ranch by members  
20 of the Family.

21 Now, when did that begin?

22 A Well, it began as early as -- when we were living  
23 down on Gresham. But it became more important all the time,  
24 as the summer went on.

25 Q And specifically, was there anything said by  
26 Charles Manson with regard to what was to be done with the  
27 money?

28 A It was for preparations to go to the desert.

12a-3

1 Q Now, you've mentioned -- you've told us that  
2 Terry Melcher's name was brought up at the Devil's Canyon  
3 campsite.

4 Were there any other names brought up, of people  
5 who might have money?

6 MR. DENNY: That's been asked and answered twice.

7 THE COURT: Sustained.

8 Q BY MR. MANZELLA: When the other names were  
9 brought up, was there a discussion about those other people?

10 MR. DENNY: It assumes a fact not in evidence.

11 THE COURT: Overruled.

12 THE WITNESS: Yes, there was a discussion.

13 Q BY MR. MANZELLA: Do you recall what that dis-  
14 cussion was now?

15 A (Pause.) Uh -- well --

16 Q Well, let me withdraw that.

17 Do you recall the names of these other people,  
18 other than Gary Hinman and Terry Melcher?

19 A I only --

20 MR. DENNY: That's been asked and answered, your Honor.  
21 She said: No.

22 THE COURT: Sustained. It has been asked and answered.

23 MR. MANZELLA: All right.

24 Q Now, during that conversation at the Devil's  
25 Canyon campsite, did -- when Terry Melcher's name was  
26 mentioned, did Charles Manson say where Terry Melcher lived?

27 A Yes.

28 Q And where did Terry Melcher live?

12a-4

1 A It was said that he lived across the street from  
2 Malibu Beach.

3 Q And had you personally ever been to Terry  
4 Melcher's home?

5 A Not that one.

6 Q Had you been to another home of Terry Melcher?

7 A Yes.

8 Q Where was that?

9 A Somewhere in Beverly Hills, I believe, that area.

10 Q And had you gone there alone or with someone else?

11 MR. DENNY: I'll object to that as irrelevant and  
12 immaterial.

13 THE COURT: Sustained.

14 Q BY MR. MANZELLA: And had you gone there with  
15 other members of the Family?

16 MR. DENNY: Object to that as irrelevant and immaterial.

17 THE COURT: Sustained.

12b fls.



12b-1

1 Q BY MR. MANZELLA: When had you gone there?

2 MR. DENNY: Object to that as irrelevant and immaterial.

3 THE COURT: Overruled.

4 THE WITNESS: It was much earlier.

5 Q BY MR. MANZELLA: Was it during 1969, or was it  
6 even earlier than that?

7 A I believe it was in '69, but it would have been the  
8 very early parts of '69.

9 Q Now, did you, during your interview in May or  
10 September of 1970, with Sergeant Whiteley, did you tell  
11 Sergeant Whiteley that Beausoleil, Brunner and Atkins and a  
12 fourth person left the ranch for Gary Hinman's house while you  
13 were at the ranch house?

14 A Not while I was at the ranch house, no.

15 Q Did you tell Sergeant Whiteley anything about that,  
16 during -- in May or September of 1970?

17 MR. DENNY: I'll object to that as calling for hearsay.

18 THE COURT: Sustained.

19 MR. MANZELLA: Your Honor, the implication has been  
20 raised that --

21 MR. DENNY: May we have argument at the bench, if we are  
22 going to have argument?

23 THE COURT: Yes, you may.

24 MR. MANZELLA: All right. Thank you.

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

28 THE COURT: Ken, repeat the question to me, will you?

12b-2

1 THE REPORTER: Yes. I'll read the preceding question,  
2 too.

3 (Whereupon, the record was read by the reporter  
4 as follows:

5 "Q Now, did you, during your interview  
6 in May or September of 1970, with Sergeant  
7 Whiteley, did you tell Sergeant Whiteley that  
8 Beausoleil, Brunner and Atkins and a fourth  
9 person left the ranch for Gary Hinman's house  
10 while you were at the ranch house?

11 "A Not while I was at the ranch house,  
12 no.

13 "Q Did you tell Sergeant Whiteley any-  
14 thing about that, during -- in May or September of  
15 1970?"

16 MR. DENNY: Your Honor, we are right back to the same  
17 thing that we were just discussing at the last break.

18 They want to get in this business, "I heard they  
19 left," in that conversation; and I am sure that's the conversa-  
20 tion you are pointing to.

21 MR. MANZELLA: No. Actually, I have got the wrong  
22 one. I am talking about September. I think there were some  
23 words about the ranch house in September.

24 MR. DENNY: That's right. That's right.

25 MR. MANZELLA: And I wanted to show that Mr. Denny raised  
26 the implications that she told Sergeant Whiteley that she  
27 wasn't present when they left, and I'm asking her what she did  
28 tell Sergeant Whiteley.

12b-3

1 THE COURT: Well, you asked her the question, and it  
2 was in -- it was a prior -- it was an inconsistency, a prior  
3 inconsistency, about whether she actually was standing at the  
4 place she said she was standing when the car left.

5 MR. KAY: That's right.

6 MR. DENNY: That's correct, your Honor.

7 THE COURT: And you put the question to her --

8 MR. DENNY: Based on --

9 THE COURT: -- concerning what she had said to Sergeant  
10 Whiteley, in a previous conversation, regarding being at the  
11 ranch house.

12 MR. DENNY: That's right. And this is what we were  
13 discussing at the last break, at 3:00 o'clock, whether they  
14 could ask her just -- "Well, what did you tell Sergeant  
15 Whiteley about your hearing someone leave?"

16 Or whether they had to preface it by the prior  
17 inconsistent statement that I've put forward, on Page 22 of  
18 these notes, and then ask her to explain:

19 "Did you say that, or did you say something else?"

20 THE COURT: I think that that would be proper.

21 MR. DENNY: Well, that's the way the Court ruled then,  
22 and I think the Court should continue to rule now, rather than  
23 the way they're trying to do it.

24 MR. MANZELLA: Well, what I am asking her is whether she  
25 told Sergeant Whiteley that she was at the ranch house. I  
26 thought she said no.

27 MR. DENNY: That's right. That's what she did say.  
28 She said no.

12b-4

1 THE COURT: That's right. She stated no.

2 MR. MANZELLA: Now, I am asking her what she did tell  
3 Sergeant Whiteley.

4 See, Mr. Denny's the one -- he kept asking her the  
5 question, "Well, if this is what Sergeant Whiteley wrote, did he  
6 make a mistake?"

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1 THE COURT: Well, is this meant for the truth of the  
2 matter, that you are asking that? It would clearly be  
3 hearsay, if that is the case.

4 MR. MANZELLA: No, I am asking her this -- I am asking  
5 her this because I want to establish from -- from her  
6 testimony, as well as from Sergeant Whiteley's testimony,  
7 what she did tell Sergeant Whiteley.

8 Mr. Denny has raised the implication that it was  
9 -- has raised the implication that she made certain statements  
10 -- for example, that she was at the ranch house when they  
11 left.

12 And I am trying to bring out what she -- the actual  
13 statement that she made to Sergeant Whiteley.

14 THE COURT: Do you believe that you will be able to  
15 establish that this is what she did tell Whiteley? In other  
16 words, that you will be able to establish this by her incon-  
17 sistent statement?

18 MR. DENNY: Well, I hope so, your Honor, if --

19 MR. MANZELLA: I mean, Mr. Denny has raised the impli-  
20 cation --

21 MR. DENNY: If he's going to testify consistently with  
22 his notes -- unless he's going to say, "I lied in my notes,"  
23 or, "I take very sloppy notes," or, "I just made this up."

24 I would expect that Sergeant Whiteley would  
25 testify that, "This is what she told me, and the order in  
26 which she told me."

27 MR. MANZELLA: Well, Sergeant Whiteley -- I can tell  
28 you that Sergeant Whiteley, with regard to that specific

12c-2

1 point, will say -- will testify that he asked Miss Bailey a  
2 few things about the typewritten report, and she corrected him  
3 on several points, two points in particular. She -- the  
4 typewritten report says that -- that she did not see Beausoleil,  
5 Brunner and Atkins and Davis leave the ranch, and that she did  
6 see Manson and Davis leave the ranch.

7 That's what Whiteley has in his typewritten  
8 report. And that when she -- when he asked her about it  
9 later -- and she testified to this already -- that she told  
10 him: No, that was a mistake; that she did not see Manson and  
11 Davis leave, but that she did see Beausoleil, Brunner and  
12 Atkins and a fourth person leave the ranch.

13 MR. DENNY: Well --

14 MR. MANZELLA: And I think it's proper to bring that out.

15 THE COURT: Well, is it a prior consistent statement that  
16 you are asking for?

17 MR. MANZELLA: Yes.

18 MR. DENNY: No, because it's hearsay.

19 MR. MANZELLA: She's going to say that she told Whiteley --

20 THE COURT: When?

21 MR. MANZELLA: In September, 19 --

22 THE COURT: In September or -- or in May?

23 MR. MANZELLA: In -- in -- wait a minute.

24 (Pause in the proceedings.)

25 MR. KAY: What she's going to be doing,  
26 she's going to be explaining what appears  
27 inconsistent statement, your Honor.

28 MR. MANZELLA: She's going to expl:

12c-3

1 THE COURT: Well, it's admissible only for the purpose  
2 of --

3 MR. DENNY: Your Honor, I have no objection, your Honor,  
4 if they put it the way they should put a prior inconsistent  
5 statement; namely:

6 "Did you tell Sergeant Whiteley on May 15--  
7 or May 16 -- 1970, that you did see Bruce and Charlie  
8 leave?"

9 Now, if that's -- if that is the prior consistent  
10 statement or -- strike that.

11 "That you saw Hirman and Mary and Sadie  
12 and a fourth person leave?"

13 Now, that would be consistent with her present  
14 testimony, and that would contradict what appears to be in  
15 these notes.

16 But you can't just say, "What did you tell him?"

17 The only way to get in a prior consistent state-  
18 ment is the funny way that the law has of being able to  
19 lead a witness on that particular question, and asking the  
20 very conversation, so that you can say, "Is this what you said?"

21 Because that's the prior inconsistent statement.

22 MR. MANZELLA: I think that's objectionable as leading,  
23 your Honor. That's why I don't ask it.

24 MR. DENNY: That's the way you have to do it.

25 THE COURT: Well, the -- the question on cross-  
26 examination is -- is leading, as it nearly must be, but --

27 MR. DENNY: You can't just --

28 THE COURT: -- I think you should rephrase your question.

1 It would be admissible --

2 MR. MANZELLA: All right.

3 MR. DENNY: Your Honor, only one thing --

4 THE COURT: It would be admissible, don't you think,  
5 to show -- to assist the jury in determining credibility only?  
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MR. DENNY: No, your Honor. If you are going to get that prior consistent statement, --

2  
3 THE COURT: That's true, --

4 MR. DENNY: -- the only thing --

5 THE COURT: -- under Green, it would be admissible substantively, too, wouldn't it?

6  
7 MR. DENNY: That's right. And the only way you can get it in, if it is in fact consistent with her present testimony, --

8  
9 MR. MANZELLA: Right.

10 MR. DENNY: -- namely, "Did you tell Sergeant Whiteley that you did see Bobby, Sadie and Mary leave in John's Swartz's Ford."

11  
12  
13 If she says, "Yes," that's fine. And I'm not going to object to that.

14  
15 But if you say, "Well, what did you tell them about leaving?" That's an improper way to get in a prior consistent statement.

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17  
18 THE COURT: All right. I'll agree with you in that respect.

19  
20 MR. MANZELLA: Okay.

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

23 THE COURT: You may ask your question, Mr. Manzella.

24 MR. MANZELLA: Yes. Thank you, your Honor.

25 Q Miss Bailey, in September of 1970, when you were interviewed by Sergeant Whiteley at Tacoma, did you tell him that you -- that you were at the ranch house when Bobby, Mary and Sadie and a fourth person left the ranch?

1 A No. I told him I was at --

2 MR. DENNY: Just a moment. Just a moment. I'll object  
3 to anything beyond "No," and move that it be stricken.

4 THE COURT: Nothing has been said.

5 Beyond "No," it will be stricken, ladies and  
6 gentlemen. The answer "No," may remain in the record.

7 Q BY MR. MANZELLA: All right. Did you tell him that  
8 you were -- strike that.

9 Did you tell him that you saw Bobby, Mary, Sadie  
10 and a fourth person leave the ranch?

11 A Yes.

12 (Pause in the proceedings while a discussion off  
13 the record ensued at the counsel table between Mr. Manzella  
14 and Mr. Kay.)

15 MR. MANZELLA: May I have just a moment, your Honor?

16 THE COURT: Yes, you may.

17 (Further pause in the proceedings.)

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1 Q BY MR. MANZELLA: Miss Bailey, did you --

2 (Whereupon, there was a pause in the proceedings  
3 while Mr. Manzella conferred with Mr. Kay at counsel  
4 table.)

5 MR. MANZELLA: I'll withdraw that, your Honor.

6 Thank you, your Honor, I have no further questions.

7 Thank you, Miss Bailey.

8 MR. DENNY: Your Honor, I wonder if before starting  
9 on cross I might reopen -- that is, before starting on  
10 recross I may reopen my cross for just a moment?

11 THE COURT: Yes, you may.

12 MR. DENNY: Thank you.

13  
14 CROSS-EXAMINATION (Reopened)

15 BY MR. DENNY:

16 Q Miss Bailey, would you remove your glasses again,  
17 please.

18 Your Honor, I think -- well, strike that.  
19 Strike that.

20 MR. KAY: May we approach the bench a moment on this,  
21 your Honor?

22 THE COURT: Yes, you may.

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

26 MR. KAY: I still feel that --

27 THE COURT: What is it you purport to do?

28 MR. DENNY: Two things, your Honor.

13-2

1 First of all, I do want to, now, having laid the  
2 foundation that she can recognize these people and that they  
3 were -- they do appear as they did when she knew them during  
4 the time she was living at the ranch --

5 THE COURT: The people in the various pictures which  
6 you have shown.

7 MR. DENNY: That is correct.

8 -- would like to determine whether she can recog-  
9 nize them from a distance of 20 feet, at which she could  
10 recognize the other photographs of Manson, Beausoleil, Atkins,  
11 Brunner and Davis.

12 I want, in addition, your Honor, to have the jury,  
13 themselves, look through her glasses.

14 And I would not like to have those glasses  
15 received into evidence, but I do feel it is extremely relevant  
16 to her ability to see and to the jurors' determination of that  
17 ability to see, for the jury to do as I do, and that is to  
18 look through the Coke bottle lens type glasses that this girl  
19 wears.

20 MR. KAY: They're not Coke bottle lenses. I've looked  
21 through the glasses and they're not Coke bottle lenses.

22 THE COURT: No, they don't appear to be.

23 MR. DENNY: Well, I am speaking a little facetiously  
24 and perhaps a little more grandiloquently than I should, but  
25 nevertheless --

26 THE COURT: I can't think the jury, in looking through  
27 the glasses, would have any great probative value.

28 MR. DENNY: Well, your Honor --

13-3

1 THE COURT: There are about two, three, four, or five  
2 of them who wear glasses.

3 MR. DENNY: I --

4 THE COURT: Well, I don't know whether the others have  
5 normal vision or not. It is difficult to say what effect it  
6 might have.

7 MR. DENNY: Well, it is difficult to say, your Honor.

8 THE COURT: And, therefore, the Court would not permit  
9 that. I don't think it would have any probative value.

10 MR. DENNY: Well, may this --

11 THE COURT: Now, what else do you wish?

12 MR. DENNY: Well, just for the record make that as the  
13 offer of proof that I would make and the fact that I do feel  
14 it is probative as to the ability of this witness to see,  
15 and the Court is overruling that offer, I take it?

16 THE COURT: Yes.

17 MR. DENNY: All right.

18 Well, the other thing --

19 THE COURT: You have the other fact that there's been  
20 a considerable time lapse --

21 MR. DENNY: Well, that she has indicated, your Honor,  
22 her eyes are the same now.

23 THE COURT: Even though she has --

24 MR. DENNY: And that's what she has testified to.

25 THE COURT: Yes. Even though she has indicated that --

26 MR. DENNY: Well --

27 THE COURT: -- and she states, however, that she has  
28 not been to -- for an examination since shortly after her

1 apprehension, as I remember.

2 MR. DENNY: So she states, but that again is a question  
3 of her credibility.

4 THE COURT: All right. And in the event the Court  
5 does not want to permit that experiment --

6 MR. DENNY: Well, the other thing is, I do want to  
7 proceed to attempt to have her identify the people who she  
8 says she knows and recognizes when I showed them to her close  
9 up here, and I have extracted from the group of photographs  
10 those people who she has indicated she did not know or could  
11 not readily recognize and want to show her only those whom  
12 she says she did know, could recognize, and whose pictures  
13 look like she remembered seeing them when she was living  
14 among them in 1969.

15 THE COURT: The Court thinks that the pictures do not  
16 in any way -- these pictures do not in any way approximate  
17 having the real person here in each instance.

18 MR. DENNY: No question about that.

19 THE COURT: So what this is, really, is an eye test  
20 rather than a test of her credibility as to whether or not --

21 MR. DENNY: That is correct.

22 THE COURT: -- as to whether or not she knows and does  
23 know and recognizes these people.

24 MR. DENNY: I would seek to have it --

25 THE COURT: So instead of an eye chart, you're going to  
26 use photographs?

27 MR. DENNY: That's correct, your Honor, for that limited  
28 purpose.

13a-1

1 MR. KAY: Except --

2 MR. DENNY: -- that it may be received.

3 MR. KAY: The vice is, your Honor, it is very misleading  
4 to the jury.

5 THE COURT: I don't think so if the Court instructs  
6 them.

7 MR. KAY: Well, your Honor asked me to draft an  
8 instruction.

9 (Whereupon, there was a pause in the proceedings  
10 up at the bench while the Court perused the document.)

11 MR. DENNY: Assuming Mr. Kay's handwriting is better  
12 than Manzella's, may I read it?

13 THE COURT: Yes.

14 MR. KAY: Uh-huh.

15 (Whereupon, there was a pause in the proceedings  
16 while Mr. Denny perused the documents.)

17 (Whereupon, there was a pause in the proceedings  
18 up at the bench during which time Court and counsel perused  
19 several documents.)

20 MR. KAY: The problem is, that doesn't cover what the  
21 problem is with this test and it is very misleading. The  
22 problem is that Mr. Denny obviously wants the jury to assume  
23 that if she cannot identify these pictures that, therefore,  
24 she couldn't identify persons out on Spahn Ranch on July 25,  
25 1969. Why else would he be doing it?

26 MR. DENNY: That's not my purpose. It is simply --

27 MR. KAY: It is obvious that that's your purpose.

28 MR. DENNY: No.

1 THE COURT: I'll permit it.

2 MR. DENNY: Thank you, your Honor.

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

5 THE COURT: So, ladies and gentlemen, Mr. Denny is about  
6 to conduct a test of Miss Bailey's eyesight. And you are not  
7 to assume that the lighting or background conditions in this  
8 courtroom are in any way similar to the lighting or background  
9 conditions on Spahn Ranch on July 25, 1969, or that if the  
10 persons whose photographs are depicted here were here that she  
11 could or could not identify them. This is not a test to  
12 determine her credibility concerning her knowledge of  
13 recognition of the persons in the photographs, ladies and  
14 gentlemen, it is a test of her ability to see without glasses  
15 at this time, and that's the only thing it is offered for.  
16 These photographs could just as well, in other words, be an  
17 eye chart of some type.

18 MR. DENNY: Thank you.

19 THE COURT: Is there anything that either counsel wishes  
20 the Court to say further in connection with this?

21 MR. DENNY: No.

22 Q Now, I've mixed up the series here, so let me show  
23 you these photographs.

24 Who is that?

25 A You needn't hold them up because I can't see them.

26 Q Well, I'm showing you 77-V for identification.  
27 You don't know who that is, is that correct?

28 A (No response.)



1 Q I show you 77-Y for identification, who is that?  
2 Who is that, Miss Bailey?

3 A I don't know.

4 Q Is it a man or a woman?

5 A It is a woman.

6 MR. KAY: Is that one of the ones she identified? I  
7 don't know who that is.

8 MR. DENNY: She knows.

9 MR. KAY: May I see that, Mr. Denny?  
10 Do you know who that is?

11 MR. DENNY: No, I don't know who that is. I'm not a  
12 member of the Manson Family.

13 THE COURT: Well, gentlemen, let's not engage in any  
14 colloquy, but go ahead with it, would you please.

15 Q BY MR. DENNY: I'm showing you 77-Z.  
16 Do you know who that is?

17 A No.

18 Q Showing you 52. Do you know who that is?

19 A No.

20 Q Is that a man or a woman?

21 A I don't know.

22 Q You can't tell?

23 A No.

24 THE COURT: Very quickly, now, would you move through  
25 them.

26 Is there any face so far that you have identified,  
27 been able to identify?

28 THE WITNESS: No.

1 Q BY MR. DENNY: Showing you 77-H. Do you know who  
2 that is?

3 A No.

4 Q Is that a man or a woman?

5 A I don't know.

6 THE COURT: I think you can do this very rapidly.

7 MR. DENNY: Yes, I can. I'm trying to find the numbers,  
8 some of which are very confused here.

9 THE WITNESS: May I ask you a question?

10 Q BY MR. DENNY: 73?

11 A No, I don't know.

12 Q Is that a man or a woman?

13 A I don't know.

14 Q 77-C, can you recognize that?

15 A No.

16 Q 77-D, do you recognize that?

17 A No.

13b

13b-1

1 Q Is that a man or a woman?  
2 A I don't know.  
3 Q 51?  
4 A No.  
5 Q Is that a man or a woman?  
6 A I don't know.  
7 Q 77-E?  
8 A No.  
9 Q Is that a man or a woman?  
10 A I don't know.  
11 Q 77-F?  
12 A I don't know.  
13 Q Is that a man or a woman?  
14 A I don't know.  
15 Q 77-I, can you recognize that person?  
16 A No.  
17 Q Is that a man or a woman?  
18 A I don't know.  
19 Q 77-J, can you recognize that person?  
20 A I don't know.  
21 Q Is that a man or a woman?  
22 A I don't know.  
23 Q 77-W?  
24 A I don't know.  
25 Q Is that a man or a woman?  
26 A I don't know.  
27 Q 77-K?  
28 A I don't know.

13b-2

1 Q Is that a man or a woman?  
2 A I don't know.  
3 Q 77-L?  
4 A I don't know.  
5 Q Is that a man or a woman?  
6 A I don't know.  
7 Q 77-M?  
8 A I don't know.  
9 Q Is that a man or a woman?  
10 A I don't know.  
11 Q 77-P?  
12 A I don't know.  
13 Q Is that a man or a woman?  
14 A I don't know.  
15 Q 77-G?  
16 A I don't know.  
17 Q Is that a man or a woman?  
18 A I don't know.  
19 Q 77-R?  
20 A I don't know.  
21 Q Is that a man or a woman?  
22 A Don't know.  
23 Q 77-T?  
24 A Don't know.  
25 Q Is that a man or a woman?  
26 A I don't know.  
27 Q 77-X?  
28 A Don't know.

13b-3

1 Q Is that a man or a woman?

2 A Don't know.

3 Q 77-S?

4 A Don't know.

5 Q Is that a man or a woman?

6 A I don't know.

7 MR. DENNY: Your Honor, I would like these photographs  
8 at this time received in evidence.

9 THE COURT: All right, they're received in evidence  
10 bearing the numbers that they've heretofore been marked for  
11 identification.

12 MR. DENNY: Is the Court going to take its afternoon  
13 recess at this time? I have a good deal of cross-examination,  
14 further cross, your Honor.

15 THE COURT: All right, we'll recess, then.

16 We're recessed until tomorrow morning at 9:30,  
17 ladies and gentlemen. During the recess you are advised not  
18 to converse amongst yourselves nor with anyone else, nor  
19 permit anyone to convey with you on any subject connected with  
20 this matter, nor are you to form or express any opinion on the  
21 matter until it is finally submitted to you.

22 Good night. I'll see you tomorrow morning.

23 (Whereupon, there were murmurs heard by the jury  
24 of "What time?")

25 THE COURT: 9:30. Didn't I say it? 9:30 tomorrow  
26 morning.

27 (Whereupon, at 4:30 o'clock p.m. the evening  
28 adjournment was taken, the matter herein to be  
resumed the following day, Tuesday, January 18,

1972, at 9:30 o'clock a.m.)